

UNIVERSITY OF SWAZILAND  
INSTITUTE OF DISTANCE EDUCATION  
MAIN EXAMINATION PAPER, DECEMBER 2015

TITLE OF PAPER : CRIMINAL LAW

COURSE CODE : IDE- DL013

TIME : THREE (3) HOURS

INSTRUCTIONS : 1. QUESTION ONE IS COMPULSORY.  
2. ANSWER QUESTION ONE 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 ONE

Musa is a very strong and big man. He quarrels with Siphon and Senzo who are much smaller men and clearly intoxicated. Siphon and Senzo attack Musa with sticks they are carrying, whereupon Musa kicks Siphon in the stomach and kills Senzo by slashing his throat with the jagged end of a broken bottle.

Assess Musa's chances of success where on a charge of murder, he pleads self-defence.

[25 MARKS]

### QUESTION TWO

The fundamental rule of Criminal Law is "Nothing is a crime unless it is clearly forbidden by law". With reference to the "Principle of Legality" Critical discuss the veracity of this statement.

[25 MARKS]

### QUESTION THREE

(a) How does a crime differ from a delict.

[15 MARKS]

(b) What is the purpose of criminal law?

[10 MARKS]

[TOTAL: 25 MARKS]

### QUESTION FOUR

(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 person. Illustrate your answer with a least one decided case.

[15 MARKS]

[TOTAL: 25 MARKS]

**QUESTION FIVE**

(a) What is punishment?

[5 MARKS]

(b) Describe the various types of punishment in Swazi criminal law.

[20 MARKS]

[TOTAL: 25 MARKS]