

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY, 2009

TITLE OF PAPER: CRIMINAL PROCEDURE

COURSE CODE: L 402

TIME ALLOWED: THREE HOURS

INSTRUCTIONS: 1) ANSWER FOUR (4) QUESTIONS
2) ALL QUESTIONS CARRY EQUAL MARKS

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QUESTION 1.

The prosecution of environmental crime is a new phenomenon with far reaching consequences on the principle of *locus standi*. Critically evaluate the validity of this statement, citing relevant authorities.

(25 Marks)

QUESTION 2.

Bekker *et al* in the "Criminal Procedure Handbook" states that "...an individual's statutory power to institute a private prosecution is a safety valve, so to speak, in the machinery of the law. It is also to some extent an indirect method of controlling corruption or incompetence in the state's prosecutorial services." Do you agree? Critically evaluate the validity of this statement. Make reference to authorities.

(25 Marks)

QUESTION 3.

For the "wretched of the earth", the poor and vulnerable accused person in Swaziland the notion of bail is so near yet so far as the law relating to bail has not only undergone rapid and radical change, but the more things have changed in respect to bail law, the more things have stayed the same. Critically assess this statement making reference to relevant authorities.

(25 Marks)

QUESTION 4.

Discuss the law relating to the similarities and dissimilarities of appeal and Review proceedings. How is this law in need of reform if at all?

(25 Marks)

QUESTION 5

The Suppression of Terrorism Act/2008 is not a welcome law because instead of enlarging police powers it limits police powers and in the process inhibits police in fighting crime and ensuring law and order is preserved. Critically evaluate the validity of this statement.

(25 Marks)