

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION, JULY 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**

If you were commissioned to propound a definition that aptly describes what evidence in the narrow sense is, what key characteristic features would you include in such a definition and why?

[25 MARKS]

**QUESTION 2**

The relevance enquiry plays an integral part in the acceptance of evidence by a court. Discuss.

[25 MARKS]

**QUESTION 3**

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

[25 MARKS]

**QUESTION 4**

- (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.

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

[25 MARKS]

**QUESTION 5**

Write short notes on the following:

- (a) Examination in chief
- (b) Cross-examination
- (c) Re-examination
- (d) Corroboration
- (e) Prima facie proof

[25 MARKS]

**QUESTION 6**

Discuss the nature of, rule and exceptions to the basic rule regarding hearsay evidence.

**[25 MARKS]**