



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

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Sanremo Round Table on Current Issues of International Humanitarian Law on “Deprivation of Liberty and Armed Conflicts: Exploring Realities and Remedies”

Sanremo, 6th – 8th September, 2018

Organized by the Institute in co-operation with the ICRC, under the patronage of the Italian Ministry of Foreign Affairs and International Co-operation, and the Ministry of Defence, this year’s Round Table addressed realities and remedies concerning detention in armed conflicts. More than two hundred participants coming from different regions of the world – including military experts, academics and representatives of governments, international organizations and NGOs – had the opportunity to discuss key current issues of international humanitarian law related to detention. Such issues included: the definition and the existence of a right to detain under customary international law; protection of vulnerable groups; detention by non-state actors and armed groups; as well as the distinction of the law applicable to detainees in international armed conflict (IAC) and non-international armed conflict (NIAC). Some of the core problems of detention in armed conflicts, including the transfer of detainees and responsibility in case of violations of detainees’ rights, particularly when they occur in multinational operations, were also addressed. The Round Table also included sessions where other relevant topics, including the psychological and social effects on persons deprived of their liberty, disappearances, ill-



Professor Fausto Pocar, President of the Institute

treatment, torture, fair trial rights and the evolutionary and fragmented jurisprudence, were discussed. Once again the Round Table provided an occasion to discuss whether and how different countries dealt with domestic or extraterritorial detention during armed conflicts. Moreover, the Round Table, as is tradition, fostered very fruitful and constructive debates aiming at clarifying, among other issues, how special groups, including women and children, in situations of migration-related detention, should be addressed within the IHL and human rights framework. The President of the Institute, Professor Fausto Pocar, in his opening statement, underlined the necessity of finding the right balance in applying IHL and international human rights law (IHRL) in order to ensure full respect of the rights of the detainees, particularly in times of NIAC. The opening session also included statements by the Mayor of Sanremo, Mr. Alberto Biancheri, and the ICRC Director of International Law and Policy, Dr. Helen Durham, who underscored the need for updated definitions of key concepts. Messages from Ambassador Sebastiano Cardi, Director General for Political Affairs and Security of the Ministry of Foreign Affairs and International Cooperation, Italy, and the ICRC’s President, Ambassador Peter Maurer, were also conveyed. The closing sessions, co-chaired by Prof. Pocar and Dr. Durham, pointed out the importance of constant efforts to ensure the full respect of humanitarian law and human rights rules in detention situations and underlined the great efforts made by the

Sanremo Institute in gathering together academics, legal experts, military officers and field practitioners to discuss complex and delicate issues such as humanitarian access to detention centres, arbitrary detention and detention during counterterrorism operations. This commitment reflects the richness and the very unique spirit of the Sanremo Round Table. The interventions made during the Round Table will be posted on the Institute's website and subsequently published in the volume containing the proceedings of the Round Table.

14th International Migration Law Course

Sanremo, 24th – 28th September



Ambassador Boček's keynote for the 14th Course on International Migration Law

The Course was co-organized with the IOM International Migration Law Unit (IML) and was supported by the Swiss State Secretariat for Migration and UNHCR.

Training benefitted from the presence of Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees at the Council of Europe. The main objectives of the Course were to equip participants with an understanding of the international standards

relevant to good governance of migration. A total of 40 participants from 25 countries attended the training. Among the audience were government officials, judges, lawyers, researchers, and members of international organizations and the civil society. The Course was directed and facilitated by Mr. Claudio J. Delfabro, Director of the International Refugee and Migration Law training programme at the Institute. The teaching staff also included: Ambassador Tomáš Boček; Ms Kristina Touzenis, Head of the IOM Headquarters IML Unit, Department of International Cooperation and Partnership in Switzerland; Ms Alice Sironi, of the IOM Headquarters IML Unit, Department of International Cooperation and Partnership; Mr. Álvaro Botero, Coordinator of the Monitoring Section and Rapporteur on the Rights of Migrants at the Inter-American Commission on Human Rights Organization of American States; Mr. Benjamin Lewis of the UN Office of the High Commissioner for Human Rights; Mr. José Sieber Luz, Senior Staff Development Officer (Protection) of the UNHCR Global Learning Centre; Prof. Ryszard Piotrowicz, of the Department of Law and Criminology at the Aberystwyth University in the United Kingdom; and Ms Jessica Brennan, Researcher of the University College Cork in Ireland. Sessions of the Course included the international legal framework governing migration; migrants' rights (including environmental, economic, social and cultural rights); systems of protection, with a specific focus on

reception at international borders; migrant children and migrant workers; forced migration; protection at sea; and trafficking and smuggling of persons.

