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 2105
NAME: NATURE AND HISTORY OF TORTS

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

This Question is COMPULSORY.

Question 1:

In June 2025, The Evening Herald, a popular Ugandan online news platform owned by Herald Media Ltd, published an article about Dr. Alex Muwonge, a respected senior lecturer in the Faculty of Business at Midlands University, who had recently been shortlisted for the position of Dean. The article, written by the newspaper's political correspondent Sarah Nakitende, stated that:

"According to unnamed insiders, Dr. Muwonge has for years been embezzling university funds meant for student research grants and diverting them to his private consultancy firm."

The statement quickly went viral, causing Dr. Muwonge to be suspended from the shortlist pending investigation. A week later, the University Council issued a formal statement confirming that a preliminary audit showed no evidence of embezzlement, and that the article's allegations were entirely false. Dr. Muwonge's professional reputation within the academic community suffered severe damage.

Feeling aggrieved, Dr. Muwonge contacted Herald Media Ltd demanding a retraction. The newspaper refused, claiming it "trusted its sources." He now sues Herald Media Ltd and Sarah for defamation.

Two months later, a second incident occurs. During a heated WhatsApp group meeting of the Midlands Academic Staff Association, Professor Lumu, a long-time rival of Dr. Muwonge, posted:

"I honestly think Dr. Muwonge is incompetent and unfit to lead any faculty. His lectures are chaotic, and he lacks vision."

The message sparked controversy, but several colleagues noted that the professor's statements seemed to be personal opinions rather than factual claims. No disciplinary action was taken, and Dr. Muwonge added this allegation to his lawsuit.

The third incident arises when, during a live broadcast on Uganda National TV, a student representative, Maria Nabukenya, was invited to speak about student welfare issues. Responding to a question about academic corruption in universities, she said:

"Last year, I reported to the administration that Dr. Muwonge had demanded money from students in exchange for allowing them to redo coursework. I did not say he did it only that I filed a complaint about suspicious behavior."

Her statement was accurate: she did file a complaint, though it was later dismissed for lack of evidence. Dr. Muwonge sues Maria as well, arguing that she maliciously revived an old allegation to embarrass him on national TV.

Citing relevant applicable laws identify the issues raised by the facts above and advise the parties accordingly.

Question 2:

In the town of Bukomero, *Unity Agricultural Cooperative* ("UAC") is a well-known farmers'organisation managed by its elected chairperson, Ms. Sarah Kintu, a respected agronomist. Recently, UAC has been marred by internal disputes, leading to several statements that have raised legal concerns.

During UAC's annual general meeting attended by over 150 farmers and several local journalists, Mr. James Muwanga, a former treasurer who had been removed for mismanagement, stood up and angrily shouted:

"Sarah has been stealing the cooperative's funds for years. She forged signatures and used members' savings to build her private guest house. She is a thief!"

James had no proof of any wrongdoing. His allegations were widely reported in the local newspaper *Bukomero Daily*, which published the statement verbatim. As a result, many farmers withdrew their membership and Sarah's reputation suffered greatly. Sarah insists that James fabricated the allegations to get revenge for his removal.

A popular local blogger, Ms. Anita Namirembe, who often writes on community affairs, made a Facebook post the following day stating:

"UAC's chairperson Sarah Kintu is running a secret fertiliser scam. She sells fake fertiliser to farmers and pockets the profits. Avoid her if you value your crops."

Anita's post was shared more than 600 times and attracted hundreds of comments accusing Sarah of corruption and exploitation. Anita later admitted privately to a friend that she "had no concrete evidence" but believed the rumour because "someone from the market told her." Sarah's farm produce business subsequently lost major supply contracts.

Two weeks later, during a regular consumer awareness segment on "Radio Bukomero FM", radio host Mr. Daniel Kyazze discussed financial accountability within local cooperatives. While referring to general governance challenges in rural cooperatives, Daniel stated:

"I received a complaint from one listener alleging mismanagement within UAC under the leadership of Ms. Sarah Kintu. I cannot verify this, but I advise members to request audited financial statements and attend meetings to ensure transparency."

Daniel did not embellish the complaint, did not present the information as fact, and made the statement as part of his duty as a broadcaster to inform the public on matters of legitimate public interest. Before airing the programme, he had tried unsuccessfully to contact UAC for an official comment. His show is known for public accountability discussions, and he provided Sarah an opportunity to respond on a subsequent programme, which she declined.

Citing relevant applicable laws identify the issues raised by the facts above and advise the parties accordingly.

SECTION B

Choose ONE from TWO.

Question 1:

Citing relevant applicable laws, write short notes on the following: -

(a) Trespass ab initio.

(b) Interference (invasion)with the air space.

(c) Trespass to the ground beneath the surface (trespass to the subsoil).

(d) Continuing Trespass.

(e) Entry upon the surface of the land.

Question 2:

Citing relevant applicable laws, write short notes on the following: -

(a) Conversion [13 marks]

(b) Detinue [12 marks]

Question 3:

Citing relevant applicable laws, write short notes on the following: -

(a) Assault [12 marks]

(b) Battery [13 marks]

Question 4:

Citing relevant applicable laws, write short notes advising on the liability of the following persons.

(a) A police officer enters, a pub to arrest a suspected thief but picks money from the cashier's desk.

(b) Jonny, an influencer publishes an article on her X-space about a corruption matter heard in the High Court of Jinja.

(c) Kewell borrows Anselm's bike for a week and refuses to return it when Anselm asks for it.

(d) Sarah without Paul's consent parks her car at Paul's gate.

(e) Brenda looks Agnes inside her hostel room for on hour.

SECTION C

Choose TWO from FOUR

Question 1:

With reference to relevant case law and statutory provisions, critically analyse the legal concept of trespass to land. In your answer, discuss the essential elements that constitute the tort, the circumstances under which liability arises, and any available defences.

Question 2:

Citing relevant applicable laws, discuss the legal concept of false imprisonment.

Question 3:

"*The law must ensure that the processes of justice are not abused for improper motives*." Per Skrtel a Second-year student of Law at Geal University.

Citing relevant applicable laws and in line with the above statements, discuss the law on malicious prosecution.

Question 4:

Drawing reference to relevant case law, critically examine the concept of vicarious liability as applied to our modern tort law.

Question 5:

Discuss the concept of infliction of mental suffering as applied in tort law.