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PARLIAMENT OF UGANDA





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REPORT OF THE STANDING COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE ON THE INQUIRY INTO ALLEGATIONS OF MISCONDUCT AND MISBEHAVIOR MADE AGAINST HON. PERSIS NAMUGANZA PRINCESS, MP BUKONO COUNTY AND MINISTER OF STATE FOR HOUSING

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#### INTRODUCTION

At the 7th Sitting of the 1st Meeting of the 2nd Session of the 11th Parliament held on Wednesday 13th July, 2022, Hon. Silwany Solomon (MP, Bukooli County Central) rose on a point of procedure regarding an allegation of misconduct and misbehavior against Hon. Persis Namuganza Princess (MP, Bukono County, Namutumba District and Minister of State for Housing). Hon. Silwany alleged that Hon. Namuganza took to social media and television bashing the operations of Parliament and questioning the powers and integrity of the presiding officers of Parliament to form Adhoc Committees.

Hon Silwany stated that:

"Thank you, Mr Speaker. I stand on a procedural matter that concerns the sanctity and integrity of our Parliament, which is important to all of us.

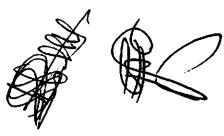
Mr Speaker, about one week ago, I saw a minister in this country and in our government bashing the operations - the work of and how Parliament does its work. It was Hon. Persis Namuganza, the Minister of State for Lands, Housing and Urban Development (Housing).

Mr Speaker, in reference to our Rules of Procedure, Rule 190 gives the Speaker powers to form ad hoc committees and to lead those committees to ensure that they perform the work that they are meant to do. However, the Minister was seen on television questioning the integrity of the presiding officers of this House; whether they have the authority to form Ad hoc committees or to initiate and send members of Parliament to the field.

Mr Speaker, would it not be procedurally right for you to invite this particular Minister to come here and put this record right because when you touch the integrity of Parliament and its presiding officers, you are touching (Interjection)

Thank you, Mr Speaker. Therefore, the procedural matter I am raising is, wouldn't it be procedurally right for you as the presiding officer of this Parliament to invite this particular minister to the Floor of Parliament and

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explain her conduct to Members why she would go out on social media and television and bash the way Parliament is working?"

The following Members spoke in respect to the matter: -

- 1. Hon. Sarah Opendi (Woman Representative, Tororo District)
- 2. Hon. Geofrey Macho (MP, Busia Municipality)
- 3. Hon. Asuman Basalirwa (MP, Bugiri County)
- 4. Hon. Henry Maurice Kibalya (MP, Bugabula County South)
- 5. Hon. Elijah Okupa (MP, Kasilo County)
- 6. Hon. Ibrahim Ssemujju Nganda (MP, Kiira Municipality)
- 7. Hon. John Amos Okot (MP, Agago North County)

The Presiding Officer referred the matter to the Committee on Rules, Privileges and Discipline stating that the rules of natural justice require that the Member is accorded a right to be heard before a decision is made. The Committee was directed to report back to the House within two weeks (Appendix 1).

#### MANDATE OF COMMITTEE ON RULES. PRIVILEGES AND DISCIPLINE

The Committee on Rules, Privileges and Discipline derives its mandate from Article 90 of the Constitution of the Republic of Uganda which empowers Parliament to appoint Committees necessary for the efficient discharge of its functions and by its Rules of Procedure, to prescribe the powers, composition and functions of its committees.

The mandate of the Committee with regard to the matter under inquiry is stipulated in Rule 175 (a) and (b) of the Rules of Procedure which provide that the Committee shall, by order of the House-

a) Inquire into any complaint of contempt of Parliament or breach of privilege which may be referred to it and to recommend to the House such action as the Committee may consider appropriate;

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b) consider any matter of discipline referred to it by the Speaker or the House including attendance of Members at sittings of Committees, and to report its findings to the House.

Rule 175 (2) provides that the findings and recommendations of the Committee on Rules, Privileges and Discipline shall be presented, debated and approved by the House.

Rule 175 (3) further provides that without prejudice to Sub rule (2), where an affected party agrees the findings and recommendations referred to in that rule, there shall be no debate save approval of the report by the House, while Rule 175 (4) states that once the House has pronounced itself on any report presented under this rule, the decision of the House shall be binding on all the parties.

Pursuant to the above mandate, the Committee inquired into the allegations made against Hon. Persis Namuganza Princess and now presents its report to the House for consideration as required by Rule 175 (2) of the Rules of Procedure of Parliament.

