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2-3 April,

Forum for International Criminal Humanitarian Law and China University of Political Law
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*26 April, Madariaga - College of Europe Foundation, International Coalition for the
Responsibility to Protect, Global Action to Prevent War and Global Governance Institute -
Workshop: Operationalising the Responsibility to Protect: The Challenges of the Third Pillar
Approach, 8.30am - 5.30pm, Global Governance Institute, Vesalius College, Brussels, Belgium*

**I. Ahead of UNGA dialogue on RtoP: ICRtoP reaches out to regional and
sub-regional organizations; NGOs call on Secretary-General to ensure timely release of
his report**

1. Thirty-eight NGOs participate in sign-on letter to UN

Secretary-General asking for dialogue date and report

23 March 2012

CRtoP coordinated a

[sign-on letter](#)

*calling for the announcement of the date of this year's General Assembly dialogue and the
United Nations (UN) Secretary-General's report to be released at least two months ahead of the
dialogue. This letter was sent on 23 March to Secretary-General Ban Ki-moon and copied to
the President of the UN General Assembly Nassir Abdulaziz Al-Nasser and the
Secretary-General's Special Adviser on RtoP Edward Luck.*

The following

thirty-eight civil society organizations

*signed the letter: A Billion Little Stones (Australia), Act for Peace (Australia), Aegis Trust (United
Kingdom), Asia-Pacific Centre for the Responsibility to Protect (Australia), Asia-Pacific Solidarity*

Coalition, Canadian Lawyers for International Human Rights (Canada), Center for Media Studies and Peace Building (Liberia), Centre for Peace and Conflict Studies (Australia), Centro de Investigación y Educación Popular (Colombia), Citizens for Global Solutions (United States), Coalition for Justice and Accountability (Sierra Leone), Coordinadora Regional de Investigaciones Económicas y Sociales (Argentina), Droits Humains Sans Frontières (Democratic Republic of the Congo), East Africa Law Society (Tanzania), Genocide Alert (Germany), Global Action to Prevent War (United States), Global Justice Center (United States), Global Partnership for the Prevention of Armed Conflict (The Netherlands), Human Rights Watch (United States), Initiatives for International Dialogue (The Philippines), Madariaga-College of Europe Foundation (Belgium), Mindanao Peaceweavers (The Philippines), Montreal Institute for Genocide and Human Rights Studies (Canada), Pan African Lawyers Union (Tanzania), Permanent Peace Movement (Lebanon), R2P Student Coalition (Australia), Réseau de Développement et de Communications de la Femme Africaine (Mali), Semillas para la Democracia (Paraguay), STAND Canada (Canada), United Nations Association – Denmark (Denmark), United Nations Association – Sweden (Sweden), United Nations Association – UK (United Kingdom), United to End Genocide (United States), West Africa Civil Society Forum (Nigeria), West Africa Civil Society Institute (Ghana), World Federalist Movement – Canada (Canada), World Federalist Movement – Institute for Global Policy (United States, The Netherlands) and World Federation of United Nations Associations (United States and Switzerland).

We, the undersigned civil society organizations, welcome the opportunity for Member States to discuss the third pillar of the Responsibility to Protect (RtoP, R2P) during the General Assembly dialogue this summer. We respectfully request your leadership to ensure that this year's report on third pillar measures is published at least two months ahead of the dialogue following a consultative process with civil society to gain additional perspective on preventive and reactive tools. Furthermore, we trust that you will work with the President of the General Assembly to finalize and release the date of the dialogue as soon as possible.

Only if published well in advance, can your report be a crucial resource for Member States, regional organizations, and UN offices and departments to prepare for a constructive dialogue. Regional meetings of NGOs and diplomats ahead of the dialogue are an opportunity for these actors to reflect on the report. This will result in increased participation from Member States and regional organizations, as in past years they have lacked adequate time to prepare remarks for the General Assembly.

Civil society plays a critical role in the implementation of RtoP at the local, national, regional and international levels by raising alarm of at-risk situations and monitoring efforts to prevent and respond to the threat of mass atrocity crimes. A confirmed date for the meeting will strengthen the platform for engagement between all actors by allowing civil society from every region to engage directly with their governments and participate in the dialogue. We hope to work with you and continue our engagement with your Special Adviser on the Responsibility to Protect as you finalize your report. We would appreciate the opportunity to meet with Special Adviser Dr.

Luck on this issue as he continues to prepare for the dialogue.

Excellency, given the theme of the dialogue and seeing that third pillar response measures have been debated by Member States, regional organizations and civil society, the timely distribution of your report is necessary for constructive participation. This year's dialogue can act as a forum to further the commitment of all actors to protect populations from mass atrocities, fostering discussion on how we can all work towards the effective use of the full spectrum tools under the third pillar of RtoP. We urge you to ensure this early and inclusive preparation to guide the international community as we work to prevent genocide, war crimes, crimes against humanity and ethnic cleansing.

2. ICRtoP reaches out to regional and sub-regional organizations to encourage participation in dialogue

International Coalition for the Responsibility to Protect

22 March 2012

On behalf of the ICRtoP, the following letter was sent to the Association of Southeast Asian Nations, African Union, Caribbean Community, European Union, East African Community, Economic Community of West African States, Gulf Cooperation Council, Intergovernmental Authority for Development, International Conference of the Great Lakes Region, League of Arab States, Organization of American States, Organization for Security and Co-operation in Europe, Organization of Islamic Cooperation, and Southern African Development Community.

