

20-2006
Jan-Apr

INTERNATIONAL
INSTITUTE
OF HUMANITARIAN LAW
www.iihl.org



NEWSLETTER

30th Anniversary of the International Military Course on the Law of Armed Conflict

This year marks the 30th Anniversary of the International Military Course on the Law of Armed Conflict. In fact, way back on 16th June 1976, 17 officers from 6 countries, representing 3 continents, attended the Institute's very first military course which was held in Villa Nobel, Sanremo. The Course was in French.

The foundations of this course were laid down by Swiss Colonel Frédéric de Mulinen who was given the task of developing the course originally relying on a preliminary course syllabus given to him by the preparatory team. This team was composed of Professor Patrnoic (Switzerland), present President of the Institute; the late General Pietro Verri (Italy) and Henri Bosly (Belgium), Premier Advocate General.



The Institute took great pleasure in inviting Colonel de Mulinen as guest of honour to the closing ceremony of the 118th International Military Course on the Law of Armed Conflict where he would have received a plaque of appreciation and a gift from the Institute. Unfortunately, he was unable to attend for health reasons.



Colonel Frédéric de Mulinen

The text on the plaque reads as follows:

To Colonel Frédéric de Mulinen for his extraordinary contribution as Course Director of the International Military Courses on the Law of Armed Conflict (1st – 44th) on the occasion of the 30th Anniversary of this programme

Sanremo, 26th May 2006

So far there has been 4302 participants on this type of course from 165 countries.



Lt. Colonel (ret.) Juhaani Loikkanen, present Director of the IIHL Military Department

Colonel de Mulinen went on to create a course that earned worldwide recognition and prestige. Not only was he the author of the Handbook which he prepared specifically to support the course, and which is still one of the core books used, but he was also Course Director from the 1st to the 44th courses, being equally at ease working in English, French or Spanish.

Second Seminar on Chemical Weapons

The International Institute of Humanitarian Law, with the support of the Italian Ministry of Foreign Affairs, Office of Political Affairs, Office VII, organised a second seminar on Chemical Weapons from 27th to 28th April 2006 in Sanremo. Dr. Zeljko JERKIC, representative of the Organization for the Prohibition of Chemical Weapons in The Hague, was one of the participants at the Seminar which was co-ordinated by Prof. Yoram DINSTEIN, member of the IIHL Council.



The Objectives of the Seminar were to establish an open and constructive discussion, analysing ways of strengthening the Chemical Weapons Convention (CWC) of 1993 and other similar instruments, and to consider possibilities of adapting this Convention to meet current demands.



The organisers prepared two introductory reports, one was a brief reminder of the existing instruments in force regarding chemical weapons – a kind of analysis of *de lege lata* and *de lege ferenda* situations. Naturally, the report also served as a reminder that, according to state practice, the prohibition of the use of chemical weapons has become part of customary law applicable in both international and non-international armed conflicts. The second report elaborated certain specific cases where chemical weapons had been used, with particular reference to Iraq.

CONTENTS

- 30th Anniversary of the Basic Course on the Law of Armed Conflict
- New Course on IHL for International Personnel of the Italian Red Cross
- News from the Military Department: 5th Competition on LOAC for Military Academies
- New Course on International Humanitarian Standards for Iraqi Police, Military and Governmental Officers

Course on International Humanitarian Standards for Iraqi Police, Military and Governmental Officers

This course, held in Sanremo from 13th to 24th February, 2006, was created specifically for the Iraqi police, military and officials working in the Iraqi Ministries. In fact, the 21 officers who attended the course were all from Iraq and particularly from Baghdad and Erbil. Participants were selected and approved by the Iraqi authorities and the Institute and did not necessarily have to have a legal background. The Director of the Course was Lt. Colonel (ret.) Juhani Loikkanen, present Director of the IHL Military Department.



