

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
SUPPLEMENTARY EXAMINATION PAPER, DECEMBER 2009

TITLE OF PAPER	:	CRIMINAL LAW
COURSE CODE	:	IDE – DL013
TIME	:	THREE (3) HOURS
INSTRUCTIONS	:	<u>ANSWER QUESTION 1 (ONE)</u> <u>AND ANY OTHER THREE (3)</u> <u>QUESTIONS</u>
TOTAL MARKS	:	100

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QUESTION 1

X has been charged with the murder of Y. The facts were that, Y was fighting with Z, the older brother of X. Y knocked Z down, and was advancing on him with a knife. It appeared to X that his brother, Z, was in mortal danger. X therefore fatally stabbed Y with a knife. X's Attorney argues that X acted in response to provocation.

Discuss the facts and explain whether X can rely on the defence of provocation.

[25 Marks]

QUESTION 2

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

Discuss this statement in the context of the Principle of Legality.

[25 Marks]

QUESTION 3

X made a decision to kill Y. While driving to Y's house to kill him, he negligently ran over a person killing him. It was discovered later that the person who was killed was indeed Y.

Discuss X's liability in the light of the principle of contemporaneity.

[25 Marks]

QUESTION 4

- a. "There are many similarities between a crime and a delict".
Discuss this statement.

[13 Marks]

- b. Discuss the major aims of the Criminal Law system.

[12 Marks]

[25 Marks]

QUESTION 5

- a. "Intoxication is not a defence to a crime, under the Criminal Liability of Intoxicated Persons Act 68 of 1938".

Discuss this statement.

[12 Marks]

- b. Discuss the M'nighten Rules as they relate to the defence of insanity.

[13 Marks]

[25 Marks]

QUESTION 6

- a. Discuss the concept of punishment.

[10 Marks]

- b. Critically consider the retribution theory of punishment.

[15 Marks]

[25 Marks]