



**IN THE EAST AFRICAN COURT OF JUSTICE
AT ARUSHA
FIRST INSTANCE DIVISION**



(Coram: Monica K. Mugenyi, PJ; Isaac Lenaola, DPJ; Faustin Ntezilyayo, J; Fakihi A. Jundu, J & Audace Ngiye, J)

APPLICATION NO: 3 OF 2015

(ARISING FROM REFERENCE NO.6 OF 2014)

**SECRETARIAT OF THE JOINT UNITED
NATIONS PROGRAMME ON HIV/AIDS..... APPLICANT**

VERSUS

**HUMAN RIGHTS AWARENESS &
PROMOTION FORUM (HRAPF)..... 1ST RESPONDENT**

AND

ATTORNEY GENERAL OF UGANDA2ND RESPONDENT

25TH NOVEMBER, 2015

Healy,

RULING OF THE COURT

A. INTRODUCTION

1. Rule 36 of the East African Court of Justice Rules of Procedure, 2013 (**'The Rules'**) provides for the procedure to be invoked when a party wishes to be granted leave to appear as *amicus curiae* in proceedings pending before the Court.
2. Pursuant to the above Rule, the Secretariat of the Joint United Nations Programme on HIV/AIDS (**'The Applicant'**) by a Notice of Motion dated 26th May, 2015, has now applied to be granted leave to intervene as *amicus curiae* in **Reference No.6 of 2014, Human Rights Awareness and Promotion Forum (HRAPF)**
vs. **and The Attorney General of Uganda.**

3. The above Reference was filed by HRAPF, a human rights organization registered as a company limited by guarantee in the Republic of Uganda, and principally challenges certain provisions in Uganda's **Anti-Homosexuality Act 2014** and is further seeking a declaratory order that the challenged provisions are allegedly in violation of the principles of human rights and rule of law in Articles 6(d) and 7(2) of the Treaty for the Establishment of the East African Community ('The Treaty').

B. CASE FOR THE INTENDED AMICUS CURIAE/APPLICANT

4. The Applicant in the body of its Motion, the Supporting Affidavit of its Executive Director, Dr. Mariangela Batista Galvao Sinao and in Submissions by its Learned Counsel, Mr. Donald Omondi Deya, stated that because of its objectives and mandate since it