Group picture

The aims of the course were:

1. to learn the basic principles and norms of International Humanitarian Law;
 2. to study the practical application and implementation of these norms within a country which is forming and restructuring its internal security arrangements;
 3. to analyse the role of the police, law enforcement and armed forces regarding the protection and promotion of international humanitarian law and human rights.
- The teaching staff was composed of Brigadier General Karl Edlinger



Participant during the closing ceremony



Group of participants with Captain Siragusa

(Austria), Colonel John Phelps (USA), Supervisor Mika Raatikainen (Finland), Mr. Christopher Decker (USA) and Professor Marco Odello (Italy). They lectured on the following topics:

1. An introduction to International Humanitarian Law (IHL)
2. Basic principles, concepts and applicability of IHL
3. Responsibilities towards IHL
4. Responsibilities of an occupying power
5. IHL and the treatment of detainees, prisoners of war and non-privileged or illegal combatants in military operations
6. IHL in non-international armed conflict
7. Human Rights (HR) standards in armed conflict and situations of violence
8. Training in IHL and HR
9. Use of weapons by law enforcement officials
10. Detention and Human Rights
11. Rights of arrested persons and "special needs" categories
12. Human Rights during interrogation
13. Protection of victims (domestic violence, trafficking, etc)
14. Police professionalism, transparency and accountability with internal/external oversight mechanisms
15. The role of governmental and non-governmental organisations in the implementation of IHL and HR
16. The transfer of command and control from a UN Executive Policing Operation to a local human rights compliant police service
17. Rights of minority groups during transfer of responsibility, for general security, from an international military force to a local human rights compliant police service
18. Human Rights and standards applicable to internal security operations
19. Measures to ensure compliance with IHL and Human Rights

The course was structured in the following way: lectures were given to introduce each topic, leaving ample space for discussion and questions; after each lecture participants were divided into working groups to analyse case studies. The 2-week course was conducted in English and the relevant course material was provided by the Institute.

Workshop on Customary Law

The Governments of Switzerland and Italy, in close co-operation with the International Committee of the Red Cross (ICRC), the International Institute of Humanitarian Law (IIHL) and NATO, organised a workshop entitled "Customary International Humanitarian Law: Custom as a Source of Law and its Relevance for Interoperability" which was held in Sanremo from 9th to 10th March 2006. Ambassador Maurizio MORENO, Permanent Representative of Italy to the North Atlantic Council, Mr. Daniel KLINGELE, Head of section of Human Rights and Humanitarian Law, Directorate of International Law, Swiss Federal Department of Foreign Affairs, together with Professor PATRNOGIC, President of the IIHL, all contributed to the Workshop at the opening session.

The Workshop was built on the ICRC Study on Customary International Humanitarian Law (IHL) which was published in March 2005. The Workshop's main objective was to examine and discuss some of the results of this Study in the following areas: the conduct of hostilities, the detention by multinational forces, the weapons prohibited under customary IHL, and the enforcement of IHL.

One of the main goals of the Workshop was to examine the potential for a harmonization of national rules of engagement, manuals or training at the national level in view of the results of the ICRC Study.

The Workshop was of particular relevance to IHL experts in the Ministries of Defence and/or Foreign Affairs and to military officers responsible for training forces participating in multinational operations.

The conclusions, presented by Professor PATRNOGIC, and the presentation documents of the Workshop are available on the website:

http://pforum.isn.ethz.ch/events/index.cfm?action=event_full&eventID=258

REFUGEE LAW COURSES

37^{ème} Cours sur le Droit des Réfugiés

Held in French, this Course was attended by 50 participants from 23 different countries (Algeria, Benin, Canada, Central African Republic, Chad, Djibouti, Democratic Republic of Congo, France, Gabon, Guinea, Guinea Bissau, Italy, Ivory Coast, Lithuania, Mali, Mauritania, Morocco, Niger, Rwanda, Senegal, Switzerland, Togo and Turkey) including students attending the "Humanmed" programme (International Diploma of International Humanitarian Law) organised by the University of Nice and the IHL.



38th Refugee Law Course

Held for the first time in Arabic and organised with the support of the League of Arab States, this Course, directed by Prof. Muhammad Aziz SHUKRI from Damasco (Syria), was attended by 32 participants from 18 Arabic-speaking countries (Algeria, Comores, Djibouti, Egypt, Iraq, Jordan, Kuwait, League of Arab States, Lebanon, Libya, Morocco, Palestine, Qatar, Saudi Arabia, Sudan, Syria, Tunisia and Yemen).



