



SAMPLE EXAMINATION QUESTIONS

The exams contained in this booklet are a compilation of all those that are relevant to this course which have been previously given by the Norwegian Centre for Human Rights.

It must be stressed, however, that these exams were given in the NCHR Master's Program prior to the UiO reform and the division of the Program into separate courses on individual topics. Therefore, these exams include issues in both institutions & procedures and substantive rights (and in some cases, philosophy and advanced seminars).

Those who prepared most of these exams are not those responsible for the preparation of the exam in this course.

These sample exams are provided for general review only.



FINAL EXAMINATION
Law and Philosophy of Human Rights
Master of Arts Degree in the Theory and Practice of Human Rights, 1999-2000
14 March 2000, 9:00-15:00

The examination consists of three parts. Each part is given the same weight. Answer all three parts. Answer all questions under each part. There are no optional questions.

1. International handling of complaints (33 %)

- The term 'margin of appreciation' to which State Parties are entitled, is often used in the practice of the European Court of Human Rights. Explain the meaning of the term and the purposes it serves.
- 'Exhaustion of domestic remedies' is a requirement under the European Convention on Human Rights (now Article 35 after the adoption of Protocol 11) and the First Optional Protocol to the International Covenant on Civil and Political Rights (Article 5(b)). Please explain the meaning of the term.

2. Economic, social and cultural rights (33 %)

Discuss the nature of state obligations in regard to economic, social and cultural rights with particular emphasis on the International Covenant on Economic, Social and Cultural Rights Article 11.

3. Islam and human rights (33 %)

[Philosophy and Politics Question Omitted]



MAKE-UP FINAL EXAMINATION
Law and Philosophy of Human Rights
Master of Arts Degree in the Theory and Practice of Human Rights, 1999-2000
9 May 2000, 10:00-16:00

The examination consists of three parts. Each part is given the same weight. Answer all three parts. Answer all questions under each part. There are no optional questions.

1. Regional conventions on human rights (33 %)

Give a brief description of the similarities and differences between the European Convention on Human Rights and Fundamental Freedoms and the African Charter on Human and Peoples Rights.

- similarities and differences concerning the rights covered in the two conventions
- similarities and differences between the two institutions: The European Court of Human Rights and the African Commission on Human and Peoples' Rights

2. Economic, social and cultural rights (33 %)

Discuss the nature of state obligations in regard to economic, social and cultural rights with particular emphasis on the right to education contained in the International Covenant on Economic, Social and Cultural Rights Article 13.

3. The roles of human rights in international society (33%)

[Philosophy and Politics Question Omitted]



FINAL EXAMINATION
International Human Rights Law
Master of Arts Degree in the Theory and Practice of Human Rights, 2000-2001
19 March 2001, 10:00-16:00

Students are required to answer two questions from part one and two questions from part two.

Part One

Answer two of the following three questions:

1. An increasing problem in Europe as well as in other parts of the world is that of xenophobia and related conflicts and crimes. Consider the following developments in the European state of Euromania from a human rights point of view! Identify the human rights problems involved, the applicable instruments and articles and make an assessment of the extent to which international human rights law has been violated. Euromania has ratified all applicable international conventions.

A newly formed political party in Euromania, called “National Interests First (NIF)”, gains increasing support. On the agenda of NIF is an absolute non-admission policy for asylum-seekers and other prospective immigrants. The governing political parties of Euromania react strongly against NIF. When NIF wants to gather its members and supporters nation wide for a “National March” the authorities refuse to grant the necessary permits, explaining this with the fear of violent clashes between NIF supporters and their opponents. After a public speech, in which the leader of NIF, Mr. Martin, proposes a program of enforced repatriation of unemployed asylum-seekers and asylum-seekers with a criminal record, he is fined by a local court for “hate-speech” (a crime in the penal code of Euromania). The effect of this is however only increased popular support for Martin and NIF. NIF wins the national elections and becomes the governing party of Euromania. National legislation on non-admission and enforced repatriation of the above-mentioned categories of asylum-seekers is enacted.

