

THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT MBALE
CONSOLIDATED CONSTITUTIONAL PETITION CASES Nos. 44 OF 2017, 49 OF 2017,
01 OF 2018, 03 OF 2018, 10 OF 2018, & 13 OF 2018.

MALE H. MABIRIZI K. KIWANUKA PETITIONER

VERSUS

ATTORNEY GENERAL RESPONDENT

AND

KARUHANGA KAFUREEKA PETITIONER

VERSUS

THE SPEAKER OF PARLIAMENT RESPONDENT

AND

UGANDA LAW SOCIETY PETITIONER

VERSUS

ATTORNEY GENERAL RESPONDENT

AND

PROSPER BUSINGYE PETITIONER

VERSUS

ATTORNEY GENERAL RESPONDENT

AND

ABAIME JONATHAN PETITIONER
VERSUS
ATTORNEY GENERAL RESPONDENT

AGREED ISSUES

1. Whether sections 2 and 8 of the Act extending or enlarging of the term or life of Parliament from 5 to 7 years is inconsistent with and/or in contravention of Articles 1, 8A, 7, 77(3), 77(4), 79(1), 96, and 233(2)(b), of the Constitution.
2. And if so, whether applying it retroactively is inconsistent with and/or in contravention of Articles 1, 8A, 7, 77(3), 77(4), 79(1), 96, and 233(2)(b), of the Constitution.
3. Whether sections 6 and 10 of the Act extending the current life of Local Government Councils from 5 to 7 years is inconsistent with and/or in contravention of Articles 1, 2, 8A, 176(3), 181(4), and 259(2)(a) of the Constitution.
4. If so, whether applying it retroactively is inconsistent with and/or in contravention of Articles 1, 2, 8A, 176(3), 181(4), and 259(2)(a), of the Constitution.
5. Whether the alleged violence/scuffle inside and outside Parliament during the enactment of the Act was inconsistent and in contravention of Articles 1, 2, 3(2), and 8A, of the Constitution.
6. Whether the entire process of conceptualizing, consulting, debating and enacting the Act was inconsistent with and/or in contravention of Articles of the Constitution as hereunder:-
 - (a). Whether the introduction of the Private Member's Bill that led to the Act was inconsistent with and/or in contravention of Article 93 of the Constitution.

- (b). Whether the passing of sections 2, 5, 6, 8, and 10, of the Act, are inconsistent with and /or in contravention of Article 93 of the Constitution.
 - (c). Whether the actions of Uganda Peoples Defence Forces and Uganda Police in entering Parliament, allegedly assaulting Members in the chamber, arresting and allegedly detaining the said Members is inconsistent with and/or in contravention of Articles 24, 97, 208(2), and 211(3), of the Constitution.
 - (d). Whether the consultations carried out were marred with restrictions and violence which were inconsistent with and/or in contravention of Articles 29(1)(a)(d)(e) and 29(2)(a) of the Constitution.
 - (e). Whether the alleged failure to consult on sections 2, 5, 6, 8, and 10, is inconsistent with and/or in contravention of Articles 1, and 8A of the Constitution.
 - (f). Whether the alleged failure to conduct a referendum before assenting to the Bill containing sections 2, 5, 6, 8, and 10, of the Act was inconsistent with, and in ccontravention of Articles 1, 91(1) and 259(2), 260, and 263(2)(b) of the Constitution.
7. Whether the alleged failure by Parliament to observe its own Rules of Procedure during the enactment of the Act was inconsistent with and in contravention of Articles 28, 42, 44, 90(2), 90(3)(c) and 94(1), of the Constitution.
- (a). Whether the actions of Parliament preventing some members of the public from accessing Parliamentary chambers during the presentation of the Constitutional Amendment Bill No. 2 of 2017 was inconsistent with and in contravention of the provisions of Articles 1, 8A, 79, 208(2), 209, 211(3), 212, of the Constitution.

- (b). Whether the act of tabling Constitutional Bill No. 2 of 2017, in the absence of the Leader of Opposition, Chief Whip, and other opposition members of Parliament was in contravention of and or inconsistent with Articles 1, 8A, 69(1), 69(2)(b), 71, 74, 75, 79, 82A, and 108A, of the Constitution.
- (c). Whether the alleged actions of the Speaker in permitting Ruling Party Members of Parliament to sit on the opposition side of Parliament was inconsistent with Articles 1, 8A, 69(1), 69(2)(b), 71, 74, 75, 79, 82A, 83(1)(g), 83(3), and 108A, of the Constitution.
- (d). Whether the alleged act of the Legal and Parliamentary Affairs Committee of Parliament in allowing some committee members to sign the Report after the public hearings on Constitutional Amendment Bill No. 2 of 2017, was in contravention of Articles 44(c), 90(1), and 90(2) of the Constitution.
- (e). Whether the alleged act of the Speaker of Parliament in allowing the Chairperson of the Legal Affairs Committee, on 18th December 2017, in the absence of the Leader of Opposition, Opposition Chief Whip, and other Opposition Members of Parliament, was in contravention of and inconsistent with Articles 1, 8A, 69(1), 69(2)(b), 71, 74, 75, 79, 82A, and 108A, of the Constitution.
- (f). Whether the actions of the Speaker in suspending the 6 (six) Members of Parliament was in contravention of Articles 28, 42, 44, 79, 91, 94, and 259 of the Constitution.
- (g). Whether the action of Parliament in:-
 - (i) waiving the requirement of a minimum of three sittings from the tabling of the Report yet it was not seconded.

- (ii) of closing the debate on Constitutional Amendment Bill No. 2 of 2017 before every member of Parliament could debate on the said Bill.
 - (iii) failing to close all doors during voting.
 - (iv) failing to separate the second and third reading by at least fourteen sitting days are inconsistent with and/or in contravention of Articles 1, 8A, 44(c), 79, 94, and 263 of the Constitution.
8. Whether the passage of the Act without observing 14 sitting days of Parliament between the 2nd and 3rd Reading was inconsistent with and/or in contravention of Articles 262 and 263(1) of the Constitution.
9. Whether the Presidential assent to the Bill allegedly in absence of a certificate of compliance from the Speaker and certificate of the Electoral Commission that the amendment was approved at a referendum was inconsistent with and in contravention of Article 263(2)(a) and (b) of the Constitution.
10. Whether section 5 of the Act, which reintroduces term limits and entrenches them as subject to referendum is inconsistent with and/or in contravention of Article 260(2)(a) of the Constitution.
11. Whether section 9 of the Act, which seeks to harmonise the seven year term of Parliament with Presidential term is inconsistent with and/or in contravention of Articles 105(1) and 260(2) of the Constitution.
12. Whether sections 3, and 7, of the Act, lifting the age limit are inconsistent with and/or in contravention of Articles 21(3) and 21(5) of the Constitution.
13. What remedies are available to the parties?