



EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY

**REPORT OF THE EALA COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON
*INVESTIGATION OF THE COMPLAINTS RAISED IN THE MOTION FOR THE
REMOVAL OF SPEAKER FROM OFFICE***

**EAC HEADQUARTERS, ARUSHA, TANZANIA
27th NOVEMBER – 16th DECEMBER 2014**

**CLERK'S CHAMBERS
EAC HEADQUARTERS
ARUSHA,
TAZANIA**

DECEMBER 2014

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REPORT OF THE COMMITTEE FOR THE INVESTIGATION OF THE COMPLAINTS RAISED IN THE MOTION FOR THE REMOVAL OF SPEAKER FROM OFFICE

Preamble

1. The Legal, Rules and Privileges Committee (The Committee) is established by the East African legislative Assembly (hereinafter referred to as "the Assembly" pursuant to Article 49(e) of the Treaty for the Establishment of the East African Community (The Treaty).
2. The mandate of the Committee is provided for under the Rules of Procedure. In particular Rule 9(4) in respect of removal of the Speaker provides that the House shall refer the motion to the Committee on Legal, Rules and Privileges to investigate and report its findings to the Assembly for debate.
3. Article 53(1) of the Treaty provides for the manner the Speaker of the Assembly is elected and under Article 53(3) the Treaty provides that the Speaker of the Assembly may be removed from office by a resolution supported by not less than two thirds majority of the elected members for misconduct among others.

Background

4. The facts giving rise to this investigation are as following:
 - (a) On the 26th of March 2014, a notice of motion for a resolution to remove the East African Legislative Assembly (EALA) Speaker from office (*Annexure 1*) was presented to the Clerk of the Assembly in accordance with the provisions of Rule 26(1) and (2), and Rule 9 of the Assembly's Rules of Procedure (2007 Edition).
 - (b) On the 27th of March 2014, a motion for a resolution of the House to remove the Speaker of EALA from office (*Annexure 2*) was presented to the Clerk of the Assembly in accordance with the provisions of Rule 9(2) and 9(3) of the Assembly's Rules of Procedure. The Motion was supported by 33 members, namely: 9 Members from Burundi; 9 Members from Rwanda; 5 Members from Tanzania; 5 Members from Kenya; and 5 Members from Uganda.
5. On the 1st of April 2014, the Motion was placed on the Order Paper of the day (*Annexure 3*), and as Hon Peter Mathuki proceeded to move the Motion to the House the proceedings were interrupted when the Speaker adjourned the House *sine die* (*Annexure 4[a], [b]*).

6. On 14th of April 2014, the Speaker filed Reference No. 5 in the East African Court of Justice (EACJ) challenging the Rules of Procedure for Removal of Speaker (*Annexure 5*). This was beside an earlier Reference No. 3 filed by Mbidde Foundation Ltd (*Annexure 6*) alleging that the procedure for the removal of the Speaker infringes on the provisions of the Treaty. Thereafter the court requested EALA to stay the proceedings until the determination of the main application which the Assembly adhered to accordingly.
7. On the 29th of May 2014, the issue of the removal of the Speaker was raised in the House, the Counsel to the Community (CTC) guided the House that the court had dismissed the two applications, and the House could therefore proceed with the motion using the existing Rules (*Annexure 7[a], [b]*). However, the Speaker ignored the advice of the CTC and adjourned the House without concluding on the matter.
8. On the 3rd of June 2014, the Speaker in her ruling informed the House that 3 Members from the United Republic of Tanzania had withdrawn their signatures from the Motion for Removal of Speaker, rendering the motion null and void. The CTC guided the House on the implication of the removal of signatures that the requirement for signatures had already been fulfilled. Further, he stated that the act of adjourning the House *sine die* on the 1st of April 2014 did not have the effect of withdrawing the Motion from the House because the Motion was properly moved in the House. The extract of the relevant Hansard record is attached as *Annexure 8[a] [i] and [ii] 8[b]*.
9. On the 26th of November 2014, upon petition by thirty two (32) members (*Annexure 9*), the Clerk convened an informal meeting of the Assembly to elect a person to chair proceedings of the Assembly in accordance with Rule 9 and Annex 3 of the Rules of Procedure. The Assembly also received the advice of the CTC on the matter (*Annexure 10 [a], [b]*).
10. On the 26th November 2014, the Motion for the removal of the Speaker was referred to the Committee on Legal, Rules and Privileges. The House further, resolved to suspend the Speaker pending the outcome of the investigation (*Annexure 11*).
11. It is against this background that the Committee was convened pursuant to Rule 9 of the Rules of Procedure and provisions of Article 53(3) of the Treaty to investigate the matter and report to the House within 21 days (*Annexures 12 and 13*).

