

THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA

CONSTITUTIONAL PETITION NO..... OF 2022

JUSTICE DR. ESTHER KITIMBO KISAAKYE, JSC PETITIONER

VERSUS

1. HON. JUSTICE ALFONSE CHIGAMOY OWINY-DOLLO (CHIEF JUSTICE OF UGANDA)
2. DR. PIUS BIGIRIMANA (PERMANENT SECRETARY/SECRETARY TO THE JUDICIARY OF UGANDA)
3. APOPHIA TUMWINE (COMMISSIONER HUMAN RESOURCES, JUDICIARY OF UGANDA)
4. SARAH LANGA SIU (THE CHIEF REGISTRAR, COURTS OF JUDICATURE OF UGANDA)
5. JUDICIAL SERVICE COMMISSION
6. ATTORNEY GENERAL



..... RESPONDENTS

PETITION

[Under Article 137 of the Constitution of the Republic of Uganda 1995, the Constitutional Court (Petitions and References) Rules SI. No. 91 of 2005 and all enabling laws]

THIS HUMBLE PETITION of JUSTICE DR. ESTHER KITIMBO KISAAKYE whose address for purposes of this Petition is C/o KBW Advocates, Plot 10, Clement Hill Road, P.O. Box 21161, Kampala SHOWETH as follows:-

A. The Parties

1. That your Petitioner is an adult female Ugandan citizen of sound mind, and a Justice of the Supreme Court of Uganda since October 2009, having interest in, affected and aggrieved by the acts and omissions of the Respondents jointly and severally, which contravene and are inconsistent with the Constitution of the Republic of Uganda.
2. That 1st Respondent is a male adult Ugandan of sound mind and is the Honourable Chief Justice of the Republic of Uganda. The 1st Respondent is also the head of the Judiciary of Uganda and is responsible for the administration and supervision of all Courts in Uganda.
3. The 2nd Respondent is a male adult Ugandan of sound mind and is the Permanent Secretary/ Secretary to the Judiciary of Uganda.
4. The 3rd Respondent is a female adult Ugandan of sound mind, and is the Commissioner Human Resources of the Judiciary of Uganda responsible inter alia for processing leave applications and benefits/allowances for all staff working with or attached to the Judiciary of Uganda.
5. The 4th Respondent is a female adult Ugandan of sound mind and is the Chief Registrar, Courts of Judicature of Uganda.
6. The 5th Respondent is a Constitutional Commission established under **Article 146** of the Constitution and is amongst other duties responsible for advising the President of Uganda on appointments, suspension and/or removal of Justices of the Supreme Court and for receiving and processing people's recommendations and complaints concerning the Judiciary and the administration of Justice.
7. The 6th Respondent is the Principal Legal Advisor of the Government of Uganda appointed under **Article 119 (3) & (4)** of the Constitution

who, among others, is responsible for giving legal advice and legal services to the Government of Uganda on any subject and to represent the Government in Court.

8. The 6th Respondent is also an ex-officio member of the 5th Respondent by virtue of **Article 146 (3)** of the Constitution of Uganda.

B. Background

9. Your Petitioner was part of the coram of the nine Supreme Court Justices empanelled by the 1st Respondent to hear and determine **Presidential Election Petition No. 1 of 2021, Kyagulanyi Ssentamu Robert vs. Yoweri Museveni Tibuhaburwa, Electoral Commission & Attorney General** under which several Miscellaneous Applications were filed by the Petitioner therein as follows;-
 - a) **Miscellaneous Application No. 1 of 2021** seeking to amend the Petition in Presidential Election Petition No. 1 of 2021. On **9th February 2021**, the Court unanimously disallowed this Application and reserved the detailed reasons for its decision in the final Judgment of the Court.
 - b) **Miscellaneous Application No. 4 of 2021** filed on 17th February 2021 seeking for Orders of the Court for extension of time within which to file and serve additional affidavits. On 19th February 2021, by majority of 8 to 1, the Court disallowed the Application and reserved the detailed reasons to be given in the final judgment. Your Petitioner made a dissenting Ruling in this matter.
 - c) **Miscellaneous Application No. 5 of 2021** filed on 24th February 2021 seeking leave of Court to withdraw Presidential Election Petition No. 1 of 2021. On 5th March 2021, the Court unanimously allowed this Application and reserved the detailed reasons to be given in the final judgment.

d) **Miscellaneous Application No. 3 of 2021** filed on 5th February 2021 by Male Mbirizi, a non-party to the Presidential Election Petition seeking for recusal of the 1st Respondent from presiding over the Coram of Justices empanelled to adjudicate over the said Presidential Election Petition and for other consequential Orders. On 23rd February 2021, the 1st Respondent in a summary ruling, declined to recuse himself. The Court reserved the 1st Respondent's reasoned Ruling and the Court's Ruling on the Application to be fixed.

10. Your Petitioner notified the 1st Respondent and all other empanelled Justices of the Supreme Court that she was writing and would deliver her own Ruling in the Recusal Application together with her reasoned Rulings in Miscellaneous Applications No. 1, 4 and 5 of 2021.
11. Following the withdrawal of **Presidential Election Petition No. 1 of 2021**, the Court then fixed 18th March 2021 as the date for the delivery of all the reserved reasons in Miscellaneous Applications No. 1, 4 and 5 of 2021.
12. That from 18th March 2021 until the date of filing this Petition, the Respondents have jointly and severally engaged in unconstitutional acts and omissions which are inconsistent with and contravene the Constitution as outlined herein under.

C. Unconstitutional acts and omissions of the Respondents

i. Obstruction of Justice by the 1st Respondent

13. That on 18th March 2021 the day set for delivery of final detailed rulings in all Miscellaneous Applications arising from the said Presidential Petition, Court was convened and the majority reasons for the decisions were read by three Justices who were part of the majority.

14. The Court was adjourned for 30 minutes to resume for Your Petitioner to deliver her reserved consolidated Rulings.
15. Prior to going to Court for the delivery of the Ruling and also during the adjournment, the 1st Respondent requested for copies of your Petitioner's reasoned Rulings for **Miscellaneous Applications No. 1, 4 and 5 of 2021**.
16. Your Petitioner informed the 1st Respondent and the rest of the Justices that due to tight timelines within which the Court was working, she had not been able to complete typing of her Ruling and as a result, her consolidated Rulings were partly typed and partly hand written.
17. Your Petitioner informed the 1st Respondent and other Justices of the Court that there was no constitutional or legal requirement imposed on her to share her reasons before delivery since the Court had already made all its decisions and issued the respective summary Rulings in all the Applications under reference.
18. During the adjournment, the 1st Respondent then directed your Petitioner not to deliver her Rulings on grounds that your Petitioner had not shared with the 1st Respondent and other Justices of the Supreme Court her detailed reasons for the respective Rulings which had been earlier reserved by the Court, as stated herein before.
19. Your Petitioner maintained that position throughout the rest of the interaction with the Chief Justice and other Justices during the adjournment. She also informed the 1st Respondent and other Justices of the Court that she would go ahead and deliver her reasoned Ruling even though they had all declined to return to the Court.
20. That following the 1st Respondent's unconstitutional directive and the decision by 1st Respondent and the refusal of all other Justices of the Supreme Court to return to the Court, your Petitioner proceeded back to the Court Room to deliver her Ruling.

