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Mid Term Examinations - October 2026

Date: 05/10/2026 **Time:** 11:45 AM - 01:15 PM

Course Code: LAW3026 **Course Name:** International Humanitarian and Refugee Law

Semester: Ninth Semester **Max. Marks:** 50 **Weightage:** 50%

CO - Levels	CO1	CO2
Marks	46	44

PART A: Answer Following Questions. 10 M

Q.N.	Questions	M	CO	BT
1	International Law can be regarded as a true system of law, although it differs from municipal law because there is no single world legislature, central executive, or compulsory enforcement authority. International Law consists of rules and principles that govern the conduct of States and other international actors, and States generally recognise these rules as legally binding. According to John Austin's Command Theory, a true law is the command of a sovereign backed by sanctions. On this basis, Austin considered International Law to be merely "positive morality", because there is no supreme sovereign authority commanding States.	2	CO1	BT2
2	Henry Dunant made a foundational contribution to the development of International Humanitarian Law (IHL). In 1859, he witnessed the suffering of wounded soldiers after the Battle of Solferino in Italy. Deeply affected by the lack of medical assistance, he wrote A Memory of Solferino in 1862, in which he proposed the creation of permanent voluntary relief societies to assist wounded soldiers and the adoption of an international agreement protecting wounded and medical personnel during armed conflicts. Dunant's ideas led to the establishment of the International Committee of the Red Cross (ICRC) in 1863 and contributed directly to the adoption of the First Geneva Convention of 1864.	2	CO1	BT2
3	The primary objective of International Humanitarian Law (IHL) during armed conflicts is to limit the effects of war and protect persons who are not, or are no longer, participating in hostilities. IHL seeks to protect civilians, wounded and sick soldiers, prisoners of war, and other protected persons while also restricting the means and methods of warfare. Its fundamental purpose is therefore to balance military necessity with humanitarian considerations, reducing unnecessary suffering and ensuring humane treatment during armed conflicts.	2	CO1	BT2
4	Under International Humanitarian Law, combatants and civilians are distinguished primarily by their participation in hostilities. A combatant is a member of the armed forces of a party to an international armed conflict who is entitled to directly participate in hostilities. If captured, a lawful combatant is generally entitled to prisoner-of-war (POW) status. In contrast, a civilian is a person who is not a member of the armed forces and does not take part in hostilities. Civilians are protected against direct attack unless and for such time as they directly participate in hostilities. Thus, the essential distinction is that combatants may lawfully participate in hostilities, whereas civilians are generally protected from being targeted.	2	CO2	BT2

ANSWER KEY

5	Levée en masse refers to the spontaneous and immediate mobilisation of the inhabitants of a territory to resist an invading enemy, particularly when the territory has not yet been occupied and the inhabitants have not had sufficient time to organise themselves into regular armed forces. Under International Humanitarian Law, such persons may be regarded as combatants if they openly carry arms and respect the laws and customs of war. The concept is recognised in Article 4(A)(6) of the Third Geneva Convention, 1949, and reflects the principle that civilians who spontaneously take up arms against an approaching enemy may receive certain protections normally accorded to lawful combatants, including prisoner-of-war status upon capture, provided the required conditions are fulfilled.	2	CO2	BT2

PART B : Answer Any 1 Following Questions. 10 M				
Q.N.	**Questions**	**M**	**CO**	**BT**
6	International Human Rights Law (IHRL) and International Humanitarian Law (IHL) are two distinct but complementary branches of international law that aim to protect human beings. IHRL primarily seeks to protect and promote the fundamental rights and freedoms of individuals, whereas IHL seeks to limit the effects of armed conflict and protect persons who are not, or are no longer, participating in hostilities. IHRL generally applies at all times, both during peace and during armed conflict, although certain rights may be subject to lawful limitations or derogations in exceptional circumstances. It protects individuals against violations such as arbitrary deprivation of life, torture, discrimination, and unlawful detention. For example, the International Covenant on Civil and Political Rights (ICCPR) protects the right to life and prohibits torture. IHL, on the other hand, applies specifically in situations of armed conflict. It regulates the conduct of hostilities and provides protection to civilians, wounded and sick persons, prisoners of war, and other persons protected under the Geneva Conventions. The two branches also differ in their legal protection and scope. IHRL focuses broadly on the relationship between individuals and States and establishes rights such as freedom of expression, equality, and the right to a fair trial. IHL focuses more specifically on the conduct of parties to an armed conflict and establishes principles such as distinction, proportionality, and humane treatment. For instance, deliberately targeting civilians during an armed conflict is prohibited under IHL, while torture and arbitrary deprivation of life may violate both IHL and applicable human rights law. Thus, while IHRL is primarily concerned with protecting human rights in general, IHL is specifically concerned with reducing human suffering during armed conflicts. The two regimes may operate simultaneously during an armed conflict and can complement each other in protecting human dignity.	10	CO1	BT4

