

THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA
AT KAMPALA

CONSTITUTIONAL PETITION NO.022 of 2018

DEMOCRATIC REPUBLIC OF CONGO :::::::::::::::::::::::::::::::::::PETITIONER
VERSUS

ATTORNEY GENERAL :::::::::::::::::::::::::::::::::::RESPONDENT
CORAM:

- HON. JUSTICE. RICHARD BUTEERA, DCJ**
- HON. JUSTICE KENNETH KAKURU, JCC**
- HON. JUSTICE CATHERINE BAMUGEMEREIRE, JCC**
- HON. JUSTICE CHRISTOPHER MADRAMA, JCC**
- HON. JUSTICE IRENE ESTHER MULYAGONJA, JCC**

JUDGMENT OF CATHERINE BAMUGEMEREIRE, JCC

The Petitioner, a sovereign nation, brings this Petition against the Attorney General of Uganda for recovery of property under Article 137(b) of the Constitution of Uganda (1995) seeking the following orders and declarations from this court:

1. That the *ex parte* orders made by the High Court of Uganda in the case of **Emmanuel Bitwireomunda v The Republic of Zaire; HCCS 858 of 1993** that led to the attachment and sale of the property of the Democratic Republic of Congo (DRC) Government comprised in LRV 749 Folio 11 plot 7B Acacia Avenue Kololo was in violation of and inconsistent with the Constitution of Uganda and the Vienna Convention.



2. That the *Exparte orders* in the case of John **Katuramu v The Republic of Zaire HCCS No. 1069 of 1996** that led to the attachment and sale of LRV 712 folio 16 plot 14 Mbuya Road and LRV 636 folio 24 Plot 12 Salmon Rise, Bugolobi, both properties of the Embassy of the DRC in Uganda, was in violation of and inconsistent with the Constitution of Uganda and the Vienna Convention.
3. That the fraudulent acquisition of plot 7A the property of the Embassy of the DRC in Uganda by one Onapa, on grounds that it had been allocated to him by K.C.C, was in violation of and inconsistent with the Constitution of Uganda and the Vienna Convention.
4. That the creation of plot 25A Elizabeth Avenue out of the backyard of Plot 20 Philip Road and which court later ordered in the case of **DRC v Ketan Morjaria HCCS No. 321** that The Embassy of the DRC now compensate Ketan Marjaria USD 600,000 (United States Dollars six hundred thousand); UGX 50,000,000 (Uganda shillings fifty million); UGX 76,000,000 being costs of the suit and UGX 36,000,000 as interest, all the above properties being registered in the diplomatic and consular list book of 1997 with the Ministry of Foreign Affairs of Uganda; are in contravention of the Constitution of the Republic of Uganda of 1995 (as amended) and the Vienna Convention and specifically;

5. That the various acts and omissions by the said servants of the Government of Uganda violated the petitioner's rights, privileges and immunities as guaranteed by the Constitution of Uganda where Uganda committed to respecting International Law and Treaty Obligations. It is stated as follows under the National Objectives and Directive Principles of State Policy; objective No. XXVIII on foreign policy objectives;

6. The Respondent answered the petition and averred that the petition does not raise any issues for constitutional Interpretation.

Background

On the 31st of July 1992 the Consular Officer of the Zaire Government stationed in Kasese town, Libatu la Mbonga entered into a tenancy agreement with Emmanuel Bitwiromunda to rent his premises situated at plot 37 Kijongo Road at a monthly rent of USD 1000 (United States Dollars one thousand only) for a period of one year. Libatu Mbonga defaulted on rent ending up with an unpaid rental bill of USD 11,000, which prompted Emmanuel Bitwire to file a summary suit in the High Court, Kampala HCCS 858 of 1993 against the Embassy of Zaire. The Embassy of Zaire did not seek leave to appear and defend and an interlocutory judgment was entered against it. Bitwire applied to court and in execution attached property at Plot 7B Acacia Avenue the property of the Embassy of The Democratic Republic of Congo in Uganda and to Mr. Katuramu John and who subsequently transferred it to Access (U) Limited.

It is further alleged that on the 19th of November 1991, the same consular officer Libatu Mbonga rented other premises of John Katuramu situate at
5 Kilembe in Kasese for a period of five years at a monthly rent of USD 2,500 (United States Dollars two thousand five hundred only). Libatu once again defaulted on rent amounting into the rental arrears due at USD 273,488 (United States Dollars Two hundred and Seventy Three Thousand, Four hundred and Eighty Eight). Katuramu compounded the
10 interest to USD 131,738 (United States Dollars One Hundred and Thirty One Thousand, Seven Hundred Thirty Eight). He filed a summary suit in the High Court Kampala under John Katuramu Versus The Republic of Zaire represented by its Embassy at Kampala HCCS No. 1069 of 1996.

The Embassy never sought leave to appear and defend and an
15 interlocutory judgment was entered in his favour.

Katuramu promptly applied for execution and attached two properties of the Embassy of the Democratic Republic of Congo situated and comprised in LRV 712 Folio 16 Plot 14 Mbuya Road and LRV 636 Folio 24 Plot 12 Salmon Rise, Bugolobi. He successfully sold the two properties and
20 realized only a quarter of the decretal sums.

In 1969 the Embassy of the Democratic Republic of Congo purchased property comprised in Plot 7A LRV 759 Folio 4 on Acacia Avenue (adjacent to 7B mentioned above) from an Asian by the name of Mohamed Hussein Rashid Punjani. The Embassy had partially paid the purchase
25 price when President Amin expelled Indians from Uganda. When the

Obote II government came to power, a one Onapa colluded with the then Kampala City Council and fraudulently acquired ownership of the property.

- 5 Plot 20 Philip Road, LRV 538 folio 19 where the Embassy head office is situated was subdivided and a plot created out of its backyard and styled as Plot 25A Elizabeth Avenue. The said plot 25A was utilised as the embassy parking yard for classified visitors and embassy staff.

In November 1985 in the backyard of Plot 20 was created to secure
10 General Tito Okello, President of Uganda 1985-1986, whose residence touched the edge of the plot. When Gen. Tito Okello was toppled and eventually abandoned the premises, the wall that had been built remained. The plot that appeared unclaimed was eventually taken by one Amos Nzeyi who promptly generated a certificate of title for it. A title
15 was created in a record **5 minutes**, in one day transferred from National Housing Construction Company to Amos Nzeeyi and then to Ketan Morjaria. The boundaries of the created plot encroach on the veranda of the Embassy building.

The Embassy vehemently protested but the Ministry of Foreign Affairs
20 claimed it was helpless since Ketan Morjaria had a certificate of title. Aggrieved by this embarrassing situation the Embassy filed a suit in the High Court Land Division vide HCCS No. 321 of 2013. The Court ordered that the Embassy compensates Ketan Morjaria USD 600,000 for the portion of land that the Embassy continues to occupy; damages of UGX



50,000,000; costs of UGX 73,998,120 and interest at UGX36, 000,000 for the encroached part of the land.

The Petitioner alleged that he has since been inconvenienced by the attachment and sale of its properties and has had to rent alternative premises for all its staff who were previously being accommodated in embassy owned houses, and was seriously embarrassed by its staff being evicted and thrown out of its buildings on top of losing five (5) of its properties.

The Petitioner alleges further that the actions of the respondent's agents were in breach of the Constitution of Uganda that enshrines respect for International Law and Treaty Obligations and the peaceful co-existence with her neighbours.

At the hearing of this petition Learned Counsel, Andrew Munanura & Castrol Andrew appeared for the Petitioner while, Jeffrey Atwiine, Learned Principal State Attorney appeared for the Respondent

At the scheduling conference the following issues were agreed and framed:

1. **Whether the petition raises any issues for Constitutional Interpretation?**
2. **Whether the Respondent had a special and constitutional duty to protect the Petitioners property under Article 287 and Objective principle No. I, XXVII (i), (b) & (c) and the Vienna**

**Convention incorporated in the Diplomatic Privileges Act Cap
201, Laws of Uganda?**

3. Remedies

5 Legal Arguments

Issue No.1 Whether the Petition raises any issues for Constitutional interpretation?

The Case for the Petitioners

Counsel for the Petitioner submitted that the Courts of Judicature in
10 Uganda, acting under the Laws of Uganda, authorized the attachment
and sale of its properties, yet these properties were immune from
attachment and or execution.

According to counsel, this was in contravention of the Constitution under
the National Objectives and Directive Principles of State Policy,
15 Objectives (I), & XXVIII (b) & (c) and Article 287 of the Constitution of the
Republic of Uganda.

Counsel alleges that the Government of Uganda omitted to exercise its
special duty of care to protect its properties in Uganda, which omission
was inconsistent and in contravention of the Constitution of Uganda
20 under the National Objectives and Directive Principles of State Policy,
Objectives (I), & (XXVIII (b) & (c)) and Article 287 of the Constitution of
the Republic of Uganda that calls for respect for international law and

treaty obligations and the peaceful co-existence with her neighbours. The Petitioner seeks a declaration to that effect and for redress.

Counsel prayed that this court finds that the petition raises serious constitutional issues that have a bearing on our foreign policy as a country.

The Respondents Submissions.

Counsel for the Respondent contended that *prima facie*, the petition does not raise any issues for constitutional interpretation.

10 He relied on the case of Attorney General v. Major General David Tinyefunza Constitutional Appeal A. No. 1 of 1997 where the Supreme Court stated that,

15 *“The validity of the claim and exercise of that jurisdiction must be derived from either a petition or a reference to have the Constitution or one of its provisions interpreted or construction of the Constitution as the primary objective or objectives of he Petition. To hold otherwise would lead to injustice and in some situations, manifest absurdity.”*

20 Counsel also relied on the case of Ismail Serugo v KCC & AG Constitutional Petition No. 14/1997 where the court held thus; *‘in our view, this court should normally be involved only in matters requiring interpretation of the Constitution under Act 137.’*

Counsel maintained that this position was upheld on appeal by the Supreme Court in Ismail Serugo v KCC & AG, Constitutional Appeal
25 No. 2 of 1998 where the court stated that *‘the Constitutional Court has*

jurisdiction on matters where the petition, on the face of it shows that an interpretation of a provision of the Constitution is required.'

5 Counsel argued that there is nothing that can be read from the petition that requires interpretation by this court. The Petitioner alleges that certain Articles of the Constitution have been contravened by the actions of competent Courts in determining suits which the Petitioner was a party to and negligently failed to appear to defend on several instances. The remedy available to the Petitioners lies in Article 50 of the Constitution if
10 at all for the enforcement of rights and the proper jurisdiction is the High Court of Uganda. Clearly, the most direct remedy should have been for the Petitioner to appear before the courts in the said suits and defend itself and if not satisfied should have appealed the decisions in the Court of Appeal.

15

Rejoinder

Counsel for the Petitioner replied in rejoinder that the petition had nothing to do with Article 50 of the Constitution as alluded to by the Respondent. According to him, the Petitioner isn't seeking to enforce any
20 constitutional rights that may have been infringed.



25

Issue No.2

Whether the Respondent has a Constitutional duty to protect the Petitioner's property under Article 287 and Objective Principle No.

5 XXVIII (i) (b) of the Constitution of the Republic of Uganda.

Counsel submitted that the Petitioner has a Constitutional duty to protect the Petitioner's property under the Constitution of the Republic of Uganda.

Counsel relied on Article 22(1), (2) and (3) of the Vienna Convention on
10 Diplomatic Relations (VCDR) which appears as a schedule in the Diplomatic Privileges Act 1965 and provides as follows:-

(1) *"The premises of the mission shall be inviolable. The agents of the receiving state may not enter them, except with the consent of the Head of the Mission."*

15 (2) *"The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity." and*

20 (3) *"The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution."*

Article 30 (1) of the (VCDR) & Diplomatic Privileges Act Cap 201 states that:-

25 (i) *"The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission".*



Counsel contended that properties belonging to the Embassy of the DRC in Uganda were attached when the Embassy ought to have been from attachment and execution. He submitted that this was in contravention of the Constitution of the Republic of Uganda.

The Petitioner prayed that court finds that the manner in which its properties were sold was contrary to the principle of peaceful co-existence with Uganda's neighbour particularly the DRC.

Submissions for the Respondents

The Respondent denied in *toto* the allegation that it had an obligation and neglected the same when it failed to protect the Properties of the Petitioner in light of the circumstances under which the properties became the subjects of different suits before the high court and the subsequent attachment in satisfaction of judgment debts.

Counsel submitted that neither the Constitution of Uganda nor the Vienna Convention on Diplomatic Relations grants immunity to diplomatic agents in civil actions relating to private immovable property situated in the territory of the receiving state.

He contended that Article 287 of the Constitution recognizes the persisting obligations of Uganda or the Government with regard to any Treaty, agreement or convention made or affirmed after 9th October, 1962 and still in force before the coming into force of the Constitution. One of



these is the Vienna Convention on Diplomatic Relations which Uganda signed in 1961.

The Diplomatic Privileges Act CAP 201 which domesticated the Vienna Convention on Diplomatic Relations gives Article 22, 23, 24 and 27 to 40 the force of law in Uganda. Article 22 which is relevant to this Petition states that;

“(1) *The Premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the Head of Mission.*”

(2) *The receiving State is under a special duty to take all appropriate steps to protect Premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity and*

(3) *The Premises of the mission, their furnishings and other property thereon and the means of means of transport of the mission shall be immune from search, requisition, attachment or execution.*”

The Premises of the Mission are defined under The Vienna Convention on Diplomatic Relations Article 1(i).

“..... *to include buildings or parts of buildings irrespective of ownership used for the purpose of the mission including the residence of the head of the Mission.*”

Counsel contended that the Vienna Convention does not protect all properties owned by a foreign Government but specifically protects only property used (emphasis) for the Mission and that the Respondent

therefore was not in breach of its obligations under the Constitution or the Vienna Convention.

Rejoinder

5 In rejoinder, Counsel for the Respondents averred that the property belonged to the Zairean Mission and was held for purposes of the mission and not any private use. The Respondent's agents confirmed this position in one of their letter's on p.60-61 of the Petitioner's record.

Issue No.3 : What remedies are available to the parties?

10 The Petitioner seeks the following orders;

(a) Grant a declaration that the various court orders made by the High Court of Uganda that led to the attachment and sale of the premises of then Zaire Government now Democratic Republic of Congo located at plot No. 7B Acacia Avenue in Kololo LRV 759 Folio 11; 15 LRV 712 Folio 16 Plot 14 Mbuya Road and LRV 636 Folio 24 Plot 12 Salmon Rise, Bugolobi; were in contravention of the Constitution, objective principle No. I & XXVIII (i) (b) on foreign policy objectives that enjoin respect for International Law and Treaty obligations and Article 287 of the 1995 Constitution (As amended).

20 (b) Grant a declaration that the fraudulent acquisition of plot 7A Acacia Avenue by a one Mrs. Onapa were in contravention of the Constitution, objective principle No. I & XXVIII (i) (b) on foreign policy objectives that enjoins the respondent to respect International Law and Treaty obligations and, Article 287 of the 1995 25 Constitution.



