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#### **I. Libya: Investigation of Gaddafi's death; debates on NATO mission and impact on RtoP**

##### ***Investigation into Gaddafi's death***

*On 24 October, the National Transitional Council officials declared the*

*[end of the eight-month conflict in Libya](#)*

*following the death of Col. Muammar Gaddafi and his son Mutassim*

*on 20 October. Because the circumstances surrounding Gaddafi's death remain*

*[unclear](#)*

*, NTC Prime Minister Jibril announced the NTC's intention to launch an*

*[investigation](#)*

*into the death of the ousted leader, a move which had been advocated for by the Office of the High Commissioner for Human Rights and civil society groups.*

*[Human Rights Watch](#)*

*and*

[Amnesty International](#)

strongly

urged for an investigation into Gaddafi's death, and

[stated](#)

that if Gaddafi had been deliberately killed in captivity, the act could constitute a war crime. The OHCHR

[supported](#)

the announcement of an investigation into Gaddafi's death, and reminded that all detainees should be awarded due process. In the same announcement, Prime Minister Jibril confirmed that he would

[step down](#)

now that the country was liberated from Gaddafi's rule, and that elections would take place within the next eight months to constitute a national congress of Libya. The national congress will draft a constitution and form an interim government until presidential elections are held.

**All perpetrators of human rights violations must be brought to justice**

According to Amnesty International, Libyan civilians deserved

[justice](#)

after more than four decades of repressive rule by the Gaddafi regime. Amnesty's Senior Director Claudio Cordone stated, "Colonel al-Gaddafi's death must not stop his victims in Libya from seeing justice being done. The many Libyan officials suspected of serious human rights violations committed during and before this year's uprising, including the infamous Abu Salim prison massacre in 1996, must answer for their crimes." Don Kraus, Chief Executive Officer of Citizens for Global Solutions, viewed Gaddafi's death as a missed opportunity for justice and accountability for the Gaddafi regime's victims,

[saying](#)

, "The Libyan people deserved to see Qaddafi put on trial before the International Criminal Court in the Hague to answer for the horrendous crimes committed against civilians."

The OHCHR echoed these sentiments, and called for all perpetrators of human rights violations during and before the conflict to be brought to a fair

[trial](#)

in the post-conflict stabilization process of Libya. Human Rights Watch also called on NTC officials to

[investigate](#)

the execution of 53 Gaddafi loyalists who were discovered on 24 October in Sirte. Peter Bouckaert, emergencies director at Human Rights Watch said that, "This latest

[massacre](#)

seems part of a trend of killings, looting, and other abuses committed by armed anti-Gaddafi fighters who consider themselves above the law." Human Rights Watch also called for an urgent disarming of non-state actors and the

[safeguarding](#)

of stockpiles of weapons currently sitting in unguarded facilities.

## ***Unfolding of military operation in Libya spurs debate amongst civil society***

*As the UN Security Council voted unanimously on 26 October to [end](#)*

*the no-fly zone in Libya, many civil society organizations and individuals have been discussing the merits and consequences of the collective action taken under the mandate of protecting the Libyan population from mass atrocities. Significant debate has addressed the following questions, as featured in the opinion pieces below:*

-

*What were the motives of Coalition governments behind the NATO intervention in Libya? (see opinions by Eric Posner and Richard Falk below)*

-

*What backlash will the NATO operation have on the RtoP norm and future possible cases of military intervention to protect civilians? (see opinions by Tim Dunne and Jess Gifkins and Lloyd Axworthy and Allan Rock below)*

-

*How effective were the NATO operation and tactics in protecting populations? What was the humanitarian toll of the operations? (see Foreign Policy Roundtable below)*

### **1. Op-Ed: A Victory for the Responsibility to Protect**

Lloyd Axworthy and Allan Rock

The Ottawa Citizen

25 October 2011

(...) In a fortuitous coincidence, last week's liberation of Libya occurred exactly a decade after the

#### **Responsibility to Protect**

(R2P) principle was proposed by the Canadian-initiated International Commission on Intervention and State Sovereignty (ICISS). The successful UN mission in Libya was a historic development for

#### **R2P**

- the high-water mark in a process that began in the late 1990s with the objective of protecting civilians from genocide through international action, and that has been building steadily since.

Cynical and short-sighted commentators have suggested in recent days that the Libyan intervention was a "one-off," or motivated simply by western lust for oil. We argue just the opposite. What happened in Libya demonstrated **R2P** in action and proved that the principle can be applied effectively. While far from flawless, the Libyan intervention showed tyrants that we are collectively capable of standing up to them while respecting international law, and taught lessons to be applied in future such cases. (...)

Libya has been the first real test case. When Moammar Gadhafi threatened the slaughter of his own people ("home by home, alley by alley"), the UN invoked **R2P** and authorized international intervention last March to protect civilians "by all means necessary" under Resolution 1973. (...)

(...) We need to discuss the line separating, on the one hand, defensive military action to protect populations from murderous attacks (potentially requiring the disabling of a tyrant's command and control capacity), and on the other, going on the offence to effect regime change (which is beyond the **R2P** protection mandate). Given the infinite variety of circumstances that can arise on the ground and the complicating effect of the "fog of war," this complex issue should be debated by UN member states before the next crisis arises, to identify governing principles and better prepare us to make subtle but important distinctions in the proper use of force. (...)

