

Académie de droit international humanitaire  
et de droits humains à Genève  
Geneva academy of international humanitarian law  
and human rights



# THE GENEVA ACADEMY OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS



ANNUAL REPORT 2010

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**  
FACULTY OF LAW

# Mission

The Geneva Academy of International Humanitarian Law and Human Rights provides post-graduate teaching in English and French, conducts academic legal research, undertakes policy studies, and organizes 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 the Faculty of Law of the University of Geneva and by 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.

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## Message from the Directors of the Academy

The Academy continues to attract students from around the world and this year's intake came from 33 different countries (see chart on p. 10). In response to the increasing demand for qualifications in this area we have already started planning a new Executive Master's of International Law in Armed Conflict. This new Programme (due to start in autumn 2011) will allow diplomats, staff in intergovernmental and non-governmental organizations, and others to acquire an education and training in International Humanitarian Law and Human Rights by following short modules with experienced faculty.

We saw a number of achievements in 2010 and we will mention here only three highlights. First the Rule of Law in Armed Conflicts Project (RULAC) completed the last country profile meaning that the website now covers every county in the world. Second, the Commentary on the Convention on Cluster Munitions was published by Oxford University Press. This publication benefited from a series of expert meetings organized at the Academy and is co-edited by Dr. Stuart Maslen. Third, in November the International Code of Conduct for Private Security Providers was adopted and signed by over 50 companies. The drafting of this Code was facilitated by the Academy together with the Centre for the Democratic Control of Armed Forces (DCAF) and the Swiss Federal Department of Foreign Affairs (FDFA). The next phase involves a process to establish oversight and enforcement of the Code, including accountability mechanisms to resolve claims of violations of the Code. The adoption of the Code and its immediate applicability generated a plethora of articles in the press (see section VIII below).

As we go to print we are looking to restructure the Master's Programme for the Academic Year 2011-2012. A bilingual programme will be developed with a wide range of modules and options. This will reduce class sizes and allow for a greater degree of professionalization. We are also actively looking for generous donors for the scholarship programme 2011-2012 in order that students can afford to study and live in Geneva. Such scholarships are essential to ensure that all, and especially students from conflict zones, have a chance to acquire the skills and knowledge to ensure better protection for the victims of armed conflict now and in the future.



Prof. Andrew Clapham  
Director of the Academy



Prof. Paola Gaeta  
Director of the Academy

# The Academy

## The Academy

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The Board of the Academy	Nicolas Michel (Chair), UNIGE/IHEID Andrea Bianchi, IHEID Ingrid Alexandra Boivin, ICRC Christian Bovet, UNIGE Philippe Burrin, IHEID Thomas Greminger, FDFA (until Oct. 2010) Marcia Kran, OHCHR Claude Wild, FDFA (from Oct. 2010) Barbara Wilson, UNIL
Directorate	Andrew Clapham Paola Gaeta
Administration	Laure Bally Cergneux, Administrator Daniela Renggli Kaba, Secretary Siata Traoré Bucher, Secretary
Project coordinators	Aline Baumgartner Kamelia Kemileva Susana Perdiz Kilbey
Researchers and research associates	Annyssa Bellal Stuart Casey-Maslen SongHa Chae Ioana Cismas Gilles Giacca Christophe Golay Claire Mahon Silvia Suteu Ivona Truscan Stephen Wilkinson

## MAS 2010-2011

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Professors teaching core courses in the English Section	Louise Doswald-Beck Paola Gaeta Guy Goodwin-Gill Robert Kolb Marco Sassòli
Professors teaching core courses in the French Section	Vincent Chetail Giovanni Distefano Paola Gaeta Yves Sandoz
Professors teaching optional courses	Louise Doswald-Beck Pierre-Marie Dupuy Frank Haldemann Jerome de Hemptinne Nicolas Michel Toni Pfanner Eibe Riedel (Swiss Chair of Human Rights) William Schabas Daniel Thürer (Swiss Chair of IHL)
Assistants	Céline Bauloz Gilles Giacca Samar Khamis Sébastien Rosselet-Petitjaques Géraldine Ruiz Katja Schöberl Cristina Verones Stephen Wilkinson

# I. Master of Advanced Studies in International Humanitarian Law (LL.M.)

The LL.M. in International Humanitarian Law 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 grasp fully the interplay between them. The Master's core courses are currently taught in English and French and exams can be taken in either language. Optional classes and activities are available in both languages. The resident faculty is comprised of professors from the Law Faculty and the Graduate Institute, and the visiting faculty consists of professors and lectures principally from other universities, recognized for their expertise in one of the branches of international law covered in the Master's programme. In addition, experts and professionals participate by teaching short modules and delivering lectures. The Master's degree is jointly issued by the University of Geneva and the Graduate Institute of International and Development Studies.

## The resident faculty

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**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 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. 2010/2011 overview

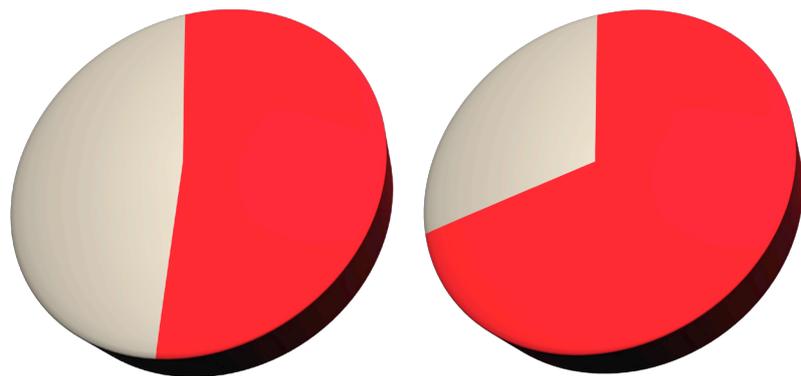
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### Courses in 2010-2011

Core Courses in English	Public International Law	Robert Kolb, Professor, UNIGE
	International Humanitarian Law	Marco Sassòli, Professor, UNIGE
	International Human Rights Law Applicable in Armed Conflict and Emergency Situations	Louise Doswald-Beck, Professor, IHEID
	International Criminal Law	Paola Gaeta, Professor, UNIGE and IHEID
	Refugee Law	Guy Goodwin-Gill, Professor, Oxford University
Core Courses in French	Droit international public	Giovanni Distefano, Professor, UNINE
	Droit international humanitaire	Yves Sandoz, Professor, UNIGE
	Droit international des droits de l'homme en situations de conflits armés et d'état d'urgence	Vincent Chetail, Professor, IHEID
	Droit international pénal	Paola Gaeta, Professor, UNIGE and IHEID
	Droit des réfugiés	Vincent Chetail, Professor, IHEID
Optional Courses	Special Rules of Protection during Armed Conflicts	Louise Doswald-Beck, Professor, IHEID
	L'évolution du droit international du maintien de la paix	Pierre-Marie Dupuy, Professor, IHEID
	National Repression of International Crimes	Paola Gaeta, Professor, UNIGE and IHEID
	Droit international et justice transitionnelle	Frank Haldemann, UZH
	Les catégories de conflits armés	Jerome de Hemptinne, Special Tribunal for Lebanon
	The UN and the Emerging Culture of the End of Impunity	Nicolas Michel, Professor, UNIGE and IHEID
	Mécanismes et acteurs de la mise en œuvre du droit international humanitaire	Toni Pfanner, ICRC
	Human Rights: Concept, Norms and Implementation	Eibe Riedel, Professor, Swiss Chair of HR
	Economic, Social and Cultural Rights in Armed Conflict	
	Human Rights Indicators: Meeting Human Rights Targets	
	Peacekeeping and Human Rights	
	International Criminal Courts and Tribunals	William Schabas, Professor, National University of Ireland
	International Humanitarian Law between Theory and Practice	Daniel Thurer, Professor, Swiss Chair of IHL

