



ZIMBABWE EZEKIEL GUTI UNIVERSITY
FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS
DEPARTMENT OF LAW AND LEGAL SERVICES

EXAMINATION PAPER

COURSE CODE : LLB214
COURSE TITLE : Public International Law
DURATION : 3 Hours
LEVEL : 2.1
DATE :

30 JUL 2024

INSTRUCTIONS TO CANDIDATES:

1. No cell phones are allowed in the examination venue.
2. Answer **four (4)** questions – **one (1)** from Section A and any **three (3)** from Section B.
3. The number of marks for each question or part question is shown in brackets []
4. Begin each answer on a new page.
5. **DO NOT OPEN THIS PAPER UNTIL THE INVIGILATOR INSTRUCTS YOU.**

Section A - Compulsory

Question 1

Sometime in January 1994, Ebukwe Siboyintore was involved in the genocide against the Tutsi people in Rwanda. He was also involved in crimes against humanity. Towards the end of the genocide, he managed to flee to Belgium, where he got married and had children. In the year 2018, he was extradited to Rwanda in terms of Belgium's Extradition Act and the Convention on the Prevention and Punishment of the Crime of Genocide 1948 after it was discovered that he was a suspect in the crimes committed during the Tutsi genocide. Regardless of the fact that Siboyintore has been extradited to Rwanda, he has still not been prosecuted for the crimes which he allegedly committed. As a lawyer acting in public interest, advice on the possible avenues which may be used to ensure that Siboyintore is brought to book.

[25 marks]

Section B – Answer any 3 questions

Question 2

“Former heads of state or government and certain former high ranking ministers ought to be more careful when they travel abroad, as they may potentially encounter difficulties.” Explain the validity of this assertion in light of the ruling of the International Court of Justice in the Arrest Warrant Case.

[25 marks]

Question 3

With reference to the case of *Charuma & Another v The Republic of South Africa & Another* [2018] ZWMSVHC 22, explain the factors which are considered in discharge from extradition in terms of section 33 of the Extradition Act [Chapter 9:08]. [25 marks]

Question 4

- Explain the criteria for acquisition of statehood in terms of the Montevideo Convention of 1933. [5]
- Explain whether the recognition of South Sudan by Sudan in 2011 followed the declaratory or the constitutive theory. [5]
- Discuss the key differences between the declaratory and constitutive schools in the acquisition of statehood. [15]

[25 marks]

Question 5

Laputa and Angria have been at war since September 2023. On 13 January 2024 Laputa stormed a Molvanian ship which carried humanitarian aid for Angria. At an emergency session, the United Nations Security Council called for a prompt, impartial, credible and transparent investigation conforming to international standards. Laputa responded by stating that 'Laputa is a democratic nation. Laputa has the ability and the right to investigate itself, not to be investigated by any international board.'

- a. Explain whether or not the UN Security Council is allowed to take up this matter.

[15 marks]

- b. Write short notes on the methods used by the United Nations for the pacific settlement of disputes. [10 marks]