21. As your Petitioner returned to the Court to deliver her Rulings, the armed police officer's attached to the 1st Respondent ran ahead of her and collected your Petitioner's Files along with those of other Justices.
22. That during the adjournment, your Petitioner's files containing her consolidated reasoned Rulings were confiscated by armed police officers on the directives of the 1st Respondent and they were handed over to the 1st Respondent.
23. That subsequently, the lights and public address system in the Court tent which had served as the Court room were switched off and the Court room was locked up on the Orders of the 1st Respondent.
24. That your Petitioner was compelled to use a duplicate file to deliver part of her Consolidated Rulings in **Miscellaneous Applications No. 1, 4 & 5 of 2021** and she set the 19th day of March 2021 at 11:00 am for delivery of her Ruling in **Miscellaneous Application No. 3 of 2021**.
25. That thereafter, your Petitioner repeatedly requested the 1st Respondent and the Registrar of the Supreme Court to return her confiscated Rulings and Files to enable her to issue her full Rulings of the Applications but the 1st Respondent has continued to keep your Petitioner's files since March 18th 2021 and has adamantly refused to return them.
26. Your Petitioner also repeatedly requested the 1st Respondent and the Registrar of the Supreme Court to fix a date for delivery of her Ruling in **Miscellaneous Application No. 3 of 2021** but the 1st Respondent refused the Registrar of the Supreme Court to fix a date for the Petitioner to deliver her said Ruling on grounds that the Court was *functus officio*. The 1st Respondent further directed the Registrar of the Supreme Court to close the File.

27. That since 18th March 2021 to the date of filing this Petition, the 1st Respondent has continued to confiscate Your Petitioner's Rulings and files and has obstructed your Petitioner from issuing her full reasoned Rulings in Miscellaneous Applications No. 1, 4, & 5 of 2021 to the parties and the public and from delivering her Ruling in Miscellaneous Application No. 3 of 2021.
28. That as a result of the 1st Respondent's said actions, the Supreme Court of Uganda has not released its full reasoned Rulings in the said Miscellaneous Applications to the parties and the people of Uganda.
29. Your Petitioner contends that the 1st Respondent's actions of;-
- a) Directing your Petitioner not to deliver her reasoned Rulings in Miscellaneous Applications No. 1, 3, 4 & 5 of 2021 all arising out of Presidential Petition No. 1 of 2021, Kyagulanyi Ssentamu Robert vs. Yoweri Museveni Tibuhabwe, Electoral Commission & Attorney General amounts to obstruction of Justice and undermines the spirit, letter, and principles of Judicial independence and is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 128 (1), (2) & (3), 129 (2), 131 (1), 133 (1), 144 (1), (2), (3), (4), & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution of Uganda.**
 - b) Confiscating your Petitioner's files for the said Miscellaneous Applications using armed police officers is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 28(1), 44 (1) (c), 45, 104 (1) & (3), 119 (1), (3) & (4), 126 (1) & (2), 128 (1), (2) & (3), 129 (2), 133 (1), 144 (1), (2), (3), (4), & (5), 149, and 259 (1) & (2) of the Constitution of Uganda.**

- c) Refusing to return the said files to your Petitioner from 18th March 2021 to date is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 128 (1), (2) & (3), 129 (2), 129 (2), 131 (1), 133 (1), 144 (1), (2), (3), (4), & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**
- d) Denying the parties and the public the full reasoned Rulings in the said Miscellaneous Applications from 18th March 2021 to the time of filing this Petition is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 128 (1), (2) & (3), 129 (2), 131 (1), 133 (1), 144 (1), (2), (3), (4), & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**
- e) Locking up the Court tent which had served as the Court room, switching off the lights and the public address system to prevent the Petitioner from delivering her Rulings is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 128 (1), (2) & (3), 131 (1), 133 (1), 144 (1), (2), (3), (4), & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

ii. **Closure of Court premises on 19th March 2021 by 1st and 6th Respondents**

30. That on 19th March 2021, your Petitioner was scheduled to complete the delivery of her Ruling in **Miscellaneous Application No. 3 of 2021** arising out of Presidential Election Petition No. 1 of 2021.
31. That on 19th March 2021 before your Petitioner could deliver her Ruling, the 1st Respondent directed Police Officers to close the Supreme Court gate to prevent the litigants, legal counsel, the media and other Court users from accessing the Court and consequently your Petitioner prevented from delivering the said Ruling to the parties.

32. That the Supreme Court gate was indeed closed and all persons such as litigants, legal Counsel, the media and general public who intended to access the Supreme Court and/or the Registry of the East African Court of Justice were denied access for several hours.
33. That the closure of the Supreme Court gate also prevented the Petitioner from delivering her Ruling in **Miscellaneous Application No. 3 of 2021** since 19th March 2021 to the date of filing this Petition.
34. The 1st Respondent's act and/or omission to prevent or reverse the closure of the Supreme Court premises and locking out litigants, the press and the public on 19th March 2021 are inconsistent with and contravene **Articles 1 (1) & (3), 2 (1) & (2), 21 (1), (2) & (3), 28(1) & (2), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 127, 128 (1), (2) & (3), 131 (1), 133 (1), 144 (1), (2), (3), (4), & (5), 149, 173 (a) & (b) and 259 (1) & (2)** of the Constitution.
35. That the 6th Respondent is responsible for the said acts of the armed police officers which are inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 21 (1), (2) & (3), 28(1) & (2), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 127, 128 (1), (2) & (3), 131 (1), 133 (1), 144 (1), (2), (3), (4), & (5), 149, 173 (a) & (b) and 259 (1) & (2)** of the Constitution.

iii. **Issuance of a deceitful and defamatory Press Statement**

36. That on 19th March 2021, the 1st Respondent acting through the Judiciary public relations officer and the principal communications officer issued a deceitful and defamatory Press Release about what transpired at the Supreme Court on 18th March 2021 to all national and international media and to the general public and also published the same on the Judiciary Website on the same day and it has remained published on the Judiciary website up to the date of filing this Petition.

37. That in this Press Release, the 1st Respondent made damaging, malicious and false statements against your petitioner and her work.

38. The Petitioner contends that the acts of the 1st Respondent and the officials of the Judiciary of issuing a deceitful and defamatory Press Release about your Petitioner and about the events that took place on 18th March 2021 at the Supreme Court are inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, 173 (a) & (b) and 259 (1) & (2)** of the Constitution.

iv. Denial of funds for medical treatment by 1st and 2nd Respondents

39. That in 2009, your Petitioner was appointed as a Justice of the Supreme Court and by virtue of her appointment and terms of service and support extended to other justices, she is entitled to medical treatment.

40. That on 1st October 2020, 15th February 2021 and 12th April 2021 respectively, your Petitioner requested for financial support for travel and subsistence to the United States of America to complete her eye surgery and treatment which is not available in Uganda and for purchase of reading glasses but the 2nd Respondent declined to release or refund the money despite earlier Medical Board approval and commitment by the Judiciary.

41. That other Justices of the Supreme Court and other lower Courts who required treatment outside the country have always been provided with resources by the Judiciary to undertake such treatment out where such treatment is not available in Uganda.

42. That the 1st Respondent as the head of the Judiciary did not intervene to ensure that the Petitioner receives the necessary resources for her eye surgery, treatment, travel and upkeep.

43. That the 1st and 2nd Respondent acts and omissions of denying the Petitioner resources for medical treatment are inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22, 24, 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

v. Failure to recognize and/or follow seniority at the Supreme Court by the 1st Respondent

44. That following the events of 18th and 19th March 2021 as described above, on 24th March 2021, the 1st Respondent summarily removed your Petitioner as the Administrative Justice of the Supreme Court and replaced her with Justices junior to your Petitioner respectively.

45. That constitutionally, the position of the Administrator of the Supreme Court is a preserve for the most senior member of the Supreme Court after the Chief Justice.

46. That the 1st Respondent's summary removal of your Petitioner as Administrator Judge of the Supreme Court and replacing her with Justices junior to your Petitioner is inconsistent with **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (3), 131 (3), 133 (1), 147 (1) (a) & (d), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

vi. Secretive investigations against your Petitioner disguised as a general inquiry by the 1st, 2nd, 5th, 6th Respondents

47. That unknown to Your Petitioner, on 20th March 2021, in the absence of a complaint from anyone, the 5th Respondent commenced

investigations against your Petitioner disguised as a general inquiry into the events of 18th and 19th March 2021 at the Supreme Court without observing any due process and all the set procedures under the Constitution of Uganda.

