


Name:			
Enrolment No:			
UPES End Semester Examination, May 2024			
Course: International Criminal Law Program: BA LLB/ BBA LLB/ B.Com LLB (Criminal Law Specialization) Course Code: CLCL4003		Semester: VIII Time: 03 hrs. Max. Marks: 100	
Instructions:			
i. All questions are compulsory. Answer the question thoroughly. ii. Support your answer with relevant legal statutes, ICC cases, and scholarly opinions. iii. Write your answer clearly and concisely.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Define 'crime of aggression' as per the Rome Statute of the International Criminal Court.	2	CO1
Q 2	Which article deals with the hierarchy of applicable law under the Rome Statute, 1998.	2	CO1
Q 3	South Africa filed a case against Israel in the International Court of Justice under which convention?	2	CO1
Q 4	Define non-international armed conflict.	2	CO1
Q 5	Identify any two remedies available to a victim under the Rome Statute, 1998.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Discuss the significance of the International Criminal Tribunal for Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in the development of International Criminal Law.	5	CO2
Q 7	Describe the principle of ' <i>nullem crimen sine lege</i> ' and its application in international criminal proceedings.	5	CO2

Q 8	Discuss the principle of command responsibility as outlined in the Rome Statute. How does it apply to military commanders and other superiors?	5	CO2
Q 9	Explain the principle of distinction in the context of an armed conflict.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Analyze the principles of protection and military necessity under international humanitarian law. Discuss their legal significance and the challenges in their application during armed conflicts.	10	CO3
Q 11	Critically examine the relationship between the International Criminal Court and the United Nations Security Council.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p>The following is a revised version of the testimony given by a soldier during a war crimes tribunal against his commanding officer:</p> <p>“At 00:30 hours, our commanding officer commanded us to strike the civilian complex in Jina. We were informed via an intelligence briefing that enemy forces were allegedly using this site as a covert base and were planning an attack on our logistics convoy slated for the following morning. The assault was carried out from 1:15 to 1:55. Unexpectedly, we discovered only civilians among the casualties; no enemy combatants were encountered. Nevertheless, we did find several barracks previously utilized by enemy troops, alongside maps and documents related to military strategies. After the raid, the commanding officer ordered that the remaining civilians be executed. When I expressed my reluctance, I was threatened implicitly with death, reminiscent of an incident five days prior where a fellow soldier was executed for similar dissent. Consequently, I participated in the firing squad, fully believing that non-compliance would result in my execution alongside the remaining civilians.”</p> <p>Appraise the ethical and legal challenges faced by military personnel in war zones as illustrated by the soldier’s testimony. Whether any</p>	25	CO4

	<p>offence was committed in the scenario? Identify and analyze the elements of the crime as committed.</p>		
<p>Q 13</p>	<p>In the country of Valoria, rising ethnic tensions between the majority group, the Luminars, and a minority group, the Nocturns, have escalated into violent clashes. The President of Valoria, General Raul Menendez, a hardline Luminary nationalist, has come to perceive the Nocturns as a threat to national security and purity. He has enacted policies and given direct commands that have systematically targeted the Nocturns, culminating in mass atrocities. General Menendez deployed elite military units to the Nocturn region, under the guise of national security operations. These units forcibly relocated Nocturn civilians to isolated areas, ostensibly for their protection. However, once relocated, these civilians were systematically deprived of necessities such as food, medical care, and shelter. Within weeks, reports surfaced of mass graves being discovered in these isolated areas. Survivors and defectors described a pattern of actions directed specifically against the Nocturns, including mass shootings, enforced disappearances, and the destruction of cultural and religious symbols pertinent to the Nocturn community.</p> <p>Evidence Collected:</p> <p>International investigators, along with local NGOs, have documented the following:</p> <ol style="list-style-type: none"> a. Orders signed by General Menendez authorizing the “relocation” of Nocturns for unspecified national security reasons. b. Testimonies from military defectors who refused to carry out orders and witnessed executions, forced marches, and the burning of Nocturn villages. c. Satellite images corroborate the existence of mass graves and the systematic burning of Nocturn villages. 	<p>25</p>	<p>CO4</p>

d. Medical reports show that the majority of the Nocturn population in the camps died due to malnutrition and lack of medical care, conditions not faced by the Luminars.

Given the background and incident description, you are an advisor to the prosecution team at the International Criminal Court (ICC). You are tasked with preparing a detailed brief that addresses the following:

- i. **Identification of Genocidal Acts:** Based on the Rome Statute's Article 6, identify and elaborate on the specific acts committed by General Menendez and his forces that constitute genocide. List the elements of the crime of genocide that must be proven in court and match these elements with the actions taken against the Nocturns.
- ii. **Legal Categorization:** Analyze whether the actions of General Menendez qualify as genocide. Discuss the intent behind these actions and how they align with the legal definition of genocide under international law.
- iii. **Challenges in Prosecution:** Highlight potential challenges in prosecuting General Menendez for genocide at the ICC. Consider aspects such as proving intent, linking systematic actions directly to him, and countering possible defences he might employ.

Prepare the brief to prosecute the accused and ensure that your arguments are supported by relevant statutes from the Rome Statute and precedents from international law.