



KENYATTA UNIVERSITY

EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 300: PUBLIC INTERNATIONAL LAW

1ST SEMESTER 2021/2022

TIME: 2 HRS

INSTRUCTIONS

1. Answer question **ONE** and any other **TWO** questions. Penalties accrue for failure to answer question **ONE**
2. Support your answer with relevant illustrations from case law, statutory provisions and any other references
3. Your writing must be **NEAT** and **LEGIBLE**
4. Your answer booklet must bear your assigned **REGISTRATION NUMBER**, both on the cover and every written page therein
5. Do not scribble or draft answers on the inner or outer cover pages or your question paper
6. Do not write anything except your **REGISTRATION NUMBER** on this question paper
7. **All** Kenyatta University Examinations rules apply as if they were contained herein

QUESTION 1

The dictatorial regime of President Doom of the Republic of Kwetu was toppled by a combined force led by General Fujo, former royal guards and the secessionist Kwetu People's Army. The new government of General Fujo constituted a Truth and Reconciliation Commission to look into the serious crimes committed under President Doom's regime. After the hearings, the Commission recommended that an amnesty law be passed to cover even those involved in mass killings of members of indigenous groups who opposed President Doom. International human rights groups argued that the proposed amnesty law is contrary to international law.

Following the enactment of the amnesty law by the Kwetu Parliament, violent protests erupted in various parts of Kwetu. The Kwetu Defence Forces were deployed to various violence hot spots where they used lethal force in quelling the protests. Ms. Mjuaji, a photojournalist from the United States of Udaku, was covering the violent protests. Despite warnings given by the Cabinet Secretary for Internal Security to foreigners, especially journalists, Ms. Mjuaji moved

around the country, documenting the protests. In the course of her coverage, she was killed with a stray bullet which was later identified as having come from the protestors. Mjuaji's husband sought relief from Kwetu but was refused assistance and he is now appealing to the United States of Uduku for assistance.

As the government of General Fujo continued to crack down on the protests, the level of violence from both sides escalated. Two nationals of the Republic of Kwetu met in a border town in the People's Republic of Shauri. They decided to plant an explosive device on a commercial aircraft that was carrying members of General Fujo's cabinet. The aircraft belonged to an airline registered in the United Kingdom of Buriani. The device was planted in the Kichakani Islands, and it exploded over the airspace of the Democratic Republic of Haiya. In addition to the cabinet members from Kwetu, those killed included nationals of Buriani, Kichakani, Shauri, and Uduku.

- a) Discuss the legality of the amnesty law. (10 marks)
- b) Advise Ms. Mjuaji's husband on the available remedies under international law. (10 marks)
- c) Discuss the applicable principles of international law in the bombing of the aircraft. (10 marks)

QUESTION 2

Continental efforts in preventing and combating terrorism have a long history. These efforts culminated in the 1999 OAU Convention on the Prevention and Combating of Terrorism adopted by the 35th Ordinary Session of the OAU Summit, held in Algiers, Algeria, in July 1999. The Convention entered into force in December 2002 and Kenya ratified the same in 2001.

An additional Protocol to the 1999 Convention on the Prevention and Combating of Terrorism was adopted by the 3rd Ordinary Session of the Assembly of the Union, held in Addis Ababa in July 2004. The Protocol will enter into force following the deposit of the 15th instrument of ratification.

Explain whether Kenya, when ratifying the second treaty, would use a different process than when it ratified the first treaty. (20 marks)

QUESTION 3

Critically evaluate the extent to which the perspectives of the Third World Approaches to International Law accurately reflect the realities of international relations. (20 marks)