

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 2209 - HUMAN RIGHTS RELATING TO CRIMINAL JUSTICE
ADMINISTRATION



DURATION – 03 HOURS

Date : 14th November 2015

Time: 10.00 a.m. – 1.00 p.m.

Total number of questions 7

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

Candidates will be penalized for illegible handwriting.

1. Critically analyze the effect of Article 6 (right to life), Article 7 (freedom from torture), Article 14 (equality before the law, presumption of innocence, confession of guilt, legal aid, etc.) and Article 15 (*ex post facto* criminal laws) in the 1969 International Covenant on Civil and Political Rights (ICCPR) on the administration of the criminal justice process with special reference to Sri Lanka.

2. "The application of international human rights treaty standards to States at international level is as important as its application at national level".

Comment on this statement.

3. Illustrate the "special rules" relating to
 - (a) the interpretation of human rights treaties, and
 - (b) the interpretation of human rights legislation at national level

and also compare these special rules with the traditional rules relating to the interpretation of treaties and legislation.

4. United Nations Human Rights Council Report (2015) and the Resolution on Sri Lanka adopted in the 30th Session (2015) consider the North-East conflict of Sri Lanka as a non-international armed conflict. This Resolution requires, among other things, the application and implementation of international human rights law (IHRL) standards and international humanitarian law (IHL) standards in the accountability process.

As the Legal Adviser to the Ministry of External Affairs, you have been instructed to identify the problems and dilemmas relating to the implementation of the aforementioned Resolution at national level.

Outline any problems and dilemmas for the benefit of the Minister of External Affairs.

5. Examine critically any two (2) of the following -
 - (a) *Singarasa vs AG* (2006), SC Spl (LA) No. 182/99.
 - (b) Protection of Victims and Witnesses Act No: 4 of 2015.
 - (c) Binding nature of non-treaty instruments relating to human rights.
 - (d) The functioning of the National Human Rights Commission of Sri Lanka.
6. Analyze critically the effect of human rights treaties on State sovereignty and legislative supremacy.
7. Describe the impact international compliance and control measures on the implementation of international human rights treaty standards at national level with special reference to Sri Lanka.

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