



**IN THE EAST AFRICAN COURT OF JUSTICE
(APPELLATE DIVISION)
AT ARUSHA**

(Coram: Liboire Nkurunziza, VP; Edward Rutakangwa, JA; and Aaron Ringera, JA)

Application No. 2 of 2015

[An Application for Review arising from the Judgment of the Appellate Division of the Court at Arusha before Hon. Justice Liboire Nkurunziza, VP, Hon. Justices James Ogoola and Aaron Ringera, JJA) in Appeal No. 2 of 2013 dated 28th December, 2014]

TIMOTHY ALVIN KAHOHOAPPLICANT

VERSUS

SECRETARY GENERAL OF THE

EAST AFRICAN COMMUNITY RESPONDENT

α

ORDER OF THE COURT

1. This Application for Review of the Court's Judgment dated 28th December, 2014, in Appeal No. 2 of 2013, was scheduled for hearing today. However, when the same was called on for hearing, only Mr. Antony Kafumbe, learned Counsel for the Respondent, was in attendance. Neither the Applicant in person, who was duly served with today's notice of hearing, nor his Counsel, Mr. Emmanuel Augustino, entered appearance. Their absence was not accounted for in any way.
2. Mr. Kafumbe, in the circumstances, was of the view, and rightly so in our considered opinion, that the Applicant has lost interest in his case. For this reason, he urged us to dismiss the Application with costs, under Rule 1 (2) of the East African Court of Justice Rules of Procedure, 2013 ("the Rules"). He predicated his prayer on Rule 1 (2) of the Rules, because there is no specific provision in the Rules governing this situation.
3. On our part, having considered the facts before us, we have found ourselves inclined to accede to Mr. Kafumbe's prayer: The Applicant was undeniably duly served and in good time. He has failed to account to the Court for his absence and that of his Counsel. What further evidence do we need to establish that the Applicant is no longer interested in prosecuting his case.

4. The ends of justice, therefore, dictate that this Application be dismissed for non appearance of the Applicant.

5. All said and done, we hereby dismiss the Application with costs under Rule 1(2) of the Rules. The Applicant is at liberty to apply for its re-institution.

WE SO ORDER.

DATED at Arusha, this 9th day of November, 2015.



.....
Liboire Nkurunziza
VICE PRESIDENT



.....
Edward Rutakangwa
JUSTICE OF APPEAL



.....
Aaron Ringera
JUSTICE OF APPEAL