

# INTERNATIONAL HUMANITARIAN LAW WORKSHOP FOR STUDENTS JANUARY 3 - 6, 2013

**Location:**

Boalt Hall Room 100  
University of California, Berkeley

**Reading List: Participants will receive a link to a bSpace webpage with all materials. Nearly all materials are on the ICRC flashdrive to be distributed at the Workshop.**

- Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (2010) [hereinafter “**Solis**”]
- *Discover the ICRC* (2007) ([www.icrc.org/eng/resources/documents/publication/p0790.htm](http://www.icrc.org/eng/resources/documents/publication/p0790.htm)).

**Treaties**

- Charter of the United Nations, 24 October 1945, 1 UNTS XVI
- 1998 Rome Statute of the International Criminal Court (last amended 2010) (“**ICC Statute**”)

**IHL Treaties**

- 1907 Convention Respecting The Laws And Customs Of War On Land And Its Annex: Regulations Concerning The Laws And Customs Of War On Land (“**Hague IV**”)
- 1949 Geneva Convention For The Amelioration Of The Condition Of The Wounded And Sick In Armed Forces In The Field (“**GC I**”) and Commentary
- 1949 Geneva Convention For The Amelioration Of The Condition Of Wounded, Sick And Shipwrecked Members Of Armed Forces At Sea (“**GC II**”) and Commentary
- 1949 Geneva Convention Relative To The Treatment Of Prisoners Of War (“**GC III**”) and Commentary
- 1949 Geneva Convention Relative To The Protection Of Civilian Persons In Time Of War (“**GC IV**”) and Commentary
- 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 Relating To The Protection of Victims of International Armed Conflicts (“**AP I**”)
- 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 Relating To The Protection of Victims of Non-International Armed Conflicts (“**AP II**”)

**International Human Rights Treaties**

- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“**Torture Convention**” or “**CAT**”)
- 1966 International Covenant on Civil and Political Rights (“**ICCPR**”)

**Statutes**

- 18 U.S.C. § 2340
- 18 U.S.C. § 2441
- Military Commission Act of 2009  
([www.defense.gov/news/2009%20MCA%20Pub%20%20Law%20111-84.pdf](http://www.defense.gov/news/2009%20MCA%20Pub%20%20Law%20111-84.pdf))

<b>SYLLABUS and WORKSHOP AGENDA</b>
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**JANUARY 3, 2013 (THURSDAY)**

**8:30-9:00 am**            **Registration and light breakfast, Boalt Hall Room 100**

**9:00-9:45 am**            **Welcome and Introduction**

*Kate Jastram*

Director of Research and Programs,  
Miller Institute for Global Challenges and the Law  
Lecturer in Residence, University of California Berkeley Law School

*Anne Quintin*

Public Affairs Officer, International Committee of the Red Cross (ICRC)

*Eric Sigmund*

Legal Adviser, IHL Dissemination Unit, American Red Cross

Readings

- Discover the ICRC  
([www.icrc.org/eng/resources/documents/publication/p0790.htm](http://www.icrc.org/eng/resources/documents/publication/p0790.htm))

**9:45-10:45 am**            **Introduction to International Humanitarian Law (IHL):  
Scope, Sources, and Basic Principles**

*Kate Jastram*

Director of Research and Programs,  
Miller Institute for Global Challenges and the Law  
Lecturer in Residence, University of California Berkeley Law School

Readings & Materials

- UN Charter Arts. 2(4), 42, and 51
- Statute of the International Court of Justice, Art. 38
- Solis, pp. 250-300
- Optional reading: Jean-Marie Henckaerts and Louise Doswald-Beck, *ICRC Study on Customary International Humanitarian Law*, ICRC and Cambridge University Press (also available online at <http://www.icrc.org/customary-ihl/eng/docs/home>)

