



KENYATTA UNIVERSITY
UNIVERSITY EXAMINATIONS 2018/2019
SECOND SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR
OF LAWS

LIL 403: INTERNATIONAL CRIMINAL LAW

DATE: Tuesday, 9th April 2019

TIME: 12.00pm - 2.00pm

INSTRUCTIONS:

- 1) Answer question ONE and any other TWO questions
- 2) You will be penalised for failing to answer question One
- 3) Support your answer with relevant case law, statutes and any other Relevant references
- 4) Write neatly and legibly
- 5) Your answer sheet must bear your student registration number

QUESTION 1

The course of International criminal justice has been charted mostly, if not wholly, by wars, and especially the wars of the 20th Century. This is indicated by the institutions that have been set up, the principles that have emerged and most of all, the perception of what International criminal justice is, and what it is not.

Analyze the above statement.

(30 Marks)

QUESTION 2

There is a distinction between the principles of criminality under International Criminal Law and domestic criminal law.

In light of the above statement:

- a) Provide an overview of the principles of International Criminal Law. **(15 Marks)**
- b) What role does superior responsibility play when it comes to international criminal justice? **(5 Marks)**

QUESTION 3

While the International Criminal Court (ICC) plays an important role in international criminal law, it should not be seen as the sole and primary alternative.

Discuss the above statement noting to give the alternatives of enforcing International Criminal Law. **(20 Marks)**

Question 4

The core crimes of International criminal law have faced contestations of legitimacy from as far as the Nuremberg trials. However, there are certain contestations that the acts constituting core crimes are criminalized under different nomenclature in virtually every country.

Discuss the characteristic features that make the constituent acts of each of the core crimes to be labeled 'international crimes'.
(20 Marks)

QUESTION 5

Write explanatory notes on the following:

- a) The Eichmann Trial and its link to International Criminal Law (10 Marks)
- b) Violations of Common Article 3 of the Geneva Conventions and Additional Protocol II, and their relation to International Criminal Law. (10 Marks)