



2009 ANNUAL REPORT

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INSTITUT DE HAUTES ÉTUDES
INTERNATIONALES ET DU DÉVELOPPEMENT

GRADUATE INSTITUTE OF INTERNATIONAL
AND DEVELOPMENT STUDIES



**UNIVERSITÉ
DE GENÈVE**

FACULTÉ DE DROIT

Mission

The Geneva Academy of International Humanitarian Law and Human Rights aims to provide instruction of a high academic standard in French and in English, to conduct and promote legal research, to organise training courses and expert meetings, and to provide legal expertise in all branches of international law relating to situations of armed conflict.

Founded in 2007, the Academy is the successor to the University Centre for International Humanitarian Law created in 2002 by the University of Geneva and the Graduate Institute of International and Development Studies.

The University of Lausanne, the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Human Rights, and the Swiss Federal Department of Foreign Affairs also contribute to achieving the objectives of the Academy.

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MESSAGE FROM THE DIRECTORATE

The Academy finally took up residence in the splendidly restored Villa Moynier in the summer of 2009. We all feel privileged to work and think in such a beautiful setting and in the best possible conditions. We remain hugely appreciative of the generosity of the Ville de Genève and the Federal Department of Foreign Affairs in arranging for such a magnificent restoration.

The establishment of the Academy in the Villa has meant that, not only can we invite experts from all around the world to sit still in meetings for three days, but also these participants are ready to come back for follow-up meetings without too much persuasion (in 2009 we started the process of convening contributors for the Commentary on the Convention on Cluster Munitions. The same experts were back again a few months later to work long days on finalizing the manuscript).

The Villa Moynier was also the site for the 2009 training in International Humanitarian Law for Diplomats and those working for International Organizations in Geneva.

The Master's Programme continues to evolve and this year we adjusted the regulations so that students can be more involved in practical legal issues by working for the new Law Clinic on International Criminal Justice as well as with non-governmental organisations based in Geneva.

As you will see from the report, the Rule of Law in Armed Conflicts Project, the Economic Social and Cultural Rights Project, and the Project on a Code of Conduct for Private Security Companies all made major progress in 2009. Furthermore the Swiss Initiative for the 60th Anniversary of the Universal Declaration of Human Rights held a number of meetings and produced the anticipated research projects. Lastly, we might mention in this overview the publication of the Swiss Human Rights Book on *Realizing the Right to Health*.

While the scaffolding may have been taken down from the outside of the Villa Moynier, building up the Academy remains "Work in progress". We hope you find the 2009 Activity Report of interest and we welcome any comments or suggestions.

Andrew Clapham and Paola Gaeta

THE ACADEMY

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Yves Sandoz

Professors teaching optional courses

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Paola Gaeta
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Eibe Riedel (Swiss Chair of Human Rights)
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I. MASTER OF ADVANCED STUDIES IN INTERNATIONAL HUMANITARIAN LAW (MAS)

The Academy offers a unique post-graduate studies programme that enables students to specialize in five branches of international law applicable in times of armed conflict and states of emergency. The programme is directed by Professor Paola Gaeta.

The programme is structured into core and optional courses. The core courses are offered both in English and in French and cover the following five branches: international humanitarian law, public international law and the use of force, international human rights law in armed conflicts and states of emergency, international criminal law, and the law of refugees and internally displaced persons. The core courses are supported by tutorials given by the Academy's assistants, who train students for the exams and allow them to revisit and discuss the main issues tackled by the Professor in his/her course.

Optional courses are offered in English or in French, but bilingualism is strongly encouraged for these courses. The list of optional courses is constantly expanding, covering subjects such as prohibited weapons in armed conflicts, the practice of so-called 'targeted killings', international criminal courts and tribunals, reparation to victims of international crimes, transitional justice, and the role of the UN in the fight against impunity. The Academy has been fortunate to welcome a number of leading experts as visiting Professors and lecturers to teach in its MAS programme. These include for 2009 Professors Eibe Riedel, William Schabas and Salvatore Zappalà, as well as Lt. Col. Pascal Zen-Ruffinen and Mr. Guenael Mettraux.

The study programme has seen major changes for the academic year 2009-2010, which were confirmed in March 2010 in a new set of regulations approved by the Academy's parent institutions (the University of Geneva and the Graduate Institute). Students now have the possibility of gaining credits for the completion of activities that specifically foster the acquisition of practical legal skills. These activities include: a Law Clinic on International Criminal Justice, Academy-led research projects, and the completion of legal internships at carefully selected international and organisations (governmental and non-governmental).

The programme is completed by a simulation of negotiation techniques, as well as by modules organised by practitioners drawn from the international organizations based in Geneva, and by the elaboration of a written dissertation under the supervision of one of the Professors teaching for the MAS.

In 2009, a study trip for about a dozen Academy students organized by Prof. Nicolas Michel and Katherine Del Mar visited and engaged with *inter alia* the following tribunals: the International Criminal Court, the Special Tribunal for Lebanon (STL), the Special Tribunal for Sierra Leone (STSL)(trial of Charles Taylor), and the International Criminal Tribunal for the former Yugoslavia (ICTY). Students met:

- From the STL: President Cassese, the Prosecutor Daniel Bellemare, and Joeri Maas from the Office of the Defence.

- From the ICC: Béatrice Le Fraper du Hellen (Office of the Prosecutor), and Judge Philippe Kirsch, former President of the ICC and ad hoc Judge at the ICJ.
- From the ICTY: Prosecutor Serge Brammertz and Judge Theodor Meron.