ANSWER KEY

7	The Geneva Convention of 1864 and the Hague Conferences of 1899 and 1907 were important milestones in the development of International Humanitarian Law, but they focused on different aspects of armed conflict. The Geneva Convention of 1864 primarily concerned the protection of victims of war, particularly wounded and sick soldiers, whereas the Hague Conferences primarily regulated the conduct of warfare and the means and methods of warfare. The Geneva Convention of 1864 was inspired by the humanitarian ideas of Henry Dunant following the Battle of Solferino in 1859. Its principal objective was to improve the condition of wounded soldiers on the battlefield. It required the wounded to be collected and cared for without discrimination and provided protection and recognition to medical personnel, hospitals, and medical units. The Convention established the important principle that military personnel who were wounded or sick and no longer taking part in hostilities should be treated humanely. It therefore laid the foundation for what is commonly associated with “Geneva Law,” which focuses on the protection of persons affected by armed conflict. The Hague Conferences of 1899 and 1907, in contrast, dealt principally with the regulation of hostilities. They addressed matters such as the rights and duties of belligerents, the treatment of prisoners of war, the means and methods of warfare, the use of certain weapons, and the conduct of military operations. The Hague Regulations attached to the 1907 Hague Convention IV established rules concerning military occupation and the conduct of hostilities. The Hague framework therefore contributed significantly to the development of rules intended to restrict unnecessary suffering and regulate how warfare may be conducted. Thus, the major distinction is that the 1864 Geneva Convention focused primarily on protecting wounded and sick members of armed forces, while the Hague Conferences focused primarily on regulating the conduct and methods of warfare. Although their subject matters were different, both contributed to the modern system of IHL. Their principles were subsequently developed and consolidated through the Geneva Conventions of 1949 and the Additional Protocols of 1977, resulting in the contemporary framework governing both the protection of persons and the conduct of hostilities.	10	CO1	BT4

PART C: Answer Any 1 Following Questions. 10 M				
Q.N.	**Questions**	**M**	**CO**	**BT**

ANSWER KEY

8	The Nuremberg Trials (1945–1946) were a landmark in the development of International Humanitarian Law because they established that individuals, including senior State officials and military leaders, could be held personally responsible for serious violations of international law. Conducting the trials after the Second World War, the International Military Tribunal prosecuted major Nazi leaders for crimes against peace, war crimes, and crimes against humanity. The trials rejected the idea that a person could escape responsibility merely because the acts were committed on behalf of a State or under orders from a superior. A major contribution of the Nuremberg Trials was the development of the principle of individual criminal responsibility under international law. The Tribunal recognised that international law imposes duties directly upon individuals and that persons who commit international crimes may be punished regardless of their official position. The principle that "following superior orders" does not automatically absolve an accused from responsibility was also reinforced, although the circumstances of such orders could be relevant to determining punishment. The Trials also significantly contributed to the development of the concepts of war crimes and crimes against humanity. War crimes included serious violations of the laws and customs of war, while crimes against humanity covered acts such as murder, deportation, and persecution committed against civilian populations. These principles subsequently influenced the development of international criminal law and were reflected in the Nuremberg Principles adopted by the UN International Law Commission in 1950. The long-term impact of Nuremberg can be seen in the establishment of later international criminal institutions, including the International Criminal Tribunals for the former Yugoslavia and Rwanda and, ultimately, the International Criminal Court (ICC) under the Rome Statute of 1998. Thus, the Nuremberg Trials transformed the understanding of international law by demonstrating that individuals, rather than States alone, can bear criminal responsibility for internationally recognised crimes and helped establish important foundations for the modern system of international criminal justice.	10	CO1	BT4
9	The Treaty of Versailles, 1919, was the principal peace settlement imposed on Germany after the First World War and played an important role in shaping the political and international conditions that preceded the Second World War. The Treaty imposed territorial losses, military restrictions, financial obligations, and political conditions on Germany. It also required Germany to accept responsibility for the war under Article 231, commonly known as the "war guilt clause." These provisions generated considerable resentment among sections of the German population and became an important issue in German politics during the interwar period. The political instability created by the post-war settlement was accompanied by serious economic and social difficulties in Germany, including reparations-related tensions, inflation, unemployment, and the effects of the Great Depression. Adolf Hitler and the Nazi Party exploited dissatisfaction with the Treaty and promised to overturn what they portrayed as an unjust settlement. After coming to power in 1933, Hitler pursued policies aimed at rebuilding German military strength and reversing territorial and political restrictions imposed after the First World War. At the international level, the effectiveness of the League of Nations and the collective security system was weakened by disagreements among major powers and the failure to prevent several acts of aggression during the 1930s. Germany's rearmament, the remilitarisation of the Rhineland in 1936, the Anschluss with Austria in 1938, and the subsequent crisis over Czechoslovakia demonstrated the progressive breakdown of the post-war international order. The Munich Agreement of 1938 further altered the balance of power by permitting Germany to acquire the Sudetenland from Czechoslovakia. Thus, the Treaty of Versailles was one important factor in the chain of political and international developments leading to the Second World War, but it was not the sole cause of the conflict. The rise of Nazi Germany, economic crises, aggressive expansionism, weaknesses in collective security, and the policies pursued by several European powers during the 1930s collectively contributed to the collapse of the post-1919 international order and the outbreak of war in September 1939.	10	CO1	BT4

