

Cross, it is important that we use these principles while implementing the campaigns. As a note, these principles are separate from the IHL principles we will learn later!



Optional Activity: Ask youth to draw a picture, create a skit, tell a story, write a poem or have a discussion about one or more of the principles. If you have a small group, each person could take a different principle.



With smaller groups: Create a game. Conduct charades, Pictionary, taboo, or a combination of all three to help youth express and remember the principles.

Handbook page 6

International Humanitarian Law

2 min



Coordinator's Notes:

Module 2 Objectives

Learn a brief history of and description of IHL.
Analyze situations that occur during armed conflicts and understand how principles of IHL apply.
Learn about protections under IHL for:

- Health care workers and facilities
- The wounded and sick
- Civilians and civilian objects
- Religious and cultural objects
- Red Cross and Red Crescent Emblems
- Prisoners of War

Module 2 International Humanitarian Law



American
Red Cross



Say: Now that we have learned that IHL has been a central part of the founding of the Red Cross and Red Crescent Movement, let's learn more about building blocks and principles of IHL.



Coordinator's Notes:



Say: *As long as there have been armed conflicts there have been rules that governed armed conflicts. As armed conflicts have evolved so have these rules. Most of these rules are based on the morals and values of various cultures.*

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 armed conflict. During armed conflicts actions that would never be allowed during peacetime, like killing someone, suddenly become lawful. IHL attempts to protect lives and preserve humanity when it seems like all other rules have broken down.

IHL protects people who are not or are no longer participating in hostilities, like civilians or the sick and the wounded. It also restricts the means and methods of warfare in order to limit certain weapons and strategies that cause unnecessary suffering.

*IHL is made up of **international treaty law** and **customary international law**. International treaty law includes formal international agreements like the Geneva Conventions.*

Customary international law is developed when a significant number of nations consistently do a certain practice to the point that it is eventually recognized as an obligation on all nations despite the fact that it is not written in a formal treaty.

It is similar to the way that many people in the United States tend to walk on the right side of the sidewalk, not because it is a written law but simply because it is a social norm that helps decrease confusion when two people are walking towards each other.

When enough nations adhere to the same practice and it inspires a sense of obligation to comply with the practice, the practice becomes accepted as customary international law.

IHL has been at the heart of the Red Cross and Red Crescent Movement since the very beginning. The Movement continues to promote IHL and educate the public

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.



10

about the laws of armed conflict. As IHL Youth Action Campaign team members, you now also carry forward this important mission!

Handbook page 7

International Humanitarian Law

2 min



Coordinator's Notes:



Say: *A year after Henry Dunant founded the International Committee of the Red Cross (ICRC), the first treaty that championed his ideas was signed by twelve governments in the Geneva Convention of 1864.*



Ask: *What do you think a convention is?*



Say: *A **convention** is an international agreement between nations. The Geneva Convention of 1864 contained ten brief articles that protect medical personnel and wounded soldiers during armed conflicts. It took Clara Barton 18 years to lobby the U.S. government until President Chester Arthur signed the Geneva Convention and the Senate ratified them. After the Geneva Conventions of 1864, additional treaties in The Hague and Geneva were developed to offer further protections applicable in armed conflicts.*

The next major development in IHL occurred after the atrocities of World War II. The Geneva Conventions of 1949 aimed to prevent the atrocities of World War II from ever occurring again by providing the first universally accepted codification of laws that govern armed conflicts. Every nation in the world has signed the Geneva Conventions and has adopted them as law. These revolutionary treaties became the cornerstone of International Humanitarian Law. The Additional Protocols of 1977 further developed the laws that govern armed conflict, though they have not been ratified by as many nations as the earlier Geneva Conventions. Some countries, including the United States, have not ratified them.

These are only a few of the international agreements that make up international humanitarian law. Other treaties and customary international law contribute to a large body of law that protect the victims of armed conflict.

The United States of America played a key role in drafting the Geneva Conventions and has historically promoted the adoption of international laws that govern armed conflict.



Ask: *Why do you think that the rules that govern armed conflicts keep changing?
What is humanity? How can humanity be violated or respected during times of armed conflict?*

Handbook page 7

International Humanitarian Law

2 min



Coordinator's Notes:



Say: *So what happens when the rules of war are violated? States must actually incorporate the Geneva Conventions into domestic law so violations of IHL can be handled domestically. In the U.S., most of these cases are handled internally through military courts.*

I'm sure you've heard a lot about the term "war crime," so what actually counts as a war crime? Only grave breaches of IHL are considered war crimes, and the Geneva Conventions require that states prosecute war crimes.

If states 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 United States has signed but not ratified the Rome Statute, so Americans that commit war crimes are not tried by the International Criminal Court.

