

5

THE REPUBLIC OF UGANDA

IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA

*[Coram: Egonda-Ntende, Musoke, Madrama, Mugenyi & Gashirabake,
JJA/JJCC]*

Constitutional Petition No.019 of 2018

10

BETWEEN

ABONEKA MICHEAL..... Petitioner

AND

WATOTO CHURCH LTDRespondent

JUDGMENT OF CHRISTOPHER GASHIRABAKE, JA/JCC

15 **Introduction**

The Petitioner brings this action seeking a declaration that the Respondent's mandatory requirements for a letter of blessing from bride's parents or guardians, HIV testing and counselling report from three specific medical centres, pastor's interview with the intending couple and consent /blessing from the parents of the
20 bride are unconstitutional and contrary to articles 31, 27 and 33(4) and (6) of the Constitution.

It is the contention for the petitioner that the mandatory requirement of the letter of blessing from the bride's parents or guardians offends the right to free will and consent to marriage and is in contravention of Articles 31(1) & (3) of the
25 constitution of the Republic of Uganda. The petitioner further contends that mandatory requirement for a pastor's interview / interaction with intending couple with absolute power, unfounded in law to declare them fit or not for marriage is unconstitutional and contrary to Article 31 of the constitution.

It is further contended that the mandatory requirement of an HIV testing and
30 counselling report from medical facilities violates the right to privacy of an individual contrary to Article 27(2) of the constitution. The petitioner contended that the letter requiring a letter of consent/ blessings from the parents of the bride

5 only and not that of the groom, is discriminatory in nature and undermines the dignity, welfare, interest, and status of the women and is in contravention with Articles 33(4), (6) of the constitution.

The petitioner argued that the impugned guidelines are contrary to Articles 31, 27(2), and 33(4) and (6) of the constitution of the Republic of Uganda.

10 The petition was supported by an affidavit sworn by the Petitioner.

The respondent opposed this petition and, contended that the impugned guidelines do not contravene any provisions of the constitution. The respondent further contended that the guidelines do not require the couple to seek parental consent but rather parental blessings. The respondent further averred that the
15 consent is to confirm the daughter's age and her consent to get married. The respondent further contended that the pastor does not make any declaration of fitness for marriage. That the requirement for HIV testing and counselling enables the intending couple to make a free and informed choice. The respondent contended that the petitioner is not entitled to any of the declarations sought and
20 should be dismissed with costs.

The answer to the petition was supported by affidavits sworn by Julius Rwotlonyo an Associate Team Leader, giving over sight to Watoto Leadership Team and Joshua Mugabi, a pastor with the respondent in charge of family and counselling.

Legal Representation

25 At the hearing, the petitioner represented himself, while Mr. Francis Gimara, and Laston Gulume appeared for the Respondent Watoto church. Ms. Claire Kukunda Senior State Attorney appeared for the Attorney General.

Analysis

Before I proceed with the analysis ,I need to point out that clause 6 of Article 33
30 was repealed. Any reference to it by the petitioner is therefore misplaced.

5 The principles for constitutional interpretation were down by Mwondha JSC, in
David Tusingwire vs. Attorney General, [2017] UGSC 11, thus;

10 '(i) The constitution is the Supreme law of the land and forms the standard
upon which all other laws are judged. Any law that is inconsistent with or on
contravention of the Constitution is null and void to the extent of its
inconsistency (see Article 2(2) of the Constitution. Also see **Presidential
Election Petition No. of the 2006 (SC) Rtd Dr. Col. Kiiza Besigye v. Y.K.
Museveni**.

15 (ii). In determining the constitutionality of a legislation, its purpose and effect
must be taken into consideration. Both purpose and effect are relevant in
determining the constitutionality of either unconstitutional purpose or
unconstitutional effect animated by the object the legislation intends to
achieve. see **Attorney General v. Salvatori Abuki Constitutional Appeal
No. 1 of 1988(SC)**

20 (iii). The entire Constitution has to be read together as an integral whole with
no particular provision destroying the other but each sustaining the other. This
is the rule of harmony, the rule of completeness and exhaustiveness (see **P.K
Ssemwogerere and Another v. Attorney General Constitution Appeal No.
1 of 2002 (SC) and The Attorney General of Tanzania vs. Rev.
Christopher Mtikila (2010) EA13**.

