

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(CIVIL DIVISION)

MISCELLANEOUS CAUSE NO. NO. 147 OF 2019

- 1. ABBEY MUSINGUZI T/A ABTEX PRODUCTIONS**
 - 2. BAJJO EVENTS AND MARKETING AGENCY**
- LTD...APPLICANTS**

VERSUS

- 1. THE INSPECTOR GENERAL OF POLICE**
- 2. ATTORNEY GENERAL.....RESPONDENTS**

BEFORE: HON. LADY JUSTICE ESTA NAMBAYO

RULING

Abbey Musinguzi T/A Abtex Productions (hereinafter referred to as the 1st Applicant) together with Bajjo Events and Marketing Agency Ltd (herein after referred to as the 2nd Applicant) brought this application by way of Notice of Motion under **Article 42 of the Constitution of the Republic of Uganda, 1995, S.36 of the Judicature Act, Rules 3(1) & (2), Rule 6(2) and rule 8 of the Judicature (Judicial Review) Rules, 2009**, against the Inspector

General of Police (herein after referred to as the 1st Respondent) and the Attorney General (herein after referred to as the 2nd respondent), seeking for orders and declarations of this Court that:

- i.* The process leading to the decision and/or directive and the decision itself, of the 1st Respondent communicated to the Applicants on 19th April, 2019, indefinitely stopping them from organizing 'Kyarenga Extra Concerts' which were to be held at One Love Beach Busabaala, Lira, Gulu and Arua are illegal, ultravires, irrational, unreasonable and an abuse of the 1st Respondent's powers.
- ii.* The decision of the 1st Respondent stopping the Applicants from organizing 'Kyarenga Extra Concerts' were made in violation of the Applicant's right to a fair hearing guaranteed under Article 28,42 & 44 of the Constitution.
- iii.* The arrest and detention of the 1st Applicant and Andrew Mukasa, the managing Director of the 2nd Applicant on the 22nd day of April, 2019, the day on which the Kyarenga Extra Concerts were to premier at Busabaala Beach deprived them of their personal liberties and amounted to a violation of their

right to carry on trade and business contrary to Art 20, 23 & 40 of the Constitution.

- iv.* An order of Certiorari quashing the decision and/or directive of the 1st Respondent contained in a letter dated 19th April, 2019 halting the applicant's 'Kyarenga Extra Concerts' indefinitely.
- v.* A writ of mandamus directing the 1st Respondent to provide security at the Applicant's concerts.
- vi.* An injunction restraining, preventing and stopping the Respondents, any of their servants or agents from unduly interfering with the Applicant's concerts.
- vii.* An order of prohibition restraining, stopping and preventing the 1st Respondent from assuming powers of authorizing and/or sanctioning holding of musical shows and celebrations of a social nature by the Applicants.
- viii.* An order for general, punitive and exemplary damages for the flagrant violation of the Applicant's rights and freedoms.
- ix.** Costs of the application.

The grounds of this application are laid out in the affidavits in support of the application by Abby Musinguzi and Andrew Mukasa (the Applicants) and are summarized in the background of this case that the Applicants deal in events management, entertainment and promotions. Andrew Mukasa is the Managing Director of the 2nd Applicant. Towards the festive season of the Easter period of 2019, the Applicants entered into an understanding with Hon. Kagulanyi Robert Sentamu alias Bobi Wine to organise musical concerts at one Love beach Busabala, Lira, Gulu and Arua under the appellation of 'Kyalenga Extra Concerts'. Under the agreement, Bobi Wine and his crew were meant to perform at the said concerts and also provide more artists for the utmost entertainment of the revelers at a total consideration of UGX 230,000,000/= (Two Hundred Thirty Million Shillings). The Applicants claim to have paid half of the consideration to Bobi Wine being a non-refundable booking fee on all shows. On the 25th March, 2019, the Applicants wrote to the Inspector General of Police of Uganda requesting for security during the concerts. The IGP wrote back setting the terms for the Applicants to fulfill before their

concerts could be cleared for security. The Applicants claim to have fulfilled all the conditions set by the Police and upon notifying the IGP; they were directed by letter dated 19th April, 2019 from the IGP to immediately suspend and/or stop all concerts. According to the Applicants, there was no credible reason advanced for the cancellation of the concerts. On the 22nd day of April, 2019, Police blocked the Applicants together with Bobi Wine from accessing the venue of the concert at the One Love Beach, where they had arranged for a press conference to explain to the revelers why the concert had been cancelled. They were arrested and driven at breakneck speed to the residence of Bobi Wine at Magere - Gayaza in Wakiso District. It is the Applicants contention that the conduct of the Police throughout the entire process was fraught with irrationality, illegality, procedural impropriety, bad faith and amounted to violation of the Applicant's freedom to liberty and economic rights guaranteed under the Constitution of Uganda, hence this application.

Asuman Mugenyi (AIGP) filed his affidavit in reply opposing the application. The Respondent's case is that the Applicants failed to comply with the directives that were given to them on the 15th April

2019 regarding the requirements for security of the concerts. As a result of their none compliance with the directives given to them by the 1st Respondent, the AIGP had no option but to stop the concerts. The 1st Respondent contends that he exercised his mandate under S.35 of the Police Act and S. 3 of the Public Order Management Act, 2013 because he had reasonable cause to believe that the arrest of Applicants was necessary to prevent the Applicants from committing an offence.

It is the 1st Respondent's contention that the Applicants have failed to show that the act complained of was tainted with illegality, irrationality and procedural impropriety and the application should therefore be dismissed.

When the matter came up for hearing, Learned Counsel Elias Lukwago together with Counsel Shamim Malende appeared for the Applicants while Ms. Josephine Kiyingi the Learned Principal State Attorney represented the Respondents. Written submissions were filed by Counsel for both parties.

Issues for trial

1. Whether the process leading to the decision and /or directive, and the decision itself, of the 1st Respondent indefinitely stopping the Applicants from organizing 'Kyarenga Extra Concerts' are illegal, ultra vires, irrational, unreasonable and abuse of the 1st Respondent's powers.
2. Whether the decision of the 1st Respondent stopping the Applicants from organizing 'Kyarenga Extra Concerts' was made in violation of the Applicants' right to a fair hearing guaranteed under Article 28,42 and 44 of the Constitution.
3. Whether the arrest and detention of the 1st Applicant and Andrew Mukasa, the Managing Director of the 2nd Applicant on the 22nd day of April, 2019 deprived them of their personal liberties and in violation of their right to carry on trade and business contrary to Article 20, 23 and 40 of the Constitution.
4. What remedies are available?

The law applicable

Judicial review is not concerned with the decision in issue, but it is concerned with the decision making process. Essentially, judicial review involves the assessment of the manner in which the decision is made; it is not an appeal and the jurisdiction is exercised in a supervisory manner, not to vindicate rights as such, but to ensure that public powers are exercised in accordance with basic standards of legality, fairness and rationality (***Kuluo Joseph Andrew & 2ors -Vs- The Attorney General & 2 Ors MC No. 106 Of 2010***)

According to Lord Hailsham of St. Marylebone L.C in the case of ***Chief Constable of North Wales Police Vs Evans [1982] 3 ALL E.R. 141***: *cited in the Kuluo case*;

" The purpose of judicial review is to ensure that the individual receives fair treatment, not to ensure that the authority, after according fair treatment, reaches on a matter which it is authorized or

enjoined by law to decide from itself a conclusion which is correct in the eyes of the court”.

In Owor Arthur and 8 others Vs Gulu University, High Court Misc. Cause No.18 of 2007, Court emphasized that;

“... If that lawful authority is not abused by unfair treatment, it is not for the court to take over the authority and the person entrusted to that authority by substituting its own decision on the merits of what has to be decided.”

Having laid down the guiding principles in judicial review, I will now turn to the issues laid out for trial.

Issue 1

Whether the process leading to the decision and /or directive, and the decision itself, of the 1st Respondent indefinitely stopping the Applicants from organizing ‘Kyarenga Extra Concerts’ are illegal, ultra vires, irrational, unreasonable and abuse of the 1st respondent’s power

In regard to the above issue Mr. Lukwago submitted that in a letter dated 25th March, 2019, addressed to the 1st Respondent, the Applicants sought for security and any other directions for the concerts and in particular the show which was meant to be held at the One Love Beach, Busabala. Mr. Asuman Mugenyi (Assistant IGP) on behalf of the IGP, responded allowing the Applicants to continue with the preparations for the show at Busabala and other venues and gave directions to be availed with the following:

- a. Clearance to use the intended venues.
- b. Detailed program for each activity.
- c. List of performers at each venue.
- d. The expected number of revelers for each of the events
- e. Measures that have been put in place for crowd control for each site.
- f. The proposed traffic management plans.

- g. Measures and resources available for emergency response including medical provision, fire and evacuation in case need arises.
- h. The security measures and resources available for example walk through, hand probes, sniffer dogs etc.
- i. Measures put in place for crowd control and stewards proportionate to the number of revelers at the events.

Counsel submitted that implementation of the said directives was carried out under the supervision and guidance of the Divisional Police Commander (DPC) of Katwe Police Station who detailed an officer to visit the venue. The officer visited the One Love Beach at Busabaala where the show was meant to be held and being satisfied, he duly approved the work done. The Applicants then wrote to the 1st Respondent expressing the fulfillment of the IGP's directives as evidenced in **annexture " J "** to the affidavits in support. The Applicants were shocked to receive a letter dated 19th April, 2019 from the 1st Respondent directing them to immediately suspend and /or stop all concerts. No reason was advanced against the conditions

which the Applicants had just fulfilled. The letter is annexure "A" to the affidavits in support.

Ms. Kiyingi opposed the application on grounds that it does not raise any ground for judicial review and it is devoid of merit, it is frivolous, vexatious and an abuse of court process. Ms. Kiyingi explained that the Applicants' averments in their pleadings are simply concerned with the 1st Respondent's decision of stopping their concert and therefore, this application is not within the scope of judicial review. She prayed that the application be dismissed with costs.

From the above submissions it is important to establish whether this application is properly before this court.

In the case of ***Kasibo Joshua vs. Commissioner of Customs MA No. 44 of 2004*** it was held that:

"Judicial review is concerned with the decision making process and not the decision. It involves an assessment of the manner, in which the decision is made, it is not an appeal and the jurisdiction is exercised in a supervisory manner, not to vindicate rights as

such but to ensure that public powers are exercised in accordance with basic principles of legality, fairness and rationality”

Paragraph 10 of the affidavit of the 1st Applicant states that they complied with all the conditions as required by the IGP and communicated to him. In paragraph 11 he states that in a shocking development police wrote a letter addressed to the 1st Applicant directing them to immediately suspend all the concerts without advancing any valid reason against the conditions they had fulfilled. The same information is restated in the same paragraphs by the Managing Director of the 2nd Applicant. In my view the above statements question the procedure that IGP used to arrive at the decision to suspend the concerts. The Applicants are questioning how the IGP arrived at the decision to suspend the concerts, yet according to them they had made all the clearances under the supervision of the DPC of Katwe Police Station. This, in my view questions the decision making process and therefore, this application is properly before this Court for judicial review.

Having established that this application is properly before this court, I now have to establish whether the decision making process was tainted with illegality, impropriety and/or procedural irrationality. In the case of **Pastoli vs. Kabale District Local Government Council and Others [2008] 2 EA 300** it is stated that in order to succeed in an application for judicial review, the Applicant has to show that the decision or act complained of is tainted with illegality, irrationality and procedural impropriety.

Illegality is when the decision-making authority commits an error of law in the process of taking the decision or making the act, the subject of the complaint. Acting without jurisdiction or *ultra vires*, or contrary to the provisions of a law or its principles are instances of illegality. (**Nilefos Minerals Ltd -vs- Attorney General & Anor HCMC No. 184 of 2014**)

From the evidence on record, the A/IGP clearly communicated the requirements that the Applicants were to fulfill. The Applicants informed court that they duly complied with all the requirements. They worked with the DPC Katwe Police Station who gave them an

officer to work with. Under paragraph 9(g) of the 1st Applicant's affidavit in support of the application the officer inspected the venue of the concert and went with them to the service providers. The officer cleared them for the function. The Applicants say that they then communicated to the 1st Respondent as per their annexure J and they were shocked by the 1st Respondent's response as per annexure K.

Annexure J is a letter dated 20th April, 2019 addressed to the 1st Respondent. The letter informs the 1st Respondent that they had complied with what was required of them. They made the necessary attachments and had been verified by Katwe Police Station.

