

Beirut Advanced School of International Humanitarian Law

31 August – 21 September 2020 | Beirut, Lebanon

The Beirut Advanced (BEYA) School of International Humanitarian Law 2020 is a leading-edge regional education project in international humanitarian law (IHL) organized by the International Committee of the Red Cross and Diakonia Lebanon Resource Desk for IHL in cooperation with the Geneva Academy of IHL and Human Rights. The BEYA School 2020 serves to empower the next generation of international lawyers in the Middle East and North Africa region with an advanced knowledge of international law applicable in armed conflict and to promote the culture of peace through innovative and high-quality teaching.

COURSE PROGRAMME

The BEYA School of IHL 2020 Course Program is primarily based on pedagogical resources and case studies published in the International Committee of the Red Cross (ICRC) Online Casebook (<https://casebook.icrc.org/>) and in particular on the teaching methodology developed by Professor Marco Sassòli, Director of the Geneva Academy of International Humanitarian Law and Human Rights (Switzerland), for a Master Programme in IHL. This course model is further combined with a unique set of professional tutorials and relevant practitioners' testimonies of applying IHL in practice aimed to educate students to master core skills necessary to apply the law with credibility and confidence.

1 Teaching methodology

Lectures are designed pursuant to the above adopted teaching methodology, which encompasses the “flipped classroom” learning method. This approach requires students’ focus, commitment and curiosity to read and review the assigned case studies and other learning material prior to each lecture. Instead of following a traditional lecturer-oriented style, students will be encouraged to discuss and explore cases and subject-related legal complexities together with lecturers.

Students will also engage in an interactive learning environment to continuously practice the acquired knowledge and skills through simulation exercises and research presentations.

2 Preparatory period (1-30 August 2020)

To ensure that the “flipped classroom” learning method is efficient and meaningfully applied, students will have an online access to the course material as of **1 August 2020**, i.e. four weeks before the BEYA School’s official commencement. This material will be available on an interactive online platform that will also allow students to pose questions to the organizers, share observations, open discussions, and in other ways communicate with their peers.

Online Q&A Sessions will take place on **18 August and 25 August 2020, 11:00 am (Beirut time)**.

3 Research proposals (20 September)

Students are encouraged to submit research paper abstracts (max. 500 words) on subjects related to contemporary and future challenges and solutions in advancing the compliance with IHL to the BEYA School organizers by **20 September 2020** the latest. Authors of selected proposals will be invited to submit their research papers for publication in Diakonia Lebanon IHL Resource Desk legal resources. High quality research papers will also qualify for a possible presentation at the upcoming regional IHL conferences, scientific forums, and expert panel talks.

4 Course programme

DAY I 31/08/2020

Preparatory material for Lesson I

United States Military Tribunal at Nuremberg, The Justice Trial -

<https://casebook.icrc.org/case-study/united-states-military-tribunal-nuremberg-justice-trial>

ICJ, Nuclear Weapons Advisory Opinion [paras. 94-97] -

<https://casebook.icrc.org/case-study/icj-nuclear-weapons-advisory-opinion>

Lesson I (9:30 – 12:30)

- **Opening session**
- **Introduction to the BEYA School program & learning methods**
- **Refresher Lesson:**
 - *Concept and historical development of International Humanitarian Law (IHL)*
 - *Sources of IHL*
 - *Distinction between jus ad bellum & jus in bello*
 - Discussion on *United States Military Tribunal at Nuremberg, The Justice Trial*; and ICJ, *Nuclear Weapons Advisory Opinion* [paras. 94-97].

