



**Pan African
Lawyers Union**

PALU Policy Brief No 4

**Tabulation of Cases Filed or Concluded Before
The East African Court of Justice (EACJ)
from Inception till 31st August 2012**



JUDGMENTS, ORDERS & PENDING CASES

#	Case	Applicant	Respondent	Decision	Date of Filing	Date of Decision	Time Elapsed
1	Reference No 1 of 2005	1) Calist Andrew Mwatela ¹ 2) Lydia Wanyoto Mutende 3) Isaac Abraham Sepetu ²	East African Community ³	Judgment	7 December 2005	October 2006	10 months & 3 weeks
	Taxation. Reference No 1 of 2006	Calist Andrew Mwatela & 2 others	East African Community	Ruling		1 November 2007	
2	Reference No 1 of 2006	1) Prof. Peter Anyang' Nyong'o 2) Abraham Kibet Chepkonga 3) Fidelis Mueke Nguli 4) Joseph Kamotho 5) Mumbi Ngaru 6) George Nyamweya 7) John Munyes 8) Dr. Paul Saoko 9) Gilbert Ochieng Mbeo 10) Yvonne Khamati 11) Rose Waruhiu ⁴	1) Attorney General of Kenya 2) Clerk of the East African Legislative Assembly 3) Secretary General of the East African Community ⁵	Judgment	9 November 2006	30 March 2007	4 months & 3 weeks
	Reference No 1 of 2006, Arising from EACJ Ref. No 1 of 2006	Prof. Peter Anyang' Nyong'o & 10 others	Attorney General of Kenya & 5 others ⁶	Ruling		27 November 2006	
	Application No 2 of 2006, Arising from EACJ Ref. No 1 of 2006	1) George Nangale ⁷ 2) Prof. Peter Anyang' Nyong'o & 10 others ⁸	Attorney General of Kenya & 5 others	Ruling		27 November 2006	
	Application No 5 of 2007, Arising from EACJ Ref. No 1 of 2006	Attorney General of Kenya	Prof. Anyang' Nyong'o & 10 others	Ruling	22 January 2007	6 February 2007	2 weeks
	Taxation Reference No 6 of 2008	Prof. Peter Anyang' Nyong'o & 10 others ⁹	¹⁰ Attorney General of Kenya & 5 others	Ruling		19 December 2008	
	Application No 4 of 2009	Attorney General of Kenya	Prof. Peter Anyang' Nyong'o & 10 others ¹¹	Ruling	3 April 2009	16 October 2009	6 months & 2 weeks
	Appeal No 1 of 2009	Attorney General of Kenya	Prof. Peter Anyang' Nyong'o & 10 others	Judgment		August 2010	

#	Case	Applicant	Respondent	Decision	Date of Filing	Date of Decision	Time Elapsed
	Application No 1 of 2010 (Appellate division)	Prof. Peter Anyang' Nyong'o & 10 others	Attorney General of Kenya	Judgment		22 June 2010	
	Application No 2 of 2010 (Appellate division)	Attorney General of Kenya	Prof. Peter Anyang' Nyong'o & 10 others	Judgment		22 June 2010	
	Application No 1 of 2010	Attorney General of Kenya	Prof. Peter Anyang' Nyong'o & 10 others	Ruling	28 December 2009	5 March 2010	1 month & 1 week
	Taxation Reference No 2 of 2010	Prof. Peter Anyang' Nyong'o & 10 others	Attorney General of Kenya	Ruling		22 June 2010	
	Taxation Reference No 3 of 2010	Clerk of the National Assembly of Kenya ¹²	Prof. Peter Anyang' Nyong'o & 10 others	Ruling		26 July 2011	
	Taxation Reference No 5 of 2010, Arising from Taxation Reference No 2 of 2010	Attorney General of Kenya	Prof. Peter Anyang' Nyong'o & 10 others	Ruling	5 July 2010	23 February 2011	7 months, 2 weeks & 5 days
3	Reference No 1 of 2007	James Katabazi & 21 others ¹³	1) Secretary General of the East African Community ¹⁴ 2) Attorney General of Uganda ¹⁵	Judgment		1 November 2007	
	Taxation Reference No 5 of 2008	James Katabazi & 21 others ¹⁶	Secretary General of the East African Community & Another ¹⁷	Ruling		6 May 2008	
4	Reference No 2 of 2007	Rev. Christopher Mtikila ¹⁸	1) Attorney General of the United Republic of Tanzania ¹⁹ 2) Secretary General of the East African Community ²⁰	Ruling		25 April 2007	
	Application No 8 of 2007, Arising from EACJ Reference No 2 of 2007	Rev. Christopher Mtikila	Attorney General of the United Republic of Tanzania & Another	Ruling		22 June 2007	
5	Reference No 3 of 2007	1) East Africa Law Society ²¹ 2) Law Society Of Kenya 3) Tanganyika Law Society 4) Uganda Law Society 5) Zanzibar Law Society	1) Attorney General of Kenya ²² 2) Attorney General of the United Republic of Tanzania ²³ 3) Attorney General of Uganda ²⁴ 4) Secretary General of the East African Community ²⁵	Judgment	18 May 2007		
	Application No 9 of 2007, Arising from Reference No 3 of 2007	East Africa Law Society & 4 others	Attorney General of Kenya & 3 others	Ruling	18 May 2007	11 July 2007	1 month, 3 weeks & 3 days
6	Reference No 1 of 2008	Modern Holdings (EA) Limited ²⁶	Kenya Ports Authority ²⁷	Ruling	25 September 2008	12 February 2009	4 months, 2 weeks & 3 days

