



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**RESOLUTION SEEKING SPECIAL LEAVE TO GIVE EVIDENCE IN THE EACJ IN
RESPECT OF THE CONTENTS OF THE PROCEEDINGS AND DOCUMENTS OF THE
ASSEMBLY**

By Hon. Margaret N. Zziwa and negatived by the Assembly on Thursday 3rd December, 2015.

(Moved in the following terms)

"In accordance with Rule 26 of EALA Rules of Procedure, I beg to move that this August House grants me and the under listed Members of this Assembly, permission to give evidence and use some of the contents, the documents of the Assembly in the EACJ Case no 17 of the 2014; Hon. Dr. Margaret Nantongo Zziwa Vs The Secretary General of the EAC. This motion is moved in respect of section 20 of the EALA Powers and Immunities Act 2003; which states thus:

20 (1) Notwithstanding the provisions of any other law, no member or officer of the Assembly and no person employed to take minutes or record of evidence before the house or any Committee shall except as provided in this Act, give evidence elsewhere in respect of the contents of such minutes or evidence or of the contents of any documents laid before the Assembly or such committee, as the case may be, in respect of any proceedings or examination held before the Assembly or such committee as the case may be without special leave of the Assembly first had and obtained in writing.

20 (2) The Special leave referred to in subsection (1) may be given by during recess or adjourned by the Speaker or in his or her absence or incapacity or during any dissolution of the Assembly by the Clerk.

The Parliamentary practice world over and basing on the principles of good governance, any member of Parliament or Assembly can go to Court to seek redress when aggrieved by the decision of the Speaker or the actions in the realm of Parliament.

The aforesaid case is a result of the actions that took place during the Nairobi Plenary of November 2014, and the events of censuring the Speaker from office that followed. Contents of documents such as the hansards, motions, commission or committee reports and

resolutions may be some of the documents that may be used to give evidence in this matter. This case is already before the EACJ and it is the requirement of the Law as was also rightly observed by the EACJ.

When the Assembly was on recess, we presented our request to the Rt. Hon Speaker and in letter of 13th November 2015; he advised that we come before the Assembly;

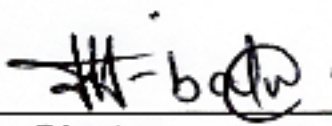
I beg to move that the Assembly do grant and the following Members; Hon. Mumbi Ngaru, Hon. Nakawuki Suzan, Hon. Shyrose Bhanji and Hon. Makongoro Nyerere special leave to give evidence in the EACJ using some of the contents in the documents of the proceedings of this Assembly as the case may be."

DECISION OF THE ASSEMBLY

The Assembly sitting on Thursday 3rd December, 2015 debated the request as presented by Hon. Margaret Nantongo Zziwa and decided that;

1. The names of the other four Members (Hon. Mumbi Ngaru; Hon. Nakawuki Suzan; Hon. Shyrose Bhanji and Hon. Makongoro Nyerere) be struck out of the request. They are required to each prepare individual requests stating the specific terms and justifications for which the Special Leave of the Assembly was being sought. This leaves Hon. Margaret N. Zziwa as the only subject matter of the request.
2. Special Leave **NOT be granted** to Hon. Margaret Nantongo Zziwa since no sufficient justification was given by her to support the request for Special Leave.

CERTIFIED BY:


 Alex Obatre
 DEPUTY CLERK

4/12/15
 DATE:

