

Geneva Academy of International Humanitarian  
Law and Human Rights

Académie de droit international humanitaire  
et de droits humains à Genève

Geneva  
Academy

## ANNUAL REPORT 2011



## THE GENEVA ACADEMY OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS

The Academy, a joint centre of

THE GRADUATE INSTITUTE | GENEVA

INSTITUT DE HAUTES ÉTUDES  
INTERNATIONALES ET DU DÉVELOPPEMENT

GRADUATE INSTITUTE OF INTERNATIONAL  
AND DEVELOPMENT STUDIES



UNIVERSITÉ  
DE GENÈVE

FACULTÉ DE DROIT



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# Mission

The Geneva Academy of International Humanitarian Law and Human Rights provides post-graduate teaching, conducts academic legal research, undertakes policy studies, and organises training courses and expert meetings. The Academy concentrates on the branches of international law applicable in times of armed conflict.

Jointly established in 2007 by the Faculty of Law of the University of Geneva and the Graduate Institute of International and Development Studies (IHEID), the Academy is the successor to the University Centre for International Humanitarian Law.

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

## Message from the Directors of the Academy

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As the Academy enters its fifth year we are happy to report that the student body increasingly enjoys recognition as highly qualified specialists. The performance of the Academy team in reaching the finals of the 2011 Pictet Competition is testament to this. Furthermore there is now huge competition for places, we received over 300 applications for the 2011-2012 LL.M. programme which typically accepts around 35 students. The assistants and faculty continue to provide not only a very high level of instruction, but also to generate motivation and enthusiasm through various activities including study visits (to the Hague and Bosnia & Herzegovina) and the Law Clinic.

A significant development in 2011 for the Academy was the creation of a new Executive Master in International Law in Armed Conflict (which is a Master of Advanced Studies). This new programme is designed for professionals who are currently working in Switzerland. The Executive Master has proven very popular and has attracted a group of professionals from a wide range of backgrounds (United Nations, International Committee of the Red Cross, Permanent Missions to the UN etc.).

We were also very pleased to have enjoyed outside recognition for the research being undertaken by the Academy's Research Fellows. Dr. Annyssa Bellal, Dr. Stuart Casey-Maslen and Gilles Giacca, won the prestigious 'International Geneva Award 2011', delivered by the Swiss Network for International Studies, for their article

'International Law and Armed Non-state Actors in Afghanistan' published in the International Review of the Red Cross. Another project entitled 'Large-scale Land Acquisitions in Southeast Asia: Rural Transformations Between Global Agendas and the Right to Food', has been awarded a generous grant from the Swiss Network for International Studies. Launched in autumn 2011 and spanning over 2 years, the project is a joint enterprise of the Academy, the Graduate Institute of International and Development Studies and the Centre for Development and Environment of the University of Bern. Partners include the International Land Coalition and the UN Special Rapporteur on the Right to Food, Professor Olivier de Schutter.

The fields of international humanitarian law and human rights continue to pose new challenges and as we enter 2012 the Academy is tuning its attention to a number of new challenges concerning: counter-piracy operations, new weapons including drones and certain incapacitants, the oversight of private security companies, and the demands of reparations in the context of transitional justice. We invite you to join us in developing our work on these topics and the other subjects detailed in the present report.

On 22 October 2011 Antonio Cassese passed away. Given the special relationship we, the directors, had with him we wish to take the opportunity to express our deep sorrow. We want here to recognize the extraordinary effect Nino, as he liked to be called, has had, and continues to have, on our professional and personal lives. He was not only a magnificent mentor but also father figure, friend, guide, confidant, and inspiration. It is hard to exaggerate this aspect of his influence over those of us who worked under his tutelage. He has simply transformed our lives. Everyone who was lucky enough to have spent time with Nino knows his warmth, charm, humour and enthusiasm. He had a mission to make the world a better place: what 'better' meant was perhaps a subjective notion, but it certainly involved attempting to right wrongs and to do this in a meaningful way that would ensure lasting results that were fair and just. All this he accomplished by dedication to unearthing and understanding existing scholarship while having the vision to adapt legal reasoning to contemporary challenges. Nino will remain our conscience, we will remain conscientious. He is sorely missed.



*Prof. Andrew Clapham  
Director of the Academy*



*Prof. Paola Gaeta  
Director of the Academy*

## **The Board of the Academy**

Nicolas Michel (Chair), UNIGE/IHEID  
Andrea Bianchi, IHEID  
Ingrid Alexandra Boivin, ICRC  
Christian Bovet, UNIGE  
Philippe Burrin, IHEID  
Marcia Kran, OHCHR  
Claude Wild, FDFA  
Barbara Wilson, UNIL

## **Directorate**

Andrew Clapham  
Paola Gaeta

## **Administrative staff**

Daniela Renggli Kaba, *Assistant to the Directorate*  
Aline Baumgartner, *Projects manager*  
Evelyne Bryden, *Student Secretariat Coordinator*  
Kamelia Kemileva, *Projects manager and Liaison Officer to the Swiss Foreign Ministry*  
Monica Lodygensky, *Coordinator of the LL.M.*  
Antonella Ghio, *Administrative Officer*  
Siata Traoré Bucher, *Administrative Officer (until August)*  
Antoine Kaboré, *Administrative Assistant*  
Nathalie Staffler, *Administrative Assistant*  
Alice Priddy, *Project Assistant*  
Ivona Truscan, *Project Assistant*  
Sumon Vangchuay, *Special Assistant*  
Tom Haeck, *Research Coordinator Geneva Conventions Project*

## **Resident Researchers**

Dr. Annyssa Bellal, *Research Fellow*  
Michaela Büschi, *Researcher*  
Ioana Cismas, *Researcher*  
Gilles Giacca, *Researcher*  
Dr. Christophe Golay, *Research Fellow*  
Fidel Kalenga, *Researcher*  
Rachelle Kouassi, *Researcher*  
Claire Mahon, *Research Fellow*  
Dr. Stuart Maslen, *Research Fellow*  
Dr. Mina Rauschenbach, *Research Fellow*  
Dr. Damien Scalia, *Research Fellow*  
Stephen Wilkinson, *Researcher*

## **LL.M. and Executive Master 2011-2012: Professors and Lecturers (in alphabetical order)**

Guido Acquaviva  
Vincent Chetail  
Andrew Clapham  
Jerome de Hemptinne  
Giovanni Distefano  
Louise Doswald-Beck  
Paola Gaeta  
Christopher Gosnell  
Steven Haines  
Frank Haldemann  
Robert Kolb  
Nils Melzer (Swiss Chair of International Humanitarian Law)  
Nicolas Michel  
Marco Pertile  
Tony Pfanner  
Eibe Riedel (Swiss Chair of Human Rights)  
Marco Sassòli  
William Schabas

## **Swiss Chair of Human Rights**

Eibe Riedel

## **Swiss Chair of International Humanitarian Law**

Daniel Thürer

## **Teaching assistants**

Céline Bauloz  
Mélicha Fardel  
Tom Gal  
Gilles Giacca  
Fidel Kalenga  
Antoine Kaboré  
Rachelle Kouassi  
Olivier Peter  
Sébastien Rosselet-Petitjacques  
Géraldine Ruiz  
Katja Schöberl  
Cristina Veronesi

# I. LL.M. in International Humanitarian Law and Human Rights

Our traditional Master of Advanced Studies programme in International Humanitarian Law is now formally known as LL.M. in International Humanitarian Law and Human Rights. The LL.M. provides students with a unique opportunity to follow advanced courses and seminars in all branches of international law applicable to situations of armed conflict and to appreciate the interplay between them. The LL.M. remains a partially bilingual programme, offering a carefully tailored set of core courses that are supported by tutorials and optional courses taught by some of the world's foremost experts in international humanitarian law and human rights. Furthermore, the LL.M. includes professionalizing activities which aim to bridge the gap between theory and practice. Core courses are taught in English and tutorials are given in English and French. Exams may be taken in French (upon request). Optional modules are available in English or French. The LL.M. dissertation may be written in either English or French. The Academy offers students who pass their exams in both English and French the possibility of earning a bilingual degree. The 2011-2012 LL.M. class is comprised of 36 students from 26 different countries who were selected from over 300 applicants. Thanks to the generous support of some donors, 24 students are receiving a scholarship to cover the tuition fees and/or cost of living.

## The resident faculty



### | Paola Gaeta

Director of the Academy and of its LL.M. programme, is a Professor at the Law Faculty of the University of Geneva and Adjunct Professor at the Graduate Institute of International and Development Studies.



### | Andrew Clapham

Director of the Academy and of its Policy Studies programme, is a Professor at the Graduate Institute of International and Development Studies.



### | Nicolas Michel

President of the Board of the Academy, is a Professor at the Faculty of Law of the University of Geneva, and Adjunct Professor at the Graduate Institute of International and Development Studies.



### | Vincent Chetail

Director of the Academy's Academic Research programme, is an Associate Professor at the Graduate Institute of International and Development Studies.



### | Louise Doswald-Beck

Director of the Academy's Training for Professionals programme, is a Professor at the Graduate Institute of International and Development Studies, she was the Director of the University Centre for International Humanitarian Law (the predecessor to the Academy).



### | Marco Sassòli

Director of the Department of International Law and International Organization of the University of Geneva, is a Professor of International Law at the Law Faculty of the University of Geneva. He chaired the Board of the Academy until 2008.

## A. 2011-2012 OVERVIEW

### 1. Courses in 2011-2012

#### Core Courses

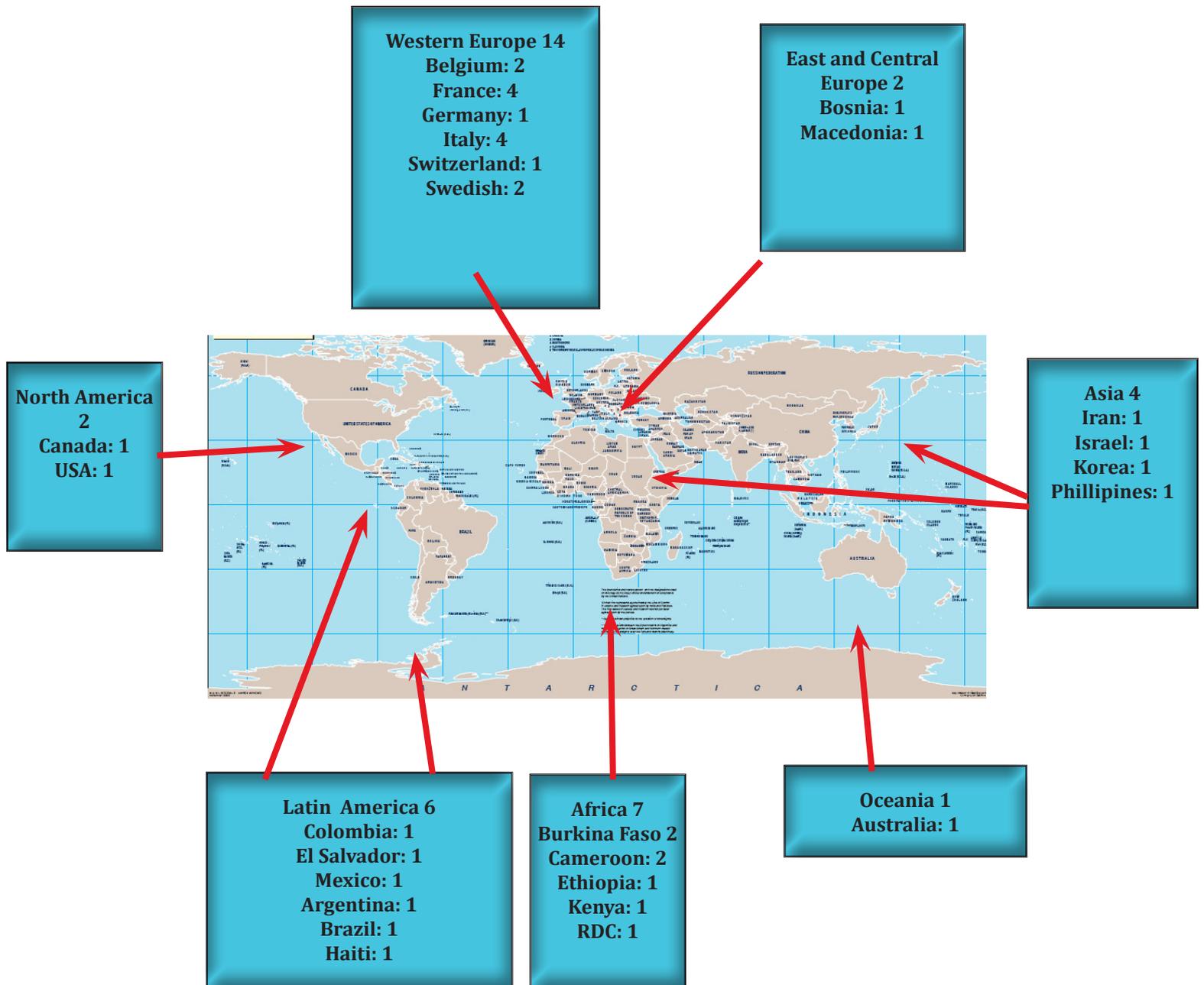
Public International Law	Andrew Clapham, Professor, IHEID
International Humanitarian Law	Marco Sassòli, Professor, UNIGE
International Human Rights Law	Eibe Riedel, Professor, Swiss Chair of HR
International Human Rights Law in Times of Armed Conflict	Louise Doswald-Beck, Professor, IHEID
International Criminal Law	Paola Gaeta, Professor, UNIGE and IHEID
International Refugee Law	Vincent Chetail, Professor, IHEID

#### Optional Courses

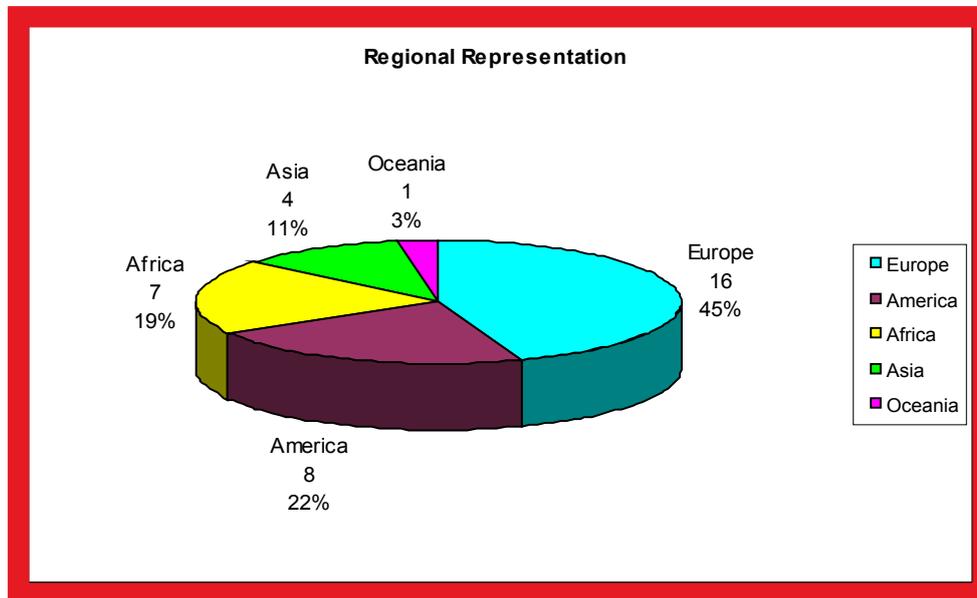
Force unilatérale en droit international	Giovanni Distefano, Professor, Univ. de Neuchâtel
Economic, Social and Cultural Rights in Armed Conflict	Eibe Riedel, Professor, Swiss Chair of HR
The Regulation of Weapons in International Humanitarian Law	Steven Haines, Head, Security and Law Programme, GCSP
Droit international et justice transitionnelle	Frank Haldemann, UNIGE
Specially Protected Persons and Objects	Louise Doswald-Beck, Professor, IHEID
Classification des conflits armés	Jerome de Hemptinne, Tribunal Spécial pour le Liban
International Criminal Law Through the ICC Case Law	William Schabas, Professor, University of Galway
International Criminal Procedure - Issues of Cooperation	Guido Acquaviva, Special Tribunal for Lebanon
International Criminal Procedure - Investigation and Evidence	Christopher Gosnell, Bar of New York and ICC
International Criminal Jurisdictions: the Emergence of a New Culture	Nicolas Michel, Professor, UNIGE et IHEID
Les mécanismes et les acteurs de la mise en œuvre du DIH	Tony Pfanner, Former Editor in Chief of the ICRC Review
Natural Resources in Armed Conflict under International Law	Marco Pertile, Marie-Curie Fellow, IHEID

## 2.a. Class of 2011-2012

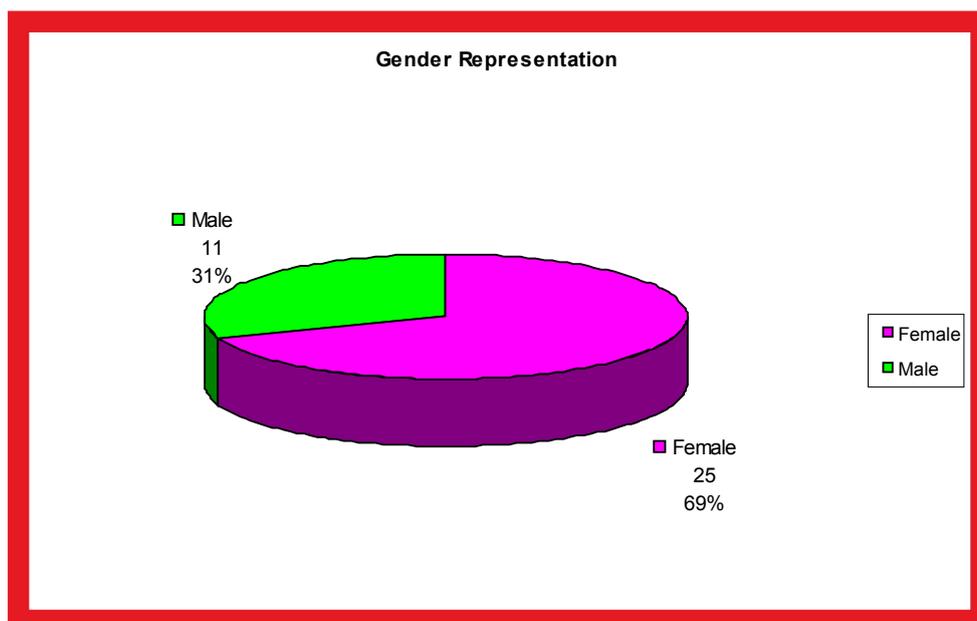
*The class is composed of 36 students from 26 countries from the five continents (see map below).*



## 2.b. Regional distribution of admitted students



## 2.c. Gender balance of admitted students



### 3. Internship programme

Academy students have the possibility to undertake a professional internship during the second semester and to gain academic credits if the internship meets the requirements set forth by the Geneva Academy. Students can choose between internships with the Academy, with different partners of the Academy or self-secured internships with international organizations. Various internships are offered at the Academy including working on the Rule of Law in Armed Conflicts (RULAC) project. Moreover, the Academy partners in this context include: Geneva Call; End Human Trafficking; TRIAL; and the ICTY Association of Defence Counsels.

### 4. Study trip to The Hague, the Netherlands, 4-6 May 2011 (for the class 2010-2011)

A group of students from the Geneva Academy participated in a study trip to The Hague, the Netherlands, as part of an optional course entitled 'The UN and the Emerging Culture of the End of Impunity' taught by Professor Nicolas Michel with the collaboration of Katherine Del Mar, teaching assistant.



The students met with judges, prosecutors, defence counsel, and other personnel from the International Criminal Court (ICC), the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Special Tribunal for Lebanon (STL). These included Judge Cotte (ICC Trial Division), Judge Kaul (ICC Pre-Trial Division), Judge Kourula (ICC Appeals Division), Judge Meron (ICTY Appeals Chamber), Judge Ralph Riachy (STL, Vice-President), Judge Daniel Fransen (STL, Pre-Trial Judge), Prosecutor Brammertz (ICTY), Prosecutor Bellemare (STL), Rod Ranstan (ICC, Office of the Prosecutor), François Roux (STL, Head of the Defence Office), Alia Aoun (STL, Deputy Head of the Defence Office), Xavier Jean-Keïta (ICC, Principal Counsel, Office of Public Counsel for Defence), and Renan Villacis (ICC, Director of the Secretariat of the Assembly of State Parties). Students attended a hearing at the ICC in the case of Prosecutor v. Bemba Gombo, and a hearing at the ICTY in the case of Prosecutor v. Stanišić and Župljanin.



