

Appeal no 4 of 2020 Eric Kabalisa Makala v The Attorney General of the Republic of Rwanda

Coming up for Hearing: 17th August 2022

Appeal filed: on 29th July 2020

Treaty Article, Rules: Articles 35A of the Treaty for the Establishment for the East African Community 1999.

Subject matter: Labour Matters

The Appellant, was a former employee of Rwanda Utilities Authority and his services to the Authority were terminated during a restructure exercise that took place. He filed a Reference before the First Instance Division of The Court challenging that the termination process flouted Rwandan law and Rwanda's obligations under the Treaty for the Establishment of the East African Community and other International Conventions.

The First Instance Division found that it had jurisdiction to interrogate decisions of domestic Court and other organs of Partner States to establish whether the concerned Partner State had complied with its internal laws and its Treaty obligations. The Court however dismissed the Reference because the Applicant had failed to establish that Rwanda had indeed breached its obligations.

Dissatisfied with the decision, the Appellant now contends before the Appellate Division that the First Instance Division was manifestly biased in its judgment in favour of the Respondent and that the Court usurped its powers by introducing new issues and it did not afford the Appellant the opportunity to present his arguments on the same.

The Appellant further contends that the First Instance Division committed a procedural irregularity by completely ignoring and not affording due weight to the evidence he tendered in Court.

It is the Appellant's prayer that the Appellate Division sets aside the judgment of the First Instance Division, order the government of Rwanda to compensate him for the illegal termination and the attendant emotional and financial ruin and the costs of the whole litigation.

The Respondent on his part cross appealed and objects to the whole propriety of the Appeal for offending the Treaty and the Rules of the Court on Appeals, being devoid of merit and abuse of Court processes. He also challenges the 1/3 costs awarded to the Appellant by the First Instance Division arguing that as much as the award of costs is discretionary, the conduct of the Appellant in both divisions of the Court does not justify the award.

The Respondent thus prays for dismissal of the Appeal with costs to the Respondent in the Appellate Division and the setting of the 1/3 costs awarded to the Appellant.

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