Tutorial I (16:30 – 17:30)

- **Introduction to Legal Research & Core IHL Resources**

Preparatory Material for Lesson II:

ICTY, *Prosecutor v. Tadic*, <https://casebook.icrc.org/case-study/icty-prosecutor-v-tadic>:

- Appeal Judgement, Decision on Jurisdiction [paras. 67 -71]

- Trial Chamber, Merits [paras. 562-575]

- Appeal Judgement, Merits [paras. 87, 98-104, 114-145, 150-171]

ICTY, *Prosecutor v. Boskoski* [paras. 1-193] <https://casebook.icrc.org/case-study/icty-prosecutor-v-boskoski>

International Criminal Court, *Prosecutor v. Jean Pierre Bemba Gombo*, Trial Judgement [para. 127-144]

<https://casebook.icrc.org/case-study/international-criminal-court-trial-judgment-case-prosecutor-v-jean-pierre-bemba-gombo>

ICRC, Report, International humanitarian law and the challenges of contemporary armed conflicts in 2015

[paras. 24-69] <https://casebook.icrc.org/case-study/icrc-international-humanitarian-law-and-challenges-contemporary-armed-conflicts-2015>

DAY 2 01/09/2020

Lesson II (9:30 – 12:30)

➤ **Classification of armed conflicts**

- The concept of armed conflict
- International armed conflict (IAC) & non-international armed conflict (NIAC): Legal criteria for qualification
- Temporal scope of IHL application
- Contemporary challenges for qualification

➤ **Practical exercise on classifying contemporary situations of armed violence: 10 surprise case studies**

Tutorial II (16:30 – 17:30)

➤ **Legal Research Design & Methodology**

Preparatory Material for Lesson III:

Eastern Ukraine: Disputed POW Status -

<https://casebook.icrc.org/case-study/eastern-ukraine-disputed-pow-status>

Preparatory Material for Lesson IV:

Colombia, Misuse of Protective Emblem

<https://casebook.icrc.org/case-study/colombia-misuse-emblem>

DAY 3 02/09/2020

Lesson III (9:30 – 12:30)

➤ **Protective regime: Prisoners of war and fighters captured in non-international armed conflict**

- Fundamental distinction between civilians and combatants
- Discussion on *Eastern Ukraine: Disputed POW Status*

Lesson IV (15:30 – 17:00)

➤ **Protective regime: Protection of wounded, sick and shipwrecked**

- Discussion on *Colombia, Misuse of Protective Emblem*

Preparatory material for Lesson V:

UN, Detention of Foreigners

<https://casebook.icrc.org/case-study/un-detention-foreigners>

ICTY, *Prosecutor v. Tadic*, <https://casebook.icrc.org/case-study/icty-prosecutor-v-tadic>

- Appeal Judgement, Decision on Jurisdiction [paras. 76, 81]

- Appeal Judgement, Merits [paras. 163 -169]

DAY 4 03/09/2020

Lesson V (9:30 – 12:30)

➤ **Protective regime: Protection of civilians and of protected civilians**

- Concept of protected person
- Protection of refugees and displaced persons
- Discussion on *UN, Detention of Foreigners*

Guest Speakers (16:30 – 17:30)

ICRC & Lebanese Red Cross:

➤ **The Use of Protective Emblems in Humanitarian Operations**

Preparatory Material for Lesson VI:

Iraq, End of Occupation

<https://casebook.icrc.org/case-study/iraq-end-occupation>

DAY 5 04/09/2020

Lesson VI (9:30 – 12:30)

➤ **The law of belligerent occupation**

- Discussion on *Iraq, End of Occupation*

IHL Salon (17:00 – 19:30)

➤ **Protection of children in armed conflict**

- Short Movie Screening
- Groups 1-3 stand-up talks & Discussion

Team Dinner 20h

Preparatory Material for Lesson VII:

European Court of Human Rights, *Hassan v. United Kingdom*

<https://casebook.icrc.org/case-study/echr-hassan-v-uk>

General Assembly, *The Use of Drones in Counter-Terrorism Operations*

<https://casebook.icrc.org/case-study/general-assembly-use-drones-counter-terrorism-operations>

ICRC, Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law

<https://www.icrc.org/en/doc/resources/documents/article/review/review-872-p991.htm>

DAY 6 05/09/2020

Lesson VII (10:00 – 13:00)

