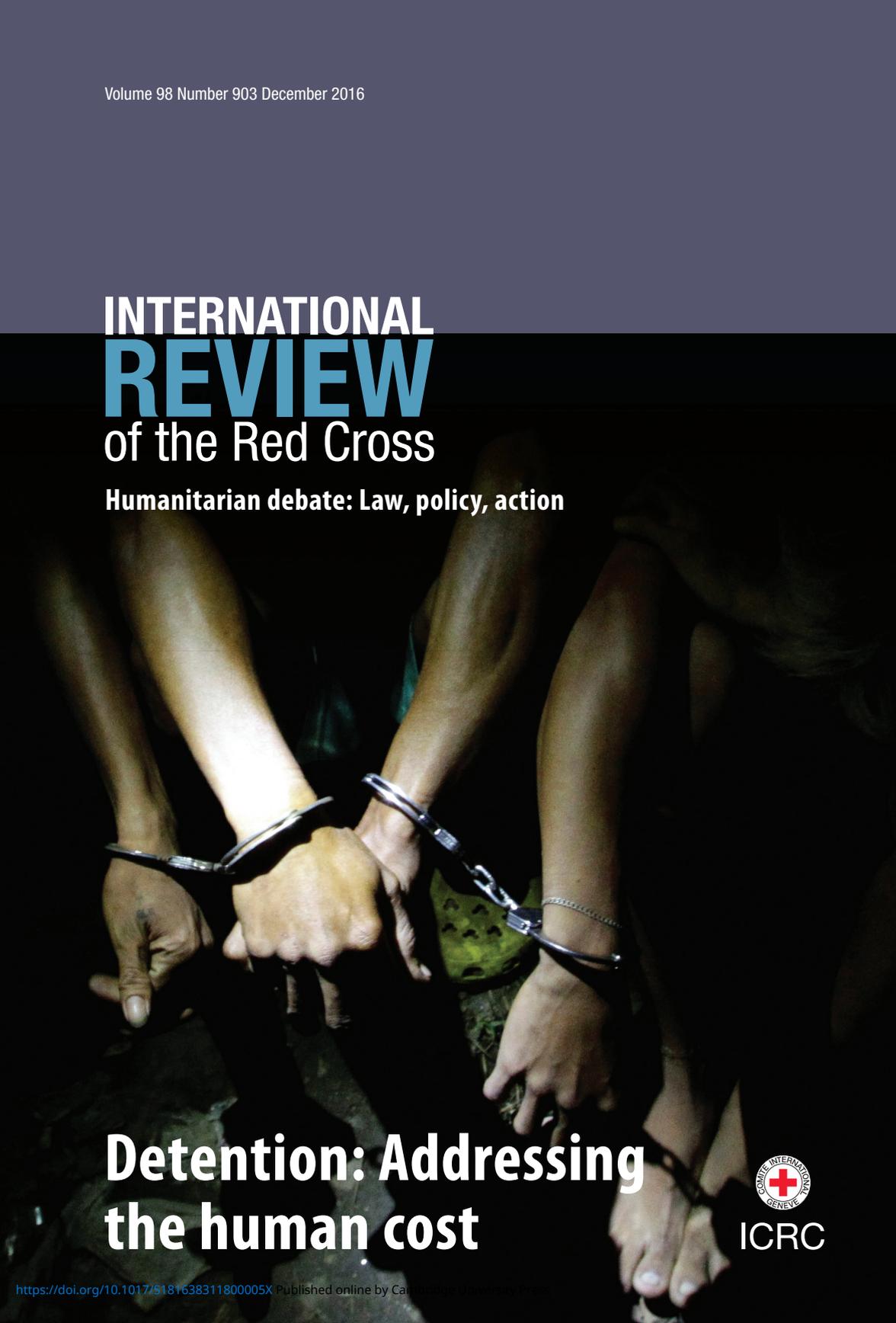


Volume 98 Number 903 December 2016

# INTERNATIONAL REVIEW of the Red Cross

Humanitarian debate: Law, policy, action



**Detention: Addressing  
the human cost**



ICRC

### Aim and scope

Established in 1869, the *International Review of the Red Cross* is a peer-reviewed journal published by the ICRC and Cambridge University Press. Its aim is to promote reflection on humanitarian law, policy and action in armed conflict and other situations of collective armed violence. A specialized journal in humanitarian law, it endeavours to promote knowledge, critical analysis and development of the law, and contribute to the prevention of violations of rules protecting fundamental rights and values. The *Review* offers a forum for discussion on contemporary humanitarian action as well as analysis of the causes and characteristics of conflicts so as to give a clearer insight into the humanitarian problems they generate. Finally, the *Review* informs its readership on questions pertaining to the International Red Cross and Red Crescent Movement and in particular on the activities and policies of the ICRC.

### International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and other situations of violence and to provide them with assistance. It directs and coordinates the international activities conducted by the International Red Cross and Red Crescent Movement in armed conflict and other situations of violence. It also endeavours to prevent suffering by promoting and strengthening international humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Movement.

