

International Humanitarian Law Legal Clinic

(Prof. Giulio Bartolini, full professor of international law: giulio.bartolini@uniroma3.it)

Optional Course: 7 CFUs - ECTS

Timetable: Mondays 14-18; Thursdays 10-12 Room 248 (Second Floor, Via Ostiense 161)

For the selection process and relevant dates please see below

Course description:

The “International Humanitarian Law Legal Clinic” (IHL Legal Clinic) has been established in 2016 to permit students to acquire a sound knowledge on international humanitarian law, cooperate on a *pro bono* basis on **projects with leading international and national institutions** operating in this area and develop significant skills and a **humanitarian-oriented approach** beneficial for their competences, **future professional activities and civil awareness**. The IHL Legal Clinic is an **optional course (7 CFU)** opens to students from Roma Tre and those involved in exchange programmes (eg. Erasmus) qualifying for a final mark. The working language is English (students can also qualify for ‘Lingua giuridica’).

So far students involved in the Roma Tre IHL Legal Clinic have provided support to some of the most relevant **international and domestic stakeholders** as: The International Committee of the Red Cross (ICRC); Amnesty International; NATO (Allied Command Operations Legal Office at SHAPE); the Italian Red Cross, IHL Commission; the International Federation of Red Cross and Red Crescent Societies (see below ‘Past Projects’).

In 2023/2024 students of the IHL Legal Clinic will:

- A) Acquire a **sound knowledge** of international humanitarian law through **introductory lectures**.
- B) **Be involved in research and practice-oriented projects** commissioned by relevant stakeholders as International Committee of the Red Cross (ICRC) and the NATO (Allied Command Operations Legal Office at SHAPE). See below for further details: ‘2023 Projects’;
- C) **Be part of the IHL Red Project**, managed in cooperation with the IHL Legal Clinics of Roma Tre, Leiden (Netherlands) and Bochum (Germany) as part of the EU-funded Project KA2. Students will have the unique opportunity to take part in a IHL legal clinics exchange conference organized by Roma Tre University, Leiden and Bochum to take place in Rome (3 days in April or May 2024) to present their projects and attend IHL conferences and events with students of other IHL legal clinics. Costs will be covered by Roma Tre University.

A **selection process** will permit to **identify interested students** due to some limits related to the management of the IHL Legal Clinic – eg. max. around 10/12 students (**see below ‘relevant dates and application process’**). Any student enrolled at the Department of Law (including Erasmus students or other foreign students involved in exchange projects) are invited to join the selection process.

Course Learning Objectives

- To provide students with a proper **understanding of international humanitarian law** and its relevance in the regulation of armed conflicts. A preliminary set of lectures managed by Prof. Bartolini will permit students to get familiar with international humanitarian law and issues of public international law relevant for this course. It is **not** required for students to have previously attended courses on international humanitarian law or public international law.
- To permit students to **professionally interact with international institutions** acting in the area of international humanitarian law through the participation in research projects and clinical activities commissioned by organizations partners to the Roma Tre IHL Legal Clinic
- The IHL Legal Clinic is inspired by a **'learning by doing'** approach permitting students to develop their competences in **legal research, drafting, writing and organization of activities**, to facilitate the transfer of theoretical analysis into a practical and humanitarian-oriented perspective.

Course Learning Activities:

To achieve the above objectives, students will have to:

- Actively participate in the projects of the IHL Legal Clinic;
- Acquire a sound knowledge of international humanitarian law also through the textbook.
- Engage in class discussions/debates.

Assessment tools and attendance policy:

Students will be assessed on the basis of their contribution to the projects carried out the IHL Legal Clinic and through a final review of their knowledge on international humanitarian law. Projects developed by the IHL Legal Clinic also require students to prepare draft reports and other preliminary material to be presented in class. Students are expected to participate in all classes.

2022/2023 Projects and activities of the IHL Legal Clinic:

The IHL Legal Clinic will be managed in two phases:

A) Students will get familiar with international humanitarian law: Prof. Bartolini will manage a series of lectures aimed to make students familiar with international humanitarian law (October-mid November 2023 see calendar below). Presentations by external speakers as officers of the Armed Forces will also be arranged. Students will be required to get familiar with the textbook: Nils Melzer, International Humanitarian Law. A Comprehensive Introduction (downloadable [here](#)). Relevant sections of the textbook will be discussed in class.

B) Clinical activities: From mid-November onwards, students will start to manage research projects involving relevant stakeholders.