#	Case	Applicant	Respondent	Decision	Date of Filing	Date of Decision	Time Elapsed
7	Reference No 1 of 2009	Modern Holdings (EA) Limited ²⁸	Kenya Ports Authority ²⁹	Ruling		15 January 2010	
	Taxation Reference No 1 of 2010	Modern Holdings (EA) Limited 2010 ³⁰	Kenya Ports Authority ³¹	Ruling		22 June 2010	
	Taxation Reference No 4 of 2010	Kenya Ports Authority	Modern Holdings (EA) Ltd	Ruling		29 October 2010	
8	Reference No 1 of 2010	Sitenda Sebalu ³²	1) Secretary General of the East African Community ³³ 2) Attorney General of Uganda (Sued in Representative Capacity) ³⁴ 3) Sam K. Njuba ³⁵ 4) Electoral Commission of Uganda ³⁶	Judgment	14 June 2010	30 June 2011	12 months & 2 weeks
9	Reference No 2 of 2010	Emmanuel Mwakisha Mjawasi & 748 others	Attorney General of Kenya	Ruling	24 June 2010	29 September 2011	15 months & 1 week
	Appeal No 4 of 2011	Emmanuel Mwakisha Mjawasi & 748 others	Attorney General of Kenya	Judgment		27 April 2012	
10	Reference No 3 of 2010	Independent Medico-Legal Unit (IMLU) ³⁷	1) Attorney General of Kenya 2) Minister For Internal Security of Kenya 3) Chief of General Staff of the Armed Forces of the Republic of Kenya 4) Commissioner of Police of Kenya ³⁸ 5) Secretary General of the East African Community	Ruling		29 June 2011	
	Appeal No 1 of 2011	Attorney General of Kenya	Independent Medico-Legal Unit (IMLU)	Judgment	29 September 2011	15 March 2012	5 months & 2 weeks
11	Reference No 5 of 2010						
12	Reference No 6 of 2010	Alcon International Limited ³⁹	1) Standard Chartered Bank of Uganda ⁴⁰ 2) Attorney General of Uganda ⁴¹ 3) Registrar of the High Court of Uganda ⁴²	Ruling			
	Appeal No 2 of 2011	Alcon International Limited	Standard Chartered Bank of Uganda & 2 others	Judgment		16 March 2012	
	Taxation Reference No 1 of 2012	Alcon International Limited	Standard Chartered Bank of Uganda				
13	Reference No 7 of 2010	1) Mary Ariviza 2) Okotch Mondoh	1) Attorney General of Kenya 2) Secretary General of the East African Community ⁴³	Judgment	13 September 2010	30 November 2011	1 year, 2 months & 2 weeks
	Application No 3 of 2010, Arising from Reference No 7 of 2010	Mary Ariviza & Another	Attorney General of Kenya ⁴⁴ & Another	Ruling		1 December 2010	
	Application No 3 of 2010, Arising from Reference No 7 of 2010	Mary Ariviza & Another	Attorney General of Kenya & Another	Ruling		23 February 2011	

