2010/11 Criminal

19. Which one of the following is not true about the Federal Courts Special Advocacy License?
A. One needs to have a university Degree and five years relevant experience to hold the license
B. The license is not designed to receive financial rewards
C. The applicant for such category of license is exempted from Advocacy Entrance Examination
D. Professional Indemnity Insurance policy is a requirement to receive this category of license
20. Which one of the following is not true about practicing law?
A. Practicing law without a license is a crime
B. A person can represent his spouse in a court of law without having a license
C. Graduation from law school is a pre-condition to become an advocate
D. Any Ethiopian can practice law

Section II: Say true if the statement is correct and false if the statement is in correct? (5%) (One Point Each)

1. Procuring the means or creating the conditions for the commission of a crime is not always punishable under Ethiopian Law.

1. Procuring the means or creating the conditions for the commission of a crime is not always punishable under Ethiopian Law. **True or false**

1. The moral theory of Emmanuel Kant that condemns using other as a means to our end is referred to as_____.
2. The theory of punishment that aims at discouraging potential offenders and reducing recidivism is known as_____.

2011/12

13. In Ethiopia, the determination of the degree of individual guilt requires the consideration of all but one of the following factors.
A. The age of the criminal.
B. The level of education of the criminal.
C. The nationality of the criminal.
D. The gravity of the crime committed.
E. None.

14. Under the FDRE Criminal Code, robbery is different from theft in that:
A. it involves abstracting other's property.
B. it could be committed with the intent to get unlawful enrichment.
C. it could be committed to enable a third party to obtain unlawful enrichment.
D. it involves violence or intimidation.
E. All.
15. Which one of the following penalties does not apply to petty offences?
A. Arrest.
B. Imprisonment.
C. Fine.
D. A and B.
E. B and C.
Section V: Hypothetical case question (30%)

Case One (20%)
Yonas is a well-known businessman residing in Jimma. He frequently travels to Addis and
Hawassa due to the nature of his business. This enabled him to install concubines both in Addis and in Hawassa. Hence, he spends his time with Aida when he is in Addis and with Helen when he is in Hawassa. His wife does not know about these facts. However, Aida knew that Yonas was a married man. However, it was only recently that she came to know about his affairs with Helen in Hawassa. She was angered by this fact and started looking for Helen's address. Thanks to technology, Aida got Helen's address, including phone number, from the facebook. About two weeks ago, she called and told Helen that Yonas is her husband and warned her to quit her affairs with him. Surprising, Helen also told her that Yonas is her Husband, too, and asked Aida to stop her affairs with him. The phone conversation ended with terrible conclusion where Aida warned Helen to face serious consequences if she chose to continue the affairs and refused to do what she was told to do. Helen paid deaf ears to the warning and in fact continued her affairs with him.

This led Aida to go to Hawassa and look for Helen. After two days, she discovered the residence of Helen. The next day, Aida went to Helen's house and started waiting for her to come out. When the unsuspecting Helen emerged from her house, Aida started moving towards her. Helen recognized that it was Aida because she saw her picture before and Aida was her eighth grade classmate. As she was moving towards Helen, Aida was calling her, "you stupid prostitute! You refused to heed my warnings and I am here to kill you now! Call that stupid man to save you!" Helen could get back and close her door but she found that ignominious as many people were standing around and watching the drama. So, she stood her ground and waited for the angry Aida to come closer. As she was approaching, Aida was putting her hand into her purse which led Helen to believe that she was taking out a gun. Then, Helen did not want to waste any more time; she quickly took out her gun and shot Aida on her lower left leg. After receiving the shot, the bold Aida fell on the ground and started crying like a baby and calling for help. In matters of five minutes, three police officers arrived at the scene and arrested Helen. Aida was then taken to a nearby hospital where she is now receiving a medical treatment.

a. If Helen is charged with causing intentional bodily injury to Aida, what possible defence could she raise? 10%
b. If you were the public prosecutor handling the case, what possible argument could you present against Helen's possible defence? 10%

2012/13

One of the following is not true about the purpose punishment under the FDRE
Criminal Code.
A. Deterring criminals from committing further crimes.
B. Using criminals as means to give lesson to the public that criminal behaviors are not tolerated.
C. Facilitating the rehabilitation of criminals.
D. Showing criminals that they deserve penalties for their illegal conducts.
E. None. *
2. In order to invoke the defense of necessity, the defendant has to explain to a court **that:**

A. he was forced by another person to take the action he took.
B. he was obeying the order of his superior.
C. he was forced to take the measure he took by the force of nature.
D. though it was not intended, his action averted a more serious and imminent
danger.
E. C and D.
3. Which one of the following could be regarded as a special crime under the
Criminal Code?

