

INTERNATIONAL HUMANITARIAN LAW WORKSHOP FOR STUDENTS

JANUARY 17-20, 2014

Location: Boalt Hall, University of California, Berkeley, School of Law
Room 132 – Friday
Room 100 – Saturday, Sunday, Monday

Course Materials: Participants will receive hard copies of the Geneva Conventions, Additional Protocols, and the Interpretive Guidance on the Notion of Direct Participation in Hostilities, as well as a link to a course webpage (“[bSpace](#)”) with all materials.

A list of resources is at the back of this syllabus.

FRIDAY, 17 JANUARY 2014

<p>8:30 – 9:00am</p>	<p>Registration and Breakfast 132 Boalt Hall (<i>please note change of room</i>)</p>
<p>9:00 - 9:15 am</p>	<p>Welcome and Introduction <i>Kate Jastram</i> Faculty Director and Lecturer in Residence, Miller Institute for Global Challenges and the Law, Berkeley Law</p> <p><i>Tracey Begley</i> Public Affairs Officer, International Committee of the Red Cross</p> <p><i>Christie Edwards</i> Director, International Humanitarian Law Division, American Red Cross</p> <p><u>Suggested Reading</u></p> <ul style="list-style-type: none"> • Discover the ICRC
<p>9:15-11:00 am</p>	<p>IHL and International Human Rights Law in Context <i>Gabor Rona</i> International Legal Director, Human Rights First</p> <p><u>Reading</u></p> <ul style="list-style-type: none"> • UN Charter Arts. 2(4), 42, and 51 • Statute of the International Court of Justice, Art. 38 • International Covenant on Civil and Political Rights • Convention against Torture • Cordula Droege, “The interplay between IHL and IHRL in situations of armed conflict”, 40 <i>Israel L. Rev.</i> 310 (2007)

11:00-11:15 am	Break
11:15-12:45 pm	<p>Conflict Classification <i>Gary Solis</i> Professor, Georgetown University and George Washington University</p> <p><u>Reading</u></p> <ul style="list-style-type: none"> • 1949 Geneva Convention Relative to the Treatment of Prisoners of War (“GC III”), Arts. 2-3 • 1977 Additional Protocol Relating to the Protection of Victims of International Armed Conflicts (“AP I”), Arts 1-4 • 1977 Additional Protocol Relating to the Protection of Victims of Non-international Armed Conflicts (“AP II”), Art. 1 • Solis, <i>The Law of Armed Conflict: International Humanitarian Law in War</i> (2010) (“Solis”), pp. 149-185 <p><u>Optional Reading</u> Solis, pp. 98-99, 102-104, 119-145</p>
12:45-1:45 pm	<p>Lunch Assigned teams meet to start work on Monday’s simulation. Participants will receive their team assignment upon check-in Friday morning.</p> <p>ACLU – 122 Boalt Congressional Caucus [Congress] – 123 Boalt Dept of Defense [DOD] – 129 Boalt Dept of State [DOS] – 132 Boalt Human Rights First [HRF] – 134 Boalt Intl Committee of the Red Cross [ICRC] – 136 Boalt Law Professors [Professors] – 141 Boalt UN Special Rapporteur [UN] – 145 Boalt</p>
1:45-3:15 pm	<p>Battlefield Status and Protected Persons <i>Chris Jenks</i> Professor, Southern Methodist University Dedman School of Law</p> <p><u>Reading</u></p> <ul style="list-style-type: none"> • 1949 Geneva Convention Relative to the Protection of Civilians (“GC IV”), Arts. 4-12 • Corn, Hansen, Jackson, Jenks, Jensen & Schoettler, <i>The Law of Armed Conflict, An Operational Approach</i> (2012) (“Corn et al.”), Chapter 9
3:15-4:30 pm	<p>Small Group Discussion “A” on Classification and Status Issues ACLU and DOS – 123 Boalt Congress and ICRC – 129 Boalt DOD and HRF – 136 Boalt Professors and UN – 141 Boalt</p> <p>Note: These group discussions are not “in role.” We used the team assignments as an easy way to divide people into small groups.</p>
4:30-5:30 pm	<p>Optional campus tour or Optional screening of <i>Nuremberg: Tyranny on Trial</i> (45 minutes)</p>