*Students and professors from Geneva Academy visited the Court and Prosecutor's Office of BiH*

## **5. Study trip to Bosnia, 2-7 May 2011 (for the class 2010-2011)**

The tour in Sarajevo included visiting the National History Museum of Sarajevo, where the students could learn about the area's modern history and the events surrounding the outbreak of the conflict. Students also went on a tour by a local guide, during which they learned about the ancient history of Sarajevo, saw different famous monuments in the city connected to its history and the recent conflict and visited "The Tunnel Museum" – a museum telling the story of the tunnel built during the war and that served for providing humanitarian assistance to the Bosnians in Sarajevo during the siege. After two days in Sarajevo the students headed to the north of Bosnia, to the town of Kozarac. Here they visited a memorial monument, dedicated to the victims who were killed in the area during the conflict, as well as the former concentration camp 'Trnopolje'. Students also met survivors of the camp, who are now working with human rights issues in the area. The trip to Sarajevo was an enriching experience for students. It gave them the ability to become familiar with a post conflict area, its complexities and the difficulties arising during the "healing process". Moreover, the trip contributed to the social cohesion of the class as the students got to spend an intense week together sharing with each other their experiences and thoughts.

## **6. Simulation in 2011 (for the class of 2010-2011)**



On the first anniversary of the attack by Israel on a humanitarian flotilla bound for Gaza, the students of the LL.M. of the Geneva Academy participated in a simulation of an Advisory Opinion before the International Court of Justice to pronounce on the legality of this incident under international law. The final reading of the Advisory

Opinion took place in the famous Salle des Abeilles in front of a public audience, and was preceded by a speech given by Roger Durand, President of the Henry Dunant Prize Foundation, on the role of Henry Dunant and Gustave Moynier in the adoption of the first Geneva Convention in 1864

## 7. Jean-Pictet Competition 2011 (for the class 2010-2011)

The competitions' aim is to "take law out of the books", through simulation and role play, allowing the jury of the competition to evaluate each teams' theoretical knowledge and practical understanding of IHL.



A team of three students from the Academy's 2010-2011 class successfully qualified for the finals of the Jean Pictet Competition 2011, held in Najac, France.

During the week long competition, addressing issues concerning international humanitarian law and supplemented by human rights and international criminal law, the team representing the Geneva Academy (Yvette Issar, Anna Leshchinskaya, and Helena Sunnegardh) competed against 48 other teams.

## 8. Academy Alumni Network

The network of former students that was set up at the beginning of the MAS under the auspices of the University Centre for International Humanitarian Law became the ADH Alumni Network. Through the 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.

## 9. Career Day

The Academy successfully organized its third Career Day for its LL.M. students on 20 May 2011. During the Career Day, students were offered the opportunity to interact with key people within various Geneva-based and international organizations, enabling them to gain valuable insight regarding pursuing a career in international humanitarian law and human rights. The programme was divided into sessions focusing on various relevant sectors, such as NGOs, International Organizations (UN related organizations and the ICRC), International Criminal Tribunals and academia.

Many of the Academy's graduates have gone on to pursue careers within international and non-governmental organizations in Geneva or further afield. Some go on to careers in academia or research, while others engage in diplomacy or the civil service, with many playing a role in the international arena.

The Academy Secretariat collaborates closely with the Graduate Institute's Career Services. The Academy Career Day is a service that our students can benefit from in addition to the services already offered by the Graduate Institute's Career Services.

## 10. ADH Student Association (ADHSA)

The ADHSA is a non-profit association, aimed at assisting new students joining the ADH. Its goal is to promote and develop, within its capacity, the professional, academic, social and cultural life of its members. Moreover, it is designed to facilitate relations between the students and the ADH.

The ADHSA organises academic and non-academic events for its members, in relation to the subject matter of the ADH, (i.e. IHL and HR) in order to create an open and friendly environment between students, as well as to increase relations between students and professionals in Geneva.

## B. Law Clinic on International Criminal Justice and Human Rights

The Law Clinic continues to go from strength to strength, promoting academic excellence and utilizing such excellence in a real and tangible manner. Such a project has proven to represent a great opportunity for students to develop practical and professional skills, gain first-hand knowledge of current developments in international law and gain academic credit in the process. The Geneva Academy and the associated academic institutions (the Department of International Law of the IHEID and the Law Faculty of the University of Geneva) consider this work to amount to 6 ECTS credits, as an optional activity of their study plan. In 2010-2011, the external partners of the Law Clinic were TRIAL (for the human rights aspects) and the Defence Office of the Special Tribunal for Lebanon and the Association of Defence Lawyers before the ICTY (for the international criminal law part). The 2010-2011 Law Clinic introduced a series of skills sessions and training modules. These sessions included training on the art of cross-examination, fact adjudication, legal drafting, as well as workshops on selected human rights issues. They were run by professionals in the field of human rights and criminal law such as:

- Guido Acquaviva, Chef de Cabinet of the President of the Special Tribunal for Lebanon
- Gabriella Citroni, Senior Legal Adviser of Track Impunity Always and Researcher in International Law at the Law Faculty of the Milano-Bicocca University
- Christopher Gosnell, Legal Officer at the International Criminal Court
- Philip Grant, Director of Track Impunity Always
- Steven Haines, Professor, Head of the Security and Law Programme at the Geneva Centre for Security Policy
- Maurice Harari, Substitute Judge at the Geneva Court of Cassation and Professor at the Law School of the University of Fribourg
- Geoffrey Roberts, Legal Officer of the Defence Office of the Special Tribunal for Lebanon
- François Roux, Head of the Defence Office of the Special Tribunal for Lebanon

The participants in the 2010-2011 Law Clinic comprised 18 students from the LL.M. of the Geneva Academy, and the Masters programmes of the IHEID and the Law Faculty of the University of Geneva. They have produced two legal memoranda at the request of the Defence Office of the Special Tribunal of Lebanon and the Association of Defence Lawyers of the ICTY respectively, and drafted 4 communications to be submitted before the UN Human Rights Committee alleging serious violations of human rights pertaining to enforced disappearances that occurred in Nepal and Bosnia and Herzegovina (Track Impunity Always). In September 2011, the group of students who collaborated with the Defence Office of the Special Tribunal for Lebanon went to Leideschendam (Netherlands) to deliver their legal memorandum to the Defence Office. Thanks to this opportunity organized by the Geneva Law Clinic, they had the opportunity to present the results of their work and their legal opinions in person.

## II. Executive Master and Professional Training

### A. Executive Master in International Law in Armed Conflict

The Executive Master in International Law in Armed Conflict LL.M. is a new programme tailored for professional participants including lawyers, diplomats and officials from international organizations. It is designed to prepare and/or enhance participants' ability to work in the specialized areas of international criminal law, transitional justice, humanitarian operations and related fields.

The courses of the programme cover four subject matters, (Public International Law, International Humanitarian Law, International Criminal Law, and Human Rights in Armed Conflict) and are organized in several modules.

#### 1) Public International Law

- Module: Sources and Subjects of Public International Law (Giovanni Distefano)
- Module: Sanctions in Public International Law (Giovanni Distefano)
- Module: The Security Council and the Maintenance of Peace and Security (Robert Kolb)
- Module: Post-Conflict Situations and Reparations Programmes (Frank Haldemann)

#### 2) International Humanitarian Law

- Module: Basic Principles of International Humanitarian Law and the Conduct of Hostilities (Robert Kolb)
- Module: Protection of Persons and Property in Armed Conflict (Robert Kolb)
- Module: Weapons and Armed Conflict (Louise Doswald-Beck)
- Module: Enforcement of International Humanitarian Law (Tony Pfanner)

#### 3) International Criminal Law

- Module: Criminal Repression of International Crimes (Paola Gaeta)
- Module: The Establishment of International Criminal Tribunals (Nicolas Michel)
- Module: The International Criminal Court (William Schabas)

#### 4) Human Rights in Armed Conflict

- Module: Human Rights Law in Armed Conflict (Nils Melzer, Swiss Chair of IHL)
- Module: Human Rights Case Law in Armed Conflict (Nils Melzer, Swiss Chair of IHL)
- Module: Peace Keeping and Human Rights (Eibe Riedel, Swiss Chair of HR)

Participants are also required to write a research thesis under the supervision of a member of the Academy's Faculty. A module on research skills is organized to aid participants in the researching for and writing of the thesis. Upon submission of the thesis, participants are required to pass a thesis defence. The programme is complemented by conferences, workshops, seminars, and other key events organized throughout the year by the Academy, in particular a "special guest" series. This is an informal meeting with an invited expert, where participants can discuss and exchange views on topical issues. The first invited expert has been Professor Marco Sassòli, who has addressed the issue of "Non-State Actors and the Realism of International Humanitarian Law". The class of 2011-12 is composed of fourteen participants, mainly diplomats and representatives from international governmental and non-governmental institutions, who are enjoying the programme and actively participating in it.

## B. Professional Training

### 1. Training Course on Monitoring Economic, Social and Cultural Rights, 9-13 May 2011

The fourth Advanced Training Course on Monitoring Economic, Social and Cultural (ESC) Rights provided instruction to 25 participants from diverse backgrounds. Presentations on ESC rights and obligations, monitoring techniques (such as the use of indicators, budget analysis and human rights impact assessments) and the UN system relevant to ESC rights, were complemented by the input of participants who shared their experiences as staff of international organizations representing: UN Missions in Liberia and Sudan; WHO in Uganda; OHCHR in Mexico and Guatemala; and OSCE in Kosovo. Government representatives from Uganda and Argentina, and members of the National Human Rights Commission in Mongolia and the Ombudsman Office in Lithuania attended the training. NGO members from Sierra Leone, Indonesia, Guatemala, Burma, Nigeria, Mozambique, and Switzerland emphasized the difficulties civil society organizations face in monitoring ESC rights.

### 2. Training Course on Understanding Economic, Social and Cultural Rights, 21-25 November 2011

Organized for the first time in 2010, the Training Course on Understanding Economic, Social and Cultural Rights received more than 330 applicants in 2011, indicating the level of professional interest in ESC rights. The training course included sessions addressing, in detail, the rights to: food; water; housing; health; education and cultural rights, as well as an exercises training participants on how to build advocacy policies for the promotion of these rights. Participants on the course came from a diverse range of backgrounds including: 5 organizations working on ESC rights, (whose work included sustainable management of water resources, the realization of the right to health in Turin, the rights of migrants in the United States, and the adoption of a human rights approach to disaster management in Sri Lanka); 4 academics from Vietnam, Japan, and the United States; and 4 participants representing OHCHR in Geneva, WHO in Gaza, and OSCE in Vienna. Views and input from participants on the challenges they face promoting and protecting ESC rights greatly enriched the course.