Annexure K is a letter dated 19th April, 2019 from Mr. Assuman Mugenyi acting on behalf of the IGP addressed to the Managing Director of Abtex Promotions (The 1st Applicant). It is in regard to the request for security for the Kyarenga Extra Concert. The letter refers to the Applicants letter dated 25th march, 2019 requesting for security and the reply thereto dated 15th April giving the directives. Mr. Assuman Mugenyi then goes on to inform the Applicants that;

" This serves to inform you that despite the elaborate and clear guidelines well stipulated in our correspondences and the previous meetings we have had regarding the preparations for, the manner, the conduct, the characteristics and security demands from your side, the previous concerts have fallen short of the agreed upon positions in line with lawfulness order and security. For example, the disregard for the set and agreed upon guidelines has quite often resulted in acts related to public nuisance, violation of traffic rules and regulations and various other misconduct which are not only a breach of the law but endanger lives of Ugandans, some of whom are not part of the revelers.

On that background therefore, Uganda Police will not be able to secure you planned concerts and will not risk them to be carried out in any unsecure environments.

You will therefore have to suspend or stop such concerts until such a time that robust public security mechanisms are put in place to secure the revelers, other Ugandans who may be affected by such concerts and keep law, order and public safety generally.

Respective territorial Police Commanders are by copy of this letter informed accordingly. Make sure there is compliance”

Counsel for the Respondents submitted that the action of the 1st Respondent was within the law as he acted under S.32(2) of the Police Act and S.3 of the Public Order Management Act.

Counsel for the Applicants submits that the A/IGP acted outside the law and therefore his actions were ultra vires. He relied on case authorities including **Constitutional Case No. 9 of 2005[2008] Muwanga Kivumbi -vs- Attorney General, & Lugonvu 3 ors vs- Attorney General Constitutional Petition No. 24 of 2009** regarding S.32(2) of the Police Act.

Considering the facts of this case and the law applicable, I wish to point out the following:

S.3 of the Public Order Management Act provides that the Inspector General of Police or an authorized officer shall have the power to regulate the conduct of all public meetings in accordance with the law.

Section 4(1) of the Public Order Management Act, defines a '**public meeting**' to mean " a gathering, assembly, procession or demonstration in a public place or premises held for the purposes of discussing, acting upon, petitioning or expressing views on a matter of public interest.

Under **Section under 4(2) (d)** a public meeting does not include a meeting for social, religious, cultural, charitable, educational, commercial or industrial purposes. This does not include a gathering held for social and commercial purposes.

Under Paragraph 2 of the 1st Applicant's affidavit in support of the application, the activities for which they required Police security were musical concerts to be performed during the Easter festive season. These are social activities which do not fall under S.3 of the Public Order Management Act.

S.32(2) of the Police Act provides that:

" if it comes to the knowledge of the Inspector General that it is intended to convene any assembly or form any procession on any public road or street or at any place of public resort, and the

Inspector General has reasonable grounds for believing that the assembly or procession is likely to cause a breach of the peace, the inspector general may, by notice in writing to the person responsible for convening the assembly or forming the procession, prohibit the convening of the assembly or forming of the procession.”

In the Constitutional Court Case of **Muwanga Kivumbi vs Attorney General Constitutional Petition No. 9 of 2005** Justice Byamugisha, JA (as she then was) held that;

“I, therefore, find that powers given to the Inspector General of Police to prohibit the convening of an assembly or procession are unjustified limitation on the enjoyment of fundamental rights. Such limitation is not demonstrably justified in a free and democratic country like ours.

The subsection (S.32(2) of the Police Act is null and void”

The Police have powers under other provisions of the law to maintain law and order or deal with any situation including the one envisaged under S. 32(2) of the Police Act. The Police will not be powerless

without the powers under subsection 2; they can deploy more security men. They have powers to stop the breach of peace where it has occurred by taking appropriate action including arresting suspects, see the case of **Edward Kanya Lugonvu & ors -vs- Attorney General Constitutional Petition No. 24 of 2009** Egonda Ntende, JA

In this case, applying the above provisions of the law to the facts of this case, I find that the action of Mr. Asuman Mugenyi writing to the Applicants stopping them from carrying on with the concerts was not within the law, it was ultra vires and therefore an illegality.

Irrationality. This is when there is such gross unreasonableness in the decision taken or act done, that no reasonable authority, addressing itself to the facts and the law before it, would have made such a decision. Such a decision is usually in defiance of logic and acceptable moral standards. **Nilefos Minerals Ltd -vs- Attorney General & Anor (supra)**

In this case, under paragraph 12 of the 1st Applicants affidavit in support of the application, the 1st Applicant states that since they had advertised the concerts and sold out tickets, they organized a press

conference where they would inform all the revelers on what had transpired. So they convened on the 22nd April 2019 to brief the revelers at the venue of the entertainment, the Police arrested the Applicants together with Bobi Wine restraining them from accessing the venue, they were then bundled on the Police truck and driven at breakneck speed to the residence of Hon. Kyagulanyi aka Bobi Wine at Magere, Gayaza in Wakiso District and left there.

