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4.  
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- Deconstructing Prevention: The Theory, Policy and Practice of Mass Atrocity Prevention, Benjamin N. Cardozo School of Law Program in Holocaust, Genocide and Human Rights Studies and the Auschwitz Institute for Peace and Reconciliation  
  
Featuring Lt. Gen. Roméo Dallaire, Adama Dieng, Dr. Edward Luck, Dr. Francis Deng, Victoria Holt, Dr. Sheri Rosenberg, Tiberiu Galis and many more

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**[I. ICRtoP and Permanent Peace Movement to hold the Coalition's first RtoP roundtable in the MENA region](#)** *The International Coalition for the Responsibility to Protect is partnering with Lebanon-based Coalition member, the [Permanent Peace Movement](#) (PPM), to hold its first ever roundtable discussion on the Responsibility to Protect in the Middle East and North Africa (MENA) region.*

*The event, which will take place on 17 & 18 December 2012, will include a workshop on the norm for regional and national diplomats and civil society organizations in the region. Participants will discuss how the Responsibility to Protect developed and its basis in existing international law; how the norm relates to other agendas including disarmament, women's rights, and the protection of civilians in armed conflict; how national and regional actors can implement the norm; and recent case studies in the MENA region. The roundtable discussion will focus on how to enhance regional awareness and understanding of as well as support for the norm.*

*To date, activity on the Responsibility to Protect in the Middle East and North Africa has been limited. ICRtoP and PPM look forward to working together to engage new partners in the region to advance the norm.*

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

**for the workshop. ICRtoP and PPM will release a summary of the event in early 2013.**

## II. Commemorating the 64<sup>th</sup> anniversary of the Genocide Convention

*Sunday, 9 December marked the 64<sup>th</sup>*

*anniversary of the*

*[Convention on the Prevention and Punishment of the Crime of Genocide](#)*

*, which*

*was*

*adopted by the United Nations General Assembly in 1948. The Convention defined genocide, whether committed in a time of peace or war, as a crime under international law, and obligated states that ratified it to prevent and punish the crime. Since its adoption and entry into force, on 12 January 1951, the Convention has been*

*[ratified](#)*

*by 142 Member States.*

*Over fifty years after the Convention was adopted, at the 2005 World Summit, Member States once again recognized the need to strengthen their commitment to preventing genocide. On this occasion, all governments and Heads of State*

*[endorsed](#)*

*the Responsibility to Protect (RtoP, R2P) norm, which aims to prevent and halt genocide, war crimes, ethnic cleansing and crimes against humanity, as well as the work of the Special Adviser to the United Nations Secretary-General on the Prevention of Genocide.*

*As we commemorate the adoption of the Convention and Member States' momentous commitment to protect populations from persecution based on their national, ethnical, racial or religious identity, we must also acknowledge the failures of the international community. As Mr. Adama Dieng, Special Representative to the UN Secretary-General on the Prevention of Genocide, said in a*

*[statement](#)*

*in commemoration of the Convention's anniversary, "Thousands of lives continue to be lost as a result of conflicts rooted in tensions between and discrimination against different national, religious, ethnic and racial groups; these are lives that could have been saved if action had been taken earlier to address these tensions, prevent discrimination, promote human rights protection for all and respect for the rule of law."*

*States, regional organizations and the United Nations have an ongoing responsibility to enact legislation, build institutions and garner political will to predict and prevent mass violence. Civil society, in turn, must work tirelessly to ensure these actors fulfill the protection obligations they*

*committed themselves to in 1948 and again in 2005.*

*The International Coalition for the Responsibility to Protect commemorates the adoption of the Genocide Convention and calls on the international community to reflect on and learn from past failures to protect populations, and to strengthen its resolve to ensure the prevention of genocide and other mass atrocities in the future.*

## **1. Statement from the Special Adviser of the Secretary-General on the Prevention of Genocide to commemorate the anniversary of the Genocide Convention**

7 December 2012

On the anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention), the Special Adviser of the Secretary-General on the Prevention of Genocide, Mr. Adama Dieng, urges Member States and regional organizations to renew their commitment to its implementation.

“At the heart of the Convention is the protection of groups defined by their identity,” stated Mr. Dieng. “Thousands of lives continue to be lost as a result of conflicts rooted in tensions between and discrimination against different national, religious, ethnic and racial groups; these are lives that could have been saved if action had been taken earlier to address these tensions, prevent discrimination, promote human rights protection for all and respect for the rule of law.”

“The Secretary-General called for 2012 to be the ‘Year of Prevention’. The suffering of civilians in today’s conflicts – including in the Democratic Republic of the Congo, Mali, the Sudan and the Syrian Arab Republic – serves as a reminder of the vital importance of early, preventive action,” said Mr. Dieng.

At the 2005 World Summit, all Heads of State and of Government committed to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement. (...)

