

PARLIAMENT
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27 MAR 2018

EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY

27 MAR 2018

**MOVED UNDER ARTICLE 40 OF THE TREATY AND SECTION 20 OF THE
ASSEMBLY POWERS AND PRIVILEGES ACT**

**RESOLUTION OF THE ASSEMBLY GRANTING HON. FRED MUKASA MBIDDE OR
ANY OTHER MEMBER TO INTERVENE AND TO USE RECORDS OF THE HOUSE AT
THE EAST AFRICAN COURT OF JUSTICE IN (CASE REFERENCE NO. 02 OF 2018)**

**By Hon. Fred Mukasa Mbidde and adopted by the House on Wednesday 7th
March 2018.**

WHEREAS the 4th Assembly was duly convened for the 1st Meeting of the 1st Session of the 4th Assembly vide the letter of the Clerk dated 1st December 2017;

AND WHEREAS the Assembly duly met from 18th - 23rd December 2017 to perform its inaugural activities in line with the provisions of the Rules of Procedure of the Assembly, specifically Rules 4, 5, and 6;

AND WHEREAS it has come to the knowledge of Hon. Mbidde Mukasa Fred that, the aforesaid processes that were duly undertaken by the Assembly in line with its mandate under its Rules are now a subject of Court proceedings in the East African Court of Justice under Reference No. 02 of 2018 filed by the Attorney General of the Republic of Burundi versus the Secretary General of the Community. The subject matter of the case being that the Attorney General of the Republic of Burundi is challenging the election of Speaker;

CONVINCED THAT the matters raised in the reference touch on the sanctity of the Assembly within its jurisdiction and therefore it should be well represented in Court, the absence of which may lead to a misrepresentation of the Assembly. It is therefore, of utmost importance to enjoin Hon. Mbidde as an intervener to the case Reference No. 02 of 2018;

GUIDED HOWEVER BY Article 40 of the Treaty and Section 20(1) of the Assembly Powers and Privileges Act 2003; thus:

"Notwithstanding the provisions of any other law, no member or officer of the Assembly and no person employed to take minutes or record evidence before the Assembly or any Committee shall, except as provided in this Act, give evidence else-where in respect of

Committee shall, except as provided in this Act, give evidence else-where in respect of the contents of such minutes or evidence or of the contents of any document laid before the Assembly or such a Committee, as the case may be, or in respect of any proceedings or examinations held before the Assembly or such a Committee, as the case may be without the special leave of the Assembly first had and obtained in writing”;

FURTHER GUIDED BY Rule 23 of the Assembly Rules of Procedure which stipulates the manner and processes through which Journals and Records of the House, including all papers and accounts presented to or belonging to the House, are kept, processed or transmitted only under the express leave of the House, or order of the Speaker. The documents/Records of the House in respect of the Court being which the Member intends to use being:-

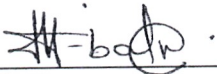
1. The letter of the Clerk of the East African Legislative Assembly convening the First Sitting of the 4th Assembly in December 2017 for purposes of subjecting the Members to Oath or Affirmation of allegiance.
2. The Proceedings of the 1st Meeting of the 1st Session of the 4th Assembly presided over by the Clerk. (The Hansard of December 2017).
3. All the documents related to the travel itinerary of the Members and related expenses facilitating Members to attend the swearing in function in December 2017.
4. The list of Members of the 4th Assembly as Tabled by the Clerk during the inauguration sitting.
5. Nomination Papers of all candidates who were nominated for Speakership and the Members who nominated/seconded them in December 2017.
6. The Proceedings and the results thereof of the Election of Speaker in December 2017.
7. Any other documents/materials related to the 1st Meeting of the 1st Session of the 4th Assembly and the constitution of Committees.



NOW THEREFORE, THIS HOUSE DO RESOLVE TO:-

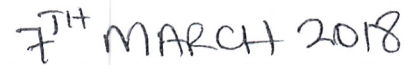
1. Grant leave to Hon. Fred Mukasa Mbidde and any other Member of the Assembly who may want to intervene, and/or appoint lawyers to represent it in the case reference No. 02 of 2018 in the East African Court of Justice.
2. Grant leave to Hon. Fred Mukasa Mbidde to use the records of the House in Case reference No. 02 of 2018.

CERTIFIED BY:



Alex Obatre

For: CLERK OF THE ASSEMBLY



DATE: