



International Institute of Humanitarian Law
Institut International de Droit Humanitaire
Istituto Internazionale di Diritto Umanitario

in co-operation with



INTERNATIONAL COMMITTEE OF THE RED CROSS
COMITÉ INTERNATIONAL DE LA CROIX-ROUGE
COMITATO INTERNAZIONALE DELLA CROCE ROSSA

***4th ROUND TABLE ON CURRENT ISSUES
OF INTERNATIONAL HUMANITARIAN LAW***

***“DEPRIVATION OF LIBERTY AND ARMED CONFLICTS:
EXPLORING REALITIES AND REMEDIES”***

SANREMO, 6-8 SEPTEMBER 2018

DRAFT PROGRAMME

as of 16 August 2018

Wednesday 5 September

16.00 – 17.45 REGISTRATION
18.00 – 19.00 WELCOME COCKTAIL

Thursday 6 September

08.30 – 09.00 REGISTRATION
09.00 – 10.45 OPENING SESSION

WELCOME ADDRESS

- Alberto Biancheri, Mayor of Sanremo

INTRODUCTORY REMARKS

- Fausto Pocar, President, International Institute of Humanitarian Law (IIHL)
- Helen Durham, Director of Law and Policy, International Committee of the Red Cross (ICRC)
- Representative of the Ministry of Foreign Affairs and International Cooperation of Italy

CONFERENCE HIGHLIGHTS

Video message by Peter Maurer, President of the ICRC

KEYNOTE ADDRESS

Between international humanitarian law, human rights law and standards: challenges in conducting detention operations in non-international armed conflicts

- Steven Hill, Legal Adviser and Director of the Office of Legal Affairs at NATO

SESSION I
11.15 – 12.45

SETTING THE SCENE: THE HUMANITARIAN AND LEGAL CHALLENGES

Chair: Benoît D’Aboville, Vice-President, Foundation for Strategic Research and Policy; former Permanent Representative of France to NATO; Council Member, IIHL

- *The human cost of detention, in particular, in States affected by armed conflict: the physical, psychological and societal consequences of deprivation of liberty*
Ana Racu, Member of the Committee Against Torture
- *Humanitarian challenges in contemporary armed conflicts: an operational overview*
Laurent Saugy, Protection Coordinator, ICRC
- *Contemporary challenges when applying IHL and IHRL to protect persons deprived of their liberty in relation to armed conflict, in particular NLAC*
Blaise Cathcart, former Judge Advocate General, Canadian Armed Forces
- *Legal and operational challenges posed by deprivation of liberty during extraterritorial military operations: a (European) state perspective*
Camille Faure, Deputy Director, Department of Legal Affairs, Ministry of Defence of France

SESSION II
14.00 – 15.30

***THE LEGAL BASIS FOR DEPRIVATION OF LIBERTY
IN TIMES OF ARMED CONFLICT***

Chair: Marie Jacobsson, Ambassador, Principal Legal Adviser on international law, Ministry of Foreign Affairs of Sweden; Council Member, IIHL

- *Argument in favour of IHL providing a legal authority for deprivation of liberty in relation to NLAC*
John Swords, Head of Operational and International Humanitarian Law Division, Ministry of Defence of the United Kingdom
- *Argument against IHL providing a legal authority for deprivation of liberty in relation to NLAC*
Lawrence Hill-Cawthorne, Associate Professor of international law, University of Reading

SESSION III
16.00 – 18.00

***PREVENTING ARBITRARY DETENTION: GROUNDS AND PROCEDURES
FOR DEPRIVATION OF LIBERTY IN TIMES OF ARMED CONFLICT***

Chair: Bakhtiyar Tuzmukhamedov, Member of the Committee Against Torture; Vice-President of the Russian Association of International Law; Member, IHL

- *Grounds and procedures for deprivation of liberty in times of IAC and in NIAC – existing law and policy proposals*
Jelena Pejic, Legal Adviser, ICRC; Member, IHL
- *Protecting individuals from arbitrary detention in ‘anti-terrorism’-operations: a State experience*
Abdoulaye Kaka, General of the Police and Head of the Central Counterterrorism Agency in Niger
- *Analysis of a practical case: the legal framework for deprivation of liberty in the context of screening operations in times of NIAC*
Chris Jenks, Director of the Criminal Clinic and Associate Professor of Law, SMU Dedman School of Law; Member, IHL