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.





Coordinator's Notes:

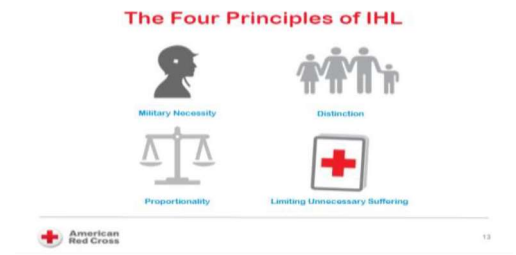
Video Add-On: See supplemental videos to the Four Principles to pair/replace with each of the principles on the slides that follow here:

<https://www.rulesofwar.org/videos>



Say: *There are four principles that form the foundation upon which IHL is built. Sometimes there are clearly right and wrong military actions, but often decisions become difficult in the fog of war. These four principles are at the heart of IHL and guide the decisions parties to a conflict make.*

Often there is no universal test that can determine when the principles are being respected or violated and arguments can be made for either side. As we begin to look at the situations that can arise from armed conflict, notice how the various principles can complement or contradict one another.



Coordinator's Notes:



Say: *The first principle we will discuss is **military necessity**.*

Military necessity acknowledges there are certain acts that are necessary in armed conflicts.

Combatants can only engage in military acts necessary to achieve the submission of the enemy, provided their actions are not otherwise unlawful under IHL.

If an attack does not have a legitimate military objective or if it violates other provisions of IHL, then it does not adhere to the principle of military necessity.



Put another way, combatants cannot just attack anyone or anything for no reason. They must make the case that the outcome will lead to a military advantage and that the actions are legal under IHL.

For example, in an armed conflict, if the enemy is just a few miles away, then destroying a bridge to keep the enemy from crossing is probably a military necessity.

On the other hand, there is likely no military necessity in blowing up a bridge when the enemy is a thousand miles away and is in no danger of crossing it anytime soon, or even at all.

The reason we discuss Military Necessity first is because if a military action does not adhere to this principle, there is absolutely no reason to move forward with a military action. There must be an anticipated military advantage to be gained by the action, otherwise the military action is unlawful.

Example: A real-life example of the Principle of Military Necessity in practice was during World War II when the U.S. conducted its first bombing mission in Europe on July 4, 1942. The U.S. targeted German airfields because they were being used for military action by the Germans. This military use of the airfields determined their status as valid military targets.

Handbook page 8-9

International Humanitarian Law

2 min



Coordinator's Notes:



Say: The next principle is the Principle of Distinction. The Principle of Distinction states that all parties to a conflict must distinguish between civilians and combatants and also between military objectives and civilian objects.

Combatants must also distinguish themselves from the civilian population while engaged in an attack.



Say: To help distinguish who should be attacked and who should be protected, IHL categorizes people and objects.

Combatants are members of a state's armed forces. They can lawfully engage in the fighting but can also be lawfully targeted. If captured, they must be treated as

Principle of Distinction

- All parties to a conflict must distinguish between civilians and combatants and also 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	



10

Prisoners of War and cannot be criminally charged for their lawful acts done during armed conflict. Combatants are required to distinguish themselves from civilians. This is often done by wearing uniforms.

Sometimes there are people who choose to fight, but who do not have the legal authority to engage in armed conflict. These are often armed groups that are not associated with a government, and in fact often fight government. These people are not considered combatants, because their actions are not legal. How to classify them can get very complicated, so for our purposes, we'll stick with these three categories of people.

Non-combatants *are members of armed forces who are medical personnel and chaplains. They may not engage in the fighting and cannot be intentionally targeted. If captured, they must be returned to their own side but may choose to stay and attend to Prisoners of War from their own countries. The word chaplain as used in IHL applies to all religions.*

Civilians *include everyone else. In fact, everyone must be assumed to be a civilian, unless there is evidence otherwise. Civilians cannot be directly targeted by parties to a conflict. If a civilian engages in armed conflict, such as participating in a rebel group, they lose the protection afforded to civilians for such time as they directly participate in hostilities.*

Military Objectives: *Military objectives are objects which by their "nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."*

Civilian Objects: *All objects are to be considered civilian objects unless they are distinctly military objectives.*

Example: *In 2015, trucks driving oil for ISIS were determined to be valid military objectives by the U.S. However, the drivers of the trucks were civilians, so the U.S. was challenged to destroy the trucks while complying with the principle of distinction and sparing the civilian drivers. The U.S. decided to release leaflets over the moving trucks that essentially said "Get out of your trucks and run away from them." This warning allowed the truck drivers to get away from their trucks before they were attack. This way the U.S. could direct their attack only on the military objectives while protecting the civilian drivers, thereby abiding by the Principle of Distinction.*



Coordinator's Notes:



Say: *Combatants must not engage in an attack where the anticipated loss of civilian life, injury to civilians or damage to civilian objects is excessive in relation to the direct and concrete military advantage that is anticipated by conducting the attack.*

Even though civilians cannot be targeted purposefully, IHL recognizes that civilians and civilian objects may be inadvertently harmed.