Finally, there is the question of what to do about Syria. It clearly calls for an effective **R2P** response. And in Syria we can demonstrate the non-singular nature of the Libyan intervention. Reports are that sanctions are beginning to bite, but the international community - particularly at the UN - is not meeting its responsibilities. Every diplomatic effort must be made to overcome the recalcitrance of China and Russia. Canada can play a helpful role here, deploying our highly effective foreign service in concert with key allies. (...)

**Read the full**  
[article](#)

## 2. Outside the Law

Eric Posner

Foreign Policy

25 October 2011

The execution-style killing of Muammar al-Qaddafi by a mob of gunmen in the ruins of Sirte last week put an end to NATO's six-month military intervention in Libya. Unless the country descends into anarchy or an equally abhorrent dictator succeeds Qaddafi, the Libya intervention will be regarded as a victory for the West, for the United States, and for that reluctant but surprisingly fierce warrior, President Barack Obama. (...)

But if the Libya intervention turns out to be a political and moral victory, it also illustrates once again the motto, *inter arma silent leges* -- in times of war, the law falls mute. Both international and U.S. law took a drubbing alongside Qaddafi's ragtag army, casting further doubt upon the already tenuous notion that international military actions can be conducted on a legal basis. (...)

Some commentators claimed that the Libyan intervention was justified by the

**Responsibility to Protect**

(obnoxiously known as "R2P"), a principle formally endorsed by U.N. members in 2005. The Responsibility to Protect requires all countries to protect their own civilians, and may permit the international community to intervene if they do not. However, the Responsibility to Protect never achieved the status of international law because states were not willing to embody the principle in a binding treaty. As a principle or norm, it has been applied selectively, to say the least. (...)

But China and Russia appear to have used their bargaining power to secure some concessions. Resolution 1973 did not authorize a full-blown ground invasion, and in fact prohibited a "foreign occupation force." Instead, it established a no-fly zone, and authorized the use of military force to "protect civilians and civilian populated areas under threat of attack." This was not a remit to depose Qaddafi.

Far from adhering to these essentially defensive parameters, NATO took an active part in assisting the rebels' campaign to overthrow the government, with some countries even sending limited ground forces, and undertaking various efforts to assassinate Qaddafi in bombing attacks. (...)

Another casualty of the military intervention was human rights. To be sure, Qaddafi was a cruel dictator, and his overthrow was a victory for those who care about human rights. But human rights law does not endorse the principle that the ends justify the means -- even if the ends are humanitarian. (...) **Read the full [article](#) 3. After Libya, What Now for R2P?**

Tim Dunne and Jess Gifkins, Asia-Pacific Centre for the Responsibility to Protect

The Interpreter: Lowy Institute for International Policy

24 October 2011

(...) When it became obvious that the then Libyan Government was targeting civilians rather than protecting them, the Australian Government used its diplomatic leverage to ensure the UN Security Council and other key regional bodies exercised their collective responsibility to safeguard Libyan civilians. With no clear national interests at stake and no hard power to reinforce its diplomatic message, Australia nevertheless mobilised significant normative power, reserves of which had been built up over many years of

**R2P**

activism.

The Libya case shows that state-based advocacy for

**R2P**

makes a difference. If we doubt that making 'noise' matters, consider the views of Anthony Lake, national security advisor to President Clinton during the Rwandan genocide: in Lake's words, 'it was seen as impossible to contemplate American intervention, because nobody was for it'.

Australia adopted a pro-intervention policy that was, in the words of one official, 'early, clear, and consistent'. The joint press release by Kevin Rudd and Julia Gillard on the death of Qadhafi refers to Australia's role as one of the first countries to support a no-fly zone. Australia engaged in extensive diplomacy advocating the authorisation of a no-fly zone with the Organisation of Islamic Cooperation and the Gulf Cooperation Council. Foreign Affairs Minister Rudd made a strong statement in the Human Rights Council calling on states to uphold their

**responsibility to protect**

in Libya.

The combined effect of the resolution agreed to by the League of Arab States, and the strong position taken by Australia and others, helped to create conditions where coercion was considered a serious option. Having

**R2P**

front and centre in early the debates over Libya made the 'business as usual' justification for doing nothing harder to advance. (...)

It is unlikely Libya will remain an exceptional case for long. Custom and precedent are powerful forces in the international legal order. In the meantime, there is a job of work to be done by

**R2P**

advocates to reassure sceptics that doubts about legitimacy can be addressed through clearer operational guidelines about how humanitarian interventions are to be conducted. It is not enough for the Security Council simply to authorise intervention; it has to elaborate mechanisms by which it exercises greater control over the implementation of its resolutions.

**Read the full**

[article.](#)

#### 4. Libya, and the Limits of Liberal Intervention

Richard Dalton

The Independent

23 October 2011

NATO intervened in Libya under a UN Security Council mandate to protect civilians. The intervention has been successful so far, but controversial, in that there have been concerns about Nato exceeding the mandate. The future of the Libyan revolution will influence not just the future of the Libyan people, but the ability of future international action to forestall looming atrocities.

The UN mandate came about partly because at its 50th anniversary summit 150 heads of state and government declared that, if states did not protect their people from atrocities, the wider international community should act to do so, if necessary using military power. This is the essence of the

##### **Responsibility to Protect**

.(...)

Cameron and Sarkozy drew on these vital principles in their early statements about the limits of foreign intervention, stressing legality, regional support and achievability. There is little danger of their being carried away in proposing other interventions that might look necessary but would not actually meet the criteria. And if they threw caution away, the international community would not do so – the case of Syria shows that. (...)

