

Appeal No. 9 of 2022 Ismail Dabule & 1004 Others v The Attorney General of the Republic of Uganda

Coming up for Hearing: 13th February 2023.

Appeal filed: on 27th July 2022

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

Subject matter: Compliance with Judicial decisions

The subject matter giving rise to this case is an alleged continuous refusal by Ugandan authorities to unfreeze monies held by them to the Appellants. This, the Appellants contend has continued even following a clarification by Ugandan Courts on the issues of law relating to the frozen funds and an order to release the same issued by the Court to relevant Ugandan authorities since 2016. The Appellant filed a Reference before the East African Court of Justice in September 2016 which was heard and determined on November 2018.

The Appellant was dissatisfied with the said decision and appealed to the Appellate Division vide Appeal no 1 of 2018. The Appellate Division on 25th February 2020 ordered a retrial de-novo on the ground that the judgment of the First Instance Division was arrived at based on point of law that was neither agreed upon nor canvassed by the parties in their submissions. The instant Appeal emanates from the re-trial judgment.

The Appellants advance an argument that the First Instance Division among many other errors of law; erred in law by ignoring the findings of the Appellate Division on issues of there being a cause of action or not, it based its decision on an action not complained of by the Appellants and the refusal to determine other issues raised by the Appellants on the ground that they had no jurisdiction.

The Respondents on their part are supporting the decision of the First Instance Division and they oppose the Appeal in its entirety and thus pray for the same to be dismissed 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*