**SYMBIOSIS LAW SCHOOL, PUNE**

**NOTICE**

 ***Date: 15th April, 2022***

 **LL.B. Semester IV (Batch 2020-23)**

**Subject: Humanitarian and Refugee Law**

**Course Code: T1482**

**2nd Internal Assessment**

Dear Students,

This is to inform you of the second internal assessment for ‘**Humanitarian and Refugee Law**’, which will be Hypothetical/Problem Based Question.

As a part of this internal assignment, you will have to solve the below given hypothetical question based on fundamental principles, provisions and precedents. Students can also identify new issues and analyse them based on fundamental principles, provisions and precedents by applying their analytical skills.

**Word limit:** 1000-1500 words.

**The last date for submission on LMS:** 2nd May, 2022 by 04:00 P.M.

**Evaluation Criteria for marking:** Maximum Marks: 10

**Rubrics:**

1. Identify/Define the provision(s) applied in the above given problem taking reference from the four Geneva Conventions, the Hague Conventions, Additional Protocols, Human Rights instruments, other sources of international humanitarian law including customary international humanitarian law etc. - 3 Marks
2. Application of Articles/ Legal provisions with explanation/ justification/ exceptions- 2 Marks
3. Innovative approach for solution- 1 Mark
4. Case Laws and other sources cited- 2 Marks
5. Analysis & Conclusion - 2 Marks

The problem and questions are attached herewith:

Thomas is a 13-year-old boy whose parents do not have sufficient means to send him to school, so he helps his father as a rag picker. Another boy, Andreas, who is 15 years old, lives next to Thomas and works as a labourer on a farmer’s field for very little pay. Both Thomas and Andreas are friends living in the village of Lebeba situated in Lizerina, a war-torn country. Lizerina is one of the developing nations which was decolonized in the early 2000s. An organized non-state armed group, Svalla Zabuba, in Lizerina has been trying to overthrow the government and bring in their rule over the country. Svalla Zabuba has the means of obtaining modern weapons to fight against the government of Lizerina. These weapons are being supplied by a neighbouring state, Riceland, which has a vested interest in overthrowing the government of Lizerina. The leader of Svalla Zabuba, Kosta, mandates his subordinates to take over the village of Lebeba. He also orders his soldiers to give no quarter, ensure starvation of the civilians and pillage.

The members of Svalla Zabuba capture Lebeba. In order to gain complete control, Kosta orders them to expand their group and recruit new members. Upon the command of Kosta, the members initiate the process of recruitment and announce that all the males above the age of 10 years mandatorily need to join their armed group. Kosta also orders that any male member who refuses to join their armed group should be murdered on the spot. As a result, Thomas and Andreas are both conscripted to their armed group forcefully. Both Thomas and Andreas are trained strictly by Svalla Zabuba who indoctrinates them. Thomas and Andreas were forcefully administered drugs on daily basis. The newly conscripted members were required to follow the orders of Kosta and other senior members; otherwise, they would be maimed or killed and their family members, tortured. After the training was completed, both Thomas and Andreas performed every order given by Svalla Zabuba religiously without fail. These orders included indiscriminate killings, beheading, kidnapping, pilferage, looting, raping and other criminal acts.

Once they were trained to fight, against the government on behalf of the rebel group Svalla Zabuba, Andreas was given his first task to prove his allegiance towards Svalla Zabuba and mainly Kosta after two years of his conscription. Kosta ordered Andreas to kill Thomas to prove his allegiance, as a reward, he was offered to be promoted as the direct subordinate of Kosta at his headquarters. To become a direct subordinate to the leader, Kosta, Andreas kills Thomas, his childhood friend.

***On the basis of facts given, answer the following questions:***

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| **Questions** |
| 1. **Classify the type of armed conflict given in the problem with the help of relevant cases. Can Svalla Zabuba be considered as a party to the armed conflict?**
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| 1. **Can Svalla Zabuba be held liable for conscripting children in their armed group? Trace the other violations of international humanitarian law in the given problem with relevant case laws and international legal instruments and relevant principles and cases.**
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| 1. **Can Andreas be held liable for killing Thomas? Does he have any defences.**
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**Formatting guidelines:**

* Font size & name: 12 & Times New Roman
* Line spacing: 1.5
* Justified
* Page size: A4
* No borders

**General Guidelines:**

1. Verbatim copying from the book, articles, judgment or any other sources including assignment of other students constitutes academic malpractices and it will result in zero marks. Moreover, any other academic malpractices to dodge similarity report such as use of any software like reverso.net or spin bot to paraphrase is strictly prohibited and it will attract substantial deduction in marks and shall be reported to the exam department. As per college policy, any paper with a similarity index more than 20% (including quotes and footnotes) will be subject to deduction in the following manner:
* 20-34 % Similarity- 1 mark deduction
* 35-49% Similarity- 2 marks deduction
* 50-64% Similarity- 3 marks deduction
* 65% and above- 4 marks deduction
1. Uniform mode of citation i.e., Bluebook 20th ed. shall be followed throughout the assignment.
2. All the submissions shall be uploaded on LMS within the given deadline. No individual e-mail will be entertained as regard to the submission of assignment by the faculty concerned. In case the students are not able to upload on the LMS a google form will be subsequently circulated in which the students can upload, however, there will be deduction for late submission.
3. Please note under no circumstance will assignments on email be considered.
4. All the mails regarding clarification or requirement of any detail shall be marked to all the course faculty members.
5. Last date for submission will not be extended. Any delay in submission will lead to deduction of marks. Students are instructed to upload only Word document. Any other format will not be accepted.
6. In case of medical leave, only medical certificate issued by SCHC will be considered.

For any queries or clarifications, you can contact undersigned:

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