



**UNIVERSITY OF ESWATINI  
INSTITUTE OF DISTANCE EDUCATION  
DIPLOMA IN LAW  
FINAL EXAMINATION PAPER AUGUST 2020**

**TITLE:** CRIMINAL LAW II – SPECIFIC CRIMES IN ESWATINI

**COURSE CODE:** LAW 202

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

**TOTAL MARKS** : 100

**INSTRUCTIONS** : ANSWER QUESTION 1 WHICH IS  
COMPULSORY AND THREE ADDITIONAL  
QUESTIONS FROM QUESTION 2 TO 6.

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

## **QUESTION ONE**

Silas and David are employed at Pick'n Pay Supermarket at Mbabane. They both planned to rob the shop as they knew that the security guard was always alone and unarmed at night. One day after they had knocked off from work they pretended as if they were going to their respective homes and they hid in the nearby bush. While still hiding David was busy imbibing his J&B alcohol which he had stolen from the liquor department and he became drunk. In the middle of the night they attacked the guard, severely assaulted him with kicks and fists and tied him with a rope onto a pole and thereafter broke in to the shop and took money and some items from the shop. The guard was found dead in the morning and the cause of death was due to multiple injuries. The matter was reported to the police on the following day. The matter was also widely reported in the media. After four days the suspects sold the items to a Mbabane businessman, Mr Cole, who was the neighbor of Pick'n Pay Supermarket. One of Mr Cole's employees Dlani Ngozi reminded Mr Cole that the items are the ones mentioned in the media and advised him to hand the items to the police but instead Mr Cole gave the employee E200.00 to keep his mouth shut. Mr Ngozi accepted the money. The four individuals were eventually arrested by the police and during their arrest David told the police that he couldn't remember what actually happened on that night as he was drunk.

**Critically discuss the legal issues arising from the hypothetical case and what charges you may prefer against all the individuals involved?**

**(25 MARKS)**

## **QUESTION TWO.**

Mrs Sibeko is employed as a domestic worker in one of the farms in the Republic of South Africa. While still working there she met a 14 year old girl by the name of Sindiswa Dlomo and she told the girl that she could offer her work at home in Eswatini. She asked the girl to come to Eswatini and promised to pay her E1400.00 per month. Since Sindiswa had no passport she had to use the illegal crossings to come to Eswatini with assistance of Sibeko. When the girl arrived in Eswatini, she was subjected to abuse as she was made to sleep in the old hut without a door. The girl was not paid for a period of six months and she could not report Mrs Sibeko because she was in the country illegally. The matter was then reported to the police by one of the community caregivers. Investigations revealed that Mrs Sibeko took the girl without the consent of her parents.

**Referring to specific legislations discuss as to what crimes has Mrs Sibeko committed. (25 MARKS)**

## **QUESTION THREE**

“Actually there is no difference between Assault Common and Assault with intent to do Grievous Bodily Harm” Do you agree with this statement? Give reasons for your answer by referring to legal authorities to support your position. (25 MARKS)

**QUESTION FOUR.**

“It is very difficult for the prosecution to prove the crime of murder which had occurred between family members, friends or in a drinking spot as well as in games”. Commented one of the legal practitioners.

**Critically discuss the above statement by referring to legal authorities.**

**(25 MARKS)**

**QUESTION FIVE.**

Hlamkile Msibi is employed by the First National Bank at Mbabane as a teller. On the 22<sup>nd</sup> May 2019 she arranged with her friend Andile Mdlalose that she would transfer E100 000.00 to Andile’s account on the pretext that Andile had applied for a car loan. Andile would then withdraw the money and give it to Hlamkile who would then pay her E10 000.00 as an appreciation for using Andile’s account. Indeed Hlamkile transferred the money to Andile’s account and Andile subsequently withdrew it as planned and further gave it to Hlamkile. Hlamkile used the money to buy two cars and built some flats for rental at Mangwaneni-Mbabane. Andile used the money to built a house at Fontein- Mbabane. The bank eventually detected that the money was missing. The matter was reported to the police.

**Advise the police as to what possible charges can be preferred against both people and why?**

**(25 MARKS)**

**QUESTION SIX.**

With the aid of legal authorities briefly discuss the following:

1. Extortion (5 MARKS)
2. Fraud (10 MARKS)
3. Theft (10 MARKS)

**(25 MARKS)**