### 3. Training Course in International Humanitarian Law for Geneva-based diplomats 19 December 2011

The Training Course in International Humanitarian Law was co-organized by the Academy and the ICRC. A total of 60 diplomats enrolled on the 2011 Training Course.

The one day Training Course is held every year for diplomats based in Geneva and working in the fields of disarmament, humanitarian affairs and human rights. The Training Course offers a general introduction to IHL and HR, and the relationship between the two bodies of law and also includes sessions on weapons, terrorism and detention issues.

The training course is organised by Professor Louise Doswald-Beck and Ms. Kamelia Kemileva.

## III. Chairs Hosted by the Academy

### A. The Swiss Chair of Human Rights

#### 1. General introduction

The Geneva Academy of International Humanitarian Law and Human Rights appointed Professor Eibe Riedel as the Swiss Chair of Human Rights for two years (2009-2011). As a visiting Professor the Swiss Chair has given 2 international law seminars per semester for the Academy LL.M., the international law unit MIS/PhD of the Graduate Institute of International and Development Studies. Gilles Giacca has been appointed as the Assistant to the Chair.

#### 2. Activities

Professor Riedel has taught with the assistance of Gilles Giacca two international law courses (6 ECTS) for each semester. Human Rights Indicators: Meeting Human Rights Monitoring Targets: In this seminar the monitoring of States' performance in realizing human rights treaty obligations are looked at from various theoretical and practical angles. The notions of indicators and benchmarks are assessed, and their effect on State reporting to human rights treaty bodies analysed. The issue of resource allocation and use of indicators are critically discussed. Macro- and micro-analyses of rights realization are scanned, ranging from topics such as the rights to health, food, water and sanitation, education, to macro-analyses of the rights to development, participation, good governance, poverty reduction and their nexus with Millennium Development Goals, and the monitoring roles of States, treaty bodies, inter-governmental organizations and civil society in determining indicators and benchmarks are also critically reviewed.

Peacekeeping and Human Rights: This seminar focuses on the inter-relationship of the peace-keeping system with the universal protection of human rights. Humanitarian interventions and missions, and the relevance of international human rights law and terrorism, and the limitation clauses in human rights treaties are discussed. More generally, problems of rights protection in situations of armed conflict and recent developments in international law will be analysed. Case studies on Iraq, Afghanistan, Western Sahara, Palestine, Sudan, Lebanon, Kosovo and other recent conflict situations served as illustrations of problems and process.

Economic, Social and Cultural Rights (ESCR) in Armed Conflict: This class addressed a wide range of issues from international humanitarian law (IHL) norms which are relevant to the protection of economic, social and cultural rights. of groups of individuals, minorities and indigenous people. The problem of emergency assistance in armed conflict has been examined from a HR and IHL perspective. In addition, limitations, exceptions and reservations to ESC rights in armed conflict and specific rights with their IHL dimension (rights to life, health, food, housing, water/sanitation, and access to energy) were reviewed. 41 students from the various programs mentioned above registered for the course and produced a paper on related issues.

Human Rights Law (General Course): The course covers the theory and practice of human rights at the universal, regional and domestic levels. Issues such as the universality of human rights versus cultural relativism, the strengths and weaknesses of treaty-bodies and UN charter-based mechanisms are covered. The course also embraces the cross-cutting issues of the new dimension of rights, such as the right to development, the common heritage of human kind, self-determination and participation. The tutorials are taught every two weeks by the assistant Gilles Giacca.

#### 3. Swiss Human Rights Chair Research Projects

Professor Riedel and Gilles Giacca organized an expert meeting (10-11 February 2011) on contemporary challenges in the realization of economic, social and cultural rights. The aim is to consolidate the outcomes of this event into an edited book entitled "Contemporary Challenges in the Realization of Economic, Social and Cultural Rights", to be published in 2012 by a leading academic publisher. During the year 2011, most activities involved the drafting of the programme for the expert meeting (selection of themes and invitations to the participants) and organizational and administrative matters in view of the workshop. Gilles Giacca was also in charge of reviewing the articles submitted to the editorial team. This project is designed to contribute to the realization of ESC rights by seeking to further scholarly debate on the current challenges of ESC rights implementation. It addresses the most pertinent issues related to mechanisms, new trends and tools for monitoring and protecting ESC rights. Key emphasis is the new importance given to ESC rights in the context of international law, going beyond the traditional content analysis of ESC rights and instead contextualizing the discussions against contemporary international law challenges (actors, mechanism, interplay with other legal regimes and effects of globalization). The overarching aim is to enhance the understanding of ESC rights in a progressive

way. For this purpose, both academic and practitioners' perspectives cover, inter alia, thematic areas such as the development of indicators and benchmarks, the role of the Universal Periodic Review, ESC rights in times of crisis, extraterritorial obligations of States, or international criminal law elements related to ESC rights violations, etc. The Project is conducted by Professor Riedel and Gilles Giacca in collaboration with Claire Mahon and Dr Christophe Golay (Joint Coordinators of the Project on ESC Rights).

## B. The Swiss Chair of International Humanitarian Law

Daniel Thürer, Swiss Chair of International Humanitarian Law at the Geneva Academy in 2010-2011, delivered the Opening Lecture of the LL.M. in International Humanitarian Law and Human Rights for 2011-2012 on 20 October 2011, entitled: The Legality of the Threat or Use of Nuclear Weapons: The ICJ Advisory Opinion Reconsidered. Fifteen years ago, the International Court of Justice rendered an Advisory Opinion concerning the legality of the threat or use of nuclear weapons. In the Opening Lecture, Professor Thürer formulated seven critiques of the Opinion based on fundamental principles, concepts and ideas of international law. The main question addressed in the Lecture was whether or not the Court would, or should, decide differently if it had to deal with the General Assembly's request today. Nils Melzer has been appointed as Swiss Chair for International Humanitarian Law in 2011-2012.

## IV. Policy Studies

### A. International Law and Lethal and Non-Lethal Weapons

Since 2009 the Academy has been engaged in efforts to support the effective regulation of weapons, especially those termed 'non-lethal'. Progress is being made towards the completion of an edited book on the regulation of weapons under international human rights law, to be published by Cambridge University Press in 2013. Issues being covered include the use of conventional and chemical weapons in law enforcement; the use of weapons in counter-terrorism, counter-piracy and peace operations; cyberwarfare; the application of human rights law regarding the use of weapons in armed conflict and counter-insurgency operations, and the use of weapons by armed non-state actors

### B. The Legal Commentary on the Future Arms Trade Treaty



The Academy has been engaged in efforts to support the adoption of an effective Arms Trade Treaty since 2010. Academy staff have participated in every preparatory committee for the future Arms Trade Treaty, including two in 2011. A legal blog (<http://armstradetreaty.blogspot.com>) set up to comment on the discussions within the preparatory committees for the treaty (held at the UN in New York), as well as other relevant meetings, was continuously updated during 2011. Work is also underway for a legal commentary of the future treaty, expected to be published by Oxford University Press in 2013/14.

## C. Proof in Humanitarian Fact-finding Missions

The Geneva Academy, in partnership with Geneva Call, is undertaking a project concerning the issue of humanitarian fact finding. The recent Goldstone Report has increased the profile of fact finding in an unprecedented way. The investigation and subsequent Goldstone Report highlighted the need for a focused assessment of humanitarian fact-finding methodologies and their compliance with international legal obligations. One crucial aspect that has not been clearly dealt with is the requisite standard of proof utilised and applied by various humanitarian fact-finding bodies.

The Academy's work on this project started in late 2010 and is funded by the DDIP (DFAE). This project is due to be completed in spring of 2012. The responsible researcher is Stephen Wilkinson.

## D. Development of a Handbook and Field Manual on Humanitarian access

The Swiss Federal Department of Foreign Affairs solicited the Geneva Academy to research and contribute to the legal section of the handbook on humanitarian access which lays out the normative framework, obligations of parties to armed conflict and rules pertaining to humanitarian access. This research was conducted by Gilles Giacca. This publication is orientated towards a broad audience including: State actors and national authorities, international organizations and humanitarian organizations. This project is implemented by Conflict Dynamics in close collaboration with the Swiss Federal Department of Foreign Affairs, the International Committee of the Red Cross (ICRC), and the UN Office for the Coordination of Humanitarian Affairs (OCHA). The Handbook was presented at a side event at the International Conference of the Red Cross and Red Crescent Movement in Geneva in 2011.

## E. Rule of Law in Armed Conflicts Project (RULAC) Database

The Academy has set up a global database of the application and implementation of international law in armed conflicts by states in 2009. Since the end of 2010, the RULAC database has included coverage of every state. Since then, efforts have concentrated on maintaining and updating the country profiles. In addition, background papers were drafted in 2011 on a number of current issues, such as peace operations and riot control.

The screenshot shows the RULAC website interface. At the top, there is a navigation bar with links for 'home', 'about us', 'legal developments archives', 'contact', and 'disclaimer'. Below this, the main heading reads 'Rule of Law in Armed Conflicts Project RULAC'. A search bar is positioned above a 'home' link. The 'APPLICABLE LAW' section lists categories like 'International humanitarian law', 'International human rights law', 'International criminal law', and 'International refugee law'. The 'NEWS' section contains several articles with dates, such as 'Towards an Arms Trade Treaty: ATT Process' (23 December 2010) and 'Convention on enforced disappearances enters into force, 23 December 2010'. The 'ISSUES' section includes topics like 'Qualification of armed conflicts', 'Application of international law to non-state actors', and 'Derogation from human rights treaties in situations of emergency'. The 'Recent developments' section features three items: 'UN resolutions and reports' (22 December 2010), 'National Legislation' (10 December 2010), and 'Other' (9 December 2010). The footer of the page indicates the date 'December 12, 2011'.

## E. International Code of Conduct for Private Security Service Providers

During 2011 the Academy participated in the work of the temporary Steering Committee (hosting one meeting) and contributed to the working groups established to develop the International Governance and Oversight Mechanism for the International Code of Conduct for Private Security Service providers. The Academy also participated as a voting member of the process established to adopt an American Standard in the field of private security. In addition a background paper was prepared by Dr Stuart Maslen and Alice Priddy on 'Countering piracy: what are the rights and obligations of states and private security providers?' This paper was discussed at an expert meeting held at Wilton Park in January 2012.