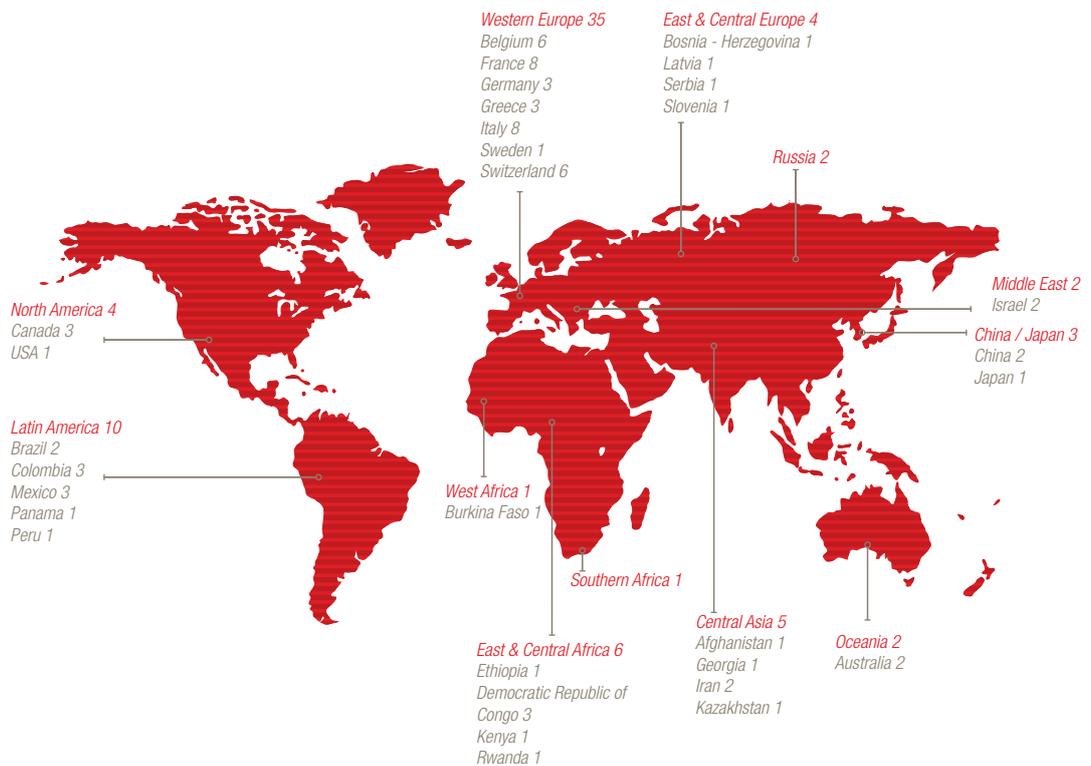
Class of 2010/2011

The class of 2010/2011 is composed of 75 Students (39 for the English section and 36 for the French section) from 33 different countries (see map below).



• English section 39  
• French section 36

• Women 53  
• Men 22



<b>Internship programme</b>	Students undertake internships that, upon request, can be validated for credits within the LL.M. programme, at organizations ranging from Permanent Missions to the UN in Geneva, the UN Office of the High Commissioner for Human Rights, the NGO TRIAL, to the Geneva Centre for Humanitarian Demining. Internships must of course fulfil strict requirements regarding the quality and relevance of the work performed by the interns.
<b>Simulation in 2010 (for the class of 2009/2010)</b>	<p>In 2010, the 'simulation exercise', an annual activity for students enrolled in the LL.M. in International Humanitarian Law at the Geneva Academy, took place at the Palais des Nations, the European headquarters of the United Nations in Geneva.</p> <p>Assisted by interpreters from ETI (School of Translation and Interpretation at the University of Geneva), the Geneva Academy students were asked to advise the United Nations Secretary-General, a role played by Professor Nicolas Michel, on the arrest warrant issued by the International Criminal Court against President Al-Bashir. Students played the roles of high-level civil servants of the United Nations (Heads of Departments of the UN Secretariat, UN Legal Counsel, UNHCR, OCHA, etc.), State representatives (from the five permanent members of the Security Council), and representatives from both regional and non-governmental organizations (ICTJ, Human Rights Watch, etc.). At the end of the day, after difficult discussions and negotiations, students put forward proposals for a draft of a statement by the Secretary-General, in the hypothetical case that he would be invited to participate in a debate in the Security Council about the consequences of the arrest warrant for international peace and security in Africa.</p> <p>The simulation, which was held on 16 April 2010, was organized under the responsibility and supervision of Professor Nicolas Michel, with the collaboration of Mr. Steven Wilkinson, and with the assistance of Ms. Katherine Del Mar. The Geneva Academy would like to thank the School of Translation and Interpretation (<a href="http://www.unige.ch/eti">www.unige.ch/eti</a>) and the Geneva International Model of United Nations (<a href="http://www.gimun.org">www.gimun.org</a>) for their generous assistance, as well as the United Nations Office at Geneva for their availability and hospitality.</p>
<b>Post-Master's Papers</b>	In addition to the normal course work required for the Master's degree, some students have prepared papers on topical issues. The best of these are to be published on the Academy's website. One of these papers prepared by students of the 2009-2010 academic year will be published early 2011. It is a thorough analysis of United Nations resolutions adopted between 2000 and 2010 on the application of human rights law in armed conflict situations.
<b>Pictet Competition 2010</b>	<p>In 2010 - a team of three students from the Academy successfully qualified for the finals of the Pictet Competition 2010 (English strand), in Montréal.</p> <p>The team submitted three essays on a range of contemporary issues of international humanitarian law, and undertook a series of role play exercises in order to prepare for this challenging competition.</p>
<b>Academy Alumni Network</b>	The network of former students set up at the beginning of the LL.M. under the auspices of the University Centre for International Humanitarian Law became the Academy Alumni Network. With this network, the Academy aims to support students who have completed, or are in the process of finishing, their studies to find jobs and develop their careers. It also serves as a constant contact platform that allows the Academy to evaluate the professional evolution of its graduates.
<b>ADH Student Association</b>	The ADH Student Association organizes conferences, debates, film projections and other events strengthening the ties between all students regardless of their respective linguistic section and of course deepening and furthering the debate on the various issues treated within the LL.M. programme.

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

Practical skills and professional experience are a significant asset to graduate law students, in particular to those who have come to Geneva to specialize in international humanitarian law. Yet the link between academic and professional skills is not always catered for in the traditional academic structure. In response to this gap and given the unique nature of Geneva as the humanitarian capital of the world, the Geneva Law Clinic on International Criminal Justice and Human Rights was launched in November 2009. The programme is geared towards the development of high-level legal research which will be provided to non-governmental organizations, international criminal tribunals, the Swiss Foreign Ministry, and other potential partners. The content of the legal research concerns serious violations of human rights, humanitarian law and international crimes.



Professors and participants in the Law Clinic

### Functioning of the Law Clinic 2009/2010

Law Clinic with the Defence Office of the Special Tribunal for Lebanon and the Association of the Defence Lawyers of the International Criminal Tribunal for the former Yugoslavia

In the academic year 2009/2010, the Geneva Law Clinic concentrated on two main projects:

In October 2009, two memoranda of understanding were signed by the University of Geneva (Law Faculty), the Graduate Institute of International and Development Studies, and the Academy with, respectively, the Defence Office of the Special Tribunal for Lebanon and the Association of the Defence Lawyers of the International Criminal Tribunal for the former Yugoslavia.

In accordance with these two memoranda, the academic partners have selected groups of students from the Law Faculty, the Graduate Institute and the Academy, who have carried out legal research relevant to the work of the Defence Office and the Association of the Defence Lawyers under the supervision of Professors Andrea Bianchi (Graduate Institute), Robert Roth (Law Faculty) and Paola Gaeta (Academy), specifically:

1. a group of six students, under the supervision of Professor Gaeta with the assistance of Stephen Wilkinson, to address questions concerning the delivery of humanitarian aid and the ensuing criminal responsibility concerning the impediment of such aid;
2. a group of four students, under the supervision of Professor Bianchi with the assistance of Delphine Haym, to address questions concerning international immunities before the Special Tribunal for Lebanon;

3. a group of three students, under the supervision of Professor Roth and with the assistance of Antoine Reinhard and Damien Scalia, to address questions concerning the exclusion of evidence before the Special Tribunal for Lebanon;

4. a group of four students, under the supervision of Professors Gaeta and Roth, and the assistance of Raphael Jacob and Stephen Wilkinson, to address questions concerning aiding and abetting by omission in international criminal law;

5. a group of four students, under the supervision of Professors Roth and Bianchi, and with the assistance of Delphine Hayim and Vanessa Thalmann, to address questions relating to arrest and surrender of suspects to the Special Tribunal for Lebanon.

All the groups have completed their research, and the paper have been handed over to the requesting partner. They consist of legal memoranda of approximately 40 pages each.

