



**IN THE EAST AFRICAN COURT OF JUSTICE AT ARUSHA
FIRST INSTANCE DIVISION**



(Coram: Monica K. Mugenyi, PJ; Faustin Ntezilyayo, DPJ; Fakihi A. Jundu, Audace Ngiye & Charles Nyachae, JJ)

APPLICATION No. 2 OF 2019

(Arising from Reference No. 3 of 2019)

FREEMAN A. MBOWE

& 3 OTHERS APPLICANTS

VERSUS

**THE ATTORNEY GENERAL OF THE
UNITED REPUBLIC OF TANZANIA RESPONDENT**

DATE: 19TH JUNE 2019

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RULING OF THE COURT

1. We have carefully listened to Counsel for the Applicants in this Application.
2. They have advanced very strong arguments in support of the grant of the interim orders sought in this matter.
3. The question before us, however, is whether the case made by the Applicants would warrant the grant of such orders *ex parte* rather than *inter partes*.
4. Rule 73(2) of this Court's Rules of Procedure enjoins the Court to grant *ex parte* interim orders only 'if satisfied that it is just to do so.'
5. We take the view that the gravity of the allegations in support of the present Application are such that the justice of this case requires that the Court hear both Parties *inter partes* before rendering itself on the Application for interim orders.
6. Accordingly, this *ex parte* Application is hereby disallowed. The Applicants are directed to serve the Application for interim orders upon the Respondent. A date for its hearing shall be communicated on notice.
7. We so order.

Dated and delivered at Arusha this 19th day of June 2019.

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Monica K. Mugenyi

**Hon. Lady Justice Monica K. Mugenyi
PRINCIPAL JUDGE**

Faustin Ntezilyayo

**Hon. Justice Faustin Ntezilyayo
DEPUTY PRINCIPAL JUDGE**

Fakihi A. Jundu

**Hon. Justice Fakihi A. Jundu
JUDGE**

Audace Ngiye

**Hon. Justice Audace Ngiye
JUDGE**

Charles Nyachae

**Hon. Justice Charles Nyachae
JUDGE**