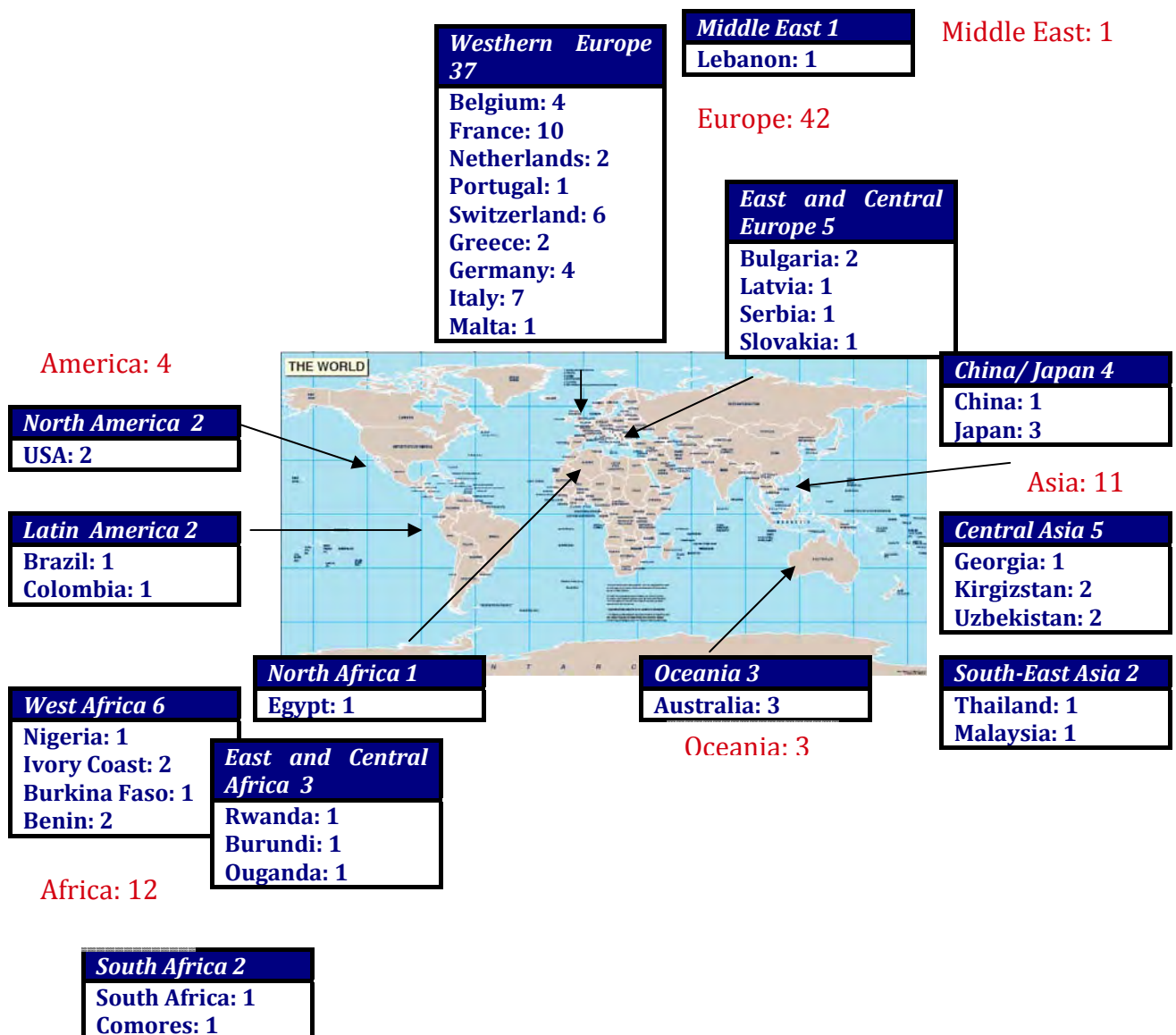
The students' enthusiasm on their return was overwhelming and now there is considerable pressure to find a way to have all Academy students participate in such a trip.

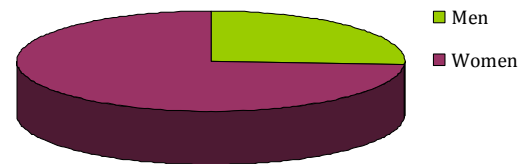
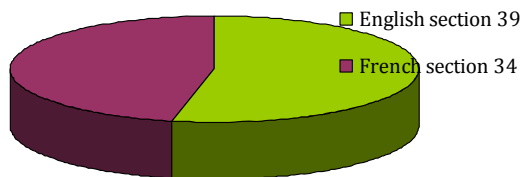
A. Review of the 2009/2010 Academic Year

1. Class of 2009/2010

This class is composed of 73 students (34 for the French section and 39 for the English section) from 35 different countries from all 5 continents.

ADH Students in 2009/2010 (73)





In 2009/2010, the scholarship programme welcomed 20 grantees representing 18 nationalities, for a total amount of CHF 434,500.

Three students from western countries were exempted from the tuition fees on account of their financial needs and because of the lack of scholarships for students not coming from developing countries.

2. Internships programme

This new activity is up and running: some 15 students have done or are doing an internship that, upon request, can be validated for credits within the MAS programme, at organisations ranging from Permanent Missions to the UN in Geneva, the UN Office of the High Commissioner for Human Rights, the NGO TRIAL, or the Geneva Centre for Humanitarian Demining. Internships must of course fulfil strict requirements regarding the quality and relevance of the work performed by the interns.

3. Simulation in 2009 (for the class of 2008/2009)



The 2009 'simulation exercise', an annual activity for students enrolled in the MAS took place at the Palais des Nations, the European headquarters of the United Nations in Geneva. Helped by interpreters from the School of Translation and Interpretation (ETI), the Academy students were asked to advise the United Nations Secretary-General, a role played by Professor Nicolas Michel, on the arrest warrant issued by the International Criminal Court against President Al-Bashir of Sudan. In the context of a Policy Committee, students played the roles of high-level civil servants of the United Nations (OHCHR, OCHA, etc.), State representatives (from the five permanent members of the Security Council), and representatives from both regional and non-governmental organisations (ICTJ, Human Rights Watch, etc.). At the end of the day, after difficult discussions and negotiations, students put forward proposals for a draft of a statement by the Secretary-General, in the hypothetical case that he would be invited to participate in a debate in the Security Council about the consequences of the arrest warrant for international peace and security.

The simulation, which was held on 13 May 2009, was organized by Ms. Anne-Laurence Brugère, under the Chairmanship of Professor Nicolas Michel, with the assistance of Ms. Katherine Del Mar. The Geneva Academy would like to thank the Geneva International Model United Nations as well as the School of Translation and Interpretation (ETI) for their generous assistance.

4. Pictet Competition 2009

The 21st edition of the Jean Pictet Competition on International Humanitarian Law took place in Evian on 28 March – 4 April 2009. Julie Pertusio, Caroline Simond and Marc Morel (MAS students) represented the Geneva Academy. The team reached the semi-finals of the competition proving their skill and knowledge in a fiercely competitive field.

5. Pictet Competition 2010

A team of three students from the Academy successfully qualified for the finals of the Concours Pictet 2010 (English strand), in Montreal. The team successfully submitted three essays on a range of contemporary issues of international humanitarian law, and undertook role play and training in order to prepare for this challenging competition.

6. Henry Dunant Prize 2009 (for the class of 2007/2008)

Ms. Géraldine Ruiz, a student from the Academy's MAS programme of 2007-2008, was awarded the 2009 Henry Dunant Prize for her Master's thesis "Elusive Law? Air Bombardment, the Principle of Distinction and Proportionality in Attack: Conceptual Challenges and Contemporary Issues".

