**SYLLABUS: INTERNATIONAL HUMANITARIAN LAW**

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**Course Description**

This graduate course closely examines International Humanitarian Law, otherwise known as the Law of Armed Conflict (LOAC) which seeks to limit the effects of armed conflict by restricting the means and methods of warfare. Using multiple sources, the course surveys a wide range of laws governing humanitarian conduct in war *(jus in bellum),* while relating them to International Human Rights Law wherever relevant.Laws which protect civilians as well as combatants and belligerents will be studied in the context of different types of conflicts, taking account of new modes of warfare with non-state actors. Examples will be drawn from modern and contemporary history, with particular focus on case studies from the Middle East which illustrate military occupation, civil war, inter-state war and counter-insurgency.

**Course Outline**

1. **Introduction: History and Sources of LOAC (Laws of Armed Conflict) (Solis, p.3-27)**
2. **Determining Status of the Conflict**

* Determining status of the conflict, (Solis, pp.149-156)
* Non-state actors and armed opposition groups,(Solis, pp.157-163)
* Criminal Justice Model or Military Model? (Solis, p.164-167)

1. **Law of Armed Conflict 4 Core Principles**

* Distinction (Solis, pp.251-257)
* Military Necessity (Solis, pp.258-268)
* Unnecessary Suffering (Solis, pp.269-271)
* Proportionality (Solis, pp.272-285)

1. **Combatants, Belligerents and Civilians**

* Lawful Combatants/Prisoners of War (Solis, pp.187-194)
* Others Whose Status upon Capture is POW (Solis, pp.195-202)
* Direct Participation in Hostilities (Solis, pp.202-205)
* Unlawful Combatants/Unprivileged Belligerents (Solis, pp.216-219)
* World War II Allied Resistance Fighters (Solis, pp.217-223)
* Detainee, Enemy Combatant, and Unlawful Enemy Combatant (Solis, pp.224-227)
* Article 5 “Competent Tribunals” (Solis, pp.228-231)
* Civilians (Solis, pp.232-233)
* Protected persons (Solis, pp.234-237)
* Minimum *jus in bello* Protections Due Captured Individuals (Solis, pp.237-238)

1. **Targeting**

* Defining a Lawful Objective (Solis, pp.519-520)
* Interpreting “Military Objective” (Solis, pp.520-524)
* Targets by Virtue of Nature, Location, Purpose, or Use (Solis, pp.524-528)
* Dangerous Forces (Solis, pp. 528-530)
* Making Targeting Decisions (Solis, pp.530-534)
* Dual-Use Targets (Solis, pp.534-536)
* Indiscriminate Attacks (Solis, pp.536-538)
* Targeted Killing (Solis, pp.538-542)
* Attacks on Cultural Property (Solis, pp.556-567)

1. **Weapons and Tactics**

* Introduction to Means and Methods of Warfare (Corn et al, pp.200-203)
* Legal Review of Weapons and Weapons Systems (Corn et al, pp.203-207)
* Specific Prohibitions on Weapons and Ammunition (Corn et al, pp.2017-214)
* Specific Weapons (Corn et al, pp.214-221)
* Employment of Weapons (Corn et al, pp.221-223)
* Methods of Warfare (Corn et al, pp.223-231)

1. **General Obligations During Combat**

* Care for victims of combat (ICRC Handbook, p.111-113)
* Humanitarian relief (ICRC Handbook, pp.113-116)
* Precautions against the effects of attacks (ICRC Handbook, pp. 116-121)
* Non-hostile contacts with other parties to an armed conflict (ICRC Handbook, pp.121-125)
* Civil defence (ICRC Handbook , pp.125-127)
* Distinctive signs and symbols (ICRC Handbook, pp.127-133)
* Respect for medical work (ICRC Handbook, pp.133-136)
* Treatment of aliens in the territory of a party to conflict (ICRC Handbook, pp. 136-140)

1. **Civilians**

* Introduction (Corn et al, pp.278-287)
* Civilian Protections (Corn et al, pp.287-294)
* Property (Corn et al, pp.301-305)
* The Role of Human Rights Law (Corn et al, pp.305-307)

1. **Detention**

* Introduction to Detention (Corn et al, pp.310-311)
* Authority for Detention (Corn et al, pp.311-314)
* International Armed Conflict Detainees Categories (Corn et al, pp.314-318)
* What Process is Due? (Corn et al, pp.318-328)
* Standards of Treatment (Corn et al, pp.328-339)
* Interrogation (Corn et al, pp.339-354)

1. **Torture**

* Introduction (Solis, pp.436-439)
* Torture Background (Solis, pp.439-448)
* Defining Torture (Solis, pp.441-448)
* Why Torture? (Solis, pp.448-461)
* Waterboarding Is Torture (Solis, pp.461-466)
* The Ticking Time Bomb (Solis, pp.466-468)
* Torture: Never, or Sometimes, Maybe? (Solis, pp.468-469)
* U.S. Military Practice (Solis, pp.469-473)

1. **Occupation**

* Occupation: fundamentals (ICRC, pp.371-376)
* Administration of occupied territory (pp.376-385)
* Civilians in occupied territory (pp.385-392)
* Protection of property (pp. 392-396)

1. **War Crimes (USIP: Genocide, Crimes Against Humanity and War Crimes, pp.195-218)**
2. **Command Responsibility (ICRC Handbook, pp.257-274)**