NATIONAL EDUCA

TIONAL ASSESSMENT AND EXAMINATIONS AGENCY -(NEAEA)

NATIONAL EXIT EXAMINATION FOR LL.B PROGRAMME STUDENTS OF ETHIOPIAN LAW SCHOOLS

ACADEMIC YEAR *2015/16*

PART II: PUBLIC LAWS

3 0 March 2016 TIM

E ALLOW

INSTRUCTIONS:

1. THIS EXAM HAS FIVE

SECTIONS. ATTEMPT ALL QUESTIONS ON THE BASIS OF SPECIFIC INSTRUCTIONS INDICATED IN EACH SECTION.

2. LAWS THAT CAN BE BROUGHT TO THE EXAM ROOM ARE THE CRIMINAL CODE, CONSTITUTION, PROCLAMATIONS, REGULATIONS AND VAT PROCLAMATIONS.
3. SUPPORT YOUR ARGUMENTS WITH PERTINENT LEGAL PROVISIONS WHENEVER APPROPRIATE.
4. PUT YOUR ANSWERS IN A SEPARATE ANSWER SHEET ATTACHED TO THE EXAM.
5. WRITE LEGIBLY.
6. SWITCH OFF YOUR MOBILE PHONE.

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

SECTION I: MULTIPLE CHOICES (25%)

CHOOSE THE BEST ANSWER FOR EACH QUESTION FROM THE ALTERNATIVES GIVEN.

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

vered 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.

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

r i g h t .

A. K

s a y s

i t

i s

a r t .

5 3 9 .

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.

6. Which one of the following laws

is the first to come up with the concept of 'minimum labour conditions' in the development of Ethiopian labour law?

A. The 1955 Revised Constitution.
B. The Factory Proclamation of 1942.
C. The 1960 Civil Code of the Empire of Ethiopia.
D. Labour Proclamation no. 64/1975.
E. Labour Proclamation no. *377/2003.*

7. Which one of the following statements is **true** about probation period?

A. The duration of probation period is as agreed between the employer and the employee.
B. Probation period is presumed to exist at the inception of every employment relationship.
C. Probation period is an essential stage in the formation of contract of employment.
D. During probation period , both parties are free to terminate their relationship without giving notice.
E. A worker on probation cannot terminate his contract during the probation period without good cause. 8. From the list below, identify the one that is **not** used to determine existence and extent of employe s liabilit for employe 's injury

A. Duratio of worker's disable nt.
B. Degree the worker's disable nt.
C. Comple n of probati period.
D. Place of injury.
E. Time of injury.

9. Which of the followi ng leaves is recogn

ized under the Federal Civil Servants Proclamation but not under the Labour Proclamation?

A. Sick leave.

B. Paternity leave.

C. Maternity leave.

D. Mourning leave.

E. Annual leave.

10. Which one of the following statements is true about the notion of human rights?

A. Human rights are founded on the dignity and worth of human person.

B. The basis of human rights is the consent of governments.

C. Human rights are violable.

D. All sovereign states can provide the same level of protection to human rights.

E. All types of human rights have the same level of protection by states.

11. While some human rights instruments are legally binding, others are not. Which one of the following represents the main international legally binding instruments to protect the rights of indigenous peoples?

A. Universal Declaration on Human Rights

B. The International Covenant on

Civil and Political Rights

C. The ILO Convention No. 169 concerning Indigenous and Tribal Peoples

D. The Framework Convention for the Protection of National Minorities

E. The International Covenant on Economic, Social and Cultural Rights

12. Which of the following is **wrong** about the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)?

A. CEDAW addresses all kinds of discriminatory practices experienced women everywhere.

B. CEDAW does not consider every differentiation as discrimination.

C. CEDAW goes beyond the reach of the narrow concept of formal equality.

D. CEDAW sets its goal as equality of opportunity and equality of outcome.

E. CEDAW contains some gaps to ensure effective protection of women's rights.

13. The right to adequate standard of living is a broad concept. As such, it covers many rights.

Which one of the following right does **not** fall within the ambit of the right to adequate standard of living?

A. The right to food

B. The right to housing

C. The right to work

D. The right to clothing

E. The right to water

14. Which one of the following is **wrong** about the right to adequate standard of living?

ich one of the following is **wrong** about the Ethiopian Human Rights Commission (EHRC).

A. The EHRC has a constitutional basis.
B. The EHRC is accountable to the House of Peoples' Representatives.
C. The EHRC is mandated to conduct investigation in respect of maladministration.
D. The EHRC is structurally an independent organ of the federal government.
E. The EHRC promotes protection of human rights.

15. One of the following is an exclusive Federal tax power. Which is it?

A. Tax from large scale mining operations

B. Tax from companies

C. Income tax from employees of international organizations.

D. Tax from small businesses in regions

e. Income tax from persons working for regional governments ,.-

16.

16. Which one of the following taxes can be considered direct tax?

A. Value Added Tax

B. Turn Over Tax

C. Manufacturer's sales tax

D. Income tax

E. Custom duty paid by a company

17. Identify the income source that is **not** taxed based on schedule 'D'?

A. Income from winning lottery .

B. Income from legal advice rendered outside of Ethiopia

C. Capital gains tax

D. Income from casual rent of a house

E. Income from regular car rent

18. A tax imposed on international trade of goods is called?

A. Customs duty

B. Value Added Tax,

C. Turn Over Tax

D. Excise Tax

E. Stamp duty

19. Which one of the following -is the traditional definition of public international law?

A. The body of law

which regulates the relationship between sovereign states.