As members of the International Coalition for the Responsibility to Protect (ICRtoP), a global civil society network of over 40 organizations dedicated to advancing the historic norm worldwide, we are writing to you in advance of the 2012 UN General Assembly (UNGA) informal interactive dialogue on the implementation of third pillar measures under the Responsibility to Protect (RtoP). We have written to UN Secretary General Ban Ki-moon highlighting the central part played by regional and sub-regional organizations in discussions on RtoP and their critical importance in the implementation of a broad range of timely and decisive response mechanisms. The date for this year's dialogue has yet to be confirmed; however ICRtoP has engaged with the office of the President of the General Assembly and the Secretary-General advocating for the date to be announced as well as the report of the Secretary-General to be released two months prior to the dialogue. Ahead of this year's meeting, we ask that your organization use this opportunity to express its commitment to mass atrocities prevention and to articulate its capacity and readiness to respond to and halt crimes under the RtoP framework.

Pillars one and two of the RtoP framework assert the primary responsibility of states to ensure the safety and security of their populations from of genocide, war crimes, crimes against

humanity, and ethnic cleansing, and articulate the international community's responsibility to assist states in fulfilling these protection obligations. The third pillar of RtoP states that the international community should use appropriate diplomatic, economic, humanitarian and other peaceful means to protect populations from mass atrocities. If a state fails to protect its populations or is in fact the perpetrator of crimes, the international community must respond timely and decisively and be prepared to take stronger measures, including the collective use of force through the UN Security Council and in accordance with the UN Charter.

ICRtoP members believe that regional and sub-regional organizations are central in preventing and responding to mass atrocities. At the 2011 UNGA informal dialogue on the role of regional and sub-regional organizations in implementing RtoP, Member States highlighted the importance of cooperation between these bodies and other actors. Regional and sub-regional organizations can actively work to respond timely and decisively to the threat of RtoP crimes through a broad spectrum of measures, such as: requiring states seeking membership to commit to the prevention of mass atrocities; conducting preventive diplomacy; establishing fact-finding missions; adopting economic sanctions and embargoes; encouraging cooperation with regional justice mechanisms and the International Criminal Court; and contributing in some capacity to military operations such as peacekeeping, monitoring and defense missions.

In recent years, regional and sub-regional organizations have taken rapid and robust action to protect populations from the threat of mass atrocities. Such measures have included mediation facilitated by the African Union in Kenya to respond to election-related violence, sanctions endorsed by the Economic Community of West African States in Côte d'Ivoire, the international policing operation deployed in Kyrgyzstan by the Organisation of Security and Cooperation in Europe, and the European Union's adoption of travel bans and the freezing of financial assets in response to the threat of atrocities in Libya. Measures taken by actors, such as the League of Arab States in its ongoing efforts to resolve the Syrian conflict and the Gulf Cooperation Council-led negotiation of a political solution in Yemen, illustrate the increasingly crucial role regional and sub-regional organizations play within the framework of RtoP. We hope that existing mechanisms continue to be enhanced, and that regional organizations around the world strengthen their capacities to prevent and respond to mass atrocities.

This year's dialogue presents a significant opportunity for your organization and all actors to reflect on past action to prevent and respond to crises, and to engage in discussion on how best to implement measures moving forward. Civil society groups, including ICRtoP members, are committed to actively engaging with regional and sub-regional organizations to enhance awareness and capacity to prevent and respond to genocide, war crimes, crimes against humanity, and ethnic cleansing in their regions. (...)

Read
[letter](#)
on the ICRtoP website.

II. Syria: Amid continued violence Security Council and Syrian government accept Annan's six-point proposal

Humanitarian situation remains critical as government-led assessment begins The situation in Syria continues to deteriorate as recent UN

[estimates](#)

state that over 8,000 people – mainly civilians – have been killed and tens of thousands displaced since the conflict began in March 2011. Al-Jazeera reported on 29 March that

[violence](#)

continues in several cities, resulting in 23 civilian deaths according to opposition activists. On 27 March, the BBC

[reported](#)

an interview with UN High Commissioner for Human Rights, Navi Pillay, who condemned Syrian authorities for systematically detaining and torturing children; meanwhile UN Special Representative for Children and Armed Conflict, Radhika Coomaraswamy,

[spoke](#)

to reporters on 27 March regarding unconfirmed reports of child soldiering by the opposition. While government forces continue to inflict massive human rights violations against civilians, Human Rights Watch

[reported](#)

on 20 March that opposition groups had carried out abuses including detention, torture and kidnapping.

Beginning on 21 March 2012, technical staff from UN agencies, including the World Health Organisation and UNICEF, as well as representatives from the Organisation for Islamic Cooperation, accompanied a government-led

[assessment](#)

of areas affected by the conflict following calls for unhindered access for aid workers from the UN Office of Humanitarian Affairs (OCHA). OCHA's Emergency Relief Coordinator, Valerie Amos,

[issued](#)

a message on 22 March, noting the ongoing levels of violence throughout the country and reiterating the call for humanitarian access to be provided.

UN Security Council and the Syrian government accept Annan's six-point plan

Following two failed attempts to adopt resolutions on the situation in Syria in

[October 2011](#)

and

[February 2012](#)

, the Security Council reached a

[consensus](#)

on 21 March, adopting a

[presidential statement](#)

which expressed "its gravest concern" at the situation in Syria. The statement voiced full support for the UN-Arab League Joint Special Envoy Kofi Annan, and called on the government and opposition to work with him towards a peaceful settlement and the implementation of his

[six-point proposal](#)

. Annan's plan calls for an immediate cessation of violence on both sides under UN supervision, the creation of a daily two-hour ceasefire to allow humanitarian access and respect for freedom of association and the right to demonstrate peacefully. Secretary-General Ban Ki-moon

[praised](#)

the "clear and unified voice of the Council", expressing his hope that the united action would mark a turning point in the international community's response to the crisis. Following several weeks of

[talks](#)

, the Syrian government

[announced](#)

its acceptance of the proposal in a

[letter](#)

to Kofi Annan on 27 March. The same day, state television released footage of President Bashar Al-Assad

[visiting](#)

Baba Amr in Homs – a former opposition stronghold that

[underwent](#)

some of the worst violence - for the first time since the conflict began.

