

UGANDA / JUDGMENT

Center for Public Interest Law Limited v Attorney General (Constitutional Petition No. 29 of 2019) [2023] UGCC 6 (20 February 2023) [2023] UGCC 6

COURT

Constitutional Court of Uganda

BEFORE

Monica K. Mugenyi, JCC, Gashirabake, JCC,
Madrama, JCC, Musoke, JCC, Egonda-Ntende, JCC

CASE / FILE NUMBER

Constitutional Petition No. 29 of 2019

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THE REPUBLIC OF UGANDA IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA CONSTITUTIONAL PETITION NO. 029 OF 2019

CENTRE FOR PUBLIC INTEREST LAW LIMITED:.....PETITIONER

VERSUS

ATTORNEY GENERAL:.....

CORAM: HON. MR. JUSTICE FREDRICK EGONDA-NTENDE, JCC HON. LADY JUSTICE ELIZABETH MUSOKE, JCC HON. MR. JUSTICE CHRISTOPHER MADRAMA, JCC HON. LADY JUSTICE MONICA K. MUGENYI, JCC HON. MR. JUSTICE CHRISTOPHER GASHIRABAKE, JCC

JUDGMENT OF ELIZABETH MUSOKE, JCC

The petitioner filed this Petition under **Article 137 (1) and (3)** of the 1995 Constitution and Rule 3 of the Constitutional Court (Petitions and References) Rules, 2005. The Petition challenges the constitutionality of a certain provision of the **Uganda Wildlife Act, 2019**, as well as the constitutionality of a statutory instrument – the **Uganda Wildlife (Declaration of Wildlife Conservation Area) (East Madi Wildlife Reserve) Instrument, 2011**. The Petition also challenges the constitutionality of acts of agents of the respondent that allegedly resulted in the arbitrary and forceful eviction of people from certain land situated in Apaa Sub-Parish, Lalaba Parish, Pabbo Sub-County in Amuru District.

Background

On 23rd September, 2011, then Minister for Tourism, Wildlife and Antiquities Professor Ephraim Kamuntu, pursuant to **Sections 17 and 18 of the Uganda Wildlife Act, Cap. 200** issued a Statutory Instrument, **The Uganda Wildlife (Declarations of Wildlife Conservation Area) (East Madi Wildlife Reserve) Instrument, 2011**, declaring a wildlife conservation area known as the East Madi Wildlife Reserve situated in

Adjumani District. The petitioner is adamant that the land on which the said reserve is situated is in Amuru District and not Adjumani District.

On 27th September, 2019, the Uganda Wildlife Act, Cap. 200 was repealed and replaced with the Uganda Wildlife Act, 2019 ("the 2019 Act"), which under Section 25 (1) contains a provision similar to Sections 17 and 18 of the former Act which gives the Minister powers to create a wildlife conservation area, by issuing a Statutory Instrument. The petitioner contends that Section 25 (1) of the 2019 Act has an unconstitutional effect in that it grants the Minister for Tourism powers to declare any land as wildlife conservation area without engaging the affected local communities with ownership rights in the affected land, which contravenes Objective II (i) of the National Objectives and Directive Principles of State Policy (NODPSP) and Articles 2 (1) & (2), 8A and 176 (2) (b) of the 1995 **Constitution**. The petitioner contends that this unconstitutional effect manifested in relation to the East Madi Wildlife Conservation Area which was declared a wildlife conservation centre without consulting the Apaa community which owns the land where the wildlife reserve is situated or the Gulu/Amuru District Local Governments that are responsible for the area. The petitioner contends that the Minister instead consulted the wrong local Government of Adjumani District. The petitioner further contended that the creation of the East Madi wildlife reserve alienated land belonging to the Apaa community of Amuru District in disregard of their customary interest in the land contravened Articles 2 (1) & (2) and 237 (1) & 3 (a) of the 1995 **Constitution**. Furthermore, the petitioner contends that the creation of the East Madi wildlife reserve amounted to compulsory acquisition of land belonging to the Apaa Community of Amuru District without following the lawful procedure which was inconsistent with **Articles 26 (1) & (2) and 237 (2) (a) of the 1995 Constitution**. The petitioner further alleges that agents of the respondent including officials of the Uganda Wildlife Authority, the UPDF and the Police conducted violent evictions resulting in several members of the Apaa Community of Amuru District losing their lives and others sustaining serious injuries which violated their rights to life, dignity

and property guaranteed under Articles 22 (1), 24, 26 (1) & (2) of the 1995 Constitution. The petitioner seeks this Court to make the declarations of unconstitutionality referred to above. The petitioner also seeks the Court to make the following orders:

- \$"a)\$ An order compelling the respondent to recognize the historical and ancestral rights of the local Apaa communities to exercise ownership over the lands within the impugned wildlife conservation area.

