

Module 2

International Humanitarian Law



International Humanitarian Law

- IHL is a set of rules that seek, for humanitarian reasons, to limit the effects of armed conflict.
- IHL acknowledges the reality of war and tries to protect lives and preserve humanity.
- IHL is made up of International Treaty Law and Customary International Law.



The Geneva Conventions

- Geneva Convention of 1864
- Geneva Conventions of 1949
- 1977 Additional Protocols
- The United States played a key role in drafting these conventions.



What Happens When IHL is Violated?

- Countries must incorporate the Geneva Conventions into their own laws so violations of IHL by their people can be handled their courts.
- Only grave breaches of IHL are considered war crimes, and the Geneva Conventions require that countries prosecute war crimes.
- If countries are unwilling or unable to hold a trial for a war crime, and have ratified the Rome Statute, the International Criminal Court could try the case.



The Four Principles of IHL



Military Necessity



Distinction



Proportionality



Limiting Unnecessary Suffering



Principle of Military Necessity

- Combatants can only engage in military actions necessary to defeat the enemy, provided their actions are not otherwise unlawful under IHL.



Principle of Distinction

- All parties to a conflict must distinguish between civilians and combatants, and between military objectives and civilian objects.
- Combatants must distinguish themselves from the civilian population while engaged in an attack.



| People | Objects |
|------------------|-----------------------|
| ✓ Combatants | ✓ Military Objectives |
| ✗ Non-Combatants | ✗ Civilian Objects |
| ✗ Civilians | |



Principle of Proportionality

- Parties to a conflict should not commit acts of war where the anticipated loss of civilian lives, injury to civilians, and damage to civilian property is excessive in relation to the direct and concrete advantage expected to be gained.



Principle of Limiting Unnecessary Suffering

- Parties to a conflict should not use means and methods of warfare that are designed to cause unnecessary suffering.



Feasible Precautions



Scenario: First Shots Fired

- On June 30th, the county of Westovia fired shots at the country of Eastland. Westovia felt that Eastland's lucrative syrup industry couldn't go unchecked any longer. The two countries are now at war with heightening tensions.
- As the war rages on, more young people have been drafted to fight for the Westovian regime. You and your friends are called to serve your country and must now join the fight.



Targeting

- After months of fighting, Eastland has pushed the attacking troops back into Westovian territory. One final stronghold remains in the town of Pleasantville. The town of Pleasantville hosts many enemy combatants but is also home to 200,000 civilians.
- As combatants, you must constantly make split second decisions about what to target and what to protect. Destroy the military objectives in the town of Pleasantville using the artillery provided.





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Making a case

- Congratulations! You have been selected as a Military Judge Advocate. Listen to the following scenarios and determine if you are for or against the following actions.
- Listen to the case then go to the side of the room that best corresponds with your opinion. Prepare to defend your answer.
- The majority will rule the decision.



A huge battle has occurred in a Westovian field by the border, and hundreds lie dead or wounded. Medical supplies are limited, and a doctor is conflicted about whom to treat. Does the doctor still need to use supplies on enemy Eastlandian combatants?

Yes

No



Yes. Medical personnel must treat all wounded and sick without discrimination.



During an armed conflict, a Westovian Army Officer travels to the Eastern territories for a romantic getaway in a rustic mountain cabin. An Eastlandian Combatant spots him. Can the Eastlandian Combatant attack the Westovian Army Officer?

Yes

No



Yes. If individuals are combatants, they can be targeted at any time, even when off duty.



When Westovian combatants enter the city of Caramelville, a local Eastlandian farmer picks up a gun and joins in the hostilities. Can the farmer be attacked?

Yes

No



Yes. In an armed conflict, when civilians decide to join in the fight, it is called Direct Participation in Hostilities. They can be attacked for such time as they participate in hostilities.



While trekking through the Frosting Mountains, a 12-year-old boy with a gun is acting as a lookout. He spots your troops and is about to radio your location. Can the boy be attacked?

Yes

No



Yes. Targeting the child fighter is lawful because he is participating in hostilities.



A bomb is set to go off in Westovia's capital in 24 hours. Westovia holds an important Eastlandian Officer who probably has information about the bombing. Is torture allowed as a last resort means of interrogation?

Yes

No



No. Torture, by international law, is prohibited in IHL.



An Army Officer commands a subordinate to kill some prisoners of war while they are asleep in their cell. The subordinate completes the task. Is the subordinate responsible for the war crime?

Yes

No



Yes. Subordinates must disobey a clearly unlawful order that violates IHL.