International and regional communities continue to pressure Syria to end atrocities

The UN Secretary-General attended the

[Summit](#)

of the Arab League held in Baghdad on 28 March where Arab League foreign ministers also voiced their

[support](#)

for Annan's plan, despite its exclusion of the League's January

[call](#)

that Assad step down. In his

[address](#)

to the Arab League on 29 March, the Secretary-General stated that the Syrian government "has failed to fulfill its

responsibility to protect

its own people" in a conflict which may have ramifications for the entire region. In an article published on 29 March, Human Rights Watch

[called](#)

on the Arab League to implement and monitor the sanctions on Syria

[agreed](#)

to in November 2011. Also on 29 March, the heads of state of Brazil, Russia, India, China and

South Africa (BRICS)

[met](#)

in New Delhi for its fourth annual summit in which, amongst other agenda items, the situation in Syria was

[discussed](#)

with participants stating that political dialogue must be the only course for a resolution to the crisis.□□

Meanwhile, several hundred members from Syrian opposition groups

[met](#)

in Istanbul on 27 March for

[reconciliation talks](#)

and to create a clear list of objectives aimed at unifying ahead of the 'Friends of Syria Meeting' to be held on 1 April. Despite this

[aim](#)

, the talks were hampered by

[disagreement](#)

amongst the groups.

Second Joint Deputy Special Envoy to Syria announced and Commission of Inquiry extended

A joint UN-Arab League statement on 20 March announced the appointment of

[Jean-Marie Guéhenno](#)

, former UN Under-Secretary-General for Peacekeeping Operations, as the second Joint Deputy Special Envoy to Syria, alongside former Palestinian Minister of Foreign Affairs

[Nasser Al Kidwa](#)

. The UN Human Rights Council

[announced](#)

on 23 March the extension of the mandate of the Commission of Inquiry on Syria, requesting the Commission continue its mapping exercise of gross violations that have occurred since March 2011. Yakin Erturk - one of three investigators on the Commission of Inquiry -

[resigned](#)

on 27 March, citing lack of access into Syria.

Please see below for op-eds examining the crisis in Syria in the context of RtoP.

1. Policy and Practice Brief: Responsibility to Protect: Why Libya and not Syria?

Dr. Dan Kuwali

African Centre for the Constructive Resolution of Disputes

March 2012

Dr. Dan Kuwali is a Post-Doctoral Research Fellow at the Centre for Human Rights in the Faculty of Law at the University of Pretoria, a Fellow of the Carr Center for Human Rights Policy at the Harvard Kennedy School of Government and an Associate Professor of international law at the Centre for Security Studies in Mzuzu University. He is also the Deputy Director of Legal Services in the Malawi Defence Force.

While the intervention in Libya saved relatively many lives, there is hesitation to intervene in Syria due to geopolitics, despite the threshold for intervention having been reached. However, by endorsing the notion of

responsibility to protect

, UN Member States, including the Security Council, agreed to act collectively to save humanity from atrocities. Therefore, the international community should support the Arab League to constructively engage the warring factions to find a peaceful solution to the crisis and persuade them to avoid committing atrocities against civilians. The Syrian government should uphold its primary

responsibility to protect

its population and the belligerents should provide access for humanitarian assistance; those at fault should be held accountable by the international criminal court. (...)

(...) The notion of

R2P

may be rendered a paper tiger in view of the Syrian army's indiscriminate assault on the very people it ought to protect. The Syrian military and security forces have launched massive campaigns of arrest, arbitrarily detaining thousands of protestors, activists and others suspected of anti-government sentiments or activities including forced disappearances. (...)

(...)The hand wringing by the international community to intervene in Syria has eclipsed the political commitment of

R2P

manifested by the speed with which the international community intervened to protect Libyans from atrocities committed by their own government. Although the humanitarian crises in both Libya and Syria have similar patterns and warrant international intervention, there has not been international consensus to act decisively in Syria. (...)

Read the
[full brief](#)

.

2. The Power of Coercive Nuance

Simon Adams

New York Times

26 March 2012

Simon Adams is Executive Director of the Global Centre for R2P.

Following the destruction of Homs, 8,000 dead, two double vetoes and a year of inaction, the UN Security Council has unanimously endorsed Special Envoy Kofi Annan's six-point peace plan for Syria. It is also cautiously prepared to "consider further steps as appropriate." (...)

But what does that mean? And what will the Security Council do if Bashar al-Assad continues murdering his own people? (...)

(...) The "balance of consequences" argument against military intervention in Syria is a powerful one. But there is a cost for inaction also. So far the Security Council has been a mere spectator of crimes against humanity in Syria. This has corroded its credibility and exacerbated the crisis.

Part of the solution is for the Security Council to frame engagement with Syria in terms of its **Responsibility to Protect**

. A diplomatic surge with high-level support from Russia, the United States, Turkey and the Arab League must impress upon Assad and the opposition that the Annan plan is their only option. (...)

The Security Council also needs to support Annan's plan with coercive nuance. Consideration of future measures should include referring the situation to the International Criminal Court, an arms embargo and targeted sanctions. Disincentives for lending to Syria, such as labeling arms and oil contracts signed by the Syrian government as "odious debt," rendering them unenforceable, also deserve further exploration.

The cruel truth is that there is no quick fix in Syria. But that does not mean that the Security Council has to choose between invasion and inaction. Through the careful deployment of both soft and hard (nonmilitary) power, with Annan's heightened diplomacy at the fore, there is still time to arrest Syria's descent into catastrophe.

Read the
[full article](#)

3. Saving the Syrians

Gareth Evans

Project Syndicate

23 March 2012

Gareth Evans is Chancellor of the Australian National University and co-chair of the Global Center for the Responsibility to Protect.

Despite the United Nations Security Council's belated endorsement of UN Special Envoy Kofi Annan's peacemaking mission in Syria, confidence that Syrian President Bashar al-Assad will cooperate in any serious or sustained way remains low, and calls for external military intervention continue. (...)

