

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.M IN CRIMINAL JUSTICE ADMINISTRATION – LEVEL 10 - 2nd Year
FINAL EXAMINATION – 2017/2018
LLPA411/LWP 2211 - INTERNATIONAL HUMANITARIAN LAW
DURATION –03 HOURS

01
00019



Date: 18th November 2018

Time: 09.30 a.m. – 12.30 p.m.

Total number of questions 07.

Answer four (04) questions only.

Candidates will be penalized for illegible handwriting.

1. 'Humanitarianism responds to the unusual situation that would arise in armed conflicts by adopting an approach of moderation. Although war necessarily involves suffering, there are basic values that unite humans even in wartime. This means that even war has limits'

Critically examine above statement with reference to the nature, evolution, challenges and prospects of international humanitarian law.

You should explain your answer by citing authorities and practical examples.

(25 marks)

2. International humanitarian law and international human rights law have much in common. However, there are also some important distinctions between the two. Compare and contrast both the legal regimes and their applicability in armed conflict situations.

Your answer should refer to case law jurisprudence and the relevant provisions of treaty law and customary law.

(25 marks)

3. 'Implementation of humanitarian law has always been a tremendous challenge partly because its scope of application is directly linked with armed conflicts. The political will of the national authorities could be another influencing factor towards national implementation of international humanitarian law. These difficulties become aggravated in post armed conflict situations with unwavering demands for transitional justice.'

Analyze these problems in the light of above statement. Support your answer with relevant provisions of international humanitarian law and examples drawn from war-torn -societies.

(25 marks)

4. Analyze the legal consequences arising from the situation given below in light of relevant international humanitarian law principles. Note that both States are parties to Geneva Convention of 1949 and to their additional Protocols of 1977.

States Cobra and Python have been fighting with each other for the last two years. The Python army is well-known for its undercover operations. The Commander of the Python army orders to keep ten Cobra soldiers caught during such an operation in an undisclosed location and to get as much information as possible about strength of Cobra army. They are used to search the locations of anti-personnel land mines buried by them. Cobras who are kept under the custody of Python get to know that they are sharing the same billet with some Python soldiers and Python nationals who are suspected to be members of a resistant movement that engage in a civil war with Python army. This place is not satisfactorily equipped with necessities of life.

(25 marks)

5. 'International humanitarian law aims at protecting civilians, who are presumed not directly participate in hostilities. Only such civilians must be protected against the dangers arising from military operations'

Critically evaluate the above statement with reference to relevant principles of international humanitarian law and practical examples.

(25 marks)

6. State Peacock and State Vulture are engaging in hostilities for last five years. The ICRC wishes to appoint you as their legal advisor and to prepare a report on the legality of the following actions committed by both parties:

- a. Shelling and bombardments not directed at a specific target but resulted in the killings of a large number of Peacock civilians by Vulture armed forces;
- b. An attack directed at a military camp located nearby civilian houses and causing the death of a few civilians and the destructions of one big house in State Vulture;
- c. Vulture forces showing white flag to Peacock army;
- d. Destroying water installations and paddy fields by the Peacock armed forces.

(25 marks)

7. Write notes on any **TWO** of the following;
- a. Protection of women and children in times of armed conflicts
 - b. Principles of distinction and Principle of Proportionality
 - c. Protection of displaced persons in armed conflicts
 - d. Indiscriminate attacks

(25 marks)

****COPYRIGHTS RESERVED****