- $\mathbf{b}$ An order directing the respondent to degazette the impugned wildlife conservation area within 12 months of this Court's judgment.
- $\mathbf{c}$ Any other suitable relief."

The Petition is supported by an affidavit sworn by Mr. Kilama Calvine, an Advocate and Legal Researcher. The petitioner also filed a Reply to the Respondent's Answer which was supported by an affidavit sworn by the same deponent.

The respondent filed an Answer in which he denied the allegations set out in the Petition. He contended that the framework set out under **Section 25 (1)** of the 2019 Act ensures the participation of affected citizens in the process leading to the declaration of a wildlife reserve, and that the relevant citizens participated prior to the declaration of the East Madi Wildlife Reserve. The respondent contended that the East Madi Wildlife Reserve, which is wholly situated in Adjumani District, has been considered a vital wildlife conservation area since it was established as an elephant sanctuary by the colonial government in the 1950's and gazetted as East Madi Controlled Hunting Area. The respondent further stated that Parliament by resolution dated 27th March, 2002 ordered for the Hunting Area to be degazatted, and by another resolution dated 2nd May, 2002 approved the creation of the East Madi Wildlife Reserve.

The respondent also denied that agents of the respondent have forcefully evicted people from the Apaa Community of Amuru District from the land on which the East Madi Wildlife Reserve was set up. He therefore contended that the Petitioner was not entitled to any of the declarations, orders and reliefs sought.

The evidence in support of the respondent's Answer is contained in the affidavit of Mr. Charles Tumwesigye, then Deputy Director, Field Operations at the Uganda Wildlife Authority.

Representation

At the hearing, Mr. Francis Gimara, learned Senior Counsel, together with Mr. Lastone Gulume and Mr. Lobo Akella, both learned counsel, jointly appeared for the petitioner. Ms. Mugisa Lydia, learned State Attorney in the respondent's Chambers appeared for the respondent.

The parties, with leave of Court, filed written submissions in support of their respective cases.

Resolution of the Petition

I have carefully studied the pleadings and considered the submissions of counsel for either side and the law and authorities cited. Both parties were in agreement that the following issues arise for determination:

- $\mathbf{(i)}$ Whether Section 25 (1) of the Uganda Wildlife Act, No. 171201r9 is inconsistent with Objective II (i) of the National Objectives and Directive Principles of State Policy and Articles 2 (1) & (2), 8A and 176 (2) (b) of the 1995 Constitution.

- (..) Whether the making of the Uganda Wildlife (Declaration of Wildlife Conservation Area) (East Madi Wildlife Reserve) Instrument, S. I No.4912011 made under the Uganda Wildlife Act, Cap. 200 is inconsistent with and contravenes Objective II (i) of the National Objectives and Directive Principles of State Policy and Articles 2 (1) & (2), 8& L76 (2) (b) and 237 (1) & (3) (a) of the 1995 Constitution.

(iii) Whether the making of the Uganda Wildlife (Declaration of Wildlife Conservation Area) (East Madi Wildlife Reserve) Instrument, S. I No. 49/2011 by which the respondent declared a wildlife conservation area in East Madi amounts to irregular compulsory acquisition of historical and ancestral rights in customary lands of the Apaa community in contravention of Articles 2 (1) & (2), 26 (1) & (2) and 237 (2) (a) of the 1995 **Constitution**.

\$(iv)\$ What remedies are available to the Parties?"

I shall begin by reiterating that under **Article 137** of the **1995 Constitution**, this Court has jurisdiction to determine Petitions that involve questions for constitutional interpretation. Article 137, in relevant part, provides as follows:

"137. Questions as to 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.

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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, is inconsistent with or in contravention of a provision of this Constitution, may petition the Constitutional Court for a declaration to that effect, and for redress where appropriate.
4. Where upon determination of the petition under clause (3) of this article the Constitutional Court considers that there is need for redress in addition to the declaration sought, the Constitutional Court may
 - a. grant an order of redress; or
 - b. refer the matter to the High Court to investigate and determine the appropriate redress."

