

COUNCIL OF LEGAL EDUCATION



EXAMINATION FOR ADMISSION
TO THE ROLL OF ADVOCATES

ATP 101: CRIMINAL LITIGATION

TUESDAY 13TH NOVEMBER, 2012

DURATION: 3 HOURS

Instructions to Candidates

- (a) Answer question **ONE** and **any other three (3)** questions
- (b) All questions carry 15 marks each.
- (c) Marks shall be lost for illegibility

PLEASE TURN OVER

1. The following was recorded as court proceedings that took place on 12th October 2012 before the Honorable Mr. Justice Byron Kasaine at the High Court of Kenya in Marsabit.

“Coram

The Honorable Justice Byron Kasaine presiding
Accused person present (Ms Shupavu Noma)
Principal State Counsel, Prosecuting (Ms Lelei Rama)
Defence Counsel, present (Mr. Bonny Andanje)
Court Clerk (Mr. Ndere Namwakira)

Court Clerk

Ms Shupavu Noma, I want to read out to you the information. What language do you understand?

Ms Shupavu Noma

I am a Ugandan by birth; speak Luganda, excellent English and Luniakole. Since I got married to a Kenyan in the year 2000, my Swahili has greatly improved.

Court Clerk

Ms Shupavu Noma, you are charged with the offence of treason contrary to Section 40 of the Penal Code (Cap.63 of the Laws of Kenya). Particulars of the offence are that on 29th December 2007 in Kirinyaga County, Central Province of the Republic of Kenya you together with other persons not before court invented and or intended the maiming and restraint of his Excellency the President of the Republic of Kenya with the sole aim of deposing his excellency from his position as President and Head of State and Commander-in-Chief of the Kenya Defence Forces.

Ms Shupavu Noma

Yes. It happened.

Court

Accused person convicted on her own plea of guilt. Prosecution may outline the facts.

Prosecution:-

Your honor, on 29th December, 2007 following the intensely contested and disputed presidential elections in the Republic of Kenya, the Director of the National Intelligence Service (NIS) received intelligence that the accused person with the help of several Libyans were holed up in a hotel in Kirinyaga County called Kiamutugi Hotel. The intelligence brief was to the effect that the accused was planning to levy war in Kenya against the Republic. The Libyans, who are believed to have been around 20, are known mercenaries who fought in the Ugandan Liberation War of 1986 and have previously engaged in combat in the Central African Republic and the Democratic