#### 3 ISSUES FOR DETERMINATION BY THE COMMITTEE

The Committee sought to resolve the following issues;

- a) Whether Hon. Persis Namuganza Princess made the impugned statements about Parliament in the media as alleged.
- b) Whether there is any breach of the Rules of Procedure of Parliament.
- c) The observations and recommendations of the Committee on the matter.

#### 4 METHODOLOGY

The Committee,

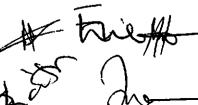
a) Held meetings during which it received submissions of the following witnesses;

i) Members of Parliament who spoke in respect to the matter during the Plenary Sitting of Wednesday 13th July, 2022:

Hon. Silwany Solomon (MP, Bukooli County Central)

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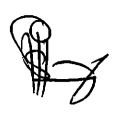
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- Hon. Sarah Opendi (Woman Representative, Tororo District)
- Hon. Asuman Basalirwa (MP, Bugiri County)
- Hon. Henry Maurice Kibalya (MP, Bugabula County South)
- Hon. Elijah Okupa (MP, Kasilo County)
- ii) Hon. Persis Namuganza Princess (MP, Bukono County and Minister of State for Housing).
- iii) Staff of Parliament who are the "Admins" of the 11th PARLIAMENT-Official WhatsApp Group on which Hon. Namuganza allegedly posted the impugned statements, namely;
  - Mr. Chris Obore (Director Communication and Public Affairs)
  - Mr. Moses Bwalatum (Ag. Deputy Editor of Hansard)
  - Mr. Charles Bukuwa (Ag. Principal Information Officer)
- iv) Police Constable Akumu Florence, a CCTV Operator and Analyst with Parliamentary Police Division.
- b) Reviewed written submissions as follows:
  - i) A submission by Counsel for Hon. Namuganza (CRIMSON Associated Advocates) in a letter to the Clerk to Parliament and the Chairperson of the Committee dated 21st July, 2022.
  - ii) A submission by CRIMSON Associated Advocates in a letter to the Clerk to Parliament and the Chairperson of the Committee dated 26th July, 2022.
  - iii) A submission by CRIMSON Associated Advocates in a letter to the Clerk to Parliament and the Chairperson of the Committee dated 12th September, 2022.
- c) Reviewed relevant documents including:
  - i) The Hansard of the Plenary Proceedings of Wednesday 13th July 2022.
  - ii) Print outs of the impugned WhatsApp messages allegedly posted by Hon. Namuganza on the 11th PARLIAMENT-Official WhatsApp Group.

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- i) An Article from the Daily Monitor online Newspaper of 22nd May, 2022 titled "Parliament has no powers to suspend me-Namuganza" available at <a href="https://www.monitor.co.ug/uganda/news/national/parliament-has-no-powers-to suspend-me-namuganza-3823346">https://www.monitor.co.ug/uganda/news/national/parliament-has-no-powers-to suspend-me-namuganza-3823346</a>
- ii) Transcripts of the television interview of Hon. Namuganza with NTV Uganda held on Friday 21st May, 2022.
- d) Reviewed the following Media and Social Media content:
  - iii) The impugned WhatsApp messages allegedly posted by Hon.

    Namuganza on the 11th PARLIAMENT-Official WhatsApp Group.
  - iv) Video recordings of the television interview of Hon. Namuganza with NTV Uganda which was aired on NTV Ku Ssaawa Emu and NTV Weekend Bulletins, respectively on Friday 21st May, 2022.
- e) Viewed CCTV footages of the Chamber and Lobbies of Parliament in the afternoon of Wednesday 18th May, 2022.
- f) Reviewed the applicable laws;
  - i) The Constitution of the Republic of Uganda, 1995,
  - ii) Rules of Procedure of Parliament of Uganda,
  - iii) Case law, and
  - iv) Treatises and Papers on Commonwealth Parliamentary Procedures and Practices.

In conducting the inquiry, the Committee was cognizant of its quasi-judicial status and the constitutional right of the Member to a fair hearing. Accordingly, the Committee wrote to Hon. Namuganza in a letter dated Tuesday 19th July, 2022 (Appendix 2) informing her of:

a) the allegations made against her together with the copy of the Hansard of the Plenary proceedings of 13th July 2022 wherein the allegations were made;

b) the right to be represented by Counsel;

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- c) the right to call witnesses and to cross examine the witnesses called by the Committee.
- d) The schedule of the meetings of the Committee with other witnesses.

