

IV. ANNEXES

ABOUT THE AUTHORS

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CURRICULUM

INTRODUCTORY COURSE ON INTERNATIONAL HUMANITARIAN LAW OF THE COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS (CAJP)

Date: January 31, 2007

Padilha Vidal Room
Washington, D.C.

General Assembly resolution AG/RES. 2226 (XXXVI-O/06), “Promotion of International Humanitarian Law,” requires that the OAS Office of International Law, in coordination with the International Committee of the Red Cross (ICRC), organize a course on international humanitarian law (IHL) for staff of the permanent missions and the General Secretariat, and other students of the subject.

The course on IHL will last one day and cover the fundamental sources and rules of IHL and its application in the inter-American system. It will comprise the following modules:

Registration: 8:30 a.m. – 9:30 a.m.

I. Introductory remarks and structure of the Course

9:30 a.m. – 9:45 a.m.

Ambassador Osmar Chohfi
Chair of the Committee on Juridical and Political Affairs and
Permanent Representative of Brazil to the OAS

Yves Petermann
Director of Humanitarian Diplomacy,
International Committee of the Red Cross

Dante Negro
Director, Office of International Law
Organization of American States

II. Introduction to International Humanitarian Law:

9:45 a.m. – 11:15 a.m.

Instructor: Ms. Ximena Medellín
Professor and Outside Consultant
Human Rights Program of the
Ibero-American University of Mexico

Description: The course will begin with an introductory section defining IHL and examining its development and objectives. The introduction will examine its position within public international law; and explain differences between *ius in bello* and *ius ad bellum*; the universality of IHL; treaty and customary sources of contemporary IHL; the scope of application of IHL; the definition of armed conflict; problems and consequences of qualification of armed conflicts; parties to an armed conflict; and compliance mechanisms. The introductory section will include specific discussion of the three following topics:

- **Geneva Conventions of 1949:** (1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick Members of Armed Forces in the Field; (2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; (3) Geneva Convention relative to the Treatment of Prisoners of War; and (4) Geneva Convention relative to the Protection of Civilian Persons in Time of War.
- **Geneva Protocols:** Protocol I: Protection of victims of international armed conflicts; Protocol II: Non-international armed conflicts; and Protocol III: Adoption of an additional distinctive emblem.
- **Customary International Humanitarian Law:** The course will include a section on the importance of customary (unwritten) international law. The discussion will focus on how a rule/custom is considered customary if it reflects a country's practice and if there is a belief among the international community that the practice is obligatory as a matter of law.

Break: 11:15 a.m. – 11:30 a.m.

III. Relationship between human rights law, international humanitarian law, and international criminal law

11:30 a.m. – 12.10 p.m.

Instructor: Ms. Elizabeth Santalla Vargas
Researcher, University of Leiden, Netherlands

Member of the Latin American Studies Group on International Criminal Law,
Konrad Adenauer Foundation

Description: This module will deal with the intersection between human rights law, international humanitarian law, and international criminal law. Although they deal with distinct issues, there are circumstances in which each of these branches of law applies in a conflict situation. This course discussion will center on how it is widely recognized and accepted, that, during armed conflict, certain human rights may be restricted during specific circumstances and only to the extent required by the situation; however, the need to protect human rights during an armed conflict is also recognized. With that in mind, it is important to highlight that during armed conflicts, people under the Geneva Conventions still have their basic human rights protected.

IV. IHL within the inter-American system

12:10 p.m. – 12:30 p.m.

Instructor: Mr. John Wilson
Office of International Law
Organization of American States

Description: This module will cover the way OAS organs, agencies, and entities apply IHL in their respective spheres and the impact of these efforts in the region.

Lunch: 12:30 p.m. – 2:00 p.m.

V. Law of Protected Persons and Objects

2:00 p.m. – 2:45 p.m.

Instructor: Mr. Danilo González
Alternate Representative
Permanent Mission of Costa Rica to the OAS

Description: This module will address the kinds of persons who have protected status, including civilians in general and, particularly, internally displaced persons, the wounded, the sick, prisoners of war, medical and religious personnel, relief operations personnel, and civil defense personnel and mediators, among others. It will also cover the special cases of cultural property, military medical facilities, ambulances, civilian property, and other objects that are considered as protected during a time of armed conflict. Further, it will examine the need to protect persons deprived of their liberty in relation to an armed conflict, including protection from inhumane treatment, denial of judicial guarantees, and disappearance.

VI. Law on the Conduct of Hostilities

2:45 p.m. – 3:30 p.m.

