INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - DECEMBER 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 2/SEMESTER 1
COURSE CODE: LLB 2108
NAME: LAW OF EVIDENCE I

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

Compulsory

Question 1:

On the night of 16th October 2025, at around 9:45 p.m., a violent robbery occurred at Tendo Mobile Money Kiosk in Mukono Town. The only attendant at the kiosk, Sarah Nansubuga, sustained severe injuries during the attack and later died at Mulago Hospital. According to the prosecution, a man armed with a pistol allegedly demanded money, shot Sarah in the leg when she hesitated, grabbed the day's collections amounting to UGX 5,200,000, and fled into the darkness.

The prosecution relies heavily on the testimony of a single identifying witness, Joseph, a boda boda rider who claims to have seen the assailant running from the kiosk moments after the gunshot. Joseph states that although it was dark, he "recognized the man as John, a local mechanic," because the streetlight nearby "was dim but enough to see his face," and he had known John for several years. Joseph further says that the attacker wore a hooded jacket, but his face was visible "for about two seconds."

Shortly after the incident, Sarah allegedly uttered the words: "It was John… he's the one who shot me… tell the police…" before collapsing. A nurse who heard these words recorded them in her report. The prosecution seeks to tender this as a dying declaration.

The police arrested John the following morning. According to the arresting officer, John "broke down and confessed" during interrogation, admitting his involvement and leading police to the recovery of a pistol allegedly used in the robbery. John later repudiated the confession, claiming it was extracted through torture.

During the search at John's residence, the police, acting without a warrant, allegedly found the pistol hidden under a mattress and UGX 3,000,000 wrapped in a polythene bag.

John has no previous criminal record and is known as "a peaceful, hardworking young man who has never been in trouble." On the other hand, the prosecution plans to lead evidence that John " had a long time crush on the deceased and has a habit of hanging around mobile

money operators late at night.

The prosecution further intends to adduce statements made by frightened bystanders immediately after the shooting people shouting, “John has shot someone.

Required: *Advise the trial court on the admissibility and weight of the various forms of evidence the prosecution and defence seek to rely on in this case.*

Question 2:

On 2nd July 2025, a robbery took place at a mobile money shop in Mbarara. The police arrested John after a sniffer dog allegedly tracked his scent from the robbery scene to his residence. Upon searching his house without a warrant, the police recovered a pistol and UGX 8 million wrapped in polythene.

During trial, the prosecution seeks to adduce the following evidence:

1. A statement allegedly made by a dying witness, claiming that “ *John is the one who shot me*,” recorded by a boda-boda rider who says he heard the victim speak moments before his death.
2. A WhatsApp voice note forwarded to the investigating officer by an anonymous source, claiming that John planned the robbery with two accomplices.
3. The pistol and money recovered during the warrantless search.
4. The dog handler’s testimony that a trained police dog followed John’s scent for over two kilometers.
5. Testimony from a neighbour alleging that John had previously been seen arguing with the deceased over a debt at the mobile money shop two weeks before the robbery. The prosecution intends to use this to suggest motive.
6. Evidence that John allegedly attempted to flee when police arrived, and that he tried to hide the money in a pit latrine behind his house. The prosecution argues that these actions demonstrate a guilty mind (consciousness of guilt).
7. Testimony from a local councillor that John is known in the community as a “violent

young man who moves with bad groups," allegedly to show predisposition to committing robbery. The prosecution considers this as relevant to proving likelihood of guilt.

John's lawyer objects to all the above pieces of evidence. As counsel for the State or Defence (choose one), analyze the admissibility of each item of evidence above and advise the court.

SECTION B

Choose two (2) questions only

Question 1:

Write short notes on the following:

a) a) The hearsay rule

b) Dying declarations

c) c) Statements against interest of the maker as an exception to hearsay rule

d) d) Res gestae

Question 2:

Write short notes on the following:

a) a) Illegally obtained evidence

b) b) The exclusionary discretion of the court

c) c) Constitutional safeguards in evidence collection

d) d) The doctrine of the “fruit of the poisonous tree”

Question 3:

Write short notes on the following:

a) Canine (sniffer dog) tracking evidence

b) Conditions for proper identification

c) Identification parade

d) Confession vs Admission

Question 4:

Write short notes on the following:

a) Electronic evidence

b) Relevance and admissibility of evidence

c) Circumstantial evidence

d) Evidence of bad or good character in criminal and civil matters

SECTION C

Answer two questions only

Question 1:

Should the admissibility of evidence be governed entirely by rules of law or should the judge have discretionary power

(a) to admit evidence inadmissible in law; and/or

(b) to exclude evidence admissible in law?

Question 2:

i. What is meant by evidence ‘relevant’ to the facts in issue?

ii. Under the law, when and why should evidence be excluded notwithstanding that it is relevant to the facts in issue?

Question 3:

Critically discuss the rationale behind the hearsay rule under the Evidence Act of Uganda. In your view, have the statutory and common law exceptions to the hearsay rule struck an appropriate balance between reliability and the need for probative evidence? Illustrate your answer with case law.

Question 4:

Examine the legal admissibility of evidence obtained through illegal or unconstitutional means in Uganda. Compare Uganda’s judicial approach with that of at least two other jurisdictions. Should Uganda adopt a strict exclusionary rule? Give reasons.

Question 5:

Critically evaluate the adequacy of the Uganda Evidence Act (Cap 8) in addressing contemporary evidentiary challenges. Propose at least five reforms that should be adopted to modernise the Act.