48. That during the process of the 5th Respondent's secretive inquiry against your Petitioner, the 5th Respondent solicited a Complaint from the 1st Respondent.
49. On 6th April 2021, the 1st Respondent submitted a statement titled "Referral of Justice Kisaakye" to the 5th Respondent which was received on the same day wherein the 1st Respondent attacked your Petitioner for exercising her judicial independence and made abusive and derogatory statements against your Petitioner among others about, her mental health, character, and upbringing.
50. That whereas the 1st Respondent's Referral was received by the 5th Respondent on 6th April 2021, it was secretly kept and never served on the Petitioner until 2nd November 2021 after your Petitioner had initiated contact with the 5th Respondent's Chairperson.
51. That on 1st November 2021, the 5th Respondent converted the 1st Respondent's Referral into a complaint against your Petitioner and demanded that your Petitioner responds to the same in 14 days.
52. That on 2 earlier occasions in April and May 2021, the 5th Respondent required your Petitioner to make a statement on the events of 18th and 19th March 2021 without disclosing that it had received the 1st Respondent's statement making various accusations against her.
53. That the 5th Respondent further refused to disclose if there was any complainant against the Petitioner even when your Petitioner specifically requested to be notified if there was any complaint against her before the 5th Respondent as early as April 2021.

54. That the 5th Respondent received many other complaints arising out of the events of 18th and 19th March 2021, but the 5th Respondent singled out the Petitioner for secretive investigations disguised as a general inquiry and neglected and/or ignored all other complaints made against other Justices of the Supreme Court and the 1st Respondent by the public, media report, Male Mabirizi, and by Robert Ssentamu Kyagulanyi.
55. That without informing her of the ongoing covert investigations, the 5th Respondent summoned your Petitioner to record a Statement before Police Officers at the Judicial Service Commission.
56. That the 5th Respondent thereafter recorded several statements from other Justices and staff of the Supreme Court of which your Petitioner was never informed of until July, 2022 when she was served with a "Preliminary Report" and asked for her comments by the 5th Respondent.
57. That from this "Preliminary Report", the Petitioner also realized that the 1st Respondent had made an additional statement against her on 21st June 2022, but this statement and those of other Justices of the Supreme Court and other staff were never served upon the Petitioner.
58. That your Petitioner first learnt of these secretive investigations on 29th June 2022 when she was informed by the 2nd Respondent that he could not process her letter of undertaking to her bankers because she was under covert investigations by the 5th Respondent.
59. That your Petitioner requested the 2nd Respondent for a copy of the notification of the alleged ongoing investigations but the 2nd Respondent declined to give your Petitioner a copy.
60. That on 25th July 2022, the 5th Respondent served your Petitioner with a Preliminary Inquiry Findings Report on the events that occurred

at the Supreme Court on 18th and 19th March 2021 from which she confirmed that she had been under covert investigations by the 5th Respondent since 20th March 2021.

61. That the 6th Respondent is an ex-officio member of the 5th Respondent by virtue of **Article 146 (3)** of the Constitution and has all along been party to all the acts and omissions of the 5th Respondent.
62. That on 10th August 2022, your Petitioner's Lawyers wrote to the 5th Respondent challenging their actions and those of the other Respondents.
63. That on 16th August 2022, the 5th Respondent wrote to the 6th Respondent instructing them to act on their behalf in respect to the Petitioner's intended Court action. However in their letter to the 6th Respondent, the 5th Respondent disclosed that they had received;-
 - (a) A complaint from your Petitioner made in public domain against the 1st Respondent on the events that occurred at the Supreme Court 18th and 19th March 2021;
 - (b) A formal complaint from Mr. Male Mabirizi, one of the litigants on 19th March, 2021; and
 - (c) A second formal complaint from Mr. Kyagulanyi Ssentamu Robert, the Party President for National Unity Platform and the Petitioner in Presidential Petition No. 1 of 2021 on 25th March 2021.
64. That despite all the said formal complaints, the 5th Respondent neglected to act on all of them and in breach of due process instead opened covert investigations against the Petitioner.
65. That on 23rd August 2022, the 6th Respondent responded to the said letter and dismissed your Petitioner's grievances as being premature

and that the 5th Respondent had not violated any provision of the Constitution.

66. The 6th Respondent as member of the 5th Respondent failed to advise the 5th Respondent on the due process of conducting an investigation/general inquiry.

67. Your Petitioner contends that the 5th Respondent's acts and omissions of conducting a secretive investigation disguised as an inquiry against her without her knowledge, in the absence of a complaint from anyone and for the 5th Respondent being the complainant, investigator, prosecutor and judge in the same matter offends the rules of natural justice and in total disregard of the due process is inconsistent with and in contravention of the provisions of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 119 (1), (3), & (4), 126 (1) & (2), 128 (1), (2) & (7), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 164 (1) & (2), 173 (a) & (b), 174 and 259 (1) & (2)** of the Constitution.

vii. Omission to investigate other Complaints

68. The 5th Respondent's omission, neglect, and/or deliberate refusal to process the complaints made by your Petitioner, by Mr. Male Mabirizi, one of the litigants on 19th March, 2021, and by Mr. Kyagulanyi Ssentamu Robert, the Party President for National Unity Platform and the Petitioner in Presidential Petition No. 1 of 2021 on 25th March 2021 against the 1st Respondent and instead choose to investigate your Petitioner is discriminatory and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 119 (1), (3), & (4), 126 (1) & (2), 128 (1), (2) & (7), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 173 (a) & (b), and 259 (1) & (2)** of the Constitution.

viii. Denial of Leave by the 1st, 2nd and 3rd Respondents

69. On 3rd March 2020, the 3rd Respondent computed your Petitioner's outstanding leave days as totaling to 181 days and submitted the computation to Hon. Bart Katureebe who was then the Chief Justice of Uganda.
70. The then Chief Justice approved and allowed your Petitioner to take 35 days of leave and deferred the balance totaling to 146 days.
71. On 22nd December 2020, your Petitioner requested the 1st Respondent to approve or defer the taking of her accrued leave, but the 1st Respondent did not reply to the request and as a result your Petitioner carried forward her deferred leave to 2021 because of the urgent work.
72. That on 9th November 2021, your Petitioner applied to the 1st Respondent for approval of her accrued leave entitlement and submitted her leave forms to the 3rd Respondent in accordance with the established procedures for seeking leave in the Judiciary.
73. That for 2 months, your Petitioner followed up her application with both the 1st and 3rd Respondents and fully responded to all the inquiries that were made by the 1st and 3rd respondents but the 1st and 3rd Respondents refused, neglected and/or failed to act on her Application. .
74. That your Petitioner was forced to commence her accrued leave which covered both her deferred leave and 2021 annual leave with effect from December 28th 2021 or else risk being assumed by the 1st, 2nd and 3rd respondents to have forfeited it. Your petitioner expected her leave forms to be processed and signed by the said Respondents, as is routinely done for other Justices of the Supreme Court, but the 3rd respondent has never returned your Petitioner's signed leave forms up the time of filing this Petition.

