

Course Outline

Course number	
Course title	International Humanitarian Law and Responsibility
Credit points	3 ECTS (2 CP)
Total hours	24
Lecture hours	24
Seminar and other hours	0
Course level	Masters
Prerequisites	None

COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Alexandra Hofer and León Castellanos-Jankiewicz	PhDs in Public International Law	Postdoc and researcher, respectively

COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Alexandra Hofer (AH)	PhD in public international law	Postdoc
León Castellanos-Jankiewicz (LC)	PhD in International Law	Researcher

COURSE ABSTRACT

The part on international humanitarian law will examine the main principles and sources of IHL as well as its scope of application. At the outset, the course will examine the definition and scope of international humanitarian law, and then explore the *lex specialis* character of international humanitarian law in situations of armed conflict. It will further deal with the vital distinction between international armed conflicts, non-international armed conflicts and internationalized armed conflicts. The course will then examine the qualifications of laws applicable to each of the actors operating on the battlefield and address the principle of distinction between combatants and non-combatants. Further, students will get an insight into the practical aspects of conducting operations, namely, principles of international humanitarian law and methods and means of warfare. The course will end with the complex situations of detention and occupation.

The course will then examine the operationalization of international humanitarian law through international criminal law by discussing modes of responsibility and liability. The origins of international crimes will be presented, as will the core international crimes: aggression, war crimes, crimes against humanity and genocide. Furthermore, the genesis of international criminal tribunals, including the International Criminal Court, will be covered, as well as modes of cooperation and complementarity between national and international courts and jurisdictional issues.

LEARNING OUTCOMES

Knowledge

1. Students will learn to grasp and discuss the main concepts of humanitarian law, including principles and rules applicable during an armed conflict.
2. Students will learn how international law holds individuals criminally responsible for the core international criminals.
3. Students will acquire an in-depth theoretical knowledge of how to assess problematic topics in international humanitarian law and international criminal law.

Skills

1. Students will be able to apply international humanitarian law to different types of armed conflicts involving various kinds of state and non-state actors.
2. Students will develop their legal reasoning skills and will be able to determine the applicable law and jurisdictional challenges of international criminal tribunals.
3. Students will understand the political challenges involved in enforcing international humanitarian law and international criminal law.

Competence

1. Students will be able to operationalize the concepts of international humanitarian law to the field of international criminal law
2. Students will be able to assess real-life, ongoing situations of armed conflict in accordance with legal principles and norms.
3. Students will benefit from this course in their future work at international organizations, international courts, non-governmental organizations or State foreign affairs or defence ministries' humanitarian law and crises management departments.

GRADING CRITERIA

Criteria	Weighting
Participation in seminars (International Humanitarian Law part)	10%
Participation in seminars (International Criminal Law part)	20%
Paper for the International Humanitarian Law part	40%
Exam for the International Criminal Law part	30%
Total	100%

COURSE PLAN – MAIN SUBJECTS

No.	Main subjects	Planned hours
1	Basic tenets of IHL: the main principles of IHL, relations to other fields of international law, IHL's applicability and sources	4
2	Principle of distinction, prohibited and permitted conduct during hostilities, methods and means of warfare	4
3	Combatants and civilians under enemy control, detention in the context of IAC and NIAC, occupation	4

4	Origins of international criminal law, core international crimes	4
5	International criminal tribunals, jurisdictional matters, cooperation	4
6	Forms of individual criminal liability, rights of the accused, state responsibility	4

