

**Sentongo Abdulnoor Kyamundu and
Others v Justice Forum (JEEMA) and
Others (Miscellaneous Cause No. 93 of
2025) [2025] UGHCCD 75 (20 June 2025)**
[2025] UGHCCD 75

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- 1. SENTONGO ABDULNOOR KYAMUNDU
- 2. NAMAKAJO DERIC FREDRIC
- 3. MUSANJE HARUNA CHWA
- 4. CHARLES OMAALI
- 5. NAKALANGA YOSAM
- 6. MUHINDI KENNEDY
- 7. BABIRYE SARAH :::::::::::::::::::::::::::::::::::::: APPLICANTS

1. JUSTICE FORUM(JEEMA) 2. BASALIRA ASUMAN 3. KATEREGGA MOHAMMAD 4. MAYANJA KIBIRIGE 5. NSAMBA IBRAHIM ::::::::::::::::::::::::::::::::::::::: RESPONDENTS

BEFORE: HON. JUSTICE SIMON PETER M. KINOBE**RULING****BACKGROUND**

This application was brought Under Article 29(e), 50(1) and(2) of the 1995 Uganda Constitution, Sections 33, 36, 37 and 38 of the Judicature Act Cap. 16 and Rules 3,3A, 6 and 8 of the Judicature (Judicial Review) Rules, S. I No.

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11 of 2009 and Section 98 of the Civil Procedure Act Cap. 282 ,Order 52 rules 1 & 2 of the Civil Procedure Rules for;

Declarations that;

- 1. The Respondent's actions of extending the leadership tenure of the 2nd , 3 rd, 4th and 5th respondents for another one year through a National Executive Committee decision passed on 12/05/2023 were ultra vires and contravene Articles 16 a, b, e, f(ii), 18, 19 and 20 of the constitution of Justice Forum.
- 2. The 1st respondent's actions through its National Executive Committee that sat on 12/05/2023 were illegal due to the members term of office having expired and any resolution passed is void ab initio for it contravened article 45 of the constitution of Justice Forum Party.
- 3. The continuous action of the respondents through the expired National Executive Committee meetings that sat on 12/05/2023, 16/0/2024, 28/02/2025 where they have extended their tenure in office for 3 more years are an act of usurping the National Delegates Conferences' mandate, hence the meeting resolutions are irrational, illegal, irregular and are in contravention of articles 16 e 18 and 20 of the Party's constitution
- 4. The offices of the 2nd, 3rd, 4th and 5th respondents became vacant on 8/4/2023 and that the resolutions passed by them are null and void ab initio.
- 5. The act of the 3rd respondent wantonly removing the applicants and other party members from the 1st defendant's official media platforms was irrational and illegal and a contravention of the right to association enshrined in article 29(e) of the constitution of Uganda and articles 11,12, and 13 of the Party' s constitution.

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- 6. A writ of certiorari quashing the actions and resolutions taken by the respondents from 8/4/2023 to date.
- 7. An order of permanent injunction restraining the respondents from wantonly removing or suspending any legally elected leaders from their positions.

- 8. An order of injunction restraining the respondents from acting on behalf of the 1st respondent in any official capacity.
- 9. An order appointing the 4th applicant as an interim National chairperson of the party to call for and preside over the national delegates conference and preside over the election of a new chairperson of the electoral commission of the Party.
- 10. An order appointing the 5th applicant as an interim chairperson electoral commission of the Party and instructing him to conduct party elections and preside over grass root elections
- 11. An order directing the 1st respondent to avail all the necessary support to the 4th applicant in calling the national delegates conference
- 12. An award against the 1 st, 2nd , 3 rd and 4th respondents of compensation, general damages, punitive damages amounting to UGX 100 million for violation of the applicant's constitutional rights and freedom.
- 13. The applicant costs of this Application be provided for.

The application is supported by affidavits deponed by the applicants whose grounds are briefly that;

- a) The leadership of the 1st respondent led by the 2nd respondent expired in 2020.
- b) That the leadership resolved to extend the terms for another two and a half years, which act was an illegality.

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- c) The 3rd respondent called for a national executive committee meeting to discuss the national delegates conference and 2026 general elections.
- d) By the time this meeting was called the tenure of the leadership had expired.
- e) When the meeting was convened, they resolved to extend their tenures by one year, a mandate they did not have.
- f) The minutes of the meeting were illegally back dated in order to falsely indicate that the meeting to extend their tenure was convened before the expiry of their term
- g) A notice was issued inviting members to contest for party elections.
- h) Another notice was issued communicating that the elections had been postponed.
- i) The arbitrary decisions of the respondents are amenable to judicial review.
- j) It is just and equitable that all reliefs sought be granted.

In reply to the application the respondents filed an affidavit deponed by Katerega Mohammad the 3rd respondent whose grounds of opposition are briefly that;

- a) The application for judicial review is time barred as the decision first complained about was first known to the applicants on 8/10/2020.
- b) The application is wrongfully brought against the 2nd 5 th Respondents.
- c) The applicants have no *locus standi* to file the application since they are not paid up and subscribed members of the party.
- d) The applicants have not exhausted the internal remedies provided by the party constitution.

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- e) The \$3^{rd}\$, \$5^{th}\$, \$6^{th}\$ and \$7^{th}\$ applicants be struck off and their case be dismissed with costs for failing to present supporting evidence for their case.
- f) Tenure of the National Executive Committee was extended with the 1st applicant in attendance and no complaint was made.
- g) The alleged minutes are unsigned, unsealed and uncertified and are therefore inadmissible.
- h) The application does not disclose any judicial review action and that if it did, the same has been brought out of time as the decisions complained about were first passed on 8/10/2020 and no action was ever taken.
- i) The application be dismissed with costs.

REPRESENTATION

The applicants were represented by Mukasa Twalibu and Namugga Aisha and the Respondents by Babu Rashid.

ISSUE FOR DETERMINATION

- 1. Whether the application is time barred
- 2. Whether the applicants have Locus to bring this application.
- 3. Whether the application meets the test for grant of judicial review remedies sought.
- 4. Remedies available to the parties.

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DETERMINATION

Issue 1. Whether the application is time barred

I have had the opportunity of reading the application and all the affidavits attendant thereto together with the submissions of the parties.

The respondents raised a preliminary objection to a point of law alleging that this application was filed out of time and therefore ought to be struck out.

In reply the applicants contended that;-

- a) They seek to challenge multiple decisions made by the Respondents in extending their term of office, that have been made over a period of time.
- b) The last illegal resolution made by the respondents was on the *28th February 2025*.
- c) Following the decision made on 28th February 2025, the current application for Judicial Review was filed on 7th April, 2025, well within 3 months from the time the decision was made

Section 36 (7) of the Judicature Act Cap 13 and Rule 5 (1) of the Judicature (Judicial Review) Rules, 2009, provides for the time frame within which an application for Judicial Review should be presented. It provides that;-

"An application for judicial review shall be made promptly and in any event within three months from the date when the grounds of the application first arose, unless the Court considers that there is good reason for extending the period within which the application shall be made."

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The time the cause of action first arose can be deciphered from the pleadings of the parties. Upon studying the application and the affidavits in support, it is clear that the facts giving rise to this application first arose on the 8th of October 2020.

It is therefore my finding that this application should have been filed within three months from the 8th of October 2020 for it to have been filed within the time limit set by the law. I also note that this rule grants this court extensive jurisdiction to enlarge time within which an application should be made, for good reason.

For court to enlarge time, the applicant should make an application for extension of time within which to file an application giving justifiable reasons as to why it was unable to comply with the timelines provided by the law.

In the case of *Dott Services Limited & Anor Vs Attorney General* MC No. 133 of 2016 court held that; -

"*The rule gives this court allowance to exercise discretion to extend time in favor of the applicant where court considers that there is good reason for extending the period within which the application shall be made. Court's discretion to extend time must be exercised judiciously and based on good reasons and this depends on the circumstances of a given case"*

The applicants herein made no effort whatsoever to apply for enlargement of time and validation of their application. The applicants ought to have made an application by notice of motion under Section 98 of the Civil Procedure Act cap 282, Section 33 of the Judicature Act, rule 3(1) (2) 4, 5 and 6 of the Judicature (Judicial Review) Rules 2019 as amended, for an

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extension of time within which to file an application for Judicial Review. This was not done.

I therefore find that this application was filed out of time and accordingly dismiss it with costs to the respondents.

Having decided issue 1 as above, I find no reason to discuss the other issues.

I, so order

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SIMON PETER M. KINOBE JUDGE

DATE: 20.06.2025

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