Terms of Reference

12. The resolution of the House of 26th of November 2014 referred the motion dated 27th of March 2014 (*Annexure 2*) to the Committee in accordance with Rule 9 of the Rules of Procedure and mandated the Committee:

- (a) To investigate complaints raised in the motion for the removal of the Speaker from office; and
- (b) To report back its findings to the House for debate.

Methodology

10. On the 27th November 2014, the Committee met at Commission Room, County Hall in Nairobi, Kenya to elect a chairperson for purposes of proceedings as the substantive chairperson of the Committee had previously resigned alongside other three chairpersons of standing Committees (*Annexures 12, 13 and 14*). Hon. Frederic Ngenzebuhoro was unanimously elected chairperson of the Committee.

11. To carry out its mandate, the Committee employed various methods, which included:

- (a) identifying various complaints contained in and arising from the motion dated the 27th of March 2014 (*Annexure 2*);
- (b) developing Rules of Procedure for purposes of proceedings;
- (c) developing and approving work schedule for the Committee (*Annexure 15*);
- (d) drafting and serving notice to the Speaker to appear before the Committee in person and or be represented by a lawyer or any other person (*Annexure 16*);
- (e) drafting and serving notifications for the Members of the Assembly and the Staff and approve the date for commencement of the investigation to enable any person wishing to give any information to the Committee to do so within a given time (*Annexures 17 and 18*);
- (f) reviewing of Commission meeting minutes; Staff meeting minutes; official proceedings of the Assembly (Hansard); Audio Visual Recordings of the Assembly proceedings; photographs; EACJ proceedings and references; motions, resolutions and statements and letters from EALA Members; media extracts; EAC Audited and Budget Reports; as well as other relevant materials;

- (g) holding hearing sessions and taking evidence from witnesses in support of complaints, evidence from the Speaker if any, and any other relevant information on the matter;
- (h) considering issues and evidence received by the Committee and making findings; and
- (i) reporting findings for the House for debate.

Observations and Findings

Observations:

12. The Committee received evidence from three honourable members as witnesses herein referred to as (*Annextures 19 [a], [b] and [c]*) who appeared before the Committee in response to the notice issued by the Committee to all Members of the Assembly (*Annexure 17*).
13. At the invitation of the Committee, the Clerk of the Assembly appeared before the Committee and produced documents namely Commission Minutes (*Annexure 20*), EALA Members' register for travel as per nominations (*Annexure 21*), list of staff in employment of the Assembly (*Annexure 22*) and made clarification sought by the Committee (*Annexure 23*).
14. The Committee further reviewed the records and documents of Commission meeting minutes; Staff meeting minutes; official proceedings of the Assembly (Hansard); Audio Visual Recordings of the Assembly proceedings; photographs; EACJ proceedings and references; motions, resolutions and statements and letters from EALA Members; media extracts; EAC Audited and Budget Reports; as well as other relevant materials.
15. The Speaker did not appear in person but was represented by Mr. Jet John Tumwebaze, a lawyer from Kampala Associated Advocates and Hon. Susan Nakawuki. However, the Committee ruled that Hon. Nakawuki being a member of the Assembly could not appear as an advocate before a Committee of the same Assembly; although she was at liberty to be present during the proceedings. The Speaker's lawyer Mr. Jet John Tumwebaze addressed the Committee on behalf of his client and his submissions are recorded in the Hansard are attached as *Annexure (24)*.

