

# TEACHING IHL THROUGH DIGITAL RESOURCES

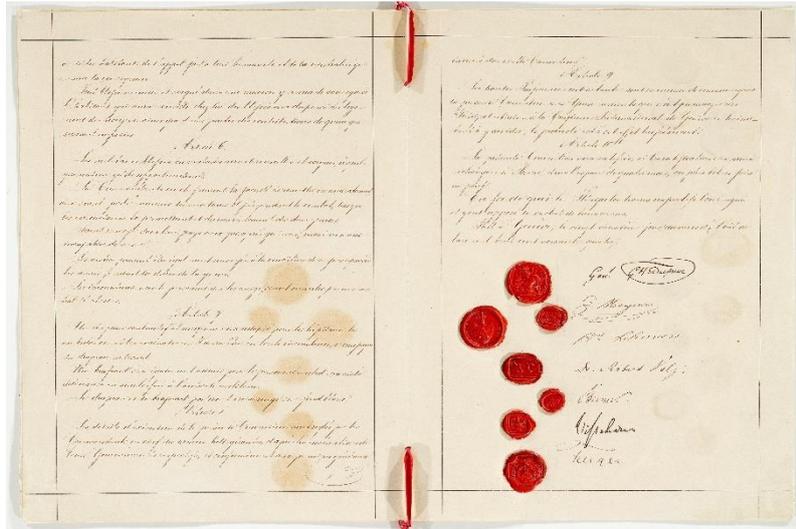
## SYLLABUS FOR INTERACTIVE REMOTE TEACHING

### Course materials

#### Tips and tools for online teaching

- [Use an online tool that you have already tested and you feel comfortable with](#)
- Prepare and share the outline with students one week in advance
- Record classes for students who might not be able to attend due to technical issues
- Set the maximum number of students (25–30) taking part in the course, keeping logistics and group work in mind
- Recommended maximum duration for each class: 45 minutes
- Consider dedicating several classes to a dense topic
- Use assignments and questions to make sure students prepare prior to each class
- Given the limited time for each online class, only address key issues and questions
- Diversify the format of classes (alternate quizzes/polls, group presentations and discussions, discussions on written assignments, etc.)
- Suggested tools for polls: [Poll Everywhere](#) or [Socrative](#)

- Before joining each online session, students are asked to familiarize themselves with the relevant international humanitarian law (IHL) issue(s) by completing the readings and activities presented in the pre-course pack, which you will find at the beginning of each session. The pack contains:
  - modules from the Introduction to IHL e-learning course (you will need to register for access [here](#))
  - case studies from the Online Casebook [How does law protect in war?](#), which will support practice-oriented learning of IHL rules, or ad hoc activities for specific sessions (i.e. a multiple-choice poll for Session 2 and a written assignment for Session 12)
  - pertinent chapters of the [International Humanitarian Law: A Comprehensive Introduction](#) handbook
  - other ICRC resources.
- Below the pre-course pack, you will find a specific outline for each session covering the main issues to be discussed. If you click on the titles and subtitles, you will be directed to the corresponding sections of [“The Law”](#) and the [“A to Z”](#) from the Online Casebook (open casebook hyperlinks in Mozilla Firefox), which students can consult to gain further insight.
- We recommend that students download the [IHL App](#) (available for free on the Apple, Google Play and Windows stores) and, in particular, use the bookmarks function to consult and group all the relevant IHL instruments and provisions for each session.
- To go further, you will find a bibliography including online resources on IHL and COVID-19 at the end of the outline.



The sixth and seventh pages of the Geneva Convention of 22 August 1864.

## 1. General overview of IHL

### Pre-course pack

- ✚ Case study: [United Kingdom, The Government’s Policy on the Use of Drones for Targeted Killings \(jus ad bellum vs jus in bello\)](#)
- Introduction to IHL e-learning course
  - [Module 1: What is IHL?](#)
  - [Module 2: Main sources of IHL](#)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 1 (pp. 15–47)
- Other ICRC resources: [What is IHL? factsheet](#)

### Main issues for discussion

- [Concept and purpose of IHL](#)
- [Jus ad bellum vs jus in bello](#)
- [Historical development of IHL](#)
  - [Law of Geneva vs Law of The Hague](#)
- [Sources of contemporary IHL](#)



*A North Macedonian soldier on patrol in Kabul.*

## 2. Scope of application of IHL

### Pre-course pack

- ✚ Students will be divided into four groups of six/seven members. Prior to the session, each group will prepare answers to the questions it has been assigned, dealing with one aspect of the scope of application of IHL (material, personal, temporal or geographical). During the online session, all students will answer a multiple-choice poll compiling all questions (enclosed is a proposed poll). After looking at the poll results, a group representative will present the answers provided by their group.
- Introduction to IHL e-learning course
  - [Module 3: When does IHL apply?](#)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 2 (pp. 49–75)

### Questions for discussion

See attached poll on the material, personal, temporal and geographical scope of application of IHL.



