

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(CIVIL DIVISION)
CIVIL SUIT NO. 92/2024

OBAL DANIEL ::::::::::: PLAINTIFF

VERSUS

1. NATIONAL RESISTANCE MOVEMENT (NRM)
 2. GADAFI NASUR (Chairperson NRM Youth League)
 3. DOMINIC MAFABI (Chairperson NRM Elder's League)
 4. JAMES TWEHEYO (Chairperson NRM Worker's League)
 5. MWESIGWA RUKARI (Chairperson NRM Entrepreneur's League)
 6. GEN. JIM MUHWEZI (Chairperson NRM entrepreneur's League)
 7. GABRIEL KATO (Chairperson NRM PWD's League)
 8. LYDIA WANYOTO (Chairperson NRM Women's League)
 9. TANGA ODOI (Chairperson NRM Electoral Commission)
- :::::::::DEFENDANTS

2ND, 3RD, 4TH, 5TH, 6TH, 7TH AND 8TH, DEFENDANTS' WRITTEN STATEMENT OF
DEFENCE.

1. Save as herein expressly admitted, the 2ND, 3RD, 4TH, 5TH, 6TH, 7TH AND 8TH, defendants deny each and every allegation of fact contained in the plaint as if the same were set out herein and traversed seriatim.
2. Paragraph 3 of the plaint is admitted. The address of service shall be jointly by Amanyire & Mwebaze Advocates plot 33, Lumumba Avenue Interservice Tower, 4th floor and Atwijukire Dennis Advocates plot 33 Lumumba Avenue Interservice Tower Building, 4th floor.
3. The defendants shall at the hearing raise preliminary objections to wit;
 - a) The plaintiff's suit discloses no cause of action against the defendants and shall pray that the plaint be struck out with costs.
 - b) The plaintiff's suit is barred by law.
 - c) The suit is frivolous, vexatious, an abuse of court process and shall pray that the same be dismissed and or struck out with costs.

- d) The plaintiff has no locus standi to institute the suit against the 2nd,3rd,4th,5th,6th,7th and 8th defendants.
 - e) The suit against the defendants is incurably defective and an abuse of court process.
4. **WITHOUT PREJUDICE** to the foregoing, the defendants aver and contend that;
- a) In response to paragraph **5(a,b,c,d,e,f and g)** of the plaint, the defendants contend that the elections were not conducted due to the guidelines on restrictions on Covid 19 issued by Ministry of Health.
 - b) In specific reply to paragraph **5(h,i and l)** of the plaint, the defendants contend that the allegations of unlawful extension of term of office are denied in toto and the plaintiff shall be put to strict proof.
 - c) In further reply to paragraph **5(h & i)** of the plaint, the defendants shall further state and contend that under the 1ST Defendant's constitution, the Central Executive Committee (CEC) in exercise of its functions has the mandate to extend the tenure of office of any officer holding office in the 1st defendant.
 - d) In specific reply to paragraph **5(k&l)** of the plaint, the defendants shall aver and contend that the plaintiff has got no cause of action against the 3rd,4th,5th,6th,7th and 8th defendants.
 - e) In reply to paragraph **5(m) and 6(A,B & C)** of the plaint, the defendants shall aver and contend that the plaintiff's claims therein are on fishing expedition contrived to dupe the defendants of unjustified benefit.
 - f) In specific reply to paragraph **5(n & o)** of the plaint, the 2nd defendant shall aver and contend that he is qualified and eligible and holding office in accordance with the 1st defendant's constitution.
 - g) In specific reply to paragraph **5(p)** of the plaint, the defendants aver and contend that if the plaintiff is dissatisfied with the current state affairs of the 1st defendant, he is free and at liberty to join any other

political party of his choice where he feels that his interests can be achieved.

- h) In specific reply to paragraph 5(q) of the plaint, the defendants shall aver and contend that a political party is governed and managed in accordance with the provisions of its constitution.
 - i) In further reply to paragraph 5(q,r,s,t) of the plaint, the defendant's shall further contend that the defendant's extension was done in accordance with the 1st defendant's constitution.
- 5. In specific response to paragraph 6(A & C) of the plaint, the defendants shall aver and contend that they have no obligation to pay for the plaintiff's trips he undertakes on private business.
 - 6. In specific response to paragraph 7 of the plaint, the defendants shall aver and contend that the plaintiff has no mandate to bring a suit in the interest or on behalf of the members of the 1st defendant.
 - 7. The contents of paragraph 8,9 and 10 of the plaint are denied in toto and the plaintiff shall be put to strict proof.
 - 8. No notice of intention was ever served onto the defendants.
 - 9. No liability whatsoever of any kind on the defendants is admitted, it is denied that the plaintiff has any cause of action against them.
 - 10. The defendants submit to the jurisdiction of this Court.
 - 11. The defendants contend that the plaintiff is not entitled to any of the reliefs sought.

WHEREFORE the defendants pray that that the suit be dismissed against them with costs.

DATED at Kampala this 22 day of 03 2024



JOINT COUNSEL FOR THE 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, AND 8TH,
DEFENDANTS

LODGED in the Registry this _____ day of _____ 2024.

DEPUTY REGISTRAR

DRAWN AND FILED BY:

*Amanyire & Mwebaze Advocates
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4th Floor Interservice Tower
P.O.Box 10924
Kampala, Uganda*

&

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- ::::::::: DEFENDANTS

SUMMARY OF EVIDENCE

The defendants shall adduce evidence to prove that the plaintiff has no cause of action against them. They shall further adduce evidence to prove that the plaintiff has locus to institute a suit against the 3rd, 4th, 5th, 6th, 7th and 8th defendants and that he has no mandate to institute a suit against the members of the 1st defendant. The defendants shall adduce evidence to prove that the plaintiff is not entitled to any remedies from court.

LIST OF WITNESSES

1. GADAFI NASUR (Chairperson NRM Youth League)
2. DOMINIC MAFABI (Chairperson NRM Elder's League)
3. JAMES TWEHEYO (Chairperson NRM Worker's League)
4. MWESIGWA RUKARI (Chairperson NRM Entrepreneur's League)
5. GEN. JIM MUHWEZI (Chairperson NRM Entrepreneurs' League)
6. GABRIEL KATO (Chairperson NRM PWD's League)
7. LYDIA WANYOTO (Chairperson NRM Women's League)
8. Others with leave of court.

LIST OF DOCUMENTS

1. NRM Constitution
2. CEC Resolution

LIST OF AUTHORITIES

1. The Constitution of the Republic of Uganda
2. The Political Parties and other Organizations Act, as Amended
3. Civil Procedure Act, Cap 71
4. Evidence Act, Cap 6
5. Civil Procedure Rules, SI 71-1
6. Case Law

DATED at Kampala this 22 day of 03 2024



JOINT COUNSEL FOR THE 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, AND 8TH,
DEFENDANTS

DRAWN AND FILED BY:

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