#	Case	Applicant	Respondent	Decision	Date of Filing	Date of Decision	Time Elapsed
14	Reference No 8 of 2010	Plaxeda Rugumba ⁴⁵	1) Secretary General of the East African Community 2) Attorney General of Rwanda	Judgment	8 November 2010	1 December 2011	1 year & 3 weeks
	Appeal No 1 of 2012 (Appellate division)	Attorney General of Rwanda	Plaxeda Rugumba	Judgment		22 June 2012	
15	Reference No 9 of 2010	Africa Network for Animal Welfare (ANAW)	Attorney General of the United Republic of Tanzania	Ruling	10 December 2010	29 August 2011	8 months & 3 weeks
	Appeal No 3 of 2011	Attorney General of the United Republic of Tanzania	Africa Network for Animal Welfare (ANAW)	Judgment	19 October 2011	15 March 2012	5 months
16	Reference No 1 of 2011	East Africa Law Society	Secretary General of the East African Community	Pending	31 May 2011		
17	Reference No 2 of 2011	East Africa Law Society	1) Attorney General of Uganda 2) Secretary General of the East African Community	Pending	31 May 2011		
18	Reference No 3 of 2011	East Africa Law Society	1) Attorney General of Uganda 2) Attorney General of Kenya 3) Secretary General of the East African Community	Pending	31 May 2011		
19	Reference No 4 of 2011	1) Omar Awadh Omar ⁴⁶ 2) Hussein Hassan Agade 3) Mohammed Adan Abdow 4) Idris Magondu 5) Mohammed Hamid Sulaiman 6) Yahya Suleiman Mbutia 7) Habib Suleiman Njoroge	1) Attorney General of Kenya ⁴⁸ 2) Attorney General of Uganda ⁴⁹ 3) Secretary General of the East African Community ⁵⁰	Pending			
	Application No 4 of 2011, Arising from Reference No 4 of 2011	Omar Awadh Omar & 6 others	Attorney General of Kenya & 2 others	Ruling		1 December 2011	
	Application No 4 of 2011, Arising from Reference No 4 of 2011	Omar Awadh Omar & 6 others	Attorney General of Kenya & 2 others	Ruling		28 February 2012	
	Appeal No 2 of 2012	Attorney General of Uganda	Omar Awadh Omar & 6 others		17 February 2012		
	Application No 1 of 2012	Omar Awadh Omar & 6 others	Attorney General of Uganda & 2 others	Ruling		27 June 2012	
20	Reference No 5 of 2011	Samwel Mukira Mohochi ⁵¹	1) Attorney General of Uganda 2) Secretary General of the East African Community	Pending	13 June 2011		
21	Reference No 6 of 2011	1) Democratic Party of Uganda 2) Mukasa Fred Mbidde ⁵²	1) Secretary General of the East African Community ⁵³ 2) Attorney General of Uganda ⁵⁴	Judgment		10 May 2012	

#	Case	Applicant	Respondent	Decision	Date of Filing	Date of Decision	Time Elapsed
	Application No 6 of 2011, Arising from Reference No 6 of 2011	Democratic Party of Uganda & Another	Secretary General of the East African Community & Another	Ruling		30 November 2011	
22	Reference No 7 of 2011	Cadap Represented by Mr. Bernard Birayuranwa	Attorney General of Burundi	Pending			
23	Reference No 8 of 2011	Professor Nyamoya Francois	Attorney General of Burundi	Pending			
24	Reference No 9 of 2011	East Africa Centre for Trade Policy & Law	Secretary General of the East African Community	Pending			
25	Reference No 10 of 2011	Legal Brains Trust Ltd ⁵⁵	Attorney General of Uganda ⁵⁶	Judgment	15 December 2011	30 March 2012	3 months & 2 weeks
	Appeal No 4 of 2012	Legal Brains Trust Ltd	Attorney General of Uganda	Judgment		19 May 2012	
26	Reference No 11 of 2011	Mbugua Mureithi Wa Nyambura ⁵⁷	1) Attorney General of Uganda 2) Attorney General of Kenya				
27	Reference No 1 of 2012	Timothy Alvin Kahoho	Secretary General of the East African Community		20 January 2012		
	Application No 5 of 2012	Timothy Alvin Kahoho	Secretary General of the East African Community	Ruling	20 January 2012	19 July 2012	6 months
28	Reference No 2 of 2012	Democratic Party of Uganda	1) Secretary General of the East African Community 2) Attorney General of Uganda 3) Attorney General of Kenya 4) Attorney General of Rwanda 5) Attorney General of Burundi		23 January 2012		

Advisory Opinions

#	Request No	Request From	Decision	Date of Filing	Date of Decision	Time Elapsed
1	Advisory opinion No1 of 2008	In the matter of a request by the Council of Ministers of the East African Community for an Advisory Opinion (on the matter of the principle of variable geometry) ⁵⁸	Opinion	19 December 2008		

Preliminary Interpretation

1	Case stated No 1 of 2011	1) Saida Rosemary (on behalf of the subject: Christopher Magondu A.K.A Idris Magondu) 2) Hassan Elijuma Agade (on behalf of the subject: Hussein Hassan Agade) ⁵⁹	1) Commissioner of Police of Kenya 2) Commandant of the Anti-Terrorism Police Unit of Kenya 3) Attorney General of Kenya	Pending			
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Footnotes

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