



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

Date: **Monday, 11th May 2026**

Time: **3 Hours**

Instructions

1. This examination consists of **FIVE** questions.
2. Answer **Question ONE (COMPULSORY)** and any other **TWO** questions
3. All questions have multiple parts (sub-parts). Please answer all parts of the question.
4. Each question has a total value of 20 points. Each sub-part has an equal point value.
5. This is an open-book examination. You may consult any written material you like in preparing to answer the questions. The exam mode for this exam is **OPEN**. However, **DO NOT** use any other bibliography other than the one provided in the course syllabus. This means you may cite to class notes, class readings, PPTs and jurisprudence. Do not use any outside sources.
6. **DO NOT** copy and paste from any online source or from another candidate. The answers will be subject to a plagiarism check and a similarity index of over 30% will automatically lead to disqualification. If you cite lines of jurisprudence or other class texts, please make sure to include a citation.
7. You should spend a fair amount of time organizing your thoughts before starting to write.
8. Careful organization and clarity will be highly valued.
9. Please start each question on a new page.

Question One (Compulsory):

In early 2025, armed conflict broke out between the Republic of Norvetsia and a separatist movement in its eastern border region of Delova, supported by the neighboring State of Kartavia. Kartavia officially denies involvement but evidence mounts that it has provided weapons, intelligence, and logistical support to the separatists. Satellite imagery and intercepted communications reveal cross-border shelling originating from Kartavia's territory and the coordinated deployment of unmarked soldiers, later identified as Kartavian special forces.

During the conflict, numerous incidents occur where civilian infrastructure is attacked, including a missile strike on a school sheltering displaced families, the shelling of a maternity hospital, and the arbitrary detention and torture of civilians in separatist-controlled areas. Journalists and international monitors are denied access to these areas.

In response, Norvetsia files a complaint before the European Court of Human Rights, alleging that Kartavia exercised effective control over the separatist region and is therefore responsible for:

- Violations of Article 2 (right to life) for indiscriminate attacks on civilians,
- Violations of Article 3 (prohibition of torture) in detention facilities run by the separatists, and
- Violations of Article 8 and Article 1 Protocol 1 (destruction of home and family life).

Kartavia argues that the law of armed conflict (IHL), not the ECHR, should govern the conduct of hostilities, and that any harm to civilians resulted from "collateral damage" during active military operations. Kartavia denies effective control over the territory and claims that the situation is one of non-international armed conflict, absolving it of direct responsibility.

Your task:

As legal advisors for Norvetsia, you are preparing an argument before a human rights court tasked with adjudicating Kartavia's responsibility for the alleged violations. Relying on the reasoning and precedent of the *Ukraine and the Netherlands v. Russia* judgment, address the following questions:

Questions:

1. Based on the ECtHR's jurisprudence in *Ukraine and the Netherlands v. Russia*, does Kartavia exercise jurisdiction over the Delova region? What factual indicators must be demonstrated to establish effective control?
2. How should the court apply IHL concepts (such as the principle of distinction and proportionality) within the framework of the ECHR? Can the ECHR interpret rights violations using IHL standards without applying IHL as the governing law?
3. In line with *Ukraine v. Russia*, how might Kartavia be held responsible for the acts of torture committed by separatist forces? Does it matter whether Kartavian officials were directly involved?

Question Two:

The Republic of Talandra is a UN member state and a party to the ICCPR, Convention Against Torture (CAT), the European Convention on Human Rights (ECHR), and the American Convention on Human Rights (ACHR), though it has a dual regional identity and is only under the jurisdiction of either the ECtHR or the Inter-American Court of Human Rights based on where the case is filed.

Talandra's new anti-gang legislation, passed in 2025, allows detention without formal charge for up to 60 days in designated high-security facilities. Detainees are held in solitary confinement for up to 23 hours per day, with lights on always, and are often denied access to lawyers for the first 20 days of detention.

Multiple human rights organizations have documented reports of:

- Sleep deprivation, including 48-hour continuous interrogation shifts;
- Threats of sexual violence against family members;
- Blindfolding and hooding for extended periods;
- Refusal to allow detainees to communicate with family or medical professionals;
- Verbal abuse and racist slurs;
- No charges filed in the majority of cases.

One detainee, Luis Mateo, a 17-year-old student, has submitted a petition before an international body, with the support of a coalition of NGOs, claiming that the treatment he endured constitutes torture and ill-treatment, and violated his rights under international and regional standards.

