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PAPER 1 SECTION A (THE LEGAL SYSTEM) REVISION

*Criminal Law Lecture by Attorney Gemy Festin Dean of PUP*

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Articles 1-3 of the Revised Penal Code (Criminal law and Jurisprudence)**Introduction to Criminology- Lesson 1**

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LAW QUESTION AND ANSWER Criminal Law VIDEO

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Discuss and describe the presumption of innocence applied  
in the law of criminal procedure. Criminal procedure does not

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deal with the detection, investigation and prosecution of criminals, but of suspects (not yet charged) and Accused (charged). The presumption of innocence & legal guilt: Due to the Presumption of innocence every person is innocent until:- Convicted by a court of law in ...

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1. The law on attempted crime reflects conflicting justificatory rationales and has been clouded by unclear legislation and inconsistent case law. Discuss. 2. The law relating to consent

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in sexual offences is unfair. Critically discuss. 3. The law relating to aiding and abetting a crime is confused. Critically discuss. 4.

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Issues – Outline the issues that you are going to discuss

Rules – Define the legal rules that are relevant to the question

Application – Apply the legal rules to the facts of the question

(this is the hard part!) Conclusion – Usually in the form of an advice to your hypothetical client.

## **Model Exam (Criminal Law) - Lawskool**

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South Africa, the power house of the African continent, as well as Germany, Europe's largest economic power, are faced with an intricate maze of international obligations, whether related to the United Nations, the World Trade Organization, the African Union or the European Union (EU), international human rights law, international humanitarian law, or any other sub-regime of international law. The two



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countries are in a different position when facing the implementation of this maze of obligations. South Africa is a developing economy that faces various capacity challenges which, at times, also impact the manner and extent to which it implements its international treaty obligations. Germany, on the other hand, benefits from comparatively well-funded institutes of international law and a well-trained academic community, which have contributed to the successful implementation of much of international law. But as the relevant chapters in this volume show, the German case is not without its own complexities. As a result, an exchange of ideas and experiences pertaining to the implementation of international obligations can prove fruitful for both countries. Moreover, such an exchange could also serve as a useful

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point of departure for other countries in Southern Africa that face similar challenges in relation to implementation. The current book explores suitable techniques of implementation of international law, by comparing South Africa with Germany. After a general overview of the status of international law within Germany and South Africa respectively, it focuses on the implementation of international instruments pertaining to key sub-areas of international law in the two countries. These include the United Nations Charter (peace and security), the international law of the sea, international economic law, international environmental law, international human rights law, international criminal law, regional integration, and the status of international judicial decisions before domestic courts.

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Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides a practical analysis of criminal law in South Africa. An introduction presents the necessary background information about the framework and sources of the criminal justice system, and then proceeds to a detailed examination of the grounds for criminal liability, the justification of criminal offences, the defences that diminish or excuse criminal liability, the classification of criminal offences, and the sanctions system. Coverage of criminal procedure focuses on the organization of investigations, pre-trial proceedings, trial stage, and legal remedies. A final part describes the execution of sentences and orders, the prison system, and the extinction of custodial

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sanctions or sentences. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for criminal lawyers, prosecutors, law enforcement officers, and criminal court judges handling cases connected with South Africa. Academics and researchers, as well as the various international organizations in the field, will welcome this very useful guide, and will appreciate its value in the study of comparative criminal law.

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This book deals with the historic transition to democracy in South Africa and its impact upon crime and punishment. It examines how the problem of crime has emerged as a major issue to be governed in post-apartheid South Africa. Having undergone a dramatic transition from authoritarianism to democracy, from a white minority to black majority government, South Africa provides rich material on the role that political authority, and challenges to it, play in the construction of crime and criminality. As such, the study is about the socio-cultural and political significance of crime and punishment in the context of a change of regime. The work uses the South African case study to examine a question of wider interest, namely the politics of punishment and race in neoliberalizing regimes. It provides interesting and

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illuminating empirical material to the broader debate on crime control in post-welfare/neoliberalizing/post transition polities.

This title is part of an established Series which introduces various legal systems of the world. It provides an authoritative and accessible overview of the main branches of South African public, private and commercial law. Offering insight into the rich system of South African law, this title will be of particular interest to the international legal community. The South African legal system has not only developed fascinating mixtures of civil law and common law rules over more than a century, but has also experienced a post-apartheid South Africa. Of particular interest is the way in which so many branches of law have been infused by basic

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constitutional values. Many of the contributors have published work in their own fields and have considerable experience of presenting their subject matter in a broader comparative perspective. The succinct and balanced nature of the contributions makes this title attractive to a wide audience of academics, students and practitioners with an interest in this remarkable legal system.

In the past twenty years, international criminal law has become one of the main areas of international legal scholarship and practice. Most textbooks in the field describe the evolution of international criminal tribunals, the elements of the core international crimes, the applicable modes of liability and defences, and the role of states in prosecuting

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international crimes. The Oxford Handbook of International Criminal Law, however, takes a theoretically informed and refreshingly critical look at the most controversial issues in international criminal law, challenging prevailing practices, orthodoxies, and received wisdoms. Some of the contributions to the Handbook come from scholars within the field, but many come from outside of international criminal law, or indeed from outside law itself. The chapters are grounded in history, geography, philosophy, and international relations. The result is a Handbook that expands the discipline and should fundamentally alter how international criminal law is understood.



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