25 (iv). A Constitutional provision containing a fundamental human right is a
permanent provision intended to cater for all times to come and therefore
should be given dynamic, progressive liberal and flexible interpretation
keeping in view the ideals of the people, their social economic and political
cultural value so as to extend the benefit of the same to the maximum possible.
30 see Okello Okello John Livingstone and 6 others vs. The Attorney General
and another Constitutional Petition No. 1 of 2005, South Dakota v. South
Carolina 192, USA 268. 1940.

35 (v). Where words or phrases are clear and unambiguous, they must be given
their primary, plain ordinary or natural meaning. The language used must be
construed in its natural and ordinary sense.

(vi) Where the language of the constitution or a statute sought to be interpreted
is imprecise or ambiguous a liberal, general, or purposeful interpretation

5 should be given to it. (See. **Attorney General vs Major General David Tinyefuza ,Constitutional Appeal No. 1 of 1997 (SC).**

(vii). The history of the country and the legislative history of the constitution is also relevant and useful guide to constitutional interpretation see (**Okello John Livingstone and 6 others v. Attorney General and another** (supra)).

10 (viii) The National objectives and Directive principles of state policy are also a guide in the interpretation of the Constitution. Article 8A of the Constitution is instructive for applicability of the objectives.’

Secondly, the burden of proof rests with the petitioner to raise a prima facie case that a fundamental right or freedom has been contravened. Once this is established
15 the burden shifts to the state or respondent to rebut or justify the limitation. see **Charles Onyango Obbo and Anor v Attorney General, [2004] UGSC 81.**

I will be guided by the above principles in determining this petition.

Counsel in their written submissions raised two issues for this court to resolve thus; whether certain provisions of the Respondent’s wedding guidelines offend
20 the relevant provisions of the Constitution as cited by the Petitioner and whether the petitioner is entitled to the remedies prayed for?

Issue 1: Whether certain provisions of the Respondent’s wedding Guidelines which are specifically cited by the petitioner, offend Articles 31,27 and 33 of the Constitution of the Republic of Uganda.

25 It was submitted by the petitioner, that the requirement of blessing from the bride’s parents was unconstitutional. Counsel cited article 16 of the Universal Declaration of Human Rights (UDHR) which provides for the right of marriage. Counsel further stated that in the USA the supreme court has held that the right to marry is a central aspect of the right to liberty, privacy, association, and
30 identity. They cited **Meyer vs State of Nebraska, 262, US 390, Supreme Court 1923** and further relied on **Latta Singh vs. State of Uttar Pradesh, AIR 2006, SC 2522.**

5 It was contended by the petitioner that it is a notorious fact that almost every church in Uganda insists on a clearing letter from parents without which the church is almost always disinclined to wed the couple. It was argued that this hinders a girl's right to marriage which is contrary to Articles 2 and 31(1) of the Constitution. It was argued that the mandatory requirement of parental consent
10 overrides the constitutional standard that gives an 18year old an opportunity to get married. Counsel relied on **David Wesley Tusingwire vs. Attorney General, Constitutional Petition No 2 of 2013 and Attorney General v Salvatori Abuki, constitutional Appeal No. 1 of 1998.**

In response, it was submitted for the respondents that the letter of blessing does
15 not offend the petitioner's or any other person's right to free will and consent to marry and is not contrary to Article 31(1) and 3 of the Constitution.

It was submitted that the parent's letter under attack confirms the daughter's age and her wish to be married. It was further submitted that within the letter of blessing, the parents are confirming that the constitutional requirement of being
20 of the age of eighteen years and above has been fulfilled and that their daughter wishes to be married. It was submitted that the parental blessing is a blessing in religious parlance relates to seeking God's favour and protection and is not an approval as the petitioner seeks to argue.

