

Appeal No. 7 of 2020 Male H. Mabirizi K. Kiwanuka v The Attorney General of the Republic of Uganda

Coming up for Hearing: 19th August 2022.

Appeal filed: on 30th November 2020

Treaty Provision: Article 35A of the Treaty for the Establishment of the East African Community, 1999

Subject matter: Treaty interpretation

The Appellant is a Ugandan activist who filed a Reference against the Attorney General of the Republic of Uganda alleging that a number of actions by the Organs and Institutions of the Republic of Uganda were in breach of Uganda's obligations under Articles 6(d) & 7(2) the Treaty.

His main challenge was against the whole process that eventually culminated into Uganda's Constitutional (Amendment) Act 2018. The First instance division of the Court dismissed his Reference with costs on, among other grounds, his failure to tender evidence that meets the threshold adopted by other international Courts and Tribunals (in similar stature to the EACJ) to enable it to void the acts complained of.

Dissatisfied with the above Judgment, the Appellant filed his appeal contending that the First Instance Division committed procedural irregularities by basing its judgment on issues other than those that were pleaded and argued by the parties and ignoring those that were pleaded and argued.

The Appellant further argues that the decision of the Court on certain aspects on the issue of jurisdiction was also erred and he thus urges the Court set aside the whole judgment and orders of the First instance division.

The Respondent on their part opposes all the grounds of appeal stating that the judgment of the First instance division was comprehensive and covered all the issues as pleaded and analysed by the Court and thus prays that the appeal be dismissed with costs in both divisions.

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