In addition, the Committee resolved that any member who had a personal interest in the matter under investigation, including a member who made the complaint or any Member of the Committee who could have publicly expressed his/her views on the matter would be disqualified from participating in the proceedings of the Committee other than as a witness. No member of the Committee declared a personal interest in the matter under inquiry.

## 5 PRELIMINARY OBJECTIONS RAISED BY HON. PERSIS NAMUGANZA PRINCESS

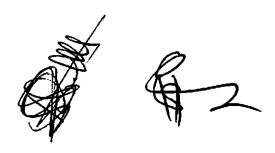
At the onset of the inquiry, Hon. Namuganza through her Counsel, Mr. Pande Norman of CRIMSON Associated Advocates raised objections to the inquiry in a letter which Counsel presented to the Committee in the meeting held on 21st July, 2022 (Appendix 3). The objections were as follows:

- a) That the matter being investigated by the Committee was sub judice as it related to active civil proceedings in the High Court of Uganda in which Hon. Namuganza sued the Attorney General of Uganda vide Miscellaneous Cause No. 111 of 2022, challenging the actions of Parliament and the Parliamentary Ad hoc Committee on the Naguru-Nakawa Land Allocations.
- b) That she was not given adequate time to prepare and defend herself and to cross examine witnesses since the letter from the Clerk to Parliament dated 19th July, 2022 inviting her to appear before the Committee on 21st July, 2022 was served on her on the evening of 20th July, 2022.
- c) That she was not given adequate time to review the evidence brought against her.
- d) That whereas she desired to attend all hearings of the Committee on the matter, she was preparing to travel abroad to attend the 41st Annual General Meeting and Symposium of Shelter Afrique-Elephant, Hills Victoria fall Zimbabwe from the 24th to 29th July, 2022.

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She made the following prayers;

- a) That the hearing of the matter by the Committee be suspended until the High Court renders its verdict on Miscellaneous Cause No. 111 of 2022.
- b) That the Committee makes full disclosure of all the evidence it intends to rely on during the hearing.
- c) That the hearing be suspended until she returns from her official duties abroad.

The Committee considered and ruled on the objections as noted below.

#### 5.1 The Claim of Sub-judice

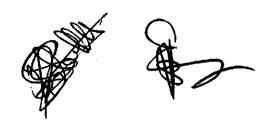
When Hon. Namuganza raised the claim of sub-judice, the Committee requested her to provide information to justify the claim as required by Rule 73(4) of the Rules of Procedure (Appendix 4). In response, Counsel for Hon. Namuganza submitted the said justification (Appendix 5) which the Committee relied upon to seek the guidance of the Rt. Hon. Speaker on the matter as required by Rule 73(5) of the Rules of Procedure.

The Rt. Hon Speaker in her guidance to the Committee dated 5th September, 2022 ruled that the matter was not sub-judice since the High Court had delivered its ruling on Miscellaneous Cause No. 111 of 2022 on 15th August 2022 (Appendix 6).

In light of the Speaker's guidance, the Committee resolved to proceed with the inquiry and accordingly wrote to Hon. Namuganza on Wednesday 7th September, 2022 (Appendix 7) requiring her to appear before it to respond to the allegations against her on Monday 12th September, 2022. In the communication, the Committee reminded Hon. Namuganza of her rights to legal representation and to cross examine witnesses called by the Committee and furnished her with a schedule of the meetings of the Committee with the witnesses.

However, on Monday 12th September, 2022, Hon. Namuganza did not appear before the Committee in person as required. Instead, her Counsel delivered a

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verbal communication that she was unable to attend the meeting of the Committee as she was attending a Cabinet meeting. The Committee informed Counsel for Hon. Namuganza that it expected the communication of the absence of Hon. Namuganza to be in writing and further that her appearance was to be in person and not through her lawyers.

The Committee considered the failure by Hon. Namuganza to communicate in writing the circumstances of her absence disrespectful but nonetheless proceeded to hear the submission of her Counsel.

In the submission, Hon. Namuganza raised an objection to the proceedings of the Committee on the basis of the *sub-judice* rule, stating that the matter under inquiry was still the subject of court proceedings following her appeal against the Ruling of the High Court in Misc. Cause No. 111 of 2022 (Namuganza Persis versus Attorney General). Counsel furnished the Committee with a copy of the Notice of Appeal as justification for the sub-judice claim (Appendix 8).

