

# UGANDA MARTYRS UNIVERSITY

## FACULTY OF LAW

### LAW OF EVIDENCE I

#### Instructions

1. This is a **PARTIALLY OPEN** examination. Use of clean copies of the Evidence Act and handwritten notes is permitted.
2. You are expected to attempt a total of four questions.
3. Question 1 is **COMPULSORY**.
4. Use of relevant authorities in form of statutory provisions, case law and scholarly sources shall contribute greatly to the assessment of your answers.

#### Questions

1. One dark night 10 days ago, Yolanda's house at Kireka was broken into and several items were stolen. Her two dogs barked for some time and then run away. She had been woken by the barking and then she tiptoed into the sitting room where she saw two men standing outside at her door. One appeared to be cutting the iron bars on the door and the other was holding a torch which shone slightly in the face of the first man. She crept back to her room and hid. When she reported to the police early in the morning, they came with a sniffer dog that led them to the house of Mukuzi about 2 kilometres away. Mukuzi denies having been in the area on the day of the theft and has Facebook photos showing he was in Nsambya watching a basketball match. At his house, the police recovered a Dell laptop which Yolanda says belongs to her considering its light blue colour just like hers.  
  
The police also found some car parts of various vehicles at Mukuzi's house. Police Constable Jomo concluded when he saw all the fingerprints on the laptop and car parts that they are Mukuzi's since no one else was in the house and "it makes no sense for anyone to have such items in their house". Meanwhile the police also recovered Mukuzi's Samsung S70 and have seen that he regularly searches on YouTube on topics such as "how to break a door" and "how to defend oneself against a dog attack" as well as "disposal of contraband".

Yolanda says she can recognise one of the men because he had a long scar on the face but the police are wondering how to assist her on that. The police also spoke to the LC1 Chairman who is willing to testify that Mukuzi's brother Mubbi who stays with Mukuzi had disappeared a few days before the police searched Mukuzi's house and "as Chairman I am always suspicious of those two because they are very difficult and I am not surprised if they stole". The LC1 Chairman further stated that "they have always been well behaved but still, their appearance and association with funny organisations like People Power shows that they are criminally minded."

From the facts above, identify any legal issues and any deficiencies in the proposed evidence. (25 marks)

2. Identify and illustrate the application of the principles of relevance and admissibility in the law of evidence in Uganda. (25 marks)
3. Identify and explain the principles governing the law on confessions in Uganda. (25 marks)
4. "By its very nature, hearsay evidence is mere gossip. I see no reason imaginable as to why we ought to bother with this concept. I move that we scrap all exceptions to the hearsay rule – whatever that means – and only deal with hard evidence and facts. That is the only way to stop this circus in our courts of law..."

Per Hon Musadha Tiibiidii while making submissions on the proposed amendment to the Evidence Act in the parliament of Uganda.

Imagine you were retained by the Minister of Justice and Constitutional Affairs as a consultant on the reform of the Law of Evidence. Using legally recognised authorities, critically analyse the aforementioned statement and write a legal memorandum to the aforementioned Minister in response to the said statement.

5. "Just like the rule against hearsay evidence, the rationale for evidence of character in law is clearly hard to justify. The legislator and the reformer of these laws have delayed in scrapping it."

Do you agree? Justify your response.