

**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: 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 This question is compulsory**

### **Question 1:**

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:**

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

### **Question 2:**

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)**

## 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:

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 3:

- 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 4:

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)**