



**STRATHMORE LAW SCHOOL
MASTERS OF LAW (LL.M)
END OF MODULE MAIN EXAMINATION
LLM 8212: INTERNATIONAL MECHANISMS FOR COOPERATION**

Date: **Tuesday, 17th October 2023**

Time: 3 Hours

Exam Instructions

- The first **question is compulsory**.
- Choose two of the other four questions.
- This is an **Closed Book Sit Down 3 Hour Exam** – but no need for references but will be awarded for comparable examples, and case analysis where possible.
- Focus on **critical and analytical reflections** rather than restating the law and facts or positions.
- Each of the questions is worth **20 Marks** to make it a total of **60 Marks** for three questions for the Final Exam Mark
- Please be **concise and precise and as analytical as is possible** rather than restating facts and the law, and where possible provide practical comparable examples and cases.

Question 1 – 20 Marks – Compulsory

Mambo ni Tatu, is a State Party to the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (the Malabo Protocol) and the Rome Statute of the International Criminal Court. The country recently held general elections whose outcome was challenged by one of the presidential candidates at the Supreme Court. While the Court upheld the election results, public protests and agitation for wide ranging constitutional, legal and institutional reforms have resulted in several deaths and destruction of property. A lawyer for the main opposition group – One Pact Alliance – has petitioned the ICC, to probe police excesses during the protests.

As a senior counsel in the Court's Registry, the Prosecutor has tasked you to draft a response to the petition. Draft a well-reasoned and analytical response to the petition with a focus on among other issues the following.

- Jurisdiction and role of the ICC (if any) in fostering cooperation by states to redress international crimes.
- Role of the petitioners (One Pact Alliance and the lawyer) in advancing such cooperation
- Suggested cause of action/ recommendations.

Optional Questions – choose two of the four below.

Question 2 – 20 Marks

In the lead up to the BRICS Summit in South Africa in August 2023, there was significant media and international attention accorded to the likely attendance of President Vladimir Putin – who is indicted by the ICC – for alleged crimes committed in Ukraine. While Putin did not attend in person due to the arrest warrant issued against him by the ICC he still attended and addressed the Summit by video conference.

Prepare a 2000-word analytical essay on the legal effect and impact of sanctions and arrest warrants by the ICC and the international community against sitting heads of state in prevention and redressing international crimes globally. Propose alternatives if any on mechanisms, processes and means of ensuring international cooperation to redress international crimes.

Question 3 – 20 Marks

Africa has recently experienced eight coup d'états over the last decade. The socio-cultural, economic, and political impact of the military coups on citizens is devastating. The recent coup in Niger has ignited a new trend where countries that are also undergoing military transitions have coalesced against AU and regional economic blocks sanctions and threats of military engagement to restore constitutional order.

You have been appointed a senior legal adviser to the AU mediation team to restore constitutional order in Niger. Prepare a legal briefing note to the Chief Mediator on among others the following key issues:

- Mandate of the AU and ECOWAS in restoration of constitutional order, rule of law, prevention and redressing international crimes
- Role of external actors i.e. the international community, former colonial powers and as well as foreign mercenaries
- Suggestion on how to redress emerging allegations of international crimes by the military forces and militias including extremist groups in such contexts.

Question 4 – 20 Marks

From 4-6 September 2023, Nairobi hosted the first ever Africa Climate Summit. During the Summit several commitments on climate justice and security were made by heads of States and international partners. While some of these commitments mirror and build upon others made at the Paris Agreement and COP 27, implementation of international agreements and commitment on climate as is the case on international criminal justice remain largely a mirage. Provide an analysis of the challenges, gaps, opportunities, and prospects for ensuring international legal and political commitments made at such Summits see light of day with a focus on those made to redress and address international crimes including environmental crimes.

Question 5 – 20 Marks

You are a principal state counsel at the Office of the Attorney General. You have been tasked to draft a legal memorandum to the Attorney General on Kenya's State obligations to cooperate with the International Criminal Court. Draft a legal memorandum on Kenya's international legal obligations to cooperate with the ICC – with a focus on key issues, challenges, and recommendations for consideration.