

Case	Subject Matter	Relief Sought	Orders Granted	Date
<p>1. Martin Ogang v. Eastern and Southern African Trade and Dev. Bank (“PTA Bank”), Dr. Michael Gondwe, Kifle Hamza, and Sylvia Kitonga</p> <p>Ref. # 1B/2000</p>	<p>Employment dispute- contestation of removal of president of PTA Bank [Staff matters between COMESA and Institutions]</p>	<p>(1)Jail time for the president of the PTA bank (2) to not entertain any application of the matter presented by the 2nd or 3rd respondents (3) declaration that the actions by the board of directors and the board of governors of the PTA bank to fill the post of president of the PTA bank before the determination of the reference 1B/2000 (in which the applicant has challenged his removal from office as President of the PTA bank) are illegal, null and void</p>	<p>Order of the president of the court made ex parte and the disobedience that constitutes the foundation of the reference was contrary to subrule 3(a) of Rule 76 and was a nullity. Thus no basis for contempt of court, the sequestration of property or other proceeding against the First and Second respondents in the reference and even the third and fourth respondents. The Reference is dismissed. No order as to costs.</p>	<p>27 March 2000</p>
<p>2. Eritrea v. Ethiopia/Ethiopia v. Eritrea Eastern and Southern African Trade Dev. Bank v. Ref. # 1/99</p>	<p>Commercial Dispute- request for sequestration Orders against Eastern and Southern African Trade and Dev. Bank and Commital to Civil Jail [Between private sector and government]</p>	<p>Release of goods belonging to Ethiopians and for damages</p>	<p>Preliminary App. To be adjourned <i>sine die</i>. In pursuance of Rule 74.1(g). hearing pf reference by stayed <i>sine die w/</i> leave to the parties to apply for hearing as and when they may think fit</p>	<p>21 March 2001</p>
<p>3. Martin Ogang v. Eastern and Southern African Trade and Dev. Bank and Dr. Michael Gondwe Ref. #1F/2000</p>	<p>Employment dispute-hearing for preliminary plea of protest [Staff matters between</p>	<p>Dismissal of the preliminary plea of protest</p>	<p>Dismissal of the preliminary plea of protest and costs to be taxed as soon as possible by the Registrar in accordance with Rule</p>	<p>28 March 2001</p>

		COMESA and Institutions]		66 and to be paid by the Respondent within one month from the date of taxation	
4.	Eastern and Southern African Trade and Dev. Bank (“PTA Bank”) and Dr. Michael Gondwe v. Martin Ogang Ref. #1D/2000	Employment dispute- request to review the jurisdiction of this court to properly try this case [Staff matters between COMESA and Institutions]	Order suspending the operation of Resolution Number 58/99/01	PTA bank to bear the wasted costs of the abortive hearing held on March 22, 2001	29 March 2001
5.	Martin Ogang v. Eastern and Southern African Trade and Development Bank (“PTA Bank”) and Dr. Michael Gondwe Ref. #1A/2000	Employment dispute- hearing seeking orders suspending decision to remove Martin Ogang from office [Staff matters between COMESA and Institutions]	(1) Order of suspension be made pursuant to Resolution Number 58/99/01 (2) Order of suspension to restrain the Bank’s Board of Directors and/or Board of Governor’s (Feb. 1-2 of 2000) (3) Order of suspension to restrain Dr. Gondwe from representing himself to the Bank’s Board of Directors and/or Board of Governors meeting	Unable to grant suspension of all or any activities concerning Resolution Number 58/99/01 (nothing wrong found with Resolution) and unwilling to grant orders (listed in numbers 2-4) since no merit in any of the submissions made on behalf of Applicant	30 March 2001

			(Feb. 1-2 of 2000) (4) Order to compel the Bank's Board of Directors or Board of Governors to reverse all actions and undertakings of the Board of Directors pursuant to the Board of Directors Resolution Number 58/99/01 dated Dec. 6,1999		
6.	Kabeta Muleya v. Common Market for Eastern and Southern Africa and Erastus Mwencha Ref. # 2/2001	Employment dispute – request for review of jurisdiction [Staff matters between COMESA and Institutions]	Suspension order under Rule 75 of the Rules of the COMESA Court of Justice	Application dismissed with costs.	02 October 2001
7.	Eastern and Southern African Trade and Development Bank and Dr. Michael Gondwe v. Martin Ogang Ref. #1/2001	Employment dispute-appeal of a previous judgement that contested removal as President of PTA bank [Appeal filed and Staff matter between COMESA and Insitutions]	Application for the revision of a Judgement of the court made on 29 March, 2001	Refusal to admit the application for revision and no order as to costs	16 October 2001
8.	Building Design Enterprise v. Common Market for Eastern and Southern Africa	Commercial dispute-request for order for an Arbitration	An arbitration decision for Building Design Enterprise and Common	Costs in terms of the mutual agreement to not arbitrate	18 October 2001