Website: [www.icoc-ppsp.org](http://www.icoc-ppsp.org)

## G. Legal Issues in Counter-Piracy Operations

Public international law applicable to counter-piracy operations by states is complex and fragmented. In addition, private security service providers are increasingly being used for the protection of vessels against piracy and armed robbery at sea. Given that their rights and obligations under international law differ to those of states, how can they effectively contribute to repressing piracy while fully respecting international law and norms? This new legal research project is being conducted in partnership with the Geneva Centre for the Democratic Control of Armed Forces. An expert roundtable, "Countering piracy: what are the rights and obligations of states and private security providers?" is being held at Wilton Park on 30 January–1 February 2012. An Academy paper on the legal issues concerned in counter-piracy operations was drafted during 2011, and will serve as background for the roundtable participants.

## H. Humanitarian Engagement with Armed Non-State Actors

The Academy completed its project on enhancing armed non-state actor compliance with international norms in 2011. The report of the project, "Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors", has been published in English, French, and Spanish, and is available for download on the Academy website at: <http://www.adh-geneva.ch/policy-studies/ongoing/armed-non-state-actors-and-protection-of-civilians>. The report recommends that more systematic engagement be conducted with armed non-state actors and suggests ways that this could occur, notwithstanding far-reaching counter-terrorism legislation in many countries.

The project was formally launched in November 2011 at a side event during the International Conference of the Red Cross and Red Crescent Movement in Geneva. In February 2012, a briefing for concerned states was held in New York at the Swiss Permanent Mission to the United Nations. With the continued support of the Swiss Federal Department for Foreign Affairs, the Academy intends to conduct a new study of reactions by armed non-state actors to existing international norms protecting civilians with a view to developing a manual for humanitarian negotiators on how best to engage with armed non-state actors on specific norms.

- Rules of Engagement - Protecting Civilians through Dialogue with Armed Non-State Actors
- Règles d'Engagement - La protection des civils à travers un dialogue avec les acteurs armés non étatiques
- Reglas del Juego - Cómo proteger a los civiles mediante el diálogo con los actores armados no estatales

## I. The International Commission against Death Penalty

The Swiss Ministry of Foreign Affairs has asked the Academy to assist this newly formed Commission and to host the secretariat with a physical move to Geneva in October 2011. There are three components to the initiative.

1. The Commission: composed of a number former dignitaries - 15 members and chaired by a President;
2. The Group of States supporting the Commission and chaired by a President;
3. The Secretariat.

*The aims of the Commission can be summarized as follows:*

- Promote without delay, the establishment of a moratorium on the use of the death penalty in all regions of the world, with a view to its total abolition.
- Promote the abolition of the death penalty through legislation
- Solicit, when appropriate, the suspension of executions in cases where international law restricts its application, in particular, when it affects the most vulnerable groups in society (child offenders, pregnant women and mentally ill people).

Responsible person at the Secretariat of the ICDP Ms. Asunta Vivó Cavaller (Secretary-General).

Responsible persons at the Academy: Professor Andrew Clapham and Ms. Aline Baumgartner, from 2012 Ms. Alice Priddy.

The Panel on Human Dignity was created in 2008 to mark the 60th anniversary of the Universal Declaration of Human Rights. In 2008, the Panel produced “Protecting Dignity: An Agenda for Human Rights” as a contribution to dialogue and joint action on prioritizing key human rights challenges for the second decade of the 21st century.

Since the release of the initial Agenda in December 2008, the Panel has commissioned a number of research projects and pursued follow-up actions on a limited number of thematic issues.

In 2011, the Panel worked for the development of four thematic subjects: proposals for a World Court of Human Rights, the situation of people in detention, the links between climate change and human rights, and the need for scaled up actions to promote access to justice and legal empowerment of the poor.

In March, the Panel met to discuss these subjects in four meetings where external experts were also invited. The Panel hosted, in March, a side-event during the 16 Session of the Human Rights Council on “Improving Enforcement, Accountability and Redress in the 21st Century: Towards an International Court of Human Rights?” organized with the Permanent Missions of Maldives, Switzerland and Uruguay, in cooperation with the International Commission of Jurists.

In September, an experts meeting was organized on the World Court of Human Rights with the International Commission of Jurists.

During the year the Panel drafted the 2011 Report which reflects on developments in the areas covered in the original 2008 Agenda and sets out ideas for future action by the international community. The 2011 Report was launched in December in Geneva. An event, attended by 100 participants, with panel discussions on the four themes was organized on 19 December.

Link to the 2011 report: <http://www.udhr60.ch/documentation.html>

The Geneva Academy is responsible for the coordination and the organization of the Initiative. Responsible persons at the Academy: Professor Andrew Clapham and Ms. Aline Baumgartner, from 2012 Ms. Alice Priddy.

## **K. Review, work and future of the Human Rights Council**

### **Launch and update of online portal: Reform of the UN Human Rights Council**

In late 2010 and early 2011 a series of meetings were held at the United Nations, where governments and civil society discussed the future of the UN Human Rights Council (a process known as the “HRC Review process”). As part of this Review, many documents were produced – some of these as formal submissions and others informal contributions to the discussions. The Geneva Academy collated these documents, and provided access to them via a website. The end-users of this website are varied – from academic researchers, to the diplomatic community, advocates from non-governmental organisations, and the media. End users are a mix of both those familiar with the UN system and based in Geneva, and those less familiar and accessing the website from outside of Geneva. Students, academics and others are also potential users for their research.

The majority of documents collated for this website are stored on the website’s server (i.e. they will not just be links to other pages). The website is hosted by the Graduate Institute of International and Development Studies. The website address is [www.councilreview.org](http://www.councilreview.org).

### **Workshop: Civil Protest and Peaceful Change –Upholding Human Rights**

In May 2011 the Geneva Academy, hosted the workshop ‘Civil Protest and Peaceful Change- Upholding Human Rights’ in the framework of the Academy’s project on strengthening the work of the Human Rights Council. With the aim of developing appropriate tools to better understand the political, legal and historical implications of civil protest movements, the workshop gathered together experts from civil society, the diplomatic community, international organisations, and academic institutions. The workshop provided an opportunity to reflect collectively and discuss freely, off the record, ways and means to effectively protect human rights in times of civil protest.

### **Fact finding missions and Commissions of inquiry at the UN**

The Academic Platform Switzerland UN in partnership with the Geneva Academy of International Humanitarian Law and Human Rights co-organised their 2011 annual conference to mark Human Rights Day. The conference, entitled ‘The UN Human Rights Council: Commissions of Inquiry’, brought together high-level experts including academics, diplomats and international civil servants to share experiences, analyse and discuss all aspects of commissions of inquiry.

The conference marked the first stage of a project called “Fact finding and Commissions of Inquiry at the UN” which has produced a report on the standards of proof used in fact finding missions (see above Policy Studies IV.C.)

## L. Project on Economic, Social and Cultural Rights

As part of their activities related to legal research and policy advice, the members of the Project on ESC Rights provided support and advice to a number of UN human rights mechanisms and specialized agencies throughout 2011. Dr. Christophe Golay and Ms. Ioana Cismas assisted members of the Human Rights Council's Advisory Committee, in particular Professor Jean Ziegler, in drafting two studies: "Update on the Preliminary study on the advancement of the rights of peasants and other people working in rural areas" and "Preliminary Study on Severe Malnutrition and Childhood Diseases, with Children Affected by Noma as an Example". Dr. Golay and Ms. Cismas participated in a number of events speaking on topics related to the two prepared studies.

In March 2011 the Project on ESC Rights facilitated, as a side-event of the Human Rights Council, the conference "The Need for Increased Protection of the Human Rights of Peasants", chaired by H.E. Jean Feyder, Ambassador of Luxembourg to the UN. The need for increased protection of the rights of smallholders, landless people and rural women and the opportunity of drafting a new legal instrument on the right of people working in rural areas were discussed in interventions by H.E. Mauricio Montalvo, Ambassador of Ecuador to the UN; H.E. Dian Triansyah Djani, Ambassador of Indonesia; Mr. Pitso Montwedi, Chief Director of Human Rights and Humanitarian Affairs at the Department of International Relations and Cooperation of the Government of South Africa; Prof. Olivier de Schutter, Special Rapporteur on the right to food, Mr. Jean Ziegler, member of the Advisory Committee of the Human Rights Council and Ms. Yolanda Areas Blass, Member of La Via Campesina.

Dr. Christophe Golay and Ms. Michaela Büschi prepared a study commissioned by the Food and Agriculture Organization of the UN on possible ways to integrate the right to adequate food into a global framework for food security and nutrition, with a focus on the Global Strategic Framework for Food Security and Nutrition (GSF) and the UN Comprehensive Framework for Action (CFA).

On 5 October 2011 the Project on ESC Rights, in collaboration with the Swiss Centre on Expertise in Human Rights, organised a seminar aimed at exploring modalities of implementing the recommendations of the Committee on ESC Rights pursuant to the review of Switzerland by the treaty body in November 2010. The high-profile seminar raised considerable interest and was attended by more than 150 representatives of the federal and cantonal administrations, civil society organisations and academic institutions.

In 2011 the Project on ESC Rights continued its role as facilitator of a series of workshops for the Swiss Government, organising two workshops in Bern on ESCR topics for members of the Swiss federal administration, civil society organizations and diplomatic representatives. On 24 March 2011, Prof. Eibe Riedel, Swiss Chair on Human Rights and Member of the Committee on ESC Rights, and Ms. Lucinda O'Hanlon, Advisor to the Special Rapporteur on the right to drinking water and sanitation, presented the recent recognition of the right to water and sanitation at the UN General Assembly and UN Human Rights Council, and its potential impact on the life of the billions of people struggling with poor access to drinking water and sanitation. Patrice Meyer-Bisch, Coordinator of the Interdisciplinary Institute on Ethics and Human Rights at the University of Fribourg, analyzed the recent developments concerning the protection of cultural rights and the main challenges related to the Arab Spring on 16 November 2011.

The Project on ESC Rights was responsible for the drafting of two studies commissioned by the Swiss Government in 2011. In the first Study, Ms. Cismas proposes the intersection of ESC rights and civil and political rights as a device suitable for advancing ESC rights at litigation and advocacy level and contributing to the de-categorization of human rights in the Swiss context. Written by Ms. Cismas and Dr. Golay, the second study advocates a better inclusion of human rights in the Swiss negotiations of bilateral free trade agreements.