A. Theft.
B. Terrorism. r
C. Incest.
D. Espionage.
E. None.

4. In Ethiopia, if a judge decides to impose death penalty on a criminal who is
charged for the commission of concurrent crimes and the death penalty is necessitated because of the seriousness of one the crimes, which one of the following systems of calculating penalty can best justify the judge's sentencing?
A. The System of Aggravation.
B. The System of Absorption. .
C. The System of accumulation/adding-up/.
D. All. "*f* • v.3
E. A and C.

Case I: (15%) Getahun is the head of the Yeka Sub-City of Addis Ababa City Administration. He has been at the post for the last 7 years. Indeed, he is one of the most diligent heads of the sub-cities in Addis Ababa. Consequently, the clients and workers of the Sub-City respect him a lot. On the otherhand, Getahun is a highly corrupt public official. Indeed, there is ample evidence that shows his engagement in corrupt practices, in particular, receiving bribes from the clients of his Sub-City. It is, however, interesting to note that he does not receive the bribes by himself. Instead, he uses two Lada (a small taxi) drivers who work around the Sub-City. In fact, these two drivers are the liaison between Getahun and the clients giving bribes (otherwise called corrupt clients). Without them, it is difficult for Getahun to get his bribes. Equally, without the help of the two drivers, it is difficult for the corrupt clients to get to Ato Getahun with their bribes. For the drivers, they receive 15% of the bribes as a commission for thep work. In any case, with the available evidence, it is clear that Getahun could be prosecuted for committing the crime of corruption. In this regard, the concerned public prosecutor, a lady with three years of

experience as a prosecutor, has completed her preparation to charge him in the coming two weeks. However, she is not sure for which crime to charge the two drivers, that is, corruption or accomplice. As a result, she approaches her boss for advice on the matter. If you were her boss (and also a senior prosecutor), which crime would you advise her to charge the drivers for? (15%)

2013/14

1. One of the following is not recognized as an element of the principle of legality in the Criminal Code.
A. No law, no offence.
B. No law, no punishment.
C. Enforcement of punishment in a prescribed manner.
D. Creation of offence and punishment by analogy.
E. None.

2. In principle, which one of the theories of causation does the Criminal Code recognize?
A. *Sin quo non* (but-for) theory.
B. Proximate cause theory.
C.. Adequate cause theory.
D. Last act theory.
E. None.

3. Material concurrence is best explained by one of the following expressions.
A. Raping a man at a public place.
B. Shooting a man on his chest which causes bleeding and then death.
C. Throwing a bomb on a group of standing people and killing them all.
D. Breaking into someone's house and assaulting the occupants.
E. None.

4. An accessory after the fact is:
A. A principal participant in the commission of a crime.
B. A secondary participant in the commission of a crime.
C. Liable to punishment provided for the crime the assisted person commits.
D. A crime against administration of justice.
E. None.

5. Which one of the following crime is not a special crime?
A. Perjury.
B. Murder.
C. Desertion.
-D. Corruption.
E, Homosexuality.
6. Which one of the following is not true about death penalty?

A., It can be imposed on all criminals that have committed crimes carrying death penalty.
B. It is the ultimate penalty for a criminal.
C. It is the most symbolic reminder of the power of a state to punish its citizens.
D. It is the most draconian criminal sanction.
E. It is one of the most divisive issues in the field of criminal law.

