



London Centre of
International
Law Practice

IHL and Humanitarian Access to Protected Persons in Non-International Armed Conflict in the Middle East



A Practical, Interactive Training Workshop
Organized by LCILP

Central London
Thursday 10 August – Friday 11 August 2017

To RSVP, please e-mail events@lclp.org
Institutional Registration Fee: £650 + VAT

(covers 3 people per institutions. 50% discount available for NGOs and employees of the humanitarian sector)

Programme

This high-level workshop will outline the applicability of International Humanitarian Law (IHL) and the issue of humanitarian access to protected persons in present situations of Non-International Armed Conflict (NIACs) in the Middle East. It will be delivered by Visiting Professor at Sciences Po Paris, Paris School of International Affairs, and Former Senior Operational Manager & Current Senior Diplomatic and Legal Advisor at the International Committee of the Red Cross (ICRC) [Dr. Patrick Zahnd](#). The workshop will be facilitated by LCILP's Associate Director for International Land and Maritime Boundaries, [Mahmoud Abdou, MA MA MSc](#).

Day 1: Thursday 10 August 2017

08:30 – 09:00: Opening Ceremony

“After Aleppo, Yemen, Mosul and Raqqa: The protected persons and objects by IHL must be respected”.

09:00 – 11:00: Introduction to International Humanitarian Law (IHL)¹

- IHL a branch of public international law
- A brief historical background
- When does IHL apply? Who is protected by IHL? How?
- Jus in bello vs Jus ad bellum
- **What is an armed conflict? Categories of armed conflicts**
- Conventional and customary IHL
- Who is a civilian? Protected Persons by IHL and special protection regimes

11:00 – 11:30: Coffee break

11:30 – 12:45: The law of the Conduct of Hostilities

- The legal conventional and customary framework
- The civilian objects and military objectives

¹ Participants are invited to read the ICRC's 2016 Handbook on IHL, a comprehensive introduction and the 2015 report "ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015", the 2016 updated commentaries of Common Article 3 of the Geneva Conventions and have a look at the ICRC document on NIAC: <https://casebook.icrc.org/law/non-international-armed-conflict>. Participants are invited to be familiar with IHL customary rules: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul

- The fundamental principles of **distinction, proportionality and precaution in attacks**
- Direct participation in hostilities
- The prohibition of weapons of mass destruction and some conventional weapons for humanitarian reasons. The specific case of nuclear weapons
- New technologies and IHL: armed drones, autonomous weapons, cyber warfare
- The arm transfers and IHL. The ATT.

12:45 – 14:00: Lunch

14:00 – 15:30: Implementation of IHL

- **Repression** of serious violations of IHL and war crimes
- **Implementation of IHL at national level:** a priority
- Interplay IHL and IHRL in armed conflicts
- The role of the **International Committee of the Red Cross**, the “custodian of IHL”.
- The **UN Security Council** and the protection of civilians (including women and children) in armed conflicts

15:30 – 16:00: Coffee break

16:00 – 16:30 Keynote Speech: Ibrahim Olabi, CEO of the Syrian Legal Development Program (SLDP)

SLDP was established in 2013 and operates as a non-aligned, non-governmental organisation working in non-state controlled areas of Syria. The idea of SLDP emerged as a result of the Syrian conflict, which erupted in 2011, after realising the importance of addressing complex legal needs triggered by conflicts. These needs concern both the country as a whole and different stakeholders in the conflict. It is of utmost importance to address legal voids in order to prevent major human rights violations and uphold the rule of law, and this is particularly complex in conflict areas. Different stakeholders, such as humanitarian workers and NGOs, civil society organizations, temporary institutions and the general public have many and various legal needs. Addressing these needs for Syrians is a task with huge challenges due to the everchanging dynamics of the conflict. SLDP has made its mission to utilise its legal expertise and contextual knowledge to address current and developing legal needs in Syria. Through its team of researchers, lawyers, on-the-ground trainers and human rights advocates, SLDP’s mandate is to promote human rights and the rule of law to minimise the negative humanitarian consequences of the Syrian conflict. For more information, please click here: <https://www.syrianldp.com/en>

16:30 – 18:30: Qualification of armed conflicts

What is a IAC, a belligerent occupation, a NIAC (CA 3, AP II, art.1)? **Case studies in the Middle East:**²

² The participants will be organized in 4 working groups. Each group will be tasked with examining a case study distributed in advance and answer specific questions in plenary during this session.

1. The armed conflict in **Syria**

<https://casebook.icrc.org/case-study/armed-conflict-syria-0>

WG 1 answers question 1, qualification of the situation and law applicable

2. **Syria**. Code of conduct of the Free Syrian Army

<https://casebook.icrc.org/case-study/syria-code-conduct-free-syrian-army>

WG 2 answers questions I: Classification of the situation and binding force of the Code of Conduct and II, Compatibility of the Code with IHL

3. **Syria**, Press Conference with French President François Hollande and Russian President Vladimir Putin

<https://casebook.icrc.org/case-study/syria-press-conference-french-president-francois-hollande-and-russian-president-vladimir>

WG 3 answers questions I, classification of the situation;

4. Obama's speech on drone policy.

<https://casebook.icrc.org/case-study/us-obamas-speech-drone-policy>

WG 4 answers question I on the law applicable.

Or Israel / Occupied Territories:

WG 4 examines the case study on whether the occupation of the Palestinian Territories by Israel continues after the adoption by the UNGA of resolution 67/19 granting the State of Palestine the status of non-member observer state.

Each group has 20 minutes to present its report. Discussions follow for 20 minutes.

Day 2: Friday 11 August 2017

09:00 – 11:00: IHL and Humanitarian assistance in a NIAC

- The legal framework
- The obligations of the parties to respect IHL, to protect and assist the civilian population;
- The right of impartial humanitarian organizations to offer their humanitarian services
- Consent, acceptability, access and right of control
- The importance of the Humanitarian Principles
- Humanitarian negotiations strategies: the role of the humanitarian principles and IHL.

The special protection regimes of wounded, sick and of health care personnel and facilities in a NIAC

- Definitions
- The obligations of the parties

- The special protection regime of the wounded and sick in a IAC and a NIAC
- The special protection regime of the health personnel, facilities and medical transport
- The role of the impartial humanitarian obligation
- Humanitarian negotiations

11:00 – 11:30: Coffee break

11:30 – 12:30: Case studies in the Middle East region

1. **Syria**, Press Conference with French President François Hollande and Russian President Vladimir Putin

<https://casebook.icrc.org/case-study/syria-press-conference-french-president-francois-hollande-and-russian-president-vladimir>

WG 1 answers question IV: Humanitarian assistance

12:30 – 14:00: Lunch

14:00 – 16:00: Case studies in the Middle East region (ctd)

2. **Afghanistan**, attack on Kunduz Trauma Center, MSF internal review, speech of MSF President to the UNSC and US investigation

<https://casebook.icrc.org/case-study/afghanistan-attack-kunduz-trauma-centre>

WG 2 answers questions I (a) and II, protection of the wounded and sick.

3. **Afghanistan**, Kunduz.

WG 3 answers questions III, medical personnel, facilities and transports.

16:00 – 17:45: Case Studies Continued

4. **Yemen** – Obstructing medical care.

<https://casebook.icrc.org/case-study/yemen-obstructing-medical-care>

WG 4 answers questions I (classification) and II (protection of wounded and sick) and III (a) and (d).

17:45 – 18:15: Debate and Q&A

18:15 – 18:30: Closing ceremony



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