

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LLB DEGREE PROGRAMME – 2023/2024
 FINAL EXAMINATION
 LEVEL 5
 LLU5712-PUBLIC INTERNATIONAL LAW
 DURATION- THREE (03) HOURS



Date: 11 May 2025

Time: 01.30 pm – 04.30 pm

Total number of questions: 8

Answer five (05) questions only.

Illegible handwriting will be penalized.

1. (a) If treaties are the codification of customs and the creation of new rules is accepted and recognised by the common practice of civilised nations, then it is evident that the treaties are a declaration of custom to some extent.

Critically discuss the validity of the above statement with relevant legal authorities.

(15 Marks)

- (b) Do you agree that the International Court of Justice has the power to decide a case based on fairness and equity, if the parties agree, even though there are listed sources of international law to resolve disputes? Provide examples.

(05 Marks)

(15 + 05 = 20 marks)

2. Mithra Madawa is a youth activist and stand-up comedian in the island of Boomi. On the 5th of April 2025, she was arrested by the police on the accusation of insulting the country's religions and hate speech during her comedy performance shared on social media. An edited clip of her performance resulted in a severe social media backlash. Mithra was charged under the International Covenant on Civil and Political Rights (ICCPR) Act of Boomi. Sections 5 and 6 of the Act respectively state that deliberate intention of wounding the religions and malicious intention of outraging the religious feelings of any class of persons are crimes. The ICCPR Act is an enabling legislation of the international obligation of Boomi under ICCPR. A case has been filed against Mithra and is to be heard next week.

Meanwhile, human rights activists and intellectuals in Boomi have reacted, highlighting that this incident is a violation of freedom of expression and the international legal obligation of Boomi to domesticate the ICCPR.

Assume that the national and international legal obligations of Boomi are similar to those of Sri Lanka.

If you are the judge in this case, what would be your critical decision? Your decision should have reasons supported by legal authorities.

(20 Marks)

3. Critically discuss the validity of the statement given below with relevant legal examples.

(a) The collective security must be approved by a competent organ of the international community.

(10 Marks)

(b) The methods for acquiring territories have much altered in contemporary international law.

(10 Marks)

(10 +10 = 20 Marks)

4. Boomi and Bistan are neighbouring States with a history of a bitter relationship over a territorial dispute to own a piece of land called 'Moor'. Moor is located in the border shared by both Boomi and Bistan. However, Boomi and Bistan maintained their diplomatic relations in accordance with recognised international rules. In this context, at the beginning of April 2025, a group of terrorists from Bistan killed tourists who were sightseeing nature in the internal border of State Boomi called 'Pearl'.

Following the incident, the intelligence unit of Boomi revealed a report indicating that the terrorist from Bistan carried out the killings with the knowledge and support from Simpson, the Ambassador of Bistan to Boomi. It was also found that on the day of attack, a cake was delivered to the High Commission of Bistan in Boomi and that Simpson held a private party. In response to the attack by terrorists from Bistan and alleged involvement of Ambassador Simpson, Boomi announced a series of retaliatory diplomatic moves against Bistan .

These moves include the suspension of all bilateral agreements between Boomi and Bistan, the downgrading diplomatic ties and the withdrawing special visa programmes

between Boomi and Bistan. In response to this Bistan stated that Boomi's retaliatory measures imply a definite involvement of Bistan in the terrorist attack which is unacceptable. However, Bistan announced its decision to downgrade the diplomatic immunity granted to Ambassador Simpson and expressed its consent to Boomi for initiating an inquiry against him.

Using your knowledge in international law discuss the legal consequences arising from the above incident. Support your discussion with relevant examples.

(20 Marks)

5. Discuss the validity of following statements using your knowledge on law of treaties. Your discussion should include relevant legal provisions and examples.

(a) Many Islamic States reserved a few provisions of the 1979 United Nations Convention on the Elimination of Discrimination against Women (CEDAW) as their substantive obligations are incompatible with domestic Islamic doctrines and practices such as matters of women and inheritance.

(08 Marks)

(b) The President of Sri Lanka, who has full power, may ratify a treaty on behalf of the State.

(06 Marks)

(c) International law allows States to resort to supplementary means of interpretation when the ordinary meaning of a treaty is absurd.

(06 Marks)

(08+06+06= 20 Marks)

6. *The Security Council,*
Reaffirming also its unequivocal condemnation of the terrorists attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts, ...
Decides also that all States shall ...
(b) Take the necessary steps to prevent the commission of terrorists acts, including by provision of early warning to other States by exchange of information;
(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;...

United Nations Security Council Resolution 1373 (28 September 2001)

In light of the above-mentioned Security Council Resolution, discuss how the U.S. Security Council has become more receptive to States acting under self-defence, especially in the context of the post-September 2001 attack in the United States.

(20 Marks)

Question numbers 7 and 8 should be answered based on the following incident.

The 'Godan' which means 'valley of shepherds' is most visited tourist destination in State Pearl. The Godan is situated in the border of State Pearl and there is ongoing border tension between State Pearl and its neighbouring State Rooby. On 10th of April 2025, at about 2 p.m. a group of armed men in camouflage clothes emerged from a nearby forest and attacked the tourists at Godan. As a result of this attack, 260 tourists who are citizens of the State Pearl were killed and dozens of others were injured. Sheldon, the Minister to Environment from a neighbouring State of Pearl, called Ratna was present at Godan with his extended family on a personal visit that day. Sheldon and his entire family were killed in this particular attack.

The Intelligence Unit of State Pearl issued a report following the incident stating that a rebel group from State Rooby claimed the attack as a warning to State Pearl over the prevailing border dispute. However, the report also revealed that the aid, abetment and planning of the attack were controlled by a paramilitary group called 'Black Mistery' operating from the State Vaira. The intelligence report ensures that the officials from the Ministry of Defence of State Vaira were the advisors to Black Mistery and the top hierarchy of defence ministry of State Vaira acted knowing the possible attack and did not take any measures to investigate or inform State Pearl.

7. Using the principles of jurisdiction in international law, how can States involve for their interests in the incident given. Discuss with relevant legal examples.

(20 Marks)

8. Discuss the legal option available to State Pearl to invoke the State Vaira accountable in the above given incident. Provide legal examples.

(20 Marks)

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