

GPR 3105: CRIMINAL LAW 1 ASSIGNMENT

DATE: DECEMBER, 14 2023

DUE DATE: JANUARY, 25 2024: 2:00pm

INSTRUCTIONS:

1. This is a take-home assignment.
2. Please submit your answer paper within the stipulated time.
3. Submit in word documents only
4. Your work must be in font 12, single spacing, minimum three pages and maximum 5 pages.

QUESTION:

Consider the following case

R v Veronica Gitahi and Anor [2016]eKLR criminal case no. 41 of 2014 (read the full judgment)

The defendants were charged with murder of V a 14 year old girl. At the time of the incident the defendants who were police had invaded the home of the 14 year old girl in pursuit of her father who was an alleged wanted criminal. They attacked in the darkness and fired gun shots in the home that fatally wounded the girl. At the time of the attack, the girl was at home together with her two other younger siblings. The court found gross omission on the part of the accused persons for failure to ascertain occupants of the house who happened to be children.

Was the *mens rea* considered by the court recklessness or negligence? If it was recklessness, did the court adopt an objective or subjective test?

(30 Marks)

Dr. Evelyne Owiye Asaala

Criminal Law, International Criminal Law, Transitional Justice and
International Human Rights Law