#### Law Clinic between the Academy and TRIAL

In March 2010, the LL.M. of the Academy established a partnership with TRIAL, an NGO based in Geneva, to involve students from the LL.M. in the preparation of complaints submitted to the Human Rights Committee on behalf of the victims of serious human rights violations. Four groups have been formed to deal with serious human rights abuses committed in Nepal (three students involved), in Algeria (two groups of two students each) and Bosnia Herzegovina (two students involved). The students have been in regular contact with the alleged victims of these human rights abuses. They were supervised by Professor Paola Gaeta with the assistance of Ms. Géraldine Ruiz (Teaching Assistant at the Academy). They have now handed over the drafts of the complaints summarizing the facts and developing the relevant legal arguments to the requesting partner.

#### Future Planning and Possible Developments

The Academy has been contacted by other criminal courts and NGOs requesting research on a range of thematic and country specific human rights issues. Yet due to the nature of the work, which requires significant academic guidance and professional support, the Academy has so far been unable to accommodate these requests.

In order to maximize the potential of the Law Clinic and create a successful project, further funding is being sought in order to cover additional staff costs, as well as administrative and logistical expenses. The Academy has already received a financial contribution from the Swiss Foreign Ministry's International Law Directorate and is now actively seeking further support from other donors.



Academy faculty at the graduation ceremony, from the left: Professors Vincent Chetail; Yves Sandoz; Andrew Clapham; Marco Sassòli; Paola Gaeta; Eibe Riedel; Louise Doswald-Beck and Nicolas Michel.

## II. Professional Training and E-Learning

### A. Professional Training in International Humanitarian Law (IHL)

Advanced Training Course in IHL for University Teachers, Geneva, 23-28 August 2010

Out of 130 applicants, 32 participants from 25 countries were selected after a strict selection process based on C.V.s and the publications of the candidates. This training is biennial and is supported and co-organized with the ICRC.

The training included the relationship between IHL and human rights, recent developments in IHL, proportionality in attack, terrorism and combatant status issues, guarantees in detention, recent developments in criminal law, PMSCs, ownership of norms by armed non-state actors as well as classes on the methodology of teaching IHL.

Responsible persons at the Academy: Professor Louise Doswald-Beck and Ms. Kamelia Kemileva.

IHL training for Geneva-based diplomats, 14 December 2010

Out of 80 applicants, 40 participants were selected and the other 40 will probably attend a training course in 2011.

The training was co-organized with the ICRC. This training is held every year, for diplomats based in Geneva and working in the fields of disarmament, humanitarian affairs and human rights. Its duration is of one day and takes place at Villa Moynier.

Responsible persons at the Academy: Professor Louise Doswald-Beck and Ms. Kamelia Kemileva

Workshop with the Judges of the European Court of Human Rights on aspects of IHL, Strasbourg, 9 October 2010

The Workshop was attended by more than 20 Judges including the President of the Court. Some members of the registry staff, upon invitation by judges, also participated. Generous help in organizing this event was also provided by the President of the Court: Judge Jean-Paul Costa and by Mr. Michael O'Boyle, Deputy Registrar.

The training was organized by Professor Louise Doswald-Beck and Ms. Kamelia Kemileva, with the additional participation of Professor Marco Sassòli, Dr. Damien Scalia and Dr. Gloria Gaggioli. This workshop was funded by the Oak Foundation.

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

Training Course on Monitoring Economic, Social and Cultural Rights, 10-14 May 2010

The third annual Training Course on "Monitoring ESC Rights" took place 10-14 May 2010, organized by the Project on ESC Rights at the Geneva Academy. The course received a higher number of applications than in previous years, 317 in total, and 28 participants gathered at the Villa Moynier for the one week-long intensive training course. The course provided a valuable opportunity to draw from the participants' various backgrounds and develop learning on the application of ESC Rights. The participants included representatives of NGOs, governments, UN bodies, international organizations and national human rights institutions.

Training Course on Understanding Economic, Social and Cultural Rights, Geneva, 8-12 November 2010

The inaugural session of the training course on "Understanding ESC Rights" was organized from 8-12 November 2010 by the Project on ESC Rights at the Geneva Academy. 146 applications were received for the inaugural session of this course. 11 participants attended the course and discussed the challenges they faced in their current activities as NGO activists, representatives of UN bodies, government officials, staff of international organizations and academics.

### C. E-Learning

This project, supported by the SDC (Swiss Agency for Development and Cooperation, FDFA), involved the drafting of a strategy for e-learning, and the preparation of draft e-learning modules. An expert meeting was hosted by the Geneva Academy in June 2010. A report of this meeting was written and is available on request.

## III. Chairs Hosted by the Academy

### A. The Swiss Chair of Human Rights

The Geneva Academy of International Humanitarian Law and Human Rights appointed Professor Eibe Riedel as the Swiss Chair of Human Rights. As a visiting Professor the Swiss Chair gave 2 seminars per semester for the Academy LL.M. and the MIS/PhD Programmes of the Graduate Institute of International and Development Studies. Mr. Gilles Giacca is Assistant to the Chair.

#### Teaching

<b>Economic, Social and Cultural Rights (ESCR) in Armed Conflict</b>	Professor Riedel taught, with the assistance of Mr. Gilles Giacca, the following courses. This class addresses a wide range of issues from international humanitarian law (IHL) norms with ESCR relevance: the dimensions of ESCR realization of groups of individuals, minorities and indigenous people. The problem of emergency assistance in armed conflict has been examined from an 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 programmes mentioned above registered for the course and produced a paper on related issues.
<b>The Human Right to Health</b>	This course-seminar focuses on the human right to health (RTH). It addresses definitional problems, contrasting human rights dimensions and health strategies, policies and plans of action in the field of health protection. Specific problems are discussed in more detail, such as women's health, the RTH in emergencies, marginalized and disadvantaged individuals and groups, the challenges for indigenous peoples, and RTH realization in times of emergencies and armed conflict. Particular groups, such as migrants, refugees and asylum seekers, Lesbian, Gay, Transgender and Intersex persons, and the problems of adequate health protection for prisoners and detainees are also examined. Particular attention is also paid to the concept of a core content of the RTH, access to essential medicines, combat against HIV/AIDS and other epidemics and pandemics.
<b>Human Rights Indicators</b>	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 analyzed. 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.
<b>Human Rights – Concepts, Norms and Implementation</b>	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 generation of rights, such as the right to development, the common heritage of human kind, self-determination and participation.

### Swiss Human Rights Chair Research Projects

Professor Riedel and Gilles Giacca are organizing an expert meeting (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 Issues in the Realization of Economic, Social and Cultural Rights", to be published in 2011 by a leading academic publisher.

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 would address the most pertinent issues related to mechanisms, new trends and tools for monitoring and protecting ESC rights.

The Project is conducted by Professor Eibe Riedel in collaboration with Mr. Gilles Giacca, Ms. Claire Mahon and Dr. Christophe Golay (Joint Coordinators of the Project on ESC Rights).

### Human Rights Day Commemoration

On December 10, 2010, the Permanent Mission of Switzerland, the Faculty of Law of the University of Geneva, the Graduate Institute of International and Development Studies, and the Academy, all under the auspices of the Swiss Chair of Human Rights, organized an event to commemorate Human Rights Day. The theme "Protecting Human Rights through Transitional Justice Mechanisms", was introduced by Ambassador Claude Wild, Head of the Political Division IV - Human Security of the Federal Department of Foreign Affairs. A Panel composed by Professor Nicolas Michel, Ms. Priscilla Hayner, Dr. Frank Haldemann, Ms. Mona Rishmawi was chaired by Professor Eibe Riedel, Swiss Chair of Human Rights.

## **B. The Swiss Chair of International Humanitarian Law**

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The Geneva Academy of International Humanitarian Law and Human Rights appointed Professor Daniel Thürer as the Swiss Chair of International Humanitarian Law.

Daniel Thürer held, until August 2010, a Chair in International and European Law as well as Public and Comparative Constitutional Law and he was Director of the Institute of Public International Law and Comparative Constitutional Law at the University of Zurich (Switzerland).

