

# UNIVERSITY OF RUHUNA

Master of Arts in Peace and Development Studies  
Second Semester End Examination –October 2017

## PDS 6234 – INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Answer any **four (04)** questions.

**Time: 03 Hours**

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**Candidates will be penalized for illegible handwriting.**

1. Briefly explain as to whether the following statements are true or false. Your answer should be supported with relevant provisions of human rights instruments and decided cases, if any.

- (a) Human rights are a western concept and had no influence whatsoever from the East during the evolution process.
- (b) No mechanism is available for states to make complaints against another state under the international Human Rights Law regime.
- (c) There is no relationship between access to justice and derogations from human rights standards.
- (d) There are many differences and similarities between International Human Rights Law and International Humanitarian Law.
- (e) Individual communications are allowed under treaty based mechanism.

(03 marks each)

(Total marks 15)

2. (a) Explain the scope of application of the legal regimes pertaining to international armed conflicts (IAC) and non-international armed conflicts (NIAC) respectively.

(Marks 07)

- (b) In light of the legal regimes discussed during the International Human Rights and Humanitarian Law (PDS6234) course, and of the materials made available, determine the situation existed in Sri Lanka over last three decades.

Your answer should be supported by giving reference to international conventions.

(Marks 08)

(Total Marks 15)

3. The protection from torture, inhuman and degrading treatment or punishment is a fundamental principle in international human rights law at both universal and regional levels.

Discuss.

(Marks 15)

4. Describe the institutions and procedures of the United Nations Charter-based system, for the protection and promotion of human rights. Explain the advantages and disadvantages of those institutions and procedures for the effective protection of human rights.

(Marks 15)

5. Discuss the legal basis of the following actions. For purposes of this question, assume that the parties concerned are party to all International Humanitarian Law treaties.

(a) A group of soldiers of Hackersland state engaged in a battle with rebels. The rebels were scattered in a town called Hackery and positioned in several buildings. However, the Commander of the soldiers had no knowledge exactly from which buildings his soldiers were being fired at. When the numbers of wounded soldiers of Hackersland were raised high, the Commander called for an air attack from Hackersland Air force with the objective of complete destruction of all the building in the town.

(b) An armed conflict began Anuzeeland State and Wathkistan State. Since the Wathkistan did not have an air force, Anuzeeland decided to deploy armed helicopters to target military convoys of Wathkistan. One day the pilots have observed a peculiar behaviour of a particular convoy. Therefore, they decided to fly over the convoy. When they flew over the convoy, a white flag was placed on the roof of the vehicle, the vehicles stop and soldiers disembark with hands over their heads. However, once the helicopter left the area, soldiers boarded the vehicles again and continued their trip. After observing this behaviour carefully, an air strike was made by Anuzeeland Air Force to destroy the convoy.

(c) During the armed conflict between the army of Treasurland and the rebels, the armed forces captured a high level commander of the rebel group that controlled some parts of the territory of Treasurland. The Treasurland brought this individual to trial before the Treasurland court alleging killing and rape innocent civilians in the area although the high level commander of the rebel group categorically stated that he is a Prisoner of War and cannot be tried for these offenses.

(05 Marks each)

(Total Marks 15)

6. Write detailed explanatory notes on **any three (03)** of the following topics.

- (a) Effectiveness of the National Human Rights Mechanisms of Sri Lanka.
- (b) The restrictions imposed by International Humanitarian Law provisions on the conduct of hostilities to protect cultural properties.
- (c) Convention on the elimination of all forms of racial discrimination, 1965.
- (d) Regional human rights mechanisms.
- (e) Implementation of conventions on International Humanitarian Law in Sri Lanka.
- (f) War crimes, grave breaches and crimes against humanity.

(05Marks each)  
(Total Marks 15)

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