

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Post-Graduate Diploma in International Humanitarian Law (Batch 2019 – 2020)

Take Home – Supplementary Examination (January, 2021)

**Paper IV – 1.4. Implementation of International
Humanitarian Law**

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) *The answer for the 25 marks question should be written in 1200 - 1500 words.*
 - f) *Only Handwritten answer scripts should be uploaded. Use only Black ball pen to write the answers. Handwriting if not legible, paper will not be examined.*
 - g) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - h) Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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Answer the following questions:

Marks : 4 x 25 marks each

1. In 2014, Spain adopted a piece of legislation (LO1/2014), which restricted the scope of the exercise of universal jurisdiction by Spain. The law excluded the possibility of conducting trials *in absentia*, thus limiting the exercise of universal jurisdiction to the circumstance that the suspect is present in the territory of Spain. The Spanish Supreme Court held that the legislation was not unconstitutional. It argued that, although a State is free to start criminal proceedings against individuals who do not find themselves on its territory, no international instrument obliges the State to do so. In the case of grave breaches of the Geneva Conventions, the Court notes that IHL obliges States to prosecute individuals only if they are present in the territory of the State.

In the light of the above, can a State party to the International Humanitarian Treaty (IHL) Mechanisms pass on such a verdict? Write an analytical note on the obligations of the State parties for the implementation of the IHL in their respective domestic jurisdictions.

2. Sexual violence during and in the wake of conflict continues to be dramatically underreported because of the risks, threats and trauma faced by those who come forward. These risks affect not only the survivors, but also witnesses, human rights defenders, service providers, journalists, justice officials and others who seek to ensure that sexual violence is no longer suffered in silence. Despite the political momentum

and visibility gained in recent years, the reality on the ground is that many Governments have not been able to create an environment in which survivors feel safe to report sexual violence. The fear of stigmatization and reprisals is almost universal, and often compounded by a sense of futility stemming from the limited services available and the painfully slow pace of justice in such matters.

In view of this prevailing situation, write an analytical note on the measures taken by the national and international mechanisms for addressing the situation of sexual violence during armed conflict. In your view, are these measures suitable to repress the breaches of sexual violence - Explain

3. Write a comprehensive note on the role of “International Fact Finding Commission” and the role of the “Protecting Powers” in the situation of international armed conflicts.
4. Critically evaluate the implementation of the international humanitarian law in India. Discuss the suitability of Geneva Conventions Act of 1960 which was adopted by India to address the concerns relating to insurgency movements in India.