Libya, therefore, is not a direct precedent for involvement in the Arab world. The situation in March presented a rare alignment of three factors: a convincing popular request from the victims of the Libyan government, which had few allies (other than Gaddafi's clients in Africa); regional support for intervention from the Arab League, with international legality established through the UN Security Council; and a modest military task coupled with a convincing exit strategy. (...)

The manner of Gaddafi's death presents the new Libyan government with its first international challenge: how to reconcile foreign calls for an inquiry with the feeling in Libya that an evil man, who had embroiled the people in war and who refused to surrender when all was clearly lost, got what he deserved.

The international community should make clear that extrajudicial execution and killing a prisoner are wrong wherever they occur. But it would be unwise to dwell too long on the point, in the context of the chaotic end of bloody fighting in Sirte. To do so would also prompt calls for other notorious killings, perpetrated by countries who are our allies, or who claim to share high ideals, to be scrutinised and criticised – as indeed they would be in a fairer world.

Whether a trial would have been better for the world is now a hypothetical question. Gaddafi's death robbed his victims' families, Libyan and British among them, of the chance to see him questioned on how and why things were done as they were. The sight of Gaddafi in the International Criminal Court would have been a powerful signal to bad rulers elsewhere. But drawing a line under the past so decisively may turn out to be more of a help than a hindrance to Libya's progress now. (...)

**Read the full**  
[article](#)

## 5. Libya After Gaddafi: A Dangerous Precedent? □

Richard Falk

Al Jazeera

22 October 2011

(...) Looking at the Libyan experience from international perspective raises several additional concerns. The appraisal of the intervention as a precedent will be mainly shaped by whether what emerges in Libya seems stable, democratic, and equitable, and this will not be fully knowable for years. There are some aspects of the NATO undertaking that already make the Libyan experience a troubling precedent for the future. The UN Security Council, which authorized force under the rubric of 'the responsibility to protect,' was either duped or complacent, possibly both.

The authorising resolution, Security Council Resolution 1973 was framed by reference to the establishment of "a No Fly Zone" with the justification for force at the time focused upon protecting the threatened population of Benghazi. Yet this limited mandate from the UN was disregarded almost from the outset.

NATO forces were obviously far less committed to their supposed protective role than to ensuring that the balance of forces within Libya would be tipped in the direction of the

insurrectionary challenge. If this intention had been revealed from the outset, it seems almost certain that Russia and China would have used their veto to block approval for any forcible interference under UN auspices. As it was these two states expressed their misgivings about encroaching on the sovereign independence of Libya during the debate and by abstaining when the vote was taken, and were joined by India, Brazil, and Germany as abstaining Security Council members.

It should be extremely disturbing that a restricted UN mandate to use force should be totally ignored, and then no action taken by the Security Council to reconsider the original mandate or to censure NATO for unilaterally expanding the scope and nature of its military role (...). If such a sentiment persists it could defeat even an urgently necessary protective initiative in the future. By ignoring limits the NATO undertaking may have destroyed the prospects for future responsible uses of the **responsibility to protect** principle.

### *The role of force*

There are several dimensions of this concern. To begin with, the UN Charter is drafted to minimise the legitimate role of force in world politics, making war a last resort. To this is added the secondary undertaking of the Charter that is to assure that the UN itself is bound in Article 2(7) to refrain from intervening in matters essentially within the domestic jurisdiction of states unless necessary for maintaining international peace and security. The NATO intervention seems impossible to reconcile with these two core principles of the UN Charter, which is the constitutional framework that is supposed to guide the behavior of the organisation.

It is true that as international human rights has emerged as a strong dimension of world order, these principles have been eroded by practice, although they still remain operative as guidelines. In this regard, it might have been legally and morally acceptable to mount in response to developments in Libya the narrowly conceived protective mission that had apparently been agreed upon in the Security Council, although even then in an atmosphere of skeptical approval either because some members distrusted the pro-interventionist reassurances of the United States and its European partners or anticipated that the pressures on the ground would inevitably produce a massive mission creep.

This experience also casts doubts on the **responsibility to protect** norm as a basis of principled action by the UN on behalf of a vulnerable people endangered by their own abusive government. Some doubts already existed about the selectivity of the Libyan application of the norm, especially given the failure to lift a UN finger on behalf of the beleaguered civilian population of Gaza, long suffering the ordeal of the long and punitive Israeli blockade. But beyond this geopolitically delimited contour of double standards is the sense that in Libya **responsibility to protect** was transformed into an opportunity to oust!

In the end, what becomes obvious is that such protective undertakings to achieve credibility in the future must be detached from geopolitics. The best mechanism for reaching such a goal

would clearly involve the establishment of a UN Emergency Force that could be activated by a two-thirds vote in either the Security Council or General Assembly, and not be subject to the veto. Such UNEF would need to be funded independently, possibly by finally imposing some sort of UN revenue raising tax on international flights or currency transactions. Of course, such an arrangement will not be easy to bring into being precisely because its existence would threaten current geopolitical prerogatives. And it could be misused. There are no guarantees, but at least there would be a greater prospect that a framework of authorising guidelines would be respected, and that compliance would be supervised. (...) **Read the full [article](#)** 6.