75. That on 19th January 2022, the 1st Respondent wrote to your Petitioner and notified her that her leave had expired while he was on his own leave.
76. The 2nd Respondent and all other members of the Judiciary top leadership were copied in on the said letter.
77. That on 14th February 2022, your Petitioner challenged the 1st Respondent's denial of her leave and requested him to revisit his decision, but the 1st Respondent declined to do so to date.
78. That the 2nd Respondent, who had earlier issued Judiciary wide circulars to all Judicial and non judicial staff on leave entitlements failed to supervise the 3rd respondent and to guide the 1st respondent.
79. That your Petitioner duly completed her leave and resumed her duties on 27th June, 2022 but the 1st and 2nd Respondents turned around and accused your Petitioner of having been away from office without official leave (AWOL) since September 2021.
80. That leave is both a Constitutional and Statutory entitlement that is not dependent on the wishes of whoever is vested with the power of approval and hence the 3rd respondent's refusal to process the Petitioner's leave is unconstitutional.
81. The 1st Respondent's refusal to approve your Petitioner's leave, the 3rd Respondent's neglect/refusal and/or omission to process your Petitioner's leave application forms, and the 2nd Respondent's failure to supervise the 3rd Respondent and to guide the 1st Respondent are inconsistent with and in contravention of the provisions of **Articles 1 (1) & (3), 2 (1) & (2), 20, 21 (1), (2) & (3), 26, 28(1), 40 (1) (c), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (7), 133 (1), 173 (a) & (b) and 259 (1) & (2)** of the Constitution.

ix. Denial of the Petitioner's driver and bodyguard's leave allowances

82. The 2nd Respondent has also refused to pay the allowances for Your Petitioner's driver and body guard and your Petitioner contends that the 2nd Respondent's omission to pay the leave allowances for the Petitioner's driver and body guard is discriminatory, amounts to victimization and is inconsistent with and in contravention of **articles 21(1) & (2), 22, 26, 28(1) 40(1) (6), 42, 40 (1) (c), 128(1), (2) & (7) and 173(a)** of the Constitution.

x. Refusal to allocate work to the Petitioner by the 1st Respondent

83. That since Your Petitioner returned from her leave on 27th June 2022; she has since been omitted from Supreme Court duty rosters and cause-lists despite informing the 1st Respondent, the Administrative Judge of the Supreme Court and the Registrar that she is available and ready to work.

84. That following the indefinite closure of the operations of the Supreme Court on 30th May 2022, the 1st Respondent directed that there would be a Justice on duty every week but your Petitioner has been excluded from all duty rosters released by the Registrar of the Supreme Court since 30th May 2022.

85. That the 1st Respondent's act of excluding your Petitioner from duty rosters and cause-lists and denying her work amounts to interference with the performance of the Supreme Court and the Petitioner's performance of her Judicial functions, is discriminatory, amounts to victimization and is inconsistent with and contravene **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 40 (1), & (2), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133 (1), 144 (1), (2), (3), (4), (5), (6), & (7), 149, 173 (a) & (b) and 259 (1) & (2)** of the Constitution.

xi. Withdrawal and refusal to reinstate the Petitioner's Research Assistant

86. That on 7th July 2022, your Petitioner's Research Assistant (who had been recently appointed as Magistrate Grade I in accordance with Judiciary policy) was summarily removed from the Petitioner's chambers by the 4th Respondent and redeployed in Jinja with the knowledge of the 1st Respondent.
87. That in contrast, the Research Assistants of all other Justices of the Supreme Court who had also been appointed as Magistrates Grade I, were retained by the respective Justices of the Supreme Court where they had been serving prior to the appointment.
88. That on 25th July 2022, your Petitioner copied to the 1st Respondent her internal memo to the 4th Respondent where she pointed out this anomaly and its likely effect on the performance of her judicial duties but both the 1st and 3rd Respondents did not take any action.
89. That on 10th August 2022, your Petitioner's Lawyers appealed to the 1st and 4th Respondents to intervene and stop the said unconstitutionality and unnecessary legal action which would ensue but the 1st, 4th and 6th Respondents still took no action.
90. The removal of your Petitioner's research assistant was done by the 4th Respondent with the full knowledge of your Petitioner's eye disability by the 1st and 4th Respondents.
91. That your Petitioner has not had any Research Assistance from July 2022 up to the date of filing this Petition and had=s been adversely affected and impacted in the performance of her Judicial functions.
92. That the removal and refusal to reinstate your Petitioner's Research Assistant by the 1st and 4th Respondents amounts to obstruction of

Justice and undermine the spirit, letter, and principles of independence of the Judiciary and are inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, 173 (a) & (b) and 259 (1) & (2)** of the Constitution.

xii. **Falsification of your Petitioner's work output and performance records by 1st and 2nd Respondents**

93. That with the 1st Respondent's knowledge and approval, Your Petitioner using her own resources traveled to the United States of America on 24th April 2021 for eye surgery and treatment.
94. That while your Petitioner was still undergoing treatment and monitoring of her eye surgery, your Petitioner became critically ill and was hospitalized in the United States of America on three different occasions.
95. That throughout the period of her treatment in the United States, Your Petitioner kept the 1st Respondent fully informed of her situation.
96. That Your Petitioner returned to the country on 18th September 2021 and immediately resumed Judiciary duties and informed the 1st and 2nd Respondents that her impaired sight would continue to affect her performance.
97. That despite your Petitioner's well documented eye disability, between 18th September 2021 and 31st December 2021, your Petitioner worked on the following Judgments and Rulings;-
- a) Civil Appeal No. 02 of 2016; Emmanuel Lukwajju vs Kyaggwe Coffee Curing Estates Ltd (Coram: Kisaakye; Arach-Amoko; Opio-Aweri; Mwonda; Tibatemwa-Ekirikubinza, JJSC) delivered on 4th of October 2021

- b) Civil Appeal No. 08 of 2018; Kamo Enterprises Ltd vs Krystalline Salt Limited, (Kisaakye; Arach-Amoko; Opio-Aweri; Mwondha; Tibatemwa-Ekirikubinza, JJSC) delivered on 8th October 2021.
- c) Constitutional Appeal No.1 of 2018; Hassan Basajjabalaba & Anor vs Attorney General (Kisaakye; Arach-Amoko; Mwondha; Tibatemwa-Ekirikubinza; Muhanguzi; Tuhaise; Chibita; JJSC) delivered on 19th November 2021.
- d) Misc. Application No. 11 of 2017; Tayebwa Robert vs Cresensio Mukasa. (Draft circulated by your Petitioner to Coram members on 8th November 2021)
- e) Misc. Application. No. 15 of 2017; Tayebwa Robert vs Cresensio Mukasa (Kisaakye; Arach-Amoko; Mugamba; Tuhaise; Chibita; JJSC) delivered on 22nd July 2022.
- f) Miscellaneous Application No. 12 of 2020; Senyimba Charles TA Charlston General Auctioneers & 3 Ors vs Herbert Walusimbi & 3 Ors heard on 8th December 2021. (Before: Hon. Justice Kisaakye, JSC)
- g) Constitutional Appeal 02 & 03 of 2020; Attorney General & Electoral Commission vs. Eddie Kwizera. (Kisaakye; Arach-Amoko; Mwondha; Mugamba; Muhanguzi; Tuhaise; Chibita; JJSC)
- h) Criminal Appeal No. 40 of 2017; Marani Ali & Marani Adam vs Uganda. (Draft Judgment prepared but not yet delivered)
- i) Civil Appeal No. 03 of 2018; Patrick Kaumba Wiltshire Vs Ismail Dabule. (Draft Judgment prepared but not yet delivered)

j) Civil Appeal No. 07 of 2019; Uganda Railways Corporation Vs Ekwaru D.O & 5104 Ors. (Draft Judgment prepared but not yet delivered)

98. That all the Judgments and Rulings that were delivered by the Court were delivered publicly with the full knowledge of the 1st and 2nd Respondents, were posted on the Uganda Legal Information Institute (ULII) website, also kept in the Supreme Court registry, reported in the Supreme Court Annual and Quarterly Reports and are readily available on the internet and in the Court archives.

99. That unknown to Your Petitioner, on 21st June 2021, the 1st Respondent submitted to the 5th Respondent an additional statement wherein the 1st Respondent informed the Judicial Service Commission that your Petitioner had never worked since 18th September 2021 in a bid to invoke, commence and/or support disciplinary action against the Petitioner.