The Committee being cognizant of Rule 73(3)(d) of the Rules of Procedure which provides that appellate proceedings whether criminal or civil shall be deemed active from the time they are commenced by application of leave to appeal or by notice of appeal until the proceedings are ended by judgement or withdrawn, referred the *sub-judice* claim to the Rt. Hon. Speaker for guidance in accordance with Rule 73(5) of the Rules of Procedure.

The Rt. Hon. Speaker in her guidance to the Committee dated 12th September, 2022 (Appendix 9) ruled that:

"While the matter in court was challenging the legality, reasonableness and propriety of the Report of the Ad hoc Committee on the Naguru-Nakawa land allocations, the matter under inquiry by the Committee was on the negative statements about Parliament allegedly made in the media and the alleged misconduct and misbehavior by Hon. Persis Namuganza, Minister of State for Lands, Housing and Urban Development (Housing).

The matter is thus not sub judice".

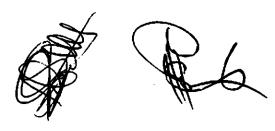
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Based on the above ruling of the Speaker, the Committee found no merit in the objection of *sub-judice* and accordingly overruled it.

#### 5.2 Inadequate Time to Prepare a Defence

Hon. Namuganza contended that she had not been given adequate time to prepare and defend herself and to cross examine witnesses since the letter from the Clerk to Parliament dated 19th July, 2022 inviting her to appear before the Committee on 21st July, 2022 was served on her on the evening of 20th July, 2022. She further stated that whereas she desired to attend all hearings of the Committee on the matter scheduled for 21st to 28th July, 2022, she was preparing to travel abroad to attend the 41st Annual General Meeting and Symposium of Shelter Afrique-Elephant, Hills Victoria fall Zimbabwe from the 24th to 29th July, 2022. She prayed that the hearing be suspended until she returned from her official duties abroad.

The Committee, being cognizant that adequate time to prepare a defence is one of the essential ingredients of the right to a fair hearing in accordance with Article 28(3)(c) of the Constitution, suspended hearings on the matter for almost two months from 21st July, 2022 to Monday 12th September, 2022 to enable Hon. Namuganza prepare her defence and attend to her official duties abroad.

As noted earlier, the Committee wrote to Hon. Namuganza on 7th September, 2022, to appear before it on Monday 12th September, 2022 to respond to the allegations levied against her. Hon. Namuganza did not appear as expected on account of a Cabinet meeting she was attending that day. The Committee adjourned the meeting to Tuesday 13th September, 2022 to enable her appear. The Committee therefore granted Hon. Namuganza adequate time to prepare her defence as required by law.

#### 5.3 Full Disclosure of Evidence

At the onset of the inquiry, on 21st July, 2022, Hon. Namuganza requested the Committee to make full disclosure of all the evidence it intended to rely upon during the hearing to enable her to prepare and ably defend herself.

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In the meeting of Tuesday 13th September, 2022, Hon. Namuganza was asked to respond to the allegations made against her. In response, she stated that she would not respond to allegations she was not aware of since she had not been supplied with the evidence on which the allegations were based.

The Committee, being aware of its quasi-judicial status and the inquisitorial nature of its mandate, made a ruling in the presence of Hon. Namuganza as follows:

- a) That the Committee in its letter dated 19th July, 2022 informed Hon.

  Namuganza of the allegations made against her as contained in the

  Hansard of the Plenary Sitting of Wednesday 13th July, 2022.
- b) That the Committee had not yet commenced hearing of and receiving evidence from witnesses.
- c) That the information the Committee had at that material time was the Hansard of the Plenary Sitting of Wednesday 13th July, 2022 wherein the matter of the alleged misconduct by Hon. Namuganza was raised and which had been supplied to her at the onset of the inquiry.
- d) That the response the Committee expected from Hon. Namuganza that day was to either affirm or deny the allegations contained in the Hansard.
- e) That if she denied the allegations, the Committee would proceed to call witnesses to establish whether the allegations were true or false and it was at that point that the Committee would receive evidence from the witnesses and grant Hon. Namuganza the opportunity to cross examine them and call her own witnesses if she so wished.
- f) That if Hon. Namuganza required more time to study the evidence submitted by the witnesses in order to cross examine them, the Committee would grant her the additional time.
- g) That the Committee was not a court of law, and its proceedings were investigatory and not adversarial. Therefore, the Committee was not bound by strict judicial rules of evidence which require parties to make

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full disclosure of all the evidence they intend to rely on at the commencement of the hearing.

For the above reasons, the Committee found no merit in the objection and overruled it.