(...) The agonizing question for those who believe that the international community has a responsibility to stop mass-atrocity crimes is not only whether any of these options is practically achievable, but also whether they will do more good than harm.

No military option currently has any chance of support from a UN Security Council that is still largely paralyzed by a backlash against NATO's perceived overreach of its civilian-protection mandate in Libya. (...)

Under the

responsibility to protect

(R2P) principles that the UN General Assembly unanimously endorsed in 2005, coercive military action to stop atrocities should be contemplated only when peaceful means – from diplomatic persuasion to sanctions and threats of criminal prosecution – prove inadequate. Clearly the situation in Syria has reached that threshold.

But contemplating military action does not mean endorsing it. Both morality and prudence demand that several criteria be satisfied before any use of force is approved. No such guidelines have yet been formally adopted by the Security Council or the General Assembly, but five criteria have emerged from the

R2P

debate over the last decade. (...)

(...) is the threat of a type and scale that prima facie justifies the use of force? (...)

(...) whether the primary purpose of any proposed military action is to halt or avert the threat to civilians. (...)

(...) has every non-military option been explored and found unlikely to succeed? (...)

(...) are the scale, duration, and intensity of the proposed military action the minimum necessary to meet the threat in question? (...)

(...) will military intervention do more harm than good? This is where the argument in favor of military intervention in Syria runs into the most trouble.

Any further militarization in Syria runs the risk of turning what is already a nascent civil war into a full-blown one, with casualties on a much greater scale. (...) Sectarian differences within Syria are profound, and there is little international confidence in either the cohesion or the democratic and human-rights credentials of the opposition. Fighting there could ignite the entire region. And, with the Arab League divided over the issue, any Western intervention is bound to be inflammatory in the wider Islamic world.

With all military options appearing to be counterproductive, the only chance of halting Syria's descent into total chaos is Annan's political mediation. Its unstated premise is that enough senior officials in the regime can be persuaded to change course, with enough safe exits for the most divisive figures, to enable the situation to stabilize and reform to start. (...)

Read the full

[article](#)

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A critique of this op-ed by Charles Crawford was published in The Telegraph; to read ‘*If it brings freedom, a bloody Syrian civil war may be preferable to slavery*

’, see

[here](#)

.

4. The Failure of an Idea

Kim R. Holmes The Washington Times
21 March 2012 *Kim R. Holmes is a former assistant secretary of state and a vice president at the Heritage Foundation.* The United Nations Security Council passes a resolution noting "widespread and systematic attacks" on civilians and authorizing UN member states "to take all necessary measures ... to protect" them. It invokes a little-known concept called the **responsibility to protect** (or R2P) as justification for the use of force to stop the slaughter of civilians.

Against which nation did the Security Council take this action? No, it wasn't Syria. It was Libya. UN Security Council Resolution 1973, approved on March 17, 2011, authorized the use of force against Libya "to protect the Libyan population." That was the sole justification for the intervention, according to the Security Council.

So why is there a so-called
"responsibility to protect"

Libyans but not Syrians? After all, the death toll in Syria - 8,000 to 9,000 - far exceeds what was happening in Libya; yet the Security Council has not authorized an intervention. (...)

The use of force in Syria
may indeed be impractical. But invoking

R2P

to justify intervention in Libya
but not in Syria is hypocritical. Surely the lives of civilians in Syria
are as worth saving as the lives of civilians in Libya. The

R2P

doctrine is presented as a universal moral imperative and a guiding principle on when to use
force. If it is a moral obligation of the international community,

R2P

supporters would be equally obligated to advocate the use of force when it is the best and only
means to achieve their ends.

The mistake

R2P

supporters make is using the idea to justify military intervention.

R2P

never should have been invoked in Libya

. (...)

Some

R2P

supporters recognize the dilemma caused by the Libyan intervention. Lloyd Axworthy, a former Canadian foreign minister, contends that

R2P

"should not be judged on the basis of the military response in Libya." Mr Evans argues that circumstances should determine whether force, sanctions or some other measure is used. (...)

The

responsibility-to-protect

idea is fine so long as it applies to how sovereign governments should treat their people. But it fails as a guide for when the international community should support an armed intervention.

Read the

[full article](#)

.

5. Five ways to advance a Responsibility to Protect agenda in Syria

Bennett Ramberg

The Daily Star

19 March 2012

Bennett Ramberg served in the US Department of State during the administration of President George H. W. Bush.

The brutal assault on the civilian population by Syria's government continues, employing tanks, mortars and rockets. However, the world appears unable to do more than wring its hands. Is this the end of a democratic wave ushered in by the Arab Spring and the so-called

Responsibility to Protect

doctrine that the international community applied to Libyan leader Moammar Gadhafi, when he threatened to massacre his citizens in Benghazi last year?

Published accounts estimate more than 9,000 people have fallen in the Syrian unrest, with thousands wounded and displaced while many others linger in government prisons. One question that emerges is whether the global community is complicit by failing to stop the

mayhem. (...)

As in Libya, the Arab League took the lead in pushing back. It suspended Syria from the regional body, prohibited travel of designated Syrian officials to Arab states, froze the assets abroad of the Syrian government, and halted transactions with Syria's central bank as well as commercial exchanges with the government, while calling on the Syrian leader to step down. The United States, the European Community and others joined together in imposing diplomatic and economic sanctions on Syria. Collectively these measures suggested that the

Responsibility to Protect

doctrine was indeed still very much alive. However, as implemented, these measures have proved insufficient to halt the violence. (...)

Nonetheless, there do remain modest

Responsibility to Protect

steps much of the international community can endorse under the umbrella of the Arab League to stop the slaughter in Syria:

First, the Arab League should restate its call of Jan. 22 for Assad to step down, as well as include other key members of the ruling clique in Damascus. After all, any regime is more than its leader.