An interview with Pierre-André Mourge d'Algue from the Fondation Prix Henry Dunant is available on: <http://worldradio.ch/wrs/shows/wrap/dunant-prize-for-aerial-bombardment-study.shtml?13739>

Since 2005 the Prize has been awarded annually by the Fondation Prix Henry Dunant, together with the Academy, for a piece of exceptional academic work that contributes to deepen, strengthen and renew the ideals and commitment of Henry Dunant. Through this award, the Fondation Prix Henry Dunant and the Academy seek to motivate young people to contribute to the dissemination of the international rules protecting the victims of armed conflicts.



From the left side: Mr. Roger Durand, President, Fondation Prix Henry Dunant; Ms. Géraldine Ruiz; Mr. Pierre-André Mourgue d'Algue, Treasurer, Fondation Prix Henry Dunant and Prof. Andrew Clapham, Director, The Academy.

7. Academy Alumni Network

The network of former students set up at the beginning of the MAS under the auspices of the University Centre for International Humanitarian Law became the ADH Alumni Network. With this network, the Academy aims to support students who have completed, or are in the process of finishing, their studies to find jobs and develop their careers. It also serves as a constant contact platform that allows the Academy to evaluate the professional evolution of its graduates.

8. ADH Student Association

The Academy's 2009-2010 class has proved as dynamic and proactive as their predecessors. The ADH Student Association organises conferences, debates, film

projections and other events strengthening the ties between all students regardless of their respective linguistic section and of course deepening and furthering the debate on the various issues treated within the MAS programme.

B. Applications for 2010/2011 Academic Year

384 candidates representing 86 nationalities applied for the programme this year, an all-time record. In their motivation letters candidates stressed the added value that the new practical activities represent for any future professional in the field.

C. Scholarship programme for the 2010/2011 Academic Year

New donors have joined the Academy's scholarship programme: the Oak Foundation will make a contribution of CHF 90'000 per year for 6 scholarships, and a private donor has agreed to finance one MAS student. Ambassador Jenö C.A. Staehelin will make a contribution to cover the tuition fees of one student coming from Africa or the Middle East. This is a step that is very much welcomed and it is hoped that other private individuals will decide to support individual students who could not otherwise afford to study international humanitarian law.

II. LAW CLINIC ON INTERNATIONAL CRIMINAL JUSTICE

The Law Clinic on International Criminal Justice was launched in November 2009. The programme is geared towards the development of advanced legal research concerning 'real cases', and enabling students to gain first-hand knowledge of international law-related issues in practice, become involved in current legal developments, and deal directly with the multitude of challenges faced by international lawyers.

The overall aim of the programme is to bridge the gap between theory and practice, giving students the opportunity to put their theoretical knowledge into practice and gain significant practical skills, as well as gaining academic credits in the process.

A. How it works in practice

Law students from the MAS in International Humanitarian Law, under the supervision of professors and research assistants, are selected to work in a team to carry out scientific legal research relevant to the work of various international bodies. The legal research usually concerns a whole range of critical issues of international humanitarian law, international criminal law, international human rights law and public international law. Not only does the work benefit the students' development, but it is also useful to the particular international bodies that have requested it.

B. Progress to date

On 5 October 2009 the International Law Unit of the Graduate Institute, the Geneva Academy of International Humanitarian Law and Human Rights, and the Faculty of Law of the University of Geneva signed an agreement with the Defence Counsels of the

International Criminal Tribunal for the former Yugoslavia (ICTY) and the Special Tribunal for Lebanon (STL) establishing a Law Clinic in International Criminal Law (LCICL). Under this agreement, students from the three institutions conduct legal research to assist lawyers representing individuals charged with war crimes appearing before these two courts.



From the left side: Prof. Robert Roth, Faculty of Law, UNIGE; Prof. Andrew Clapham, Director, The Academy; Prof. Yves Fluckiger, Vice-Rector, UNIGE; Mr. Slobodan Zecevic, President of the Association of the Defence Counsel before the International Criminal Tribunal for the Former Yugoslavia; Mr. Francois Roux, Head of the Defence Office of the Special Tribunal for Lebanon; Prof. Paola Gaeta, Director of the MAS, The Academy; Prof. Philippe Burrin, Director, IHEID; Mr. Guenael Mettraux, Defence Lawyer before the International Criminal Tribunals; Prof. Jean-Michel Jacquet, Head of the Public International Law Unit, IHEID; Prof. Christian Bovet, Dean of the Law Faculty, UNIGE.

The first semester session of the Law Clinic in International Criminal Law involved 14 students, with students working on a case before the ICTY and on two specific issues concerning the STL. The research will be submitted by 15 April 2010. The second semester session of the LCICL has already started and over 30 students have applied for the second session, highlighting its popularity. Eight students have been selected for the second session. These specific projects have touched on various issues including, but not limited to, humanitarian aid, immunities, responsibility for war crimes of those in a position of political power, and complex rules of evidence before the hybrid tribunals. Current partners in this project are the University of Geneva and the Graduate Institute, along with the Special Tribunal for Lebanon and the International Criminal Tribunal for the former Yugoslavia.

III. PROFESSIONAL TRAINING AND E-LEARNING

A. Professional Training in International Humanitarian Law

1. Training in IHL for diplomats and officials from international organisations

This training is organized every year with the ICRC to cover the needs of the Geneva-based diplomats working in the humanitarian field, human rights and disarmament. The training lasts one entire day and encompasses a large variety of issues such as those related to: use of weapons; terrorism and humanitarian law; detainees; new implementation procedures; contemporary challenges and the future of international humanitarian law. It also tackles the connexion between international humanitarian law and human rights and the use of international criminal tribunals as an international humanitarian law implementation mechanism. 80 applications were received and 55 diplomats, including several Ambassadors, benefited from the 2009 training.

B. Professional Training on Monitoring Economic, Social and Cultural Rights

The [Training course on Monitoring Economic, Social and Cultural Rights](#) was organized by Dr. Christophe Golay, Ms. Claire Mahon, and Ms. Ioana Cismas in Geneva with the Centre on Conflict, Development and Peace Building (Graduate Institute) and HURIDOCs. 250 applications were received for the 25 places available in the course.

C. E-Learning

The Academy has begun developing plans for possible future e-learning programmes, beginning with the preparation of a scoping project. The target audience for e-learning are mainly participants in the Academy's professional training sessions: professors, diplomats and professionals engaged in monitoring economic, social and cultural rights.

IV. CHAIR HOSTED BY THE ACADEMY

A. The Swiss Chair of Human Rights

The Geneva Academy of International Humanitarian Law and Human Rights welcomed in September 2009 Professor Eibe Riedel as the third Swiss Chair of Human Rights.

1. Teaching

Professor Riedel taught with the assistance of Gilles Giacca two international law courses (6 ECTS) during the winter semester (2009). The first seminar, entitled "*Economic, Social and Cultural Rights (ESCR) in Armed Conflict*", covered *inter alia* the problem of emergency assistance in armed conflict and limits on the rights to life, health, food, housing, water etc. He took over from Professor Manfred Nowak.

