



IN THE EAST AFRICAN COURT OF JUSTICE AT ARUSHA

TAXATION. NO.5 OF 2008

(Originating from Reference Number 1 of 2007)

James Katabazi and 21 others Applicants

VERSUS

The Secretary-General of the East African Community1st Respondent
The Attorney-General of the Republic of Uganda2nd Respondent

RULING

6TH MAY 2008

DR. J. E. RUHANGISA, TAXING OFFICER

In this Bill of Cost filed by Mr. Geoffrey Komakech learned Counsel for the Applicant, a total of USD176,000 including tax is claimed as cost incurred by the Applicants in the course of conducting the suit Reference No.1 of 2007. Out of that total amount, Item 1 in the Bill of Cost presents a claim of USD140,000 being destruction fees; USD547 in Items 2 to 23 relate to professional charges whereas a claim of USD8,864 as reflected in Items 24 to 61 relate to disbursements. On the all, the claims brought against the Attorney-General of the Republic of Uganda relate to the time invested in the preparation work done by the advocates and the nature of the case in terms of clarity, magnitude and peculiarity.

In this matter, Mr. Henry Oluca, the Counsel for the Respondents, represented the respondents in opposing the figure of USD140,000 in Item 1 of the bill as an arbitral one. The basis of his argument was that the Bill of Cost did not abide by the rules governing the awards of cost in taxation that are well established in *Premchand Raichand Ltd and Another Vs Quarry Services of East Africa Ltd and Others [1972] EA 162*, which was also followed in a reference of the Supreme Court of Uganda in Civil Application No.23 of 1999. He thus requested that the cost be kept 'to a level that is reasonable, affordable and do not deter anybody from the East African States' from seeking justice from the Court and at the same time be proportionate for purposes of remunerating any advocate.