Second, Syria's foreign opponents should take to the airwaves in a propaganda war to offer amnesty to Syrian forces who lay down their arms or defect to the rebel side by a date that would permit them to avoid prosecution for crimes against humanity.

Third, Syria's armed resisters in the Free Syrian Army should receive military aid and training that is sufficient to allow them to combat the government's infantry, armor and helicopters.

Fourth, the United States and other countries must lobby Russia and China to support

Responsibility to Protect

. They must impressing on the two countries that they are on the wrong side of history, and that this will have consequences that ultimately will diminish their political and economic interests in the Middle East for years to come.

And fifth, foreign mediators should help mold the divided Syrian opposition into a united and internationally recognized interim government in waiting, one that is prepared to lay the foundation for legislative elections and constitution-building for a new democratic Syria once the current government falls. (...)

What's at stake in Syria transcends what happens in Damascus. The successful application of a

Responsibility to Protect

will make a statement that Libya was not a fluke. It will also send a message that if a government is to represent its victimized people, then the international community will assure that it is the victims who form it, not those repressing them.

Read the
[full article](#)

III. Sudan and South Sudan: Clashes on the border destabilize a fragile peace

Tensions between Sudan and South Sudan appear to be de-escalating following a week of heightened [conflict](#) on the border, as leaders from both countries worked to prevent further violence and [pledged](#) a commitment to avoid all-out war. Allegations of incitement were [exchanged](#) on 27 March following attacks on both territories which broke out on 26 March. South Sudan accused Sudan of airstrikes in the Unity State, and consequently claimed control of the Sudanese oil-producing town of Heglig. The violence [threatened](#) to escalate quickly given ongoing [disputes](#) between the two countries on outstanding issues such as oil production and the border regions.

South Sudanese President Salva Kiir had previously [invited](#) Sudanese President Omar al-Bashir to a summit in the South Sudan capital Juba to be held on 3 April. The meeting aimed to resolve these unresolved issues between the two countries; however, following the air and land strikes President al-Bashir [suspended](#) his participation in the summit.

On 26 March Secretary-General Ban Ki-moon [called](#) on both countries to fully respect and implement agreements regarding border issues. This was followed by a Security Council press statement on March 27

[calling](#)

on all parties to exercise maximum restraint. The African Union similarly urged the countries to resume talks in a

[statement](#)

on 27 March, noting that border issues would only be resolved through peaceful means.

Following an

[agreement](#)

on 28 March, Sudanese and South Sudanese parties were set to meet in Ethiopia on 31 March - for talks mediated by the African Union and chief mediator Thabo Mbeki.

1. Security Council Press Statement on Sudan and South Sudan

UN Security Council

27 March 2012

(...) The members of the Security Council are deeply alarmed by the military clashes in the region bordering Sudan and South Sudan, which threaten to precipitate a resumption of conflict between the two countries, worsen the humanitarian situation and lead to further civilian casualties.

The members of the Security Council call upon the Governments of Sudan and South Sudan to exercise maximum restraint and sustain purposeful dialogue in order to address peacefully the issues that are fuelling the mistrust between the two countries, including oil issues, violence in the border region, citizenship and Abyei. The members of the Security Council call upon Sudan and South Sudan to respect the letter and spirit of their 10 February Memorandum of Understanding on Non-Aggression and Cooperation. (...)

The members of the Security Council (...) demand that all parties cease military operations in the border areas and put an end to the cycle of violence, and that the Governments of Sudan and South Sudan take no action that would undermine the security and stability of the other, including through any direct or indirect form of support to armed groups in the other's territory. The members of the Security Council condemn actions by any armed group aimed at the forced overthrow of the Government of either Sudan or South Sudan. The members of the Security Council affirm their strong commitment to the sovereignty and territorial integrity of both Sudan and South Sudan.

The members of the Security Council reiterate the grave urgency of delivering humanitarian aid, in accordance with international law, including applicable international humanitarian law, and guiding principles of emergency humanitarian assistance, in order to avert a worsening of the serious crisis in Southern Kordofan and Blue Nile States, Sudan.

The members of the Security Council urge Sudan and South Sudan to continue working within the context of the negotiations carried out under the auspices of the African Union High level Implementation Panel, and encourage continued partnership with the United Nations and other key international stakeholders in this regard.

Read the full
[press statement](#)

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IV. Other RtoP Situations

1. Côte d'Ivoire

On 21 March, the UN Human Rights Council [considered](#) the [report](#) of an Independent Expert on Côte d'Ivoire Doudou Diène, based on the Expert's visits to the country from 14 – 25 November and 7 – 13 December 2011. The report found that despite a gradual improvement in the security situation since the election of President Alassane Ouattara, significant challenges remained, including restoration of security throughout the country and along the borders, combating impunity and promoting reconciliation. During the Human Rights Council dialogue, Côte d'Ivoire noted that the country had experienced rapid and positive changes to its governing systems. Speakers commended the Ivorian government for its willingness to take steps to promote human rights, and its continued engagement with the Human Rights Council.

Meanwhile, civil society organizations have demanded that the Ivorian government address these post-conflict challenges. On 27 March, Amnesty International

[called](#)

on Côte d'Ivoire to assist the International Criminal Court (ICC) in its probe into post-election violence and to set up a national process to investigate individuals regardless of political affiliation. Accused of crimes against humanity, former president Laurent Gbagbo will

[appear](#)

in The Hague on 18 June 2012, but no individuals who supported Ouattara have been brought to trial in national, regional or international courts. On 29 March Human Rights Watch also

[called](#)

on current President Alassane Ouattara's government to take responsibility for crimes committed on both sides.

For the latest news on the ICC's investigation into crimes committed in Côte d'Ivoire, see the Coalition for the ICC's

[updates](#)

from 29 March.