2. Explain the concept of human duties in international human rights law. Where can we find them and how do they relate to human rights? Who are holders and who are the beneficiaries of human duties? Which are the advantages and disadvantages of human duties? Discuss these issues with reference to Article 29 of the UDHR, Chapter 2 of the African Charter and other relevant provisions in the law of human rights.
3. In recent international emergencies like those in the former Yugoslavia and the one in East Timor we have witnessed a rather complex reaction from the international community, involving the action by UN organs such as the General Assembly, the Security Council, the Secretary-General and others within the Secretariat such as the High Commissioner for Human Rights, the Commission on Human Rights, the Sub-Commission on Prevention of



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Discrimination and Protection of Minorities and the International Court of Justice. Discuss the comparative advantages and disadvantages of the different organs' compositions, competencies and working-methods within the UN human rights regime! (A word of advice: please do NOT devote a large part of your answer to a descriptive account of the various organs' functions.)

Part Two

Please answer two of the following three questions:

1. Under the International Covenant on Economic, Social and Cultural Rights Article 16, States Parties to the Covenant are under an obligation to submit reports on measures they have adopted to implement their obligations under the Covenant. Please discuss the required content and the functions of these reports.
2. State obligations for the implementation of human rights set out in the Covenant on Civil and Political Rights are set out in Article 2 of the Covenant, and state obligations under the Covenant on Economic, Social and Cultural Rights are set out in Article 2 of that Covenant. Please (a) compare the two provisions, pointing to the differences and explaining the reasons for it, and (b) discuss the content of the obligations for State Parties under the Covenant on Economic, Social and Cultural Rights.
3. Discuss the relationship between the prevention of discrimination on grounds of race or ethnicity, as set out in the International Convention on the Elimination of All Forms of Racial Discrimination, and the protection of minorities as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.



FINAL EXAMINATION
International Human Rights Law
Master of Arts Degree in the Theory and Practice of Human Rights, 2001-2002
15 March 2002, 10:00-16:00

Students are required to answer two questions from part one and two questions from part two.

Part One

Please answer two of the following three questions:

1. The Hafez family with father Mohamed, 37, mother Iman, 32, daughters Nadja, 15, and Fatima, 14, originally from southern Egypt, has been residing in Oslo since 1993. All family members are devoted Moslems except Fatima who rebels against her background, showing preferences for the lifestyle of an "average" secularised Norwegian teenager. On the demand of the parents the Hafez girls have been exempted from parts of the primary school course in "Christianity, Religion and Philosophy" by the local state school governing board. No alternative course is available under Norwegian law. The girls' parents are deeply dissatisfied with this and demand that an alternative course with focus on Islam, or at least with a completely neutral focus, is offered to both girls. Fatima is also dissatisfied and claims that she has a right to follow the very same courses as her classmates, despite her parents' "backwards opinions". The situation in school is further complicated for Nadja when the local school governing board - after an incident where a schoolgirl carrying a veil was badly hit in the head by a basketball which she didn't see coming - decides that it shall be prohibited to wear a veil during the gymnastics hours "for reasons of safety and hygiene". Nadja refuses to take off the veil and claims, supported by her parents, that the school board violates her rights. Identify, discuss and propose solutions to the substantive human rights problems involved.
2. Compare the right to free expression and the right to information as they are understood on the universal level and in the different regional human rights systems (Africa, America, Europe, and the Islamic World). Find the similarities and differences and assess their significance.
3. Explain and assess the doctrine of margin of appreciation in European human rights law. Which are its basic assumptions? Which are the advantages and which are the dangers when applying it? Is it a sound doctrine that could and should also be applied by other international human rights courts and by a quasi-judicial body such as the Human Rights Committee? Outline some tentative guidelines for how to apply the doctrine of margin of appreciation.