#### 5.4 Petition to the Rt. Hon. Speaker of Parliament for Rulings on the Subjudice Claim

On Wednesday 14th September, 2022, in the meeting of the Committee convened to receive submissions from witnesses, Hon. Namuganza raised another objection stating that she had petitioned the Rt. Hon. Speaker requesting for copies of her rulings on the sub-judice claim since the Committee had declined her request to be supplied with the same. She laid on table a copy of the said petition dated 13th September, 2022 and requested the Committee to halt the inquiry pending a response by the Speaker to the petition (Appendix 10).

The Committee considered the objection by Hon. Namuganza and ruled as follows:

- a) That it had communicated verbatim, the rulings of the Speaker dated 5th and 12th September, 2022 respectively, to her Counsel during its meeting of Monday 12th September, 2022, and to her during its meeting of Tuesday 13th September, 2022.
- b) That the Rules of Procedure of Parliament did not bar the Committee from proceeding with the inquiry on the basis of a petition by a witness to the Speaker.

The Committee construed the objection as a delaying tactic and accordingly overruled it.

SUBMISSIONS OF WITNESSES

6.1 Submission of Hon. Persis Namuganza, MP Bukono County and Minister of State for Housing





On 21st July, 2022 in the meeting of the Committee, Hon. Namuganza was represented by her Counsel, who raised several objections to the inquiry stating:

- a) That the matter being investigated by the Committee was sub-judice as it related to active civil proceedings in the High Court of Uganda (Namuganza V Attorney General, Miscellaneous Cause No. 111 of 2022) in which she was challenging the actions of Parliament and the Parliamentary Ad hoc Committee on the Naguru-Nakawa Land Allocations.
- b) That she had not been given adequate time to prepare and defend herself.
- c) That she required full disclosure of the evidence the Committee intended to rely on during the hearing to enable her prepare a defence.

In the meeting of the Committee held on Monday 12th September, 2022, Hon. Namuganza through her Counsel, raised another objection stating that the matter under inquiry was sub-judice following her appeal against the Ruling of the High Court in Misc. Cause No. 111 of 2022.

The Committee overruled the objections for the reasons stated earlier in this Report.

On Tuesday 13th September, 2022. Hon. Namuganza appeared before the Committee in person for the first time and was asked to respond to the allegations made against her. She stated:

- a) That she was not aware of the allegations made against her since she had not been supplied with evidence on which the allegations were based to prepare her defence.
- b) That she could not respond to allegations she was unaware of.

Hon. Namuganza appeared before the Committee for the second time on Wednesday 14th September, 2022 stating that she had petitioned the Rt. Hon. Speaker to be supplied with copies of the rulings in respect of her sub-judice claim and requested the Committee to halt the inquiry pending a response by

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the Speaker to the petition. She further reiterated her request to be furnished with the evidence the Committee intended to rely on.

The Committee overruled the objections for the reasons stated earlier in this Report.

Hon. Namuganza being dissatisfied with the Rulings of the Committee on the preliminary objections she had raised, walked out of the meeting in protest, stating that she was not going to be party to an illegality and that she would not be party to proceedings of a committee that had failed to comply with its own Rules of Procedure.

In spite of the fact that she had disrespectfully walked out of the meeting, the Committee proceeded to consider the matter, and supplied her with the evidence it had received from witnesses that day as well as the audio recordings of the proceedings of the Committee with the witnesses (Appendix 11).

## 6.2 Submission of Hon. Silwany Solomon, MP Bukooli County Central

In his testimony before the Committee, Hon. Silwany stated-

a) That Hon. Namuganza made the impugned statements on the official WhatsApp Group of the 11th Parliament, named the 11th PARLIAMENT-Official on Tuesday 12th July, 2022 from 5:49pm until Wednesday 13th July, 2022 when he raised the matter on the floor of Parliament.

b) That, he was a member of the said WhatsApp Group and that Hon. Namuganza posted several derogatory statements about Parliament on the Group but what prompted him to raise the matter on the floor of the House were the following statements-

> "I remember people accusing me on this, the so called Adhoc Committee the spirit of abusing, hating, embarrassing, tarnishing each other's name as colleagues can't take us anywhere, we need to

build consensus and friendship shame".