	Ref. #1/2002	(don't know what case is about)	Market for Eastern and Southern Africa		
9.	Dr. Kabeta Muleya v. Common Market for Eastern and Southern Africa and Erastus Mwencha Ref. #2/2001	Employment dispute-conflict of Interest as to the Lord President's relation to the case at hand [Staff matter between COMESA and Institutions]	Application for the Lord President to recuse himself from the trial at applicants case	Application dismissed and no order as to costs	20 October 2001
10.	Dr. Kabeta Muleya v. Common Market for Eastern and Southern Africa and Erastus Mwencha Ref. #2/2001	Employment dispute-request for review of evidentiary Procedures [Staff matter between COMESA and Institutions]	Permission for witnesses to testify	Witnesses permitted to testify at the next session of the court	22 October 2001
11.	Dr. Kabeta Muleya v. Common Market for Eastern and Southern Africa and Erastus Mwencha Ref. #2/2001	Employment dispute-request for review of terms of employment contract	(1) To invalidate the Applicant's Staff Performance Appraisal Report (2) To continue the Applicant in his post (3) To order a new Staff Performance Appraisal Report	Rejection of the application for damages based on the non-renewal of the Applicant's contract of employment and costs in the cause	22 October 2001
12.	Dr. Kabeta Muleya v. Common Market for Eastern and Southern Africa and Erastus Mwencha	Employment dispute- request for invalidation of Staff Performance Appraisal Report, recommendation that applicant	(1) A declaration that the Staff Performance Appraisal Report in the Applicant's	Applicant successful on principal prayer for a declaration that his Staff Performance was invalid and other subsidiary prayers are unsuccessful. Applicant awarded costs for this Reference	23 April 2002

	Ref. #2/2001	should continue in his post, and other review measures amended [Staff matter between COMESA and Institutions]	<p>respect be invalidated</p> <p>(2) That the Applicant should continue in his post after expiry of contract of service and a new staff Performance Appraisal Report be completed for Renewal of contract</p> <p>(3) That the new Staff Performance Appraisal Report be subjected to the usual bottom-up approach of the COMESA policy organs meetings</p> <p>(4) That the Report of the Bureau should be invalidated</p>		
13.	The Republic of Kenya and The Commissioner of Lands v. Coastas Aquaculture Ref. #3/2001	Commercial dispute- request for injunctive relief [Between private sector and government]	An Injunction to restrain the Kenyan government or its “servants, agents, or officers from acquiring L.R. Nos. 17600 and 17601/2 Tana River, Kilifi District	Respondent is precluded by proviso to Article 26 from commencing a reference in this Court and application to strike out the Respondent’s Reference for want of <i>locus standi</i> is allowed. Respondent’s Reference to Court dismissed. No order as to costs.	26 April 2002

14.	Eastern and Southern African Trade and Development Bank and Dr. Michael Gondwe v. Martin Ogang Ref. #2/2001	Employment dispute- request for stay of proceedings and <i>de novo</i> hearing for removal of Martin Ogang [Staff matter between COMESA and Institutions]	Application for a stay of proceedings and an order that matter be heard <i>de novo</i>	The proceeding in which Justice Ogoola participated are irregular and must be set aside, this Reference is referred to the Judge President for his consideration	26 April 2002
15.	Common Market for Eastern and Southern Africa v. Mr. Erastus J.O. Mwencha and Kabeta Muleya Ref. #2/2001	Employment dispute- request for revision of the Court's judgement [Staff matters between COMESA and Institutions]	Revision of the Court's judgement of 23 April 2002	Court finds that the Application is inadmissible except for the wrong reference to the letter of 29th May, 2001, which is rectified as specified above, and each party bears its own costs	16 October 2002
16.	Eastern and Southern African Trade and Development Bank v. Martin Ogang Ref. #2/2002	Employment dispute-request for injunctive Relief to prevent removal of Martin Ogang as President of PTA Bank [Staff matters between between COMESA and Institutions]	Order on the measures of inquiry to be employed in this Reference and guidance from Court as to the appropriate measures of inquiry to be employed before the Court in this Reference	Respondent given three months from the date hereof to comply with the order for costs, failing which the Applicant may apply to have this Reference struck off and each party will bear its own costs	21 October 2002
17.	Bilika Hary Simamba v. Common Market for Eastern and Southern Africa Ref. #3/2002	Employment dispute- request for removal of a Reference due to question of fact [Staff matter between COMESA and Institutions]	Not Specified	Removal of Reference Number 3 of 2002 and mutual settlement as to costs	25 October 2002
18.	Standard Chartered Financial, Services Limited, A.D. Gregory, C.A. Cahill v. Court of Appeal for the Republic of Kenya	Commercial dispute- request for order of suspension-	Order of suspension to restrain the Respondent from causing any execution to issue against the	(1) The Republic of Kenya be substituted for the Court of Appeal for the Republic of	20 November 2002

