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**COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI)**

**36th meeting
London, 7-8 October 2008**

**DRAFT OPINION OF THE CAHDI ON
PARLIAMENTARY ASSEMBLY RECOMMENDATION 1842 (2008)**

Document prepared by the Secretariat of the CAHDI

**DRAFT OPINION
OF THE COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI) ON RECOMMENDATION 1842 (2008) OF THE PARLIAMENTARY ASSEMBLY
“ACTIVITIES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)”**

1. On 9 July 2008, the Ministers' Deputies communicated Assembly Recommendation 1842 (2008) "Activities of the International Committee of the Red Cross (ICRC)" to the Committee of Legal Advisers on Public International Law (CAHDI) for information and possible comments by 31 October 2008.
2. The Ministers' Deputies also communicated this Recommendation to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT), the European Committee on Migration (CDMG), the Steering Committee on Human Rights (CDDH), the European Committee on Legal Co-operation (CDCJ) and the Steering Committee for Education (CDED). The Ministers' Deputies invited their Rapporteur Group on Social and Health Questions (GR-SOC) to prepare, on the basis of possible comments, a draft reply for adoption at one of their forthcoming meetings.
3. The CAHDI examined the above-mentioned Recommendation at its 36th meeting (London, 7-8 October 2008) and adopted the following comments which concern aspects of the recommendation which are of particular relevance to the mandate of the CAHDI.
4. In Recommendation 1842 (2008), the Assembly recommended that the Committee of Ministers:
 - a support the ICRC in its work on monitoring conditions of detention;
 - b co-operate with ICRC on promoting humanitarian assistance for persons affected by armed conflict and other situations of violence (including refugees and internally displaced people);
 - c contribute to solving the issue of missing persons as a result of armed conflict and other situations of violence in Europe;
 - d promote the dissemination and national implementation of international humanitarian law.
5. From the outset, the CAHDI would like to underline the fact that it attaches considerable importance to international humanitarian law, which is a regular item on its agenda. In particular, the CAHDI has paid special attention to the relationship between international law, human rights law and international humanitarian law.
6. The CAHDI member states and observers regularly report on national events aimed at the promotion and dissemination of international humanitarian law and hold exchanges of views on the promotion of the relevant international instruments, such as the Third Additional Protocol to the Geneva Conventions and the Second Protocol to the Hague Convention of 1954 on the Protection of Cultural Property in the Event of Armed Conflict.
7. The ICRC contributes actively as an observer to the work of the CAHDI, attending its meetings regularly to inform the Committee about the ICRC's on-going projects and initiatives. In particular, the CAHDI closely followed the elaboration and the dissemination of the ICRC Study on Customary International Humanitarian Law and took note of the ICRC document "Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence", which was offered as a tool to assist states and their national authoritative bodies with the adoption of legislation that will address, prevent and resolve cases of missing persons.

8. Moreover, at its 28th meeting the CAHDI held an exchange of views with Mr Jakob Kellenberger, President of the ICRC, on the relevance of the international humanitarian law in contemporary armed conflicts, the issue of weapons and war, and national implementation of the international humanitarian law. Other issues, such as extra-judicial killings and detention in the context of the fight against terrorism were also addressed during this exchange of views.

9. Finally, the CAHDI pursues its consideration of current issues of international humanitarian law and supports the activities of the ICRC.