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c) That Hon. Namuganza added that:

"So why then does he appoint ministers? That strategic matters. U call Naguru Land also a strategic matter? May be u don't know what strategic matters mean. What am emphasizing colleagues is that it is very bad to just be used to fight each other, we still have a long way to go even life after Parliament. U need to study a matter yourself and decide without being misled and influenced to fight a colleague. Am telling u. The powerful Committee couldn't even find time to go and interact with H.E himself why? So for now you can go and ask him whether the Hon. Minister has initiated this call. He is there alive so kindly go for avoidance of doubt".

d) That Hon. Namuganza further stated that:

"And these so called Ad-hoc Committees all the time?? We have substantive Committees of Parliament they should be the ones to handle matters that follow under their responsibilities why Adhoc? As if they are hired to embarrass! Anyway, the matter is in Court for Judicial interpretation"

e) That as a person who believed in the sanctity of Parliament, he was particularly disturbed by the statements that the Ad hoc Committees were instituted to witch hunt people and that they were hired.

f) That the powers of Parliament to constitute Ad hoc Committees were derived from Rule 190 of the Rules of Procedure, and by making the above statements, Hon. Namuganza questioned the authority and integrity of Parliament and its presiding officers to constitute Ad hoc Committees.

g) That the Rules of Procedure provide for mechanisms of challenging the decisions of the Speaker and that Hon. Namuganza ought to have utilized these mechanisms instead of bashing the operations of Parliament in the media.

Hon. Silwany adduced evidence in the form of print outs of the WhatsApper messages allegedly posted by Hon. Namuganza on the 11th PARLIAMENT-Official

WhatsApp Group (Appendix 12).

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# 6.3 Submission of Hon. Sarah Opendi, District Woman Representative, Tororo District

Hon. Sarah Opendi testified as follows-

- a) That Hon. Namuganza made the impugned statements on the 11<sup>th</sup> PARLIAMENT- Official WhatsApp Group on 12<sup>th</sup> July, 2022 from 5:49pm until 13<sup>th</sup> July, 2022.
- b) That she was a member of the 11th PARLIAMENT-Official WhatsApp Group on which Hon. Namuganza posted the following statements:

"And these so called Ad-hoc Committees all the time?? We have substantive Committees of Parliament they should be the ones to handle matters that follow under their responsibilities why Ad hoc? As if they are hired to embarrass! Anyway, the matter is in Court for Judicial interpretation"

c) That Hon. Namuganza further stated:

"So what will the substantive Committees do? All this is done in bad faith u can continue to defend it the way you want because you're a member, but this must stop.

It should stop all members of parliament came to work and they belong to these Parliamentary Committees. We shall raise a point of order if another Ad hoc Committee is formed to create order in the house. Like the one which is investigating the importation of rice its supposed to be the Committee on trade. Why Ad hoc? For a few members?

Where there exists a sectoral or standing committee in which a matter to be investigated falls squarely within the parameters of that sectoral or standing committee, its that specific committee to always handle and or investigate it, and where there exists none is when such adhoc committees shall be constituted.

The continued formation and or constitution of adhoc committees for whatever intent and purpose they are constituted or formed in total

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disregard of the rules is utter breach, violation and to say the least acting ultra vires in contravention of the rules of procedures we ourselves adopted"

- d) That as a member of the Ad hoc Committee on the Naguru-Nakawa land Allocations in respect to which Hon. Namuganza made the statements, she was disturbed by the statements that Ad hoc Committees are created in bad faith, they are used to fight people, they are hired to embarrass, and they are created for a few members.
- e) That the above statements implied that the Speaker uses Ad hoc Committees to fight personal wars, which was not the case.
- f) That the statements were an affront to the dignity and integrity of the Speaker, Members of Parliament and the institution of Parliament as a whole.
- g) That by making the statements, Hon. Namuganza contravened Rule 85 and Appendix F of the Rules of Procedure, specifically Paragraph 5 which enjoins Members of Parliament to conduct themselves in a manner which will maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which may bring the House or its Members generally, into disrepute.
- h) That the 11th PARLIAMENT-Official WhatsApp Group on which Hon. Namuganza posted the impugned statements was comprised of not only Members of Parliament but also staff of Parliament who were the 'Admins' of the Group namely, Mr. Chris Obore, Mr. Bwalatum Moses and Mr. Bukuwa Charles, and further that there was a possibility that what was posted on the Group was shared to the public.

She adduced evidence of the WhatsApp messages allegedly posted by Hon. Namuganza on the 11th PARLIAMENT-Official WhatsApp Group (Appendix 13).

