

AGENDA OF THE FIFTH COURSE  
ON INTERNATIONAL HUMANITARIAN LAW  
[AG/RES. 2650 (XLI-O/11)]

Thursday, January 26, 2012  
Padilha Vidal Room<sup>1/</sup>  
OAS General Services Building – 1889 F Street, N.W.  
Washington, D.C.

(Document adopted by the CAJP at its meeting of November 10, 2011)

General Assembly resolution AG/RES. 2650 (XLI-O/11) entitled “Promotion of and Respect for International Humanitarian Law,” mandates the General Secretariat to continue organizing, within the framework of the Committee on Juridical and Political Affairs, through the Department of International Law and in coordination with the International Committee of the Red Cross (ICRC), courses and seminars for member states, staff of the Organization of American States, and the general public, in order to promote knowledge of and respect for international humanitarian law and related regional instruments, including measures for their effective implementation.

RATIONALE

The prevalence of non-international armed conflict and other situations of violence worldwide raises the question of what legal regime applies with regards to the use of force and the protection of persons in particular situations. Together, these situations of violence are very diverse, ranging from contexts where the most advanced technology and weapons systems are deployed in asymmetric confrontations, to others marked by low technology and in which a variety of groups generate extensive insecurity among the population. In many cases, parts of the population are effectively involved in armed violence, and the rest of the population is often the main victim in an unprecedented intermingling of weapons bearers and those who are not. It hardly needs to be said that these overall situations cause untold loss of life, injury and destruction.

Furthermore, situations of armed violence that have existed for two, three or four decades coexist with some of more recent origin, contributing to a sense of spreading lawlessness in many parts of the world, whether urban or rural. In situations of armed conflict, the increased outsourcing of until now traditional military functions to a range of civilian personnel, such as private military and security contractors, make the distinction between those who enjoy protection from direct attack and those who do not, ever more difficult. Also the failure of those directly taking part in hostilities to adequately distinguish themselves from the civilian population endangers the latter. There is also a sense that armed violence is beyond the control of the State and the influence of the international

---

1. The meeting will be transmitted via webcast, subject to available resources.

community. Scarce resources, natural disasters and environmental degradation further aggravate the vulnerability of people already affected by armed violence.

The use of force during non-international armed conflict or other situations of violence needs to be assessed through the lens of international human rights law as well as under international humanitarian law as applicable. What is the interface between these two normative regimes and its impact on efforts to regulate, control and use force?

The first part of the course will analyze the ways in which these two systems of international law apply to and interact in internal situations of violence where it cannot always be easily determined which of the two normative frameworks should govern. An interactive exercise will provide the opportunity to apply such analysis to hypothetical cases. Particular cases for the exercise could be non-international armed conflicts, internal disturbances, states of emergency, occupation of foreign territory, multilateral peace operations, and transnational terrorism.

The second part of the course will analyze the ways in which international humanitarian law and/or international human rights law protect the persons in diverse situations of internal armed violence as the case may be. An interactive exercise will allow participants to apply norms and principles to the protection of specific categories of persons, which could be persons deprived of freedom, displaced, or missing, and first aid and medical personnel.

**I. Opening Remarks and Structure of the Course: 9:30 – 10:00 a.m.**

*Ambassador María Isabel Salvador*

Chair of the Committee on Juridical and Political Affairs and  
Permanent Representative of Ecuador to the Organization of American States

*Patrick Zahnd,*

Legal Advisor for Latin America and the Caribbean of the International Committee of the Red Cross

*Dante Negro*

Director, Department of International Law  
Organization of American States

**II. Morning Session - The Use of Force: 10:00 a.m. – 12:30 p.m.**

- a. *Presentation on the scope of application of international humanitarian law (IHL), definition of armed conflict, problems and consequences of the classification of armed conflict.*

*Daniel Cahen*

Legal Advisor of the Regional Delegation for United States and Canada of the International Committee of the Red Cross

- b. *Presentation on normative frameworks governing the use of force.*

*Alejandra Ortiz*

Legal Advisor of the Regional Delegation for Mexico and Central America of the International Committee of the Red Cross

- c. *Presentation on the integration of frameworks into doctrine, procedures, training, equipment, command responsibility, and accountability.*

*Javier Ortiz*

Responsible for the Security Forces Program of the Regional Delegation for Mexico and Central America of the International Committee of the Red Cross

- d. *Presentation on the regulation of the use of force in Peru.*

*Colonel Flavio Hinojosa*

Director of the Pedro Ruiz Gallo Military College and External Advisor for the Joint Command of the Armed Forces of Peru

- e. *Interactive exercise.*

*Javier Ortiz*

Responsible for the Security Forces Program of the Regional Delegation for Mexico and Central America of the International Committee of the Red Cross

*Alejandra Ortiz*

Legal Advisor of the Regional Delegation for Mexico and Central America of the International Committee of the Red Cross

**III. Afternoon Session - Protection of Persons 2:00 – 5:00 p.m.**

- a. *Presentation on normative frameworks protecting various categories of persons in situations of armed violence, and humanitarian assistance to victims and vulnerable populations.*

*Guilhem Ravier*

Protection Coordinator of the Delegation for Colombia of the International Committee of the Red Cross

- b. *Presentation on the victims and land restitution law in Colombia.*

*Dr. Miguel Samper Strouss*

Director of Transitional Justice, Ministry of Justice and Law, Colombia

c. *Interactive exercise.*

*Guilhem Ravier*

Protection Coordinator of the Delegation for Colombia of the International  
Committee of the Red Cross

**IV. Closing Remarks: 5:00 p.m.**

*Ambassador María Isabel Salvador*

Chair of the Committee on Juridical and Political Affairs and  
Permanent Representative of Ecuador to the Organization of American States