

NATIONAL UNIVERSITY OF LESOTHO
FACULTY OF LAW
LL.B SUPPLEMENTARY EXAMINATION
L3304 – PRINCIPLES OF PUBLIC INTERNATIONAL LAW

AUGUST 2023

MARKS: 100

TIME: 3 HOURS

INSTRUCTIONS

1. This paper contains six (6) questions.
2. You are required to answer any **FOUR (4)** questions.
3. All questions carry equal marks.

QUESTION 1

Jurisdiction over people and property is a vital part of state sovereignty. A major debate within international law is whether a state by universal jurisdiction can try persons who have committed international crimes elsewhere.

Discuss the five (5) main types of jurisdiction that arise in international criminal jurisdiction.

[25 MARKS]

QUESTION 2

Define the following terms:

- | | |
|-------------------------|----------------|
| a. <i>Jus ad bellum</i> | 5 Marks |
| b. <i>Jus cogens</i> | 5 Marks |
| c. <i>Opinio juris</i> | 5 Marks |
| d. Self - determination | 5 Marks |
| e. Genocide | 5 Marks |

[25 MARKS]

QUESTION 3

State Responsibility is concerned with collective responsibility that the state bears for a conduct contrary to international law, performed by a state official or organ of state. It is common cause that in any legal system, there must be liability for failure to observe obligations imposed by its rules.

With the aid of decided cases, discuss the nature of State Responsibility.

[25 MARKS]

QUESTION 4

Critically discuss the scope of Diplomatic Immunity in Public International Law. **[25 MARKS]**

QUESTION 5

His Excellency (H.E.) Pain was removed from office as President of Zomba by the army and judiciary of Zomba. Subsequently, elections were held and President, H.E. Happy was elected. A large Zomba community supporting H.E. Pain lives in Lesotho. This community disagrees with the removal of H.E. Pain from office and with the outcome of the recent election. As a response, they have been demonstrating peacefully in front of the Zomba Embassy for 5 days. The police have been monitoring the demonstrations. However, at one point the crowd becomes violent and they manage to enter the premises and cause substantial damage. A day later, the Lesotho authorities issued a statement acknowledging the actions of the protesting Zomba community and announced that they had decided to send extra forces to the Embassy to stop the violence and arrest the protesters.

Can Lesotho be held responsible under international law for the damage caused to the Zomba Embassy? **[25 MARKS]**

QUESTION 6

In the case of *Ker v Illinois* 119 US 436 (1886), the US Supreme Court held that mere irregularities in the manner in which Ker was brought into the custody of the law did not entitle him to escape prosecution. The Court upheld

its jurisdiction, stating that the proper remedy for the breach of international law was at the diplomatic level, and the physical presence of the accused before the Court, no matter how he had been brought there, sufficed to validate the proceedings.

In the light of the Ker case, critically discuss the concept of the illegal apprehension of suspects and the exercise of jurisdiction.

[25 MARKS]