

## The 11th Annual Minerva/ICRC International Conference on International Humanitarian Law:

# Contemporary Challenges in International Humanitarian Law

Jerusalem, 28-29 November 2016

Senate Hall, Administration Building, Mount Scopus Campus, The Hebrew University of Jerusalem

### Day 1: Monday, November 28

- 09:00-09:15 **Greetings**  
**Prof. Yuval Shany** Chair, Conference Committee;  
Outgoing Dean, Faculty of Law, Hebrew University of Jerusalem  
**Mr. Jacques de Maio** Head of Delegation, International Committee of the Red Cross,  
Israel and the Occupied Territories
- 09:15-11:00 **Session 1: Law Catching Up with Contemporary Practice?**  
Chair: **Prof. Tomer Brode** Academic Director, Minerva Center for Human Rights,  
Hebrew University of Jerusalem  
Speakers: **Mr. David Hughes** PhD Candidate, Osgoode Hall Law School, Toronto  
"The Development, Use, and Misuse of IHL through Contemporary State Practice:  
The Principle of Complementarity and the 2008-2009 and 2014 Wars in Gaza"  
**Col. Noam Neuman** Head, International Law Department,  
Military Advocate General's Corps, Israel Defense Forces  
"Challenges in the Interpretation of IHL during Ground Operations"  
**Dr. Daphné Richemond-Barak** Lauder School of Government,  
Diplomacy and Strategy, IDC Herzliya  
"Underground Warfare in Urban Areas: Operational and Legal Dilemmas"
- 11:30-13:00 **Session 2: Living Conventions? (Re)Interpreting IHL**  
Speakers: **Mr. Bruno Demeyere** Legal Advisor, International Committee of the Red Cross, Geneva  
"The ICRC Updated Commentaries:  
Capturing 60 Years of implementation and Interpretation of IHL"  
**Capt. Ben Wahlhaus** Senior Legal Advisor, International Law Department,  
Military Advocate General's Corps, Israel Defense Forces  
"Watching IHL Evolve: The ICRC Commentaries as a Case Study"  
Commentator: **Prof. Yuval Shany** Faculty of Law, Hebrew University of Jerusalem
- 14:30-16:15 **Session 3: Expanding the Discourse about IHL**  
Chair: **Mr. Liron Libman** PhD Candidate, Faculty of Law, Hebrew University of Jerusalem;  
Former Head, International Law Department, Military Advocate General's Corps, IDF  
Speakers: **Dr. Sherif A. Elgebeily**  
Founding Director, The Centre for the Study of International Peace and Security, London;  
2016 International Rule of Law Visiting Fellow, Bingham Centre for the Rule of Law  
"Self-Reflection and Article 42: Are International Human Rights and Humanitarian Law  
Considerations by the UN Security Council Necessary in its Decision to Mandate  
Armed Intervention?"  
**Dr. Giovanna Maria Frisso** Fluminense Federal University, Rio de Janeiro;  
School for Public Defenders, Office of the Public Defender, Brasília  
"The Principle of Systemic Integrity and the Definition of the Duty to Investigate  
and to Prosecute Violations of the Right to Life in Armed Conflicts"  
**Ms. Helen Obregón Gieseken** Legal Advisor, International Committee of the Red Cross, Geneva  
"Migration: Protection Response and Legal Perspectives"
- 16:45-18:30 **Session 4: Domestic Perspectives on Old and New Challenges**  
Chair: **Prof. Yaël Ronen** Sha'arei Mishpat Academic Center;  
Minerva Center for Human Rights, Hebrew University of Jerusalem  
Speakers: **Mr. Eitan Diamond** Legal Consultant, Forensic Architecture;  
PhD Candidate, Buchmann Faculty of Law, Tel Aviv University  
"Law Trumps Hate? Enforcing IHL in the Face of Literal, Interpretive and Implicatory Denial"  
**Prof. David Kretzmer** Faculty of Law, Hebrew University of Jerusalem; Sapir College School of Law  
"The Israel Supreme Court and the Old Problem of Punitive House Demolitions"  
**Ms. Michal Luft** Attorney, Gisha-Legal Center for Freedom of Movement  
"Living in a Legal Vacuum: The Non-legal Framework of Israel's Actions towards Gaza Residents  
and their Ever-changing Status - from Foreign to Special to de-facto Occupied Inhabitants"
- 18:45-20:00 **Session 5: The 2016 Harold Buchwald Memorial Lecture in Human Rights**  
Chair: **Adv. Danny Evron** Executive Director, Minerva Center for Human Rights, Hebrew University of Jerusalem  
Speaker: **Prof. Francoise Hampson** School of Law and Human Rights Centre, University of Essex  
"The Nature and Scope of the Obligation to (Monitor and) Investigate Violations under the Law  
of Armed Conflict"

