UNIVERSITY OF SWAZILAND

MAIN EXAMINATION PAPER, MAY 2009

TITLE OF PAPER	:	CRIMINAL LAW
COURSE CODE	:	IDE – DL 013
TIME	:	THREE (3) HOURS
INSTRUCTIONS	:	ANSWER QUESTION 1
		AND ANY OTHER THREE (3) QUESTIONS
TOTAL MARKS	:	100

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QUESTION 1

X hit Y on the head with a knobkerrie, causing Y to be unconscious. X genuinely believed Y to be dead. In an effort to dispose of the body, he buried Y. However, Y did not die from the blow to the head. Therefore at the time of the burial he was still alive. He died as a result of being buried by X. What crime, if any, has X committed? Give reasons for your answer.

[25 MARKS]

QUESTION 2

Describe the "principle of legality" and explain the application of the principle in practice.

[25 MARKS]

QUESTION 3

Write short notes on the following:

    (a)   Ignorance of the law.   **[15 MARKS]**

    (b)   Ignorance or mistake of fact.   **[10 MARKS]**

[25 MARKS]

QUESTION 4

    (a)   Intoxication can never be a defence to a crime. Do you agree? Give reasons for your answer.

[15 MARKS]

    (b)   What are the differences between sane and insane automatism?

[10 MARKS]

[25 MARKS]

QUESTION 5

Write short notes on the following defences to crime:

    (a)   Superior Orders in relation to the security forces and the police.

                        [15 MARKS]

    (b)   Impossibility   **[10 MARKS]**

                        [25 MARKS]

QUESTION 6

Write short notes on the following theories of punishment:

    (a)   Retributive theory   **[5 MARKS]**

    (b)   Preventive theory   **[5 MARKS]**

    (c)   Deterrence theory   **[5 MARKS]**

    (d)   Reformative theory   **[5 MARKS]**

    (e)   The unitary theory   **[5 MARKS]**

                        [25 MARKS]