

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCES
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2018

TITLE OF PAPER : **CRIMINAL PROCEDURE**

COURSE CODE : **L402**

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

INSTRUCTIONS : **1. ANSWER ANY FOUR (4) QUESTIONS**
2. ALL QUESTIONS CARRY EQUAL MARKS

DO NOT OPEN THIS PAPER UNTIL PERMISSION TO DO SO HAS BEEN GRANTED BY THE INVIGILATOR

QUESTION 1

Outline the criminal jurisdiction of courts in Swaziland. In what way has the law changed since the Constitution of 2005 was passed?

(25 Marks)

QUESTION 2

Section 174(4) and Section 273 of the Criminal Procedure and Evidence Act, 1938 are the bedrock of conducting a criminal trial in accordance with the rules of fairness and respecting the rights of an accused person and that of the victim of the crime. Critically evaluate the validity of this statement. Support your answer with authorities.

(25 Marks)

QUESTION 3

Bail is a Constitutional right that is accessed within certain limitations which are considered to be in the interest of justice. Discuss those limitations and the factors that are considered when dealing with those limitations.

(25 Marks)

QUESTION 4

In the ordinary course, the Director of Public Prosecutions has an absolute discretion whether or not to institute or continue criminal proceedings, and the courts have no power to interfere with such discretion. Discuss.

(25 Marks)

QUESTION 5

Compare and contrast the law regarding review and appeal proceedings in criminal matters. Support your answer with authorities.

(25 Marks)