16. The Committee deliberated at the length and considered the complaints which were extracted from the Motion (*Annexure 2*) for ease of reference and accordingly numbered together with all evidence adduced, oral or documentary and made the following observations:
- (a) The Honourable members who gave evidence assisted the Committee to investigate and not as prosecution witnesses, or accusers. The Clerk of the Assembly also gave evidence in his official capacity as the custodian of the documents required by the Committee;
 - (b) The Committee on its own was obliged to call for and consider any documentary or other evidence to enable the Committee to adequately address itself to the complaints raised in the Motion (*Annexure 2*); and
 - (c) The Speaker by refusing to appear before the Committee denied the Committee the opportunity to hear the Speaker's response to the complaints. Her lawyer, Mr. Jet John Tumwebaze appeared before the Committee and stated thus:
 - (i) The Speaker did not wish to appear before the Committee because it was carrying out an illegality;
 - (ii) That twelve members out of fifteen members of the Committee should not sit in the Committee because they signed the motion for the removal of the Speaker.
17. The statement that the lawyer had instructions to inform the Committee that her client, the Speaker would not appear before the Committee was categorical and unequivocal. The Committee was not left with any options the under circumstances as the Committee does not have the power to compel the Speaker to appear before it. In respect to the alleged court ruling on the matter in the consolidated Reference No. 3 and 5 of April 2014; the Committee noted that the application for interim order in the said consolidated Reference was dismissed on the 29th May 2014.
18. The Committee noted that the provisions of Article 53(3) of the Treaty and Rules 9(2), 78(2) (b), 78(6) and Annex 5B of the Rules of Procedure are very clear. The Rules of Procedure provide that the whole House debates the issue of removal of the Speaker including those who have signed the Motion of removal pursuant to Rule 9(2). Considering that the total membership of the Assembly is forty five (45) including the Speaker and the required two-thirds majority to remove the Speaker is a minimum of thirty (30) members, it cannot be said that the makers of the Rules of Procedure and the Treaty intended to exclude any member or class of members from participation in such a Motion. Situations where peers are called upon to investigate, try or call to account one of their own are part of parliamentary practice.

Findings:

Unilaterally making a decision to stop rotation sittings contrary to provisions of the Administration of EALA Act, 2012

19. Section 4(a) of the Administration of EALA Act, 2012 mandates the Commission to manage, organize the business and programmes of the Assembly. According to the evidence of witnesses (*Annexure 19[a] and [b]*), the Speaker announced during a dinner hosted by the Rt. Hon. Mukantabana Rose, the Speaker of Parliament of Rwanda in honour of EALA and national parliament members in April 2013, Kigali that there would be no more rotational sittings. The issue is whether the Commission had resolved to do away with rotational sittings when the Speaker made the announcement.

20. The Committee searched through the Committee minutes and finds that the issue first arose in Entebbe, Uganda on the 10th of June 2013 but there was no consensus (*Annexure 25*). Hon. Christophe Bazivamo objected to this decision and produced a minority report (*Annexure 26*). At a subsequent Commission meeting on the 15th July 2013 (*Annexure 27*) Min. No. 14/Comm/2013, the Commission resolved that an abrupt change might be counterproductive; and

The Committee concluded that by time the Rt. Hon. Speaker announced in Kigali, Rwanda that there was not going to be any future rotational sittings, there was no Commission resolution to that effect. The Speaker's act was therefore unilateral and contrary to the provisions of the Administration of EALA Act, 2012.

Wasting the resources of the Community in particular of EALA by poor time management, unnecessary delays, postponement of meetings and laissez-faire attitude to Assembly responsibilities contrary to provisions of the Rules of Procedure

21. Evidence adduced to attest to this allegation:

(a) In addition to the submission of a witness (*Annexure 19 [b]*), the records show that there was a planned Commission meeting on the 9th to 12th of April 2013 four days preceding the plenary meeting scheduled for 12th to 26th April 2013 in Kigali, Rwanda to consider the draft EALA Strategic Plan for 2013 to 2018. The Members of the Commission travelled to Kigali arriving on 8th April 2013. On 9th April 2013 the Speaker did not show up for the Commission meeting, neither did she communicate, nor delegate the responsibility of chairing the meeting. The Commissioners stayed idle in Kigali for the whole day utilizing the Assembly's resources without work. The notice

of the meeting and the programme are attached as *annexures 28 and 29*) respectively.