100. Similarly, in his letter addressed to your Petitioner and copied to the 1st Respondent and other members of the Judiciary top leadership dated 1st July 2022, the 2nd Respondent who is not your Petitioner's supervisor;-

- a) Claimed that your Petitioner had never worked since September 2021;
- b) Summarily declared your Petitioner absent without official leave (AWOL) since September 2021;
- c) Deleted your Petitioner from the Government and Judiciary payroll with effect from July 2022;
- d) Demanded a Report from your Petitioner; and

e) Notified her that he would recover salary and money received unless your Petitioner complied with his directives.

101. That on 14th July 2022, your Petitioner responded to the 2nd Respondent and refuted the allegations that she never worked since 18th September 2021.

102. That the 1st Respondent who was copied in both the 2nd Respondent's letter and the Petitioner's response has up to date never taken action against the 2nd Respondent or defended your Petitioner against the 2nd Respondent's unfounded allegations contained in the 2nd Respondent's letter or those that were nationally and internationally relayed by the 2nd Respondent through print, visual and electronic media.

103. That the 1st and 2nd Respondent's finding the your Petitioner has not worked since 18th September 2021 and that she has been away without official leave (AWOL) since September 2021 amounts to falsification of your Petitioner's output and work records and is inconsistent with and in contravention of **Articles 20 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 35 (1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

xiii. Denial of a letter of undertaking to the Petitioner's Bankers by the 2nd Respondent

104. That on 22nd June 2022, Your Petitioner applied to the 2nd Respondent for a letter of undertaking to her bankers for a salary loan top up, and the 2nd Respondent declined to write the said letter of undertaking on grounds that your Petitioner was under investigations by the 5th Respondent.

105. That the 2nd Respondent's actions of denying your Petitioner a letter of undertaking to her bankers for a salary loan top up on grounds that

she was under investigations by the 5th Respondent when such letters are routinely issued to all Judicial Officers and Judiciary staff at all levels is inconsistent with and in contravention of **Articles 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 173 (a) & (b) and 259 (1) & (2)** of the Constitution.

xiv. **Removal of your Petitioner from the Judiciary and Government payroll by the 1st, 2nd and 6th Respondents**

106. That on an unspecified date, the 2nd Respondent purportedly acting under **Article 164(1)** of the Constitution gave instructions to the Judiciary staff responsible for processing Judges' salaries not to process your Petitioner's salary and benefits with effect from July 2022.

107. On 1st July 2022, the 2nd Respondent wrote a letter to the Petitioner and copied in the 1st Respondent wherein;-

- a) The 2nd Respondent declared your Petitioner "Away without Official Leave (AWOL)" since 18th September 2021 to 30th June 2022 without any due process.
- b) The 2nd Respondent required your Petitioner to submit a report of her performance to him contrary to well established reporting procedures for the performance of the Supreme Court as a whole.
- c) The 2nd Respondent made a finding that your Petitioner had not worked since 18th September 2021 to 30th June 2022.
- d) The 2nd Respondent notified your Petitioner that her salary and benefits with effect from July 2022 wouldn't be processed and paid.

- e) The 2nd Respondent made an Order that he would start recovering all the monies paid to your Petitioner from 18th September 2021 to June 2022 when she was allegedly away.
108. That the 1st and 2nd Respondents have up to date not served the Petitioner with the documents/reports relied upon by the 2nd Respondent to declare your Petitioner "Away Without Official Leave".
109. Your Petitioner contends that 1st and 2nd Respondent's acts and omissions of charging, investigating, holding hearings, determining charges, and sentencing her "Away Without Official Leave" since September 2021 to-date without ever notifying her of these accusations are unconstitutional.
110. That the 1st Respondent who is the head of the Judiciary and your Petitioner's supervisor at the Supreme Court took no action to avert these unconstitutional acts by the 2nd Respondent.
111. That on 18th July 2022, the 1st Respondent received your Petitioner's reply to the 2nd Respondent dated 14th July 2022 refuting the allegations and also pointing out the unconstitutionality of the 2nd Respondent's orders and demands but the 1st Respondent still took no action to avert the glaring unconstitutionality of the 2nd Respondent actions.
112. That your Petitioner was consequently removed from the Judiciary and Government payroll and was not paid her salary and benefits for July and August 2022 to her great financial and social embarrassment, general inconvenience, mental anguish and adverse publicity and institutional ridicule.

113. That on 24th August 2022, Housing Finance Bank wrote to your Petitioner and;-

- a) Informed her that her July salary had not been received from the judiciary,
- b) Informed her that the nonpayment of her salary by the 2nd Respondent was going to adversely affect her salary loan repayment, and
- c) Asked her to advise on how she was to fund her account for her loan to get back to normal.

114. That your Petitioner was removed from the Judiciary/Government Payroll after being accused of not working for the period between September 2021 to June 2022 in total disregard of the due process, the Constitution and;-

- a) The nationwide and Court's COVID lockdown which ended on 24th January 2022,
- b) Petitioner's ill health which is fully known to the 1st Respondent,
- c) The Judiciary policy on treatment of Judicial and non-judicial staff who are indisposed or incapacitated due to ill health.
- d) The Petitioner's work output during the said period which were readily available.
- e) The Petitioner's Leave.
- f) The closure of the Court by the 1st Respondent due to a fire breakout in April 2022.

g) The indefinite closure of the Court by the 1st Respondent from 30th May 2022 to date.

h) Work output of the 1st Respondent and all the Supreme Court Judicial staff and whose salaries have never been withheld for the period in question.

115. That on 10th August 2022, your Petitioner's Lawyers wrote to the 2nd Respondent challenging his decision and asked him to reinstate your Petitioner's salary and benefits.

116. The same letter was also copied to both the 1st and 6th Respondents and requested them to intervene and stop the said unconstitutional acts and omissions in order to avoid the unnecessary legal action which would ensue but the 1st & 6th Respondents still took no action up to the date of filing this Petition.

117. That from July 2022 to mid September 2022, Your Petitioner was deleted from the Judiciary payroll and was not paid her entire salary, housing allowance, medical allowance, and other benefits as a Justice of the Supreme Court.

118. That on 1st July 2022, the 2nd Respondent, with the knowledge of the 1st Respondent, also commenced recovery of monies paid to your Petitioner from 18th September 2021 to 30th June 2022.

119. That your Petitioner did not receive her salary, allowances and other benefits for the months of July and August 2022 at the time when all other Judicial and Non-Judicial staff were paid.

120. That on 7th September 2022, the 2nd Respondent wrote to your Petitioner informing her that he was reinstating her salary effective July to August 2022 and that salary for the month of September 2022 would be processed normally.

121. That as a result of the 1st, 2nd and 6th Respondent's acts and omissions, Your Petitioner has been directly affected in the performance of her Judicial duties and was financially and socially embarrassed, greatly constrained to undertake her Judicial functions and her Judicial, professional and personal reputation severely damaged nationally and internationally in her family, community, court-users and the general public.

122. Your Petitioner contends that the 2nd Respondent's act of:-

- (a) Demanding a performance report from your Petitioner outside Court reporting procedures is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133, 147 (1) (a) & (d), 148A, 149, 164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**
- (b) Constituting himself into a Supervisor of a Justice of the Supreme Court is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133, 147 (1) (a) & (d), 148A, 149, 164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**
- (c) Assuming the Judicial and administrative powers of the Chief Justice or of the Deputy Chief Justice is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133, 147 (1) (a) & (d), 148A, 149, 164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**
- (d) Constituting himself into a tribunal, granting himself powers to charge, investigate, prosecute, hear, determine, convict, sentence, and execute disciplinary measures against your Petitioner is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A,**

149,164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.

- (e) Drawing from the consolidated fund and withholding and/or refusing to pay salary and others benefits of a Justice of the Supreme Court against whom proper disciplinary hearings have not been completed is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 26 (1) & (2), 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149,164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**
- (f) Summarily and arbitrary removing your Petitioner from the Judiciary/Government payroll before the conclusion of proper disciplinary proceedings against her is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 25 (1), (2) & (3), 26 (1) & (2), 28(1), 35 (1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149,164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**
- (g) Assuming the Powers of the President of Uganda on discipline, suspension and removal of Judicial Officers is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149,164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**
- (h) Assuming the powers of the Judicial Service Commission to receive and process complaints against Judicial Officers **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 26 (1) & (2), 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A,**

149,164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.

