

UNIVERSITY OF SWAZILAND  
INSTITUTE OF DISTANCE EDUCATION  
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION, JULY 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**

If you were commissioned to propound a definition that aptly describes the definition of what the law of evidence is, what are the key characteristic features you would include in such a definition?

Give reasons supporting your selected choice.

[25 MARKS]

**QUESTION 2**

Discuss the correctness or otherwise of the statement that, "All available evidence should be used in proving a case".

[25 MARKS]

**QUESTION 3**

How does the determination of 'relevance' complement and/or qualify the acceptance of evidence by a court? Discuss.

[25 MARKS]

**QUESTION 4**

Write short notes on the following:

- (a) Presumptions
- (b) The Best Evidence Rule
- (c) Corroboration
- (d) *Prima facie* evidence.

[25 MARKS]

**QUESTION 5**

You are instructed to express an opinion on the strength or otherwise of the prosecution's main form of evidence in a case where an adult male at the Matsapha International Airport has been found in possession of illegal drugs through the aid of trained police sniffer dogs that drew the police's attention to the suspect by consistently barking at the bag the suspect was carrying as hand luggage. Upon an inspection of the bag the police found the illegal consignment and thereupon proceeded to arrest and prepare charges against him.

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

[25 MARKS]

**QUESTION 6**

**(a)** You are instructed to express a legal opinion on what evidence the prosecution may rely on in an armed robbery case where the only evidence available to the prosecution is the testimony of the accused's wife and children.

Discuss the extent to which the evidence of these potential witnesses (if at all they are) is admissible or not.

**[12.5 MARKS]**

**(b)** Briefly discuss what you understand to be the difference and similarity between a formal admission and a confession.

**[12.5 MARKS]**