



UNITED STATES INSTITUTE OF PEACE  
Academy for International Conflict Management and Peacebuilding

## **HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW**

May 15 – 17, 2012

Tuesday – Thursday

Washington, DC

Developed and Instructed by

Greg Noone and Laurie Blank

### **Description:**

The *Human Rights and International Humanitarian Law Course* will provide participants with an introduction and overview of international human rights law and international humanitarian law and answer key questions like: What does each term mean? Why do we have these bodies of law? How do they apply? What is the practical impact of human rights and humanitarian law in conflict-affected states? How do these two bodies of law interact? How are human rights and international humanitarian law relevant to practitioner's work in the field? The course will be delivered through a variety of methodologies that seek to maximize the learning experience, with an emphasis on "problem-based learning."

### **Context:**

Those working in the field of international conflict management and peacebuilding confront human rights and humanitarian law issues on a

daily basis. Everyone from humanitarian relief workers, military personnel, rule of law practitioners, development donors, journalists, diplomats and NGO staff needs to have a basic understanding of international human rights and humanitarian law – and their inter-relationship – to work effectively in conflict-affected states. The reality is that most conflict management professionals have never received any formal training in these areas. At best they “learn on the job,” at worst they continue to operate with a fundamental knowledge deficit. Current training opportunities generally consist of Masters Degree courses, or more lengthy training courses on either human rights law or humanitarian law. A Training Needs Assessment carried out by USIP found that conflict management professionals are looking for an intensive, practical training course that combines both human rights and humanitarian law. This course is designed to fill this training gap.

### **Learning Objectives:**

By the end of this course, participants will:

- ✓ Understand the terms international human rights law and international humanitarian law.
- ✓ Understand why these bodies of law exist, how they interact, what each term means and how they are applied.
- ✓ Understand the practical impact of human rights and humanitarian law in conflict-affected states.
- ✓ Understand how human rights and international humanitarian law are relevant to practitioner’s work in the field.
- ✓ Understand the roles, functions and responsibilities of various actors, organizations, and institutions in international human rights law and international humanitarian law.
- ✓ Understand key areas of applied human rights and international humanitarian law including: transitional justice; the use of force; terrorism; and trafficking in persons.

## **Day 1 – TUESDAY – MAY 15, 2012**

9:00 – 9:30 Course Introduction

*The structure of this course is designed specifically to teach IHL in a framework that makes sense, and more importantly, the structure mirrors the analytical approach that militaries take to the application of IHL, often termed the “right kind of conflict, right kind of person” approach. That is, one must first understand what type of conflict is taking place, and then what category of person or persons are involved before analyzing the relevant conduct. The course structure follows that model. The first sessions provide an overview of public international law, the historical underpinnings of IHL and the justifications and purposes for a law governing what might otherwise appear to be a state of lawlessness and violence.*

9:30 – 10:30 Overview of Public International Law

10:30 – 10:45 Break

10:45 – 12:15 Introduction to International Humanitarian Law,  
International Human Rights Law and Armed Conflict

- Basic purposes
- Distinctions and Interplay between Legal Regimes

*This session will examine the basic foundations and sources of IHL, the primary reasons for a legal regime governing armed conflict and how IHL relates to and intersects with the law governing the resort to force and human rights law.*

12:15 – 1:00 Lunch

1:00 – 2:00 Historical Background

- Ancient Times Through the Code of Chivalry
- Lieber Code and Solferino
- Hague Regulations Through WWII

2:00 – 4:00            Fundamental Sources and Principles of IHL / IHRL

(Break inclusive at 2:30)

*The session will introduce participants to the primary sources of IHL and human rights law, including treaties and customary law. Next, it will highlight the four core principles of the law of armed conflict: distinction, proportionality, military necessity and humanity. Much of the analysis throughout the course will rely on core knowledge of these principles and we will continually examine complex issues through the lens of these foundational principles. This session truly helps participants explore and answer the question of “why” there is law governing conduct during armed conflict – not just why the law exists, but whether the law can play an important role in mitigating suffering during conflict and how it differs from the law applicable during peacetime. These first sessions will also provide an initial fluency in and familiarity with the language and primary sources of the law of armed conflict, the foundation they need to tackle the challenging and complex issues and questions that arise throughout the course and the study of law and armed conflict.*

## **Day 2 – WEDNESDAY – MAY 16, 2012**

9:00 – 10:30            What is armed conflict and when does IHL apply?

- Definition of armed conflict
- IAC
- NIAC
- Occupation
- Current topics / challenges

*In this session, we will examine how and in what circumstances IHL is triggered. Discussion of cases and both historical and current examples will provide foundational materials for exploring the definition of armed conflict and how that definition plays out in practice in different types of conflicts and other situations involving the use of military force. In particular, this session will provide the necessary tools to debate and analyze the challenging questions that arise in contemporary conflicts, such as how to classify terrorist attacks and counterterrorism operations and the parameters of occupation.*

10:30 – 10:45            Break

10:45 – 12:15      Battlefield Status: Combatants and Civilians

- Identification of applicable law(s)
- Classification and treatment of persons
- Human Rights Protections and Mechanisms

*This session examines the classification of persons during armed conflict and the impact of such classifications. Questions of classification and status of persons during non-international armed conflict will also be explored.*

12:15 – 1:00      Lunch

1:00 – 2:00      Exercise / Discussion / Questions / Current Topics

2:00 – 4:00      Regulating the Conduct of Hostilities:  
Targeting of Objects and Individuals

(Break inclusive at 2:30)

