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 of the pages.

3. Answer ALL questions.
QUESTION 1

The definition of the crime of aggression has its roots in Nuremberg precedent, which effectively shifted the subject of international law from the state to the individual by declaring, "[c]rimes against international law are committed by men, not by abstract entities and only by punishing individuals who commit such crimes can provisions of international law be enforced." Discuss this statement in light of the Special Working Group on the Crime of Aggression’s proposals as well the Resolution 6 (2010) of the Kampala Outcome.

(25 marks)
QUESTION 2

On 23 January 2009 fighting broke out in the Democratic Republic of the Congo between anti-government rebel groups and the government. The uprising can be attributed to the following factors:

1) Large groups of the Christian population had been murdered;
2) 5000 women had been raped; and
3) Members of the anti-government rebel group had “disappeared”

The National Prosecuting Authority is tasked with bringing prosecutions in respect of these crimes. Discuss the potential for such a prosecution. Your answer should include a discussion of:

(i) the types of crimes that could be investigated;

(ii) which type of jurisdiction can be relied on to institute a prosecution.

(25 marks)

QUESTION 3

The United Nations Secretary General has been quoted as condemning Israel’s “excessive use of force leading to the killing and injuring of civilians as a result of Israeli attacks on the Gaza strip”. Can the attacks that take place be classified as “internal armed conflict” or “international armed conflict?” Critically discuss this statement with reference to relevant case law and conventions.

(25 Marks)

(TOTAL FOR PAPER: 75 MARKS)