18th Summer Course on IHL

Sanremo/Geneva, 2nd - 13th July 2018

The 18th edition of the annual Summer Course on International Humanitarian Law gathered together military officers, individual experts, officials from the UN, NGOs and various governments as well as students from all over the world. The forty-five participants from twenty-seven different countries spent two weeks attending lectures, workshops and exercises. During the first nine days of the course, presided by Professor Michel Veuthey, Vice-President of the Institute, the participants stayed in Sanremo, whereas the last three days were spent in Geneva, Switzerland. The competent members of the teaching staff, who came from various countries bringing a wide variety of experience and backgrounds, provided an easy and understandable learning opportunity. Members included Professor Fausto Pocar, President of the Institute; Professor Michel Veuthey, Vice-President of the Institute; Dr. Stefania Baldini, Secretary-General of the Institute; Brigadier General Karl Edlinger, Legal Advisor of the Austrian Armed Forces; Professor Marco Sassòli, from the University of Geneva; Colonel (ret.) William Nott from the Irish Centre for Human Rights; Dr. Matt Pollard, Senior Legal Adviser & UN Representative at the International Commission of Jurists; Ms Maria Teresa Dutli, Former Head of Advisory Services at the ICRC; Ms Annyssa Bellal, Strategic Advisor on IHL at the Geneva Academy on International Humanitarian Law and Human Rights; Ms Christine Van Den Wyngaert, ICC Judge; Mr. Adama Dieng, Special Adviser of the UN Secretary-General on the Prevention of Genocide; Professor Edoardo Greppi from the University of Turin, Vice-President of the Institute; Mr. Jean-François Durieux, Senior Research Associate at the University of London; Ms Kristina Touzenis, Head of the International Migration Law Unit (IOM); Mr. Francesco Motta, Chief of Asia and the Pacific, Middle East and North Africa Branch of the United Nations Office of the High Commissioner for Human Rights; Mr. Roberto Ricci, Chief of Emergency Response Section at OHCHR; Professor Yoram Dinstein, Emeritus Professor at Tel Aviv University; Ms Montserrat Canela Garayoa, Chief of UNHCR's Records and Archives Section, Division of



External Relations (DER); Ms Grainne Ohara, Director of the Division of International Protection of UNHCR; Mr. Claudio Delfabro Demarchi, Director of the IHL Refugee Law and Migration Programme; Mr. Peter Maurer, President of the ICRC; Mr. Patrick Youssef, Regional Deputy Director for Africa, ICRC; and Mr. Markus Schmidt, Senior Legal Adviser at the UN Office in Geneva. In Geneva, the lectures and meetings were held by top-ranking experts and officials. Conferences were held at the *Palais des Nations*, the liaison office of the Institute in Geneva, the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), and the United Nations Office in Geneva (UNOG). On Wednesday 11th July, an evening reception for all participants was kindly hosted at Webster University.

171st International Military Course on LOAC (Spanish and Portuguese)
Sanremo, 10th – 21st September 2018

Specially designed for members of the military forces, the Course focused on the application of the principles of international humanitarian law; the conduct of hostilities; non-international armed conflicts; the conduct of peace operations; and detention. Practical exercises helped participants to optimize their skills by enabling them to find, through the implementation of relevant provisions of IHL, concrete, practical and effective solutions to situations arising in different types of conflict. The Course was directed by Professor Roberto Augusto Moreno from Argentina, and was held in Spanish and Portuguese. Lieutenant Colonel Mario Lanz Raggio from Spain was the Deputy Director of the course. The teaching staff included Lieutenant Miguel F. Lizarraga Fernandez from Mexico; Lieutenant Colonel Eduardo Bittencourt Cavalcanti from Brazil, and Commander Juan Francisco Rivera Castro from Chile. Thirty-seven participants from nine different countries attended, including members of the ICRC.



5th Course on Statelessness (Arabic)
Sanremo, 17th – 20th September

The Course on Statelessness was organized with the support and collaboration of the UNHCR regional offices in Amman. The main objectives of the training were to increase the participants' ability to deal with



Stefania Baldini, Secretary-General of the Institute, Els Jellema, Regional Protection Officer UNHCR in Jordan, Hagir Musa, Senior Regional Protection Officer UNHCR in Saudi Arabia and Fawzia Istaiteyah, Senior Protection Officer UNHCR in Tunisia

the phenomenon of statelessness in their countries and to encourage the sharing of good practices among the audience on how to reduce and prevent statelessness as well as how to protect stateless persons. Thirty-two participants attended the Course, including government officials, judges, lawyers, police officers, and members of international organizations representing 14 countries from the regions of the Gulf, the Middle East and North Africa. The teaching staff included: Ms Els Jellema, Regional Protection Officer of UNHCR's Office of the Director in Middle East and North Africa Bureau in Jordan; Ms Nadjia Hafsa, UNHCR Senior Protection Officer in Tunis; Ms Fawzia Istaiteyah, UNHCR Legal Unit's Assistant Protection Officer in Jordan; and Ms Hagir Musa, UNHCR Senior Regional Protection Officer in Saudi Arabia. Topics at sessions included the legal framework, both at international and regional level, an overview of the stateless populations around the world, and the sharing of best practices in the protection and seeking solutions for stateless persons.

