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THE REPUBLIC OF UGANDA

IN THE CONSTITUTIONAL COURT OF UGANDA

AT KAMPALA

10

CONSTITUTIONAL APPLICATION NO. 14 OF 2013.

(ARISING FROM CONSTITUTIONAL PETITION NO. 16 OF 2013).

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**1. HON. LT (RTD)SALEH M.W.KAMBA } :::::::::::APPLICANTS/PETITIONERS
2. MS. AGASHA MARY M. }**

VS

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**1. THE ATTORNEY GENERAL }
2. HON. THEODORE SSEKIKUBO }
3. HON. WILFRED NIWAGABA } :::::::::::RESPONDENTS
4. HON. MOHAMMED NSEREKO }
5. HON. BARNABAS TINKASIMIRE }**

AND

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CONSTITUTIONAL APPLICATION NO. 23 OF 2013.

(ARISING FROM CONST. PETITION NO. 21 OF 2013).

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NATIONAL RESISTANCE MOVEMENT ::::::::::: APPLICANT/PETITIONER

VS

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**1. THE ATTORNEY GENERAL }
2. HON. THEODORE SSEKIKUBO }
3. HON. WILFRED NIWAGABA } :::::::::::RESPONDENTS
4. HON. MOHAMMED NSEREKO }
5. HON. BARNABAS TINKASIMIRE }**

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**Coram: Hon. Justice S.B.K Kavuma, AG. DCJ/CC ✓
Hon Justice A.S Nshimye, JA/CC
Hon. Remmy Kasule, JA/CC
Hon. Faith Mwondah, JA/CC
Hon. Richard Buteera, JA/CC**

RULING

Constitutional Applications NOs. 14 and 23 of 2013 arising from Constitutional Petitions 16 and 21 of 2013 respectively, were consolidated and Court ordered that they be heard together, with
10 the said Constitutional Petitions NO. 16, 21, 19 and 25 of 2013 which were also consolidated.

At the end of the hearing lasting about eleven days, counsel for the applicants submitted that the applicants had made out a case
15 justifying the issuing by Court of a mandatory injunction temporarily restraining the Rt. Hon. Speaker, through the 1st respondent, from allowing further violation of the Constitution. It was further submitted for the applicants that in the interest of the sanctity and preservation of the supremacy of our Constitution, respondents 2, 3,
20 4, and 5 do temporarily step aside from Parliament until this Court delivers its final decision in the consolidated Constitutional Petitions.

Counsel for the 2, 3, 4, and 5, respondents together with counsel for the Petitioner in Constitutional Petition NO. 25 of 2013, vigorously
25 opposed the said final prayer of the applicants. They submitted that no case had been made out by the applicants deserving the issuance of the said mandatory injunction and in any case Court can as well wait and hand out its decision in finality.

Upon careful perusal of the pleadings and evidence on record and upon hearing and considering the submissions of counsel for all the parties and having considered the law applicable to the matter before us and the authorities referred to Court, we are satisfied that a case for the grant of a mandatory injunction has been made out by the applicants. Further reasons for awarding the remedy shall be reflected in the final reasoned judgment in the consolidated constitutional Petitions.

We therefore allow the applications and grant the temporary remedy prayed for in the following terms.

(1) This court doth order that a mandatory injunction be and is hereby granted directing the Rt. Hon. Speaker of Parliament through the 1st respondent, to temporarily restrain the 2nd, 3rd 4th and 5th respondents from entering the August house of Parliament, to deny them seats therein and participation in any Parliamentary activities, until the final judgment in the consolidated Constitutional petitions is pronounced.

(2) It is further ordered that the costs of the two consolidated applications shall abide the outcome of the consolidated Constitutional petitions.

We so order.

This decision is a majority decision of 4 to 1.

Dated at Kampala this *6th*day of September 2013.

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[Signature]
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S.B.K KAVUMA
AG. DCJ

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[Signature]
.....
A.S NSHIMYE
JUSTICE OF APPEAL/CONSTITUTIONAL COURT

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[Signature]
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FAITH MWONDHA
JUSTICE OF APPEAL/ CONSTITUTIONAL COURT

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[Signature]
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RICHARD BUTEERA
JUSTICE OF APPEAL/ CONSTITUTIONAL COURT

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