He received his J.D.-degree (lic.iur.) from Zurich University (1970), his LL.M. from Cambridge University (1974) and his Ph.D. (Dr. iur.) from Zurich University (1974). Daniel Thürer is also a member of the International Committee of the Red Cross and acted for several years as the President of its Legal Committee. He is the Swiss Representative in the European Commission against Racism and Intolerance (ECRI) of the Council of Europe. He was a member of the Constitutional Court of Liechtenstein. He is also a member of the International Court of Arbitration, a member of the OSCE Court of Arbitration and Conciliation and a honorary member of the International Commission of Jurists. In his academic career, Daniel Thürer was a Visiting Professor at the Harvard Law School and the Stanford School of Law, Distinguished Visiting Professor at Hong Kong University and Visiting Professor at the Universities of Geneva, Panthéon-Assas (Paris II) and Cambridge. He taught at the Public Academy of International Law in The Hague, at the "Institut des Droits de l'Homme" in Strasbourg and at the European Inter-University Centre for Human Rights and Democratisation in Venice.

Daniel Thürer is President of the German Society of International Law. He has received a honorary doctorate in political science in 2001. He was elected to become a member of the "Institut de droit international" in 2009.

## IV. Policy Studies

### A. Clarification and Implementation of International Humanitarian Law

#### Non-lethal weapons project

A meeting of international experts took place at the Geneva Academy of International Humanitarian Law and Human Rights on 17–19 May 2010 to examine the application of international humanitarian law and human rights to a range of weapons termed ‘non-lethal’. The 20 experts, who came from academia, industry, government, and research institutions, discussed the effectiveness of applying legal regulation to a fast-evolving sector of weapons that are used in riot control, prisons, mental institutions, as well as peace operations and, though so far to a limited extent, armed conflict. The event was a central component in a Geneva Academy project to look at how adequately these weapons are regulated by international law and criminal justice standards. A preliminary assessment of legality was published by the Academy in October 2010. Responsible person at the Academy: Dr. Stuart Casey-Maslen.

#### Commentary on the Cluster Munitions Convention

A legal Commentary on The Convention on Cluster Munitions (CCM) was published by Oxford University Press in October 2010 following a series of expert meetings organized by the Academy. The Commentary was launched at the First Meeting of States Parties of the CCM in Vientiane, Laos, in November 2010. The project was supported by the Norwegian Government. Responsible person at the Academy: Dr. Stuart Casey-Maslen.

#### The Arms Trade Treaty Project

The Academy is supporting the elaboration of an international arms trade treaty through legal research on the international human rights, criminal, and humanitarian law implications. A legal blog, written by Dr. Stuart Casey-Maslen and Gilles Giacca attracted considerable interest during the first preparatory meeting on the new treaty held at the United Nations in New York in July 2010. This project intends ultimately to elaborate a legal commentary on the treaty once it has been adopted. The project is supported by Directorate of International Law (DDIP) from the Swiss Foreign Ministry. UNIDIR has commissioned the Academy ATT research team to draft a paper on the international legal implications of the future treaty. This involves presentation of key issues to regional workshops organized by UNIDIR, the first of which was held in Nepal in November 2010. Dr. Annyssa Bellal presented some of the key international legal implications of future regulation of the arms trade at this meeting. Responsible persons at the Academy: Dr. Annyssa Bellal, Dr. Stuart Casey-Maslen and Mr. Gilles Giacca.



#### Geneva Conventions Project

In October 2009, Professors Paola Gaeta and Andrew Clapham started a discussion with Oxford University Press (OUP) about a book on the 1949 Geneva Conventions to be published in the OUP Commentaries on International Law series. The editors will be Professors Andrew Clapham, Paola Gaeta and Marco Sassòli. 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.

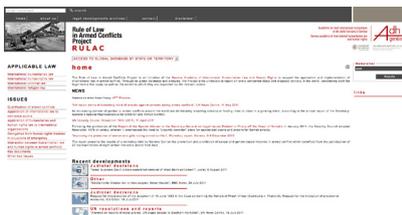
#### Proof in Humanitarian fact-finding missions

The Academy, in partnership with Geneva Call, is undertaking a project concerning the issue of humanitarian fact finding. The recent Goldstone Report has profiled fact finding in unprecedented ways. The investigation and subsequent report highlighted the need for specific and focused assessments of humanitarian fact-finding methodologies regarding compliance with international legal obligations. One crucial aspect that has not been clearly dealt with is that of the requisite standard of proof utilised and applied by various humanitarian fact-finding bodies. This project is completely funded for its Academy part by the DDIP (DFAE) and started in late 2010. It will finish in spring of 2011. The responsible researcher is Steven Wilkinson who is working under the supervision of Professor Marco Sassòli.

## 6. Development of 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 is conducted by Mr. Gilles Giacca. This publication will be 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).

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



This project continues to attract some 300 readers to its site on a daily basis and now has country profiles covering every UN member state and observer. Specific topics have also been addressed, most recently 'Derogation from human rights treaties in situations of emergency.' This project is supported by the Directorate of International Law of the Swiss Foreign Ministry and has benefited from a generous grant from the Danish Foreign Ministry.

Responsible persons at the Academy: Dr. Annyssa Bellal and Dr. Stuart Casey-Maslen.

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



Finalization and Signature of the International Code of Conduct for Private Security Service Providers on 9 November 2010.

This project was commissioned by DP IV of the Swiss Foreign Ministry. The Academy and the Centre for the Democratic Control of Armed Forces (DCAF) have acted as joint facilitators, along with the Swiss Government in the drafting of a multistakeholder International Code of Conduct for Private Security Service Providers (the ICoC). The ICoC was finalized in October 2010 and signed by over 50 companies on November 9 at a signing ceremony which was also attended by the Swiss State Secretary for Foreign Affairs, Peter Maurer, and the Legal Advisor to the US State Department Harold Hongju Koh.

The adoption of the International Code of Conduct represented the culmination of two years of work involving multiple conferences, workshops and drafting sessions. The International Code of Conduct articulates standards for private security service providers in accordance with international humanitarian law and international human rights standards. The Code also commits signatories to establishing mechanisms for oversight and accountability, including the establishment of a compliance procedure and a complaints handling function to be enforced by a global institution that will provide a governance and monitoring mechanism for the ICoC.

The Geneva Academy played an active role in receiving comments on the draft ICoC, redrafting, and participating in numerous consultations in an expert capacity, including in Washington, London and Geneva. The Geneva Academy will continue to work with the Swiss Government and DCAF in the next stages of this project.

Professor Andrew Clapham and Ms. Claire Mahon are responsible for this project and have each participated in the conferences and workshops conducted throughout 2010, along also with Dr. Annyssa Bellal, who also worked on this project.

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

## D. Armed Non State Actors and the protection of civilians in armed conflicts – Ownership of Norms

This project, commissioned by DP IV (HUPO) from the Swiss Foreign Ministry, held in October 2010, its second meeting, this time with the participation of around 18 experts with experience in the various issues surrounding engaging armed non-state actors in order to enhance respect for humanitarian norms. A third and final meeting is scheduled for 2011. The meeting enabled good practices to be identified for the groups themselves as well as for the international community more generally. The report of the first meeting of the project was referred to by the UN Secretary-General in his 2010 report to the Security Council on the protection of civilians in armed conflict. Responsible persons at the Academy: Dr. Annyssa Bellal and Dr. Stuart Casey-Maslen.

## E. The new International Commission against Death Penalty



Prime Minister Jose Luis Rodríguez Zapatero Establishment of the International Commission against the death penalty, Madrid - 7 October 2010.

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 expected in September 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 persons at the Academy: Professor Andrew Clapham and Ms. Aline Baumgartner

## F. Protecting Dignity: An Agenda for Human Rights and the Panel on Human Dignity

The project started in 2008 with the drafting of the document "Protecting Dignity: An Agenda for Human Rights", launched in Geneva on 5 December 2008. In 2010, a number of events were held in the context of this project:

February: Regional Seminar in Doha



Feb-March: Collaboration with the Geneva Human Rights Film Festival (FIFDH)

On February 22nd, the National Human Rights Committee (NHRC) of Qatar, held a Special Forum to discuss the report "Protecting dignity: An agenda for human rights". Forum participants discussed a number of issues relating to the report, in line with the report's aim of encouraging further thinking on how key human rights challenges can most effectively be addressed in the years ahead.

Opening remarks were delivered by Co-Chair of the Panel, Mrs. Mary Robinson, former Lebanese Prime Minister, Dr. Salim Al Hoss, Human Rights Minister of the Republic of Yemen, Dr. Huda Ali Abdul Latif Alban, and NHRC Chairman, Dr. Ali bin Smaikh al-Marri.

