

<b>Program: Undergraduate Academic Studies</b>
<b>Course title: INTERNATIONAL HUMANITARIAN LAW</b>
<b>Teachers: Prof. Dr. Vladan Jončić</b>
<b>Course status: optional</b>
<b>Number of ECTS: 2</b>
<b>Requirements:</b>
<p><b>Aims of the course:</b></p> <p>The principal aims of the course in International Humanitarian Law relate to the following:</p> <ul style="list-style-type: none"> <li>- acquiring basic knowledge and learning to understand the international norms concerning international humanitarian law as well as the basis of the international law of armed conflicts in general, which encompasses the international humanitarian law,</li> <li>- introduction to the evolution of the legal regulation of the domain,</li> <li>- relationship between the international norms that regulate the matter and the internal norms as well as their harmonization,</li> <li>- introduction to the nature of humanitarian law and the development of the legal doctrine,</li> <li>- familiarizing with the legal terminology used in international humanitarian law,</li> <li>- development of the ability to understand the differences between internal and international norms as well as the impact of other factors that influence international humanitarian law,</li> <li>- analyzing the sanctions and the development of the norms relating to the punishment of the violations of humanitarian law,</li> <li>- developing the ability to use the method applied in international humanitarian law.</li> </ul>
<p><b>Course result:</b></p> <p>The course provides for basic knowledge in the field of international humanitarian law as part of the general course in human rights law, applied in armed conflicts, as well as in other exceptional circumstances, protection of endangered categories of persons in such circumstances included. The main purpose of the course is to inform students about the evolution of the international humanitarian law, the law in force, its sources, enforcement, problems encountered, the most significant conventions, notably the four Geneva conventions of 1949, customary law as well as the most important legal institutions in the field. The Geneva conventions of 1949 and the Protocols I and II of 1977 are of a particular importance since they all engage the States parties to inform, educate and act in order to diffuse this law. The setting up of the course and acquainting the students with the subject of humanitarian law is an answer to our before mentioned obligations and a step further in the development as well as the implementation of human rights in general.</p>
<p><b>Course content:</b></p> <p><b>I TERM AND SUBJECT-MATTER OF INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL LAW CONCERNING ARMED CONFLICTS</b></p> <ol style="list-style-type: none"> <li>1.International Law and international Wars and noninternational Wars (Civilian wars)</li> <li>2.Term and subject-matter of international humanitarian law</li> <li>3.Elements of the international law concerning armed conflicts</li> <li>4.Specificities of the international law concerning armed conflicts</li> </ol> <p><b>II RELATIONSHIP BETWEEN INTERNATIONAL HUMANITARIAN LAW, INTERNATIONAL LAW CONCERNING ARMED CONFLICTS AND HUMAN RIGHTS LAW</b></p> <ol style="list-style-type: none"> <li>1.Relationship between international humanitarian law and international law concerning armed conflicts</li> <li>2. Relationship between international humanitarian law and human rights law</li> </ol> <p><b>III EVOLUTION OF INTERNATIONAL HUMANITARIAN LAW</b></p> <ol style="list-style-type: none"> <li>1. Rules of war from prehistoric times to the Middle Ages</li> <li>2. Rules of war in the Middle Ages to the civil revolution</li> <li>3. Development of international humanitarian law after civil revolution</li> <li>4. Hague Rules-base development and humanitarian law</li> </ol>

5. Development of international humanitarian law by the Hague Conference to the Geneva Convention 1949. Primena humanitarian law in the First World War