Special Adviser Dieng urged the international community to work collectively to strengthen the implementation of the Genocide Convention and of the responsibility to protect.

“The ultimate responsibility for preventing genocide and related crimes remains with States,” said Mr. Dieng, “and the international community has committed to assist States in this regard. I urge Member States, regional and sub-regional organizations and civil society to work

collectively to fulfill their responsibilities to protect populations and to meet their obligation to take all possible measures to prevent and punish the crime of genocide.”

Read the [full statement](#)

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**[III. European Parliament reiterates support for the Responsibility to Protect in resolution on the 2011 report on Human Rights and Democracy in the World](#)** *On 13 December 2012, the European Parliament adopted a resolution on the “Annual report on human rights and democracy in the world 2011 and the European Union's policy on the matter”. The resolution included language supporting the Responsibility to Protect and the International Criminal Court, and discussed the crisis situations in Libya and Syria.*

(...)

EU policy on international criminal justice, the fight against impunity and the International Criminal Court (ICC)

(...)

23. Celebrates the 10th anniversary of the entry into force of the Rome Statute of the International Criminal Court (ICC); welcomes its ratification by Cape Verde and Vanuatu; recognises the ICC as a mechanism of ‘last resort’, which is responsible for the enforcement of justice for the victims of crimes against humanity, genocide and war crimes, as laid down by the principle of complementarity in the Rome Statute;

24. Reiterates its strong support for ICC in the fight against impunity for the most serious crimes of international concern; calls on the EU and its Member States to continue their political, diplomatic, logistical and financial backing of the ICC and other international criminal tribunals, including the ad hoc international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon; (...)

EU action in international humanitarian law (IHL)

(...)

38. Reiterates its commitment to the principle of the ‘Responsibility to Protect’ (R2P), stressing the importance that the international community, including the EU, assumes responsibility for addressing gross human rights violations in third countries when the governments of these countries are unable or unwilling to protect their own citizens; stresses that this action of the international community implies humanitarian intervention and appropriate diplomatic pressure

and, only as a last resort, the collective use of force, under the auspices or authorisation of the UN; urges the EU to actively engage and promote the urgent reform of the UN Security Council, so as to avoid the obstruction of R2P;

39. Commends, in this context, the actions of the European Union and the several EU Member States which took the lead in preventing further violence against civilians in Libya during the course of 2011 , but regrets the lack of a concerted response at EU level;

40. Is deeply concerned about the human rights situation in Libya, notably regarding the conditions of detention and the treatment of detainees held by various militias without effective and serious control by the Interim Government over these brigades, and requires increased alertness and sustained assistance by the international community, as stated by the High Commissioner for Human Rights before the UN Security Council on 25 January 2012;

41. Notes the efforts made by the European Union and the international community in Syria but regrets that those efforts have not translated into an improvement of the situation on the ground; expresses again its deep concern over the situation in Syria, especially regarding the continuing human rights and humanitarian emergency; condemns in the strongest terms the widespread brutal repression and systematic violations of human rights and fundamental freedoms by the Syrian regime against its population, including children and women; calls on the Syrian authorities to bring an immediate end to human rights violations and to comply with their obligations under international human rights law in order to allow a peaceful and democratic transition; reiterates its strong support for the UN-Arab League Special Envoy, and urges the UN Security Council to take necessary steps to end the massacre of civilians and to refer to the ICC those responsible for the grave war crimes and human rights violations in Syria; (...)

Read [full report](#)

#### [IV. Civil society calls for action in situations where populations are at risk](#)

##### **1. Report –Getting Back on Track: Implementing the UN Regional Strategy on the Lord’s Resistance Army**

Relief Web

December 2012

*This report was produced by the following organizations, the African Association for the Defense of Human Rights (ASADHO); Congolese Action for Access to Justice (ACAJ); Dangu-Doruma Diocesan Commission for Justice and Peace (CDJP); the Enough Project; European Network for Central Africa (EurAc); Global Center for the Responsibility to Protect; Group LOTUS; IKV Pax Christi; Invisible Children; Resolve; and Solidarity and Integrated Assistance to Vulnerable Populations (SAIPED).*

On June 29th 2012, the United Nations Security Council welcomed the Secretary General's 'Regional Strategy to address the threat and impact of the activities of the Lord's Resistance Army' ('UN Regional Strategy' or 'Strategy'). The Strategy was well received by local and international civil society organizations as an ambitious framework with the elements of a comprehensive response. Then, as now, the message was clear – if fully implemented, the Strategy could resolve this devastating 26-year conflict and pave the way for the long-term recovery of the affected region and its people.