One Year On, Duékoué Massacre Belies Ouattara Government's Promises of Impartial Justice

Matt Wells

Human Rights Watch

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Matt Wells is the Côte d'Ivoire researcher at Human Rights Watch and co-author of HRW's October 2011 report on the post-election crisis, "They Killed Them Like It Was Nothing": The Need for Justice for Cote d'Ivoire's Post-Election Crimes.'

One year ago today, forces loyal to President Alassane Ouattara captured the western town of Duékoué as they swept through Côte d'Ivoire before ultimately arresting former President Laurent Gbagbo. After taking over the town, pro-Ouattara forces committed horrific abuses, killing several hundred people.

A year later, no one has been credibly investigated, much less arrested, for these crimes. And yet their victims are as deserving of justice as those who suffered abuses by Gbagbo's forces as he clung to power.

Duékoué had long been a hub for pro-Gbagbo militiamen. (...) Before the post-election crisis erupted, northern Ivorians and West African immigrants described ongoing persecution by the militiamen. Local residents also endured widespread killings and rapes by the militiamen during and after the 2002-2003 armed conflict. As President Ouattara's Republican Forces began their military offensive in the West last March, pro-Gbagbo militiamen, often with Liberian mercenaries, again murdered perceived Ouattara supporters.

After several days of fighting, pro-Ouattara forces – including the Republican Forces and several allied militia groups – took effective control of Duékoué on March 29. Some members of these forces proceeded to retaliate viciously against certain groups presumed to support the former president, and particularly targeted male youth from the Guéré ethnic group who had formed the core of Gbagbo's militias in the West. (...)

Pro-Ouattara forces effectively burned the Carrefour neighborhood to the ground, along with several other Guéré villages around Duékoué. Indeed, throughout their military offensive, pro-Ouattara forces razed villages and committed executions and rape.

Despite its promise to provide impartial justice, the Ouattara government has not accounted for what happened during the Duékoué massacre, a disconcerting omission given the scale and symbolic significance of the abuses. At the same time, more than [120 people](#) from the Gbagbo

camp have been charged by military or civilian prosecutors.

It's not as if the government doesn't know where to start in investigating the Duékoué massacre. Amadé Ouérémi has been individually named as having been involved in the Duékoué massacre, either directly or through command responsibility, in reports published by Human Rights Watch and the UN Operations in Côte d'Ivoire (UNOCI). The Ivorian government's own state-owned *Fraternité-Matin* wrote an article in September 2011 stating that there were "suspicions" of Amadé's role in the "Duékoué massacres." It continued, "The villagers clearly recognized members of his group in the attack on the Carrefour neighborhood of Duékoué. An attack during which the chief of Bagohouo, 41 people from the same village, and hundreds of others perished."

Why, then, is Amadé still at large one year later? He is not directly associated with the Republican Forces (though Duékoué residents said Amadé's forces sometimes fought alongside them). Amadé does not appear to command a large number of soldiers. He appears, on the surface, to be one of the easiest – and potentially most significant – targets for prosecution, were the government actually interested in acting on its promises of ensuring impartial justice. (...)

Investigations and prosecutions are essential for the return of the rule of law in Côte d'Ivoire. They would send a powerful message that the Ouattara government understands that the post-election conflict included grave crimes that caused the loss of life on both sides of the nation's political and ethnic divide. The continued impunity for the Duékoué massacre provides a daily reminder that justice is serving only the victors.

The communal divides that have fueled Côte d'Ivoire's massive human rights abuses will only be healed when people like Amadé are brought to justice.

Read the [full article](#) . **2. Burma: Reforms Yet to Reach Kachin State** Human Rights Watch
2012 20 March

The Burmese government has committed serious abuses and blocked humanitarian aid to tens of thousands of displaced civilians since June 2011, in fighting in Burma's northern Kachin State, Human Rights Watch said in a report released today. Some 75,000 ethnic Kachin displaced persons and refugees are in desperate need of food, medicine, and shelter, Human Rights Watch said.

The 83-page report, "Untold Miseries': Wartime Abuses and Forced Displacement in Burma's Kachin State," describes how the Burmese army has attacked Kachin villages, razed homes, pillaged properties, and forced the displacement of tens of thousands of people. Soldiers have threatened and tortured civilians during interrogations and raped women. The army has also used antipersonnel mines and conscripted forced laborers, including children as young as 14, on the front lines. (...)

The Burmese government and the Kachin Independence Army (KIA) need to take effective measures to end abuses by their forces, ensure humanitarian access, and permit an

independent international mechanism to investigate abuses by all sides, Human Rights Watch said.

Renewed Burmese army operations against the Kachin Independence Army began in June in a contested area surrounding a Chinese-led hydropower dam, ending 17 years of ceasefire between the government and Kachin insurgents.

Displaced Kachin civilians described being forced to work on the front lines for the Burmese army, enduring torture, and being fired upon by soldiers. Burmese troops have deliberately and indiscriminately attacked Kachin civilians with small arms and mortars, Human Rights Watch found. Human Rights Watch also found evidence of rape by Burmese soldiers. (...)

The Kachin Independence Army has also been involved in serious abuses, including using child soldiers and antipersonnel mines, Human Rights Watch said. Both sides' use of mines, which do not discriminate between combatants and civilians, will complicate the safe return of displaced civilians to their villages when hostilities cease. (...)

Human Rights Watch called on the Burmese government to ask the UN Office of the High Commissioner for Human Rights to establish an office in Burma with a standard protection, promotion, and technical assistance mandate. Burma's newly created National Human Rights Commission has not played an effective role in monitoring abuses in Kachin State, Human Rights Watch said. In February 2012, the commission's chairman, Win Mra, announced that the commission would not investigate allegations of abuses in the country's ethnic armed conflict areas due to the government's efforts to negotiate ceasefires. (...)