**10:45-11:00 am**            **Break**

**11:00 am-12:30 pm**        **Conflict Classification**

*Gary Solis*

Professor, Georgetown University and George Washington University

Readings & Materials

- GC III, Arts 2-3
- AP I, Arts 1-4

- AP II, Art. 1
- Solis, pp. 149-185
- Optional reading: Solis, pp. 98-99, 102-104, 119-145

**12:30-1:30 pm**

**Lunch Break: Teams Meet**  
**Breakout Rooms are 123, 129, 134, 136, 141, 145**

**1:30-2:45 pm**

**Workshop 1: Conflict Classification**

Discussion Groups:

Department of Defense (DOD) and Department of State (DOS)

ACLU and Human Rights First

Special Rapporteur and ICRC

Congress and Law Profs

**2:45-3:00 pm**

**Break**

**3:00-4:00 pm**

**Enforcement of IHL: War Crimes in International Criminal Law**

*Beth Van Schaack*

Deputy to the Ambassador-at-Large for War Crimes Issues

Office of Global Criminal Justice, Department of State

Readings & Materials

- GC III, Arts 126-132 and Commentary
- GC IV, Arts 142-149
- AP I, Arts 80-91
- Rome Statute, Arts 8 and 15
- Torture Convention, Arts 1, 4-7
- 18 U.S.C. § 2441
- 18 U.S.C. § 2340
- Solis, pp, 85-96, 99-102, 301-338

**4:00-5:00 pm**

**Workshop 2: War Crimes Under U.S. Law**

- 18 U.S.C. § 2340

- 18 U.S.C. § 2441

- Military Commission Act of 2009

([www.defense.gov/news/2009%20MCA%20Pub%20%20Law%20111-84.pdf](http://www.defense.gov/news/2009%20MCA%20Pub%20%20Law%20111-84.pdf))

Discussion Groups:

Special Rapporteur and Law Profs

ACLU and DOS

DOD and Human Rights First

Congress and ICRC

**5:30-7:00 pm**

**Welcoming Reception Sponsored by the American Red Cross Bay Area**

**Chapter and Teri Hernandez, Hernandez HQ, LLC**

**Warren Room (295 Boalt Hall)**

## ***JANUARY 4, 2013 (FRIDAY)***

**9:00-10:30 am**

### **The Interface Between IHL and Human Rights**

*Gabor Rona*

Legal Director, Human Rights First

#### Readings & Materials

- ICCPR
- Torture Convention
- Solis, pp. 20-26
- Cordula Droege, “The interplay between IHL and IHRL in situations of armed conflict”, 40 *Israel L. Rev.* 310 (2007)

**10:30-10:45 am**

### **Break**

**10:45 am -12:30 pm Battlefield Status and Protected Persons**

*Chris Jenks*

Professor, Southern Methodist University Dedman School of Law

#### Readings & Materials

- Solis, pp. 109-118, 186-202, 205-220, 224-228, 232-239, 240-245
- Review for background: Solis, pp. 220-224
- Review the following treaty provisions for an overview of the basic protections:
  - GC III, Articles 3, 4, 5, 6, 7, 12 et seq.
  - GC IV, Articles 3, 4, 7, 8, 13 et seq.
  - AP I, Articles 1, 8, 41-7, 48-54, 57, 75, 76-79
  - AP II, Articles 2, 4, 5, 6, 7, 13, 14

**12:30-1:45 pm**

### **Lunch – Room 100**

#### **Careers in International Law: Optional Brown Bag Lunch Session**

Meet informally with the faculty to learn about careers in international law.

