



**STRATHMORE LAW SCHOOL
MASTERS OF LAW (LL.M)
SUPPLEMENTARY EXAMINATION
LLM 8211: INTERNATIONAL LEGAL STUDIES**

Date: **Thursday, 9th May 2024**

Time: **3 Hours**

Instructions

1. This examination consists of **FIVE** questions.
2. Answer **Question ONE (COMPULSORY)** and any other **TWO** questions.
3. Some questions have multiple parts (sub-parts). Please answer all parts of the question.
4. Each question has a value of 20 points. Each sub-part has an equal point value.
5. This is a closed-book examination.
6. You should spend a fair amount of time organizing your thoughts before starting to write.
7. Careful organization and clarity will be highly valued.
8. Please start each question on a new page.

Question One (Compulsory):

On Feb 23, 1993, a lawsuit was filed in a US. federal district court against the Bosnian Serb leader, Radovan Karadzic. The suit is a multi-million Dollar civil class action lawsuit filed by three human rights organizations, charging him with responsibility for systematic rape and other atrocity crimes carried out under his command. The lawsuit was filed on behalf of two victims on behalf of “all women and men who suffered rape, summary execution, other torture and cruel, inhuman and degrading treatment inflicted by Bosnian Serb military forces under his command. What would be your legal arguments to convince the Court to accept jurisdiction and rule in your favor as the lawyer for the victims?

Question Two:

A case is brought to the European Court of Human Rights in which a woman who has been detained for illegally entering Spain is now being ordered back to Morocco by the Spanish Government. The woman claims that she fled to Europe / Spain after receiving

death threats due to her decision to divorce her husband in a rural, traditional area of Morocco. She claims that on one occasion, she walked into her new house and found a note that “You’re dead, divorcee.” On another occasion, her daughter brought home a note given to her by the local village chief which read “you have bought dishonor to this village. You’re next.” The courts in Spain have all ruled for her extradition, finding that there is no clear threat of harm.

A. How should the European Court of Human Rights rule on whether or not her extradition should move forward?

Question Three:

A European country has attempted to “heal wounds” from its civil war and 30 plus year rule under a dictator. Under legislation titled “The Bringing Society Together Bill,” the country criminalizes the “apology or justification of any of the crimes committed during that period.”

Bob Smith is on vacation with his wife and children in the capital when he sees a small rally in support of this former dictator. Immediately, Bob’s inner dictator flies out like the Concord crossing the Atlantic, and he joins the rally. He begins to yell “Kill the Red People.” His family is mortified. Back in Vermont (a state in the U.S.), Bob was considering changing his name to Karl Marx and becoming a vegan. He loves muesli with organic yogurt straight from the farms and also baby sheep (to cuddle, not eat). Bob is arrested by the police and charged under the criminal section of this new bill. He’s sentenced to pay a 5,000 Euro fine, which is later upheld by the Supreme Court of the European country.

A. How should the European Court of Human Rights rule?

B. Under U.N. General Comments on Freedom of Expression, how should this issue be decided if were to go to the UN Human Rights Committee?

Question Four:

A public school in Michigan held a Winter holiday play for parents. Students were not required to perform and only a handful of them actually decided to participate. The new Director of the acting program chose a play that told the story of a snowman, adapted to a play by Shakespeare. It was strange, but (fairly) good. The local school paper, with a readership of 10 people, noted that it was “extraordinary acting of Broadway quality, with future Lin-Manuel Mirandas on stage, and top-notch music sung by students with voices that reminded the audience of other great talents, such as Romeo Santos (el rey de la bachata, en mi opinion). Pure magic. Where’s the Tony Award?”

However, the Director included Christmas music commonly associated with Christianity, such as Silent Night, Hark the Herald Angels, and God Rest Ye Merry Gentleman. In

addition, at the end of the play, a light fixture comes down from the ceiling with the words, “God Bless Thee on Christmas” and a photo of a nativity set (un Belen). A parent sues the school based on freedom of religion claim ç in order to stop the remaining shows.

- A. Assuming this case arrives to the U.S. Supreme Court, how should it rule?
- B. Same set of facts, but in a European country. How should the European Court rule?
- C. Are the decisions by these Courts (US Supreme and European) in accordance with the General Comments on Freedom of Religion? Why or why not?

Question Five:

Michael is from country X, where water prices have increased to nearly 6 USD a liter. It has made it very difficult for people to access water and, thus, they must boil dirty water to remove bacteria and other “stuff.” This usually works, but it’s burdensome and people still become ill from the water, especially children and seniors.

You work for an NGO and you’ve decided to take this case to the Supreme Court of country X. You argue in Court that this is a violation of the right to water. Please provide answers to the following questions that come up in court:

- A. The state’s defense says that country X has not signed any international human rights documents and therefore, the right to water doesn’t apply. Nearly 120 countries around the world have domestic legislation that says water is a human right and must be economically and geographically accessible to all. What’s your response to their assertion that just because they haven’t recognized water rights explicitly in a treaty or resolution, it doesn’t apply to them? You should explain this answer as thoroughly as possible and demonstrate how you would arrive at the conclusion that the right does, indeed, apply.
- B. The next argument they bring up is that everyone in country X has access to water, even if it’s expensive for some people. The problem is that many undocumented immigrants live on the street and the only access they have is to bottled water, which costs about 6 Euros per liter. Many of them, as a result, aren’t able to meet their water needs. The Government argues that this isn’t a human rights violation because the Government isn’t the one denying them the water - it’s the cost that the water companies and stores are imposing, but not the Government, according to the Government. What’s your argument?
- C. Assuming the domestic courts don’t agree with your arguments, what other enforcement options/mechanisms are available in order to seek justice?