



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

***4<sup>th</sup> 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 18 July 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 Italian Ministry of Foreign Affairs and International Cooperation

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

**Discussion panel** (15 minutes per speaker)

- *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, Human Rights expert; former Member of the Committee for the Prevention of Torture
- *Humanitarian challenges in contemporary armed conflicts: an operational overview*  
Laurent Saugy, ICRC
- *Contemporary challenges when applying IHL and IHRL to protect persons deprived of their liberty in relation to armed conflict, in particular NIAC*  
Blaise Cathcart, former Judge Advocate General, Canadian Armed Forces

**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 NIAC*  
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 NIAC*  
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: Stephan Weber, Director, Leadership Development and Civil Education Centre; Council Member, IIHL (TBC)

#### **Discussion panel** (15 minutes per speaker)

- *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, IIHL
- *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 (TBC)
- *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, IIHL

### **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, IIHL

#### **Discussion panel** (15 minutes per speaker)

- *Adequate conditions of detention and the protection of vulnerable groups, during armed conflicts*  
Jes Rynkeby Knudsen, Chief Legal Adviser of the Defence Command, Danish Ministry of Defence
- *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

**Discussion panel** (15 minutes per speaker)

- *Deprivation of liberty and detainee transfers in joint military operations: operational challenges*  
Pascale Tetu, Legal Adviser, Ministry of Defence, 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

**Discussion panel** (15 minutes per speaker)

- *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 (TBC)

**Discussion panel** (15 minutes per speaker)

- *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

**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

**Panellists** (15 minutes per discussant)

- *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

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