Collaboration with the Film Festival involved public debates on some of the themes covered by the Agenda. There were public events on violence against women and the World Court of Human Rights.

June:	<p>Panel meeting and The Academic Council on the United Nations System (ACUNS) Event in Vienna .</p> <p>On 3-5 June, Panel Members intervened to present the Agenda during the 23rd ACUNS annual Meeting in Vienna.</p>
September: Panel meeting in Geneva	<p>The Members of the Panel of Eminent Persons met in Geneva in September. The outcomes were as follows:</p> <ol style="list-style-type: none"> <li>1. Endorsement of the Consolidated Statute for a World Human Rights Court (prepared by Julia Kozma, Manfred Nowak and Martin Scheinin)</li> <li>2. Starting to work for the creation of a new Platform or Forum to co-ordinate existing Rule of Law and Access to Justice projects established by governments and international organizations</li> <li>3. The Panel will be renamed the "Panel on Human Dignity" and will form different working groups: a. On the World Human Rights Court and on Detention; b. On A Platform for Access to Justice Projects and Human Rights Education; c. On Climate Justice</li> <li>4. A new consolidated publication by the Panel will be launched in 2011.</li> </ol>
October: Global Fund event in Rome, with the International Development Law Organization (IDLO)	<p>One of the main concerns of the Panel has been the issue of people's access to justice and the possibility of improving funding for "legal empowerment" linked with legal and judicial development assistance. This is particularly to help disadvantaged groups to seek redress in the face of injustices. The International Development Law Organisation (IDLO) based in Rome recently submitted a useful report to the Panel entitled "Legal and Judicial Development Assistance: IDLO's Global Overview of Trends, Actors, Projects and Funding Strategies", with a range of constructive recommendations. A meeting was organized in Rome in October 2010 to discuss the paper and the possible actions and strategies.</p> <p>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, with the additional participation of Ms. Claire Mahon.</p>

## G. Quadripartite + one Seminar on Human Rights

At the invitation of the Swiss Foreign Ministry, the Academy organized and provided the expert input for a quadripartite + one seminar (Cuba, Switzerland, Spain, Norway and Austria) in October 2010.

The themes were : 1) Review of the Human Rights Council (Expert: Mr. Anders Kompass OHCHR); 2) The International Convention on the Elimination of All Forms of Racial Discrimination: with special reference to the case of Roma (Expert: Ms. Viktória Mohácsi); 3) The International Covenant on Civil and Political Rights: Obstacles to National Implementation.

Responsible persons at the Academy: Professor Andrew Clapham and Ms. Aline Baumgartner, with the additional participation of Ms. Ioana Cismas and Ms. Kamelia Kemileva.

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

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Publication of the study on Expertise in the UN Human Rights Council

The Academy produced a study on how to improve expertise in the UN Human Rights Council, in the light of the Review of the Council's status and operating procedures. This report was produced by two staff from the Academy (Ms. Claire Mahon and Ms. Kamelia Kemileva), joined by two outside consultants Mr. Chris Sidoti and Mr. Benjamin Lee, under the supervision of Professor Andrew Clapham. The study was presented to stakeholders in the Human Rights Council, at an EU seminar for Human Rights Directors from Foreign Ministries in Venice; to the Deputy High Commissioner for Human Rights; to the Organisation de la Francophonie; and to two regional groups of governments at the United Nations in Geneva. The report has been referred to in open meetings of the Human Rights Council and has stimulated debates around a number of its recommendations.

Assistance to Swiss and other Governments in negotiations on the Review

The Academy co-organized a series of meetings with regard to the work of the Human Rights Council (treatment of country situations in the Council, issues related to Special Procedures, Advisory Committee and other mechanisms). The Academy also co-organized the 2010 Wilton Park and the Montreux meetings on the Review of the Human Rights Council. These meetings are informal discussions and bring together governments, UN Officials and NGOs in panel discussions.

Preparation of a Resource Portal on the Review

A new project in 2010 is the production of a website dedicated to the Review. The aim of this project is to allow delegations, NGOs and other stakeholders, as well as academic institutions to access all the available information related to the Review of the Human Rights Council.

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

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As part of their research activities and work related to legal and policy advice, the members of the Project on ESC Rights provided support and advice to a number of UN and other experts in 2010. 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: the "Study on discrimination in the context of the right to food" and the "Preliminary study on the advancement of the rights of peasants and other people working in rural areas". Ioana Cismas' mission to Ethiopia in October 2010 aimed at gathering information on one of the most vulnerable groups in the context of the right to food – children with the noma disease – and has contributed to the elaboration of parts of the Advisory Committee's Study on discrimination. Ms. Claire Mahon also provided ongoing legal advice on the right to health as part of her work as the Special Advisor to Mrs. Mary Robinson, Chair of the Board of the Global Alliance on Vaccines and Immunizations. Claire Mahon also provided advice to governments at the UN Human Rights Council on the issue of the right to adequate housing and mega-events, in the context of the adoption of a new resolution on this issue in March 2010.

In March 2010, the Project on ESC Rights hosted and facilitated the conference "A New Initiative to Protect the Rights of Peasants" chaired by Prof. Jean Ziegler, member of the Human Rights Council's Advisory Committee, which gathered representatives of UN agencies, Geneva diplomatic missions, NGOs, social movements and academics. Prof. Olivier de Schutter, UN Special Rapporteur on the right to food, H.E. Jean Feyder, Ambassador of Luxembourg to the UN, Sandra Ratjen, Advocacy Coordinator of FIAN International and Henry Saragih, International Coordinator of La Via Campesina talked about the need for a better protection of the rights of smallholders, landless people and rural women and explored the opportunity of drafting a new legal instrument on the right of people working in rural areas.



The Legal Opinion on the Right to Property from a Human Rights Perspective, which was commissioned by the International Centre for Human Rights and Democratic Development (Rights & Democracy, Canada), was published in 2010. The publication has shown that the right to property has two main components: on the one hand it is essential for the protection of human life and dignity, and on the other hand it may be limited in order to resolve social injustices and advance the human rights of specific disadvantaged individuals or groups. The reading of the right to property as a non-exclusive commercial right has raised considerable interest among the human rights community, as well as among commercial lawyers and the arbitration community. As a follow up to the legal opinion and a broadening of the topic, the organization in 2011 of a Colloquium on Investment Law, Human Rights and International Arbitration in collaboration with the Master of International Dispute Settlement and with the support of Rights & Democracy is envisaged.

In 2010 the Project on ESC Rights assumed a new role as facilitator of a series of workshops for the Swiss Government, organising three workshops in Bern on ESCR topics for members of the Swiss federal administration, civil society organizations and diplomatic representatives. The UN Special Rapporteur on the right to food, Prof. Olivier de Schutter, tackled the normative development of the right to food and its application to the recent food crisis during the workshop on the right to food, held on 11 May. Professor Eibe Riedel, the Swiss Chair of Human Rights at the Geneva Academy and Member of the UN Committee on ESCR, was the guest speaker at a workshop about the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Swiss position in relation to it, exploring ways forward and opportunities, held on 2 July. At the final workshop on the right to health, held on 15 October, Anand Grover, the UN Special Rapporteur on the right everyone to the enjoyment of the highest attainable standard of physical and mental health, was guest speaker and focused on access to healthcare and medicine from a right to health perspective, including the relation to intellectual property rights.

Two studies were conducted by Dr. Christophe Golay for the Swiss Government in 2010. The first study on the Swiss position on ESCR and the influence of the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in December 2008 showed how Switzerland could adopt a more progressive position on ESCR at the UN and at the national level. The second study on ESCR and the Swiss Human Rights Dialogues describes the existing dialogues that Switzerland has with several countries and proposes ways to increase the inclusion of ESCR in these dialogues. A stronger participation by the members of the Project on ESC Rights in the Swiss Human Rights Dialogues is envisaged in 2011, as a follow-up to this study.

## V. Academic Research

### A. Private military and security companies in international humanitarian law

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Private Security Companies in International Humanitarian Law: Challenges and Perspectives, directed by Professors Marco Sassòli and Vincent Chetail, is a Fonds National de la Recherche Scientifique (FNRS) project. The results of the research will be published for the end of 2011.