(b) In August 2013 all members of the Assembly went to Mombasa, Kenya as programmed in the EALA Annual Legislative Calendar for 2013/2014 Financial Year. According to the evidence available (*Annexure 30*) the members of the Commission and Chairpersons of all the Standing Committees arrived one day before the workshop for a consultative meeting. The Speaker who was supposed to chair the meeting did not come as scheduled, nor did she delegate responsibility of chairing the meeting.

The Committee finds that the Speaker gave priority to unscheduled and personal engagements and failed to discharge her duties in respect of the Assembly thereby wasting the resources of EALA.

Constantly flouting and manipulating the Rules of Procedure with impunity to foster personal interests

22. Article 55(1) of the Treaty provides that the meeting of the Assembly shall be held at such time and place as the Assembly may appoint. The Rules of Procedure facilitate the House to make resolutions that are binding. Rule 11(7) provides that the Assembly may, on a resolution adopted by a majority of its members, decide to hold one or more sittings elsewhere within the Partner States, other than at its seat.

23. Contrary to the provisions of the Treaty and Rules as stated above, the Speaker made an announcement in Kigali, Rwanda concerning rotational sittings at a dinner party.

The Committee finds that the evidence above is sufficient to hold the Speaker accountable.

24. On the 1st of April 2014 the Speaker adjourned the House *sine die* (*Annexure 4[a],[b]*) whereas the programme for the plenary session for the period under review shows that the sitting would have ended on the 3rd of April 2014 (*Annexure 31*). In making the decision to adjourn the House *sine die* the Speaker did not have the authority of the Commission or a resolution of the House to that effect. Section 4(a) of the Administration of EALA Act, 2012 mandates the Commission to manage, organize the business and programme of the Assembly. Upon coming into force of the Administration of EALA Act, 2012 the functions hitherto undertaken by the House Business Committee were transferred to the Commission. Rule 12(4) of the Rules of Procedure provides that the House Business Committee (Commission) shall fix the time when a sitting of the House is adjourned *sine die*.

The Committee finds that the action of the Speaker to adjourn the House *sine die* was in contravention of Rule 12(4) of the Rules of Procedure of the Assembly and Section 4(a) of the Administration of EALA Act, 2012.

25. On the same date of 1st of April 2014 the motion for the removal of the Speaker was placed before the House. The Speaker in contravention of Rule 9(6) insisted and proceeded to preside over the proceedings of her own removal.

The Committee finds that the Speaker's action was deliberate and contrary to provisions of Rule 9(6) of the Rules of Procedure.

26. When the Speaker adjourned the debate on 1st of April 2014 (*Annexure 4[a], [b]*), the matter remained pending on the Order Paper. Rule 18(2) provides that such matter which was interrupted ought to have been placed on the Order Paper for the next sitting. From April 2014 to November 2014, comprising of three plenary meetings the item was never placed on the Order Paper.

The Committee is of the view that the Speaker's action was deliberate and in total disregard of the provisions of Rule 18(2) of the Rules of Procedure.

27. On the 25th of November 2014 during a plenary session in Nairobi, Kenya, the Speaker purported to rule on a motion for the removal of Hon. Shyrose Bhanji from the Commission (*Annexure 32*) which motion was pending before the House at voting stage and which was not on the Order Paper (*Annexure 33*). The CTC subsequently gave an opinion regarding the Speaker's action and stated that it was contrary to the Rules of Procedure (*Annexure 34*).

The Committee finds that the Speaker again flouted and manipulated Rules of Procedure and in particular Rules 14(3) and 25 to protect Hon. Shyrose Bhanji for the Speaker's own interests.

28. Rule 8(2) (c) of the Rules of Procedure requires the Speaker to maintain order in the House. However by various acts or omissions Hon. Margaret Nantongo Zziwa has flouted this rule as evidenced by the following actions of:

(a) saluting and dancing in the House by some members (*Annexure 35*) contrary to Rule 49(i);

(b) undressing and dressing in the House by a member (*Annexure 36*) contrary to Rule 49(i) and Annex 4;

(c) use of abusive language by a member (*Annexure 37*) contrary to Rule 43(3);

The Committee finds that the Speaker failed to maintain order in the House contrary to Rules 43(3), 49(i), 49(viii) and Annex 4.

