INSTRUCTIONS

1. Students are requested, in their own interests, to write legibly.

2. This paper consists of THREE (3) pages. Please ensure that you have all the pages.

3. Answer all questions.

4. Refer to case law where applicable.
QUESTION 1

The residents of the town Goingon, located on the western border of KwaZulu-Natal, are distressed by the news that in the light of new provincial boundaries being drawn, their town is to be incorporated into the Free State by the end of the year. Protests are planned under the auspices of the Committee Opposed to Free State Incorporation (COFI). After a statement by the Minister that the process could not be reversed, COFI organizes a protest march, which soon turns violent. Shop windows are smashed and piles of car tyres are burnt in the streets. When the Deputy minister arrives to address the gathering, the protestors take her into custody, stating that she is safe, but will only be released when the National Government is prepared to ‘take our demands seriously’. Apart from kidnapping and malicious injury to property (which need not be discussed), what possible criminal charges do the protestors face?

[Total Q1: 20 Marks]

QUESTION 2

(a) What conduct can result in defeating or obstructing the course of justice?

[12 Marks]

(b) Explain how use of a cell phone in court can give rise to criminal liability?

[8 Marks]

[Total Q2: 20 Marks]
QUESTION 3

(a) Set out the requirements for a contravention of s63 of the National Road Traffic Act 93 of 1996, taking care to distinguish between reckless and negligent driving.

[10 Marks]

(b) Discuss the significance of the ‘Teddy Bear’ case (Teddy Bear Clinic; Rapcan v Minister of Constitutional Development [2013] ZAGPPHC 1) with regard to child sex offences.

[10 Marks]

[Total Q3: 20 Marks]

QUESTION 4

(a) In the Zimbabwean case of S v Dimuri 1999 (1) SACR 79 (ZH), the accused persons appealed against a conviction of kidnapping, after having forced the driver of a bus to depart 20 kilometres from his intended route. This followed the 13 accused boarding the bus, assaulting the conductor and breaking some window-panes. The appeal was successful.

(i) The case ultimately turned on the lack of proof of intention of the accused. What is the requirement in respect of intention for kidnapping liability?

[2 Marks]

(ii) Would the conduct of the accused be regarded as kidnapping in South African law? In answering this question, address yourself to the element of deprivation of liberty.

[9 Marks]

(b) When does a conditional threat give rise to assault?

[4 Marks]

[Total Q4: 15 Marks]

TOTAL FOR PAPER: 75 MARKS