

PAPERS LAID	
DATE	08/10/2022
TABLED BY	Senate Majority Leader
COMMITTEE	—
CLERK AT THE TABLE	Angela Madaria



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**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

A RESOLUTION OF THE ASSEMBLY GRANTING MEMBERS OF THE ASSEMBLY WHOSE NAMES HAVE BEEN LISTED HEREUNDER PERMISSION TO ACCESS OFFICIAL DOCUMENTS OF THE HOUSE TO BE USED IN EVIDENCE BEFORE THE EAST AFRICAN COURT OF JUSTICE.

Moved by: Hon. Fred Mukasa Mbidde and adopted by the August House on 14th June, 2022.

WHEREAS the East African Legislative Assembly (EALA) is established under Article 9 of the treaty for the establishment of the East African Community as a distinct organ to perform its functions under the said Treaty and the Speaker as its organ head;

AWARE THAT Article 49 and 60 to the treaty provides for the restrictive running of the house and its committees as in accordance to the Rules made thereby AND that the Assembly has powers to make, amend, add to or revoke rules governing the Assembly;

FURTHER AWARE THAT Directives by Council under Article 14 are restricted to Partner states and to all other organs of the community other than the Summit, Court, and the Assembly;

MINDFUL THAT Article 55 to the Treaty grants powers to Assembly to appoint times and places where its meetings are to be held from time to time.

CLEAR THAT The Assembly appointed virtual chambers for the purpose of continuing with the business of the house when the physical chambers had been unlawfully closed by the Secretary General.

AWARE THAT Article 71(1)(m) forbids the secretariat from meddling in the organization of meetings of the Assembly and the Court.

AWARE THAT Article 69 establishes the office of the Council to the Community charged with the duty to offer legal advice to the Community and under whose watchful eye all the violations complained of were administered.

GIVEN THAT Members of the 4th Assembly are serving a contractual and continuing term of 5 years whose terms and conditions were reduced into contracts of service.

NOTING THAT The Administration of the East African Legislative Assembly Act;

1. Grants the Commission powers to manage, organize the business and programs of the Assembly as well as performing functions as may be necessary for the well being of members and staff of the Assembly.
2. That terms and conditions of the Assembly are determined by Summit on recommendation by council

FURTHER NOTING that since March 2020

1. The secretary general of the community has without lawful authority issued several directives towards the Assembly affecting the proper running of the business of the house.;
2. The Council of ministers has without lawful authority issued directives to the Assembly affecting the proper running and functioning of the Assembly.
3. The said actions and or omissions by the Secretary General, Clerk of the Assembly and Council to the community are gross violations of the Treaty, Acts of the Community and the Rules of the East African Legislative Assembly.

4. The violations aforesaid are actionable before the East African Court of Justice, a course that the members aforementioned are ready to take;
5. The above step is urgent and proper for the restoration of the otherwise crumbling order of the house.

RECOGNISING THAT it is a prerequisite under section 20 to the East African Legislative Assembly Powers and Privileges Act for any member intending to use in evidence any such minutes, documents, records of the Assembly to obtain special leave of the Assembly;

APPRECIATING THAT time is of essence for Causes before the East African Court of Justice;

NOW, THEREFORE, be it resolved as follows: -

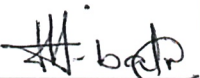
That leave be granted to,

- Hon Mukasa Fred Mbidde
- Hon Kalonzo Kennedy Musyoka
- Hon Wanjiku Muhia
- Hon Yahya Mariam Ussi
- Hon Ayason Mukulia Kennedy
- Hon Sergon Jematiah Florence
- Hon Duop Gai Ruot Kim
- Hon Musamali Paul
- Hon Susan Nsambu Nakawuki.
- Hon Dr Anne Itto Leonado
- Hon Namara Denis

To access documents of the house for court purposes as and when need arises in the following categories.

- Copies Directives and correspondences by Council
- Copies Directives and correspondences by the Secretary General.
- Copies of directives and correspondences by the clerk
- Copy of correspondences by the Rt Hon Speaker
- Copy of the Assembly Calendar of activities
- Copy of the Assembly budget for financial years 2019/2020 and 2020/2021
- File Copies of Contracts of service for persons cited above.
- All DSA Pay Slips of the above members for financial years 2019/2020 and 2020/2021.
- Copy of the Assembly's bank statements
- Any other documents reflected in the subsequent letter by the intending litigants to the Speaker for the same from time to time.

CERTIFIED BY:



Alex Obatre

CLERK OF THE ASSEMBLY

21.06.2022

DATE