It was further submitted that the letter of blessing and all other requirements can
25 only be invoked after the couple's consent, and it is this that sets all other processes into motion. That the parents' letter does not offend Article 31(3). It was mere formality. Counsel relied on **Mifumi and 12 others v. Attorney General, Kenneth Kakuru- Supreme Court Constitutional Appeal No.02 of 2010.**

5 The Attorney General in response to this issue submitted that the letter of blessing does not offend the petitioner's or any other person right to free will and consent to marry and is not contrary to articles 31(1) and (3) of the Constitution.

I have carefully considered the pleadings and submissions of the parties. I have also considered cases referred to by the petitioner and the respondent and those
10 not referred to.

The petitioner challenges/ attacks the marriage guidelines of the respondent contending that they are inconsistent with the provisions of the constitution. The respondent is a registered Christian faith entity in Uganda. It has its marriage guidelines that require those intending to marry to present the following:

- 15 1. *The letter of blessing from the bride's parents or guardians.*
2. *The pastor's endorsement of fitness of couples to be married.*
3. *The request for an HIV testing and counselling report and from specific medical facilities.*
4. *The letter of blessing from the bride's parents or guardian and not the*
20 *groom's parents or guardians.*

The constitution provides in Article 20(1) that fundamental rights and freedoms of the individual are inherent and not granted by the State.

This petition does not concern the right of freedom to worship, however in order to address the issues in this petition it is pertinent that we address the issue of
25 freedom of worship. Freedom of worship in Uganda is guaranteed under Article 29(1)(c) of the constitution. This Article provides that;

“Every person shall have the right to-
freedom to practise any religion and manifest such practice which shall include
the right to belong to and participate in the practices of any religious body or
30 organisation in a manner consistent with this constitution.”

This right is reinforced by Article 37 which provides,

5 “Every person has a right as applicable to belong to, enjoy, practice, profess,
maintain and promote any culture, cultural institution, language, tradition,
creed or religion in community with others.”

This provision envisages that there are various religious organisations, and these may have differing practices which ought to be consistent with the constitution.

10 A keen reading of Article 29(1)(c) indicates that the discretion is left to the different organisation to determine their own practices. Further it should be noted that a citizen is at liberty to choose to belong to that organisation and manifest their practices or not. My understanding then is that if I am not comfortable with certain practices in an organisation, I have the right to leave that organisation.

15 Furthermore Article 37 gives wide discretion to Ugandans to belong to any religious sect and promote the culture of that sect. This brings in the aspect of choice. A deeper analysis of choice is desirable in situations involving restrictions on the right to manifest one’s religion. Whenever one has an opportunity to exercise choice then, it is most likely that there is no violation of the said right.

20 When an institution of worship makes decisions in a thoughtful, sensitive, non-discriminatory, and participatory manner, balancing all the relevant considerations, court would not interfere with their decision or practices. This is because these institutions enjoy a degree of autonomy that must be respected by courts of law.

25 The enjoyment of the right to marry, privacy and freedom of worship are not absolute rights (non-derogable). These are limited by the general limitation to the fundamental rights and freedoms set out in Article 43 of the Constitution. Thus, one enjoying the right must not prejudice the fundamental or other human rights and freedoms of others or the public interest. Additionally, the limitation of the
30 right must not exceed what is acceptable and demonstrably justifiable in a free and democratic society or what is provided in the constitution.

5 Thus Articles 20(2) and 43 give parameters on how a Christian institution must carry out its constitutional obligations under Articles 29(1)(c) and 37 of the Constitution of the Republic of Uganda. The christian institution's obligations are to formulate practices that ensure that the man and woman are 18years or above, the marriage is conducted with the free consent of the parties with full knowledge
10 of the health status of the partner.

It is contended by the petitioner that the requirement of the bridal parental letter contravenes Article 31(1) and (3) of the Constitution. The article provides that:

“(1). A man and a woman are entitled to marry only if they are each of the age of eighteen years and above and are entitled at that age –

- 15 (a) to found a family; and
(b) to equal rights in marriage, during marriage and at its dissolution.
(3). Marriage shall be entered into with the free consent of the man and woman intending to marry.”

