

**CHUKA****UNIVERSITY****UNIVERSITY EXAMINATIONS****EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF ARTS IN  
CRIMINOLOGY AND SECURITY STUDIES****CRSS 300: HUMAN RIGHTS IN CRIMINAL JUSTICE****STREAMS: CRSS****TIME: 2 HOURS****DAY/DATE: TUESDAY 04/12/2018****8.30 A.M. – 10.30 A.M.****INSTRUCTIONS:**

- Answer question one and any other two

**QUESTION ONE****(a)**

John a young man was born and brought up in Riacho County in the Northern part of Kenyan Republic. John was brought up by a single parent and only relative Rachel Wakabi. His mother encouraged him to work hard in his studies. After completing his high school education, John did not get a chance to join university under government sponsorship programme. Though he had passed well in his exams, he could not join University due to financial constraints. He therefore decided to seek for job in the Rift Valley County in Kenyan Republic. He was working as a foreman where he was paid “peanuts as salary.” Though this amount angered him much compared to the returns of the farm, he felt that this was his only livelihood. John was not the only victim as his subordinate lodged complains always in his office about increasing their salaries, better working conditions, safety measures and other reasonable working conditions. John used to forward these complains to his boss who did not take any initiative.

Later, John secured a sponsorship from a rich white man in the region known as Mzungu. Before the Whiteman approved the sponsorship, John was required to agree that after studies he was not to work for any other person apart from Mzungu for the next 20 years. John found this as a God sent opportunity. After studies he went to work for the white man where he was not informed of his terms of employment. For that month John did not receive any payment but he thought that he will be considered in the course of the month. He worked for the next 3 months without pay. When he asked, he was informed that his salary was taken to cater for the amount of money used in his studies. When he did his analysis he realized that he was to work for the next 7 years without pay. That is when he decided to quit that job and sought employment in a nearby

horticultural farm. In that farm the owner was using highly noxious chemicals as pesticides and for other farm purposes. Many employees used to quit job after being affected by those chemicals because they did not have chemical prevention measures like safety clothing. The nearby community and school had also complained as the smell of these chemicals could be felt many miles away. Further to that expired chemicals used to be thrown in the nearby river as waste products.

Mzungu who had employed John learnt about his departure and his destination. One day he visited John in person and advised him to go back to his place of work or else he was to face the consequences. 1 week later John was arrested by police officers who flogged him to the police station alleging that he was involved in theft that took place in Mzungu's residence. He was put in remand for 10 days where he was tortured demanding him to sign a statement that he is the one who organized the burglary. When John's mother came to visit him, she was denied access and was told that she was not to see him for the next 3 years. 2 weeks later Mwai, the local priest where John's mother worshiped raised the issue in the church sermon. After mass, members of the Youth Wing in John's Catholic Church went direct to Mzungu residence where they formed a mock court and found him guilty. He was sentenced to an immediate punishment where he was flogged to the gate and received 10 strokes while naked. John was released on the following day. In the evening when he was going home he met RiekShabab a group of young men who requested him to cite some verses of Quran. John a staunch Catholic refused and he was thoroughly beaten. He was found unconscious the following morning and was taken to Kangu Hospital, a mission hospital in the nearby town. Later in the day his mother went to check him. She found John missing from his hospital bed. On enquiry, John's mother was informed that John was picked by his uncle (a white man) and transferred to Karia Referral hospital for further medication. Wakabi went direct to that hospital and was informed that they had not received such a patient. It is now three months and John's mother has not known his whereabouts.

With the aid of well cited authorities discuss the human rights issues in criminal justice raised above. (20 marks)

(b) Discuss five main obligations of the state in realization of human rights. (10 marks)

### **QUESTION TWO**

(a) With aid of authorities discuss five characteristics of human rights. (10 marks)

(b) Examine 10 human rights and freedoms protected in the Universal Declaration of Human Rights relevant to criminal justice. (10 marks)

### **QUESTION THREE**

(a) Give and explain five remedies that may be granted by the High Court to a person whose rights and freedoms have been breached. (10 marks)

(b) Examine the historical development and evolution of human rights. (10 marks)

**QUESTION FOUR**

- (a) What are the enforcement mechanisms available in enforcing rights at international level?  
(10 marks)
- (b) Explain the rights of an arrested person as provided in the 2010 Constitution of Kenya.  
(10 marks)

**QUESTION FIVE**

- (a) Write short notes on the following terms
    - (i) Human Rights (4 marks)
    - (ii) Non-derogable rights (4 marks)
    - (iii) Limitation of rights (4 marks)
  - (b) Explain four main crimes under the jurisdiction of the International Criminal Court.  
(8 marks)
-