



## **UNIVERSITY OF NAMIBIA**

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

### **Normal/Regular Examination**

**Examiner:** Mr. B.T. Tjatjara

**Moderator:** .....

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**

- 1.1. Define Restorative Justice and identify its key aspects on which it is organized. (10 marks)
- 1.2. Write short notes on the objectives of the following instruments in regard to Restorative Justice:  
(a) *Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-First Century* (2000), with regard to restorative justice. (5 Marks)  
(b) *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*. (10 Marks)
- 1.3. Outline briefly the needs of following stakeholders from Restorative Justice.
- (a) The offender (5 Marks)  
(b) The victim and (5 Marks)  
(c) The community (5 marks)

**[TOTAL Q1: 40 MARKS]**

**SECTION B**

**CHOOSE ANY 3 (THREE QUESTIONS) FROM THIS SECTION**

**QUESTION 1**

Compare and contrast Restorative Justice and retributive justice.

**[TOTAL Q1: 20 MARKS]**

**QUESTION 2**

Discuss the utility of Restorative Justice in criminal sentencing of rape cases with reference to *S v Tabethe* 2009(2) SACR 62

**[TOTAL Q2: 20 MARKS]**

**QUESTION 3**

Evaluate the impact of Restorative Justice on human rights in criminal matters.

**[TOTAL Q3: 20 MARKS]**

**QUESTION 4**

What is place of shame in Restorative Justice? Discuss [You are required to refer to the relevant literature and case law]

**[TOTAL Q4: 20 MARKS]**

**END OF PAPER**

**TOTAL MARKS (100)**