

**Reference No. 29 of 2020 Male H. Mbirizi K. Kiwanuka v. Attorney General of the Republic of Uganda.**

**Coming up for Delivery of Judgment:** on the 30<sup>th</sup> day of March, 2026.

**Filed on:** on the 8<sup>th</sup> day of September, 2020.

**Under Articles:** 23(1),27(1) &30(1) of the Treaty for the Establishment of the East African Community.

**Under Rule:** 25(1) of the East African Court of Justice Rules of procedures,2019.

**Subject Matter:** Decision of nomination by the Respondent.

**Summary:**

This Reference was brought before this Honorable Court on grounds that the actions and decisions of nomination, approval and appointment as well as the process adopted in Presidential nomination, Parliamentary approval, subsequent appointment and swearing in of the heads of judiciary by the Republic of Uganda yet the Respondent has not declared any position vacant at the time they were nominated, even Uganda Judicial Service Commission never declared the position vacant and the said Richard Butera never applied for the position, the position was never advertised, never conducted interviews and never selected candidates for the same, Judicial Service Commission never advised the President, Parliament of Uganda failed to address the Applicant`s petition/caveat against the approval of the two persons and indeed neither reverted back to the Applicant nor invited him for interaction. The Parliamentary vetting of the Chief Justice was closed out to the public and press and the report of the Parliamentary Appointments Committee was never presented to the Parliamentary plenary for debate and voting.

Applicant alleges that the above actions and decisions are unlawful and infringements on the fundamental and operational principles of the Community which include good governance including adherence to the principles of democracy, the rule of law, accountability, transparency and the maintenance of universally accepted standards of human rights.

Applicant prays for the following declarations and Orders;

The Applicant prays for the Order annulling the appointment of the Chief Justice and his deputy Chief Justice of the Republic of Uganda.

Furthermore, the Applicant prays that this Honorable Court issues a permanent injunction restraining Uganda Government from maintaining the Chief Justice and His Deputy.

Not only that but this Honorable Court awards general damages to the Applicant due to disturbance and anguish caused to the Applicant arising out of the actions, decisions and directives complained against in this Reference.

This Honorable Court Awards costs of the Reference to the Applicant.

Finally, this Honorable Court Awards an interest of 6% per annum on the general damages and costs awarded to the Applicant from the time of filing this Reference till payment in full.

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