



**PROGRAM:** LL.B  
BA (LAW)  
BCOM (LAW)  
BA (INTERNATIONAL RELATIONS)

**MODULE:** **PUBLIC INTERNATIONAL LAW**

**CODE:** **INL41AO**

**DATE:** SSA EXAMINATION

**DURATION:** 4 HOURS

**VENUE:** ONLINE

**DATE:**

**SUBMISSION:** BLACKBOARD

**TOTAL MARKS:** 60

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**EXAMINER:** PROF MR PHOOKO

**INTERNAL MODERATOR:** DR S NCUBE

**EXTERNAL MODERATOR:** DR FD MNYONGANI

**NUMBER OF PAGES:** 4 PAGES

**INSTRUCTIONS TO CANDIDATES:**

- The semester test paper will be placed on Blackboard, and you must then download it.
  - Your answers to the questions must be typed in or written out on a separate document.
  - You must then submit your answer script on Blackboard.
  - You may e-mail it to [rphooko@uj.ac.za](mailto:rphooko@uj.ac.za) if you experience any challenges during the submission process.
  - Your script may be typed or written out and photographed; we are sensitive to technological issues students may experience, and are therefore flexible in this regard.
  - Please indicate very clearly which questions you are answering.
  - Plan your answers carefully: the mark allocation for a specific question will give you an idea as to the level of detail expected in your answer.
  - The semester test will be an open-book: you may therefore use prescribed study material to substantiate your answers. When quoting directly from a source, place it in quotation marks.
  - You may NOT get assistance from fellow students or communicate answers to one another. Please take note that the Law Faculty takes a zero-tolerance approach to plagiarism, sharing of exam answers, or unauthorised assistance by anyone else in writing the semester.
  - Your answers will be tested for plagiarism in general and in respect of the answers of other students.
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**QUESTION ONE**

What is your understanding of state sovereignty post-1945?  
(10)

**[10]**

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**QUESTION TWO**

Critically discuss whether Somaliland satisfies the criteria for statehood required under contemporary international law. Your answer **should NOT** exceed two pages. (15)

[15]

**QUESTION THREE**

Differentiate between the following:

4.1. Extradition, deportation and disguised extradition. (9)

[9]

**QUESTION FOUR**

2. What is the effect of South Africa's decision to do the following?

- (i) Only signing a treaty (2)
- (ii) Signing and ratifying a treaty (2)

Your answers should make reference to the relevant applicable law and decided cases.

[4]

**QUESTION FIVE**

***National Commissioner of the South African Police Service v South African Human Rights Litigation Centre and Others 2015 (1) SA 315 (ZACC)***

'On 30 October 2014 the Constitutional Court of South Africa (CC) handed down a judgment on an appeal from the National Commissioner of the South African Police Service in National Commissioner of the South African Police Service v South African Human Rights Litigation Centre and Others (hereinafter the 'judgment'). The Court confirmed the decision of the Supreme Court of Appeals (SCA) in National Commissioner of the South African Police Service v South African Human Rights Litigation Centre. The case concerned the investigative powers and obligations of the National Prosecuting Authority (NPA) and the South African Police Service in relation to alleged crimes against humanity (wide-spread torture) perpetrated by Zimbabwean nationals in Zimbabwe. It involved a consideration of the Implementation of the Rome Statute of the International Criminal Court Act 27 of

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2002 (hereinafter the 'ICC Act'). Put differently, the case concerned the exercise of jurisdiction by a South African domestic court (and the logically antecedent exercise of investigative powers by the relevant authorities) over allegations of crimes against humanity – in particular, the crime of torture – committed in another country. The court ordered that the SAPS, indeed, are empowered to investigate the alleged offences, irrespective of whether or not the alleged perpetrators are present in South Africa and, more importantly, that there was a duty on South African authorities to do.'

Tladi, D & Bradley, M 'National Commissioner of the South African Police Service v South African Human Rights Litigation Centre and Others 2015 (1) SA 315 (ZACC)' (2014) *South African Yearbook of International Law* 137-143.

5.1 Define the concepts of monism and dualism in international law, and explain which approach South Africa followed in adopting the Implementation of the Rome Statute of the International Criminal Court Act 27 of 2002 (hereinafter the 'ICC Act'). Provide motivation for your answer, and refer to the relevant Constitutional provision. (10)

[10]

### QUESTION SIX

Sim Khabo is a graduate of the Faculty of Law, University of Johannesburg. She has been appointed as a Minister of International Relations and Cooperation for the past 10 months. After the reopening of border that were closed due to COVID-19, she went to Zambia on vacation. Whilst there, she met the Minister of Justice from Zambia. The two ministers concluded a verbal agreement about an exchange programme for law students. Sim posted on her Twitter page indicating that the said agreement would be implemented within one day of her return to South Africa.

In light of the above, answer the following question: is the verbal agreement valid? Substantiate your answer. Your answer **should NOT** exceed one page. (12)

[12]

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**TOTAL:**

**[60]**

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