

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
FINAL EXAMINATION, APRIL 2008

TITLE PAPER : LAW OF EVIDENCE
COURSE : 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

Write short notes on any five (5) sources of the law of evidence. [25 MARKS]

QUESTION 2

Evidence may be understood from a broad or non-technical sense and from a narrow technical sense. Discuss.

[25 MARKS]

QUESTION 3

The basic principle in evidence is that all available evidence should be used in proving a case. Only if there is some reason for excluding (or disallowing) evidence, can it be excluded. Discuss.

[25 MARKS]

QUESTION 4

The standard of proof required in criminal proceedings and civil proceeding is varied. Elaborate in detail regarding the correctness or otherwise of the statement.

[25 MARKS]

QUESTION 5

Hearsay evidence may be relevant and yet inadmissible. Discuss. [25 MARKS]

QUESTION 6

You are instructed to express a legal opinion on the strength or otherwise of the prosecution's main form of evidence in a case where an adult male of kwaluseni has been charged with having committed the offence of house-breaking and theft after being found in possession of some of the stolen items subsequent to a sniffing out by trained police sniffer dogs that had been following a sniff-trail from the crime scene.

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

[25 MARKS]