

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR III - 2020/21 (Online)

International Humanitarian Law

(Three Hours)

Total Number of Questions: **06**

Answer **THREE (03)** Questions and **NO MORE**.

(Candidates will be penalized for illegible handwriting.)

1. The initial mandate the International Movement of the Red Cross has greatly evolved and expanded to other relief activities, but medical aid remained at its heart. Due to its extensive experience in humanitarian matters, the International Committee of the Red Cross has been asked to give support and advice during the Covid-19 pandemic.

In light of the above statement, discuss how the historical developments in international humanitarian law and the initiatives of humanitarian actors have aided, and can continue to provide much needed aid, for people during difficult times.

(100 Marks)

2. Answer **both** parts (A) **and** (B) below.

The State of Dora and State of Gola are engaged in an armed conflict. Armed troops of Dora took over the capital of Gola in mid-March 2021. They soon banned all women from going to work or university and ordered all the girl schools to be closed down. Further, Dorian troops have been setting fire to schools, sports clubs and cultural centers which conducted activities for female students. Many Golians attempted to escape the country and reach the international airport, but the Dorian army blocked the roads and started shooting at citizens of Gola who were trying to escape from the country. It was reported in the international media that Dorian soldiers are kidnapping and raping girls and women. It was also reported that Dorians were also forcibly detaining women in their camps, stating that they are now the brides of the soldiers.

(A) Assume that you are a legal adviser to Office of the United Nations High Commissioner for Human Rights. You are requested to write an analytical report on the above situation, with special reference to international humanitarian law.

Write the report.

(75Marks)

(B) Would there be any difference in your report if the Dorians and Golians were two armed groups within a single State?

(25 marks)

3. The State of Sana and the State of Roma have been involved in an armed conflict over a territorial border for more than a decade. Sana armed forces manage to capture a Roma army camp on the border last year and they detained around 100 soldiers from the Roma army, as well as around 25 youth from a nearby town who they claimed were travelling in the area and were armed with guns. An independent international report has found that Sana forces maintain a secret center on their side of the border, where these captives have been treated badly. The Roma soldiers were tried in Sana courts and given corporal punishment for their membership of the Roma armed forces. The captives are not given adequate food and sanitation facilities and have been put to work in mines operated by Sana government. The Roma government is demanding the immediate return of their captured citizens.

Assume that you are a representative of an international humanitarian organization. Write a report on the situation, with reference to the relevant international law and legal principles.

(100 marks)

4. Answer **either** part (A) **OR** part (B):

A. Assume that you are a law graduate who recently listened to an online webinar, where a guest speaker stated that there is no legal protection for the natural environment under international humanitarian law. The speaker also said that no persons could be prosecuted for using weapons or methods causing environmental destruction which occurred during any kind of armed conflict situation. You decide to submit an article to the Junior Bar Journal, with a clarification on this issue.

Draft the article, with special reference to the applicable principles of international humanitarian law. Your article should include examples from armed conflict situations and the relevant legal provisions.

(100 marks)

B. The States of Tiara and Sithara have been involved in hostilities with each other. The commanding officer of the Tiara army orders an attack on a target which had been identified as the armory of Sithara troops. The Tiaran Airforce officer who executed the attack could not verify the target on the day of the attack and but he launched the missiles based on an intelligence report that was received earlier. It was subsequently revealed that the target was not an armory but an ancient library and botanical garden complex in Sithara. There were around 250 casualties, and 50 dead bodies were found on the premises, apparently consisting of the staff of the complex and tourists.

In your opinion, what could be the international legal responsibility of Tiara and its officers, for the above incident? Your answer should be supported by relevant international law provisions, principles and case law.

(100 marks)

5. Answer **both** parts (A) and (B):

A. Currently, there is fighting between several groups in the State of Cafra, and in the most recent Security Council meeting, there were many accusations that violations of humanitarian law and serious war crimes had been taking place. The armed group named 'Coalition of Patriots' and the Cafran Armed Forces are the two main groups involved in the fighting. However, the Blackstream group, which is funded by the State of Shiyan and which trains the Cafran Armed Forces and participates in hostilities, have been accused of being responsible for approximately half of the verified incidents of violation.

Discuss the implementation of the international law obligations of the parties in the above situation.

(50 marks)

B. It is now 15 years since the State of Jia has been involved in any armed conflict and they are also retraining their armed forces for the United Nations Peacekeeping Operations. The Faculty of Law, University of Jia has decided to remove International Humanitarian Law from its curriculum, since there are too few students opting to study it now. You are the Student Union leader of the University of Jia. Your colleagues in the Student Union ask you to draft a letter to the Faculty Board to argue against the removal of the subject from the curriculum.

Write the letter, with special reference to the international law obligations of the State of Jia to support your arguments.

(50 marks)

6. "Weapons of mass destruction is a term we once only thought of in relation to physical entities, whether they were chemical, biological or nuclear weapons. However, in today's world, it is also possible to cause catastrophic damage with a few lines of computer code, if aimed at the right targets. In such situations, it will also become more difficult to identify criminal responsibility for targeting decisions that violate international humanitarian law."

Do you agree? Critically evaluate the above statement in light of the evolution of the means and method of warfare and the current international legal framework.

(100 marks)
