

UGANDA MARTYRS UNIVERSITY  
NKOZI

UNIVERSITY EXAMINATION  
December 2019

FACULTY OF LAW

BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER ONE FINAL  
ASSESSMENT ACADEMIC YEAR 2019/2020

FUNDAMENTALS OF CRIMINAL LAW  
LLB 1103

DATE: Thursday, 12<sup>th</sup> December, 2019

TIME: 9:30 AM- 1: 00 PM

DURATION: 3 & HALF HRS

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**Instructions:**

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1. This is a closed book exam. No materials are allowed in the exam room
2. Carefully read through ALL the questions before attempting
3. **ANSWER FOUR (4) Questions ONLY.** (Question 1 is compulsory and all questions carry equal marks)
4. No **names** should be written anywhere on the examination book.
5. Ensure that your **Registration number** is indicated on all pages of the examination answer booklet.
6. Ensure your work is **clear** and **readable**. Untidy work shall be penalized
7. Any type of examination Malpractice will lead to automatic disqualification
8. Do not write anything on the questions paper.
9. Use the exam answer booklet for all your rough work

## Compulsory Question

### Question 1: Read the following facts and answer question that follows:

Paul and Prossy are twin brother and sister. They have endured years of physical abuse at the hands of their father. After leaving home, they remain very angry about their father's treatment of them and decide to kill him. They order some poison from the internet and decide to put it in his favorite drink Uganda Waragi, knowing that he likes to take a glass of waragi at night before he sleeps. Upon arrival at home, their father drinks the waragi. However, what was ordered was actually a harmless fruit juice which they thought was poison and their father suffers no ill effects from drinking it. Paul is relieved to learn that they have not killed their father and he does not wish to participate in any other plans to kill their father. Prossy, on the other hand, is very angry that their father has survived and decides that she will find another way to kill him. One evening, her father tells her that her birth was a mistake and that neither he nor her mother has ever loved her. This sends her into anger. On his way out of the house, Prossy takes a heavy saucepan made in Katwe and repeatedly hits him over the head with it. He later dies from his injuries.

Later Prossy and Paul are having an argument regarding the death of their father. Paul pulls out a gun and threatens to shoot. Prossy tells Paul that he is a coward and would not dare to shoot her. Paul in trying to prove a point actually pulls the trigger. The bullet however misses the intended target (Prossy) and hits the wall behind Prossy causing the bullet to rebound off the wall and hits Richard (who is standing fifteen feet away) on the head. Richard falls down unconscious. Paul dashes to help Richard. Unfortunately, he trips as he does so and falls on top of Richard, killing him.

Advise Prossy and Paul of their criminal responsibility and possible defences available to them.

## Question 2

“Fundamentals of criminal law has no relevance to the protection of human life and settlement of disputes among the public as it has no basis for its development, punishment to the offender and where the punishments are provided, there is no clear rationale or reasons why such punishments are applied.”

*Per Muntunyera a student of Business Administration at Uganda Martyrs University. With clear illustrations of the development and functions of criminal law, the various types of punishments under criminal law and why they are applied, show whether or not you agree with the above student.*

## Question 3

On the 4<sup>th</sup> day of July 2019, Muzukulu was sleeping when he heard his cows making noise. On waking up, he sighted two tall men pulling his three cows away. He followed them up to a distance of about one kilometer, when one of the two men turned and chased Muzukulu. He threw a spear which missed Muzukulu and fell by his side. Muzukulu picked the same spear and threw it at him in the chest. He collapsed and died from there. Muzukulu raised an alarm which attracted neighbors. They found when Muzukulu was trying to carry the victim away from the place, and when they asked him, he told them he wanted to take the deceased to the hospital. Muzukulu later reported the matter to the police post at Kakiri. He was detained on allegation that he killed a person.

What defences are available for Muzukulu?

## Question 4

With the aid of relevant authorities, discuss the principle of legality in criminal law.

## Question 5

Discuss the possible defenses available to all parties in the following circumstances

- a) Muteesa, the President of Uganda confines Kiwanuka whom he suspects to be his daughter's boyfriend and beats him to the point of unconsciousness. Kiwanuka threatens to institute criminal proceedings against the President.
- b) Mwiine is arrested, charged and sentenced for stealing cars from a shop in Democratic Republic of Congo (DRC). He is arrested upon arrival at Entebbe airport and charged with the same offence of theft he committed in DRC.
- c) Alex a boy aged 9 is arrested for beating Andrew when the latter broke and entered into Alex's bedroom at 04:00 am.
- d) Mukasa is arrested and tried for the offence of rape and is found not guilty in the High Court in Kampala. 6 months later after his acquittal, a lady called Evelyn who claimed she had seen the accused in the area that day that the rape occurred recorded a statement at Jinja road Police Station and Mukasa is arrested again and is to be tried in the High Court in Kampala for the same offence of rape.
- e) Abbas was a gang member with Kifeesi criminal gang and later he decided to leave the gang to begin a new life with his girlfriend in Wakiso which did not involve any criminal activities. However when he informed his gang members, they threatened him saying that they would kill his girlfriend if he did not participate in a bank robbery to occur on the weekend. Abbas participated in the robbery due to this threat and he was arrested and charged in court.

### **Question 6**

“Strict Liability is an unfair necessity.” Discuss

### **Question 7**

Write short notes on the following:

A: Burden of Proof in Criminal Proceedings.

B: Ignorance of the Law

C: The Defence of Bonafide Claim of Right

D: Diminished Responsibility

E: Defence of Insanity