

**UNIVERSITY OF GONDER**  
**School of Sociology and**  
**Social work**

**Course Syllabus**

<b>COURSE INFORMATION</b>	<b>Course Title: introduction to criminal law</b> <b>Course Code: law<sub>s</sub>2021</b> <b>Class Schedules: Monday 3&amp;4 &amp; Wednesday 5</b> <b>Year: 2012</b> <b>Department: Criminology and Criminal Justice</b>
<b>INSTRUCTOR'S INFORMATION</b>	<b>Instructor's Name: Tiruwork D.</b>

**COURSE DESCRIPTION**

Criminal Law is a public law that defining crimes against the community at large, regulating how suspects are investigated, charged, and tried, and establishing punishments for convicted criminals. Often the term 'criminal law' is used to include all that is involved in 'the administration of criminal justice' in the broadest sense. The criminal law identifies, defines and declares the conducts that it seeks to prevent and prescribes the appropriate punishments for them too. The law of Crimes has always been one of the most attractive branches of Jurisprudence, though it is true that both crime and criminal are looked upon with greatest hatred by all sections of the people in society. In fact the law of crimes has been as old as the civilization itself. Wherever people organized themselves into groups or associations the need for some sort of rules to regulate behavior of the members of the group inter se has been felt, and where there were rules of the society, infringements were inevitable. And it was realized that there was the necessity of devising some ways and means to curb such tendencies in the society that lead to violation of its rules. In every organized society. This should briefly explain the contents of the Unit. Certain acts are forbidden under the pain of punishment. Where one person injured another and the injury could adequately be compensated by money value, the 'wrong-doer' was required to pay damages or compensation to the 'wronged' individual. But in certain cases in addition to the liability to pay compensation the state imposes certain penalties upon the wrongdoer with the object of preserving peace in the society and promoting good behavior towards each other and towards the community

at large. To prevent a crime from happening, or to deal effectively with a crime once it has occurred, we have to know ‘what the crime is’ and ‘what the related legal ramifications’ are. The study of criminal law aims at having an understanding of these concepts.

General objective

- Protection of person and property , by maintenance of laws and order
- Deterrence of criminal behavior,
- Punishment of criminal activity,
- Rehabilitation of criminal-upon release.

By the end of this unit, the students will be able to

- explain the meaning of the character, function, purpose, and principles of criminal Law.
- distinguish Criminal Law from Private Law and Morality.
- have a basic understanding of the historical development and the Criminal law of Ethiopia.
- note the Classification of Crimes under the Ethiopian Criminal Code.

<b>Schedule</b>	<b>Monday 3&amp;4, Wednesday 5</b>
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- **Ato Mekonnen Tacle Haimanot v. The Public Prosecutor (1961) Ethiopia.**

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**Annex II. Key to Solve a Case Problem:**

While solving a case problem the students are required to systematically deal with the facts given to them keeping certain key points in their mind in order to achieve these beneficial results:

1. To have clarity in presentation of their case, and
2. To avoid mixing up of prosecution and defense cases.

Students have this common problem of mixing up of prosecution case with that of defence. They should remember that while preparing a prosecution case they should stick to that side and challenge the defence with their contentions. Switching to defence points in between reflects their uncertainty and makes their case weak. The same is true while preparing a defence case; the student should completely explore his chances of defending his case by identifying different grounds to establish the innocence of the accused in a right case or at least try to limit his liability in a case where the defendant’s involvement is obvious.

**I. Being a Prosecutor:**

Before proceeding to prepare your case always read the facts thoroughly, if need be more than once to clear any lingering doubts about the facts in your mind. Note the names of the parties, dates, timings etc. perfectly in a chronological order (according to the order of occurrence). The prosecution case should necessarily consist of three important parts namely, identification of the conduct under specific provision of the Special Part, fixing the criminal liability of the accused and recommendation of the sentence.

### **1. Identification of the Accused's Conduct:**

The first thing that comes to the mind after reading the facts is the specific kind of crime that the accused has committed. It is the harmful result that directs you to the relevant provision;

At this stage just identification of the conduct under the relevant provision is sufficient.

### **2. Fixing the Criminal Liability of the Accused:**

#### **a. Essential elements of the crime identified:**

The material and moral ingredients of the crime in accordance with the identified provision of the Special Part has to be discussed here clearly. For example, if it is a case of aggravated homicide, the facts should be shown to disclose:

- Intention of the accused in terms of Art. 58,
- At least one of the aggravating circumstances in terms of Art.539/1/a or b

#### **b. Causation of crime:**

If the facts include more than one cause then it has to be shown that the accused's act was the actual and adequate cause for the harmful consequence i.e. 'death of a human being' as in the case of the example we are considering. This is done in accordance with the rules laid down in Art.24 of the General part.

Always try to give sufficient reasoning for your stand. Yes/ No answers are neither useful for scoring maximum marks nor useful for your future practical application. This will help you to write nice reasoned judgments of academic as well as practical importance in future.