This provision guarantees that every man or woman of the age of eighteen has a
20 right to marry. One of the issues of interest in this provision is that the woman or man must be of the age of 18. Using the purposive principle of constitutional interpretation, according to paragraph 12 of the affidavit evidence of Mr. Joshua Mugabi, the clearance letter is to confirm the age of the woman and her willingness to get married. In the wisdom of Watoto church administration, they
25 found it comfortable to establish the willingness of the woman through the parents. This is a practice adopted with the backing of article 29(c).

It is evident from the affidavit evidence that before the intending couple come to the respondent for the solemnisation of their marriage, they have already consented to marrying one another. Therefore, there is no external influence of
30 the pastor or parents on the consent of the girl. This is in line with the provisions of article 31(1) and (3).

5 Additionally, it should be emphasised that justice under article 126 is administered according to the values and norms of the society and to suggest that a student of 18years should marry without the consent or participation of their parents goes against the norms and values known and especially as reflected in the policy of the church. In any case, article 31 (1) and (3) of the Constitution
10 read together give the following points of emphasis; *firstly, Article 31(1) enshrines entitlement to marry. Secondly it is stipulated under article 31(3) that marriage shall be with the consent referred to does not bar the blessings of parents or their participation in the marriage by writing a letter to the church.* The article only gives the minimum standard as being that nobody should be
15 forced to marry. In other words, there has to be consent of the man or woman intending to marry. The petition does not show that the parents refused or that they would refuse.

Turning to the requirement of the pastor's endorsement, it was submitted by the petitioner that the mandatory requirement of a pastor's endorsement of fitness of
20 couples violates article 31(1) and (3) of the constitution. It was further submitted that since article 31(1) gives freedom to a person above 18 years a right to get married, this should not be hindered by the opinion of spiritual leaders. That while it may be legitimate to provide due warning and advice or suggestions, such veto does appear manifestly unconstitutional and ought to be declared so.

25 Counsel submitted that in handling this issue this court should be guided by the generous and purposive rule of interpretation. See **Attorney General vs. George Owori, Constitutional Appeal No. 1 of 2011** and **Attorney General of Gambia vs. Momdou Joe, (1984) AC 689 at 700.**

In response, it was submitted for the respondents that the petitioner did not appear
30 before any pastor but rather sent a letter of inquiry, picked, and filled the application forms online but he did not meet any pastor from the respondent. It

5 was argued that the purported pastor's endorsement amounted to hearsay evidence and are as such inadmissible under sections 58, 59 of the Evidence Act.

It was submitted that there is no such endorsement of fitness of couple in the guidelines. It was submitted that this allegation should be rejected.

My findings under this allegation are not any different from the discussion above.

10 As earlier observed this practice comes way after the intending couple has consented to one another. The petitioner has not demonstrated anywhere how the pastor's endorsement is with regards to fitness of marriage. The respondent clearly averred that the pastor's role in this practice is to offer guidance to the intending couple to enable them to have a health marriage. This allegation
15 therefore has no merit whatsoever.

On HIV testing, counsel for the petitioner submitted that the requirement of an HIV testing and counselling report and from specific medical facilities violates the right to privacy of an individual and is inconsistent with Article 27(2) of the Constitution of the Republic of Uganda. It was further submitted that the HIV
20 results are private and as such if they are given to the church administration, they violate the right to privacy.

Counsel submitted that in the country where HIV patients are still stigmatised, the right to privacy needs to be protected passionately.

In response it was submitted for the respondents that the petitioner has not
25 demonstrated how the Respondent's requirement interferes with his home, correspondence, communication, or other property.

It was further submitted that the intention of these results is to enable the intending couple to make an informed decision.

