5.3. HYPOTHETICAL CASE 3 (10 %)

Mrs Y, 23 years old, was viciously attacked, raped and heavily injured by her ex-boy friend Mr. Z. After the report of the incidence to the police by Mrs Y, the public prosecutor brought a criminal charge against Mr. Z for crimes of attempted murder and rape. Mr. Z had a history of involving in sexual offences from an early age to the extent that when he was sixteen years of age, he was convicted of gang rape and sentenced to six and half years in prison for the crime. When he was twenty five, he was convicted of indecent assault on a twenty five-year-old woman sentenced to eighteen months in prison. This year, a criminal action is brought against him for an attempted murder and rape of his ex- girlfriend, Mrs.Y.

When Mr. Z appeared in court he request to be released on bail. The police and the public prosecutor did not place before court information about his previous convictions, and made a statement that there was no reason to deny Mr. Z bail and hence he was unconditionally released on bail but warned to appear when needed. On the same night Mr. Z brutally attacked Mrs. Y while she was in her house and threatened that he will come back again to kill her.

Mrs. Y believes that the prosecutor and the police have failed to protect her by not using the information which establishes that Mr. Z. was a danger to the public. Mrs Y would like to bring an action against the relevant units of the police and prosecutor's office for negligently failing to protect her by allowing him to be released on bail pending his trial

"What advice would you give her if Mrs Y approaches you for legal advice?"

Scanned by CamScanner

SECTION V: HYPOTHETICAL CASES (30%)

ANSWER THE FOLLOWING THREE QUESTIONS BASED ON THE GIVEN HYPOTHETICAL CASES WITH REASONS AND AUTHORITIES.

5.1. HYPOTHETICAL CASE 1 (10 %)

Mr. Solomon is an advocate practicing before federal courts. He represented Mr. Samuel who was sued by Ms Martha for divorce. Pending the final resolution of the case, Ms Martha (the plaintiff) requested a court order requiring the defendant (Mr. Samuel) to provide for maintenance of herself and her children. The court, being convinced that she does not have sufficient income, ordered the defendant to pay Birr 30,000 per month to Ms Martha and her children for their maintenance.

The divorce proceeding was prolonged. The defendant paid the amount for the first two months. Before the maintenance payment was due for the third month, the defendant prepared a business card that Ms Martha was an owner and general manager of Oron Private Limited Company. He gave the business card to his advocate, Mr. Solomon, who submitted the card to the court as evidence proving the plaintiff's source of income and requested the court to revoke its previous order for payment of maintenance. Since Mr. Solomon trusted his client he sought court order without ascertaining that Oron Private Limited Company actually existed.

The court gave the order stopping payment of maintenance to Ms Martha and her children who suffered substantial hardship as a result of the court order based on fabricated business card. Finally, Ms Martha succeeded in convincing the court that there is no such company and that she had no other income.

Determine whether or not the advocate violated an ethical rule? Provide reason for your determination.

5.2. HYPOTHETICAL CASE 2 (10 %)

Humed lives in Afar Regional State, Semera. One day, he quarrelled with and kicked a person called Zewdu and caused bodily injury. Then, Humed fled to his home village and reported the act to the elders there. The elders approached Zewdu and gave him some money in the form of damages in the name of Humed. The elders solved the dispute between Humed and Zewdu amicably. Then, Zewdu wrote a letter to the public prosecutor explaining that he has solved the dispute according to the custom of Afar, and he does not want the case to continue.

Assuming that you are a public prosecutor in charge of the case; would you decide to discontinue the case against Humed? Why or why not?

Scanned by CamScanner

PART III: SHORT ANSWER (15 %)

GIVE A SHORT ANSWER TO THE FOLLOWING QUESTIONS

Prepare a short note on each of the three concepts provided below. Your note should in each case include **meaning, importance and key justification** behind the concepts.

3.1. Public interest litigation (5%)

3.2. Affirmative action (5%)

3.3. Subordinate legislation (5%)

PART IV: ESSAY PART (20 %)

ANSWER THE FOLLOWING QUESTIONS

4.1. Explain the main functions of law. (5%)

4.2. International environmental principles form part of the environmental regime and are also essential in setting global standards of state relations. One of such principles is the principle of *'Obligation of States' not to Cause Damage to the Environment'*.

4.2.1. Explain the meaning and scope of application the principle.(5%)

4.2.2. Discuss the legal status of the principle in the contemporary international environmental law regime, the kinds of activities and for whose actions are states responsible. (7%)

4.2.3. Provide two exceptions to the principles. (3%)

Scanned by CamScanner

PART II: MATCHING (10 %)

MATCH EACH ITEM UNDER COLUMN "A" WITH ITS BEST CORRESPONDING ITEM FROM COLUMN "B".

