

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.M IN CRIMINAL JUSTICE ADMINISTRATION
SECOND YEAR- FINAL EXAMINATION- 2022/2023
LLPA 410- INTERNATIONAL CRIMINAL LAW
DURATION: 03 HOURS



Date: 24.09.2023

Time: 09.30 a.m. – 12.30 p.m.

Total No. of Questions: 07

Answer Four (04) questions only.

Candidates will be penalized for illegible handwriting.

- 01.** 'Allegations are made against Russia of committing war crimes against armed forces and People of Ukraine and on its own mercenary army and people.'

Critically discuss the above statement in light of relevant legal principles with special emphasis on Rome Statute of International Criminal Court and the four Geneva Conventions of 1949 and their Additional Protocols of 1977. (25 Marks)

- 02.** 'There is a clear distinction between the 'Objective Element' of 'Crimes Against Humanity' and relevant national laws of Sri Lanka'.

Critically examine the validity of the above statement with reference to legal authorities and relevant examples (25 Marks)

03. In the State of Cornelia, the Sukra race is the majority population whilst Bimura race is the ethnic minority with distinct language, who are exclusively living in a village. The government of Cornelia deprives the village with the supply of medicine and food. Racist group 'Prana', consisting of Sukras, enters the village and kills two Bimuras and commits sexual violence including rape on women. Subsequently Government of Cornelia forcibly remove males of Bimura community from the village.

Discuss international criminal liability of officials of Government of Cornelia and members of Group Prana. (25 Marks)

04. 'Though the idea of individual criminal responsibility was introduced to international law through Nuremberg and Tokyo trials in the aftermath of the Second World War The end of the Cold War in the 1990s has created a more favourable atmosphere to institutionalize the notion of individual criminal responsibility as a firm principle in international law.'

Critically discuss this statement with special reference to the convergences and divergences between the approach of Nuremberg and Tokyo trials, and the subsequently established United Nations *ad hoc* tribunals in relation to individual criminal responsibility. (25 Marks)

05.

- (a) Explain the meaning of the following terms with relevant international legal authorities

- i. Transnational crimes (4 marks)
- ii. Organized Criminal Group (4 marks)

- (b) In light of the United Nations Convention on Transnational crimes of 2000 (UNCTOC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (TIP Protocol, 2000) discuss the state parties' obligation in terms of

- i. Penalizing the offence of trafficking in persons (9 marks)
- ii. Protecting the rights of trafficked victims (8 marks)

06. "This may, in a sense, be inevitable, in particular in the light of the changing nature of armed conflict; where force is increasingly used by irregular bands, by troops acting in cahoots with a State but not under its effective control, it becomes so much harder to hold States responsible, precisely because it may be difficult to attribute behavior to the State."

Jan Klabbers, 'International Law', Second Edition, Cambridge University Press, pg no. 248

In the light of the above-mentioned statement, critically examine the evolution of criminal responsibility that took place in the Nuremberg trials and its development in the contemporary International Criminal Law. Your critical examination should include references to provisions of international legal instruments and decided cases. (25 Marks)

07. Write short notes of 02 of the following.

- a) Issue of 'Self Defense' in offence of 'Aggression'
- b) Importance of *Prosecutor v. Dusko Tadic* in relation to International Criminal law,
- c) Principle of Universality under Jurisdiction of States
- d) Justification – Necessity in International Criminal Law

(12.5×2= 25 Marks)