The constitution of the Republic of Uganda provides for the right to privacy under
30 Article 27. It provides thus:

5 “1. No person shall be subject to –

- a. Unlawful search of the person, home, or other property of that person; or
 - b. Unlawful entry by others of the premises of the person.
2. No person shall be subjected to interference with the privacy of that person’s home, correspondence, communication or other property.”

10 The right to privacy is an element of various legal traditions to refrain governmental and private actions that threaten the privacy of individuals. Privacy means a state of being alone and undisturbed or freedom from interference or intrusion. The right to privacy is a fundamental right flowing from the right to life and personal liberty as well as other fundamental rights.

15 The sphere of the right to privacy includes a right to protect one’s identity. This right also recognises the fact that all information about a person is fundamentally his/her own he/she is free to communicate it or retain it. Practices that require information from individuals should be carefully handled to protect the right of privacy. Information should be picked only for *clear, specific, and lawful*
20 purposes.

I tend to agree that HIV testing has to be preceded by informed consent. When someone does not agree to be tested, they cannot be forced. The policy however does not show that anyone has to be forced to go testing for HIV. It merely requires it as a necessary part of participation for marriage. Moreover, HIV being
25 an infectious virus is so severe. Therefore there can be justification for deprivation of personal liberty to prevent its spread under article 23(1)(d) of the Constitution. It is therefore not absolute to bar testing under a right to privacy of the person in the context of article 23(1) (d) of the Constitution. What the respondent church required was not forceful HIV testing but pre-marriage HIV testing for purposes
30 of the interests of the couple in their intention to start a new family.

While referring to the right of privacy, the Constitutional Court of South Africa in **NM & Others. V Smith & others, 2007 (5) SA 250(CC)**, had this to say;

5 “An implicit part of this aspect of privacy is the right to choose what personal
information of ours is released into the public space. The more intimate that
information, the more important it is in fostering privacy. Dignity and
autonomy that an individual makes the primary decision whether to release
the information or not. That decision should not be made by others. This
10 aspect of the right to privacy must be respected by all of us, not only the state.”

Accordingly, a citizen has a right to safeguard the privacy of his own, his family,
marriage, procreation, motherhood, childbearing and education among other
matters. According to the affidavit in support of the respondent, Mr. Joshua
Mugabi averred that the information elicited is done specifically for the couple to
15 make an informed decision. It is clear, specific and for lawful purposes. This
information is not got for the benefit of the respondent but for the interest of the
couple itself. A violation would occur when such information finds its way in the
public domain without the consent of the parties. According to the affidavit in
reply of Mr. Julius Rwotlonyo, the requirement of testing does not only apply to
20 HIV but also sickle cell tests are considered.

Considering Article 43, which provides that these rights have to be enjoyed
without prejudice to the enjoyment of another person’s rights. It is without doubt
that someone’s HIV status has a very big influence on the decision they make.
Yet notoriously couples have continued to hide their status from intending
25 partners to their prejudice. The failure to disclose the HIV status in away violates
Article 31(3), that requires willingness of the partner in consenting to marriage.

Therefore my finding is that this requirement does not contravene article 27 of the
constitution.

Finally, it was submitted for the petitioner that requiring a letter of consent/
30 blessings from the parents of the bride only and not that of the groom, is
discriminatory in nature and undermines the dignity, welfare, interest, and status
of the women and is in contravention with Article 33(4) and (6) of the
Constitution. That the consent for the woman only and not for the man is

5 discriminatory. Counsel cited articles 16 and 2 of the universal declaration of human rights. Counsel additionally relied on the preamble on the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), Article 1 and 16.

Counsel relied on **Uganda Association of Women Lawyers and 5 others vs. Attorney General, Constitutional Petition No. 02 of 2003** and **Hoffman vs. South African Airways, Case CCT No. 17/2000**, where the courts clearly stated that it was wrong and unacceptable to discriminate against people.

It was submitted for the petitioner that this discriminatory practice of subjecting a woman to producing parental consent while shielding a man from the same requirement does not enhance the dignity and wellbeing of women.

