

Provisional Course Syllabus- subject to change

International Humanitarian Law LW 471 (Autumn 2025)

Dr. Mais Qandeel

LL.M. Programmes - Irish Centre for Human Rights

Objectives	<ul style="list-style-type: none">• To provide students with an appreciation of the general principles and laws that comprise international humanitarian law and to assess how these rules developed over time.• To evaluate the application of these rules to case studies and scenarios and to critically analyse how IHL is enforced.
Lecturer:	Dr. Mais Qandeel Email: mais.qandeel@universityofgalway.ie
Time & location:	Mondays (Weeks 2-9), 09am-12pm, Seminar Room, Irish Centre for Human Rights.
Learning Outcomes	<p>Upon completion of this course students will be able to:</p> <ul style="list-style-type: none">• Discuss and evaluate the role and nature of IHL;• Critically examine the historical background to the development of IHL;• Critically examine the provisions of the Geneva Conventions and Additional Protocols;• Analyse and discuss the criteria for distinguishing between categories of conflict;• Critically examine the rules governing the treatment of combatants and prisoners of war;• Explain and apply the rules governing the conduct of hostilities;• Explain and evaluate the protection of civilians under IHL;• Critically evaluate contemporary challenges to IHL;• Explain the distinction between international humanitarian law and international human rights law;• Discuss the implementation of IHL;• Apply the relevant principles of IHL to hypothetical scenarios.
Format	There will be one 3-hour seminar per week during the semester (weeks 2-9). Students are required to read material in advance, and

	<p>they are encouraged to engage in debate and discussion of the relevant topics.</p> <p>There will be a compulsory field visit to the Irish Defence Forces, which will include talks on peacekeeping, IHL issues encountered by Irish army personnel, along with a display of weaponry used in the field. The visit will be organised by Prof. Ray Murphy, and further details will follow in due course.</p>
Programmes	LL.M. programmes, full-time and part-time.
Course Material	Syllabus and select reading material available on Canvas .
Core Texts	<ul style="list-style-type: none"> • N. Melzer, <i>International Humanitarian Law, A Comprehensive Introduction</i> (ICRC 2022) (copy available on Canvas in the “Files sub-section”). • G. Solis, <i>The Law of Armed Conflict</i> (Cambridge University Press, 2021). Available online via the library website. • E. Crawford and A. Pert, <i>International Humanitarian Law</i> (Cambridge University Press, 2020). Available online via the library website. • J.M. Henckaerts & L. Doswald-Beck, <i>Customary International Humanitarian Law</i>, Volumes One (Rules) & Two (Practice); • ICRC, The Geneva Conventions I, II, III, & IV of 12 August 1949, Additional Protocols of 8 June 1977, and related commentaries Available here. • A. Clapham, P. Gaeta & M. Sassòli (Editors), <i>The 1949 Geneva Conventions - A commentary</i> (Oxford University Press, 2015). • ICRC, <i>Interpretive Guidance on the Notion of Direct Participation in Hostilities under IHL</i>, ICRC (2009). Available here. • B. Saul & D. Akande, <i>The Oxford Guide to International Humanitarian Law</i> (Oxford University Press, 2020). Available online via the library website. • M. Sassòli & P. Nagler, <i>International Humanitarian Law: Rules, Controversies and Solutions to Problems Arising in Warfare</i>, Elgar (Northampton 2019). Available online via the library website. • C. Henderson, <i>The Use of Force and International Law</i> (Cambridge University Press, 2023). Available online via the library website. • G. Oberleitner, <i>Human Rights in Armed Conflict</i> (Cambridge University Press, 2015). Available online via the library website.

