
LAW 258

International Humanitarian Law

Fall 2018

T.Th. 14:10; room # G33

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Original program and syllabus developed by
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Overview

The course aims to introduce the basics of the international humanitarian law (IHL) with recourse to the sources and history of this particular branch of public international law. Major notions and theories of IHL as a legal discourse shall be provided with special focus on contemporary debates in IHL sphere as well as fundamental principles of IHL. Applicability of IHL will be largely discussed in the frame of international and non-international armed conflicts, specifically in the issues of: protected persons, protected properties, those with special protection, and prohibited actions in armed conflicts, the protection of cultural properties, restricting or banning the use of weapon, the duties of all parties in applying international humanitarian law, IHL and governmental and international organizations.

Goals

- Provide an advanced knowledge of the IHL system
- Provide a reasonable knowledge of contemporary problems concerning the applicability of IHL
- Develop the tools whereby students may identify, analyze, and research relevant issues of IHL
- Develop critical skills of analysis and interpretation in relation to contemporary practice
- Advocate for the promotion and implementation of IHL in the region

Evaluation

Grading System:

- A 93– 100%
- A- 89 - 92
- B+ 85 - 88
- B 80 - 84
- B- 74 - 79
- C+ 70 - 73
- C 67 - 69
- C- 64 - 66
- D+ 60 - 63
- D 54 - 59
- D- 51 - 53
- F below 50%

Grading Components:

30% - Pop-up quizzes (3x)

15% - Topic's presentations

20% - Midterm Exam

20% - Final exam

15% - Presence and participation in class discussions, role-play games, work in small groups

100% - Total

Materials

E-course LAW258

Milestone dates

Week 8

Mid Term Exam

Written in-class exam. Students would be provided with 3 (three) questions, 2 (two) to be answered.

Allowed literature:

- Geneva Conventions and Additional Protocols
 - Hague Conventions
 - UN Treaties
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Preliminary final exam date:

December 24

25 September - Presentation topic

Students will be divided in groups to choose one week and make a presentation outlining the main questions and issues raised in the readings for that week (See for details p2).

Students' presentations

These presentations will lay the foundation for the discussion. Presenters should avoid simply summarizing the reading materials (you can assume that everyone has read them) and instead offer **a critical assessment of the various works and a conceptual overview of the week's topic**, in addition to the questions for discussion. The instructor's role will be to facilitate the discussion, introduce relevant points and issues that are not raised by either the presenters or the participants, and provide background and supplemental material on the topic. Seminar participation, including the presentation and class, will count for 30% of your final grade. Students must choose topic of presentation until **September 25th**, otherwise they will be assigned by the instructor.

Recommended readings:

- Curtis F.J. Doebler, Introduction to International Humanitarian Law, CD Publishing, Washington, DC, USA, 2005.
- Sassoli M. and A. A. Bouvier in co-operation with Laura Olson, Nikolas A. Dupic and Lina Milner, How Does Law Protect in War? Cases, Documents and Teaching Materials on Contemporary Practice in International Humanitarian Law, International Committee of the Red Cross, Geneva, 1999.
- John Carey, William V. Dunlap and R. John Pritchard, International Humanitarian Law: Prospects, Transnational Publishers, Ardsley, NY, 2006.
- The New Challenges Of Humanitarian Law in Armed Conflicts edited by Pablo Antonio Fernandez-Sanchez, Martinus Nijhoff Publishers, Leiden, Boston, 2005.
- Perspectives on the ICRC Study on Customary International Humanitarian Law edited by Elizabeth Wilshurst and Susan Breau, Cambridge University Press, 2007.
- Jean-Marie Henckaerts and Louise Doswald-Beck, Customary International Humanitarian Law, Volume I-II, Cambridge University Press, International Committee of the Red Cross, 2005.
- A.P.V. Rogers, Law on the Battlefield, (2nd ed.) Manchester: Manchester University Press, (2004).
- Y. Dinstein, The Conduct of Hostilities under the Law of International Armed Conflict, Cambridge University Press, 2004
- Jean-Marie Henckaerts and Louise Doswald-Beck, Customary International Humanitarian Law, Volume 1: Rules, ICRC, Cambridge University Press, (2005).
- M. Sassoli & A. Bouvier, How Does Law Protect in War (Vols. 1 and 2 (2ed.), Geneva: ICRC, (2006).
- Commentary, The Geneva Conventions I, II, III, IV of 12 August 1949, Geneva: ICRC (Four separate volumes - paperback reprints 1994/1995).
- Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949, Dordrecht: Martinus Nijhoff, (1987).
- Roberts & R. Guelff, Documents on the Laws of War (3 edn.), Oxford: Oxford University Press, (2000).
- D. Fleck (ed.), Handbook of Humanitarian Law in Armed Conflict, Oxford: Oxford University Press
- L. C. Green, The contemporary law of armed conflict (2 ed.), Manchester: Manchester University Press, (1993).
- The Manual of the Law of Armed Conflict, UK Ministry of Defence, Oxford University Press (2004).
- Henckaerts J.-M. and L. Doswald-Beck, Customary International Humanitarian Law, Vol.3, Cambridge University Press - International Committee of the Red Cross, Geneva, 2005.
- Rogers A. Law on the Battlefield, 2nd ed., Manchester University Press, Manchester, 2004.
- Rene Provost, International Human Rights and Humanitarian Law, Cambridge University Press, 2005.
- Christopher Greenwood Essays on topics of the use of force

