<table>
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<tr>
<th>Identification</th>
<th>Subject title</th>
<th>INTL652 International Humanitarian Law, 6AKTS</th>
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<tbody>
<tr>
<td>Department</td>
<td>Law</td>
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<tr>
<td>Level</td>
<td>Undergraduate</td>
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<tr>
<td>Term</td>
<td>Spring, 2020</td>
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<tr>
<td>Instructor</td>
<td>Saadat Novruzova</td>
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<tr>
<td>E-mail 1:</td>
<td><a href="mailto:saadat_n@yahoo.com">saadat_n@yahoo.com</a></td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td>(+994 12) 421 68 37</td>
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<tr>
<td>Classroom/hours</td>
<td>11 Mehseti str. (Nefchilar campus), Old Building. TUESDAY 18:40; THURSDAY 18:40</td>
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<tr>
<td>Office hours</td>
<td>By appointment</td>
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**Prerequisites**

**Language**

English

**Compulsory/Elective**

Elective

**Required textbooks and course materials**

**Core readings:**


**Additional readings:**

18. Statutes of Azerbaijan Red Cross and Red Crescent Society
19. www.icrc.org
20. www.ehl.icrc.org
Course outline

The course will provide lectures on the evolution, structure, institutions and sources of IHL and the position of this body of law in the international legal systems. It will discuss the rule of law, the protection of victims of the war, the principles of IHL. The implementation and enforcement of the international norms.

Course objectives

The main object of the course IHL to describe methods and means of warfare in armed conflicts and establishes different ways of protection of civilians and combatants.

The IHL is part of the International Public law. At the same time IHL has correlations with International Criminal Law and International Human Rights law.

The legal bases for IHL are rules of international customary law and international treaty law which are the main sources of International Public Law. In particular the main documents as the sources of the IHL are four Geneva Conventions and additional protocols to the Geneva Conventions, Hague Regulations and other international treaties and conventions on protection of victims of the war and way of using of certain weapons and means of warfare.

Learning outcomes

Students are expected to gain knowledge of the followings issues:

- The principles of IHL
- The sphere of International Humanitarian Law in different levels of conflict
- The relationship between International Humanitarian Law and International Human Rights Law
- The relationship between International Humanitarian Law and International Criminal Law
- Means and methods of armed conflicts
- Status of combatant
- Protection of prisoners of war
- Protection of civilians and non-combatants
- International Humanitarian Law in relation to acts of terror
- Protection of cultural property
- International peace operations
- The method and sources of international public law and International Humanitarian Law
- *JUS AD BELLUM* - the rules on the legality on the use of force
- Historical development of International Humanitarian Law
- National implementation of International Humanitarian Law

Evaluation

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<th>Methods</th>
<th>Date/deadlines</th>
<th>Percentage (%)</th>
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<tr>
<td>Midterm evaluation</td>
<td>To be determined by the Dean’s Office</td>
<td>35</td>
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<tr>
<td>Class attendance</td>
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<td>5</td>
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<tr>
<td>Active participation at</td>
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<td>10</td>
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<tr>
<td>the seminars</td>
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Multiple choice test | 10  
---|---  
Case-study and PowerPoint presentation | (Research topics will be assigned before the final exam)  
Final exam | 40  
Total | 100  

**Policy**

**You are expected to:**
- attend classes on a regular basis as the classes are conducted in a combined lecture/seminar format where students should play an active part.
- read the assigned and suggested readings before you come to class
- engage actively in classroom discussions
- offer thoughtful and informed classroom presentations and written work
- submit all your assignments on time
- follow assignments closely and carefully.

**Class attendance:**
Students are required to comply with the attendance policy of Khazar University. Full-time students are expected to attend all classes unless they are sick or have the permission of the instructor (approved absence).
A student must submit an absence request in anticipation of an absence from the course. In case he/she fails to do so, his absence will be considered unapproved. Specifically, to be eligible for taking exams, students must not miss more than 25% of class hours (unapproved absences). Otherwise, the student can take the exam only with the approval of the School Dean. Continuing unapproved absences or lack of participation may lead to withdrawal from the course.

**Academic misconduct**
Academic honesty plays an essential part in maintaining the integrity of Khazar University. Students are expected to recognize and uphold high standards of intellectual and academic integrity. The following acts are examples of academic dishonesty, therefore are strictly forbidden and will, if proven, be penalized:
- plagiarism,
- cheating,
- unauthorized collaboration,
- falsification,
- multiple submissions.

**On plagiarism:**
Plagiarism is unethical and an offence under the University regulations. Please familiarize yourself with the regulations relating to plagiarism and cheating in examinations.
Plagiarism is copying other people's work without proper attribution. The students committing plagiarism and the students providing materials for plagiarizing will automatically receive a zero (0) for the assignment. Students must always indicate that they used someone else's words and ideas if they have done so, by using quotation marks and mentioning the source in the text or a footnote. A bibliography must also follow after the end of your essays.

**Rules of Professional Conduct**
The students shall behave in the way to create favorable academic and professional environment during the class hours. Unauthorized discussions and unethical behavior are strictly prohibited. Classroom behavior that seriously interferes with either (a) the instructor’s ability to conduct the class or (b) the ability of other students to benefit from the course program will not be tolerated. When a student’s behavior in a class is so seriously disruptive as to compel immediate action, the instructor has the
authority to remove a student from the class on an interim basis, pending an informal hearing on the behavior.
Principles of international humanitarian law

<table>
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<tr>
<th>Week 4 05.03</th>
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<tr>
<td>enforcement that existed under the pre-1977 rules of the promotion of respect for humanitarian law: instruction and education, the activities of Protecting Powers and humanitarian agencies, and collective and individual responsibility for violations.</td>
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<table>
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<tr>
<th>Principles of international humanitarian law</th>
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<tr>
<td>Definition and classification of the principles.</td>
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**I. Basic principles:**

- Principle of the law of humanity - Military necessity and maintenance of law and order should be combined with the respect for human being. Humanity and mercy, compassion, respect, protection, humane treatment.
- Principle of humanitarian law (or the law of war) - The belligerent parties should not cause damage to the adversary disproportionate to the object of war which consists in destroying or weakening the military forces of the adversary.
- Principle of Geneva law - Persons *hors de combat* or those taking no direct part in hostilities are entitled to respect, protection and humane treatment.
- Principle of the law of war (the Hague law) - The right of the parties to a conflict to choose methods and means of warfare is not unrestricted.

**II. General principles:**

- Principle of inviolability - Everybody has the right to the respect to life, physical and mental inviolability, to the respect for everything which constitutes an inseparable part of his person.
- Principle of inadmissibility of discrimination - All people should be treated without distinction founded on race, sex, nationality, language, social origin, wealth, political, philosophical or religious convictions, or on any other similar criteria. Principles of application of the principle of inadmissibility of discrimination - However, distinctions in the treatment should be made to the benefit of individuals to smooth over the differences following from their individual features, needs or hardships.
- Principle of security - Everybody is entitled to personal safety. Principles of application of the principle of security:

**III. Principles relating to victims of conflicts (Geneva law):**

- Humanitarian assistance never constitutes an intervention in a conflict. Principles of application:
  - Principle of normality - Protected persons should be able to lead as normal life as possible.
  - Principle of application of the principle of normality - Capture is not a punishment but is only a means of depriving the adversary of the opportunity to cause damage.

**Principle of protection** - A State should ensure the protection of persons in its power both on the national and international level.

**IV. Principles relating to the law of war:**

- "Ratione personae" principle - Civilian population and individual civilians enjoy general protection from the dangers arising from military operations.

Principles of application of "ratione personae" principle:

- "Ratione loci" principle - Attacks should be strictly limited to military objectives.

Principles of application of "ratione loci":

- Principle of the restriction of means and methods of warfare ("ratione conditionis") - It is prohibited to use against anybody weapons or methods of warfare which can cause excessive damage or superfluous suffering.