The case of **Associated Provincial Picture Houses Limited – vs- Wednesbury Corporation [1947]2ALLER 223** defines irrationality to mean:

" particularly extreme behavior, such as acting in bad faith, or a decision which is 'perverse' or 'absurd' that implies the decision-maker has taken leave of his senses. Taking a decision which is so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it"

In this case, the Police action of restraining the Applicants from accessing the venue to hold a press conference to explain to the

revelers why the concerts were not going to take place, bundling them on the Police vehicle and driving them at breakneck speed to Bobi Wine's residence at Magere in Gayaza and abandoning them there well knowing that Bobi Wine's residence is not one of the known official detention facilities in the Country and without even giving reasons for the arrest or taking statements from them regarding their arrest, in my view, was in bad faith, it was absurd and it would appear that the decision-maker had taken leave of his senses.

In the case of *Commissioner of Land v Kunste Hotel Ltd [1995-1998] 1 EA (CAK)*, Court noted that the purpose of Judicial review is to ensure that an individual is given fair treatment by an authority to which he is being subjected. For all intents and purposes the Applicants in this case were not given fair treatment by the police.

Procedural impropriety is when there is a failure to act fairly on the part of the decision-making authority in the process of taking a decision. The unfairness may be in non-observance of the Rules of Natural Justice or to act with procedural fairness towards one to be affected by the decision. It may also involve failure to adhere and

observe procedural rules expressly laid down in a statute or legislative Instrument by which such authority exercises jurisdiction to make a decision see the case of **Nilefos Minerals Ltd -vs- Attorney General & Anor (supra)**

In this case the Applicants were the first to write to the 1st Respondent requesting for guidelines and security. The 1st Respondent wrote back detailing the requirements to be fulfilled. When the Applicants wrote back to explain that they had met all the requirements the 1st Respondent paid no attention to their communication. They were stopped from conducting the concerts basing on alleged misconduct in the past concerts. This in my view was not proper. The Applicants had complied with the requirements given to them. If there were issues coming up from their past conduct, the Applicants should have been notified and given an opportunity to respond to the accusations. It was wrong for the Police not to give the Applicants an opportunity to be heard on the allegation made against them in respect of their past conduct during their concerts. It was also wrong for the Police to deny them the opportunity to hold a press conference.

The issue is whether the decision of the 1st Respondent stopping the Applicants from organizing 'Kyarenga Extra Concerts' was made in violation of the Applicants' right to a fair hearing guaranteed under Article 28,42 and 44 of the Constitution.

In this application under paragraph ii, the Applicants seek for declarations that the 1st Respondent stopping the Applicants from organizing 'Kyarenga Extra Concerts' was made in violation of the Applicants' right to a fair hearing guaranteed under Article 28,42 & 44 of the Constitution.

Under paragraph iii, the Applicants seek for declarations that the arrest and detention of the 1st Applicant and Andrew Muksa, the managing Director of the 2nd Applicant on the 22nd day of April, 2019, the day on which the Kyarenga Extra Concert was to premier at Busabaala Beach deprived them of their personal liberties and amounted to violation of their right to carry on trade and business contrary to Art 20, 23 & 40 of the Constitution.

Article 137 (3) (b) of the Constitution provides that:

“A person who alleges that any act or omission by any person or authority, is inconsistent with or in contravention of a provision of this Constitution, may petition the constitutional court for a declaration to that effect, and for redress where appropriate.”

Justice Tsekooko JSC (as he then was) held in the Supreme Court case of **Charles Harry Twagira Vs Attorney General and 2 others CA No. 04 of 2007** that:

“Where a claim for redress for violation of a right or freedom is subject to interpretation of the provisions of the Constitution, the claim should be via the Constitutional Court under Article 137 by petition. Where the claim is in respect of a right or freedom that is clearly protected, it should be by plaint in any other competent court.”

His Lordship Tsekooko went on to hold that: -

“ There can be no doubt in my mind that the application by Motion seeking declarations and impliedly, the interpretation of the Constitution from the High court was improper.”

From the above provisions of the law, it would follow therefore, that the prayers for the declarations in violation of articles 28,42, 44 of the constitution in paragraph ii and articles 20, 23 & 40 of the Constitution in paragraph iii should be filed in the Constitutional Court or by Plaintiff in a competent court.