	<ul style="list-style-type: none"> • D. Murray et al., <i>Practitioners' Guide to Human Rights Law in Armed Conflict</i> (Oxford University Press, 2017). Available online via the library website. • M. Sassòli, A. Bouvier & A. Quintin, <i>How Does Law Protect in War, Volumes One, Two and Three</i> ICRC (ICRC, 2011) – available here.
<p>Supplementary Texts & Sources</p>	<ul style="list-style-type: none"> • M. Newton (Editor), <i>The United States Department of Defense Law of War Manual: Commentary and Critique</i> (Cambridge University Press, 2019). • C. O'Rourke, <i>Women's Rights in Armed Conflict under International Law</i> (Cambridge University Press, 2020). • N. Tsagourias & A. Morrison, <i>International Humanitarian Law, Cases Materials and Commentary</i> (Cambridge University Press 2018). • E. Crawford, <i>The Treatment of Combatants and Insurgents under the Law of Armed Conflict</i> (Oxford University Press, 2010). • Y. Dinstein, <i>The Conduct of Hostilities under the Law of International Armed Conflict</i> (Cambridge University Press, 2016). • Y. Dinstein, <i>The Law of Belligerent Occupation</i>, (Cambridge University Press, 2019). • UK Ministry of Defence, <i>The Manual of the Law of Armed Conflict</i>, (Oxford University Press, 2004). • F. Kalshoven & L. Zegveld, <i>Constraints on the Waging of War – an Introduction to International Humanitarian Law</i> (Cambridge University Press, 2011). • L. Sriram, O. Martin-Ortega & J. Herman, <i>War, Conflict and Human Rights</i>, (Routledge, 2010). <p><u>Journals</u></p> <ul style="list-style-type: none"> • <i>Yearbook of International Humanitarian Law</i> • <i>Journal of Conflict and Security Law</i> • <i>International Review of the Red Cross</i> • <i>Journal of International Criminal Justice</i> • <i>Journal of International Humanitarian Legal Studies</i> <p><u>Web sites:</u></p> <ul style="list-style-type: none"> • International Committee of the Red Cross (ICRC) • Yale Law School – The Avalon Project on Laws of War

	<ul style="list-style-type: none"> • Reports from International Crisis Group
Assessment	<p>Evaluation is undertaken through the submission of a 5,000-word essay (excluding footnotes) which should demonstrate significant research, familiarity with the legal framework and literature, independent thought and critical legal analysis.</p> <p>Please use 1.5 spacing, Times New Roman size 12 font, and justified text. Each essay should also include a bibliography. Use OSCOLA Referencing Style (4th Edition).</p>

International Humanitarian Law – Semester 1 **Course Outline**

Class 1 - Introduction to IHL and Recourse to force under international law

Topics: The concept and purpose of IHL; Basic concepts and nature of IHL; Historical development and legal basis of IHL; Difference between *jus ad bellum* and *jus in bello* rules; Regulation of the use of force; ‘Just war’ concept; the responsibility to protect doctrine and the responsibility to prevent.

Required reading:

- N. Melzer, *International Humanitarian Law, A Comprehensive Introduction* (ICRC 2022), Chapter 1, pp.15-47.
- J.M. Henckaerts, ‘History and Sources of IHL’, in *The Oxford Guide to International Humanitarian Law* (2020), pp.1-28. Available online via the library website.
- [UN Charter](#), Articles 2 and Chapters VI, VII and VIII.
- M. Shaw, *International Law* (Cambridge University Press, 2021), Chapter 20, ‘International Law and the Use of Force’. Available online via the library website.
- International Law Association Sydney Conference, [Paper on the Use of Force](#) (2018).
- International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (2001), pp.1-18. Available [here](#) (see download link at bottom of the page).
- *Lawfare*, ‘[U.S. and U.K. Submit Article 51 Letters to U.N. Security Council on Middle East Operations](#)’, 2 February 2024.

