



**EAST AFRICAN COMMUNITY  
EAST AFRICAN LEGISLATIVE ASSEMBLY**

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

**MOTION SEEKING SPECIAL LEAVE OF THE HOUSE TO INTERVENE AND TO  
USE RECORDS OF THE HOUSE AT THE EAST AFRICAN COURT OF JUSTICE IN  
(CASE REFERENCE NO. 02 OF 2018)**

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

**AND WHEREAS** the Assembly duly met from 15<sup>th</sup> - 23<sup>rd</sup> 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 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 4<sup>th</sup> Assembly in December 2017 for purposes of subjecting the Members to Oath or Affirmation of allegiance.
2. The Proceedings of the 1<sup>st</sup> Meeting of the 1<sup>st</sup> Session of the 4<sup>th</sup> 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 4<sup>th</sup> 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 1<sup>st</sup> Meeting of the 1<sup>st</sup> Session of the 4<sup>th</sup> 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.

**By Hon. Fred Mukasa Mbidde**

**Seconded By:**

