

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION PAPER, MAY 2008**

**TITLE OF PAPER** : **LAW OF HUMAN RIGHTS**

**COURSE CODE** : **L 507**

**TIME ALLOWED** : **THREE (3) HOURS**

**INSTRUCTIONS** :

- 1. ANSWER ANY FOUR (4) QUESTIONS. MARKS ARE INDICATED AT THE END OF EACH QUESTION.**
- 2. CANDIDATES ARE THEREFORE ADVISED TO ALLOCATE THEIR TIME ACCORDINGLY.**

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**QUESTION 1**

Swaziland has repeatedly been criticised for its blatant disregard of the rule of law.

Discuss this statement illustrating your answer with examples. [25 MARKS]

**QUESTION 2**

Some Human Rights lawyers see the dual system of governance in Swaziland as the main cause of Swaziland's gross violation of human rights. Discuss and suggest possible ways of reforming the system.

[25 MARKS]

**QUESTION 3**

Mr. Simelane the Headteacher of Swazi National High School has recently been appointed Secretary general of Yesive Political Party. Upon hearing this the traditional authorities (Labadzala) instructed the chairperson of the Teaching Service Commission to dismiss Mr. Simelane on the ground that political parties are not allowed in Swaziland and further that if Mr. Simelane, as Headteacher, continues in his new position will "corrupt the young and tender minds of his pupils."

Mr. Simelane seeks your advice. Advise him fully. [25 MARKS]

**QUESTION 4**

As long as the constitution of Swaziland is based on the Tinkhundla system of governance, the citizens of this country should forget about respect for their human rights. Discuss.

[25 MARKS]

**QUESTION 5**

Mr. Mabila during a marula drinking spree was insulted by Prince Jolwane. A fight ensued which resulted in the death of the prince. Mr. Mabila languished in prison for twelve months because the trial had been postponed several times on the ground that the prosecution had problems locating its chief witnesses. His lawyers were also threatened by traditional authorities that if they represented Mr. Mabila they would "face the music". This led to the withdrawal of the lawyers from the case. When the trial began, even though this was a case involving the death penalty, his lawyers were not present in court. Yet the trial was allowed to proceed, and Mr. Mabila had to defend himself. He was convicted of murder and sentenced to death.

Mr. Mabila is desirous of your assistance in that he feels that his rights were grossly breached in this case, in that:

1. The DPP took too long to bring the case to trial. (5 marks)
  2. Traditional authorities interfered with his lawyers resulting in the lawyers withdrawal of their services. (10 marks)
  3. When the trial began it was allowed to continue even though he had no legal representatives. Discuss. (10 marks)
- [25 MARKS]