Evacuation of four sick adults and six children, three of whom are severely malnourished, from a remote area of South Kivu to health centres in Bukavu, Democratic Republic of the Congo.

### 3. Wounded, sick and shipwrecked and the medical mission

#### Pre-course pack

- ✚ Case study: [Afghanistan, Attack on Kunduz Trauma Centre](#)
- ✚ Introduction to IHL e-learning course
  - [Module 4: Wounded and sick](#)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 4 (pp. 131–151)
- Other ICRC resources: [Respecting and Protecting Health Care in Armed Conflicts and in Situations Not Covered by IHL factsheet](#)

#### Main issues for discussion

- Definitions
  - [Wounded and sick](#); [shipwrecked](#); [medical personnel](#); and [medical transports, units and material](#)
- Protection
  - [Wounded, sick and shipwrecked](#)  
Does IHL permit any differences in the treatment of the sick and wounded? Do parties to the armed conflict have an obligation to give them medical treatment? Does the obligation to protect and respect the sick and wounded apply to combatants, civilians or members of armed groups?
  - [Medical personnel, transport, units and materials](#)  
Why are attacks on hospitals and medical personnel in wartime so strongly condemned? Does IHL specifically protect medical personnel, facilities and transports in non-international armed conflicts (NIACs)? When can medical transports and hospitals be targeted under IHL?



People in La Flor de Jehová, Venezuela, receive mosquito nets to protect themselves against malaria.

#### 4. Humanitarian assistance

##### Pre-course pack

- Case study: [Yemen, Potential Existence and Effects of Naval Blockade](#)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 6 (pp. 250–255)
- Other ICRC resources: [IHL Rules on Humanitarian Access and COVID-19](#)

##### Main issues for discussion

- [Principles](#)
  - Starvation of civilians as a method of warfare is prohibited
  - Civilian population has a right to be assisted
  - Belligerents bear the primary responsibility to meet the basic needs of the population under their control
- [A broad right to assistance](#)
  - Right of impartial humanitarian organizations to offer their services
    - But whose consent is needed?
- [Definition and characteristics of humanitarian assistance](#)
  - Obligation of the parties to the conflict and third states to allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need
    - Subject to their right of control



An ICRC employee talks with an official in Quibdó Prison.

## 5. Detainees

### Pre-course pack

- ✚ Case studies: [Eritrea/Ethiopia, Partial Award on POWs](#) and [United Kingdom, The Case of Serdar Mohammed \(Court of Appeal and Supreme Court Judgments\)](#)
- Introduction to IHL e-learning course
  - [Module 6: Deprivation of liberty](#)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 5 (pp. 169–217)

### Main issues for discussion

- Legal basis, grounds, and procedural safeguards for detention:
  - International armed conflicts (IACs): [prisoners of war \(POWs\)](#), [civilian internees](#), detainees under criminal law
  - NIACs: all persons deprived of their liberty
- Treatment of detainees, without any adverse distinction (IACs/NIACs)
  - Detailed rules on treatment only provided in IAC law ([treatment of POWs](#), [treatment of civilian internees](#))



A group of displaced people fleeing the fighting reach the outskirts of the town of Bossangoa, where they will seek refuge at the Catholic mission.

## 6. Displaced persons and refugees

### Pre-course pack

- ✚ Case studies: [Iraq: Situation of Internally Displaced Persons](#) (on the protection of displaced people under IHL) or [Case Study, Armed Conflicts in the Great Lakes Region \(1994–2005\)](#) (on refugees and the principle of *non-refoulement* in IHL)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 6 (pp. 231–233)
- Other ICRC resources: [Internally Displaced Persons and International Humanitarian Law factsheet](#)

