

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER, MAY 2007

TITLE OF PAPER : CRIMINAL LAW
COURSE CODE : IDE – DL 022
TIME : TWO (2) HOURS
INSTRUCTIONS : 1. THERE ARE FIVE (5) QUESTIONS IN THIS
QUESTION PAPER, EACH QUESTION
CARRIES 25 MARKS
2. QUESTION ONE (1) IS COMPULSORY
3. AFTER ANSWERING QUESTION ONE (1)
ATTEMPT ANY OTHER TWO
QUESTIONS TO BRING THE TOTAL
NUMBER OF QUESTIONS ANSWERED
TO THREE (3)

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED
BY THE INVIGILATOR.

QUESTION 1

Write short notes on the following:

- (a) Theft as a continuing offence [9]
- (b) Statutory House Breaking [8]
- (c) Statutory abduction [8]

[25] MARKS

QUESTION 2

The accused broke into his ex-girlfriend's bedroom while she was asleep in bed. He then threatened to kill her with a knife if she did not agree to one last romp in bed. A brief argument ensued, in which the girl finally gave in and they had a "rough sex" in which the girl could be easily mistaken for a well-matured and experienced lady. After the session, the accused looked at the wall clock and wished her a happy 16th birthday "and the girl shouted "Oh my God, it's already midnight, I am a year olderoh! What a birthday present!"

In the morning the girl's mother raised a concern about the 'funny noises' she heard just before midnight and questioned the girl who told her that she was being 'attacked for the last time' by her ex-boy friend but 'no harm was done really' charges were then preferred against the accused at the instance of the mother.

Identify and discuss the legal issues arising from these facts.

[25] MARKS

QUESTION 3

A's husband, B who is slowly dying of cancer of the stomach, has been unable to work for some time and has fallen into debt. At the instigation of X, who wants to marry her, A has been telling B what a burden he is to everyone and that he should kill himself so that his children could benefit from his life insurance. X becomes increasingly impatient with waiting and fearing that he will find another woman, A one evening persuade B to drink too much, goes and fetches his gun, loads and hands it to him insisting that the only honorable thing he can do is to shoot himself. Worn by all this pressure, B does so.

Consider the liability of X and A on a charge of murdering B.

[25] MARKS

QUESTION 4

- (a) Compare and contrast the crime of high treason from that of sedition in Swaziland [20]
- (b) What is the social function of the crime of high treason in Swaziland? [5]

[25] MARKS

QUESTION 5

During a heated argument in parliament about the castration of all rape convicts, MP Mabuza, a member of parliament in favor of castration, walks across the floor of the house, spits on the face of MP Siduduva who is opposing the Bill and shouts at him 'we will castrate perverts like you as soon as we have passed the law on castration of your rapist buddies!!!'

Decide, giving reasons, what charges ought to be preferred against MP Mabuza if any.

[25 MARKS]