The governments of the Democratic Republic of Congo (DRC), Uganda, South Sudan, Central African Republic (CAR), and Sudan bear the primary responsibility for defeating the Lord's Resistance Army (LRA) and protecting their populations. However, under the Strategy, United Nations (UN) departments, agencies, and offices have committed to augment their efforts, and those of the African Union (AU), by taking specific action to address the threat of the LRA. While there is a limit to how much progress can have been made in the five months since the Strategy was adopted, this report seeks to assess progress made by UN actors against the benchmarks outlined in the UN Regional Strategy.

Progress towards achieving the Strategy's five goals has been slow. There is no comprehensive plan in place to implement the Strategy and the situation on the ground is largely unchanged. The African Union Regional Cooperation Initiative (AU-RCI) – a framework for cooperation on counter-LRA activities among the DRC, Uganda, South Sudan, and CAR – has not been operationalized. Its military component, the Regional Task Force (AU-RTF), lacks capable troops and resources, clear command and control, and access to key LRA safe havens. There has been little progress in activities to enhance efforts to protect civilians, with few of the planned training programs underway. UN departments, agencies, and offices have not finalized planning for programs that donors can fund. Demobilization, Disarmament, Repatriation, Resettlement and Reintegration (DDRRR) activities remain limited, and there are still humanitarian needs in LRA-affected areas that remain unmet. And on the ambitious goals of peacebuilding and long-term development, even those projects that have been identified as priorities and that require no further funds have not been advanced.

There are significant political barriers to implementing the UN Regional Strategy and to achieving co-operation among the regional governments. Each of the Strategy's goals requires cross-border cooperation and full political commitment from each government. (...)

The costs of failing to implement the Strategy are high. Civilian populations will continue to endure the predations of the LRA. Regional stability – already fragile – will be further threatened, and the prospects for future UN-AU collaboration weakened. The efforts invested in the Strategy will be wasted.

A two-tiered approach, with dynamic leadership from the Security Council and the Secretary General, can put the Strategy back on track to achieve its goals.

First, the Security Council and Secretary General should pursue aggressive diplomacy at the highest levels to ensure regional governments and the African Union fulfill their commitments under the AU-RCI. Political challenges must be overcome, not used as an excuse for abandoning existing international commitments. The Security Council and Secretary General must enlist greater commitment from their counterparts in the AU Peace and Security Council and the AU Chairman, as well as from regional governments, to forge a political path for each of the regional governments to play a constructive role in the AU-RCI and to spend the political capital necessary to operationalize the AU-RTF.

Second, the UN should recognize that the vast majority of the UN Regional Strategy can and should be implemented independent of the AU. With or without the AU military cooperation framework in place, there is progress to be made on the protection of civilians, demobilizing and disarming former LRA members, ensuring humanitarian assistance meets needs, and progressing peacebuilding and development activities in LRA-affected areas.

The role of Abou Moussa, Special Representative of the Secretary General (SRSG) and Head of the United Nations Office Regional Office for Central Africa (UN-OCA), remains very important, particularly in forging a common regional approach to the LRA violence and creating cross-border cooperation and the exchange of information between UN missions. (...)

Read [full report](#)

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## **2. Marginalization multiplied: Minority and Indigenous women in Kenya facing discrimination on many fronts**

Minority Rights Group International

12 December 2012



Women from minority and indigenous communities in Kenya find themselves caught in the most vulnerable situation due to their ethnic identity as well as gender putting them at particular risk, a new Minority Rights Group International (MRG) report shows.

The report, *Challenges at the Intersection of Gender and Ethnic Identity in Kenya*, reviews the status of minority and indigenous women who, in addition to facing the brunt of challenges such as poverty and a lack of economic opportunities like the rest of Kenyans, face multiple discrimination, both because of their identification with a minority or indigenous group, and as women. (...)

Like other women, minority and indigenous women in Kenya also face discrimination on the basis of cultural practices within their own community.

Pastoralist women, for instance, still grapple with cultural practices that are harmful to girls, such as female genital mutilation and early marriage, reducing girls' access to education and substantially entrenching women's poverty.

Also, insecurity and conflict caused by cattle rustling, and clashes over water, grazing and farm land relatively common between communities in arid and semi-arid areas disproportionately impact on women and children. Retaliatory attacks between the Orma and Pokomo tribes in the Tana River County in September, for instance, sparked a humanitarian crisis with over 100 deaths and thousands displaced.

Hunter-gatherer women, displaced and forced to become squatters, view their marginalization as a direct result of their displacement while for fisher peoples, environmental degradation and collapsing fish stocks present major fears. (...)

The report calls on the government, civil society and communities themselves to change policies and cultural practices that undermine minority and indigenous women's participation in decision-making processes, especially as Kenya heads to the polls next year.

'In addition to providing immediate humanitarian assistance to displaced communities, ensuring security in marginalized areas and setting up scholarship support to keep minority and indigenous girls in school, the government should in the longer term implement constitutional provisions taking into account the impact of gender and ethnic identity,' says Kere. **Read [full article](#)**

Read the report, [Challenges at the Intersection of Gender and Ethnic Identity in Kenya](#)

[Challenges at the Intersection of Gender and Ethnic Identity in Kenya](#)

### 3. Sudan: Civilians Describe Toll of Attacks

Human Rights Watch

11 December 2012

The Sudanese government's indiscriminate aerial bombardment and shelling in Blue Nile and Southern Kordofan states has killed and injured scores of civilians since the conflict began more than a year ago, Human Rights Watch said in a report released today. Government forces have raided villages, burned and looted civilian property, arbitrarily detained people, and assaulted and raped women and girls.

The 39-page report, "Under Siege," is based on five research missions to the hard-to-access rebel-held areas in the two states and to refugee camps in South Sudan. It documents the government's indiscriminate bombing and other attacks on civilians since conflict between the government of Sudan and the rebel Sudan People's Liberation Army-North (SPLA-N) broke out in June 2011 in Southern Kordofan following disputed state elections. The report also describes the effect of Sudan's refusal to allow humanitarian assistance into rebel-held areas. Hundreds of thousands of people are displaced inside the two states, surviving on very little, while more than 200,000 have fled to refugee camps in South Sudan and Ethiopia.

"Sudan's indiscriminate bombs are killing and maiming women, men, and children, who are running scared and going hungry," said Daniel Bekele, Africa director at Human Rights Watch. "The international community should end its silence and demand an immediate end to these abuses." The United Nations, African Union (AU), League of Arab States, the European Union (EU) and its member states, along with other key countries such as the United States, China, South Africa, and Qatar, should forcefully press Sudan to end the indiscriminate bombing immediately and stop blocking access to aid. They should call on UN Secretary-General Ban Ki-moon to establish a commission of inquiry into violations by both government and rebel forces since the conflict started. Researchers have also received reports of violations by rebel forces, such as indiscriminate shelling of government-held towns, but could not access government-held areas to confirm the reports.

Those responsible for serious crimes should be held to account and subject to targeted sanctions, such as asset freezes and travel bans, Human Rights Watch said. The need for accountability for mass crimes is especially pressing in Sudan, where President Omar al-Bashir; Ahmed Haroun, the Southern Kordofan governor; and Abdulraheem Mohammed Hussein, the current defense minister, are already subject to arrest warrants by the International Criminal Court (ICC) for atrocities committed in Darfur. The ICC prosecutor will brief the UN Security Council on progress on the court's Darfur investigation on December 13.

Indiscriminate Bombing and Attacks

On a research mission to Blue Nile in October 2012, Human Rights Watch found evidence of indiscriminate bombing and shelling since the start of the conflict. (...) In Southern Kordofan, which Human Rights Watch also visited in late October, researchers also found evidence of indiscriminate bombing. (...)

Indiscriminate bombing violates fundamental principles of the laws of war, which require warring parties to distinguish between combatants and civilians at all times, and to target only combatants and military objectives. The bombs used by Sudan are unguided and often dropped from Antonov cargo planes or high-flying jets in a manner that cannot meaningfully distinguish between soldiers and civilians. In Blue Nile in particular, Human Rights Watch found evidence of the use of barrel bombs, which are crude, improvised devices filled with nails and other jagged pieces of metal that become deadly projectiles upon impact. (...)

People with real or perceived links to the SPLM-North risk arrest in government-controlled towns. Dozens of suspected members of the party, which was formally banned in September 2011 when fighting spread to Blue Nile, are in detention in Southern Kordofan, Blue Nile, and elsewhere in Sudan. (...)

### Deepening Humanitarian Crisis

Inside the rebel-held areas visited by Human Rights Watch in both states, researchers found displaced civilian communities sheltering in the bush, or in the hills near boulders and caves, or in other places they had moved for safety. Everyone the Human Rights Watch researchers encountered was surviving on dwindling food reserves and had little or no access to clean water or basic medicines and healthcare.

Sudan has restricted movement into and out of rebel areas and continually denied access to independent humanitarian aid groups seeking to provide food and services, effectively blockading the rebel-held areas. This policy has prevented civilians from accessing medicine and other supplies and personnel, such as doctors or teachers. The clinics and schools the researchers found, some of them damaged by bombing, had been closed or abandoned.

Sudan's bombing and refusal to allow food and aid into the states has pushed more than 200,000 people from these states into refugee camps in South Sudan and Ethiopia. But the camps' close proximity to the border with Sudan, where conflict is ongoing, and the presence of armed soldiers from various armies in and around the camps, continue to pose threats to civilian safety. Refugee women and girls spoke of the continued threat of sexual violence. (...)

