

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
HCT-00-CV-0540-2008**

(ARISING OUT OF MISCELLANEOUS APPLICATION NO. 529 OF 2008)

(ARISING OUT OF MISC. APPLICATION NO. 258 OF 2008)

(ARISING OUT OF CIVIL SUIT NO. 247 OF 2008)

FHTO LTD:..... APPLICANT

VERSUS

1. MUTEBI STANLEY

2. SOC-SMG



.....RESPONDENTS

BEFORE: THE HONOURABLE MR. JUSTICE YOROKAMU BAMWINE

RULING:

This is an application for orders that the interim order granted by this court in Miscellaneous Application No. 529/2008 restraining the further recruitment and employment of Ugandans in Iraq be reviewed/varied to enable the applicant, FHTO LTD, carry out its lawful business; that costs be in the cause.

From the records, **HCMA NO. 529/2008** was for an interim order against the respondent, SOC-SMG, their agents, servants, workers or assignees and those claiming under them restraining them from further recruitment and employment of Ugandans until the final disposal of the substantive application for a Temporary Injunction filed in this court.

Court is now advised by learned Counsel for the applicants herein, Mr. Geoffrey Nangumya, that the order has since been served on Ministry of Gender, Labour and Social Development, which has mis-interpreted it to cover all external employment recruitment agencies.

Court has indeed been availed a copy of a letter dated 19th November, 2008 from the said Ministry in which all External Recruitment Agencies have been advised not to violate the interim order pending disposal of the suit. It is signed by one Milton Turyasiima, SLO/E

External Employment Unit. Learned Counsel herein seeks the indulgence of court to review the order to exclude agencies which are not party to the suit.

It is trite that an order of court operates inter-parties unless court directs otherwise. In the instant matter, **HCCS NO. 247 of 2008** is between Mutebi Stanley and SOC-SMG. It seeks a declaration that the defendant, SOC-SMG, is illegally recruiting and employing Ugandans and a permanent injunction restraining the defendant from further recruiting and employing Ugandans.

An order arising out of it would only bind the parties to the suit, other parties are not so bound. In all these circumstances, the said letter to all External Recruitment Agencies cannot be allowed to stand for as long as it seeks to extend the scope of the order in **HCMA NO. 529/2008** to non-parties to the suit and to convey to them a decision of the court which does not affect them. The application is allowed. External Recruitment Agencies, including the applicant herein, who are not party to **HCCS NO. 247/2008** are freed from the operation of the said interim order till court orders otherwise. This order is made pursuant to Section 82 of the Civil Procedure Act, 0.46 rr (1), (2) and (8) and 0.52 rr. (1) and (2) of the Civil Procedure Rules and Section 98 of the Civil Procedure Act.

A copy of this ruling shall be sent to Ministry of Gender, Labour and Social Development to correct the wrong impression created by theirs Ref: LET 74/286/01 dated 19th November, 2008 on the matter.

The applicant shall meet its own costs herein.

Yorokamu Bamwine

JUDGE

24/11/2008

24/11/2008:

Mr. Nangumya for applicant

Parties absent

Court:

Ruling delivered.

Yorokamu Bamwine

JUDGE

24/11/08