Further reading:

- D. Palmieri, '[An institution standing the test of time? A review of 150 years of the history of the International Committee of the Red Cross](#)', Vol. 94, No. 888 *International Review of the Red Cross* (2012) 1273.
- R. Kolb, '[Origin of the twin terms *jus ad bellum*/*jus in bello*](#)', Vol. 37, No. 320 *International Review of the Red Cross* (1997) 553.
- C. Henderson, *The Use of Force and International Law* (Cambridge University Press 2018) Chapters 1 & 3.
- M. Sassòli & A. Bouvier, [How Does Law Protect in War](#) (ICRC, 2011), Chapter 2.
- C. Greenwood, '[International Law and the Pre-emptive Use of Force: Afghanistan, Al-Qaida, and Iraq](#)', Vol. 4, *San Diego International Law Journal* (2003).
- N. Lubell, *Extraterritorial Use of Force Against Non-State Actors* (Oxford University Press, 2010).
- J. Morris, '[Libya and Syria: R2P and the spectre of the swinging pendulum](#)', *International Affairs*, Vol. 89, Issue 5 (2013).

🎥 **Expert watch:** Judge Christopher Greenwood (ICJ), 'An introduction to IHL', full lecture available [here](#); Sir Michael Wood, 'International Law and the Use of Force: What Happens in Practice?' Available [here](#).

🎧 **Podcast listen:** Episode 6 of the ICRC's *Humanity in War* Podcast: 'Armed conflict in Ukraine - a recap of the basic rules of IHL', available [here](#); **Podcast listen:** Episode 34 of ASIL's *International Law Behind the Headlines* Podcast: 'Threats and Uses of Force with Monica Hakimi'. Available [here](#).

Class 2 - Scope and Applicability of IHL

Topics: Legal regimes governing international and non-international armed conflicts; Criteria for the categorisation of conflicts; Legal and practical consequences in situations of armed conflict; other applicable legal regimes such as human rights law and international environmental law.


Required reading:


- N. Melzer, *International Humanitarian Law, A Comprehensive Introduction* (ICRC 2022), Chapter 2, pp.49-76.
- E. Crawford and A. Pert, *International Humanitarian Law* (Cambridge University Press, 2020), Chapter 3. Available online via the library website.
- ICRC Opinion Paper, '[How is the term "armed conflict" defined in International Humanitarian Law?](#)' (2024).
- ICC, *Prosecutor v. Lubanga*, [Trial Judgement](#), 14 March 2012, paragraphs 531-567.

- J. de Hemptinne, '[Classifying the Gaza Conflict Under International Humanitarian Law, a Complicated Matter](#)', *EJIL Talk!* 13 November 2023.
- G. Oberleitner, *Human Rights in Armed Conflict*, (Cambridge University Press, 2015). Available online via the library website (*Chapter 4*).
- Draft principles on protection of the environment in relation to armed Conflicts 2022, available [here](#).

Further reading:

- D. Akande, 'Classification of Armed Conflicts: Relevant Legal Concepts', in E. Wilmschurst (Ed), *International Law and the Classification of Conflicts* (Oxford University Press, 2012), Chapter 3. Available online via the library website.
- S. Vit , '[Typology of armed conflicts in international humanitarian law: legal concepts and actual situations](#)', Vol. 91, No. 873, *International Review of the Red Cross* (March 2009).
- S. Sivakumaran, *The Law of Non-International Armed Conflict* (Oxford University Press, 2012).
- *La Tablada case*, Inter-American Commission on Human Rights, Report No. 55/97, Case No. 11.13, 18 November 1997, paragraphs 146-156.

 *Expert watch:* Prof. Marco Sass li, 'The nature and challenges of classifying armed conflicts'. Available [here](#).

 *Podcast listen:* *Lawfare* Podcast, 'Israel, Gaza and the Laws of War.' Available [here](#).

Class 3 - Conduct of Hostilities I: Fundamental Principles of Conduct


Topics: Distinction between the Law of The Hague and the Law of Geneva; Framework for the protection of the civilian population against the effects of hostilities; Concepts of prohibited attacks, civilian population, military objectives and targets and the fundamental principles of IHL.


