

Appeal no 10 of 2022 Abba Ltd v The Attorney General of the Republic of Rwanda

Coming up for Hearing:8th February 2023.

Appeal filed: on 19th August 2022

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

Subject matter: Property Law

The Appeal arises from a June 2015 revocation by the Mayor of Rubavu District Council of a sales agreement entered into between the Appellant Company(Abba Limited) and Rubavu District Council for sale of Gisenyi Modern Market in Rwanda. The Appellant unsuccessfully sought for remedies over the said revocation in the Rwandan judicial and administrative systems.

Dissatisfied with the results in Rwanda the Appellant filed a Reference before the First Instance Division of the East African Court of Justice in 2018.In its decision the First Instance Division made a finding that the subject matter of the Reference was filed out of the statutory two months' time limitation enshrined in the Treaty.

Aggrieved by the said decision of the First Instance the Appellant has preferred this appeal contending among other reasons that the Court committed errors by not properly evaluating and appreciating the evidence as presented before it.

He further argues that his complaint was not based solely on the revocation made by the Mayor of the Rubavu District Council but rather the final confirmation of the revocation by the Ombudsman of the Republic of Rwanda which took place on 2018.

The Respondent (the Attorney General of the Republic of Rwanda sued on behalf of the Republic of Rwanda) contends that the cause of action (if any) arises from the revocation of the sales agreement by the Mayor of Rubavu District Council and not the decision of the Ombudsman which was an administrative procedure following the revocation. It follows, he argues that the matter was out of time as envisaged by the Treaty for the establishment of the East African Community

The Appellant thus prays for the Appeal to be allowed with costs to the Appellant and a reversal of the decision of the First Instance Division and the Respondent prays for dismissal with costs.

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