The second seminar - *Peacekeeping and Human Rights* – focused on the inter-relationship of the peacekeeping system with the universal protection of human rights. It covered humanitarian interventions and peace operations missions. Case studies covered Iraq,

Afghanistan, Western Sahara, Palestine, Sudan, Lebanon, Kosovo and other recent conflict situations.

2. Human Rights Day Commemoration

On December 10 2009, the Permanent Mission of Switzerland, the Swiss Chair of Human Rights, the Academy and the Graduate Institute organised an event which included a Lecture on “State Responsibility and the Individual Right to Compensation before National Courts” delivered by Christian Tomuschat, Emeritus Professor of Public International Law and European Law at the Humboldt University in Berlin and former member of the UN Human Rights Committee and the UN International Law Commission.

V. LAW IN ARMED CONFLICT STUDIES

A. Clarification and Implementation of International Humanitarian Law

1. Non-lethal weapons project

Initial research has been conducted into the implications under human rights and humanitarian law of so-called ‘non-lethal weapons’. The project is looking at a broad range of ‘non-lethal’ weapons, notably directed energy weapons (such as dazzling lasers and microwave technology); electrical weapons (e.g. Tasers); acoustic weapons; biochemical weapons (virus or gas); and certain kinetic weapons (such as plastic bullets). An expert seminar is planned for mid-May 2010 to follow a workshop hosted by the ICRC on chemical incapacitants.

2. Commentary on the Cluster Munitions Convention

The Academy hosted two expert meetings (April and December 2009) on the drafting of *A Commentary on the Convention on Cluster Munitions*, to be published by Oxford University Press in 2010. The International Law and Policy Group, Oslo (ILPG), asked the Academy to assist it in the elaboration of the Commentary, in particular through the organisation of four expert meetings. Professor Gro Nystuen of the ILPG is the co-editor of the Commentary with Dr. Stuart Casey-Maslen, a senior researcher at the Academy. The Convention will enter into force on 1 August 2010.

B. Rule of Law in Armed Conflicts Project (RULAC)

The screenshot shows the homepage of the Rule of Law in Armed Conflicts Project (RULAC). At the top, there is a search bar and a navigation menu with links for 'home', 'about us', 'legal developments archives', 'contact', 'disclaimer', and 'links'. The date 'Tuesday, 02 February 2009' is displayed in the top right corner. The main header area includes the RULAC logo and a sub-header: 'Académie de droit international humanitaire et de droits humains à Genève / Geneva academy of international humanitarian law and human rights'. Below this, there are logos for 'UNIVERSITÉ DE GENÈVE' and 'THE GRADUATE INSTITUTE OF INTERNATIONAL STUDIES'. The main content area is divided into several sections: 'APPLICABLE LAW' with links to international humanitarian law, human rights law, criminal law, and refugee law; 'ISSUES' with links to various topics like armed conflicts, non-state actors, and emergency situations; and 'Recent developments' which lists three items: 'Other' (United States ratifies major IHL treaties, January 2009), 'Judicial decisions' (A Spanish judge began an inquiry into Israeli officials, 20 January 2009), and 'Other' (Israeli army to investigate white phosphorus claims, according to BBC). The footer contains the same navigation menu and a copyright notice: 'Copyright 2009 © Adh Geneva, Switzerland'.

An initiative of the Academy, the Rule of Law in Armed Conflicts Project (RULAC) is a website covering the implementation of international law in situations of armed conflict. It has proved to be a useful tool for those interested in understanding the legal dimension of a given conflict, in particular for governments, the United Nations, the media, academics and members of the public. In addition to the database and country analysis, thematic papers on the qualification of armed conflicts and on the interaction between humanitarian law and human rights law are posted on the website. Further issue papers will be added throughout the year 2010. In 2009, 30 new state profiles were completed and RULAC now covers more than 150 countries. Significant funding was provided during 2009 by Denmark, as well as by Switzerland, both to update existing profiles and to add new country profiles.

C. Commemoration of the Geneva Conventions at 60

The Academy provided active support to the Mayor of Geneva in the context of the 60th Anniversary of the Geneva Conventions. The City of Geneva celebrated sixty years of the 1949 Geneva Conventions in 2009 and several events were held in Geneva and abroad in order to promote the continuing importance of the Conventions. The Academy, as a partner, provided the City of Geneva and its Mayor with legal expertise in this field and provided background information.

Three international missions were planned (Bosnia and Herzegovina, Democratic Republic of Congo, Israel and Palestine). Two missions took place in 2009 (Srebrenica and Kivu (DRC)). The objective of those visits was to assess the situations where IHL has been, or still is, severely violated, and to draw the attention of the general public to these situations. Professor Andrew Clapham, Dr. Annyssa Bellal, Ms. Sharon Weill, and Mr. Gilles Giacca are all involved in this project: Ms. Weill accompanied the Mayor to Sarajevo and Mr. Giacca similarly participated in the mission to the Democratic Republic of Congo.

VI. HUMAN RIGHTS AND HUMANITARIAN STUDIES

A. Collaboration on the Federal Department of Foreign Affairs' strategy for the protection of civilians in armed conflicts – Ownership of Norms

Background research for the project on “Ownership of Norms by Armed Non-State Actors” started in July 2009. It included a review of the literature and initial drafting of thematic papers. From September to November 2009, interviews with persons who worked in the field with armed non-state actors were conducted in Geneva and New York, in particular with persons working at OHCHR, ICRC, UNICEF, OCHA, and with NGOs such as Geneva Call, the Centre for Humanitarian Dialogue and the Norwegian Refugee Council. Interviews with governmental representatives (UK, USA, Norway, Colombia, and the Philippines) were also undertaken. In December 2009, the first draft of the background paper was sent for comment.

B. Follow-up to the Swiss Initiative UDHR60



ANNIVERSARY OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS

The year 2008 marked the 60th Anniversary of the Universal Declaration of Human Rights. The Swiss Government decided to mark this event by initiating a process leading to the launching of an “Agenda for Human Rights” authored by a Panel of Eminent Persons. The Initiative is designed to achieve two objectives: first, to set out some contemporary challenges to the enjoyment of human rights as perceived by the Panel, and second, to propose and support a research agenda with separate topics for selected research teams around the world.

On January 2009 the *Agenda* was launched in New York by Mrs Mary Robinson and Ambassador Rudolf Knoblauch (FDFA) at the Swiss Mission to the UN. Later that month, the *Agenda* was introduced to an expert meeting convened in Wilton Park, England. The *Agenda* was presented by Ambassador Rudolf Knoblauch, Mr. Ralf Heckner and Professors Manfred Nowak and Andrew Clapham.

