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.


**Treaties**
- Charter of the United Nations, 24 October 1945, 1 UNTS XVI

**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
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)

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

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

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
- 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.

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**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

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