B. The body of law which governs the relationship not only between states but also with international organizations and individuals.

C. The body of law which governs the relationship among states, international organizations, non-state actors, and individuals.

D. The body of law which governs the relationship among states, inter-governmental organizations.

E. The body of law which governs the relationship among states, international organizations, non-state actors, individuals, and multinational corporations.

20. Which one of the following reservations to a treaty is probably valid under international law?

A. Reservations incompatible with object and purpose of a treaty.

B. Reservations incompatible with peremptory norms.

C. Reservations not authorized by the treaty in question.

D. Reservations which are incompatible with customary international law .

E. Reservations accepted by state parties to a treaty.

21. Which one of the following can be parties to contentious cases before the ICJ?

A. Individuals

B. Corporations

C. Units of a Federal State

D. Non-governmental organizations

E. States

22. Which one of the following is the most widely accepted doctrine of

A. Doctrine of Legitimacy

B. Estrada Doctrine

C. Doctrine of Effective Control

D. Stimson Doctrine

E. Doctrine of sovereignty

23. An uncodified constitution could be taken as an instance of:

A. Flexible constitution

B. Rigid constitution

C. Republican constitution

D. Presidential constitution

E. Federal constitution

24. One of the following is **not** a basic feature of democracy.

A. Freedom of political expression.

B. Freedom of speech.

C. Freedom of press.

D. Election.

E. Recognition of *coup d'état* in limited cases.

25. Which one of the following is a federal power under the FDRE-Constitution?

A. Establishing state administration.

B. Administering land.

C. Regulating interstate commerce.

D. Enacting state constitution.

E. Administering natural resource other than water.

SECTION II: MATCHING (10%)

CHOOSE THE BEST MATCH FOR THE ITEMS UNDER A FROM THE ITEMS UNDER B. THERE IS ONLY ONE BEST MATCH FOR THE ITEMS UNDER A FROM THE ITEMS UNDER B.

A.

1. Self-induced Insanity :
2. Degree of individual guilt.
3. Production slow down
4. Termination by Law
5. Amnesty and reconciliation
6. Deductible item as it cannot be collected
7. Respecting colonial boundaries
8. Basic principle ofFDRE Constitution
9. Giving power to all branches of government
10. Constitutional interpretation

UNDER B.

A. Retirement
B. Disability to work
C. Bad debt
D. Voluntary intoxication
E. Violation of human rights
F. Not a good lending
7. G. Separation of power
H. Attribution
I. Strike
J. *Uti Possidetis juris*
M. Form of transitional justice
N. Sentencing
O. Federal Cassation Bench
P. House of the Federation
q. Supremacy of constitution

Q.

SECTION III: GIVE SHORT ANSWERS TO THE FOLLOWING QUESTIONS. (15 %)

8.

3.2. Mention three requirements for the existence of statehood.

SECTION IV: ESSAY PART (20%)

4.1. The system of human rights promotion and protection under the United Nations has dual bases: the charter based system and the treaty based system. Write a short essay of not more than fifteen lines explaining the two systems. (10%)

4.2. Write a short essay of not more than fifteen lines on the difference and similarity between zero rating and exemption in vat. (10%)

SECTION V: HYPOTHETICAL CASES (30%)

READ THE FOLLOWING CASES VERY CAREFULLY AND ANSWER THE QUESTIONS THAT FOLLOW.

5.1. HYPOTHETICAL CASE 1(15%)

Last year, Biru was driving from Dire Dawa to Addis Ababa when he hit a farmer standing in the middle of the road around *Dukem* area. Although Biru touted his car's horn loudly, the farmer did not get out of his way. Later on, it was discovered that the farmer was too drunk.

3.1. Give **two** examples of the mechanisms the Labor Proclamation No. *37712003* uses to ensure employment security. (6%)

Fortunately, the farmer sustained a minor injury. As soon as the farmer was hit, Biru jumped out of his car and picked his victim for help. However, roughly, about 20 people living in the area surrounded

3.2. Mention **three** requirements for the existence of statehood. (9%)

① A permanent population
② A defined territory
③ government
④ Capacity to enter into relations with the other states

→ The condition of being a state

Biru
and started beating him up for the incident. In fact, some of the villagers started firing guns into
the air. Then, scared to death, Biru immediately got back into his car to avoid further assault. Yet,
the villagers continued the assault-they smashed every mirror of his car and continued stoning him
to death even in his own car. Eventually, Biru managed to start his engine to escape but as he was
circled by the villagers the only way to break away was to run over some of his assailants. As a result, he drove over three of the assailants and managed to escape with his life. He was seriously
injured by the assault but he also killed three of his assailants. Now, assume a charge is brought
against Biru for murdering the three villagers. As his lawyer, what possible defense will you invoke on his behalf! Explain your answer in light of all relevant elements of the pertinent provision.

5.2. HYPOTHETICAL CASE II (15%)

Assume that a group of Addis Ababa taxpayers were gathered at the gate of the City Hall during a
City Council meeting (last week) to protest a proposed increase in income tax. They were chanting,
"No More Tax..!" They also demanded the Council's representative to come out and speak to them about the new proposal. Contrary to their demand, the head of the security of the City Hall
demanded and warned the protesters to leave or face serious consequences. The protesters refused and stayed at the gate. Then, the head called the police and had all of them arrested. Eventually,
all protesters were charged for trespass. Their case will be heard in a relevant court soon. In your opinion, have the protesters crossed any red line drawn

by the Constitution while exercising their constitutional freedoms? (Your opinion should be based on analysis of the relevant provisions of the FDRE Constitution.)