

Question 1:

In a town called Peace Land, the supporters of the Fiesta football team learn that the supporters of the Jubilee football team in the nearby city about 40 km away have damaged the ground on which the Final between both teams is to be held the following day. A crowd of Fiesta fans armed with deadly weapons attacks the homes of the supporters of the Jubilee football team in the town. In the attack, 10 men are killed, 5 women are gravely hurt, many homes are destroyed and over 50 people injured.

Imagine that you and your classmates are now part of the criminal justice system. First divide the class into the following four groups of persons:

1. Police 2. Public Prosecutor 3. Defense lawyer 4. Judge

The column on the right provides a list of functions. Match these with the roles that are listed on the left. Have each group pick the functions that it needs to perform to bring justice to those who were affected by the violence of the Fiesta fans? In what order, will these functions be performed?

Roles	Functions
Police	hear the witnesses
Public prosecutor	record the statements of witnesses
Defense Lawyer	cross examine the witnesses
Judge	take photographs of burnt homes
	record the evidence
	arrest the Fiesta fans
	writes the judgment
	argue the case for the victims
	decide for how many years the accused will be put in jail
	examine the witnesses in court
	pass the judgment

	get the assaulted women medically examined
	conduct a fair trial
	Meet the accused persons

Solution:

Police: record the statements of witnesses; records the evidence: take photographs of burnt homes; arrest the Fiesta fans; get the assaulted women medically examined.

Public Prosecutor: examine the witnesses; cross examine the witnesses in court; argue the case for the victims.

Defense Lawyer: examine the witnesses; meet the accused persons; cross examine the witness in court.

Judge: hear the witness; writes the judgment; decide for how many years the accused will be put in jail; pass the judgment: conduct a fair trial.

Question:2

Now take the same situation but ask one student who is a supporter of the Fiesta Club to perform the functions listed above. Do you think the victims would get justice if only one person performed all of the functions of the criminal justice system? Why not?

State two reasons why you believe that different persons need to play different roles as part of the criminal justice system?

Solution:

If only one person performed all of the functions of the criminal justice system he would be influenced by several internal and external prejudices. Thus a separation of powers is necessary within a judicial system too, since absolute power can never be fair.

Different persons need to play different roles as a part of the criminal justice system because all aspects of an investigation and trial cannot be conducted by one person alone as they entail diverse kinds of work including, arrests, recording of witness statements, defense of accused and victims' parties, passing of a fair trial and a judicially correct judgment.

Thus there should be different persons handling different offices in the criminal justice system to think wisely, understand the situations and pronounce the verdict in accordance with the law.

if all these powers are vested in one person alone, they might be misused and will thereby violate the rule of law based on equal and just decisions.