Developed by Professor Marco Sassòli, Geneva Academy of International Humanitarian Law and Human Rights (Switzerland), for a Master Programme in IHL

I. Course Programme

Lesson 1

- Mutual introduction: every student introduces himself or herself and indicates a distinction he or she expects to be relevant (e.g. between wounded and able-bodied combatants) and a distinction irrelevant under IHL (e.g. between missile and artillery attacks).
- Presentation of the course and the subject;
- Discussion of the learning and the evaluation method suggested;
- Introduction by the Professor:
  - Concept and purpose of International Humanitarian Law (IHL);

(Read Chapters 1 and 2 in Sassòli/Bouvier/Quintin, to review Lesson 1 and prepare for Lesson 2).

Lesson 2

- Introduction by the Professor (questions by students are strongly encouraged):
  - Situations in which IHL applies: international and non-international armed conflicts;
  - IHL at the vanishing point of international law;
  - Fundamental distinction between *jus ad bellum* (legality of the use of force) and *jus in bello* (humanitarian rules to be respected);
Personal, temporal, geographical scope of application of IHL and relations it governs.

*(Read introductory texts in Chapters 3 – 5, in Sassòli/Bouvier/Quintin, to prepare for Lesson 3)*

**Lesson 3**

- Introduction by the Professor (questions by students are strongly encouraged):
  - Historical development of IHL;
  - Sources of contemporary IHL;
  - The fundamental distinction between civilians and combatants.

*(Read introductory texts in Chapter 6, in Sassòli/Bouvier/Quintin, and read and discuss the Case Studies dealt with in Lessons 4 and 5)*

**Lesson 4**

- Discussion of a Case Study: Case No. 261, United States, Status and Treatment of Detainees Held in Guantanamo Naval Base.

**Lesson 5**

- Discussion of Case No. 261, US, Status and Treatment of Detainees Held in Guantanamo Naval Base continued
- Discussion of Case No. 263, United States, Hamdan v. Rumsfeld;
- Discussion of Case No. 267, United States, The Obama Administration’s Internment Standards

*(Read introductory texts in Chapter 7, in Sassòli/Bouvier/Quintin, to prepare for Lesson 6)*

**Lesson 6**

Introduction by the Professor (questions by students are strongly encouraged):

- Protection of the wounded, sick and shipwrecked.
Lesson 7

- Discussion of a Case Study: Case No. 209, United Kingdom, Misuse of the Emblem;
- Introduction by the Professor (questions by students are strongly encouraged):
  - Combatants and Prisoners of War.

Lesson 8

- Introduction by the Professor (questions by students are strongly encouraged):
  - Combatants and Prisoners of War (continued);
  - Discussion of a Case Study: Case No. 160, Eritrea/Ethiopia, Partial Awards on POWs (N.B. Read A and paras. 143-163 of B (Repatriation issue)).

Lesson 9

- Discussion of a Case Study: Case No. 160, Eritrea/Ethiopia, Partial Awards on POWs (N.B. Read A and paras. 143-163 of B (Repatriation issue)) (continued).

Lesson 10

- Introduction by the Professor (questions by students are strongly encouraged):
  - Civilians and refugees.

Lesson 11

- Introduction by the Professor (questions by students are strongly encouraged):
  - Special rules on occupied territories.
(Read and discuss the Case Study dealt with in Lesson 12)

Lesson 12

- Discussion of a Case Study: Case No. 175, UN, Detention of Foreigners

(Read and discuss the Case Study dealt with in Lesson 13)

Lesson 13

- Discussion of a Case Study: Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory

(Read introductory texts in Chapters 9 – 11, in Sassòli/Bouvier/Quintin, and read and discuss the Case Study dealt with in Lesson 14)

Lesson 14

- Discussion of a Case Study: Case No. 226, Federal Republic of Yugoslavia, NATO Intervention.
  - The professor answers students’ questions in view of the January exam

JANUARY EXAMS

(Read Document No. 51, ICRC, Interpretive Guidance on the Notion of Direct Participation in Hostilities [2])

Lesson 15

- Introduction by the Professor (questions by students are strongly encouraged):
  - Conduct of Hostilities.

Lesson 16

- Introduction by the Professor (questions by students are strongly encouraged):
  - Conduct of Hostilities (continued);
  - Humanitarian Assistance.

(Read Chapter 12 in Sassòli/Bouvier/Quintin, to prepare for Lesson 17)
Lesson 17

- Introduction by the Professor (questions by students are strongly encouraged):
  - The law of non-international armed conflicts.

(Read and discuss the Case Study dealt with in Lessons 18 and 19)

Lesson 18

- Discussion of a Case Study: Case No. 211, ICTY, The Prosecutor v. Tadic

Lesson 19

- Discussion of a Case Study: Case No. 211, ICTY, The Prosecutor v. Tadic
  (continued).

(Read introductory texts in Chapter 13, in Sassòli/Bouvier/Quintin, to prepare for Lesson 20)

Lesson 20

- Introduction by the Professor (questions by students are strongly encouraged):
  - Implementation of international humanitarian law.

(Read introductory texts in Chapter 15, in Sassòli/Bouvier/Quintin, and read and discuss the Case Study dealt with in Lesson 21)

Lesson 21

- Introduction by the Professor (questions by students are strongly encouraged):
  - Implementation of international humanitarian law (continued);
- Discussion of ICRC Report on its visits to Abu Ghraib Prison, Iraq [3], leaked to the media by US sources.

Lesson 22

- Discussion of ICRC Report on its visits to Abu Ghraib Prison, Iraq [3], leaked to the media by US sources (continued);
- Optional supplementary discussion with the Professor on the ICRC, its activities and approach.
Lesson 23

- Discussion of a Case Study: Case No. 157, Inter-American Commission on Human Rights, Coard v. United States.

Lesson 24

- Introduction by the Professor (questions by students are strongly encouraged):
  - IHL and Human Rights.

Lesson 25

- Discussion of a Case Study: Case No. 290, Georgia/Russia, Human Rights Watch’s Report on the Conflict in South Ossetia.

Lesson 26

- Discussion of a Case Study: Case No. 280, Russian Federation/Chechnya, Operation Samashki.

Lesson 27

- Reserve for questions
  - Evaluation of the course and of the subject

JUNE EXAMS

II. Course Evaluation

Types of Questions on the Written Exams:
1. “Case Study Question”. This is a question based on one or more of the Case Studies dealt with during the course. The question will ask you to analyse one or more of the Case Studies in relation to a particular subject or theme, e.g. “Discuss the interplay between Human Rights and International Humanitarian Law based on the case *Inter-American Commission on Human Rights, Coard et al v. US*”. **In answering a Case Study Question, you should deal only with IHL issues which both arise in the Case Study/ies, and fall under the subject or theme to be discussed, but you should deal with all facts of the Case Study/ies relevant for the problem.**

2. “Hypothetical Question”. This question will consist of a set of fictional facts that you will have to evaluate under IHL. You will also have to indicate what additional facts you would need to know to evaluate the situation under IHL and how you would judge the situation under IHL depending on those facts, e.g. “A food convoy marked with red crosses is attacked and destroyed by a party to an armed conflict.” Students need to indicate that they would need to know whether the conflict is international or non-international, whether the food is destined to the military or to the civilian population and in the latter case whether the convoy is run by the ICRC or the Federation and then indicate whether the marking with red crosses and the destruction of the convoy violated IHL depending on those facts.

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