

# Uganda Peoples Congress

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# UPC

31 October 2015.

## COURT DISMISSES OLARA OTUNNU APPLICATION SEEKING AN ORDER TO DECLARE AKENA NOT PARTY PRESIDENT OF UPC.

Yesterday the 30<sup>th</sup>/10/2015, the Civil Division of the High Court of Uganda ruled on an application for an interim order filed by Amb. Olara Otunnu Misc. Application No. 412/2015 which arose from Civil Suit No. 238 of 2015. The Applicants were Amb. Olara Otunnu and five others. The Respondents were Hon. Jimmy Akena, Hon. Betty Amongi and Mr. Edward Segganyi. The matter was heard by the Hon. Justice Yasin Nyanzi

### **Their application sought a declaration that:**

1. An order for a Temporary Injunction restraining the respondents from unlawfully assuming and occupying the various positions in the ranks of Uganda People's Congress Party.
2. An Order of Eviction against the Respondents and their agents from the 6<sup>th</sup> floor of Uganda House.
3. A Declaration that Hon. Jimmy Akena was not validly nominated and elected as UPC Party President.

Amb. Olara Otunnu has continually insisted that the election of Hon. Jimmy Akena as UPC Party President never took place because it was interrupted by his supporters, whom he alleges, coerced the Party Electoral Commission into declaring Hon. Akena as the Party President. In his Application, he contended that due to the aforementioned reason among others, he was still the UPC President because on 6/5/2015, in the Ruling of Hon. Justice Stephen Musota (*Misc. Cause No. 035/2015 Hon. Betty Amongi and Ebil Fred VS Amb. Olara Otunnu and 2 others*), he was recognised as the Party President and therefore, in the absence of a valid election, he still remains the Party President of UPC.

In our submission, we argued that the Court Ruling of 6/5/2015 (*Misc. Cause No. 035/2015 Hon. Betty Amongi and Ebil Fred VS Amb. Olara Otunnu and 2 others*) was conditional in as far as it stated on pages 9-10 that, the term of Amb. Olara Otunnu had ended but that the UPC Constitution was silent on what transpires when the term of office of a Party President expires before the

**Mission:** A social democratic party that seeks to safe guard national independence and promote national unity, equality, equity and human rights for all.

**Vision:** An independent, united, democratic, just, peaceful and prosperous nation, where all its citizens have equal opportunities and equitable access to national resources.

election of new office bearers. In curing the dilemma, the Hon. Justice Musota then ruled:

“Much as the constitution provides for a term of five years, as long as new elections have not been held the holder of the office would continue to act in such position until elections are conducted. This means that as of now since no new elections have been held, the first respondent (referring to Olara Otunnu) is the *de facto* president of the UPC”

On the basis of the above quoted Ruling, we were able to prove that elections had already taken place; conducted by an Electoral Commission appointed by Amb. Olara Otunnu, and that the Party Electoral Commission had, after compiling all the results, declared Hon. Akena as Party President. We were also able to prove that the National Electoral Commission has recognised Hon. Akena as UPC party President.

In his Ruling dismissing Olara Otunnu’s Application, the **Hon. Justice Nyanzi** reaffirmed our position that the 6<sup>th</sup> May 2015 Ruling of **Justice Stephen Musota** determined that the term of Olara Otunnu as Party President had ended, but that he was to remain **acting** in office with the single purpose of conducting the elections for the new Party President.

**Justice Nyanzi** also agreed that all the evidence provided confirmed that the current *status quo* is that Hon. Akena is the Party President of UPC in accordance with the Political Parties and Organisations Act of 2005 (amended in 2010).

He also stated that the other matters raised by Olara Otunnu in respect as to whether elections were held or not and if held, were validly held or not, are not issues that can be settled through an interim injunction, but, rather in the main suit after hearing evidence on the merits of the case.

We welcome this Ruling in as far as it is a sweet victory for the members of UPC across Uganda and abroad since it has confirmed their overwhelming vote and unwavering support for Hon. Akena as UPC President.

This Ruling now clarifies to the country the fact that there is ONLY ONE legal and political leader of UPC, Hon. Akena. It therefore confirms our long held assertion that Olara Otunnu has been an imposter whose major objective has been to dupe TDA members into continuing to recognise him as a legitimate leader representing a political party. We now call on all media houses to stop referring to Olara Otunnu as the President of UPC in their reports.

We call upon Olara Otunnu to and his supporters to accept the leadership of the Party President. The door of the Party Headquarters is open to him and all others who still believed that he was the Party President, to come and join hands with the current leadership in rebuilding this great party.

We are informing TDA to stop forthwith their illegal action of committing UPC in all their activities, remove all UPC materials, symbols and its emblem from their documents and offices. If they want to engage UPC, they should contact the official UPC Party leaders and engage them, failing that, we shall not hesitate to contact our lawyers to move court to restrain them through appropriate legal action. They are free to work with Otunnu and other UPC members in their individual capacities.

A handwritten signature in blue ink that reads "J. Akena". The signature is written in a cursive, flowing style.

**J. Akena, MP,  
President**