



**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**  
**LLPA410/LWP2210 – INTERNATIONAL CRIMINAL LAW**  
**DURATION: 03 HOURS**

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**Date: 26.07.2020**

**Time: 9.30 a.m. – 12:30 p.m.**

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**Instructions for candidates:**

- **Total number of questions – 07**
- **Answer four (04) questions only**
- **Candidates will be penalized for illegible hand writing**

01. ‘History of International Criminal Law indicates that it developed in fits and starts. This pattern has resulted in a lack of consistency in the manner of application of the law until the establishment of the International Criminal Court’

Critically examine the validity of the above statement. Substantiate your answer drawing examples from relevant statutes and court cases.

(25 marks)

02. Antonio Cassese contends that crimes against humanity demands a punishment more than any other crime because they are widespread forms of collective violence that affect the masses. But he also points out that such cases are “difficult, if not downright impossible to judge”.

Critically evaluate the above statement using legal provisions and case law pertaining to crimes against humanity.

(25 marks)

03. 'Ad hoc tribunals have contributed to the development of International Criminal Law in a tangible way. While drawing on the lessons learnt from the International Military Tribunals, the *ad hoc* tribunals have advanced the law and aided it to reach contemporary heights'.

Do you agree? Assess the above statement with reference to at least three developments that occurred in relation to the *ad hoc* tribunals. Your answer should be substantiated with statutory provisions and case law authorities.

(25 marks)

04. Write notes on any **three (03)** of the following.
- a. Command responsibility
  - b. Crimes against humanity
  - c. Background of the conflict in Rwanda
  - d. Genocide
  - e. Extraordinary Chambers of the Courts of Cambodia.

(25 marks)

05. The sheer number of individuals murdered is insufficient to establish that genocide has been committed in a particular context. The elements of the crime requires that certain other nuances be established and proven in a court of law for the crime to be regarded as the most heinous of crimes – genocide.

Do you agree? Evaluate the above statement with reference to the elements of the crime of genocide. Your answer should also make references to relevant provisions and case law authorities.

(25 marks)

06. 'The controversies surrounding the definitional limitations of the crimes of aggression resulted in the delay of it being incorporated into the Rome Statute. However, this now forms part of the Rome Statute and has been in existence in International Criminal Law since the time of the International Military Tribunals'.

Write a descriptive narrative of the crimes of aggression with special reference to post-Rome statute developments by citing relevant legal provisions, instances, and case law authorities, where necessary.

(25 marks)

07. 'The International Criminal Court's jurisdiction can arise under *three* conditions. Furthermore, the ICC tries individuals as opposed to States. In no circumstances does the ICC attempt to replace national courts'.

Explain the workings of the ICC with reference to the points raised in the above statement. Where relevant, references should be made to statutory provisions and case law authorities.

(25 marks)

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