Column 'A'	Column 'B'
1. Ethiopian Penal Code (1957)	A. Believed to be god-given
2. Confidentiality	B. Recognition of *guma* (blood money)
3. The spirit of the people	C. Preparation of will
4. Ancient Greek legal tradition	D. David Hume
5. Veil of ignorance	E. John Rawls
6. Inner morality of law	F. Aristotle
7. Equity	G. John Stuart Mill
8. The Law of Kings	H. Supplements the common law
9. Partiality	I. Bi-partite division of offenses
10. Minister of Justice	J. Privacy
	K. Founded upon philosophical conception
	L. Von Savigny
	M. Leon L. Fuller
	N. Emperor Menelik II
	O. Racial bias
	P. Insult
	Q. Emperor ZerayYakob
	R. Legal advisor of the Federal Government

Scanned by CamScanner

24. Which is of the following statements is **correct**?

A. The present Ethiopian Constitution explicitly forbids human trafficking for whatever purposes.
B. The present Ethiopian Constitution explicitly forbids human trafficking for purpose of sexual exploitation.
C. The current Ethiopian Constitution explicitly forbids making a living out of sexual exploitation of others.
D. Ethiopia has a legislation that is dedicated to women and minors' for sexual exploitation.
E. The present Constitution of Ethiopia is silent about human trafficking.

25. Which is of the following statements is **correct** about Ethiopian legislation on female genital mutilation?

A. The Ethiopian law on female genital mutilation follows a crime and punishment approach.
B. The Ethiopian law on female genital mutilation follows a holistic approach to the eradication the practice.
C. The Ethiopian law on female genital mutilation follows a crime and punishment approach as well as a child protection approach.
D. The approach of Ethiopian law on female genital mutilation is vague.
E. The Ethiopian law on female genital mutilation follows neither a crime nor punishment approach.

Scanned by CamScanner

19. All but one of the following assertions is **not true** about historical school of jurisprudence.

A. Von Savigny declared that law originates, like language, from the customs and convictions of ancient society.
B. Henry Maine stated that the origins of legal development can be traced to religion and ritual.
C. In the six stage pattern of Henry Maines' legal development, equity becomes the final developmental stage.
D. Compared to others, HeneryMaines's conclusion on historical legal theory is based on empirical (comparative law) studies.
E. Historical School conceives a nation's law as tied to the primitive consciousness of its people.

20. Which of the following statement is true?

A. Ethical rules affect independence of judges.
B. Judicial Administration Council appoints federal judges.
C. Advocates' Disciplinary Council consists of one professor of law.
D. Justice Organs Professionals Training Centre sets Advocacy Entrance Exam.
E. Federal First Instance Court has jurisdiction over disciplinary charges.

21. Which of the following constitutes violation of ethical rules of legal professionals?
A. An advocate gives presents to his/her client.
B. A public prosecutor lends money to his/her colleague.
C. A judge impartially decides a case against his/her spouse.
D. A public prosecutor drops a charge against a defendant.
E. A judge punishes an advocate for contempt of court.

22. A judge has a responsibility to withdraw from a case in order to respect an ethical duty of _____.
A. Impartiality
B. Confidentiality
C. Responsibility
D. Accountability
E. Equality

23. Which of the following statements is <u>not correct</u>?
A. Even though sexual harassment is a form of discrimination, Ethiopian jurisprudence is generally characterized by the absence rather than presence of specific legal protections against sexual harassment.
B. Sexual harassment can cause severe psychological distress to its victims.
C. Ethiopia at present has a constitutional provision that is explicitly directed at protecting persons from sexual harassment.
D. Under the current Ethiopian legal system, the only legal protection against sexual harassment is when the nature of the harassment can be conflated with the criminal law provisions on sexual assault.
E. Sexual harassment can cause embarrassment to its victims.

Scanned by CamScanner

14. A search for meaning of a law by a court to decide whether it regulates the particular conduct at issue is called _____ interpretation.

A. Doctrinal
B. Judicial
C. Legislative
D. Legal
E. Principal

15. An old law is considered as repealed where the new law is inconsistent with the old law. This type of repeal of law is_____.

A. Specific repeal
B. Clear repeal
C. Implied repeal
D. General repeal
E. Expressed repeal

16. Among the many philosophers, one is responsible for creating the separation thesis (is and ought) under positivist school of jurisprudence

A. John Austin
B. David Hume
C. Jeremy Bentham
D. H.L.A. Hart
E. Hans Kelsen

17. One of the following is not the defects of Hart's primary rules.

A. Lack of certainty
B. Being static/not changeable
C. Absence of dispute settlement mechanism
D. Existence of executive body that enforces the laws
E. Inflexibility of rules

18. One of the following **does not explain** the conditions for the existence of H.L.A. Hart's primary rules.

A. Primary rules contain restrictions on violence
B. They should be obeyed by majority of the society
C. The society must be small and close to each other
D. The society must live in a stable environment
E. The society must be heterogeneous

Scanned by CamScanner

9. The Provisional Military Administrative Council (popularly known as the Derg) announced in 1974 a policy meant to enhance "self-reliance, "the dignity of labor" and "the supremacy of the common good." The name given to this policy was:

A. Ethiopia Tikdeme (Ethiopia First)
B. Ye-ItiopiaHibretesebawinet (Ethiopian Socialism)
C. Military socialism
D. Towards conquering nature
E. Mixed economy