1. Does the treatment of detainees in Talandra rise to the level of torture or cruel, inhuman or degrading treatment under Articles 1 and 16 of the Convention Against Torture? Refer to relevant jurisprudence and General Comments.
2. How would the European Court of Human Rights likely rule on these facts under Article 3 of the ECHR? Discuss jurisprudence such as *Soering*.
3. Same question as the previous, but analyze it under the U.S. Constitution and jurisprudence. In other words, by applying U.S. jurisprudence, how would this potentially change the outcome of your analysis?

Question Three:

Lucien Kravets is a popular public figure and independent candidate in the upcoming national elections in the Republic of Velmark. His campaign focuses on "restoring Velmarkian identity" and combating what he calls the "globalist erosion of traditional values." At several rallies and media appearances, Kravets has claimed that immigrants from Central Asia are "criminally inclined" and has referred to their cultural practices as "uncivilized" and "dangerous for our children."

Kravets's speeches have been widely broadcast and shared on social media. In the past two weeks, small-scale protests and counter-protests have erupted in cities across Velmark. Although no serious violence has occurred, several human rights organizations have warned of a sharp rise in xenophobic rhetoric and online abuse.

In response, the National Communications Authority imposed a 15-day suspension on Kravets's access to national broadcasting platforms, citing risks to public order and social

cohesion. Kravets has challenged the decision in Velmark's highest court, claiming his right to freedom of expression has been violated.

1. How would the U.S. Supreme Court likely assess this case under the First Amendment? Could Kravets's speech be lawfully restricted?
2. How would the European Court of Human Rights evaluate the suspension under Article 10 of the ECHR? Would the restriction be considered "necessary in a democratic society"?
3. Would the UN Human Rights Committee take a different approach under Article 19 of the ICCPR and General Comment 34? Why or why not?

Question Four:

Harjit Singh is a 16-year-old Sikh student attending a public secondary school in the Republic of Norvica, a secular democratic state. As part of his religious observance, Harjit wears a turban every day. In 2024, Norvica passed a law banning all "conspicuous religious symbols" in public schools, including Christian crosses, Jewish kippahs, Muslim headscarves, and Sikh turbans. The government justifies the measure as necessary to preserve religious neutrality in public institutions and reduce interfaith tensions.

When Harjit refused to remove his turban during school hours, he was suspended for noncompliance. His parents challenged the decision, arguing that the law violates Harjit's right to freedom of religion as protected under both Norvican constitutional law and international human rights instruments.

The Norvican school board upheld the suspension, emphasizing the need for consistency and neutrality in public education. Harjit's case has now been brought before the European Court of Human Rights, with legal support from a Sikh rights organization and a coalition of religious liberty advocates.

1. How should the European Court of Human Rights assess this case under Article 9 of the ECHR? What are the key legal standards for limitations on the manifestation of religion? Refer to jurisprudence such as *Dogru v. France*.
2. How would the margin of appreciation apply in this case? Is Norvica likely to receive deference from the Court on this issue?
3. Would Harjit likely have stronger protection under the U.S. legal framework, particularly under the First Amendment's Free Exercise Clause? Refer to relevant U.S. Supreme Court cases involving religious dress in public schools.

Question Five:

Ismail Khan is a 19-year-old university student of South Asian descent and a citizen of the Republic of Albinia. Born in the country to immigrant parents, he has lived his entire life in the industrial northern region of the country. Over the course of one semester, Ismail was stopped and questioned by police on four different occasions while walking near the train station on his way to class.

On two occasions, officers demanded to see his ID, searched his backpack, and asked whether he had a valid residence permit. During one incident, officers pushed him against a wall and frisked him in public view. He was never charged with any offense. Ismail reports that none of his classmates of ethnic Albanian descent—who often accompany him on his commute—have been stopped or questioned.

The government insists that the area around the train station is a “priority zone” due to an increase in drug trafficking and irregular migration. They claim that the stops are based on behavioral indicators, not race or ethnicity, and deny any discriminatory intent. They also assert that no formal complaint was filed after the stops.

After exhausting domestic remedies, Ismail has submitted his case to international bodies, including the Human Rights Committee and the European Court of Human Rights. He claims violations of his rights under Article 26 of the ICCPR, Articles 14 and 8 of the ECHR, and Article 2(1) and 5 of the ICERD.

Assignment:

Answer the following questions:

1. Applying the principles set out in *Rosalind Williams v. Spain*, what evidentiary and legal standards apply to proving racial or ethnic profiling? Does the treatment of Ismail Khan meet this threshold?
2. How does the jurisprudence from the European Court of Human Rights, Inter-American and U.S. case law on racial profiling guide the analysis of this case?