

Global Praxis Class
International Humanitarian Law
Role Play
A semester, 2020-2021

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Syllabus

国際人道法ロールプレイ

International Humanitarian Law Role Play

概要・Module summary

<10月1日修正>

このプログラムは、履修学生が国際人道法に興味を持ち、柔軟なコミュニケーション能力を要するロールプレイという形式を使って国際人道法をテーマに国際的に活躍する講師陣と直接コミュニケーションをとると共に、ネットワークを構築することを目的とする。

国際人道法復習、英語の弁論、パブリックスピーキング、ロールプレイの技術についての講義、実践練習を行う。

国際人道法の研修を授業5回分行い、その後4人の講師を呼んで連続セミナーを行う。この連続セミナーには、講師の所属先の学生も参加できるようにし、学生間の意見交換・交流ができるようにと計画している。また、11月に行われる国際人道法模擬裁判に出場し、2021年6月の国際人道法ロールプレイ世界大会への準備のため、模擬裁判の実際の問題に基づいて準備を行う。

This course aims to get registered students to gain interest and useful knowledge of International Humanitarian Law, build the capacity of registered students to display their knowledge through role play, and assist them build an international network through joining special seminars organized with external institutions on IHL education.

There are five classes on the 5th period, Mondays. Subsequently there will be four seminars on specific topics of IHL. In the special seminars, other students from the lecturers' institutions can join, so that registered students can build an international network of likeminded students. Some of the registered students will join IHL Moot Court competition, Japan national round, in November. This course will prepare students for the IHL Role Play competition, world round, which will be held in June 2021.

授業方法・Teaching Method

国際人道法の研修を授業5回分行い、その後4人の講師を呼んで連続セミナーを行う。この連続セミナーには、講師の所属先の学生も参加できるようにし、学生間の意見交換・交流ができるようにと計画している。また、11月に行われる国際人道法模擬裁判に出場し、2021年6月の国際人道法ロールプレイ世界大会への準備のため、模擬裁判の実際の問題に基づいて準備を行う。

5回の授業のテーマ：

国際人道法とは

国際人道法の原則と赤十字国際委員会（ICRC）

戦闘の方法

守られている人・もの

国際人道法違反

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The themes of 5 classes:

1. IHL
2. IHL principles and the ICRC
3. Means and methods of war
4. Protected persons and objects
5. Violations of IHL

授業の形態・Module Modality

最初の5回 - 講義とシミュレーションの実践練習

特別講義 - 講義と質疑応答、討議

The first 5 classes - lecture and role play practice

Special seminars - lecture and Q and A, discussion

評価基準・Evaluation standard

ロールプレイ練習でのパフォーマンス

授業への積極的な参加度

Performance in the role play practice

Active participation in discussion

注意事項・Additional message

一連のコロナ対策により、内容に変更があります。海外渡航は行えません。

この授業は英語授業です。

The content has been changed due to cancellations of events. There will be no overseas trip.

This class will be run in English.

学習上のアドバイス・Advice for students

国際人道法を将来実際に使って将来国際的に仕事をする学生さんを応援するための実践的な授業を目指しているため、現在世界で起こっている戦争について幅広く知ってもらおうと、この授業で習得する知識・理解を適用する面白みが増す。

This course endeavors to support students who are interested in applying International Humanitarian Law in their work. This course would be most enjoyable if you can keep yourself interested and updated on world affairs, in particular armed conflicts and violence in the world.

関連 URL・Related website

<https://www.icrc.org/en/document/malaysia-ihl-role-play-competition-taking-law-out-books>

実務経験と授業科目の関連性・Relationship between instructor's practical work experience and the course

担当教員は主に国連において、国際人権法・国際人道法・国際刑法を駆使して人権侵害や国際人道法違反の被害者を救済する職務を行っていた。この授業においては、国際法の学術的な理解だけでなく、実務において直面した諸々の問題への理解と経験を踏まえ、実践的な国際法の学びを促進する。

The instructor of the course has worked mostly in the United Nations in the area of International Human Rights Law, International Humanitarian Law and International Criminal Law. This course aims at promoting not only academic understanding of the law but also practical application to real issues.

