



RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
AND
PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAM
21ST AUGUST 2024
RLB 208: LAW OF EVIDENCE II
INSTRUCTOR: CHARLOTTE NYANGERI, LL.M, FIFA MASTER

INSTRUCTIONS

1. This is the final examination in Law of Evidence II. You will earn **70%** of your final grade from this final examination and **30%** from Continuous Assessment Assignments.
2. This examination has **SEVEN** questions. Please answer **ALL THE FOUR QUESTIONS** in Section A and **ANY TWO** in Section B.
3. The examination has 3 pages, including this one.
4. Time allocated for this examination is **TWO HRS** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring **ANY** hard or soft materials to the examination room. You are also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

SECTION A

QUESTION 1

During the Gen Z peaceful protest on 25th June 2024, while marching outside Parliament buildings in Nairobi, the said protest was infiltrated by an unknown gang of people, who together with the peaceful protesters, entered Parliament. A group of 4 people, one of whom was wearing a mask covering half his face, managed to steal Parliament's mace.

The investigating officer recorded the following statements against the accused, Mr. Peter (jointly with others not before Court):

1. Njoki stated that she was among the demonstrators outside Parliament and heard from her friends that Peter was among the people who stole the mace, but she further stated that she saw three people carrying it but couldn't identify them properly.
2. Odongo, a peaceful protestor shot outside Parliament, before succumbing to his injuries, informed the police investigator that before he was shot by a stray bullet, he saw three people with the mace come out of Parliament and heard the crowd around saying it was carried by Peter.
3. Lastly, John stated that he saw Peter in the company of three people who entered Parliament but did not see him coming out. Later, he heard that Peter was arrested for stealing the mace.

You have been instructed by Mr. Peter, who is charged with the offence of stealing the mace from Parliament with others not before court. He also informs you that he was forced to record a confession before the investigating officer implicating himself.

- a) Proceed to defend him.
- b) Present the legal issues for determination.
- c) Analyze the admissibility of the evidence availed.

(15 marks)

QUESTION 2

Using case law, critically discuss the occurrences in which a corroboration warning is issued when determining a case.

(15 marks)

QUESTION 3

“(T)he court has no discretion to refuse to admit evidence on the ground that it was illegally obtained if it is relevant.”

(Augustine Paul JCA in Hanafi Mat Hassan v Public Prosecutor [2006] 3 CLJ 269)

Evaluate the above statement.

(10 marks)

QUESTION 4

You have been invited to give a lecture in which you are required to highlight the impact of technological advancements on the Law of Evidence, especially in Criminal Law.

After:

- a) identifying the legal term of the aforementioned advancements (used as your topic),
- b) present a short discussion on the key features of your talking points.

(10 marks)

SECTION B

QUESTION 5

Distinguish between:

- a) Character evidence in civil and criminal cases
- b) Private documents and public documents while noting to explain how they are produced in Court.

(10 marks)

QUESTION 6

Describe the rules on examination of witnesses in the following stages:

- a) Examination-in-Chief
- b) Cross Examination
- c) Re-Examination

(10 marks)

QUESTION 7

Briefly explain the procedure set out under the Evidence Act, Cap.80 Laws of Kenya, that a litigant is to comply with for the admissibility of Electronic Evidence in a Court of Law.

(10 marks)