

Case Alert

DISPUTE RESOLUTION
KTA Advocates

Election Petition Update: High Court Dismisses Petition Challenging Kinkiizi County West MP-Elect on Preliminary Objection

15 September 2026

CASE DETAILS

Rushokora Victor v Niringiyimana Ruugi James Kaberuka & 2 Others, Election Petition No. 0004 of 2026, High Court of Uganda at Rukungiri, before Hon. Justice Richard Wejuli Wabwire.

KTA Advocates represented the 1st Respondent, Hon. Niringiyimana Ruugi James Kaberuka, through Mr. Kenneth Kipaalu, Ms. Nalubowa Sumayya and Mr. Stuart Kamugisha. Mr. Godfrey Musinguzi appeared for the 2nd and 3rd Respondents.

REPRESENTED BY

The 1st Respondent was represented by the following members of the KTA Advocates Dispute Resolution team:



Keneth Kipaalu
Lead Counsel, Dispute Resolution



Sumayya Nalubowa
Associate, Dispute Resolution



Stuart Kamugisha
Associate, Dispute Resolution

Brief Facts

The Petitioner challenged the election of the 1st Respondent as Member of Parliament for Kinkiizi County West, contending that his nomination on 23 October 2025 was invalid. The grounds raised concerned the number and particulars of his nominators, alleged discrepancies in the identification numbers and signatures of the nominators and appointed agent, and the authenticity and sufficiency of the academic documents presented at nomination.

At the mention and scheduling of the petition, Counsel for the Respondents raised a preliminary objection that the petition disclosed no cause of action, on the basis that it was founded entirely on pre-election nomination complaints that ought to have been raised with the Electoral Commission under section 15 of the Electoral Commission Act, before polling.

The Court's Reasoning

The Court held that the defects alleged were pre-election nomination issues, apparent on the face of and verifiable upon inspection of the nomination file. Relying principally on the Court of Appeal's decisions in *Nandagire Christine Ndiwalana v Katushabe Ruth* (Election Petition Appeal No. 0034 of 2021) and *Grace Nalubega v Juliet K. Suubi Kinyamatama & Another* ([2022] UGCA 383), the Court found that a petitioner who fails to raise such complaints through the pre-election process prescribed by law is, save in narrow circumstances, estopped from raising them for the first time after the election, having waived the right to complain within the stipulated period.

The Court further held that want of a cause of action is a substantive legal defect rather than a mere technicality, and may render a petition improperly before Court. It also rejected a late attempt to introduce a ground of ballot stuffing, holding that Rule 5 of the Parliamentary Elections (Election Petitions) Rules bars amendments introducing new grounds outside the statutory 30-day period.

DECISION

The preliminary objection was upheld, and the petition was dismissed in its entirety, with no order as to costs.

KEY TAKEAWAYS

01. Nomination disputes must be raised before polling, before the Electoral Commission, within the period prescribed by law.
02. A petitioner who fails to challenge a nomination in time is generally estopped from raising the same complaint for the first time in an election petition.
03. Want of a cause of action is not a mere technicality; it goes to the very competence of the petition and may be raised at any stage of the proceedings.
04. New grounds cannot be introduced into a petition after the statutory time limit for filing has expired.

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