

# Henry Dunant Prize Foundation

June 14, 2024

## Tribute to Professor Marco Sassòli

Dear Marco,

All your former colleagues at the International Committee of the Red Cross have always been unanimous in thinking that you were born for an academic career.

Your passion for scientific research and for the science of law, your passion also for sharing your knowledge, your very voice, this voice that carries and strikes, this strong voice that allows you to imprint clear ideas in the minds of those who listen to you, everything predisposed you to an academic career.

About your voice, I can admit it today, we shared offices for two or three years in a temporary building that was called "the big chalet", because it was a wooden building. There was no sound insulation. Every time you called, the 30 or 40 occupants of the building put down their pens. If we were interrupted in our work, we benefited, on the other hand, through your explanations, from a beautiful lesson in international law. I can say this without malice because at the time, I also had a voice that carried and I belong to a generation that still believes that the further away you phone, the louder you have to speak, so that the voice reaches Tel Aviv, Washington, Pretoria or Bangkok.

In short, in a nutshell, you were born for an academic career, and this is the career you chose and to which we pay tribute today.

In truth, you were so cut out for an academic career that those who only knew you through university can hardly imagine that you had a life before university.

And yet this is the case and you remained – if I can count – twelve years and nine months in the service of the International Committee of the Red Cross, which you joined in January 1985 as a legal adviser.

You already had valuable assets: a law degree, obtained in Basel under the guidance of Professor Luzius Wildhaber, a bar exam and experience of the registry of the Federal Supreme Court.

At the ICRC, you were quickly directed to a position of strategic importance: that of Legal Adviser in charge of Operations. Your role was to advise operational managers on all questions of law and doctrine. This is an eminently strategic function, since it involves the articulation of humanitarian law and the conduct of operations on the ground.

After three years, you asked for a one-year unpaid leave to do your PhD, again under the supervision of Professor Luzius Wildhaber. And miraculously: after 365 days, you were among us, with your manuscript under your arm. Hats off! I would have been better off following your example.

On your return, you were appointed coordinator of the four or five colleagues in charge of legal support for the conduct of operations.

It is in this context that we shared an unforgettable experience. In the first phase of the Yugoslav conflict – the war between the Yugoslav Federal Government and the Republic of Croatia – the parties to the conflict had radically different views on the characterization of the conflict and, therefore, on the law applicable to it.

For the Belgrade Government, it was clearly a non-international armed conflict to which only Article 3 common to the four Geneva Conventions of 12 August 1949 was applicable.

For Croatia, on the other hand, which had proclaimed its independence from the first clashes, it was clearly an international conflict, to which all the provisions of the four Geneva Conventions were applicable. Since the parties could not even agree on the law

applicable to the conflict between them, they could hardly be expected to abide by any rules and, in fact, the parties accused each other of the worst violations, the reality of which has unfortunately been confirmed by subsequent events. It was a bit like bringing together British and continental drivers in the same geographical area, each claiming to apply the rules of the road to which he was accustomed.

Between these opposing positions it would have been vain to seek a compromise, since neither the Belgrade nor the Zagreb government could make any concessions on a question which touched on the very reason why the parties had recourse to arms.

We therefore drafted a draft agreement, with variants and sub-variants, which made it possible to clarify the question of the applicable law, without deciding the question of the classification of the conflict, and it was this agreement that was signed – after two days and two nights of negotiation – on 27 November 1991. This agreement governed relations between the parties until the recognition of Croatia's independence by the Belgrade government.

For once, we did not just say the law or interpret it, but we wrote a treaty that was right between the parties.

Even though you excelled in your role as Legal Adviser, then Coordinator and finally Deputy Head of the Legal Division, you were keen to take up the challenge on the ground, to contribute to the implementation of humanitarian law, no longer in Geneva, but in the refugee and displaced persons camps, on the ceasefire lines, in prisoner-of-war camps and prisons.

Eighteen months in Tel Aviv, as a legal adviser, but also as a prison visitor, then a year in Amman and Damascus as head of delegation, and finally ten months in Sarajevo as coordinator of protection activities throughout the former Yugoslavia.

