

R2PCS Listserv

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Responsibility to Protect Engaging Civil Society

Web: www.responsibilitytoprotect.org

Email: info@responsibilitytoprotect.org

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I. Commemoration of the Anniversary of Genocide in Rwanda

1. United Nations Has Moral Duty to Act on Lessons of Rwanda, Says Secretary-General in Message to Mark Fourteenth Anniversary of 1994 Genocide
UN Department of Public Information
4 April 2008

Following is the text of UN Secretary-General Ban Ki-moon's message on the fourteenth anniversary of the genocide in Rwanda, to be observed on 7 April:

Earlier this year I visited the Genocide Memorial in Kigali. The experience was as harrowing as my first visit to Rwanda two years earlier, and being there as Secretary-General of the United Nations carried even more profound meaning for me. It was impossible to pass through those halls and not be affected -- indeed, shaken to the core -- by what the Rwandan people endured.

On this fourteenth anniversary of the genocide, my thoughts again go to the victims -- more than 800,000 innocent people who lost their lives. May they rest in peace. My thoughts go to the survivors. May their courage and resilience serve as an inspiration to all of us.

The United Nations has a moral duty to act on the lessons of Rwanda. That is why this day is also a call to bolster efforts to prevent another genocide. It is a cause I am resolved to pursue, in my time as United Nations Secretary-General and in the years beyond. I have created the full-time position of Special Adviser for the Prevention of Genocide and appointed a Special Adviser with a focus on the **responsibility to protect** -- the obligation accepted by all States to act collectively, through the Security Council, when a population is threatened with genocide, ethnic cleansing or crimes against humanity. I will spare no effort in working with Member States to translate this principle from words to deeds.

I am equally determined to work for human rights everywhere -- to uphold them, protect them, defend them, ensure that they are a living reality. This year, to mark the sixtieth anniversary of the Universal Declaration of Human Rights, the United Nations is pursuing a global awareness campaign to ensure that human rights are known, understood and enjoyed by everyone, everywhere. It is often those who most need their rights protected, who also need to be informed that the Declaration exists -- and that it exists for them.

In all these endeavours, each one of us has a role to play: Governments, the media, civil society and individuals. May the searing memory of the genocide in Rwanda always spur us on in our mission.

UN Secretary-General's Statement available at:

<http://www.un.org/News/Press/docs/2008/sgsm11495.doc.htm>

2. Working to Prevent Genocide

The Toronto Star

Louise Arbour

8 April 2008

Every April for the past 13 years, the international community has commemorated the anniversary of the genocide in Rwanda with a mixture of shame, contrition and solemn pledges not to let this most heinous of crimes happen again.

(...) [The] legal responsibility of states to hold perpetrators of genocide individually accountable is now finding multiple venues, from the ad hoc and special international tribunals created by the Security Council, to the treaty-based International Criminal Court, to the exercise of universal jurisdiction by national courts.

The equally vital obligation to prevent genocide needs to attain comparable rigour. To this end, the UN secretary-general has appointed a special adviser to collect information on massive and serious violations of human rights that could lead to genocide, and to enhance the capacity of

the UN to analyze and manage information relating to this crime. The special adviser also liaises with other UN partners to better co-ordinate preventive activities.

To further bolster such prevention capacity, in 2006 the secretary-general appointed seven experts who provide support to the special adviser and contribute to the broader efforts of the UN to prevent genocide.

These initiatives represent important steps in the right direction. But I believe that more can and must be done to bolster our institutional capacity of prevention by directly anchoring such capacity into the genocide treaty.

(...) Properly designed, a monitoring mechanism could provide an authoritative early warning of situations at risk of degenerating into genocide. Such situations are almost invariably preceded and characterized by a discernable escalation of systematic or gross violations of human rights.
(...)

UN High Commissioner for Human Rights editorial is available at:
<http://www.thestar.com/columnists/article/411149>

II. Crisis in Zimbabwe

1. ZANU-PF Plans Wide-Scale Attack in Zimbabwe's Rural Areas

Legalbrief Africa

10 April 2008

As credible reports come to light of planned attacks on Zimbabwe's rural communities by ZANU-PF aligned forces, the Southern Africa Litigation Centre (SALC) reiterates that senior Zimbabwean security officials can be held liable under international law for orchestrating such acts of violence.

It also calls on regional and international leaders to uphold the **responsibility to protect** doctrine by taking every necessary measure to stop such violence. (...)

SALC's sources have also provided it with a detailed list of names of those officials tasked with orchestrating the attacks. 'The level of detail in the information provided names, dates, numbers,' says Fritz, 'speaks to a state-sponsored, pre-planned attack on Zimbabwe's civilian population, indicating the commission of crimes against humanity.'

