

UNIVERSITY OF SWAZILAND

SUPPLEMENTARY EXAMINATION PAPER, JULY 2009

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

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

**QUESTION 1**

- (a) How does a crime differ from a delict [15 MARKS]
- (b) What is the purpose of criminal law? [10 MARKS]
- [25 MARKS]

**QUESTION 2**

- (a) What is punishment? [7 MARKS]
- (b) Describe the various types of punishment in Swaziland.
- [18 MARKS]
- [25 MARKS]

**QUESTION 3**

A crime ordinarily consists of *mens rea*, and *actus reus*.

- (a) Explain *mens rea* and *actus reus* [10 MARKS]
- (b) Explain the requirement that *mens rea* and *actus reus* should be contemporaneous to convict an accused. Illustrate your answer with at least one decided case.
- [15 MARKS]
- [25 MARKS]

**QUESTION 4**

“No one should be punished except for an offence specified by law and punishment must itself be in accordance with law”. Discuss.

[25 MARKS]

**QUESTION 5**

- (a) In what situations may insanity be a defence to a crime?

**[12 MARKS]**

- (b) In what circumstances may intoxication be a defence to a crime?

**[13 MARKS]**

**[25 MARKS]**

**QUESTION 6**

- (a) Discuss the rationale for the rule that ignorance of the law is not a defence to a crime.

**[25 MARKS]**