

**UNIVERSITY OF SWAZILAND  
FACULTY OF SOCIAL SCIENCE  
DEPARTMENT OF LAW**

**MAIN EXAMINATION PAPER, MAY, 2010**

**TITLE OF PAPER: THE LAW OF EVIDENCE**

**COURSE CODE: L 302**

**TIME ALLOWED: THREE HOURS**

**INSTRUCTIONS: 1) ANSWER FOUR (4) QUESTIONS  
2) ALL QUESTIONS CARRY EQUAL MARKS**

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GRANTED BY THE INVIGILATOR.**

### **QUESTION 1**

Critically evaluate the law of evidence pertaining to an accomplice witness. In what way is the law in need of reform if at all?

(25 Marks)

### **QUESTION 2**

Din'abantu is a seven year boy and stays at Matsetsa with both his parents. On night of the 4<sup>th</sup> April, 2008, Din'abantu heard his mother scream in her bedroom. He ran to his mother's bedroom and found his mother badly injured on the head and his father wearing an angry look but silently standing near his mother. Din'abantu heard his mother whimpering "Awu Mashinini, why are you killing me?" Din'abantu was very scared and fled out of his mother's bedroom. Immediately thereafter Din'abantu's mother died of her injuries. Din'abantu's father was subsequently charged with the Murder of his wife.

Discuss the law pertaining to the admissibility or other wise of Din'abantu's evidence regarding what he saw and heard in his mother's bedroom on the night of the 4<sup>th</sup> April, 2008. Would the position of the law change if Mrs Mashinini repeated the statement she made earlier to a nurse and then died ten hours later in hospital? Would the latter statement be considered admissible? Discuss fully.

(25Marks)

### **QUESTION 3**

The evidence of pointing out by an accused person is an equivalent of a confession or an admission by conduct by an accused person. Critically evaluate the validity or invalidity of this statement citing relevant authorities.

(25 Marks)

#### **QUESTION 4**

Distinguish between competency, compellability and privilege of a witness's evidence. In what way is the law in need of reform if at all?

(25 Marks)

#### **QUESTION 5**

Critically evaluate the law pertaining to hearsay evidence in Swaziland. In what way is the law in need of reform if at all?

(25 Marks)