



**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. 4 OF 2015

(Arising from Reference No. 16 of 2014)

MEDIA LEGAL DEFENCE INITIATIVE (MDLI)

& 19 OTHERS APPLICANTS

VERSUS

1. RONALD SSEMBUUSI (DECEASED) 1ST RESPONDENT

**2. THE ATTORNEY GENERAL OF
THE REPUBLIC OF UGANDA 2ND RESPONDENT**

28TH JUNE 2016

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RULING OF THE COURT

A. INTRODUCTION

1. This Application was brought under Articles 23, 27, 40 and 127 of the Treaty for the Establishment of the East African Community (hereinafter referred to as “**the Treaty**”), as well as Rules 21, 36 and 53 of the East African Court of Justice Rules of Procedure, 2013 (hereinafter referred to as “**the Rules**”).
2. Media Legal Defence Initiative (MLDI) and 19 other organisations (hereinafter referred to as “**the Applicants**”) sought to be granted leave to appear as *amici curiae* in Reference N° 16 of 2014, Ronald Ssemuusi vs. The Attorney General of the Republic of Uganda.
3. The above Reference challenges sections 179 and 180 of the Uganda’s **Penal Code Act (cap 120)**, which provide for the offence of criminal defamation, on the premise that the challenged provisions place unjustifiable restrictions on the right to freedom of expression, freedom of the press and the right to access to information contrary to Articles 6(d) and 7(2) of the Treaty. It also challenges the 1st Respondent’s conviction and sentencing under the said provisions, asserting that it constituted a violation of Article 8(1)(a) and (c) of the Treaty.
4. At the hearing, the Applicants were represented by Mr. Francis Gimara, the First Respondent (suing through his legal representative) was represented by Mr. Nicholas Opiyo, while the Second Respondent was represented by, Ms. Patricia Mutesi, Mr. Geoffrey Atwine and Mr. Ojiambo Bichachi.

