

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
DEGREE OF MASTER OF LAWS IN CRIMINAL
JUSTICE ADMINISTRATION
FINAL EXAMINATION – 2018/2019
LLPA411/LWP2211 -INTERNATIONAL HUMANITARIAN LAW
DURATION: 03 HOURS



0055

Date: -20.09.2020

Time:9.30 a.m. – 12.30 p.m.

Instructions for candidates:

- Answer four (04) questions only. Each carries equal marks.
- Candidates will be penalized for illegible handwriting.

01. State Kusawathie finds tensions and revenges with clashes of arms in the northern part of its territory among the different ethnic groups and subsequently deploys more contingents of law enforcement officials to control the situation. Situation continues to be aggravated with the announcement of declaring an armed struggle by an armed group named COBRA against the forces of Kusawathie. Intelligent forces receives information that State Jayampathie provides military training to COBRA carders followed by financial support too. Kusawathie declares war against both Jayampathie and COBRA and faces with severe threats to its security and damages to its infrastructure due to the military activities between its forces and the rivalry forces of Jayampathie and COBRA.

Explain the nature of the above situation with an account of applicable rules of international humanitarian law.

02. 'Just being a civilian is not the only requirement to be protected under the principle of distinction. If a civilian directly participate in hostilities he/she should be deprived of the protection provided by international humanitarian law'.

Do you agree with the above statement? Critically examine the relevant rules governing the protection of civilians in international humanitarian law.

03. Assess the correctness of the below statements (a) and (b) in light of applicable rules, judgements and practical examples.

(a) Recruiting children as soldiers of war is not only a violation of their rights but also leads to violate many rules of international humanitarian law.

(b) Decisions of the ad hoc international criminal tribunals of Rwanda and Yugoslavia are salutary to enhance the protection of women against sexual violence in terms of armed conflicts.

04. State Q and Z are fighting with each other over a period of two years. Q forces have been more successful in their operation against Z and are keeping more than 500 soldiers of Z army under their custody. Salvana, a humanitarian organization, similar to the ICRC, wishes to seek advice from you in writing about how to deal with the maltreatment of those prisoners of war by the invocation of relevant principles of international humanitarian law, with special reference to medical treatment, receiving their labour and the maintenance and other necessary facilities during their custody under enemy forces.

Submit your advice in the form of a legal memorandum.

05. Write a feature article to the education page of a newspaper about the efficacy of customary international humanitarian law rules having kept in mind that your readership may include non-lawyers as well.

06. Explain traditional and modern prohibitions/restrictions on the choice of methods and means of warfare with special reference to principles of distinction and proportionality. Your discussion should be substantiated with examples drawn from legal instruments and practical examples.

07. 'Implementation of international humanitarian law principles could be one of the tedious tasks for any high contracting party to Geneva Conventions of 1949 and their Additional Protocols of 1977'

How do you advise such a State party to take the necessary steps to respect and to ensure respect for the obligation undertaken under the above treaties with special references to avoid/minimize the occurrence of grave breaches designated by Geneva law and if such breaches are committed how to provide justice for victims and to hold the perpetrators accountable.

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