

EKSAMEN I JURIDISKE VALGEMNER

HØST 2015

Dato: Tirsdag 8. desember 2015

Tid: Kl. 10:00 – 14:00

PS! Please answer the right level MA (page 1) or BA (page 2)

JUS5730 – International Humanitarian Law (The Law of Armed Conflict) – Master level

The language of examination for this course is English: students may answer in English ONLY, answers in any other language than English will be given a F (F for fail).

Respond to all **three** questions below. For question 3 choose one of the optional answers and provide arguments as to why you think that is the correct answer.

Question 1

What is the legal position of persons without combatant status who nevertheless take an active part in hostilities? What are the legal consequences these individuals may face for their conduct?

Question 2

Discuss the status of voluntary “human shields” under international humanitarian law, and explain to what extent a military objective may be lawfully attacked if voluntary “human shields” are present in, or in the vicinity of, that military objective.

Question 3

Iraqi armed forces capture a high level commander of the military wing of Daesh, an extremist militant group that controls some parts of the territory of Iraq and which is also known as ISIL or ISIS. Iraq brings this individual to trial before an Iraqi military tribunal on charges of violating international humanitarian law by planning and carrying out a number of indiscriminate attacks against civilian population centers in the Iraqi capital, Bagdad, and in other places. For our purposes Iraq is a member to all main IHL treaties and also to the Statute of the International Criminal Court (ICC). The commander asserts in his defense that he is a POW and cannot be tried for this offense. Which of the statements below is correct in response to this defense assertion?



- A. He is not a POW, and if he were he would be immune from prosecution for this offense.
- B. He is a POW, but is not immune from prosecution for this offense.
- C. He is a POW and is, therefore, immune from prosecution for this offense.
- D. He is not a POW, and even if he were, he would not be immune from prosecution for this offense.

JUR1730 – International Humanitarian Law (The Law of Armed Conflict) – Bachelor level

The language of examination for this course is English: students may answer in English ONLY, answers in any other language than English will be given a F (F for fail).

Respond to all **three** questions below. Choose one of the optional answers and provide arguments as to why you think that is the correct answer. For purposes of these questions, the parties concerned are party to all IHL treaties.

Question 1

Explain the relationship between international humanitarian law and international human rights law in international and in non-international armed conflicts.

Question 2

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

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.

Sensuren faller Onsdag 6. januar klokken 15.00. Kontroller på StudWeb eller ta kontakt med Infosenteret på 22 85 95 00. Kandidatene har rett til en redegjørelse for sensurvedtaket ved henvendelse til sensorene innen en uke etter sensur. Kontaktinformasjon for sensorer finnes på Fakultetets nettsider. Du kan også ta kontakt med infosenteret. Klagefristen er tre uker etter sensur.

The result of the exams will be announced Wednesday 6 .January, at 15.00 hours. You can check the results in the StudWeb, or by contacting the Information Centre, phone 22 85 95 00. After the exam results are announced, candidates have the right to be informed of the grounds for the result as long as a request is made within one week of the announcement. The names and contact information of the examiners can be found on the Faculty's website, or by contacting the Information Centre. The deadline for appeal is three weeks after the announcement of the results.

Oslo, 08.12.2015