<p>Ref. #4/2002</p>	<p>[Between private sector and government]</p>	<p>Applicants arising from the decision made on 4 October 2002</p>	<p>Kenya, as respondent in Reference No. 4 of 2002 before this Court</p> <p>(2) King Woolen Mills Limited and Galot Industries Limited be made Respondents to the Reference before this Court</p> <p>(3) Reference No. 4, be served on the Respondents.</p> <p>(4) The costs of the supplication up to the time the substation was made is awarded to the Court of Appeal of the Republic of Kenya</p> <p>(5) In terms of para. 2 of Article 34 of the COMESA Treaty no execution be levied in respect of the judgement of the Court of Appeal of the Republic of Kenya dated 4 October, 2002 which was the subject matter of the appeal between the Companies and the Applicants, pending the</p>	
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				final determination of Reference No. 4 of 2002	
19.	Dr. Kabeta Muleya v. Common Market for Eastern and Southern Africa and Erastus J.O. Mwencha Ref.#1/2003	Employment dispute- request for dismissal of a defective reference in defamation case [Staff matter between COMESA and Institutions]	Dismissal of Reference due to failure to disclose of particularize (1) the defamatory meaning of the words complained of (2) the persons to whom the defamatory words were published (3) the damage suffered by Dr. Muleya in his professional reputation	Mr. Mwencha struck out as a party to the main Reference and finding made that Reference is legally insufficient/inadequate and the costs of the preliminary application are awarded to COMESA and the Mr. Mwencha	4 April 2003
20.	Martin Ogang v. Eastern and Southern African Trade and Development Bank (“PTA Bank”) Ref.# 2/2002	Employment dispute- injunctive Relief to preempt board of directors meeting to discuss replacement [Staff matter between COMESA and Institutions]	Compliance with the order for costs granted in previous adjudication	Costs of the Application are awarded to the Respondent (PTA Bank) to be paid by the applicant.	7 April 2003
21.	Dr. Kabeta Muleya v. Common Market for Eastern and Southern Africa and Erastus Mwencha	Employment dispute- request for damages due to defamatory Press Release [Staff matter between COMESA and Institutions]	(1) Damages for libel (2) An injunction restraining the respondents whether by themselves, their servants or agents or otherwise, from further publishing or causing to	Damages in the amount of \$2,000 for the libelous Press Release and no granting of the injunction sought and Respondent to pay the Applicant’s costs of this Reference	1 July 2003

	Ref. #1/2003		<p>be published the said or similar words defamatory of the plaintiff</p> <p>(3) Costs</p> <p>(4) Further or any other relief that the Court may deem fit</p>		
22.	<p>Standard Chartered Financial Services Limited, A.D. Gregory, C.D. Cahill v. The Republic of Kenya, King Wollen Mills Ltd., and Gallot Industries Ltd.</p> <p>Ref.# 4/2002</p>	<p>Commercial dispute- request to discontinue proceeding [Between private sector and government]</p>	<p>Discontinuation of proceedings</p>	<p>Applicants jointly and severally pay costs to the Second and Third Respondants</p>	<p>20 July 2006</p>
23.	<p>Justine Nkurunziza, Generose Muterampuhwe, Fides Bizmana, Leon Kaybaye, and Cassien Kagwiza v. Eastern and Southern African Trade and Development Bank (“PTA Bank”)</p> <p>Ref.# 1/2004</p>	<p>Employment Dispute- hearing for breach of contract and <i>locus standi</i> [Staff matters between COMESA and Institutions]</p>	<p>Preliminary objections of <i>locus standi</i> and statute of limitations for breach of contract passed</p>	<p>The hearing of the Reference on the merits should proceed as scheduled without regard to the purported preliminary objections</p>	<p>24 July 2006</p>
24.	<p>Justine Nkurunziza, Generose Muterampuhwe, Fides Bizmana, Leon Kaybaye, and Cassien Kagwiza v. Eastern and Southern African Trade and Development Bank (“PTA Bank”)</p> <p>Ref. #1/2004</p>	<p>Employment dispute- request for declaration that the decision of the PTA Bank’s Board of Directors to dismiss the five Applicants was taken without the Applicants being legally notified [Staff matter between COMESA and Institutions]</p>	<p>Declaration that the decision of the PTA Bank’s Board of Directors to dismiss the five Applicants was taken without the Applicants being legally notified</p>	<p>Reference dismissed and cost to be met by the respective Applicants jointly and severally</p>	<p>29 July 2006</p>

