

UGANDA MARTYRS UNIVERSITY  
NKOZI

UNIVERSITY EXAMINATION  
MAY 2023

FACULTY OF LAW

BACHELOR OF LAWS (LLB) YEAR III SEMESTER II FINAL ASSESSMENT  
ACADEMIC YEAR 2022/2023

HUMAN RIGHTS IN THE DOMESTIC PERSPECTIVE  
LLB 3218

DATE: Tuesday 23<sup>rd</sup> May, 2023

TIME: 9:30 AM– 1: 00 PM

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**Instructions:**

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1. This is a partially open book exam. Only a clean copy of the 1995 Constitution is allowed in the examination room.
2. Question 1 is **COMPULSORY**. The other 3 questions shall be picked at will.
3. Candidates shall attempt a total of **FOUR** questions.
4. Each question carries 25 marks.
5. No **names** should be written anywhere on the examination book.
6. Ensure that your **Registration number** is indicated on all pages of the examination answer booklet.
7. Any type of examination malpractice will lead to automatic disqualification
8. Use the exam answer booklet for all your rough work

### Question 1 (COMPULSORY)

The firm of Elite Lawyers Associates (ELA) in Kampala has been approached by the Defiant Political Party (DPP) for advice on the situation of several of their leaders:

- a) Immediately after the disputed elections in the country in the August 2021, the DPP Presidential Candidate was placed under preventive house arrest and has not been allowed to leave his home. Reason given by the police is that he is a security threat. The police fear that he will cause disruption to the peace and security if he is allowed to move about.
- b) One of the chief mobilisers of the DPP disappeared in May 2021 at the height of the presidential election campaigns; it is alleged that he was arrested by the security forces; his family went to court and obtained a writ of habeas corpus which was not returned on two different occasions. He was eventually produced in court in December 2021 after the elections and charged with terrorism. The DPP are furious at this turn of events and want the proceedings stopped.
- c) All persons found in possession of DPP associated regalia including the red berets and shirts inscribed with the words "*we are defiant, so what will you do,*" are being sent directly to Luzira maximum prison by the Police.
- d) Some two commanders are detaining suspected DPP supporters on their farms and making them work in return for food.
- e) Hon Spire one of the lawyers of the party was supposed to travel to Banjul in the Gambia to lodge a complaint before the African Commission in April 2021 but his passport was confiscated by the police on the grounds that he is a person of interest in an ongoing treason investigation.

The Defiant Political Party (DPP) would like to receive comprehensive legal advice on the human rights questions if any, raised in each of the circumstances before they take action. As an intern in the firm of Elite Lawyers Associates (ELA), you have been asked to draft an authoritative legal memorandum addressing the issues raised in each of these cases. **(25 marks)**

### Question 2

Discuss the impact of colonialism on the protection of human rights in Uganda. (25 marks)

### Question 3

The right protected under Article 24 of the 1995 Constitution is considered as a non-derogable right enshrined in Article 44(a). In an authoritative essay, discuss the parameters of this non derogable right as defined by the courts of law. (25 marks)

### Question 4

In fulfilment of its mandate under article 52 (1)(c ) of the 1995 Constitution of Uganda, the Uganda Human Rights Commission(UHRC) is conducting a human rights training for newly recruited magistrates, policemen and officers of UPDF. As an intern from Uganda Martyrs University Faculty of Law attached to the UHRC, you are required to facilitate at one of the sessions.

In a concise and authoritative presentation, highlight the duties and obligations conferred on the different categories of participants under Article 23(2), 23(4), 23(6) & 23(9) of the 1995 Constitution. (25 marks)

### Question 5

Using the jurisprudence from the courts, discuss the approach Uganda has taken in applying the limitation clause under Article 43 of the Constitution. (25 marks)

### Question 6

With vivid examples, discuss the right to gender equality and the obstacles to the full realisation of the rights of women in Uganda. (25 marks)



### **Question 7**

With the support of relevant authorities, write short notes on the following freedoms in Article 29 (1) of the 1995 Constitution:

- a) Freedom of speech and expression. (10 marks)
- b) Freedom to practice any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organisation in a manner consistent with this Constitution. (5 marks)
- c) Freedom of assembly and association. (10 marks)

**BEST OF LUCK**