

PARUL UNIVERSITY
FACULTY OF LAW
LL.M Winter 2019 – 20 Examination

Semester: 2**Subject Code: 17202180****Subject Name: International Humanitarian Law****Date: 10/12/2019****Time: 10.30 am to 1.00 pm****Total Marks: 60****Instructions:**

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Do as directed. (1 marks each. All Compulsory)**(15)**

1. IHL
 - (a) Is part of public international law
 - (b) Is a law created by states
 - (c) Is composed of treaty regulations and customary rules
 - (d) All of the above
2. Which sentence is correct?
 - (a) The Hague Law is composed of rules governing conduct in hostilities and the Geneva Law is composed of rules protecting people in the power of the enemy
 - (b) Hague Law regulates the use of both means and methods of warfare
 - (c) An important part of Additional Protocol I is composed of Hague Law rules
 - (d) All of the above.
3. Protocol II of 1977 applies in

(a) Wars of national liberation	(b) Non-international armed conflict
(c) Internal tensions	(d) Riots in occupied territories
4. Henry Dunant's two main ideas were:
 - (a) For the seven Fundamental Principles to be adopted and relief for the war-wounded to be established.
 - (b) For relief societies to set up in peacetime that would be ready to care for the wounded in wartime and for an international volunteer movement to be established.
 - (c) For an international agreement to be adopted to protect sick and wounded soldiers on the battlefield and the nursing staff in wartime and for relief societies to be set up.
 - (d) For a convention to be prepared that would govern the conduct of war and the protection of human rights
5. A state that is the victim of aggression has
 - (a) More rights under IHL than its aggressor has
 - (b) Less duties under IHL than its aggressor has
 - (c) No obligations under IHL
 - (d) Similar rights and duties to what its aggressor has
6. The Vienna convention on Diplomatic Relations was adopted in:

(a) 1815	(b) 1958
(c) 1961	(d) 1963
7. A state has the right to use force in case of:

(a) To obtain raw materials	(c) Armed attack
(b) To ensure the protection of human rights	
8. A diplomatic agent is immune from local jurisdiction:

(a) In all cases	(b) Criminal cases
(c) In cases involving personal property	
9. Extradition is normally granted:

(a) In all cases	(b) In criminal cases
(c) In civil cases	
10. Those who create IHL rules are:

(a) The ICRC	(b) The United Nations
(c) The states	(d) Public Opinion

11. For the ICRC, the confidentiality is:
 - (a) A working modality that aims at gaining the trust of all parties involved in a conflict so as to ensure access to all affected people, being civilians or detainees.
 - (b) A moral attitude refusing to condemn all abuses in times of conflict, because the IHL does not condemn wars.
 - (c) A way of showing support to an armed group by keeping secret the violations they might commit
12. The 4 approaches developed by the ICRC are:
 - (a) Protection, Health, Cooperation, Prevention
 - (b) Protection, Assistance, Cooperation, Communication
 - (c) Health, Detention, Cooperation
 - (d) Protection, Assistance, Cooperation, Prevention
13. Who is responsible for respecting and ensuring respect for IHL?
 - (a) The States.
 - (b) The ICRC.
 - (c) The United Nations Security Council.
 - (d) The International Criminal Court.
 - (e) The International Red Cross and Red Crescent Conference.
14. During an armed conflict between two States that have signed the Geneva Conventions, IHL applies:
 - (a) Only to the party which started the conflict.
 - (b) Only if war has been declared by one of the parties.
 - (c) Equally to all parties to the conflict.
15. International humanitarian law is a body of legal regulations which sets out to:
 - (a) Limit the right to declare war.
 - (b) Limit the rights of the parties to armed conflict with regard to their choice of methods and means of warfare.
 - (c) Protect persons who are not or no longer taking part in the hostilities.
 - (d) Protect human beings against human rights violations in all circumstances.

Q.2 A) Write short notes on: (Each of three mark)

1. Discuss about the Inter-Agency Standing Committee (IASC). (15)
2. What type of legal responsibility is created by breach of IHL?
3. Discuss in brief Article 3 which is common to all four Geneva conventions.
4. Discuss the rights of Internally Displaced Persons and their position under the International Law.
5. Discuss the rights of Refugees and their position under the International Law.

Q.3 A) Discuss the development and rise of International Committee of the Red Cross. (07)

OR

A) Discuss the Red Cross/Red Crescent Fundamental Principles. (07)

B) Discuss Geneva conventions and Additional protocols in the growth of Humanitarian protocols. (08)

OR

B) "The understanding of humanitarianism in modern political discourse has been shaped by three historical trajectories". Discuss. (08)

Q.4 A) Citizenship is relationship between an individual and a state to which the individual owes allegiance and in turn is entitled to its protection. Citizenship implies the status of freedom with accompanying responsibilities. Citizens have certain rights, duties, and responsibilities that are denied or only partially extended to aliens and other noncitizens residing in a country. (07)

Close to two million long-time residents of Assam, under the National Register of Citizens (NRC) exercise, might soon be deemed stateless and alleged that they are being stripped of their citizenship "without a fair, transparent, and well-regulated" process. As a student of International Humanitarian Law, critically suggest measures that can be taken to address such human rights violations.

B) Write brief note on the following: (Any FOUR)(Each of two mark) (08)

1. "International law is consent-based governance". Comment.
2. United Nations Relief and Rehabilitation Administration
3. The United Nations Convention on the Rights of the Child
4. UN Relief and Rehabilitation Administration(UNRRA)
5. Is International Humanitarian Law and International Human Rights Law same? Give reasons.