In June, the Panel of Eminent Persons from the Swiss Initiative met in Geneva and discussed the ten commissioned research projects on:

1) Human Dignity

- *Human Rights and Human Dignity* by Jack Donnelly
- *Dignity: A Special Focus on Vulnerable Groups* by Frédéric Mégret, Florian Hoffmann, et al.

2) Prevention

- *Prevention is Better than Cure: The UN and Human Rights Education* by Paula Gerber

3) Detention

- *Democracy, Human Rights and Prison Conditions in South America* by Fernando Salla, et al.

4) Migration

- *The Protection of People Outside their State: A Comprehensive Analysis* by Mike Hayes, et al.

5) Statelessness

- *Statelessness and the Benefits of Citizenship: A Comparative Study* by Brad Blitz, Maureen Lynch, et al.

6) Right to Health

- *Addressing the reproductive health rights of women living with HIV in Southern Africa* by Karen Stefiszyn, Mmatsie Mooki and Yohannes Tesfagabir

7) Climate change

- *The Status of Climate Refugees in Europe* by Marit Ammer

8) A World Human Rights Court

- *Towards a World Court of Human Rights* by Martin Scheinin
- *A World Court of Human Rights* by Manfred Nowak and Julia Kozma

The Academy published in 2009 a booklet containing ten summaries of the research projects commissioned in the context of the Swiss Initiative for the UDHR 60. The research projects can be downloaded from <http://udhr60.ch/research.html>.

In October, the Academy hosted a meeting on the idea of a Global Fund for National Justice Systems at the Villa Moynier led by Mrs Mary Robinson and Ambassador Rudolf Knoblauch in order to discuss the experience of the Global Health Fund, and the Global Alliance for Vaccination and Immunization, with legal advisors and senior officers from those programmes as well as a senior representative from the Office of the High Commissioner for Human Rights. The results of this meeting together with a set of further questions formed the background for a further Panel meeting, which took place in Ditchley Park (Oxford) 3-5 December.

On 21 December the Academy, the Government of São Paulo and the Center for the Study on Violence from the University of São Paulo (NEV/USP) co-organized an International conference on the *Agenda* in Sao Paulo which focused on two of the themes selected from the *Agenda*: Dignity and the World Human Rights Court.



From the left side: Prof. Paulo Sérgio Pinheiro, Ambassador Rudolf Knoblauch, Special Envoy for Human Rights Issues, Swiss Federal Department of Foreign Affairs, Mr. José Serra, Governor, State of São Paulo, Prefeito Gilberto Kassab, Secretário José Henrique Reis Lobo, State of São Paulo and Ms. Ana Cabral Petersen, Ministry of External Relations, Brazil.

This initiative is coordinated by Ms. Aline Baumgartner under the supervision of Professor Andrew Clapham. Ms. Claire Mahon and Dr. Christophe Golay also contribute.

C. Quadripartite Seminar on Human Rights

At the invitation of the DFAE, the Academy organized and provided the expert input for a quadripartite academic seminar on human rights (Switzerland, Norway, Spain and Cuba). The two themes were participation in the UN Human Rights Council's Universal Periodic Review and the UN Convention against Torture. Dr. Christophe Golay and Ms. Claire Mahon worked on the design of the seminar questions and the event was co-ordinated by Ms. Aline Baumgartner. The seminar was chaired by Ambassador Rudolf Knoblauch.

D. A Code of Conduct for Private Military and Security Companies

The Academy organized together with the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the Federal Department of Foreign Affairs (FDFA) and Wilton Park a

complex three day conference in Nyon on questions related to a Code of Conduct for Private Military and Security Companies. The report of the Conference is available at:
<http://www.wiltonpark.org.uk/documents/conferences/WP979/pdfs/WP979.pdf>.

After a series of three workshops with different stakeholders held throughout January-May 2009, following the June Wilton Park Conference, substantial agreement was reached on the need for an international Code of Conduct. Representatives of the industry and their associations concluded the Nyon conference with a public statement expressing their commitment to pursue and develop an international code of conduct. Following this commitment, a draft of the first section of the Code of Conduct was developed with the collaboration of members of the private security industry along with the Swiss Department of Foreign Affairs, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the Geneva Academy. The draft was released for public comment in January 2010, it is available at:
http://www.dcaf.ch/privatisation-security/PSC_PMC-CoC_Draft_11.01.2010.pdf.

This draft of the first section of the Code of Conduct seeks to articulate standards for private security providers in accordance with international humanitarian law and international human rights standards. In parallel, work has already begun on the next section of the Code of Conduct: the International Accountability Mechanism (IAM), including the establishment of a global institution that will provide meaningful and independent oversight of respect for the Code of Conduct.

The Academy continues to play an active role in receiving comments on the draft Code of Conduct, redrafting, and participating in further consultations in an expert capacity. Professor Andrew Clapham and Ms. Claire Mahon are responsible for this project and have each participated in the conferences and workshops conducted throughout 2009.

E. Present work and future of the Human Rights Council.

Various Academy projects related to the Human Rights Council include: i) the design of a “matrix-toolbox” describing possible steps that could be taken at the UN Human Rights Council in reaction to human rights violations in ‘country situations’; ii) informal meetings on the review of the Human Rights Council with a view of elaborating a study on “Expertise in the Human Rights Council”. In addition, two public events were organized in the context of the US Participation in the Human Rights Council with Michael Posner, US Assistant Secretary of State for Democracy Human Rights and Labor and Harold Hongju Koh, US State Department Legal Adviser.

F. Project on Economic, Social and Cultural Rights

In 2009, the Project on Economic, Social and Cultural Rights (ESCR Project) focused on providing academic research, legal and policy expertise and advice, teaching and training for students and professionals, and resources and publications on economic, social and cultural rights for a variety of audiences. The ESCR Project is jointly coordinated by Senior Researchers Dr. Christophe Golay and Ms. Claire Mahon. Ms. Ioana Cismas, PhD student at the Graduate Institute, works as a researcher for the project.

As part of their research activities and work related to legal and policy advice, the members of the ESCR Project supported various stakeholders, in particular the mandate of Jean Ziegler, Vice-President of the Human Rights Council's Advisory Committee (<http://www.righttofood.org>). In this capacity, they drafted background studies – on noma (a neglected disease caused by malnutrition) and on the right to food of peasants – and coordinated the Advisory Committee's report on discrimination in the context of the right to food. In addition, Dr. Christophe Golay and Ioana Cismas drafted a legal opinion on “The Right to Property from a Human Rights Perspective” commissioned for, and to be published by, Rights and Democracy (Canada). Ms. Claire Mahon also provided ongoing legal advice on the right to health as part of her work as the Special Advisor to Mrs Mary Robinson, Chair of the Board of the Global Alliance on Vaccines and Immunizations.

