

**QUESTION ONE (45% of total marks)**

**SAMPLE EXAM ONLY**

General Gobinet, commander of the Ruritanian armed forces, seized power in a bloody coup in Ruritania in October 1973, and proclaimed himself head of state, a capacity in which he was immediately recognized by the governments of the USA, Britain, and many other countries. Thereafter his regime engaged in systematic torture and murder of intellectuals, trade unionists, and other suspected opponents. In one notorious episode in 1974, widely reported in foreign newspapers at the time, 75 leading members of a trade union in Ruritania were brutally beaten, tortured and had their houses and personal effects permanently taken without compensation by a military unit led by one of Gobinet's close confidantes, Colonel Crespi. Gobinet subsequently decorated Crespi for this feat. One of the victims was Nancia Nezma, who was then and remains a Ruritanian national. Shortly after her release, she suffered the further trauma of the cold-blooded murder of her father by Crespi's unit. In September 1996 a deal was concluded in Ruritania whereby Gobinet stepped down from all official positions, and he and all other military officers were granted amnesty by a special clause inserted in the constitution. Elections were held, and a new democratic civilian government was established headed by Mildred Milosco.

In August 1998, a United States Coast Guard vessel was on patrol in the Exclusive Economic Zone of Lilliputia, a small democratic state in the Caribbean, pursuant to a request by Lilliputia that the US assist Lilliputia with drug interdiction and fisheries enforcement. Observing a suspicious Ruritanian vessel, "The Neptune," offloading packages to small fishing craft, the US Coast Guard boarded the vessel and, pursuant to a request from the Lilliputia government to act on its behalf, directed it to the US port of Miami for investigation. The Neptune was promptly released, but Gobinet, who had been discovered to be among the passengers on The Neptune, was detained pursuant to an international warrant triggered by prosecutors in Lilliputia, who seek his extradition to Lilliputia to face charges arising arising from the 1974 events. In Miami he was served also with the necessary legal documents relating to a civil action for torture, murder, and theft of property filed against him in a US Federal District Court by Nancia Nezma. The 1948 USA-Ruritania Treaty of Amity, which is still in force, provides:

Article 4: Ruritania and the USA, and their entities, shall each enjoy in the courts of the other immunity as provided by international law.

Article 9: In the event a dispute concerning the interpretation or application of this treaty cannot be settled by negotiation, either party may refer the matter to the International Court of Justice for decision, in accordance with the Statute of the Court and the rules of international law.

Lilliputia and Ruritania are parties to the Law of the Sea Convention of 1982, but the US is not. Both Lilliputia and Ruritania have filed Declarations under Article 287(1) of the Convention accepting the jurisdiction of the International Tribunal for the Law of the Sea.

The Government of Ruritania, headed by Mildred Milosco, is considering its response to this whole situation, and asks you to assist it by providing an analysis of the major legal issues arising. You are told that one factor in the government's thinking is the support for Gobinet in the Ruritanian military and amongst many of the public, and the risk of riots or even of a military coup if things go badly for him. You are not expected to cover details of extradition law, which is being handled by an expert on this topic, nor to deal with purely political aspects of the

problem. One option Ruritania is contemplating is bringing urgent actions against Lilliputia in the International Tribunal for the Law of the Sea, and against the USA in the International Court of Justice -- there is no basis for ICJ jurisdiction over Lilliputia. A final matter is that the Government of Ruritania is considering becoming party to the Statute of the International Criminal Court, and would also like your brief assessment of the legal situation if the Statute of the International Criminal Court had now entered into force with Ruritania and Lilliputia as parties but the USA not a party.

**QUESTION TWO (35% of total marks)**

**SAMPLE EXAM ONLY**

Qumran is a small state, dependent for most of its prosperity on oil production by the privately owned National Oil Corporation (NOC). Anthea Andropoulis, a 16-year old US high school student in New York, is a sophisticated computer hacker who, for amusement and with no idea what Qumran or the NOC is, from her New York apartment introduced a cluster of viruses into the NOC's sales and distribution computer system. This computer system is located not in Qumran but at the main world oil market center in The Netherlands. Anthea's viruses caused this NOC system to shut down spectacularly on May 1, 1998 and flash "Mayday" messages on all of the computer screens. In the ensuing mayhem sales ceased, tankers were not scheduled to collect oil from Qumran, and oil production in Qumran had to be halted for a week, costing Qumran \$250 million. The Qumran Economic Sabotage Act provides that any person over the age of 12, wherever located, who deliberately sabotages the national economy may be punished by imprisonment or, in serious cases, the death penalty. At the request of Qumran government agents, four sympathetic New York police officers who know Qumran to be a good friend of the US and believe it to be a joint law enforcement operation seize Anthea, sedate her, and put her on a scheduled flight to Qumran operated by the state-owned Qumran Airways. Qumran announces that she will be put on trial in the Qumran High Court, with all internationally-defined requirements of a fair trial and with international observers present. The Prosecutor has announced that he will seek the death penalty. In response the President of the US has issued an executive order requiring all US companies to cease doing business with Qumran and to ensure that their overseas subsidiaries and technology licensees do likewise. The only treaties in force between the US and Qumran are the United Nations Charter and the International Covenant on Civil and Political Rights. The US State Department asks for your legal appraisal of the underlying situation.

**QUESTION THREE (20% of total marks)**

**SAMPLE EXAM ONLY**

Is international law coherent? Discuss with reference to cases, institutions, or examples covered in the course. (Do not duplicate material contained in your other answers.)

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