International Humanitarian Law Workshop

Yale Law School
New Haven, CT

September 30 & October 1

AGENDA

FRIDAY, SEPTEMBER 30

10:00  Registration Opens
       Room 122

10:30 – 11:00  Welcome (registered attendees only)
                Room 120
                Oona Hathaway, Yale Law School
                Tracey Begley, ICRC Washington

11:00 – 12:30  Introduction to the ICRC & International Humanitarian Law (IHL) (registered attendees only)
                Room 120
                Trevor Keck, ICRC Washington
                This session will provide a brief introduction to public international law, international humanitarian law (also known as the Law of Armed Conflict), and the difference between international humanitarian law and the international laws governing the resort to force. Additionally, it will provide an introduction to the ICRC and its operational activities, the Red Cross/Red Crescent Movement, and the ICRC’s Washington Delegation, as well as IHL sources (the Geneva Conventions, Additional Protocols, and customary law).
                Reading: Discover the ICRC (downloadable PDF); for all Friday sessions: Geneva Conventions I-IV; Additional Protocols I & II; ICRC Customary Law Study.

12:30 – 2:00  Lunch: The Ongoing Conflict in Syria
                Room 127 (bag lunches available in Room 122)
                Brig. Gen. (ret.) Richard Gross (moderator)
                Ambassador Robert Ford
                Mustafa Haid, Dawlaty Foundation & Yale World Fellow
<table>
<thead>
<tr>
<th>Time</th>
<th>Session Title</th>
<th>Room</th>
<th>Speaker/Presenter</th>
<th>Details</th>
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<tr>
<td>2:00 – 3:15</td>
<td><strong>Conflict Classification: How to Classify and Why it Matters</strong></td>
<td>127</td>
<td>Tracey Begley, ICRC Washington</td>
<td>This session will provide an overview of how conflicts are classified, why classification matters, and how international humanitarian law applies within each classification. Reading: ICRC Opinion Paper, <em>How is the Term “Armed Conflict” Defined in International Humanitarian Law?</em>; GCs I - IV, Arts 2-3; AP I, Arts 1-4; AP II, Art. 1; ICRC Updated Commentaries (2016) on Common Articles 2 and 3.</td>
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<td>3:15 – 3:30</td>
<td><strong>Coffee Break (registered attendees only)</strong></td>
<td>122</td>
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<td>3:30 – 5:00</td>
<td><strong>Targeting and Civilians Directly Participating in Hostilities</strong></td>
<td>127</td>
<td>Brig. Gen. (ret.) Richard Gross</td>
<td>This session will explain the basic international humanitarian law principles that parties to an armed conflict must follow while conducting hostilities. These include the principles of distinction, proportionality, and precautions. Among other things, this session will consider when civilians lose their protections from direct attack by participating in hostilities. Reading: AP I, Articles 25 - 71; Nils Melzer, <em>Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law</em> (ICRC, 2009), Chapter 9.</td>
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<td>5:00 – 6:30</td>
<td><strong>Battlefield Status and Protected Persons</strong></td>
<td>127</td>
<td>Col. Randy Bagwell, Dean, U.S. Army Judge Advocate General's School</td>
<td>The status of a person during conflict has implications for how the person much be treated and/or may be detained or interned. This session will review the various types of status, and discuss the meaning of “protected persons,” which is a term of art in IHL. Reading: GCs I - IV, Art. 3; GC III, Art. 4; GC IV, Arts. 4 – 12; AP 1, Arts. 72 – 79.</td>
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<td>7:30 – 9:30</td>
<td><strong>Optional Informal, No-Host Drinks/Dinner for Students (registered attendees only)</strong></td>
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<td>7:00 – 9:00</td>
<td><strong>Dinner at Heirloom Restaurant for Workshop Presenters</strong></td>
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SATURDAY, OCTOBER 1

8:30 – 10:00  
**Detention & Internment**  
Room 127  
**Andrea Harrison, ICRC Washington**  
During armed conflict, it may be legal for a party to the conflict to detain or intern people. This session will discuss the difference between detention and internment, who may be detained or interned when, under what circumstances, and what review processes exist.  

10:00 – 10:15  
**Coffee Break (registered attendees only)**  
Room 122

10:15 – 11:15  
**IHL & International Human Rights Law**  
Room 127  
**Rebecca Crootof, Executive Director, Information Society Project**  
This session will examine how international human rights and humanitarian law interact during armed conflict.  

11:15 – 12:15  
**IHL & Non-State Actors: State Responsibility, Common Article 1, and the Duty to Ensure Respect**  
Room 127  
**Oona Hathaway, Emily Chertoff, Zachary Manfredi**  
What legal obligations do non-state actors have under international humanitarian law? And what responsibilities do states have for the actions of non-state actors during armed conflict? This session will answer these questions with reference to Common Articles 1 and 3 to the Geneva Conventions, and the law of state responsibility.  
12:15 – 1:45  **Lunch: Targeting War Sustaining Activities**  
Room 127 (bag lunches available in Room 122)  
**Ryan Goodman, NYU School of Law**  
President Obama has embraced what many in the international law community long-regarded as off limits: targeting war-sustaining capabilities, such as the economic infrastructure used to generate revenue for an enemy’s armed forces. Although the weight of scholarly opinion has for years maintained that such objects are not legitimate military targets, the existing literature on this topic is highly deficient. This session will discuss the relevant law and the state of the debate.  

1:45 – 2:45  **Career Panel**  
Room 127  
**Andrea Harrison, ICRC Washington**  
**Brig. Gen. (ret.) Richard Gross**  
**Col. Randy Bagwell, Dean, U.S. Army Judge Advocate General's School**

2:45 – 3:30  **Closing: Informal Gathering**  
Courtyard, Weather Permitting, or Room 122

We are grateful to the ICRC and the Yale Law School Oscar M. Ruebhausen Fund for supporting this event.