Principles of application of "ratione conditionis":

<table>
<thead>
<tr>
<th>Week 5</th>
<th>Combatants and civilians</th>
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<tbody>
<tr>
<td>12.03</td>
<td>Combatants and prisoners of war. Distinction of combatants from the civilian population. Situations in which a combatant retains his status of a combatant provided that he carries his arms openly during each military engagement and during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate. Persons taking part in hostilities. Spies. Mercenaries. Civilians and civilian population. Protected civilians. Protection of the civilian population: humanitarian assistance; special protection of women; special protection of children; reunification of families, family news. Fundamental guarantees of the protection of civilians: humane treatment, respect for person, honour, convictions and religious practices; violence to the life, health, or physical or mental well-being of persons (murder, torture, corporal punishment, mutilation, outrages upon personal dignity, taking of hostages, collective punishments). Protection of protected persons: humane treatment, visits by representatives of Protecting Powers and the ICRC. Internment of civilians. Decision on internment. Individual administrative decision. Reasons for internment: imperative necessities of security - but not a punishment. Treatment of civilian internees.</td>
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<tr>
<th>Week 6</th>
<th>Protection of the wounded, sick and shipwrecked</th>
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<tr>
<td>19.03</td>
<td>The wounded. The sick. The shipwrecked. Medical personnel - military and civilian medical personnel and personnel assigned to civil defence organisations, medical personnel of the National Red Cross, Red Crescent, Red Lion and Sun Societies and other national voluntary aid societies duly recognized and authorized by a party to the conflict; medical personnel or medical units or medical transports. Religious personnel. Medical units. Medical transportation. Medical transports. Medical vehicles. Medical ships and craft. Protection of medical and religious personnel in the battlefield.</td>
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| Week 7 26.03 | Holiday - Novruz |
| Week 8 02.04 | Mid-term exam |
| Week 9 09.04 | Civilian population should not be used to shield military objectives from attack. |

- **Protected objects:** civilian objects; cultural objects; objects necessary for the survival of the civilian population; irrigation objects, works and installations containing dangerous forces, medical equipment enjoy special protection; natural environment.

- **Precautions in attack:** an attack should be cancelled if it becomes apparent that it belongs to the number of prohibited attacks; advance warning should be given of attacks if circumstances permit; when a choice is possible, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian population; additional obligations imposed on those who plan or decide upon an attack.

- Precautions against the effects of attack (Art. 58 of Additional Protocol I to the Geneva Conventions).

- Zones established to protect the civilian population (or its part) from the effects of hostilities: non-defended localities, demilitarized zones.

- Civil defence.


- Immunity of civilian aircraft in air war.

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Hans Peter Gasser. *International Humanitarian Law*, ICRC 1995, p. 89-100
| Week 10 16.04 | Conventional Law. | Prohibited weapons: explosive bullets, certain conventional weapons (mines, incendiary weapons, non-detectable fragments); chemical weapons (it is prohibited to be the first to use it); poison; bacteriological and biological weapons; nuclear weapons; new weapons. Prohibited methods of warfare: ordering that no quarter should be given; perfidy (difference between prohibited perfidy and permitted ruses of war); starvation of the civilian population as a method of warfare. Definition of military objectives. Prohibited attacks: attacks against the civilian population as such (including attacks aimed at spreading terror among the population); attacks against civilian objects; indiscriminate attacks; attacks against the civilian population (or civilian objects) by way of reprisals. Principle of proportionality in attack. | Hans Peter Gasser. International Humanitarian Law, ICRC 1995, p. 106-118 |
| Week 11 23.04 | The law of international and non-international armed conflicts | The law of war in contemporary international law and international community: *jus ad bellum* and *jus in bello* in the UN Charter. The concept of armed conflict. Different types of armed conflicts. Differentiating an international and a non-international armed conflict: reasons, relativity and comparison of the two regimes. History of making a distinction between conflicts. Decrease in the significance of sovereignty. Expansion of human rights movement. The role of customary law (Lieber Code, Martens Clause, Guernica Clause). Different types of non-international armed conflicts: - Conflicts in which common Article 3 of the Geneva Conventions is applicable. - Conflicts in which Protocol II is applicable in addition. - Conflicts in which the whole body of IHL is applicable (recognition of the state of war by the government, special agreements between parties to the conflict, official declaration of intentions). - Traditional internal conflicts acquiring international character. - Foreign intervention not directed against governmental armed forces. - The UN peace-keeping and peace-making operations in a non-international armed conflict. - The UN operations to maintain or restore law and order. Internal disturbances and tensions. Conflict with dissident armed forces. Legal regulation of "ethnic cleansings". Karabakh conflict: status and ways of resolving the problem. | Hans Peter Gasser. International Humanitarian Law, ICRC 1995, p. 120-132 |
| Week 12 30.04 | Implementatio n of IHL | Measures to be taken in peace-time. Preventive, control and organisational measures. Measures for the repression of IHL violations (sanctions). Dissemination of IHL (teaching IHL to the armed forces, law enforcement bodies, universities, general public). Translation and adaptation (if necessary). The necessity to adopt domestic laws for the protection of the Red Cross and |