ANSWER KEY

PART D: Answer Any 1 Following Questions. 10 M				
Q.N.	**Questions**	**M**	**CO**	**BT**
10	The concept of “armed conflict” is central to International Humanitarian Law (IHL). It refers to a situation in which organised armed force is used between States or, in the case of a non-international armed conflict, between governmental authorities and organised armed groups or between such groups. IHL does not apply merely because there is political tension, internal disturbance, or isolated violence; the nature and intensity of the violence and the organisation of the parties are relevant in determining whether an armed conflict exists. An International Armed Conflict (IAC) occurs when there is resort to armed force between two or more States. Under Common Article 2 of the four Geneva Conventions of 1949, the Geneva Conventions apply to declared wars as well as to any other armed conflict arising between two or more States, even if one of the States does not recognise the existence of a state of war. For example, the India–Pakistan armed conflicts of 1947–48, 1965 and 1971 involved hostilities between States and therefore fall within the IAC framework. A Non-International Armed Conflict (NIAC) occurs when hostilities take place within the territory of a State between governmental armed forces and organised armed groups, or between organised armed groups themselves. Common Article 3 of the Geneva Conventions establishes minimum humanitarian protections in such conflicts, while Additional Protocol II, 1977, provides more detailed rules for certain NIACs. For example, the conflict between the Syrian Government and organised armed opposition groups has been examined under the legal framework applicable to NIACs, although the Syrian conflict has also involved internationalised dimensions and therefore requires analysis of the particular parties and hostilities involved. The principal distinction between IAC and NIAC therefore lies in the parties involved and the applicable legal framework. An IAC principally involves two or more States, whereas a NIAC involves a State and organised armed groups or organised armed groups fighting one another within a State. IHL applies to both categories, but the precise protections and rules applicable may differ depending upon the classification of the conflict.	10	CO2	BT4

ANSWER KEY

11	Common Article 3 of the Geneva Conventions of 1949 is highly significant because it establishes minimum humanitarian standards for persons affected by Non-International Armed Conflicts (NIACs). It applies to armed conflicts that are not international in character and provides protection regardless of a person's status or affiliation. It was particularly important because, before 1949, international humanitarian law primarily focused on conflicts between States, leaving significant gaps in the protection of persons involved in internal conflicts. Common Article 3 requires persons taking no active part in hostilities, including members of armed forces who have been placed hors de combat by wounds, sickness, detention, or other circumstances, to be treated humanely. It prohibits acts such as murder, torture, cruel treatment, mutilation, and humiliating or degrading treatment. It also prohibits the taking of hostages and requires that persons accused of criminal offences receive a regular trial with essential judicial guarantees. These protections form a basic humanitarian standard that parties to a NIAC must respect. The importance of Common Article 3 was further strengthened by its recognition as a minimum standard of humanity applicable to internal armed conflicts. It does not require the State or an armed group to recognise the opposing party as a lawful belligerent before humanitarian protection becomes applicable. This makes it particularly relevant in civil wars and other internal armed conflicts where parties may be unwilling to grant formal legal recognition to their opponents. Common Article 3 also influenced the subsequent development of IHL, particularly Additional Protocol II of 1977, which provides more detailed rules concerning the protection of victims of certain NIACs. Its principles have also been reflected in international criminal law and judicial decisions concerning serious violations committed during internal conflicts. Therefore, Common Article 3 is often regarded as a fundamental humanitarian safeguard for NIACs. By establishing a minimum level of humane treatment and prohibiting particularly serious forms of violence and abuse, it ensures that the absence of an international conflict does not leave individuals without protection under international humanitarian law.	10	CO2	BT4