### Members of the Committee

President: Peter Maurer

Vice-President: Christine Beerli

Mauro Arrigoni  
Hugo Bänziger  
François Bugnion  
Jacques Chapuis  
Bernard G. R. Daniel  
Melchior de Muralt  
Paola Ghillani  
Maya Hertig Randall  
Alexis Keller

Jürg Kesselring  
Thierry Lombard  
Laura Sadis  
Doris Schopper  
Rolf Soiron  
Béatrice Speiser  
Bruno Staffelbach  
Heidi Tagliavini

### Editorial Team

Editor-in-Chief: Vincent Bernard  
Managing Editor: Ellen Policinski  
Editorial Assistants: Audrey MacKay,  
Jovana Kuzmanovic and  
Kvitoslava Krotiuk  
Book review editor: Jamie A. Williamson  
Special thanks: Vincent Ballon,  
Catherine Deman, Marina Fakhouri and  
Mary Murphy

International Review of the Red Cross  
19, Avenue de la Paix, CH 1202 Geneva  
CH - 1202 Geneva  
t +41 22 734 60 01  
e-mail: review@icrc.org

### Editorial Board

Annette Becker  
*Université de Paris-Ouest Nanterre La  
Défense, France*

Chaloka Beyani  
*Special Rapporteur on the Human Rights  
of Internally Displaced Persons; London  
School of Economics, Zambia*

Françoise Bouchet-Saulnier  
*Médecins sans Frontières, France*

Hilary Charlesworth  
*Australian National University, Australia*

Sarah Cleveland  
*Columbia Law School, US*

Adama Dieng  
*UN Secretary-General's Special Adviser for  
the Prevention of Genocide, Senegal*

Fyodor Lukyanov  
*Russia in Global Affairs Journal; Council  
on Foreign and Defense Policy, Russia*

Ximena Medellín Urquiaga  
*Centro de Investigación y Docencia  
Económicas (CIDE), Mexico*

Tasneem Meenai  
*Jamia Millia Islamia, India*

Sorcha O'Callaghan  
*British Red Cross, UK*

Emre Öktem  
*Galatasaray University, Turkey*

Marco Sassòli,  
*University of Geneva, Switzerland*

Michael N. Schmitt  
*US Naval War College, US*

Yuval Shany  
*Hebrew University, Jerusalem, Israel*

Sun Shiyao  
*Chinese Academy of Social Sciences  
(CASS), China*

Fiona Terry  
*Independent researcher on humanitarian  
action, Australia*

Andrew Thompson  
*University of Exeter, UK*

Cover Photo: Men handcuffed after being detained by police during an anti-drug operation in Quezon city, Metro Manila, Philippines. 9 November 2016. Credit: Czar Dancel/Reuters.

Volume 98 Number 903 December 2016

**INTERNATIONAL**  
**REVIEW**  
of the Red Cross

Humanitarian debate: Law, policy, action

**Detention: Addressing  
the human cost**

## CONTENTS

### Detention: addressing the human cost

---

- 725 **Editorial: Out of sight, out of mind? Exposing the human cost of detention**  
Vincent Bernard
- 737 **Interview with Abdoulaye Kaka**

### Voices and perspectives

---

- 749 **Photo gallery: Prisoners' objects: The collection of the International Red Cross and Red Crescent Museum**  
Roger Mayou

### Overview of the humanitarian challenge

---

- 761 **Current trends and practices in the use of imprisonment**  
Andrew Coyle, Catherine Heard and Helen Fair
- 783 **The costs of incarceration for families of prisoners**  
Megan Comfort, Tasseli McKay, Justin Landwehr, Erin Kennedy, Christine Lindquist and Anupa Bir
- 799 **“Restoring hope where all hope was lost”: Nelson Mandela, the ICRC and the protection of political detainees in apartheid South Africa**  
Andrew Thompson

### Conditions in detention

---

- 831 **Overcrowding: Nobody's fault? When some struggle to survive waiting for everyone to take responsibility**  
Vincent Ballon

Articles published by the Review reflect the views of the author alone and not necessarily those of the ICRC or of the Review. Only texts bearing an ICRC signature may be ascribed to the institution.

- 845 Glimmers of hope: A report on the Philippine Criminal Justice System**  
Roy Panti Valenzuela
- 851 Overcrowding in the Peruvian prison system**  
Julio César Magán Zevallos
- 859 Becoming a torturer: Towards a global ergonomics of care**  
Jonathan Luke Austin and Riccardo Bocco
- 889 The crisis of detention and the politics of denial in Latin America**  
Paul Hathazy and Markus-Michael Müller
- 917 Ageing prisoners: An introduction to geriatric health-care challenges in correctional facilities**  
Rachel Bedard, Lia Metzger and Brie Williams

---

### The legal framework

---

- 941 Note: Strengthening IHL protecting persons deprived of their liberty: Main aspects of the consultations and discussions since 2011**  
Tilman Rodenhäuser
- 961 National security and the right to liberty in armed conflict: The legality and limits of security detention in international humanitarian law**  
Zelalem Mogessie Teferra

---

### Selected articles in IHL and humanitarian action

---

- 995 International humanitarian law's old questions and new perspectives: On what law has got to do with armed conflict**  
Thomas Forster

Articles published by the Review reflect the views of the author alone and not necessarily those of the ICRC or of the Review. Only texts bearing an ICRC signature may be ascribed to the institution.

- 1019 When is a conflict international? Time for new control tests in IHL**  
Djemila Carron

---

### Reports and documents

---

- 1043 Protecting people deprived of their liberty**  
ICRC
- 1067 ICRC report on the visit to “Robbeneiland” (Robben Island) Prison on 1 May 1964**  
Georg Hoffman, Delegate General of the ICRC in Africa
- 1079 What’s new in law and case law around the world?**  
Biannual update on national implementation of international humanitarian law January–June 2016

---

### Books and articles

---

- 1093 Does Torture Prevention Work?**, Richard Carver and Lisa Handley  
*Book review by Olivier Chow*
- 1097 The Extraordinary Chambers in the Courts of Cambodia: Assessing their Contribution to International Criminal Law**, Simon Meisenberg and Ignaz Stegmiller  
*Book review by Katie Shea*
- 1103 Compliant Rebels: Rebel Groups and International Law in World Politics**, Hyeran Jo  
*Book review by Ezequiel Heffes*
- 1111 New publications in humanitarian action and the law**  
ICRC Library
- 1137 Corrigenda**