



“Investing in Africa’s future”

COLLEGE OF BUSINESS, PEACE, LEADERSHIP & GOVERNANCE

NPHR502: INTERNATIONAL HUMANITARIAN LAW & REFUGEE LAW

END OF SECOND SEMESTER FINAL EXAMINATIONS

APRIL 2022

LECTURER: C. MUNGUMA

DURATION: 3 HOURS

INSTRUCTIONS

QUESTION 1 is compulsory for all candidates. From section B choose any two questions of your choice.

Write legibly and logically.

Start a new question on a fresh page.

Section A

Choose Part A or Part B in this section

Question 1

- A.** A group of soldiers in an occupied territory approaches a village which is well known for supporting liberation fighters. The soldiers gather all the villagers at an assembly point and start questioning them on their alleged support for the liberation fighters. All the villagers deny and involvement in supporting the liberation fighters.

Angered by the “lack of cooperation” the commander of the group instructs 5 soldiers to go to the fields and burn all the ripe crops therein. The instruction is immediately carried out. In addition, to instil fear on the villagers the group pick on the village councillor and two other men. These are heavily assaulted all over the body with sticks and leather whips after which they were stabbed to death with rifle bayonets. An order not bury the “sell outs” is made to the village. The soldiers then left warning that if the cooperation with the liberation fighters continues more drastic action will be taken which includes be kept in a concentration camp and having the local school and hospital destroyed.

Three days later the occupying soldiers came back in a fighter bomber. They bombed the local school, hospital and a bridge that led to the village. As a result of this bombing 100 villagers who were in the immediate vicinity of these buildings are killed immediately. After the bomb attack has subsided, all civilians who were within a 40kilometer radius of the bombed buildings start coughing and die within a period of 24hours. It is later established that a nerve gas was used in the attack of the village. This gas killed in excess of 500 people who are civilians mostly women and children (since the men had taken up arms to fight the invading forces).

- a) As an IHL expert advise the local government the violations of IH law that were done by the occupying forces in the above case. [30marks]
- b) Discuss whether the soldiers (both superiors and subordinates) that were involved in the two attacks can be personally liable for their conduct in initiating the attacks in the manner they did? [10marks]

Or

- B.** “Children anywhere and at any time deserve special protection because of their special status as young persons who cannot defend themselves. In a bid to defend them Refugee laws, IHL and International Human Rights Law have special provisions to protect children”. Assess whether the above statement is correct. [40marks]

Section B

Choose two questions in this section.

Question 2

- a) Evaluate the protection that is given to civilians by the Geneva Conventions explaining whether such protection is adequate. [15marks]
- b) Analyse how the principles of proportionality and distinction are applied in practice. [15 marks]

Question 3

- a) Internally displaced persons and refugees share so many things in common. Analyse the similarities and differences of these two groups of people showing the risks that they face. [15marks]
- b) Analyse at least three means of war that are outlawed by IHL. In your analysis show why those means of war are bad to humanity, the environment and future generations. [30marks]

Question 4

- a) Discuss the United Nations' position on countries using military force as a method of resolving international relations. [30marks]

End of Paper