123. That the 1st, 2nd, and 6th Respondent's action of deleting your Petitioner from the government payroll for two and a half months interfered with your Petitioner's Judicial Independence, interfered with the performance of your Petitioner's Judicial functions, was discriminatory, amounts to victimization is inconsistent with and contravenes the provisions of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 26 (1) & (2), 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) (5) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 154 (1), (2), & (3), 164 (1) & (2), 173 (a) & (b), 174 and 259 (1) & (2)** of the Constitution.

xv. **Indefinite Closure of the Supreme Court from 30th May 2022 by the 1st Respondent**

124. That by an internal memo dated 30th May 2022 addressed to the Justices of the Supreme Court, the 1st Respondent indefinitely closed the Supreme Court and this closure was made public by a News Release communicated by the Judiciary on 1st June 2022.

125. That following the issue of the internal memo and press release, the 1st Respondent all Judicial and non-judicial staff were ordered to stay away from the Supreme Court premises at Kololo and this remains the status up to the time of filing this Petition.

126. That no alternative premises were provided, rented, or allocated to house your Petitioner, other the Supreme Court Justices and staff from 30th May 2022 for them to perform their respective Judicial and non-judicial duties.

127. That since the indefinite closure of the Supreme Court, the Country has not had a functional Supreme Court from 1st June 2022 to the date

of filing this Petition which has not heard Constitutional, Criminal and Civil Appeals.

128. Your Petitioner contends that the indefinite closure of the Supreme Court by the 1st Respondent undermines the letter, spirit, and principles of access to Justice, timely and effective delivery of Justice, contravenes and is inconsistent with Objectives V(i), VIII, XXVI, XXIX (f) & (g) of the National Objective and Directive Principles of state Policy and **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, and 259 (1) & (2)** of the Constitution.

xvi. **Omission to render legal advice by the 6th Respondent**

129. That the 6th Respondent omission to advise the 1st, 2nd, 3rd, 4th & 5th Respondents on how to Constitutionally exercise and discharge their duties is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 24 (2) & (3), 28(1), 35 (1), 40 (1) (a), 42, 44 (1) (c), 45, 119 (1), (2), (3), & (4), 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 133, 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 164 (1) & (2), 173 (a) & (b), 174 and 259 (1) & (2)** of the Constitution and is liable for his omission to advise the 5th Respondent with respect to its treatment of Your Petitioner and about the general inquiry.

130. The 6th Respondent is liable for all the said respective unconstitutional acts and omissions of the 1st, 2nd, 3rd, 4th, and 5th Respondents disclosed herein.

131. Your Petitioner further contends that the Respondents' said actions and omissions have been high handed and occasioned with impunity and with total disregard to the Constitution of Uganda and all domestic laws and international instruments to which Uganda is a party.

132. That the impugned actions and omissions of all the Respondents herein disclosed are also inconsistent with Objectives I(i), III (i), (ii), (iii), & (iv), V(i) and XXVI (i) &(ii) of the National Objectives and Directive Principles of State Policy as enshrined in the Constitution of Uganda.

133. That the Respondents have been acting as an organized syndicate that strikes in a separate but coordinated manner with the apparent objective of punishing the Petitioner for exercising her right and duty to read her reasoned Rulings in Miscellaneous Applications No. 1, 4 & 5 of 2021 all arising out of Presidential Petition No. 1 of 2021, Kyagulanyi Ssentamu Robert vs. Yoweri Museveni Tibuhaburwa, Electoral Commission & Attorney General and the Respondents have made it impossible for your Petitioner to perform her judicial duties.

D. Need for Constitutional Interpretation

134. That your Petitioner contends that it is necessary for this Honorable Court to interpret **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 25 (1), (2) & (3), 26 (1) & (2), 28(1), 35 (1), 40 (1) (b), 42, 44 (1) (c), 45, 104 (1) & (3), 119 (1), (3), & (4)126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 154 (1), (2) and (3), 164 (1) & (2), 173 (a) & (b), 174 (1) & (3) and 259 (1) & (2) and other Articles** of the Constitution cited herein to ascertain their true meaning, import and application in order to determine whether the impugned actions and omissions of the Respondents are inconsistent with and in contravention of the said Articles.

135. The above stated unconstitutional acts and omissions of the Respondents have directly and indirectly interfered with Your Petitioner's performance of her judicial duties and the fulfillment of the Oath of allegiance, the Judicial Oath and timely and effective delivery of justice.

Need for redress

136. That as a consequence of the said acts and omissions of all the Respondents, your Petitioner is affected and aggrieved and seeks monetary and non-monetary redress against all the Respondents severally and/or jointly for the said unconstitutional acts and omissions of all the Respondents.
137. In the alternative, the 6th Respondent is liable for all the said respective unconstitutional acts and omissions of the 1st, 2nd, 3rd, 4th, 5th and 6th Respondents disclosed herein.
138. The 1st, 4th, 5th and 6th respondents are highly knowledgeable in the Law but chose to contravene the Constitution with impunity through their respective acts and omissions cited in this petition.
139. The 2nd and 3rd Respondent are very experienced civil servants with good knowledge of the Constitution and employment Laws but deliberately acted with impunity to violate the Constitution.
140. Your petitioner engaged the 1st to the 5th Respondents through the Judiciary and the 5th Respondent's internal mechanisms respectively from March 18th, 2021, to the date of filing this Petition but the Respondents have all severally and jointly continued to violate the Constitution with impunity.
141. This Petition is supported by your Petitioner's Affidavit and at the hearing; she will rely on all the documents attached on her Affidavit.

E. PRAYERS

WHEREFORE your Humble Petitioner prays that this Honorable Court be pleased to grant the following Declarations, redress and Orders:-

F. DECLARATIONS THAT:

Obstruction of Justice

- (a) The 1st Respondent's action of directing your Petitioner not to deliver her reasoned Rulings in Miscellaneous Applications No. 1, 3, 4 & 5 of 2021 all arising out of Presidential Petition No. 1 of 2021, Kyagulanyi Ssentamu Robert vs. Yoweri Museveni Tibuhaburwa, Electoral Commission & Attorney General amounts to obstruction of Justice and undermines the spirit, letter, and principles of Judicial independence and is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 20 (1), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 128 (1), (2) & (3), 129 (2), 131 (1), 133 (1), 144 (1), (2), (3) & (4), 149, 173 (a) & (b) and 259 (1) & (2)** of the Constitution of Uganda.
- (b) That the 1st Respondent's action of confiscating your Petitioner's files for the said Miscellaneous Applications using armed police officers is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 28(1), 44 (1) (c), 45, 104 (1) & (3), 119 (1), (3) & (4), 126 (1) & (2), 128 (1), (2) & (3), 129 (2), 133 (1), 144 (1), (2), (3) & (4), 149, and 259 (1) & (2)** of the Constitution of Uganda.
- (c) The 6th Respondent is severally responsible for the confiscation your Petitioner's files using armed police officers on the orders of the 1st Respondent which act is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 28(1), 44 (1) (c), 45, 104 (1) & (3), 119 (1), (3) & (4), 126 (1) & (2), 128 (1),**

(2) & (3), 129 (2), 133 (1), 144 (1), (2), (3) & (4), 149, and 259 (1) & (2) of the Constitution of Uganda.

