

UNIVERSITY OF SWAZILAND  
INSTITUTE OF DISTANCE EDUCATION  
MAIN EXAMINATION PAPER, DECEMBER 2016

TITLE OF PAPER : CRIMINAL LAW 1

COURSE CODE : IDE-DLO13

TIME : THREE (3) HOURS

INSTRUCTIONS : 1. QUESTION (1) IS COMPULSORY.  
2. ANSWER QUESTION ONE AND  
ANY OTHER THREE (3)  
QUESTIONS.

EXAMINER : Mr V. MKHWANAZI

TOTAL MARKS : 100

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GRANTED BY THE INVIGILATOR.

### **QUESTION ONE**

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

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

**[25 MARKS]**

### **QUESTION TWO**

(a) What is punishment? **[5 MARKS]**

(b) Describe the various types of punishment in Swazi Criminal Law. **[20 MARKS]**

**[TOTAL: 25 MARKS]**

### **QUESTION THREE**

(a) What is meant by the principle of legality, and what specific function (s) does it serve in the Criminal law? **[15 MARKS]**

(b) Itemise and illustrate four limitations to the principle of legality in Swaziland. **[10 MARKS]**

**[TOTAL: 25 MARKS]**

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#### QUESTION FOUR

- (a) How does a crime differ from delict?
- (b) What is the purpose of criminal law?

[15 MARKS]

[10 MARKS]

**[TOTAL: 25 MARKS]**

#### QUESTION FIVE

- (a) Explain *mens rea* and *actus reus*.
- (b) Explain the requirement that *mens rea* and *actus reus* should be contemporaneous to convict an accused person. Illustrate your answer with at least one decided case.

[10 MARKS]

[15 MARKS]

**[TOTAL: 25 MARKS]**

#### QUESTION SIX

- (a) Write notes on the burden of proof in criminal cases. Illustrate your answer with at least two decided cases.
- (b) Discuss Criminal Capacity in Swaziland.

[15 MARKS]

[10 MARKS]

**[TOTAL: 25 MARKS]**

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