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

Read the report, [□](#)

[Under Siege](#)

#### 4. NGOs send letter to United States President on the situation in eastern DRC

10 December 2012

*The following is a letter to United States President Barack Obama regarding the situation in eastern DR Congo. The letter is signed by the Africa Europe Faith and Justice Network; Africa Faith and Justice Network; Atma Foundation; The Enough Project; Falling Whistles; Freedom House; Global Centre for the Responsibility to Protect; Global Witness; Humanity United; Invisible Children; Jewish World Watch; Open Society Foundations; Refugees International; Resolve; and United to End Genocide.*

As the situation once again dramatically deteriorates in eastern Congo, the U.S. response to the crisis has patently failed and is out of step with other Western nations. The United States must take immediate steps to address meaningfully one of the greatest ongoing humanitarian crises of our generation. (...)

##### Silence Regarding Rwanda's Involvement Exacerbating the Problem

(...) While Rwanda has legitimate security and economic concerns, these alone do not justify the repeated violation of DRC sovereignty, the egregious human rights abuses of their armies and proxy forces, and the countless violations of the UN arms embargo. Since the M23 was created in the spring of 2012, U.S. officials continued to place faith in engaging Rwanda in a constructive dialogue. This approach has clearly failed to change Rwanda's policy, as evidenced by the direct involvement of the Rwandan army in the recent takeover of Goma, as documented by the United Nations Group of Experts.

##### Failure to Build Democratic Institutions in DRC

At the same time, the government of DRC has continued to demonstrate an inability to bring security to its eastern regions, largely a consequence of its failure to undertake necessary security sector and governance reforms. (...)

##### ICGLR Process Insufficient for Durable Peace

We welcome the efforts of the International Conference on the Great Lakes Region (ICGLR), and the involvement of regional actors in finding a solution to the crisis. We also recognize, however, that the ICGLR's stopgap approach and reliance on military solutions will not bring sustainable peace to the region. (...)

### *Recommendations*

We strongly recommend that the United States urgently take the following four steps:

#### Appoint a Presidential Envoy

: The Envoy would be a high-level individual with experience and relationships in the region who would be responsible for developing a unified policy toward the regional crisis. Your Envoy would leverage America's economic, political, and military influence to ensure that all parties fully cooperate with an international political process, and also work closely with the proposed UN Envoy.

#### Call for a UN Envoy to the Great Lakes

: The United States should urge the UN to appoint a high-level envoy to lead a credible international political process that addresses the continual cycles of violence and regional interference. This Envoy would work in conjunction with the African Union and other regional and sub-regional stakeholders.

#### Support robust UN Sanctions

: As a responsible supporter of the UN sanctions regime, the United States should push to impose sanctions on all individuals identified in the UN Group of Experts final report, including senior Rwandan government officials, and those individuals and entities supporting criminal networks through the trade in natural resources.

#### Suspend and cut off limited U.S. assistance to Rwanda

: The United States should cut all military assistance and suspend other non-humanitarian aid to the Rwandan government, while publicly condemning Rwanda's support for the M23. Such a step is crucial to encourage all parties to engage constructively in a comprehensive political process.

Absent serious and sustained action, the DRC faces a new period of prolonged violence or even collapse and disintegration. Most importantly, thousands of lives and livelihoods are at stake. In this moment of crisis, the United States has an opportunity to honor not only its values for the respect of human rights and international law but also to meet its interests in the long-term stability of the Great Lakes region.

Read the [full letter](#)

## 5. Mali: Open letter to the members of the UN Security Council

International Federation of Human Rights, Amnesty International, Human Rights, Global Centre for the Responsibility to Protect

5 December 2012

(...) As you consider the authorization of an international military force for Mali, we would like to share our concerns about the possible human rights challenges such a force could encounter if it is not accompanied by the proper safeguards for civilian protection and human rights monitoring capability.

As the United Nations Secretary-General has recommended in his report pursuant to Security Council Resolution 2071 of October 12, 2012, practical measures, such as the deployment of human rights observers, would help mitigate the risk of further abuses being committed while the international force is assisting the Malian armed forces.

Populations in the north of Mali are already suffering violations from combatants on all sides: armed Islamist groups have enforced their interpretation of Sharia law through beatings, amputations, killings, and the destruction of religious landmarks. Separatist Tuareg rebels were responsible for numerous cases of sexual abuse and widespread pillage. Malian soldiers have arbitrarily detained and in many cases tortured and summarily executed alleged rebel collaborators and members of rival military units. All warring factions in the north have committed extrajudicial killings, arbitrary arrests, and looting, and have recruited and used child soldiers.

Because of this challenging environment, we believe that important lessons should be learned from the deployment of the African Union Mission in Somalia (AMISOM). (...)

Although some human rights monitors were eventually deployed as part of the United Nations Political Office for Somalia (UNPOS), their insufficient number and the difficulties they encountered in deploying on the ground meant that the Security Council was unable to rely on them to address allegations of wrongdoings. This undermined the Council's ability to ensure that its engagement was not having an adverse impact on the population. With few independent observers present, Somalia effectively became an accountability-free zone for AMISOM troops

and the various armed actors involved in serious abuses, including the Transitional Federal Government (TFG) and al-Shabaab, as well as many militias.