(d) That the 1st Respondent's action of refusing to return the said files to your Petitioner from 18th March 2021 to date is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 128 (1), (2) & (3), 129 (2), 129 (2), 131 (1), 133 (1), 144 (1), (2), (3) & (4), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

(e) That the 1st Respondent's action of denying the parties and the public the full reasoned Rulings in the said Miscellaneous Applications from 18th March 2021 to the time of filing this Petition is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 128 (1), (2) & (3), 129 (2), 131 (1), 133 (1), 144 (1), (2), (3) & (4), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

(f) That the 1st Respondent's action of locking up the Court tent which had served as the Court room, switching off the lights and the public address system to prevent the Petitioner from delivering her Rulings is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 128 (1), (2) & (3), 131 (1), 133 (1), 144 (1), (2), (3) & (4), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

Closure of Court Premises on 19th March 2021

(g) The 1st Respondent's act and/or omission to prevent or reverse the closure of the Supreme Court premises and locking out litigants, the press and the public on 19th March 2021 are inconsistent with and contravene **Articles 1 (1) & (3), 2 (1) & (2), 21 (1), (2) & (3), 28(1) & (2), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 127, 128 (1), (2)**

& (3), 131 (1), 133 (1), 144 (1), (2), (3) & (4), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.

(h) That the 6th Respondent is responsible for the acts of the armed police officers of locking the supreme court gate on 19th March 2021 to lock out court users and to prevent your Petitioner from delivering her consolidated Rulings and those acts are inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 21 (1), (2) & (3), 28(1) & (2), 42, 44 (1) (c), 45, 104 (1) & (3), 126 (1) & (2), 127, 128 (1), (2) & (3), 131 (1), 133 (1), 144 (1), (2), (3) & (4), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

Issuance of a deceitful and defamatory Press Statement

(i) The Petitioner contends that the acts of the 1st Respondent and the officials of the Judiciary of issuing a deceitful and defamatory Press Release about your Petitioner and about the events that took place on 18th March 2021 at the Supreme Court are inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

Denial of funds for medical treatment

(j) That the 1st and 2nd Respondent acts and omissions of denying the Petitioner resources for medical treatment are inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22, 24, 28(1), 35 (1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

Failure to recognize and/or follow seniority

(k) That the 1st Respondent's summary removal of your Petitioner as Administrator Judge of the Supreme Court and replacing her with a Justice who is junior to your Petitioner is inconsistent with **Articles 1**

(1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (3), 131 (1), 133 (3), 147 (1) (a) & (d), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.

Secretive investigations

(l) That the actions of the 5th Respondent of conducting covert investigations against the Respondent in disregard of the due process and the rules of natural justice is inconsistent with and in contravention of the provisions of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 40 (1) (a), 42, 44 (1) (c), 45, 119 (1), (3), & (4), 126 (1) & (2), 128 (1), (2) & (7), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 164 (1) & (2), 173 (a) & (b), 174 and 259 (1) & (2)** of the Constitution.

Omission to investigate other complaints

(m) The 5th Respondent's omission, neglect, and/or deliberate refusal to process the complaints made by your Petitioner, by Mr. Male Mabirizi, one of the litigants on 19th March, 2021, and by Mr. Kyagulanyi Ssentamu Robert, the Party President for National Unity Platform and the Petitioner in Presidential Petition No. 1 of 2021 on 25th March 2021 against the 1st Respondent and instead choose to investigate your Petitioner is discriminatory and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 173 (a) & (b) and 259 (1) & (2)** of the Constitution.

Denial of leave

(n) The 1st Respondent's refusal to approve your Petitioner's leave, the 3rd Respondent's neglect/refusal and/or omission to process your Petitioner's leave application forms, and the 2nd Respondent's

failure to supervise the 3rd Respondent and to guide the 1st Respondent are inconsistent with and in contravention of the provisions of **Articles 1 (1) & (3), 2 (1) & (2), 20, 21 (1), (2) & (3), 26, 28(1), 40 (1) (c), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (7), 133 (1), 173 (a) & (b) and 259 (1) & (2)** of the Constitution.

Denial of driver and bodyguard's leave allowances

(o) The 2nd Respondent's omission to pay the leave allowances for the Petitioner's driver and body guard is discriminatory, amounts to victimization and is inconsistent with and in contravention of **articles 21(1) & (2), 22, 26, 28(1) 40(1) (6), 42, 44(c) 128(1), (2) & (7) and 173(a)** of the Constitution.

Refusal to allocate work to your Petitioner

(p) That the 1st Respondent's act of excluding your Petitioner from duty rosters and cause-lists of the Supreme Court and denying her work amounts to interference with the performance of the Supreme Court and the Petitioner's performance of her Judicial functions, discrimination and victimization and is inconsistent with and contravene **Articles 20 (1) & (2), 21 (1), (2) & (3), 28(1), 40 (1), & (2), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133 (1), 144 (1), (2), (3), (4), (5), (6), & (7), 149, 173 (a) & (b) and 259 (1) & (2)** of the Constitution.

Withdrawal and Refusal to reinstate Petitioner's Research Assistant

(q) That the removal and refusal to reinstate your Petitioner's Research Assistant by the 1st and 4th Respondents amounts to obstruction of Justice and undermine the spirit, letter, and principles of independence of the Judiciary and are inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128**

(1), (2) & (7), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.

Falsification of work output and performance

(r) The 1st and 2nd Respondent's finding the your Petitioner has not worked since 18th September 2021 and that she has been away without official leave (AWOL) amounts to falsification of your Petitioner's output and work records and is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 35 (1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

Denial of letter of Undertaking to the Bank

(s) The 2nd Respondent's actions of denying your Petitioner a letter of undertaking to her bankers for a salary loan top up on grounds that she was under investigations by the 5th Respondent when such letters are routinely issued to all Judicial Officers and Judiciary staff at all levels is inconsistent with and in contravention of **Articles 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

Removal from payroll

(t) The 2nd Respondent's act of demanding a performance report from your Petitioner outside Court reporting procedures is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133, 149, 164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

- (u) The 2nd Respondent's act of constituting himself into a Supervisor of a Justice of the Supreme Court is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133, 149, 164 (1) & (2), 173 (a) & (b) and 259 (1) & (2)** of the Constitution.
- (v) The 2nd Respondent's act of assuming the Judicial and administrative powers of the Chief Justice or of the Deputy Chief Justice is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133, 149, 164 (1) & (2), 173 (a) & (b) and 259 (1) & (2)** of the Constitution.
- (w) The 2nd Respondent's act of constituting himself into a tribunal, granting himself powers to charge, investigate, prosecute, hear, determine, convict, sentence, and execute disciplinary measures against your Petitioner is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 164 (1) & (2), 173 (a) & (b) and 259 (1) & (2)** of the Constitution.
- (x) The 2nd Respondent's act of drawing from the consolidated fund and withholding and/or refusing to pay salary and others benefits of a Justice of the Supreme Court against whom proper disciplinary hearings have not been completed for two and a half months is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 26 (1) & (2), 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) (5) & (7), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 154 (1), (2), & (3), 164 (1) & (2), 173 (a) & (b), 174 and 259 (1) & (2)** of the Constitution.
- (y) The 2nd Respondent's act of summarily and arbitrarily removing your Petitioner from the Judiciary/Government payroll before the

conclusion of proper disciplinary proceedings against her is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 26 (1) & (2), 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 131 (1), 133, 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149,164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

(z) The 2nd Respondent's act of assuming the Powers of the President of Uganda on discipline, suspension and removal of Judicial Officers is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 119 (1), (3), & (4), 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149,164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

(aa) The 2nd Respondent's act of assuming the powers of the Judicial Service Commission to receive and process complaints against Judicial Officers is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 22 (1), 24, 26 (1) & (2), 28(1), 40 (1) (b), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149,164 (1) & (2), 173 (a) & (b) and 259 (1) & (2) of the Constitution.**

(bb) The 1st, 2nd, and 6th Respondent's action of deleting your Petitioner from the government payroll for two and a half amounts to interference with the performance of your Petitioner's Judicial functions, discrimination and victimization and is inconsistent with and contravenes the provisions of **Articles 1 (1) & (3), 2 (1) & (2), 28(1), 35 (1), 40 (1) (b), 42, 45, 126 (1) & (2), 128 (1), (2) (5) & (7), 129 (2), 131 (1), 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149,164 (1) & (2), 173 (a) & (b), 174 and 259 (1) & (2) of the Constitution.**

Indefinite closure of the Supreme Court

(cc) The indefinite closure of the Supreme Court by the 1st Respondent undermines the letter, spirit, and principles of access to Justice, timely and effective delivery of Justice, contravenes and is inconsistent with Objectives V(i), VIII, XXVI, XXIX (f) & (g) of the National Objective and Directive Principles of state Policy and **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 28(1), 42, 44 (1) (c), 45, 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 133 (1), 144 (2) (3) (4) & (5), 149, and 259 (1) & (2)** of the Constitution.