### B. The law of prisoners of war

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The Law of Prisoners of War: Evaluation of an Old Legal Regime in the Light of Current Realities, under the supervision of Professors Robert Kolb and Vincent Chetail, is a Fonds National de la Recherche Scientifique (FNRS) project. The results of this project are expected for mid 2011.

### C. Death in Custody

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This research is a joint project with the Faculty of Medicine of the University of Geneva. It is working towards the adoption of "Death in Custody Principles", and is funded by the Swiss Network for International Studies. Ms. Samar Khamis and Dr. Gloria Gaggioli work as junior researchers under the supervision of Professor Paola Gaeta. A conference on 'Violations of Human Rights and Humanitarian Law: Investigation and Prevention of Torture and Death in Custody', sponsored by the European Science Foundation took place in May 2010. The results of the research should lead to a book and set of guidelines. The Guidelines are due to be presented in March 2011.

### D. Post-Conflict Peace-Building Lexicon

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

### E. Evaluation of the International Criminal Tribunal for Rwanda

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In July 2009, the Academy co-organized with the Graduate Institute and the International Criminal Tribunal for Rwanda a 3-day international symposium entitled International Criminal Tribunal for Rwanda: Model or Counter-Model for International Criminal Justice? The Perspective of the Stakeholders. The symposium has now developed a new dedicated website (<http://genevaconference-tpir.univ-paris1.fr>).

## VI. Lectures and Events organized by the Academy

### A. The Academy Lectures

The Academy Lectures treat multiple aspects of international law in armed conflict. Between 60 and 150 people took part in each of the public lectures (students, Professors and representative from international organizations, NGOs and Geneva Missions). Some of the experts came from Geneva and others from abroad. Significant funding for the lectures was provided during 2010 by the Oak Foundation. The lectures are filmed and posted on the Academy's website.

Each lecture will form 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 and Ms. Claire Mahon.

The following lectures were given in 2010:

25 February	"Droit international humanitaire et opérations militaires au sol : les normes sont-elles encore adaptées aux conflits de notre époque ?", by Professor Yves Sandoz, Membre du CICR et du corps enseignant de l'Académie.
3 March	"Law of Naval Warfare", by Professor Wolff Heintschel von Heinegg, Professor in Public International Law, European Law and Comparative Constitutional Law at Europa-Universität Viadrina, Frankfurt (Oder).
10 March	"Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", by Professor Manfred Nowak, Professor of Law at Vienna University, Director of the Ludwig Boltzmann Institute of Human Rights and UN Special Rapporteur on Torture.
24 March	"The Applicability of Human Rights Law in Times of Armed Conflict", by Professor Derek P. Jinks, Professor in Law and a Senior Fellow at the Robert S. Strauss Center for International Security and Law at the University of Texas. He is the Charles H. Stockton Professor of International Law at the U.S. Naval War College for 2009-2010.
14 April	"The Developing Law of Weapons: Humanity, Distinction and the Need for Proportionality", by Professor Steven Haines, Head of the Security and Law Programme, Geneva Centre for Security Policy and Chairman of the Editorial Board of the UK's official Manual of the Law of Armed Conflict (2004).
6 May	"Economic, Social and Cultural Rights in Armed Conflict", by Professor Eibe Riedel, Swiss Chair of Human Rights and Member of the UN Committee on Economic, Social and Cultural Rights.
12 May	"Law of Air Warfare", by Professor Michael N. Schmitt, Professor of Public International Law at Durham University Law School, United Kingdom.
20 May	"Armed Conflicts and Proportionality", by Professor Enzo Cannizzaro, Professor of International and EU Law at the University of Rome «La Sapienza».
6 October	"The Law Applicable to Peace Operations", by Professor Dieter Fleck, Former Director, International Agreements & Policy of the German Federal Ministry of Defence and Honorary President of the International Society for Military Law and the Law of War. The event was organized with Oxford University Press and aimed also to celebrate the publication of The Handbook of the International Law of Military Operations, Edited by Terry Gill and Dieter Fleck.
10 November	"Protecting the Environment during Armed Conflict: Is There Room for Improvement?", by Dr. Jean-Marie Henckaerts, Legal Adviser, International Committee of the Red Cross.
1 December	"The Role of the International Committee of the Red Cross", by Dr. Jakob Kellenberger, President of the International Committee of the Red Cross.

8 December

“Fair Trial and Military Commissions”, by Professor David S. Weissbrodt, Regents Professor and Fredrikson & Byron Professor of Law University of Minnesota.

10 December

“Protecting Human Rights through Transitional Justice Mechanisms”, Human Rights Day Celebration. Roundtable with: Frank Haldemann, Lecturer at the Geneva Academy and research fellow at the University of Zurich, Priscilla Hayner, Co-founder of the International Center for Transitional Justice, Nicolas Michel, Professor of International Law, President of the Board of the Academy and, Mona Rishmawi, Chief of the Rule of Law, Equality and Non-Discrimination Branch, OHCHR And Chaired by Eibe Riedel, Swiss Chair of Human Rights and Member of the UN Committee on ESC Rights.

## B. Book launches and other events

Henry Dunant Prize 2010 (for the class of 2008/2009)



The Prix Henry Dunant Foundation, in partnership with the Academy of International Humanitarian and Human Rights Law in Geneva, awarded on April 29 the 2010 Henry Dunant Prize to Mr. Michael Siegrist for his master's thesis entitled "The functional beginning of military occupation".

The Prix Henry Dunant Foundation, in partnership with the Academy, awarded the 2010 Henry Dunant Prize to Mr. Michael Siegrist for his master's thesis entitled "The functional beginning of military occupation".

His thesis analyses an important gap of the 4th Geneva Convention of 1949 insofar as it does not provide any legal definition of military occupation. Therefore, a question arises as to the entry into force of the provisions contained in the Convention. There are two ways of dealing with this question. First, to resort to the last major codification of military occupation provided by the Hague Regulations of 1907: occupation only begins when the criteria set in the Regulations are met. Second, the solution provided by the Commentary to the Conventions established by the ICRC, which determines a functional criterion for the beginning of military occupation: the moment in which a protected person falls into the hands of the enemy. Displaying an original approach, Mr. Siegrist argues that the second solution must be favoured. In his opinion, it renders any distinction between invasion and occupation itself irrelevant, thereby permitting to avoid intolerable protection gaps during the invasion phase.

A Swiss national, Michael Siegrist comes from the Canton of Bern. He holds a Master of Law from the University of Fribourg and the advanced LL.M. (Master of Advanced Studies, MAS) in International Humanitarian Law from the Academy (2008/2009 academic year).

There was a special presentation by Corinne Chaponnière who introduced her book entitled « Henry Dunant, la croix d'un homme ».

**Antonio Cassese Prize for  
International Criminal Law  
Studies**

An official ceremony was organized at the Villa Moynier to award the first Antonio Cassese annual Prize for International Criminal Law Studies. The winner was James Stewart (a former LL.M. student). The key-note speaker was Mr. Cornelio Sommaruga.



The prize is awarded to James Stewart by Prof. Salvatore Zappalà under the watchful gaze of Judge Antonio Cassese.

**Book Launch - 6 October**

“The Law Applicable to Peace Operations”, by Professor Dieter Fleck, Former Director, International Agreements & Policy of the German Federal Ministry of Defence and Honorary President of the International Society for Military Law and the Law of War. The event was organized with Oxford University Press and aimed also to launch the publication of The Handbook of the International Law of Military Operations, Edited by Terry Gill and Dieter Fleck.

## VII. Publications of the Academy in 2010

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

Academy Collection with Oxford University Press

The Convention on Cluster Munitions

USD 190

ISBN 978-0-19-959900-4



A Commentary

Gro Nystuen and Stuart Casey-Maslen (eds), Oxford University Press, 2010, 708 p.

Description :

This Commentary on the Convention on Cluster Munitions is a detailed assessment of the negotiation, content, and implications of the Convention, which is the latest treaty to ban a conventional weapon.

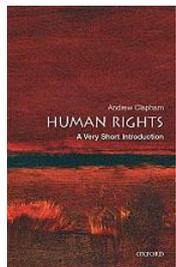
The treaty, which entered into force as binding international law on August 1, 2010, bans the production, stockpiling, transfer, and use of all cluster munitions. The book describes what cluster munitions are, when and where they have been used, and what steps States Parties will need to consider in order to implement the treaty's provisions. The Commentary goes systematically through the Convention article by article, explaining the purpose of each provision, its background and negotiation, and the meaning of each paragraph and sub-paragraph.

