

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS EXAMINATION – 2016/17
INTERNATIONAL HUMANITARIAN LAW

(Three Hours)

Total Number of Questions: 04

Answer QUESTION No. 1 and Two more only.

(Candidates will be penalized for illegible handwriting)

1. Peacelava is a landlocked State situated in the Big-Bang region and on the eastern side of its border is having Troublone and Storma as its neighbours. Majority of the population of Peacelava has ethnic, religious and cultural ties with the both neighbours. Marumus, the King of Peacelava, maintains very close relationship with Troublone since it has provided financial and technical assistance for the development projects of his country. Marumus' rule is well known for its insensitiveness to the ethnic and religious diversities of the population in the country. As a result, the minority ethnic groups in Peacelava, engage in disruptive activities with the clandestine support coming from Storma.

Marumus orders his army to crush the insurgency by showing no mercy towards the rebels engaged in such activities and the army rounds up large number of unarmed civilians on the basis of mere suspicion that they may be having secret link with the rebels. Some members of the larger minority ethnic group led by Sulohitha organizes themselves as a guerrilla movement and

begins to launch cyber-attacks followed by armed attacks against the key public buildings and the country's one and the only airport. Marumus immediately makes requests for help from Troublone to arrest the situation. Since Troublone does not want to send its regular forces to Peacelava, the Commander of its army is instructed to build a separate force consisting of children recruited from the unemployed school dropouts on the promise of paying them a handsome salary.

Troublone's newly commissioned army enters Peacelava and starts to kidnap young girls in the border villages and engages in sexual abuse of them. Sulohitha's carders finding it impossible to confront both the armies seek military assistance from Storma. Although Storma sends a number of its regiments to Peacelava, its army is unable to fight against the armies of Peacelava and Troublone. When it decides to withdraw from Peacelava, it goes on testing its newly purchased weapons and attacks a dam, power station, rain forest and a historical monument situated near its border in Peacelava. Due to the hostilities, large number of civilians in Peacelava is badly affected. Peacelavan army manages to capture a few Storman soldiers and keeps them in a camp under fewer facilities and uses them to spy on the movement of their own forces. They are also promised of big amount of money if they intrude into the forces led by Sulohitha. Storman army uses white flags to get escape from fatal attacks on them by the Marumus' forces but they are not spared by the latter. Many civilians from Peacelava decide to flee to neighbouring States for safety and enter into Troublone as well. Acting on the order of the Head of State, the border guards of Troublone shoot at them to avoid mass exodus entering into their territory. In two years' time, when normalcy returns due to the involvement of many international organizations and peace loving States in the

region, Peacelava adopts democratic system of governance. Saadharana, the President of Peacelava is elected by popular votes.

Saadharana is under pressure from the public to conduct investigations as to the serious violations and excesses committed during the insurgency period.

Advise President Saadharana, in light of the principles of international humanitarian law, on the conduct of all the parties involved in the conflict and their responsibilities under international law.

2. 'It is generally believed that the legal regime governing situations of armed conflict is very comprehensive and self-contained. However, the problem still remains regarding its effective implementation even in horrendous situations.'

Comment on the above statement. Support your answer with factors that contribute to the difficulties faced by States in adhering to the norms of international humanitarian law.

3. Societies crippled by the ravages of armed conflicts in the past are looking forward to see a smooth transition from war to peace. Sri Lanka too is, at the moment, in such a transitional stage with the end of the three decades of armed conflict.

Discuss the relevant provisions of international humanitarian law that can be used in achieving transitional justice to a war ravaged society with special reference to Sri Lanka. You are expected to critically evaluate the strengths and weaknesses of the popular process practiced elsewhere.

4. 'While there are numerous instances where the norms of humanitarian law set out the obligations and standards of treatment required by human rights law and vice versa, it cannot be denied that that the level of protection in one sphere could be lower than the other.'

Critically evaluate the relationship between international humanitarian law and human rights law in light of the above statement. Support your answer with authorities drawn from recent case law jurisprudence and practical examples.

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