Omission to render legal advice

(dd) That the 6th Respondent omission to advise the 1st, 2nd, 3rd, 4th & 5th Respondents on how to Constitutionally exercise and discharge their duties is inconsistent with and in contravention of **Articles 1 (1) & (3), 2 (1) & (2), 20 (1) & (2), 21 (1), (2) & (3), 24 (2) & (3), 28(1), 35 (1), 40 (1) (a), 42, 44 (1) (c), 45, 119 (1), (3), & (4), 126 (1) & (2), 128 (1), (2) & (7), 129 (2), 131 (1), 133, 144 (1) (2) (3) (4) & (5), 147 (1) (a) & (d), 148A, 149, 164 (1) & (2), 173 (a) & (b), 174 and 259 (1) & (2)** of the Constitution and is liable for his omission to advise the 5th Respondent on the due process of conducting a general inquiry.

General

(ee) The impugned actions and omissions of all the Respondents herein disclosed are also inconsistent with Objectives I(i), III (i), (ii), (iii), & (iv), V(i) and XXVI (i) & (ii) of the National Objectives and Directive Principles of State Policy as enshrined in the Constitution of Uganda.

(ff) The 6th Respondent is liable for all the said respective unconstitutional acts and omissions of the 1st, 2nd, 3rd, 4th, and 5th Respondents.

(gg) That the Court makes any other necessary declarations regarding the unconstitutional acts and omissions of the Respondents as pleaded herein so as to restore public confidence and trust in the Judiciary of Uganda.

G. ORDERS THAT:

- a) The Petitioner's Rulings and files for Miscellaneous Applications No. 1, 3, 4 & 5 all arising out of Presidential Election Petition No. 1 of 2021, Kyagulanyi Ssentamu Robert vs. Yoweri Museveni Tibuhaburwa, Electoral Commission & Attorney General confiscated by the 1st Respondent be immediately returned to the Petitioner by the 1st Respondent.
- b) The Petitioner be allowed to deliver her full Rulings in Miscellaneous Applications No. 1, 3, 4 & 5 all arising out of Presidential Election Petition No. 1 of 2021, Kyagulanyi Ssentamu Robert vs. Yoweri Museveni Tibuhaburwa, Electoral Commission & Attorney General.
- c) A permanent injunction doth issue barring the 1st Respondent, his agents and/or servants from ever directing, ordering and/or closing of the Supreme Court gate/premises to prevent a Justice from delivering her Judgment/Ruling or to lock out litigants, the media, other Court users and members of the general public.
- d) The Petitioner be refunded with the cost of buying a pair of reading glasses and the expense incurred for the eye surgery in the United States of America.
- e) That at the cost of all the Respondents, the Judiciary press release of 19th March 2021 be retracted by a widely published notice in the National and international press and removed from the Judiciary website and an apology be published on the National and International Press and on the Judiciary website for 5 years to

remedy the damages done to the Supreme Court of Uganda and the Petitioner.

- f) The Petitioner be immediately reinstated as the administrative Justice of the Supreme Court by the 1st Respondent.
- g) The Petitioner's leave forms be immediately processed by the 3rd Respondent retrospectively and her leave be approved by the 1st Respondent with effect from 28th December 2021 to 26th June 2022.
- h) The Petitioner be included in the Supreme Court duty rosters and cause lists and be allocated work to do.
- i) The 1st and 4th Respondent's decision to withdraw and redeploy the Petitioner's Research Assistant to Jinja leaving the Petitioner without a Research Assistant be set aside and/or quashed.
- j) The Petitioner's Research Assistant be reinstated by the 4th Respondent or a new Research Assistant of your Petitioner's choice be immediately appointed by the Respondent and posted to your Petitioner's chambers.
- k) The 1st and 2nd Respondent's finding that the Petitioner has not worked since 18th September 2021 and that she has been away without official leave (AWOL) be quashed and/or set aside.
- l) A permanent injunction doth issue barring the 1st, 2nd, and 6th Respondents, their agents, servants and workmen from ever interfering with, tampering with, withholding funds drawn from the Consolidated Fund, and from refusing to pay salary and other allowances to the Petitioner without first following the due process.
- m) A permanent injunction doth issue barring the 1st, 2nd, and 6th Respondents, their agents, servants and workmen from ever causing

the indefinite closure and cessation of the operations of the Supreme Court.

- n) The 1st, 2nd, and 6th Respondents immediately find alternative suitable premises to allow the full resumption of Supreme Court sittings and operations.
- o) The 2nd Respondent do immediately pay the leave allowances for the Petitioner's driver and body guard.
- p) The 2nd Respondent immediately issues to the Petitioner a letter of undertaking to the Petitioner's bankers for a salary loan top up as requested for by the Petitioner on 22nd June 2022.
- q) The 5th Respondent immediately stops all unconstitutional investigations/inquiries against the Petitioner.
- r) The 5th Respondent immediately processes the complaints made by your Petitioner, by Mr. Kyagulanyi Ssentamu Robert, the Party President for National Unity Platform and the Petitioner in Presidential Petition No. 1 of 2021 on 25th March 2021 against the 1st Respondent and by Mr. Male Mabirizi, one of the litigants on 19th March, 2021.
- s) The 5th Respondent's findings contained in their preliminary inquiry findings on the events that occurred at the Supreme Court on 18th and 19th March 2021 arising out of Presidential Election Petition No. 1 of 2021 Kyagulanyi Ssentamu Robert vs. Yoweri Museveni Tibuhaburwa, Electoral Commission & Attorney General be quashed/set aside.
- t) The 2nd Respondent pays interest at 25% per annum on the Petitioner's salary and allowance for the period when the said salary and allowances were unconstitutionally withheld by the 2nd Respondent and also pays all the Bank penalties incurred by the Petitioner to her bankers when her salary was not remitted to the

Bank to service her salary loan with compound interest thereon at 25% per annum from the time the penalties were incurred till payment in full.

- u) The Respondents jointly and severally pay General Damages to the Petitioner with interest thereon at 25% p.a from date judgment till payment in full for;-
 - i. Damages to her judicial, professional and personal reputation from 18th March 2021 till the filing of this Petition.
 - ii. Pain, suffering and mental anguish suffered from 18th March 2021 till the filing of this Petition.
 - iii. Damage to her credit worthiness with her bankers for the delayed payment of her salary loan installments.
- v) The Respondents jointly and severally pay Punitive damages to the Petitioner with interest thereon at 25% p.a from date judgment till payment in full.
- w) That all the Respondents do put in place a conducive working environment that will permit the Petitioner and the Supreme Court as a whole to perform its Constitutional mandate effectively.
- x) That the Court makes such further declarations and Orders against the Respondents as are necessary to effectively reverse the adverse effect of the Respondent's and omissions actions on the Petitioner and the Judiciary generally.
- y) The Respondents jointly and severally pay the Costs of the petition.

DATED at Kampala this 22nd day of September, 2022.

Shirakye

PETITIONER

[Signature]

KBW ADVOCATES
[COUNSEL FOR PETITIONER]

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