



UNIVERSITY EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE

RLLB 316: International Humanitarian Law

AUGUST 2017

Examiner: Dr. Eric Kibet

INSTRUCTIONS

1. This is the final examination in International Humanitarian Law. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **THREE** questions. Please answer **ALL THREE QUESTIONS**.
3. This examination has 4 pages, including this one.
4. Time allocated for this examination is **THREE** (3) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring ANY hard or soft materials to the examination room. You are also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

Question One (1)

The Republic of Bantuland is an African country. It received independence from Britain in 1963. The country borders the Indian Ocean to the East, the United Cushitic Republic to the North, the Democratic Republic of Wangwana (DRW) to the West and the United States of Riziki to the South. The country is inhabited mainly by Bantu speaking people who live in the central and southern regions of the country. The north is occupied by Cushitic tribes who are the minority. The north is generally dry and under developed. Since 1963 to date the north has been experiencing sporadic incidences of insecurity, ranging from cattle rustling and banditry.

After the presidential elections held in December 2007, the people of the north were aggrieved by the outcome. A southerner was declared the winner. The people of the north had hoped that this time, one of their own would emerge the winner. Since independence, all the presidents have come from the south. In response, the northerners organised protests throughout the month of December 2007 in the cities and towns in the northern region. The protestors lit fires, blocked roads and destroyed property, mainly government installations and shops owned by Bantu speaking people. The riots went on for weeks before the anti-riot police managed to bring the situation under control.

In January 2008, violence erupted again in the north. This time, a group calling itself Movement for the emancipation of Cushites (MEC) announced that it would disrupt peace in the region until "an all-inclusive government is formed." Subsequently, protests, accompanied pockets of violence became routine. By the end of March 2008, over one hundred people had been killed and more injured.

In April 2008, the government announced that it would no longer tolerate lawlessness. As a result, it sent thousands of military and paramilitary forces to restore order in the north. The response was brutal. In two weeks the government forces had killed four hundred people and reduced several small towns to rubble. MEC announced that it had formed a military wing to counter government violence. It called for "all men from Cushitic communities to join and defend their land and people." An estimated 2000 men joined the MEC military wing in the first two weeks. The government responded by increasing the number of troops deployed in the north. MEC also increased its troops to match government forces. In June 2008, more men from the neighbouring United Cushitic Republic joined the MEC forces, outnumbering government forces.

Fighting intensified. In August 2008, the MEC managed to push back government troops and obliterated government authority in all the four counties of the north. In place of local chiefs appointed by the government, the MEC appointed its commanders to take charge of government business in the area.

In September 2008, the government requested the neighbouring Democratic Republic of Wangwana (DRW) to assist. DRW responded by sending in thousands of troops to help. The United States of Riziki also came to the help of the government of Bantuland, carrying out airstrikes on several targets such as camps and hideouts of the MEC troops.

In November 2008, the United Cushitic Republic began to secretly supply weapons, uniform and other supplies to MEC. It also deployed its troops along its border with the Republic of Bantuland.

In January 2009, the United Cushitic Republic began a support campaign for the MEC in which it carried out airstrikes against government positions inside Bantuland. It also sent troops to “protect goldmines and oil reserves in the northern region of Bantuland. The fighting went on for months. In June 2009, the parties agreed to a ceasefire brokered by the African Union. Fighting stopped in the same month. Troops from the neighbouring countries withdrew in July 2009. A grand collation government bringing together all the communities of Bantuland was formed in the same month.

Required: Categorize the various facets of the conflict described above, and discuss the law applicable in each facet.

(25 marks)

Question Two (2)

William and Allen are students of International Humanitarian Law (IHL). They are discussing elements of contemporary conflicts such as war in cities, use of unmanned aircraft (drones), transnational terrorism, and cyber warfare. William believes that principles of IHL are obsolete in these situations. Allen thinks that the age-old principles are still relevant in these situations. Who do you agree with? Justify your position and discuss in detail.

(20 marks)

Question Three (3)

Fighting has been going on in a middle-eastern country for three years now. Several rebel groups with foreign support are trying to overthrow the government. The government’s response has been brutal and sustained.

Both sides have sent spies to infiltrate the enemy and carry out espionage. Each side has a dozen suspected spies that it is detaining. The government has also hired several men from neighbouring countries to fight the rebels alongside its forces. The hired men fight battles alone and are in the fighting business purely for the money. The government pays them generously, up to ten times the average pay of the members of its armed forces. Several of these men have also fallen into the hands of the rebels and are being held in secret detention centres. Similarly, several members of the armed forces have been captured by the rebels. The government is also holding a few rebel fighters in military detention centres.

For the better part of this year, fighting has been intense and bloody. To gain advantage over the more powerful government side, the rebels have frequently used nerve gas against military and police targets. The strategy has proven effective. The rebels have also frequently torched maize fields belonging to pro-government villages, “just to send a warning.” Maize is a staple food.

The rebels for months have been trying to penetrate government positions in the east. The area is heavily defended. The rebels now plan to hijack Red Cross ambulances, disguise some fighters as wounded patients, commandeer the ambulances to government defences and ambush government troops.

To gain an advantage over government troops, the rebels also plan to bomb hydroelectric power dams located in the south of the country, and a nuclear reactor located just outside the capital city.

Government troops are frustrated by its failed efforts to defeat the rebels. The rebels often do not distinguish themselves from civilians. To resolve the matter, the government now plans to shell schools, hospitals and churches where suspected rebels hide. In addition, some villagers have not been ‘cooperative enough,’ while others are suspected to be hiding the rebels or for taking part in direct hostilities. As a matter of fact, military convoys have been ambushed while carrying out patrols especially in the west. In response, government troops plan to cut out the supplies of food, water and medicine to uncooperative villagers. In addition, the government troops spend Sunday afternoons detonating bombs and shooting incessantly near villages in a campaign that the military says is intended to “instill the fear of God among uncooperative villagers.”

You are an IHL expert. The ICRC has appointed you as a legal advisor in this situation. Advise the parties to the conflict on their IHL obligations in respect of the various scenarios raised above.

(25 marks)