

**BOWEN UNIVERSITY  
(OF THE NIGERIAN BAPTIST CONVENTION)  
IWO, OSUN STATE  
COLLEGE OF LAW**

**SECOND SEMESTER EXAMINATION, 2024/2025 ACADEMIC SESSION  
COURSE CODE: PIL 410                      COURSE TITLE: LAW AND MEDICINE II**

**INSTRUCTIONS**

**ATTEMPT FOUR QUESTIONS IN ALL      EACH QUESTION CARRIES 17<sup>1/2</sup> MARKS  
TIME ALLOWED: THREE (3) HOURS**

- 1) In Nigeria, as in most other jurisdictions the world over, the right to life is a fundamental right. Section 33, Constitution of the Federal Republic of Nigeria, 1999 states that, "Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court of law in respect of a criminal offence of which he has been found guilty in Nigeria." Further, the African Charter on Human and Peoples' Rights, to which Nigeria is a signatory provides in Article 4 that, "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of his right."
- As the legislator representing your constituency, you chair the committee on legalizing euthanasia in Nigeria. **You are required to educate the house on the advantages and disadvantages of the process, such that informed decisions can be made.**
- a) Prepare your brief. **(12<sup>1/2</sup> marks)**
- b) What safeguards would you recommend for the practice of euthanasia? **(5 marks)**
- 2) "A defendant is not guilty by reason of insanity if, at the time of the act, he was suffering from a defect of reason, from a disease of the mind, such that he either did not know the nature and quality of the act, or did not know it was wrong."
- Mr. Kulu Adex had fatally murdered his neighbor by stabbing him multiple times with a knife. His counsel has raised the above defence, stating that Mr. Kulu Adex at the time of committing the offence was mentally unstable, suffering from paranoid schizophrenia, and that he believed he killed a demon, not a human being. The counsel intends to show to the court by evidence that the defendant's abnormality of mind substantially impaired his ability to form rational judgment or exercise self-control at the time.
- a) What defence has the defence counsel raised? **(1mark)**
- b) Draw a distinction between this defence and legal insanity. **(2 marks)**
- c) How will The Law Esq establish this defence by evidence? **(4<sup>1/2</sup> marks)**
- d) Draw a relationship between Criminal Law, Law of Evidence as well as Law and Medicine with specific reference to the conduct of Mr Kulus case by his counsel, the prosecuting counsel, and the court. **(10 marks)**
- 3) Under both the Criminal Code and Penal Code, abortion is criminalized in Nigeria. Your Non-Governmental Organization, Freedom for All', is at the fore front of advocating for legalizing abortion in certain exceptional cases such as rape, incest, and inherent risk to the mother's life, thereby providing for what you could call 'safe abortion'. There is another organization affiliated to a very powerful religious body in your country, called 'Life for All'. They argue that legalizing abortion is a violation of the right of the fetus

to life, and a direct undermine of the dignity of the unborn child. They add that it is the duty of the State to protect unborn children who are too vulnerable to protect themselves. **Make a very convincing presentation of your position, laying much emphasis on the jurisprudence of abortion in exceptional circumstances, when life really begins, and the right of the female to autonomy of her body.**

## SECTION B

- 4 (a) Mr. Roscoe was alleged to have raped Chris, a 9-year old girl, on the 6<sup>th</sup> day of March, 2025. She gave evidence of the rape but had no corroboration as required by the law to validate her evidence. However, in the course of police investigation, both the appellant and the girl were examined by a medical doctor on the 8<sup>th</sup> of March, 2025. The examination confirmed that Chris was infected with gonorrhoea three days before the medical examination, and that the appellant was suffering from the same type of gonorrhoea found on Chris. The appellant argues that Chris is a minor and does not know what she is saying and that in accordance with the law; her testimony ought to be corroborated before being decided upon. Thus, he has come to you for an advice on the importance of the medical report and the success or otherwise of his case. **(8<sup>1/2</sup> marks)**
- (b) Discuss the various classifications of a medical report. **(3 marks)**
- (c) Explain the role of a medical doctor in preparing a medical report. **(4 marks)**
- (d) Discuss whether a patient has a right of access or not to his medical records. **(2 marks)**
5. Write notes on the following:
- (a) Altruistic Surrogacy. **(5 marks)**
- (b) Commercial Surrogacy. **(5 marks)**
- (c) Traditional Surrogacy. **(3<sup>1/2</sup> marks)**
- (d) Gestational Surrogacy. **(4 marks)**
6. Legal issues always arise as a result of using the Artificial Reproductive Technology of *in vitro fertilization*. Discuss this assertion in view of the following cases:
- (a) Davis v. Davis. **(4 marks)**
- (b) Kass v. Kass. **(4 marks)**
- (c) X v. Y (California Case). **(1<sup>1/2</sup> marks)**
- (d) Doolan v. IVF America. **(4 marks)**
- (e) Finley v. Astrue. **(4 marks)**