### Main issues for discussion

- [Displaced persons fleeing within their own country because of an armed conflict](#)
  - Protection under IHL:
    - prohibition of forced displacement
    - same protection as other civilians
- [Persons fleeing into a third country because of an armed conflict](#)
  - Protection under IHL, according to the category they belong to, if:
    - the third country is an adverse party in an IAC
    - the third country is affected by another armed conflict
- [Persons fleeing persecution \(refugees\)](#)
  - Protection under IHL if:
    - the third country is subsequently affected by an armed conflict
      - protected persons on the basis of their nationality (but Article 44 of the Fourth Geneva Convention) if the third country is an adverse party in an IAC
      - occupied territory: specific protection for nationals of the occupying power
      - protected persons in all circumstances, without any adverse distinction

- [Principle of non-refoulement in IHL](#)
- [The return of refugees and displaced persons at the end of the conflict](#)

F. Megaloudi/ICRC



*An ICRC staff member explains the Trace the Face platform to a Somali woman on the island of Leros, Greece.*

## 7. [The dead and missing](#)

### Pre-course pack

- Case study: [UN, Working Group on Enforced or Involuntary Disappearances: Report on Mission to Serbia, including Kosovo](#)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 4 (pp. 155–162)
- Other ICRC resources: [Missing Persons and their Families factsheet](#); [Humanity after Life: Respecting and Protecting the Dead factsheet](#)

### Main issues for discussion

- Right of the families to know what happened to their relatives
- Obligations of the parties to the conflict
  - [Search for persons reported missing](#)
  - [Identify dead bodies and notify deaths](#)
  - [Treatment of remains](#)



*Soldiers from the Multinational Force of Central Africa patrol the streets of Bangui, Democratic Republic of the Congo.*

## 8. Conduct of hostilities

### Pre-course pack

- ✚ Case study: [Federal Republic of Yugoslavia, NATO intervention](#)
- ✚ Introduction to IHL e-learning course
  - [Module 7: Conduct of hostilities](#)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 3 (pp. 77–129, except for “Methods of warfare” and “Means of Warfare”)

### Main issues for discussion

- [Distinction](#)
  - Civilian population vs combatants
  - Civilian objects vs military objectives
- [Proportionality](#)
- Precautions
  - [In attack](#)
  - [Against the effect of attacks](#)



*Bombing raid in the Mekong Delta.*

## 9. Means and methods of warfare

### Pre-course pack

- ✚ Case studies: [Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia \[Paras 58-63\] \(on Article 35 API\) and/or Cambodia/Thailand, Border Conflict around the Temple of Preah Vihear \(specifically on cluster munitions\)](#)
- ✚ Introduction to IHL e-learning course
  - [Module 7: Conduct of hostilities](#) (same as for session VIII)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 3 (pp. 104–125)
- Other ICRC resources: Factsheets on different kinds of [weapons](#)

### Main issues for discussion

- [The basic rule: Article 35 of Additional Protocol I](#)
- [Prohibited or restricted use of weapons](#)
  - Explosive bullets, dumdum bullets, certain conventional weapons, chemical weapons, poison, bacteriological and biological weapons, and nuclear weapons
  - New means and methods, Article 36 of Additional Protocol I
- [Prohibited methods of warfare](#)
  - Denial of quarter
  - Perfidy
  - Starvation of civilians
- [Cyber warfare](#)



The rules of war are clear: #NotATarget

## 10. IHL and international human rights law (IHRL)

### Pre-course pack

- ✚ Case study: [ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory](#)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 1 (pp. 27–31)

### Main issues for discussion

- [Fields of application](#)
  - Material fields of application
  - Protected persons
  - Relations affected
  - Geographical scope of application
  - Are armed groups bound by IHRL?
- [Protected rights](#)
  - Rights protected by both branches: the *lex specialis* principle
  - Rules of IHL not covered by IHRL
  - Human rights outside the scope of IHL



Colombian soldiers from the Forest Infantry Battalion receive training in international humanitarian law.

## 11. Implementation mechanisms

### Pre-course pack

- ✚ Case study: [Central African Republic, No Class: When Armed Groups Use Schools](#) (focusing on the importance of spreading knowledge)
- ✚ Introduction to IHL e-learning course
  - [Module 8: Implementation of IHL](#)
- Melzer, N., *International Humanitarian Law: A Comprehensive Introduction* (coordinated by Etienne Kuster), ICRC, 2016, available in PDF format [here](#), Chapter 7 (pp. 263–309)
- Other ICRC resources: [Implementing IHL: from law to action factsheet](#); [The obligation to disseminate IHL factsheet](#); [Obligations in terms of penal repression factsheet](#)

