



Roll No.

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MIDTERM EXAMINATION

Even Semester: 2018-19

Course Code: LAW 409

Course Name: International Humanitarian Law

Programme & Sem: BBA LL.B.(Hons.) & VIII Sem

Date: 26 March 2019

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Instructions:

(i) **Read the questions and answer accordingly.**

Part A

Answer the following questions. **Each** question carries **ten** marks.

(2Qx10M=20)

1. What are some of the prohibited means of armed conflict? What are the main reasons behind prohibiting certain weapons?
2. Discuss the classification of protected persons in an armed attack under International Humanitarian Law.

Part B

Answer **any one** of the following. **The** question carries **twenty** marks.

(1Qx20M=20)

3. "Launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited." Explain the statement.

(or)

4. Critically examine the general principles of International Humanitarian Law with case laws.

Part C

Compulsory Question

(1Qx20M=20)

5. Countries Rainbow and Sunshine are engaged in an armed conflict. The president of country Rainbow goes on national TV every week for about ten minutes trying to boost up the morale of his forces and of the population. In every broadcast he calls, among other things, for 'zero tolerance' against spies and collaborators. These statements lead to a number of summary executions and inter-ethnic fighting between those tribes loyal to the president and the tribes who are not satisfied with his rule. The ground-force commander of the troops of country Sunshine requests authorization from her superiors to destroy the building of the national TV station following a presidential call-to-arms of all able

bodied men and women from fourteen to sixty years old. In that call, as customary, the president of country Rainbow calls also for not sparing any traitor of the country.

Discuss first whether there are any violations of IHL in this ongoing situation. Subsequently, provide and justify your view on whether the attack on the TV station should be launched or not.



PRESIDENCY UNIVERSITY
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SCHOOL OF LAW

END TERM FINAL EXAMINATION

Even Semester: 2018-19

Course Code: LAW 409

Course Name: International Humanitarian Law

Program & Sem: BBA LLB (H)

Date: 21 May 2019

Time: 3 Hours

Max Marks: 80

Weightage: 40%

Instructions:

- (i) Please read the instructions carefully and answer the questions accordingly

Part A

Answer **all** the Questions. Each question carries **two** marks.

(5Qx2M=10M)

1.

i. Estrada doctrine relates to which of the following

- a) Recognition of a government
- b) Delimitation of boundaries
- c) Recognition of a state
- d) Jurisdiction over aliens

ii. International Humanitarian Law is a

- a) soft law
- b) hard law
- c) both
- d) None of these

iii. What is the name of the first international convention with which the modern IHL started?

- a) Geneva Convention
- b) Hague Convention
- c) Montevideo Convention
- d) Nuremberg Convention

- iv. Which one of the following statements is correct
- a) The application of IHL continues after the war is over
 - b) International human rights law can be applied only during hostilities
 - c) Additional Protocol II is devoted exclusively to protecting people affected by genocide
 - d) IHL cannot be enforced

- v. Which one of the following statements is false
- a) Refugees have a right to be protected by the country in which they seek asylum and can't be forced to return home
 - b) In common practice, the "first country of asylum" principle has developed to mean that refugees are expected to seek asylum in the country closest to their own that can offer them safety
 - c) Although many internally displaced persons face the same difficulties they are not granted the same rights under international law
 - d) Displaced persons do not have rights

Part B

Answer **both** the Questions. **Each** question carries **twenty** marks. (2Qx20M=40M)

2. Are suicide attacks prohibited in IHL? Do the perpetrators of such attacks lose their IHL protection in case of capture? Explain with the help of relevant case laws
3. After a number of provocations and military clashes at the border, States A and B engage in a fully-fledged armed conflict. The troops of state A are advancing in military formation towards the capital of state B through a large desert area. Before sending in the troops, the President of State A declares that their army is invincible and they are finally going to teach their opponents a good lesson. Outnumbered and frightened by these declarations, the commander of the troops of State B is considering to drop a nuclear bomb on the approaching enemy troops.

As his legal adviser, you have to answer these two questions:

- a) Can nuclear weapons be used at all in an armed conflict
- b) How would you qualify their use in these cases

Part C

Answer **all** the Questions. **Each** question carries **fifteen** marks. (2Qx15M=30M)

4. a) Discuss the meaning of indiscriminate attacks on the basis of Article 51(5) of Additional Protocol I to the Geneva Conventions. Give examples of such indiscriminate attacks to illustrate your answer.
- b) Explain the relationship between international Humanitarian law and international human rights law in international armed conflicts

5. Arnemia armed forces capture a high level commander of the military wing of Aloha, an extremist military group that controls some parts of the territory of Iraq and which is also known as IMNC. Arnemia brings this individual to trial before an Iraqi military tribunal on charges of violating IHL by planning and carrying out a number of indiscriminate attacks against civilian population centers in the Arnemia capital, Trinity and in other places. For our purposes, Arnemia is a member to all main IHL treaties and also to the statute of the International Criminal Court. The commander asserts in his defense that he is a POW and cannot be tried for this offense.

Which of the statements below is correct in response to this defense assertion? Provide reasons supporting your choice/s.

- A. He is not a POW and if he were he would be immune from prosecution for this offense.
- B. He is a POW but is not immune from prosecution for this offense
- C. He is a POW and is therefore immune from prosecution for this offense
- D. He is not a POW and even if he were, he would not be immune from prosecution of this offense