

**THE REPUBLIC OF UGANDA**  
**IN THE SUPREME COURT OF UGANDA AT KAMPALA**  
**MISC. APPLICATION NO.03 OF 2021**  
**(ARISING OUT OF PRESIDENTIAL ELECTION PETITION NO.1 OF**  
**2021)**

**BETWEEN**

**KYAGULANYI SSENTAMU ROBERT VS YOWERI MUSEVENI**  
**TIBUHABURWA, ELECTORAL COMMISSION AND ATTORNEY**  
**GENERAL**

**CORAM: OWINY-DOLLO CJ, KISAAKYE, ARACH-AMOKO, OPIO**  
**AWERI, MWONDHA, MUGAMBA, MUHANGUZI, TUHAISE &**  
**CHIBITA, JJSC**

**IN THE MATER OF RECUSAL PROCEEDINGS**

**IN RE: APPLICATION FOR RECUSAL OF OWINY-DOLLO CJ**

**BY**

**MALE H. MABIRIZI K. KIWANUKA :::::::::::::::::::::::APPLICANT**

**RULING OF THE COURT**

The applicant, **Male H. Mabirizi K. Kiwanuka**, filed this exparte application by Notice of Motion seeking the following orders:

- 1. Owiny-Dollo, CJ disqualifies/recuses himself from participation in hearing and determination of PRESIDENTIAL ELECTION PETITION NO:1 OF 2021 [KYAGULANYI SSENTAMU ROBERT V YOWERI MUSEVENI TIBUHABURWA, ELECTORAL COMMISSION & ATTORNEY GENERAL]**
  
- 2. The Ruling in Misc. Application No:1 of 2021 [KYAGULANYI SSENTAMU ROBERT VS YOWERI**

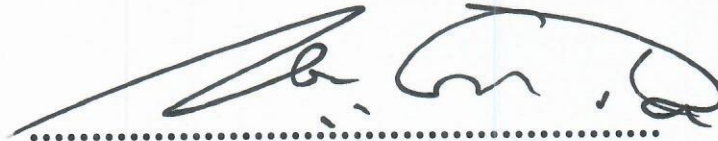
**MUSEVENI TIBUHABURWA, ELECTORAL COMMISSION & ATTORNEY GENERAL] where Owiny-Dollo, CJ participated be set aside for being null and void.**

**3. The proceedings of 09<sup>th</sup> February 2021 and 11<sup>th</sup> February, 2021 where Owiny-Dollo, CJ participated be nullified.**

The applicant addressed the court as constituted regarding the application for recusal contained in the first order sought. Thereafter Hon. Justice Owiny-Dollo, CJ declined to recuse himself for reasons he later stated in his ruling. In effect Owiny-Dollo, CJ continued legally to sit not only as a member of the coram but as its head. Needless to say, recusal is not a coram decision. It is personal to the Justice whose recusal is sought. While the response on the recusal disposes of the first order sought, we deem it moot to deal with the two subsequent orders sought, given that the coram remains intact and we find no valid grounds to disturb the said impugned rulings.

Consequently, we dismiss this application.

DATED at Kampala this 17<sup>th</sup> day of **March, 2021.**



**Hon Justice Alfonse Owiny-Dollo,  
Chief Justice**

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**Hon Justice Dr. Esther K. Kisaakye  
JUSTICE OF THE SUPREME COURT**



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**Hon. Justice Stella Arach-Amoko  
JUSTICE OF THE SUPREME COURT**



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**Hon. Justice Rubby Opio-Aweri**  
**JUSTICE OF THE SUPREME COURT**



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**Hon. Justice Faith Mwendha**  
**JUSTICE OF THE SUPREME COURT**



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**Hon. Justice Paul Mugamba**  
**JUSTICE OF THE SUPREME COURT**



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**Hon. Justice Ezekiel Muhanguzi**  
**JUSTICE OF THE SUPREME COURT**



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**Hon. Justice Percy Night Tuhaise**  
**JUSTICE OF THE SUPREME COURT**



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**Hon. Justice Mike Chibita**  
**JUSTICE OF THE SUPREME COURT**