QUESTION 1

Mr Kongor Taha who is a national of Sudan, is a fugitive in Cape Town. He is wanted by the FBI for a number of international terror attacks on state buildings and the American Embassy in Sudan. If extradited to the United States and convicted of the charges, he could face the death penalty.

Advise the Minister of Justice on the factors that may obstruct his extradition to the United States with reference to relevant case law.

(20 marks)

QUESTION 2

You are approached by a group of Tsutsis who fled Rwanda on the basis that their families have been killed by Hutus. The Hutus have subjected them to torture for being an inferior race. Most of the offences against them have been committed by children around the age of 11 years.

They seek advice on what International Crimes, if any, have been committed against them.

(20 marks)
QUESTION 3

“The Convention is a major achievement. It represents the will and determination of African States and peoples to address and resolve the problem of internal displacement in Africa” Dr Chaloka Beyani, UN Special Rapporteur on the Human Rights of Internally Displaced Persons, 23 October 2010.

Critically discuss to what extent, if any, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) is effectively accomplishing these goals.

(20 marks)

QUESTION 4

The Libyan President (President Gaddafi) has decided along with his government that he is unhappy with the interference of the NATO coalition states within his territory and wants to wage war against them. He also wants to use chemical and biological weapons for a quick victory.

Advise President Gaddafi whether he can wage such a war by critically discussing with him the rules of International Humanitarian Law, taking into account the rules of jus ad bello.

(20 marks)