

# ZIMBABWE EZEKIEL GUTI UNIVERSITY

## Department of Public Law

### International Humanitarian Law

#### LLB211

#### SUPPLEMENTARY EXAMINATION – JULY 2018

3 HOURS

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#### Instructions

1. Answer **FOUR** questions. Two questions from Section A and two questions from Section B.
2. Each question carries 25 marks.
3. Students may bring into the exam un-annotated and clean texts of the Charter of the United Nations and Statute of the International Court of Justice, Rome Statute of the International Criminal Court, and the Universal Declaration of Human Rights. Copies with notes inside shall not be allowed and may be confiscated. No student can share his/her copy with another.
4. Number your answers accordingly

## Section A

### Answer Two Questions

#### Question 1

“The most common type of war in Africa and the Middle East is not the inter-state war, but the intra state war. The problem this causes is that humanitarian law was formulated with the inter-state war in mind.” Explain and discuss the above statement in the light of the scope of humanitarian law. (25 marks)

#### Question 2

Identify and discuss at least seven major violations of international humanitarian law witnessed during wars for national liberation such as the Zimbabwean war of independence and religious wars such as conflicts in Islamic states of the Middle East. In your view, why was it difficult to implement IHL in these conflicts.

(25 marks)

#### Question 3

Write notes on any **three** of the following:

- (i) Internationalized armed conflict.
- (ii) Common article 3 of the Geneva Conventions.
- (iii) Grave breaches of IHL.
- (iv) The International Committee of the Red Cross.
- (v) Persons *hors de combat*. (25 marks)

## Section B Answer two questions

#### Question 4

“The Geneva Conventions of 1949 are the bedrock of international humanitarian law. Their major weakness is however that they were formulated with the just ended Second World War in mind. They are thus backward looking, and not forward looking’

Discuss this assertion’

(25 marks)

### Question 5

An armed rebel group operating in the thick jungles of Roronzia recently purchased drones and robots to continue waging its war against the government of Roronzia. Amongst its members, however, no one has ever operated a drone or an armed robot. To be taught how to operate these modern weapons, the rebels kidnap an operations officer of a high-tech company in Lulupayi, a state neighbouring Roronzia. The kidnapped person is coincidentally a government adviser in the area of state weaponry, defense and technology. Without such person, the military of Lulupayi is highly compromised since he designed most of their technological military hardware. The government of Lulupayi is informed that their adviser has been captured and requests the government of Roronzia to surrender their citizen within 72 days, or risk the invasion of Roronzia by Lulupayi. The government of Lulupayi makes it clear that the invasion will be solely targeting the armed rebel groups’ hideouts in Roronzia. 72 hours pass, and the government of Roronzia fails to surrender the wanted person. Lulupayi begins moving troops to Roronzia and crosses the border. It immediately launches rockets in the jungle suspected to house the rebels, unfortunately destroying two villages of civilians. In the meantime, the armed rebels force the kidnapped person to launch the drones and robots, destroying a small mining town full of civilians in the process. Roads and railway infrastructure is destroyed, and a lot of lives are lost.

5 (a) Discuss at least five major issues that emerge from this context in relation to international humanitarian law (10 marks)

5 (b) Classify the type of armed conflict present in Roronzia, and justify your answer. (8 marks)

5 (c) Discuss the possible application of both international humanitarian law and domestic criminal law in the case of the kidnapping of the high tech adviser.

### Question 6

The People's Socialist Republic of Hondoia got independence from the former colonial power in 1969. The two former liberation movements in the fight for independence had fundamental ideological differences. These were the National Democracy Convention (RDC), which had support from the Western countries and advocated for a democratic government which would pursue policies to establish a market economy. The Revolutionary Nationalist Party (RNP) preferred a one-party state based on Marxist-Leninist principles. It won the first election and proceeded to nationalize most major corporations soon after the election in accordance with its election manifesto. The RDC which controlled about a third of the country retreated into the Hideberg Mountains where it re-established its old base. It set up the local government structures in the territories under its control and attacked any government vehicles, including police and army vehicles, which entered its "liberated zone". The area which the RDC controlled was affected by a severe drought. In order to survive, its armed forces would attack the other areas under government control and steal cattle, goats and grains to feed its population. Four weeks ago the RDC group attacked a government hospital and looted medicines and other medical supplies which it took to its area. In that attack one hundred patients were killed and dozens of others were seriously injured. Ten soldiers who guarded the hospital were also killed. When the RDC group attacked the hospital they came in four ambulances in order to mislead the soldiers who were guarding the hospital. Behind the ambulances were forty armoured trucks. After the attack they also took away some five ambulances which they used to carry their soldiers and drove into the provincial headquarters of a police station. They attacked the police station and killed all the officers present. They took with them five police trucks which, together with three ambulances and drove directly into a camp where families of government soldiers resided. Although the camp was guarded by about ten soldiers,

the group easily subdued them as they were mistaken for police officers. They killed about fifty persons who were resident in the camp. They also took the ten soldiers hostage and tied them to trees under heavy guard in their Hideberg base. They demanded that the soldiers give them information pertaining to the strategic places controlled by the government army. The captured soldiers were denied food most of the time in order to force them to disclose the wanted information. At times they were made to climb up trees and imitate baboons or bark like dogs. Two weeks later the government forces launched an attack at the Hideberg base and captured the rebel leader, General Gango, and many of his commanders. The International Criminal Court (ICC) to which the Government of Hondoia had referred the situation in the country asked for the Gango and his commanders to be surrendered to the Prosecutor. Hondoia has ratified the Rome Statute of the International Criminal Court.

Advise the Prosecutor of the ICC as to the possible charges to be preferred against General Gango and his commanders, and the possible defences to the charges in the event of any prosecution for such charges. (25 marks)

**END OF QUESTION PAPER**