Required reading:


- N. Melzer, *International Humanitarian Law, A Comprehensive Introduction* (ICRC 2022), Chapter 3.
- ICTY, *Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia*, 8 June 2000. Available [here](#).
- *Report of the United Nations Fact Finding Mission on the Gaza Conflict* ('Goldstone Report', Human Rights Council), A/HRC/12/48, 25 September 2009, pp.149-156. Available [here](#).

Further reading:

- Gary Solis, *The Law of Armed Conflict* (Cambridge University Press), Chapter 14.
- ICRC, [Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law](#) (2009).
- Y. Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge University Press, 2016), Chapter 4.
- J.-F. Quéguiner, '[Precautions under the law governing the conduct of hostilities](#)', *International Review of the Red Cross*, Vol. 88, No. 864, (2006), pp. 793-821.
- Y. Dinstein, '[Jus in bello issues arising in the hostilities in Iraq in 2003](#)', *International Law Studies*, Vol 80 (2004), 1-14.

 **Expert watch:** Helen Durham, 'Relevance and Usefulness of International Humanitarian Law: The Laws of War Today' (July 2022). Available [here](#).

 **Podcast listen:** Episode 39 of the *Laws of War* Podcast, 'Dill & Haque on IHL and the IDF Conduct of Hostilities in Gaza' (August 2024). Available [here](#).

 **Documentary recommendation:** 'Unfinished Business in Mostar' (1993). Available [here](#).

Class 4 - Conduct of Hostilities II: Means and Methods of War


Topics: Legal regime governing the use of weapons during armed conflict; prohibited weapons; rules applicable to drone warfare; the development of autonomous weapons systems, cyber warfare and international humanitarian law.


Required reading:


- C. Heyns et al., 'The Right to Life and the International Law Framework Regulating the Use of Armed Drones, in D. Akande et. al., *Human Rights & 21st Century Challenges*, (Oxford University Press, 2020), Chapter 7.
- 972 Mag, '[Lavender](#)': The AI machine directing Israel's bombing spree in Gaza, 3 April 2024.
- Buchan, Russell, and Nicholas Tsagourias. "Chapter 19: Cyberwarfare and international law". In *Research Handbook on Cyberwarfare*, (Cheltenham, UK: Edward Elgar Publishing, 2024).

Further reading:

- E. Crawford and A. Pert, *International Humanitarian Law* (Cambridge University Press, 2020), Chapter 8.
- G. Solis, *The Law of Armed Conflict* (Cambridge University Press, 2021), Chapter 15 'A.I., Autonomous Weapons, Drones and Targeted Killing.'
- ICRC, Report of the Expert Meeting, *Autonomous Weapons Systems; Technical, Military, Legal and Humanitarian Aspects*, 2014, available [here](#).
- Dan Saxon (Editor), *International Humanitarian Law and the Changing Technology of War* (Nijhoff, 2013).
- Tallinn Manual on the International Law Applicable to Cyber Operations (2017).
- UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effect, 1981 and Protocols.

 **Expert watch:** Prof. Bill Boothby, 'Remote, autonomous weapons and human agency.' (February 2021). Available [here](#).

 **Podcast listen:** *Laws of War* Podcast, 'Eric Talbot Jensen on Human Judgment and Autonomous Weapons.' (July 2020). Available [here](#).

 **Documentary recommendation:** 'Drone' (2014). Available [here](#).

Class 5 - Combatants and Prisoners of War: Status and Treatment


Topics: General criteria for determining combatant and POW status under IHL; Combatant immunity; regulations governing the treatment of POWs; release and repatriation.