	Aberdare Freight Services Limited v. The Republic of Kenya Revenue Authority Kenya Sugar Board Ref. #1/2005	Commercial dispute-request for a suspension order [Between private sector and government]	Application for a suspension order	Matter be removed from the Cause List and the hearing of the main Reference go ahead as scheduled on 7 August, 2006	31 July 2006
25.	Eastern and Southern African Trade and Development Bank v. The Republic of Burundi Represented By the Minister of Justice Ref. #1/2006	Commercial dispute- request for review of Jurisdiction for a property issue about unpaid rent [COMESA institutions and government]	(1) A declaration that there exists a dispute between the Bank and the Government of Burundi (2) An order compelling the Respondent to submit to Arbitration in accordance with the provisions of Either Article 21 of the Host Agreement or Article 46 of the Charter as this Honourable Court deems fit (3) An order that the Parties do commence such Arbitration process within 60 days of the	There is no jurisdiction to determine the matters brought by the Applicant	16 August 2006

			granting above (4) An order that the decision of the Arbitrators ultimately be referred to this Court for any further order steps or measures that may be necessary to enforce the same		
26.	Eastern and Southern African Trade and Development Bank v. Yvonne Nyagmukenga Ref. #3/2006	Employment dispute- request for order of the Principal Judge for Written Observations [Staff matter between COMESA and Institutions]	Interim relief in accordance with the provisions of Rules 75 and 76 of the Rules of the Court	In terms of Rue 76(1) the Respondent file in the Registry of the Court within 21 days from the date of the Registrar's communication of this Order	22 January 2007
27.	Yvonne Nyagmukenga v. Eastern and Southern African Trade and Development Bank	Employment dispute - request for order of extension of time [Staff matter between COMESA and institutions]	(1) Extend the time limited by Rule 33 of the Rules of Court for filing a reply herein by a further 30 days (2) The reply to the reference dated 8 February 2007 lying the COMESA Court of Justice Registry be deemed duly	(1) Time of filing a defence is extended for 30 days from the date it expired, that is until February 16 (2) That the defence dated 8 February 2007 is deemed duly and accordingly filed (3) That the costs in the present application abide the decision in the main Reference	15 March 2007

	Ref. #3/2006		and accordingly filed (3) That the costs occasioned by the present application be in the cause (4) Any other that the Court may deem to grant		
28.	Eastern and Southern African Trade and Development Bank v. Yvonne Nyagmukenga Ref. # 3/2006	Employment dispute- request for review of jurisdiction [Staff matter COMESA and Institution]	Order on whether or not the court has proper jurisdiction to try employment dispute case	Restraint from proceeding with steps to enforce arbitral award	17 April 2007
29.	Eastern and Southern African Trade and Development Bank v. The Republic of Burundi Ref. # 1/2006	Commercial dispute- Summary Judgement due to Respondent never appearing in the proceedings [COMESA institutions and government]	Withdraw of an appeal	No order as to costs and withdraw of appeal granted	25 March 2008
30.	Eastern and Southern African Trade and Development Bank (“PTA Bank”) v. Nova Pack Ltd. Ref. # 2/2005	Commercial dispute- request for case removal	Application for a case to be removed	Matter be removed from the Cause List and each party bear its own costs	31 March 2008
31.	Eastern and Southern African Trade and Development Bank v. The Intergovernmental Committee and The Council of Ministers Ref. # 1/2006	Commercial dispute – request for discontinuance of proceedings in a case	Notice of discontinuance of the Reference under Rule 69(1) of the Rules of Court jointly filed	Matter be removed from the Cause List and each party bear its own costs	1 April 2008

