

The 13th Annual Minerva/ICRC International Conference on IHL:

Recent Developments in International Humanitarian Law and Detention Law and Practice

November 12-13, 2018

Beit Maierdorf, Mount Scopus Campus, Hebrew University of Jerusalem

Day 1: Monday, November 12, 2018

10:30-10:45 Greetings

Prof. Yuval Shany / Hebrew University of Jerusalem; Chair, UN Human Rights Committee

Mr. Daniel Duvillard / Head of Delegation to Israel and the Occupied Territories, International Committee of the Red Cross

10:45-11:30 The 2018 Harold Buchwald Memorial Lecture in Human Rights

Chair: **Prof. Yaël Ronen** / Minerva Center for Human Rights, Hebrew University of Jerusalem

Speaker: **Adv. Jelena Pejic** / Senior Legal Adviser, International Committee of the Red Cross, Geneva
"Armed conflict-related detention: setting the stage"

12:00-13:45 Session 1: Legal Framework

Chair: **Prof. Tomer Brode** / Academic Director, Minerva Center for Human Rights, Hebrew University of Jerusalem

Speakers: **Prof. Françoise Hampson** / University of Essex
"How to establish whether the law of armed conflicts permits internment in non-international armed conflicts"
Dr. Lawrence Hill-Cawthorne / University of Reading
"Some recent case law on detention and the relationship between international humanitarian law and international human rights law"
Prof. Peter Vedel Kessing / Danish Institute for Human Rights
"Joint military operations: when is a state liable for another state's detention and ill-treatment of individuals?"

15:00-16:45 Session 2: The Power to Detain in Non-International Armed Conflict

Chair: **Adv. Bruno Demeyere** / Head of the Legal Department, ICRC Delegation to Israel and the Occupied Territories

Speakers: **Adv. Maria Gavrilova** / Senior Legal Advisor, ICRC Regional Delegation for the Russian Federation, Belarus and Moldova
"Detention by non-state armed groups: legal basis and scope of obligations"
Mr. Joshua Niyo / Ph.D. Candidate, Graduate Institute of International and Development Studies, Geneva
"Non-state armed groups and the power to detain in non-international armed conflict"
Prof. Greg Rose / University of Wollongong, Australia
"Emergent norms for detention of non-state actors in hostilities"

17:15-19:30 Session 3: Practical Dilemmas

Chair: **Dr. Yael Berda** / Hebrew University of Jerusalem

Speakers: **Adv. Ezequiel Heffes** / Legal Adviser, Geneva Call
"A closer look on disciplinary detentions by non-state armed groups: theory and practice"
Adv. Maurice Hirsch / Lt. Col. (Res.) / Former Chief Military Prosecutor for Judea and Samaria, Israel Defense Forces; Palestinian Media Watch
"IHL in first person: a prosecutor's experience with minors in detention, the UNICEF dialogue, and reform"
Adv. Hillary Muchiri Kiboro / Legal Advisor, ICRC Nairobi Regional Delegation
"By all means necessary: A look at the reliance on United Nations Security Council resolutions as a basis for internment in non-international armed conflicts"
Mr. John Swords / Head of Operational and International Humanitarian Law Division, UK Ministry of Defence
"Practical implications of the uncertainty surrounding the power to detain in NIACs: A view from the UK"

Day 2: Tuesday, November 13, 2018

10:00-11:45 Session 4: The Role of Domestic Courts

Chair: **Adv. Miya Keren-Abraham** / Legal Adviser, ICRC Delegation to Israel and the Occupied Territories

Speakers: **Dr. Federica Favuzza** / Postdoctoral Fellow, University of Milan
"The (contentious issue of the) existence of a customary international rule on the right to habeas corpus in times of armed conflict"
Adv. Mikhail Orkin / Legal Adviser, ICRC Delegation to Israel and the Occupied Territories
"Imperatives and impossibilities - due process challenges in armed conflict internment justified by confidential information"
Major Dvir Sa'ar / Senior Legal Adviser, International Law Department, Military Advocate General's Corps, Israel Defense Forces
"Status-based detention in armed conflicts involving non-state actors: the evolving jurisprudence of the Israeli courts"

12:15-14:00 Session 5: Practitioners' Roundtable

Chair: **Natalie Klein-Kelly** / Protection Coordinator, ICRC Delegation to Israel and the Occupied Territories

Speakers: **Judge Ronen Atzmon** / Lt. Col. / Military Court Of Appeals In Judea and Samaria, Israel Defense Forces
Adv. Jawad Boulus
Adv. Abir Joubran-Dakwar Director / Human Rights in the Occupied Palestinian Territories Unit, Association for Civil Rights in Israel
Adv. Liron Libman, Col. (Res.) / Former Chief Military Prosecutor, Israel Defense Forces; Israel Democracy Institute
Adv. Janique Thoele / Legal Adviser, Office of the United Nations High Commissioner for Human Rights in the Occupied Palestinian Territory, Ramallah

15:15-17:00 Session 6: Foreign Fighters

Chair: **Prof. Yuval Shany** / Hebrew University of Jerusalem; Chair, UN Human Rights Committee

Speakers: **Prof. Chris Jenks** / Southern Methodist University, Dallas
"Necessary safety: point of capture release of foreign fighters during NIAC"
Mr. Alejandro Sánchez Frías / PhD Candidate, Faculty of Law, University of Málaga
"Bringing foreign terrorist fighters to justice: looking for legal bases in the context of armed conflicts"
Dr. Sigal Shahav / College of Law and Business, Ramat Gan
"Reforming criminal law differently: Israeli anti-terrorism criminal law"

17:30-19:15 Session 7: Enforcing Detention Law

Chair: **Adv. Bana Shoughry** / PhD Candidate, Faculty of Law, Hebrew University of Jerusalem

Speakers: **Dr. Edouard Delaplace** / Human Rights Consultant, Quebec City
"From monitoring to standard setting: the impact of visiting mechanisms on the detention international legal framework"
Dr. Eleni Micha / National & Kapodistrian University of Athens
"Offshore detention policies under the lens of international criminal law"
Mr. Floris Tan / PhD Candidate, Grotius Centre for International Legal Studies, Leiden University
"Criminal enforcement of rules governing detention in armed conflict: the duty to investigate under a multifaceted legal regime"

Please pre-register: <https://goo.gl/forms/luSarI4GYNVjMRYS2>
For additional information: mchr@savion.huji.ac.il or 02-5881156