Instructor: Mr. Walter Rivera Alemán
Navy Captain
Republic of El Salvador

Description: This module will address the conduct of military operations during armed conflict and legal provisions on the conduct of hostilities that restrict the choices of methods and means of warfare that the parties to an armed conflict are allowed to use. It will cover prohibitions of direct attacks against civilian objects and population; prohibition of indiscriminate attacks; and the obligation to take precautionary measures in order to avoid and lessen the loss of civilians, injuries to civilians, and damage of civilian objects. The module will also examine the fundamental obligation to distinguish between military objectives and persons and objects that cannot be attacked; the problem of direct participation of civilians in hostilities; the dilemma of military necessity and civilian losses and damage; precautions in attack; and the prohibition of certain weapons and methods of warfare.

Break: 3:30 p.m. – 3:45 p.m.

VII. The Implementation of IHL in the Americas (War Crimes)

4:00 p.m. – 4:25 p.m.

Instructor: Mr. Romaric Ferraro
Legal Advisor
Regional Delegation for Mexico, Central America and the Spanish-speaking Caribbean
International Committee of the Red Cross

Description: This module will cover the strong commitment by OAS member states to international humanitarian law by adopting the different treaties encompassing IHL. It will also cover the efforts by the states of the Americas to implement the obligations provided for in the treaties they have signed. It will also cover national implementation of treaties, which reveals that there still is a significant gap between international requirements and their implementation, and it will address this gap, focusing in particular on national measures conducive to the repression of war crimes.

VIII. Closing remarks

4:45 p.m. – 5:00 p.m.

Ambassador Osmar Chohfi
Chair of the Committee on Juridical and Political Affairs and
Permanent Representative of Brazil to the OAS

Yves Petermann
Director of Humanitarian Diplomacy
International Committee of the Red Cross

Dante Negro
Director, Office of International Law
Organization of American States

Awarding of certificates to participants in the course: 5:00 p.m. – 5:30 p.m.

BIBLIOGRAPHY / SUGGESTED READINGS

This bibliography provides a list of some fundamental sources that may be useful as a guide to the reader willing to delve into the study of international humanitarian law, or into some of its more specific topics. For further references, see also the ICRC's web page: www.icrc.org.

Introduction to IHL

THE BASICS OF INTERNATIONAL HUMANITARIAN LAW (International Committee of the Red Cross, 2005).

- Leaflet that includes a brief overview of the International Committee of the Red Cross' role as "guardian" of IHL
- Also available in French, Spanish

ELIZABETH SALMÓN, INTRODUCCIÓN AL DERECHO INTERNACIONAL HUMANITARIO (Comité Internacional de la Cruz Roja y Fondo Editorial de la Pontificia Universidad Católica del Perú, 2004).

- A brief introduction to the fundamental principles of IHL including the application of IHL to contemporary armed conflicts

PIETRO VERRI, DICTIONARY OF THE INTERNATIONAL LAW OF ARMED CONFLICT (International Committee of the Red Cross, 1992).

- Dictionary containing the most important and common concepts from the two branches of international law of armed conflict – *jus ad bellum* and *jus in bello*
- Also available in French, Spanish

PANORAMA 04 (International Committee of the Red Cross, 2004).

- Video that discusses the importance of IHL today while providing a general overview of ICRC's work to alleviate the suffering of, and provide protection to, victims of armed conflict
- Duration: 12 minutes
- Also available in French, Spanish

Geneva Conventions and Additional Protocols

BASICS RULES OF THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS (International Committee of the Red Cross, 1983).

- Explains the most important provisions of both the Geneva Conventions and their Additional Protocols in a simplified and easy to understand manner
- Also available in French, Portuguese, Spanish

THE GENEVA CONVENTIONS OF AUGUST 12, 1949 (International Committee of the Red Cross, 1995).

- Complete texts of the Geneva Conventions, which includes the eleven resolutions passed by the 1949 Diplomatic Conference
- Also available in French, Portuguese, Spanish

HORACE SEIBT, COMPENDIUM OF CASE STUDIES OF INTERNATIONAL HUMANITARIAN LAW (International Committee of the Red Cross, 1994).

- Intended to be used in conjunction with the *Basic Rules of the Geneva Conventions and Their Additional Protocols* (see above), this book provides a series of exercises that require the application of important IHL provisions

PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949 (International Committee of the Red Cross, 1996).

- Includes Protocols Additional to the Geneva Conventions of 12 August 1949, resolutions of the 1974-77 Diplomatic Conference, and extracts from the final act of the 1974-77 Diplomatic Conference
- Also available in French, Portuguese, Spanish

Law of Protected Persons and Objects

Alain Aeschlimann, *Protection of Detainees: ICRC Action Behind Bars* (International Review of the Red Cross, vol. 87, no. 857, 2005, pp. 83-122).