List of Special Seminars

Global Praxis (IHL) Special Seminar #1

18:00 - 19:30, 16 November 2020

Drones, AI and automated weapons

Prof. Noam Lubell, Director of the Essex Armed Conflict and Crisis Hub, University of Essex

Global Praxis (IHL) Special Seminar #2

18:15-19:45, 23 November 2020

Finding information and evidential threshold at international tribunals, fact finding missions and human rights bodies

Mr. Vic Ullom, Senior Human Rights Officer, UN-Office of the High Commissioner for Human Rights

Global Praxis (IHL) Special Seminar #3

18:00-19:30, 14 December 2020

Protected Objects and Persons, with a focus on Medical Units and Personnel

Dr. Agnieszka Jachec-Neale, Lecturer in Law, University of Exeter

Global Praxis (IHL) Special Seminar #4

19:00-20:30, 13 January 2021

Investigating possible violations of human rights law: the case of UN Commissions of Inquiry?

Prof. Françoise Hampson, Commissioner on the UN Commission of Inquiry for Burundi, Emirates Professor at the University of Essex

Global Praxis (IHL) Special Seminar #5

16:00-17:30, 15 January 2021

International Criminal Court: Its Establishment and Challenges

Judge Hisashi Owada, former president of the International Court of Justice

NIAC

Organization (ICTY Haradinaj Trial)

Trial Chambers have relied on several indicative factors, none of which are, in themselves, essential to establish whether the "organization" criterion is fulfilled. Such indicative factors include the existence of a command structure and disciplinary rules and mechanisms within the group; the existence of a headquarters; the fact that the group controls a certain territory; the ability of the group to gain access to weapons, other military equipment, recruits and military training; its ability to plan, coordinate and carry out military operations, including troop movements and logistics; its ability to define a unified military strategy and use military tactics; and its ability to speak with one voice and negotiate and conclude agreements such as cease-fire or peace accords. (¶60)

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Protracted

'intensity' was the relevant criteria and that there were indicative factors relevant to assessing protracted: the number, duration and intensity of individual confrontations; the type of weapons and other military equipment used; the number and calibre of munitions fired; the number of persons and type of forces partaking in the fighting; the number of casualties; the extent of material destruction; and the number of civilians fleeing combat zones. The involvement of the UN Security Council may also be a reflection of the intensity of a conflict. (¶49, Trial Chamber)

In order to assess the intensity of a potential conflict, the ICTY has indicated a Chamber should take into account, *inter alia*, "the seriousness of attacks and potential increase in armed clashes, their spread over territory and over a period of time, the increase in the number of government forces, the mobilization and the distribution of weapons among both parties to the conflict, as well as whether the conflict has attracted the attention of the United Nations Security Council, and, if so, whether any resolutions on the matter have been passed." The Chamber is of the view that this is an appropriate approach. (Citations omitted, Prosecutor v. Lahiaga, ICC-01/04-01/06, Trial Chamber I, Judgment, 14 March 2012, para 538).

Trial chamber held that initial violence – large scale but isolated and followed by periods of relevant calm did not meet the threshold, but that from 22 April 1998 the conflict intensified. Considering in particular the frequent shelling in Decani/Decan municipality, the flight of civilians from the countryside, the daily clashes between the KLA and the Serbian forces, and the unprecedented scale of deployment of VJ [Yugoslav Army] forces on the ground and their participation in combat, the conflict came to meet the intensity requirement of the Tadic test on 22 April 1998. (¶499).

Message from the instructor

The academic year 2020-2021 has been hit by unprecedented COVID-19-related restrictions. This Global Praxis class was supposed to be to take interested students to join the International Humanitarian Law (IHL) Role Play competitions in Japan and in the Asia regional round – which was to be held in Kuala Lumpur, Malaysia.

Despite a lot of shuffling and having to modify the content of the module, I am very happy to see that quite a few students followed the module. With the cancellation of the IHL Role Play competitions in Japan and in Asia regional round, two teams have joined the IHL Moot Court competition national round in Japan, and having won the national round, in the Asia Pacific regional round, held on-line, organized by the Red Cross Hong Kong.

I see IHL as a meaningful tool for protecting individuals who live in the area of an armed conflict or in the situation of general violence. With other international law tools and national law, IHL provides legal basis for protecting vulnerable people, including civilians, sick and wounded persons, people under detention, women, children and people on the move. Role play and moot court competitions are great ways to go deep into the situation, considering concrete cases of human problems.

I would be very happy if you continue to develop your knowledge and understanding of IHL whatever you do in the future. I am very certain that you will soon become leading figures, to whom victims of violations and vulnerable population can turn.

My very best wishes for your bright future!

Ai Kihara-Hunt