COURSE PLAN – SESSIONS

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/seminar</i>
1	Introduction, including the main principles of IHL, sources of IHL	Lecture (AH)
2	<p>Scope of application, relation to other sources of international law</p> <p>Readings:</p> <p>Michael N. Schmitt, 'Wired warfare: Computer network attack and <i>jus in bello</i>' (2002) 84 IRRC 365-399</p> <p>Bryan R. Early and Marcus Schulzke, 'Still Unjust, Just in Different Ways: How Targeted Sanctions Fall Short of Just War Theory's Principles' (2018) <i>International Studies Review</i>, only pp. 6-13</p>	Lecture/seminar (AH)
3	Prohibited and permitted conduct during hostilities, distinguishing who and what may be attacked from who and what must be spared;	Lecture (AH)
4	<p>Methods and means of warfare (i.e. weapons), including the case of autonomous weapons systems</p> <p>Reading:</p> <p><i>Autonomous Weapons Systems, Law, ethics and policy</i> (CUP 2016): Christof Heyns, 'Introduction' 1-19, and Pablo Kalmonovitz, 'Judgment, liability and the risks of riskless warfare' 145-154</p>	Lecture/ seminar (AH)
5	Combatants and civilians under the control of 'the enemy', detention and prisoners of war	Lecture (AH)
6	<p>Occupation, focus on the Israeli and Palestinian conflict</p> <p>Reading:</p> <p>Excerpts from International Court of Justice, 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory', Advisory Opinion of 9 July 2004: paras 70-78, 86-101, 114-126</p> <p>Alexandra Hofer, 'Wars of Wor(l)ds – clashing narratives and interpretations of I(H)L in the intractable Israeli-Palestinian conflict' in <i>International Humanitarian Law and Justice: Historical and Sociological Perspectives</i> (Routledge 2019) 160-172</p>	Lecture/seminar (AH)
7	<p>Subject: Origins of international criminal law</p> <p>Reading:</p> <p>Anders Henriksen, <i>International Law</i>, 2nd ed., Chapter 15: 'International Criminal Law', Oxford, Oxford University Press (2017).</p>	Lecture (LC)

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/seminar</i>
8	<p>Subjects: Core international crimes: war crimes, aggression, crimes against humanity and genocide</p> <p>Reading:</p> <p>George Andreopoulos, Chapter 53: ‘Genocide, War Crimes and Crimes against Humanity’, in Mangai Natarjan (ed), <i>International and Transnational Crime and Justice</i>, Cambridge, Cambridge University Press (2019) pp. 321-326.</p>	Lecture/seminar (LC)
9	<p>Subjects: International criminal tribunals: from Nuremberg to the International Criminal Court</p> <p>Reading:</p> <p>Anders Henriksen, <i>International Law</i>, 2nd ed., Chapter 15: ‘International Criminal Law’, Oxford, Oxford University Press (2017).</p>	Lecture (LC)
10	<p>Subjects: Jurisdiction of international criminal tribunals including universal jurisdiction, issues of cooperation and complementarity, domestic prosecution of international crimes</p> <p>Readings:</p> <p>Roger O’Keefe, <i>International Criminal Law</i>, Chapter 1: ‘The International Rules on National Jurisdiction’, Oxford, Oxford University Press (2017).</p> <p>Case concerning the arrest warrant of 11 April 2000 (<i>Democratic Republic of the Congo v Belgium</i>), Judgment of 14 February 2002, International Court of Justice.</p>	Lecture/seminar (LC)
11	<p>Subjects: Forms of individual criminal liability, rights of the accused, defences</p> <p>Readings:</p> <p>Robert Cryer et al., <i>International Criminal Law and Procedure</i>, Chapter 15: ‘General Principles of Liability’ Cambridge, Cambridge University Press (2007), pp. 301-330.</p>	Lecture (LC)
12	<p>Subject: Issues of state responsibility and review session</p> <p>Reading:</p> <p>Eric Wyler and León Castellanos-Jankiewicz, ‘State Responsibility and International Crimes’, in W. Schabas and N. Bernaz (eds) <i>Routledge Handbook of International Criminal Law</i>, Routledge, 2011, pp. 385-405.</p>	Seminar (LC)

COURSE RESULTS

By completing the study course and successfully passing examination, the student will be able to:

<i>Study results</i>	<i>Evaluation criteria</i>		
	<i>(40-69%)</i>	<i>(70-89%)</i>	<i>(90-100%)</i>