29. On the 4th June 2014 the Speaker made a ruling that the Motion of her removal from office had fallen short of the prerequisite mandatory requirement under Rule 9(2) of the Rules of Procedure (*Annexure 38*). The Committee noted that she ruled on the Motion which was not even on the Order Paper (*Annexure 39*). The Committee notes that previously on the 3rd of June 2014 the Speaker had been advised by the CTC (*Annexure 8[iii]*), which advice on the matter she disregarded.

30. The above incident led to the Secretary General of the Community to make a strong statement in the House expressing his disappointment on the way the Speaker flouts Rules of Procedure and disregards advice of the CTC (*Annexure 40[a], [b]*).

The Committee finds that the Speaker deliberately contravenes Rules of Procedure to foster her personal interest.

Unofficially being absent from duty station contrary to the terms and conditions and hence giving inadequate supervision to work of the Assembly

31. In a letter written to the Chairperson of the Council of Ministers on the 28th of January 2013 (*Annexure 41*), the Speaker admits that she gets house allowance of US \$3,000. This is done to enable the Speaker to permanently reside in Arusha in order to supervise the work of the Assembly. Considering that the Speaker refused to appear before the Committee, the complaint still stands.

Misusing resources earmarked for EALA plenary by hosting a meeting for Global Parliamentarians for Habitat (GPH) to foster personal interest on days programmed for plenary

32. The Committee received clarification given by the Clerk of the Assembly that the decision to host GPH as an activity was approved by the Commission (*Annexure 42*). The Clerk explained to the Committee that the source of funding was unutilized line budget under the Speaker's conference vote. However the Committee notes that the Speaker had no authority to reallocate the unutilized line budget to fund the GPH. Accordingly, the Committee finds that this complaint is substantiated.

Undermining the authority of the Commission by changing the activities for 2013/2014 to suit personal interest

33. The evidence received was that previously the Commission had approved EALA Annual Legislative Calendar 2013/2014 (*Annexure 43*). The plenary for Kigali was planned for 9th to 22nd of March 2014. The Speaker caused

the change of the date of the plenary to accommodate her attend the World Urban Forum in Medellin, Colombia This change affected the plenary sitting that was to be held in Kigali.

The Committee finds that the Speaker caused the change of the already approved Legislative Calendar for 2013/2014 to attend an unscheduled meeting. As chairperson of the Commission, the Speaker was undermining the authority of the Commission.

Practicing favouritism by unilaterally nominating members to attend foreign trips and hence denying other members equal opportunity

34.EALA members' register for travels as per nomination was produced by the Clerk of the Assembly (*Annexure 21*). The contents of *Annexure 21* disclose that:

- (i) some members were nominated to travel in as many as nine trips while others had only one nomination;
- (ii) some members are deliberately nominated for up to three overlapping activities.

The Committee finds that the complaint is substantiated to warrant putting blame on the Speaker.

Giving false information to the Chair Council of Ministers in respect of the Speaker's per diem entitlements vis a vis members' entitlements in order to induce the Council to recommend increments of the Speaker's emoluments

35.The Speaker wrote a letter to the Chair of the Council of Ministers Hon. Shem Bageine on 28th January 2013, which was also re-submitted to Hon. Phyllis Kandie on 15th July 2014 (*Annexure 41*). A witness in *Annexure 19(b)* referred to the same letter. The Committee after scrutinizing the content of the letter noted the following misrepresentations:-

- (a)that each Committee of the Assembly sits at least once every month for five to six days;
- (b)that the Speaker only gets housing allowance of US \$3,000 per month and does not get per diems during plenary sessions outside Arusha;
- (c) that the Members of Accounts Committee at least receive a sum of US \$16,300 every month whereas the Speaker receives only US \$11,300;

(d) that the Members of the Assembly only spend US \$100 per day to cover meals and accommodation;

(e) that per diem purports given to members is an income;

(f) that the Speaker's entitlement is only US \$1,000 above a member's entitlement when in fact her total earnings are US \$11,500 in comparison, a member only gets US \$6,500 all inclusive

The Committee notes that in the same letter, the Speaker stated we quote "*I request that my request is considered in the meantime when Uganda and yourself are still the Chair of the Council of Ministers*".