Required reading:

- E. Crawford and A. Pert, *International Humanitarian Law* (Cambridge University Press, 2020), Chapter 4. Available online via the library website.
- R. Murphy, 'Prisoner of War Status and the Question of the Guantanamo Bay Detainees', *Human Rights Law Review*, Vol. 3, Issue 2 (2003) 257-278.
- J. Bybee, U.S. Office of Legal Counsel, [Memorandum Regarding the Interrogation of an al Qaeda Operative](#), 1 August 2002.
- ICTY, *Prosecutor v. Mrksić et al.*, [Appeal Judgement](#), 5 May 2009, paragraphs 64-103.
- ICTY, *Prosecutor v. Prlić et al.*, Trial Judgment, 29 May 2013, [Volume 3](#), paragraphs 591-611.

Further reading:

- G. Pinzauti, 'Protecting Prisoners of War: the Mrkšić et al Appeal Judgment', *Journal of International Criminal Justice*, Vol. 8. Issue 1 (2010).
- J. Kahn, 'Hybrid Conflict and Prisoners of War: The Case of Ukraine', in C. M. Ford & W. S. Williams (Eds.), *Complex Battlespaces: The Law of Armed Conflict and the Dynamics of Modern Warfare* (Oxford University Press, 2018).
- K. Watkin, 'Warriors without rights? Combatants, Unprivileged Belligerents and the Struggle over Legitimacy', Occasional Paper Series, Program on Humanitarian Policy and Conflict Research, Harvard University (2005). Available [here](#).
- K. Dörmann, 'The legal situation of "unlawful/unprivileged combatants"', *International Review of the Red Cross*, Vol. 85, No. 849 (2003).

 **Expert watch:** Oxford University Blavatnik School of Government, Panel Discussion, 'Treatment of Prisoners of War in Armed Conflict', 14 November 2022. Available [here](#).

 **Podcast listen:** Episode 35 of the *Jus Cogens* Podcast, 'Helen Duffy - Strategic Human Rights Litigation, A Case of Extraordinary Rendition and Arbitrary Detention', 22 March 2022. Available [here](#).

Class 6 – Protection of Civilians and Situations of Occupation

Topics: Protection of civilians during armed conflict, civilian participation in hostilities; laws of belligerent occupation; rights and responsibilities of the Occupying Power.

Required reading:

- E. Crawford and A. Pert, *International Humanitarian Law* (Cambridge University Press, 2020), Chapter 6. Available online via the library website.
- UN Security Council/General Assembly, [The legality of the Israeli occupation of the Occupied Palestinian Territory, including East Jerusalem](#), UN Doc. A/78/378-S/2023/694, 20 September 2023 (report prepared by the Irish Centre for Human Rights).
- [Geneva Convention IV](#) (1949), Articles 1-12, 27-34, 47-79.
- [Hague Convention IV](#) (1907), Regulations: Articles 42-56.
- A. Imseis, 'Negotiating the Illegal: On the United Nations and the Illegal Occupation of Palestine, 1967-2020', *European Journal of International Law*, Vol. 31, Issue 3 (2020).
- ICJ, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, [Advisory Opinion](#), 19 July 2024, paragraphs 84-110 and 244-258.

Further reading:

- N. Melzer, *International Humanitarian Law, A Comprehensive Introduction* (ICRC 2022), Chapter 6, pp.219-49 (copy of book available on Canvas).
- S. Darcy & J. Reynolds, 'An Enduring Occupation: The Status of the Gaza Strip from the Perspective of International Humanitarian Law', *Journal of Conflict and Security Law* Vol. 15, Issue 2 (2010) 211.
- Amnesty International, [Destiny: Occupation, Digital Tourism and Israel's Illegal Settlements in the Occupied Palestinian Territories](#) (2019), Chapter 3.
- D. Fleck (Ed.), *Handbook of Humanitarian Law in Armed Conflict* (Oxford University Press, 2021), Chapter 9.
- A. Roberts 'The End of Occupation in Iraq', *International and Comparative Law Quarterly*, Vol. 54, Issue 1 (2005) 27-48.
- F. Ní Aoláin, 'Gendering the Law of Occupation: The Case of Cyprus', *Minnesota Journal of International Law*, Vol.27, Issue 1 (2018) 107-141.
- D. Kretzmer & Y. Ronen, *The Occupation of Justice, The Supreme Court of Israel and the Occupied Territories* (Oxford University Press, 2021).
- Y. Dinstein, *The Law of Belligerent Occupation* (Cambridge University Press, 2019).

