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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MIDTERM EXAMINATION

Winter Semester: 2021-22

Date: 14 May 2022

Course Code: LAW 316

Time: 01:30PM 03:00PM

Course Name: International Humanitarian & Refugee
Law

Max Marks: 60

Weightage: 30%

Program & Sem: All Programs & VIII Sem

Instructions:

- (i) *Read the Question properly and answer accordingly.*
- (ii) *Complete the test within the time given*

Part A [Memory Recall Questions] [MCQ]

Answer **all** the Questions. **Each** question carries of 01

(10Qx1M=10M)

Mark

1. All four Geneva Conventions contain an identical Article _____, extending general coverage to "conflicts not of an international character."
(CO1) [Knowledge]

- a) 2 b) 3 c) 4 d) 5

2. Sources of International Armed Conflicts is _____

(CO1) [Knowledge]

- a) The 1907 Hague Regulations
- b) The four Geneva conventions
- c) Customary International Law
- d) All of the above

3. International humanitarian law is applicable in times of _____, whether international or non-international but international human rights law can be applied at _____.

(CO1) [Knowledge]

- a) Armed conflict, all times
- b) All times, every time
- c) One day, all days
- d) Armed Conflict, never

4. Jus in bello means _____.

(CO1) [Knowledge]

- a) No war
- b) Silent war
- c) Law concerning conduct of war
- d) Law concerning validity of war

5. Hague law is concerned with _____.

(CO1) [Knowledge]

- a) Methods of peace
- b) Cultural activities
- c) Religious activities
- d) Methods of warfare

6. _____ provided the rules of conduct in war during the American Civil War.

(CO1) [Knowledge]

- a) Code of peace
- b) No Code
- c) Gray Code
- d) Lieber Code

7. _____ states that a distinction must always be made between combatants and civilians.

(CO1) [Knowledge]

- a) The principle of happiness
- b) The principle of superiority
- c) The principle of distinction
- d) The principle of proportionality

8. The second convention dealt with the sick, wounded, and shipwrecked members of armed

forces at _____ (CO1) [Knowledge]

- a) Sea b) Field c) both a and b d) None of the above

9. The Additional Protocols of 1977 and _____ supplement the Geneva Conventions.

(CO1) [Knowledge]

- a) 2003 b) 2004 c) 2005 d) 2006

10. _____ be treated humanely, adequately housed and receive sufficient food, clothing and medical care as per the Geneva Convention III. (CO1) [Knowledge]

- a) Prisoners of war b) Shipwrecked c) Civilians d) Wounded

Part B [Thought Provoking Questions [SUBJECTIVE]

Answer **all** the Questions. **Each** question carries 15

(2Qx15M=30M)

marks.

11. "International Humanitarian Law and International Human Rights Law are complementary bodies of international law that share some of the same aims. Both IHL and human rights law strive to protect the lives, the health and the dignity of individuals, albeit from different angles – which is why, while very different in formulation, the essence of some of the rules is similar."

In the light of above statement, elucidate the similarities and point of departure in International Human Rights Law (IHRL) and International Humanitarian Law (IHL).

(CO1)

[Comprehension]

12. When dealing with weapons of mass destruction, and in particular with nuclear weapons, one should bear in mind that production and possession of nuclear weapons are primarily issues of arms control, and not questions of humanitarian law. However, the possibility of the future use of nuclear weapons obviously has an important humanitarian aspect which makes it impossible to relegate the subject matter to be dealt with according to the usual political calculations of arms control treaties. Nuclear weapons are also of extreme importance for modern security policy, a policy that is embedded in a system of deterrence backed by the threat of mutual destruction. Accordingly, the question of the military-technical balance of powers is so weighty that it must be seen as legitimate for the superpowers (as well as for the

international community) to evaluate, primarily as a matter of security policy, whether and to what degree production and possession of nuclear weapons should be limited.

Is the threat or use of nuclear weapons in any circumstance permitted under international law?
Comment. (CO2) [Comprehension]

Part C [Problem Solving Questions] [SUBJECTIVE]

Answer **all** the Questions. **Each** question carries **20** marks.

(1Qx20M=20M)

13. Countries always take such a broad view of what constitutes an armed conflict; many isolated incidents, such as border clashes and riots, are not treated as armed conflicts. It may well be, therefore, that only when fighting reaches a level of intensity which exceeds that of such isolated clashes will it be treated as an armed conflict to which the rules of international humanitarian law apply." So When a Fighter Pilot of US Military was shot down and captured by Syrian forces and taken into custody over Lebanon in the 1980s the United States maintained that this incident amounted to an armed conflict and that the pilot was thus entitled to protection. (CO1) [Application]

In light of above situation, answer the following:

- a) What would be the status of Fighter Pilot of US Military and which Convention protects the rights of such Fighter Pilot?
- b) Elaborate on various kinds of Armed Conflicts



**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM EXAMINATION

Winter Semester: 2021-22

Course Code: LAW316

Course Name: International Humanitarian & Refugee Law

Program & Sem: BALLB (Hons.)/BALLB (Hons.)/ BCOMLLB(Hons.) & VIII Sem

Date: 4th July 2022

Time: 01:00 PM to 04:00 PM

Max Marks: 80

Weightage: 40%

Instructions:

- (iii) Read the Question properly before answering.
(iv) Complete the test within the time given

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries of TWO Marks.

