higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

PRINCIPLES OF CRIMINAL JUSTICE
NQF LEVEL 2

(8021012)

24 November 2023 (Y-paper)
13:00–16:00

This question paper consists of 8 pages.

329Q1N2324

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DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)
PRINCIPLES OF CRIMINAL JUSTICE
NQF LEVEL 2
TIME: 3 HOURS
MARKS: 100

INSTRUCTIONS AND INFORMATION

1. Answer all the questions.
2. Read all the questions carefully.
3. Number the answers according to the numbering system used in this question paper.
4. Use only a black or blue pen.
5. Start each section on a new page.
6. Write neatly and legibly.

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SECTION A

QUESTION 1

Various options are given as possible answers to the following questions. Choose the answer and write only the letter (A–D) next to the question number (1.1–1.10) in the ANSWER BOOK.

1.1 Indigenous law refers to …

A the national parliament and provincial parliaments of South Africa.
B rules and practices of a particular native community.
C these rules are developed by courts when decisions are taken.
D the writings of people who are legal authorities.

1.2 Which ONE of the following statements is incorrect?

A The court determines the guilt and innocence of the accused.
B The court component only listens to the state's case.
C The court hands down the verdict.
D A judge or magistrate presides over the courts.

1.3 The proper functioning of the Criminal Justice System depends on …

A secure prisons in which convicted persons sentenced to imprisonment are accommodated.
B prosecutors who assist the courts in reaching a verdict.
C police officials who are unable to thoroughly investigate a case.
D gives an improper sentence to those convicted of committing a crime.

1.4 Inspection in loco is conducted when …

A the presiding officer, at the request of the state or defence, inspect the crime scene.
B children are witnesses in court.
C a child is the accused in a matter.
D the Presiding officer is in control of the proceedings.

1.5 Which ONE of the following is not a unit of SOCA?

A The Sexual Offences Section.
B The Domestic Violence Section.
C The Maintenance Section.
D The Indigenous Species Section.

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1.6 Which ONE of the following is a reason to volunteer?

A People get paid to volunteer.
B People become famous when they volunteer.
C Looks good on Instagram.
D Develops new skills.

1.7 Indigenous law is also referred to as ...

A common law.
B criminal law.
C customary law.
D law of agency.

1.8 Juveniles refers to children …

A who has witnessed a crime.
B who are victims of a crime.
C under the age of 18 years.
D over the age of 18 years.

1.9 Crime intelligence is important to help police agencies to …

A oversee the NPA.
B facilitate law reform.
C predict crimes.
D provide legal advice.

1.10 Indictment refers to …

A a formal charge.
B be found not guilty.
C search premises.
D be found guilty.

(10 × 1) **[10]**

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QUESTION 2

Choose a description from COLUMN B that matches a section in COLUMN A. Write only the letter (A–L) next to the question number (2.1–2.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
2.1	Stare decisis	A	the law made by Parliament
2.2	Sovereignty	B	information about criminal activity
2.3	Intelligence	C	children under the age of 18-year-old
2.4	Arbitrary	D	forms part of Private Law
2.5	Detain	E	supreme power or authority
2.6	Prima facie	F	mass murder of the Jews by the Germans
2.7	Holocaust	G	to stand by things decided
2.8	Juveniles	H	to keep an offender in prison
2.9	Statute	I	without good reason
2.10	Civil Law	J	on face value
		K	arrest and take someone into custody
		L	method used

(10 × 1) **[10]**

QUESTION 3

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (3.1–3.5) in the ANSWER BOOK.

3.1 Civil law is a set of rules, which are codified.

3.2 The criminal justice system starts when a crime is committed.

3.3 Modus operandi is the method of operating.

3.4 The trial phase focuses on restorative justice.

3.5 The DPP has the power to institute court proceedings.

(5 × 1) **[5]**

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QUESTION 4

Give ONE word or term for each of the following descriptions. Write only the answer next to the question number (4.1–4.5) in the ANSWER BOOK.

4.1 The location in the courtroom where an accused is seated during the trial.

4.2 An organisation where one reports cruelty to animals.

4.3 The area over which the legal authority of a court or other institution extends.

4.4 Churches supply food and clothes to unemployed and homeless people.

4.5 A person being the first at the scene of an emergency.

(5 × 1) **[5]**

TOTAL SECTION A: 30

SECTION B

QUESTION 5

5.1 Discuss the role of the Judicial component under the following headings:

5.1.1 The preventative role of the judicial component

5.1.2 The investigative role of the judicial component

(2 × 5) (10)

5.2 Define the word *adjudication*. (2)

5.3 List the court structure from lowest to highest. (5)

5.4 Name any THREE court officials. (3)

[20]

TOTAL SECTION B: 20

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SECTION C

QUESTION 6

6.1	Briefly discuss *reception, transplantation,* and *imposition*.	(3 × 2)	(6)
6.2	Name any SIX powers of the Director of Public Prosecution.		(6)
6.3	Name any THREE sources of law.		(3)
6.4	Briefly discuss practical ways in which you can volunteer.		(3)
6.5	State SIX principles of volunteerism.		(6)
6.6	Discuss the Principle of restorative justice.		(6)
			[30]

TOTAL SECTION C: 30

SECTION D

QUESTION 7

Read the extract below and answer the following questions.

EYEWITNESS NEWS

BONGINKOSI KHANYILE IS PURPOSELY DELAYING HIS INCITEMENT TRIAL - STATE

By: Nhlanhla Mabaso

19 August 2022 - The State was prepared to proceed with the case of one of the alleged July unrest accused, Bonginkosi Khanyile, for the next two weeks.

DURBAN - The State in the Bonginkosi Khanyile matter said that he was purposely delaying his incitement trial from going ahead.
Khanyile has asked for a postponement, saying he wants to add a new lawyer to his defence when he appeared before the Durban Regional Court.
He also claims that the State delivered some of the documents for this case very late.
And with the matter now postponed until Friday at the request of the accused, the State said that these were delaying tactics to prevent the trial.
The State was prepared to proceed with the case of one of the alleged July unrest-accused, Bonginkosi Khanyile, for the next two weeks.
State prosecutor Advocate Yuri Gangai said that he had made several attempts to get hold of Khanyile's lawyer but did not get hold of him.
He also blamed Khanyile for delaying the matter.

[Source: Eyewitness News, 19 August 2022]

7.1 Draw a diagram illustrating the steps in the trial stage. The steps must be in chronological order. (10)

7.2 The State in the Bonginkosi Khanyile matter said that he was purposely delaying his incitement trial from going ahead.

Define the term *indictment*. (2)

7.3 In the trial phase, there are important aspects related to the accused briefly discuss the following aspects.

7.3.1 The presumption of innocence

7.3.2 Burden of proof

7.3.3 The mental state of the accused

7.3.4 The presence of the accused in court

(4 × 2) (8)
[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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