Course on International Humanitarian Law for International Humanitarian Operators

organized with the Italian Red Cross



The first edition of the one-week course on *International Humanitarian Law for International Humanitarian Operators* took place in Sanremo from 20th to 25th February 2006. The course, which was conducted in Italian, was jointly organised by the Italian Red Cross Society (National Office for IHL dissemination) and the International Institute of Humanitarian Law. The course is designed for Red Cross operators involved in complex and delicate situations, including those of conflict, and aims to provide legal training in the field of international humanitarian law.

The topics of the lectures were:

1. Terms and principles of International Humanitarian Law (IHL)
2. The origin and development of IHL
3. Various types of armed conflict
4. Status of combatants and the new phenomenon of private military companies
5. General protection of civilians in occupied territory and territories involved in the conflict
6. Protection of refugees and internally displaced persons (IDPs)
7. Protection of cultural property
8. Protection of the wounded, sick and shipwrecked
9. Military objectives and civilian property
10. Military needs and principle of proportionality

11. Rights and duties of the medical personnel
12. Emblems to protect persons, property and places - use and abuse of these emblems
13. Treatment of prisoners of war
14. Tasks and activities of the Tracing Bureau of the Italian Red Cross Society
15. The role of the International Committee of the Red Cross in armed conflict
16. Safeguarding the application of IHL and repressing international crimes
17. Principles of action and rules of behaviour for the field operator
18. Current situations and problems in the application of IHL in the field (especially in the Balkans area)
19. UN and conflict management
20. Peacekeeping operations

The Course provided both theoretical and practical information with lectures in the morning, and case studies and working groups in the afternoon where the participants had time to examine a particular situation and find solutions. The Institute prepared the course material relevant to IHL, Human Rights and the Red Cross. Moreover, the staff was highly qualified and consisted of scholars and experts in the field. Among them, Massimo Barra, National President of the Italian Red Cross, gave a speech on the first day.



Participants during plenary session



Organizers of the Course. Dr. Massimo Barra, President of the Italian Red Cross is second from the left



Group picture

NEWS

FROM THE MILITARY DEPARTMENT

The 5th Competition on the Law of Armed Conflict for Military Academies took place in Sanremo from 3rd to 7th April 2006. This year 25 teams participated, representing 21 military academies from 15 countries and all six continents, namely: Australia, Canada, Colombia, Denmark, Finland, France, Greece, India, Ireland, Israel, Kenya, The Netherlands, Russian Federation, Serbia-Montenegro, and United States of America. Each team was composed of three cadets and each academy sent an accompanying officer.

The participating academies were:

- 1) Ryazan Higher Airborne Command School
- 2) Novocherkassk Higher Military Command School of Communications
- 3) United States Naval Academy
- 4) United States Coast Guard Academy
- 5) United States Air Force Academy
- 6) United States Military Academy West Point (2 teams)
- 7) Norwich University (USA)
- 8) Royal Military College Canada (2 teams)
- 9) Cadet School of Ireland
- 10) Royal Netherlands Naval College
- 11) Australian Defence Forces Academy
- 12) Royal Military College (Australia)
- 13) Finnish National Defence College
- 14) Hellenic Naval Academy (Greece)
- 15) India National Defence Academy
- 16) École Spéciale Militaire de Saint-Cyr (France)
- 17) Military Academy of the Colombian Army
- 18) Vogna Akademija (Serbia-Montenegro)
- 19) Danish Military Academy
- 20) Tactical Command College (Israel)
- 21) Kenyan Military Academy

The competition director was Professor Michel Bourbonnière, Canada who, together with Capt Jason Scott Wrachford, USA, prepared the scenarios and tasks for the competition. After the customary opening ceremonies, the competition began. The competition had two phases. These were:

1. A lecture phase;
2. A practical phase

The first part, on Monday, consisted of interactive lectures given by experienced officers and renowned professors on different humanitarian law issues. Topics covered during the first part were: (1) Applicable Laws to Conflict Situations, (2) Command Responsibility, (3) Law of the Sea and (4) Law of Targeting.

