

**UGANDA MARTYRS UNIVERSITY  
NKOZI**

**UNIVERSITY EXAMINATION  
March 2021**

**FACULTY OF LAW**

**BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER ONE FINAL ASSESSMENT  
ACADEMIC YEAR 2020/2021**

**FUNDAMENTALS OF CRIMINAL LAW  
LLB 1103**

**DATE:** Saturday, 13<sup>th</sup> March, 2021

**TIME:** 9:30 AM– 1: 00 PM

**DURATION:** 3 & HALF HRS

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**Instructions:**

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1. This is a closed book exam. No materials are allowed in the exam room
2. Carefully read through ALL the questions before attempting
3. **SECTION A is COMPULSORY. At least one question should be attempted from SECTIONS B & C. A total of FOUR QUESTIONS SHOULD BE ANSWERED IN ALL.**
4. No **names** should be written anywhere on the examination book.
5. Ensure that your **Registration number** is indicated on all pages of the examination answer booklet.
6. Ensure your work is **clear** and **readable**. Untidy work shall be penalized
7. Any type of examination malpractice will lead to automatic disqualification
8. Do not write anything on the questions paper.
9. Use the exam answer booklet for all your rough work.

## **SECTION A: COMPULSORY QUESTION**

### **QUESTION 1 (25 MARKS)**

**Read the facts below and answer the questions that follow:**

Okello, Muwanga and Kiiza decided between themselves that they wished to assassinate the Minister of Health in order to protest against the prolonged lockdown which has affected the social life at night that is going to the clubs and late-night parties. To maximize the impact of this act, they formed a plan to enter into the Ministry of Health building using a master key. In order to do this, they needed to gain access to the building. Muwanga identified one of the security guards at the Ministry of Health called Muwanguzi. The next day when Muwanguzi was going to work, Muwanga and Okello ambushed him, hit him with an iron bar and took the master keys to the Ministry of health Building from his pocket.

Muwanga and Okello then went to the Ministry of Health building and used the master key to gain access through the outer gates and into the building. As Muwanga tried to unlock the door to the office of the Minister who had already arrived early that morning, and was working in her office. Okello agreed to remain outside and watch around for any persons coming. Muwanga pulled out the wrong set of keys and was trying to open the door with his own house keys, when the police arrived and arrested him, having been called by Muwanguzi. Okello, it transpired had gotten scared and run away rather than keep watch.

- a) Discuss the criminal liability of the parties involved in this case.**
  - b) Would your argument be different if the Minister was not in the building?**
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## **SECTION B**

### **QUESTION 2**

A person charged with a crime/criminal offence cannot be found guilty unless actus reus & mens rea are found. Discuss. **(25 marks)**

### **QUESTION 3**

**With the aid of relevant authorities, advise the parties on the possible defences in the following set of facts;**

- a) Dr Luswata a reputable surgeon in Kampala performed an operation of abortion on a 15-year-old girl who had been defiled. He says the girl would have died if the pregnancy was left to continue. **(5 marks)**
- b) Elijah a nine-year-old boy finds an iPhone on an outdoor table in Centenary Park. He takes the iPhone to his home and shows it to his brother Enock who is 17years old. Enock encourages Elijah to give him the iPhone promising to return it to Centenary park but instead he sells it. **(5 marks)**
- c) Paul Mwesigwa, a Ugandan National is arrested, charged and sentenced for stealing mobile phones from a shop in Kigali, Rwanda. He is arrested upon arrival at Entebbe airport and charged with the offence of theft of mobile phones which offence was committed in Kigali. **(5 marks)**
- d) Christian has been having delusions that his father is a witch and is responsible for his poverty and the continuous illness of his wife. Determined to finish off his father and

bring his misery to an end, Christian goes to the local bar one evening, drowns half a crate of Nile Special then heads to his father's house and stabs him to death. **(5 marks)**

- e) Kasingye is arrested in connection with the defilement of Karungi that occurred on 11<sup>th</sup> January 2021 in Nkozi, he however says that he has been in Kabale looking for tuition and upkeep money since 23<sup>rd</sup> December 2020 and only returned to Nkozi on 4<sup>th</sup> February 2021. **(5 marks)**

#### **QUESTION 4**

- a) What distinguishes Criminal law from Civil Law. **(15 marks)**
- b) Criminal Law applies the concept of punishment, explain the theories that pertain to this concept of punishment. **(10 marks)**
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### **SECTION C**

#### **QUESTION 5**

Strict Liability and Vicarious Liability offences are contrary to the fundamental principles of Criminal Law. The imposition of criminal liability without reference to the state of mind of an accused person can never be justified.

**With reference to statutory law and case law, explain why and in what circumstances the courts recognize the existence of crimes of strict and vicarious liability. (25 marks)**

## **QUESTION 6**

**Using relevant statutory and/or case law write short notes on the following:**

- a) Self Defence **(5 marks)**
- b) Intoxication **(5 marks)**
- c) The Burden of Proof in Criminal Proceedings **(5 marks)**
- d) Mc Naghten Rules. **(5 marks)**
- e) Double Jeopardy. **(5 marks)**

## **QUESTION 7**

Mwiine a human rights activist with a local human rights NGO that does not support the rights of sexual minorities. He persuaded his friend Musinguzi to join him in a protest against the increasing number of gay Ugandans. They decided that they will go ahead and burn down the offices of the gay community in Kampala located in down town Kampala on Friday 27<sup>th</sup> February 2021 when all the employees have left. They purchased cans of petrol and pieces of cloth which they hid in their car nearby.

On Friday 27<sup>th</sup> February 2021, Mwiine drove to the offices together with Musinguzi, when they got there, Mwiine approached the offices with a view of checking that they were empty. As he reached the front doors, he triggered an intruder alarm and the building was lit by floodlights. Mwiine & Musinguzi escaped. It later transpired that the petrol cans actually contained water and this would not have set the laboratory on fire.

**Discuss the liability of Mwiine and Musinguzi for any inchoate offences. (25 marks)**

**GOOD LUCK**