Counsel for the respondent submitted that the petitioner's allegations are devoid of merit. The Petitioner who does not agree with the Respondent's practice relating to celebrating his marriage at its centre is within his rights to visit any other church that may have such rules that are agreeable to him or no rules at all.

20 Equality before the law is provided for under Article 21 which states thus:

“(1) all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

25 (2) without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability”

The said constitution goes ahead to define the meaning of discrimination under Article 21 Clause 3 which states;

30 “(3) for the purpose of this article, discriminate means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex , race , colour. Ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.”

5 In addition to article 43, the constitution provides further limitation to the enjoyment of rights under Chapter 4 of the Constitution. The right of equality inclusive and the affirmative action under article 32 (1) which provides that:

10 “Notwithstanding anything in this Constitution, the State shall take affirmative action in favor of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition, or custom, for the purpose of redressing imbalances which exist against them”

And articles 33 (2) and (3) which provide that:

15 “(2) the state shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement.

(3) the state shall protect women and their rights, taking into account their unique status and natural maternal functions in society.

The above provisions allow a differential treatment of any marginalised group of people. It is a notorious fact in this country that women are considered to be among the marginalised group. It is undisputed that the requirement of “a clearing letter” only applies to the bride and not the groom. However, this differential treatment can be explained away by the unique status of the woman that requires protection from abuse. Furthermore, considering family history, different traditions in this nation forced girls into marriage for different reasons. As explained by the respondent in the affidavit in response, this letter seeks to clarify the willingness of the bride to get married.

Conclusively, the respondent as an organisation has the right to make guidelines that it considers necessary to facilitate its obligations and achieve its objectives. One cannot claim that there was a violation of their rights at one worship centre, especially when there are other available worship institutions to accommodate their individual religious requirements. I would prefer to protect the broader objective of an institution of worship more than an individual’s freedom to manifest religion. This is because in a democratic society where there are several

5 conflicting religious beliefs with different manifestations, it may not always be possible for a worship centre to accommodate every act of religious manifestation at any given time.

Consequently, it is my finding that the respondent cannot be held to be in violation of Articles 27, 31 and 33. These guidelines only applied to the members
10 of the respondent institution. They do not affect anyone that has not voluntarily agreed to them like the petitioner in this matter. The petitioner has a range of other worship centres to conduct his marriage. He could have considered other forms of marriages like the Customary, Civil, Hindu or Islamic marriage depending on what suits his interest.

15 The Supreme Court handled pretty much a similar matter and I agree with the findings thereof in **Dimanche Sharon and 2others vs. Makerere University, Constitutional Appeal No 2 of 2004**. Justice Odoki while agreeing with the findings of the Court of Appeal held that:

20 “The learned Deputy Chief Justice then held that the Appellants were free to participate or not participate in the respondent’s educational programmes held on Sabbath, and were not prevented from believing in and practising their faith. Therefore, the said policy did not force the appellants to go against their conscience and did not violate their religious freedom.”

The circumstances in *Dimanche (supra)* are in tandem with the ones before this
25 court. As such I am bound by the findings thereof.

Considering the purpose and effect of the marriage guidelines of the respondent were clearly indicated in the affidavit evidence sworn by Mr. Julius Rwotlonyo and Mr. Joshua Mugabi as inter alia to guide people intending to conduct their marriage at the respondent’s premises, to avoid incestuous marriages, enable the
30 couple to make an informed decision when getting married, counselling is to enable couples establish healthy marriages. This is not discriminatory as suggested by the petitioner. These practices applied to all members of the

5 respondent's church of which the petitioner is not. The fact the petitioner did not
return to respondent after filling the form is evidence that he was not willing to
participate and as such he chose not to participate in their practices.

It is evident that the respondent is alive to its obligation under articles 27,31 and
33 respectively. I therefore find that there was no violation of articles 27, 31 and
10 33 as alleged by the petitioner.

In the result, I would dismiss the petition.

Costs are awarded to the respondent.

Dated, signed and delivered at Kampala this 22nd Nov day of 2023.

