

UGANDA MARTYRS UNIVERSITY
NKOZI

UNIVERSITY EXAMINATION JULY 2022

FACULTY OF LAW

BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER 2 FINAL ASSESSMENT
ACADEMIC YEAR 2021/2022

CRIMINAL LIABILITY
LLB 1208

DATE: Wednesday 13th July, 2022

TIME: 9:30 AM– 1: 00 PM

DURATION: 3 & HALF HRS

Instructions:

1. This is a **PARTIALLY OPEN BOOK EXAM**. You are allowed to bring only relevant clean unmarked statutes to the exam room.
2. **Question 1 & 4 are COMPULSORY, one other question from each section shall be chosen at will making it a total of FOUR questions.** Each question carries 25 marks.
3. No **names** should be written anywhere on the examination book.
4. Ensure that your **Registration Number** is indicated on all pages of the examination answer booklet.
5. Take time to carefully think about the questions, the issues involved and the planning of your answers.
6. Marks will be awarded for answers that are well thought-out. Effective use of authorities drawn from statutory law and case law will earn you extra credit.

SECTION A

QUESTION 1 (COMPULSORY)

Read the following facts and answer the questions that follow:

Kassim and Ali belong to the Al- Shabaab terrorist organisation. The two and 8 others have been planning to conduct a terrorist attack in Uganda. They start preparing for the attack in a neighboring country by conducting meetings, making home grenades as well as fundraising from the terrorist organisations such as Al- Queda. To make sure that their planned attack is successful, they linked with another terrorist group in the Democratic Republic of Congo called Allied Democratic Forces. Kassim and Ali proceeded to transfer 200,000 US Dollars to Amin on his bank account. On receipt of the money, Amin embarked on looking for possible targets for the terrorist attack and he identified one of the busiest shopping arcades and another busy trading centre within the capital city of Uganda. On the 4th of July 2015, Kassim and Ali started their journey to Uganda. When they reached the border, Ali was arrested because his passport looked forged but Yassin was allowed to enter with the homemade bombs. Kassim proceeded to the capital city and connected with Amin. The two agreed to launch the terrorist attack on a Saturday when the two identified target areas which would be busy. On Saturday 20th July 2015, they discharged bombs which caused deaths and serious bodily injuries as well as extensive destruction of property.

The file has been brought to you for perusal as a State Attorney in the DPP's office. Write a legal memorandum that covers the following aspects:

- a) The nature of offences committed; **(15 marks)**
- b) Possible parties to the offence; **(5 marks)**
- c) The role of the DPP in prosecuting the offences committed; **(5 marks)**

QUESTION 2

With the aid of relevant authorities, write short notes on the following:

- a) The Doctrine of Recent Possession (10 marks)
- b) Corroboration of Sexual Offences (5 marks)
- c) Treason (5 marks)
- d) Burglary (5 marks)

QUESTION 3

In July 2016, Okot a resident of Omoro village who is HIV positive and it is well known, follows Apiyo a 11-year-old girl on her way to the village well. He ambushed her on the way and he drags her into the bush, pushes her down, pulls off her panties and gets on top of her and has carnal knowledge of her and thereafter he begins to beat her up in an attempt to kill her and in the process breaks her leg. Twenty-five minutes later, a police car passes by and Okot runs away. As he runs away, he finds a house whose gate is open and he gets into the house stealthily and decides to hide there for a few minutes. While there he discovers that the occupants of this house are not there but the TV is on, indicating to him that they are probably nearby, hence he takes away some property like a radio and a laptop as he contemplates that by going with these items, he will then be able to sell them and get some money. Three days later, Okot is arrested. At the Police Station, Okot is identified by Apiyo but he insists that the Police have the wrong person. He says his name is Otema Charles and he has been in Arua district for over 2 months and only came back last night because he is sick.

Discuss the criminal liability of Okot and any possible defences. (25 marks)

SECTION B

QUESTION 4 (COMPULSORY)

"The offences of causing financial loss and embezzlement are somewhat similar and yet distinct" as per Mubiru Kaaya a 1st Year Law Student at the Faculty of Law Uganda Martyrs University.

Critically analyse this assertion by Mubiru Kaaya. (25 marks)

QUESTION 5

Discuss the significance of the 2015 and 2017 Amendments to the Anti-Terrorism Act 2002. (25 marks)

QUESTION 6

Discuss whether there are any offences committed under the following circumstances;

- a) Ronald is a HR Manager in a Private Company and he was entrusted by the Senior Accountant with giving out petty cash to his colleagues in the HR Department. Ronald however decided to use the money to buy his monthly medication as his salary has not been paid for over a month now. (5 marks)
- b) A popular Pastor advises a couple that they should bring 2 million Uganda Shillings so that he prays for it to double. The couple gives him the money and when they later ask him about the double portion of their money, he tells them to forget the money. (5 marks)
- c) Salim was found selling a stolen radio in Kisekka market and he could not explain how he got it. (5 marks)
- d) A is attending proceedings in the Nakawa Chief Magistrates' Court where his neighbour X's bail application is being heard. As the court proceedings are going on, A suddenly starts shouting; "release him, release him, he is innocent." In addition, he throws a bottle at the Chief Magistrate. (5 marks)
- e) Kifeesi belongs to the Opposition party in the Republic of Uganda he launches "walk to work" and "Tubalemese" or "make the government fail" programmes as one way of making the ruling government unpopular so that it can be overthrown. (5 marks)