

UGANDA MARTYRS UNIVERSITY
NKOZI
UNIVERSITY EXAMINATION
December 2023
FACULTY OF LAW
BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER ONE FINAL
ASSESSMENT ACADEMIC YEAR 2023/2024
INTERNATIONAL HUMANITARIAN LAW
YEAR 4 FIRST SEMESTER
COURSE CODE LLB 4111

DATE: Wednesday, 13th December 2023

TIME: 2:00pm–17:30pm

DURATION: 3HRS:30minutes

Instructions:

1. This is a partially open book 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. Questions **ONE and TWO are COMPULSORY**. Students are required to do either Question One (1) or Question Two (2). You are then required to answer three other questions to make **FOUR (4)** in total.
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.

Question One

CAIRO, Nov 8 (Reuters) - The United Nations High Commissioner for Human Rights said on Wednesday war crimes had been committed by both Israel and Hamas in the conflict that erupted just over a month ago. "The atrocities perpetrated by Palestinian armed groups on 7 October were heinous, they were war crimes - as is the continued holding of hostages," Volker Turk said at the Rafah crossing in Egypt on the border with Gaza. "The collective punishment by Israel of Palestinian civilians is also a war crime, as is unlawful forcible evacuation of civilians," he added.

Israel has bombarded Gaza unrelentingly in response to a cross-border Hamas raid on southern Israel on Oct. 7, in which gunmen killed 1,400 people and took about 240 hostages. Israeli bombardments have killed more than 10,500, including many women and children.

"I call - as a matter of urgency - for the parties now to agree a ceasefire," Turk said.

He added that there are three human rights imperatives: the delivery of sufficient humanitarian aid to Gaza, the release of hostages and to "implement a durable end to the occupation."

"We have fallen off a precipice and this cannot continue," he said. "Actions of one party do not absolve the actions of the other party."

Israel is accused of bombarding hospitals, targeting civilian buildings, limiting the entry of humanitarian aid including fuel upon which crucial activities for the sustenance of life depend. Israel has accused the Palestinian authorities and the Hamas for using civilians as human shields in violation of IHL.

Israel has resisted calls by the United Nations and G7 nations for a humanitarian pause in the hostilities to alleviate the suffering in Gaza, saying it will not agree to a ceasefire until the hostages are released. Hamas says it will not stop fighting while Gaza is under attack.

Using the above facts and discuss the IHL violations committed by both parties to the armed conflict in Gaza. **(30marks)**

Question Two (30 marks)

Barbaria and Utopia dispute territorial claims over Palma Asares (PA) - a border region rich in natural resources located in Barbaria. The inhabitants of PA are ethnically linked to Utopia and have been seeking to join Utopia for years. A liberation movement, the National Assembly of the Palma Asares Liberation Movement (NAPALM) has been fighting from small hidden bases in the Barbarian Mountains for years. A campaign of terrorist operations in the heartland of Barbaria has earned NAPALM to be branded a "terrorist organization" by Barbaria, followed by certain allied States and international institutions. With the financial support of the Palma Asares diaspora - notably living in Utopia, NAPALM has been able to gather momentum. On 15 February, a NAPALM

associated political party wins the first regional elections ever held in PA. The military wing of Napalm – the Assassins – are increasingly present also in the local capital of PA.

A Wiki-leaked document on 1st of May indicates that Utopia has provided NAPALM with weapons. Barbaria accuses Utopia of financing terrorism in order to gain territorial control over PA. Barbaria warns Utopia on the 3rd of May to immediately halt its military support to NAPALM. The following week a truck full of weapons originating in Utopia is intercepted by a patrol of Barbarian forces in the mountain region PA. With reference to its inherent right to self-defence, Barbaria on the 9th of May launches a military attack on a border town of Utopia where a weapon factory is located. Barbarian jets target the production facilities. The attack takes place at 14hrs, and a number of factory workers on duty are killed. Barbarian jets also target a loaded truck observed leaving the factory in direction of the border region. The truck is destroyed and the driver is killed. As they return to Barbaria, the jets come across a battalion of Utopian soldiers having a military exercise in the mountains. The pilots inform their headquarters and get orders to make sure to kill all the soldiers, in order to "teach Utopia a lesson". Most of the soldiers are killed in the attack.

On 10th of May, Barbaria launches a military operation to rid the PA capital of NAPALM, and the army moves in. Heavy fighting erupts between groups of Assassins and the Barbarian army. The Barbarian army eventually gains control over the political headquarters of NAPALM. The main base of the Assassins in the town, located in a civilian neighborhood, is about to be disclosed, and the Assassins must hurry to evacuate their base. At the entrance to their control-room, the Assassins place a hand grenade in a vase and balance it at the top of a half-opened entrance door. Another hand grenade is placed in a dustbin at the back of the house, next to a playground. Both hand grenades are unsecured and ready to explode. The Assassins then abandon their base.

Barbaria and Utopia are ratifying parties to the UN Charter, the 1949 Geneva Conventions with their Additional Protocols, the 1980 Certain Conventional Weapons Convention and its Protocols with amendments, the 1997 Mine Convention and the 2008 Cluster munition Convention.

i) Qualify the situation:

- a) before 1st of May
- b) on 9th of May
- c) after 10th of May

ii) Discuss the lawfulness of the Barbarian military attacks against:

- a) the Utopian production facilities
- b) the Utopian truck

c) the Utopian soldiers

iii) Are the Assassins breaching IHL when evacuating their base?

Question Three

In the conduct of Military Operations, constant care shall be taken to spare the civilian population, objects by belligerent parties. In light of the above statement and using authorities and examples, discuss the different principles that belligerent parties ought to take into consideration during an armed conflict. **(25marks)**

Question Four

Describe the relationship and distinctions between International Humanitarian Law (IHL) and International Human Rights Law (IHRL) in both an international and a non-international armed conflict **(20marks)**

Question Five

Using relevant authorities, discuss the personal, temporal and geographical application of International Humanitarian Law. **(20marks)**

Question Six

What steps has Uganda taken in the implementation of IHL? Discuss the challenges, if any facing the domestic implementation of the repression of violations of international humanitarian law and explain how those challenges can be addressed to ensure effective implementation of IHL in Uganda. **(20marks)**

Question Seven

What are the main localities or installations protected against attack under the main IHL treaties? Give examples of violations of these IHL provisions preferably from the ongoing war between Israel and Hamas. **(20marks)**

Question Eight

The state of Kondo in the East African region is blessed with many natural resources that have attracted many state investments and support of rebel groups in that country. Since 2005, the Civilians of Kondo have not seen or settled in their homes due to the fights between Kondo Alliance (KA) and Kondo Governmental Forces (KGF). KA has been

carrying out mass destruction and targeting mines, factories claiming that the government was secretly selling minerals to other foreign states and yet the status of the country is not changing for the better. In 2020, the militia groups from the state of Rwasie which borders Kondo in the south were caught fighting alongside KA. It has been alleged that Rwasie supports KA with military personnel, weapons and shelter whenever need arises. The state of Kondo has since reported the state of Rwasie to the East African Community for allegedly committing crimes in its state.

- a) What type of conflict is disclosed by the problem above?
- b) Can the military personnel of KA be tried for the crimes committed against KGF. If yes what laws would be in application.
- c) Distinguish between an International Armed conflict and a Non- international Armed conflict.
- d) Using relevant examples, explain whether the two-armed conflict could co-exist in the same situation.