Friday 7 September

SESSION IV
09.00 – 10:30

ENSURING HUMANE TREATMENT AND CONDITIONS OF DETENTION

Chair: Nils Melzer, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Member, IHL

- *Adequate conditions of detention and the protection of vulnerable groups, during armed conflicts*
Jes Rynkeby Knudsen, Chief Legal Adviser of the Defence Command, Ministry of Defence of Denmark
- *Which steps does it take to ensure humane treatment and provide humane conditions of detention in the early stage of detention? A State’s experience*
Javier Alberto Ayala Amaya, Head of the Legal Department, Colombian Armed Forces
- *Humanitarian consequences of overcrowding and legal responses in times of armed conflict*
Piera Barzanò, Senior Interregional Adviser, United Nations Office on Drugs and Crime (UNODC)

SESSION V
11.00- 12.30

***SPECIFIC CHALLENGES I:
DETENTION AND DETAINEE TRANSFERS IN MULTINATIONAL OPERATIONS***

Chair: Giorgio Battisti, Lt. General (ret.), former Commanding General of the Italian Army Training and Doctrine Command; Council Member, IIHL

- *Deprivation of liberty and detainee transfers in joint military operations: operational challenges*
Pascale Tetu, Legal Adviser, Ministry of Defence of France
- *Implementing the legal framework relating to the deprivation of liberty by peacekeeping forces: a practical example*
Stéphane Wohlfahrt, United Nations Office of Legal Affairs (UNOLA)
- *Detainee transfers under IHL of IAC and under IHL of NIAC*
Tilman Rodenhäuser, Legal Adviser, ICRC

SESSION VI
14.00 – 15.30

SPECIFIC CHALLENGES II: DETENTION BY NON-STATE ARMED GROUPS

Chair: Yoram Dinstein, Emeritus Professor, University of Tel Aviv; President of the United Nations Association of Israel; Council Member, IIHL

- *Deprivation of liberty by non-State armed groups in practice*
Hichem Khadhraoui, Head of Operations, Geneva Call
- *Which legal framework applies to deprivation of liberty by non-State armed groups and do they address the particular challenges when detention is conducted by non-State armed groups?*
Katharine Fortin, Assistant Professor, University of Utrecht
- *Ways to address legal and implementation challenges when armed groups detain*
Sandesh Sivakumaran, Professor of Public International Law, University of Nottingham

SESSION VII
16.00 – 17:30

LEGAL BOUNDARIES OF MIGRATION-RELATED DETENTION

Chair: Johan Rautenbach, Legal Counsel and Director of the Office of Legal Affairs, International Organization for Migration; Council Member, IIHL

- *Humanitarian consequences of migration-related detention*
Caroline Dulin Brass, Senior Legal Officer from the Protection Policy and Legal Advice Section, UN High Commissioner for Refugees
- *The applicable legal framework and recent developments in the jurisprudence of human rights bodies and tribunals*
Marcello Di Filippo, Professor of International Law, University of Pisa; Coordinator of the Observatory of EU Migration Law; Member, IIHL
- *Migration detention of vulnerable migrants: particular needs and recent legal developments*
Renate Winter, Chair, UN Committee on the Rights of the Child
- *Presentation of the winning submission to the “2018 Sanremo New Voices in International Humanitarian Law” essay competition:*
“Policies of discrimination based national origin in migration related detention: realities and remedies”, Jinan Bastaki, Assistant Professor, UAE University

Saturday 8 September

SESSION VIII

09.00 – 11.00

STRENGTHENING DETAINEE PROTECTION

Chair: Valérie Michel, Head of International Humanitarian Law and International Criminal Justice Section, Directorate of International Law, Swiss Federal Department of Foreign Affairs

- *Strengthening the legal framework protection of detainees: what role for standard-setting?*
Frederik Harhoff, Professor of International Law, University of Southern Denmark
- *What makes parties to armed conflicts comply with applicable law? The ICRC's Rules of Restraint Study*
Fiona Terry, Head of the Centre for Operational Research and Experience, ICRC
- *Strengthening specific knowledge of and compliance with applicable international law by armed forces: which role for training?*
Grant Davies, Lt. Colonel, Army Legal Branch Operational Support, UK Army

CLOSING WORDS

11.00 -11.30

- Helen Durham, Director of Law and Policy, International Committee of the Red Cross
- Fausto Pocar, President, International Institute of Humanitarian Law