(10Qx2M=20M)

1. Full form of ICRC:

- a) International committee of red cross
b) National committee of red cross
c) International community of red cross
d) International committee of red court

(CO2) [Knowledge Level]

2. Famous book 'A Memory of Solferino' was the creation of _____.

- a) Henry Dunant. b) John Henry c) Gray d) Franz Lieber.

(CO1) [Knowledge Level]

3. Article ___ of Convention of status of refugee 1951 provides for non-refoulement.

- a) 13 b) 35 c) 33 d) 14

(CO5) [Knowledge Level]

4. _____ states that a distinction must always be made between combatants and civilians.

- a) The principle of distinction
b) The principle of superiority
c) The principle of differentiation
d) The principle of proportionality

(CO1) [Knowledge Level]

5. Geneva convention Act was passed in the year _____

- a) 1950 b) 1960 c) 1970 d) 1980.

(CO2) [Knowledge Level]

6. Article 14 of _____ provides for right to seek asylum.
 a) UNHCR b) ICCPR c) ICESCR d) UDHR
 (CO5) [Knowledge Level]
7. Article _____ of Convention on Status of refugee _____ defines Refugee.
 a) 1, 1951 b) 11, 1951 c) 1, 1967. d) 13, 1967
 (CO4) [Knowledge Level]
8. The Act providing for registration of Foreigners in India is _____
 a) The Registration of Foreigners Act, 1939
 b) The Registration of Foreigners Act, 1960
 c) The Registration of Foreigners Act, 1967
 d) The Foreigners Passport Act 1967
 (CO6) [Knowledge Level]
9. The Convention on the status of stateless person was passed in _____.
 a) 1955 b) 1954 c) 1964 d) 1975
 (CO4) [Knowledge Level]
10. _____ be treated humanely, adequately housed and receive sufficient food, clothing and medical care as per the Geneva Convention IV.
 a) Prisoners of war b) Shipwrecked c) Civilians d) Wounded
 (CO3) [Knowledge Level]

Part B [Thought Provoking Questions]

Answer all the Questions. Each question carries TEN marks. (4Qx10M=40M)

11. Throughout its history, the development to international humanitarian law has been influenced by religious concepts and philosophical ideas. Customary rules of warfare are part of the very first rules of international law. The development from the first rules of customary law to the first written humanitarian principles for the conduct of war, however, encountered some setbacks." Share your opinion about the evolution of International Humanitarian Law (CO1) [Comprehension Level]
12. It shall be the duty of a member of the armed forces to follow the rules of international humanitarian law. Irrespective of means used while conducting of war the soldier will always be obliged to respect and observe the rules of international law and to base his actions upon them. If, in a particular situation, he should be in doubt as to what international law prescribes, he shall refer the issue to his superior officer to decide. If this is not possible, the soldier will always be guided by the principles of humanity and to follow his conscience". With due regard to above mentioned paragraph highlight the principles of International Humanitarian Law. (CO3) [Comprehension Level]
13. In 1996, the International Court of Justice, in an advisory opinion, confirmed that IHL applied to nuclear weapons, particularly the IHL principle of distinction and the prohibition against causing unnecessary suffering. In applying these and related rules to nuclear weapons, the Court concluded that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict." In light of the above statement elaborate the prohibited methods of warfare. (CO3) [Comprehension Level]

14. The Geneva Conventions apply in all cases of declared war, or in any other armed conflict between nations. They also apply in cases where a nation is partially or totally occupied by soldiers of another nation, even when there is no armed resistance to that occupation. Nations that ratify the Geneva Conventions must abide by certain humanitarian principles and impose legal sanctions against those who violate them. Ratifying nations must “enact any legislation necessary to provide effective penal sanctions for persons committing or ordering to be committed any of the grave breaches (violations)” of the Conventions.

Explain about the legislation adopted by India to give effect to Geneva Convention.

(CO2) [Comprehension Level]

Part C [Problem Solving Questions]

Answer the Question. The question carries TWENTY marks.

(1Qx20M=20M)

15. “Human rights violations are a major factor in causing the flight of refugees as well as an obstacle to their safe and voluntary return home. Safeguarding human rights in countries of origin is therefore critical both for the prevention and for the solution of refugee problems. Respect for human rights is also essential for the protection of refugees in countries of asylum.”

- a) Who is a Refugee as per International Convention? Differentiate it from Economic Migrant, Refugee Sur places, Stateless Person.
- b) Elaborate on the most important International Instrument providing for the protection of refugee.
- c) Describe the Rights and duties of Refugee as per international convention.

(CO4, 5) [Application Level]