5.1. Development of humanitarian law between the two world wars

5.2. The Second World War and Humanitarian Law

6. Rules of war since World War II

6.1. Geneva Convention relative to the Protection of Victims of War

6.2. Protocols on the protection of victims of international and non-international armed conflicts from 1977

#### **IV SOURCES OF INTERNATIONAL HUMANITARIAN LAW**

1. Customary law as a source of international law regulating armed conflicts

2. International treaties

3. Other sources of international law

3. Military necessity and humanity

#### **V INTERNATIONAL LAW OF WAR AFTER THE SECOND WORLD WAR AND THE CHARTER OF THE UNITED NATIONS**

1. The influence of the United Nations and the human rights law on the international humanitarian law

2. Nature of the international law concerning armed conflicts

3. International humanitarian law after the cold war era

#### **VI RULES ON ENGAGING IN HOSTILITIES – RULES ON THE FORMS AND THE USE OF MEANS OF WAR**

1. The prohibition of the use of weapons that cause unnecessary suffering

2. Prohibition of use of weapons of mass destruction

2.1. Chemical weapons

2.2. Bacteriological (biological) weapons

2.3. Nuclear and thermonuclear combat focus

3. The rules governing the ways of war

3.1. perfidy

3.2. ruses of war

3.3. denial of mercy

3.4. loot

3.5. Regulation of warfare since the persons and properties of the object

3.5.1. The obligation to protect persons who have left the aircraft

3.5.2. Face protection (opponents) incapacitated for combat

3.5.3. Restrictions and prohibitions with respect to the properties of the object

3.5.4. reprisals

3.5.5. Retaliation.

#### **VII RULES REGULATING PROTECTION OF PERSONS IN ARMED CONFLICTS**

1. General characteristics of the protection of persons in armed conflicts

2. System control and protection of the Geneva Conventions of 1949. The

2.1. Violation of the Convention by the parties to the conflict

2.2. Protecting Power

2.3. The International Red Cross

3. The wounded, sick and shipwrecked

3.1. The concept of the wounded, sick and shipwrecked

3.2. Protection of wounded, sick and shipwrecked

3.3. Protection of medical hospitals, transport, Materials and hospital zones and places

3.4. Protection of persons who assist the wounded, sick and shipwrecked

3.4.1. Protection of medical staff

3.4.1. Protection of the civilian population and aid societies involved in the care and treatment of the wounded, sick and Shipwrecked

4. Prisoners of war

4.1. Conditions for obtaining the status of prisoner of war

- 4.2. The concept of a prisoner of war
- 4.3. Protection of prisoners of war
  - 4.3.1. Participants in internal armed conflicts
  - 4.3.2. Status of captured participant of internal armed conflicts
  - 4.3.3. The rights and obligations of prisoners in internal Armed Conflict
  - 4.3.4. The rights and duties of prisoners of war international armed conflicts
  - 4.3.5. Responsibility POWs
- 4.4. Completion of captivity
  - 4.4.1. The release of prisoners of war at his word
  - 4.4.2. Escape of a prisoner of war
  - 4.4.3. The repatriation of sick and wounded prisoners of war for the duration of hostilities
  - 4.4.4. Repatriation and internment in a neutral country healthy and capable of prisoners during hostilities
  - 4.4.5. Release and repatriation of prisoners of war after the end of hostilities
  - 4.4.6. Death of Prisoners of War
- 5. The civilian population
  - 5.1. The notion of civilians and civilian population
  - 5.2. The general protection of the civilian population
  - 5.3. Protection of the civilian population in occupied territory
    - 5.3.1. The rights and obligations of the occupying power in Protection of Civilians
    - 5.3.2. Prohibited actions of the occupying power to protect civilians
    - 5.3.3. Rules of procedure of the internment and internees persons
      - 5.3.3.1. General Provisions
      - 5.3.3.2. Place of internment
      - 5.3.3.3. The rights and duties of the internees
      - 5.3.3.4. Release, repatriation and accommodation in a neutral country internees
      - 5.3.3.5. Bureau notification and central agency to notify
  - 5.4. Special categories of civilians
    - 5.4.1. The international status of women
    - 5.4.2. The international status of the child
    - 5.4.3. International legal status of foreigners in the territory one side in the conflict
- 6. Other categories of persons in armed conflicts
  - 6.1. The international position of journalists
  - 6.2. The international position of priest
  - 6.3. The international position of the person who does not enjoy the protection of international humanitarian law

## **VIII PROTECTION OF BUILDINGS AND PREMISES IN ARMED CONFLICTS**

- 1. General features of protection of buildings and spaces
- 2. Protection of objects indispensable to the survival of the civilian population
- 3. Protection of structures and installations containing dangerous forces
- 4. Protection of Cultural Property
- 5. Places and zones under special protection
- 6. Protecting the environment

## **IX INTERNACIONAL LAW AND THERORIZAM**

### **X RESPECT FOR INTERNATIONAL HUMANITARIAN LAW AND LIABILITY FOR BREACH (6 hours, 1 and 14weeks)**

- 1. Evolution of the obligation to respect international law
- 2. The obligation to respect and implementation of international humanitarian law
- 3. Concept and types of international crimes
- 4. Responsibility and sanctions for violations of international humanitarian law
- 5. International Criminal Court.
  - 5.1. Sanctions for violations of international humanitarian law
  - 5.2. Penal and ethical coercion as a sanction
  - 5.3. International criminal courts

<b>Literature:</b> Jončić, V., <i>Međunarodno humanitarno pravo</i> , Pravni fakultet, Beograd, 2010., or 2015.			
<b>Number of lectures – active classes</b> 30	<b>Theoretical classes:</b>		<b>Practical classes :</b>
<b>Instruction method: lectures, consultations</b>			
<b>Grading system (maximum number of points 100)</b>			
<b>Pre-exam obligations</b>	points	<b>Final Exam</b>	points
Activities during lectures	<b>20</b>		
Activities during practical classes		<i>Oral exam</i>	<b>60</b>
Tests			
Seminar classes	<b>20</b>		