*This is often referred to as **collateral damage**. Parties to a conflict are obligated to take measures to minimize collateral damage.*

The principle of proportionality requires parties to a conflict to consider if the collateral damage expected to be caused by a military attack is excessive in relation to the anticipated military advantage.

Proportionality is one of the hardest principles to understand and apply because it is a judgement call. There is no recognized metric of the worth of a military advantage in relation to the loss of civilian lives and property.

Example: *The Principle of Proportionality is put into practice every day during the current conflict in Afghanistan. For example, US commanders are told that they cannot bomb a place if the commander believes that there will be even one civilian casualty. This is part of the US Secretary of Defense zero-civilian casualty policy for the conflict in Afghanistan. The policy isn't because the law says there must be zero incidental loss of civilian life, but rather because the Secretary of Defense has determined that at this point in the conflict, it isn't proportional to have incidental loss of civilian life and that the US can find ways to accomplish the mission without the loss of civilian life. In other words, by this policy he has made the proportionality decision that obtaining a military objective in this conflict is not proportional to the loss of life for even one civilian.*

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.



American Red Cross

18



Coordinator's Notes:



Say: *The principle of **Limiting Unnecessary Suffering** prohibits means and methods of warfare that would cause unnecessary suffering to combatants or civilians.*

Principle of Limiting Unnecessary Suffering

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



American Red Cross

17

Means of warfare include tools or weapons used to carry out military attacks.

Methods of warfare are the strategies and tactics used when carrying out an attack. This principle recognizes that in armed conflicts, where two sides have resorted to violence, a certain amount of suffering will necessarily take place.

The idea behind the principle is that the means and methods of warfare should not be designed to cause more suffering than necessary to accomplish military goals.

For example, to shoot a combatant with a normal bullet will cause suffering and maybe even death. While unfortunate, this is permissible under IHL.

However, to shoot a combatant with a bullet that is designed to break apart into tiny fragments that are impossible for medical personnel to remove just so that the person will suffer in pain for years, is impermissible.

If the only reason to use this type of bullet is to make people suffer more than if they were shot with a regular bullet, then it violates the Principle of Limiting Unnecessary Suffering. Parties to a conflict should uphold the Principle of Limiting Unnecessary Suffering by conducting reviews of their methods and means of warfare.

A real-life example of the Principle of Limiting Unnecessary Suffering can be seen in the treaty to ban chemical weapons. Chemical weapons, including poisonous gas had been used in warfare starting in World War I and continue to be used through the Iran-Iraq conflict in the 1980s. These weapons caused a great deal of long-term suffering without increasing military advantage. States joined together and agreed to no longer develop or use this means of warfare and to destroy existing stockpiles of these weapons.

**Coordinator's Notes:**

Say: *The four fundamental principles of IHL are implemented by taking feasible precautions to avoid violating IHL during military operations.*

Feasible Precautions

American Red Cross

18

To be feasible, precautions must be practicable considering the circumstances ruling at the time.

Ask: *Why do you think this photo represents a feasible precaution?*

Answer: *Because it demonstrates combatants working at night, when civilians are most likely away from public places and off the streets.*

Precautions when conducting an attack may require that the attacker consider:

1. *Cancelling an attack when it is clear the attack will result in a violation of IHL.*
2. *Choice of military objectives to attack-the objective that results in the least danger to civilians should be chosen*
3. *Timing of the attack*
4. *Type of weapons used to carry out the attack*

Precautions against the effects of an attack may require that the attacker consider:

1. *Removing the civilian population and civilian objects from the vicinity of military objectives*
2. *Avoiding placing military objectives near or within densely populated areas*
3. *Conducting certain attacks at night to reduce casualties*
4. *Publishing a warning of an impending attack via social media or SMS to residents of the target zone*

**Coordinator's Notes:**

Say: *Now that we have learned about the four principles of IHL, let's put our knowledge to the test. The next activities will help you to apply the Four Principles of IHL and understand some of the challenges parties to a conflict face with limits to time, information and weaponry. The following scenario will inform the simulation.*

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.

American Red Cross International Humanitarian Law

19

On June 30th, 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.