➤ **IHL and International Human Rights Law**

- Interplay between IHL & IHRL
- Discussion on *Hassan v. United Kingdom*; and *The Use of Drones in Counter-Terrorism Operations*

Tutorial III (16:30 – 17:30)

➤ **Legal Writing**

DAY 7 06/09/2020

Rest Day

Preparatory Material for Lesson VIII:

United States, Status and Treatment of Detainees Held in Guantanamo Naval Base

<https://casebook.icrc.org/case-study/united-states-status-and-treatment-detainees-held-guantanamo-naval-base>

United States, The Obama Administration's Internment Standards

<https://casebook.icrc.org/case-study/united-states-obama-administrations-internment-standards>

Preparatory Material for Lesson IX:

Sweden/Syria, Can Armed Groups Issue Judgements?

<https://casebook.icrc.org/case-study/swedensyria-can-armed-groups-issue-judgments>

DAY 8 07/09/2020

Lesson VIII (9:30 – 12:30)

› **Detention in Armed Conflict**

- Discussion on the Status and *Treatment of Detainees Held in Guantanamo Naval Base* and related case studies

Lesson IX (15:30 – 17:30)

› **IHL & Non-State Armed Groups**

- Discussion on *Can Armed Groups Issue Judgements?*

Preparatory Material for Lesson X:

Federal Republic of Yugoslavia, NATO Intervention [Part B.]

<https://casebook.icrc.org/case-study/federal-republic-yugoslavia-nato-intervention#chapter2>

DAY 9 08/09/2020

Lesson X (9:30 – 12:30)

› **Protection of the civilian population against the effects of hostilities**

- Conduct of Hostilities
- Discussion on *Federal Republic of Yugoslavia, NATO Intervention [Part B.]*

Tutorial IV (16:00 – 17:30)

› **Legal Advocacy**

- Building legal argument
- Developing advocacy strategy

Preparatory Material for Lesson XI:

ICJ, Nuclear Weapons Advisory Opinion

<https://casebook.icrc.org/case-study/icj-nuclear-weapons-advisory-opinion>

Afghanistan, Operation “Enduring Freedom”

<https://casebook.icrc.org/case-study/afghanistan-operation-enduring-freedom>

DAY 10 09/09/2020

Lesson XI (9:30 – 12:30)

➤ **Means and methods of warfare**

- Discussion on ICJ, *Nuclear Weapons Advisory Opinion*; and *Afghanistan, Operation “Enduring Freedom”*

Guest Speakers (16:30 – 17:30)

War correspondent

➤ **Stories from the field**

Preparatory material for Lesson XII:

South Sudan, *The Nuer “White Armies”*

<https://casebook.icrc.org/case-study/south-sudan-nuer-white-armies>

DAY 11 10/09/2020

Lesson XII (9:30 – 12:30)

➤ **Armed Groups & Direct Participation in Hostilities**

- Discussion on The Nuer “White Armies”

Guest speaker (16:30 – 17:30)

Lebanese Armed Forces, Directorate for IHL and Human Rights:

➤ **Targeting Operations in Military Practice**

Preparatory work for Lesson XIII:

Yemen, *Potential Existence and Effects of Naval Blockade*

<https://casebook.icrc.org/case-study/yemen-potential-existence-and-effects-naval-blockade>

DAY 12 11/09/2020

Lesson XIII (9:30 – 12:30)

➤ **Access to Humanitarian Assistance**

- Discussion on *Potential Existence and Effects of Naval Blockade*

IHL Salon (17:00 – 19:30)

➤ **The Use of Lethal Autonomous Weapon Systems**

- Short Movie Screening
- Groups 4-6 stand-up talks & Discussion

Preparatory material for Lesson XIV:

ICRC Report, *International humanitarian law and the challenges of contemporary armed conflicts, 2019 -*

<https://shop.icrc.org/international-humanitarian-law-and-the-challenges-of-contemporary-armed-conflicts-recommitting-to-protection-in-armed-conflict-on-the-70th-anniversary-of-the-geneva-conventions-3122.html>

DAY 13 12/09/2020

Lesson XIV (10:00 – 13:00)

➤ **Implementation of IHL: Key Actors**

- Protecting Power
- ICRC
- International Fact-Finding Commission
- Humanitarian actors: coordination and competition
- The UN Security Council's role: conflict resolution and humanitarian action

➤ **IHL & Challenges of contemporary armed conflicts**

➤ **Practical exercise (16:30 – 17:30)**

Preparatory material for Lesson XV:

ICRC, Visits to Detainees, Interviews without Witnesses

<https://casebook.icrc.org/case-study/icrc-visits-detainees-interviews-without-witnesses>

ICTY/ICC, Confidentiality and Testimony of ICRC Personnel

<https://casebook.icrc.org/case-study/ictyicc-confidentiality-and-testimony-icrc-personnel>

DAY 14 13/09/2020

Field trip: Exploring Legal and Operational Protection of Cultural Heritage in Lebanon

DAY 15 14/09/2020

Lesson XV (9:30 – 12:30)

➤ **ICRC**

Guest speaker (16:30 – 17:30)

United Nations Interim Force in Lebanon (UNIFIL)

➤ **Peacekeeping operations & IHL**

Preparatory material for Lesson XVI:

How Does Law Protect in War?, *Criminal Repression*, Part V. The International Criminal Courts [Introductory text]

<https://casebook.icrc.org/law/criminal-repression>

DAY 16 15/09/2020

Lesson XVI (9:30 – 12:30)

➤ **Enforcement of IHL: Key Judicial Mechanisms**

- National courts, ad hoc tribunals and the International Criminal Court
- Concept of universal jurisdiction

Guest speaker (16:30 – 17:30)

Swiss Embassy in Lebanon

➤ **Strengthening Compliance with IHL**

Preparatory material for Lesson XVII:

Sudan, Report of the UN Commission of Inquiry on Darfur

<https://casebook.icrc.org/case-study/sudan-report-un-commission-enquiry-darfur>

DAY 17 16/09/2020

Lesson XVII (9:30 – 12:30)

➤ **International crimes**

- War crimes
- Crimes against Humanity
- Genocide
- Crime of Aggression

Lesson XVII (continued) (15:30 – 17:00)

➤ **Discussion on Sudan, Report of the UN Commission of Inquiry on Darfur**

Preparatory material for Lesson XVIII:

International Criminal Court, Trial Judgement in the Case of Prosecutor v. Jean-Pierre Bemba Gombo

<https://casebook.icrc.org/case-study/international-criminal-court-trial-judgment-case-prosecutor-v-jean-pierre-bemba-gombo>

DAY 18 17/09/2020

Lesson XVIII (9:30 – 12:30)

➤ **Command responsibility**

- Lecture on command responsibility
- Discussion on ICC, *Jean Pierre Bemba case*

IHL MOOT COURT COMPETITION: ROUND 1

DAY 19 18/09/2020

IHL MOOT COURT COMPETITION: ROUND 2

DAY 20 19/09/2020

IHL MOOT COURT COMPETITION: ROUND 3
IHL MOOT COURT COMPETITION: FINALS

Team Dinner 19h

DAY 21 20/09/2020

Tutorial V (10:00 – 12:00)

- > *Career Advice: Success Stories*
- > *Preparing Job Application & Interview*

Recap Session (12:00 – 13:00)

- > **Course evaluation**

DAY 22 21/09/2020

FINAL EXAM (10:00 – 12:00)

Graduation Ceremony 15:00

5 Evaluation

Students are required to take a written exam and score above 60% of the total grade to earn the BEYA School of IHL Certificate.

The exam will be composed of three parts:

- Multiple-choice questions (15%)
- Constructing a legal argument on a controversial IHL subject (35%)
- Resolving a hypothetical case (50%).