

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER- DECEMBER 2012

TITLE OF PAPER : CRIMINAL LAW

COURSE CODE : DL013

TIME : THREE (3) HOURS

INSTRUCTIONS : ANSWER ALL QUESTIONS (20 MARKS EACH)

TOTAL MARKS : 100

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION TO DO SO HAS BEEN GRANTED BY THE INVIGILATOR.

QUESTION 1

- (a) What is criminal law and what is its purpose? [5 marks]
- (b) What are the three different classes of conduct under the actus reus principle, give an example of a crime under each class? [5 marks]
- (c) What are the sources of criminal law in Swaziland? [5 marks]
- (d) What is the distinction between crimes and delicts? [5 marks]
- (e) Discuss the principle of legality? [5 marks]
- (f) Outline and briefly discuss the various types of punishment in Swaziland? [5 marks]
- (g) Who are possible parties to an offence? [5 marks]
- (h) What are the various classes of inchoate crimes? [5 marks]

[40 marks]

QUESTION 2

Write short notes on the following theories of punishment;

- (a) Retributive theory [5 marks]
- (b) Preventive theory [5 marks]
- (c) Reformatory theory [5 marks]
- (d) Unitary theory [5 marks]

[20 marks]

QUESTION 3

Discuss the burden of proof principle in criminal cases?

[20 marks]

QUESTION 4

Discuss the defence of provocation in Swaziland?

[20 marks]