

NEWS

Rights chief seeks end to impunity for war crimes

Irish Times

THE experience of growing up and beginning her work as a human rights advocate in apartheid South Africa has never left Navi Pillay. It is an experience that deeply informs her work as the United Nations high commissioner for human rights.

"I can never separate myself from what somebody who is violated feels like, because that experience is real to me," the former South African judge says during a visit to Dublin.

"I will always be very close to and identify with the plight of victims. I would not be attracted to what is expedient, strategic or politically correct – that is what my experience has taught me."

Her predecessor, Louise Arbour, was vocal in her criticism of how measures taken by the Bush administration and other governments to combat terrorism since the September 11th, 2001, attacks had damaged the human rights agenda. Pillay notes that the Obama administration has proved more supportive.

"Both from the statements and actions from the current US administration, there is a clear demonstration of a commitment to protect human rights and to restore standards that are respected universally," she says.

The decision by the Obama administration to reverse a Bush-era boycott of the UN Human Rights Council (HRC), despite "propaganda which portrayed the council as biased and a venue for bashing Israel", was, Pillay says, of great significance.

The HRC has, through the introduction of new review structures, done much to overcome the poor reputation of its forerunner, the Human Rights Commission.

"Member states take charge of each other's human rights record and 80 states have already been reviewed on the same criteria applicable to all states," Pillay says. "I'm not saying that it is going perfectly, I'm saying that this is a good mechanism."

Pillay praises Ireland's support for a recent UN resolution calling for investigations into allegations that war crimes were committed during the January conflict in Gaza. "I agree with Ireland's reasoning that the call for investigation is a legitimate call.

"If someone robs you on the street, you want an investigation,

an identification of the suspect and a prosecution. Where societies have taken that route – my country's truth and reconciliation commission, for instance – you find that there has been a management of the passions that arise from victims' calls about injustice."

Pillay stresses the importance of the Goldstone report on the Gaza conflict – which prompted the UN resolution – because it is grounded in international law.

"Whatever the justification to go to war is, you cannot use disproportionate violence and you cannot target civilians," she says.

Pillay has also called for an inquiry into alleged human rights violations committed during the conflict in Sri Lanka. "It is time for all states to remind themselves of the principle of accountability to which we all subscribe to . . . we want to end impunity for serious crimes. I have called for an international investigation because that is what I have been doing for all situations such as this – it is not just Sri Lanka. And the absence of such an inquiry means that I must continue making such calls."

The human rights situation in Iran, generally and in relation to the crackdown on post-election protests in June, is also a matter of concern. "We have written to the government asking them to protect the right of protest and the right of free speech," Pillay says. "We are watching those trials and we are appalled at the severity of the sentences."

How has Tehran responded? "That it is subject to the judicial process, that it is in the hands of the judges. But of course it is a matter of concern that they are continuing to suppress protest."

Pillay has highlighted the impact of economic, financial and climate change crises on human rights, and she has drawn attention to the issue of caste-based discrimination which, she notes, affects 250 million people.

The challenges presented by the changing nature of modern warfare also weigh heavily. Last month a UN human rights investigator warned the US that its use of drones to target militants in Pakistan and Afghanistan may violate international law.

"Maybe it is time to go back and revisit the Geneva Convention to see whether its provisions cover the way modern wars and conflicts are being conducted," says Pillay.



Computer games that simulate war allegedly also customise players to the commission of war crimes

War crimes in games astonishing

HUMAN rights groups are calling upon developers and publishers to address the way war crimes are portrayed in video games.

Two Swiss organisations carried out a study to see if conflicts portrayed in games – and the players' actions in these situations – broke humanitarian laws that define war crimes.

The study, "Playing By the Rules" was undertaken by Pro Juventute, a Swiss children's rights group, and Track Impunity Always (TRIAL), which is concerned with international criminal justice. Staff played the games in the presence of lawyers skilled in the interpretation of humanitarian laws.

Their report provides a legal

analysis of the conduct enabled by the games.

The study condemned the games for violating laws by letting players kill civilians, torture captives and wantonly destroy homes and buildings.

It said game makers should work harder to remind players about the real world limits on their actions.

The groups analysed over 20 games, including Army Of Two, Battlefield Bad Company, COD4: Modern Warfare, Far Cry 2 and Rainbow Six: Vegas, according to the BBC.

While the study acknowledged some games punish the killing of civilians and reward players that minimise the damage

of each conflict, it condemned those that let gamers kill innocent people, torture captives and destroy homes and buildings.

"The practically complete absence of rules or sanctions is... astonishing," the study said, adding that these titles were sending an "erroneous" message by depicting conflicts and counter-terrorist operations without limits or consequences for misconduct and war crimes.

The authors said: "[We] call upon game producers to consequently and creatively incorporate rules of international humanitarian law and human rights into their games."

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UN denies complicity in Congo

THE UN head of peacekeeping in the Democratic Republic of the Congo this month rejected accusations that the organisation is complicit in war crimes. Congolese troops allegedly committed in an offensive against the Democratic Forces for the Liberation of Rwanda (FDLR).

Alan Doss, the head of the mission in Congo (Monuc), said such charges misrepresented the UN force's role and risked undermining efforts to help the Congolese government end the people's suffering.

Monuc has come in for strong criticism from human rights and aid groups for providing operational and logistical support for an army offensive, Kimia II, against Hutu militias from neighbouring Rwanda.

UN forces have provided military firepower, transport, rations and fuel for government troops as they seek to disarm the militias.

Human Rights Watch called on Monuc immediately to sus-

pend its support to the Congolese army or risk being implicated in further atrocities.

Human Rights Watch said it had documented the deliberate killing of at least 270 civilians in a remote part of North Kivu province since March, when the offensive began.

Most of the victims were women, children and the elderly, it said.

"Some were decapitated. Others were chopped to death by machete, beaten to death with clubs, or shot as they tried to flee."

According to Human Rights Watch, army soldiers have killed a total of at least 505 civilians from the start of Kimia II to September.

Other groups, such as Oxfam, have described the human cost of the attempt to defeat the FDLR as "unacceptable and disproportionate to the results it has achieved".

Eastern Congo has been ravaged by war and conflict since the

1990s, when perpetrators of the genocide in Rwanda fled across the border and local guerrillas and foreign armies battled for control of lucrative mineral deposits.

Doss, who spoke at the Royal United Services Institute think tank in London, acknowledged the moral and practical dilemmas involved in supporting an army that is frequently accused of human rights violations.

"By extension, any Monuc support for the FARDC [Forces Armées de la République Démocratique du Congo] is criticised as condoning such abuse," Doss said.

"And yet I believe that the women and the children of eastern Congo would probably suffer more should we give up and walk away from the FARDC."

Doss pointed out that Monuc's support for the army was not without preconditions, and that it had made clear that, where there

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