



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

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JANUARY – APRIL 2022

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FACULTY OF LAW

REGULAR PROGRAMME

CLS 120: CRIMINOLOGY

Date: APRIL 2022

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any Other TWO Questions

Q1. Iman and Jamal met at university when they were undertaking their studies and struck up a relationship. Jamal is a refugee and grew up in the war-torn Republic of Zaio. When he was only 6 years old, his parents were tortured and killed by the ruling government soldiers. He was co-opted to be a child soldier in the Liberation of Zaio army (LIZ) and was given advanced weapons and combat training. Eventually the LIZ were defeated and Jamal ran away to Kenya as a refugee.

Iman is a Kenya citizen and has grown up in a relatively stable environment. When Jamal shares his past and tells her that he is thinking about joining an organization that is going to fight the Zaio government, she is sympathetic to his plight. He indicates that he needs some money and help getting information to his friends who live at the coast. She offers to help him.

A few weeks later, she is arrested by the DCI who upon interrogation, inform her that she is suspected of masterminding a terrorist attack in Zaio that caused the deaths of over 60 people. It is also revealed that Jamal has been the leader of LIZ for a number of years and was a mercenary and terrorist hiding in Kenya.

Using case law, evaluate the following:

1. What theory of criminology can be applied to evaluate Jamal's mental state? (5 marks)
2. Is Iman guilty of any crimes? If so, which one and why? (10 marks)
3. Categorize the crimes that both Jamal and Iman are guilty of (5 marks)
4. What penology applies to both and what would be the appropriate sentence? (10 marks)

Q2.

(A) Using theories of criminology, evaluate the statement “The reasoning behind the execution of criminals was/is to deter others from committing similar crimes and to promote respect for authority and the law.” **(10 marks)**

(B) Considering the moratorium on the death penalty in Kenya, which theory of criminology can be utilized to deter criminals and promote respect and authority and the law? **(10 marks)**

Q3. Jessica is a 2nd year Law student at the faculty of law. She is approached by her best friend, Tanya, who confesses that she has killed a man who had been molesting her for a number of years. She disposed of the body by burying it in the family farm that is extensive. No one saw her commit the offence. When Jessica listens to her friend’s story, she realizes that Tanya feels no remorse for having committed the murder.

Tanya is scheduled to meet with the area chief in connection with the disappearance of the man. She asks Jessica what to do.

In light of the above, discuss the following

1. What should Jessica advise Tanya to do during the interview? **(5 marks)**
2. Considering Tanya’s lack of remorse, what are the factors to be considered to establish Tanya’s criminal liability? **(5marks)**
3. Jessica waits for a year before confessing that she was aware of Tanya’s actions. What are the implications on Jessica? Use case law to situate your answer. **(10 marks)**

Q4. Considering the rights of arrested persons as well as the treatment of prisoners in the Constitution of Kenya 2010, critically evaluate the philosophy that underpins internal prison rehabilitation programs. In your answer, consider prison de-congestion efforts since 1990’s to the present time. **(20 marks)**

Q5. “Section 24 of the Penal Code of Kenya is archaic. It needs an update. It does not reflect the current legal and non-legal reality. The new reality includes a new constitution, current decisions of the superior courts, repeal of some statutes, congestion problem in Kenyan prisons etc.” Anonymous

Using case law, discuss this statement. **(20 marks)**

END