



# **The Notion of Direct Participation in Hostilities under International Humanitarian Law**

## **Agenda**

**Third Informal Expert Meeting,  
International Committee of the Red Cross  
TMC Asser Institute**

**Geneva, Switzerland, 23 – 25 October 2005**

# Sunday, 23 October 2005

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## **Welcome**

**9.00 – 10.30**

### **Opening Session**

- Welcome
- Introductory Remarks by the Organizers and Participants

**10.30 – 11.00**

### **Coffee Break**

## **Residual Issues from the Questionnaire (2004)**

**11.00 – 12.45**

### **Working Session I**

- Inter-Civilian Violence and "Direct Participation in Hostilities"
- Establishment and Exercise of Control over Military Personnel, Objects and Territory

**12.45 – 14.15**

### **Lunch**

## **Constitutive Elements of "Direct Participation in Hostilities"**

**14.15 – 16.00**

### **Working Session II**

- Hostilities
- Nexus
- Causal Proximity
- Hostile Intent

**16.00 – 16.30**

### **Coffee Break**

**16.30 – 18.00**

### **Working Session III**

- Continuation of Discussion from Working Session II

**18.30**

### **Cocktails**

**19.30**

### **Dinner**

# Monday, 24 October 2005

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## "Direct Participation in Hostilities" and Membership in Organized Armed Groups

09.00 – 10.30

### Working Session IV

- Legal Consequences of "Membership" in Organized Armed Groups in Non-International Armed Conflict
- Merits and Viability of a "Membership Approach" in Non-International Armed Conflict?

10.30 – 11.00

### Coffee Break

11.00 – 12.45

### Working Session V

- Continuation of Discussion from Working Session IV
- Merits and Viability of a "Membership Approach" in International Armed Conflict?

12.45 – 14.15

### Lunch

## Temporal Scope of "Direct Participation in Hostilities"

14.15 – 16.00

### Working Session VI

- The "Specific Acts" Approach
- The "Affirmative Disengagement" Approach

16.00 – 16.30

### Coffee Break

16.30 – 18.00

### Working Session VII

- "Preparatory Measures"
- "Deployment to..." and "Return from..."

### Free Evening

# Tuesday, 25 October 2005

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## **Private Contractors and Civilian Employees**

**9.00 – 10.00**

### **Introductory Presentations**

- Presentation Hays Parks
- Presentation ICRC (Emanuela Gillard)

**10.00 – 10.30**

### **Coffee Break**

**10.30 – 12.45**

### **Working Session VIII: Issues specific to International Armed Conflict**

- Criteria for "Membership in Armed Forces" under IHL/IAC
- Definition of "Civilian accompanying Armed Forces" (Art. 4 GC III)
- Consequences of DPH for "Civilians accompanying Armed Forces"

**12.45 – 14.00**

### **Lunch**

**14.00 – 15.15**

### **Working Session IX: Issues specific to Non-International Armed Conflict**

- Criteria for "Membership in Armed Forces" under IHL/NIAC
- Can Private Companies or their employees qualify as "organized armed groups (party to a non-international armed conflict)?"
- If not, can individual contractors qualify as members of armed groups?

**15.15 – 15.30**

### **Coffee Break**

**15.30 – 16.30**

### **Conclusion / Way Forward**

**16.45**

### **Farewell Drinks**