

Statement by Navanethem Pillay, High Commissioner for Human Rights, at the Open Debate of the Security Council on Protection of Civilians in Armed Conflicts, delivered by Ivan Šimonović, Assistant Secretary-General for Human Rights, 25 June 2012, New York

Mr. President,  
Distinguished Members of the Security Council,  
Excellencies,  
Ladies and Gentlemen,

I appreciate this opportunity to deliver to the Security Council, on behalf of the High Commissioner for Human Rights, her statement on protection of civilians in situations of armed conflict.

Statement by the High Commissioner

Mr. President,  
Distinguished Council Members,

For the purposes of today's debate, I would like to focus on the issue of accountability in the context of the Secretary-General's report, and to highlight some key examples from specific country situations to illustrate practical ways in which the protection of civilians can be strengthened.

Despite efforts to restore calm in Syria, the situation deteriorates relentlessly. The Government of Syria has the obligation to ensure that civilians are adequately protected. Its use of heavy weapons and indiscriminate shelling of civilian areas cannot be justified and must cease immediately. These attacks may amount to crimes against humanity and other international crimes. Both Government and opposition forces have been involved in actions which have harmed civilians. Those responsible must be held accountable, including for attacks against United Nations observers. I reiterate my call for the Security Council to refer the case of Syria to the International Criminal Court. A prompt referral would serve to remind the actors in Syria that they will be held to account for their failure to abide by international human rights and humanitarian law and protect civilians. The international community must assume its responsibilities and act in unison to prevent further violations. Actions that directly contribute to escalating the violence, such as providing arms, can only result in more civilians being killed and injured.

Mr. President,

Commissions of inquiry are important mechanisms for promoting accountability for serious violations of international human rights and humanitarian law where national authorities fail to take appropriate action. The Commission of Inquiry on Syria continues its work under its mandate from the Human Rights Council. I welcome the Security Council's increased practice of referring to the findings of commissions of inquiry established by other bodies. This Council can play an important role in enhancing the impact of the work of commissions, by requesting States and other actors to cooperate with them, making more consistent use of the information and analysis they produce, ensuring the protection of persons who cooperate with them and indeed by establishing them itself. Justice and protection of victims can be advanced by supporting the implementation of their recommendations and considering specific follow-up actions aimed at ensuring accountability. My Office stands ready to assist the Council in this area.

Mr. President,  
Distinguished Members,

As this Council considers further responses to the situation in Syria, it is worth looking at measures that have been taken to strengthen the protection of civilians in situations where more robust international action has been mandated.

USG Amos has already referred to the Civilian Casualty Tracking Analysis and Response Cell to be established in Somalia by AMISOM. In Afghanistan, where conflict-related violence continues to exact a heavy toll on the civilian population, especially women and children, a civilian casualty mitigation mechanism by the International Security Assistance Force (ISAF) is being used to track incidents in which international forces have been responsible for civilian deaths and injuries. Such mechanisms can be an effective means to document incidents that result in civilian casualties, to launch investigations and to provide remedies to some victims. My Office is advocating for the creation of a similar mechanism within the Afghan security forces as an effective means of increasing civilian protection and accountability during the transition to full Afghan control of security. This would allow the Afghan forces to perform accurate, professional and timely investigations into all incidents of civilian casualties caused by them and reduce re-occurrences.

Mr. President,

Enhancing accountability requires a strong and sustained commitment from the United Nations itself to ensure that human rights lie at the heart of its activities. The Human Rights Due Diligence Policy on United Nations Support to non-UN security forces is an example of the UN taking its responsibilities seriously in this regard. It seeks to ensure that the Organization does not provide support to security forces involved in serious human rights violations, and acts to reduce the risk of violations.

In the Democratic Republic of the Congo (DRC), the implementation of the due diligence policy has led to some tangible improvements in the behaviour of FARDC troops. The United Nations Joint Human Rights Office supports the implementation of the policy through a Profiling Project, created in 2010, to identify and profile individuals in the security services allegedly responsible for violations of international humanitarian and human rights law. The information gathered on alleged perpetrators in the DRC security services provides a key tool to assess risks of violence against civilians.

In South Sudan, the mission today released a report on the the shocking armed attacks on Lou Nuer and Murle communities which took place in Jonglei State in December 2011 and January 2012. The report speaks about brutal killings of men, women and children - some of them by machete. It speaks about abductions of women and children, and calls for their immediate release, for accountability and for strengthening of the justice system. In March, to tackle the preponderance of small arms in these communities and the likelihood of retaliatory violence, the Government launched a programme to disarm civilians in Jonglei. Concerned about the protection risks associated with forced disarmament, UNMISS persuaded the Government to embark upon a voluntary disarmament exercise conducted with cooperation from community leaders. Integrated Monitoring Teams (IMTs), often led by human rights officers, have undertaken more than 60 missions to the areas where disarmament is taking place to monitor conduct of the process by South Sudanese forces.

With this disarmament programme underway in South Sudan, let me join the calls made today for adoption of a global Arms Trade Treaty. The supply of weapons to conflict zones is directly harming civilians, and the effort to address this problem is key to strengthening the protection of civilians around the world.

Mr. President,

There are a number of other country situations that continue to concern us. Israel's illegal blockade of the Gaza Strip has been in place for five years and has led to severe restrictions of basic rights such as to access to food, health care and education. More than half of Gaza's 1.6 million people are children. Protecting civilians in Gaza requires that Israel lift its blockade. It also requires that all sides distinguish between combatants and civilians and avoid provocations, such as border incursions and targeted killings, which too often lead to destruction, injury and death, as witnessed over the past week.

I am seriously concerned by the reported deaths and injuries of civilians resulting from counter-terrorism operations carried out in Yemen, but also in Pakistan and Somalia. Many of these casualties have resulted from the use of armed drones. I share the concern expressed by the Secretary-General with respect to the lack of transparency regarding the circumstances in which armed drones are used.

Mr. President, let me conclude.

The human rights monitoring and protection work undertaken by the United Nations is essential to safeguard civilians in armed conflict and elsewhere. I urge the Council to continue to include explicit provisions on protection and accountability in its resolutions. Where missions receive monitoring and other human rights mandates, they should be given the necessary material and personnel resources to carry out their duties effectively. The vast terrain and security environment in which they are often deployed may require helicopters and armoured personnel carriers. Appropriate human rights training should be provided to all peacekeepers to equip them for their duties. The United Nations should also consider making greater use of new technologies, such as satellite imagery, in the protection of civilians. It is our responsibility to protect the lives of civilians using every tool available to us.

Thank you.