

FACULDADE DE DIREITO UNIVERSIDADE DE LISBOA

INTERNATIONAL HUMANITARIAN LAW

(course in English)

October 2022

Prof.^a Doutora Ana Soares Pinto

RESPONSIBLE ACADEMIC STAFF: Ana Soares Pinto

LEARNING OUTCOMES: This course aims at offering an overview and thorough analysis of the basics of International Humanitarian Law (IHL). Acquire key concepts which are essential to understand IHL: principles of IHL and their relevance in contemporary armed conflicts, the core sources of IHL (the Geneva Conventions and their Additional Protocols), the distinction between international and non-international armed conflicts, the rules protecting persons and regulating the conduct of hostilities and the general and specific mechanisms to ensure respect and to sanction violations of IHL. By the end of this course students will develop the ability to analyze IHL implementation.

SYLLABUS

LECTURE 1: International Humanitarian Law: concept and main sources. (17/10/2022: 16h00-18h00)

LECTURE 2: Protected persons. (18/10/2022: 16h00-18h00)

LECTURE 3: Protected persons. Conduct of hostilities. (19/10/2022: 16h00-18h00)

LECTURE 4: Implementation of International Humanitarian Law. (20/10/2022: 16h00-18h00)

LECTURE 5: Implementation of International Humanitarian Law. Humanitarian access. (21/10/2022: 16h00-18h00)

EVALUATION: paper on topics related to the course.

MAIN BIBLIOGRAPHY:

BOTHE, Michael / PARTSCH, Karl Josef / SOLF, Waldemar A., *New Rules for Victims of Armed Conflicts: Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949*, Martinus Nijhoff Publishers, 2.^a ed. (revista Michael Bothe), 2013.

BUGNION, François, «Commentary on the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an Additional Distinctive Emblem (Protocol III)», *International Review of the Red Cross*, vol. 89, n.º 865, 2007, pp. 175-207.

CASSESE, Antonio, «Under what conditions may belligerents be acquitted of the crime of attacking an ambulance ?», *Journal of international Criminal Justice*, vol. 6, n.º 2, 2008, pp. 385-397.

CLAPHAM, Andrew / GAETA, Paola / SASSÒLI, Marco (ed.), *The 1949 Geneva Conventions: a commentary*, Oxford University Press, 2014.

CRAWFORD, Emily / PERT, Alison, *International Humanitarian Law*, Cambridge University Press, 2015.

DEYRA, Michel, *Le droit dans la guerre*, Paris, Gualino, 2009.

DJUKIC, Drazen / PONS, Niccolo (ed.), *The Companion to International Humanitarian Law*, Brill – Nijhoff, 2018.

DOSWALD-BECK, Louise (ed.), *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*, International Institute of Humanitarian International Law, 2010.

DOSWALD-BECK, Louise, «The Right to Life in Armed Conflict: Does International Humanitarian Law Provide all the Answers?», *International Review of the Red Cross*, Vol. 88, No. 864, 2006, pp. 881-904.

DURHAM, Helen (et al.), «Protecting the ‘Helpers’: Humanitarians and Health Care Workers During Times of Armed Conflict», *Yearbook of International Humanitarian Law*, volume 14, 2011, pp. 327-346.

FLECK, Dieter,

- «International humanitarian law after September 11: challenges and the need to respond», *Yearbook of International Humanitarian Law*, volume 6, 2003, pp. 41-71.

- *Handbook of international Humanitarian Law*, 3.^a ed., Oxford University Press, Oxford, 2013.

HOLTERHUS, Till Patrik, «Targeting the Islamic State's Religious Personnel Under International Humanitarian Law», *Yearbook of International Humanitarian Law*, volume 20, 2017, pp. 199-228.

KALSHOVEN, Frits,

- «The Undertaking to Respect and Ensure Respect in All Circumstances: From Tiny Seed to Ripening Fruit», *Yearbook of International Humanitarian Law*, volume 2, 1999, pp. 3-61.

- *Constraints on the Waging of War: An Introduction to International Humanitarian Law*, Cambridge University Press, 4.^a ed., 2011.

LUIS, José (coord.), *Derecho Internacional Humanitario*, Cruz Roja Española/Tirant lo Blanch, 2.^a ed., 2007.

PICTET, Jean, «La profession médicale et le droit international humanitaire», *Revue Internationale de la Croix-Rouge*, vol. 67, sélection française, 1985, pp. 195-213.

QUÉGUINER, Jean-François, «Commentaire du Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à l'adoption d'un signe distinctif additionnel (Protocole III)», *Revue Internationale de la Croix-Rouge*, vol. 88, sélection française, 2006, pp. 313-348.

RUFIN, Jean-Christophe, «The Paradoxes of Armed Protection», in Médecins Sans Frontières (ed.), *Life, Death and Aid*, New York, Routledge, 1993, pp. 111-123.

SALMON, Elizabeth / PÉREZ-LEÓN-ACEVEDO, Juan-Pablo, «Reparation for victims of serious violations of international humanitarian law: New developments», *International Review of the Red Cross*, vol. 104, n.º 919, 2022, pp. 1315–1343.

SANDOZ, Yves, «International humanitarian law in the twenty-first century», *Yearbook of International Humanitarian Law*, volume 6, 2003, pp. 3-40.

SASSÒLI, Marco,

- «The Implementation of International Humanitarian Law: Current and inherent challenges», *Yearbook of International Humanitarian Law*, volume 10, 2007, pp. 45-73.

- *International humanitarian law : rules, controversies, and solutions to problems arising in warfare*, Northampton, Edward Elgar Publishing Ltd, 2019.

SAUL, Ben / AKANDE, Dapo (eds.), *The Oxford Guide to International Humanitarian Law*, Oxford, OUP, 2020.

SOLF, Waldemar A., *Development of the protection of the wounded, sick and shipwrecked under the Protocols Additional to the 1949 Geneva Convention*, International Committee of the Red Cross, 1984.

ELETRONIC DOCUMENTATION:

The Geneva Conventions and their Additional Protocols (Full texts, commentaries and State parties): <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

Customary IHL Database: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>

International Committee of the Red Cross: <https://www.icrc.org/en>

International Institute of Humanitarian Law: <http://iihl.org>

International Review of the Red Cross: <https://www.icrc.org/en/international-review>

Office of the High Commissioner United Nations Human Rights, *International legal protection of Human Rights in armed conflict*, 2011: https://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf

Yearbook of International Humanitarian Law: <https://www.asser.nl/asserpress/books/?rId=13942>