Members of the Project on ESC Rights published several articles and books in 2011. Drawing on their collaboration with various UN Special Procedures, Dr. Golay, Ms. Mahon and Ms. Cismas wrote an article, which was published in the International Journal of Human Rights, analyzing the impact that ESC rights mandate-holders have upon the development and implementation of ESC rights. *The Fight for the Right to Food*, a book published with Palgrave Macmillan, gives important insights into the work of the UN's first Special Rapporteur on the Right to Food from 2000 to 2008, written by the Special Rapporteur himself and his team. This book includes essential conceptual and legal developments and offers an operational understanding of the right to food by documenting experiences from eleven countries across Africa, Asia and Latin America. *Droit à l'alimentation et accès à la justice* written by Dr. Golay and published with Bruylant demonstrates how the right to food became justiciable in the last 20 years and explains why victims of violations of the right to food can have access to justice in countries such as India, South Africa, Argentina and Colombia, but not in most of the other countries.

## V. Academic Research and Projects

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### A. Historical Injustices, Reparations, and International Law

Frank Haldemann, professeur boursier FNS, has been granted a SNFS research scholarship enabling him and two PhD students (Rachel Kouassi and Fidel Kalenga) to conduct research on the topic of “Historical Injustices, Reparations, and International Law”. The purpose of this four-year research project is to provide a comprehensive assessment of victims’ reparations claims in the light of recent developments in international law, while at the same time paying special attention to the legal and moral dilemmas that may arise in the process of shaping and implementing reparations programmes – especially in situations of transition from civil war and dictatorship towards peace and democracy. The results of this research will be published in a number of extensive, book-length studies (two PhD dissertations and a multi-authored volume, gathering the critical reflections of scholars and practitioners working in the field of reparations).

### B. ICTY: A Legal and social psychological study about the perspective of the accused.

This interdisciplinary research, involving international criminal law and social psychology perspectives, aims to contribute to the evaluation of international criminal justice and its legitimacy through interviews with individuals accused (convicted or acquitted) by the International Criminal Tribunal for the former Yugoslavia (ICTY). It is carried out within the Academy, in collaboration with the Criminal Law Department of the University of Geneva and the Social Sciences Institute of the University of Lausanne and it is funded by the Swiss National Foundation for Scientific Research. It is supervised by Professor P. Gaeta, Professor C. Staerklé (University of Lausanne) and Professor R. Roth (University of Geneva). It is carried out by Dr. Mina Rauschenbach and Dr. Damien Scalia (Research Fellows). Data collection, using semi-structured interviews with accused individuals, is currently being carried out. Results are expected to be published by the end of 2012.

### C. Private military and 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 (FNS) project. The results of the research will be published in 2012 by Cambridge University Press.

### 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 (FNS) project. The results of this project will be published in 2012 by Bruylant.

### E. Death in Custody

This two year funded research project ended in December 2010, at which point an advanced unedited version of the Guidelines on Investigating Death in Custody was finalized. The legal research of the joint project, conducted with the Faculty of Medicine of the University of Geneva, was carried out by Ms. Samar Khamis, Dr. Gloria Gaggioli and Mr. Patrick Mutzenberg who worked under the supervision of Professor Paola Gaeta. A launch event of the Death in Custody Guidelines took place in Geneva in March 2011 and was widely attended by international law and forensic experts. During the launch event, the legal and forensic chapters of the Guidelines were presented by the respective researchers and all partners to the project, this was followed by comments from Prof. Andrew Clapham and Prof. Patrice Mangin, director of the University Center of Legal Medicine. Following the launch event, the ICRC took the lead in editing the Guidelines booklet which is due to be published in 2012. Once the Guidelines are published it is anticipated that they will be complemented by explanatory notes/articles, which will help to disseminate the Guidelines.

## F. Geneva Conventions Project

In the beginning of 2011, Professors Paola Gaeta, Andrew Clapham and Marco Sassòli started conceptualizing a project and publication entitled 'The 1949 Geneva Conventions: A Commentary'. In April 2011, a project coordinator (Tom Haeck, former Academy LL.M. student) was recruited.

This ambitious project will combine the expertise of various researchers and professors of the Academy. More than 60 specialists from Academic, Governmental and Non-governmental organisations have agreed to contribute to the Commentary. In the course of the coming year, an expert meeting will be organized to allow the contributors to exchange views and to discuss their topics with other specialists, including with experts from the ICRC. This project is supported by the Directorate of International Law (DDIP) from the Swiss Foreign Ministry, the Law Faculty of the University of Geneva, and the Graduate Institute of International and Development Studies. We are actively looking for other donors to help support this ambitious project. The outcome of this project is scheduled for publication by Oxford University Press in 2014 in two or more volumes.

## **VI. Academy Lectures, Workshops and Other Events**

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### **A. Academy Lectures**

The Academy Lectures address multiple aspects of international law in armed conflict. Between 60 and 150 people took part in each of the public lectures (students, professors and representatives from international organizations, NGOs and Geneva Missions). Expert participants came from both Geneva and abroad. Significant funding for the lectures was provided by the Oak Foundation. The Lectures are filmed and posted on the Academy's website.

Each lecture usually forms a chapter for the Oxford Handbook of International Law in Armed Conflict to be edited by Professors Andrew Clapham and Paola Gaeta with editorial assistance from Ms. Aline Baumgartner, Mr. Tom Haeck, Mr. Scott Jerbi, Ms. Claire Mahon and Ms. Alice Priddy.

The following lectures were given in 2011:

- |            |   |
|------------|---|
| 2 March    | Professor Peter Haggemacher gave a lecture on "Retour sur quelques textes classiques du droit des conflits armés: Rousseau, Saint-Petersbourg, Martens".  |
| 20 October | Professor Daniel Thürer spoke at the LL.M. opening lecture on "The Legality of the Threat or Use of Nuclear Weapons: the ICJ Advisory Opinion Reconsidered". Students had the opportunity later during the semester to meet the professor again for a Q&A during which they were able to explore the subject further. |

### **B. Workshops**

#### **Immunity**

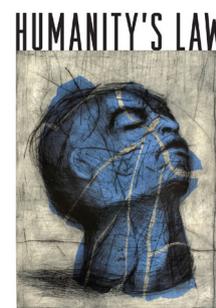
On 10-11 of November 2011, the Geneva Academy hosted a meeting of world experts to discuss the topic of immunities from jurisdiction in cases of serious human rights violations. Issues such as the nature of state immunity, the scope of the tort exception and the validity of the argument of jus cogens norms over state immunity were discussed. Experts also questioned the existence and scope of the immunity of state officials accused of international crimes, both before national and international courts. The workshop ended with a discussion on the immunity of international organisations and access to justice. The summary of the discussions can be found on the website of the Academy.



*A group of participants from the Immunity Workshop: Paolo Palchetti, Micaela Frulli, Hazel Fox, Dapo Akande, Annyssa Bellal*

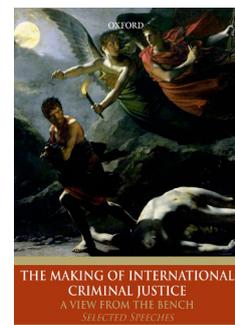
## C. Book launches

**8 December** Presentation by Professor Ruti G. Teitel of her new book “Humanity’s Law”. Professor Ruti G. Teitel is Ernst C. Stiefel Professor of Comparative Law at New York Law School and Visiting Professor at London School of Economics and Political Science. The presentation was followed by a discussion with commentary by Professor Frédéric Mégret and Professor Frank Haldemann. The event was organized with Oxford University Press.



RUTI G. TEITEL

**20 December** Launch of President Theodor Meron’s new book “The Making of International Criminal Justice: A view from the Bench: Selected Speeches”. Theodor Meron is President of the International Criminal Tribunal for the Former Yugoslavia and Presiding Judge of the Appeals Chambers of the International Criminal Tribunals for the former Yugoslavia and for Rwanda and Charles L. Denison Professor Emeritus and Judicial Fellow at NYU Law School. A roundtable discussion followed the presentation by President Meron led by Professors Georges Abi-Saab and Professor Andrew Clapham. The event was organized with Oxford University Press.



THEODOR MERON

22 December Two books by Academy Research Fellows were launched: “Immunités et violations graves des droits humains”, by Dr. Annyssa Bellal and “Droit à l’alimentation et accès à la justice”, by Dr. Christophe Golay. For more details see Publications below.

## D. Prize Giving Ceremonies

### **Journal of International Criminal Justice and Antonio Cassese Prize for International Criminal Law Studies**

An official ceremony was organized on 10 March 2011 at the Villa Moynier to award the Journal of International Criminal Justice (JICJ) prize and the Antonio Cassese Annual Prize for International Criminal Law Studies.

The JICJ prize was awarded ex aequo to Dr Shane Darcy and Mr Johan David Michels for their essays, ‘Prosecuting the War Crime of Collective Punishment: Is It Time to Amend the Rome Statute?’ and ‘Compensating Acquitted Defendants for Detention before International Criminal Courts’, published in the first and second issues of the Journal in 2010. The Antonio Cassese Prize for International Criminal Law Studies was awarded to Sandesh Sivakumaran for his several contributions to the Journal, including ‘Courts of Armed Opposition Groups: Fair Trials or Summary Justice?’, and to further the completion of his research project leading to a monograph on ‘The International Law of Internal Armed Conflict’.

All three laureates received the prize, a bursary and a certificate, from Professor Paola Gaeta, member of board of the JICJ. Earlier, the ceremony had been inaugurated by Andrew Clapham, member of board of the JICJ, who recalled the historic significance of Villa Moynier where Gustave Moynier contemplated the Geneva Conventions before introducing the founder of the two prizes, Antonio Cassese. Using the allegory of Hemingway’s Old Man and the Sea, Professor Cassese spoke emotionally and evocatively of his reasons for setting up the prizes, and expressed the hope future generations of lawyers and scholars would continue the work of justice, pedagogy and fair and impartial justice with reason and with passion. In his key note speech, delivered in Spanish, Judge Baltasar Garzón addressed the issue of universal jurisdiction and the immense difficulty of prosecuting international crimes. In an intensely personal address based on the Spanish experience, Judge Garzón recalled past precedents of thinking about universal courts, and the conjunctural moment of the nineties when thoughts coalesced around the idea of a ‘universal victim’ making possible the setting up of international tribunals, consensus around Rome, and trials of former dictators and generals for unspeakable acts of violence against civilians and foreigners alike. Yet, as Judge Garzón soberly recalled, that moment may have passed as the many challenges of judicial cooperation and global politics, and a steadfast refusal to examine national consciences and past crimes by regimes make each national proceeding against impunity and injustice anywhere in the world important milestones, and to be emulated by all concerned.



