

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES



LL.M IN CRIMINAL JUSTICE ADMINISTRATION DEGREE PROGRAMME

FINAL EXAMINATION (SECOND YEAR) - 2023/2024

LLPA410-INTERNATIONAL CRIMINAL LAW

DURATION: 03 HOURS

Date: 24.11. 2024

Time: 01.30 p.m. - 04.30 p.m.

Total Number of Questions: 07

Answer FOUR (04) questions only.

Each question carries 25 marks.

Candidates will be penalized for illegible handwriting.

1. 'When genocide is committed, it must be seen, people must look at it with open eyes, not minimize its effect.'

Nadia Murad (Iraqi born Human Rights Activist)

Critically disuses the above statement with principles involving the offence of genocide, applied to current incidents around the world.

2. 'Due to its intrinsic nature, crime against humanity had evolved as the first and foremost international crime.'

Do you agree?

Critically evaluate the above statement based on the principles of crime against humanity in statutes, laws, and decided cases.

3. 'International crime of 'Aggression' is the core of preserving the territorial integrity or political independence of any 'State', which is vital in maintaining world peace.'

Do you agree?

Critically examine the above statement based on the relevant provisions of the UN Charter, relevant statutes, and customary international law.

4. "Only winners decide what were war crimes"

Garry Wills (American philosopher and historian)

Comment on the above statement with reference to principles of 'war crimes', also from a historical perspective with examples.

5. 'United Nations *ad hoc* tribunals for war crimes stand as a milestone in the path towards establishing a permanent criminal court for international crimes. Nevertheless, when compared to the International Criminal Court, the scope of *ad hoc* tribunals seems to be limited in reach.'

Critically examine the above statement in light of the contribution of UN *ad hoc* tribunals to the development of international criminal law. You should refer to relevant statutory provisions and judicial authorities in your answer.

6. A, and B are States with democratic governances and multiethnic population. People of 'Poorva' ethnicity constitute the minority (second largest population) ethnic community in both State A and B. Poorva ethnicity people have roots from both the States. Mr. Victor, an educated person from Poorva community of State A, created a movement called 'Poorva Unity' to take a stand against secondhand treatment towards them in both States. The Poorva movement held its first media conference via online without disclosing its location and released its action plan to win equal treatment. It stressed that to win their demands they would resort to all possible means. At the beginning of this year, protests erupted in States A and B and as a result, hundreds of violent incidents were reported. It was further reported that more than ten thousand people lost their lives and properties of States A and B and private properties were damaged. Now, States A and B decide to refer this matter to the International Criminal Court (ICC). States A and B are parties to the Rome Statute.

Prepare a legal opinion on possibilities of referring this matter to the ICC and imposing any responsibility on Mr. Victor.

7. (a) Explain the meaning of 'transnational crime'. (3 marks)
- (b) With relevant examples, explain the differences between transnational crime and international crime. (7 marks)
- (c) Critically evaluate the impact of the United Nations Convention on Transnational Crime in eradicating transnational crimes at national level.

Your answer should be supported by relevant legal authorities. (15 marks)

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