In particular students will work on:

- Partnership with the International Committee of the Red Cross: "International Humanitarian Law in Action" database (<https://ihl-in-action.icrc.org/>). Students elaborate reports aimed at identifying real case-studies on compliance with international by States and organized armed groups based on open-access information. The ICRC has received positive feed-backs on this new instrument, to be used in training and dissemination activities for armed forces/organized armed groups, students and civil society, and has made reference to it in the [2018 statement](#) to the UN Security Council open debate on protection of civilians in armed conflict.

- The partnership with the **NATO Legal Office at SHAPE** (Supreme Headquarters Allied Powers in Europe) will imply cooperation in the activities of **LAWFAS** (Legal Advisors Worktop Functional Area System), an on-line platform managed within the NATO's website aimed to facilitate

document researches and ensure an easy access to all the relevant information for the legal community of several thousands of military officers and legal advisers linked with this on-line system from NATO countries and partner countries. Students are involved in the elaboration of **desk-studies on relevant developments in international humanitarian law**, as complemented by document materials, finally **uploaded in the LAWFAS website** (<https://lawfas.hq.nato.int/Roma%20Tre/SitePages/Home.aspx>) and circulate to the NATO legal community through specific newsletters. Past topics managed by the Roma Tre IHL Legal Clinic could be consulted below.

C) **Participation in the IHL Red Project**, managed in cooperation with the IHL Legal Clinics of Roma Tre, Leiden (Netherlands) and Bochum (Germany) as part of the EU-funded Project KA2. Students will have the unique opportunity to take part in a IHL exchange conference organized by Roma Tre University in cooperation with Bochum and Leiden IHL Legal Clinics (3 days in April or May 2024) to present their projects and attend IHL conferences and events involving leading experts. Costs of participation of students in this exchange conference will be covered by Roma Tre University

Relevant Dates and Application Process:

Students are invited to apply for the IHL Legal Clinic according to information provided below.

- A preliminary informal meeting to present the activities of the IHL Legal Clinic and provide relevant information will take place on **Friday 22nd September 2023 at 12:00**. The meeting will be held on-line through Teams. Please use this [link](#) to connect through Teams
- Students interested to take part in the IHL Legal Clinic are required to send an email to giulio.bartolini@uniroma3.it by **Tuesday 26th September at 12:00 (earlier submissions are kindly encouraged)**. In this email students are kindly invited to provide: **a) a letter of motivation for their interest to take part in the IHL legal clinic; b) as well as relevant information** (e.g. through a CV) on: Their academic career (year of study, number of passed exams, average grade); Previous exams related to international law issues or legal clinics; Languages known.
- The selection process will imply an **interview** to be carried out **in-presence** (room 1, Via Ostiense 161) **or on-line** on **Thursday 29th September at 14.30**. The interview will permit to assess the interest and capacity of candidates to take part in this innovative project also based on information provided above.

The selection will be held in-presence or on-line through Teams. Please use this [LINK](#) to connect through Teams.

Students admitted to the IHL Legal Clinic will subsequently start their activities on Monday 9/10

Calendar of activities of the IHL Legal Clinic

Class	Topic and/or Activity
9/10	Historical origins of IHL. Distinction between <i>ius ad bellum</i> and <i>ius in bello</i> . IHL as part of public international law. Sources of IHL.
12/10	Sources of IHL. The distinction between international and non-international armed conflicts
16/10	The distinction between international and non-international armed conflicts
23/10	The rules concerning the conduct of hostilities: The basic rule (Article 48, Protocol I) - Definition of military objective
26/10	The basic distinction between civilians and combatants - Definition of combatant - The participation of civilians in hostilities - Members of organised armed groups in non-international armed conflicts
30/10	The principle of proportionality - Precautionary measures in attack; Precautionary measures against the effects of attacks
2/11	Exercise: a case-study on IHL
6/11	Means and methods of warfare
9/11	Protection of the Wounded, Sick and Shipwrecked. Protection of the Civilian Population: belligerent occupation.
13/11	Detention in armed conflicts
16/11	Implementation mechanisms of IHL; Criminal repression for war crimes
Mid-November - onwards	Start of the Clinical Activities on research projects with partner institutions
December 2023	Submission of draft results
February 2024	Delivery of the final clinical reports by the students during the exam session
Spring 2024 (3 days in April or May)	Participation in the IHL Exchange Conference with IHL Legal Clinics of Leiden and Bochum. Attendance at IHL conferences and activities organized by Roma Tre University