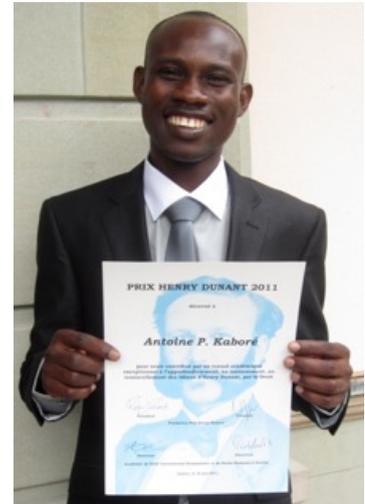
*Pictured at the award ceremony are (l-r) the late Judge Antonio Cassese, Dr Shane Darcy, Irish Centre for Human Rights, Judge Baltasar Garzón, Johan David Michels, ICTY, and Sandesh Sivakumaran, University of Nottingham.*

## Henry Dunant Prize 2011 (for the LL.M. class of 2009-2010)

The Geneva Academy, in partnership with the Foundation Prix Henry Dunant (the Foundation), has awarded the Henry Dunant Research Prize 2011 to Mr. Antoine P. Kaboré, for his master's thesis entitled "Do voluntary human shields participate directly in hostilities? An analysis based on the ICRC's Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law".

The award ceremony took place on 16 June 2011 at the Villa Moynier. A keynote speech was given by Yves Sandoz, Professor of International Humanitarian Law at the University of Fribourg and at the Geneva Academy.

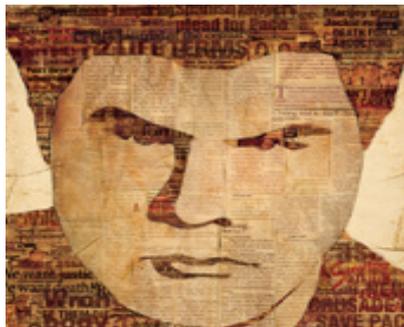
Since 2005 the Prize has been awarded annually for a piece of exceptional academic work that contributes to deepen, strengthen and renew the ideals and commitment of Henry Dunant. Through this award, the Foundation and the Academy seek to motivate young people to contribute to the dissemination of the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



### E. Other Events

#### **11 October**

A special Event on the occasion of the World Day Against the Death Penalty and the transfer to Geneva of the International Commission against the Death Penalty (ICDP), was organized with the Festival du Film et Forum International sur les Droits Humains (FIFDH), at the Alhambra, Geneva: The screening of "Give Up Tomorrow", by Michael Collins, was a Swiss premiere, a documentary about the case of Paco Larrañaga, a Philippine-Spanish citizen who was sentenced to death in the Phillip ines. The film was followed by a subsequent debate in the presence of the film makers and with the participation Amb. Paul Koller (Swiss Ministry of Foreign Affairs) and of the members of ICDP, Ruth Dreifuss and Ioanna Kuçurdi.



#### **25 October**

"Human Rights and the Environment in Contemporary International Law"\_ Lecture by Professor Alan Boyle, Public International Law, University of Edinburgh, Great Britain. Presentation by Professor Eibe Riedel, Swiss Human Rights Chair at the Geneva Academy and Diaporama on water security, realized by Magnum in cooperation with the Geneva Academy and the University of Geneva. The event was organized jointly with the Center for International Environmental Studies (CIES).

## F. Prizes and Grants

### **Academy team wins a SNIS Award**

The Swiss Network for International Studies' International Geneva Award 2011 was bestowed upon Dr Annyssa Bellal, Gilles Giacca, and Dr Stuart Casey-Maslen, researchers at the Geneva Academy, for their paper "International law and armed non-state actors in Afghanistan" published in the International Review of the Red Cross. The International Geneva Award was established by the Swiss Network of International Studies (SNIS) to encourage researchers to produce publications that are particularly relevant for International Organisations.

### **Swiss Network for International Studies Grant**

The project 'Large-scale Land Acquisitions in Southeast Asia: Rural Transformations Between Global Agendas and the Right to Food', has been awarded a generous grant from the Swiss Network for International Studies (SNIS). Launched in autumn 2011 and spanning over 2 years, the project is a joint enterprise of the Academy, the Graduate Institute of International and Development Studies and the Centre for Development and Environment of the University of Bern. Partners include the International Land Coalition (ILC) and the UN Special Rapporteur on the right to food, Professor Olivier de Schutter.

The project aims to analyze the context and processes that prompt large-scale land acquisitions, and the human rights implications. It will be comprised of comprehensive case studies in Laos and Cambodia and aims to produce generalised insights for evidence based decision and policy-making. Ioana Cismas and Dr. Christophe Golay (co-coordinator of the project), will be examining the role of human rights instruments in large-scale land acquisitions, the need for oversight mechanisms and the role of redress for human rights violations associated to large-scale land acquisitions.

# Publications of the Academy in 2011

## A. Publications of the Academy, its faculty and researchers

### 1. Academy Collection with Oxford University Press

**Prof. Louise  
Dowald-Beck**

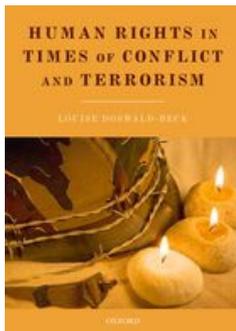
***Human Rights in Times of Conflict and Terrorism***

Oxford University Press, 2011, 575 p.

**ISBN**  
9780199578948

**Description:**

The book is intended to serve as a guide to international human rights law that applies to situations of violence, armed conflict or any other specific security need. The development of international human rights law since 1945 has been extensive and human rights treaty bodies have routinely made judgements and decisions on violations of human rights in the context of armed conflict, military occupation and counter-terrorism.



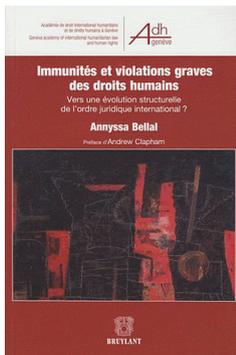
### 2. Academy Collection with Bruylant

**Dr. Annyssa Bellal**

***Immunités et violations graves des droits humains: Vers une évolution structurelle de l'ordre juridique international?***

Bruxelles, Bruylant, Collection de l'Académie de droit international humanitaire et de droits humains à Genève - N° 5, 2011, 265 p.

**ISBN**  
9782802729945

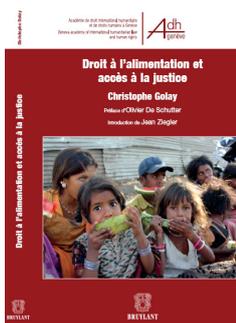


**Dr. Christophe  
Golay**

***Droit à l'alimentation et accès à la justice***

Bruxelles, Bruylant, Collection de l'académie de droit international humanitaire et de droits humains à Genève - N° 6, 2011, 356 p.

**ISBN**  
9782802730675

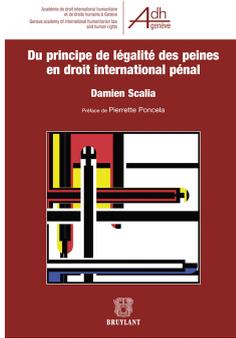


Dr. Damien Scalia

*Du principe de légalité des peines en droit international pénal*

Bruxelles, Bruylant, Collection de l'académie de droit international humanitaire et de droits humains à Genève, 2011, 436 p.

ISBN  
9782802735113

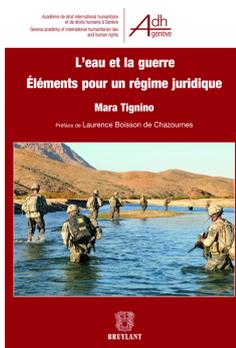


Dr. Mara Tignino

*L'eau et la guerre – Eléments pour un régime juridique*

Bruxelles, Bruylant, Collection de l'académie de droit international humanitaire et de droits humains à Genève, 2011, 494 p.

ISBN  
9782802734314



### 3. Other books by the Academy's staff and researchers

Prof. Vincent Che-  
tail & Peter Hag-  
genmacher, eds

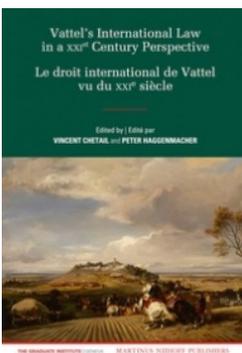
*Vattel's International Law in a XXIst Century Perspective/Le droit international de Vattel vu du XXIè siècle*

Boston/Leiden : Martinus Nijhoff Publishers, 442 p.

ISBN  
9789004194632

**Description:**

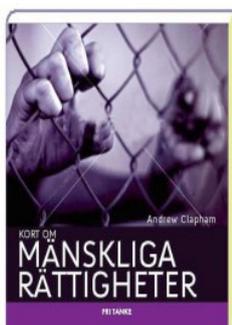
No other scholar has so deeply influenced the development of international law or shaped the doctrinal debates as Vattel. More than 250 years after its publication, his Law of Nations has remained the most frequently quoted treatise of international law. Vattel's International Law from a XXIst Century Perspective explores the reasons behind the extraordinary authority of Vattel and analyses its continuing relevance for thinking and understanding contemporary international law. It gathers the contributions from well-known experts of international law and history for the purpose of evaluating the Law of Nations from a XXIst Century perspective. The multiple facets of Vattel's thinking are apprehended through a wide-ranging and comprehensive analysis respectively devoted to the international system, the sources of international law, the subjects of international law, the law of peace, and the law of war.



**Prof. Andrew Clapham**

**Human Rights.** A very Short Introduction.

Swedish translation



**ISBN**  
9789186061173

**Dr. Christophe Golay & Claire Mahon**

**The Fight for the Right to Food. Lessons Learned**

Jean Ziegler, Christophe Golay, Claire Mahon and Sally-Anne Way. International Relations and Development Series 1. London: Palgrave Macmillan; Geneva: Graduate Institute Publications. 2011. 512 p.

**EAN: 9780230284647**

**Description:**

The Fight for the Right to Food documents the work of the UN's first Special Rapporteur on the Right to Food from 2000 to 2008, giving important insights into the work of a 'Special Rapporteur' and his team. This book advances the understanding of the right to food in theory and in practice, offering essential conceptual and legal developments and an operational understanding of the right to food by documenting experiences in 11 countries across Africa, Asia and Latin America.

**Prof. Marco Sassòli**

**How Does Law Protect in War?** 3rd ed.

JMarco Sassòli, Antoine A. Bouvier and Anne Quintin, Geneva, ICRC, 2011, 3 Vol., 2580 pp. and CD-ROM (updated French edition forthcoming in 2012).