Publications by the Academy's Faculty and Researchers

Andrew Clapham  
Human Rights

ISBN 978-975-298-411-0

Available at the Academy: CHF 7



A Very Short Introduction

Turkish translation

Description :

Today it is usually not long before a problem gets expressed as a human rights issue. An appeal to human rights in the face of injustice can be a heartfelt and morally justified demand for some, while for others it remains merely an empty slogan. Taking an international perspective and focusing on highly topical issues such as torture, arbitrary detention, privacy, health and discrimination, this Very Short Introduction will help readers to understand for themselves the controversies and complexities behind this vitally relevant issue. Looking at the philosophical justification for rights, the historical origins of human rights and how they are formed in law, Andrew Clapham explains what our human rights actually are, what they might be, and where the human rights movement is heading.

Human Rights

ISBN 978-89-8431-400-9

Available at the Academy: CHF 8



A Very Short Introduction

Korean translation

Description :

Today it is usually not long before a problem gets expressed as a human rights issue. An appeal to human rights in the face of injustice can be a heartfelt and morally justified demand for some, while for others it remains merely an empty slogan. Taking an international perspective and focusing on highly topical issues such as torture, arbitrary detention, privacy, health and discrimination, this Very Short Introduction will help readers to understand for themselves the controversies and complexities behind this vitally relevant issue. Looking at the philosophical justification for rights, the historical origins of human rights and how they are formed in law, Andrew Clapham explains what our human rights actually are, what they might be, and where the human rights movement is heading.

Bréviaire de jurisprudence  
internationale  
Giovanni Distefano

EUR 65

ISBN 978-2-8027-2801-6

Available at the Academy: CHF 65



Les fondamentaux du droit international public

2e édition revue et augmentée avec Gionata P. Buzzini, Bruylant, 2010, 1630 p.

Description :

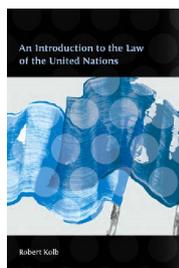
C'est un ouvrage indispensable qui couvre systématiquement les thèmes essentiels du droit international public en rassemblant et en triant, de façon cohérente et soignée, d'amples extraits de prononcés juridictionnels, tant judiciaires qu'arbitraux.

Grâce à ce volume, le lecteur dispose désormais d'un instrument fort précieux lui donnant un accès rapide aux principales affaires dans lesquelles sont traitées les questions de base – «élémentaires» au sens le plus noble du terme – du droit international public. De surcroît, l'utilisation de cet instrument est grandement facilitée par deux tableaux synoptiques extrêmement utiles (le premier par ordre alphabétique, le second par ordre chronologique) qui permettent de repérer aisément les affaires dans lesquelles telle ou telle autre question a été abordée ou discutée. Grâce à ces tableaux, le lecteur qui est confronté à une question fondamentale de droit international public pourra aisément trouver des éléments de réponse ou, tout au moins, d'importantes sources d'inspiration dans les nombreuses «causes célèbres» qui sont reproduites dans l'ouvrage. L'un des grands mérites de ce travail, mené par les deux auteurs à l'enseigne d'un extraordinaire esprit de service, est celui de simplifier le travail d'autrui.

An Introduction to the Law of the United Nations  
Robert Kolb

GBP 25

ISBN 9781841139371



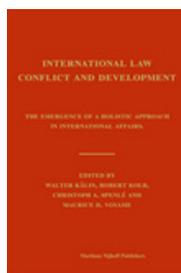
Hart Publishers, Oxford / Portland, 2010, 251 pp.

Description :

This work aims to fill a gap in the existing legal literature by presenting a compact, concise but nevertheless panoramic view of the law of the United Nations. Today the organization is at the centre of all multilateral international relations and impossible to avoid. And of course the UN Charter is a foundational document without which modern international law cannot be properly understood. In spite of its importance, this pre-eminent world political organization is poorly understood by the general public, and the extent and variety of its activities is not widely appreciated. Even lawyers generally possess insufficient knowledge of the way its legal institutions operate. Assessments of the organization and judgements about its achievements are consequently frequently distorted. This work is aimed especially at remedying these deficiencies in public and legal understanding, but also at presenting the organization as a coherent system of values and integrated action. Thus the book presents an overarching view of the significance of the UN organization in general, the history of its origins in the League of Nations, the aims and principles of the Charter, governmental agencies, members of the Organization, the non-use of violence and collective security, the peaceful settlement of disputes, and the question of amendments to the Charter. This work will be suitable for students of law and international relations, as well as scholars and those interested in the work and organization of the United Nations.

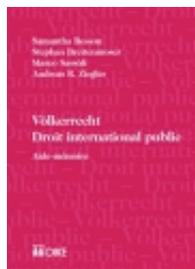
International Law, Conflict and Development, Mélanges J. Voyame  
W. KÄLIN / R. KOLB / C. SPENLÉ /  
M. VOYAME (éds.),

Euros 150  
ISBN 978 90 04 17858 8



Völkerrecht/Droit international  
public, Aide-mémoire

CHF 52  
ISBN 978-3-03751-280-7



Martinus Nijhoff, Leiden / Boston, 2010, 647 pp.

Description :

Experience and research have long shown an intrinsic link between human rights, conflict and development. This interdependence between different areas, doctrines, and disciplines calls for a genuinely coherent, holistic approach in International Affairs. With the challenges the work for the protection and respect of humanity encounters, this book intends to bring together articles and ideas that indicate the complexity of such an endeavor. The chapters, written by academics and practitioners encompass snapshots of crucial development lines as well as conceptual ideas and frameworks. In doing so the book provides insight to the principal understanding that peace efforts, encapsulating human rights, conflict management and development, can only be sustained and flourish as long as conflicting parties have at least a minimal consensus and will to settle their differences peacefully. As a Liber Amicorum for Joseph Voyame the book honors the determination for humanity and respect for human dignity and peaceful mitigation of conflict which marked his life and work.

Dike, Zürich/St. Gallen, 2010, 395 pp. (with Samantha Besson, Stephan Breitenmoser and Andreas R. Ziegler)

Description :

Ce manuel, publié par une professeure de l'Université de Fribourg et trois professeurs des Universités de Bâle, Genève et Lausanne, offre un regard original et nouveau dans sa méthode sur le droit international public. L'ouvrage est bilingue allemand-français dans le texte et fournit en fin de chaque chapitre divers extraits de documents en anglais. Son multilinguisme reflète donc à la fois celui du droit suisse et du droit international public contemporain. Même si le manuel porte sur un droit de portée universelle, il est conçu pour un public helvétique. Ceci ressort du choix des thèmes traités et de la présentation de l'état du droit suisse sur différentes questions de droit international, ainsi que des renvois aux sources pertinentes de droit suisse. En outre, la spécificité de l'ouvrage est de présenter le texte français et le texte allemand en vis-à-vis. Ceci permet au lecteur francophone de se familiariser avec la terminologie allemande et devrait être particulièrement utile aux étudiants bilingues et de mobilité et aux praticiens du droit international dans les administrations et tribunaux suisses. A la fin de chaque chapitre se trouvent des extraits de décisions et d'autres documents en anglais qui devraient permettre au lecteur d'apprendre à connaître les termes anglais utilisés en droit international public. Des liens Internet vers ces sources en français et en allemand, lorsqu'elles existent, permettent à ceux qui le souhaitent d'accéder à ce matériel dans leur langue maternelle.

