

# Printout

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**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: International Humanitarian Law  
Semester-II (Batch: 2013-14)

End Term LL.M. Examination: May-June 2014

Date: 4<sup>th</sup> June, 2014

Duration: 3 hours

Max. Marks: 70

**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 any thing 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.

**Part A – Answer all Questions****Marks**

Q.1 Answer the following questions based on the following facts and circumstances:

**(3x4=12)**The situation: Reprisals/Conduct of attacks

In the capital city, 'Yamoussoukro' of Côte d'Ivoire (Republic of Ivory Coast), an African country located in West Africa, civilians are killed by a bomb detonation. Responsibility is claimed by an organization, namely 'Organization of Religious Cooperation' that has taken refuge in a neighbouring country, namely *Burkina Faso*.

The air force of the first country, Republic of Ivory Coast (*Côte d'Ivoire*), carries out a reprisal raid against the camps of refugees, who were probably housing the perpetrators of the explosion. A factory and crèches are hit, and people were killed.

Questions:

- a) Can these facts be examined in the light of the Geneva Conventions that are applicable to them? Explain with provisions.
- b) What attitude should be adopted towards the reprisal raid? Discuss the objectives of the Geneva Conventions with provisions.
- c) What have the Additional Protocols to say on the subject of attacks? Discuss their provisions.

Q.2 Answer the following questions based on the following facts and circumstances:

**(15)**The situation: Combat Zone/Rescue of Wounded

During a declared war between two States, namely *Liberia* and *Gulf of Guinea of Africa*, enemy troops invade (attack) a town. There is fierce fighting, and, isolated groups hold out and put up stiff resistance. The streets are strewn with wounded soldiers of both sides and wounded civilians as well.

A few members of a local Red Cross medical unit have assembled with their families in the Red Cross dispensary. Some of them propose to intervene immediately to assist the wounded.

Questions:

- a) Is this intervention in accordance with the Conventions of 1949? Does P1 add anything new to them on the subject? (5)
- b) Who is competent to search for and collect according to the Geneva Conventions 1949 and Additional Protocols 1977?
  - i. Wounded and sick soldiers? (3)
  - ii. Wounded, sick or destitute civilians? (3)
- c) Before the group intervenes in the combat zone, what should the head of the

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unit be recommended to do after collecting the casualties as per the Geneva Conventions 1949 and Additional Protocols 1977? (4)

- Q.3 Write notes on the following: (2x5=10)  
 a. *Jus ad bellum* and *Jus in bello*  
 b. Types of Armed Conflicts with illustrations
- Q.4 On March 23<sup>rd</sup>, 1999, NATO began a three-month long bombing campaign against the Federal Republic of Yugoslavia (FRY), allegedly to prevent the ethnic cleansing of Kosovo-Albanians in the semi-autonomous region of Serbia controlled by an authoritarian regime under Slobodan Milosevic. The decision to launch a 'humanitarian intervention' and the way the campaign was conducted became a highly contentious subject, as the 'diffuse-concept' contravenes the international norm of non-intervention. (12)  
 a. Critically analyze this issue in the light of international legal framework as applicable in an armed conflict.  
 b. It is believed by many that NATO's intervention stopped a 'human catastrophe'. Justify this statement by considering the geo-political implications of NATO's intervention in Kosovo.
- Q.5 The International Criminal Court (ICC) from 2017 onwards will be empowered to hold leaders accountable who are responsible for the most serious forms of the illegal 'use of force' against other States. The Court will thus have a direct role in promoting the United Nations Charter and its quest for maintenance of peace and security. (12)  
 a. What challenges do you foresee in the effective implementation of the orders of the ICC? List in detail the successes and failures of the ICC since 2002.  
 b. According to the prosecutor's request in the arrest warrant Omar Hassan Ahmed Al-Bashir has allegedly committed genocide. In the light of this situation define genocide and elucidate the differences among genocide, crimes against humanity, and war crimes.  
 c. Does the court use double-standards for States in Africa and the Middle East as widely perceived? Why is not the court interested in the Israel-Palestine conflicts or in acts committed by the United States during the war in Iraq and their war on terror (Guantanamo)?
- Q.6 By the end of 2014, NATO's war in Afghanistan will end as stated in the media. Considering this context, that more than a decade of foreign intervention in the country, it becomes clear that a mismatch of political goals and military tactics have mired NATO's strategy. Many believe that America's longest war has failed to deliver a basic level of security and as a government that can provide essential services. (09)  
 a. In the light of the abovementioned situation write a short note on the legal status of humanitarian intervention and its relationship to the international humanitarian law.  
 b. Do you believe that NATO's International Security Assistance Force (ISAF) Mission in Afghanistan has failed to achieve its objectives? Justify.

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