



## **EAST AFRICAN COURT OF JUSTICE (EACJ)**



## **20<sup>TH</sup> ANNIVERSARY REPORT**

**2001-2021**



## REGISTRY CONTACTS:

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## LIST OF ABBREVIATIONS

AD – Appellate Division

CJ – Chief Justice

EALA – East African Legislative Assembly

EALS – East Africa Law Society

J - Justice

JA – Justice of Appeal

FID- First Instance Division

TLS-Tanganyika Law Society

PALU – Pan African Lawyers Union

VP – Vice President

## FOREWORD



## FROM THE PRESIDENT

I wish to extend warm salutations from the East African Court of Justice (EACJ) to all our esteemed Court Users across the East African Community region and beyond. The Court shall in November 2021, celebrate 20 years of its existence. Permit me therefore to congratulate everyone who has been part of the journey to ensure EACJ achieves its mandate. The Court has achieved a number of successes by delivering decisions in different areas of the Integration agenda, including rulings on cases that touch on the respective Common Market and Customs Union Protocols, Cross-border Trade, Good Governance, Democracy, Rule of Law and Human Rights, among others. Through these decisions, the Court's jurisprudence has realised significant growth and continues to become stronger both within the alignment to the integration agenda and in respect to the Fundamental Principles of the Community.

This Report has been prepared not only to enhance the public's knowledge and awareness on the number of significant milestones achieved by the Court in 20 years, but to serve as a repository of knowledge for years to come. It highlights landmark cases which positively impact on the public's confidence and similarly bestows upon them, the Court's core values: the (3 I's) - Independence, Integrity and Impartiality.

The Court's target audience include Lawyers, members of the private sector, civil society organizations, academia (law schools & students of regional integration), researchers, national judiciaries among others, who may from time to time, be involved in disputes that may arise either through the implementation of the EAC protocols and/or the constant promotion of the Integration agenda. A number of such cases and the highlights of the Court's jurisprudence have been enumerated in sections of the report.

Periodic assessment of where you are and where you want to be is a prudent investment for all healthy organizations. The Court shall therefore continue to focus on its outreach and sensitization programs to educate all East Africans on its role, jurisdiction and procedures, other alternative dispute resolution mechanisms as well as on existing opportunities such as e-filing modalities, free filing of cases, establishment of Sub-Registries in the Partner States, and on capacity building programs. This enables different stakeholders to both appreciate and utilize the services of the Court more efficiently and effectively in their daily routines. Whereas we have realised successes, the Court has challenges which are however not insurmountable.

I encourage all of you to read the report in order to fully understand the mandate of the Court and to be equipped with the useful information. I once again congratulate all the litigants who have benefited from the EACJ over the last 20 years and call upon those who have interest in the services of the Court to use the Sub-Registries in the Partner States. I wish to congratulate Partner States for their consistent political and financial support towards driving the integration agenda. Similarly, I thank the Judges, Staff and various stakeholders of the EACJ for their laudable contribution thus far. I call upon you all to continuously support EACJ, as it strives to execute its duties to protect the rights of the East Africa.

Hon. Justice Nestor Kayobera

President, East African Court of Justice



## The Court at a glance

**Vision:** A world class Court dispensing Justice for a united and prosperous Community

**Mission:** To contribute to the enjoyment of the benefits of regional integration by ensuring adherence to justice, rule of law and fundamental freedoms through the interpretation of and compliance with the East African Law.

**Values:** Independence.  
Integrity.  
Impartiality.

### Achievements

- ♦ Developed two respective Strategic Plans (2010-2015 & 2018-2023).
- ♦ Increased case load.
- ♦ Waiver of case filing fees.
- ♦ Establishment of Sub-Registries.
- ♦ Holding of virtual Court Sessions.
- ♦ Use of technology: Case Management and Recording System.
- ♦ Signing of Protocol to operationalise the extended jurisdiction of the Court on Trade and Investment.
- ♦ Review of the EACJ Rules of Procedures, 2013 & 2019.
- ♦ Formulation of Arbitration Rules 2012.
- ♦ Guidelines for Preliminary Rulings 2013, developed.
- ♦ Court Manual and EACJ Law Reports.
- ♦ Enhanced collaboration with stakeholders.
- ♦ Greater Court visibility realised.
- ♦ Full time residency of the President and the Principal Judge.

### Facts

Established: 2001

Composition:

Appellate Division: 5 Judges

First Instance Division: 6 Judges

Members of Staff: 33

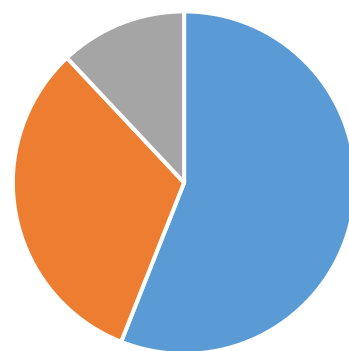
Seat of the Court: Arusha

Registry: 1

Sub-registries :5

Official language: English

Cases



■ Cases Filed   ■ Cases Decided  
■ Cases Pending

## PART ONE

### A: Historical Background

**The** East African Court of Justice (EACJ) is one of the Organs of the East African Community (EAC) established under Article 9 of the Treaty for the Establishment of the EAC. The Court became operational following its inauguration by the Summit of EAC Heads of State and the swearing in of six Judges, two Judges from each of the three founding Partner States (Kenya, Uganda and Tanzania) and the Registrar, on 30<sup>th</sup> November 2001. Among the first tasks undertaken by the Court was the drafting and adoption of its Rules of Procedure, a mandate given to the EACJ under Article 42 of the Treaty.



*A group photo of the pioneer Judges and Staff of the EACJ.*

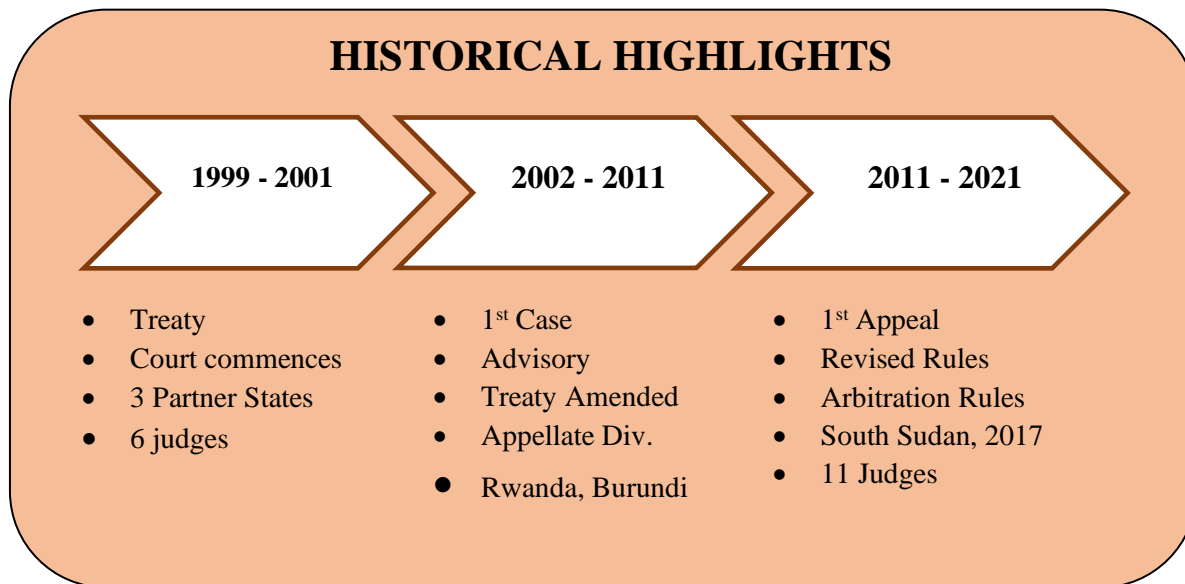
*(A detailed list of all the Judges of the Court and Members of staff since inauguration, is appended as an annex to this report)*

## EACJ Historical Highlights

- \* **30<sup>th</sup> November 1999** – Treaty signed by the Heads of State of the (then) three Partner States.
  - Court established as a chamber on this date under Article 9 of the Treaty.
- \* **April 2001** - Dr. John Eudes Ruhangisa, appointed by the EAC Council of Ministers as the pioneer Registrar of the Court.
- \* **November 2001** - The Court is inaugurated and six pioneer Judges (two Judges from each Partner State) appointed by the Summit of EAC Heads of States. Hon. Justice Moiyo Ole Keiwa (RiP) designated as President and Hon. Justice Joseph Mulenga (RiP) designated as Vice President. The other Judges were as follows: Justice Agostino Ramadhan (RiP), Justice Kasanga Mulwa (RiP) and Justice Solomy Bossa.
- \* **November 2001** - The Court commences work in Arusha. The Registry is opened at the temporary seat of the Court, on the 6<sup>th</sup> Floor of Kilimanjaro wing of the Arusha International Conference Centre.
- \* **November 2004** – Court’s first Rules of Procedure, 2004 gazetted as encapsulated under Article 42 of the Treaty.
- \* **7<sup>th</sup> December 2005**- First case filed; *Calist A. Mwatela & 2 Others -Vs- East African Community*
- \* **14<sup>th</sup> December 2006** – Treaty amended and Court is reconstituted into: Appellate Division and the First Instance Division.
- \* **18 June 2007** – Republics of Burundi and Rwanda became members of the EAC, with effect from 1 July 2007. Two Judges from each Partner State, are appointed by the Summit of EAC Heads of State.

- \* **September 2008** - Court relocates to new premises at the Diamond Trust Building along Arusha – Moshi Road in Arusha,
- \* **19<sup>th</sup> December 2008** – Filing of the first Advisory Opinion before the Court; Advisory Opinion no 1 of 2008 on a Matter of the Request by the EAC Council of Ministers.
- \* **January 2010** - Rules of Procedure revised, incorporating Rules of the Appellate Division.
- \* **August 2010** - First session held outside Arusha at the Court of Appeal of Kenya in Nairobi, Kenya. Judgment delivered in *Appeal No. 1 of 2009, The Attorney General of Kenya v Prof Anyang Nyong'o & 10 Others* delivered.
- \* **November 2010** – EAC Council of Ministers approves the establishment of Sub-Registries in all capitals of the Partner States.
- \* **November 2011** – Court's 10<sup>th</sup> Anniversary celebrated and Ten-Year Report handed over to the Summit of EAC Heads of State meeting held in Kigali, Rwanda.
- \* **December 2012** – Court relocates to its current location at EAC Headquarters Building.
- \* **April 2013** - Rules of Procedure revised and gazetted. Court filing fees waived.
- \* **April 2013** - Court holds its 2<sup>nd</sup> Session outside Arusha, in Dar es Salaam. *Reference No. 1 of 2012, Timothy Alvin Kahoho v The Secretary General of the East African Community* heard upon the Applicant's request.
- \* **2014** - Court User's Guide published highlighting its functions and on modalities of accessing the Court.
- \* **2016** – First two volumes of the EACJ Law Reports published, enumerating select decisions of the Court.

- \* **2019** - Rules of Procedure reviewed to, among other things, add procedures on Case Management and Recording System; e-filing and e-service.
- \* **2020** - Court's E-Manual: A Practical Guide to the Law and Practice of the EACJ developed.
- \* **2020** - Witness Protocol Guidelines for Video Conferencing developed.



## B: Role of the Court

Under Article 23 of the Treaty, the EACJ is a judicial body whose role is to ensure the adherence to law in the interpretation and application of and compliance with the Treaty. This simply means that it remains the primary duty of the Court to ensure that Partner States and all Organs and Institutions of the Community established under the Treaty, follow the ‘letter and the spirit’ of East African law in furthering the EAC integration agenda. The Court as established, now applies regional and international law unlike the defunct East African Court of Appeal, which handled only appeals from National Courts. The EACJ does not have appellate jurisdiction in civil or criminal matters over decisions of Partner States’ Courts or human rights matters, pending determination by the EAC Council of Ministers in a future date as stated in Article 27 of the Treaty.

The temporary Seat of Court is in Arusha in the United Republic of Tanzania, until such time the Summit of EAC Heads of State determine its permanent Seat as required by the Treaty. The main Registry is also located in Arusha and to bring justice closer to East African residents, the Court started opening Sub-Registries in April 2012, in all the EAC Partner States (with the exception of the Republic of South Sudan). Plans are however underway to soon establish a Sub-Registry in the Republic of South Sudan.

