

# Uganda Martyrs University

## Nkozi

FACULTY OF LAW

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DURATION

3Hrs 30 Mins

PAPER

**LAW OF EVIDENCE II**

LEVEL

**DEGREE**

SUBMISSION DATE

**14<sup>TH</sup> JULY 2022**

STUDY SESSION

**LLB II SEM 2**

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### INSTRUCTIONS:

1. Hiring of Machineries and Consultation with practitioners or any other personnel is illegal and will lead to automatic disqualification of the Candidate.
2. This is a **TOTALLY CLOSED MOUTH AND PARTIALLY OPEN BOOK** Examination restricted to a clean unedited copy of the Reading List, Personal Handwritten Notes and Statutes.
3. Read the **QUESTIONS** carefully and the **INSTRUCTIONS** on the **ASSESSMENT SCRIPT** before attempting to answer any question.
4. Candidates should answer **THREE (3) QUESTIONS IN TOTAL**, including **QUESTION 1** which is compulsory and always start answering each question on a fresh page.
5. Candidates must use only one booklet.
6. Your work **MUST** be **WELL & PROPERLY** referenced and with all references e.g. cases, textbooks in bold, capitalized and underlined).
7. Ensure that you start each number on a fresh page.
8. Your index Number should clearly be highlighted on all pages of your work
9. Uganda Martyrs University Nkozi examinations are conducted in accordance with the *Uganda Martyrs University Senate General Rules & Regulations and any other Applicable University Policies and National Laws Relating to Conduct of Examinations.* Breach of the above instructions, irregularity, or any other



contravention of the examination regulations will lead to disqualification and/or subsequent disciplinary action by Senate.

### **QUESTION ONE**

Mushieija Murofa has been charged with rape. It is alleged that sometime during Easter week 2021, he raped Mukazi Mukwatte in Kebirunga Pharmacy where Mukwatte worked. The prosecution has several witnesses that have come forward and made police statements. It wants to rely on the evidence of Kabwa, an illiterate, deaf and dumb 19-year-old shop attendant who known to Murofa was present in the pharmacy at the time. Kambe, a 26-year-old beggar who owing to regular chewing of "greens" is not usually aware of his surroundings but who insists that he saw what happened and would like to state the truth in court because he does not like people who harm women. Trust, Murofa's second wife whom he married under customary law after his church wedding to the first wife failed. Sadly too, Mukwatte's 10-year-old daughter Zerida came out from the back room of the pharmacy where she had been having a nap and found Murofa standing over Mukwatte. She found her mother crying. Lastly, is Kabizi aged 40, Murofa's good friend who tells you that he actually escorted Musheija to execute his mission and guarded the pharmacy door while Murofa raped Mukazi.

- a. With reference to relevant authorities, discuss whether Prosecution can rely on each of the named witnesses.
- b. Assuming when taken to court, Kabizi testifies that he doesnot know Murofa or anything of the allegation against Murofa, explain what course of action you as State Attorney would take to discredit him. **(40 Marks)**

### **QUESTION TWO**

Write short notes on the following: -

- a. Judicial Notice
- b. Admissibility of the evidence of Opio in a Court in Uganda while he is resident in Ontario Canada.
- c. Presumptions
- d. Hostile and Refractory Witnesses
- e. Professional privileges **(20 Marks)**

### **QUESTION THREE**

Citing the relevant authorities, discuss the law relating to admissibility of evidence of children of tender years and the procedure of receiving such evidence in court. **(20 Marks)**

### **QUESTION FOUR**

"It is the duty of prosecution to prove a prisoner's guilt subject to the defence of insanity," **Woolmington vs. DPP (1935) ALL.ER 462**. With the aid of relevant authorities, discuss the above statement in relation to the law on the burden and standard of proof in criminal cases under the law of evidence in Uganda. **(20 Marks)**

### **QUESTION FIVE**

"Corroboration should be a handmaid and not a bottle neck to court users. The law of corroboration as it is understood today is archaic and irrelevant. It needs to be revised and, or amended to meet the requirements of the modern age."

**Do you agree with the above deduction? Explain your answer with the support of relevant authorities. (20 Marks)**

### **QUESTION SIX**

"When the terms of a contract have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of that contract or of such matter except the document itself."

**Using appropriate authorities, explain and demonstrate the application of the rule enunciated in the above quotation in the Ugandan context. (20 Marks)**

**WISHING YOU LUCK!!!!!!**