



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS

**FOURTH YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2021/2022
(FEBRUARY - JUNE, 2022)**

LLBK 422: INTERNATIONAL CRIMINAL LAW

STREAM: LLBK 4 S2

TIME: 2 HOURS

DAY: MONDAY, 9:00 – 11:00 A.M.

DATE: 23/05/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

Mrs. Okwemba Odera is a widow aged 65 years and hails from the minority Odanga Community residing in Busia County in the Republic of Kenya. The Odanga Community has experienced sporadic attacks from the majority Makelele community. Makelele community has always targeted the Odanga community for elimination on account of their minority status and their unmatched business enterprising skills.

For no justifiable cause, during the night 24th February, 2022, a gang of people suspected to be from the Makelele Community attacked Mrs. Okwemba Okwemba's residence, and in the process, they broke down the doors of her humble dwelling, burnt the food stores and severely injured her. The group accused her of being a witch.

Mrs. Okwemba Odera maintained her innocence that she was not a witch. She lost all her possessions as a result of this brutal attack. When the gang got wind that they were being sought by the security forces, they crossed the border into the Republic of Uganda.

The Odanga Community is now seeking legal redress on behalf of their kin; and they have approached you for your expert advice as an International Criminal Law Lawyer.

State your considered legal Advice on the approach to the issues and the reasons thereof. **[30 Marks]**

QUESTION TWO

Explain the reasons behind the non-prosecution of the perpetrators of the Kenya 2007 Post-Election Violence. **[20 Marks]**

QUESTION THREE

Summarize the factors behind the setting up of the International Criminal Court as per the Rome Statute. **[20 Marks]**

QUESTION FOUR

State the principal Crimes as defined in the Rome Statute. **[20 Marks]**

QUESTION FIVE

In their Moot Session, Kisii University School of Law students under the auspices of their Association made recommendation that President Robert Mugabe and Yoweri Museveni be prosecuted for the atrocities they committed while in office. As a student of International Criminal Law; discuss the possibility or impossibility of this recommendation. **[20 Marks]**