

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR III – 2019

International Humanitarian Law

(Three Hours)

Total Number of Questions: 07

Answer **FOUR (04)** questions only.
(Candidates will be penalized for illegible handwriting.)

1. Critically comment on the adequacy of the framework of International Humanitarian Law in tackling the challenges posed by terrorism. Substantiate your answer citing authorities and examples.

2. Haricana and Sago are neighbouring States. Victorians are the minority in Haricana and the majority in Sago. Victorians have carried out several confrontations against Haricana authorities. Sago is displeased with the alleged violation of minority rights in Haricana and decides to launch an attack against the armaments and munitions manufacturing factory in South Haricana on a Saturday. However, on Friday, due to a failure in the weapon system, an explosion occurs in the factory. The explosion results in several deaths, and injures hundreds of workers. Haricana decides to carry out an aerial bombardment in on Sago military units identified through intelligence information. Haricana forces fail to accurately attack the chosen target, and bombs are randomly released over enemy territory. Sago claims that the land adjoining several of its military buildings used as a shelter for civilians was heavily damaged due to aerial bombardment. Many civilians are reported dead. The main water tank has also been partially destroyed. Reports reveal five Sago farmers have been consensually chosen to serve as human shields to deter Haricana forces from attacking Sago combatants.

Assess the liabilities of the parties under international humanitarian law.

3. Koshi and Meru are two neighbouring States engaged in an armed conflict. It is reported that Meru has developed a new weapon named 'Gini' which is capable of projecting a stream of fire. Satellite images prove that Meru is experimenting with such a weapon, and that this weapon is capable of incinerating all objects that are caught in its path. Commander Tonga of Meru armed forces claims that Koshi forces used an aerial weapon with which a liquid was sprayed on Meru territory which resulted in victims suffering from acidic burns or painful death. One farmer's entire vegetation has been destroyed due to the liquid. A group of young students hiking in the forest have suffered facial and skin injuries after being doused in the liquid. Two

students have partially lost their vision. Commander Luma of Koshi states that the aerial weapon was a highly sophisticated weapon capable of targeting identified military objects. Luma further condemned Meru's attempts to violate accepted laws by manufacturing 'Gini'. Tonga claims that their efforts are only targeted at increasing the military strength of Meru. The Security Council of the United Nations decided to refer the matter to the International Court of Justice for its legal opinion.

Assume that you are an IHL scholar writing for an international journal. Analyse the above facts assuming that Koshi and Meru are both UN member States and that they are States parties to the Geneva Conventions of 1949 and their Additional Protocols of 1977.

4. 'Individuals not engaged in hostilities during an armed conflict due to various reasons are considered as protected persons. However, the nature and extent of the protection granted to different categories of protected persons depends not only on such categorization, but also on the nature of the armed conflict. The protection that is so afforded will only be ceased in circumstances where such special status of protection is abused or when it is practically infeasible to afford such protection.'

Do you agree with the above statement? Provide reasons for your answer citing relevant legal provisions, cases, and instances.

5. Mina and Vita are two States engaged in an armed conflict in the Northern region of Mina. The State armed forces of Mina are also engaged in an armed conflict with the armed group named 'Minatis'. Analyse whether grave breaches of IHL have been committed in the following reported situations assuming that Mina and Vita are parties to the Geneva Conventions of 1949 and Additional Protocol I of 1977.
 - (a) Mina combatants have brutally killed Vita combatants even when they were laying down arms and surrendering. Mina used blinding laser weapons against Vita combatants.
 - (b) Vita has taken some historical artefacts from the Northern region of Mina to Vita. Combatants of Vita has set fire to ancient wooden structures found in Northern Mina. Mina claims they belong to a cultural heritage site.
 - (c) Rika, a civilian who escaped a Vita detention camp says that he was subject to various experiments. He claims to have been exposed to some unknown virus. According to him, several hundred civilians are held in the detention camps as hostages.
 - (d) Two captured Vita combatants were forced to join Mina Forces. Three captured combatants are incarcerated in underground bunkers and are only provided one meal per day.
 - (e) Members of Minatis are alleged to have captured and taken 4,000 males and boys from the Safe Zone to a territory where active hostilities are ongoing between Mina combatants and Minatis. The men and boys are later found to be dead.

6. International Humanitarian Law, despite being termed the law of armed conflict, continues in relevance even in a post armed conflict period.

Discuss the above statement using Sri Lanka's post-war context as a case study.

7. Application of IHL does not occur in a vacuum. Oftentimes, IHL applies alongside International Human Rights Law and / or International Criminal Law. The complexities associated with the simultaneous application of multiple regimes of law are furthered by the disagreements that exist as regards the scope, validity, and applicability of these three types of laws.

Do you agree with the above statement? Give reasons for your answers drawing on relevant legal provisions and case law.
