

**THE OPEN UNIVERSITY OF SRI LANKA**  
**FACULTY OF HUMANITIES AND SOCIAL SCIENCES**  
**LL.M. IN CRIMINAL JUSTICE ADMINISTRATION - LEVEL 8**  
**FINAL EXAMINATION – 2014 / 2015**  
**LWP 2211 - INTERNATIONAL HUMANITARIAN LAW**  
**DURATION – 03 HOURS**



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Date : 20<sup>th</sup> November 2015

Time: 10.00 a.m. – 1.00 p.m.  
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Total number of questions 6

**Answer FOUR (04) questions only. Each question carries 25 marks**

Candidates will be penalized for illegible handwriting.

1. 'Despite considerable progress made in the humanization of humanitarian law, the growing convergence of human rights and humanitarian law, the blurring of thresholds of applicability and the expansion of both systems, significant gaps in protection still remains.'

Comment on the above statement citing authorities and examples.

2. Determine the legality of the following incidents which took place during an armed conflict between States Sathuru and Mithuru:
- (a) Having captured a large portion of land from Sathuru, Mithuru denies food and medical supplies to the area where nationals of Sathuru live, which causes numerous deaths of civilians. Armed forces of Mithuru do not allow Sathuru civilians in this area to flee to the undisputed areas of the same State;
  - (b) Soldiers of State Mithuru detain hundreds of Sathuru women in their camps and engage in various forms of sexual violence against them.;
  - (c) The Commander of State Sathuru orders its army to recruit as many as people above the age of 14 years.
3. 'Prisoners of war cannot be prosecuted for taking a direct part in hostilities. Their detention should not be a form of punishment and they must at all times be protected, particularly against acts of violence or intimidation.'

In the light of above statement, critically examine the laws pertaining to the protection of prisoners of war.

4. 'Frequent violations of humanitarian norms and a widespread ignorance of their nature have caused considerable difficulties in observing the basic tenets of international humanitarian law today.'

Critically analyze the above statement with particular reference to the challenges posed to the successful implementation of international humanitarian law.

5. During an armed conflict between States Karuna and Muditha, the following belligerent activities were committed by the warring parties amongst several other activities:
  - (a) An aerial bombardment by State Karuna directed at a military camp belonging to State Muditha by which a nearby temple and a historical monument are seriously damaged;
  - (b) During an attack launched by Muditha armed forces, a gas installation located in the territory of Karuna is destroyed and an ever-green forest is set on fire;
  - (c) Karuna forces feign intent to negotiate under a flag of truce;
6. An Expert Committee has been appointed to provide necessary recommendations for better implementation of international humanitarian law in Sri Lanka. The Committee wishes to examine whether the Geneva Conventions Act of 2006 provides a proper mechanism to implement the provisions of international humanitarian law in Sri Lanka.

Assume that you are one of the Committee Members and you have been entrusted by the Committee to write the final report with necessary recommendations.

Submit your report.