Therefore, Issue No. 2 and Issue No. 3 are not available and fail accordingly.

Issue 4: Remedies available to the parties

The Applicants sought for prerogative orders of Certiorari, Mandamus, Injunctions and declarations; they also sought for orders for general, exemplary and punitive damages for the flagrant violation of their rights and freedoms.

Damages

Under **rule 8(2) of the Judicature (Judicial Review) Rules 2009** it is stated that: -

“ Rules 1 to 5 of order VI of the Civil Procedure Rules shall be applied to a statement relating to a claim for damages as they apply to a pleading.”

The damages that can be awarded under this rule are those that are not proved by detailed material facts or those that require one to set out necessary particulars like in the case of special damages.

In the case of **Simon Ttendo Kabenge –vs- Uganda Law Society & Ruth Ssebatindira MC No.254 of 2013**, Justice Musota Stephen J (as he then was) held that:

“ The provisions of order VI relate to the pleading of all relevant material facts and the requirement to set out necessary particulars. Therefore, an application for Judicial Review cannot support a claim for general punitive or exemplary damages. It appears the type of damages envisaged under the Judicial Review Rules are special damages only.”

In the Supreme Court case of **Charles Harry Twagira Vs Attorney General and 2 others (supra)** Tsekooko, JSC made a holding in respect of the incompetence of a motion to support such a claim when he stated that: -

“Prayer 12 sought for an order that the respondents should pay to the appellant general and exemplary damages for gross violation of his constitutional rights. In my experience at the bar and the bench, I cannot understand how by his notice of motion the appellant would be able to call evidence to establish such damages without filing an ordinary suit.”

In this case there was no prayer for special damages and none were proved. The General, exemplary and punitive damages prayed for cannot and were not proved by way of notice of motion and affidavit evidence as already pointed out; they are therefore not granted.

Prerogative Orders

The prerogative writs and orders are remedies issued from the superior courts for the purpose of preventing inferior courts or officials from exceeding the limits of their legitimate sphere of action

or compelling them to exercise their functions in accordance with the law. This is to ensure that there is full measure of justice to all people. **CACA No. 18 of 2005 Pius Niwagaba -Vs- Law Development Centre.**

The effect of the order of certiorari is to restore the status quo ante. Accordingly, when issued, an order of certiorari restores the situation that existed before the decision quashed was made **MC No. 1 of 2019 Grace Namulondo & 3 ors versus Jone Jones Sserwanga Ssalongo & 2 ors at p.17**

In this application, the Applicants sought for an order of certiorari to quash the decision and/ or directive of the 1st Respondent contained in a letter dated 19th April, 2019 halting the Applicants' 'Kyarenga Extra Concerts' indefinitely.

I have already established that the actions of the AIGP were ultra vires. In the result, I would allow this application with the following declarations and orders:

- i. The decision making process and the decision itself of the 1st Respondent communicated to the Applicants on the 19th April,

2019, indefinitely stopping them from organizing the 'Kyarenga Extra Concerts' at One Love Beach Busabaala, Lira, Gulu and Arua are illegal, ultra vires, irrational, unreasonable and an abuse of the 1st Respondent's powers.

- ii. The Applicants prayers seeking for Constitutional declarations and an award of general, exemplary and punitive damages for the flagrant violation of their rights and freedoms are unavailable as the same cannot be sought for by way of a notice of motion under Judicial review.
- iii. An order of Certiorari quashing the decision and/ or directive of the 1st Respondent contained in a letter dated 19th April, 2019 halting the Applicants' 'Kyarenga Extra Concerts' indefinitely is hereby issued.
- iv. An order of prohibition is hereby issued restraining, stopping and preventing the 1st Respondent from assuming powers to authorize and/or sanction the holding of musical shows and celebrations of a social nature by the Applicants.

- v. I find that the writ of mandamus is not available as it has been overtaken by events.
- vi. S.10 of the Human Rights Enforcement Act, 2019 provides that:
- (1) A public officer who, individually or in association with others, violates or participates in the violation of a person's rights or freedoms shall be held personally liable for the violation notwithstanding the state being vicariously liable for his or her actions. In this case therefore, the 1st Respondent will pay the costs of this application.

Dated, signed and delivered by email at Kampala this 13th day of May, 2020.

ESTA NAMBAYO

JUDGE

13/5/2020