The Committee finds that in publishing falsehoods to support her claim for increment of emoluments, the Speaker lacks integrity. The Speaker also demeaned the status and position of members by implying that they only spend US \$100 a day. The Speaker failed to disclose other allowances. The details of the Speaker's entitlements are attached as *Annexure 44*.

Allowing members of her family and in particular her husband to interfere with the operations of the Assembly and threaten staff and Members

36. The Committee was shown a photograph in which a man identified as Capt. Francis Babu, the husband to Rt. Hon. Margaret Nantongo Zziwa is shown attempting to enter the Assembly's VVIP holding room where the Chairman of the Summit was holding a meeting with chairpersons of EALA Chapters (*Annexure 45[a], [b]*). The Committee was also shown live video clips from Urban TV Uganda in which the husband of the Speaker insults members of the Assembly and castigates them for trying to remove the Speaker from office (*watch video clip Annexure 46*).

The Committee finds that this conduct interfered with the operation of the Assembly, was defamatory in nature and against the Weberian principle of separation between public and private life.

Fraudulently bringing Members of her family and friends to participate in EAC Inter-Parliamentary Games to enable them gain financial benefits from EALA in which organization they were not employees

37. The Committee was shown a photograph of a section of EALA netball team of 2013 during the Inter-Parliamentary Games in Kampala, Uganda (*Annexure 47*). The Committee upon investigation noted that one of the players was not an employee of EALA. The Committee took into consideration the facts giving rise to the complaint and in particular that

some of the EALA members were left out while non-employees were allowed to play. The purpose of allowing the non-employees to play was to give them an opportunity to get payment from EALA which they were not entitled to.

The Committee finds that the buck stops with the Speaker of the Assembly particularly when it is alleged that non-employees were her relatives. The Speaker must therefore take the blame.

Treating honourable Members of the Assembly and Staff with disrespect and using abusive and derogatory language against Members and Staff

38. According to the evidence received the Speaker is arrogant. She does not take advice from even members of the Commission. The Speaker consistently makes false allegations against members and is disrespectful to them. During the plenary sitting in Kampala, Uganda in January 2014, she dared Members to de-elect her; before the Chair of the Summit in Arusha, Tanzania at the EAC Headquarters' Complex in March 2014 she referred to members as displaying adolescent behaviour; in Dar-es-Salaam plenary session in August/September 2014 during a dinner hosted by Speaker of Tanzanian Parliament, the EALA Speaker said that Members go berserk; and during the same dinner the Speaker described an honourable Member of the Assembly as sly.

39. Members have been variously referred to as bull shit, jihadists, broke, quacks, to mention but a few. The Speaker was also shown in video recordings from various TV stations in the region in which the Speaker threatens to deal with members and staff involved in her removal process (*watch the video on Annexure 48*).

The Committee finds that the allegations contained in this complaint are true and holds the Speaker responsible for her misconduct.

Using the media and other fora to defame, slander and character assassinate Members of the Assembly

40. Interviews made by the Speaker in the East African of June 21-27, 2014 page 29 and the New Vision of Friday November 28, 2014 were shown and analyzed by the Committee (*Annexures 49 and 50*) respectively. Various video clips from different TV stations in the region were also shown to the Committee (*Annexure 51[a],[b] and[c]*).

After analysis of the evidence availed, the Committee finds that the actions of the Speaker were intended to defame, slander and character assassinate the Members of the Assembly.

Deliberately refusing to submit to the will of the House and the supremacy of the Rules of Procedure and thus creating mistrust and paralysis in the Assembly

41. The Assembly as an organ of the Community has under the Treaty a mandate to establish its own Rules of Procedure. The Assembly operates under the same Rules. The Committee notes that the Speaker filed Reference No. 5 on the 14th of April 2014 at the EACJ to challenge the Rules of Procedure of the Assembly (*Annexure 5*). This Reference was dismissed on the 29th of May 2014.

42. Creation of mistrust and paralysis can be evidenced by persistent lack of quorum and unnecessary adjournments of the Assembly on various occasions including the March/April 2014 plenary in Arusha, the August/September 2014 plenary in Dar-es-salaam, the September/October 2014 plenary in Kigali, and the November/December 2014 plenary in, Nairobi.