Week

Contradictions and complementarity. IHL is *lex specialis*. Scopes of application: main elements of coincidence and divergence. Application of human rights in armed conflicts: restrictions, partial cancellation. Coinciding rules: prohibition of...
### IHL and human rights

<table>
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<tr>
<th>Week 13</th>
<th>07.05</th>
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<td><strong>IHL and human rights</strong></td>
<td>genocide, rights of the child. Complementary rules: fair trial, death penalty. Possible contradictions: amnesty for prisoners of war, legal prosecution of war crimes, nuclear weapons. Attitude of IHL and human rights towards war, weapons and the use of nuclear weapons. Comparison of protected rights: 1) rights protected by both branches of law; 2) rules of IHL unrelated to human rights; 3) human rights outside the scope of IHL. Implementation of IHL and human rights. Differences - depending on the characteristics of armed conflicts; in approach - &quot;mercy&quot; and &quot;justice&quot;; in action - traditional approach of IHL, constant preventive and correcting control in the field; human rights: control <em>a posteriori</em>, on requirement, through quasi-legal proceedings. The role of human rights organisations in the dissemination of IHL. Joint activities of the ICRC and human rights organisations. Contemporary tendency of human rights organisations to use the approach similar to the one used in IHL. Drawing closer of IHL and human rights. IHL in the work of the UN Commission on Human Rights. Realisation of human rights by the ICRC in armed conflicts and outside armed conflicts.</td>
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### The ICRC is an independent humanitarian organisation

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<th>Week 14</th>
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<td><strong>The ICRC is an independent humanitarian organisation</strong></td>
<td>Traditionally - mono-national character and international activities of the ICRC. Funding. Legal status of the ICRC. The right of initiative mentioned in common Article 3 of the Geneva Conventions. International Committee for relief to the wounded. Foundation of the ICRC. Structure of the ICRC: Assembly, President, Executive Board, Central Tracing Agency. The ICRC mandate. The ICRC missions. The ICRC activities in situations of armed conflicts: visiting detainees; interviews in private; protection of the civilian population, acting as a neutral intermediary; medical assistance; tracing service. The ICRC activities in situations of internal violence; visiting (and interviewing without witnesses) detained persons - victims of the situation. The ICRC as an initiator and disseminator of IHL. Humanitarian diplomacy. Co-operation of the ICRC with National Societies, other humanitarian and political organisations. Principles of the ICRC activities: making reports on visits to the authorities; cases in which the ICRC makes public declarations; co-operation, absence of confrontation; access to victims, non-disclosure of revealed violations. The ICRC activities in Azerbaijan Republic. The ICRC is a guardian of the Red Cross principles. Impartiality. Neutrality. Independence. Voluntary service. Unity. Universality. The International Red Cross and Red Crescent Movement. The International Federation of the Red Cross and Red Crescent. The ICRC is a core of the Red Cross Movement. The ICRC and the application of IHL.</td>
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### Women and International Humanitarian

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<th>Week 15</th>
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<td><strong>Women and International Humanitarian</strong></td>
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## Additional readings and assignments

Additional readings and assignments will be provided by the instructor for this course. *If necessary, some minor modifications may be made to this syllabus by the instructor.*

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<td>Final Exam</td>
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