### **3. Recommendation of the Quantum of Punishment:**

The last and very important part of the prosecution case is that it should contain a well reasoned recommendation for a specific 'quantum' of punishment. Though it is the judge that has the final word in deciding the nature and length of the sentence to be given, it should form part of the prosecution's request. For example, in a case of aggravated homicide you will conclude that the accused be given a sentence of rigorous imprisonment for life unless there are convincing grounds for demanding a death

penalty. You have to support your sentence with sufficient reasoning too which will stand as an answer for the demands of the defence for mitigation of punishment.

The sentence recommendation should include aggravating circumstances, previous convictions, if any, and a description of the disposition of the accused.

## **II. Being a Defence Counsel:**

Normally the defence case begins with a 'plea of not guilty' where in the accused denies all the charges made against him. The defence may base its case on anyone of the following grounds:

### **1. Absence of Legal Ingredient:**

It may be shown that the harm caused is not one of those which are specifically prohibited under the Special Part of the Code. For example, 'raping' is a crime under the Ethiopian Criminal Code where as 'fornication' is not. Therefore, unless there is a strong proof of and element of 'force' the conduct cannot be a crime. The principle of legality prohibits the creation of crimes by analogy (Art.2/3). **Or,**

### **2. Absence of Material Ingredient:**

#### **a. By proving the absence of 'cause' and 'effect' relationship:**

In a case where several causes are present like preceding, concurrent or intervening etc. (Art. 24) 'the act/conduct of the accused' may be proved to be 'not the one' that had brought about the result or that it was the 'inadequate one' to have brought about the harmful result in question.

You need to show facts supporting your argument. **Or,**

#### **b. By plea of 'alibi':**

The Latin expression '*alibi*' literally means 'elsewhere'. It is a plea by a person accused of an offence that he was 'elsewhere'...that having regard to the time and place when and where he is alleged to have committed the crime, he could not have been present.

The *plea of alibi* postulates the '*physical impossibility of the presence*' of the accused at the scene of the crime by reason of his presence at another place. It should be shown that the accused was so far away at the relevant time that he could not be presented at the place where the crime was committed.

**Note:** While solving a hypothetical case '*alibi*' can be raised only in the light of the given facts. You cannot modify the facts by imagination. You cannot assume the facts unless you are asked to. **Or,**

### **3. Absence of Moral Ingredient:**

**a. By Proof of Incapacities: Arts. 48-56**

The defence may claim anyone of the incapacities like insanity, intoxication or infancy to prove the incapability of the defendant to form the guilty mind necessary to bring about the harmful consequences in question. Here again you have an obligation to support your contentions in the light of the facts given and the principles governing such a defence by referring to the relevant provisions of law. Or,

**b. By Proof of an Affirmative Defence; Arts. 68-81**

**i) Where justifiable-No punishment at all:**

Where all the essential conditions and the limitations specified under the relevant provision are fulfilled, the defence can claim complete immunity from punishment.

**ii) Where excusable-Mitigation of punishment:**

Where the conduct of the accused does not fulfill the requirements for an absolute justification a free mitigation of punishment pursuant to Art 180 can be claimed.

**III. Being a Judge:**

**a. Analysis of issues on both sides:**

If you are asked to decide the case assuming yourself to be a judge, you have to briefly discuss both prosecution and defence cases and then come to a reasoned decision which can answer the contentions of both the parties.

**b. Determination of punishment:**

This exercise should be done carefully following important principles relating to determination of punishment incorporated in Arts. 87 and 88. Due attention should be given to the aggravating, mitigating as well as combination of both kinds of circumstances (Arts. 82-86, and 179-189). Supporting your sentence with sufficient reasoning is the most important part of your judgment.

<b>Method of Delivery</b>	Generally, <b>active-learning</b> methods like group discussion, role-playing, individual and group work shall be employed as methods of instruction. As a result, the expected mode of learning will be <b>interactive, student - centered</b> and <b>practice - oriented</b> . Therefore, students are highly required to read the materials in advance.
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<b>Assessment</b>	<p>Students will be evaluated on the basis of continuous assessment and final exam.</p> <table data-bbox="456 352 922 611"> <tr> <td>Individual assignments</td> <td>10</td> </tr> <tr> <td>Individual presentation</td> <td>10</td> </tr> <tr> <td>group assignments</td> <td>15</td> </tr> <tr> <td>Test</td> <td>15</td> </tr> <tr> <td>Final Exam</td> <td>50</td> </tr> </table> <p>Participating actively in class discussions together with class attendance is an obligatory task of a student.</p> <p>Student who is absent in class a maximum of three days doesn't take final exam.</p>	Individual assignments	10	Individual presentation	10	group assignments	15	Test	15	Final Exam	50
Individual assignments	10										
Individual presentation	10										
group assignments	15										
Test	15										
Final Exam	50										