The Committee finds that the Speaker as head of EALA deliberately refused to submit to the will of the House and supremacy of the Rules of Procedure and thus provoked paralysis in the Assembly.

By unlawful actions and omissions failing to provide leadership in the Assembly resulting in loss of confidence in the person of the Speaker

43. The Committee considered a statement made in Kigali, Rwanda expressing loss of trust and confidence in the leadership of the Speaker signed by more than two-thirds of the membership of the Assembly (*Annexure 52*). The same statement was repeated in Nairobi, Kenya. The Committee considered the cumulative events that have taken place since March 2014.

The Committee finds that the trust between the members and the Speaker has been highly eroded to extent that restoration of normal working relationship is impossible to achieve. The Committee further confirmed that there is certainly loss of confidence on part of Speaker by the greater majority of members of the Assembly, her peers.

Conclusion and Recommendation

44. The Committee has critically looked into issues raised in the motion and the Speaker's actions before and after her suspension which smacked of arrogance and incompetence in handling Speaker's office at the EALA.
45. Further, the way she handled the motion and particularly the matter of investigation into her conduct, through unnecessary litigation and challengeable decisions while presiding over the sittings of the Assembly. This has drawn the Assembly into embarrassment, failure to discharge obligations and general paralysis with adverse consequences to East African Community as a whole.
46. In light of the Committee observations and findings, the Committee recommends to the Assembly that the Speaker Rt. Hon. Margret Nantongo Zziwa be removed from office with immediate effect for inability to perform the functions of her office arising from misconduct in accordance with the provisions of the Treaty and Rules of Procedure.

**REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON
INVESTIGATION OF COMPLAINTS RAISED IN THE MOTION FOR THE
REMOVAL OF SPEAKER FROM OFFICE EAC HEADQUARTERS, ARUSHA,
TANZANIA**

27TH NOVEMBER – 16TH DECEMBER 2014

1. Hon. Frederic Ngenzebuhoro, Chair
2. Hon. Daniel Fred Kidega
3. Hon. Mukasa Fred Mbidde
4. Hon. Christophe Bazivamo
5. Hon. Abdulkarim Harelimana
6. Hon. Valerie Nyirahabineza
7. Hon. Abdullah Mwinyi
8. Hon. Maryam Ussi Yahya
9. Hon. Twaha Issa Taslima
- 10.Hon. Judith R. Pareno
- 11.Hon. Joseph Kiangoi Ombasa
- 12.Hon. Peter Mutuku Mathuki
- 13.Hon. Dora C. K. Byamukama
- 14.Hon. Hafsa Mossi
- 15.Hon. Jeremie Ngendakumana

ANNEXTURES

| ANNEXTURE | DESCRIPTION OF ANNEXTURE |
|------------------|---|
| 1 | Notice of Motion to Remove Speaker presented to Clerk |
| 2 | Motion for removal of Speaker presented to Clerk |
| 3 | Order Paper for 1 st April 2014: Motion for Removal of Speaker |
| 4 (a) | Hansard for 1 st April 2014: Adjournment of business by Speaker sine die |
| 4(b) | Video recording for 1 st April 2014: Adjournment of business by Speaker sine die |
| 5 | Reference No. 5 by Speaker to EACJ |
| 6. | Reference No. 3 by Hon. Mbidde to EACJ |
| 7 (a) | Hansard for 29 th May 2014 (Guidance by CTC on cases in Court) |
| (b) | Video for 29 th May 2014 (Guidance by CTC on cases in Court) |
| 8 (a) (i) | Hansard for 3 rd June 2014 (Speaker Ruling on Removal of Signatures) |
| (ii) | Hansard for 3 rd June 2014 (CTC Guidance on Implication of Removal of Signatures) |
| 8 (b) | Video for 3 rd June 2014 (CTC Guidance on Implication of Removal of Signatures) |
| 9 | Petition by 32 Members for the Clerk to convene an informal meeting to elect a person to Chair meetings of the Assembly |
| 10 (a) | Hansard 26 th November 2014 - (CTC guidance on Petition) |
| 10 (b) | Motion for removal Speaker referred to Committee of Rules |
| 11 (a) | Hansard on 26 th November 2014 (suspension of Speaker from exercising the functions of Speaker |
| 11 (b) | Letter from Clerk informing the Speaker of the suspension |
| 12 | Notice of Meeting for the Committee on LRP |
| 13 | Minutes of Committee on Legal, Rules and Privileges of 27 th November 2014 (Meeting to elect a Chairperson) |
| 14 | Letter of resignation of four Chairperson of Standing Committee |
| 15 | Committee work schedule |
| 16 | Notice to Speaker to appear before the Committee on LRP |
| 17 | Notice to Members to appear before the Committee on LRP |