- Law of Targeting
- Direct Participation in Hostilities

*This session focuses on the conduct of hostilities during both international and internal armed conflicts. In particular, the four key principles of the law of armed conflict – distinction, proportionality, military necessity and humanity – form the backbone for any analysis of the means and methods of war, the identification of targets, and the protection of civilian objects. We also analyze the principle of proportionality in practice, focusing how it is applied both in targeting decisions and in post-hoc analysis of particular attacks, and the obligations to take “constant care” during military operations – both the attacking party’s obligations to take precautions and the defending party’s obligations to take certain measures to protect the civilian population from the effects of combat operations.*

## **Day 3 – THURSDAY – MAY 17, 2012**

9:00 – 10:30 Detention and Deprivation of Liberty

- Capture or Arrest, Investigation, Interrogation
- Prisoners of War and Security Detention
- Due Process and Fair Trial Rights

*This session will address the legal regimes governing detention of combatants, insurgents and civilians during international and non-international armed conflict. It will highlight the differences, similarities and interplay between IHL and human rights law in determining rights and treatment.*

10:30 – 10:45 Break

10:45 – 12:15 Accountability I: War Crimes, Crimes Against Humanity, and Genocide

*This session focuses on the major categories of violations – genocide, crimes against humanity and war crimes – and also examines two key issues in accountability for violations: command responsibility and the accountability of non-state actors.*

12:15 – 1:00 Lunch

1:00 – 2:00 Exercise / Discussion / Questions / Current Topics

2:00 – 4:00 Accountability II: Mechanisms for Enforcement  
(Break inclusive at 2:30)

- International Tribunals
- ICC and the US position
- Hybrid Tribunals
- National Tribunals
- TRC and customary/traditional justice mechanisms

*This session examines various mechanisms for prosecuting suspected perpetrators of atrocities in both the domestic and international arenas and in both the civilian and military justice systems.*

### **Course designers and instructors:**

**Greg Noone**, Ph.D., J.D., is a USIP Senior Program Officer at the Academy for International Conflict Management and Peacebuilding and has been with USIP since 2001 in numerous capacities including as a full time Program Officer in the Education Training Center / International as well as work for the Education Training Center / Domestic and the Rule of Law Program. He is currently the Director of the National Security and Intelligence Program at Fairmont State University and is a member of the Public International Law and Policy Group. Noone previously served as an active duty judge advocate in the U.S. Navy. He held various positions in the Navy including the Head of the International Law Branch and the Foreign Military Rights Affairs Branch in the Navy Judge Advocate General's International and Operational Law Division at the Pentagon. Noone also served at the Defense Institute of International Legal Studies (DIILS), where he trained senior military, governmental and non-governmental civilian personnel in over forty countries. Most notably, he has trained members of the Iraqi National Congress, the post-genocide government in Rwanda, the post-Taliban government in Afghanistan, civil society in the Sudan, and senior members of the Russian government. Noone is a Captain in the United States Naval Reserve and has served as the Commanding Officer of the Navy JAG International and Operational Law reserve unit and he is currently the Commanding Officer of the DIILS reserve unit. Noone is also an adjunct Professor of Law at Roger Williams University School of Law and Case Western Reserve University School of Law where he teaches International Law, Genocide, and International Humanitarian Law. He has published and presented articles on the Rwandan Genocide, the Law of Armed Conflict, the International Criminal Court, and Military Tribunals at numerous forums. Noone appears regularly as a commentator on international and national TV and radio

**Laurie Blank**, J.D., is the Director of the International Humanitarian Law Clinic at Emory University School of Law, where she teaches international humanitarian law and works directly with students to provide assistance to international tribunals, non-governmental organizations and law firms around the world on cutting edge issues in humanitarian law and human rights. Professor Blank is the co-director of a multi-year project on military training programs in the law of war and the co-author of *Law of War Training: Resources for Military and Civilian Leaders* (USIP 2008, with G. Noone, second edition 2012). She is the co-author of an upcoming casebook on the law of war, *International Law and Armed Conflict:*

*Fundamental Principles and Contemporary Challenges in the Law of War* (with G. Noone, Aspen Publishing 2013). In addition, she is the series editor of the ICRC's teaching supplements on IHL, a member of the American Bar Association's Advisory Committee to the Standing Committee on Law and National Security, and a member of the Public Interest Law and Policy Group's High Level Working Group on Piracy. Before coming to Emory, Professor Blank was a Program Officer in the Rule of Law Program at the United States Institute of Peace. At USIP, she directed the Experts' Working Group on International Humanitarian Law, in particular a multi-year project focusing on New Actors in the Implementation and Enforcement of International Humanitarian Law.

She is the author of numerous articles and opinion pieces on topics in international humanitarian law, including, most recently, *Targeted Strikes: The Consequences of Blurring the Armed Conflict and Self-Defense Justifications*, (William Mitchell Law Review); *After "Top Gun": How Drone Strikes Impact the Law of War*, (University of Pennsylvania Journal of International Law); *The Consequences of a "War" Paradigm for Counterterrorism: What Impact on Basic Rights and Values* (Georgia Law Review); *A Square Peg in a Round Hole: Stretching Law of War Detention Too Far* (Rutgers Law Review); *Defining the Battlefield in Contemporary Conflict and Counterterrorism: Understanding the Parameters of the Zone of Combat* (Georgia Journal of International and Comparative Law); and *The Application of IHL in the Goldstone Report: A Critical Commentary* (Yearbook of International Humanitarian Law). Professor Blank received a B.A. in Politics from Princeton University, an M.A. in International Relations from The Paul H. Nitze School of Advanced International Studies (SAIS) at The Johns Hopkins University, and a J.D. from New York University School of Law.

Together they are co-authors of the forthcoming textbook:

***International Law and Armed Conflict: Fundamental Principles and Contemporary Challenges in the Law of War***

(Aspen / Wolters Kluwer Publishing 2013).