INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 1/SEMESTER 1
COURSE CODE: LLB 1106
NAME: FUNDAMENTALS OF CRIMINAL

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

This question is compulsory

Question 1:

A group of four individuals, namely Opio, Akello, Otim, and Renna, conspire to steal goods from a warehouse in Kampala. The plan is as follows: Apio is the mastermind who organizes the heist. He arranges for the entry to the warehouse, provides the necessary tools, and coordinates the timing, Akello is tasked with driving the getaway car and ensuring the escape route is clear, Otim is responsible for physically stealing the goods from the warehouse and Renna works at the warehouse and, while she does not participate directly in the theft, she provides Opio with inside information on when the warehouse would be unguarded, and she ensures the alarm system is disabled for the duration of the theft. The theft occurs successfully, and all four individuals are arrested and charged with theft and conspiracy to commit theft. Opio claims that he was merely coordinating and did not physically steal anything, Akello insists that she was just the driver and did not participate in the theft, Otim claims he acted alone, and Renna argues that she only provided information but was not directly involved in the theft.

You are a legal Counsel in the office the DPP discuss the potential liability of each person (Opio, Akello, Otim, and Renna) based on their involvement in the theft and any possible defenses they may raise. (25 marks)

Question 2:

Identify the possible defences in the following circumstances: (**25 marks**)

a) James is attacked by a group of individuals who attempt to rob him at gunpoint. Fearing for his life, he takes out his own firearm and shoots one of the attackers, causing serious injury. The police arrive shortly after, and James is arrested for attempted murder. (**10 marks**)

b) A man who intended to steal from flat number 2 but lost his way and ended up doing so in flat number 3. (**5 marks**)

c) Mark is forced by a group of armed robbers to drive a getaway car after they commit a robbery. Mark claims that he was threatened with death if he did not comply with their demands. He is arrested and charged with aiding and abetting the robbery. (**5 marks**)

d) Tina, a well-known businesswoman in Kampala, suddenly starts displaying erratic behavior. One day, she enters a rival's office and, without provocation, attacks them, causing severe injuries. Later, it is revealed that Tina had been suffering from a mental disorder that was not previously diagnosed. (**5 marks**)

SECTION B

Choose any 1 from 2

Question 1:

Write short notes on the following defences under criminal law

a) Accident (5 marks)

b) Intoxication (10 marks)

c) Mistake a fact (5 marks)

d) Bonafide claim of right (5 marks)

Question 2:

Outline and explain the classic stages in the commission of a crime. (25 marks)

Question 3:

a) It is generally irrelevant to liability whether the defendant acted with a 'good' or 'bad' motive. Explain. (10 Marks)

b) Discus the distinction between liability for criminal recklessness and liability for criminal negligence. (15 Marks)

Question 4:

a) Write short notes on the following terms under criminal Law

a) Felonies **5 marks**

b) Misdemeanors **(5 marks**)

c) Malum in Se and Malum Prohibita (**5 marks**)

d) Presumptions is law (**10 marks**)

SECTION C

Choose any 2 from 4

Question 1:

In criminal trials, the concepts of the **burden of proof** and **standard of proof** are fundamental in ensuring fairness and justice. Discuss the distinction between the burden of proof and standard of proof, the role of the prosecution and defense, and how these principles are applied in Ugandan courts, citing relevant provisions and case law. (**25 Marks**)

Question 2:

In both common law and Ugandan law, individuals are not generally required to act as Good Samaritans. However, there are specific situations where a failure to act can lead to criminal liability. **With reference to relevant legal provisions and authorities, discuss the circumstances under which a person can be held criminally responsible for failing to act**. (**25 marks**)

Question 3:

The concepts of **mens rea** (guilty mind) and **actus reus** (guilty act) are essential elements in determining criminal liability. In any criminal justice system including Uganda, both elements must generally be proven for a conviction to be secured in most criminal offenses. Discuss the importance of **mens rea** and **actus reus** in criminal liability in Uganda. (**25 Marks**)

Question 4:

a) Explain the reasons for the development of criminal law. (**5 Marks**)

b) Describe how criminal law is different from civil law. (**5 Marks**)

c) Identify and explain with support of authorities the first three main sources of criminal law. (**10 Marks**)

Question 5:

In criminal law, the concept of **parties to an offense** plays a crucial role in determining criminal liability. Under Ugandan law, individuals who aid, abet, or are otherwise involved in the commission of a crime may be held liable even if they did not directly commit the actus reus of the offense. Discuss the concept of **parties to an offense** under Ugandan criminal law outlining the different categories of parties, such and their respective legal liabilities. (**25 Marks**)