Of the 75,000 Kachin civilians displaced since June, at least 45,000 have sought refuge in 30 camps for internally displaced persons in Kachin Independence Army-controlled territory along the Burma-China border. The Burmese government has only granted UN agencies access to this area once, in December. Even then, UN agencies were not able to visit several areas where tens of thousands of displaced persons reside. In areas it controls, the Kachin Independence Army and networks of local Kachin organizations have tried to meet growing humanitarian needs, but international support for civilian-relief organizations operating out of Kachin State has been sporadic and inadequate.

Humanitarian needs of displaced persons in Kachin State include food and other necessities, such as medicine, blankets, warm clothing, firewood and fuel, and adequate shelter.

The worsening situation in Kachin State contrasts starkly with hopeful human rights developments in lowland Burma in recent months, including the release of prominent political prisoners, a spate of legal reforms, and greater media freedom. In by-elections scheduled for April 1, the pro-democracy leader Aung San Suu Kyi will run for a seat in the national parliament. (...) **Read the [article](#) and [report](#) .** **3. Libya** *Former Libyan Colonel and Chief of Military Intelligence Abdullah al-Senussi was*

[arrested](#)
in Mauritania on 18 March by Mauritanian and French officials. He was one of three Libyan officials charged with crimes against humanity by the International Criminal Court (ICC in

[June 2011](#)

and is currently wanted by the ICC for crimes against humanity during the 2011 crisis in Libya, the French government in

[connection](#)

with a 1989 terrorist attack, and

[Libya](#)

for crimes committed during former leader Muammar Gaddafi's regime. Mauritania has not yet released its decision on whether al-Senussi will be transferred to the Hague, Paris or Tripoli. An analysis of al-Senussi's arrest and extradition can be found in a recent ICRtoP

[blog post](#)

, 'al-Senussi Arrest: Conflicting Extradition Requests, Concerns About Libya's Justice System'.

Meanwhile, on 25 March, Human Rights Watch

[praised](#)

the ruling National Transitional Council (NTC) for its efforts in landmine destruction. Despite this, the NTC has been

[criticized](#)

for failing to assert its authority across Libya, where rival militias and tribal groups are fighting for power. New

[challenges](#)

have arisen regarding accountability over the death of migrants who fled Libya during the crisis.

In a 29 March report, the Council of Europe

[condemned](#)

NATO for its failure to come to the aid of thousands of fleeing migrants. NATO ships were on patrol in the Mediterranean Sea at the time, enforcing an embargo on Libya as part of UN Security Council

[Resolution 1973](#)

. Amnesty International's recent

[report](#)

"Libya: The forgotten victims of NATO airstrikes" called on NATO to investigate civilian casualties during its 2011 mission in Libya.

Further discussion on the challenges moving forward can be found on the ICRtoP

[blog post](#)

'Civil society responses to post-RtoP Libya'.

Libya: Civilian deaths from NATO airstrikes must be properly investigated

Amnesty International

19 March 2012

NATO has so far failed to investigate the killing of scores of civilians in Libya in airstrikes carried out by its forces, Amnesty International said today in a new briefing paper released a year after

the first strike sorties took place.

Libya: The forgotten victims of NATO Strikes says that scores of Libyan civilians who were not involved in the fighting were killed and many more injured, most in their homes, as a result of NATO airstrikes. Amnesty International said that NATO has not conducted necessary investigations or even tried to establish contact with survivors and relatives of those killed.

The organization said that adequate investigations must be carried out and full reparation provided to victims and their families. (...)

NATO appears to have made significant efforts to minimize the risk of causing civilian casualties, including by using precision guided munitions, and in some cases by issuing prior warnings to inhabitants of the areas targeted. But this does not absolve NATO from adequately investigating the strikes which killed and injured scores of civilians and from providing reparation to the victims and their families.

Investigations must look into whether civilian casualties resulted from violations of international law and if so those responsible must be brought to justice. (...)

Many of the deaths occurred as a result of airstrikes on private homes where Amnesty International and others have found no evidence to indicate that the homes had been used for military purposes at the time they were attacked. (...)

In its latest response to Amnesty International, on 13 March, NATO stated that it "deeply regrets any harm that may have been caused by those air strikes" but "has had no mandate to conduct any activities in Libya following OUP's (Operation Unified Protector) termination on 31 October 2011" and that the "primary responsibility" for investigating rests with the Libyan authorities. (...)

Moreover, NATO did not take any steps to conduct investigations into reports of death and injury of civilians resulting from its strikes in areas which had come under the control of the new Libyan authorities (the National Transitional Council, NTC) prior to 31 October 2011 and which were thus safely accessible. (...)

NATO must ensure that prompt, independent, impartial and thorough investigations are conducted into any allegations of serious violations of international law by participants in Operation Unified Protector and that the findings be publicly disclosed. Wherever there is sufficient admissible evidence, suspects should be prosecuted. **Read the full [press](#)**

[release](#)
[report](#)

or [r](#)

V. RtoP-Related Events

1. Lecture and Seminar: Sovereignty and Individual Criminal Responsibility for Core

International Crime

Forum for International Criminal Humanitarian Law and China University of Political Law

2-3 April 2012

Beijing, China The 2012 LI Haopei Lecture will be given by Judge LIU Daqun (Judge, Appeals Chamber of the ICTY and the ICTR). The broadly formulated theme of this year's Seminar is 'Sovereignty and Individual Criminal Responsibility for Core International Crimes'. Many members of today's international criminal justice movement seem to assume that State sovereignty takes a decisive second place to the principle and practice of individual criminal responsibility for core international crimes. It is correct to note that two of the existing ad hoc international(ized) criminal jurisdictions (the ICTY and ICTY) enjoy a legal basis that rests on Chapter VII of the UN Charter. Their judges can and have issued binding orders to States. And when conducting statutory investigations on the territory of States, the prosecution services of these Tribunals have not sought permission as such from the States concerned. This particular and significant feature of contemporary international criminal justice has empowered Tribunal investigators and prosecutors, and perhaps emboldened some of them, as well as other members of the international criminal justice lobby in their calls for individual accountability for core international crimes at the international or national level.