## **Did Qaddafi's End Justify the Means?**

Foreign Policy

20 October 2011

*This Foreign Policy roundtable discussing "how Libya changed the face of humanitarian intervention" features David Bosco, Michah Senko, Gareth Evans, and Kyle Mathews.*

When international forces struck against Muammar al-Qaddafi's military outside the rebel stronghold of Benghazi in March -- the beginning of the end for the Libyan dictator who was killed on Oct. 20 in his hometown of Sirte -- they were acting on a doctrine called "

### **responsibility to protect**

," or R2P. The idea, not even a decade old and only embraced by the United Nations in 2005, is that a country's government could be held accountable -- with military force, if necessary -- for failing to ensure the well-being of its citizens. In our November issue, Foreign Policy explores the history of this doctrine -- but what about its future? Was the successful toppling of the Qaddafi regime a new dawn for muscular humanitarianism or a false one? Did the invasion make the world less safe for dictators or for the rest of us? We convened a roundtable of experts to weigh in on what humanitarian intervention in the post-Libya world will look like.

### **David Bosco:**

How Libya Made Humanitarian Intervention Less Likely

(...)

All of which is to say that the "

### **responsibility to protect**

" (R2P), the doctrine that guided this year's international intervention in Libya, has a structural problem, at least insofar as it involves military action to prevent atrocities. Early intervention in Rwanda might have saved as many as 500,000 lives, a stunning achievement. But it's almost certain that such a mission would not have been viewed as a stunning success. The problem is that

### **R2P**

's successes will always be ambiguous and debatable, dogged by "what if"s. Its costs, meanwhile, will be painfully evident in the form of military expenditures and casualties and in

whatever unintended consequences may follow an intervention. For that reason, the doctrine will struggle to build a record of success and cement its place as an international norm. (...)

### **Micah Zenko:**

After Qaddafi, Every Dictator Will Want to Get His Hands on a Nuclear Weapon

The world has entered an era characterized by two contradictory dynamics. The first is the "**responsibility to protect**

" (R2P) doctrine, which states that each government is individually responsible for protecting its population from genocide, war crimes, ethnic cleansing, and crimes against humanity. (...) The second dynamic is the prevention or rolling-back of states' acquisitions of weapons of mass destruction (WMD) and ballistic missiles. As authoritarian governments face escalating international scrutiny over their treatment of their people, they have an increasingly greater incentive to develop WMD programs to deter foreign military interventions enforcing

### **R2P**

. In short, advocates of

### **R2P**

may be inadvertently encouraging proliferation, because no government possessing WMD has ever been invaded and overthrown by an outside military force. (...)

### **Gareth Evans:**

Can We Stop Atrocities Without Launching an All-Out War?

Libya was a textbook case for the application of the "

### **responsibility to protect**

" (R2P) principle, and the U.N. Security Council resolutions in February and March, which paved the way for the military campaign, were textbook responses. After his regime's initial attacks on unarmed protesters, Muammar al-Qaddafi was first warned, censured, sanctioned, and threatened with International Criminal Court prosecution; only when it was clear, three weeks later, that neither persuasion nor nonmilitary coercion would change his course and that a civilian massacre in Benghazi was imminent was selective military action authorized. And the intervention worked -- at the very least in preventing a catastrophe in Benghazi and many more civilian casualties elsewhere than would otherwise have been the case. Equivalently quick and robust responses would have saved 8,000 lives in Srebrenica and 800,000 in Rwanda.(...)

### **Kyle Matthews**

: Libya is the Beginning of the End for the World's Worst Villains

Before and after the fall of Muammar al-Qaddafi and his cronies in Libya, many pundits and commentators erroneously blamed the "

### **responsibility to protect**

" (R2P) doctrine for leading NATO into war. Many have gone further in claiming that

### **R2P**

is headed for the trash heap, painting the doctrine as neocolonialism hiding behind the mask of humanitarianism. Yet none of them touches upon what actually transpired at the earliest stages of the Libyan crisis, nor do they proffer any practical alternatives for protecting civilians from mass atrocity crimes. This is a shame, because

## **R2P**

is a rising international norm, not a declining one. (...)

**See the entire**  
[roundtable.](#)

## **II. Yemen: Violence ongoing despite Security Council demands for ceasefire and power transition**

*On 21 October, Members of the Security Council unanimously adopted a Resolution addressing the human rights violation by Yemeni government forces in*

### [Resolution 2014](#)

*. The Resolution called for authorities to allow the right to protest and immediately end the violence against civilians. It requested that the Yemeni government cooperate with the Gulf Cooperation Council (GCC) in its initiative to broker a peaceful transition of power from President Ali Abdullah Saleh's 33 year rule.*

*The Resolution encouraged provision of humanitarian assistance to Yemen and called on all parties to grant unhindered access for its delivery. Member States also demanded that opposition groups cease the use of force and refrain from recruiting children or targeting vital infrastructure.*

*Civil society insisted that the international community send a clear message that those responsible for extrajudicial executions, torture and enforced disappearances in Yemen would face justice as part of any transition agreement.*

*Groups including*

### [Amnesty International](#)

*and the*

### [International Federation for Human Rights](#)

*thus expressed concern at the Security Council Resolution's support of a GCC deal which would grant immunity to Syrian government officials, including President Ali Abdullah Saleh. "By referring consistently to the political initiative of the Gulf Cooperation Council which grants immunity to President Ali Abdullah Saleh, his family and potentially to a wider group of perpetrators of gross violations, the international community runs the risk to contravene international law*

*'*  
*" said Souhayr Belhassen, President of FIDH.*

*A day after the Security Council vote, violence continued to*

[break out](#)

*between government and opposition forces in the capital of Sana'a. An estimated 21 people were reportedly killed and dozens more wounded in the fighting which involved the use of mortars and rocket-propelled grenades. Later, on 25 October, though Saleh announced a*

[cease-fire](#)

*, an estimated 25 civilians, tribal fighters and government soldiers were reportedly shot in Sanaa and Taiz. On 26 October, hundreds of women responded to the latest government crackdown by*

[burning](#)

*traditional veils in a main street in Sanaa.*

***For more information on the background of the crisis in Yemen, see ICRtoP's recent [blog post](#).***

## **1. UN Security Council Resolution on Yemen Falls Short**

Amnesty International

22 October 2011

The UN Security Council's condemnation of the ongoing grave human rights violations in Yemen is welcome, but any call for accountability is doomed to fail if officials are granted immunity from investigation for abuses, Amnesty International said today.