		[COMESA institutions and government]			
32.	Eastern and Southern African Trade and Development Bank v. Yvonne Nyagmukenga Prelim. App. # 2/2008	Employment dispute- request to review time to file transactions [Staff matters between COMESA and institutions]	Application to the Lord Principal Judge to prescribe time within which to file transactions	French copies of the Preliminary Application No.2 of 2008 be filed by the 15th of September 2008	28 August 2008
33.	Eastern and Southern African Trade and Development Bank v. Yvonne Nyagmukenga Ref. # 3/2006	Employment dispute- request for suspension order [Staff matter between COMESA and institutions]	Application for a suspension order under Rule 75 of the Rules of Court and Article 35 of the COMESA treaty	Pending the hearing and determination of Reference No. 3 of 2006 filed in the Court by the Eastern and Southern African bank the servants of Yvonne Nyagmukenga be restrained from proceeding with steps to enforce the arbitral award made by the Arbitral Tribunal on the 15th of July 2005	29 December 2008
34.	Eastern and Southern African Trade and Development Bank v. Yvonne Nyagmukenga (listed three times in folder) Ref. # 3/2006	Employment dispute- request for leave to amend defence [Staff matter between COMESA and institutions]	Application to leave defence	(1) In a accordance with Rule 37 of the Rules of Court leave to amend the defence is granted and to be filed within 14 days of receipt of this order (2) The Applicant in the main Reference is at liberty to file an amended statement of claim or a reply to the amended defence and counterclaim as necessary	29 December 2008

				(3) Costs of application will be the same in the cause	
35.	Eastern and Southern African Trade and Development Bank v. Yvonne Nyagmukenga Ref. # 3/2006	Employment dispute- request for review due to assertions of wrongful termination [Staff matters between COMESA and institutions]	Decision for jurisdiction	(1) Jurisdiction issue separated from <i>res judicata</i> (2) Jurisdiction to hear employment disputes granted by Article 27 (3) Affirmation of COMESA as an enforcing body	15 September 2009
36.	Eastern and Southern African Trade and Development Bank v. Yvonne Nyagmukenga Ref. # 2/2006	Employment dispute- request for review of an arbitral award [Staff matters between COMESA and institutions]	The setting aside of the arbitral award on the ground that there is an error of law on the face of the award	Order of the Principal Judge dated 17 April 2007 suspending the execution of the Arbitral Award of 15 July, 2005 be lifted forthwith	18 September 2009
37.	Intelsolmac v. Rwanda Civil Aviation Authority Ref. # 1/2009	Commercial dispute- request for review of jurisdiction [Between private sector and government]	Dismissal with costs of the case referred to the Court for lack of jurisdiction	Court has no jurisdiction to hear and determine the Reference and it is dismissed with costs	7 May 2010
38.	Common Market for Eastern and Southern Africa v. Samuel Anderson Mwambazi Ref. # 2/2011	Employment Dispute- request for damages due to termination of contract [Staff matters between COMESA and institutions]	Invalidation of the Applicant's administrative action which terminated the employment contract and reinstatement to professional position and to be paid by the Applicant for the period between the date of termination and the date when the contract would have expired	Though the subject matter of the dispute falls under the jurisdiction of the court case cannot be entertained because the avenues in the contract have not been properly exhausted; no orders on cost and the main Reference of No. 1 of 2011 be	23 November 2011

39.	<p>The Republic of Mauritius v. Polytol Paints & Adhesives Manufacturers Co. Ltd.</p> <p>Ref. # 1/2012</p>	<p>Commercial dispute- dispute over duty and request for review of jurisdiction and [Between private sector and government]</p>	<p>(1)Declaration that the Applicant in the application has infringed “The Treaty” (2) Order directing the Applicant to take all the necessary steps and measures to properly implement “The Treaty: through its domestic legislation with such time frame as the Court deems just (3) Granting of an appropriate remedy with costs against the Applicant</p>	<p>(1)Applicant has <i>locus standi</i> and the Court has jurisdiction to consider the matter before it currently in terms of Articles 23 and 26 of “The Treaty” (2) The Preliminary Objection is dismissed with costs to the Respondent</p>	<p>6 December 2012</p>
40.	<p>Eastern and Southern African Trade and Development Bank v. Yvonne Nyagmukenga [listed twice]</p> <p>Ref. # 3/2006</p>	<p>[Staff matters between COMESA and institutions]</p>	<p>Variation, cancellation and/or setting aside of the Order of the Court Dated 17th April 2007</p>	<p>File written observations within 14 days from date of Registrants communication of this order to Respondant</p>	<p>29 February 2008</p>
41.	<p>Eastern and Southern African Trade and Development Bank v. Yvonne Nyagmukenga</p> <p>(listed twice in folder)</p> <p>Ref. # 3/2006</p>	<p>Employment dispute- request for variation, cancellation, and/or setting aside of the order of the court [Staff matters between COMESA and institutions]</p>	<p>Application for variation, cancellation and/or setting aside of the order of court dated 17 April 2007</p>	<p>In terms of Rule 76(1) of the Rules of Court the Respondent file with the Registry of the Court their Written Observations within 14 days from the date of the Registrar’s communication of this Order to the Respondent</p>	<p>29 December 2008</p>