## C: Jurisdiction

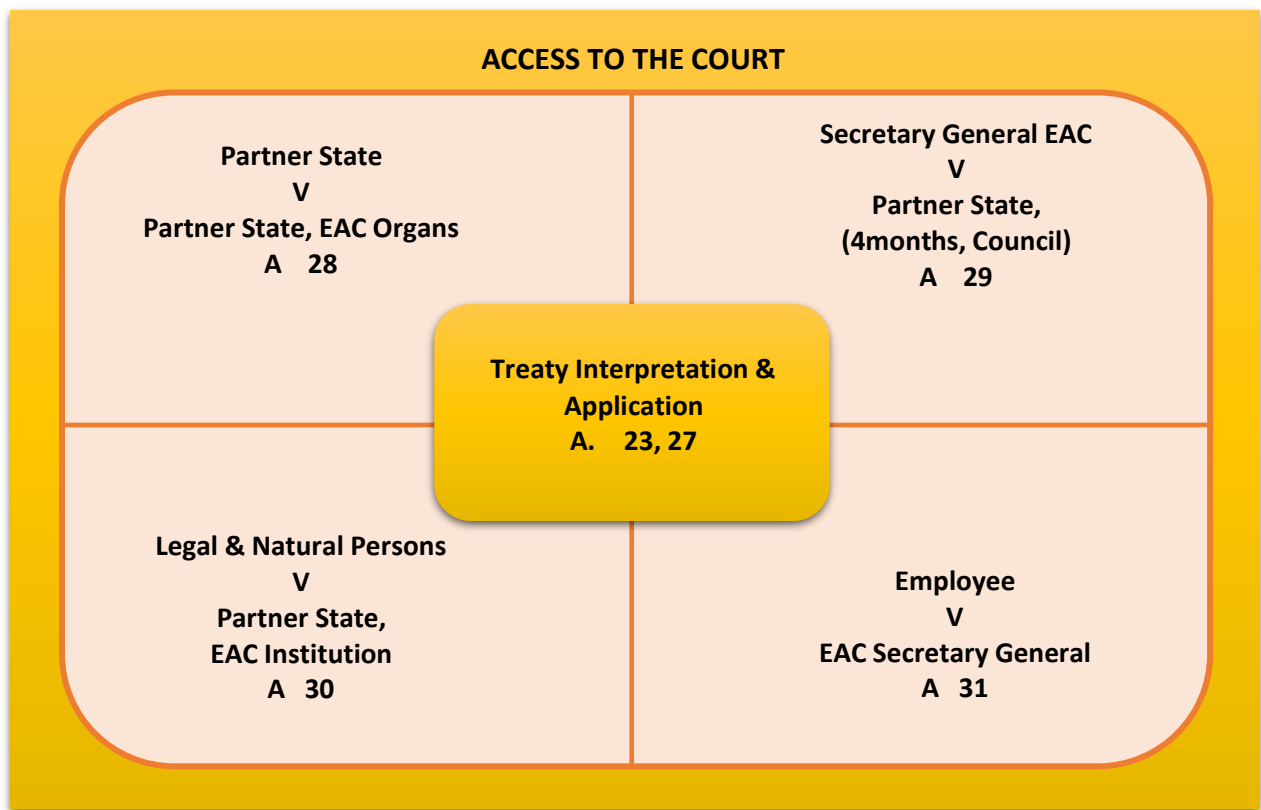
The Court has jurisdiction over matters considered to impute an alleged breach and interpretation and application of a specific Article in the Treaty. However, this does not include the application of any such interpretation to jurisdiction conferred by the Treaty on Organs of Partner States. It also has jurisdiction over disputes between the Community and its employees. The Court further has the mandate of rendering advisory opinions upon request by the Summit of EAC Heads of State, the EAC Council of Ministers or a Partner State. It also has arbitral jurisdiction on matters below:

- i) arising from an arbitration clause contained in a contract or agreement, which confers such jurisdiction to which the Community or any of its institutions is a party; or
- ii) arising from a dispute between the Partner States regarding the Treaty if the dispute is submitted to it under a special agreement between the Partner States concerned; or
- iii) arising from an arbitration clause contained in a commercial contract or agreement in which the parties have conferred jurisdiction on the Court.

Under Article 35 (A), the Appellate Division has appellate jurisdiction from Judgments or Orders of the First Instance Division on points of law, lack of jurisdiction and procedural irregularities. Both divisions of the Court also have powers to review their own decisions, in very special circumstances as provided for under Article 35(2) of the Treaty.

In a nutshell, the Court can be accessed by:

- i) Partner States: A Partner State against another Partner State, EAC Organ or Institution on the legality of any: Act, regulation, directive, decision or action that is *ultra vires* (acting beyond one's legal power or authority).
- ii) Summit of EAC Heads of State, EAC Council of Ministers or Partner States: for advisory opinions.
- iii) EAC Secretary General: The Secretary General through the EAC Council of Ministers can refer a matter against a Partner State.
- iv) Legal and natural persons: This refers to any resident in the East African Community alleging a Treaty infringement or challenging the lawfulness of any Act, regulation, directive, decision or action of a Partner State or an institution of the Community.
- v) Employees of the East African Community: on the interpretation and application of staff rules, and/or terms & conditions of service.
- vi) National Courts and Tribunals for preliminary rulings on:
  - a. Treaty interpretation.
  - b. Validity of regulations, directives, decisions, actions of the Community.



*Pictorial representation of EACJ Jurisdiction.*

## D: Alternative Dispute Resolution

The Court can also act as an Alternative Dispute Resolution Tribunal as stipulated under Article 32 of the Treaty. This is a more user-friendly and a less formal procedure of resolving disputes which may either take the form of arbitration or mediation.



**Alternative Dispute Resolution** allows parties to resolve their conflicts using methods such as: Arbitration, Mediation, Conciliation or other forms of settlement.

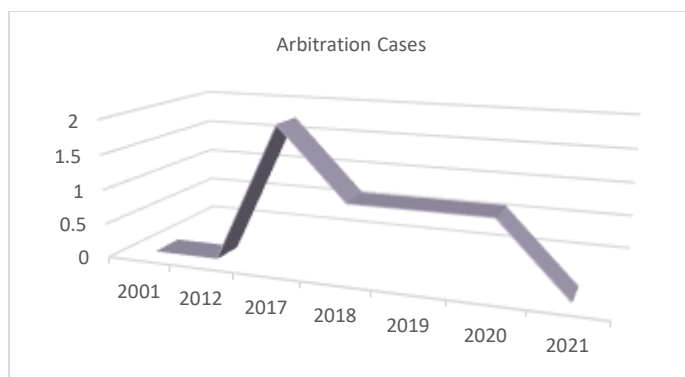
Once a case is filed at EACJ and before it is finalized, all parties are given an opportunity to negotiate and to resolve the problem amicably between themselves. The Court acts as a neutral Arbitrator or Mediator and records the confidential agreement reached by the parties.

### ARBITRATION

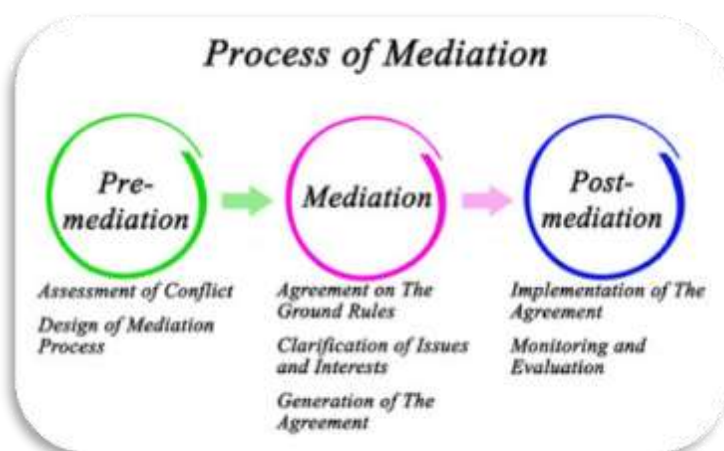
Article 32 of the Treaty enables arbitration of disputes for public and private parties, if they have appointed the Court as Arbitrator in their commercial contracts or special agreements. The EACJ Arbitration Rules, 2012, apply once a request is received by the Registrar of the Court. A few cases on commercial and procurement contracts have been brought to the Court and some are pending finalization.

The process is flexible and inexpensive as parties incur no additional administrative costs for use of facilities or Arbitrator fees. Furthermore, an arbitral award can be enforced in all Partner States.





## MEDIATION



Mediation is a voluntary process that can only be carried out if all parties to a conflict agree to participate and find a resolution among themselves.

The Court as Mediator assists in identification of the issues for negotiation and makes orders on the settlement reached.

If mediation fails, or is only partially settled, the Court can hear the case.

Since the EACJ Guidelines on Mediation were developed, few parties had opted for this method, until July 2021, when *Hope for Humanity*, successfully settled their grievance against the Government of the Republic of South Sudan. Judges of the First Instance Division mediated at the confidential negotiations and witnessed the signing of the agreed settlement.

## E: Extension of the Court's Mandate

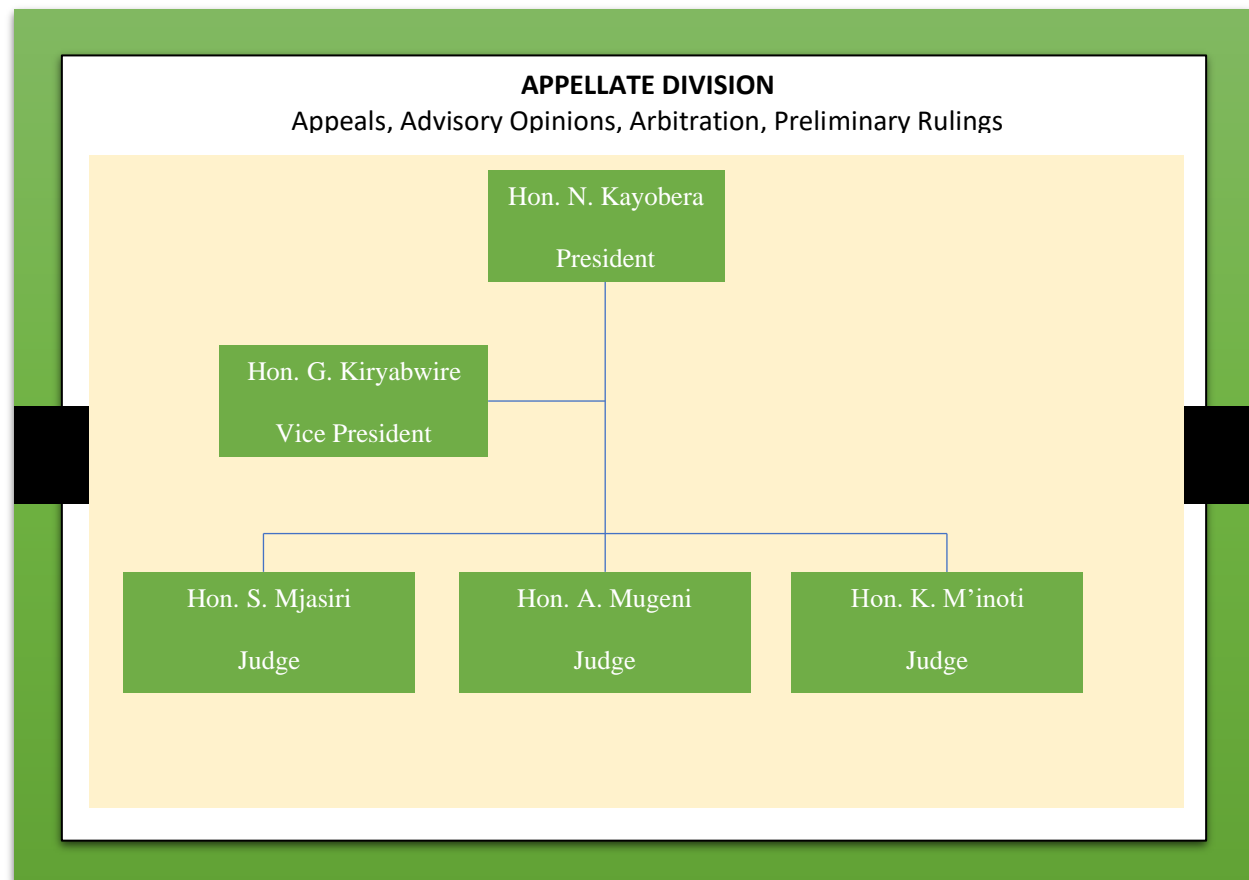
In 2015, the Summit of EAC Heads of State signed the Protocol to Operationalise the Extended Jurisdiction of the Court to include trade matters. Once ratified by Partner States, the Court will adjudicate trade and investment disputes arising from the implementation of the EAC Customs Union, Common Market and Monetary Union Protocols.

## F: Current Composition of the Court

All Judges of the Court are appointed by the Summit of EAC Heads of State from among qualified persons recommended by the Partner States and they serve for a maximum of seven years, or when they attain the mandatory retirement age of seventy years, whichever comes first. Their services to the Court are on *ad hoc* basis; meaning that Judges only convene to conduct sessions of the Court as per its annual calendar of activities.

### APPELLATE DIVISION

The Treaty limits the maximum number of judges in the Appellate Division to five. The Division is headed by the Judge President who permanently resides in Arusha, together with four other Judges who serve on *ad hoc* basis.



*Pictorial Presentation of the Appellate Division.*



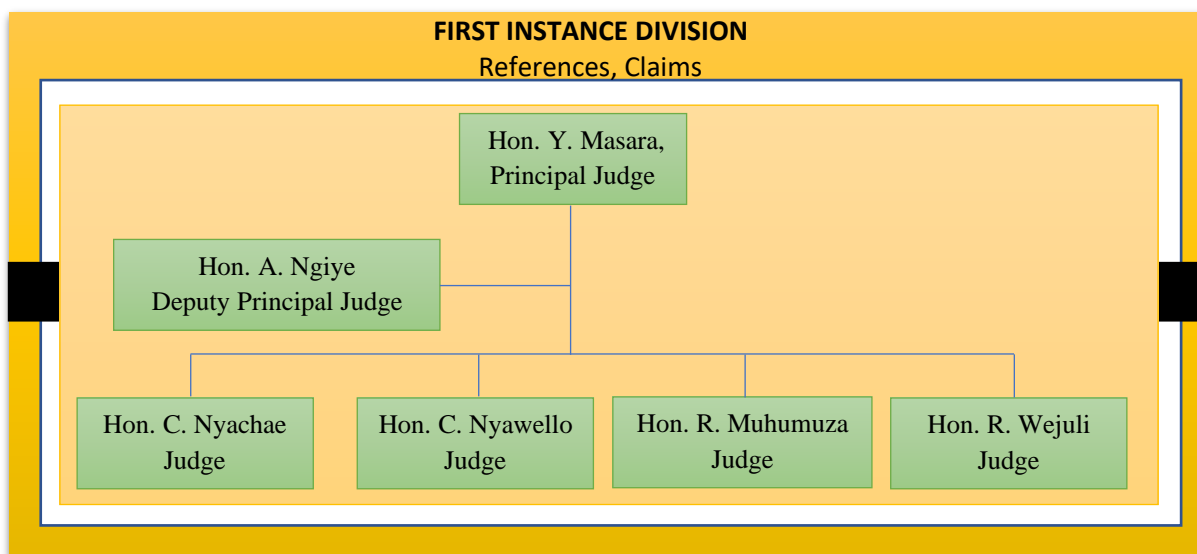
*Hon. Judge President of the EACJ, Mr Justice Nestor Kayobera*



*Judges of the Appellate Division from left to right: Hon. Mr. Justice Kathurima M'Inoti, Hon. Mr Justice Geoffrey Kiryabwire (Vice President) Hon. Mr Justice Nestor Kayobera (President) Hon. Lady. Justice Sauda Mjasiri and Hon. Lady Justice Anita Mugeni*

## FIRST INSTANCE DIVISION

The current number of Judges serving in the First Instance Division is six although the Treaty provides for the maximum number of Judges at ten. The Division is headed by the Principal Judge who permanently resides in Arusha alongside five other Judges who serve on *ad hoc* basis.



*Pictorial representation of the First Instance Division.*



*Hon. Mr Justice Yohane Masara, Principal Judge*



*Judges of the First Instance Division from left to right, Hon. Mr. Justice Richard Wejuli, Hon. Mr. Justice Charles Nyachae, Hon. Mr. Justice Audace Ngiye (Deputy Principal Judge), Hon. Mr. Justice Yohane Masara (Principal Judge) Hon. Dr. Justice Charles Nyawelo and Hon. Mr. Justice Richard Muhumuza.*

## G: The Registrar

The staff of the Court are headed by the Registrar who is the accounting officer and oversees the day-to-day administration of the Court. The Registrar is assisted by the Deputy Registrar in the management of judicial work. Staff in the office of the Registrar include those who work in the respective department of information resource centre, research services, transcription services, Information and Communication technology, finance, the registry and public relations, to mention but a few.



**His Worship Yufnaliis Okubo - Registrar EACJ**





*EACJ staff pose with the President, Justice Mr Nestor Kayobera (3<sup>rd</sup> from left) and Principal Judge Justice, Mr Yohane Masara (3<sup>rd</sup> from Right), Judges of both divisions of the Court and His Worship Yufnalis Okubo, the Registrar, during a strategic plan retreat held in Moshi, Tanzania.*

### **Sub-Registries**

In order to bring Justice closer to the people, the Court in 2012 established five Sub-Registries in the political/commercial capitals of the Partner States, beginning with **Kigali-Rwanda**, followed by **Dar es Salaam-Tanzania, Nairobi-Kenya, Kampala-Uganda and Bujumbura-Burundi**. Given the cost implications and the need to maintain closer and practical working relationships with Partner States' judiciaries' it was agreed as a temporary measure, the premises of the highest ranked Court in the respective Partner States, be granted the honour to host the said Sub-Registries.

Each Sub-Registry is managed by a Court official who receives and lodges cases, both manually and electronically, attends to all queries about the Court and other incidental matters. Since the introduction of the electronic filing system, cases lodged in Sub-Registries can be automatically

accessed in real-time, at the main Registry in Arusha. The Court official is supervised by a senior official of a Partner States' judiciary similar in rank to the Registrar or Deputy Registrar of the EACJ.



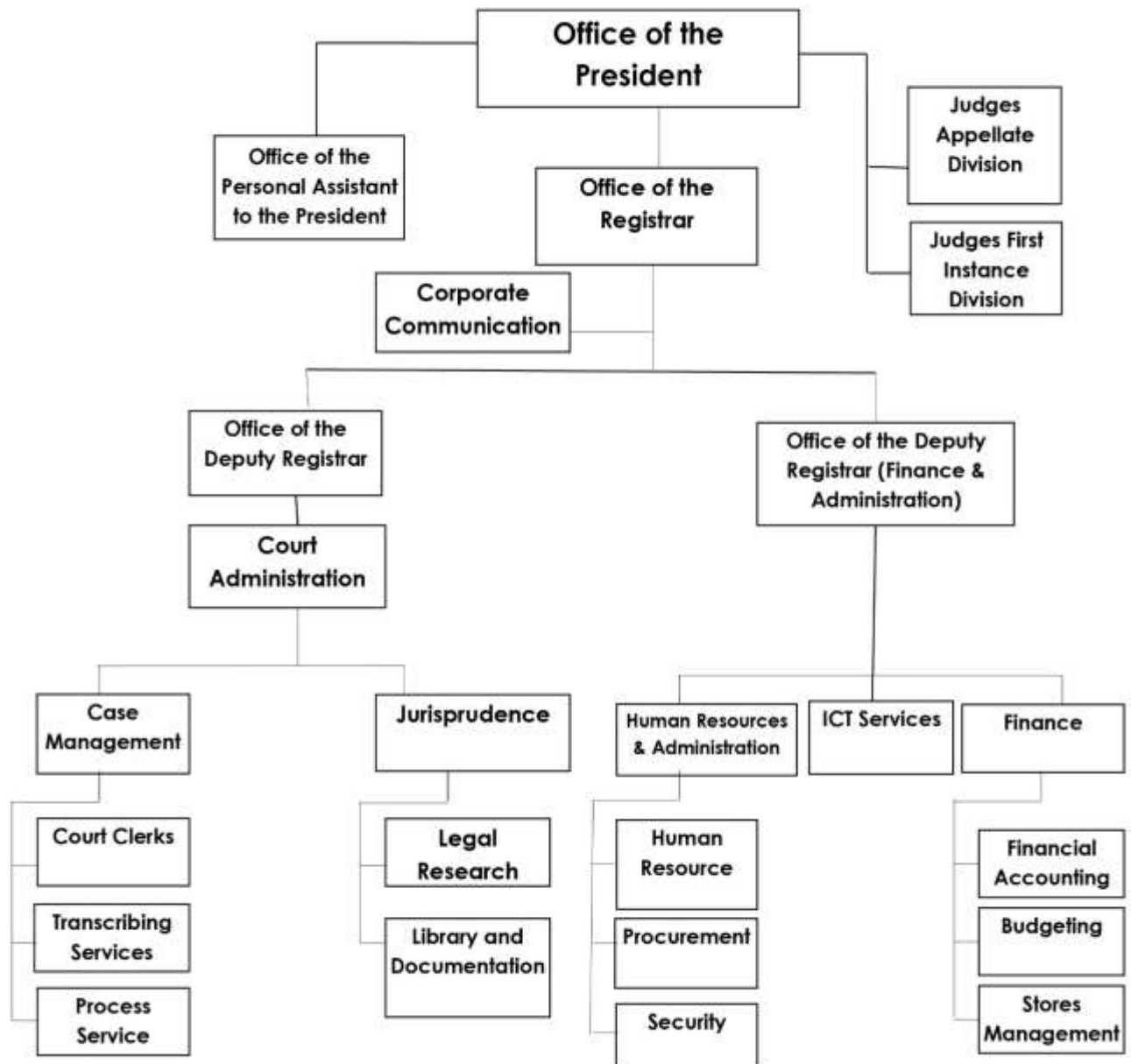
*EACJ Sub-Registry Office in Kigali, Rwanda*

### **Republic of South Sudan Sub-Registry**

Following the ascension in 2017 of the Republic of South Sudan into the Community, plans are underway to open a Sub-Registry in the country and a building within the precincts of the Supreme Court, has already been identified for this purpose. In the interim however, a number of cases have already been filed by residents of the Community against the Republic of South Sudan, either at the Main Registry at Arusha, or in the Sub-Registry offices in other Partner States.

In addition, in order to tap into that interest and to create more awareness, the Court has conducted some outreach activities involving various stakeholders. *(See main section on outreach activities)*

## PROPOSED NEW EACJ ORGANORAM



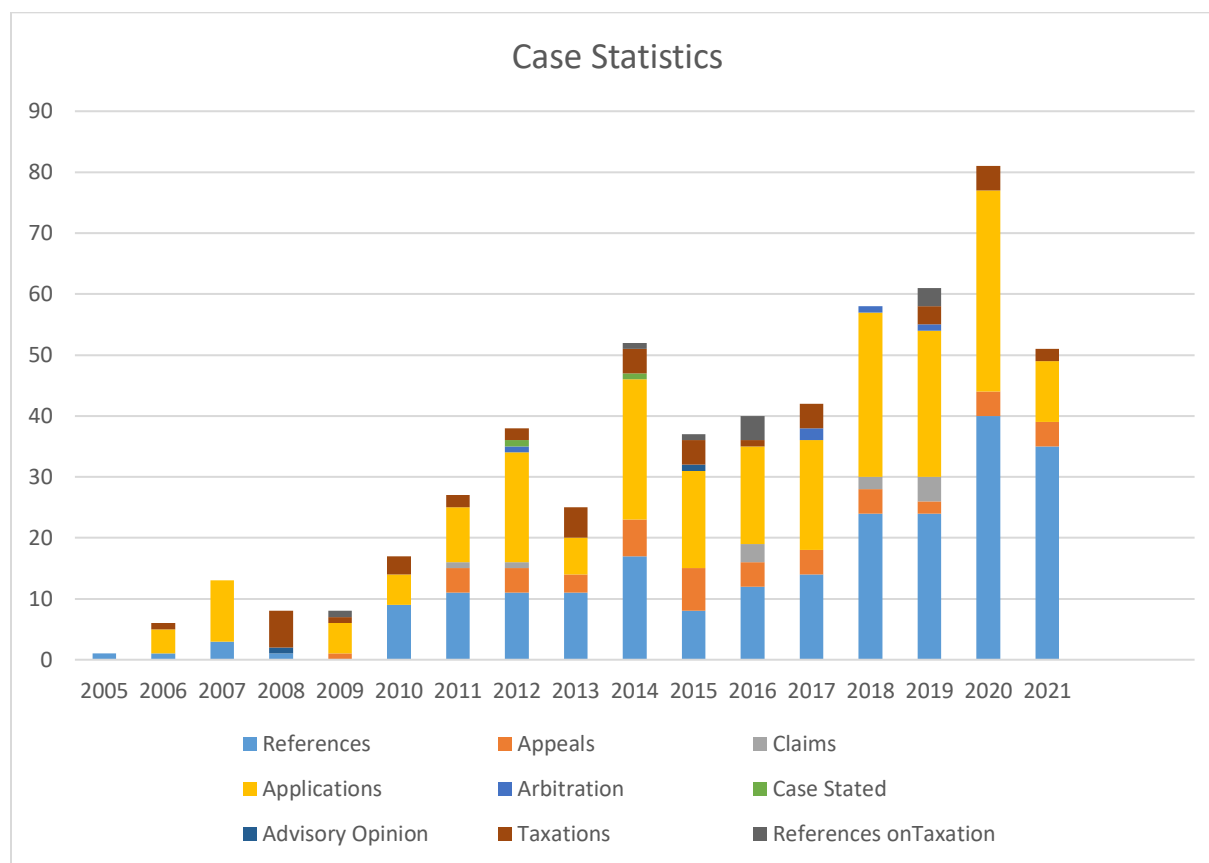


## PART TWO: CORE BUSINESS OF THE COURT

### A: Adjudication of Disputes

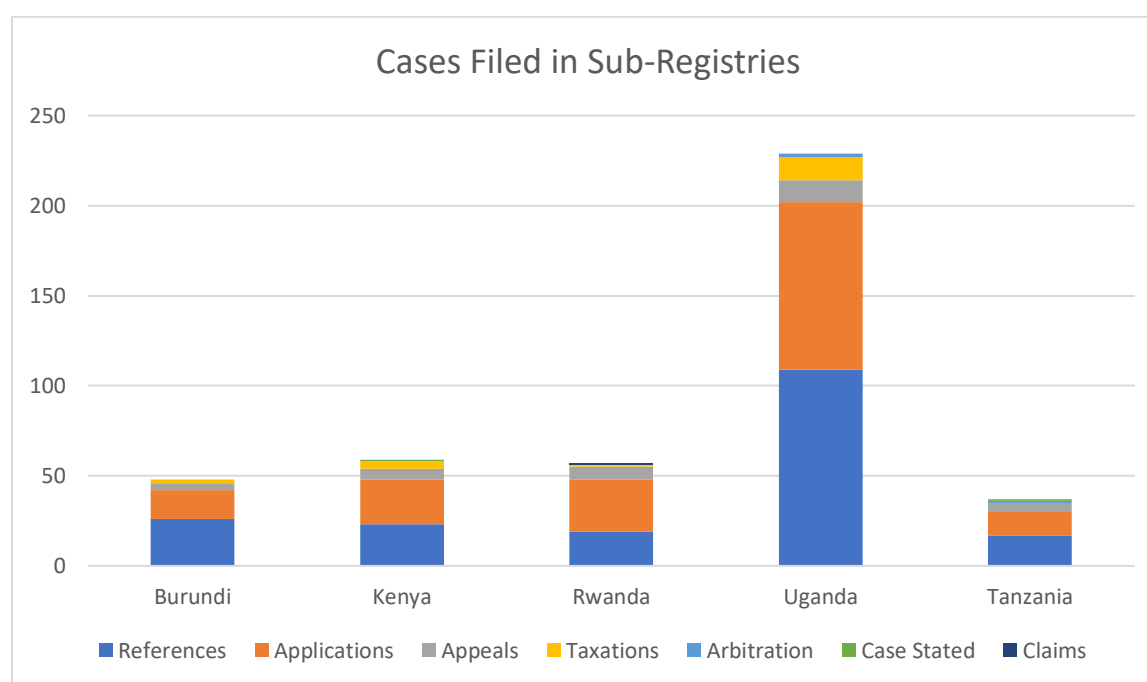
The first four years of the Courts' existence were unremarkable as they were occasioned by the absence of judicial functionality, since no case was filed before it. In 2005, the inaugural filing of the case pitting *Calist Andrew Mwatela v East African Community* was recorded. Since then, the work of the Court has grown as evidenced by the number of cases brought before it. The increase in the number of matters lodged can be attributed to a number of factors, but largely arising from the deepening level of EAC integration and an ever-increasing awareness of the Court's role in the East African integration agenda. To date, a total of 526 cases have been filed before the EACJ, 306 have been finally determined and 113 are still pending determination in the two divisions of the Court as the table below further illustrates.

#### Cumulative report



## Cumulative EACJ Sub-Registries Report

The Court's aim of bringing justice closer to the people of East Africa was realised in the year 2012 when it opened Sub-Registries which for all intents and purposes, render similar services that can be accessed at the main Registry in Arusha. Litigants no longer need to travel to Arusha to file their cases and thus save on both time and money, since they can do so in their respective capitals. Below is a table showing the number of cases filed in the Sub-Registries that are currently operational.



## B: The use of Information and Communication Technology (ICT) in administration of Justice

The Vision of the EACJ is to be a world-class Court; which *inter alia*, entails setting up mechanisms, legal frameworks and infrastructure which elevate EACJ's work. It is for this reason that EACJ embarked on a journey to use ICT as an enabler in the administration of justice by introducing different computerized systems and digitizing some of its processes.

In 2014, the Court acquired an Electronic Case Management and Recording System (CMRS) as a starting point in digitizing its judicial processes. To further entrench ICT in its operations, the Court in 2016 established an ICT Committee headed by a Judge, as part of its governance structure to spearhead all ICT initiatives. The ICT Committee was instrumental in guiding the EACJ to start livestreaming its Court sessions on its website, leading to access in real time by a wider audience.

These strides toward electronic case management proved to be extremely crucial during the COVID-19 pandemic which hit the world since 2020, almost bringing administration of justice to a standstill. With the emergence of COVID-19 in the EAC region, the EACJ was compelled to cancel an ongoing session in March 2020. The Court thereafter, had to look for innovative ways to operate as the pandemic continued to slow down and reverse the gains of the integration agenda. The Court was thus able to revamp its website ([www.eacj.org](http://www.eacj.org)) and transformed it in to a web portal to enable the seamless integration of various other functionalities, which would otherwise be limited on a non-interactive website.

Later, the Court was able to hold sessions virtually beginning with the May-June 2020 session of the Appellate Division and for all subsequent sessions of both divisions, that followed in 2020. This was enabled through the acquisition of Microsoft Teams for virtual Court sessions as well as Logitech Video-conferencing equipment. All the above sessions were done virtually with Judges, Lawyers and Court staff in the comfort of their homes, following the different levels of lockdown imposed in the Partner States.

At the same time, the Court started upgrading the CMRS to incorporate an e-filing system, to allow for litigants to file cases on their own and subsequently held training for various stakeholders to enable them to efficiently use the system.

In 2021, the Court has been able to hold hybrid sessions where Judges and some staff are physically present in the Courtroom, while advocates attend the session either from home or their offices.

The transition period to an E-Court is not an event but rather, a process which requires a lot of resources in terms of time, money and expertise. In the near future, the Court will develop its ICT Policy and Strategy to serve as a roadmap towards the implementation of an E-Court.

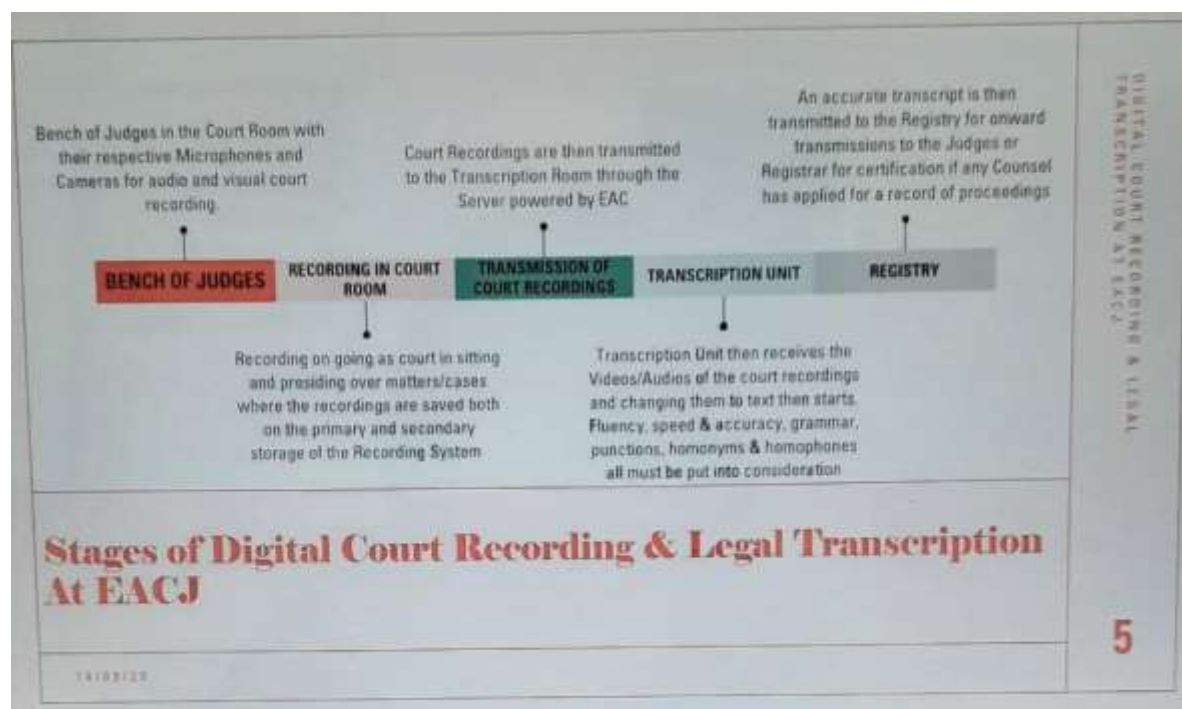
## C: Digital Court Recording and Legal Transcription at the EACJ

In the quest to fully digitize its systems, the EACJ has a robust Court Recording and Transcription Unit mandated to create accurate and timely verbatim transcripts of audio or video recordings of its proceedings and meetings.

It is a state-of-the-art court recording system for purposes of capturing, producing, delivering and storing the digital verbatim record of court proceedings. The main type of proceedings that are digitally recorded are court hearings. These above-mentioned processes are accomplished through the use of a digital court reporter, digital recording software and hardware, transcriber and transcription software, proof readers, and backup media for the storage of the recordings and final transcripts.

- There are different methods of capturing information such as voice, writing and electronic recording/reporting. EACJ acquired the electronic/digital recording using JAVS System for onsite hearings.
- With the virtual hearings, EACJ uses Microsoft Team and Digtek Transcription Solution. Digtek is a tailor-made transcription solution by the Parliament of Uganda and where a licence for its use, was bought and issued to access the software.
- During the Court trial/proceedings (onsite), there is always a Court Recorder responsible for recording the ongoing Court proceedings. At the end of the trial, the proceedings are transmitted electronically to the Transcription Room, where the Court Transcriber begins the transcription process of the video/audio recording to written text.

This has in turn considerably reduced the time within which lawyers and judges can access verbatim typed Court proceedings. Today, the Court may depend on the number of cases involved in a particular session, transmit the recordings to the Judges and Counsel on the same day, or after a few days. This makes EACJ's dream of becoming a world class Court edge closer to a reality, rather than a dream.

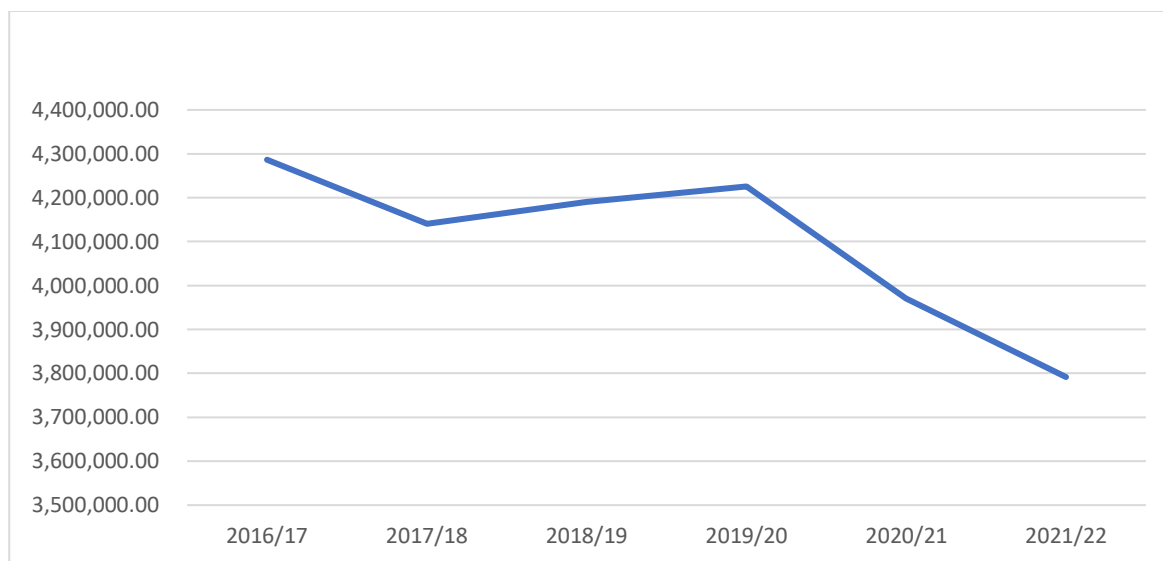


## D: Financing the Court

Financial resources to run the Court are mainly raised from Partner States and Development Partners' contributions. With the abolition of Court filing fees in April 2013, sources emanating from this category, have been largely reduced, save for arbitration filing fees. Other sources like security fee for costs of Appeals and Arbitration are not financial sources *per se* because they are normally returned to litigants depending on the final outcome of a matter.

In reality, the Court is faced with financial constraints owing to reduced budgetary consideration by the EAC every financial year, yet the number of cases filed at the EACJ are on the increase.

EACJ BUDGET APPROVED	YEAR	USD
Budget Approved for	2016/17	4,286,477.00
Budget Approved for	2017/18	4,140,166.00
Budget Approved for	2018/19	4,190,846.00
Budget Approved for	2019/20	4,225,241.00
Budget Approved for	2020/21	3,970,406.00
Budget Approved for	2021/22	3,791,723.00



## PART THREE: EACJ JURISPRUDENCE

### Selected Cases

Over the years, the Court has interpreted and applied the Treaty in disputes before it, in line with: human rights standards guaranteed by the African Charter of Human and Peoples' Rights; and principles of International Law, such as: the attribution of responsibility to States for the wrongful conduct of the Executive, Legislative and Judicial branches of government or their agents, in the exercise of their function; or by entities exercising governmental authority. The wrongful actions or omissions of the EAC Secretariat, its agents and Institutions are evaluated as per international law.

Additionally, since Partner States have agreed to implement the Treaty in good faith, the Court has pronounced itself in several cases that they cannot use their domestic laws as a justification for failure to perform Treaty obligations. The following are some decisions that the Court has delivered over the years.

### RULE OF LAW

#### **The Managing Editor Mseto v. The Attorney General of The United Republic of Tanzania**

##### **Reference no. 7 of 2016**

On August 10<sup>th</sup>, 2016, the Minister of Information, Youth, Culture and Sports of the United Republic of Tanzania issued an order pursuant to provisions of the Newspapers Act, 1979 directing the Applicants to cease publication of *Mseto* newspaper for 3 years without giving reasons. The Applicants were further notified by the Office of the Registrar of Newspapers that they were forthwith prohibited from publishing or disseminating information by any means including the internet.

The Applicants filed this Reference at the East African Court of Justice contending that in as much as provisions of the Newspapers Act gave the Minister unfettered discretion to prohibit publication of newspapers, the orders issued violate the Respondent's obligations under the Treaty for the Establishment of the East African Community. They claimed that the decision unreasonably restricts press freedom and

violates the fundamental and operational principles codified in the aforementioned Treaty, which include accountability, transparency, good governance, rule of law and democracy. The Applicants further contended that the Treaty promotes, recognizes and protects human and peoples' rights in accordance with the provision of the African Charter on Human and Peoples' Rights as well as in abiding by the universally accepted standards of human rights which include the right to freedom of expression.

At the hearing, the Applicants beseeched the Court to declare that the order by the Minister restricts press freedom, and to affirm that their rights of freedom of expression were violated. The Applicants also sought a declaration that the provisions of the law relied on by the Minister, had a chilling effect on the rights to receive and impart information and as a result, constitute a violation of the Respondent's Treaty obligation. They asked the Court to annul the order and to allow for the Applicants to resume publication of *Mseto*.

The Respondent refuted the claims of the Applicant to the effect that the application was filed in bad faith and that there are remedies the latter ought to have sought for

locally in the National Courts. He said the reasons for the directives were stated in the law cited upon by the Minister and were lawful and in compliance with the Treaty and a valid Act passed by the National Assembly of the United Republic of Tanzania, contrary to the Applicants allegations. He further argued that freedom of expression is limited and not absolute as provided for, by various international conventions. He urged the Court to dismiss the Reference and order that the Applicant pursues legal remedies in Tanzania National Courts.

The Court after hearing both parties, ruled that the Minister had violated his duty under the Treaty to uphold and protect the principle of democracy, rule of law, accountability, transparency and good governance. The orders issued were deemed to have violated the right to freedom of expression. The Minister was therefore ordered to annul the order and to allow the Applicant resume publication of *Mseto*. The state was also ordered to pay costs to the Applicant.

#### **Henry Kyarimpa v. The Attorney General of Uganda Appeal no. 6 of 2014.**

The Appellant, a Procurement Specialist and a resident of the Republic of Uganda, filed an Appeal after being dissatisfied with the



decision of the Trial Court in a Reference filed against the Respondent (Attorney General of Uganda) in respect of the manner in which a tender to construct a dam was awarded.

It was his contention that in the year 2013, the Government of Uganda requested for bids for the construction of a dam known as Karuma Hydroelectric Plant and its associated transmission lines. In his professional capacity, the applicant aligned himself with a company known as China International Water and Electric Construction Corporation, which placed a tender bid for construction of the Karuma Dam.

Before the award was made, the entire tender process was cancelled following a directive by the Cabinet of the Republic of Uganda. Hitherto, the Inspector General of Government had made recommendations for cancellation of the tendering process after receiving complaints of lack of transparency and integrity that had infiltrated the process. Proceedings for Judicial Review were instituted by one resident at the High Court of Uganda asking the Court to stop the various government agents from implementing the report and to declare the best evaluated bidder of the initial procurement process. He

also petitioned the High Court and obtained orders barring the various state agents against carrying on with the intended project.

Despite the restraining orders, the government through its agents invoked a section of the procurement law and cancelled all the bids and communicated to all the bidders. The government proceeded further to sign a Memorandum of Understanding with another Contractor known as Sinohydro Corporation Limited, to construct the dam, claiming ostensibly to have reached a bilateral agreement between itself (Government of Uganda) and that of China, with funding from the Exim Bank.

The above events led the Appellant to file a Reference citing violation of various Articles of the EAC Treaty. The Trial Court heard both parties and held that the selection of Sinohydro Corporation Limited and subsequent signing of the MoU to build the dam, were not in breach of Uganda laws, even, with the absence of a copy of the bilateral agreement in the Courts' record, and that in the absence of contempt of Court proceedings, they (Trial Court) lacked jurisdiction to so find. The Trial Court also found that the Government of Uganda did not violate the provisions of the Treaty as alleged

by the Appellant. Costs were also denied, and parties ordered to bear their own costs.

On appeal the Appellate Division held that, the conduct of the Respondent was inconsistent with and an infringement of the Treaty. They however agreed with the Trial Court that the acts of Uganda were not inconsistent with or an infringement of some Articles of the Treaty as claimed. Parties were ordered to bear their own costs

## EAC RESIDENCY

### **Manariyo Desire v. The Attorney General of The Republic of Burundi, Appeal No. 1 of 2017 Arising from Reference no. 08 of 2015**

The Appellant, Manariyo Desire, the Applicant in the Trial Court bought three (3) parcels of land in Bujumbura, one of them, formerly belonging to one Simon Nzopfabushe. He consolidated the said parcels and had them legally surveyed, before procuring an authenticated single agreement. Both the buyer and sellers executed a single attested affidavit in respect of all parcels of land. Thereafter, the buyer consolidated the (3) parcels of land to obtain one certificate of title, and subsequently subdivided the parcels and sold the resulting sub-divisions to a new buyer.

In 2010, Simon Nzopfabushe successfully filed a case against the Appellant in respect of the same parcel of land he had sold to the

Appellant, dissatisfied by such decision, the appellant appealed to the Court of Appeal of Bujumbura and lost. On his second appeal before the Cassation Chambers of the Supreme Court of Bujumbura, the Judgment was pronounced in favour of the Respondent.

At the EACJ First Instance Division, the Applicant failed to satisfactorily prove the violations of the principles of rule of law and good governance, and as a result, the Court proceeded to dismiss the reference.

On appeal to the Appellate Division, the Court raised *suo moto* (*on its own motion*) the issue of residence and citizenship of the Appellant due to the fact that in his Affidavit, the appellant stated his residency to be in the United States of America. Therefore, majority of the Judges



that the term “*resident in*” as stipulated in the Treaty, did not include citizens who were not ‘*residents in a Partner State*’. Consequently, the Court disavowed itself of the jurisdiction to deal with the matter and dismissed the appeal-

In a dissenting opinion, a minority of Judges, held the view that the decision of the majority Judges adopted a literal and narrow interpretation of the meaning of “*residence*” and “*citizenship*”. In their purposive

approach, the terms needed to be interpreted in good faith in accordance with their ordinary meaning, in light of the object and purpose of the Treaty.

They queried why citizens of East African Partner States residing outside the Community, should have lesser rights of accessing their regional Court compared to fellow citizens who were physically present within the Community. Reference was made to the provisions in the Treaty concerning movement of capital, which provides *inter alia* that the Partner States shall: ensure that citizens or ~~and~~ persons resident in a Partner State are allowed to acquire stocks, shares and other securities or to invest in enterprises in other Partner States. In literal meaning according to them, meaning of the word “*Citizens of*” and “*persons resident in*” a Partner State would suggest that citizens of Partner States, wherever they may be residing, should be allowed to move and invest their capital in other Partner State. In conclusion, for reasons different from those adopted by the majority, they dismissed the matter with no orders as to costs.

## CROSS-BORDER TRADE

### **Grand Lacs Supplier S.A.R.L. v. Attorney General of Burundi Reference no. 6 of 2016**

The Applicant complained that in August 2016, Burundian security officers, communal and provincial administrative authorities, seized food products that were being transported from Tanzania to Uganda and

placed the consignment in the Government warehouses and Customs Offices in Bujumbura. This was done despite the fact that all transit levies, fees and taxes for six lorries had been duly paid for and the goods cleared at Kobero border. Burundi Revenue Authority officials directed that the lorries be scanned and verified at Kanyaru-Haut /Kayanza border and this was done. The Applicant considered the Kirundo-Rutete-Kigali-Kampala as the shortest and most economical route. However, according to Government officials, the lorries had suspiciously been deviated from their original travel itinerary and the seizure was done to protect Burundi’s security as per law and policy and to deter fraudulent business operators.

Grands Lacs requested the Court for compensation for: losses of hiring the lorries, lost earnings, profit, and general damages claiming that the seizure was unlawful and contrary to the EAC’s Customs Union and Common Market Protocols respectively, which guarantee free movement of goods across the EAC borders. No notice of seizure was given to the Applicant as required by S.214 of the EAC Customs Management Act 2004, for them to object and the arbitrary

confiscation breached the principle of rule of law.

The Court emphasized that rule of law meant that *“people who enforce and administer the law, such as police officers, judges and lawyers are still subject to the same laws as everybody else”*. It found that the seizure of the goods without due process had breached the rule of law and that, Government of Burundi, was responsible for the unlawful actions of its agents under Articles 6(d) and 7(2) of the Treaty.

As an international court, EACJ can award compensatory damages in international law for pecuniary loss or damage and for moral, non-material loss when EAC laws are violated. In this case, the Court declared the seizure illegal and awarded the Applicant US\$ 20,000, as general damages with 6% interest per annum until such time payment is made in full.

**British American Tobacco (U) Ltd v. The Attorney General of the Republic of Uganda, Reference no. 7 of 2017.**

This Reference was brought by British American Tobacco Uganda Limited, a company registered in Uganda in 1984, against the Respondent Partner State challenging the legality of the latter’s Excise

Duty (Amendment) Act No. 11 of 2017, for contravening various provisions of the Treaty for the Establishment of the East African Community (‘the Treaty’); the Protocol on the Establishment of the East African Customs Union (‘the Customs Union Protocol’), and the Protocol on the Establishment of the East African Community Common Market (‘the Common Market Protocol’).

The Applicant dealt in the manufacture of tobacco and tobacco products, and was domiciled and operational in Uganda. It later restructured its business operations to have its sister company in the Republic of Kenya (British American Tobacco Kenya Limited) manufacture and supply it with cigarettes for sale on the Ugandan market.

Both the Republic of Uganda and the Republic of Kenya are Partner States in the East African Community (EAC), and respective signatories to the Treaty, Customs Union Protocol and Common Market Protocol.

The Court partially allowed the Reference and declared that the implementation of the provisions of the Excise Duty (Amendment) Act. No. 11 of 2017, by the misconstruction

and wrongful re-classification of the Applicant's cigarettes as 'imported goods', contravenes and infringes on the Treaty, the Customs Union Protocol and the Common Market Protocol. It also held that the misapplication of the provisions of the Excise Duty (Amendment) Act, by the issuance of Payment Registration Slips for additional taxes in the sum of Ushs, 325,208,0001 in respect of Applicant's cigarettes was illegal, null and void. The Respondent was also directed, with immediate effect, to rescind and withdraw the Payment Registration Slips captioned C15733 (06/07/2017) and Ref, No, C17820 of 02 August 2017 respectively, in the total sum of Ushs, 325,208,0001=, and issued against the Applicant's 1,170 packages of soft cap cigarettes under even caption and/or reference, and further, to forthwith ensure the interpretation and application of Excise Duty (Amendment) Act, with due regard for and in compliance with applicable Community Law. Finally, the Respondent was ordered to align the Ugandan tax laws with Community Law applicable to goods from EAC Partner States.

## TREATY TIME LIMITATION

**Steven Denis v. The Attorneys General of the Republics of Burundi, Kenya,**

**Rwanda, Uganda, Tanzania & Secretary General East African Community Reference no. 3 of 2015**

The Applicant claimed to have been shot at and lost property, while being expelled back to Rwanda from Tanzania by the Government of the United Republic of Tanzania. While the Applicant was certain that the actions were a violation of the Treaty, he was informed through legal advice the claim was time-barred under Article 30(2) of the Treaty. Further, the process by which the Article was introduced was unlawful and the sixth Respondent (Secretary General, East African Community) failed to advise Partner States to rectify the anomaly.

The Applicant thus sought for declarations that, sixty days' limitation period under Article 30(2) is contrary to the fundamental and operational principles of the EAC and the provision should consequently be declared null and void. In the alternative, he argued the Treaty ought to be amended by enlarging the limitation to not less than six months and that, Court needs to be clothed with discretion to extend the period.

The Court held that the Applicant had *locus standi* (right to appear in Court and to be heard) and since the matters complained of,

raised issues of Treaty interpretation, he (Applicant) had cause of action. However, the Court stated, it was neither within its mandate to order for a Treaty amendment to enlarge the time stipulated under Article 30(2), nor can it order to be vested jurisdiction to enlarge time.

It also stated that, whereas the expulsion of the Applicant's case, arising from been considered time-barred under Article 30(2), could withstand, a challenge to the legality of the Treaty could not be time-barred. The limitation period in Article 30(2) is neither strange nor outlandish, but operates harmoniously with the principles espoused in Articles 6(d), 7(i) (2) and 7(2) to provide a procedural framework for the promotion of the enshrined principles.

Further, no time limitation within which Partner States' or Secretary General of the EAC, may access the Court exists, as is the case with natural persons under Article 30(2). It cannot have been envisaged by the framers of the Treaty that access to justice would include unequal or disproportionate. Article 30(2) is intended to facilitate expeditious realization of Community's objectives under Article 5(2) ...for the same reasons, the spirit and letter of the Treaty would be well served if such an expedient approach were equally

applied to the Partner States and the Secretary General.

This matter should receive the attention of relevant Organs of the Community because a people-centred and market driven co-operation espoused in Article 7(1), (a), as well as the rule of law, in Article 6(d) and 7(2), must of necessity, include the notion of equal access to justice by all parties.

## EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA) ELECTIONS

### **The Attorney General of the United Republic of Tanzania v. Anthony Calist Komu, Reference no. 2 of 2015**

The Respondent (the Applicant in the Reference), a member of Chama Cha Demokrasia na Maendeleo (CHADEMA), had in 2012, unsuccessfully sought election as a representative of Tanzania to the East African Legislative Assembly (EALA). He filed an election petition in the High Court of Tanzania and at the same time, a Reference at EACJ First Instance Division, claiming that because of certain actions and or omissions, the elections conducted by the National Assembly of Tanzania had violated the Treaty and were thus, null and void. Since



there was a case pending at the High Court, the Attorney General of the United Republic of Tanzania argued that the matter before the EACJ was sub-judice (particular case or matter is under trial or being considered by a Judge or Court.) and had no merit.

In its decision, the Trial Court found *inter alia* that, it was properly seized of jurisdiction to entertain the matter and that the doctrine of sub-judice or *res judicata* (a matter that has been adjudicated by a competent court and therefore may not be pursued further by the same parties) did not apply since interpretation and application of the Treaty is a mandate exclusive to the EACJ and not local Courts. It further reasoned that because the acts/omissions complained of in the conduct of the said elections there was a breach of the Treaty and it awarded the Applicant partial costs.

On appeal, the issue of jurisdiction of the EACJ as against National Courts on EALA elections, was canvassed at length in parties' submissions and the Court felt the need to be further addressed on the issue before proceeding with determination of other issues. In the end-result, the determination was solely on that single issue.

In its judgment, the Court opined that prior to the 2006 Treaty amendments, legal and natural persons had unlimited access before the Court. The said changes however in a clear and unambiguous language which did not warrant interpretation, but rather application, eroded the Court's jurisdiction as far as individual access to the Court is concerned. The changes limited access before the Court by individuals by introducing time limitation and by reserving complaints over an act, regulation, directive decision or an action to the exclusive jurisdiction of institutions of Partner States. Since the acts complained of were reserved by the Treaty to an institution of Partner States (in this case, the High Court of Tanzania) the Court ruled that the Respondent lacked *locus standi* and it thus had no jurisdiction *ratione personae* (Jurisdiction of a judge in a case which has international elements) to entertain the matter. The Court in the circumstances, set aside the judgment of the First Instance division because of lack of jurisdiction *ratione personae*.

## ADVISORY OPINION IN EAC LAW

### Advisory Opinion no. 1 of 2015

**A Request by the Council of Ministers of The East African Community for Advisory Opinion made Pursuant to Articles 14(4) and 36 of The EAC Treaty and Rule 75(4) of The EACJ Rules of Procedure, 2013**

In 2009, the Republic of Rwanda, nominated its national, Mr. Alloys Mutabingwa, for a three-year term appointment in the position of Deputy Secretary General at the East African Community. However, before the expiry of his contract, Rwanda nominated Ambassador, Dr. Richard Sezibera for appointment as Secretary General of the Community for a term of five years, pursuant to Article 67 (2) of the Treaty. In the light of the latter appointment, Mr. Mutabingwa's contract ended twelve months before its due date, necessitating the Community to compensate him for the unexpired period of his contract. Subsequently, the Community Secretariat requested for reimbursement from the Republic of Rwanda averring, that this was the practice. The Secretariat stated that previously, the Republic of Uganda and the United Republic of Tanzania had both compensated the Community when contracts of their nationals were prematurely terminated, in similar circumstances.

The Secretary General of the EAC (“the Community”) on behalf of the Council of Ministers of the Community, filed a Request pursuant to Articles 14(4) and 36 of the EAC Treaty and Rule 75 (4) of the EACJ Court Rules. The request sought Court's Opinion on the interpretation and application of Article 67(2) of the Treaty, as read together with Rule 96(3) of the Staff Rules, 2006. It also sought to know whether or not the words “forfeit” and “withdraw”, appearing respectively in Article 67 (2) of the Treaty and Rule 96(3) of the Staff Rules did, in effect, amount to the same thing.

It was the argument of the Secretary General supported by other Partner States that the Republic of Rwanda sacrificed the position of Deputy Secretary General to get that of Secretary General, which then caused the holder of the position of the Deputy Secretary General to step aside in order to pave way for the new Secretary General. Hence, Rwanda, “withdrew” the then Deputy Secretary General. This, they argued, had happened in two other similar instances and it was thus an “established State practice” in EAC. The Republic of Rwanda was in stark opposition to the above arguments.



The Court opined on the argument asserting there was an “established practice” whereby two Partner States have in the past refunded to the EAC Secretariat the compensation paid to two former Deputy Secretaries General (of their respective nationality) for premature termination of their tenure (yielding way to the in-coming Secretaries General of the same nationality), but that, such instances had not as yet sufficiently, being developed to trigger objective recognition under international law as an “established State practice”, but at best, were a developing practice.

On the interpretation and effect of the words ‘forfeiture’ and ‘withdrawal’ the Court opined that forfeiture is a consequence triggered by the occurrence of an event provided for by the law. Once the event happens, the consequences are automatic and do not depend on the will of the parties involved. In this case, if a country nominates a Secretary General, then through an automatic legal process it forfeits the position of the Secretary General, whereas withdrawal is a deliberate act entirely dependent on the will of the party effecting the act and thus the meaning and the resulting effect of the words cannot be one and the same.

The Court further gave the opinion that there was a clear inconsistency between the express provisions of the Treaty and Staff rules and regulations and the latter being subservient to the Treaty, must, to the extent of the inconsistency, yield to the primacy of the provisions of the Treaty.

## THE RELATIONSHIP BETWEEN EACJ AND NATIONAL COURTS AND TRIBUNALS

**Case Stated no. 1 of 2014 (Arising from Misc. Application no. 558 of 2012 civil suit no. 298 of 2012 High Court of Uganda, Kampala)**

Tom Kyahurwenda (Plaintiff) filed the suit in the High Court of Uganda alleging actions of the Government of Uganda (Defendant) which caused him pecuniary and non-pecuniary loss, breached Articles 6, 7, 8 and 123 of the Treaty for the Establishment of the East African Community (EAC). He sought among others, an order for enforcement of the provisions of the Treaty, an order that the defendant was liable for misconduct of its officers and sought compensation for breach and loss as well as institution of mechanisms deterring a repeat of similar acts and non-

compliance of the Treaty by agents of the defendant.

The Defendant questioned the jurisdiction of national Courts to adjudicate cases relating to Treaty interpretation and to award compensation contending, they were not justiciable.

The High Court stayed the proceeding and referred the suit to this Court for a preliminary ruling under Article 34 of the Treaty.

It was held that, Article 34 of the Treaty grants this Court exclusive jurisdiction to interpret the Treaty and invalidate Community Acts. National Courts and Tribunals are entitled to entertain matters involving violation of the Treaty and application of the Treaty within the context of Articles 33 and 34. Where a breach is established, it is for the national Courts to determine whether there was damage and award relief commensurate with the loss. However, if a national Court or Tribunal considers an interpretation of the Treaty to be necessary, it has no option but to refer the question to this Court. Hence, the discretion is narrow and confined to determine whether

or not, a ruling on the question is necessary to enable the Court to make its judgment.

Further, decisions of this Court in the interpretation of the Treaty take precedence over decisions of the national Courts and Tribunals on similar matters and the fundamental objectives and operational principles of the Treaty in Articles 6, 7 and 8 which is solemn, sacred and sacrosanct, are justiciable before the national Courts and Tribunals of the Partner States. However, paragraphs 2, 3 and 4 of Article 123 of the Treaty, remain in operative and are not justiciable both before this Court, the national Courts and Tribunals. Costs of this preliminary and the appropriate remedies is a matter for the High Court to pronounce in the context of the proceedings before it.

## COMPENSATION FOR WRONGFUL ACTS

### **Rt. Hon Margaret Zziwa v. The Secretary General of The East African Community Appeal no. 2 of 2017**

The Appellant was a former Speaker of the East African Legislative Assembly (EALA) and was removed from the said office in a process that the First Instance of the Court ruled as illegal and a clear violation of the

Treaty and EALA's Rules of Procedure. The Court however, in the same Judgment, ruled that it could not quash the said removal and order the reinstatement of the Respondent/Applicant since it would offend the principle of separation of powers. On the issue of damages, the Court ruled that there were no provisions in the Treaty or the Court's Rules of Procedure on the award of damages. It further ruled that the role of the Court was restricted to issuance of declaratory orders on Treaty compliance or lack thereof and that alone, was a sufficient remedy in the EAC Treaty regime.

On appeal, the Appellate Division Court in setting aside the decision of the First Instance division, held that while it is true the primary duty of Court is ensuring that EAC Partner States and other duty bearers under the Treaty, comply and adhere to all provisions, restricting it to that alone would be too limiting and render the Court ineffective. The duty according to the Appellate division, goes further in that, where a breach is established and imputed either to a Partner State or an Organ of the Community under the International law of State Responsibility, an appropriate remedy should automatically follow. The remedy may be either a cessation or non- repetition of the act complained of,

reparation which may take the form of restitution, compensation or satisfaction of the damage suffered. In the final result, the Appellant was awarded damages and the Community was condemned to pay costs of the suit.

## ALTERNATIVE DISPUTE RESOLUTION

### **Hope for Humanity v. Attorney General of the Republic of South Sudan, Reference no. 15 of 2019**

In the first quarter of 2020, an oil pool in Ruweng, Republic of South Sudan caught fire resulting in crude oil burn-offs. Other oil spills resulted in contamination of water bodies, negatively affecting peoples' health, animals and ecosystems in the Northern, North West, Unity and Upper Nile States of the Republic of South Sudan.

The Applicant complained that a consortium of foreign and South Sudanese companies engaged in oil explorations, were liable for oils spills caused by leakages emanating from old and weak pipelines. The case raised concerns on matters of commerce versus human health, environmental and ecological damage, management and preservation of natural resources and the Respondent

Government's responsibility to monitor the actions of oil exploration companies, even where it was a shareholder.

The Applicant requested for special damages and declarations of corporate negligence and additionally, pressed for a permanent injunction to stop further violations of the human rights of the populace and environmental damage.

In its defence, the Respondent State alleged that the relief sought by the applicant (shutting down the oil spills) would jeopardise the interests of people of South Sudan as oil revenue represents one of the major sources of income for the people of South Sudan. Moreover, the State had employed all the due diligence to see that these activities are undertaken in the most favourable manner for the benefit of all the people within the State. The Respondent contended that she did not violate the provisions of the Treaty and that the withdrawal of the operational licenses from Greater pioneer operating and Dar petroleum companies was baseless as cases of this nature are common in oil spills.

The parties chose to negotiate and an amicable settlement was reached through a mediation process overseen by the Court.

## FREE MOVEMENT OF PEOPLE

### **Samuel M. Mohochi v. The Attorney General of the Republic of Uganda, Reference 5 of 2011**

Partner States have agreed to ensure the free movement of persons, labour and services and the right of residence for their citizens within the Community. Mr Samuel Mohochi, a Kenyan, complained that he was arrested and detained for several hours at Entebbe International Airport in Uganda, when he travelled with a delegation from the International Commission of Jurists to meet with the Chief Justice of Uganda. The Immigration officials served a "Notice to Return or Convey Prohibited Immigrant" to an airline that returned him to Kenya on the same day. Mr Mohochi was neither informed, of any offence committed nor was he suspected of committing felony against the laws of Uganda or the Treaty and no reasons for his deportation whatsoever were given. This was discriminatory and contrary to the freedom of movement guaranteed in Article 7 of the Common Market Protocol and a denial of due process under Article 6(d) and 7 (2) of the Treaty.

The Respondent argued that Uganda, as a sovereign State, had the right to deny entry in compliance with the Citizenship and

Immigration Control Act and was justifiable in the interests of national security.

The Court held that provisions in Uganda's immigration law that were inconsistent with the Treaty and the Common Market Protocol were inoperative and had no force of law, following the entry into force of the Treaty and the Protocol. While Uganda had the sovereign right to deny entry to unwanted persons, sovereignty could not be a

justification for non-compliance, a restraint or impediment to compliance with the Treaty and the Protocol. The Immigration Authorities consequently resorted to kangaroo methods, not lawful procedure, to swiftly return Mr. Mohochi to Kenya, thus denying him entry, detaining and removing him without due process of law. This was illegal, unlawful and a breach of Uganda's obligations under the Treaty.

All the decisions and others can be found at: <https://www.eacj.org/>

## PART FOUR:

## OUTREACH ACTIVITIES: ENGAGING WITH THE EACJ STAKEHOLDERS

Since its inception, the EACJ has realized tremendous success in stakeholder engagements and outreach programs with internal, external, national and international stakeholders. Over the last 9 years when the Court started engaging in these sensitization activities, it has reached over 20,000 people, creating awareness on its role, jurisdiction, procedures of the Court and its operations in order to enhance their understanding and access to the East African Court of Justice not only within the East African Community region, but across the globe.

This has been achieved through EACJ's participation in various awareness activities both in National and International activities such as the East Africa Chief Justices Forum, Tanzania Judiciary Annual Law Day, East Africa Law Society (EALS) Annual Conference and General Meeting, East Africa Magistrates and Judges Association (EAMJA) Annual Conferences and the Commonwealth Magistrates and Judges Association (CMJA). The EACJ has also participated in Trade fair exhibitions in EAC Partner States, such as the EAC Small and

Micro business enterprises which brings over 1500 exhibitors from the Private sector, Civil Society, Academia and researchers among others. The establishment of EACJ Sub-Registries in the EAC Partner States also has greatly contributed to the Court's awareness and access in particular, the Lawyers and other litigants who file their cases through these Sub-Registries. All the above engagement platforms have created great opportunities for the Court to reach out to many people to learn, comprehend and fully understand its mandate and functioning.

## EACJ Sub-Registries engagement in outreach programs in the Partner States

The Sub-Registries in the Partner States have participated in various outreach programs to educate and sensitize the public on the role of the Court. The following activities have been conducted in the respective Sub-Registries;

Sub-registry	Activity	Result
<b>Bujumbura</b>	-Participated in the training of 80 State Attorneys on the role, jurisdiction and functioning of the Court in December 2019.	-Enhanced lawyers' knowledge on the Court and experience to litigate before EACJ
	Training 100 private lawyers and State Attorneys on practice before Regional Courts and Tribunals in collaboration with the East Africa Law Society (EALS).	-Creating Public awareness on the Court
	-Conducted 4 TV& Radio Talk shows in Bujumbura to educate the public on the role of the Court.	
	- Participated in the EAC JUA KALI NGUVU KAZI Exhibition which was held in Bujumbura, at Jardin Public of Bujumbura. Over 200 people visited the EACJ stand.	
	- Organized a meeting of 420 Judges and Magistrates of Bujumbura Municipality conducted by his Lordship	

	<p>Justice Nestor Kayobera, the President of the East African Court of Justice, on the relationship between the EACJ and the national judiciaries, interpretation, application of and compliance to the Treaty for the establishment of the East African Community.</p> <p>- Organized and conducted a high-level briefing meeting for the executives of the Burundian Ministry of Justice and the senior officials of the Burundian Judiciary on the work of the EACJ and the national Courts.</p>	
<b>Nairobi</b>	<p>-Participated in the Law Society of Kenya’s legal awareness week held at Milimani law courts in Nairobi in September 2016, where over 100 people were sensitized.</p> <p>- Participated in the training workshop for Young Lawyers organized by the East Africa Law Society (EALS) in collaboration with Sweden Sverige and Raoul Wallenberg Institute held in Nairobi, Kenya, on tracking the status of implementation of decisions of East African Court of Justice.</p>	<p>Better understanding by the public on the role played by the EACJ in advancement of legal literacy and advocacy.</p>



	<p>- Received about 200 enquiries at the Sub- Registry largely related to aspects about limitation of time, how to move a case which has taken too long without determination from the High Court to EACJ, issues of non-compliance with Court decisions at the National Court especially by the Attorney General of Kenya of which the most current one, was a determination made on 3<sup>rd</sup> August 2021.</p>	
<b>Kigali</b>	<p>-In June 2018, carried out an awareness and sensitization program for a <b>total of 65</b> Judges of the national Courts of Rwanda and these include; 17 of Supreme Court, <b>26</b> of the High Court, <b>7</b> of the Commercial High Court and <b>15</b> of the Commercial Court on the mandate of EACJ.</p> <p>- Training of 15 senior State Attorneys, 45 State Advocates on the Rules of Procedure of the Court.</p> <p>- Participated in 5 exhibitions, reached out and sensitized a total of 1600 exhibitors from East Africa and these include the East African Petroleum Conference &amp; Exhibition in 2014, EAC JUA KALI NGUVU KAZI Trade Fair and Exhibition in 2015. Further participated in the Annual Conference of the East African Magistrates and Judges Association (EAMJA) in 2017 and the 24<sup>th</sup> EALS Annual</p>	<p>EACJ information materials were disseminated and discussions held on the role, implementation of the Court's decisions and its jurisprudence among others.</p>

	Conference in 2019 and East African Lawyers who benefited in the Court's. Activities	
<b>Dar- Es Salaam</b>	<p>-In November 2019, participated in the Training workshop of the Tanzania Human Rights Defenders Coalition on the Human Rights Workshop on Regional and Sub-Regional Human Rights Mechanisms Enabling NGOs &amp; Human Rights Defenders in Tanzania to access the available mechanisms and improve Regional Human Rights Advocacy. More than <b>60 NGOs</b> within the country attended.</p> <p>-Attended East Africa Law Society workshop on practice before Regional Courts and Tribunals for East African lawyers with a focus on the Tanzanian cohort. About 20 Lawyers/Advocates attended.</p> <p>- participated in training workshop organized by Pan-African Lawyers Union on Strategic Litigation before Regional Courts: Enhancing Freedom of Expression in East Africa through Strategic Litigation at Regional Courts. About 50 Lawyers/ Advocates attended the training.</p> <p>- Participated in the Tanganyika Law Society 21<sup>st</sup> Annual Conference and General Meeting and made a presentation on the East African Court of Justice: Role</p>	<p>Gained knowledge on how EACJ handles human rights matters.</p> <p>Improved publicity and awareness of the Court to many people in Tanzania.</p>

	<p>of the EACJ and its Mandate. About 100 Advocates attended.</p> <p>-In January 2020 and February 2021, participated in two Tanzania Annual Judiciary Law Days’ exhibition in Dodoma and over 700 residents and citizens visited the EACJ booth to learn more about the Court.</p> <p>-Participated in the International Trade- Fair Exhibition SABASABA in Dar Es Salaam for the first time in July 2021. The EACJ Sub-Registry represented the Court at the Exhibition. More than 200 people visited the Court’s booth to learn and get information about the EACJ</p>	
<b>Kampala</b>	<p>- Conducted training of Judges on the mandate of the Court attended by 45 Judges representing the Supreme Court, High Court and Court of Appeal of Uganda.</p> <p>- In 2013, 2014 and 2015, participated in 3 respective exhibitions in Kampala to educate the public of the role and functions of the Court. These included the 17<sup>th</sup> EAC JUA KALI NGUVU KAZI and the Uganda Manufacturers’ Association Trade fair and where over 1700 exhibitors were reached and learnt about the role of the court in the EAC Integration process.</p> <p>- Organized 6 courtesy calls by the President and Registrar of the Court to senior government officials</p>	<p>-Increased knowledge to the people of Uganda on the general mandate and role of the Court in the EAC integration agenda, jurisdiction of the Court in dispute settlement on cross border trade issues and</p> <p>Private access to EACJ.</p>

	in Uganda, to strengthen the relationship between the EACJ, national Judiciary and other stakeholders in Kampala. These included the Chief Justice and Deputy Chief Justice of Uganda, Attorney General, Minister Responsible for EAC Affairs Uganda and the Chief Registrar.	- Strengthened relationship between the EACJ and the national Judiciary and other stakeholders of the Court as well support in some of the issues that affect the operation of the Court.
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### **Engagement with Stakeholders from Republic of South Sudan**

In 2018 the Court conducted an inaugural sensitization workshop for over fifty Judges, State Attorneys, Members of the Bar Association and Government officials, with participants drawn from Juba and other parts of South Sudan. The high-level delegates led by the Chief Justice dialogued with EACJ Judges on: Community law; the Court's role and jurisprudence; South Sudan's legal system, judicial practice; and collaboration with national judiciaries.

