



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

FOURTH YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2023/2024
(JANUARY-APRIL, 2024)

LLBK 422: INTERNATIONAL CRIMINAL LAW I

STREAM: Y4 S2

TIME: 2 HOURS

DAY: WEDNESDAY, 9:00 – 11:00 A.M.

DATE: 03/04/2024

INSTRUCTIONS

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

QUESTION ONE

In the case *Prosecutor v Jean-Paul Akayesu*, Case No ICTR-96-4-T the Court found that: “[T]here is no doubt that considering their undeniable scale, their systematic nature and their atrociousness, the massacres were aimed at exterminating the group that was targeted. Many facts show that the intention of the perpetrators of these killings was to cause the complete disappearance of the Tutsi.”

- a). Discuss the circumstances under which killing could amount to the crime of Genocide in international law. (10 Marks).
- b). Explain the circumstances under which murder could amount to crime against humanity in international law. (10 Marks).
- c). Discuss under which circumstances willful killing could amount to war crime in international law. (10 Marks).

QUESTION TWO

Because of its dependence on state co-operation, it is impossible for the international Criminal Court to Achieve its aspirations. Critically discuss this statement. (20 marks).

QUESTION THREE

Comment on this claim: “The ICC’s activities have been too much focused on the African continent; the involvement there represents a form of legal imperialism.” (20 Marks).

QUESTION FOUR

In the Case, *Prosecutor v Ratko Mladic, Case No.: MICT-13-56-A*, The Appeals Chamber after having found that the assessment of the impact that the destruction of Muslims would have had on the overall survival of such group, individually as well as cumulatively formed “a relatively small part” thereof not sufficiently substantial to have an impact on the group’s overall survival. For which crime could have the Court found the accused guilty? Support your answer by relevant authorities. (20 Marks)

QUESTION FIVE

With respect to its provisions about complementarity, to what extent does the Rome Statute strive to sufficiently balance the interests of States and that of the International Criminal Court? (20 Marks).