higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE (VOCATIONAL)

PRINCIPLES OF CRIMINAL JUSTICE
NQF LEVEL 2

XX FEBRUARY 2020

This marking guideline consists of 6 pages.

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SECTION A

QUESTION 1

1.1 D
1.2 A
1.3 C
1.4 C
1.5 B

(5 × 1) **[5]**

QUESTION 2

2.1 E
2.2 F
2.3 J
2.4 D
2.5 I
2.6 A
2.7 H
2.8 G
2.9 C
2.10 B

(10 × 1) **[10]**

QUESTION 3

3.1 True
3.2 False
3.3 False
3.4 True
3.5 False
3.6 True
3.7 False
3.8 True
3.9 True
3.10 False

(10 × 1) **[10]**

QUESTION 4

4.1 Victimisation
4.2 Seizure
4.3 SPCA
4.4 Jurisdiction
4.5 Recycle

(5 × 1) **[5]**

TOTAL SECTION A: 30

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SECTION B

QUESTION 5

5.1 Section 17C✓ of the South African Police Service Act, 1995 (Act No 68 of 1995), as amended by the SAPS Amendment Act (Act No 57 of 2008).✓ (2)

5.2 A victim is a person directly✓ involved or affected by a crime.✓ (2)

5.3
- The Sexual Offences and Community Affairs Unit (SOCA) acts against the victimisation of vulnerable groups.✓
- The main objective is to eradicate all forms of violence against women and children.✓

It strives to reduce the victimisation of women and children by:
- enhancing the capacity to prosecute sexual offences and domestic violence cases;✓
- reducing secondary victimisation✓ and raising awareness regarding the scourge of sexual offences and domestic violence;✓ and
- ensuring the proper management of young offenders.✓ (Any 5 × 1) (5)

5.4 The Hawks are responsible for combating, investigating✓ and preventing priority crimes at national level.✓

Crimes such as serious:
- organised crime;✓
- commercial crimes;✓
- corruption crimes in terms of the Police Service Act of 1995.✓ (5)

5.5
- That the accused is guilty of the crime
- That the accused is not guilty of the crime
- That the accused has already been convicted of the crime with which he/she is charged
- That the accused has already been acquitted of the crime with which he/she is charged
- That the accused has been granted forgiveness (clemency) by the state president in respect of the charge
- That the court does not have jurisdiction to try him/her in respect of the crime
- That the accused is immune from prosecution in terms of section 204 after testifying satisfactorily as a state witness
- That the prosecutor is not entitled to prosecute (Any 4 × 1) (4)

5.6 In camera means that the general public are excluded from the trial or certain parts of the trial✓ and only court officials may attend the trial.✓ (2)

[20]

TOTAL SECTION B: 20

SECTION C

QUESTION 6

6.1
- Offence with which the accused is being charged
- Particulars of the time and place of the offence
- Person(s) against whom the offence has been committed
- Method used to commit the offence
- Consequence of the crime (5)

6.2
- NICRO
- Phoenix Zululand
- Young in Prison SA
- Kairos Prison Ministry (Any 2 × 1) (2)

6.3
- Common law
- Case law
- Customs
- International law
- Writings of legal experts
- Civil law
- Legislation
- Indigenous law
- Foreign law (Any 6 × 1) (6)

6.4
- Develops new skills
- Helps you stay active
- Provides content for your CV
- Leads to employment
- Therapeutic
- Helps improve social skills
- Teaches you what truly matters
- Helps you expand your network
- Helps you grow (Any 6 × 1) (6)

6.5
- The rule of law is the principle that no one is above the law.
- It is not a legal rule, but it is an important principle in our judicial system.
- The state may not execute its powers arbitrarily.
- Individual liberty should be upheld.
- Everybody in the state is equal before the law.
- No person may be punished if a law of the state was not broken.

(Any 3 × 1) (3)

6.6
- Indigenous
- Western
- Universal (3)

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6.7
- Children who volunteer will benefit regarding their outlook on life.
- They will become responsible citizens who know that volunteerism makes one a better, less selfish person.
- Cooperation between people will remove barriers caused by race and gender.
- Cooperation will build relations in the community.
- The environment will benefit if all garbage is collected and either dumped in the correct place or recycled back into society.
- The environment will be preserved.
- The trees will provide oxygen and take carbon dioxide out of the air.
- Clean rivers will minimise the risk of cholera and other diseases.
- Nongovernmental organisations that provide valuable services will be able to continue with their good work of assisting South Africans. (Any 5 × 1) (5)

[30]

TOTAL SECTION C: 30

SECTION D

QUESTION 7

7.1 7.1.1 Impartial means treating all opponents equally✓ and basing opinions on facts rather than on personal feelings.✓ (2)

7.1.2 Arraignment refers to the process where an accused✓ was brought before the court✓ to answer charges against him/her.✓ (3)

7.2 The core competencies of the judicial component include:

- Presiding officers (judges and magistrates) consider evidence provided by parties (prosecution and defence), rule on motions and decide on cases.✓
- Increasingly, information used to make a judicial decision (to convict or acquit an accused) is provided to the court by programmes and services available to the court and the case, rather than by parties involved in the case.✓
- Effective courts must be able to accept and use this information and to manage other programs and services ranging from the basic to the more specialised.✓

The more basic services include:

- Court facilities, clerks, reporters and court security✓

The more specialised services include:

- Domestic violence, child custody evaluations and legal-research staff✓
- Supporting inferior defence like young inexperienced legal practitioners to ensure that the accused will receive ample and professional legal assistance
- These services, programmes and infrastructure make up the essential components of the court.✓
- Before an accused is sentenced, the presiding officer must hear the evidence to ensure that an appropriate sentence is given to the accused.✓
- The prosecutor can obtain the service of an expert to testify to the court on the impact of the crime on the community or the complainant.✓
- The defence can use a social worker to compile a presentence report regarding the background and upbringing of the accused.✓ (10 × 1) (10)

7.3 The principle of *trias politica* refers to the separation of power✓with the power being divided✓between legislative,✓executive✓and judiciary✓ (5)
[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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