Agreement with the United Nations High Commissioner for Refugees
Geneva, 15th June 2018

The Institute has signed a Memorandum of Understanding (MoU) with the United Nations High Commissioner for Refugees (UNHCR) to regulate the cooperation between the two institutions which dates back to 1982. In the MoU, UNHCR clearly expresses the wish to provide substantive technical input and financial support to International Refugee and Human Rights Law courses organized by the Institute. In this way, UNHCR confirms the mechanisms by which the granting of funds is facilitated for the Institute, based on the high degree of expertise, quality of products and unmatched unicity of the Institute's offerings. It is worth noting that UNHCR only grants such treatment to two other institutions, namely Oxford and Harvard Universities. Furthermore, UNHCR will sponsor tailored courses in its countries of operation in cooperation with the Institute. Along these lines, to date, five in-loco tailored courses have been planned for 2019.

40th Advanced Course on IHL (Spanish)

Sanremo, 24th- 29th September 2018

The “Advanced Course” in Spanish was coordinated by Professor Roberto Augusto Moreno, former Commander of the Argentinian Navy and currently Director of the Spanish and Portuguese training courses of the IIHL. Lieutenant Colonel Mario Lanz Raggio from Spain was the Deputy Director. The training focused on the use of force in armed conflicts; other situations of violence and public security operations; human rights; command responsibility; rules of engagement (ROE); direct participation in hostilities (DPH); targeting; new technologies; deprivation of liberty; intelligence and emerging threats; peace operations; post-conflict transitions; and private military and security companies. The Course ended with an important final exercise. The lecturers included: Col. Frederico Assoreira Almendra (Portugal), Delegate for the Armed Forces and Security for Lake Chad (Nigeria); Dr. Daniel Baldizón Chaverri (Costa Rica) and Dr. Antonio Raimondo (USA) with the Southern Command (USA); Gen. Ángel Serrano Barberán (Spain), Chief of the Legal Counsel of the Army; Col. Eduardo Bittencourt Cavalcanti, Advisory Support for Legal Affairs at the Office of the Commander of the Army (Brazil); Dr. Eraldo Cassini, Security Consultant (Italy); Dr. Matteo Fornari, Professor and researcher at the University of Milan (Italy); Dr. Alejandro Kiss (Argentina), Legal Advisor at the International Criminal Court; Commander Miguel Fernando Lizárraga Fernández, Deputy Director of International Affairs of the Ministry of the Navy (Mexico); Dr. Marcos Pablo Moloeznik, Professor and researcher at the University of Guadalajara (Mexico); Col José Romero Muros (Spain), Central Military Court in Madrid; Dr. Pedro Páez Pirrazán, Professor at the University of Boyacá (Colombia); Commander JT Juan Francisco Rivera Castro, Advisor of the General Audit of the Chilean Navy.



News from the Council: the agreement with the Municipality of Sanremo concerning the use of Villa Ormond

Sanremo, 8th September 2018



Professor Fausto Pocar, President of the Institute and Mr. Alberto Biancheri, Mayor of Sanremo

The Council of the Institute met on Saturday 8th September 2018 after the closing session of the Round Table. The agenda included the renewal of the concession of Villa Ormond by the Municipality of Sanremo to the Institute as its official seat. The current arrangement will expire at the end of the year and the new one has been finally approved by the Municipality of Sanremo for an additional twelve-year term. The Mayor of Sanremo, Mr. Alberto Biancheri, officially announced at the meeting of the Council that Villa Ormond – one of the most attractive historic buildings in Sanremo from the early XIXth century – had been freely granted to the Institute for another period of twelve years, from 1st January 2019 to 31st December 2030. He stressed the remarkable value and importance of the commitment that the Institute had embraced since its foundation fifty years ago, promoting and disseminating the fundamental principles of humanitarian law and human rights. He also outlined the significant impact the activities of the Institute had on Sanremo, also from an economic point of view. As in the previous contract of concession the Institute would have the exclusive use of Villa Ormond while guaranteeing ordinary maintenance of and extraordinary interventions to the historical building. During the meeting several other issues were also discussed, in particular: two reports presented by the Director of the “Training programme on international humanitarian law” and the Director of the “Training programme on international refugee and migration law” respectively with regard to participation results and progress made concerning donor outreach; the renewal of the Council in 2019; the current situation concerning the Institute’s IT facilities and possible solutions to improve it; the report on the Institute’s Liaison Office in Geneva; and the 2019 Sanremo Round Table on IHL.