



University of Ruhuna

Master of Arts in Peace and Development Studies
Second Semester End Examination - November/December 2021
PDS 10235/PDS 6234 - International Human Rights and Humanitarian Law

Answer any **four (04)** questions

Time: 03 hours

Candidates will be penalized for illegible handwriting.

1. Briefly explain whether the following statements reflect the correct legal position. Your answer should be supported with relevant provisions of international human rights and humanitarian law instruments and decided cases, if any.
 - (i) Human rights have no special features, and those rights can be curtailed at the will of the State.
 - (ii) Once a state becomes a party to an international human rights treaty, it automatically gets incorporated into its national or domestic laws.
 - (iii) Women have equal rights with men and also special protection is given to Children under International Human Rights Law.
 - (iv) Human rights have been developed with Western as well as Eastern thoughts.
 - (v) Humanitarian Law protects all.
 - (vi) Exhaustion of local remedies has a significant place in International Human Rights Law.

(02½ marks each)

(Total Marks 15)

2. Consider the following hypothetical situation. You are a Human Rights adviser and were invited by the Government of Begland, the newest internationally recognized country in the world, to assist in drafting a constitution. Assume that Begland has a multicultural society and socio, economic setting similar to Sri Lanka.

You commenced your journey by a ship that carries containers of all major human rights instruments that you have learned during the International Human Rights and Humanitarian Law Course. Assume that each container has several human rights which have equal weight.

Unfortunately, on the way to Begland, the ship collides with a huge rock and is about to sink. The captain of the ship gave you a lifesaving boat and advised you to reach the destination.

You are required to select 10 most important human rights from those containers that can be included in the Fundamental Rights Chapter of the Begland constitution and to justify your selection considering the overall impact on promotion and protection of human rights and also on peace and development of the country in the long term.

(Marks 15)

3. Suppose you are an expert on International Human Rights Law, and you have been invited for a poster competition on “*United Nations Human Rights Mechanisms*”. One of the main objectives of this competition is to ascertain how a poster can be used as a visual aid for an effective communication method to disseminate the knowledge on human rights protection under the United Nations to the public.

You are required to prepare a diagrammatic poster including all the elements of the United Nations Human rights mechanisms.

Use only two facing pages of your answer book.

(Marks 15)

4. Peace and Development Students’ Association, a registered association in Sri Lanka, is famous for having a continuous dialogue on the promotion of international human rights law and humanitarian law. You have been invited by this Association to deliver a lecture on “*International human rights and humanitarian law*” for their new members. They requested you to prepare the speech note since they intend to publish it as a booklet and distribute it among the participants on that day.

You are required to prepare the speech note paying attention to all the important aspects including the major conventions and their scope of application.

(Marks 15)

5. (a) ‘In an armed conflict, there are no restrictions whatsoever to kill, wound, detain enemies, destroy their property and cause incidental civilian casualties. Whoever took up arms must face the consequences irrespective of the nature of armed conflict or parties who involved in, etc.’.

In light of the issues discussed during the International Human Rights and Humanitarian Law course, and of the materials made available, examine the validity of the above statement.

(Marks 07)

(b) Discuss the legal basis of the following independent situations.

- (i) An armed conflict between Briberyland and Commissionland has been taken for a couple of years. However, last week, Briberyland launched a reprisal operation against Commissionland and captured part of the land belonging to Commissionland and a platoon of army occupied there.

During the violence, one of the ancient buildings in Briberyland was destroyed by a missile of Commissionland. Two hundred civilians of Commissionland were killed, 370 were wounded and 50 soldiers were taken into custody. The wounded civilians were left on the battlefield and the captured soldiers were detained in small tents were ordered to build bunkers and do the laundry and sanitary works for the Briberyland Army.

For the purposes of this question, assume that the parties to conflicts are parties to all Humanitarian Law treaties and Additional Protocols.

(04 Marks)

- (ii) An armed conflict took place within the territory of the boundary of Briberyland, and the parties were the State Force of the Briberyland and an armed group. During the incident, 10 civilians were killed by the armed group, 5 women were raped by the leader of the armed group. 235 members of the armed group were taken into the custody of Briberyland.

Assume that Briberyland is a party to the Geneva Conventions and Additional Protocols, as well as to the large majority of other International Humanitarian Law treaties.

(04 Marks)

(Total Marks 15)

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

- (i) Regional Human Rights Mechanisms.
(ii) Effectiveness of the National Human Rights Mechanisms of Sri Lanka.
(iii) War crimes, grave breaches, and crimes against humanity.
(iv) Role of the International Court of Justice (ICJ) and the International Criminal Court (ICC).
(v) Applicability of Additional Protocols to Geneva Conventions.
(vi) A decided case under International Human Rights Law (IHRL) or International Humanitarian Law (IHL).

(05 Marks each)

(Total Marks 15)

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