

**MODULE II:
International
Humanitarian
Law (IHL) Basics**



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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.



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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.



TYPES OF ARMED CONFLICTS

Non-international Armed Conflict (NIAC)

- Between a State and a non-State armed group or between multiple non-State armed groups
- 29 articles (Common Article 3 and AP II)



International Armed Conflict (IAC)

- Between two or more States
- 600 articles (four Geneva Conventions and AP I)



IHL DOES NOT APPLY



Internal Tensions or Disturbances

- Do not meet threshold of armed conflict
- Domestic Law



FUNDAMENTAL PRINCIPLES OF IHL

- Military Necessity
- Distinction
- Proportionality
- Limiting Unnecessary Suffering



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Principle of Military Necessity

MILITARY OBJECTS

The Rule:

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





Principle of Distinction

The Rule:

The Parties to the conflict shall at all times distinguish between:

- Civilians and combatants; and
- Civilian objects and military objectives.

They will direct their operations  only against military objectives.



vs.





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VS.





Principle of Proportionality

The Rule:

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



The Rule:

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



Targeting Activity

- 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.



Is this object
a legal
target?





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a legal
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**Is this object a
legal target?**



Is this object a legal target?





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.

IHL Accountability: Key Terms

- **War Crimes:** Serious or grave violations of IHL, committed against persons or objects in connection to an armed conflict.
- **Crimes Against Humanity:** The commission of certain inhumane acts committed as part of a **widespread or systematic attack** directed against a civilian population.
- **Genocide:** Acts committed with the **intent to physically destroy**, in whole or in part, a **national, ethnic, racial or religious group**.



International Criminal Law and IHL

- International criminal law (ICL) is a field of last resort that focuses on rendering individual criminal responsibility.
- IHL is enforced through courts' use of ICL.
- Domestic and international courts both prosecute war crimes but in different ways.



Domestic Courts

- Domestic courts are the most common venue for prosecution of war crimes:
 - The country where a war crime was committed can prosecute the individuals responsible.
 - Countries can also prosecute their own citizens for war crimes committed abroad in certain circumstances.
 - A country's national laws would be applied in the prosecution.



International Criminal Courts



- International courts are used as a last resort and only used if domestic or military courts are unwilling or unable to prosecute.
- Courts apply international criminal law in the prosecution of war crimes.
- The most well-known is The International Criminal Court.





Making a Case

- Congratulations! You now acting as a Military Legal Advisor. Listen to the following scenarios and determine if you are for or against the following actions, using your knowledge of IHL as a guide.
- 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.

Scenario I

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?



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YES / NO



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Scenario I

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

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



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Scenario 2

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?



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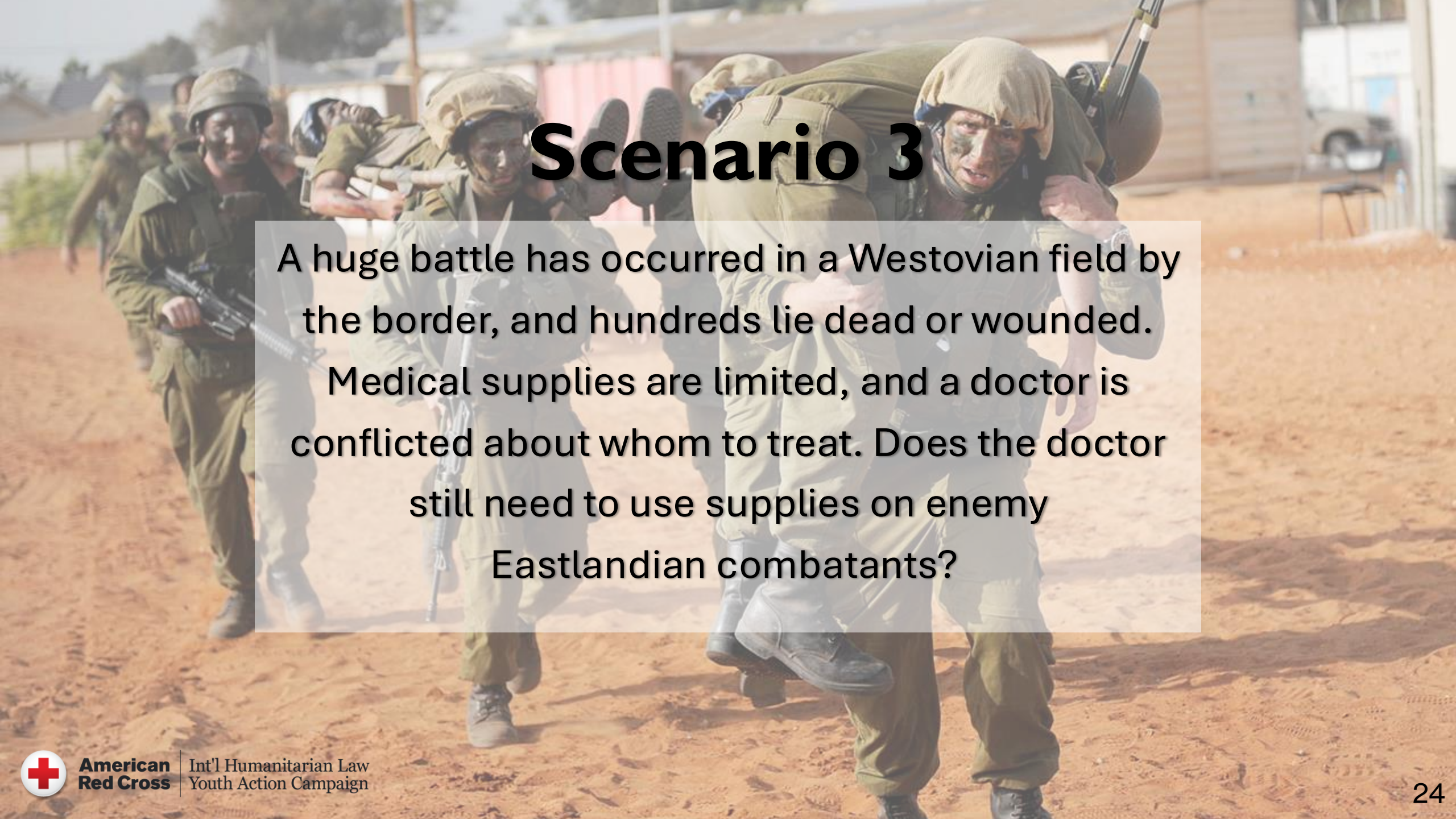
Scenario 2

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

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.



The background image shows a group of soldiers in olive green uniforms and helmets running through a dusty, arid landscape. One soldier in the foreground is carrying a wounded comrade on his back. The scene is set in a conflict zone with simple buildings in the background.

Scenario 3

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?



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YES

Medical personnel must treat all wounded and sick without discrimination.



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Scenario 4

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?



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Scenario 4

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YES

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



Scenario 5

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Scenario 5

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?

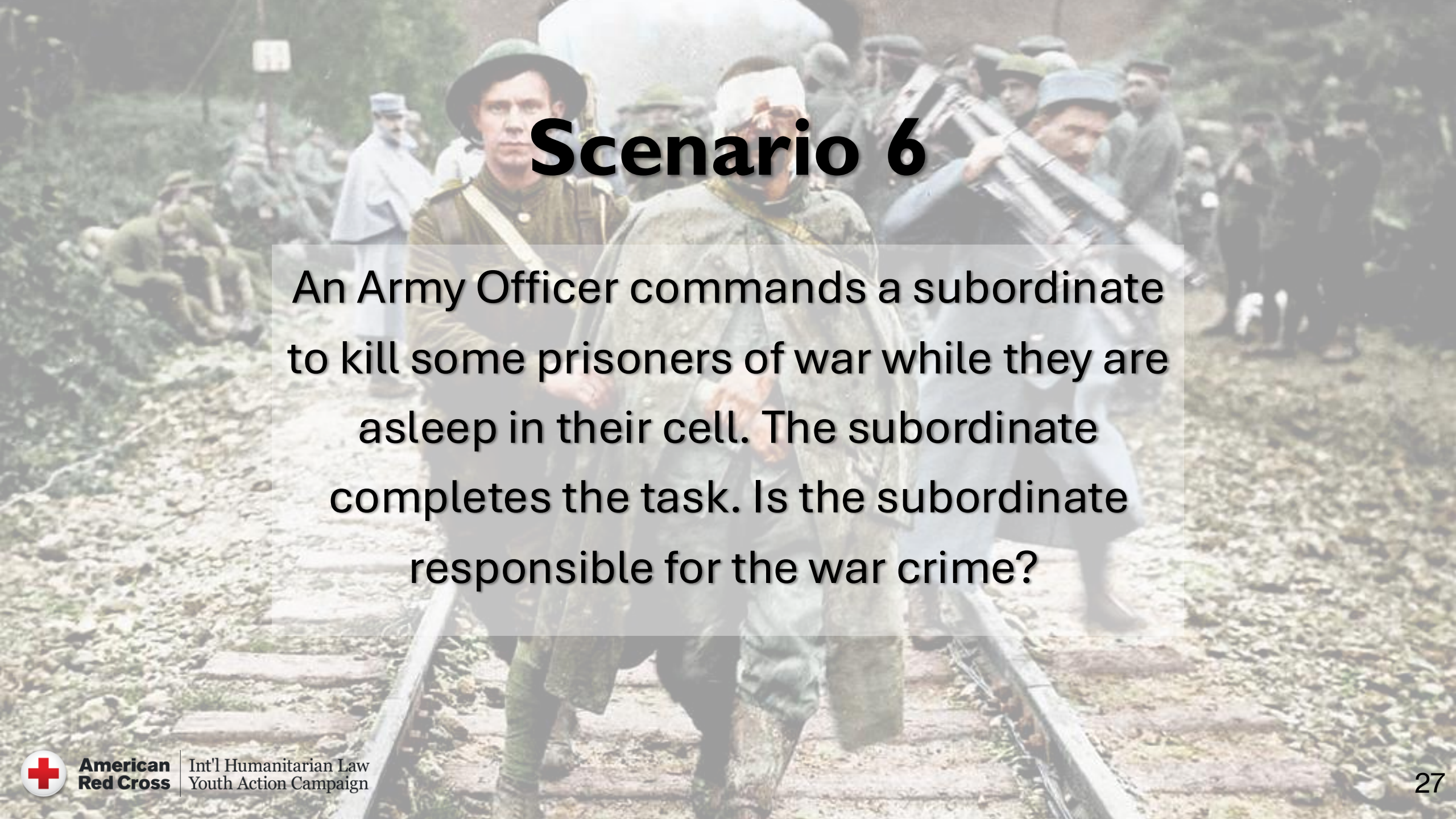
NO

Torture, by international law, is prohibited in IHL.



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Scenario 6

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?



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Scenario 6

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

Subordinates must disobey a clearly unlawful order that violates IHL.



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Great Work!

Thank you for acting as a Military Legal Advisor and using your knowledge of IHL as a guide!

In the next Module, you will learn about this year's IHL Theme and how it applies to armed conflict in practice.



“If I were to speak of war, it would not be to show you the glory of conquering armies, but the mischief and misery they leave in their tracks.”

Clara Barton



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