

THE REPUBLIC OF UGANDA
IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA
LABOUR DISPUTE MISC. APPN. No.157 OF 2021
ARISING FROM LABOUR DISPUTE REFERENCE NO 281/2019
TUMUSHABE ALEX APPLICANT
VERSUS
TORRES ADVANCED ENTERPRISES RESPONDENT

BEFORE:

1. THE HON. AG. HEAD JUDGE, LINDA LILLIAN TUMUSIIME MUGISHA
PANELISTS

1 MR. FX MUBUKE

2. MS. HARRIET MUGAMBWA NGANZI

3. MR. EBYAU FIDEL

RULING ON RECUSAL

20 The Labour Dispute Reference No. 281 of 2019 form which this application arises, was mediated by a court annexed mediator. It was later brought to His Lordship Hon. Justice Asaph Ruhinda Ntengye the Head Judge Emeritus's Chambers for conclusion and I was invited to participate in the discussions and during the discussion it was established that, the parties had amicably resolved the matter between them, on 9/06/2019. In fact the Applicant was paid Ugx. 1,500,000/=

One of the core principles underpinning the Administration of Justice by a Judicial officer is the exercise of impartiality. (see *United Nations Bangalore Principles on Judicial*

30 **Conduct**). Article 28 of the Constitution provides for the fundamental right of every citizen of Uganda to be accorded a fair and public hearing by an independent and impartial tribunal.

Principal 2.1 of the Code of conduct for Judicial officers, provides for mandatory recusal where a judicial officer has personal knowledge of the disputed facts concerning the proceedings.

35 Accordingly, of my own motion and volition and in conformity with the provisions of **paragraph 6(1) of The Constitution (Recusal of Judicial Officers) (Practice) Directions, 2019**, having participated in the discussions that concluded the mediation between the parties, I may create a perception of partiality if I presided over this application. In the circumstances, I hereby refrain from participating in these proceedings. In keeping with paragraph 3(a) of the Directions, the parties are hereby notified.

40 Delivered and signed by:

THE HON. AG. HEAD JUDGE, LINDA LILLIAN TUMUSIIME MUGISHA


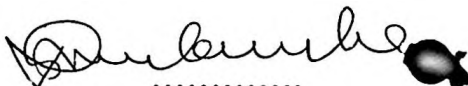
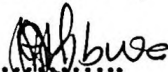
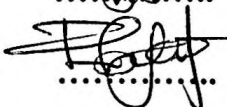
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45 **3. MR. EBYAU FIDEL**

DATE: 2/12/2022


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