



***“Investing in Africa’s future”***

**COLLEGE OF BUSINESS, PEACE, LEADERSHIP & GOVERNANCE**  
**NPHR504: INTERNATIONAL CRIMINAL LAW & TRANSITIONAL JUSTICE**  
**END OF SECOND SEMESTER EXAMINATIONS**  
**APRIL 2022**  
**LECTURER: DR. L. SITHOLE**  
**DURATION: 3 HOURS**

**INSTRUCTIONS**

You are required to answer **3 questions** in total.

**Section A** is **compulsory**.

Answer **any 2 questions** from **Section B**.

You have **3 hours** to complete the exam.

You are allowed to bring un-annotated copies of the Rome Statute of the International Criminal Court.

## **SECTION A**

### **Question 1**

Mayo, an international manufacturer of trucks, notices with growing concern that its trucks are heavily used in Myanmar to transport military troops that are used against peaceful demonstrators to suppress protests against the military coup. Several innocent civilians are beaten up or even shot dead. In this tense situation, the company receives a new order from the military in Myanmar. The CEO of Mayo is worried about legal consequences for her or the company.

You are the Human Rights and Peace Officer of Mayo. The CEO asks you for advice regarding her or the company's criminal liability under the Rome Statute. Mayo is incorporated in an ICC state party.

*Write a report in which you clearly state all the relevant issues arising from the given scenario. Refer to relevant cases and provisions of the Rome Statute.*

**[50 marks]**

## **SECTION B**

### **Question 2**

Explore the nature, scope and competence of Gacaca courts in Rwanda, and their contribution in international criminal justice in Rwanda. **[25 Marks]**

### **Question 3**

With specific reference to African cases, and other important cases, highlight the major weaknesses of the state cooperation regime and the impact of these weaknesses to the fight against impunity. **[25 Marks]**

**Question 4**

Discuss the two major theories of punishment in international criminal law.

**[25 Marks]**

**Question 5**

Identify the major misgivings or objections by Africa, expressed through the AU against the ICC since 2008. Consider these objections and comment on their weight, reasonableness or lack thereof.

**[25 Marks]**

**END OF EXAMINATION**

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