In fact, since being deployed in 2007, there have been repeated allegations of the use of indiscriminate fire on populated areas by AMISOM troops resulting in numerous civilian casualties. While these laws-of-war violations were widely reported by human rights organizations, AMISOM's leadership denied them until 2011, and troop-contributing countries largely failed to hold their troops accountable. These abuses undermined the support AMISOM received from local populations and thus its capacity to fulfill its mandate.

Compounding the problem in Mali is that an international force would have to conduct operations hand-in-hand with a weak, fractured, and undisciplined Malian army, which contains units and officers implicated in serious abuses. One such example is the Malian government's recent appointment of coup leader Capt. Amadou Sanogo as the head of the army reform committee, despite the alleged implication of forces under his command in extrajudicial killings, torture, and enforced disappearances. This poses a particular threat to the respect for human rights and international law in the context of a UN-supported intervention, as Captain Sanogo would be a natural interlocutor for the UN-backed force.

We therefore welcome the Secretary-General's undertaking to take "immediate steps to strengthen the United Nations presence in Bamako with a strong human rights capacity." We fully support his recommendation that "the deployment of a sufficient number of United Nations human rights observers should be mandated to monitor strict adherence to international humanitarian and human rights law, to advise on ways to mitigate any adverse impact on the civilian population, and to report publicly in this regard." We also support his recommendation that, should the Security Council authorize the proposed African-led International Support Mission for Mali (AFISMA), the Council would need to "play an active role in ensuring the African-led forces and Malian forces engaged in any offensive military operations in the north are held fully accountable for their actions." As mentioned in the Secretary-General's report, "the effective training of military and police personnel of both AFISMA and the Malian forces in their obligations under international human rights, humanitarian and refugee law" will be key.

In the last two years, the UN has developed the Human Rights Due Diligence Policy on UN support to non-UN security forces. This policy was designed precisely to ensure that "UN support cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law." In this regard, we welcome the Secretary-General's recommendation that "any support by the United Nations to AFISMA or the Malian armed forces would have to be provided in strict compliance with the United Nations Human Rights Due Diligence Policy (HRDDP), which is intended to contribute to the protection of civilians while enhancing the effectiveness of non-United Nations security forces that receive United Nations support."

Therefore, consistent with the recommendations in the Secretary-General's report on the situation in Mali, we would urge you to incorporate the following measures into the mandate of any international military operation that the Security Council may adopt to restore the territorial integrity and unity of Mali:

1. Mandate the deployment of a strong and well-staffed team of UN human rights observers alongside the international military force. The human rights component should have adequate

security, logistical, and operational support, and be deployed within the UN peacekeeping budget. The team should monitor adherence to international humanitarian and human rights law, and report publicly and regularly to the Security Council on its findings and recommendations. It should also provide appropriate human rights training to contingents from troop-contributing countries, as well as the Malian armed forces.

2. Include in the mandate of the international force the need to develop rules of engagement that make minimizing harm to civilians and civilian populations a priority during military operations. Recommend that the international force include military lawyers with battlefield experience in the laws of war.

3. Reaffirm in the mandate of the international force that any UN support to the international force or Malian security forces should be subjected to strict vetting procedures as described in the HRDDP.

4. Commit to ensuring that all credible allegations of violations of international human rights and humanitarian law by all parties, including the international force, are promptly, thoroughly, Independently, and impartially investigated in accordance with international law and standards.

Additionally, in the event the Prosecutor of the International Criminal Court (ICC) decides, according to the Rome Statute, to open an investigation in Mali, we urge the Security Council to require the international force to provide the court with full cooperation, including locating witnesses and evidence, effectively safeguarding witnesses, intermediaries, and all others connected with the investigation, and immediately arresting and promptly turning over persons named in any arrest warrants. (...)

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

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## 6. Yemen: Abyan conflict a human rights “catastrophe”

Amnesty International

4 December 2012

A raft of gross and deeply disturbing abuses committed by an al-Qa’ida affiliate and Yemeni government forces during their struggle for the control of the southern region of Abyan in 2011 and 2012 must be the subject of impartial, thorough and independent inquiries, Amnesty International said in a new report out today.

*Conflict in Yemen: Abyan’s Darkest Hour* documents violations of the rules of war during the armed conflict between government forces and Ansar al-Shari’a (Partisans of al-Shari’a), an Islamist armed group affiliated to al-Qa’ida in the Arabian Peninsula.

It also details horrific human rights abuses committed in the governorate of Abyan and other areas in the south of Yemen during the rule of the Islamist group between February 2011 and June 2012, including public summary killings, crucifixion, amputation and flogging. (...)