10. Law establishes norms by setting standards. Such character of law is called_____.

A. Generality of law
B. Normativity
C. Punitive
D. Sanction
E. Simplicity

11. Under the 1994 Ethiopian Federal Constitution, international treaties are given the place of _____.

A. Order
B. Proclamation
C. Directive
D. Regulations
E. Agreement

12. A law which is first from the bottom in hierarchies of laws in Ethiopia is _____.

A. Treaty
B. Proclamation
C. Directive
D. Constitution
E. Regulations

13. In principle, juridical acts produce effects on _____.

A. The parties
B. Strangers
C. Third parties
D. Outsiders
E. Non-parties

Scanned by CamScanner

4. In determining the extent of remedies or sanctions in environmental cases, courts **should not** be assessing:

   A. Value of the overall damage caused by the offender, and the social, environmental and economic impacts.
   B. Amount by which emissions exceeded the applicable standard, the toxicity of the pollutant, and the
   C. Nationality of the offender during the commission of the offence.
   D. Sensitivity of the surrounding environment and length of the time of violation.
   E. Penalties enough to have a real economic impact on the defendant and be greater than the cost of complying with the legal requirements.

5. What are Wetlands in Ethiopia?

   A. Improving and biodiversities living in them are increasing
   B. Known to have contributed for the spread of malaria as they host mosquitoes
   C. Attracted the attention of local and federal institutions
   D. Protected under a separate legislation
   E. Significantly benefiting from the Ramsar Convention

6. Identify the one that was at the pinnacle of the judicial system of Ethiopia during the Imperial Government of Haile Sellassie I but whose decision was not required to be based on legal consideration.

   A. The ZufanChilot
   B. The Supreme Imperial Court
   C. The SeberChilot
   D. The Special Military Court
   E. The Social Court

7. One of the following revolutions earned the appellation a 'Creeping Coup'.

   A. The French Revolution
   B. The Chinese Revolution
   C. The 1974 Revolution of Ethiopia
   D. The Russian Revolution
   E. The American Revolution

8. Which one is **not true** about the 1974 revolution of Ethiopia?

   A. It nationalized major private enterprises.
   B. It nationalized rural land.
   C. It nationalized urban land and extra-houses.
   D. It provided the country with a written constitution during the first decade.
   E. People`s self-government could not materialize.

Scanned by CamScanner

PART I: MULTIPLE-CHOICE (25 %)

CHOOSE THE BEST ANSWER FROM THE GIVEN CHOICES AND WRITE THE LETTER OF YOUR CHOICE IN THE ANSWER SHEET PROVIDED.

1. Which one of the following statements best describes anthropocentric paradigm of environmental protection?

   A. Human beings are the central or most significant species on the planet.
   B. Human beings are merely members of the biotic community -- not special.
   C. All living things have inherent value, and so deserve moral respect, equally.
   D. Human beings can make use of ecological resource but should not decide over their final destiny.
   E. Human beings are considered as a caretaker of nature rather than creator of nature.

2. The development of international environmental law **is not** attributable to:
   A. Existence of extensive range of environmental problems
   B. An enhanced awareness on the fragile nature of global environment
   C. The need to enforce western values through multilateral agreements
   D. The need for integrating environmental issues with economic development endeavors
   E. Recognition of the inherently global character of many environmental challenges

3. Which one of the following statements does **not** show the purpose of environmental impact assessment?

   A. Serves to bring about administrative transparency and accountability
   B. Helps to predict the environmental effects which a proposed development activity entails
   C. Is a means of harmonizing and integrating environmental, economic, cultural and social considerations into a decision making process
   D. Helps to weigh the economic benefits and environmental costs of a proposed activity
   E. Provides the means to slow down the implementation of project activities

Scanned by CamScanner

NATIONAL EDUCATIONAL ASSESSMENT AND EXAMINATIONS AGENCY (NEAEA)

NATIONAL EXIT EXAM FOR STUDENTS OF ETHIOPIAN LAW SCHOOLS 2014/2015 ACADEMIC YEAR

Part IV: MISCELLANEOUS

03 April 2015

Time allowed: 3 (Three) Hours

INSTRUCTIONS

1. THE EXAM HAS FIVE SECTIONS. ATTEMPT ALL QUESTIONS ON THE BASIS OF SPECIFIC INSTRUCTIONS INDICATED IN EACH SECTION.
2. IT IS **A CLOSED BOOK** EXAMINATION.
3. SUPPORT YOUR ARGUMENTS WITH PERTINENT LEGAL PROVISIONS WHENEVER APPROPRIATE.
4. PUT YOUR ANSWERS IN A SEPARATE ANSWER SHEET ATTACHED TO THE EXAM PAPER.
5. YOU MAY ASSUME FACTS WHERE NECESSARY.
6. WRITE LEGIBLY.
7. SWITCH OFF YOUR MOBILE PHONE.

DO NOT TURN THIS PAGE UNTIL YOU ARE ALLOWED TO DO SO.

Scanned by CamScanner