### Day 2: Tuesday, November 29

- 09:00-10:45 **Session 6: Tackling the Accountability Challenge**  
Chair: **Mr. Alon Margalit** Legal Adviser, International Committee of the Red Cross,  
Israel and the Occupied Territories  
Speakers: **Maj. Patricia Beh** Legal Advisor, Military Justice Division,  
Office of the Judge Advocate General, Canadian Forces  
**Col. Robin Holman** Deputy Judge Advocate General for Military Justice, Canadian Forces  
"Military Justice Systems as Accountability Mechanisms  
for Enforcing Compliance with the Laws of Armed Conflict"  
**Dr. Isabel Lassée** Head of Programmes, South Asian Centre for Legal Studies, Sri Lanka;  
Institut des Hautes Etudes Internationales, Université Panthéon Assas, Paris  
"Public Reporting or Confidential Engagement:  
Prospects for Fact-finding into IHL Violations"  
**Prof. Gerald Steinberg** Dept. of Political Studies, Bar-Ilan University;  
Founder and President, NGO Monitor  
**Ms. Anne Herzberg** Institute for NGO Research; Legal Adviser, NGO Monitor  
"NGO Fact-finding for IHL Enforcement: In Search of a New Model"
- 11:15-13:00 **Session 7: Questioning Basic Assumptions about the IHL Discourse**  
Chair: **Dr. Hilly Moodrick - Even Chen** Sha'arei Mishpat Academic Center  
Speakers: **Prof. Amichai Cohen** Faculty of Law, Ono Academic College; Israel Democracy Institute  
"The Role of IHL in Modern Hybrid Armed Conflicts"  
**Dr. Lawrence Hill-Cawthorne** Lecturer in Law, University of Reading;  
Visiting Fellow, London School of Economics  
"The Challenge of Teleology: The Invocation of IHL in National and International Courts"  
**Mr. Yahli Shereshevsky** Grotius Research Scholar, University of Michigan Law School;  
PhD Candidate, Faculty of Law, Hebrew University of Jerusalem  
"Targeting the Targeted Killing Case"
- 14:30-16:15 **Session 8: Challenges Arising in Non-International Armed Conflicts**  
Chair: **Ms. Karen Loehner** Head of Legal Department,  
International Committee of the Red Cross, Israel and the Occupied Territories  
Speakers: **Ms. Rosemary Mwanza** Catholic University of Eastern Africa Law School, Nairobi  
"In Search of a Coherent Framework for the Protection of the Environment in  
Non-International Armed Conflicts: The Case of Darfur"  
**Mr. Kosuke Onishi** PhD Candidate, Doshisha University, Kyoto  
"The Principle of Military Necessity in Non-International Armed Conflict"  
**Ms. Sasha Radin** Associate Director of Research, Stockton Center, U.S. Naval War College;  
Editor-in-Chief, International Law Studies; PhD Candidate, Melbourne University Law School  
"When Do Armed Groups Become Parties to Existing Non-International  
Armed Conflicts? The Threshold of Involvement in Contemporary Conflicts"
- 16:45-18:45 **Session 9: Rights and Obligations of Participants in Hostilities:  
New Approaches**  
Chair: **Mr. Charles Shamas** Founder and Senior Partner, Mattin Group  
Speakers: **Prof. Dermot Groome** Dickinson School of Law, Penn State University;  
Former Senior Prosecuting Attorney, ICTY  
"Child Soldiers – Both Victims and Combatants: Is There Anything IHL Can Do?"  
**Mr. Marcos Kotlik** PhD Candidate, University of Buenos Aires;  
PhD Fellow, National Scientific and Technical Research Council of Argentina  
"Unilateral Declarations Made by Non-State Armed Groups:  
What Are They and Why Do They Matter?"  
**Mr. Ido Rosenzweig** Director of Research (Cyber, Terrorism & Belligerency),  
Minerva Center for the Rule of Law under Extreme Conditions, University of Haifa;  
PhD Candidate, Faculty of Law, Hebrew University of Jerusalem  
"Can Crimes Against Humanity be Committed Towards Your Own Forces?"  
**Prof. Ben Saul** Sydney Law School, University of Sydney  
"What Do Non-State Armed Groups and Terrorists Think of 'Law' and 'Justice'?"