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ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE & ECONOMICS

DEPARTMENT OF LAW & LEGAL SERVICES

EXAMINATION PAPER

MODULE CODE : LLB214

MODULE TITLE : PUBLIC INTERNATIONAL LAW

DURATION : 3 HRS

LEVEL : 2.1

DATE : 07 APR 2025

INSTRUCTIONS TO CANDIDATES:

1. Answer 4 questions. Answer all questions in Section A and any 2 from Section B.
2. Each question carries twenty-five (25) marks.
3. Number of marks for part questions are shown in brackets.
4. Start each question on a new page.
5. This paper consists of three (3) pages.
6. Answer sheets are provided.

SECTION A - COMPULSORY

Admission

Question 1

John Dombo brutally assaulted and killed his ex-girlfriend and escaped to South Africa thereafter. From the prevailing circumstances, it would seem that the murder was premeditated as John had been sending death threats to his ex-girlfriend weeks prior for dumping him. The South African authorities arrested him for illegal entry following which he was convicted and sentenced to seven years in prison. Towards the end of John's prison term, Zimbabwe started requesting for John's extradition using the provisions of the Extradition [Designated Countries] Order, 1980, SI 133 of 1990. In terms of this Statutory Instrument, South Africa is one of the countries with which Zimbabwe has an extradition agreement. Despite Zimbabwe's request for extradition and the extant treaty, South Africa has refused to honour Zimbabwe's request. Explain the basis upon which South Africa may be refusing extradition.

[25 marks]

Question 2

Assess the effectiveness of the International Criminal Court (ICC) as a judicial body.

[25 marks]

SECTION B – ANSWER ANY TWO QUESTIONS

Question 3

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 prosecutor, write an opinion on the possible avenues which may be used to ensure that Siboyintore is brought to book.

[25 marks]

Question 4

- a. Elucidate the circumstances under which a treaty will be void. **[10 marks]**
- b. With the use of examples, describe the relevance of section 327 of the Zimbabwean Constitution in relation to public international law. **[15 marks]**

Question 5

Explain the possible defences which preclude a state from responsibility as provided for in Chapter V of Part I of the Articles on State Responsibility.

[25 marks]

Question 6

A French investigating judge issued an international arrest warrant against the serving Togolese Minister of Foreign Affairs. The warrant is in respect of alleged serious violations of international humanitarian law, as well as crimes against humanity. Togo claims that this is a violation of its sovereignty and a contravention of the principle of *par in parem non habet imperium*. With reference to relevant authorities, advise on whether the Minister is entitled to immunity, even if the alleged crimes, would, even proven, amount to serious breaches of international law.

[25 marks]

Question 7

Discuss the principle of jurisdiction in international law. Refer to relevant legal authorities in your answer.

[25 marks]

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END OF PAPER