I note that issues (i), (ii) and (iii), the main issues arising for determination in this Petition concern whether certain legislation, namely, the Uganda Wildlife Act, 2019 and Statutory Instrument No. 49 of 2011; the Uganda Wildlife (Declaration of Wildlife Conservation Area) (East Madi Wildlife Reserve) are inconsistent with or in contravention of certain named provisions of the 1995 Constitution. Therefore, as rightly submitted by counsel for the petitioner, the said issues raise questions for constitutional interpretation within the meaning of Article L37 (3) (a) of

the ¹⁹⁹⁵ Constitution.

I shall now proceed to deal with the issues.

Issue (i) - whether Section 25 (1) of the Uganda wildlife Act, No. L7 L20L9 is inconsistent with Objective II (i) of the National Objectives and Directive Principles of State Policy and Articles 2 (1) & (2), 8A and 176 (2) (b) of the 1995 Constitution

Counsel for the petitioner submitted that Section 25 (1) of the 2019 Act (like Sections 17 and 18 of the Uganda wildlife Act, Cap. 200) gives powers to the Minister for Tourism to declare a wildlife conservation area on land without ensuring the participation of the owners of the land or people with historical and ancestral rights to the land in the decision making process, thereby contravening the democratic principles enshrined under Objective II (i) of the NoDPSP as well as under Article 1 (3), 2(1) & (2), 8A and 176 (2) (b) of the 1995 Constitution that envisage involvement of citizens in the decision making processes. Counsel submitted that Section 25 (1) of the 2019 Act (like the relevant sections in the predecessor Act) does not explicitly include a requirement for the Minister to seek participation by the affected persons in the decision making process and for that reason has an unconstitutional effect. Counsel cited the authority of *R vs. Big M Drug Maft Ltd & 3 Others* [1985] 1 R. C. S for the proposition that both purpose and effect are relevant in determining constitutionality as either an unconstitutional purpose or an unconstitutional effect can invalidate the legislation.

Counsel further referred to the decision of *Male Mabirizi vs. Attorney General* Constitutional Appeal No. 2 of 2018 (unreported) which emphasized the need to obtain citizens' participation in the making of government decisions that affect them. Counsel also referred to the Kenya Court of Appeal case of **Legal Advice Centre and 2 Others vs. County Government of Mombasa and 4 Others** [2018] e KLR; and the South Africa Constitutional Court case of *Poverty Alleviation Network & Others vs. President of South Africa and 19 Others* [2010] ZACC 5 which both emphasized the importance of ensuring public participation in government decision making.

For the above submissions, counsel urged this Court to find that Section 25 (1) of the 2019 Act is unconstitutional and answer issue (i) in the affirmative.

In reply, counsel for the respondent submitted that **Section 25 (1)** of the 2019 Act provides for participation by affected persons in the decision to create a wildlife reserve, through their elected leaders on the Local Government Councils who act as their agents and represent their interests. In support of the submission that elected leaders act as agents for the people, counsel cited Article 21 of the Universal Declaration of Human Rights which provides that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Furthermore, it was submitted that participation through local leaders satisfies the provisions of **Objective II (i)** of the NODPSP and Articles 2 (1) & (2), 8A and 176 (2) (b) of the 1995 Constitution.

I have carefully considered the submissions of counsel on either side on issue (i). The petitioner alleges that Section 25 (1) of the 2019 Act contravenes Objective II (i) of the NODPSP and Articles 2 (1) & (2), 8A and 176 (2) (b) of the 1995 Constitution. **Objective II (i)** provides:

"The State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance."

Article 8A provides:

"8A. National Interest

1. Uganda shall be governed based on principles of national interest and common good enshrined in the national objectives and directive principles of state policy.
2. Parliament shall make relevant laws for purposes of giving full effect to clause (1) of this article."

Article 176 (2) (b) provides:

"2. The following principles shall apply to the local government system

a

- b. decentralisation shall be a principle applying to all levels of local government and in particular, from higher to lower local government units to ensure peoples' participation and democratic control in decision making"

I accept the submission of counsel for the petitioner that Objective II (i) mandates the Government to ensure the participation of the people in the making of key government decisions affecting their lives. Indeed, it is now well-established that participation of people in government decisions is core to the functioning of our democracy. In the case of *Mabirizi and Others vs. Attorney General*, Constitutional Appeals Nos. 02, 03 and 04 of 2018 (unreported), Katureebe, CJ observed that participation of the people in key government decisions is based on the recognition of the sovereignty of the people enshrined under Article 1 of the 1995 Constitution. Katureebe, C. J further stated that participation of the people may be through the people directly getting involved in the process leading to key decisions or through their elected leaders including Member of Parliament or Local Leaders.

