INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 1/SEMESTER 2
COURSE CODE: LLB 1208
NAME: PRINCIPLES OF CONSTITUTIONAL LAW II

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

This Question is Compulsory

Question 1:

SECTION A (COMPULSORY)

QUESTION 1 (25 MARKS)

Mr. Luwaga Karl, is a renowned journalist in the Republic of Wakanda, with the **"Every Truth Newspaper."** Additionally, he is an ardent critic of the government and a key social media personality with over 10 Million followers on Tik Tok, Twitter, Instagram and Twitter.

In the early weeks March 2025, Luwaga announced his intention to stand as a Member of Parliament for Kasese Constituency, and further condemned the ruling party, AAA for its failure and lack of political will to fight corruption which was allegedly majorly committed by its cadres. Luwaga referred to the AAA members of parliament as selfish beings whose only interest was to devour all that is before them.

Luwaga was later "cautioned" by various members of government including the Prime minister, that unless he refrained from making "anti-AAA comments, he would face it rough." Luwaga continued to criticize the AAA government and on 20 March 2025, he was brutally arrested and brought before court where he was charged for comments that he had made on social media criticizing the president Kasongo for not fulfilling he pledges that he had made to the Wakandans while seeking votes in the previous 2016 election. Luwaga was later released and ordered to 'never criticize the AAA government on social media again."

However, upon his release, Luwaga went on the streets to protest the manner in which he was arrested and alleged that the police officers handled him badly while in police custody. In particular, he was not allowed to talk to his immediate family, nor his lawyer and not even his doctor, yet he suffered from high blood pressure and shock arising from his brutal arrest. Meanwhile, last week, Luwaga's home in Kansanga was raised by members of the Presidential Guard Brigade, internal security operatives and police. His family was evicted from their home and his personal bank accounts were frozen. He was also cautioned not to stand in the upcoming parliamentary elections and to withdraw his candidature immediately.

Upon inquiry at the Kansanga police station, he was informed that "his property is allegedly used by opposition members as a meeting venue and thus was a security threat." He was also

told that his bank accounts were frozen "because the police had information that he had been using money from these accounts to fund unlawful gatherings."

Mr. Luwaga and his family are now effectively homeless and have to live with relatives. He comes to you seeking your legal advice on:

a) Whether any of his rights were violated?

b) If so, what redress might he be entitled to?

Question 2:

SECTION A (COMPULSORY)

QUESTION 1 (25 MARKS)

On 25 March 2025, Nantamba, a first year law student at Excel University Uganda and national of Wakanda, was brutally attacked and arrested by two plain clothed policemen. The policemen broke into Nantamba's hostel room and beat her and her roommate Jade with an iron rod. Nantamba was given an extra beating because she is from the Mukeshe Tribe, one of the minority tribes in Wakanda.

Following the occurrence of these events, Nantamba is unable to walk and stand. The police have detained her for over two months, in 'Nalufenya', a non-designated detainment center, and do not provide her with food regularly yet her family has been precluded from visiting him.

In a twist of events, Nantamba was recently charged with treason and is awaiting trial, which could lead to death in case she is found guilty. Nantamba is currently kept in an overcrowded cell where she has no bed to sleep and she has no access to medical care.

Required: Raise and discuss all the relevant issues arising from the above facts.

SECTION B

Choose One Question from Two questions in this Section.

Question 1:

Write short notes on the following (25 MARKS):

(a) Supremacy of the Constitution

(b (b) Non-derogable rights under the 1995 Constitution

(c c) Attributes of a good Constitution

(d) Types of Citizenship recognised in Uganda

(e) The AAAQ framework of the right to health

Question 2:

Write short notes on the following cases (25 Marks):

a) Lohe Isa Konate v Burkina Faso Application No. 004 of 2013

b) Susan Kigula v. Attorney General Constitutional Appeal No 03 of 2006.

c) Charles Onyango Obbo and Another v Attorney General, Constitutional Petition No. 15 of 1997

d) Attorney General v. Salvatori Abuki (Constitutional Appeal No. 1 of 1998

e) Simon Kyamanywa v Uganda Constitutional Reference No. 10 of 2000

Question 3:

Write short notes on the following (25 Marks):

(a a) Basic Structure Doctrine

(b b) Arbitrary Deprivation of the right to life in Uganda

(c c) Characteristics of Human Rights

d) Permissible limitation on the Right to Property in Uganda

(S e)States obligations in relation to the right to health in Uganda

Question 4:

Write short notes on the following cases (25 Marks):

a) Lohe Isa Konate v Burkina Faso Application No. 004 of 2013

b) Susan Kigula v. Attorney General Constitutional Appeal No 03 of 2006.

c) Charles Onyango Obbo and Another v Attorney General, Constitutional Petition No. 15 of 1997

d) Attorney General v. Salvatori Abuki (Constitutional Appeal No. 1 of 1998

e) Simon Kyamanywa v Uganda Constitutional Reference No. 10 of 2000

SECTION C

Choose Two Questions from Four questions in this Section.

Question 1:

With reference to decided cases and other relevant authorities from the Ugandan context, critically examine the principles of Constitutional interpretation applied by the judges during the determination of Court cases in Uganda. 25 Marks

Question 2:

With reference to relevant authorities including case law from the Ugandan context, discuss the meaning and tenets of the right to a fair trial/hearing in Uganda, and the extent to which Ugandan Courts have upheld this right. 25 Marks

Question 3:

With reference to the 1995 Constitution of Uganda as Amended and case law, discuss the meaning and scope of principle of judicial Independence in Uganda. 25 Marks

Question 4:

With reference to relevant examples, decided cases and other relevant authorities from the Ugandan context, discuss the extent to which the principle of Separation of Powers been upheld in Uganda. 25 Marks

Question 5:

With reference to relevant examples, decided cases and other relevant authorities from the Ugandan context, discuss the tenets of the Principle of Rule of law, and the extent to which the principle of Rule of law has been upheld in Uganda. 25 Marks