3rd Copenhagen Conference on the Handling of Detainees in International Military Operations
Copenhagen, 18 - 19 October 2012
Eigtveds Pakhus 2G 1448 Copenhagen K

Minutes of the Meeting
(as recorded by the Chair)

Participation
States: Representatives from the governments of: Argentina, Australia, Canada, China, Denmark (Host), France, Finland, Germany, Malaysia, the Netherlands, Norway, the Russian Federation, South Africa, Sweden, Turkey, Uganda, United Kingdom, United States of America.


The agenda of the final meeting of the Copenhagen Conference on the Handling of Detainees in International Military Operations was the following:

1. Introducing the draft Copenhagen Process Principles and Guidelines by the Chairman of the Copenhagen Process.
2. Challenges of international military operations of today.
3. Setting the scene – General statements from Participants.
4. The draft Copenhagen Process Principles and Guidelines; Principles 1-6.
5. The draft Copenhagen Process Principles and Guidelines; Principles 7-16.
6. Conclusion and way ahead.
1. **Introducing the draft Copenhagen Process Principles and Guidelines by the Chairman of the Copenhagen Process**

The Chairman of the Copenhagen Process, Ambassador Thomas Winkler, Danish Ministry of Foreign Affairs, opened the conference and welcomed the participating States and international organisations. He summarized the process that was launched in 2007 and informed delegations about the conference programme. After the general introduction, Ambassador Winkler highlighted the central features of the draft Copenhagen Process Principles and Guidelines, including the preamble:

The Chairman stressed the non-legally binding status of the draft Copenhagen Process Principles and Guidelines, and reiterated that delegations would be invited to welcome the final Copenhagen Process Principles and Guidelines at the end of the conference.

It was also clarified that the enclosed draft commentary to the Principles and Guidelines were solely representing the views of the Chairman. Consequently, delegations would not be asked to associate themselves with the commentary, but any comments from delegations on the commentary would nevertheless be taken into consideration.

2. **Challenges of international military operations of today**

Following the tradition of previous Copenhagen Process conferences the substantive discussions were preceded by presentations offering different perspectives on the issue of detention and related matters.

The first speaker was Mr. Damian Parmenter, Head of Special Forces and Operational Legal Policy (Operations Directorate), Ministry of Deference, United Kingdom. Mr. Parmenter spoke about the *Impact of judicial engagement on operations in the 21st century* from a particular UK perspective.

Ms. Jelena Pejic, Legal Advisor, International Committee of the Red Cross spoke, spoke about the ICRC’s project on *Strengthening Legal Protection for Persons Deprived of Liberty in Non-international Armed Conflicts*.

3. **Setting the scene – General statements from Participants**

At this session the Chairman asked delegations to give preliminary indications of their view of the draft Copenhagen Process Principles and Guidelines; *i.e.* to highlight any major concerns about the draft document and to indicate whether delegations expected to be able to support the
Guidelines and Principles in their final form. After having clarified a number of issues in terms of process and content the Chairman concluded that there was a basis on which to proceed towards finalising the Copenhagen Process Principles and Guidelines.

4. The draft Copenhagen Process Rules and Principles; Principles 1-6

The session was moderated by Mr. Michael Braad, Head of Department of International Law, Ministry of Foreign Affairs of Denmark.

Delegations were asked to share their comments and concerns about the draft Principles and Guidelines. Open consultations were conducted in two rounds starting with principle 1-3 and then followed by principle 4-6.

Issues raised during the open consultations were noted and commented on by the two discussants, Ambassador Thomas Winkler and Associate Professor Bruce ‘Ossie’ Oswald, Melbourne Law School and Jennings Randolph Senior Fellow, USIP (Oct 2012 – Jun 2013) and External Consultant to the Danish Ministry of Foreign Affairs on the Copenhagen Process.

5. The draft Copenhagen Process Principles and Guidelines; Principles 7-16

The same modality was applied for principles 7-16 as during the previous agenda point.

6. Conclusion and way ahead

On day 2 the Chairman presented delegations with a revised draft Copenhagen Process Principles and Guidelines reflecting the discussions of day 1.

During the final session, the Chairman noted that delegations from Argentina, Australia, Canada, China, Denmark, France, Finland, Germany, Malaysia, the Netherlands, Norway, South Africa, Sweden, Uganda, United Kingdom, and the United States of America welcomed the Copenhagen Process Principles and Guidelines.

Several delegations congratulated the participants with the results achieved at the meeting.
The delegation of Sweden indicated that the Swedish interpretation of the reference to international law in principle 16 is that this also includes human rights law, and that Sweden would have preferred if this had been stated explicitly in principle 16.

The delegation of the Russian Federation *welcomed* the conclusion of the Copenhagen Process on Detention in International Military Operation and *took note* of the Copenhagen Process Principles and Guidelines. The Russian Federation further indicated that the Copenhagen Process could contribute more to the safeguarding of the humane treatment of detainees by placing greater emphasis on their inherent rights which derive from the international human rights law and the international humanitarian law.

Delegations *agreed* to promote, as appropriate, the Copenhagen Process Principles and Guidelines in relevant regional and international fora, including the United Nations.