The Council's resolution, adopted yesterday, calls for the signature and implementation of a power-transfer deal on the basis of the Gulf Cooperation Council initiative (GCC) which appears to shield President Ali Abdullah Saleh and his inner circle from any possibility of being investigated or brought to trial.

Such immunity would obstruct justice for hundreds of deaths during months of protest in Yemen, as well as a past string of serious human rights violations, including extra-judicial executions and torture. "The UN Security Council's efforts and those of the GCC to break the impasse and end the current torment in Yemen are to be lauded, but President Saleh must not be given immunity as a prize for stepping down," said Malcolm Smart, Amnesty International's Director for the Middle East and North Africa. "If

he and others are given legal immunity it would be a gross betrayal for the many victims of human rights violations under his rule, who still demand reparations and for all those responsible to be brought to justice." (...)

Long before this year's pro-reform protests, the Yemeni government has been responsible for serious human rights violations, including extra-judicial executions, torture and enforced disappearances. (...)

The Security Council's resolution urges Yemeni authorities to adhere to international humanitarian and human rights law and to "allow the people of Yemen to exercise their human rights and fundamental freedoms".

This would include ending attacks against civilians by the security forces and upholding Yemenis' freedom of expression and the right to peaceful assembly. (...)

**Read the**  
[article](#)

**Read the Amnesty**  
[report](#),  
***Moment of Truth for Yemen***  
**, which called on the international community to ensure accountability for human rights violations in Yemen**

### **III. Syria: civil society continues call for action as new reports of rights violations surface**

*The Office of the High Commissioner for Human Rights*  
[announced](#)

*on 14 October that more than 3,000 lives had been lost since the uprisings began in March of this year, and the death toll has continued to rise weekly. In the latest round of violence, at least 20 people*

[died](#)  
*as both pro- and anti- government rallies persisted on 26 October. New evidence found that civilians in Syria have been subject to horrific treatment in hospitals. In at least four government-run hospitals in Syria have been converted into "instruments of repression," Amnesty International stated in its 24 October*

[Report](#)  
*, Health Crisis: Syrian Government Targets the Wounded and Health Workers. Those seeking medical treatment have been facing torture and other forms of ill-treatment from security officials and medical staff. Additionally, it was reported that medical professionals attempting to help wounded civilians engaged in the protests were threatened with arrest and torture.*

*The crisis was aggravated by the UN Security Council's*

*[failure](#)*

*to reach a consensus on a draft resolution condemning the violence and calling for an end to violence on 4 October and the League of Arab States' failure to suspend Syrian membership on 16 October. In advance of a meeting of the League of Arab States with Syrian government officials lasting until next Sunday in Damascus, Human Rights Watch has called on the League's foreign ministers to*

*[demand](#)*

*that the Syrian government allow the presence of independent civilian monitors on the ground to observe Syrian security forces. The*

*[meetings](#)*

*with the Arab League were based on a 16 October*

*Resolution that gave Syrian authorities until the end of the month to halt military operations, begin peace talks with opposition forces and release detained protestors.*

*After the failure of the Security Council to respond to the violence, civil society groups have appealed to the General Assembly to react towards an end to the crisis. On 23 October, 29 NGOs issued a letter [urging](#) the General Assembly to adopt a Resolution condemning the use of lethal force against Syrian civilian protesters, end arbitrary arrests, torture, and account for civilian disappearances, and allow access for media, humanitarian agencies and human rights monitors. Additionally, the letter calls for a Resolution demanding the Syrian government's cooperation with a Commission of Inquiry established by the UN Human Rights Council.*

**1. Climate of fear in Syria's hospitals as patients and medics targeted** Amnesty International  
October 2011

25

(...) Hospital workers suspected of treating protesters and others injured in unrest-related incidents have themselves faced arrest and torture.

"It is deeply alarming that the Syrian authorities seem to have given the security forces a free rein in hospitals, and that in many cases hospital staff appear to have taken part in torture and ill treatment of the very people they are supposed to care for," said Cilina Nasser, Amnesty International Middle East and North Africa researcher. (...)

Amnesty International found that patients have been assaulted by medical staff, health workers and security personnel in at least the National Hospitals in Baniyas, Homs and Tell Kalakh and the military hospital in Homs. (...)

Afraid of the consequences of going to a government hospital, many people have chosen to seek treatment either at private hospitals or at poorly equipped makeshift field hospitals. (...)

But blood supplies in Syria can only be obtained from the Central Blood Bank, which is

controlled by the Defence Ministry, leaving private hospitals with a terrible dilemma. One medic who had worked a private hospital in Homs told Amnesty International:

"We faced a dilemma every time we received a patient with a firearm injury and an urgent need of blood: if we send a request to the Central Blood Bank, the security would know about him and we would be putting him at risk or arrest and torture, and possibly death in custody."

Medical workers have themselves been targeted by security forces, some for treating injured people, others on suspicion of attending demonstrations or filming protesters. (...)

Amnesty International called on the Syrian authorities to give strict and clear instructions to all hospitals to accept and treat all wounded patients without delay, and to prioritize the interests of the patients over any other priorities. (...) **Read the entire [article](#) and full [report](#)** **2. The Tactics of Intervention: Why Syria Will Never Be Libya**

Heather Roff and Bessma Momani

The Globe and Mail

25 October 2011

*Heather Roff is an assistant professor at the University of Waterloo. Bessma Momani is a senior fellow at the Centre for International Governance Innovation and an associate professor at the University of Waterloo.*

Syrian protesters have been emboldened and empowered by Moammar Gadhafi's death, stepping up their protests against the Assad regime while flashing signs asking for NATO to intervene as it did in Libya. And yet they and the Syrian opposition, which has asked for drones and aid to be sent in, have seen no real response to their calls for foreign protection and support. Why? In large part, the answer is tactical, not political.

First, we must consider the geographic differences between the two countries. Much of Libya's population resides along the northern coast with its relatively flat coastal plains. There are few mountain ranges to hide in or to complicate bombing strategies. (Also, NATO forces were able to fly sorties from nearby European bases.) Syria's population, by contrast, is tucked in or alongside mountainous terrain, complicating any tactical strategy. (...)

Libya is also less densely populated when compared with Syria's cities, where much of the resistance has taken place. Urban centres such as Homs, Hama, Rastan and Idlib present a set of challenges for intervenors looking to minimize civilian casualties and collateral damage. (...)

Syria's military is more than eight times what Col. Gadhafi's was. Raw numbers show Syria's

airpower twice the strength of Libya's former air force. President Bashar al-Assad has nine times the number of operable tanks, almost four times the amount of land weapons and three times the amount of towed artillery. There is, frankly, much more to contend with in terms of manpower and military capability.

This is not to say that a NATO-led invasion could not face the Syrian forces and deal them a potentially crushing blow. But it would come with significantly higher costs. Indeed, it is estimated that only about 40 per cent of Syrians oppose the Assad regime. Thus any intervening force would contend, possibly, with 60 per cent of the population viewing such an intervention as an act of aggression. That is, 13.5 million Syrians would oppose the foreign military campaign – twice the number of all Libyans combined. (...)

A final note on tactics: Legitimacy is seen as a trump card in any offensive campaign.

In the case of Libya, Col. Gadhafi's statements, actions and past behaviour generated a very quick response from the international community. Not only did the UN Security Council agree to impose a no-fly zone to protect the rebels, it also voted to recommend a case of possible war crimes and crimes against humanity to The Hague. This dual action of creating a legal mandate and recommending prosecution for violation of international law gave NATO a mantle of legitimacy.

Unlike Libya, Syria can't gain this same status. Unless Mr. al-Assad commits, with clear evidence, crimes against humanity as defined by the Rome Statutes, the ICC has no hope of jurisdiction. This is due to the fact that Syria is not a signatory to the ICC. The only other available option is for the Security Council to recommend action against the Assad regime. And this is highly unlikely given its performance earlier this month with a failed vote to impose even targeted sanctions on Syria.

Unless Western powers, and not a ragtag group of rebels, are prepared for an on-the-ground invasion, we will continue to merely deplore what the Syrian regime is doing against its people. The principle of **responsibility to protect** was easily invoked in Libya's case, but it is not so easily defended in Syria's. Politics aside, intervening in Syria would be tactically challenging.

**Read the full**  
[article](#)

### **3. Open Letter: UN General Assembly Should Condemn the Violence in Syria**

International Federation for Human Rights (FIDH)

23 October 2011

*29 primarily international and Middle East/North Africa- based NGOs, including ICRtoP Steering Committee Members International Refugee Rights Initiative (IRRI) and Human Rights Watch (HRW) and partner Global Centre for the Responsibility to Protect (GCR2P) sent an open letter urging the UN General Assembly to adopt a resolution calling for an end to arbitrary arrests and detainment, torture, and the use of excessive force against protestors. The letter also calls for a resolution demanding the Syrian government's cooperation with the UN Human Rights Council's Commission of Inquiry and the deployment of human rights monitors in the country.*

In light of the Security Council's failure to address the violence by Syria's security forces against their own people, we call on the UN General Assembly urgently to adopt a resolution demanding that the Syrian government immediately halt all unlawful use of lethal and excessive force against demonstrators, end the arbitrary arrest and torture of detainees, account for all those who have been subject to enforced disappearances, cooperate with the Commission of Inquiry established by the UN Human Rights Council, allow the unrestricted deployment of human rights monitors, and grant access to humanitarian organizations and independent journalists.

The UN High Commissioner for Human Rights, Navi Pillay, has raised "credible allegations of crimes against humanity in Syria" and has encouraged the Security Council to refer the situation to the International Criminal Court. The Syrian Government "has consistently used excessive force to crush peaceful protests," Pillay said, denouncing "a devastatingly remorseless toll of human lives." According to the UN, since March, more than 3,000 people have been killed, including at least 187 children, while thousands more have been arrested, detained, forcibly disappeared, and tortured.

On October 4, after seven months of near complete inaction, Russia and China vetoed a Security Council resolution calling on Syria to end the violence against its citizens. India, Brazil, and South Africa abstained from the vote, invoking concerns that the condemnatory resolution might lead to the imposition of sanctions, while claiming to be deeply concerned with the plight of the Syrian people.

It is incumbent upon the General Assembly to take action where the Security Council has failed to do so. Resolution 377A of the UN General Assembly states that "if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security [...], the General Assembly shall consider the matter immediately."