(...) The only permanent international criminal jurisdiction - the International Criminal Court (ICC) - cannot base its orders and decisions in the same manner on Chapter VII of the UN Charter. The implementation of its work depends entirely on States, both de facto and de jure. Add to that the fact that three permanent members of the UN Security Council - China, Russia and the United States - are among a number of powerful States that are not members of the ICC system. Whereas the Security Council established the ICTY and ICTR in execution of its own UN Charter powers, the ICC can only occasionally rely on the Council, and even then not to the same extent.

Against this general background, the 2012 LI Haopei Lecture and Seminar will consider the tension between sovereignty and individual criminal responsibility for core international crimes along three specific tracks. First, when evidence of core international crimes incriminates State officials and there are calls for criminal investigation, State immunity concerns will continue to be voiced. The immunity of State officials from criminal jurisdiction for core international crimes will therefore be considered in some detail at this Seminar. Secondly, the closing down of the ad hoc international criminal jurisdictions is likely to shift more attention to the exercise of national criminal jurisdiction over core international crimes, which would include jurisdictional exercise by States not directly affected by the said crimes. This raises issues linked to the scope of universal jurisdiction for such crimes. Thirdly, the amendments of the ICC Statute at the 2010 Review Conference with regard to the crime of aggression may at one stage enable the ICC to investigate and prosecute such crimes. How could this affect non-States Parties and States Parties that do not agree with these amendments? Could the activation of these aggression amendments and the ICC's work exacerbate tensions between the interests of State sovereignty and accountability?

**Find more
[information](#)**

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2. Lecture: Forecasting Mass Atrocities and Genocide

Carr Center for Human Rights Policy at the Harvard Kennedy School of Government

5 April 2012, 12:00 – 1:30 PM

Well Town Hall (Belfer Building, Floor 1), Carr Center for Human Rights Policy, John F. Kennedy School of Government, 79 JFK Street, Cambridge, Massachusetts, USA 02138

Mr. Ben Goldsmith is an Associate Professor at the Department of Government & International Relations University of Sydney. Mr. Goldsmith will discuss the results of a project he leads, aimed at developing a quantitative forecasting tool for serious political instability, mass atrocities, and genocide, including software which should be of use to policy makers thinking ahead on a 1-5 year time horizon. The project, "Understanding and Forecasting Political Instability, Mass Atrocities, and Genocide: Combining Social Science and Machine Learning Approaches," is funded by the Australian government via the Australian Responsibility to Protect Fund. (...) The project has the overall purpose of greatly improving capacity for forecasting mass atrocities and genocide globally and in the Asia Pacific region. The specific aims are to 1) develop sophisticated, appropriate, and cutting-edge quantitative forecasting models, 2) improve understanding of the causes of political instability and conflict which greatly increase the probability of mass atrocities or genocide, 3) improve understanding of the crucial causal processes which lead from instability to mass atrocities or genocide, and 4) produce forecasting software and reports which are useful as early warning tools for protection of vulnerable populations. The project will advance knowledge and understanding of the causes of genocide and other mass atrocities by building on the current academic literature, developing new theory, and introducing a new, innovative, and powerful end-user driven approach, namely machine-learning based forecasting techniques. (...)

**Find more information about the
[event](#)**

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3. Workshop: Operationalising RtoP - Civilian and Military Challenges of the 'Third Pillar' Approach

Madariaga - College of Europe Foundation, International Coalition for the Responsibility to Protect, Global Action to Prevent War, Global Governance Institute

26 April 2012, 8:30am – 5:30pm

Global Governance Institute, Vesalius College, 5, Pleinlaan, B-1050 Brussels, Belgium

In January 2012, the International Coalition for the Responsibility to Protect (ICRtoP), Madariaga - College of Europe Foundation, Global Action to Prevent War (GAPW) and the Global Governance Institute launched a call for papers to invite scholars, policy-makers and civil society representatives to submit papers to be presented at a workshop in Brussels, Belgium on the 26 April 2012. The workshop is an opportunity to bring together policy-makers from the United Nations, regional organizations and scholars to debate the challenges posed by pillar three of the Responsibility to Protect (RtoP) principle. Publications reporting on the proceedings, highlighting recommendations for the UN General Assembly (UNGA) dialogue and beyond, and cataloguing the paper contributions presented at the workshop will follow.

The workshop will include two panels:

Panel I: Enhancing the Legitimacy and Consistency of the "Third Pillar" Approach

Papers presented in this workshop will focus on methods and policy options of improving the legitimacy and consistency of the "third pillar" approach. Papers will seek to answer what more can be done by regional players such as the EU, if required and sanctioned by the UN Security Council, to boost the legitimacy of last-resort intervention when used to uphold RtoP. Papers will also address what more can be done by the UN Security Council to ensure greater trust in the RtoP principle through the consistency of its approach. Analysis will also cover how the Security Council can ensure that it has in place the correct capacities to act when faced with crises or, better still, is seized of potential crises when prevention is still a viable option.

Panel II: Improving the Effectiveness of RtoP's Civilian and Military Tools

Papers in this workshop sessions will analyse the political feasibility of conflict prevention and peacekeeping and peacemaking forces to stop mass atrocities at the earliest stages of violent conflict, and address methodologies and best practices to keep societies that have emerged from violence from falling back into cycles of violence. Papers may critically assess the relevance and effectiveness of current UN early warning and conflict prevention capacities for RtoP. Furthermore, papers may also critically appraise the military and civilian tools available for the UN and regional bodies such as the EU to react to atrocity crimes. For example, special focus can be given here to assessing existing tools from human security and gender equality perspectives.

Read the

[policy brief](#)

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[concept note](#)

and draft

[programme](#)

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