Case I (15 %.) Alem and Gifts are second year psychology students in one of the public universities in Ethiopia. They are also classmates. Last December, they both attended a get-together party with first year psychology students. On the occasion, Gifts consumed too much alcohol arid got drunk. As a result, she lost many of her belongings including her *Samsung Galaxy Note* cell-phone. The next day, she told Alem that she lost her cell-phone and asked her if she had seen it. Alem frankly informed Gifts that she had not seen the cell-phone. Nevertheless, two days later, Alem discovered Gift's cell-phone in her bag but she decided not to give it back to Gifts. On the other hand, last month, Gifti discovered that her cell-phone was with her friend, Alem. As a result, she reported the case to the nearby police station. Then, the process went on until Alem was finally charged under article 665 of the Criminal Code for stealing her friend's cell-phone. Based on the above facts, answer the following questions.
l. If you were Alem's lawyer, what would your defense be against the charge for the crime of theft? (10%)
2. If you were a prosecutor, not a defense lawyer, what crime .would prosecutes Alem for?
(5%)

2014

1. One of the following correctly depicts the order of stages involved in the commission of intentional crimes.

A. Preparation-bad thought-attempt-commission of the crime.

B. Attempt-bad thought-preparation-commission of the crime.

C. Bad thought-attempt-preparation-commission of the crime.

D. Bad thought-preparation-attempt-commission of the crime.

E. Bad thought-commission of the crime-arrest-conviction.

2. One of the following criminal law defenses can be an example of justifiable acts.

A. Infancy.
D. Superior order
B. Intoxication.
E. All the above
C. Necessity.

3. Identify a statement that is correct about a moral offender.

A. A moral offender is regarded as a principal criminal.

B. A moral offender is more dangerous than an accomplice.

C. In principle, a moral offender is liable to the same punishment with a material offender.

D. A moral offender is a participant in the commission of a crime.

E. All of the above.

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13. In Ethiopia, the determination of the degree of individual guilt requires the consideration of all but one of the following factors.

A. The age of the criminal.

B. The level of education of the criminal.

C. The nationality of the criminal.

D. The gravity of the crime committed.

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15. Which one of the following penalties does not apply to petty offences?

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B. Imprisonment.

C. Fine.

D. A and B.

E. B and C.

2008

1. Assume the FDRE Parliament has issued a new proclamation to deal with a specific kind of crime. How do you explain the relationship between this Proclamation and the Criminal Code?

A. The general principles of the Criminal Code apply to the crime covered by the Proclamation at all times.

B. There cannot be any relationship whatsoever between the two laws.

C. The general principles of criminal law embodied in the Proclamation override the general principles in the Criminal Code.

D. Whenever conflict arises between the two laws, the Criminal Code provisions prevail.

E. The provisions of the Proclamation must be treated as gap-filling for the Criminal Code.

2. From the list of crimes given below, identify the one that can be regarded as a crime of true commission.

A. A lifeguard intentionally allowing a baby to drown in a swimming pool.

B. Becoming a dangerous vagrant.

C. A soldier shooting a peaceful civilian.

D. Being found in possession of unjustified and suspicious objects.

E. A highly profitably trader failing to pay tax as required by law.

3. On the eve of their public law exit exam, five law students (K, L, M, N, and O) are arguing about which specific provision of the Criminal Code criminalizes homicide. All of them mention different articles from the Code. Consider the articles they mention and tell who is right.

A. K says it is art. 539.

B. L mentions art. 540.

C. M mentions art. 539-541

D. N argues for art. 539-541 and art 543

E. O says it is art. 538.

4. Which one of the following is correct about mistake and ignorance of law?

A. Ignorance represents lack of correct understanding of a law while mistake represents lack of knowledge about a law's presence.

B. Both mistake and ignorance of law represent lack of awareness about the existence of a law.

C. Both ignorance and mistake of law represent misinterpretation of a law.

D. Mistake represents misunderstanding a law whereas ignorance represents lack of awareness of law's existence.

E. Both ignorance and mistake of law entail the same treatment under the Criminal Code.

5. Who is a moral offender?

A. A person who designs, supports, and leads the commission of a crime.

B. A person who gives marginal support for the commission of a crime.

C. A person who uses an infant to commit a crime

D. A person who hides a highly wanted criminal.

E. A person who pulls a trigger and kills another.

2009

1. Which one of the following theories is not related to the determination of the liability of a subordinate who executes an unlawful order of his superior?
   A. Theory of blind obedience.
   B. Theory of passive obedience.
   C. Theory of intelligent infantry.
   D. Theory of irresistible impulse.
   E. Theory of manifest illegality.

