



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



**(Coram: Isaac Lenaola, DPJ; Faustin Ntezilyayo, J & Fakihi
A. Jundu, J)**

APPLICATION NO.17 OF 2014

(Arising from Reference No.2 of 2011)

**ATTORNEY GENERAL OF
THE REPUBLIC OF UGANDAAPPLICANT**

VERSUS

THE EAST AFRICAN LAW SOCIETY.....1ST RESPONDENT

**THE SECRETARY GENERAL OF
THE EAST AFRICAN COMMUNITY.....2ND RESPONDENT**

30TH SEPTEMBER, 2016

JL

RULING OF THE COURT

INTRODUCTION

1. This Application arose from **Reference No.2 of 2011** and has been brought under Rules 1(2) and 21(1) of the East African Court of Justice Rules of Procedure, 2013 ("**The Rules**").
2. The Applicant is seeking the following Orders from this Court:-
 - (a) This Honourable Court be pleased to conduct a *voir Dire* in respect of admissibility of the Affidavit of Mr. James Aggrey Mwamu and the Electronic Digital Video Disk (DVD) evidence submitted therein filed on the 4th day of March, 2013; and
 - (b) This Honourable Court be pleased to find that the said Affidavit and electronic DVD evidence submitted by James Aggrey Mwamu is inadmissible.
3. The Application is supported by the Affidavits deponed by Mr. Denis Bireije and Mr. Sam Rogers Kambere, the Commissioner for Civil Litigation and Information Scientist, respectively, in the Ministry of Justice and Constitutional Affairs of the Republic of Uganda.
4. At the hearing, the Applicant was represented by Mr. Phillip Mwaka (Principal State Attorney), Ms. Charity Nabasa (State Attorney) and Ms. Sandra Mwesige (State Attorney) all of them from the Applicant's Chambers. The 1st Respondent was represented by Mr. Richard Onsongo and Mr. Humphrey Mtuy, learned Counsel while the 2nd Respondent was represented by Mr. Stephen Agaba, Principal Legal Officer of the East African Community.
5. At this juncture, it is important to mention that this Court ("The First Instance Division) had an occasion previously to deal with this

