

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 I – 1.1. Introduction to 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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1. In one of the judgments of the International Court of Justice, it was observed that:

Humanitarian law and custom have a very ancient lineage. They reach back to thousands of years. They were worked out in many civilizations – Chinese, Indian, Greek, Roman, Japanese, Islamic, modern European, among others. Through the ages many religious and philosophical ideas have poured into the mould in which modern humanitarian law has been formed. They represented the effort of the human conscience to mitigate in some measure the brutalities and dreadful sufferings of war. (Judge Weeramantry in *Legality of the Threat or Use of Nuclear Weapons*, ICJ Reports 1996, at 443).

Examine, if you agree with this statement, the influence and the contribution of these ancient civilizations in the development of international humanitarian law. **(25 marks).**

2. Discuss the fundamental principles laid down in the common Article 3 of the Geneva Conventions relating to the treatment of persons in the power of the adverse party. How far do you think that States have actually respected these principles in upholding the true objectives of the international humanitarian law? Support your answer with examples drawn from different parts of the world. **(25 marks)**.

3. War crimes and crimes against humanity have come of age and the international community is now well equipped to deal with such crimes because of the interplay between the Geneva Conventions and the fundamental principles and norms of international human rights law. Examine this statement critically discussing as to how far these two regimes have converged and strengthened international humanitarian law. Support your answer with examples drawn from State practice. **(25 marks)**.

4. Write a critical note on the following:

(a) Martens clause **(5 marks)**

(b) Military objectives and civilian population **(10 marks)**

(c) Armed conflict not of an international character **(10 marks)**