

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR III – 2022

International Humanitarian Law

(Three Hours)

Total Number of Questions: 06

Answer **Three (03)** questions and **no more**.
(Candidates will be penalized for illegible handwriting.)

01. 'Belligerents cannot justify their failure to respect International Humanitarian Law by invoking the cruel nature of armed conflicts. They must comply with their humanitarian obligations in all circumstances.'

Does the above statement correctly reflect the nature of International Humanitarian Law? Support your answer with relevant legal principles, legal authorities and practical examples.

02. 'In an armed conflict, International Humanitarian Law (IHL) constitutes the *lex specialis* on certain questions, whereas International Human Rights Law (IHRL) is *lex generalis* on others. This is, however, largely a question of terminology.'

In light of the above statement, critically evaluate the interface between International Humanitarian Law and International Human Rights law in times of an armed conflict. Substantiate your answer by referring to relevant authorities and practical examples.

03. The Kingdom of Dura (KD) and the People's Republic of Sura (PRS) are two neighbouring states in the Mara region. These two states have been engaging in an armed conflict for over a decade. In the course of hostilities between the two belligerent parties following incidents have been reported:

- a) Royal Artillery Regiment of Dura (RAR) engaged in an artillery bombardment over Sura territory near the territorial border and destroyed an archaeological site recognized by UNESCO as a world heritage. Dura Army claimed that Sura Army had used that site as an artillery position. Sura Army refuses that allegation.
- b) Royal Navy Ship (RNS) 'Vinitha' is a 'Hospital Ship' deployed in service by the Royal Navy of Dura in the Mara Bay area. While on a naval mission, Sura Navy Submarine (SNS) 'Choura' damaged the 'RNS Vinitha' with a torpedo attack. Sura Navy claimed that they have mistakenly recognized the ship as a Destroyer of the Royal Navy of Dura.
- c) One night, 'Kasi', the capital of Dura, faced a carpet bombardment launched by Sura Air Force. This attack killed more than fifty civilians and damaged a few civilian apartments. Sura military claimed that their target was the Dura Army Headquarters situated in the capital city. Sura officials further declare that they were able to destroy the logistic supply unit of the Dura Army by this attack.
- d) Royal Air Force of Dura, by using an 'Unmanned Aerial Vehicle' (UAV), launched a drone air strike on a nuclear power plant situated in Sura. The air strike was able to damage the nuclear power plant and caused a nuclear leakage into the area. Sura authorities immediately evacuated two civilian villages nearby the power plant. More than fifty civilians were hospitalized due to the radioactive.

Assume that both States are parties to relevant international legal instruments including the Geneva Conventions of 1949 and Additional Protocol I of 1977. Discuss the liabilities of both States under International Humanitarian Law.

04. The Democratic Republic of Suraya (DRS) and the Federation of Ramaya (FR) are engaging in an armed conflict. The following incidents have been reported by the international media during this armed conflict:

- a) The Army of the Democratic Republic of Suraya recruited young boys from age of 15 to 18 as members of a supply unit of their army.
- b) During the armed conflict, hundreds of Syrian women have been forced into 'temporary marriages' with men of the Ramayan armed forces.
- c) Captured Ramayan soldiers were deployed forcibly for mine clearance by the Surayan forces.
- d) Surayan forces killed twenty injured Ramayan soldiers while they were being treated in a captured field hospital.

Both States are parties to the Geneva Conventions of 1949 and Additional Protocol I of 1977. Discuss the liabilities of Suraya and Ramaya under International Humanitarian Law. Your answer should be supported by the relevant legal authorities.

05. The People's Republic of Polosia (PRP) and the United States of Kosia (USK) are neighbouring States with ethnic relations. Polosians are the minority in Kosia and the majority in Polosia. Due to the ethnic discriminations by the Kosian majority, Polosians who are living in Kosia have carried out several confrontations against Kosian authorities.

'Polosian Separation Movement' (PSM) is a well-organized armed group which urges autonomy for the Polosian community living in Kosia. Suddenly PSM launched a cyber-attack against several governmental websites in Kosia. Kosian government immediately declared a state emergency and arrested many members of the PSM. As a result, the leadership of the PSM declared war against Kosia and attack two military bases of Kosia nearby the Polosian border.

Kosia accused the Polosian government as being behind this attack. Polosia refused the allegation. However, Kosia deployed ground forces through the border of the Polosia and launched an attack on the Polosian territory. Civilians who are living in the border villages of the Polosia took up arms and fought against the invading forces of Kosia. In retaliation, Polosia launched an air raid on the Kosian capital.

Critically evaluate the above statement in light of relevant International Humanitarian Law principles. Imagine both states are parties to the Geneva Conventions of 1949 and Additional Protocol I & II of 1977.

06. Answer either A or B

- A) 'International Humanitarian Law(IHL) is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. In International Humanitarian Law, the prohibition of certain weapons or control of weapons uses, or production concerns the prevention of unnecessary suffering to human beings.'

Critically evaluate the above statement in light of the legal restrictions on various types of weapons under International Humanitarian Law.

- B) 'In this century, International Humanitarian Law is being challenged by many levels. The increase in asymmetric wars, proliferation and fragmentation of parties involved in armed conflicts and proxy wars complicate and confuse the relevance and application of the principles of International Humanitarian Law.'

Would you agree with the above statement? Critically examine the challenges posed by the contemporary armed conflicts on International Humanitarian Law with examples.