Part Two

Please answer two of the following three questions:



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1. Compare Article 2 of the International Covenant on Civil and Political Rights with Article 2 of the International Covenant on Economic, Social and Cultural Rights. Discuss the similarities and differences in the nature of state obligations under the two Articles.
2. Discuss the similarities and differences between the rights of persons belonging to national or ethnic, religious and linguistic minorities on the one hand and the rights of indigenous peoples on the other.
3. Discuss the content of the right to food and the corresponding state obligations under the International Covenant on Economic, Social and Cultural Rights Article 11.



FINAL EXAMINATION
International Human Rights Law
Master of Arts Degree in the Theory and Practice of Human Rights, 2002-2003
28 November 2002, 10:00-16:00

Students are required to answer two questions from part one and two questions from part two.

Part One

Please answer two of the following three questions (all sub-questions under each question - e.g. a, b, c - must be answered):

1. The right to abortion and human rights.
 - a) To what extent is the woman's right to abortion protected by international human rights law? Are the rights and interests of others, such as the fetus and/or the possible father protected in any way? Discuss the conflicting rights and interests involved.
 - b) Can you identify any regional differences in the approach to the matter? What may the reasons behind these be?
 - c) Is the question of the woman's right to abortion one that is properly decided by international (universal) human rights organs or should it be left to local/national institutions?

2. The right to fair trial in criminal cases in public emergency situations.
 - a) To what extent is it possible for states to derogate from the accused's right to fair criminal proceedings (including his/her rights as a detainee and his/her rights in the very trial) in a situation of public emergency? Discuss the question with reference to relevant human rights law on the universal and regional level.
 - b) The ongoing "war on terrorism" after September 11 has raised human rights concerns about rights of detained suspected terrorists and others. Discuss the conflicting interests involved and try to suggest some guidelines for a principled solution.

3. The varying protection against defamation for different groups.
 - a) To what extent do different groups have a different degree of protection against defamation under international and regional human rights law and practice? Which are the conflicting rights and interests involved in the issue?
 - b) Make your own assessment of the differences between different groups that has been made in practice. Is it justified in your view? Why or why not?



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Part Two

Please answer two of the following three questions:

1. Compare the first sentence in Article 2, para. 1 of the International Covenant on Civil and Political Rights ('Each State Party to the Present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant') with the language in Article 2, para. 1 of the International Covenant on Economic, Social and Cultural Rights. Discuss the similarities and differences in the nature of state obligations under those provisions in the two Articles.
2. Under Article 9 of the International Covenant on Economic, Social and Cultural Rights, States parties to the Covenant have recognised the right of everyone to social security, including social insurance. Discuss different ways of implementing this right in predominantly agricultural versus predominantly industrialised countries.
3. Discuss the content of the right to the highest attainable standard of health and the corresponding state obligations under the International Covenant on Economic, Social and Cultural Rights Article 12.



FINAL EXAMINATION
International Human Rights Law
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17 March 2003, 10:00-16:00

Students are required to answer two questions from part one and two questions from part two.

Part One

Students are required to answer two of the following three questions:

1. The UN Security Council and Human Rights: mandate, powers, possibilities, and limitations.
2. Anniina is 16 years old and lives in Sweden with her parents. Her father is a devoted Moslem from Bangladesh and expects her to live her life in a traditional Bengalese and Moslem way. This includes (1) studies and observance of the morals of the Quran, (2) abstention from sexual relations, (3) a certain dress code. Anniina does not accept this. In rebellion against her father, she (1) renounces Islam and starts attending services at the local Christian church, (2) finds a boyfriend whom she secretly meets, (3) dresses in a provocative manner. When her father finds out about this, he gets angry and demands that she immediately change her lifestyle in conformity with his expectations. Analyse the human rights aspects of the conflict between Anniina and her father. Sweden has ratified all relevant conventions and incorporated them into municipal law.
3. Analyse and compare the role of conciliation as a means for settlement of human rights disputes under the different regional systems.

Part Two

Students are required to answer two of the following three questions:

4. Please describe the difference between prevention of discrimination and protection of minorities.
5. Describe what you understand by the word ‘globalisation,’ and discuss what impact it is likely to have on the implementation by states of economic and social rights.
6. On March 11, 2003, the International Criminal Court (ICC) was inaugurated. Discuss the mandate of the ICC, under what conditions cases can be brought before the Court, and how, in your opinion, the Court can contribute to strengthening the universal jurisdiction of human rights.



