

20 JAN 2020

NATIONAL LAW UNIVERSITY, JODHPUR
End-Term Examination August-December-2025
Semester: UG IX Semester
Subject: International Criminal Law (Criminal Law Hons.)

Time: Three Hours

Marks: 100

Instructions:

1. Attempt *any five* questions out of six.

Q.1). The principle of complementarity is one of the foundational principles on which the working of International Criminal Court (ICC) is based. Critically analyse the purpose this principle serve within the ICC system and also explain the trigger mechanism for the ICC.

(Marks 20)

Q.2). Following two years of political unrest, state of Mandore experiences an internal armed conflict between the central government and a separatist movement led by *Raikans* community seeking independence for the northern region. The government announces "Operation Iron Fist," described publicly as a campaign to eliminate "terrorists" and restore law and order.

Over an eight-month period, multiple reports from international NGOs and UN observers allege that:

- Security forces conducted mass arrests of individuals suspected of sympathizing with the separatists. Many were held in detention centres without trial.
- Extrajudicial killings occurred, with entire villages burned to the ground as "collective punishment."
- Soldiers and paramilitary units engaged in widespread acts of rape and sexual slavery against women and girls belonging to Raikan community.
- Thousands of civilians were forcibly displaced to camps under state control, where food and medical supplies were deliberately withheld.
- Government officials and state-controlled media described the campaign as "necessary to preserve national unity" and encouraged the public to "purge the traitors."
- Evidence suggests these acts were planned and coordinated by senior officials, though no formal declaration of war existed.

The President of Mandore argues that the operations were legitimate counter-terrorism measures conducted under national security laws, and that any abuses were isolated excesses committed by rogue soldiers.

You are research assistant to the Office of Prosecutor, ICC. Prepare arguments to establish that crimes against humanity have been committed in the state of Mandore.

(Marks 20)



Q.3). The Republic of SDL, a State Party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), has been facing a surge in violent extremism. The government has passed the National Security and Protection Act (NSPA), granting wide powers to the intelligence agency (NIS) to detain and interrogate suspects behind such surge. Over the next few months, human rights organizations report the following incidents:

- Darshan, a journalist critical of government policies, is detained on suspicion of assisting extremist groups. During interrogation, NIS officers subject him to prolonged sleep deprivation, beatings, and simulated drowning (“waterboarding”) to extract information about alleged rebel contacts. The officers claim they were acting under “superior orders” and in the “interest of national security.”
- Lakshmi and her daughters, were arrested during protests against the NSPA report and were stripped naked and subjected to electric shocks. They are told by interrogators that such treatment is intended “to teach them a lesson” and discourage others from opposing the government.
- Several detainees are held in extremely poor conditions—overcrowded cells, minimal food, and lack of medical care in Kokum, a detainees camp. The government argues that these conditions result from “budgetary constraints” and not from deliberate intent to inflict suffering.

Based on above reported incidents, a coalition of NGOs wants to submit a communication to the ICC, alleging that individual members of Government of SDL have committed “torture” as defined under Article 1, of the UNCAT. Render legal advice to the coalition.

(Marks 20)

Q.4). The “depersonalization of the victim” is one of the most important aspects of genocide; genocide is not a crime against just the individual but, rather, a crime against the group. As genocide is a crime with a group as its victim, it is essential to identify who constitutes a protected group. Evaluate the objective and subjective elements of the crime with special reference to the criteria of ‘protected group’.

(Marks 20)

Q.5). India has neither signed nor ratified the Rome Statute establishing the International Criminal Court. It actively participated at the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (‘Rome Conference’), however, India abstained from the motion to adopt the Statute at the conclusion of the conference. Discuss India’s position on the Court.

(Marks 20)

Q.6). Write short notes on *any two*:

- a. United Nations War Crimes Commission
- b. Crime of Aggression
- c. Individual criminal responsibility

(Marks 10+10)