The cadets were invited to participate actively in the various challenging lectures and presentations by responding to the questions posed

by the presenters. There was also a Closing Key-note Lecture on Friday morning.

The second phase of the competition began on Tuesday and finished on Thursday. This phase was organized around fast moving events in a region of nine fictional countries and developments that escalated from an international incident to full-blown armed conflict. The cadets were placed in "mixed teams" of three, each from different military academies. Each mixed team represented a fictitious country and the cadets represented staff officers of the countries involved in the conflict within a simulation of a multinational Joint Operations Center (JOC).

Four simultaneous JOC sessions were organized. Prof. Gary Solis (USA), Lt. Col. Nicholas Mercer (UK), Capt. Jason Scott Wrachford (USA) and Col. Patricia Wildermuth (USA) acted as JOC leaders.

In the JOC the mixed teams were challenged with a continuous stream of complex and evolving legal issues concerning practical applications of the law of war. The scenario was made as realistic as possible. Each mixed team received specific instructions from their fictitious governments; each fictitious country represented had signed or ratified a different combination of treaties, some with reservations and/or declaratory interpretations. A broad array of issues were covered ranging from pre-conflict, gathering of intelligence, special operations, initiation of hostilities, naval combat, air warfare, targeting, cyber operations, space military operations, POWs, refugees, and occupation law.

During the Competition there was an evaluation committee that followed the lectures and JOC sessions. Their task was to nominate and elect the best performing mixed team and individuals during the week. The cadets were evaluated on the quality and pertinence of their contributions, and on how they performed within the team. The mixed teams were evaluated on how the individuals worked together, and how the individuals performed and represented their academy.

The following prizes were then awarded:

- Best mixed Teams

First Place Mixed Team and official winner of the competition:

- Cadet Jordan Wilhelm, US Air Force Academy
- Cadet Hezkel Interter, Israel ICC
- Cadet Sergeant Dmitri Kolobov, Ryazan Academy, Russian Federation

Second Place Mixed Team:

- Cadet Vasilios Georgiadis, Hellenic Naval Academy



- Cadet Lieutenant Kimanzi Kalamu, Kenya

- Cadet Erick Kuyelman, US Military Academy West Point

Third Place Mixed Team:

- Midshipman Benita Williams, US Naval Academy

- Cadet Corporal Noora Repo, Finnish Military Academy

- Cadet F.J. Marchal, Netherlands Defence Academy

Fourth Place Mixed Team:

- Cadet Dean Uren, Australia Defence Forces Academy

- Cadet Manuel Hernando Ortiz Senor, Military Academy of the Colombian Army

- Cadet Elève Soupault, Saint-Cyr, France

- Best Cadet

1) Cadet Rudra Rana, India National Defence Academy

2) Cadet Kieran Woulfe, Irish Cadet College

3) Cadet Officer Shannon Brown, Royal Military College Canada

4) Cadet Lieutenant A.G. Korsgaard, Danish Military Academy



54 participants from 18 countries (Algeria, Austria, Bahrain, Canada, Egypt, Lebanon, Libya, Jordan, Nepal, Qatar, Romania, Saudi Arabia, Sudan, Switzerland, Tunisia, Uganda, United Kingdom, Uzbekistan and 11 students from the Humanmed Project, the International Diploma on Humanitarian Law) took part to the 116th military Course on the LOAC.



INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW

Villa Ormond - Corso Cavallotti 113 - 18038 Sanremo, Italy
Tel. +39 0184541848 - Fax +39 0184541600 - sanremo@iihl.org

www.iihl.org

Liaison Office - La Voie-Creuse 16 - 1202 Geneva, Switzerland
Tel. +41 22 9197930 - Fax +41 22 9197933 - geneve@iihl.org

IIHL NEWSLETTER

N° 20 - Gennaio/Aprile 2006

Direttore responsabile:
Fabrizio D'Amico

Autorizzazione del Tribunale di Sanremo
N° 1 - del 31.07.2000