### Main issues for discussion

- [Measures to be taken in peacetime](#)
  - [Dissemination](#)
  - [Legislation for application](#)
    - Penal sanctions
    - Use of the [emblem](#)
  - [Practical measures](#)



*A soldier in North Kivu, Democratic Republic of the Congo, washes his hands as part of a training session on preventing the spread of the Ebola virus.*

## 12. IHL and COVID-19

### Pre-course pack

- ✚ Written assignment: Students must draft a short paper of no more than 1,500 words addressing question c) below, with reference to all relevant IHL provisions and principles, to be sent to the teacher two weeks prior to the session.
- Other ICRC resources:
  - [\*COVID-19: How IHL Provides Crucial Safeguards During Pandemics\*](#)
  - [\*IHL Rules on Humanitarian Access and COVID-19\*](#)
- Hinds, G., "[What happens when the laws of war meet a pandemic?](#)", in *The Strategist*, Australian Strategic Policy Institute, 22 April 2020

### Questions for discussion

- a) Is IHL applicable during a pandemic?
- b) What are the most relevant IHL rules/principles in the COVID-19 pandemic? Why?
- c) Can the exceptional measures put in place by states in response to COVID-19 (e.g. travel or import restrictions) lawfully impede impartial humanitarian action? Are such measures consistent with IHL obligations?

## Take it further: More on IHL and COVID-19

### Articles and blog posts

Al-Dawoody, A., Finegan, O., “COVID-19 and Islamic burial laws: safeguarding dignity of the dead”, in Humanitarian Law & Policy blog, ICRC, 30 April 2020, available at: <https://blogs.icrc.org/law-and-policy/2020/04/30/covid-19-islamic-burial-laws/>

Cotter, C., “From the Spanish Flu to COVID-19: lessons from the 1918 pandemic and First World War”, in Humanitarian Law & Policy blog, ICRC, 23 April 2020, available at: <https://blogs.icrc.org/law-and-policy/2020/04/23/spanish-flu-covid-19-1918-pandemic-first-world-war/>

Droege, C., “COVID-19 response in conflict zones hinges on respect for international humanitarian law”, in Humanitarian Law & Policy blog, ICRC, 16 April 2020, available at: <https://blogs.icrc.org/law-and-policy/2020/04/16/covid-19-response-respect-international-humanitarian-law/>

Durham, H., “Cyber operations during armed conflict: 7 essential law and policy questions”, in Humanitarian Law & Policy blog, ICRC, 26 March 2020, available at: <https://blogs.icrc.org/law-and-policy/2020/03/26/cyber-armed-conflict-7-law-policy-questions/>

Hinds, G., “What happens when the laws of war meet a pandemic?”, in *The Strategist*, Australian Strategic Policy Institute, 22 April 2020, available at: <https://www.aspistrategist.org.au/what-happens-when-the-laws-of-war-meet-a-pandemic/>

Iaria, A., “We are not at ‘war’ with COVID-19: concerns from Italy’s ‘frontline’”, in Humanitarian Law & Policy blog, ICRC, 9 April 2020, available at: <https://blogs.icrc.org/law-and-policy/2020/04/09/not-at-war-covid-19-italy/>

Mačák, K., Rodenhäuser, T., Gisel, L., “Cyber attacks against hospitals and the COVID-19 pandemic: How strong are international law protections?”, in Humanitarian Law & Policy blog, ICRC, 2 April 2020, available at: <https://blogs.icrc.org/law-and-policy/2020/04/02/cyber-attacks-hospitals-covid-19/>

### Legal factsheets

ICRC, *COVID-19: How IHL Provides Crucial Safeguards During Pandemics*, 31 March 2020, available at: <https://www.icrc.org/en/document/covid-19-how-ihl-provides-crucial-safeguards-during-pandemics>

ICRC, *IHL Rules on Humanitarian Access and COVID-19*, 31 March 2020, available at: <https://www.icrc.org/en/document/covid-19-how-ihl-provides-crucial-safeguards-during-pandemics>

### Webinars

ICRC, Counter-Terrorism, Sanctions and Humanitarian Action in the COVID-19 Era, available at: <https://www.icrc.org/en/document/webinar-counter-terrorism-sanctions-humanitarian-access-covid-19-era-0>

### Other resources

ICRC Forensic Unit, *COVID-19: General Guidance for the Management of the Dead*, available at: <https://www.icrc.org/en/document/protection-dignity-and-respect-deceased-individuals-and-their-families-covid-19>