
GENEVA SEMINAR FOR LAWYERS ON INTERNATIONAL HUMAN RIGHTS LAW IN THE CRIMINAL JUSTICE
PROCESS 2012

MONDAY

5 NOVEMBER

DAY 1: INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS LAW: GENERAL PRINCIPLES

Moderator: Róisín Pillayⁱ

09.00 – 09.45. Obtaining UN passes

09.45 – 10.15 Welcome and introduction (*Palais des Nations*)

- Introduction to the ICJ, *Róisín Pillay*
- Introduction of the participants
- Overview of seminar programme, *Temur Shakirovⁱⁱ*

10.15 – 10.45 Introduction: International Human Rights Law, *Ian Seidermanⁱⁱⁱ*

- IHRL as part of international law;
- IHRL in national systems;
- Living nature of IHRL;
- How to interpret provisions of human rights treaties.

10.45 – 11.30 International mechanisms and instruments and legal obligations, *Róisín Pillay*

- Overview of the UN system of human rights protection;
- Nature of legal obligations under treaties (the ICCPR; the Optional Protocol; other treaties)

11.30 – 11.45 *Coffee*

11.45 – 12.30 States obligations under human rights treaties (to respect, to ensure, to protect) and right to a remedy, *Ian Seiderman*

12.30 – 13.00 *Questions and discussion*

13.00 – 14.30 *Lunch*

14.30 – 15.00 Limitations and derogations in IHRL, *Temur Shakirov*

15.00 – 15.30 Questions and discussion

15.30 – 16.00 Non-refoulement in IHRL, *Massimo Frigo^{iv}*

16.00 – 16.15 *Coffee*

16.15 – 16.45 *Questions and discussion*

16.45 – 17.30 Using IHRL in Central Asia and CIS (*roundtable discussion*), *Temur Shakirov*

19.30 – 21.00 – Welcome dinner

TUESDAY

6 NOVEMBER

DAY 2: ARREST AND DETENTION; TORTURE AND ILL-TREATMENT

Moderator: Temur Shakirov

- 09.30 – 10.15 The right to liberty and security of the person and the prohibition of arbitrary detention, Karina Moskalenko^v, Oksana Preobrazhenskaya^{vi}
- What is deprivation of liberty;
- Prohibition of arbitrary detention, what detention is arbitrary?
- Rights of a person detained (access to a lawyer, incommunicado detention)
- 10.15 – 11.00 *Questions and discussion*
- 11.00 – 11.45 *Coffee*
- 11.45 – 12.30 Right to be promptly brought before a judge, Karina Moskalenko
- 13.00- 14.00 *Lunch*
- 14.00 – 14.30 Right to regularly challenge lawfulness of detention (*habeas corpus*), Karina Moskalenko
- 14.30- 15.00 *Questions and discussion*
- 15.00 – 15.45 Torture and Cruel, Inhuman or Degrading Treatment or Punishment: Definitions, Oksana Preobrazhenskaya
- torture
- CIDT
- conditions of detention;
- suffering of family members.
- 15.45 – 16.00 *Coffee*
- 16.00 – 16.30 *Questions and discussion*
- 16.30 – 17.00 Positive duties, Oksana Preobrazhenskaya
- duty to prevent torture and CIDT
- duty to investigate, prosecute and punish;
- evidence provided under torture;
- effective remedy;
- burden of proof of use of torture before UN treaty bodies.
- 17.00 – 17.30 *Questions and discussion*

WEDNESDAY

7 NOVEMBER

DAY 3: RIGHT TO LIFE

Moderator: Róisín Pillay

- 10.00 – 12.00 Consideration of Tajikistan Report (*Palais Wilson*)
- 12.00 – 13.00 *Lunch*
- 13.00 – 15.00 *Meeting with Claudio Grossman, Chair of the UN Committee Against Torture*
- 15.00 – 15.30 *Trip to Palais des Nations*

15.30 – 16.15 The right to life / arbitrary deprivation of life, Róisín Pillay
- lawful use of firearms (no more than absolutely necessary);
- death in custody;
- obligations to prevent, investigate and provide remedy.

16.15 – 17.00 *Questions and Discussion*

THURSDAY

8 NOVEMBER

DAY 4: A FAIR AND PUBLIC HEARING

Moderator: Temur Shakirov

9.30 – 10.00 A fair trial by a competent, independent and impartial tribunal established by law, Louise Doswald-Beck^{vii}
- a competent tribunal;
- an independent and impartial tribunal;
- a fair trial;
- violation of fair trial rights during pre-trial detention.

10.00 – 10.30 *Questions and answers*

10.30 – 11.00 Trial rights, Louise Doswald-Beck
- public hearing;
- adequate time and facilities for preparation of defense;
- right to communicate with a lawyer;
- equality of arms.

11.00 – 11.15 *Coffee break*

11.15 – 12.00 Trial rights (cont.), Louise Doswald-Beck
- right to call and examine witnesses;
- right to legal assistance;
- presumption of innocence;
- right not to be compelled to testify against oneself;
- right to an appeal.

12.00 – 13.00 *Questions and answers*

13.00 – 13.45 *Trip to Palais Wilson*

14.00 – 15.00 *Meeting with the Special Procedures of the UN Human Rights Council:*
- *Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*
- *Working group on arbitrary detention*
- *Special Rapporteur on the independence of judges and lawyers*

15.00 – 18.00 Replies of Tajikistan (*Palais Wilson*)

DAY 5: INDIVIDUAL COMMUNICATIONS PROCEDURE (ICCPR)*Moderator: Róisín Pillay*

10.00 – 11.00 Communications to the Human Rights Committee: Admissibility and procedures
Anita Trimaylova^{viii}

11.00 – 11.15 *Coffee*

11.15 – 1.00 *Questions and discussion*

13.00 – 14.00 *Lunch*

14.00 – 15.30 *Round table discussion: Challenges in Applying International Standards against Torture in National Contexts*
Wilder Tayler^{ix}

15.30 – 17.00 Next steps: Strategy discussion on the role of lawyers in protecting human rights.
Róisín Pillay, Temur Shakirov

17.00 – 18.00 Closing of the programme, concluding observations, evaluation

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ⁱⁱ Temur Shakirov	Legal Adviser, Europe Programme, ICJ
ⁱⁱⁱ Ian Seiderman	Legal and Policy Director, ICJ
^{iv} Massimo Frigo	Legal Adviser, Europe Programme, ICJ
^v Karinna Moskalenko	Lawyer; Director, International Protection Centre; ICJ Commissioner and ExCo Member
^{vi} Oksana Preobrazhenskaya	Lawyer, International Protection Centre, Strasbourg
^{vii} Louise Doswald-Beck	Professor, Graduate Institute of International and Development Studies, Geneva; ICJ Commissioner
^{viii} Anita Trimaylova	Human Rights Officer, Office of the High Commissioner of Human Rights
^{ix} Wilder Tayler	Secretary General, ICJ; Member of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment