

THE KENYA SCHOOL OF LAW



EXAMINATION FOR ADMISSION TO
THE ROLL OF ADVOCATES

CRIMINAL LITIGATION – ATP 101

19TH NOVEMBER, 2014

DURATION: 3 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **THREE OTHER** Questions.
- (b) All questions carry fifteen (15) marks each.
- (c) Marks may be lost for illegibility.

PLEASE TURN OVER

1. On 24 October 2014 at about 8.00 p.m. Ms Irene Anyonje, Officer Commanding Police Division Kamukunji was conducting a special police swoop within her area of jurisdiction in the Eastleigh District of Nairobi within Nairobi County. In her company was Corporal Tina Awuonda and Corporal Wilberforce Kikanu. Ms Anyonje is known to be a very tough no nonsense Officer.

On this particular evening, the swoop that was underway was triggered by a terror alert issued by the Federal Republic of Somalia. Indeed the Federal Republic of Somalia had issued a travel advisory to its citizens visiting Kenya or intending to visit Kenya. The advisory was to the effect that there was an imminent terror threat in Kenya against Somali interests larger Horn of Africa interests. Specifically, citizens of the Federal Republic of Somalia were warned against visiting the Eastleigh District of Nairobi County and to avoid large gatherings. In addition the advisory warned Somali citizens to restrict their visits to Kenya on purely essential travel.

Intelligence shared between the two countries indicated that a terror planning plot was at an advanced stage in Eastleigh and that execution of the plot was nigh. Of keen interest to Ms Irene Anyonje and her team was a Bar and lodging on 12th Street within Eastleigh district called Pink Cube. It was believed that the plot was being conceived in one of the rooms in Pink Cube Bar and Lodging.

Ms Irene Anyonje and her team was backed by over three hundred regular and anti-terror police officers. The first point of call for the team was the reception of the Pink Cube Bar and Lodging. The shaken receptionists at the Bar, Ms Dorothy Nabolindo quickly availed a comprehensive list of guests. One particular name on the list aroused Ms Anyonje's curiosity. A booking under the name Prof. Mrs. Tito Hadoto and Partner. The two had been booked in room number 320. A closer examination of copies of their passports left at the Bar's reception revealed that the two were South African Nationals but their passports appear to have been issued in Angola. In addition, they had been allowed into Kenya for one month but had sought from the immigration department and were granted numerous extensions of their stay then aggregating 6 months. The purpose of stay was described as "Consultant expatriates in Laparoscopic Procedures." No further details were available.

Ms Anyonje decided to visit the said room 320. On knocking at the door a woman opened the door and introduced herself as Prof. Mrs. Hadoto. A man leisurely smoking cigarettes while watching news on television introduced himself as Kukundawire Hadoto. The man before Ms Anyonje looked very familiar to her. She could not immediately recall the point of interaction. However Corporal Awuonda recognized the man as one Joseph Kony a rebel Commander of a band of thugs terrorizing civilians in Northern Uganda under the name the Lord's Resistance Army. The two were immediately taken into custody and kept at an undisclosed location pending further directions.