

OFFICIAL GAZETTE



**of the
COMMON MARKET FOR EASTERN
AND SOUTHERN AFRICA**

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By Order of the Council

Mr. Erastus J.O. Mwencha, MBS
Secretary General
COMESA

LEGAL NOTICE NO. 1 OF 2001
RULES OF THE COURT OF JUSTICE, 1998
NOTICE ON INITIATION OF PROCEEDINGS
(Under Rule 10)

IT IS HEREBY NOTIFIED in terms of Rule 10 of the Rules of the Court of Justice that the following case was registered with the Court-

1. Case No. 1F/2000 registered on 29th May, 2000:
(Under Rules 75(2) – 75(4); 77(3); 82 & 90)

- (a) Names of the parties:

Martin Ogang (Applicant)	vs.	Eastern and Southern African Trade and Development Bank (First Respondent) Dr. Micheal Gondwe (Second Respondent)
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- (b) Addresses of the Parties:

Applicant:

C/O Eastern and Southern African
Trade and Development Bank
NSSF Building 23rd Floor
Bishops Road
P.O. Box 488596
Nairobi
Kenya

1st Respondent:

Eastern and Southern African
Trade and Development Bank
NSSF Building 23rd Floor
Bishops Road
P.O. Box 488596
Nairobi
Kenya

2nd Respondent:

C/O Dr. Micheal Gondwe
Eastern and Southern African
Trade and Development Bank
NSSF Building 23rd Floor
Bishops Road
P.O. Box 488596
Nairobi
Kenya

(c) Subject matter of proceedings:

The subject matter of the proceedings relates to a protest against the Ex-parte Order or decision by the Judge President refusing to give the Respondents an extension of time to file their defence to Reference No. 1A/2000 filed on 20th January, 2000.

(d) Form or order sought:

The Respondent is seeking the following orders from the Court:

- (i) THAT the Court delivers a declaratory ruling-
 - (aa) on the Court's jurisdiction and powers in receiving and dealing with these references as the Court's jurisdiction and powers are not admitted by the Respondents.
 - (bb) on the violations by the Judge President of the rules of natural justice inherent in the practice and procedure of the COMESA Court of Justice, the irregular reception of contentious information and on the standard of proof required in the matters complained of and occasioning the violations aforesaid.
- (ii) That the decision and Ex-parte Order of the Judge President be cancelled forthwith for being null and void, inconsistent, contradictory and incapable of taking effect.
- (iii) That the Judge President voluntarily recuse or excuse himself from:
 - (aa) any further dealings with these References, and from
 - (bb) participating in the hearing of these References
- (iv) That in default of (iii) above, the COMESA Court of Justice shall by order prohibit the Judge President from participating in the hearing of these references.

Thus done at Lusaka, Zambia, this 1st day of February, 2001.

Sipho H. Zwane
REGISTRAR
COMESA COURT OF JUSTICE