

ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICES

EXAMINATION PAPER

MODULE CODE : LLB523

MODULE TITLE : Clinical & Practical Skills Training

SPECIAL REQUIREMENTS

You may take into the examination room the following:-

- 2.1. Constitution of Zimbabwe Amendment(No. 20) Act of 2013
- 2.2. High Court Rules, 2021 (SI 202 OF 2021)
- 2.3. Constitutional Court Rules, 2016 (SI 61 of 2016)
- 2.4. Matrimonial Causes Act [Chapter 5:13]

NB The above must not be annotated in any way.

DURATION : 3 Hours

LEVEL : Part 5 Semester 2

DATE : 26 SEP 2025

INSTRUCTIONS TO CANDIDATES:

1. Answer all questions.
2. Each question carries twenty (20) marks except Question 1
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

Question 1

In both Criminal and Civil procedure the aggrieved Party has a duty to start. It is only where the aggrieved Party has established a *prima facie* case that the Accused or the Defendant as the case may be, would be expected to respond to the State case or Plaintiff's case. Outline with the aid of *locus classcus*, the option available to the Accused/Defendant in a case where the State/Plaintiff would have failed to discharge the duty reposed on it. **[25 Marks]**

Question 2

Simpson Serious Gapawu is a Miner and registered holder of a Shotgun riffle. On 24th August, 2025 he received a phone call from one of his Security personnel to the effect that some artisanal miners had unlawfully entered his mining site and got away with about Fifty Kilograms of gold ore. Simpson Serious Gapawu reacted to the report, took his Shotgun which he loaded with one round of ammunition and rushed to the Mine. Upon arrival at the Mine he got briefing from his security personnel, took on board four of his guards and followed the artisanal miners as per directions given him by the Security Personnel.

All of Gapawu's Security personnel occupied the back seat of Gapawu's Mazda CX5 while Gapawu and his first born son occupied the front seats as Driver and passenger respectively. Meanwhile Gapawu placed his cocked 12 Bore Shotgun on the back pocket of the Driver's seat as he drove along a dirty road leading into the village of the artisanal Miners. As Gapawu drive his car at a disproportionate speed one of his security personnel clung onto the Driver's seat and accidentally laid his fingers on the cocked Shotgun resulting in his being shot on the chin. The gun shot shocked all the occupants prompting Gapawu to put his vehicle to an abrupt halt.

Realizing that one of his guards was shot and profusely bleeding, he took off his shirt and bandaged the injured guards before rushing him to the nearest Health Centre. Along the way, Gapawu phoned the Police notifying them of the misharp and that he was taking the injured to Howard Hospital. On arrival, the injured Guard is pronounced dead.

Required: -

- a) As a Public Prosecutor draft the charge(s) applicable to Gapawu specifying the Section(s) contravened. **[10 Marks]**
- b) As Counsel for the Accused, draft the Accused's Defence Outline. **[10 Marks]**

Question 3

Ran Mine is a registered commercial entity in terms of the laws of Zimbabwe operating in Bindura, On 15th February, 2025 one of its Agitator tanks containing approximately Seventy-five kilograms of Cyanide exploded due to a faulty pressure gauge. Due to the explosion, cyanide spilled into Chipadze Wetlands. The situation is made worse as Bindura received heavy rains that same evening before the Mine authorities had attended to the spilled Cyanide leading to contamination of underground water in most of Bindura High Density suburbs of Chipadze, Chiwaridzo and Mupandenyama. Ran Mine authorities chose to down play the cyanide spillage but engaged Bindura Municipality offering to setup temporary Health Centers in and around the affected suburbs. A month later, Bindura Municipality's Chipadze Clinic received an overwhelming number of suspected Cholera cases. A local Councilor in the affected area has approached you in the Legal Aid Clinic at ZEGU for guidance on the matter for and on behalf of residents. In light of Ran Mine's corporate social responsibility and the Municipality's role of promoting sustainable development and provision of safe drinking water against recognized modes of dispute resolution, draft an opinion for and on behalf of Combined Bindura Residents Association on option(s) available to the Combined Bindura Residents Association but in a less costly manner.

[20 Marks]

Question 4

Mr Dexter Dzuda is a well-known ZANU PF Party member and a beneficiary of Zimbabwe's much debated Land Reform program of year 2000. In preparation for his retirement from active politics, he has sought deployment to the Zimbabwe Human Rights Commission. You are presiding over interviews of the aspiring Commissioners Discuss the propriety of Dexter Dzuda's appointment in the Zimbabwe Human Rights Commission.

[20 Marks]

END OF QUESTION PAPER