



**KISII UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**

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

**LLBK 412: INTERNATIONAL CRIMINAL LAW**

**STREAM: Y4 S1**

**TIME: 2 HOURS**

**DAY: FRIDAY, 11:30 – 1:30 P.M.**

**DATE: 22/07/2022**

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**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**

Mr Miguna is a prominent politician in Kenya. By virtue of being a Kenyan citizen, he was duly issued with a Kenyan passport by the department of immigration under the jubilee administration.

Mr Miguna later turned out to be a fierce critic of the jubilee administration's policies in fighting corruption to the extent that he was stripped off his citizenship. Miguna viewed this Kenyan government action as a real threat to his life; and this compelled him to escape to the neighboring republic of Tanzania through a non-designated border crossing point.

In retaliation to Miguna's escape, the director of public prosecutions in Kenya instituted criminal charges at the chief magistrate court alleging that Miguna was liable for a charge of motor vehicle. Miguna has dismissed the said charges of theft of motor vehicle as a fabrication.

Upon his arrival in Tanzania, Miguna applied for asylum due to the perceived threat to his personal life and safety. The attorney general of Kenya has now applied to Tanzanian authorities seeking for orders to have Miguna repatriated to Kenya to face prosecution for theft of a motor vehicle.

Mr Miguna has now approached you for advice as a Legal Counsel specialized in matters relating to international immigration and refugee law.

Advice Miguna on his rights in the light of the 1951 United Nations Convention relating to the Status of a Refugee on the issues of :-

- a) Doctrine on non-refoulement. [20 marks]
- b) Refugee status. [10 marks]

## **QUESTION TWO**

Discuss the meaning of the following terms in the study of immigration and refugee law:-

- i) An Asylum Seeker. [5 marks]
- ii) An Internally Displaced Person. [5 marks]
- iii) A Stateless Person. [5 marks]
- iv) An Illegal Immigrant. [5 marks]

## **QUESTION THREE**

Analyze the circumstances under which a person can become a citizen of Kenya in terms of the provisions of the Constitution of Kenya, 2010 and the Kenya Immigration Act Cap.170 Laws of Kenya. [20 Marks]

## **QUESTION FOUR**

Explain the reasons why Refugees need Recognition and Protection in terms of International Refugee Law, and the Refugee Act, 2006 Laws of Kenya [20 marks]

## **QUESTION FIVE**

Describe the Pull and Push factors of Migration. [20 Marks]