The question arising under issue (i) is whether Section 25 (1) of the 2019 Act ensures the participation of the affected people in the process leading to

creation of a wildlife conservation area. **Section 25 (1)** of the 2019 Act provides as follows:

"25. Procedure for the declaration of wildlife conservation area.

- (1) The Minister may, by statutory instrument, after consultation with the local government council in whose area a proposed wildlife conservation area falls and with the approval of Parliament signified by its resolution, declare an area of land or water to be a wildlife conservation area."

Section 25 (1) obliges the Minister for Tourism to consult with the relevant local government council before declaring any area of land as a wildlife conservation area. In my view, the relevant local government council is consulted as an agent of the people concerned and is supposed to advance their interests. As I stated earlier, citizens may participate in government decisions through their local leaders who are expected to act as their agents for purposes of transmitting their views to the relevant Minister or other decision maker. It was therefore incorrect for counsel for the petitioner to submit that Section 25 (1) of the 2019 Act does not explicitly require public participation before declaration of a wildlife conservation area. Instead, I would accept the submission of counsel for the respondent that the relevant provision ensures participation of the people through their local government leaders.

It will be noted that there is a dispute between the parties as to whether the East Madi Wildlife Reserve is situated in Adjumani or Amuru District, which is significant because the respondent's evidence is that the Minister for Tourism consulted the Adjumani District Local Government before creating the reserve. But in my view, even assuming (without deciding) that the Minister consulted the wrong local government, he would be deemed to have committed an error in implementing the requirements set out in the impugned legislation, and that error does not take away the fact that the said legislation provides for participation of affected persons in the decision to create a wildlife reserve.

I would therefore conclude that **Section 25 (1) of the Uganda Wildlife Act, 2019** mandates the Minister for Tourism to consult the people through their local government leaders prior to declaring an area as a wildlife reserve, thereby ensuring participation of the people in accordance with Objective II (i) of the NODPSP and Article 8A of the 1995 Constitution. I would answer issue (i) in the negative.

Issues (ii) and (iii)

Whether the making of the Uganda Wildlife (Declaration of Wildlife Conservation Area) (East Madi Wildlife Reserve) Instrument, S. I No. 49/2011 made under the Uganda Wildlife Act, Cap. 200 is inconsistent with and contravenes Objective II (i) of the National **Objectives and Directive Principles of State Policy and Articles 2 (1) & (2), 8A, 176 (2) (b) and 237 (1) & (3) (a)** of the 1995 Constitution.

and

Whether the making of the Uganda Wildlife (Declaration of Wildlife Conservation Area) (East Madi Wildlife Reserve) Instrument, S. I. No. 49/2011 by which the respondent declared a wildlife conservation area in East Madi amounts to irregular compulsory acquisition of historical and ancestral rights in customary lands of the Apaa community in contravention of Articles 2 (1) & (2), 26 (1) & (2) and 237 (2) (a) of the 1995 Constitution.

Counsel for the petitioner made several points in the joint submissions on issues (ii) and (iii). First, counsel submitted that the East Madi Wildlife Reserve was declared without the participation of members of the Apaa community of Amuru District who were the customary owners of the land on which the reserve was established which violated **Article 26 (1) of the 1995 Constitution**, which guarantees the rights of citizens to own property either individually or in association with others. Counsel referred to the evidence of Mr. Kilama Calvin that at the time of initiation of the process of declaring the East Madi Wildlife Reserve, the people of Apaa were residing

in Internally Displaced Camps in Gulu after being displaced during the Lord's Resistance Army war and were thus never consulted. Counsel submitted that the manner of declaring the relevant wildlife reserve violated the customary rights of the people of Apaa and contravened Article 237 (1) of the 1995 Constitution.

Secondly, it was submitted that there was noncompliance with the provisions of **Section 32 (2) of the 2019 Act** (Section 25 (3) of the repealed Act) which requires that the Uganda Wildlife Authority to study, identify and protect historical or cultural interests of any community resident around a wildlife conservation area, since the affected Apaa Community was never consulted following the establishment of the East Madi Wildlife Reserve.

