

Zimbabwe Ezekiel Guti University

Faculty of Law

Department of Public Law

November/ December 2018 Examination

MODULE NAME	:	PUBLIC INTERNATIONAL LAW
MODULE CODE	:	LLB204
DURATION	:	3HOURS <u>4 DECEMBER 2018</u>
TOTAL MARKS	:	70

Instructions

1. This examination paper consist of two sections
2. Answer one question from section A and two questions from section B
3. Students may bring into the examination room un-annotated and clean texts of
 - i. *The Constitution of Zimbabwe Amendment (No.20) Act 2013.*
 - ii. *United Nations Charter*
 - iii. *Statute of the International Court of Justice*

Copies with notes inside will not be allowed and will be confiscated.

No student is allowed to share his or her copy with another student.

Section A

Question 1

Anzania is a state in Southern Atlanta. Five years ago, an internal conflict arose between the government of Anzania and an internal political movement called “the Revolutionary fighters”. The state of Rio, a neighboring country, is known to support the Revolutionary fighters by providing financial support and arms to the Revolutionary fighters as well as providing military training to the members of the Revolutionary fighters. It has been established that the Revolutionary Fighters have participated in illegal activities such as assassinations of government officials of the state of Anzania.

In response to the support that the state of Rio provides to the Revolutionary Fighters, a group of protestors from Anzania organized a protest in front of the Rio embassy premises in Anzania. The protest turned violent and the premises of the embassy end up being seriously vandalized by the protestors. The President of Anzania endorses the actions of protestors.

1. a) Using the principles of state responsibility, discuss whether the acts of the Revolutionary fighters can be attributed to the state of Rio. Justify your answer **[15 marks]**

1. b) Advise the government of Rio on whether the act committed by the protestors from Anzania can be attributed to the state of Anzania. **[10marks]**

Question 2

Under international law, there are permissible and prohibited forms of force which are availed to State A in order to resolve a dispute with State B. Give a detailed exposition of all the instances in which the use of force can be accepted, giving practical examples. **[15 marks]**

Discuss the international law position on the use of force in laws of self-determination **(10 marks)**

Section B

Question 3

In the *Arrest Warrant case (Democratic Republic of Congo v Belgium)* of 2002, the International Court of Justice (ICJ) held that the rules on immunity of high government officials prevent other States from prosecuting such officials for violations of *ius cogens* norms. However, the Court also held that immunity from jurisdiction does not necessarily mean impunity for crimes committed.

- (i) In light of this case, discuss instances and circumstances when a person is entitled to immunity under international law but is nevertheless prosecuted for crimes committed?
[15 marks]
- (ii) Discuss the purposes of heads of state immunity in international law (10 marks)

Question 4

Discuss the debate on whether international law is really law, giving clear examples from treaty law and state practise. [10 marks]

Assess the difference between monism and dualism, using practical examples to illustrate your answer. (15)

Question 5

Mr. Peterson is a national of Zimbabwe living in Namibia. As a survival strategy, Mr. Peterson has made stealing his source of livelihood. Mr. Peterson is caught at the Botswana Border post whilst stealing from passengers aboard a South African Bus heading into Botswana.

With the aid of authoritative text and case law discuss which country has jurisdiction over Mr. Peterson and on what basis. [10 marks]

Discuss the facts of the Grace Mugabe assault case on Gabrielle Engels of South Africa and consider the basis, if any for the exercise of jurisdiction by both South Africa and/or Zimbabwe. (15 marks)

End of Examination Paper