

**Application No. 7 of 2023 Male Mabirizi Kiwanuka v The Attorney General of Uganda**

**Coming up for Hearing:** 21<sup>st</sup> February 2024.

**Application filed:** on 23<sup>rd</sup> November 2023.

**Treaty, Rules:** Articles 6(d), 35 & 72 of the Treaty for the Establishment for the East African Community 1999 & Rules 4,83,84 & 95 of The East African Court of Justice Rules of Procedure 2019.

**Subject matter: Review of Application**

This application for review originates from an Application for withdrawal by the current Applicant of two Applications before the Appellate Division of the Court: *Application No. 16 of 2022 Male Mabirizi Kiwanuka v The Attorney General of Uganda* and *Application No. 1 of 2023 Male Mabirizi Kiwanuka v The Attorney General of Uganda*. All these Applications originate from *Appeal No. 7 of 2020 Male Mabirizi Kiwanuka v The Attorney General of Uganda* currently pending before the Appellate Division of the Court.

The Applicant prayed for withdrawal without costs on the premise that the two Applications were based on the protection of public interest and rule of law whereas the Respondent countered with the argument that the Applications had no merit and should not have been filed in the first place and that the Applicant had not demonstrated any public interest that he was protecting.

The Court in its Ruling agreed with the Respondents and proceeded to mark the matters as withdrawn with costs to the Respondent. The Applicant was dissatisfied with the order to pay costs and has thus filed an application for review of the said order.

The Applicants' main ground for review is that the Applications he had filed were justified in that the Judges he had sought to recuse themselves ought to have done that for the determination of the main Appeal to not have an appearance of bias, and further that the Application for withdrawal of the Applications was filed in Court before the hearing and the Respondent had not incurred any expenses to warrant grant of an order for costs.

The Respondent has not filed an affidavit to counter the Application for Review.

*This is a document produced by the Registry to assist in understanding forthcoming matters before the Court. It does not bind the Court. For authoritative Decisions, Judgments and general information about the Court please visit <https://www.eacj.org>  
Contact: Registrar, East African Court of Justice, P.O. Box 1096 Arusha, Tanzania Tel: +255 27 2506093 Fax: +255 27 27 2509493 Email: [eacj@eachq.org](mailto:eacj@eachq.org)*