2. Which one of the following sentences is not correct about the rule of *strict construction (interpretation)* of criminal law?
   A. The rule requires narrow interpretation of criminal law at all times.
   B. The rule is used when the provision of a criminal law is equivocal.
   C. It applies only after the other rules of interpretation fail to solve the issue of interpretation.
   D. As a last resort, the rule requires interpreting the provision of a criminal law in a way that favors the accused.
   E. The rule is not explicitly recognized under the Criminal Code of Ethiopia.

3. Except one, all of the following choices express-the different ways in which a retroactive criminal law manifests itself. Identify the exception.
   A. A criminal law that makes prior acts illegal.
   B. A criminal law that increases punishment for a crime committed before its enactment.
   C. A criminal law that increases the severity of a crime after the crime was committed:
   D. A criminal law that changes procedural rules to increase accused's chance of conviction.
   E. A criminal law that allows application of repealed laws to crimes committed under their regimes.

4. The following article is a modified version of art. 13 (1) (a) of Ethiopia's new Corruption Crimes Proclamation No.881/2015. Read the article and answer the question that follows. "Any public servant who, with intent to obtain for himself an undue advantage, and by using his power, improperly takes, by concluding a contract, an advantage in a business shall be punishable with

simple imprisonment." What is the specific moral element that is required to apply this article?

A. Direct intention. ..
B. Indirect intention.
C. Advertent negligence.
D. Inadvertent negligence.
E. Intention in general.

5. One of the following categories of individuals is absolutely free from the provisions of the criminal law of Ethiopia. Who are they?

A. Insane persons.
B. Intoxicated persons.
C. Persons under the age of nine.
D. Young persons.
E. Coerced persons.

RE exam 2009

1. Which one of the following is **not** true about the scope of the Criminal Code?

A. It criminalizes some acts which may be considered public immorality
B. It does not criminalize some acts which may be seen as public immorality.

C. It uses the *harm to others* principle to determine punishable and non-punishable behaviors.

D. It criminalizes some acts which do not cause harm to any identifiable victim.

E. The scope of the Criminal Code may be described as neither too narrow nor too broad

2. The case of imperfect concurrence is best explained by one of the following expressions.

A. Hitting a man on his head which causes fracture to his skull and instant death.

B. Raping one's own brother/sister.

C. Throwing a bomb on a group of people and killing them all.

D. Breaking into someone's house and assaulting the occupants.

E. Refusing to lend possible aid to a person in danger without any danger to oneself.

3. In Ethiopia, the following assertion is **not** correct about causation as regulated under the Criminal Code.

A. In principle, the Criminal Code adopts. The *adequate causation theory.*

B. The link between cause and effect may be interrupted by intervening adequate cause.

C. Concurrent causes can be treated as causes, if they are adequate in themselves, in relation to a given criminal result.

D. One can read the *but-for (sine quo non) theory* in article 24 of the Criminal Code.

E. In principle, no single inadequate cause is accepted as a cause.

4. Which one of the following assertions **does not** represent the possible legal consequences of limited responsibility under the Criminal Code?

A. A person who is partially responsible gets lower punishment.
B. A person who is partially responsible could be subjected to some forms of measures.
C. A partially responsible person gets full penalty attached to the crime he has committed.
D. In some cases, a partially responsible person may be allowed not to serve his penalty.
E. A person who is partially responsible is entitled to a freely mitigated penalty.

5. Which one of the following assertions is **correct** about the crime of rape in Ethiopia?
A. A man who compels his wife to submit to sexual intercourse commits rape.
B. A woman who compels her husband to submit to sexual intercourse commits rape.
C. Existence of consent is not an exonerating ground in the case of statutory rape.
D. In order for rape to be committed, both parties must be in marriage relationships.
E. Rape cannot be committed if the rapist is intoxicated.

6. A statement that is **true** about rigorous imprisonment in Ethiopia is:
A. It starts from 5 years.
B. It is imposed for relatively less serious crimes.
C. It is executed under harsh condition.
D. It cannot be imposed on pregnant women.
E. It is not subject to parole.

4.1. Write a short essay of 15 lines outlining the possible benefits 16 years old boy gets if he commits a crime defined by the Criminal Code. (10%)

4.2. Write a short essay of 15 lines analyzing the different grounds for criminal jurisdiction under international law. (10%)