| ANNEXTURE | DESCRIPTION OF ANNEXTURE |
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| 18 | Notice to Staff to appear before the Committee on LRP |
| 19 (a) | Hansard on 9 th December 2014 on Hon. Abubakar Ogle's evidence to the Committee on LRP |
| 19 (b) | Hansard on 9 th December 2014 on Hon. Patricia Hajabaki's evidence to the Committee on LRP |
| 19 (c) | Hansard on 9 th December 2014 on Hon. Dr. Martin Nduwimana's evidence to the Committee on LRP |
| 20 | Minutes of the EALA Commission |
| 21 | EALA Members register for travel as per nominations |
| 22 | List of Staff in employment of the Assembly |
| 23 | Hansard on 10 th December 2014 Clarification by Clerk to the Committee on LRP |
| 24 | Hansard on 9 th December 2014 on submission by Speaker's Lawyer to the Committee on LRP |
| 25 | Minutes of the Commission meeting held on 10 th June 2013 |
| 26 | Minority Report by Hon. Christophe Bazivamo |
| 27 | Minutes of the Commission meeting held on 15 th July 2013 |
| 28 | Notice of Meeting of the Commission for 9 th to 12 th April 2013 to consider EALA Draft Strategic Plan for 2013-2018 |
| 29 | Programme for Commission meeting 9 th to 12 th April 2013 to consider the EALA Draft Strategic Plan for 2013 -2018 |
| 30 | Notice/Programme for Consultative Meeting for Members of Commission and Committee Chairpersons before Capacity Building Workshop August 2013 |
| 31 | 5 th Meeting, 2 nd Session, 3 rd Assembly: 23 rd March to 4 th April 2014, Arusha |
| 32 | Hansard for 25 th November 2014 (Speaker ruling on Hon. Shyrose Bhanji's motion |
| 33 | Order Paper for 25 th November 2014 |
| 34 | Hansard for 26 th November 2014 (CTC Guidance) |
| 35 | Audio Video record of saluting and dancing |
| 36 | Hansard for 29 th May 2014 Hon. Mbidde dressing and undressing in the House |
| 37 | Hansard for 1 st April 2014 for abusive language by Hon. Susan Nakawuki |
| 38 | Hansard for 4 th June 2014 – Statement by Speaker that the motion was no longer valid |
| 39 | Order Paper for 4 th June 2014 |
| 40(a) | Hansard for 5 th June 2014 – Statement by Secretary General |
| 40(b) | Audio Visual record for 5 th June 2014 – Statement by |

| ANNEXTURE | DESCRIPTION OF ANNEXTURE |
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| | Secretary General |
| 41 | Speaker's letter to Chair Council dated 28 th January 2013 and 15 th July 2014 respectively |
| 42 | Commission minutes on approval for GPH Conference |
| 43 | EALA Annual Legislative Calendar 2013/2014 |
| 44 | Speaker's entitlements |
| 45 (a) | Photograph: Capt. Francis Babu attempting to make his way to the VVIP holding room |
| 45 (b) | Photograph: Capt. Francis Babu appearing near H.E. Uhuru Kenyatta, Chair Summit as part of H.E. security entourage |
| 46 | Video Clip from Urban TV: Capt. Francis Babu insults EALA Members |
| 47 | Photo of section of EALA Netball Team 2013 |
| 48 (a),(b),(c) | Video Recording on NTV Uganda – Speaker threatens to deal with Members and Staff |
| 49 | Interview excerpts of Speaker in the East African Newspaper 21-27 June 2014 page 29 |
| 50 | Interview excerpts of Speaker in New Vision Newspaper 28 November 2014 |
| 51(a), (b) | Various Video Clips |
| 52 | Statement by Members in Kigali |