



News Release

March 19, 2021

What transpired at the Supreme Court on March 18

The Judiciary has noted with deep concern the misleading media reports about what transpired at the Supreme Court on Thursday, March 18. The Court gave its detailed reasons for the rulings it had earlier made in the Presidential Election Petition No. 1 of 2021 filed by Mr Robert Kyagulanyi Sentamu.

We wish to clarify as follows:

During the hearing of the petition, the Court made delivered summary rulings in the three applications by the petitioner and another application by one Hassan Male Mabirizi Kiwanuka.

On March 17, the Chief Justice, Alfonse C. Owiny - Dollo, delivered the detailed reasons for the ruling in the application by Mr Mabirizi, who sought his (Justice Dollo's) recusal from hearing the petition. The ruling was made in the presence of all Justices of the Coram, except Lady Justice Dr Esther Kisaakye, who had communicated in writing to the Chief Justice and other Justices that she would not attend the ruling by the Chief Justice.

On the morning of March 18, the Chief Justice and the other Justices asked Dr Kisaakye to circulate to them copies of her ruling for perusal, as is the Court's rule of practice. She told her colleagues that her ruling was only partly typed and partly in handwritten form. The Chief Justice then decided that they go to Court to deliver the rulings that were ready.

Justices; Rubby Aweri-Opio, Paul Mugamba and Ezekiel Muhanguzi delivered the Court's detailed rulings, which essentially allowed the petitioner's application to withdraw the petition with orders that each of the parties bears their own costs.

After the three justices' rulings, the Chief Justice adjourned the Court for a 30-minute health break. The Court was to reconvene at 1:30pm for Justice Dr Kisaakye to read her dissenting ruling in the matter.

During the health break, the Chief Justice and the other Justices waited for Justice Kisaakye to circulate her ruling. She, however, stayed in her chambers up to 2pm.

Upon her return to the boardroom, she told the Chief Justice and the other Justices that she would not circulate her ruling, ready for delivery. Each of the Justices then told her that they would not go back to Court unless they have read her ruling.

At this point, the Chief Justice advised Justice Kisaakye to circulate her ruling for the Justices to peruse, and then she would deliver the ruling on another day early next week in the presence of her colleagues.

She, however, stormed out of the boardroom.

The Chief Justice then directed the Registry to collect all the Judges files from the Court (tent) and bring them back to the court building since they were not returning to court. He also summoned the Attorney General to his Chambers with all the lawyers representing all the parties to brief them that one of the rulings was not ready and that the Court would reconvene on another date next week.

Unknown to the Chief Justice and the other Justices, Justice Kisaakye had proceeded to the Courtroom alone and read her ruling in the presence of a few advocates for the petitioner and the media.

The purported delivery of the ruling by Justice Kisaakye to journalists is of no consequence. Whatever the true purpose for her strange conduct will not change how business is conducted in the Supreme Court.

We wish to state that at no time did the Chief Justice even try to gag Lady Justice Kisaakye, vet her ruling or confiscate her file as she is reported to have claimed.

It is well known that the Supreme Court Justices respect each other's independence in dispensing their duties as a panel and to own all their decisions as a Court. However, the rule which is practiced the world over is that Justices share their judgments whether they are dissenting or concurring with each other. This is in the spirit of collegiality, and it has been the practice of the Court for a long time.

The Chief Justice has always reiterated the importance of respecting the individual judicial officers' independence and that of the institution. The unfortunate misunderstanding in the Supreme Court, which has necessitated this Press Release, will certainly be resolved.

ENQUIRIES

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