Participants expressed the need for more fora on the application of the Treaty and Community laws, via a structured training programme. One of the challenges noted was the need for written information in Arabic to enhance access to regional justice for residents of South Sudan.

### **Training of the Members of the Bar Associations**

The Court also has engaged in other capacity building initiatives attracting over 600 Lawyers from the Bar Associations notably, the Tanganyika Law Society (TLS), Arusha chapter, East Africa Law Society (EALS) and the Pan African Lawyers Union (PALU) in Arusha, on access and appearing before the Court. Through the Court's co-operation with the East Africa Judicial Education Committee (EAJEC), there was continued training support for lawyers from EAC on East African Laws and EACJ Procedures and practices. The Court similarly conducted e-filing

training and capacity building to some lawyers, benefiting litigants who file their cases online, thus improving efficiency of services.



*Training of Arusha State Attorneys and EACJ Staff on e-filing*



*Training of Lawyers and State Attorneys of Uganda on the role of the Court in the Integration agenda*



*EACJ Staff with Senior Government Officials attending the Tanzania Judiciary Law Day opening in Dodoma*



*Courtesy visit by the President East Africa Law Society to the President of the Court*



## MOOT COURTS

The Court also has presided over and hosted 2 moot courts organized by some EAC Partner States & NGOs. This has led to the deepening understanding of the Court and the application of International Law by the young lawyers thereby enhancing their capabilities to apply EAC Community Law and the requisite procedures of litigating before the Court.



*EACJ hosting an East African Moot Court of young Lawyers from Kenya, Tanzania and Uganda*



*EACJ Registrar, Yufnalis Okubo and other Judicial officers from Tanzania and Uganda presiding over a moot Court*

## ENGAGEMENTS WITH PARTNER STATES' OFFICIALS

Over these years, the Court has paid several courtesies calls on senior government officials who are key stakeholders in policy making organs in EAC Partner States. The visitations include courtesies on the EAC Heads of State, Chief Justices, Ministers responsible for EAC Affairs, Attorneys General among others, to apprise them on the progress and development of the Court and bolster their understanding of the Court and strengthen its relations and support its activities to achieve its mandate.

The President of the Court and other Judges paid a courtesy call to the Chief Justice of Kenya and various issues were discussed including the participation of EACJ in the Chief Justices' Forum to continue supporting the Court to execute its mandate and to enhance the working relationship with the National Judiciaries.



*EACJ President & other Judges during a courtesy visit to the Chief Justice of Kenya, Lady Justice Martha Koome*



## REGIONAL JUDICIAL COLLABORATIONS

Over the years, Judges of the Court have engaged in knowledge exchange and dialogue with regional and international Judicial organisations—such as the East Africa Magistrates and Judges Association (EAMJA) and the Commonwealth Magistrates and Judges Association (CMJA). In a bid to deepen collaboration and working relations, EACJ offered to house the EAMJA in its precincts in Arusha. These initiatives have contributed to strengthening collaboration, sharing of knowledge, skills and exchange of experiences in international legal procedures.

## EACJ & INTERNATIONAL COURTS' RELATIONS

EACJ held over 10 engagements with various International Courts such as United Nations International Residual Mechanism for Criminal Tribunal (UNICTR), the African Court of Human and Peoples Rights judicial colloquium. Both initiatives have contributed to better understanding of international Law aspects, enabling Judges to benefit a great deal from the benchmarking exercises. The co-operation with the African Court through signing of a Memorandum of Understanding extending on areas of capacity building of Judges and Staff and sharing library resources, shall ensure both Courts strive to achieve and effectively deliver on their respective mandate. Similarly, the exchange visits by senior judicial officers from the regional Common Market for Eastern and Southern Africa (COMESA) Court and national Courts have been useful. EACJ has in the past, hosted the Chief Justice of Kenya, Attorney General of Tanzania and many other stakeholders including Members of Parliaments in the EAC Partner States and Students among others. The visitations have significantly contributed to better understanding of the functioning of the Court as well as in capacitating stakeholders on the use of the Court's Case Management and Recording Systems.



***Visit by the Registrar of the UN International Residual Mechanism for Criminal Tribunals, Mr Abubacarr Tambadou to the President Emeritus of the Court, Justice Dr Emmanuel Ugirashebuja to discuss various areas of collaboration***



***Visit by the Chief Justices from across Africa to the EACJ Judges***

Through these outreach programs, there is scale-up in learning and awareness of the public on the role, jurisdiction, procedures, functioning and ultimately, increased access to justice through filing of many cases at the EACJ.

### EACJ Information Resource Centre

**The** East African Court of Justice Information Resource Centre is a regional one-stop centre for legal information whose main objective is to support the Court in fulfilling its mandate, functions and activities. To achieve this objective, the Resource Centre has over the years established a repository of knowledge and also serves as a gateway to access legal information. To ensure posterity, the Resource Centre focuses on building a reliable knowledge base for future reference.

To promote access and research function of the Court, the Resource Centre is committed to ensuring that right information is accessed at the right time and in the right format, by building a comprehensive and up to date collection of books as well as reading references and materials. The Resource Centre has also established collaboration and partnership with Law Libraries in the region to meet diverse information needs from the users.

The collection includes:

- i) law Reports such as the East Africa Court of Justice Law Reports; East Africa Law Reports; East Africa Law Society Law Digest; Law reports from the Partner States; all England Law Reports and the Law Reports of the Commonwealth;
- ii) EAC Laws and Laws from the Partner States;
- iii) legal text books on various disciplines such as regional integration, public and private international law, arbitration, international human rights law and humanitarian law, civil and criminal procedure, banking law, intellectual property, law of torts, insurance law, law of contract, refugee law and philosophy of law;
- iv) Legal reference materials;
- v) Periodicals, including professional journals;
- vi) Publications from the Partner States; and
- vii) Internally developed online databases namely:
  - EAC reports database: including Reports of the Task Forces, Sectoral Committees, Summit of EAC Heads of State and EAC Council of Ministers: <http://reports.eac.int/eacreports> (*registration required*).
  - Court Decisions: [http://eacj.org/?page\\_id=2414](http://eacj.org/?page_id=2414).

- EAC Information Repository: one-stop-shop platform of digital information and knowledge generated by EAC Organs and Institutions in execution of their various mandates since 1993 (<http://repository.eac.int/>).

### **Access to the EACJ Information Resource Centre**

- The Resource Centre is open to:
  - EAC Members of Staff;
  - visitors from outside the EAC Organs and Institutions who have an interest in regional integration, such as:
    - ✓ Advocates from Partner States;
    - ✓ Researchers and consultants;
    - ✓ University lecturers;
    - ✓ Law students; and
    - ✓ The general public.



*Students pursuing Masters in Regional Integration from the Catholic University of Eastern Africa (CUEA) in Nairobi, Kenya, use the EACJ Library during a past visit*





*Spacious and serene reading environment reading*



*Law libraries make “The Law” available, and law librarians serve as guides to finding the most relevant legal information*

## PART SIX

### TOWARDS THE FUTURE: ADDRESSING CHALLENGES OF EACJ AS IT FOCUSES ON STRATEGIC AREAS FOR 2021-2023

**The** Court is currently implementing its Strategic Plan for the period 2018 – 2023 which will guide it address challenges as it moves being a trusted, world class dispute resolution organ of the Community.

While the Court has made tremendous strides in terms of development of its jurisprudence in contribution to the East African integration agenda, it faces a number of challenges which limit its contribution and functioning.

First and foremost is the *ad hoc* nature of the service of the Judges. Given the increase in number of cases filed, the *ad hoc* nature of service results in situation of a backlog especially in the First Instance Division of the Court and thus, impacts the Court's ability to dispense justice timely.

Secondly, the inadequate budgetary allocation for Court activities, has at times, resulted into cancellation of Court sessions. Related to this aspect, there have been numerous requests from litigants, lawyers and other stakeholders that, the Court consider holding circuits (rotational sessions) just like EALA in all the EAC Partner States, a fact that would make the Court really accessible and known to more EAC citizenry. The Court has been unable to do this (except in only two occasions) and the reason is the same, a small budget allocated to the Court.

Besides the above, other challenges include lack of financial and administrative autonomy and inadequate human resources with some key Court staff retained on temporary basis. The delayed recruitment of Court staff also compromises on productivity. The Court for example, has not had a Deputy Registrar for more than two years a situation, which increases the workload of the Office of the Registrar.

In 2021, a consultative mid-term review was conducted, involving the Honourable Judges and the members of staff. This was a good opportunity to align human and physical resources to meet the Court's goals and to adapt to the changing external environment as necessitated by COVID 19 pandemic among other factors.

The strategic focus from 2021-2023 is as follows:

- i) **institutionalization of the Court:** is important as the EACJ seeks for the autonomy, independence and timely dispensation of justice. The aim is to

end the transitional life of the Court and strengthening its institutional independence;

- ii) **design of the Court under the Treaty.** The jurisdiction of the Court as specified under Article 27 (2) of the Treaty has been limited in its application since its inception. The Court seeks to extend the Court's jurisdiction to other Original, Appellate and Human Rights matters as envisaged in the Treaty. Further under this Strategy, the design of the Court will be improved to ensure optimum performance;
- iii) **appreciation of the Court.** The Court seeks to proactively engage the EAC Policy organs and other stakeholders on the role and place of the Court in the EAC integration agenda;
- iv) **raise Visibility of the Court.** the Court will engage its stakeholders in order to raise visibility and get its mandate better known to its stakeholders and other Court users;
- v) **enhance institutional Capacity of the Court.** For the Court to deliver on its mandate, it must have adequate institutional capacity, namely: sufficient complement of human, financial and physical resources; and
- vi) **use Information Technology (ICT)** as a **key enabler** in dispensing quality justice to the citizens and residents of the EAC as a road map to becoming an ICT efficient and a paperless Court;

## ALL EACJ RETIRED JUDGES

### Retired Judges

- Hon. Justice Dr. Emmanuel Ugirashebuja (Republic of Rwanda) served as a Judge of the Appellate Division between June 2013 to June 2014 and as the President between June 2014 to November 2020.
- Hon. Lady Justice Monica Mugenyi (Republic of Uganda) served as a Judge of the First Instance Division between December 2013 to June 2015 and then Principal Judge between July 2015 to November 2020.
- Hon. Mr. Justice Liboire Nkurunziza (Republic of Burundi) served as a Judge of the Appellate Division between June 2013 to June 2014 and then as Vice President between June 2014 to June 2020,
- Hon. Mr. Justice Aaron Ringera (Republic of Kenya) served, as Judge of the Appellate Division between April 2014 to June 2020.
- Hon. Justice Dr. Faustin Ntezilyayo (Republic of Rwanda), served as a Judge of the First Instance Division between April 2013 to July 2019 and then as Deputy Principal Judge between July 2019 to March 2020.
- Hon. Mr. Justice Fakihi A. Jundu (United Republic of Tanzania) served as a Judge of the First Instance Division between June 2014 to July 2019.



- Hon. Mr. Justice Edward Rutakangwa (United Republic of Tanzania), served as Judge of the Appellate Division between June 2014 to February 2019.
- Hon. Mr. Justice Isaac Lenaola, (Republic of Kenya) served as Judge between April 2011 to December 2013 & as Deputy Principal Judge, between December 2013 to June 2018
- Hon. Mr. Justice James Ogoola (Republic of Uganda), served between June 2008 to August 2015.
- Hon. Mr. Justice Jean Bosco Butasi (Republic of Burundi), served as a Judge between June 2008 to June 2013 & as Principal Judge between June 2013 to June 2015.
- Hon. Mr. Justice John Mkwawa (United Republic of Tanzania), served between June 2008 to June 2014.
- Hon. Lady. Justice Mary Stella Arach-Amoko (Republic of Uganda), served between November 2006 to October 2008 & as Deputy Principal Judge, between October 2008 to June 2014.
- Hon. Mr. Justice Johnston Busingye (Republic of Rwanda), served between June 2008 to October 2008 & as Principal Judge between October 2008 to June 2013.
- Hon. Justice Dr. Philip Kiptoo Tunoi (Republic of Kenya), served between June 2008 to October 2008 & as Vice President, between October 2008 to August 2014.
- Hon. Mr. Justice Harold Reginald Nsekela (United Republic of Tanzania), served between November 2006 to October 2008 & as President between October 2008 to June 2014.
- Hon. Lady Justice Emily Rusera. Kayitesi (Republic of Rwanda), served between June 2008 to November 2013.
- Hon. Mr. Justice Laurent Nzosaba (Republic of Burundi), served between June 2008 to June 2013
- Hon. Mr. Justice Benjamin Patrick Kubo (Republic of Kenya) served, between November 2008 to June 2011.
- Hon. Mr. Justice Joseph Sinde Warioba (The United Republic of Tanzania) Served between November 2001 and November 2006.
- Hon. Lady. Justice Solomy Bossa (Republic of Uganda) Served between November 2001 and November 2006.
- Hon. Mr. Justice Moiwo ole Keiwua-President (Republic of Kenya) Served between November 2001 and November 2007.
- Hon. Mr. Justice Augustino Ramadhani (The United Republic of Tanzania) Served between November 2001 and November 2007.
- Hon. Mr. Justice Joseph Nyamihana Mulenga (Republic of Uganda) Served as Vice President of the Court between November 2001 and June 2008 and as President of the Court between June 2008 and November 2008.
- Hon. Mr. Justice Kassanga Mulwa (Republic of Kenya) Served as Judge between November 2001 and June 2008 and as Principal Judge between June 2008 and November 2008.