FINAL EXAMINATION
International Human Rights Law
Master of Arts Degree in the Theory and Practice of Human Rights, 2003-2004
28 November 2003, 10:00-16:00

Students are required to answer two questions from part one and two questions from part two.

Part One

Answer two of the following three questions:

1. To what extent may (de lege lata) and should (de lege ferenda) individuals be exempted from obligations under public law (such as the obligation to pay taxes to the State and/or the State Church and to do military service and other public law obligations) on the basis of their right to freedom of thought, conscience and religion?
2. To what extent is the right to produce and distribute pornography endorsed by international (global and regional) human rights law? Against which parts of international human rights law may the same activities be in conflict? Assess the dilemma.
3. What is the doctrine of the margin of appreciation? Assess its significance and the problems involved with its application.

Part Two

Answer two of the following three questions:

1. Forced evictions are widely viewed as ‘gross violations of human rights, in particular the right to housing’. How can human rights law balance the right not to be evicted with the right to property or peaceful enjoyment of possessions? How has the European Court on Human Rights treated this issue?
2. Under Article 11 of the International Covenant on Economic, Social and Cultural Rights, States parties to the Covenant have recognised the right of everyone to an adequate standard of living, including food and housing. Choose one of these rights (either right to food or right to housing) and discuss different ways of implementing that right in predominantly agricultural versus predominantly industrialised countries.
3. Discuss the content of the right to education and the corresponding state obligations under the International Covenant on Economic, Social and Cultural Rights Article 13.



FINAL EXAMINATION
International Human Rights Law
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1 June 2004, 10:00-16:00

Answer only one of the following three questions.

You should have received as handouts the Ethiopian Constitution and the Chinese Regional National Autonomy Law.

Assume that all relevant treaties are ratified and that the countries involved are members of international and regional organisations. Take into account what you have learned from all of the different case studies. Provide reference to the sources you consider. You should demonstrate your knowledge about international human rights law as part of international law and your ability to provide an independent evaluation and proposed solution to the problems described.

QUESTION 1: *The case of the IQs in China*

1. The IQ people are traditionally reindeer herders living on the Western border of China. They claim to have lived there since time immemorial. As herders they move around with their reindeers in a large area depending on the season. This area is on the border to the Central Asian Democratic Republic of the IQs. In this country the IQs 62% of the population belong to the IQ group.
2. The Chinese central government initiated a large logging project in the area inhabited by the IQs, which made it necessary to settle part of the reindeer herders in villages. The houses provided by the government were made out of bricks and very different from the traditional tents that the herders and their families lived in before being settled.
3. The settled persons were given a plot of land for farming and the State provided schools and medical care in the new villages. The schools provided for modern education in accordance with State standards with Chinese as the language of instruction.
4. The logging activities made it necessary to develop the road system in the area in order to efficiently log and transport the timber. Now, the central authorities plan to start two other large projects in the area, copper mining and the construction of one big dam to provide electricity for export to the neighbouring countries. The reindeer herders are worried about these plans since it will have a negative effect on the possibilities for the reindeers to find adequate food in the winter. Furthermore, the dam would set one of the ancestral burying grounds under water. Among the remaining herders a general feeling of marginalization is reigning in the quick economic development in the autonomous area. The newcomers are getting richer and reindeer herding is not as profitable as before.
5. The logging industry caused a large influx of migrants in the area traditionally inhabited by the IQs. The local government of the area was established in accordance with the Chinese Regional National Autonomy Law, as the Yiling IQ Autonomous Prefecture. At the time for establishment the IQs were 90% of the population in the area, at present they are 20% of the population. One of the elders of the



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IQs is the head of the government of the area and 1/3 of the representatives of the legislative body, the local peoples' congress, are IQs.

6. The settled IQs are not pleased with their living conditions and complain continuously to the local authorities saying that they are not farmers used to live in houses, they are herders used to freedom. As farmers they consider that they betray the great memory of their fathers' lives. In addition, it seems impossible to earn as much as those newcomers moving into the Yiling IQ Autonomous Prefecture. They also claim that their houses are not safe and good for the children's and old persons' health. Furthermore, they claim that their children do not learn anything necessary for life from those teachers from the city. Anyway, the teachers are impossible to understand during the first year or so, having a great effect on the grades of the IQ children. The local authorities do not respond to their claims.

7. The reindeer herders complain that the local authorities neither understand their concerns nor take into account their interests. They claim that the authorities neither protect the IQ peoples' rights to decide what to do with their ancestral lands, nor preserve their great traditions for future generations. The herdsman send a delegation to Beijing to present to the central authorities their claims to have a firm control of their affairs through a larger degree of autonomy or otherwise they will start negotiating with the Democratic Republic of the IQs to become a part of that country.

8. The central authorities in Beijing respond that the Regional National Autonomy system as one of the basic political systems of China guarantees justice and equality among nationalities and the unity of China. Any attempt to join the Democratic Republic of the IQs will be seen as a threat to national security and have severe consequences for all IQs.

You are the lawyer for the IQs giving advice on the legal basis for their claims and the procedural steps to take in order to have their interests fulfilled.

QUESTION 2: The Tall People's Liberation Movement in Ethiopia

Based on what you know about Ethiopia (its historical development as a nation-state, its ethnic federal system, the political situation in the country involving human rights abuses, and its ratification of all international instruments), consider the following scenario:

1. An organization calling itself the Tall People's Liberation Organisation (TPLO), is claiming that they represent the broad masses of the so-called ethnic group Tall people in Ethiopia. The Tall people are a comparatively small group who live in scattered hamlets among the bigger group of Short people. They speak the same language as the Short people, but claim to hold different customs and traditions, and are generally looked down upon by the neighboring people.

2. The TPLO is currently organizing an armed liberation struggle against Ethiopian authorities. They argue that the Ethiopian state is a colonial state which has conquered and subjugated the Tall people since 1890, when the Ethiopian state incorporated their homeland into the official Ethiopian state territory. As such, the TPLO argues that they are waging a legitimate liberation war. Moreover, the



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TPLO is also referring to the Ethiopian constitution which grants them a constitutional right to secede from the federation, if they wish.

3. The TPLO is also arguing that the Tall people are being exposed to gross human rights violations by the central government. During the last famine the families of the Tall people never received the food distributed by the government, and many of their children died. Furthermore, the hamlets of the Tall people are never protected from attacks from local gangs of bandits who regularly come to steal their cattle and abduct their young women. Whenever the army is sent to the area to deal with the problem of these local gangs, they systematically take into arrest the persons belonging to the Tall group, mainly their young men. The Tall people who have been released tell horrific stories about how they have suffered under interrogation by the military.

4. There is also another political organization that claims to represent the ‘Tall’ people, but view them as a sub-clan of the Short people. This organization is called Average Peoples Political Party (APPP). They are part of the established political environment in the country and have 2 representatives in the parliament from the area where the Tall people live.

5. The TPLO has never participated in any election among the Tall people, since they claim, with support from international election observers, that the former elections have been manipulated and rigged by the government.

The special envoy of the African Union has asked you to consider the situation of the Tall people, its representation in Ethiopian politics, and the claims forwarded by the TPLO. You are ordered to write an assessment – based on the Ethiopian constitution, the African Charter, and the relevant UN documents – on the Tall people’s right of self-determination and independence. How will you do this?

QUESTION 3: Status of Communal Property in Chajul, Guatemala

(Note: This is a fictional story, but based on real events in the same area.)

