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To: The President of the UN Security Council
UN Ambassadors of States within the Security Council
Governments represented on the UN Security Council
Governments of Coalition forces involved in Libya
The Secretary General of the United Nations
The Secretary General of the Arab League
The Chairman of the African Union Commission

April 9th 2011

Casualty Recording in the Libya Conflict

We, the undersigned organisations, call on all parties to the armed conflict in Libya that, along with exercising every possible restraint in their conduct of military operations, they commit to recording and reporting on the civilian casualties of conflict from military operations in that country.

We define this as the immediate and comprehensive monitoring and documentation of all civilian casualties – whether children, women, or men who have been killed, injured, displaced, or who are missing. Monitoring should be done using all means presently available and be followed-up by full on-the-ground, incident-level investigations as soon as is feasible. We further urge that the mechanisms employed be transparent and open to public scrutiny, in particular to Libyans.

As a key element of humanitarian protection obligations, as well as the accountability that underpins good governance, whether by domestic parties to conflict or international state actors, it is of the utmost importance that civilian casualties are carefully and conscientiously monitored in any military action. This remains equally true when military intervention is proposed to protect civilians from further harm. Credible information on the nature and extent of civilian casualties is a crucial means by which to guide and to assess the efficacy of such interventions, including any operational precautions taken to minimise harm to civilians.

The UN Security Council Resolution 1973 on Libya passed on the 17th of March 2011 expresses “grave concern” at “heavy civilian casualties” in that country, asserts that its purpose is the protection of civilians, and demands a “complete end” to violence against them. Given its objectives and its implementation, SC Resolution 1973, by its own terms, requires a full and thorough investigation of its consequences for civilians.

Detailed monitoring and documentation of civilian casualties is also central to investigations into accountability as well as possible violations of international human rights and humanitarian law – which are also objectives in both SC Resolutions 1970 and 1973. This accountability applies to all parties to the armed conflict, including the Libyan armed forces under Muammar Gaddafi, Libyan opposition armed forces, and state armed forces acting under SC Resolution 1973.

A commitment to monitoring and fully documenting casualties would therefore be in accordance with, and of benefit to, the goals expressed in both SC Resolutions 1970 and 1973, as well as

being consistent with the general principle of responsibility to protect. Specifically, it would safeguard:

Accounting for violence against civilians

- 'Stressing the need to hold to account those responsible for attacks, including by forces under their control, on civilians...' (SC Res. 1970)

Compliance with the international legal regime

- 'Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity.' (SC Res. 1970)
- 'Demands that the Libyan authorities comply with their obligations under international law, including international humanitarian law, human rights and refugee law and take all measures to protect civilians...' (SC Res.1973)

Accountability of Intervention

- 'Authorizes Member States... to take all necessary measures... to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya...' (SC Res. 1973)

It should also be noted that the present lack of credible data on civilian casualties is compromising effective planning of a humanitarian response. Thus, thorough monitoring and documenting of casualties will serve the dual purpose of fulfilling those objectives built into SC Resolutions 1970 and 1973, whilst also informing humanitarian efforts when feasible.

The undersigned believe that the protection of civilians, which is an expressed goal of SC Resolution 1973, must be underpinned by a commitment from the parties to the conflict to reliable monitoring of the impact on civilians – monitoring which can only be achieved through the resolute and robust recording of casualties.

References:

UNSC 1970:

<http://www.un.org/News/Press/docs/2011/sc10187.doc.htm>

UNSC 1973:

<http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>

Signatories follow on next page

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