Articles and Book Chapters by the Academy's Faculty and Researchers

- Vincent Chetail  
The Human Rights Council and the Challenges of the United Nations System on Human Rights: Towards a Cultural Revolution? in: *International Law and the Quest for its Implementation. Liber amicorum Vera Gowlland-Debbas, Laurence Boisson de Chazournes and Marcelo Kohen* (eds), Leiden, Brill, 2010, pp. 193-241
- Ioana Cismas  
Secession in Theory and Practice: the Case of Kosovo and Beyond, *Goettingen Journal of International Law*, Vol. 2, No.2, 2010, pp. 531-587
- Andrew Clapham  
Non-State Actors in International Human Rights Law, Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran & David Harris (eds), Oxford, Oxford University Press, 2010, pp. 561-582  
The Subject of Subjects and the Attribution of Attribution in International Law and the Quest for its Implementation: *Liber Amicorum Vera Gowlland-Debbas, Laurence Boisson de Chazournes and Marcelo Kohen* (eds), Leiden, Brill, 2010, pp. 44-58  
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Human rights obligations of organized armed groups, in *International Institute of Humanitarian Law, Non-State Actors and International Humanitarian Law. Organized armed groups: a challenge for the 21st century*, (Milano: Franco Angeli, 2010) 102-8
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- Paola Gaeta  
Grave breach of a peremptory obligation owed to the international community: the character of the breach, in *The Law of International Responsibility*, J. Crawford et als (eds), Oxford, Oxford University Press, 2010, pp. 421-426  
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Genocide, in *Routledge Handbook of International Criminal Law*, W.A. Schabas and N. Bernaz (eds), 2010, pp. 109-120

- The History and Evolution of the Notion of International Crimes, in *International Criminal Justice: Law and Practice from the Rome Statute to Its Review*, R. Bellelli (ed), Ashgate, 2010, pp. 169-180
- Christophe Golay** The right of peoples to self-determination and to permanent sovereignty over their natural resources seen from a human rights' perspective, co-authored with Melik Özden, Geneva, CETIM, 2010, 64p  
Also available in French
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Also available in French
- Christophe Golay and Jean Ziegler, "Le massacre quotidien de la faim : Où est l'espoir ?", *La Vie Economique, Revue de politique économique* 9-2010, pp. 34-36  
Also available in German
- Christophe Golay & Ioana Cismas** Legal Opinion on the Right to Property from a Human Rights' Perspective, Montreal, Rights & Democracy, ADH-Geneva, 2010, 32p (SSRN, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1635359](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1635359))
- Avis juridique: Le droit à la propriété sous l'angle des droits humains, ADH, Droits et Démocratie, Montréal, 2010
- Robert Kolb** L'idée de gouvernance et sa première incarnation : la Société des Nations, in *Questions internationales*, no 43, 2010, pp. 10-21
- History of International Organizations or Institutions, in *Max Planck Encyclopaedia of Public International Law*, 2010 en forme électronique ([www.mpepil.com](http://www.mpepil.com)), dès 2011 en forme imprimée.
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- La validité du modèle de Vattel après 1945, in « *Droit des gens* » d'Emer de Vattel, Colloque à l'occasion du 250ème anniversaire de la parution du 'Droit des gens' d'Emer de Vattel, Y. Sandoz (éd.), Bruxelles, 2010, pp. 137-175.
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- Les influences du droit international pénal sur le droit international public, in *AFRI*, vol. XI, 2010
- Considérations sur l'application du droit international humanitaire par la Commission arbitrale Erythrée / Ethiopie, in *Mélanges Bozidar Bakotic*, La Haye, 2010, pp. 519-544
- Marco Sassòli** Involving organized armed groups in the development of the law?, in *Non-State Actors and International Humanitarian Law*, Odello and Beruto (eds.), International Institute of Humanitarian Law/Franco Angeli, 2010, pp. 213-221  
Available as e-Book
- I gruppi armati organizzati tra incentive al rispetto del D.I.U. e criminalizzazione, in *Atti [del] convegno, Il Diritto internazionale Umanitario tra esigenze giuridiche e realtà operative negli scenari del III Millennio*, Roma, Aeronautica militare, 2010, pp. 168-175
- International humanitarian law and the increasing involvement of private military and security companies in armed conflicts, in *Jusletter*, 30 August 2010

The role of human rights and international humanitarian law in new types of armed conflicts, in *International Humanitarian Law and International Human Rights Law*, Collected Courses of the European University Institute, Orna Ben-Naftali (ed.), 2008, Oxford, Oxford University Press, 2010, pp. 34-94

Taking Armed Groups Seriously: Ways to Improve Their Compliance with International Humanitarian Law, in the *Journal of International Humanitarian Legal Studies* 1, Arjen Vermeer and Noëlle Quénivet (eds), Brill, 2010, pp. 5-51

## Policy papers

### Expertise In The Human Rights Council

A policy paper prepared under the auspices of the Geneva Academy of International Humanitarian Law and Human Rights

This paper was prepared by Kamelia Kemileva, Benjamin Lee, Claire Mahon and Chris Sidoti, with the participation of Professor Andrew Clapham.

Geneva, June 2010

In March 2006 the United Nations General Assembly established the Human Rights Council to replace the Commission on Human Rights as the United Nations' principal human rights body. The Commission had had a long and often successful life spanning 60 years, during which it had taken international human rights law from almost nothing to the extensive, comprehensive body of law we have today. But for several years before its demise the Commission had been the subject of intense criticism - from all sides - and for quite irreconcilable reasons. Those who wanted a strong UN human rights mechanism criticised it for its ineffectiveness. Those who opposed resolute international action criticised it for being too strong and too involved in country specific situations. As there was no agreement about what was wrong with the Commission, there was little prospect that there would be consensus around what should replace it.

### Non-Kinetic-Energy Weapons Termed 'Non-Lethal'

A Preliminary Assessment under International Humanitarian Law and International Human Rights, available on the Academy website

This paper was prepared by Stuart Casey-Maslen, October 2010

## 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**

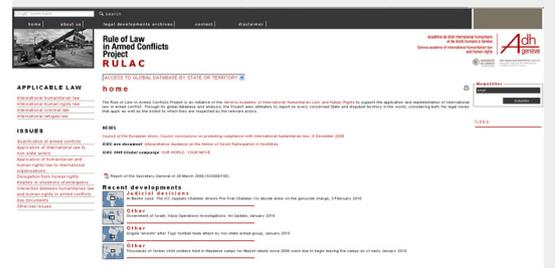
Academy home page

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



## VIII. Presence in the Media

The Academy continues to provide commentary to the local and international news media. The following are only a small selection:

“Le droit humanitaire international est-il impuissant à empêcher les atrocités ?”

By Prof. Louise Doswald Beck, in *Le Temps*, 16 April 2010.  
<http://www.letemps.ch/Page/Uuid/920b50dc-48cf-11df-a420-f1bcbf48012f10>  
Cet article est le premier d’une série consacrée au droit humanitaire. Son auteure estime que, malgré les abus de la «guerre contre le terrorisme» et de constantes violations, ce droit progresse sur le terrain. Par Louise Doswald-Beck, professeure à l’IHEID. (...)

“NGLS’ interview of the ATT legal bloggers from the Geneva Academy”

[http://www.un-ngls.org/spip.php?page=article\\_fr\\_s&id\\_article=2784](http://www.un-ngls.org/spip.php?page=article_fr_s&id_article=2784)  
At the end of the first session of the Preparatory Committee (PrepCom) meeting for the 2012 negotiating conference on the Arms Trade Treaty (ATT), NGLS interviewed the authors of the “ATT legal blog” to get their feedback on this session. As part of the Geneva Academy of International Humanitarian Law and Human Rights (ADH), they attended the two-week meeting, and posted the content of the PrepCom discussions and their commentary online. (...)

“World Court ruling not recognizing Kosovo’s statehood: law expert”

Interview with Professor Paola Gaeta, in *Xinhuanet*, 22 July 2010. [http://news.xinhuanet.com/english2010/indepth/2010-07/23/c\\_13411684.htm](http://news.xinhuanet.com/english2010/indepth/2010-07/23/c_13411684.htm)  
UNITED NATIONS, July 22 (Xinhua) -- The International Court of Justice’s ruling on Kosovo simply dealt with the legality of the breakaway province’s act of declaring independence from Serbia, but can not be viewed as recognizing its right to exist as a state, a law expert said Thursday. (...)

“La Suisse s’entend avec l’industrie pour réglementer l’action des mercenaires privés”

By Stéphane Bussard, in *Le Temps*, 10 novembre 2010.  
<http://www.infocsud.org/spip.php?article9281>  
Mardi à Genève, une soixantaine d’entreprises de sécurité privées ont signé un Code international de bonne conduite. Une manière de prévenir les dérapages qui ont eu lieu en Afghanistan ou en Irak où les milices privées abondent. (...)

Other articles on the Code of Conduct on

[http://graduateinstitute.ch/faculty/clapham/hrdoc/docs/Press Releases.pdf](http://graduateinstitute.ch/faculty/clapham/hrdoc/docs/Press%20Releases.pdf)

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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

**Geneva Academy  
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Human Rights**

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