

**FACULTY OF LAW**  
**END OF SEMESTER EXAMINATIONS - APRIL 2025**

**PROGRAMME: LLB**

**YEAR/SEM: YEAR 2/SEMESTER 2**

**COURSE CODE: LLB 2208**

**NAME: LAW OF EVIDENCE II**

**DATE: 2025-04-15**

**TIME: 2:00-5:00PM**

**INSTRUCTIONS TO CANDIDATES:**

1. Read the instructions very carefully
2. The time allowed for this examination is STRICTLY three hours
3. Read each question carefully before you attempt and allocate your time equally between all the Sections
4. Write clearly and legibly. Illegible handwriting cannot be marked
5. Number the questions you have attempted
6. Use of appropriate workplace examples to illustrate your answers will earn you bonus marks
7. Any examination malpractice detected will lead to automatic disqualification.

**DO NOT WRITE ANYTHING ON THE QUESTION PAPER**

## Section A Compulsory

### Question 1:

1. Kakeeto lives in Katanda, a small village in Western Uganda known for making local brew called Kwette. He is often referred to as Mr. Strongman because of his build and dark complexion. He was always helping do many odd jobs especially at building sites and the natural water harvesting places. He also carried out Kwette (local brew) for the brewers for a small fee. Mr. Strongman was arrested recently, after the riots (popularly called struggle) which erupted when one presidential candidate Bob Mubisi was arrested by security forces. When the Magistrate, one Walula read the charge sheet to Mr. Strongman, he mumbled under her breath that he looks guilty because he resembled the man who raped her in her high school days and in any case he is not wearing a mask to prevent the spread COVID 19. The record of proceedings shows that she denied him bail and instead on the strength of the submissions of the prosecution that Mr. Mr. Strongman had not convinced the court on his whereabouts on that day, she convicted him so as not to waste more time since she had many cases to hear. The records also showed that Walula refused to allow testimony from the accused's twin sister Nalulunyi because the law on presumptions applies and on the balance of probabilities, Strongman was therefore guilty of rioting and dealing in deadly weapons. Walula also noted in her ruling that even Kakeeto's mother could not testify because she is blind and her speech is impaired. More so, when one of the people who was shot during the struggle was asked to name their assailant, he shook his head in an up and down motion when the name Strong was mentioned and then died. Mr. Strongman is also currently being ferried every Friday to the Army Court Martial. According to the indictment, on the day of the arrest of Bob Mubisi, Kakeeto pelted people with stones which is the preserve of the armed forces and in any case considered a deadly weapon. Nalulunyi, has been assisted to come to your Law chambers for legal assistance and advice. She doesn't recall her birth date but she remembers it was about ten years after the new constitution of Uganda came into force in 1995.

**Required:** Through a legal memorandum, *critically advise your senior partner about the evidential issues presented in the facts and how they can be resolved.* (25 marks)

## Section B Answer one question only

### Question 1:

1. With relevant examples, write short notes on the following;
  - a) Refractory witnesses
  - b) Burden of proof
  - c) Proof without evidence
  - d) Retracted & repudiated confessions
  - e) Balance of Probabilities (25 marks)

### Question 2:

1. Write short notes on the following;
  - a) Best evidence rule
  - b) Electronic evidence
  - c) Estoppel by conduct

- d) Presumptions
- e) Primary and secondary evidence **(25 marks)**

## **Section C Answer two questions only**

### **Question 1:**

1. *“The Law of Evidence in Uganda needs a serious overhaul. When one studies the provisions and application of some of the specific provisions, it is clear that there is a need for reform.”*•  
With specific reference to any the concepts of corroboration, burden, and standard of proof as well as estoppels; critically respond to this statement. **(25 marks)**

### **Question 2:**

1. *It matters not how you get it, if you steal it even, it would still be admissible in evidence as long as it is relevant to the facts in issue: As per Crympton J in R vs Leatham (1861) 8 Cox cc 498, 501.* Discuss the assertion in light of the law governing the admissibility of illegally procured evidence. **(25 marks)**

### **Question 3:**

1. Explain the principles governing the law on judicial notice and its relevance in Uganda. **(25 marks)**

### **Question 4:**

1. *“In appropriate circumstances, a defendant is always expected to cross-examine a plaintiff purposely to introduce relevant evidence. The rules governing examination of witnesses cut across all the three stages of examination except for re-examination and no kind of questions are prohibited from being asked.”*•**Per Mutima, an LLB3 Student. With the aid of relevant authorities discuss the truth or otherwise of the above statement. (25 marks)**