Dr. Christophe Golay undertook a mission in Kenya from 20-28 September with FIAN International and the new African Network on the Right to Food published now at <http://www.fian.org/resources/documents/others/kenyas-hunger-crisis-the-result-of-right-to-food-violations/pdf>. The objectives of the mission were to analyze the famine in Kenya from the perspective of the right to food, to issue recommendations to the various stakeholders and to train representatives of NGOs in the conduct of such missions.

The ESCR Project has played an important role in facilitating the understanding and development of legal and policy issues related to ESCR by offering during 2009 the space for brainstorming and discussion among experts in the field and the wider public. Together with the NGO 3D, the ESCR Project organized in May a seminar on “The Global Land Grab: A Human Rights Approach”, which attracted considerable interest from UN Special Procedures, members of different treaty bodies, representatives of UN agencies and other researchers. With the support of the Friedrich Ebert Foundation, the Annual Conference of the ESCR Project was hosted in July and focused on the role and impact of the UN Special Procedures in the implementation of economic, social and cultural rights law and practice. Former and current Special Rapporteurs and Independent Experts, researchers having worked or working as advisers to special procedures and staff from the Office of the High Commissioner for Human Rights were present at the expert meeting.

As part of its training activities, the ESCR Project organizes an annual Executive Education Training Course on “Monitoring Economic, Social and Cultural Rights” addressed to professionals working in ESC rights, including advocates, researchers, managers of human rights organizations and field workers.

The ESCR Project continues to be involved in publishing reports and research documents, monographs and edited collections on ESC rights topics (see Publications below).

Dr. Christophe Golay and Ms. Claire Mahon finalized a book with Professor Jean Ziegler and Ms. Sally-Anne Way entitled *The Fight for the Right to Food. Lessons Learned*, to be published by IHEID with Palgrave Macmillan in 2010.

G. Swiss Human Rights Book: “Realizing the Right to Health”



Realizing the Right to Health, (Rüffer & Rub: Zurich), Volume III in the Swiss Human Rights Book series, an initiative of the Swiss Federal Department of Foreign Affairs (www.swisshumanrightsbook.com), was published in May 2009. The book was edited by Andrew Clapham and Mary Robinson, and co-edited by Claire Mahon and Scott Jerbi. The Geneva Academy hosted an international conference to launch this book on 22 June 2009.

The book contains 40 chapters by 60 leading health care practitioners, human rights advocates, health officials, and other authorities in the international right to health movement. The chapters address various aspects of the book's eight core topics: the human rights perspective on health, prioritizing women's health, the right to health in emergencies, people and groups at risk, key health challenges, multilateral institutions and responses, the role of health care practitioners, and strengthening health care systems. It describes how realising the right to health requires a strong focus on strengthening health care systems and transforming health systems for women. Taking a human rights approach to health means understanding the underlying social determinants of this right, as well as how to ensure the right to health is realised in times of emergency and armed conflict, and for all groups in society, including migrants and refugees, LGBTI persons, prisoners and detainees, and others. Leading international experts in human rights and health address issues such as access to essential medicine, HIV/AIDS, trade and health, SARS and malaria, and human rights approaches to other key health challenges.

The whole text of the book is available at http://www.swisshumanrightsbook.com/SHRB/shrb_03.html

To mark this publication, on 22 June, the Academy organised an international symposium to address the topic “Realizing the Right to Health: Whose Role is it Anyway?”. The international symposium, co-chaired by the editors, Professor Andrew Clapham and Mrs. Mary Robinson, brought together diplomats and officials from the key UN agencies and other organizations, such as OHCHR, WHO, WIPO, GAVI, and the Global Health Fund. Deputy UN High Commissioner for Human Rights, Ms. Kyung-wha Kang, delivered the keynote address, and a number of experts participated as panellists, including Len Rubenstein, Professor Mary Crewe, Professor Eibe Riedel, Professor Lynn Freedman, Iain Byrne, Gian Luca Burci, Carole Presern, and Tido von Schoen-Angerer. The Deputy High Commissioner welcomed the book as “an initiative of the highest standards, which highlights the numerous challenges to the realisation, universality and protection of the right to health, and offers rigorous analysis and arguments to counter scepticism about health as a human right.”

Panellists addressed the importance of strengthening national health systems, and the role of governments in building strong healthcare systems. They examined case studies of how governments sometimes fail to do this, for example in Zimbabwe where the government

has overseen the collapse of the health system and the emergence of a large-scale health crisis. They also discussed the growing importance of new global health initiatives and public-private partnerships such as the Global Fund and GAVI. Panellists addressed the role of healthcare practitioners, as well as those of civil society, pharmaceutical companies, and global development donors. A key issue was how the World Health Organisation and other UN bodies should prioritise a rights-based approach to health and how to ensure more effective global governance in this area. The importance of taking a gender-based focus was highlighted, and the case study of maternal mortality was examined, with the Deputy High Commissioner noting that “If we are serious about reducing maternal mortality and, more broadly, about tackling the great gap in women's health, a human-rights based approach must be adopted by all of us, whatever roles we play.”

A video of the conference can be viewed at:

http://www.adh-geneve.ch/info_video_conferences.php?id_conference=38.

Following the book launch, over 300 copies of the book were distributed by the Academy to leading international academics, practitioners, international agencies, and libraries around the world. The book continues to sell and is being adopted for courses on Health and Human Rights. It is available at the Academy for the special price of CHF 30.

VII. LECTURES AND EVENTS ORGANIZED BY THE ACADEMY

A. The Academy Lecture Series

The [Academy Lecture Series](#) treats multiple aspects of international law in armed conflict. Each lecture will form a chapter in a future *Oxford Handbook of International Law in Armed Conflict* to be published by Oxford University Press in 2011. Significant funding for the lectures was provided during 2009 by the Oak Foundation. The average audience is about 150. The [Lectures are filmed and posted on the Academy's website](#).


The following lectures were given in 2009:

- ◇ 19 February: Lecture on “**Neutrality**”, by Ambassador Paul Seger, Director and Legal Adviser, Directorate for Public International Law from the Swiss Federal Department of Foreign Affairs.
- ◇ 16 March: Lecture on “**Les Traités dans les Conflits Armés**”, by Professor Robert Kolb, Faculty of Law, University of Geneva.
- ◇ 24 September: Inaugural lecture for the MAS 2009-2010 on “**Terrorism and Armed Conflict**”, by Professor Andrea Bianchi, Graduate Institute of International and Development Studies.
- ◇ 21 Octobre: Lecture on “**Conditions d'application du droit international humanitaire aux conflits armés internes**”, by Professor Eric David, Université libre de Bruxelles.
- ◇ 10 December 2009: Lecture on the occasion of the Human Rights Day in association with the Permanent Mission of Switzerland, the Swiss Chair of Human Rights and the

Graduate Institute, on **“State Responsibility and the Individual Right to Compensation before National Courts”**, by Professor Christian Tomuschat, Emeritus Professor of Public International Law and European law at the Humboldt University in Berlin and former member of the UN Human Rights Committee and the UN International Law Commission.