The General Assembly resolution should also ask the UN Secretary-General to name a special envoy for Syria, as well as refer the upcoming report of the Commission of Inquiry back to the UN Security Council for further consideration.

We believe the time has come for the General Assembly to play its part by making clear the world body will no longer stay silent, while Syrians are the victims of government-orchestrated violence and grave human rights violations. (...)

**Read the full**  
[letter.](#)

#### 4. South Africa and Syria at the UN

Simon Adams, Executive Director of the Global Centre for the Responsibility to Protect

News24

18 October 2011

Two weeks ago Russia and China vetoed a UN Security Council resolution on Syria. South Africa abstained from the vote. The resulting sound bites and political posturing made outstanding diplomatic theatre. But the real cost of the veto will be paid in Syrian lives. (...)

The ostensible justification was that Russia and China were nervous that UN-authorized coercive measures (including sanctions) might eventually lead to Syria becoming “the next Libya.” The veto was, therefore, also a challenge to the UN notion of the international community’s “

#### **Responsibility to Protect**

” (R2P) all people from war crimes, ethnic cleansing, genocide and crimes against humanity.

The ugly truth is that Russia would have vetoed Tuesday night’s resolution even if the Libyan intervention had never happened and

#### **R2P**

didn’t exist. (...)

One cannot help but think that Russia’s real objection to the proposed UN resolution was the possibility of an arms embargo. It is, after all, largely Russian guns, tanks and artillery that are doing the killing in Syria. In the absence of a UN embargo or sanctions, Russia is conveniently “obliged” to honour existing contracts with its closest Arab ally. (...)

But China also has considerable interest in the survival of the al-Assad regime, being the country's second largest non-Arab investor. Trade is mostly a one-way affair, with massive amounts of cheap Chinese goods flooding the Syrian market. China has invested heavily in the renewal of Syria's aging energy infrastructure and also assisted with missile technology. Russia's lobbying emboldened the Chinese to veto as well.

Global action to stop crimes against humanity should not be held prisoner to dubious interests and convenient alliances. Since the Responsibility to Protect was unanimously endorsed (including by South Africa, China, Russia and Syria) at the 2005 UN World Summit, there has been an evolving consensus that no permanent Security Council member should use its veto in a case where mass atrocity crimes are being perpetrated. But abstaining in such a case is only slightly less distasteful. (...)

The long suffering people of Syria deserve better than this. In preventing the United Nations from upholding its

### **Responsibility to Protect**

, China and Russia have placed themselves on the wrong side of history. The veto was a victory for impunity, inaction and injustice. But whither South Africa?

As South Africa and its fellow IBSA "abstainers" - India and Brazil - meet in Pretoria this week the uncomfortable question of what role South Africa wants to play on the Security Council remains unanswered.

Perhaps it is time to return to the words of Madiba: "To be free is not only to cast off one's chains but to live in a way that respects and enhances the freedom of others." As relevant to Syria today, as it was to the people of South Africa when he said it.

**Read the full**  
[article](#)

## **IV. ICRtoP member initiatives and commentaries**

### **1. Genocide Alert launches new German-language portal on the Responsibility to Protect**

*Officially launching on Friday 21 October, in time for the ICISS report's 10th anniversary, the new RtoP portal has several main goals. These include providing information on RtoP (beginnings, history, application, details on the three pillars, the Secretary-General report and more) to German speakers, and providing a non-partisan platform for discussion on RtoP in*

Germany and the rest of the world. Possible questions which will be featured include the following:

1. "How do the German parties position themselves towards the norm?"
2. "How can Germany contribute to the operationalization of RtoP?"
3. "What can and should Germany do to prevent current and future mass atrocities?"

Portal sections include:

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"RtoP and Germany," describing and evaluates government positions on RtoP, including those of all German parties represented in the Bundestag

.

"Debating RtoP," providing a space for articles that relate to RtoP, Germany and current events such as Libya

.

"Resources," listing core RtoP documents, a bibliography of German language articles on RtoP and links to the English language literature.

**Visit the new**  
[portal](#)

## **2. Canada and The Responsibility to Protect**

Jillian Siskind

The Mark

19 October 2011

*Jillian Siskind is the President of Canadian Lawyers for International Human Rights.*

Irresponsible partisanship is muddying what should be a point of pride for Canada on the world

stage.

“

### **Responsibility to Protect**

” has become a partisan statement. So much so that, in

(...) This year is also testing Canada's commitment to the principles of

### **R2P**

. Corresponding with the events of what has become known as the Arab Spring, Libyan rebel forces gained momentum against then Libyan leader Moammar Gadhafi with unprecedented strength and support. In response, the UN issued Resolution 1973, which set out conditions for intervention directly in line with the dictates of the

### **R2P**

doctrine. Canada continues to play a key role in this

### **R2P**

action. Bizarrely, however, the federal government refuses to utter the words “

### **Responsibility to Protect**

” in public.

Canada showed great initiative 10 years ago when it established the International Commission. It was one of the first times since the Pearson era when Canada's foreign policy made a serious and noticeable global impact. International lawyers and policymakers now refer to

### **R2P**

as a way to move our world forward so that we are better able to respond to crisis situations without running roughshod over the holy cow of territorial sovereignty. And Canada played a key role in making this happen.

