

High Court upholds NDA boss' sacking

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KAMPALA. The High Court in Kampala has upheld the removal of Ms Donna Asiimwe Kusemererwa from the position of the executive director of National Drug Authority (NDA).

Ms Kusemererwa had petitioned the court's Executions Division to stay the implementation of the earlier ruling by the Civil Division which removed her from office. She was seeking the stay of execution of the ruling, pending disposal of her appeal that she had lodged in the Court of Appeal.

The ruling

However, Justice Christopher Madrama Izama, the head of the Executions Division, dismissed her application.

"I do not have jurisdiction to set aside any declaratory orders quashing orders of a High Court judge. I cannot in the premises interfere with the injunction, which would have an effect of setting aside an injunction as well," Justice Madrama ruled on November 7.

He continued: "Even if I had limited jurisdiction in exceptional circumstances to set aside an injunction or stop it from being in operation, I decline to exercise such powers. In the premises, the application for stay of the execution has no merit and is accordingly dismissed on points of law discussed above."

The judge advised that in such scenarios, it is the Court of Appeal that can alter High Court orders.

In September this year, Justice Stephen Musota of the High Court's Civil Division removed Ms Kusemererwa from office, saying the position to which she had been appointed did not exist.

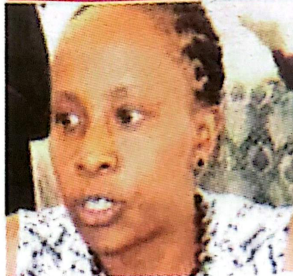
He declared that "the position of the executive director to which the 2nd respondent [Ms Kusemererwa] was appointed was/is non-existent and contrary to Section 54(2) of the National Drug Authority Act Cap 206."

He directed the NDA to advertise the vacant position of secretary within 60 days from the day of judgement.

Ms Kusemererwa's removal from office followed a successful petition by Ms Florence Nakachwa, the former head of drug assessment and registration at NDA, who was challenging termination of her contract.

Justice Musota's verdict also barred Ms Kusemererwa from serving in acting position as NDA secretary.

IMPLICATION



Outcome. The November 7 ruling of the court's Executions Division gives a green light to NDA to fill up the position of Secretary.