5:30-7:00 pm	Reception hosted by the American Red Cross - Gateway to the Golden State Region Warren Room, 295 Boalt Hall
SATURDAY, 18 JANUARY 2014	
8:30-9:00am	Breakfast 100 Boalt Hall
9:00-10:30 am	Means and Methods of Warfare: Targeting <i>Major Patrick Walsh</i> U.S. Army National Guard Professor, International and Operational Law Department, The Judge Advocate General's Legal Center and School <u>Reading</u> <ul style="list-style-type: none"> • 1907 Convention Respecting The Laws And Customs Of War On Land ("Hague IV") and Its Annex ("Annex") (review all, focus on Annex Articles 22-27) • AP I, Arts. 35-58 • Solis, pp. 519-555
10:30-10:45 am	Break
10:45 -12:15 pm	Direct Participation in Hostilities <i>Andrea Harrison</i> Deputy Legal Advisor, ICRC <u>Reading</u> Nils Melzer, <i>Interpretive guidance on the notion of direct participation in hostilities under international humanitarian law</i> (ICRC, 2009), Introduction, Part I, and skim Part II <u>Optional Reading</u> <ul style="list-style-type: none"> • Public Committee against Torture in Israel v Israel (Supreme Court of Israel, 2005) (Israeli Targeted Killing Case): paras 2, 16, 18-46, 60 • Lubanga Decision (ICC, 2012): paras 619-630
12:15-1:15 pm	Lunch Optional: Careers in International Law Talk I Tracey Begley, ICRC Christie Edwards, ARC Andrea Harrison, ICRC Jens Iverson, Leiden University Kate Jastram, Berkeley Law Gabor Rona, Human Rights First
1:15-2:30 pm	Small Group Discussion "B" on Targeting and DPH ACLU and Congress – 123 Boalt DOD and UN – 129 Boalt DOS and ICRC – 136 Boalt HRF and Professors – 141 Boalt Note: These group discussions are not "in role." We used the team assignments as an easy way to divide people into small groups.

<p>2:30-4:15 pm</p>	<p>Internment and Detention <i>Lieutenant Commander David H. Lee</i> JAGC, USN, Professor, International & Operational Law Department, The Judge Advocate General's Legal Center and School</p> <p><u>Reading</u></p> <ul style="list-style-type: none"> • 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 • Department of Defense Directive 2310.01E, re the DOD Detainee Program, dated September 5, 2006 • U.N. Security Council Resolution 1546 of 8 June 2004 • U.N. Security Council Resolution 1386 of 20 Dec 2001
<p>4:15-5:00pm</p>	<p>Assigned teams meet with faculty to work on simulation ACLU – 100 Boalt Congress – 112 Boalt DOD – 123 Boalt DOS – 129 Boalt HRF – 134 Boalt ICRC – 136 Boalt Professors – 141 Boalt UN – 145 Boalt</p>
<p>5:00pm</p>	<p>Optional, informal, no-host drinks/dinner for students and professors Henry's Restaurant, in the Hotel Durant, 2600 Durant Avenue</p>
<p>SUNDAY, 19 JANUARY 2014</p>	
<p>8:30 – 9:00am</p>	<p>Breakfast 100 Boalt Hall</p>
<p>9:00-10:15 am</p>	<p>Small Group Discussion “C” on Internment and Detention ACLU and ICRC – 123 Boalt Congress and DOS – 129 Boalt DOD and Professors – 136 Boalt HRF and UN – 141 Boalt</p>
<p>10:15-10:30 am</p>	<p>Break</p>
<p>10:30 -12:00 pm</p>	<p>International Criminal Law <i>Chris Jenks</i> Professor, Southern Methodist University Dedman School of Law</p> <p><u>Reading</u> Corn et al., pp. 465-522</p>
<p>12:00-1:00 pm</p>	<p>Lunch Optional: Careers in International Law Talk II Lieutenant Colonel Chris Jenks, U.S. Army (ret.) Lieutenant Commander David H. Lee, U.S. Navy Lieutenant Colonel Gary Solis, U.S. Marines (ret.) Major Patrick Walsh, U.S. Army National Guard</p>

1:00-2:00 pm	Assigned teams meet to work on simulation ACLU – 100 Boalt Congress – 112 Boalt DOD – 123 Boalt DOS – 129 Boalt HRF – 134 Boalt ICRC – 136 Boalt Professors – 141 Boalt UN – 145 Boalt
2:00-4:00 pm	Hot Topics: Understanding the News, Finding the Law <i>Kate Jastram</i> Berkeley Law <u>Reading</u> (skim) Research Guide on International Humanitarian Law (Berkeley Law 2012) Recent news articles to be assigned.
MONDAY, 20 JANUARY 2014	
8:30 – 9:00am	Breakfast 100 Boalt Hall
9:00-10:30 am	Simulation: Congressional Hearing On the Killing of Anwar al-Awlaki, a U.S. Citizen in Yemen Assigned teams
10:30-11:30 am	Debrief and Wrap-up on Targeted Killing <i>Kate Jastram</i> Berkeley Law
11:30 am-12:00 pm	Farewell and Certificate Ceremony

LIST OF RESOURCES

- Corn, Hansen, Jackson, Jenks, Jensen and Schoettler, *The Law of Armed Conflict, An Operational Approach* (2012) [hereinafter “**Corn et al.**”]
- Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (2010) [hereinafter “**Solis**”]
- Henckaerts and Doswald-Beck, *ICRC Study on Customary International Humanitarian Law*, ICRC and Cambridge University Press (available [online](#))
- Nils Melzer, *Interpretive guidance on the notion of direct participation in hostilities under international humanitarian law* (ICRC, 2009)
- [Discover the ICRC](#) (2007)
[Basic rules of the Geneva Conventions and their Additional Protocols](#) (ICRC 1988)

Treaties

- Charter of the United Nations, including the Statute of the International Court of Justice
- 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**”)

International Refugee Treaties

- 1951 Convention relating to the Status of Refugees and its 1967 Protocol

U.S. Statutes

- 18 U.S.C. § 2340 and § 2441
- [Military Commission Act of 2009](#)