In the Jordanian capital, you were not only responsible for relations with the authorities of the kingdom, but also for contacts with Palestinian organizations, mainly the PLO, Fatah and Hamas, whose

activists you had met in Israeli prisons. This experience has nourished your reflections on the law applicable to non-state actors, and these reflections have in turn nourished your publications, which are not only based on rigorous legal analysis, but also on lived experience.

And like all those who have been confronted with the problems posed by the implementation of humanitarian law on the ground, you have not failed to point out the absurdity of the position of many governments, especially most of the governments of Western countries, which deny any legal status to non-State armed groups, which reject them outside any legal framework and deny them the benefit of international humanitarian law. and who then reproach these same armed groups for behaving like outlaws. There is no doubt that this experience has prepared your commitment to the service of the "Geneva Call", to which Mrs. Elisabeth Decrey Warner has just paid tribute.

"All rivers go to the sea," wrote Ecclesiastes. In 2001, you were appointed professor of public international law at the Université du Québec à Montréal and, four years later, at the University of Geneva. In this way, you fulfilled your vocation.

While you devoted yourself fully to your teaching, your students and your academic work, you never broke the umbilical cord that bound you to the ICRC, and I have not counted the conferences, seminars and training courses organized by the ICRC in which you agreed to take part.

I have vivid memories of a conference in Mexico City in the summer of 2003, in which you and I participated.

While the shadows cast by the attacks of 11 September 2001 were still looming and the United States was loudly proclaiming the obsolescence of international humanitarian law and declaring that the provisions of this branch of law were irrelevant in the context of the new "Global War on Terror", the ICRC had taken the risk of inviting lawyers from the various states of the American continent. north and

south, some of whom were in the service of governments while others pursued academic careers, as well as some experts from other parts of the world, including Laurence Boisson de Chazournes and you, so that the advisers of the Washington administration would hear their colleagues emphasize their attachment to humanitarian law and remind them that no war, whatever the cause, could not be conducted outside the framework of humanitarian law. Another situation in which you were not afraid to speak out and share your conviction of the absolute necessity of respecting humanitarian law in all circumstances – even in Guantanamo.

I will leave it to others, better qualified than myself, to retrace your brilliant academic career and to comment on the impressive list of your publications.

However, I would like to mention two titles.

On the one hand, shortly after the attacks of September 11, 2001 and while the administration of President George W. Bush was using all its firepower to shoot down humanitarian law, whose funeral oration was pronounced without hesitation, you did not hesitate to publish, in Canada and then in the United States, an article in which you demonstrated that humanitarian law – which unequivocally condemns terrorism – remained relevant. even in the context of the "global war on terror".

On the other hand, you published, with Antoine Bouvier for the first edition, then with Anne Quintin for the subsequent editions, and finally with the support of Julia Grignon for the new electronic version, this monumental work entitled "*A right in war? – "How Does Law Protect in War? "*", which makes available, not only to researchers, but also to practitioners, judges, legal advisers to governments or armed forces, teachers and delegates of the ICRC or other humanitarian organizations, a mine of documents, treaties, judicial decisions, diplomatic notes, agreements, etc., with introductions, analyses and a whole range of critical apparatus that facilitates access to these documents and makes it possible to measure

their significance. It is also a remarkable tool for teaching and disseminating humanitarian law. It is not surprising that we find in a good place the agreement of 27 November 1991, to the drafting of which you contributed so strongly.

Dear Marco,

The Board of the Henry Dunant Prize Foundation was not only impressed by your tireless commitment to international humanitarian law and by the impressive list of your activities and publications. What struck the Foundation Board was just as much, perhaps even more, the common thread that links all these activities and publications, the common thread that underlies them and ensures their coherence: an unshakeable faith in the need for international humanitarian law, the conviction that this law represents the ultimate bulwark against the unleashing of unbridled violence and the ultimate protection of the victims of war, the wounded, prisoners, civilian populations, refugees and displaced persons, the vanquished, as well as a tireless struggle to demand respect for them, with the conviction that through respect for the law, human lives are spared or saved.

It is the lifelong commitment to the service of the centerpiece of Henry Dunant's spiritual legacy that the Board of Trustees was keen to honour by awarding the Henry Dunant Field Prize 2024.

Well done, Marco, and thank you.

Thank you

François Bugnion