Thirdly, counsel submitted that the declaration of the East Madi Wildlife Reserve amounted to compulsory acquisition of land belonging to the Apaa community without complying with the conditions set out under Articles 26 (2) and 237 (2) (a) of the 1995 Constitution. The people of the Apaa Community were not paid fair and adequate compensation prior to the declaration of the relevant wildlife reserve. It was also submitted that the declaration of the wildlife reserve did not comply with the **Land Acquisition Act**, Cap. 226 which under Section 7 (1) requires that compulsory acquisition must be done by authority of a law. Counsel also attacked the provisions of Section 32 (4) of the Uganda Wildlife Act, 2019 which are silent on the requirement for making a law before compulsory acquisition of land for establishing a wildlife reserve and submitted that the said provision contravenes in Article 26 (1) and (2) of the 1995 Constitution. On the requirement for making a law before compulsory acquisition of any land, counsel referred to the case of **Uganda National Roads Authority vs. Irumba and Another**, Constitutional Appeal No. 2 of 2014 (unreported).

For the above submissions, counsel prayed that this Court answers issues (ii) and (iii) in the affirmative.

In reply, counsel for the respondent began by pointing out that the East Madi Wildlife Reserve is situated in Adjumani District according to a survey conducted by the Ministry of Lands, Housing and Urban Development. Further, that on that basis, the Minister for Tourism consulted the Adjumani District Local Government and its Executive Council unanimously approved the creation of the wildlife reserve. Counsel submitted that the people of Adjumani participated in the creation of the wildlife reserve through their local leaders, and that the people of Apaa of Amuru District are not the owners of the land and therefore their participation was not required. Counsel further pointed out that Parliament was satisfied that the Minister for Tourism had complied with all the legal requirements before passing the Uganda Wildlife (Declaration of Wildlife Conservation Area) (East Madi Wildlife Reserve) Instrument, S. I 49120tL.

With regard to the contention that the creation of the East Madi Wildlife Reserve amounted to unlawful compulsory acquisition of land belonging to the Apaa Community of Amuru District, counsel submitted that this was not the case as the land in issue is situated in Adjumani and not Amuru District. Counsel denied the contention that the Apaa people had customary rights or any historical and ancestral connection to the land in issue. The petitioner, according to counsel, has failed to adduce evidence to sufficiently prove that the land in question belongs to the Apaa Community of Amuru District, and instead it was highly likely that the Apaa Community of Amuru unlawfully settled on the reserve.

In the alternative, counsel for the respondent submitted that assuming that the Apaa Community had an interest in the land on which the East Madi Wildlife Reserve was established, the establishment of the reserve did not amount to compulsory land acquisition as envisaged under Article 26 (2) of the 1995 Constitution. Counsel contended that under Section 27 (2) of the 20L9 Act, the creation of a wildlife reserve does not prevent members of the community from continuing to utilize the land and co-existing with the wildlife.

In the view of the above submissions, counsel urged this Court to answer issues (ii) and (iii) in the negative.

I have carefully considered issues (ii) and (iii) and the submissions of counsel for both side in relation thereto. The issues concern whether the Uganda Wildlife (Declaration of Wildlife Conservation Area) (East Madi Wildlife Reserve) Instrument, S. I 49120tL is unconstitutional for contravening Objective II (i) of NODPSP and Articles 2 (1) & (2), 8A, 26 (1) & (2), L76 (2) (b) and 237 (2) (a) of the 1995 Constitution.

The petitioner's case is based on a factual assertion that the land on which the East Madi Wildlife Reserve was established belongs to the Apaa Community in Amuru District, who have a customary interest in the land and whose ancestors utilized the land since time immemorial. This assertion is denied by the respondent who asserts that as per a Report from a Survey Conducted by the Ministry of Lands, Housing and Urban Development, the relevant land is situated in Adjumani District. This report is attached as Annexure B to the affidavit of Mr. Charles Tumwesigye sworn in support of the Answer to the Petition. The report was commissioned to establish the location of the East Madi Wildlife Reserve which is situated near

the Adjumani and Amuru District borders. The authors of the report concluded that:

"Having plotted the common boundary of Adjumani and Amuru, the land occupied by East Madi Wildlife Reserve is wholly located inside Adjumani District but shares a boundary with Amuru District."

The report casts doubt on the petitioner's assertion that the land in question belongs to the Apaa Community of Amuru District. I would therefore accept the submission of counsel for the respondent that as the land in issue is located in Adjumani District, it is not owned by the Apaa Community of Amuru District and as such that community was not deprived of any interest in the land by the creation of the Wildlife Reserve. It becomes unnecessary to discuss issues (ii) and (iii) further since they are premised on a false factual foundation.

