

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

**INTERNATIONAL HUMANITARIAN LAW**

Specialty "Jurisprudence"

40.04.01, Master's Degree

"International Protection of Human Rights"

### **Goals and objectives of course**

The goals and objectives of the discipline are to create complex idea of International Humanitarian Law (IHL). The course is designed for the Law students having basic training on International Public and International Private Law specializing in PhD programs on international legal regulations. The course aims at training students' skills on elaboration of recommendations directed to the improvement of the Russian legislation in the sphere of international armed conflicts based on Treaties and Regulations of IHL at both universal and regional levels.

The main objectives of the course the following: to acquaint students with specific features of IHL subject, to define its place in the system of International Public Law, to analyze and study the system of sources of IHL, to create students' vision on the necessity of international intergovernmental and international non-governmental organizations participation in elaboration of IHL Rules.

### **Position of course in *curriculum***

The course is delivered in the second semester.

### **Requirements for the results of the course**

able to professionally apply normative legal acts in specific areas of legal activity, to implement the norms of substantive and procedural law in professional activity (PC-2);

able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3);

able to draw up an expert opinion reflecting the progress and results of the study on the issues raised by the initiator of the expert task (PC-4);

able to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5).

### **As a result, student must:**

#### **To know:**

- the corresponding conceptual device which will allow to use the received knowledge correctly;
- the specific features of IHL as a branch of International Public Law;
- the definition, specific features and system of sources of IHL;
- the specific features of subjects' structure of IHL;
- the definition and types of the international humanitarian organizations.

#### **To be able to:**

- analyze, make interpretation and correctly apply rules of International Public Law in specific event of armed conflict;
- be guided in IHL Treaties, including the analyze of their contents;

- estimate efficiency level of IHL use;
- assess the state, efficiency and prospects of states' collaboration in the field of protection of war victims at universal, regional and bilateral levels;
- give reason on current problems of IHL;
- offer measures for efficiency improvement of national law with the account of Russia Federation International Treaty obligations on protection of war victims;
- reveal and study the new legal issues arising from international legal regulations in specific event of armed conflict;
- study and discuss both national and foreign law literature;
- use the search systems of official sites of international intergovernmental and non-governmental organizations on protection of the victims of war issues, including a site of the United Nations (page "humanitarian affairs").

**Be skilled in:**

- working with the various sources of IHL;
- carrying out analytical research of IHL current problems;
- carrying out analytical research on theoretical and practical issues of IHL.

**The volume of course and types of activities**

Type	Total hours	Semesters	
			III
Total classes workload	36		36
Lectures	4		4
Classes	32		32
Independent work	108		108
Volume, hours	144		144
Volume, credits	4		4

**Contents of course**

Section 1. The Definition and Subject of IHL

The notion and definition of IHL. Subjects of IHL. Human rights and IHL. IHL is an integral part of International Public Law. A role of IHL in the contemporary world.

Section 2. The Sources of IHL and Principles of IHL

The Brief history of IHL development. The Sources of IHL. The international conventions and other treaties on human rights and freedoms. The codification IHL in brief. The notion of IHL principles. The system of IHL principles. The principle of humanity in IHL.

Section 3. The International Armed Conflicts and the Non-International Armed Conflicts

The concept of international armed conflict and its types. The concept of the conflict party and criterion of its determination. The concept of non-international armed conflict and its types.

#### Section 4. The International Armed Conflicts and the Non-International Armed Conflicts: Victims Protection

The protection of international armed conflicts victims. The protection of civilian objects in international armed conflicts. The non-international armed conflicts victims protection. The civilian population protection in non-international armed conflicts. The protection of human rights in the event of disorder and emergency. International Committee of Red Cross role in protection of human rights in international and non-international armed conflicts.

Section 5. The Prohibition or Restriction of Methods and Means of Warfare and Human Right International Law criteria of conventional weapons use prohibition or restriction and human rights. The general and special principles of conventional weapons use prohibition or restriction. Weapons of mass destruction and IHL. The problem of nuclear weapons use prohibition.

#### Section 6. The Implementation of IHL

Application and control over the implementation of IHL. Implementation of International Humanitarian Law within national systems. Dissemination of IHL.

#### Section 7. The Responsibility for Violations of IHL

Responsibility for violations of IHL: concept and specific features. Draft Code of Offences against the Peace and Security of Mankind of the International Law Commission of the United Nations. Conventions on responsibility for IHL violations, the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). The elimination of armed conflict consequences. The practice of the international courts in relation to violations of IHL and human rights.

#### Sections of Course and Education forms

Sections	Lectures	Classes	Independent work	Total hours
1	2	4	15	21
2		6	15	21
3		6	15	21
4		6	15	21
5	2	4	15	21
6		4	15	19
7		6	18	24

#### Technical equipment

Inter-University Resource Center for Human Rights Master Studies (office 354), AU database, ECOEAS database, EAS database, SADC database, UN database, OHCHR database, Oxford Journals database, desktop computers, laptop PCs, a bookbinding machine, a projector with a screen, a magnetic board, a flip chart, a laminating machine and a multifunction device.

### **Additional resources**

UN Audiovisual Library of International Law (<http://legal.un.org/avl/>), The Dag Hammarskjöld Library (<http://digitallibrary.un.org/>), Springer (<https://rd.springer.com/>). Business & Human Rights Resource Centre (<https://www.business-humanrights.org/>).

### **Literature**

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6. Asymmetrical warfare and challenges to international humanitarian law Wolff Heintschel von Heinegg. - Milano: Franco Angeli: International Institute of Humanitarian Law, 2011. - p. 83-95. - In: Global violence: consequences and responses. - Cote 355/699.
7. Child soldier victims of genocidal forcible transfer: exonerating child soldiers charged with grave conflict-related international crimes Sonja C. Grover. - Heidelberg [etc.]: Springer, 2012. - XVI, 302 p.; 22 cm. – Cote 362.7/355.
8. Children as direct participants in hostilities: new challenges for international humanitarian law and international criminal law Hilly Moodrick-Even Khen. - New York: Columbia University Press, 2011. - p. 133-149. - In: New battlefields, old laws: critical debates on asymmetric warfare. – Cote 345.2/871.

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15. *Essays on law and war at the fault lines* Michael N. Schmitt. - The Hague: T. M. C. Asser Press; Berlin; Heidelberg: Springer, 2012. - XII, 637 p.; 24 cm. - Cote 345.25/246.
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### **Guidelines on the organization of the course:**

Lectures. Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia and audiovisual and presentation. Classes. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of lecture material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical report on them. Methodological model of the learning process. In framework of classes the following techniques and methods: survey, discussion, interactive. Independent work. In a broad sense, the independent work of master should be understood as the set of all self-employment in the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source. Forms of control. Under the two forms of control means in the form of certification testing, writing essays.

### **Evaluation**

Materials for assessing the level of the educational materials of the course (evaluation materials), including questions on the topics of the course, concepts, roles and expected result for each task, examples of test tasks, an example of a hypothetical case, topics of reports / abstracts / term papers are developed in full and are available to students on the course page on system.rudn.ru.

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