#### 4. Articles and Book Chapters by the Academy's staff and researchers

- Dr. Annyssa Bellal "The 2009 Resolution of the Institute of International Law on Immunity and International Crimes", *Journal of International Criminal Justice*, Vol. 9, (1) (2011) pp. 227-241.
- Dr. Annyssa Bellal "The International Law Applicable to Armed Non State Actors in Afghanistan", *International Review of the Red Cross*, n°881 (2011), pp. 1-33.  
Dr. Stuart Casey-Maslen  
Gilles Giacca
- Dr. Annyssa Bellal "Towards engagement, compliance and accountability", *Forced Migration Review*, Issue 37, (March 2011), pp. 4-7.  
Dr. Stuart Casey-Maslen  
Gilles Giacca
- Prof. Vincent Chetail "Théorie et pratique de l'asile en droit international classique : étude sur les origines conceptuelles et normatives du droit international des réfugiés", *Revue générale de droit international public*, 2011, Tome 115, N° 3, pp. 625-652.  
"Le droit international des migrations : fondements et limites du multilatéralisme". In : R. Mehdhi et H. Ghérari (dir.), *La société internationale face aux défis migratoires*, pp. 23-69. Bruxelles : Bruylant.  
"Vattel et la sémantique du droit des gens : une tentative de reconstruction critique". In : V. Chetail & P. Haggemacher (eds.), *Vattel's International Law in a XXIst Century Perspective/ Le droit international de Vattel vu du XXIè siècle*, pp. 387-434. Leiden/Boston : Martinus Nijhoff Publishers.  
"Tous les chemins ne mènent pas à Rome. La concurrence des procédures dans le contentieux international pénal à l'épreuve du principe de complémentarité". In : Y. Kerbrat (dir.), *Forum Shopping et concurrence des procédures contentieuses internationales*, pp. 127-182. Bruxelles : Bruylant.  
"La dialectique migration et développement dans la politique de l'Union européenne à l'égard des pays tiers: paradigmes et paradoxes du dialogue Nord-Sud". In: M.-C. Foblets, D. Vanheule, J. Wouters & P. de Bruycker (dir.), *Les dimensions externes de la politique d'asile et d'immigration de l'Union européenne*, pp. 521-552. Bruxelles : Bruylant.  
*The European Union and the Challenges of Forced Migration: From the Economic Crisis to a Protection Crisis?* by Vincent Chetail & Céline Bauloz, 2011, Research Report: European University Institute, Robert Schuman Centre for Advanced Studies, 48 p.
- Prof. Andrew Clapham "Corporations and Criminal Complicity in Human Rights, Corporate Complicity and Disinvestment", G. Nystuen, A. Follesdal, and O. Mestad (eds) Cambridge, Cambridge, University Press, (2011), pp. 222-242.  
"Concluding Remarks: Three Tribes Engage on the Future of International Criminal Law", Vol. 9(3) *Journal of International Criminal Justice* (2011), pp. 689-695.

- Ioana Cismas “Introductory Note to the Statute of the OIC Independent Permanent Human Rights Commission”, *International Legal Materials*, Vol. 5, No. 5, 2011 , pp 1148-60.
- Christophe Golay “Deux approches pour lutter contre la faim et la discrimination contre les femmes: le droit à l’alimentation et la souveraineté alimentaire”, in Christine Verschuur (Dir.), *Du grain à moudre. Genre, développement rural et alimentation, Actes des colloques genre et développement*, Genève, IHEID, pp. 341-359.  
 “Claiming the Right to Food and Nutrition!” in *Bread for the World, FIAN International and ICCO, Claiming Human Rights. The Accountability Challenge, Right to Food and Nutrition Watch 2011*, pp. 13-17.
- Christophe Golay, Claire Mahon, Ioana Cismas “The Impact of the UN Special Procedures on the Development and Implementation of Economic, Social and Cultural Rights”, *The International Journal of Human Rights*, Vol. 15, No. 2, 2011, 299-318.
- Prof. Marco Sassòli “The Role of Human Rights and International Humanitarian Law in New Types of Armed Conflicts”, in: BEN-NAFTALI (ed.), *International Human Rights and Humanitarian Law*, Oxford, OUP, 2011, pp. 34-94.  
 “Legal basis of detention and determination of detainee status”, in: ODELLO and BERUTO (éds.), *Global Violence: Consequences and Responses*, International Institute of Humanitarian Law/Franco Angeli, Milano, 2011, pp. 149-156.  
 “International Law Issues Raised by the Transfer of Detainees by Canadian Forces in Afghanistan”, by Marco Sassòli and Marie-Louise Tougas, *McGill Law Journal* 56 (2011), pp. 959-1010  
 “Exportation d’armes: la curieuse interprétation du Conseil fédéral”, *Plaidoyer* 4 (2011), pp. 24-25.  
 “The International Legal Framework for Fighting Terrorists According to the Bush and Obama Administrations: Same or Different, Correct or Incorrect”, *Proceedings of the 104th Annual Meeting of the ASIL* 104 (2011), pp. 277-280.
- Dr. Damien Scalia “Long-term sentences in international criminal law: respecting the criteria determined by the ECHR?”, *Journal of International Criminal Justice*, (2011), pp. 669-687.

## 5. Academy Policy papers

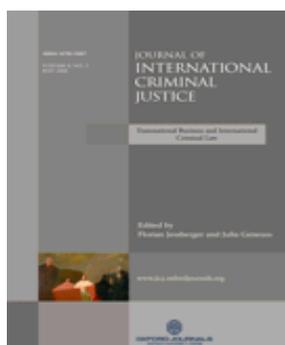
Dr. Annyssa Bellal &  
Dr. Stuart Maslen

[Rules of Engagement - Protecting Civilians through Dialogue with Armed Non-State Actors](#)

[Règles d'Engagement - La protection des civils à travers un dialogue avec les acteurs armés non étatiques](#)

[Reglas del Juego - Cómo proteger a los civiles mediante el diálogo con los actores armados no estatales](#)

## B. Journals



### Journal of International Criminal Justice

Oxford University Press

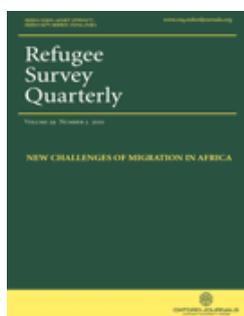
Editor-in-Chief: Antonio Cassese

Current issue

The *Journal of International Criminal Justice* aims to promote a profound collective reflection on the new problems facing international law.

Established by a group of distinguished criminal lawyers and international lawyers, the Journal addresses the major problems of justice from the angle of law, jurisprudence, criminology, penal philosophy, and the history of international judicial institutions.

It is intended for graduate and post-graduate students, practitioners, academics, government officials, as well as the hundreds of people working for international criminal courts.



### Refugee Survey Quarterly

Oxford Journals, Oxford University Press

Editor-in-Chief: Vincent Chetail

Current issue

The Refugee Survey Quarterly is a peer-reviewed journal focusing on the challenges of forced migration from multidisciplinary and policy-oriented perspectives. Refugee Survey Quarterly provides a vehicle for wide-ranging analyses and exploration of forced migration related issues. The RSQ also acts as an authoritative forum for the dissemination of ideas and expertise between the academic community, policy- and decision-makers, and practitioners.

Published four times a year, the journal now invites contributions from a broad range of disciplines and perspectives, which might include international relations, politics, law, history, geography, sociology, anthropology, economics, development studies and migration studies.

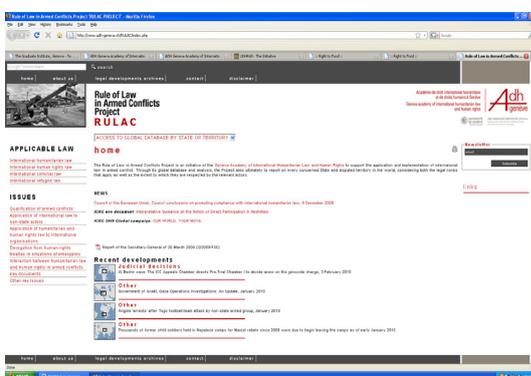
## C. Websites



Academy home page:

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

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



Rule of Law in Armed Conflict:

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



Protecting Dignity: An Agenda for Human Rights:

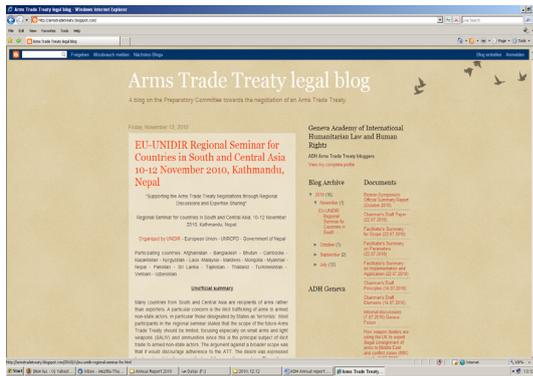
<http://www.udhr60.ch>



Right to food:

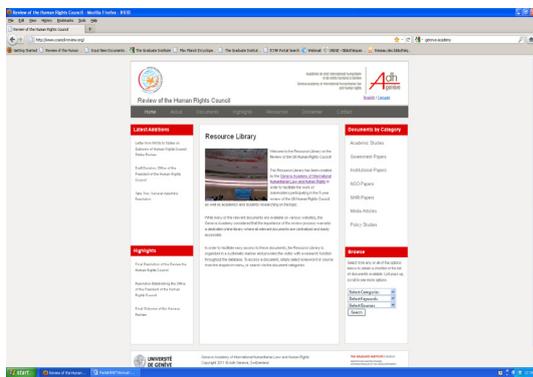
<http://www.righttofood.org>

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



## The Arms Trade Treaty legal blog

<http://armstradetreaty.blogspot.com>



## Review of the Human Rights Council

<http://www.council-review.org/>



**The Academy would like to thank:**

**The Governments of  
Switzerland**

**and the following international  
organizations, foundations and Individuals**

**Avina Stiftung**

**Bruylant**

**Festival du Film et Forum International sur les Droits Humains (FIFDH)**

**The Republic and Canton of Geneva**

**The City of Geneva**

**Friedrich-Ebert-Stiftung**

**ICRC**

**The Oak Foundation**

**OHCHR**

**Oxford University Press**

**Dr. Jenö and Mme Staehelin**

**Trial**

**University of Lausanne**

**FAO**

**Fondation Valifonds**

**Fondation Wilsdorf**

**UNIDIR**

**and of course its two parent institutions the Graduate Institute of International and Development Studies and the Faculty of Law of the University of Geneva, and their staff.**

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



Villa Moynier

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