Course manual
Joint Master's Programme in
International Humanitarian Action

Protection of civilians in armed conflicts
Semester 2

University of Warsaw
September 2015
Module coordinator: Dr. Elżbieta Mikos-Skuza
  e-mail: e.mikos-skuza@uw.edu.pl
  office location: NOHA Office, CIUW, room 6
  office hours: Monday, 13.30-14.30

Credits awarded: 4 ECTS, equivalent to 100 work hours (1 ECTS = 25 hours)

Period: Second semester

Venue & hours: Collegium Iuridicum III, Room 312, Monday 15.00-16.30

1. Introduction

The module is a requirement for obtaining the NOHA Master’s degree.

The aim of this course is that students learn and understand the concept of protection of civilians in armed conflicts, and the dilemmas involved, from legal and practical perspectives. It provides the students with tools to analyse and evaluate the protection needs of civilians with special emphasis on women, children, refugees and IDPs. Specific case studies are discussed extensively.

2. Learning outcomes

In conformity with the learning outcomes set out by the NOHA network, students should achieve the following learning outcomes by the end of this module:

Knowledge:
- Identifies main threats to civilian population as the whole and some specific categories of civilians and civilian objects during armed conflicts.
- Knows basic notions, concepts and principles relating to the protection of civilians in armed conflicts.
- Identifies challenges to practical application of International Humanitarian Law and Human Rights Law in armed conflicts and ways of overcoming such challenges.

Skills:
- Has proven the ability to apply key legal instruments in practice in the context of contemporary political developments.
- Has proven the ability to solve the legal cases taking into account multidimensional and multi-layered character of international legal regulations relating to the civilian status in armed conflicts.

Social competences:
- Is firmly convinced that “even wars have limits” and that there is no justification for excessive violence.
- Is ready to advocate for the strict allegiance to the rule of law in international relations.
- Understands that indifference towards human suffering is a driving force behind further violence.

3. Course material
Provide over here a bibliography of the books/reader used in the course with price estimates and (if necessary) advice where to buy it, as well as a listing of all other types of material that will be used in the module. Please specify explicitly which readings are obligatory and which should be considered suggested readings. Alternatively, you can keep the information general over here and specify the obligatory and suggested readings by page numbers in the programme schedule. If you put obligatory or suggested course material on NOHA Blackboard (e.g. videos), alert the students on this over here.

**Required reading:**

**International multilateral treaties:**
- The Hague Regulations Respecting the Laws and Customs of War on Land, of 18 October 1907
- Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of 8 June 1977
- The Hague Convention for the Protection of Cultural Property in the event of Armed Conflict, of 14 May 1954
- International Covenant on Civil and Political Rights, of 16 December 1966
- The European Convention on Human Rights, of 4 November 1950

**Further required reading** will be provided to students via blackboard a week before each lecture.

Particularly interesting and useful are the following publications (available at the libraries of the Law Faculty and of the University of Warsaw as well as at the website of the International Committee of the Red Cross: www.icrc.org):

**Optional reading** (IRRC = “International Review of the Red Cross”):


*Ando N., Surrender, Occupation and Private Property in International Law, Oxford 1991;*

Humanitarian Law, and its Interaction with International Human Rights Law, Leiden – Boston 2009;


*Best G.*, War and Law since 1945, Oxford 1994;


*Bruderlein C.*, People’s security as a new measure of global stability, IRRC, VI. 2001;


Current Challenges to the Law of Occupation, Collegium, College of Europe, No. 34, Autumn 2006


*Durham H.*, Women, Armed Conflict and International Law, IRRC, IX 2002;


*G.H.Fox*, Humanitarian Occupation, Cambridge 2008;


Krill F., The Protection of Women in International Humanitarian Law, IRRC, XI. – XII.1985;


Lavoyer J.-Ph. [et al.], Jus in bello: occupation law and the war in Iraq, Proceedings of the 98th annual meeting of ASIL, 2004;


Lindsey Ch., Women and War – an Overview, IRRC, IX. 2000;


Meron T., Rape as a Crime under International Humanitarian Law”, American Journal of International Law, vol. 87 (3) 1993;


Murphy S. D., Coalition Laws and Transitional Arrangements During Occupation of Iraq, American Journal of International Law, vol. 98, 2004;


Plattner D., Protection of Children in International Humanitarian Law, IRRC, V. – VI. 1984;

Plattner D., Assistance to Civilian Population in International Humanitarian Law, IRRC, V. - VI. 1992;


de Preux J., Special Protection of Women and Children, IRRC, IX. – X. 1985;

Roberts A., What is Military Occupation?, British Yearbook of International Law, vol. 55, 1984;


4. Teaching and learning methodology

The course is a combination of different methods of work - lectures followed by individual work on cases and then group discussions. Case studies will relate to a fictional armed conflict in a fictional region of the world. However, all facts will be
based on real life events that occurred in different armed conflicts in the 20th and 21st centuries.