B. Other lectures, book launches and events

- ◇ 18 February 2009: Ad hoc public lecture in association with the International Law Department of the Law Faculty of the University of Geneva, on **‘Torture Team – Deception, Cruelty and the Compromise of Law’**, by Professor Philippe Sands, University College London (UCL)
- ◇ 30 September 2009: A public lecture in association with the Graduate Institute on **“Human Rights a US Perspective”**, by Michael Posner, US Assistant Secretary of State.
- ◇ 5 October: Lecture in association with the Graduate Institute and the Law Faculty of the University of Geneva, on **“La défense des accusés devant les tribunaux pénaux internationaux”**, by Slobodan Zecevic (President of the Association of the Defence Counsel before the International Criminal Tribunal for the Former Yugoslavia), François Roux (Head of the Defence Office of the Special Tribunal for Lebanon) and Guenael Mettraux (Defence Lawyer before the International Criminal Tribunals).
- ◇ 26 October: The Academy and Oxford University Press organized the launch of the 3rd edition of the book **“The Treatment of Prisoners under International Law”**, by Professor Sir Nigel Rodley and Mr. Matt Pollard.

Académie de droit international humanitaire
et de droits humains à Genève
Geneva Academy of International Humanitarian Law
and Human Rights 


The Geneva Academy of International Humanitarian Law and Human Rights and
Oxford University Press are pleased to invite you to a presentation by

Professor Sir Nigel RODLEY
of the third edition of his book
The Treatment of Prisoners under International Law

Monday 26 Oct. 2009 - 6.30 pm
Villa Moynier – Rue de Lausanne 120 b – Geneva

The presentation will be in English and followed by a discussion and a reception

This is not a public event, space is limited, please confirm your participation to:
aline.baumgartner@adh-geneve.ch + 022 908 44 93
Villa Moynier * Rue de Lausanne 120 B * Case postale 67 * CH - 1211 Genève 21

THE GRADUATE INSTITUTE | GENEVA
ACADEMIE DE DROIT INTERNATIONAL
HUMANITAIRE ET DE DROITS HUMAINS
GENÈVE | UNIVERSITÄT ZÜRICH
FACHBEREICH RECHTSWISSENSCHAFTEN 

- ◇ 3 November: The Academy organized a public consultation with the Prosecutor of the International Criminal Court, Luis Moreno-Ocampo, on the Prosecutorial Strategy 2009-2012.



From the left side: Prof. Nicolas Michel, Chair, Board of the Academy; Ms. Olivia Swaak-Goldman International Cooperation Adviser, Office of the Prosecutor, International Criminal Court; Mr. Luis Moreno-Ocampo, Prosecutor, International Criminal Court.

This event was part of a series of consultations on the ICC's draft Prosecutorial Strategy for 2009-2012. This public consultation was open *inter alia* to representatives of States, Intergovernmental Organisations, NGOs and academics. About 400 participants took part in this event at the International Conference Centre Geneva (CICG). The event was introduced and chaired by Professor Nicolas Michel.

- ◇ 9 November: Public lecture on “**International Law in the Obama Administration**”, by Harold Hongju Koh, Legal Adviser to the US State Department.
- ◇ Outreach to Diplomats based in Geneva: The one-day training for Diplomats together with other projects of the Academy, including the MAS, were explained to selected members of the Geneva diplomatic community during a special event organized on 12 November. In addition to providing a chance to show-case the Villa Moynier to the diplomatic community, this event also constituted the opportunity to solicit scholarships from the assembled Government representatives. More than 60 Permanent Representatives and diplomats were present at this event.

VIII. ACADEMIC RESEARCH

A. Death in Custody

This research is a joint project with the Faculty of Medicine of the University of Geneva. It is working towards the adoption of “Death in Custody Principles”, and is funded by the Swiss Network for International Studies. Ms. Samar Khamis and Ms. Gloria Gaggioli work as junior researchers under the supervision of Professor Paola Gaeta. A conference on ‘Violations of Human Rights and Humanitarian Law: Investigation and Prevention of Torture and Death in Custody’, sponsored by the European Science Foundation will take place in May 2010. Professor Paola Gaeta will co-chair the conference. The results of the research should lead to a book and set of guidelines.

B. Post-Conflict Peace-Building Lexicon

Post-Conflict Peacebuilding: A Lexicon, Oxford University Press, 2009, V. Chetail (ed.) was the first publication in the Academy’s Oxford University Press series. The French version has been published at Bruylant in the Academy Series.

C. Private Security Companies in International Humanitarian Law

Private Security Companies in International Humanitarian Law: Challenges and Perspectives, directed by Professors Marco Sassòli and Vincent Chetail, is a *Fonds National de la Recherche Scientifique* (FNRS) project.

D. The Law of Prisoners of War

The Law of Prisoners of War: Evaluation of an Old Legal Regime in the Light of Current Realities, under the supervision of Professors Robert Kolb and Vincent Chetail, is a *Fonds National de la Recherche Scientifique* (FNRS) project. The results of this project are expected for mid-2010.

E. Evaluation of the International Criminal Tribunal for Rwanda

In July, the Academy co-organized with the Graduate Institute and the International Criminal Tribunal for Rwanda a 3-day international symposium entitled *International Criminal Tribunal for Rwanda: Model or Counter-Model for International Criminal Justice? The Perspective of the Stakeholders*. The full details as well as a transcript of the discussions is available at: http://www.ictt.org/ENGLISH/International_Symposium/index.html. The bilingual symposium brought together not only the current President, Prosecutor and Registrar but also key players from other sectors (media, victims, defence lawyers and certain academics). Professor Vincent Chetail organized the entire event (with the assistance of Dr. Christophe Golay) in collaboration with the Institute of Economic and Social Development Studies (IEDES), Paris I Panthéon-Sorbonne University. Professor Andrew Clapham and Ms. Aline Baumgartner, joined and assisted with the symposium which was opened by Professor Philippe Burrin (Director of the Graduate Institute). Professor Vincent Chetail drew the conclusions.