PART E: Answer Any 1 Following Questions. 10 M				
Q.N.	**Questions**	**M**	**CO**	**BT**

ANSWER KEY

12	The status of Prisoners of War (POWs) under International Humanitarian Law is primarily governed by the Third Geneva Convention of 1949, which provides detailed rules for their treatment during International Armed Conflicts (IACs). A prisoner of war is generally a member of the armed forces of a party to the conflict who falls into the power of the opposing party and satisfies the conditions prescribed by the Convention. POW status is a protective legal status; capture does not make a person a criminal merely because they participated in lawful hostilities. The principal protection under the Third Geneva Convention is the requirement of humane treatment. Article 13 prohibits violence, intimidation, insults, and public curiosity against POWs and requires protection against acts of violence, intimidation, insults, and exposure to public curiosity. POWs must also be protected against torture and coercion, particularly during interrogation. Article 17 provides that no physical or mental torture, or any other form of coercion, may be inflicted on a POW to obtain information. A POW is required to provide only limited identifying information, such as name, rank, date of birth, and service number or equivalent information. POWs are also entitled to appropriate food, clothing, shelter, medical care, and hygiene. The Convention requires detention conditions to be humane and provides for medical attention where necessary. Wounded and sick POWs must receive appropriate medical treatment, and their health must be protected. POWs must also be allowed to communicate with their families through mechanisms such as capture cards and correspondence, subject to reasonable regulations. Another important protection concerns disciplinary and judicial proceedings. POWs remain subject to the laws, regulations, and orders of the Detaining Power, but they are entitled to important procedural safeguards. They cannot be punished merely for having taken part in lawful hostilities, although they may be prosecuted for acts that constitute crimes, such as war crimes. The Convention also regulates disciplinary punishment and provides safeguards concerning judicial proceedings, ensuring that POWs receive fair treatment. The Convention further provides protection against reprisals and requires POWs to be released and repatriated without undue delay after the cessation of active hostilities, subject to the Convention's provisions. The Fourth Geneva Convention may also provide protection to certain detained civilians, but civilians should not ordinarily be classified as POWs simply because they are detained during an armed conflict. Thus, the Third Geneva Convention establishes a comprehensive humanitarian regime for POWs based on humane treatment, protection from torture and coercion, adequate living and medical conditions, communication with families, judicial safeguards, and eventual release and repatriation. These rules reflect the fundamental IHL principle that even during armed conflict, persons who have fallen into enemy hands must be treated with dignity and humanity.	10	CO2	BT4
13	International Humanitarian Law provides important rules to protect civilians and other persons during armed conflicts, mainly through the Geneva Conventions, 1949, and their Additional Protocols. However, modern warfare has created new humanitarian challenges that make implementation difficult. Recent conflicts such as Russia–Ukraine and Israel–Gaza have highlighted concerns relating to civilian casualties, attacks on civilian infrastructure, displacement, humanitarian access, and the treatment of detainees. The increasing use of drones, cyber operations, and artificial intelligence also creates challenges for applying traditional IHL principles such as distinction, proportionality, and precaution. Therefore, while the existing IHL framework remains relevant, its effectiveness depends largely on compliance and enforcement. Its effectiveness can be strengthened through stronger domestic implementation, investigation and prosecution of war crimes, improved monitoring by international institutions, better protection of humanitarian personnel, and clearer international rules governing emerging weapons and technologies. Thus, the principal challenge is not merely the absence of legal rules but the effective implementation, enforcement, and adaptation of IHL to contemporary warfare.	10	CO2	BT4

ANSWER KEY