1. Based on what you know about international human rights law in general, and rights pertaining to indigenous peoples in particular, consider the legal and political situation of the National Park of Chajul, municipality of Chajul, Guatemala, as described below:

2. In 1996, a large area of virgin forest and hitherto sporadically cultivated in the northern half of the Municipality of Chajul in Guatemala was declared part of the country’s system of national parks, as an example of “cloud forest”. Ecological groups in the capital city argued that the move was necessary if the country was to fulfil its international obligations in nature conservation, and presented well-documented reports about “land destruction” through illegal logging and the use of slash-and-burn techniques by an advancing wave of landless farmers.

3. With a rapidly growing population of about 30,000, Chajul is situated at the northern frontier of agriculture in Guatemala. It consists mainly (90%) of speakers of a Mayan language known as Ixil. The rest speak Spanish, live in the small, central town, and mostly work in government services and commerce. The area was conquered by Spain in the 1550s. In terms of Colonial and Guatemalan



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Republican legality, the area that became a national park in 1996 was up to that moment communal forest under the administration of the Indigenous Mayorality of the municipality. In Guatemala, the “Indigenous Mayorality” has been a kind of “Office for Indian Affairs” through which the democratically elected town authorities deal indirectly with the local Mayan population through their own political system. In terms of Ixil tradition, the “communal forest” is thought to belong to four ancient Ixil lineages that between them account for 50 % of the Ixils. All other Ixils has had to ask for permission to use the forest from these four families even though by Guatemalan law is nominally theirs. Mayan peasants from elsewhere have to apply for permission from the municipality—whose “forest office” thus is controlled by the same four clans.

4. In 1994, an opposition political party won the municipal elections (where both Ixil and Spanish-speakers participate) on a promise to develop the communal forest in favour of a rapidly growing local population as well as landless immigrants from other parts of Guatemala. But when the new administration entered the town hall, they found themselves blocked by angry protesters from the Indigenous Mayorality arguing that the decision to parcel out the forest was illegal and moreover a plot to steal the ancestral lands of the Ixil community. The development plan was thus much delayed, yet at the same time some 500 landless Mayan peasants started to clear land in the area with the silent approval of Guatemalan authorities and the army.

5. The four affected Ixil clans then organised a “green” NGO and started to lobby in the capital for turning the forest into a national park. Two years later, the subsequent election brings a new party organised by the green NGO to power. The national park is declared and nominally the land is now state property, under the administration of the Central Environment Authority. However, this entity signs a contract with the green NGO of Chajul to run the park. In the following months the municipal authorities starts to evict peasants as well as loggers, and asks the army for help when the peasants refuse to leave their new lands. The peasants claim that the state is only fulfilling an original promise of finding new lands to war victims, and point to the fact that they have suffered eviction from their own communities a few years earlier during Guatemala’s civil war.

6. When the army enters the area, a big newspaper in the capital publishes a story to the effect that relatives of the newly elected mayor of Chajul are living in the area—but disregards completely the fact that they have living there since the 1920s—and moreover that his brother is actively involved in illegal logging. This piece of news embarrasses the Guatemalan government and its environment authority. The army is pulled back whereupon supporters of the mayor start to take matters in their own hands: Vigilante groups burn houses and maize fields belonging to the new colonisers. In turn this action prompts the launching a solidarity movement among the supporters of the leftwing party that had governed Chajul in the previous period, and shortly afterwards “peace brigades” with European and North American human rights activists march into the area and set up camps around the new colony in order to prevent more violence. The neighbouring government of the Federal Republic of Mexico is deeply concerned about the risk for the unrest to spread to the southern State of Chiapas in which one of the local Mayan communities has demonstrated against the government’s plans to create a new tourist resort in the mountains of Chiapas. The local Mayan leaders are voicing claims for self-determination of the Great Mayan Nation based on the illegal occupation of their lands by the Spaniards in the 16th century. The Mexican Ambassador to Guatemala presents a letter to the



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government of Guatemala saying that something should be done to contain the unrest in the municipality of Chajul.

Imagine that you are a UN Special Rapporteur on Guatemala and that you have been sent to Chajul to advise UN and Guatemalan authorities about what to do. You are supposed to write a report for the UN Commission on Human Rights that takes into account the international legal aspects of the tense situation.