



UNIVERSITY OF NAMIBIA

FACULTY	LAW		
DEPARTMENT	PRIVATE AND PROCEDURAL LAW		
SUBJECT	RESTORATIVE JUSTICE		
SUBJECT CODE	LJRJ 2512		
DATE	November 2020		
DURATION	Three (3) Hours	MARKS	100

Supplementary / Special Examination

Examiner: Mr. BT Tjatjara

Moderator: Prof EK Quansah

This question paper consists of 3 pages, including the cover page.

Instructions:

1. SECTION A is compulsory
2. SECTION B answer any 3 (three questions);
3. Read carefully and understand the question before answering;
4. Underline any authority referred to.

SECTION A

THIS SECTION IS COMPULSORY

Question 1

Case law indicates that an ill-considered application of Restorative Justice to an inappropriate case can make Restorative Justice lose credibility as a viable sentencing option.

Discuss the utility of Restorative Justice in criminal matters with reference to the following cases:

You are required to discuss the facts, legal issues, judgment, reasons for judgment and legal principles which implicates Restorative Justice in each case.

- (a) *S v Shilubane* 2008 (1) SACR 295 (T). (10)
- (b) *S v Maluleke* 2008 (1) SACR 49 (T). (10)
- (c) *Dikoko v Mokhatla* 2006(6) SA 235(CC). (10)
- (d) *S v M* 2008 (3) SA 232(CC). (10)

(40 Marks)

SECTION B

ANSWER ANY 3 (THREE QUESTIONS) FROM THESE SECTION

Question 1

Discuss the commonalities between *Ubuntu* and Restorative Justice. **(20 Marks)**

Question 2

Discuss the nature of victim offender mediation as a practice of Restorative Justice and state the type of cases in which it can be used.

(20 Marks)

Question 3

The cornerstone of the youth justice system in New Zealand is the Family Group Conference. Name and explain the seven primary goals of youth justice in New Zealand. Compare this to juvenile treatment in Namibia.

Question 4

(20 Marks)

Discuss the general limitations of Restorative justice.

(20 Marks)

END OF PAPER

Total Marks: 100