📺 **Expert watch:** Prof. Vaios Koutroulis, 'The Beginning and End of Occupation' (2017). Available [here](#).

🎧 **Podcast listen:** Episode 27 of the *EJIL Talk!* Podcast, 'Preoccupied: The ICJ's Palestine Advisory Opinion'. Available [here](#).

Class 7 - Implementation of IHL, Violations as War Crimes and Enforcement Mechanisms of Justice

Topics: War crimes under IHL; Article 8 of the ICC Statute and the elements of the crimes; Implementing IHL and the role of the ICC and the international criminal tribunals.

Required reading:

- N. Melzer, *International Humanitarian Law, A Comprehensive Introduction* (ICRC 2022), Chapter 7 (copy of book available on Canvas).
- G. Solis, *The Law of Armed Conflict* (Cambridge University Press, 2021), Chapter 8.
- See generally, Article 8 of the [Rome Statute](#) and the [Elements of Crimes](#), pp.9-30.
- W. Schabas, *An Introduction to the International Criminal Court* (Cambridge University Press, 2017), pp.65-86. Available online via the library website.
- ICTY, *Prosecutor v. Delalić et al.*, [Trial Judgement](#), 16 November 1998, paragraphs 475-496.
- SCSL, *Prosecutor v. Sesay et al.*, [Trial Judgement](#), 2 March 2009, pp.482-519.
- ICC, *Prosecutor v. Ntaganda*, '[Second decision on the Defence's challenge to the jurisdiction of the Court in respect of Counts 6 and 9](#)', 4 January 2017, paragraphs 27-44.

Further Reading:

- T. Meron, Reflections on the Prosecution of War Crimes by International Tribunals, *The American Journal of International Law*, Vol. 100, No. 3 (2006).
- A. Cassese and P Gaeta, *Cassese's International Criminal Law*, Oxford University Press, 2015, Chapter 4.



Expert watch: D. Guilfoyle, 'War Crimes' (2018). Available [here](#).



Podcast listen: *Power Corrupts* Podcast, 'War Criminal or Victim?', 26 October 2021. Available [here](#).



Documentary recommendation: ICTY, 'Sexual Violence and the Triumph of Justice' (2012). Available [here](#).

Class 8 – No seminar this week, as the class group is instead attending a field trip to the Defence Forces. Prof. Ray Murphy is organising this visit, and further details will follow closer to the date.

Guide for research essays

The **criteria for the assessment of the research essay** are as follows:

Topic and research question

- Is the research question feasible?
- Have the key issues in the research question been identified?
- Is the essay discussion relevant to the research question?
- Is there evidence of reflection on, and application of themes, discussed in class, in so far as they are relevant to the essay?

Research

- Has an appropriate range of primary and secondary sources been examined?
- Have up-to-date sources been used?
- Is the research material well understood?
- Is the material relied on authoritative?

Structure

- Does the essay show evidence of planning?
- Does it have a coherent, systematic structure organised around a central argument or arguments?
- Does it have a well-crafted introduction, which sets out the structure of the essay and indicates what your main argument or arguments will be?
- Does it have a well-crafted conclusion?

Analysis

- Does the essay make a point about the law, rather than merely describe the law?
- Does the essay avoid unsubstantiated generalisations?
- Has the research material been analysed for persuasiveness of argument, accuracy?
- Are opposing points of view discussed or otherwise adequately dealt with?

Style

- Is the essay written clearly and concisely?
- Is there appropriate and accurate citation?
- Word length & citation style guide applied consistently and accurately?
- Does the essay keep to the word limit? Footnotes are not counted in the word count.