

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
FINAL EXAMINATION, MAY 2007

TITLE OF PAPER : LAW OF EVIDENCE
COURSE CODE : IDE – DL031
MARKS : 100
TIME ALLOWED : THREE (3) HOURS
INSTRUCTION : ANSWER ANY FOUR (4) QUESTIONS

THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR.

QUESTION 1

Critically discuss the difference in meaning and reference between 'evidence' in a general and/or broad sense and evidence in a narrow (legal and technical) sense.

[25 MARKS]

QUESTION 2

Discuss any five sources of the law of evidence in Swaziland.

[25 MARKS]

QUESTION 3

'Admissibility' forms the essence of proof in the determination of facts in issue of any case before a court of law in Swaziland. Critically discuss.

[25 MARKS]

QUESTION 4

The 'relevance enquiry' always guides and informs the admissibility of facts proving facts in issue. Discuss.

[25 MARKS]

QUESTION 5

Briefly discuss the following:

- (a) The difference between the burden of proof and standard of proof in evidence.
- (b) The difference between examination in chief and cross examination.
- (c) The difference between competence and compellability
- (d) The difference between an admission and a confession.

[25 MARKS]

QUESTION 6

A male farm laborer has been arrested and charged with house breaking and theft, after being found (identified) through the aid of trained police sniffer dogs that are trained to track and sniff-out people, through matching human scent at the scene of crime with that of the accused. You are instructed to express a legal opinion advising the defense team representing him on the strength or otherwise of the main form of evidence (identification through dog sniffing-out) the prosecution will essentially be relying on against the accused person.

The focus of your opinion must deal with the admissibility of such evidence against the suspect.

[25 MARKS]