

INTERNATIONAL HUMANITARIAN LAW



AT THE END OF SESSION, YOU WILL BE ABLE TO:



State the purpose of International Humanitarian Law (IHL)

Name the primary sources of IHL

Describe the protection that IHL provides to victims of war, particularly children and women

Recognize when and to whom IHL applies

WHAT IS IHL?

The law of war or law of armed conflict

IHL limits the effects of war

IHL protects persons who are not or are no longer participants in the hostilities

IHL restricts the means and methods of warfare

WHY DID IHL ORIGINATE?

Modern warfare has taken an increasingly higher human toll

The use of force is **NOT** prohibited absolutely

International rules are needed to:

1. Limit the effects of war on people, especially children and public infrastructure such as hospitals, schools, shelters
2. Protect certain particularly vulnerable persons

GENEVA CONVENTIONS OF 12 AUGUST 1949

I. Geneva Convention

Amelioration of the condition of the wounded and sick in the armed forces in the field

II. Geneva Convention

Amelioration of the condition of the wounded, sick and shipwrecked members of armed forces at sea

III. Geneva Convention

Treatment of prisoners of war (POW)

IV. Geneva Convention

Protection of civilians in time of war

COMMON ARTICLE 3

Part of customary law

Applies specifically to non-international armed conflicts

Protects every individual not or no longer actively involved in hostilities (including wounded and sick)

Prohibits violence to life and persons, including cruel treatment and torture; taking of hostages; degrading treatment; passing of sentences and carrying out of executions without previous judgment by a court

Applies at all time in all places without exception in armed conflict

ADDITIONAL PROTOCOLS OF 8 JUNE 1977

- I. Additional Protocol I: Relating to the protection of victims of **international** armed conflicts

- II. Additional Protocol II: Relating to the protection of victims of **non-international** armed conflicts

APPLICATION OF IHL

The 4 Geneva
Conventions and
Additional Protocol I



International conflicts

Additional Protocol II



“Intensive” non-
international conflicts

Common Article 3
to the 4 Geneva
Conventions



Non-international
conflicts

IHL PROTECTION FOR CHILDREN

Children are granted **special protections**

- Children shall be the object of special respect and shall be protected against any form of indecent assault ... Parties to the conflict shall provide them with care and aid they require...(GC IV)
- Prohibits recruitment of child soldiers and participation in hostilities; child combatants entitled to privileged treatment (Art 77-API)

IHL PROTECTION FOR WOMEN

Special protections for women, expectant mothers, mothers of small children

GC IV & API:

- Attack on honour, rape, enforced prostitution, or assault forbidden

GC III, GC IV & API:

- Special considerations while in detention
- No death penalty

IHL

VS.

IHRL

Applies in situations of armed conflict

Rights are non-derogable

Seeks to protect by limiting suffering caused by war

Monitored by ICRC

Emphasizes cooperation between parties to the conflict

Applies in war and in peace

Certain rights may be suspended in emergencies

Seeks to protect the individual and promote development by limiting state power

Monitored by various mechanisms, e.g. treaty bodies, courts, individuals

KEY MESSAGES

IHL seeks to limit suffering caused by war

IHL offers special protections to children and women

IHL applies to both international and non-international conflicts, and to **all** Parties to conflict

