

**LEGAL PROFESSION ADMISSION BOARD**

**MARCH 2014**

**PUBLIC INTERNATIONAL LAW**

**Time: Three Hours** This paper consists of **four** questions.

All questions are of equal value.

Candidates are required to attempt all **four** questions.

All questions may be answered in one examination booklet.

Each page of each answer must be numbered with the appropriate question number.

Candidates must indicate which questions they have answered on the front cover of the first examination booklet.

Candidates must write their answers clearly. Lack of legibility may lead to a delay in the candidate's results being given and could, in some circumstances, result in the candidate receiving a fail grade.

**This examination is worth 80% of the total marks in this subject.**

**Permitted Materials:** This is an open book examination. Candidates may refer to any books and any printed or handwritten material they have brought into the examination room.

**As some instances of cheating, plagiarism and of bringing unauthorised material into the examination room have come to the attention of the Admission Board, candidates are warned that such conduct may result in instant expulsion from the examination and may result in exclusion from all further examinations.**

*This examination should not be relied on as a guide to the form or content of future examinations in this subject.*

### **Question 1**

The traditional view, at least in English law, is that customary international law is “part of the law of the land”.

**With specific examples from the decided cases, comment on the relationship between customary international law and Australian law.**

### **Question 2**

**Discuss the role of nationality as a connecting factor between an individual and a sovereign state with particular reference to state jurisdiction and state responsibility.**

### **Question 3**

**Identify and compare (using illustrations from the decided cases) the elements of genocide, crimes against humanity and war crimes as crimes against public international law. Looking back to the period of the Second World War and taking into account later developments, explain the circumstances in which an Australian court may exercise jurisdiction in respect of these crimes when committed outside Australia.**

### **Question 4**

**Give an account of the immunity from Australian jurisdiction in criminal and civil cases of the head of a foreign state, a minister of state of a foreign state, a foreign government official such as a police officer, a diplomatic agent and a consular officer.**

**END OF PAPER**