

**UGANDA MARTYRS UNIVERSITY**

**NKOZI**

**UNIVERSITY EXAMINATION**

**December 2022**

**FACULTY OF LAW**

**BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER TWO FINAL  
ASSESSMENT ACADEMIC YEAR 2022**

**INTERNATIONAL HUMANITARIAN LAW I**

**YEAR 4 SECOND SEMESTER**

**COURSE CODE LLB 4111**

DATE: Tuesday, 13<sup>th</sup> December 2022

TIME: 2:00pm–17:30pm

DURATION: 3HRS:30minutes

**Instructions:**

1. This is a partially Open examination. In this Examination, only the use of the Geneva Conventions and Additional Protocols and clean copies of the reading list are allowed. No student is allowed to bring into the examination room and or consult classroom notes, cases, statutes or other written materials in any form during examinations
2. Question ONE is COMPULSORY. You are required to answer three other questions.
3. Your English must be COMPREHENSIBLE and your handwriting must be LEGIBLE. Clarity of expression and use of proper authorities will earn extra marks.
4. All UMU regulations and rules governing examinations and the accompanying penalties there to in case of breach apply to this exam in entirety.

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**QUESTION ONE (COMPULSORY)**

Nirvania and Ruritania are two neighbouring countries which have had difficult political relations ever since Nirvanian government officials accused Ruritanian politicians of having supported an attempted coup by dissident armed forces within Nirvania ten years ago.

In the run-up to the elections of a new government in Nirvania, Nirvanian intelligence services now have observed a reformation of the dissident armed forces in the mountainous Nirvanian-Ruritanian border region and believe that Ruritania is once again

supporting these armed groups. The Nirvanian armed forces are consequently conducting an air strike against a Ruritanian military barracks on Ruritanian territory in order to deter the Ruritanian government from interfering in its internal affairs. During this air strike 20 Ruritanian soldiers and 10 Ruritanian civilians get killed. In the following two days, Ruritanian and Nirvanian armed forces engage in military combat. After having suffered a severe military setback, Nirvanian armed forces special units attack a village of Ruritanian nationals living on Nirvanian territory in the border region in order to force the Ruritanian military to surrender. Given the special importance of this conflict for the stability of the whole region, the UN Security Council holds an emergency session and adopts a resolution in which it demands that the belligerent parties stop fighting. In light of this increased international pressure, Nirvania and Ruritania sign a ceasefire agreement three days later. However, while withdrawing from Nirvanian territory, Ruritanian armed forces still continue to engage in combat with Nirvanian military units during which an unknown number of soldiers gets killed or wounded.

You are an ICRC delegate who has just been sent on mission to Nirvania. After having arrived, you immediately schedule an appointment with Nirvania's Minister of Defence in order to introduce yourself as the new interlocutor, to explain the ICRC's mandate and to discuss relevant issues of international humanitarian law. Some days later, the Minister agrees to see you, but seems very reserved during the meeting.

Amongst other things, he argues

- i. that international humanitarian law does not apply to the situation as Nirvania has not declared war against Ruritania and is merely acting in self-defence against threats resulting from Ruritania's continued support to Nirvanian dissident armed forces;
- ii. that international humanitarian law in any case is a Western concept which does not adequately govern situations in this part of the world where things are handled differently;
- iii. that since Ruritania is known for not respecting international humanitarian law, Nirvania is not bound by any of those rules either;
- iv. that conducting military operations without collateral damage, as in the case of its attack against a Ruritanian military barrack, is not possible and that international humanitarian law cannot be applied because it is just too unrealistic;
- v. that Ruritanian nationals living on Nirvanian territory are not protected by any rules of international humanitarian law but exclusively within its internal affairs;

Both Nirvania and Ruritania are Parties to the Geneva Conventions and Additional Protocols I and II.

**Please comment on the soundness of each of the Minister's arguments (25marks)**

## **QUESTION TWO**

### **Angola in 1985**

Since its independence from Portugal in 1974, Angola was subject to a non-international armed conflict between the governmental forces of the former national liberation movement MPLA and an armed opposition group made up by the former national liberation movement UNITA. South Africa supported UNITA and South African troops carried out several raids from neighbouring Namibia into Angola. The governmental MPLA forces were supported by Cuban troops.

- i. What law applies to the bombardment of a UNITA position by a military aircraft of the governmental forces? **(5 Marks)**
- ii. What law applies to the bombardment of a governmental army position by a UNITA mortar attack? **(5 Marks)**
- iii. What law applies to the bombardment of a UNITA position by a Cuban military aircraft? **(5 Marks)**
- iv. What law applies to the bombardment of a governmental army position by a South African military aircraft? **(5 Marks)**
- v. What law protects a UNITA member captured by governmental forces? May he be tried for having killed governmental soldiers? **(5 Marks)**

### **QUESTION THREE**

International Humanitarian Law is founded upon certain fundamental principles which define the philosophy and limits inherent in IHL.

**Discuss (25 Marks)**

### **QUESTION FOUR**

You are an advisor to the Director General of the Peace Keeping Operations in Somalia. During the war, your boss suspects that certain civilians are also aiding and supporting the rebel forces. She is very angry with those civilians and therefore requests you to write for her a detailed opinion explaining the circumstances in which a civilian can be deemed to be directly participating in hostilities as well as the consequences (if any) for directly participating in hostilities. **(25marks)**

### **QUESTION FIVE**

Discuss the historical development of International Humanitarian Law highlighting major important milestones and relevant important instruments to date. **(25 Marks)**

### **QUESTION SIX**

While highlighting their strengths and shortcomings, discuss the major sources of International Humanitarian Law **(25 Marks)**

### **QUESTION SEVEN**

What is the relationship between International Humanitarian Law and International Human Rights Law? **(25marks)**

### **QUESTION EIGHT**

Explain the following concepts as understood in International Humanitarian Law:

- i. Personal Scope of Application of IHL **(5 Marks)**
- ii. Temporal Scope of Application of IHL **(5 Marks)**
- iii. Geographical Scope of IHL **(5 Marks)**
- iv. Jus ad Bellum **(5marks)**
- v. Jus in Bella **(5marks)**