Andrea Harrison, ICRC

Kate Jastram, Berkeley Law

Anne Quintin, ICRC

Gabor Rona, Human Rights First

Eric Sigmund, American Red Cross

**1:45-3:00 pm**

### **Workshop 3: Battlefield Status and Protected Persons**

#### Discussion Groups:

Law Profs and Human Rights First

ACLU and Congress

Special Rapporteur and DOD

ICRC and DOS

**3:00-3:15 pm**

**Break**

**3:15-5:00 pm**

**Means and Methods of Warfare and Targeting**

*Maj Owen Bishop, U.S. Air Force*

Professor, International & Operational Law Department

The Judge Advocate General's Legal Center and School

Readings & Materials

- Hague IV and Annex (review all, focus on Annex Articles 22-27)
- AP I, Arts 35-58
- Solis, pp. 519-555

**5:00**

**Optional film and discussion: *I Know Where I'm Going*** (2012) (10 minutes). Co-produced with award-winning MediaStorm and directed by Intercross curator/spokesman Simon Schorno, *I Know Where I'm Going* documents the independent and neutral nature of the ICRC's action through the story of Hussein Saleh, a colleague based in Aden, south Yemen.

The film portrays a thoughtful, courageous and complex man at a critical time in one of the world's most complex and dangerous terrains. It explains the ICRC and its efforts to visit detainees held by an Al Qaeda-affiliated group but is also a lasting tribute to the memory of a committed humanitarian.

You can also view the film at [intercrossblog.icrc.org](http://intercrossblog.icrc.org).

## ***JANUARY 5, 2013 (SATURDAY)***

**9:00-10:30 am**

**Non-International Armed Conflicts and Direct Participation in Hostilities (DPH)**

*Andrea Harrison*

Deputy Legal Advisor, International Committee of the Red Cross

Readings & Materials

- AP I, Arts 43, 50, 51 and Commentary
- AP II, Art. 13 and Commentary
- GCs I-IV, Art. 3
- Solis, pp. 202-206
- Recommended: ICRC, *Interpretive Guide on the Notion of Direct Participation in Hostilities under International Humanitarian Law* ([www.icrc.org/eng/assets/files/other/icrc\\_002\\_0990.pdf](http://www.icrc.org/eng/assets/files/other/icrc_002_0990.pdf))

**10:30-10:45 am**

**Break**

**10:45 am-12:15 pm**

**Workshop 4: Targeting/DPH**

- Solis, pp. 228-231, 245-249
- GC III, Arts 2-5

Discussion Groups:

DOD and Law Profs

ACLU and ICRC

Special Rapporteur and Human Rights First

Congress and DOS

**12:15-1:30 pm**

**Lunch – Room 100**

**Careers in the JAG Corps: Optional Brown Bag Lunch Session**

Meet informally with the faculty to learn about various JAG careers.

Maj Owen Bishop, TJAGLCS

Lt. Col. Chris Jenks (ret.), SMU Dedman School of Law

MAJ Todd Lindquist, TJAGLCS

Lt. Col. Gary D. Solis (ret.), Georgetown Law

**1:30-3:15 pm**

**Internment and Detention**

*MAJ. Todd Lindquist*, Judge Advocate, U.S. Army

International & Operational Law Department,

The Judge Advocate General's Legal Center and School

Readings & Materials

- GC III, Arts 4-5, 7, 12-24, 78-121
- GC IV, Arts 4-6, 13-14, 21-22, 27-34, 37, 41-49, 64-73, 75-78, 117-118, 132-135
- AP I, Arts 8-11, 41, 43-47, 50-56, 75
- AP II, Arts 2-6, 13-17

**3:15-3:30 pm**

**Break**

**3:30-5:00 pm**

**Workshop 5: Internment and Detention**

Discussion Groups:

DOD and Human Rights First

ACLU and DOS

Special Rapporteur and Law Profs

Congress and ICRC

***JANUARY 6, 2013 (SUNDAY)***

**9:00-10:30 am**

**Final Exercise: Congressional hearing on the Killing of Anwar al-Awlaki, a U.S. Citizen in Yemen**

**10:30-11:30 am**

**Debrief on the Interagency Process**

All Faculty

**11:30 am-12:00 pm**

**Farewell and Certificate Ceremony**