



FACULTY OF LAW
UNIVERSITY EXAMINATIONS
DEGREE OF BACHELOR OF LAWS (LLB)
AY 2020/2021 SEMESTER 2
LLB 1208: CRIMINAL LIABILITY

DATE: Tuesday 27th July, 2021- Wednesday 28th July 2021

TIME: 8.00am (27th July 2021) – 8.00am (28th July 2021)

Instructions:

1. This take-home exam should be completed and the answer script submitted by 8.00am on 28th July 2021.
2. Answer ALL questions. These must be answered in detail.
3. Carefully read through the questions before attempting.
4. Any materials referred to, should be indicated. Avoid plagiarism from the class notes.
5. Your answer should also be well-typed and edited and **MUST** be 1.5 spacing.

QUESTION 1

Amanya is a 2nd Year Law Student at Uganda Martyrs University Nkozi where he pays 2,000,000shs per term. Ayebare, a friend of Amanya tips him that at Dweller's Pub it is easy to raise that kind of money from inhabitants of the Ssesse Island who are regular customers of the said pub. In Ssesse Island, male can marry male, female can marry female and male can marry female.

After visiting the place for a week and raising 500,000shs from his sexual encounters with several male Ssesse Islanders, he (Amanya) decided to take his 13-year-old sister Keziah to enable him raise the extra 1,500,000shs.

Amanya hands over Keziah to a female Ssesse Islander who hands over 200,000 to Amanya and disappears with Keziah into the hotel where this female Islander and Keziah get busy in the act.

Unfortunately for Amanya, Ayebare has tipped the Police about his friend's episode. As soon as Keziah enters a hotel room, Police suddenly appear. Amanya is however faster, he rushes to Keziah's hide out to warn the "couple." When the police enter the room and try to arrest the inhabitants, Amanya grabs his sister and makes for the side door. When the police order him "to stop or be shot" Amanya "places" his sister in front of him/uses her as a shield and continues running backwards. This is in the belief that the police cannot shot at a young girl. When the police get "too close" to him, Amanya shoots in the air. At the moment the police shoot towards Amanya and the bullets get Keziah.

Keziah is rushed to hospital but the doctor on duty refuses to attend to her because "these are the girls frustrating the government in the fight against AIDS."

2 days later, another doctor rushes Keziah to the theatre in order to remove the lodged bullet. Unknown to the said doctor Keziah is allergic to the chemical 'Mariandina' which he administers to put Keziah to sleep. Keziah dies during the operation. The post mortem report reads **"(a)2 useful days lost & (b)chemical affected heart."** Keziah's mother goes out to search for Amanya who is reportedly hiding in a house belonging to his mistress. Amanya hears the woman swearing to ***"kill Amanya on sight."***

Amanya jumps from his hide out and grabs the woman. In the process, the woman's head hits the floor and she sustains injuries. Amanya laments thus ***"she should not have provoked me."***

You have been posted to Mbarara magisterial area as a Resident State Attorney. On the morning of 27th July 2021, you find a file on your desk, posted to you by the Area CID Police Officer with the following instruction;

Write a legal memorandum identifying all the possible offences and how you can prove the ingredients of each offence. Do any of the parties have a chance of being acquitted?
(20 marks)

QUESTION 2

Pepe Kale applied to a law firm for a job of a legal assistant. Having not completed his law degree, but with an avid interest in practicing law, he inserted his name in the degree certificate and in the curriculum vitae of a highly qualified best friend Kule and submitted his application to the law firm. The senior partner, Eke interviewed Pepe Kale and was impressed with his qualifications and how he responded to the interview questions. As a result, he appointed him to the job without bothering to check whether his qualifications were genuine. He considered him for a job of high standard. Whilst in the office one day, Pepe Kale found the firm's photocopying card which had a limit of five hundred and fifty copies. He used it to print out five hundred invitations to his forthcoming birthday party before returning it to the administrator. When Pepe Kale received his first salary cheque, he went to the State Wide Insurance Company and completed an application form for car insurance rate for qualified lawyers. On his way home, he popped into a men's clothing store in Acacia Mall and used an expired credit card to buy a new suit and a pair of shoes. Thereafter he went to a nearby coffee shop in the mall, had a cup of coffee and walked out without paying. Four weeks later, Pepe Kale was informed by the bank that the salary payment had not cleared and as a result

the cheque he paid to the insurance company also bounced. He discovered that the law firm had been declared bankrupt one week before he joined and had no funds in its bank account.

As a State Attorney in the DPP's office, this file has been sent to you for perusal and advice. Prepare a legal memorandum that discusses the offences committed by the parties involved. (15 marks)

QUESTION 3

With the aid of statutory authorities and case law, compare and contrast the offences of **treason** and **terrorism** as well as the significance of the **2015 and 2017 amendments to the Anti- Terrorism Act 2002**. (15 marks)