

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

Advanced Diploma in International Humanitarian Law (Batch 2021 – 2022)

Take Home – Supplementary Examination (November 4-7, 2022)

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 and for the 10 marks / 15 marks question it should be 800 – 1000 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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Q.1: Write a detailed note on the following:

- A. Role of ICRC in implementation of IHL **(10 Marks)**
- B. Role of Protecting Powers **(10 Marks)**
- C. Role of Military Commanders in implementation of IHL **(5 Marks)**

Q.2: A Ukrainian retired Army officer N. Savchenko was prosecuted by the Court of Belgorod, a Town in southern Russia and sentenced her to 22 years punishment in prison. The court has established that she was responsible for conducting concealed observations and directing attacks against a roadblock held by militias and a group of civilians including three Russian journalists near the village of Metalist, the Luhansk Region on 17 June 2014. The attack killed two Russian journalists and several militiamen and along with civilians. At the time N. Savchenko was on active duty in the Ukrainian Armed Forces as a navigator and systems operator of a Mi-24 attack helicopter, enlisted and served on the ground with a volunteer paramilitary unit while being on leave. She was arrested in a town in the Russian town of Belgorod in July 2014. The prosecution insisted that she had been arrested after crossing the border disguised as a refugee in order to plot attacks, which is what made her a common criminal, not a prisoner of war. She claimed that she was abducted from Ukrainian territory.

Based on the above factual information establish the crimes committed by the Ukrainian retired Army officer N. Savchenko, further examine, whether Russian Courts have a jurisdiction to prosecute her. While writing your answer examine the role of national courts in prosecuting the grave breaches of international humanitarian law committed by military personnel. **(25 Marks)**

Q.3: In 2014, Spain adopted a legislation, which restricted the scope of the exercise of universal jurisdiction by Spain. The law excluded the possibility of conducting the trials in absentia, thus limiting the exercise of universal jurisdiction to the circumstances 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 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 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.

Based on this factual situation, write an analytical note on the Universal Jurisdiction over the Grave Breaches of the International Humanitarian Law treaty mechanism. In your answer examine the position of Spain in this regard. **(25 Marks)**

Q.4: India has signed and ratified the Four Geneva Conventions of international humanitarian law, which were adopted during 1949. To implement the international humanitarian law obligation of the Geneva Convention into India during 1960 the government of India has adopted an enabling legislation ie., Geneva Conventions Act of 1960. However, it attracted attention of the Supreme Court of India during the case of *Rev. Mons. Sebastiao Francisco Xavier Dos Remedios Monteiro Vs. State of Goa*, March 26, 1969.

In light of this situation, examine the above-mentioned case and examine whether Supreme Court observations are in conformity with the obligations of Geneva Conventions of International Humanitarian Law. If not, write detailed suggestions in this regard. **(25 Marks)**