I would therefore answer issues (ii) and (iii) in the negative.

As for issue (iv) on remedies, having answered issues (i), (ii) and (iii) in the negative, I would find no merit in the Petition and I would dismiss it. However, since the Petition was brought in the public interest, I would, in accordance with the recognized practice of this Court, make no order as to

costs. fr Dated at Kampala this 7th day of 2023.

> Elizabeth Musoke Justice of the Constitutional Court

THE REPUBLIC OF UGANDA

IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA

ICoram; Egonda-Ntende, Musoke, Madrama, Mugenyi and Gashirabake, JJCQ

CONSTITUTIONAL PETITION NO. 029 OF 2019

BETWEEN

^C ENTRE FOR PUB LI C INTERE S T L AW LI MITED ::::::::::: PETITI ONER

ATT. RNE' GENERAf :::::::::::ll:::::::::--:: RESpoNDENT

JUDGMENT OF FREDRICK EGONDA-NTENDE. JCC

- t1 I ^I have had the opportunity to read in draft the judgment of my sister, Musoke, JCC. I agree with it and have nothing useful to add.
- l2l As Madrama, Mugenyi and Gashirabake, JJCC, agree this petition is dismissed with no order as to costs.

Dated, signed and delivered at Kampala tt i, ilJ aay of @ ²⁰²³

a -Ntende

,Jr

Justice of the Constitutional Court

THE REPUBLIC OF UGANDA,

IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA. A

(CORAM; EGONDA NTENDE, MUSOKE, MADRAMA, MUGENYI, GASHIRABAKE, JJCC)

CONSTITUTIONAL PETITION NO. 029 OF 2019

CENTRE FOR PUBLIC INTEREST LAW LTD) PETITIONER

VERSUS

ATTORNEY GENERAL} RESPONDENT

JUDGMENT OF JUSTICE CHRISTOPHER MADRAMA IZAMA, JCC

I have read in draft the Judgment of my Learned sister Hon. Lady Justice Elizabeth Musoke, JCC.

I concur with the Judgment and only add my voice on resolution of issues numbers (ii) and (ii) and state that the question of whether East Madi Wildlife Reserve is wholly Located in Adjumani District or in Amuru District is a question of fact which does not disclose any question as to interpretation of the Constitution in terms of article 137 (1) of the Constitution. In the premises, I concur with the orders proposed by my learned sister dismissing the petition with no order as to costs.

Dated at Kampala the ?nrr day of ²⁰²³

Christopher Madrama Izama

Justice Constitutional Court

THE REPUBLIC OF UGANDA

IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA

[*Coram: Egonda-Ntende, Musoke, Madrama, Mugenyi & Gashirabake, JJCC*]

CONSTITUTIONAL PETITION NO. 029 OF 2019

CENTRE FOR PUBLIC INTEREST LAW LTDB :::::::::::::::PETITIONER VERSUS

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

JUDGMENT OF CHRISTOPHER GASHIRABAKE, JA/JCC.

I have had the benefit of reading in draft the judgment prepared by Hon. Lady Justice Elizabeth Musoke, JA/JCC. I concur with the judgment and have nothing useful to add.

Dated at Kampala this

cetminist.

Christopher Gashirabake JUSTICE OF THE CONSTITUTIONAL COURT

THE REPUBLIC OF UGANDA

THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA

(Coram: Egonda-Ntende, Musoke, Madrama, Mugenyi & Gashirabake, JJCC)

CONSTITUTIONAL PETITION NO. 29 OF 2019**BETWEEN**

CENTRE FOR PUBLIC INTEREST <table>

LAW LIMITED

PETITIONER

AND

THE ATTORNEY GENERAL

$\mathbf{1}$

JUDGMENT OF MONICA K. MUGENYI, JCC

- 1. I have had the benefit of reading in draft the judgment of my sister, Lady Justice Elizabeth Musoke, JCC in respect of this Petition.
- 2. I agree with the conclusions and the orders issued.

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$\bigotimes_{\mathcal{A}} \bigotimes_{\mathcal{A}} \bigotimes_{\mathcal{A}} \dots \dots 2023.$ Dated and delivered at Kampala this...

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Monica K. Mugenyi Justice of the Constitutional Court

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Prepared on 14 October 2026 · Esheria