- Article detailing the legal and historical basis for the ICRC's position and objectives when protecting detainees
- Also available in French; Spanish online only

MARÍA THERESA DUTLI, JOANNA BOURKE MARTIGNONI, AND JULIE GAUDREAU, EDS., PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT (International Committee of the Red Cross, 2002).

- Report identifying activities that can protect cultural property at the national level
- Available in French, Spanish

DEPRIVED OF FREEDOM (International Committee of the Red Cross, 2002).

- Brochure that provides information on how the ICRC assesses and monitors living conditions and treatment of prisoners during detention, including concerns such as torture, ill-treatment, and forced disappearances
- Also available in French, Spanish

Law on the Conduct of Hostilities

RULES OF INTERNATIONAL HUMANITARIAN LAW AND OTHER RULES RELATING TO THE CONDUCT OF HOSTILITIES (International Committee for the Red Cross, 2005).

- Collection of treaties that regulate the conduct of hostilities
- Also available in French

Customary International Humanitarian Law

JEAN-MARIE HENCKAERTS AND LOUISE DOSWALD-BECK, EDS., CUSTOMARY INTERNATIONAL HUMANITARIAN LAW (International Committee of the Red Cross and Cambridge University Press, 2005).

- The outcome of a major study, this two-volume publication identifies customary rules of IHL and relevant treaties and state practices worldwide
- Also available in Spanish; only vol. 1 in French

Small Arms and Light Weapons

ALEXANDRA BOIVIN, COMPLICITY AND BEYOND: INTERNATIONAL LAW AND THE TRANSFER OF SMALL ARMS AND LIGHT WEAPONS (International Review of the Red Cross, vol. 87, no. 859, 2005, pp. 467-496).

- Article analyzing a proposed treaty designed to govern the international transfer of small arms and light weapons

- Also available in French; Spanish online only

Families Separated by Armed Conflict or Other Humanitarian Crises

INTER-AGENCY GUIDING PRINCIPLES ON UNACCOMPANIED AND SEPARATED CHILDREN (International Committee of the Red Cross, 2004).

- Written in collaboration with UNHCR, UNICEF, World Vision International, Save the Children UK, and International Rescue Committee, this book outlines the elements necessary to prevent separation during an emergency, and for family tracing and reunification
- Also available in French; Spanish online only in PDF format

RESTORING FAMILY LINKS: A GUIDE FOR NATIONAL RED CROSS AND RED CRESCENT SOCIETIES (International Committee of the Red Cross, 2001).

- While intended for members of the National Societies, this book provides guidance on restoring families broken by war, natural disaster or other humanitarian emergency, and includes the legal basis for tracing work
- Also available in French, Spanish

WAITING FOR NEWS (International Committee of the Red Cross, 2002).

- Brochure detailing the work of the ICRC in uniting families separated during an armed conflict
- Also available in French, Spanish

Serious Violations of International Humanitarian Law and War Crimes

NATIONAL MEASURES TO REPRESS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW (CIVIL LAW SYSTEMS) (International Committee of the Red Cross, 2000).

- Contains information on the implementation of national mechanisms for repressing violations of IHL in civil law states, and includes, as case studies, the experiences of Belgium, Switzerland, Germany, and Spain in implementing such measures
- Also available in French, Spanish

OTHER PUBLICATIONS OF THE OFFICE OF INTERNATIONAL LAW

For further details, please visit our website:

<http://www.oas.org/dil/publications.htm>



COURSE ON INTERNATIONAL LAW: This publication brings together the lectures and materials presented during the Course. The Course, which has been organized yearly since 1974 by the General Secretariat and the Inter-American Juridical Committee, is held in Rio de Janeiro, Brazil.



WORKSHOPS ON INTERNATIONAL LAW: This publication covers the Workshop proceedings and debates at the annual encounters of professors of Private and Public International law from throughout the Hemisphere.



THEMATIC SERIES: This publication is a collection of works from the Course on International Law and is organized in three volumes corresponding to the following topics: Private International Law, Inter-American System, and Public International Law.

This publication has been prepared and edited at the Department of International Law of the Secretariat for Legal Affairs, OAS, by Diego Moreno and John Wilson, with the collaboration of Lucía Solano, Alejandra Paredones, Martha Ramos, Francisco Montero, and Loyda Romay, as well as Margarita Studemeister and Úrsula Kruger of the International Committee of the Red Cross.

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