



***“Investing in Africa’s future”***

**SCHOOL OF LAW**

**NLLB532: INTERNATIONAL CRIMINAL LAW**

**END OF SEMESTER EXAMINATIONS**

**NOVEMBER 2024**

**LECTURER: DR. L. SITHOLE**

**DURATION: 3 HOURS**

**INSTRUCTIONS**

Answer **Four questions**

**Question 1 is compulsory.**

You have **3 hours** to complete.

You are encouraged to provide appropriate references where necessary in your work.

You are allowed to bring unannotated copies of the Rome Statute.

## QUESTION 1

### **This question is compulsory**

Mr. Piki is a national of Zembaro. During the period of 2015-2018, he was a general of Zembaro's army, and was in charge of Zembaro's troops in the border area with Jokonya State. In 2016, during the military operation restore order, Mr. Piki authorised and directly controlled an invasion into the territory of Jokonya. The operation resulted in an overwhelming victory for Zembaro. However, reports soon surfaced showing evidence that many crimes were committed during the operation, including torture, sexual violence, murder, illegal deportations, and usage of expanding bullets.

In 2017, in part due to his military success, Mr. Piki was elected the leader of a major political party, which went on to win the parliamentary elections. Mr. Piki became the Prime Minister of Zembaro. He continues to hold this post until today. Jokonya initiated domestic criminal investigations against Mr. Piki in 2016, which were suspended when he became the Prime Minister of Zembaro. Jokonya ratified the Rome Statute of the International Criminal Court in 2001. Zembaro is not a state party to the Rome Statute.

In light of the above, answer the following questions:

- a. Does Mr. Piki enjoy immunity before Jokonya's domestic courts, and if yes, what type of immunity, and from which moment in time? **[10 Marks]**
- b. Does the International Criminal Court have jurisdiction over the crimes allegedly committed by Mr. Piki? In your answer, specify the material and personal (*materiae* and *personae*) jurisdiction. **[20 Marks]**
- c. Does Mr. Piki enjoy immunity before the International Criminal Court? Justify your answer. **[10 Marks]**

## QUESTION 2

The international community has condemned Russia's "excessive use of force leading to the killing and injuring of civilians as a result of its attacks on Ukraine". Can the attacks that have taken place be classified as "internal

armed conflict” or “international armed conflict?” Discuss this statement with reference to relevant case law and conventions. **[20 Marks]**

### **QUESTION 3**

Discuss the role of the International Criminal Court in prosecuting international crimes. Consider its jurisdiction, the principle of complementarity, and any challenges it faces in enforcing its judgments.

**[20 Marks]**

### **QUESTION 4**

Alrenzo is accused of historical child abuse offences. The legal definition of the crimes he may have committed has changed since the time of the alleged offences so, under the current law, he could be charged with more serious offences than were open to prosecutors at the time of the offences.

With reference to relevant examples, write a brief on the effect of Articles 7 and 24 of the Rome Statute on the decisions that must be made regarding the offences to prosecute.

**[20 Marks]**

### **QUESTION 5**

Identify one international crime and discuss, with reference to case law and relevant provisions of the Rome Statute, its core elements.

**[20 Marks]**

**END OF EXAMINATION**