

jur1730 exam h20

Autumn 2020 Bachelor LEVEL, JUR 1730

Respond to all three questions below. The first two questions should be answered in the form of an essay with a maximum of 1,000 words each (including footnotes, or in-text references). The third question is a case scenario and you have 2,000 words maximum (including footnotes, or in-text references) to answer it. Do not exceed 4,000 words (including footnotes, or in-text references) for all three questions. Try to structure your essays and your answer to the third question with adequate headings and subheadings. Use relevant legal sources to substantiate your arguments, including treaty provisions, customary international humanitarian law, general principles of international humanitarian law, and case law. For purposes of these three questions, all relevant IHL treaties and the Statute of the International Criminal Court are applicable.

Question 1 – essay Discuss and explain the relationship between international humanitarian law and international criminal law.

Question 2 – essay Discuss the meaning of indiscriminate attacks on the basis of Article 51 (5) (b) of Additional Protocol I to the Geneva Conventions. Try to give examples of such indiscriminate attacks to illustrate your answer.

Question 3 – case scenario During the initial phases of the 2003 Coalition invasion of Iraq, US armed forces capture a number of Iraqi soldiers. On the way to bringing them to a POW camp, they realize that three of the captives are mercenaries from South Africa, hired by Saddam Hussein to assist his armed forces defending against the invasion. The POW camp commander asks you, her legal advisor, how these mercenaries should be classified, and if there are any treaty obligations related to their treatment. You respond: A. So long as the mercenaries were wearing a uniform they are POWs and must be treated in accordance with the Geneva Convention on POWs. B. The mercenaries are not POWs, but may be detained and must be treated humanely in accordance with Common Article 3 to the four Geneva Conventions. C. The mercenaries are not POWs, and may be detained, but there are no treaty obligations related to their treatment. D. The mercenaries are not POWs, but may be detained, and Article 75 of Additional Protocol I requires that they are treated humanely during their detention.

