

REPORT- Day 2

2 Credit Certificate Course on International Humanitarian Law

No of attendees: 55

Speaker: Prof (Dr.) Manoj Kumar Sinha

On the second day of his lecture, Prof Sinha gave an overview of the principles of IHL. He commenced the session by giving a quick recap of his previous lecture regarding the history of IHL, focusing on the four Geneva conventions, the development of the liver code in the USA, and the early traces of IHL found in religious texts. Rousseau too in his social contract talks of separating soldiers from ordinary men.

After this, he discussed the distinction between international armed conflict, non-international armed conflict, and internalised conflict. Regardless of the causes or the severity of this war, an international armed conflict occurs when one or more States use military force against another State. There is no need for a formal declaration of war or acknowledgement of the conflict. While, A scenario of violence involving protracted armed clashes between government forces and one or more organised armed groups, or between such organisations themselves, that develops on the territory of a State is referred to as a non-international (or "internal") armed conflict.

Prof. Sinha responded to the queries, presented by the participants, regarding the classification of current conflicts, with discussions about the Afghan crisis, current scenario in Malaysia and the Naxalite struggle. Later, he focused on the application of principles of *Jus in bello* and *jus ad bellum*. *Jus ad bellum* describes the circumstances in which States may employ force militarily or declare war. The cornerstones of *jus ad bellum* are the prohibition on the use of force between States and its exceptions (self-defense and UN permission for the use of force), both of which are outlined in the United Nations Charter of 1945. *Jus in bello* governs how parties to an armed war must behave. IHL, also known as *jus in bello*, aims to lessen suffering in armed conflicts, particularly by providing the protection and support to all victims of armed conflict.

Thereafter the principles of IHL, who the protected people in case of conflict were and the types of protections offered to them. Article 24 was discussed in detail, along with chapter VII of the UN charter. He described the Article 36 of Additional Protocol I of 1949 Geneva Convention which requires states to conduct legal reviews of all new weapons, means and methods of warfare in order to determine whether their use is prohibited by international law.

And article 41 of the same which defines 'enemy hors de combat' and safeguards for enemy hors de combat. In the end, some of the participants presented some questions which were answered by the speaker. The session ended with the faculty coordinator, Dr. Sangeeta Taak presenting the vote of thanks to the speaker, followed by the moderator extending the same to all the participants