

International Relations Program (IRP)
Department of Law
Faculty of Law, Parahyangan Catholic University
Semester One 2016/2017
Subject: International Humanitarian Law
 Code: HUP412
 Credit Points: 2 credits, 3rd Year Subject

SUBJECT: INTERNATIONAL HUMANITARIAN LAW ["IHL"]	Lecturer: John Lumbantobing, S.H., LL.M., ACIArb.
A. Short Description This course aims to provide participants with an overview of the way in which international law seeks to regulate warfare. It opens with preliminary reflections on the relationship between war and law. The course then analyses the law concerning armed hostilities, including its fundamental principles and specific prohibitions. The remainder of the course is dedicated to a brief overview of the penal sanctions and the legal techniques used to bring responsible persons, including those in positions of authority and influence, to account for war crimes. The course ends with a short appraisal of the institutional framework of international criminal justice.	
Pre-requisite: None for ACICIS Students	
1st Meeting	Topics: <i>the background, nature and purpose of IHL</i> Essential readings: 1. Françoise Bouchet-Saulnier, <i>The Practical Guide to Humanitarian Law</i> 2nd ed. (Rowman & Littlefield, 2007) ["Bouchet-Saulnier"], " <i>International Humanitarian Law</i> ", pp. 210-211 (and pp. 213-220 scan through). 2. Dieter Fleck (ed.), <i>The Handbook of International Humanitarian Law</i> 2nd ed. (Oxford University Press, 2008) ["Fleck"], <i>section 102-104</i> (pp. 11-15). Advanced readings: 1. Gary Solis, <i>The Law of Armed Conflict - International Humanitarian Law in War</i> (Cambridge University Press, 2010) ["Solis"], Ch I (pp. 3-11, 20-27). 2. Fleck, <i>section 254-258</i> (pp. 74-76).
2nd Meeting	Topics: <i>the history and legal framework of IHL</i> Essential readings: 1. Bouchet-Saulnier, (i) " <i>Geneva Conventions of 1949 and Additional Protocols I and II of 1977</i> ", pp. 121-122; (ii) " <i>The Hague Conventions of 1899 and 1907</i> ", pp. 133-134. 2. Fleck, <i>section 116-130</i> (pp. 21-35). Advanced readings: 1. Solis, Ch II-IV (pp. 38-145). 2. Fleck, <i>section 105-115</i> (pp. 15-21).
3rd Meeting	Topics: <i>the types of armed conflicts - international and non-international armed conflict</i>

	<p>Essential readings:</p> <ol style="list-style-type: none"> 1. Bouchet-Saulnier, (i) "<i>International Armed Conflict</i>", pp. 184-185; (ii) "<i>Non-international Armed Conflict</i>", pp. 288-290; (iii) "<i>Internal disturbances and Tension</i>", pp. 178-180. 2. Fleck, <i>section</i> 201-211 (pp. 45-57). <p>Advanced readings:</p> <ol style="list-style-type: none"> 1. Solis, Ch V (pp. 149-185).
4 th Meeting	<p>Topics: <i>individual status in IHL – combatants and civilians</i></p> <p>Essential readings:</p> <ol style="list-style-type: none"> 1. Bouchet-Saulnier, (i) "<i>Combatants</i>", pp. 43-50; (ii) "<i>Civilians</i>", pp. 36-40; (iii) "<i>Protected Persons</i>", pp. 342-346. 2. Jean-Marie Henckaerts & Louise Doswald-Beck, <i>Customary International Humanitarian Law</i>, Vol 1: Rules (ICRC, 2005) [<i>"Customary IHL"</i>], Ch I, pp. 3-24. <p>Advanced readings:</p> <ol style="list-style-type: none"> 1. Fleck, <i>section</i> 301-320 (pp. 80-108). 2. Solis, Ch VI (pp. 186-249).
5 th Meeting	<p>Topics: <i>the fundamental principles of IHL</i></p> <p>Essential readings:</p> <ol style="list-style-type: none"> 1. Bouchet-Saulnier, (i) "<i>Military Necessity</i>", p. 269; (ii) "<i>Proportionality</i>", pp. 331-333. 2. Customary IHL, Ch III-IV, pp. 37-76. <p>Advanced readings:</p> <ol style="list-style-type: none"> 3. Solis, Ch VII (pp. 250-300).
6 th Meeting	<p>Topics: <i>weapons – the kinds of prohibited weapons and the regulations of weapons in general</i></p> <p>Essential readings:</p> <ol style="list-style-type: none"> 1. Customary IHL, Rules 70-71 (pp. 237-250). <p>Advanced readings:</p> <ol style="list-style-type: none"> 1. Customary IHL, Rules 72-86 (pp. 251-296). 2. Fleck, Section 406-440 (pp. 137-175). 3. ICJ, <i>Nuclear Weapons</i> (Advisory Opinion).
7 th Meeting	<p>Topics: <i>targeting and methods of warfare</i></p> <p>Essential readings:</p> <ol style="list-style-type: none"> 1. Fleck, Section 441-447 (pp. 137-175). <p>Advanced readings:</p> <ol style="list-style-type: none"> 1. Solis, Ch 14 (pp. 519-555). 2. Customary IHL, Rules 46-69 (pp. 161-233).
8 th Meeting	<p>Topics: <i>protection of civilians</i></p> <p>Essential readings:</p>

	<p>1. Fleck, Ch V (esp until section 519, pp. 237-263) and Ch VI, section 583-591, pp. 319-323.</p> <p>Advanced readings:</p> <ol style="list-style-type: none"> 1. Customary IHL, Ch 32 (pp. 299-384), Ch 34-39 (pp. 396-491). 2. Fleck, Ch 9 (pp. 433-475). 3. Solis, Ch 15 (pp. 556-576).
9 th Meeting	<p>Topics: <i>prisoners of war (PoW)</i></p> <p>Essential readings:</p> <ol style="list-style-type: none"> 1. Customary IHL, Ch 33 (pp. 384-395). 2. Fleck, Ch VII (esp until section 706, pp. 367-383). <p>Advanced readings:</p> <ol style="list-style-type: none"> 1. Fleck, Ch VII (section 707-735, pp. 383-417). 2. Solis, Ch 12.
10 th & 11 th Meetings	<p>Topics: <i>war crimes and their prosecutions</i></p> <p>Essential readings:</p> <ol style="list-style-type: none"> 1. Fleck, Ch XIV (esp until section 1408 (pp. 675-693) and sections 1422-1429 (pp. 713-719). 2. Solis, Ch 8 (esp until section 8.3, pp. 301-310). 3. Customary IHL, Ch 42-43. <p>Advanced readings: Fleck, Ch 14 & Solis, Ch 8 (other than above).</p>
<p>Evaluation Criteria:</p> <ol style="list-style-type: none"> 1. Mid-term Exam 30% 2. Final-term Exam 50% 3. Other assessment (assignment, class participation, etc) 20%. 	