Ansar al-Shari’a rapidly established control of the small city of Ja’ar in the governorate of Abyan in early 2011, at a time when the Yemeni authorities were brutally repressing protests calling for President Ali Abdullah Saleh to quit.

The armed group successfully attacked government forces and officials, looted banks and seized ammunition, heavy weapons and other military equipment from abandoned Yemeni military and police stations.

It quickly gained territory and by mid-2011 it controlled most towns and villages in Abyan, including the governorate’s capital, Zinjibar.

During its rule, it was responsible for widespread and disturbing human rights abuses including via “religious courts”, set up as part of the organization’s governing structure. These frequently imposed cruel, inhuman and degrading punishments on alleged criminals, suspected spies working against Ansar al-Shari’a and people who transgressed cultural norms, including summary killings, amputations and floggings. (...)

As these events were taking place Ansar al-Shari’a sought to tighten its grip on power through threats, intimidation and the enforcement of a highly repressive social and religious code.

The rights of women and girls in particular came under attack and severe dress codes were imposed, as was a strict separation of the sexes and restrictions at work and in schools. (...)

Almost immediately after Ansar al-Shari’a took control of Abyan and extended its reach to other areas in the south, the Yemeni military launched several attacks to regain control, culminating in a major offensive on 12 May using air power and artillery. By the end of June

2012, government forces succeeded in driving the group out of Abyan and surrounding areas.

The toxic mix of fighting and human rights abuses meant an estimated 250,000 people from the southern governorates, particularly Abyan, were displaced. (...)

Scores of civilians, including children, were killed and many more injured as a result of air strikes and artillery and mortar attacks by government forces.

Yemeni government forces used inappropriate battlefield weapons such as artillery in civilian residential areas. In other attacks government forces appeared to fail to take necessary precautions to spare civilians.

While Ansar al-Shari'a were driven out of the cities and towns they controlled in June 2012, there remains a danger the group will re-emerge and that the armed conflict will resume. **Read**

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**Read the report,**

[Conflict in Yemen: Abyan's Darkest Hour](#)

## [V. Publications and events on RtoP and mass atrocities prevention](#)

### **1. Policy brief: The Organisation of Islamic Co-operation's position on the protection of civilians in armed conflicts**

Ishtiaq Ahmad

Norwegian Peacebuilding Resource Centre

11 December 2012

The protection of civilian Muslim populations in armed conflicts has been a consistent concern of the Organisation of Islamic Co-operation (OIC). However, until the eruption of the recent Libyan conflict, it was reluctant to support international action to this end in a member state.

In recent years the organisation has reshaped its approach towards humanitarian intervention in line with the UN's adoption of the Responsibility to Protect principle, which is why it partnered with the international community to protect the Libyan people from the Qaddafi regime's violent onslaught. The OIC has adopted a similar stance on the Syrian crisis by calling for urgent UN Security Council intervention.

Under an assertive secretary-general, the OIC justifies its newfound proactive approach by referring to member states' legal and moral/Islamic obligations under the OIC Charter and recently adopted summit documents like the Ten-year Programme of Action. However, the OIC opposes the funding and arming of the Free Syrian Army, because it fears that this may only cause even greater loss of civilian lives in Syria.

Read

[full brief](#)

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In addition to the brief above, the Norwegian Peacebuilding Resource Centre has released a series of publications on

*Emerging powers and the protection of civilians*

. See the

[full series](#)

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## 2. How the Two Main Principles for Protecting Civilians Actually Work

Ramesh Thakur

Passblue

10 December 2012

*Ramesh Thakur is the director of the Center for Nuclear Nonproliferation and Disarmament at Australia National University in Canberra. Hugh Breakey and Charles Sampford, from the Institute for Ethics, Governance and Law, contributed to this article.*

A steady rise has been occurring in the last two centuries in the proportion of civilians killed in armed conflict, either from direct violence or conflict-related hunger and disease. The international community has responded to the calls to protect innocent victims by developing two parallel principles, the protection of civilians and the responsibility to protect.

Responsibility to protect (R2P) is an internationally agreed doctrine to protect populations from atrocities, set down at the 2005 World Summit and reaffirmed in later years in several United Nations Security Council resolutions.

Protection of civilians is based on international humanitarian law, stemming primarily from the fourth Geneva Convention of 1949. Over the last few decades, this norm has developed robustly through the established practices, decisions and procedures of the UN Secretariat, the Security Council, peacekeepers and humanitarian agencies.

By contrast, as the Security Council-approved intervention last year in Libya showed, R2P remains a topic of debate and controversy. Because protection of civilians is markedly less contentious, its advocates and practitioners fear contagion from the more politicized R2P. Hence a need for a detailed and nuanced explanation as to how the two principles are alike and different.