Academic Conduct/ Course Policies

- (1) Students are expected to BE ON TIME for classes. If instructor marked the student absent in case that the student is late for the class, he is considered to be absent for the whole class, unless excused by instructor.
- (2) **ATTENDANCE.** Class attendance is required. If the student misses the class with an excuse, certificate about the absence must be presented no later than the next class after when the student will come. ***If the requirements mentioned above are not observed, student's absence is considered to be unexcused.*** If the student misses 3 classes without excuse or 50% of the whole course (with and without an excuse), student is given an "F" grade.
- (3) Students are required to attend INDIVIDUAL MEETINGS. If the student misses individual meeting, he/she is considered to have missed a class period.
- (4) WRITTEN ASSIGNMENTS must be submitted to instructor by the deadline. The student may submit assignment late: at the latest by the next day after the deadline before 5 pm, in that case 1 point will be deducted from the final grade for the work (e.g. if your grade is "A" for the work, after deduction, your grade will be "B"). ***This rule applies to any student who was aware or should have been aware of an assignment and the deadline no matter whether he was sick or had any other excuse on the date of a deadline.***
- (5) The student has to follow ACADEMIC HONESTY code. ***All types of cheating*** (plagiarism etc.) ***are strictly prohibited.*** If student fails to observe this requirement, instructor may give from an "F" for the work up to an "F" for the whole course depending on the type of assignment and other circumstances.
- (6) CELL PHONES and any other electronic devices should be either turned off or kept on silence.

| Date | Content | Presenter(s) |
|--------|--|---|
| Week 1 | Introduction to IHL <ul style="list-style-type: none"> • Concept & purpose • IHL as a branch of international law, IHL and International Human Rights Law • Sources of IHL • Jus ad bellum/ jus in bello (jus post bellum) | |
| Week 2 | Use/ Threat of use of Force <ul style="list-style-type: none"> • Prohibition of the Use of Force • Collective security • Self defense • Precaution attack | 1 Aylai Ergesheva 2 Aikerim Esenbekova |
| Week 3 | Interventions <ul style="list-style-type: none"> • Humanitarian intervention • Intervention by invitation • R2P • Ad-hoc interventions | 1. Aqil Atayi 2. Lilia Mannes 3. Saboor Stanikzai |
| Week 4 | Armed conflict <ul style="list-style-type: none"> • IAC • NIAC • Internationalized armed conflicts | 1. Shohruh Vosiev 2 Arefa Shaferi |
| Week 5 | Conduct of hostilities/principles of IHL <i>Fundamental principles</i> <ul style="list-style-type: none"> • Principle of distinction • Principle of necessity • Principle of proportionality | 1 Merkul Alseitov 2 Bektur Kenzhaev 3 Saadat Jumashaeva |
| Week 6 | Combatants and status of POW <ul style="list-style-type: none"> • Combatants and Prisoners of War (POW) • Definition of POW • Capture (the Right to Quarter) • Internment and Treatment of POW • The Status of Captured Combatants in Non-International Armed Conflicts. | 1 Amina Amiq 2 Rohullah Elgasi |
| Week 7 | Civilians <ul style="list-style-type: none"> • Participation | 1. Alina Kadyrova 2. Tolgonai Toichubaeva |

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|---------|--|---|
| | <ul style="list-style-type: none"> • Protection of Civilians • Civilians under Special Protection | 3 Fatima Khalil |
| Week 8 | Role of the international organizations <ul style="list-style-type: none"> • ICRC • UN <u>Midterm exam (November 15)</u> | N/A |
| Week 9 | Means and methods of warfare <ul style="list-style-type: none"> • The prohibition to cause unnecessary suffering • The prohibition of indiscriminate use of weapons • Prohibited methods of warfare (chemical, bacteriological/biological weapons & nuclear weapons) • The rules concerning the conduct of hostilities: The basic rule (Article 48, Protocol I) • Definition of military objectives • Cyber warfare | 1 Yuriy PARK 2 Aiperi Iskakova 3 Zhanyl Shailobekova |
| Week 10 | Post 09/11- "Global war on terrorism" <ul style="list-style-type: none"> • Terrorism and International Law • "War" or security operations | 1 Dani Tekebaeva 2 Nurgul 3 Temirbek Momunov |
| Week 11 | Customary IHL <ul style="list-style-type: none"> • List of Customary Rules of International Humanitarian Law • Implementation mechanisms | 1 Elina Aibek 2 Aigerim Egemberdieva |
| Week 12 | Application of IHL: <ul style="list-style-type: none"> • <i>ratione loci</i> • <i>ratione temporis</i> • <i>ratione personae</i> | 1 Ermek Aleshav 2 Aigerim Aiksha 3 Askar Sabyrov |
| Week 13 | Responsibility for IHL violations <ul style="list-style-type: none"> • National law • International criminal law • Tribunals and international courts | 1. Bakai Abdykul-uulu 2. Telegey Malabekova 3 Aziza Kasiinova |
| Week 14 | Final exam (December 24) | N/A |