## FORMER EACJ JUDGES /STAFF WHO WERE ELEVATED TO HIGHER POSITIONS



- Hon. Justice Dr Emmanuel Ugirashebuja, former President of the Court, appointed Minister of Justice & Attorney General of Rwanda.

- Hon. Justice Liboire Nkurunziza, Fomer Vice President, appointed Judge of the Constitutional Court of Burundi.



- Hon. Lady Justice Monica Mugenyi, Former Judge & Principal Judge, appointed Justice of the Court of Appeal of Uganda.

- Hon. Justice Dr. Faustin Ntezilyayo, Former Deputy Principal Judge, appointed Chief Justice of Rwanda.



- Hon Justice Johnston Busingye, former Principal Judge, appointed Minister of Justice & Attorney General of Rwanda. (Currently an Ambassador)

- Hon Justice Isaac Lenaola, former Deputy Principal Judge appointed Judge of Supreme Court Kenya.



- Hon Lady Justice Amoko Arach, former Deputy Principal Judge, appointed Judge of the Supreme Court Uganda.

- Hon Lady Justice Geraldine Umugwaneza, former Deputy Registrar, appointed Judge of the Court of Appeal Rwanda





Hon Justice Nestor Kayobera appointed Judge & designated President of the East the Court of Justice, being sworn in at the 21st EAC Heads of State



Hon Lady Justice Anita Mugeni appointed Judge of the East African Court of Justice Appellate Division, being sworn in on 27th February 2021



Hon Mr. Justice Kathurima M'Inoti appointed Judge of the East African Court of Justice Appellate Division, being sworn in on 27th February



Hon Justice Yohane Bokobora Masara appointed Judge & designated Principal Judge of the East African Court of Justice being sworn while Regis



Hon Justice Richard Muhumuza appointed Judge of East African Court of Justice First Instance Division, being sworn in on 27th February 2021



Hon Justice Richard Wabwire Wejuli appointed Judge of East African Court, being sworn in on 27th February 2021 during the 21st Ordinary Summ





Appellate Division in session during online session



Court in Session during delivery of Judgement in a case challenging Uganda's Constitutional Amendment (1)



His Worship Hon Yufnalis Okubo Registrar EACJ delivering Taxation Ruling



The Appellate Division in session during the oral hearing of Appeal no 4 of 2015



Mr. Jet Mwebaze (standing), Counsel for the Applicant Hon Zziwa in Court cross examining the Clerk of EALA





EACJ Staff sharing a light moment with Advocate Ladislaus Rwakafuuzi after a Court session.



East African Court of Justice Staff at the EAC Headquarters Arusha



Former President Justice Dr Emmanuel Ugirashebuja attending a Youth Leadership Conference in Arusha



Enhancing relationship with national Courts. The Registrar handing over a gift during a courtesy visit by staff from the Supreme Court of Kenya





EAC Chair Council of Ministers Hon Adan Mohamed speaking with the Judges during their Courtesy



Court in session, parties arguing their case during the hearing of Reference no 8 of 2016 (EPA Case)



Lady Justice Martha Koome Chief Justice of Kenya receiving a token of appreciation from EACJ President



Lady Justice Martha Koome Chief Justice of Kenya receiving EAC Flag from the President of the Court





Lady Justice Martha Koome Chief Justice of Kenya after the Official closing of the EACJ Strategic Plan meeting (1)



The Court takes visibility to its stakeholders a level higher-The Judge President,VP and Court Staff during a courtesy visit by TLS Arusha Chapter in May 2021



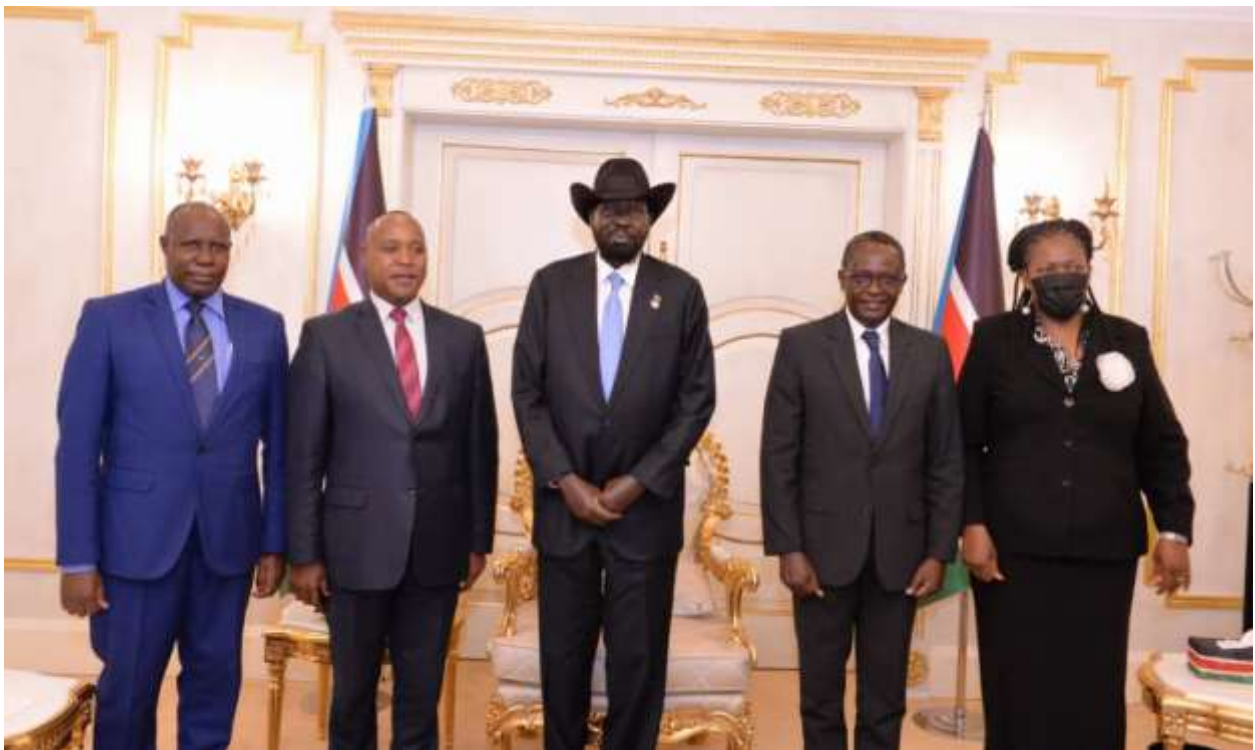
Moving from physical paper to digital system in the Court system, Mrs Margarethe Kirchheiner, one of pioneer Court Staff digitising her files before retiring in November 2020



## EAC HEADS OF ORGANS PAY COURTESY CALLS TO THE HEADS OF STATE



Visit to the President of Rwanda H E Paul Kagame



Visit to the President of the Republic of South Sudan H E Salva Kiir



EAC Heads of Organs present a gift to Her Excellency Samia Suluhu Hassan the President of the United Republic of Tanzania during their Visit

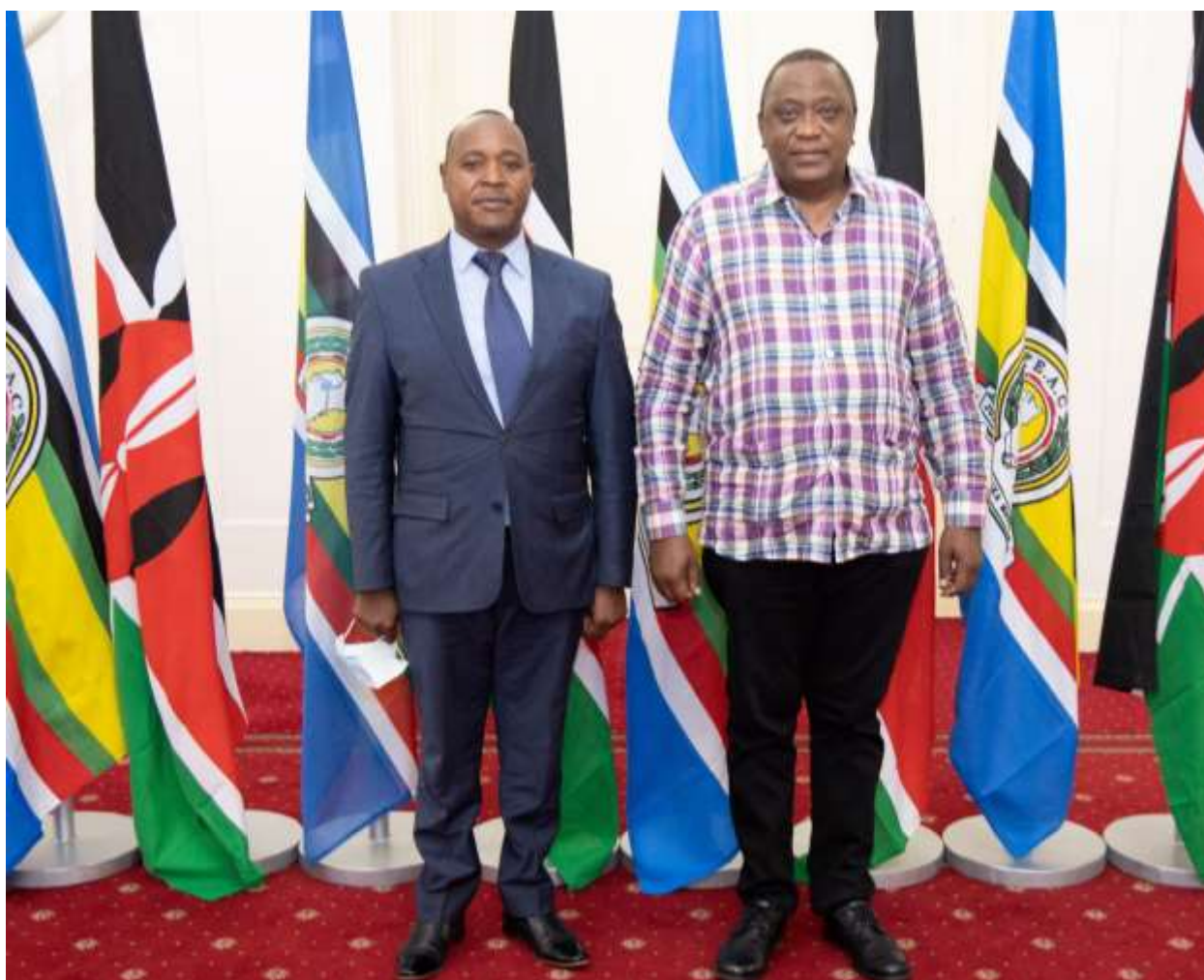


Visit to the President of the Republic of Burundi H E Evariste Ndayishimiye





Visit to the President of Uganda HE Yoweri Kaguta Museveni



EAC Secretary General visit to the President of Kenya H. E Uhuru Kenyatta





Visit to the President of Democratic Republic of Congo H Felix Tshisekedi during the verification exercise on admission of DRC to EAC

## ***TRAINING OF JUDGES ON RULE OF LAW & GOOD GOVERNANCE IN EAST AFRICA***



Attorney General of Kenya Hon. Paul Kihara Kariuki with the Judges and Staff of the Court after the official opening of the Training



The Hon Attorney General of Kenya Hon Paul Kihara Kariuki (left) receives a token from the EACJ President (right)



President of the Court (R) with Registrar welcoming the Attorney General of Kenya to officially open the training of Judges



**JUDGES WITH THE CHIEF JUSTICE OF KENYA DURING THE OFFICIAL CLOSING OF THE EACJ STRATEGIC PLAN MEETING**



The Chief Justice of Kenya Lady Justice Martha Koome with the Judges after the official closing of the EACJ Training, Plenary and Strategic Plan workshop in Nairobi



President pays a Courtesy Call to Lady Justice Koome (right)



EACJ President accompanied by other Judges to pay a courtesy call to the Chair of EAC Council of Ministers Hon Adan Mohamed



Amb. Mulamula tours the Courtroom during her courtesy call to EACJ





A group photo with the Minister 2<sup>nd</sup> left



Students from University visit EACJ

## In Loving Memory



**The late Hon. Justice  
Kassanga Mulwa**  
Former EACJ Judge and  
Principal Judge  
2001-2008



**The late Hon. Justice J.  
Nyamihana Mulenga**  
Former Vice President and  
President  
2001-2008



**The late Hon. Justice  
Augustino Ramadhani**  
Former Judge  
2001-2007



**The late Hon. Justice  
Moijo Ole Keiwua**  
Court President  
2001-2007



**The late Hon. Justice  
Harold Nsekela**  
Former EACJ Judge and  
President  
2006-2014



**The late Hon. Haji Omar  
Haji**  
Former EACJ Court  
Administrator  
2015-2021



**The late Alain O.  
Nsengiyumva**  
Former EACJ Personal  
Assistant to  
President  
2015-2021



**Jeniffer Mbula**  
Librarian



**Grace Katushabe**  
Court Clerk