'From the list of names we've received, it appears that those individuals in most senior positions of authority are the same senior officials we've cited in our dossier submitted to the National Prosecuting Authority and whom we allege are responsible for crimes against humanity for

systematic acts of torture.'

The principle of command responsibility under international criminal law means that superiors will be held responsible for criminal conduct of subordinates for failing to prevent such conduct. And subordinates cannot escape responsibility by claiming the defence of superior orders.

'In the face of reports of such impending attack, the international and regional community have a heightened responsibility' says Fritz. 'The **responsibility to protect** doctrine, unanimously adopted by heads of state and government at the UN's world summit in 2005 requires that where a population is suffering serious harm as a result of repression and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international **responsibility to protect**.'

Source:

<http://www.legalbrief.co.za/article.php?story=20080410130218780>

2. Zimbabwe: World Has **Responsibility to Protect**

SW Radio Africa

9 April 2008

Namibia's National Society for Human Rights (NSHR) calls upon the international community, led by the United Nations, to take urgent and appropriate measures in order to prevent the current Zimbabwean situation from unraveling and cascading into a crisis with unforeseeable consequences for human security in that country.

"We are increasingly becoming gravely disturbed by reports out of Zimbabwe on the intensification of hostile posturing and other belligerent activities by pro-Mugabe paramilitary groups, on the one side, and, on the other side, by the systemic crackdown on media workers and associated civil society actors. This state of affairs suggests that President Mugabe is intent on embarking on a wholesale assault on the population while at the same time ensuring that this does not become known to the international community", warned NSHR executive director, Phil ya Nangoloh, in the Namibian capital, Windhoek, this morning.

As envisaged in the 2005 World Summit Outcome Document of the United Nations, the international community has the prime **responsibility to protect (R2P)** populations from imminent and massive human rights abuses and other humanitarian crises, such as genocide, war crimes, ethnic cleansing and crimes against humanity.

R2P

is a new international doctrine obliging the international community to intervene in order to prevent gross human rights abuses once a State fails in its duty to protect and shield its own population from grave breaches of international law.

Hence, as an early warning signal, NSHR is calling upon the international community to intervene now in Zimbabwe before it is too late.

Governments should no longer be allowed to hide behind the citadel of the waning doctrine of sovereignty and non-interference merely to shield perpetrators from punitive measures. Since the Matabeleland massacres in early 1980s, it has increasingly become clear that the government of Zimbabwean President Mugabe has become a danger to human security in all material aspects and respects.

(...) NSHR welcomes the fact that UN Secretary-General Ban Ki-moon on April 7 2008 had already expressed concern that the Zimbabwean electoral authorities had failed to release the results of the recent presidential election. Secretary-General Ban Ki-moon had called upon the Zimbabwe Electoral Commission (ZEC) to discharge their responsibility and release the results expeditiously and with transparency.

"However, as a concerned African civil society actor, we are very stunned by the deafening silence on the part of our own SADC and AU mechanisms in the face of impunity on the part of President Robert Mugabe and his cabinet contrary to the principles consecrated in NEPAD and the AU Constitutive Act. Where is our own Africa?" asked ya Nangoloh.

NSHR is, nevertheless, very encouraged by media reports this morning that South Africa's ruling ANC President Jacob Zuma has criticized the delay in publishing the results of presidential elections in Zimbabwe. Zuma lamented ZEC's failure to announce the election results and reportedly pointed out that the current Zimbabwean situation has become an international issue".

"If the failure by the international community to prevent the 1994 Rwandan genocide, despite clear indications to that effect, was not a good enough reason to trigger the international community into action, then no clearer indications of imminent violence in Zimbabwe would", noted ya Nangoloh.

Press release available at:

<http://www.swradioafrica.com/pages/protect090408.htm>

See more on the call of the opposition in Zimbabwe to stop the bloodshed at:

<http://www.guardian.co.uk/world/2008/apr/09/zimbabwe.southafrica>

III. Related Reports

1. Conference Report, March 2008: The **Responsibility to Protect** and the International Criminal Court: America's New Priorities

The March 2008 conference report, "The **Responsibility to Protect** and the International Criminal Court: America's New Priorities," focuses on the ways the

Responsibility to Protect

Doctrine (

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) can be advanced with greater American participation in the International Criminal Court (ICC).

The report considers the judicial element of the

Responsibility to Protect

doctrine as well as the development of an international framework to empower the International Criminal Court with a mechanism to enforce its judgments.

For more information, please visit:

http://www.law.northwestern.edu/humanrights/R2PICC_report.pdf