On some points, the explanations are straightforward. While protection of civilians, for example, applies to discrete acts of violence against individuals, R2P has a much narrower scope, applying to mass-atrocity crimes only. While peacekeeping operations have an explicit focus on protecting civilians, they can also be important in R2P action. Atrocity crimes are often performed by rebel groups or state-sponsored militias, and peacekeepers can respond to both factions.

Contrary to common perception, however, protection of civilians is not restricted to armed conflict, as defined by international humanitarian law. (...)

Broad protection of civilians (...) is a policy framework used by UN and other peacekeepers, the Security Council, the UN Secretariat and humanitarian agencies. These protection players aim to contribute positively to the protection of civilians in situations of widespread, grave and lawless violence that have not reached the threshold of armed conflict. Syria in late 2011 was such a case, although it has tipped into full-fledged civil war.

Another common mistake is claiming that protection of civilians is a legal concept, while R2P is political. (...)

R2P and broad protection of civilians are both rooted in, but extend beyond, legal principles. The four R2P atrocity crimes — war crimes, crimes against humanity, genocide and ethnic cleansing — have legal definitions in the 1998 Rome Statute (which governs the International Criminal Court) and the 1948 Genocide Convention. (...)

Like R2P, broad protection of civilians draws on the law but extends beyond its strict requirements. The positive duties of peacekeepers to protect civilians are not dictated by international law. So, too, the Security Council has great discretion over the coercive measures it can take to protect civilians and the situations in which it may deploy troops. (...)

Moreover, it is mistakenly believed that protection of civilians, unlike R2P, is always impartial, neutral and apolitical. R2P is comparatively more sensitive, as the presence of atrocities implies a perpetrator that may need to be identified and confronted. (...)

Finally, many hold that peacekeepers, humanitarian and human-rights workers may perform specific atrocity-prevention efforts, but it is better not to refer to these as R2P activities. We agree that in some situations, needless controversy may arise by referring to atrocity prevention as R2P. The systematic avoidance, however, of R2P language by those engaged in protecting civilians would result in the doctrine referred to as military intervention only.

This stance would neglect efforts to rebuild a country's institutions and provide international help to prevent atrocities. It would also produce a self-fulfilling collapse of R2P into coercive military intervention, ignoring its many major contributions to building a nation's capacity to exercise its sovereignty with responsibility.

**Read**

[full article](#)

### **3. Improving Mass Atrocities Prevention: Guidelines for Effective and Legitimate Implementation of the Responsibility to Protect**

Lars Brozus

German Institute for International and Security Affairs

December 2012

The international community is divided over the proper interpretation and implementation of the responsibility to protect (R2P). This division contributes to the lack of collective action with respect to the situation in Syria, where mass atrocities are being committed regularly. In order to build a consensus about an appropriate prevention strategy, the concerns that were raised by some states about the illegitimate use of R2P in the case of Libya have to be addressed. These concerns focus on issues such as (1) the relation between R2P and regime change, (2) the need for enhanced accountability of the mandate-taker towards the mandate-giver and (3) the role of regional organisations. Improving the legitimacy and effectiveness of mass atrocities prevention requires a clear, consistent and convincing set of guidelines. These guidelines should be jointly developed with emerging democracies such as Brazil, India and South Africa.

Read

[full publication](#)

#### **4. Deconstructing Prevention: The Theory, Policy and Practice of Mass Atrocity Prevention**

Benjamin N. Cardozo School of Law Program in Holocaust, Genocide and Human Rights Studies and the Auschwitz Institute for Peace and Reconciliation

26 February 2013, 9:00 am – 6:15 pm

Cardozo School of Law, Jacob Burns Moot Court Room, 55 Fifth Avenue, New York, NY

Over the past decade, the prevention agenda has expanded to include conflict prevention, protection of civilians, genocide prevention, atrocity prevention, transitional justice, and the Responsibility to Protect. While this expansion is welcome, it does not come without its challenges. The rapid growth in policy response and civil society advocacy has left little time for critique and self-reflection. The prevention field's underlying assumptions and goals have remained for the most part under-examined and under-theorized. This conference seeks to reveal an understanding of atrocity prevention, defining its parameters and rationalizing its relationship to related disciplines and agendas. It will result in an edited volume serving as an authoritative work on the state of the field of prevention.

*The conference, presented by the Auschwitz Institute for Peace and Reconciliation and the Benjamin Cardozo School of Law Program in Holocaust, Genocide and Human Rights Studies, will feature keynote speaker, Lt. Gen. (ret) Roméo Dallaire, a Canadian Senator, as well as four panels on the UN Office on the Prevention of Genocide and the Responsibility to Protect: An Evolving Institution; Transitional Justice and Genocide Prevention; Crisis Mapping, Technology, and Genocide Prevention; and Organizing Government to Prevent Genocide.*

*Conference partners include the Carnegie Council for Ethics in International Affairs and the Institute for the Study of Genocide. The conference is free and open to the public.*

See the

[conference program and speakers](#)

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, or call

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