

## INTRODUCTION TO IHL – WHY STUDYING IHL?

### COURSE No. I

Possible Answers:

1. The understanding of events and phenomena widely displayed in the media such as the position of the UN Security Council regarding the Democratic People's Republic of Korea and Iran and the nuclear weapons proliferation, the participation of Romanian troops in peacekeeping operations organized by the UN, NATO or EU, international terrorism, the situation in the Gaza strip and West Bank, international criminal tribunals, etc.
2. A practical and interactive approach of the information transmitted through simulations, the participation of lecturers as IHL professionals and watching of movies on humanitarian issues.
3. The acquirement of information regarding the professional fields in which you will work and, also, the discovery of new fields of interest in the juridical profession
4. The possibility of participation in international competitions, field related conferences, internships at field related institutions, attending summer schools etc.

## Chapter I: THE CHARACTERIZATION OF INTERNATIONAL HUMANITARIAN LAW AND THE APPLICABLE INTERNATIONAL RELATIONS FIELD

### 1. The notion of International Humanitarian Law (IHL), a short history of IHL regulations

- Brief history of IHL

Watching a movie ON HUMANITARIAN ISSUES (*The Road to Guantanamo*)

### COURSE No. II

### 2. The purpose of IHL, the notions of internal and international armed conflict, examples, ceasing of hostilities, truce, capitulation, peace-reaching, neutrality etc.

- i. The purpose of IHL
- ii. International armed conflict
- iii. Internal armed conflict (Ex: Rwanda)
- iv. The definition of armed conflict, the geographical and temporal coordinates for the qualification of a situation as an armed conflict
- v. The ceasing of hostilities: capitulation, truce, debellatio and the signing of peace treaties
- vi. Neutral states

### 3. IHL sources: conventions, customary law and IHL principles

- i. Customary norms
- ii. Treaties
- iii. IHL principles
- iv. The relation between IHL and International Law

## Chapter II: IMPLEMENTATION OF IHL

1. Introduction
2. Persons protected by IHL, breaches of IHL, who is responsible?
3. The Protected Power
4. The inquiry commission – the Sleeping Beauty
5. The role of international intergovernmental organizations
6. The role of nongovernmental organizations
7. Diplomatic activities
8. Criminal liability for IHL breaches
  - i. Implemented by national tribunals, the concept of universal jurisdiction (the Eichmann case)
  - ii. Implemented by International Criminal Tribunals
9. Truth and reconciliation commissions

**Exercise:** The identification of IHL rules in the bible and the Coran

### **COURSE No. III**

Presentation of the International Committee of the Red Cross, of the National Red Cross Societies in Romania and Their role in implementing IHL

- presentation of the emblems and their role
- representative of the Romanian Red Cross

### **COURSE No. IV**

#### **Chapter III: LEGAL STATUS OF COMBATANTS**

1. **The importance of differentiating between combatants and civilians, the principle of distinction – a fundamental IHL principle, the importance given by the applicable status**
2. **The definition of combatants**
  - i. different categories of combatants
  - ii. levee en masse
3. **International armed conflicts acknowledge combatants as members of the armed forces, who have the right to participate in hostilities and are under the obligation to respect IHL**
4. **Illegal combatants:**
  - i. Spies
  - ii. Mercenaries
  - iii. Terrorists
  - iv. Saboteurs
5. **Non-international armed conflicts – the status of persons taking part in the hostilities**

**Exercise:** Mercenarism – Attempt to improve the existing legal provisions

#### **Chapter IV: LEGAL STATUS OF PRISONERS OF WAR**

1. **The evolution of the juridical status**
2. **The definition of prisoners of war**
3. **Captivity**
4. **The rights and obligations of prisoners of war**

**Exercise:** Debate on the status of the persons detained in Guantanamo bay and Abu Ghraib

### **COURSE No. V**

#### **Chapter V: MEANS AND METHODS OF WARFARE**

1. **Principles that govern the means and methods of warfare**
2. **Weapons**
  - i. Weapons of mass destruction
  - ii. Conventional weapons
  - iii. Non-lethal weapons
3. **Methods of warfare**
4. **International terrorism**

### **COURSE No. VI**

Watching a movie on IHL issues (*Hotel Rwanda*)

### **COURSE No. VII**

#### **Chapter VI: LEGAL STATUS OF THE CIVILIAN POPULATION**

1. **Legal provisions**
  - i. Before World War II and after World War II:
  - ii. Customary Law
2. **The definition of civilians**

- i. International armed conflicts
  - ii. Non-international armed conflicts
- 3. Applicable law**
- i. The general protection of civil population and civil persons against the dangers resulted from military operations (art. 51 of Additional Protocol I )
  - ii. Human shields (art. 28 and 49 of Geneva Convention IV), the problem of volunteer human shields; International armed conflicts, The protection of the civil population in non-international armed conflicts – art. 13-17 of Additional Protocol II
  - iii. Military occupation, rights and obligations of the Occupying Power regarding the civil populatio
  - iv. The special status of women and children

#### **COURSE No. VIII**

- i. Refugees in International Humanitarian Law – lecture given by the UNHCR Romanian representative

#### **COURSE No. IX**

### **Chapter VII: OTHER PERSONS PROTECTED BY IHL: WOUNDED, SICK, SHIPRECKED, MEDICAL PERSONNEL**

- 1. **Brief history**
- 2. **Legal provisions**

### **Chapter VIII: HUMANITARIAN INTERVENTION**

- 1. **Definition**
- 2. **Who authorizes the humanitarian intervention?**
- 3. **Humanitarian intervention vs. Sovereignty**
- 4. **The Responsibility to protect**

### **Chapter IX: THE PROTECTION OF CULTURAL PROPERTY AND THE ENVIROMENT**

- 1. **The cultural property protected by IHL**
- 2. **IHL regulations regarding the protection of cultural property**
- 3. **The environment protected by IHL**

#### **COURSE No. X**

*SIMULATION – ADOPTING A RESOLUTION RELATIVE TO A HUMANITARIAN INTERVENTION BY THE UN SECURITY COUNCIL*

#### **COURSE No. XI**

Watching a movie on IHL Issues (*Nuremberg Trial*)

#### **COURSE No. XII**

### **Chapter X: INTERNATIONAL CRIMINAL JURISDICTION**

- 1. **History**
- 2. **International Criminal Tribunals**
  - i. The International Military Tribunal in Nurenberg and the International Military Tribunal for the Far East in Tokyo
  - ii. International Criminal Tribunal for the Former Yugoslavia
  - iii. International Criminal Tribunal for Rwanda
  - iv. International Criminal Court
  - v. Special Court for Sierra Leone
  - vi. BIH Criminal Court
- 3. **International Crimes under the international criminal jurisdiction**
  - i. The juridical elements of international crimes under the international criminal jurisdiction
  - ii. Genocide
    - Specific criminal aspects regarding genocide
    - Specific international aspects regarding genocide

- iii. Crimes against humanity
  - Specific criminal aspects regarding crimes against humanity
  - Specific international aspects regarding crimes against humanity
  - The requirement of discriminatory motives for the qualification of crimes against humanity
- iv. War crimes
  - Common elements for all the war crimes provided by art. 8 of the Rome Statute
  - The classification of war crimes

#### 4. **The International Criminal Court**

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