15



Christopher Gashirabake

Justice of Appeal/ justice of Constitutional Court

THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA
(Coram: Egonda-Ntende, Musoke, Madrama, Mugenyi & Gashirabake, JJCC)

Constitutional Petition No. 19 of 2018

BETWEEN



Aboneka Michael=====Petitioner

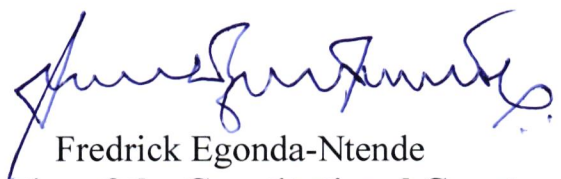
AND

Watoto Church Limited=====Respondent

Judgment of Fredrick Egonda-Ntende, JCC

- [1] I have had the opportunity to read in draft the judgment of my brother, Gashirabake, JCC. I agree that this petition must fail.
- [2] As Musoke, Madrama and Mugenyi, JJCC, agree, this petition is dismissed with costs to the respondent.

Dated, signed and delivered at Kampala this  day of  2023


Fredrick Egonda-Ntende
Justice of the Constitutional Court

**THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA
CONSTITUTIONAL PETITION NO. 019 OF 2018**

ABONEKA MICHEAL:.....PETITIONER

VERSUS

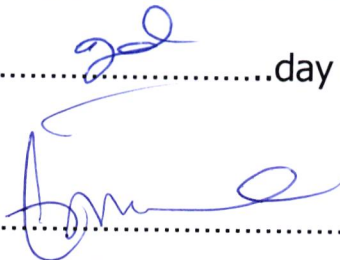
WATOTO CHURCH LTD:.....RESPONDENT

**CORAM: HON. MR. JUSTICE FREDRICK EGONDA-NTENDE, JCC
HON. LADY JUSTICE ELIZABETH MUSOKE, JCC
HON. MR. JUSTICE CHRISTOPHER MADRAMA, JCC
HON. LADY JUSTICE MONICA K. MUGENYI, JCC
HON. MR. JUSTICE CHRISTOPHER GASHIRABAKE, JCC**

JUDGMENT OF ELIZABETH MUSOKE, JCC

I have had the advantage of reading in draft the judgment of my learned brother Gashirabake, JCC and for the reasons given therein, I, too, would dismiss the Petition and make the orders that Gashirabake, JCC proposes.

Dated at Kampala this²² day of^{Nov} 2023.



Elizabeth Musoke

Justice of the Constitutional Court

THE REPUBLIC OF UGANDA,
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA
(CORAM; EGONDA NTENDE, MUSOKE, MADRAMA, MUGENYI,
GASHIRABAKE, JJCC/JJCA)

CONSTITUTIONAL PETITION NO. 019 OF 2018

ABONEKA MICHAEL} PETITIONER

VERSUS

ATTORNEY GENERAL} RESPONDENT

JUDGMENT OF JUSTICE CHRISTOPHER MADRAMA IZAMA, JCC

I have read in draft the Judgment of my learned brother Hon. Mr. Justice Christopher Gashirabake, JCC.

I concur with the Judgment and the orders proposed and I have nothing useful to add.

Dated at Kampala the 22 day of NOV 2023



Christopher Madrama Izama

Justice Constitutional Court



THE REPUBLIC OF UGANDA

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

Coram: Egonda-Ntende, Musoke, Madrama, Mugenyi & Gashirabake, JCC

CONSTITUTIONAL PETITION NO.19 OF 2018

BETWEEN

MICHAEL ABONEKA PETITIONER

AND

WATOTO CHURCH LIMITED RESPONDENT

JUDGMENT OF MONICA K. MUGENYI, JCC

1. I have had the benefit of reading in draft the judgment of my brother, Justice Christopher Gashirabake, JCC in respect of this Petition.
2. I agree with the conclusions and the orders issued.

Dated and delivered at Kampala this 22 day of November, 2023.



Monica K. Mugenyi

Justice of the Constitutional Court