

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Human Rights and International Humanitarian Law
Semester-VI (Batch: 2016-21)

End Semester Examination: April-May 2019

Date: 4th May, 2019

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- Bare Act is not allowed.

- | | Marks |
|---|----------|
| Q.1 'Reservation' is a divergent regime of treaty relations. The use of reservations and unilateral declarations by states, while apparently encouraging the universality of human rights treaties, has also created 'a feeling of unease' among human rights activists and jurists considering the 'indivisible and interdependent nature of the rights set out in such treaties'. The question here, therefore, is to what extent states can validly make reservations to human rights treaties. Discuss the reservations and declarations in the human rights treaties in the light of Vienna convention of law of treaties (VCLT), International law commission (ILC) and role of International Court of Justice (ICJ). | (10) |
| Q.2 Highlight the National report submitted by India in accordance with paragraph 5 of the Human Rights Council resolution 16/21 under the third cycle submission of Universal Periodic Review. | (10) |
| OR | |
| Write short notes on the following: | (5+5=10) |
| (a) Principles of International Committee of Red Cross (ICRC) | |
| (b) Extra-judicial killings (EJK) and Armed Forces (Special Powers) Act (AFSPA). | |
| Q.3 <i>Hypothetical Situation 1: Internal disturbance/Non-International Armed Conflict/ International Armed Conflict/Reprisals/ Conduct of Attacks</i> | (10) |
| <p>The 'Barbados' is an island country in the Lesser Antilles of the West Indies in the Caribbean region of North America. It has a population of 287,010 people, predominantly of African descent. In the capital city namely, Bridgetown of Barbados, civilians are killed by a bomb explosion. Responsibility is claimed by an organization that has taken refuge in a neighbouring country.</p> <p>The air force of the first country carries out a reprisal raid against camps probably housing the perpetrators of the explosion. A factory and a crèche are hit, and people are killed.</p> <p>Write specific comments on the given hypothetical situation and answer the following:</p> <p>(04)</p> <p>(a) Must the above mentioned facts be examined in the light of the Law of Geneva? (02)</p> <p>(b) What attitude should be adopted towards the reprisal raid? (02)</p> | |

(c) What have the Additional Protocols to say on the subject of attacks? (02)

Q.4 *Hypothetical Situation 2: Distinction between Combatant & Non-combatant / International or Non-International Armed Conflict / Right to self-determination movement* (10)

There is an active 'secessionist movement' based on the self-determination of the residents of the Donetsk and Luhansk regions of eastern Ukraine, allegedly against the instability and corruption of the Ukrainian government. An armed conflict is in progress between the said government and a "Nationalistic Deliverance Front" representing part of the local population in the State of Ukraine.

The obligation to distinguish between combatants and non-combatants is ignored. Non-combatant civilians are being murdered and ill-treated, families dispersed, inhabitants driven from their villages, houses set on fire and children deported.

Give specific comments on the above mentioned hypothetical situation.

Q.5 Answer **any two** of the following:

(2x5=
10)

- (a) Distinction between Common Article 3 and Additional Protocol II.
- (b) International Criminal Court and its Jurisdiction over Geneva Conventions 1949 & Additional Protocols 1977.
- (c) Refugee convention and protection of climate change refugees.