However, despite Canada's contribution, unique leadership role, and the moral high ground we can take when it comes to discussions of R2P early 2009, the Conservative government instructed Canadian diplomats not to use the phrase “

### **Responsibility to Protect**

.” This instruction thus became official policy. Months later, as Canada prepared to take a run at the vacant Security Council seat, Foreign Affairs Minister Lawrence Cannon retracted the official ban on the phrase. Unfortunately, by that time, the government's position was well-known among the Canadian delegation, and the lasting result of the ban remains: Rather than being considered a great accomplishment of the Government of Canada,

### **R2P**

now appears to represent a nod to the Liberals, who played an integral role in the forming of

### **R2P**

as a concept, at least in the eyes of our current government.

While the spirit of

### **R2P**

continues to be reflected in the current government's foreign policy, the wording is not. This rebranding is not unique to the current government. However, in the context of an emerging global norm, we have the opportunity to be seen as the leaders of this progressive concept, and are instead drawing attention to our partisan divisions in a very public way. Words matter, and this blatant refusal to utter the words “

**Responsibility to Protect**

” does little to enhance our credibility on the world stage.

**Read the full**  
[article](#)

**3. Policy Memo: Structuring the US Government to Prevent Atrocities: Considerations for an Atrocities Prevention Board**

Stanley Foundation

18 October 2011

Each year the Stanley Foundation convenes the Strategy for Peace Conference on a wide range of US foreign policy issues with experts from the public and private sectors who meet in autonomous roundtables. These meetings are designed with an eye toward the future of American relations with the world.

This policy memo provides a summary from the 2011 roundtable chaired by Ambassador David Scheffer, Mayer Brown/Robert A. Helman professor of law and director, Center for International Human Rights, Northwestern University School of Law.

*The subject of the Strategy Conference was*

Structuring the US Government to Prevent Atrocities: Considerations for an Atrocities Prevention Board,

*based on Obama's presidential study directive in August 2011 to coordinate an interagency approach to preventing mass atrocities.*

**Read the**  
[memo](#)

**V. Upcoming RtoP Events**

## 1. How to be a Superhero: an Advocacy and Genocide Prevention event

United to End Genocide, hosted by Carl Wilkens Fellow Staci Alziebler

UN Church Center (777 UN Plaza – 2nd Floor)

3 November 2011, 6:30 – 8:00 PM

*This event will feature Claude Gatebuke, Rwandan Survivor and Carl Wilkens Fellow, Rachel Shapiro, ICRtoP Associate, Jennifer Schense, Advisor to the Prosecutor of the ICC and Senator Gillibrand (invited). A photo exhibit and reception will follow.*

**RSVP to**

[salziebler@gmail.com](mailto:salziebler@gmail.com)

**by 1 November or see the**

[event information](#)

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## 2. Conference:

***Strengthening Global Peace and Security for Development: The Role of Regional International Organizations and Civil Society***

Organization of American States (OAS) and the Global Partnership for the Prevention of Armed Conflict (GPPAC)

SEGIB Secretaría General Iberoamericana, Paseo de Recoletos, 8, 28001 Madrid, Spain

15-16 November 2011

**Excerpt from**

[concept note](#)

**and summary of the event:**

Current challenges to peace, security and development worldwide require a global collective and collaborative approach involving not only state actors but all stakeholders in society. It is in this context that the Organization of American States (OAS) and the Global Partnership for the Prevention of Armed Conflict (GPPAC) are joining efforts to launch the first global conference "*Strengthening Global Peace and Security for Development: The Role of Regional International Organizations and Civil Society,*"

to be held in Madrid, Spain, on November 15th and 16th.

This event will bring together representatives of Regional Intergovernmental Organizations (RIGOs), civil society organizations (CSOs), private sector representatives and think-tanks worldwide to exchange experiences and best practices and reflect on how strategic partnerships and innovative cooperation mechanisms among different stakeholders can be strengthened to achieve greater peace, stability and prosperity around the world.

**The exchange during the meeting is defined as a contribution to the global peacebuilding architecture.** It is expected that this event contributes to the establishment of a community of practice and knowledge sharing on peace and security issues among key stakeholders, creating a forum for further exchanges aimed at enhancing the necessary connections of a regional level of intervention with global as well as local levels of engagement.

**Agenda Outline** The agenda will include the following issues:  
warning  
Complementing capacities for joint analysis

-Information gathering and early  
-RIGOs and CSOs:

-Preventive Action: Best Practices (From early warning to early response)

-Peace by all means: RIGOs, CSOs and Multi-track diplomacy

-Mobilizing political support: joint advocacy for peace

-Development of structured RIGOs-CSOs partnerships

-Enhancing cooperation amongst regional organizations (cases could include EU-African Union cooperation for peace and security)

-RIGOs, CSOs and R2P

-Corporate Social Responsibility and Peacebuilding

(...) The relevance and opportunity of this event is of even greater importance considering two recent consultation processes held by the UN. The first one called by the UN General Assembly on the crucial role to be played by RIGOs in the implementation of the emerging international norm on the **Responsibility to Protect**, R2P. In the report by the UN Secretary General on Early Warning, Assessment and the Responsibility to Protect, issued on July 14th, 2010, it is highlighted that 'the political dialogue on how best to implement the responsibility to protect is off to a good start, although a number of critical implementation issues will require a continuing conversation among the Member States, the United Nations system and civil society organizations.' In this regard, in July 2011 the UN organized an informal interactive dialogue on R2P which addressed the role of regional and sub-regional organizations in implementing the responsibility to protect. (...)

Find out more [information](#) or contact [Darynell Rodriguez Torres](#) , Programme Manager Policy and Advocacy, GPPAC

