**INTERNATIONAL HUMANITARIAN LAW**

**- EXAM PERIOD SS 2020 -**

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**Section A: Multiple-Choice and Short Open Questions**

(10 out of 20 points | 0,5 point per question)

*Justify* ***all*** *your answers with up to* ***three*** *sentences. Mere reference to the Geneva Conventions’/Additional Protocols’/Rome Statute’s provisions is* ***not*** *considered a fully justified answer.*

**1. The aim of International Humanitarian Law (hereinafter IHL) is to:**

a. prohibit the use of force in international relations.

b. regulate the conduct of armed conflicts in a fair way.

c. prescribe how armed conflicts should be conducted.

**2. Which sentence better describes the relationship between IHL and Human Rights Law? Explain your choice using an example.**

a. IHL aims at enabling the enforcement of human rights on the battlefield.

b. IHL is comprised of obligations addressed to the parties of armed conflicts that reflect an intersection of human rights law’s mandates and the reality of the battlefield.

**3. Torture is considered a grave breach of the Geneva Conditions and is punished as a war crime,**

a. when associated with an international or national armed conflict.

b. only when committed by combatants and in the context of an international armed conflict.

c. on the condition that the perpetrator aims to intimidate the victim.

**4. IHL rules containing the so-called protective regimes are organised in the same way with those on the means and methods of warfare.**

a. True

b. False

**5. Disseminating false information on the battlefield is allowed in the light of IHL.**

a. True

b. False

**6. Cyber exploitation is prohibited by IHL.**

a. True

b. False

**7. Men are not protected against rape in the light of IHL.**

a. True

b. False

**8. Kosal is a 10-year-old boy recruited by his state of origin to participate in an armed conflict between the latter and the neighbouring State Y. Kosal is arrested in the course of the hostilities and prosecuted for having participated to them by State Y’s authorities. His prosecution violates the rules of IHL.**

a. True

b. False

**9. Terrorism does not belong to the so-called core international crimes.**

a. True

b. False

**10. There are no cases in which soldiers alone are liable for their misconduct.**

a. True

b. False

**11. Ray is a leading figure of the local gold mining business and effectively exercises control over the military actions of State X without belonging to the armed forces of the latter. Could Ray be prosecuted for the commission of war crimes before the International Criminal Court?**

a. Yes

b. No

**12. Amadou is the military leader of the armed forces of State X. His soldier, Prévu, kills two children, after Amadou declared that no quarter should be given against their enemies.**

a. Amadou and Prévu are to be prosecuted in accordance with Art. 25 (3) (a) of the Rome Statute.

b. Amadou is to be prosecuted in accordance with Art. 25 (3) (b), whereas Prévu in accordance with Art. 25 (3) (a) of the Rome Statute.

c. Prévu is to be prosecuted in accordance with Art. 25 (3) (a) of the Rome Statute.

**13. Aarash – being devastated by the violent daily life on the battlefield – flees during the night. While trying to cross the borders of the neighbouring State, which is an ally of the State fighting with Aarash’s country of origin, he is being arrested. In the light of IHL rules, Aarash has to be treated as:**

a. combatant

b. prisoner of war

c. civilian

**14. Equality of belligerents is an absolute principle of IHL.**

a. True

b. False

**15. IHL treaties and customary law have a general effect.**

a. True

b. False

**16. Provide *two* examples that indicate the relevance of IHL rules on means of warfare in the peacetime.**

**17. Why are the rules concerning pillage considered non-realistic in terms of their enforcement by non-State armed groups in the context of armed conflicts?**

**18. Indicate *two* reasons which highlight the practical importance of the combatant status.**

**19. Name *two* reasons why the civilian status is of central importance regarding the use of new technologies on the battlefield.**

**20. Provide *one* example that explains the difference between proportionality in IHL context and in peacetime.**

**Section B: Exercises**

(10 out of 20 points | 5 points per exercise)

**Exercise 1**: In December 2000, the armed forces of State X occupied the western part of the territory of the neighbouring State Y – known as the Red Area. The formal government of the latter – having been involved in endless conflicts with various armed groups since 1995 – did not resist; this was not the case with the members of various armed groups acting in the region. Jamal, a 15-year-old boy from State Y and member of one of these groups, was arrested in March 2001 by the State X’s authorities, after having participated in a grenade attack in the Red Area, in which soldiers of both State X and mercenaries coming from State F, an ally of State X, are killed. When arrested, Jamal was wearing a yellow bandage around his arm, which was the distinctive sign of his group, and carrying openly his arms. His group was commanded by Captain Kabou, the father of Jamal, who was always taking care so that both the group and its members would act in accordance with the laws and customs of war.

In the aftermath of his arrest, Jamal was transferred to the State F, which is not a State-Party to the 3rd Geneva Convention, and stayed there for six months. During the first three weeks, Jamal was repeatedly moved from one cell to another in quick intervals throughout the night to disrupt sleep cycles, while in the rest of the time he was subjected to beatings until he confessed that he was the person who organised the aforementioned grenade attack.

Cardin, the officer responsible for the detention and treatment of Jamal in State F, was the brother of one of the soldiers killed during the grenade attack, has been threatened during all that time by his superiors that he would lose his job, if he did not obtain the ‘right confess’ by Jamal.

**I. Classify the situation and the applicable law in the light of IHL.**

**II. Evaluate Jamal’s arrest and transfer according to the law applicable in this armed conflict.**

**III. Assess the actions of Cardin in the light of the Rome Statute taking into account that the State F is a State Party to the latter.**

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**Exercise 2**: State A has been involved in an armed conflict with State B for five years until its government decided to sign a peace agreement that led to a general close of the military operations. According to this agreement, which was singed in June 2002, State B obtained the right to exploit 50% of the natural gas resources located close to the borders of the two countries. Members of the armed group C, who were against the peace agreement and opponents of the president of the State A, started using force against members of the formal government. Their attacks started in July 2002 and continued until December 2003, they were truly violent and left hundreds of victims on both sides. During the last attack, which was organised by the formal government of the State A against a camp belonging to the group C, State B was called for support against the rebellious forces.

On July 23, 2003, the official armed forces of State A camped in village V. Knowing that its residents were in favour of the actions and the philosophy of the armed group C, the soldiers forced all the men of the village to stand in front of their house doors naked for six hours. When this plan was announced to the head of the military group, General Adrian, he laughed.

On October 30, 2003, members of the group C, who were aware of what happened on July 23 of the same year, conducted an attack against a 200-year temple in the capital city of the State A; in the aftermath of the attack, the temple was left completely destroyed. According to a UNESCO report, the latter was considered of great aesthetic and historic value, and, thus, protected as a significant part of the cultural heritage of State A. Igor, who planted the bomb, was a great lover of local art and had deep knowledge of State A’s history, but he decided to act in accordance with the orders of his superiors within the group.

**I. Classify the situations and the applicable law in the light of IHL.**

**II. Assess the events that took place on July 23, 2003 and on October 30, 2003 in the light of IHL and according to the Rome Statute taking into account that the State A became a State Party to the latter in September 2003.**

***Good luck!***