Knowledge	The student has acquired only basic knowledge of the course subject. The student lacks understanding of some of the core issues of the course subject.	Overall, the student's knowledge complies with the expectations. However, there are issues that the student does not fully understand.	The student has demonstrated in-depth knowledge and understanding of the issues related to the course subject.
Skills	The student has demonstrated only basic level of skills.	The student has demonstrated good skills.	The student has demonstrated excellent skills.
Competencies	The student can apply the knowledge only at a basic level. The student struggles with assessment and evaluation of legal issues. The student can identify the relevant legal norms. However, the student cannot correctly apply them.	The student can apply the knowledge at a reasonably good level. However, the student does not have the necessary level to be able to fully apply the acquired knowledge independently. The student has some problems to correctly apply the legal norms.	The student is able to apply the knowledge independently and correctly. The student can assess and evaluate legal issues, identify the relevant legal norms, and correctly apply them.

COURSE LITERATURE

No.	Author, title, publisher
Mandatory reading materials	
1	Michael N. Schmitt, 'Wired warfare: Computer network attack and <i>jus in bello</i> ' (2002) 84 IRR 365-399
2	Bryan R. Early and Marcus Schulzke, 'Still Unjust, Just in Different Ways: How Targeted Sanctions Fall Short of Just War Theory's Principles' (2018) <i>International Studies Review</i> , only pp. 6-13
3	<i>Autonomous Weapons Systems, Law, ethics and policy</i> (CUP 2016): Christof Heyns, 'Introduction' 1-19, and Pablo Kalmonovitz, 'Judgment, liability and the risks of riskless warfare' 145-154
4	Excerpts from International Court of Justice, 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory', Advisory Opinion of 9 July 2004: paras 70-78, 86-101, 114-126
5	Alexandra Hofer, 'Wars of Wor(l)ds – clashing narratives and interpretations of I(H)L in the intractable Israeli-Palestinian conflict' in <i>International Humanitarian Law and Justice: Historical and Sociological Perspectives</i> (Routledge 2019) 160-172
6	Anders Henriksen, <i>International Law</i> , 2 nd ed., Chapter 15: 'International Criminal Law', Oxford, Oxford University Press (2017).

7	Eric Wyler and León Castellanos-Jankiewicz, 'State Responsibility and International Crimes', in W. Schabas and N. Bernaz (eds) <i>Routledge Handbook of International Criminal Law</i> , Routledge, 2011, pp. 385-405.
8	Case concerning the arrest warrant of 11 April 2000 (<i>Democratic Republic of the Congo v Belgium</i>), Judgment of 14 February 2002, International Court of Justice.
9	Robert Cryer et al., <i>International Criminal Law and Procedure</i> , Chapter 15: 'General Principles of Liability' Cambridge, Cambridge University Press (2007), pp. 301-330.
10	Roger O'Keefe, <i>International Criminal Law</i> , Chapter 1: 'The International Rules on National Jurisdiction', Oxford, Oxford University Press (2017).
11	George Andreopoulos, Chapter 53: 'Genocide, War Crimes and Crimes against Humanity', in Mangai Natarjan (ed), <i>International and Transnational Crime and Justice</i> , Cambridge, Cambridge University Press (2019) pp. 321-326.
Supplementary reading materials	
5	The course syllabus: ICRC, coordinated by Nils Melzer and Etienne Kuster, <i>International Humanitarian Law A Comprehensive Introduction</i> , available here: https://www.icrc.org/en/document/qa-international-humanitarian-law-comprehensive-introduction
6	Marco Sassoli, <i>International Humanitarian Law, Rules, controversies, and solutions to problems arising in warfare</i> (Edward Elgar Publishing 2019)
7	Robert Kolb, <i>Advanced Introduction to International Humanitarian Law</i> (Edward Elgar Publishing 2014)
8	Dražan Djukić and Niccolò Pons, <i>The Companion to International Humanitarian Law</i> (Brill 2019)

Programme director	/signature/	/date/
Field expert	/signature/	/date/
Course responsible <i>Dr Alexandra Hofer and Dr León Castellanos-Jankiewicz</i>	/signature/	/date/