- 5 (c) Grant a declaration that the High Court orders that the Embassy of the DRC compensate Ketan Morjaria for the encroached portion of plot 25A Elizabeth Avenue were in contravention of the Constitution, objective principle No. XXVIII (i) (b) on foreign policy objectives that calls for respect of International Law and Treaty obligations Article 287 of the 1995 Constitution.
- 10 (d) Grant a declaration that the Government of Uganda was in breach of its special duty to take all appropriate steps to protect the premises of the DRC mission against any intrusion or damage and to prevent any disturbance of the peace of the mission and impairment of its dignity.
- 15 (e) Grant a declaration that the Government of Uganda was in breach of its special duty to take all appropriate steps to protect the premises of the DRC mission including its private residences in Uganda and other ancillary properties thereon which shall be immune from search, requisition, attachment or execution.”
- 20 (f) An order that the Government of Uganda returns the mentioned properties of the Embassy of the Democratic Republic of Congo in Uganda namely: - Plot No. 7B Acacia Avenue in Kololo LRV 759 Folio 11; LRV 712 Folio 16 Plot 14 Mbuya Road; LRV 636 Folio 24 Plot 12 Salmon Rise, Bugolobi; Plot 7A Acacia Avenue Kololo; pays the money that Court ordered the Embassy of the DRC to compensate Ketan Morjaria for the encroached portion of plot 25A Elizabeth Avenue.
- 25



- (g) In the alternative, the Respondent pays compensation for the said properties at the current market values, Mesne Profits from the time the properties changed ownership to-date
- 5 (h) Orders that the Government of Uganda pays the appropriate sum of general damages and aggravated/exemplary damages for the inconvenience and embarrassments that were occasioned to the Embassy of the DRC through its Embassy in Uganda.
- (i) An order that the Government of Uganda pays interest on the
10 resultant figure in (g) and (h) above at a rate of 24% per annum from the date of judgment until full payment.
- (j) Costs of this petition be provided for

The Case for the Respondents

The Respondent contends that the Petitioner is not entitled to any of the
15 declarations and, or orders sought in the Petition.

Counsel averred that the Petitioner had the remedy at the time the civil suits were filed to appear in court to assert and prove that the properties in issue were subject to diplomatic immunity but they consistently failed to do so. They also had the remedy to appeal the decisions of the High
20 Court but failed in that regard as well.

He contended that the allegations of fraudulent acquisition of Land comprised in LRV 759 Folio 4 Plot 7A Acacia Avenue Kololo can only be proved through a civil suit filed in a court of competent jurisdiction and not being the Constitutional court.



In that regard, the Respondent thus contends that the Petitioner is not entitled to any of the declarations and or orders sought in the Petition and will pray for its dismissal.

5 **Consideration of this Court.**

This matter touches upon issues of jurisdiction; whether a sovereign state approached the appropriate fora for redress and whether we have jurisdiction to enforce orders already issued by applying constitutional interpretation. The jurisdiction of the Constitutional Court is derived
10 from Article 137 of the Constitution. It provides:

137. Questions as to the interpretation of the Constitution.

(1) Any question as to the interpretation of this Constitution shall be determined by the Court of Appeal sitting as the Constitutional Court.

15 (2)

(3) A person who alleges that –

(a) An Act of Parliament or any other law or anything in or done under the authority of any law; or

(b) Any act or omission by any person or authority,

20 The jurisdiction was expounded on in the case of Ismail Serugo V Kampala City Council and the Attorney General, Constitutional Appeal No.2 of 1998 (SC) by Wako Wambuzi, CJ when he held that:-

25 *“The petition must show on the face of it, that interpretation of a provision of the constitution is required. It is not enough to allege merely that a constitutional provision has been violated. The applicant must go further to show prima facie, the violation alleged and its effect before a question could be referred to the constitutional court.”*



The same jurisdiction was expounded significantly by Remmy Kasule, JCC in the case of Mbabali Jude V Edward Kiwanuka Sekandi Constitutional Petition No. 0028 of 2012 when he found that:

5 *There is, however, a difference between the Constitutional Court interpreting a provision of the Constitution as stated above and any other court of law applying a particular provision of the Constitution to a particular set of facts of a case that is being determined by that court.*

10 *To apply the Constitution or its provision, in my considered view, is for the court concerned, to operate or effect a particular provision of the Constitution to the facts of a particular case that court is determining. It is the process by which that court makes use of the constitution. In such a case the dispute before the court is capable*
15 *of being resolved without the Constitution first being interpreted by the Constitutional Court.*

A competent court determining a cause is at liberty to find and pronounce itself as to whether or not, in its finding, a particular set of facts of the case, are contrary to or are in compliance with the
20 *Constitution. By doing so, such a court is not interpreting the Constitution. The said court is just applying the constitution to the facts of the case before the Court.*

Likewise, one seeking enforcement of a right or freedom guaranteed under the Constitution by claiming redress for its infringement may
25 *apply to any other competent court for such redress under Article 50 of the Constitution. Such a one does not necessarily apply to the constitutional court because, in order to get such redress there is no need for the Constitutional Court to first interpret the*
30 *Constitution. All that is needed is the court adjudicating the matter to apply the Constitution to the proved set of facts and/or law and proceed to grant or not to grant the redress sought.*

It follows therefore that a matter that seeks the indulgence of this court must show that there is a blatant conflict with the highest law of the land, the constitution.



The issue before us therefore, is whether the High Court acted constitutionally when it made orders that led to attachment and sale of the property of the Petitioner.

5 The Petitioner does not establish a provision of the Constitution which requires interpretation by this court. He cites Article 287 that recognizes international treaties. He also cites the National Objectives and Directives Principles of State Policy which provides that the foreign policy of Uganda shall be based on the principles of respect for international law
10 and treaty obligations.

What the Petitioner sets out in the Petition is that the Courts of Judicature, contrary to the Constitution, The Vienna Convention on Diplomatic Relations, and The Diplomatic Privileges Act 1965, ordered for attachment and sale of the Petitioner's properties.

15 The High court, established by the Constitution has powers to hear cases brought before it and to give orders it deems fit. The Petitioner, upon service of court summons, was obligated to appear and defend the suits. The Embassy of the Petitioner neither show up to defend the suits against it nor applied for leave to defend. The sovereign state now petitions this
20 court to order that the Respondent returns all the disputed properties or pays compensation to it, general damages, interests, and costs.

A person who seeks to enforce a right or freedom guaranteed under the Constitution, but whose claim does not call for an interpretation of the Constitution ill hardly find redress in this Court. See: Charles
25 Kabagambe v U.E.B. Constitutional Petition No.2/1999 that:



Guided by Article 137(1) and the principles of constitutional interpretation and having considered in detail the petitioner's petition, the submissions of both counsel, I find that what the Petitioner seeks from this court is not interpretation of any provision of the Constitution, rather it seeks redress under Article 50. It is gratifying that the Petitioner has faith in our courts and is ardent to have earlier orders of the High Court enforced by the return of its property, payment of compensation, general damages, interests on damages, which redress, in my considered view, can be lawfully enforced through courts of competent jurisdiction. Having resolved the first issue in the negative I find that it disposes of the whole Petition. I therefore found no reason to proceed with resolving the subsequent issues.

In conclusion, I find, therefore that this court has no jurisdiction to entertain this Petition as it raises no issues for Constitutional Interpretation.

This Petition is unsuccessful and is hereby dismissed.

Each party shall bear its own costs.

Dated at Kampala this.....27th.....day ofApril.....2021

20



Catherine Bamugemereire,
Justice of the Constitutional Court

THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA
[Coram: Buteera, DCJ; Kakuru, Bamugemereire, Madrama, Mulyagonja; JJA/JJCC]
CONSTITUTIONAL PETITION NO. 022 OF 2018

DEMOCRATIC REPUBLIC OF CONGO :::::::::::::::::::: PETITIONER

VERSUS

ATTORNEY GENERAL :::::::::::::::::::: RESPONDENT

JUDGMENT OF RICHARD BUTEERA, DCJ

I have had the benefit of reading in draft the Judgment of my learned sister Catherine Bamugemereire, JA/JCC and I agree with her that this petition fails for the reasons she has set out in her judgment. I also concur with the orders she has proposed.

