



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICES

EXAMINATION PAPER

COURSE CODE : LLB 214
COURSE TITLE : Public International Law
DURATION : 3 Hours
LEVEL : 2.1

13 JUN 2023

INSTRUCTIONS TO CANDIDATES:

1. Answer **all** questions.
2. Notes, handouts and textbooks are not allowed into the examination.
3. Begin each answer to a full question on a fresh page.
4. You are required, to write legibly.
5. You are directed to avoid using short hand and poor grammar.
6. During the course of your answers you must refer to any relevant case law, legal principles and legislation that may be applicable.
7. No cellphones are allowed into the examination room as well as all data storing devices. Failure to comply will lead to automatic disqualification.

Question 1

In September 2022, Jane Banda, a Zimbabwean, worked as a receptionist in South Africa. During the course of her employment she connived with some armed robbers who raided her employer's premises and stole R150 000. The incident was captured on CCTV and it was clear that Jane was abetting the robbers and did not show any form of resistance. She then left with the robbers and fled to Zimbabwe. One of the robbery suspects who had remained in South Africa, was later arrested by the South African police. He then confessed to committing the crime and revealed all the names of the alleged perpetrators and accessories to the crime. South Africa then applied for an extradition order to allow Jane to be prosecuted for the alleged crime. The order was granted by the Magistrates Court in December 2022. As of date Jane has still not been extradited to South Africa and remains in custody as she awaits extradition. Jane has approached you for legal advice on the way forward. With reference to case law, advise Jane on the following:

- (i) whether the extradition order issued in favour of South Africa is still valid;
- (ii) the possibility of a discharge and the requirements thereof.

[25 marks]

Question 2

Discuss the concept of jurisdiction in light of the case of *S.S. Lotus* (France v Turkey), 1927 P.C.I.J. (ser. A) No. 10 .

[25 marks]

Question 3

Chapter V of Part I of the Articles on State Responsibility provides for Circumstances which preclude a state from responsibility. Identify and explain the possible defences. [25 marks]

Question 4

- a. Outline the circumstances under which a treaty will be void (10)
- b. With the use of examples, explain the relevance of section 327 of the Zimbabwean Constitution in relation to public international law. (15)

[25 marks]

END OF PAPER

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