



“Investing in Africa’s future”

COLLEGE OF BUSINESS, PEACE, LEADERSHIP & GOVERNANCE

NPHP 510: INTERNATIONAL HUMANITARIAN LAW & REFUGEE LAW

END OF SECOND SEMESTER FINAL EXAMINATIONS

MAY 2021

LECTURER: C. MUNGUMA

TIME: 7 HOURS

INSTRUCTIONS

Answer **ONE** question.

You have 12 hours to complete and **submit your answer to the University Moodle platform.**

You are encouraged to provide appropriate references where necessary in your work. Anti-plagiarism tools will be used to assess your answer for any form of exam misconduct. Any cases of positive exam misconduct will be punished in terms University Regulations.

Question 1

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 sjamboks after which they were stabbed to death with rifle bayonets. An order not to 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 200 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 2500 people who are civilians mostly women and children (since the men had taken up arms to fight the invading forces).

- a) As an International Humanitarian Law (IHL) expert advise the local government on 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? [30marks]
- c) Would the five soldiers who were sent to burn food crops have any defence if charged for that act under IHL and International Criminal Law? [25marks]
- d) Analyse how the principles of proportionality and distinction are applied in practice. [15marks]

Question 2

- a) ‘The four Geneva Conventions and the two Protocols are some of the widely signed and ratified instruments of IHL. Only a few countries have not ratified these important instruments yet atrocities during armed conflicts still abound’. Analyse why the world is still faced by violations of International humanitarian law despite the existence of valid legally binding instruments that could otherwise stop these unfortunate activities. [40marks]
- b) Evaluate the protection that is given to civilians by the four Geneva Conventions explaining whether such protection is adequate. [30marks]

- c) Analyse the concept of '*non refoulment*' and exclusion in refugee law explaining whether they are justified in the circumstances they apply. [30marks]

Question 3

- a) '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]
- b) 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. [30marks]
- c) Analyse at least three means of war that are outlawed by international instruments. In your analysis show why those means are bad to humanity, the environment and future generations. [30marks]

END OF EXAMINATION