6.4 Submission of Hon. Elijah Okupa, MP Kasilo County

Hon. Elijah Okupa testified as follows-

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- a) That when Hon. Silwany Solomon raised the matter of the alleged misconduct of Hon. Persis Namuganza on the floor of the House, he rose in support of the motion that disciplinary action be taken against her for making derogatory statements about Parliament thereby bringing the House and its presiding officers into disrepute.
- b) That he was a member of the 11th PARLIAMENT-Official WhatsApp Group and was privy to the Group at the time Hon. Namuganza made the impugned statements.
- c) That Hon. Namuganza initiated the discussion on the WhatsApp Group that led to the impugned statements and that he responded to the impugned posts by guiding her to the Rules of Procedure that empower Parliament to appoint Ad hoc Committees.
- d) That the Rules of Procedure provide an avenue for challenging the rulings of the Speaker which Hon. Namuganza ought to have utilized instead of making disparaging statements about Parliament and its presiding officers on social media.

#### 6.5 Submission of Hon. Henry Maurice Kibalya, MP Bugabula County South

Hon. Henry Maurice Kibalya testified as follows-

a) That he rose on the floor of Parliament to provide information to Hon. Silwany Solomon who had raised the matter of the misconduct of Hon. Namuganza on the floor of the House during the Plenary Sitting of Wednesday 13th July, 2022.

b) That his statements during the Plenary Sitting of Wednesday 13th July, 2022 were that Hon. Namuganza was once heard saying Parliament had no powers over her, that it could not impeach, censure or do anything about her and that his statements were based on an article which was published in the Daily Monitor Newspaper of 22nd May, 2022 with the heading "Parliament has no powers to saspend me-Namuganza".

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c) That in the said newspaper article, Hon. Namuganza was quoted as having stated in an interview with NTV Uganda regarding the Report of the Adhoc Committee on the Naguru-Nakawa land allocations that:

"This report was misleading Members of Parliament, debating things which they don't know about and finally passing resolutions which they actually don't know. On this basis, first of all, I belong to the Executive, and I know that they will have to forward the resolutions to the executive for confirmation and I'm sure the executive is sober and it will not act the way they acted".

d) That the derogatory conduct of Hon. Namuganza was further evident when she made a derogatory gesture as she was leaving the Chamber of Parliament, following consideration of the Report of the Ad hoc Committee on the Naguru-Nakawa Land Allocations by the House, an act he construed as demeaning of the institution of Parliament.

He tabled evidence of an article from the Daily Monitor online Newspaper with the heading "Parliament has no powers to suspend me-Namuganza" which he said he had downloaded from the official website of the Daily Monitor, <a href="https://www.monitor.co.ug/uganda/news/national/parliament-has-no-">https://www.monitor.co.ug/uganda/news/national/parliament-has-no-</a>

powers-to suspend-me-namuganza-3823346 (Appendix 14).

He further sought the assistance of the Committee to retrieve the video recordings of the Plenary Proceedings of Wednesday 18th May, 2022 when the Report of the Adhoc Committee on the Naguru-Nakawa Land Allocations was presented.

#### 6.6 Submission of Hon. Asuman Basalirwa, MP Bugiri County

By way of background, Hon. Asuman Basalirwa stated that he was a member of the Adhoc Committee on the Nakawa-Naguru Land Allocations and that one of the recommendations of the Committee was that Hon. Namuganza should step aside because of her role in the wrangles on the land.

He testified as follows-

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- a) That when Hon Silwany Solomon raised the matter of the alleged misconduct of Hon. Namuganza on the floor of House, his prayer to the House was that Parliament should summon Hon. Namuganza to explain why she had bashed the operations of Parliament on social media and television.
- b) That he rose to guide the House not to summon Hon. Namuganza considering that Parliament had already indicted her in the Report of Adhoc Committee on the Nakawa-Naguru Land Allocations and that summoning her would have implied that Parliament was reviewing its own decision.
- c) That he advised that instead of summoning Hon. Namuganza, the House should invoke another rule in the Rules of Procedure to preserve the dignity of Parliament and that the rule he had in mind at the time was that relating to censure of Ministers.
- d) That his submission on the matter in the House was based on the presumption that the allegations Hon. Solomon Silwany made against Hon. Namuganza were true, and that he did not have any evidence to prove that Hon. Namuganza made the impugned statements other than what Hon. Silwany stated in the House.
- e) That if it was true that Hon. Namuganza made the alleged impugned statements, then she was in contempt of Parliament and her conduct was unbecoming of a Member of Parliament.

