

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER- JULY 2013**

**TITLE OF PAPER** : **CRIMINAL LAW**

**COURSE CODE** : **DL013**

**TIME** : **THREE (3) HOURS**

**INSTRUCTIONS** : **ANSWER ALL QUESTIONS (25 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) Outline and briefly discuss the different forms of intention/ mens rea? [5 marks]
- (b) What are the defences negating mens rea in Swaziland? [5 marks]
- (c) What are the defences negating unlawfulness in Swaziland? [5 marks]
- (d) What is criminal capacity and what factors can influence it? [5 marks]
- (e) What is vicarious liability? [5 marks]

**[25 marks]**

### **QUESTION 2**

Write short notes on the following;

- (a) Criminal liability of corporations in Swaziland [5 marks]
- (b) Criminal liability of unincorporated associations in Swaziland [5 marks]
- (c) Motive in murder cases [5 marks]
- (d) Thin skull principle [5 marks]
- (e) The defence of intoxication [5 marks]

**[25 marks]**

**QUESTION 3**

Discuss the defence of private defence in Swaziland?

**[25 marks]**

**QUESTION 4**

Discuss the defence of superior orders in Swaziland?

**[25 marks]**