



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

41st ROUND TABLE ON CURRENT ISSUES OF INTERNATIONAL HUMANITARIAN LAW

“Deprivation of liberty and armed conflicts: exploring realities and remedies”

Sanremo, 6-8 September 2018

Closing Words

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the Red Cross

Thank you Professor Pocar.

Ladies and gentlemen and dear friends, we come again to the end of the three days of our annual Round Table and as is the way I can generally say that we have all had very valuable discussions with experts and speakers on the panel. But I also think, and I was reflecting on this, some of the Spirit of Sanremo, that was mentioned at the start, is also about the chance to discuss informally, even in the taxi or on the ride from Nice to Sanremo on the first night, in the company of a diplomat or a member of MSF and we discussed a range of issues even before Sanremo started. You don't always get that chance to have such interaction that can only make us all stronger in what we are aiming to do.

I will not summarize these rich discussions because it is not possible, but I just want to highlight a few points that may be of interest.

We obviously started with a very rich and thoughtful address by Steven Hill from NATO and he left us with three specific challenges. The first being how to ensure interoperability in a reality in which States are not bound by one similar set of obligations when detaining in NIAC. The second he raised was the question of how to conduct detainee transfers in accordance with the law. And the third he flagged was the need for States to decide early whether a person will be detain on criminal charges or for security reasons, which often as we know, require different procedures.

Then panel one, as you remember, really provided us with a reality focus and overview of the humanitarian and legal challenges that detention entails. We heard about the effects that detention have on individuals, and I think many of the speakers throughout the program in the last three days have woven what I would call the human agency into the discussion. And even the fact that perhaps, it is those who are detained are the lucky ones because it is those who are unable to be detained who are not here to raise their voice or those who don't get exposure to groups like the ICRC and can't raise their voice.

We heard about the realities from my colleague in the field of what ICRC experiences, the challenges that face States conducting detention operations, especially among the interface between Human rights and IHL. So that was the first panel.

The second panel I think was a real highlight because we had a genuine debate. So often, I go to many conferences and many people tend to argue around the edges but in that debate we heard a lively engagement with two very different views in relation to whether or not IHL provides a legal basis for internment. And we've been able to reflect about the impact of that debate. As a neutral organisation I cannot articulate who won, but I do think that it was great to have these arguments impact on both sides, so we can each understand where they come from. I would encourage going forward as we need to hear and have clear debates.

The next we saw were three very engaging presentations on the grounds and procedures for detention, not only looking at the legal framework but how the framework is applied in practice and the challenges that arose notably during recent detention operations in Niger and during IDP screenings.

We then heard about the challenges ensuring human treatment and human conditions of detention, and we heard from the Colombian armed forces with their experience on the measures they take. We heard about the new Danish military manual and we did a bit of a deep dive into the humanitarian challenges that arise through over-crowding.

Then we turned to detention challenges when we have multilateral and multinational operations, and a key theme of that panel was related to the issue of detainee transfers. We heard about France's experience in aims, how the ICRC sees the matter and how the UN peacekeeping forces manage this.

We then turned to detention by non-State armed groups, a very engaging discussion again, and we saw what is really stark and what was

repeated in the last session: the diversity of armed groups and the different challenges where we find different applicable fields of international law.

Finally, during the last panel yesterday we left the conflict realm and we looked at the issue of migration-related detention and had a very interesting discussion on that. May I say it was a great delight to see a young lawyer present, and I know myself twenty years ago when I was a young lawyer, it's easy to speak fast and it's taken me very many years to slow down. But I think, we as a group in Sanremo, we need to make sure that we support and engage the next generation of lawyers and I think having an opportunity for a young lawyer to present her very intelligent and important legal case against discrimination is critical. I do hope in the future that we start seeing even more young lawyers and scholars join our community. We must look to the future as well as engage in the debates today.

And finally, I don't need to say much on the last panel. It was interesting to look at the real focus on training: the way we need to think about how we train, the theories and methodologies behind training. The importance was articulated by the professor in making sure that things are clear and simple. The fact that we've got, I would say, a banquet of law out there, we need to make sure we put them in the right places.

So that, ladies and gentleman, was a very brief summary of the discussions.

I would like once again to stress the thanks of the ICRC to our partners in this event. I would particularly like to mention Tilman Rodenhäuser, my colleague here who has worked extremely hard in pulling things together.

Thank you Professor Pocar once again.

I look forward to seeing you all again next year and safe travels to those returning home.