

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



LL.M IN CRIMINAL JUSTICE ADMINISTRATION DEGREE PROGRAMME
CONTINUOUS ASSESSMENT TEST 01 (SECOND YEAR) - 2023/2024
LLPA411- INTERNATIONAL HUMANITARIAN LAW
DURATION: ONE (01) HOUR

Date: 01.09. 2024

Time: 11.00 a.m.- 12.00 noon

Total Number of Questions -02

Answer ONE (01) question only

Candidates will be penalized for illegible handwriting.

1. 'In modern armed conflicts, the refusal of States to engage with non-state armed groups has failed to address the underlying causes and dynamics of these conflicts, thereby intensifying their frequency and prolonging their duration. By not engaging with these groups, States fail critical opportunities to negotiate humanitarian access, secure ceasefires, and promote compliance with International Humanitarian Law (IHL), which could mitigate the impact on civilian populations. This lack of engagement often leads to escalated violence, widespread displacement, and increased human suffering, as non-state actors operate without oversight or accountability, further destabilizing affected regions due to armed conflicts.'

In light of the above statement answer the following questions:

- (a) Discuss the necessity for International Humanitarian Law (IHL) to be more flexible and responsive to the realities of contemporary warfare. **(10 Marks)**
- (b) Discuss how can States which hold the responsibility to strengthen the application of IHL promote compliance by non-state actors to reduce the suffering of innocent lives? **(10 Marks)**

Support your answer with relevant examples and arguments.

2. Arizomia and Malomia, neighboring States in the Peciformia Ocean, have been engaged in prolonged armed hostilities, displacing large numbers of civilians across borders, including women and children with disabilities.

- (a) During a cross-border clash, several Arizomian women, including military personnel and civilians, were captured by Malomia's armed forces and are now held as prisoners of war (PoWs). Among them is Captain Miyana, who has been subjected to inhumane treatment, including physical abuse, denial of medical care, and forced labour. Women PoWs, particularly those with disabilities, are also vulnerable to sexual violence, with no adequate accommodations provided for their safety and dignity.
- (b) International humanitarian organizations have raised concerns, but Malomia's authorities have denied access to the detention facilities for independent monitoring. Meanwhile, Alisha, a 14-year-old girl with a physical disability, was separated from her family during a cross-border evacuation and later found in a refugee camp operated by Arizomia. In the camp, Alisha was subjected to abuse. She was not able to receive necessary medical care and required support due to her disability. Despite repeated reports, Arizomia's authorities have failed to take adequate action to address these issues.

Critically assess the obligations of Arizomia and Malomia under International Humanitarian Law (IHL) to ensure the protection of women, including women PoWs, and children in times of armed conflict, assuming that both states are parties to all IHL treaties.

In your assessment, you are required to focus on the special needs of Alisha.

Support your answer by citing relevant provisions of IHL treaties and customary rules.

(20 Marks)

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