Past Projects of the IHL Legal Clinic:

- **NATO Allied Command Operations Legal Office:** Students have elaborated reports published in the LAWFAS website. Topics have included: “Detention in armed conflicts”; “The updated versions of the Commentaries to the 1949 Geneva Conventions”; “Recent Legal Developments concerning Humanitarian Access in Armed Conflict”; “Legal issues on Lethal Autonomous Weapons Systems (LAWS)”; “The 2017 Treaty on the Prohibition of Nuclear Weapons”; and “The Protection of Cultural Heritage: Recent Developments”; “Responsibility for IHL Violations in Ukraine”; “The Law of Neutrality”;

- **ICRC**, “International Humanitarian Law in Action” database (<https://ihl-in-action.icrc.org/>). Students elaborate reports aimed at identifying real case-studies on compliance with

international by States and organized armed groups based on open-access information. The ICRC has received positive feedbacks on this new instrument, to be used in training and dissemination activities for armed forces/organized armed groups, students and civil society, and has made reference to it in the [2018 statement](#) to the UN Security Council open debate on protection of civilians in armed conflict.

- **Partnership with the International Committee of the Red Cross and the Italian Red Cross** to updated, as for the period 2008-2016 and 2016-2022, the Italian practice on international humanitarian law for the database on [Customary International Humanitarian Law](#). Students have elaborated two desk reports providing relevant information, translations and documents the Italian practice (case-law, official statements, legislation, military documents, etc.) addressing some of the 161 customary rules identified by the ICRC. This report will permit the ICRC and the Lauterpacht Centre of the University of Cambridge to update the section devoted to [Italy](#).
 - **Amnesty International Italy:** Through this cooperation with the [Italian Branch of Amnesty International](#) the Roma Tre IHL Legal Clinic has elaborated a desk study aimed to check the implementation of the Rome Statute of the International Criminal Court in the Italian domestic legal system on the basis of the [updated checklist for effective implementation](#) elaborated by Amnesty International. The report has permitted to assess positive aspects and continuing challenging on the implementation of this significant treaty in Italy.
 - Cooperation with the [Italian Red Cross, IHL Commission](#) for the creation of **mobile phone applications devoted to IHL. The first one**, namely the 'QUIZ DIU', has been structured in 60 questions and answers to test IHL knowledge. The mobile app is available in two versions for [Android](#) and [Apple](#) system and was developed by the Roma Tre IHL Legal Clinic in cooperation with volunteers and IHL trainers of the Italian Red Cross. This application permits the user to review his/her expertise on main areas of international humanitarian law (eg. sources, definition of armed conflicts, targeting process, protection of persons hors de combat, implementation) through a friendly-based approach, permitting for instance to get virtual awards once one level of the game is completed. Through this mobile app it was possible to create an innovative and interactive technological tool to disseminate humanitarian values and legal knowledge related to IHL particularly helpful for the dissemination and training activities of the Italian Red Cross with the Italian Armed Forces, schools and the general public audience. More than 2.500 downloads have been recorded in the first months after its launch.
- A second App is 'International Humanitarian Law'**. This multilingual mobile phone app arranges and making available in Italian, English, French and Spanish main IHL treaties (Geneva Conventions, Additional Protocols, treaties on weapon systems, status of international criminal tribunals, relevant national legislation) and customary rules. The 'IHL-APP' is freely available through app platforms for [Android](#) and [Apple](#) systems.
- Cooperation with the [International Federation of Red Cross and Red Crescent Societies, Disaster Law Programme](#). Students have been involved in the elaboration of a desk study (50 pages, plus attached documents) on the Italian disaster management legislation, institutions and practice for the forthcoming "Research for the Checklist on Law and Disaster Preparedness and Response", to be presented by the IFRC at the 33rd International Conference of Red Cross and Red Crescent Movement. The Checklist will provide States guidance on legal, institutional

and practical measures to be adopted in the disaster cycle permitting them to modify and integrate their domestic legal system in light of international best practice identified in this instrument on the basis of a comprehensive review of national experiences as highlighted in desk reports. Students have also been involved in a project related to “Regulatory Issues in Recent International Disaster Response Operations” aimed to collect and systematize cases related to legal challenges faced during disaster relief operations for the fifth report on the implementation of the IDRL Guidelines to be presented at the 33 International Conference of Red Cross (Geneva 2019).