



**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. 08 OF 2015

(Arising from Reference No.5 of 2015)

RWENGA ETIENNE 1ST APPLICANT

MOSES M.MARUMBO 2ND APPLICANT

VERSUS

SECRETARY GENERAL, EAST AFRICAN COMMUNITY..... RESPONDENT

30TH OCTOBER, 2015

APPLICATION NO.8 OF 2015

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RULING OF THE COURT

1. On 9th September 2015, the Applicants filed **Reference No. 5 of 2015 Rwenga Etienne and Moses Marumbo vs. The Secretary General, East African Community**, as well as the present Application before this Court. The Application has been brought or filed under certificate of urgency.
2. In the application, the Applicants are seeking interim orders pending the hearing of **Reference No. 5 of 2015** and specifically sought orders restraining the Respondent, his agents, assignees, servants or any other persons drawing orders from the Respondent from continuing with the process of the recruitment of the Registrar of the East African Court of Justice.
3. The Application is premised on the following grounds:
 - a) *That Article 45(1) of the Treaty provides for requirements for the appointment of the Registrar of the East African Court of Justice;*
 - b) *That a reference has been made to the East African Court of Justice challenging the act of the Secretary General to recruit the Registrar of the East African Court of Justice on the basis of requirements other than the ones set out by Article 45(1) of the Treaty;*
 - c) *That the matter presented to this Court for determination is a matter of infringement of the Treaty;*

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