Handbook page 11

International Humanitarian Law

2 min



Coordinator's Notes:

The purpose of this activity is to help participants apply their knowledge of IHL to targeting scenarios. After the activity, participants should understand some of the challenges of making decisions during an armed conflict with limits to time, information and weaponry.

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.



Set up: Print the photos in the next slides and arrange eight bottles with the printed photos attached in a cluster, like pins in bowling. Put the bottles close enough together that if one is hit it could knock over others but in a manner that is not so difficult as to make it impossible to target the military objectives.

Instructions: Read the above scenario to the participants and then ask them to stand behind a line. Offer "artillery" in the form of tennis balls, beach balls, golf balls, etc. The balls should be a variety of sizes in order to emphasize the advantages of different weapons.

Instruct the participants to destroy the military objectives with the provided artillery, while staying behind the line. Do not give further instructions.

After the Activity: Sort the bottles with pictures into two groups - the ones the participants hit and the ones they left standing. Ask why they chose to target the pictures that they did. Examine if there were any that were knocked over accidentally and discuss how challenging it can be to have perfect information or avoid collateral damage. Then review the photos in the next slides from the targeting activity and explain why they are targetable or not.



Coordinator's Notes:



Say: Combatant – Combatants are targetable under IHL unless they are wounded, sick, are captured, or surrender and become hors de combat (out of combat).



Coordinator's Notes:



Say: Tractor – Tractors are civilian objects and Items necessary for civilian survival should not be attacked under IHL.



Coordinator's Notes:



Say: Combatants with Howitzer – These combatants are targetable as well as the weapons. The weapons are targetable because their “nature” as a weapon makes it targetable by default.





Coordinator's Notes:



Say: Helicopter – Though the helicopter looks like it could belong to the military, notice the Red Cross emblem. The Red Cross Emblem has a special status in IHL and objects with the emblem must not be attacked.



American Red Cross

24



Coordinator's Notes:



Say: Combatants in hospital – Similar to the church, hospitals have special protections under IHL. The health care workers, wounded and sick are all protected under IHL and cannot be attacked. Even though combatants can always be attacked, the artillery provided would have destroyed the hospital as well so parties to an armed conflict should wait till combatants are away from the hospital.



American Red Cross

25



Coordinator's Notes:



Say: Combatant playing saxophone – The combatant is targetable; the children are not. A proportionality analysis must be conducted and feasible precautions made. If the combatant is so important that attacking them creates a concrete military advantage, then the principle of military necessity can be applied and the combatant is targetable.



American Red Cross

26

**Coordinator's Notes:**

Say: *Now that you've practiced thinking like a combatant, let's practice thinking like lawyers. 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 (continue to explain the instructions).*



Set up: *Label one side of the room "yes," the other "no."*

Clear enough space in the room to be able to walk back and forth.

Instructions

Explain that participants will be asked to determine what they believe should be done in series of cases. Explain that they will be given a number of scenarios and choose the side of the room that corresponds with their opinion. Though we will provide how IHL responds to each scenario, we are not looking for what is morally "right" or "wrong." IHL is a body of law that deals with difficult choices and we should respect the participants' decisions in these difficult situations.

Read each scenario in a clear voice and give participants time to choose a side. After participants have chosen a side, ask for individuals to make an argument. Encourage participants to use the principles in their response. Feel free to generate a bit of a debate by asking additional questions and building out the scenarios.

When you reveal how IHL responds, be sure to preface it with "this is how IHL responds." We want them to practice analyzing a situation and making a case rather than just trying to guess the "right" answers.

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.



American Red Cross

27

**Coordinator's Notes:**

Read the scenario.

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



Possible follow-up questions: *What if it was your friend who was hurt?*

What if a wounded enemy combatant had just hurt your friend before becoming wounded?

What if you had plenty of supplies, would that make a difference?

Handbook page 1

International Humanitarian Law

2 min



Coordinator's Notes:



Read the answer.

Yes, medical personnel must treat all wounded and sick without discrimination.



29

Handbook page 1

International Humanitarian Law

2 min



Coordinator's Notes:



Read the scenario.

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



30



Possible additional questions include: *What if the army officer was important, or held important military information?*



Coordinator's Notes:



Read the answer.

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



Coordinator's Notes:



Read the scenario.

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



Coordinator's Notes:



Read the answer.

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.



Coordinator's Notes:



Read the scenario.

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?



Potential follow-up questions:

What if the child was 8 years old? What if he was 15?



Coordinator's Notes:



Read the answer.

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



Coordinator's Notes:



Read the scenario.

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



Coordinator's Notes:



Read the answer.

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



Coordinator's Notes:



Read the scenario.

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?



Coordinator's Notes:



Read the answer.

Yes, subordinates must disobey a clearly unlawful order that violates IHL.