5. Program and training activities

[Over here a (detailed) programme can be outlined, including planned lectures, tutorials, assignments, deadlines, etc.]

**Week 1 - 22.02.2016**

Introduction to International Humanitarian Law of Armed Conflicts (IHL) as a main legal framework for the protection of civilians in armed conflicts  
   a) definition,  
   b) historical development,  
   c) relations with other branches of public international law,

**Week 2 – 29.02.2016**

1. Material scope of application of IHL:  
   a) international armed conflicts,  
   b) non-international armed conflicts,  
   c) other situations.  
2. Personal scope of application of IHL:  
   a) combatants,  
   b) civilians,  
   c) protected persons  
3. Main principles of IHL.  
4. Role of the International Red Cross and Red Crescent Movement in ensuring protection of civilians in armed conflicts.

**Week 3 – 7.03.2016**

1. Introduction to International Human Rights Law (IHRL) as an additional legal framework for the protection of civilians in armed conflicts.  
2. Relations between IHL and IHRL.

**Week 4 – 14.03.2016**

Notion of protection in armed conflicts - civilians as persons protected in the power of the enemy:  
   a) on occupied territory – changing notion of occupation  
   b) as aliens on the territory of a party to the conflict  
   c) detained as internees or under criminal charges
Week 5 - 21.03.2016
Notion of protection in armed conflicts – civilians as persons protected against the effects of hostilities:
 a) challenges to the principles of distinction and proportionality
 b) problem of civilians taking a direct part in hostilities
 c) precautionary measures
 d) problem of human shields

Week 6 – 04.04.2016
Protection of civilian objects:
 a) notion of civilian objects
 b) rules regarding civilian objects
 c) specially protected objects and zones

Week 7 - 11.04.2016
Protection of cultural property in armed conflicts:
 a) historical perspective
 b) legal regime of the Hague Convention of 1954 and its Protocols
 c) practical problems of the restitution of cultural property

Week 8 – 18.04.2016
Protection of women in armed conflicts:
 a) specific problems of women in armed conflicts, including women - combatants
 b) protection of women as civilians
 c) protection of women as mothers
 d) protection of women against sexual violence

Protection of children in armed conflicts:
 a) specific problems of children in armed conflicts
 b) problem of child soldiers

Week 10 – 09.05.2016
Protection of refugees in armed conflicts:
 a) refugee status and IHL
 b) IDP status and IHL
 c) general protections
 d) special protections

Week 11 – 16.05.2016
1. Relevance of the implementation mechanisms of IHL and IHRL for the protection of civilians in armed conflicts.
2. Role of the international jurisprudence in determining the standards of protection.

Week 12 – 23.05.2016
Role of monitoring missions and fact finding mechanisms in ensuring better
compliance with the rules on the protection of civilians:

a) ad hoc missions established by the UN Human Rights Council
b) ad hoc missions established by other United Nations organs and bodies
c) permanent International Humanitarian Fact Finding Commission

### Week 13 – 30.05.2016

Written exam – case study and two open theoretical questions

### Week 14 – 6.06.2016

Joint evaluation of the exam’s results. Wrap up of the course.

6. **Workload**

Total workload of one student - 100 hours:

a) organized work = 28 hours
b) individual preparation to classes (reading materials, case studies) - 4 hours in a week = 56 hours
c) preparation to a final exam - 16 hours

7. **Assessment methods**

30% - student’s regular participation in classes and in group discussions on case studies (as the course is relatively short and quite intensive, attendance at each of the classes is highly recommended)

70% - written exam composed of two questions testing theoretical knowledge and one fictional case based on facts known from the ‘evolving case’ discussed during classes. Using notes and other materials is allowed.

*Please be aware that in order to be able to take a second chance exam if you need to, you should come to the first chance exam and attempt to answer the exam questions. In the event you are not able to attend the first chance exam you need to demonstrate a valid reason for non-attendance, such as a certificate from a medical doctor. No-show without a valid reason forfeits the possibility of taking the second chance exam and you will have to redo the course.*

8. **Assessment criteria**

The exam will try to assess the knowledge of the contents of the course and student’s ability to apply this knowledge in real life situations.

9. **Appendices**
[Any supporting documents to explain parts of the module more in detail.]