

Appeal No. 8 of 2022 Mironko Francios Xavier v The Attorney General of Rwanda

Coming up for Hearing: 13th November 2023.

Appeal filed: on 3rd June 2022

Treaty, Rules: Articles 27 & 35A of the Treaty for the Establishment for the East African Community 1999.

Subject matter: Treaty Application and interpretation

The Appellant filed a matter before the EACJ, *Reference no 11 of 2018 Mironko Francios Xavier v The Attorney General of Rwanda*. In the Reference the Appellant claimed that sometime ago there was a tender to supply goods to the government of Rwanda and two companies that he represented were awarded that tender by the Respondent State. The goods were delivered as agreed and partial payment made. He averred that all his efforts as the representative of the two companies to claim the payment of the outstanding balance did not yield results.

The Court ruled in favour of the Respondent and found that it had no jurisdiction to entertain the matter for want of personal jurisdiction and material jurisdiction.

Following the decision of the First Instance Division, the Appellant filed an Appeal in the Appellate Division of the Court on 3rd June 2022 on the grounds that the First Instance Division, decreed that it had no jurisdiction without properly interrogating and analyzing the facts of the case, thereby abdicating its duty to interpret and apply the Treaty under Article 27.

He further faulted the First Instance Division for committing an error of law by dismissing the case without considering and determining any of the major issues in the Reference on merit. He thus prays to the Court to reverse the whole of the Judgment of the First Instance Division and costs of the Appeal should be awarded to the Appellant.

The Respondent on his part opposes the Appeal and submits that the Appeal should be dismissed for being devoid of merit. They further argue that the Appeal was filed in blatant disregard of the provisions of Article 35A of the Treaty. This, the Respondent contends, is because the Appeal as presented raises, neither an error of law nor a procedural irregularity as established by the jurisprudence of the Court in various previous decisions.

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