As Kakuru, Madrama and Mulyagonja, JJA/JJCC also agree, this petition is hereby dismissed with no orders as to costs.

Dated at Kampala this 27th day of April2021

.....

RICHARD BUTEERA
DEPUTY CHIEF JUSTICE

THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA
CONSTITUTIONAL PETITION NO. 022 OF 2018

THE DEMOCRATIC REPUBLIC OF CONGOPETITIONER

VERSUS

THE ATTORNEY GENERALRESPONDENT

CORAM: Hon. Mr. Justice Richard Buteera, DCJ
Hon. Mr. Justice Kenneth Kakuru, JA/JCC
Hon. Lady Justice Catherine Bamugemereire B.K, JA/JCC.
Hon. Mr. Justice Christopher Madrama Izama, JA/JCC
Hon. Lady Justice Irene Esther Mulyagonja, JA/JCC

JUDGMENT OF JUSTICE KENNETH KAKURU, JA/ JCC

I have had the benefit of reading in draft the Judgment of my learned sister Hon. Lady Justice Bamugemereire, JCC. I agree with her that, this petition ought to fail as it raises no questions for constitutional interpretation by this Court under *Article 137* of the Constitution.

The petitioner clearly has genuine grievances. The allegations raised in the petition are serious and require the attention of our Courts of law. Courts of law in this Country must not be seen or perceived to be aiding and abating fraud or irregularities of whatever nature, kind or description.

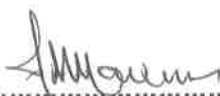
However, these grievances should be adjudicated upon by a competent Court. The decisions complained of can be appealed from or the decrees of the High Court can

be set aside upon application by the aggrieved party. This can only be done through an appropriate procedure at the High Court.

All is not lost. The petitioner may proceed to seek remedy at the High Court or Court of Appeal depending on the facts and circumstances of each aggrievement.

I would make no order as to costs.

Dated at Kampala this 27th day of April 2021.



.....
Kenneth Kakuru
JUSTICE OF APPEAL

THE REPUBLIC OF UGANDA,
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA
CONSTITUTIONAL PETITION NO 022 OF 2018
THE DEMOCRATIC REPUBLIC OF CONGO} PETITIONER
VERSUS
THE ATTORNEY GENERAL OF UGANDA}RESPONDENT

JUDGMENT OF JUSTICE CHRISTOPHER MADRAMA IZAMA, JCC

I have had the benefit of reading in draft the judgment of my learned sister Hon. Lady Justice Catherine Bamugemereire, JCC.

I agree with my learned sister Hon. Lady Justice Catherine Bamugemereire, JCC that the Petitioner's petition should be dismissed with the orders she has proposed and I have nothing useful to add.

Dated at Kampala the 27th day of April 2021



Christopher Madrama

Justice of the Constitutional Court

THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA
Coram: Buteera, DCJ; Kakuru, Bamugemereire, Madrama &
Mulyagonja, JJCC
CONSTITUTIONAL PETITION NO. 0022 OF 2018

DEMOCRATIC REPUBLIC OF CONGO :::::::::::::::::::::::::::::::::::PETITIONER

VERSUS

THE ATTORNEY GENERAL:::::::::::::::::::::::::::::::::::::::::RESPONDENT

JUDGMENT OF IRENE MULYAGONJA, JCC

I have had the benefit of reading in draft the judgment of my learned sister Lady Justice Catherine Bamugemereire. I agree with her finding that the petition did not raise any question as to the interpretation of the Constitution within the meaning of Article 137 (3) (a) of the Constitution.

The petition therefore had no merit and this court has no jurisdiction to entertain. I therefore agree that it should fail and with the final orders proposed by my sister Bamugemereire, JCC/JA.


Irene Mulyagonja

27-04-2021

JUSTICE OF APPEAL/CONSTITUTIONAL COURT