

**THE REPUBLIC OF UGANDA**  
**IN THE SUPREME COURT OF UGANDA**  
**AT MENGO**

*(CORAM: ODOKI, C.J, TSEKOOKO, MULENGA, KANYEIHAMBA,  
KATUREEBE, J.J.S.C)*

**CIVIL APPEAL [ELECTION PETITION] NO. 06 OF 2007**

**BETWEEN**

**SERUNJOGI MUKIIBI:.....APPELLANT**

**AND**

**LULE UMAR MAWIYA:.....RESPONDENT**

*[Appeal arising from the judgment and decision of G.M.Okello, S.G.Engwau, C.K.Byamugisha, J.J.A,  
dated 19<sup>th</sup> January,2007 in Election Petition Appeal No. 15 of 2006]*

**JUDGMENT OF THE COURT.**

This is a second appeal by the appellant whose election as a Member of Parliament for Kalungu East Constituency was successfully challenged in the High Court and that decision was upheld by the Court of Appeal.

From the trial to this Court, the main issue was whether the appellant was qualified to contest the election as a Member of Parliament. Both the trial Court and the Court of Appeal held that he was not so qualified.

The major complaint here is that the Court of Appeal did not re-evaluate the evidence before making its own conclusions. After perusing the record and considering the written submissions from both parties we are satisfied that the Court of Appeal adequately re-evaluated the evidence in the High Court and came to its own conclusion that the appellant was not qualified for nomination as a Member of Parliament because he did not have the requisite academic qualifications.

We find that, the Court of Appeal was justified in coming to that conclusion on the evidence on record. We are not persuaded that the Court of Appeal erred in the evaluation of the evidence and its conclusions.

Accordingly we find no merit in the appeal which is hereby dismissed with costs here and the Courts below.

**Dated** at Mengo this **20<sup>th</sup>** day of **June** , 2007.

**B.J.ODOKI  
CHIEF JUSTICE**

**J.N.W.TSEKOOKO  
JUSTICE OF THE SUPREME COURT**

**J.N.MULENGA  
JUSTICE OF THE SUPREME COURT**

**G.W.KANYEIHAMBA  
JUSTICE OF THE SUPREME COURT**

**B.KATUREEBE  
JUSTICE OF THE SUPREME COURT**