IX. PUBLICATIONS OF THE ACADEMY IN 2009

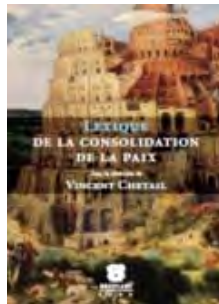
A. Publications

1. Academy Collection with Editions Bruylant



[Le droit de l'occupation militaire](#)

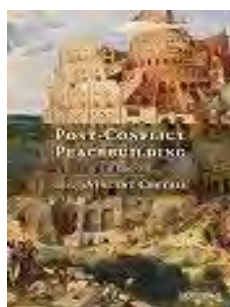
Perspectives historiques et enjeux juridiques actuels
Robert Kolb & Sylvain Vité, Bruylant, 2009, 482 p., EUR 85,
ISBN 978-2-8027-2717-0



[Lexique de la consolidation de la paix](#)

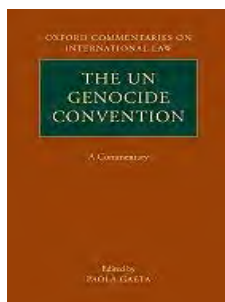
Vincent Chetail (ed.), Bruylant, 2009, 574 p., EUR45, ISBN
978-2-8027-2790-3

2. Academy Collection with Oxford University Press



[Post-Conflict Peacebuilding](#)

A Lexicon
Vincent Chetail (ed.), Oxford University Press, 2009, 424 p.,
GBP 29.95, ISBN 978-0-19-956816-1

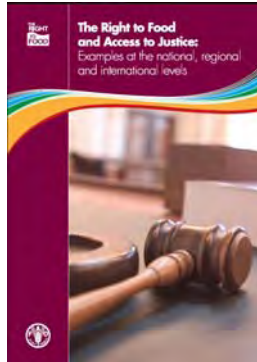


[The UN Genocide Convention](#)

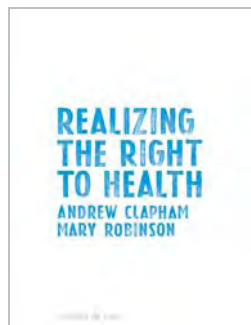
A Commentary
Paola Gaeta (ed.), Oxford University Press, "Oxford Commentaries
on International Law", October 2009, 616 p., GBP 75, ISBN 978-0-19-
957021-8

3. Publications on Economic Social and Cultural Rights

The ESCR Project continues to be involved in publishing reports and research documents, monographs and edited collections on ESCR topics. In 2009, it published the following:



[The Right to Food and Access to Justice: Examples at the national, regional, and international levels](#), Christophe Golay, FAO, Rome, 2009 (available in English, French, Spanish and Portuguese on the FAO website).



[Realizing the Right to Health](#)

Mary Robinson, Andrew Clapham, Claire Mahon and Scott Jerbi (ed.)
Swiss Human Rights Book, Vol 3, Rüffer and Rub, 2009, 576 p,
CHF 48, ISBN 978-3-907625-45-3

Available at the Academy: CHF 30

- [The Right to Water](#), Christophe Golay, CETIM, Geneva, 2009.
- [The Rights of Peasants](#), Christophe Golay, CETIM, Geneva, 2009.



[Towards a Convention on the Rights of Peasants](#), Christophe Golay in A. Paasch and S. Murphy (ed.), The Global Food Challenge. Towards a Human Rights Approach to Trade and Investment Policies, 2009, pp. 102-111.

B. Journal of International Criminal Justice (OUP)

The transfer of the *Journal of International Criminal Justice* to the Academy is now complete and the logo appears on the inside cover of the Journal. We are happy to report that Professor Cassese has been awarded the Erasmus prize (worth 150,000 Euros) and extremely grateful that he has decided that this sum should be donated to the *Journal* account.



Oxford Journals, Oxford University Press
Editor-in-Chief: Antonio Cassese
[Current issue](#)

C. Websites



<http://www.adh-geneva.ch>

<http://www.adh-geneve.ch>



<http://www.adh-geneva.ch/RULAC/index.php>



<http://www.udhr60.ch>



<http://www.righttofood.org>

<http://www.droitshumains.org/alimentation>

D. Presence in the Media

The Academy continues to provide commentary to the local and international news media including, most recently, with TV station Arte. The following are only a small selection:

14 January 2009: "Gaza, la guerre face au droit", Interview with Dr. Annyssa Bellal, by Caroline Stevan, in *Le Temps*.

De Gaza à Madrid, l'assassinat ciblé

PAR SHARON WEILL

Le 14 janvier 2009, à 22 heures, un journaliste de France 24 s'est adressé à Sharon Weill, directrice de l'Académie de droit international humanitaire et de droits humains à Genève. Elle a répondu à ses questions sur la situation en Gaza, les violations des droits humains et le rôle de l'Académie.

Sharon Weill : Bonjour, je suis Sharon Weill, directrice de l'Académie de droit international humanitaire et de droits humains à Genève. Je suis heureuse de vous accueillir et de discuter avec vous de la situation en Gaza.

Journaliste : Je suis journaliste de France 24. Je suis intéressé par votre avis sur la situation en Gaza, les violations des droits humains et le rôle de l'Académie.

Sharon Weill : La situation en Gaza est très préoccupante. Les violations des droits humains sont nombreuses et graves. L'Académie de droit international humanitaire et de droits humains à Genève a pour mission de promouvoir le respect des droits humains et de fournir une assistance juridique aux victimes.

Journaliste : Quelles sont les principales violations des droits humains en Gaza ?

Sharon Weill : Les principales violations des droits humains en Gaza sont les attaques contre les civils, les restrictions de mouvement, les restrictions de l'accès à l'éducation, à la santé et à l'emploi, et les violations des droits de l'enfant.

Journaliste : Quel est le rôle de l'Académie de droit international humanitaire et de droits humains à Genève ?

Sharon Weill : Le rôle de l'Académie de droit international humanitaire et de droits humains à Genève est de promouvoir le respect des droits humains et de fournir une assistance juridique aux victimes.

Journaliste : Comment pouvez-vous aider les victimes des violations des droits humains en Gaza ?

Sharon Weill : Nous pouvons aider les victimes des violations des droits humains en Gaza en leur fournissant une assistance juridique, en leur fournissant des conseils sur leurs droits et en leur fournissant des informations sur les mécanismes de recours.

Journaliste : Quelles sont les perspectives pour l'avenir ?

Sharon Weill : Les perspectives pour l'avenir sont incertaines. Il est important de continuer à promouvoir le respect des droits humains et de fournir une assistance juridique aux victimes.

July 2009: "Les Conventions de Genève, "meilleur cadre disponible de protection", by Gilles Giacca, in *Youphil*.

Les Conventions de Genève, "meilleur cadre disponible de protection"

Gilles Giacca

Le 25 septembre 2009, Gilles Giacca a publié un article intitulé "Les Conventions de Genève, 'meilleur cadre disponible de protection'" dans le magazine *Youphil*. L'article discute de l'importance des Conventions de Genève en tant que cadre juridique pour la protection des personnes en situation de conflit armé.

25 September 2009: Interview with Professor Andrew Clapham, in *Radio Netherlands Worldwide*.

14 October 2009: « Genève assiste les avocats des criminels de guerre », in *Swissinfo*.

Geneva Academy of International Humanitarian Law and Human Rights

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