### 6.7 Submission of the 'Admins' of the 11th PARLIAMENT-Official WhatsApp Group

Arising from the testimonies of Hon. Silwany Solomon, Hon. Sarah Opendi and Hon. Elijah Okupa, the Committee deemed it necessary to interface with Staff of Parliament who are the 'Admins' of the 11th PARLIAMENT-Official WhatsApp Group namely,

a) Mr. Chris Obore (Director Communications and Public Affairs)

b) Mr. Moses Bwalatum (Ag. Deputy Editor of Hansard)

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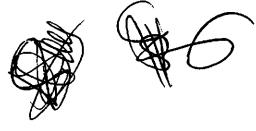
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c) Mr. Charles Bukuwa (Ag. Principal Information Officer)

The purpose of the interface was to establish the following-

- a) the existence of the Group and the purpose for which it was created;
- b) the membership of the Group and whether it includes Hon. Persis Namuganza;
- c) whether Hon. Persis Namuganza made the impugned statements on the Group as alleged, and; if so, the context in which she made them.

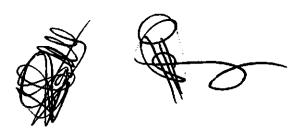
Mr. Chris Obore testified on behalf of the "Admins" of the 11th PARLIAMENT-Official WhatsApp Group, as follows-

- a) That the 11th PARLIAMENT-Official WhatsApp Group was created by Mr. Moses Bwalatum, then an Officer in the Department of Communication and Public Affairs (CPA) under instructions of Mr. Chris Obore as Head of the Department.
- b) That the WhatsApp Group was created for the 11th Parliament and was not the first of its kind since they had hitherto created one for the 10th Parliament.
- c) That as a Department responsible for communication in Parliament, they created the Group to facilitate the Clerk to Parliament in communicating to Members of Parliament in a fast and convenient manner.
- d) That the Group was specifically for Members of Parliament although it had a few senior members of staff of Parliament whose purpose on the Group was to receive feedback from Members of Parliament, and that the staff were not allowed to engage in discussions by members on the group.
- e) That Hon. Namuganza was a member of the WhatsApp Group, her telephone contact on the Group was 0782670551 and that it was obtained from the bio data forms she submitted at the commencement of the 11<sup>th</sup> Parliament. That the same number appeared as her telephone contact on the Parliament website.

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f) That they saw the impugned messages Hon. Namuganza posted on the WhatsApp Group and that they were still available on the Group.

He laid on table the print outs of the messages allegedly posted by Hon. Namuganza on the 11th PARLIAMENT-Official WhatsApp Group from 12th July, 2022 at 5:49pm to 13th July, 2022 (Appendix 15).

Mr. Moses Bwalatum showed the Committee the messages allegedly posted by Hon. Namuganza on the "11th PARLIAMENT-Official" WhatsApp Group from his phone.

#### 6.8 Submission of the Head of News at NTV Uganda

Following the testimony of Hon. Kibalya, the Committee wrote to the Managing Director of NTV Uganda requesting for a copy of the video recordings of the interview Hon. Namuganza held with NTV Uganda as quoted in the Daily Monitor online Newspaper of 22<sup>nd</sup> May, 2022 he adduced as evidence before the Committee (Appendix 16).

By email dated 16th September 2022, Julian Mwine, the Head of News at NTV Uganda, confirmed that the interview was conducted by NTV reporters at Parliament and aired on NTV Ku Ssaawa Emu and NTV Weekend Edition bulletins respectively on Friday 21st May, 2022. She provided a link from which the said interview could be downloaded (Appendix 17).

#### 6.9 Submission of the Commandant Parliamentary Police Division

On the allegation by Hon. Kibalya that Hon. Namuganza made a derogatory gesture as she was leaving the Chamber of Parliament on 18th May, 2022, the Committee requested the Commandant Parliamentary Police Division to furnish it with the CCTV footages of the Chamber and Lobbies of Parliament for that day and aid it in scrutinizing the footages (Appendix 18).

Accordingly, on Tuesday 22nd September, 2022, the Committee interfaced with Police Constable 57/072 Akumu Florence, a CCTV Operator and Analyst with

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Parliamentary Police Division who presented the said CCTV footages to the Committee on behalf of the Commandant Parliamentary Police Division.

While viewing the CCTV footages, the Committee noted that the footages were not clear and requested Police Constable Akumu Florence to retrieve images from the camera directly facing the exit used by Hon. Namuganza as she was leaving the Chamber, to aid the Committee in establishing whether Hon. Namuganza made the alleged derogatory gesture.

In response, Constable Akumu stated:

- a) That it was not possible to retrieve the said images since the cameras in the Chamber could only store data for three months after which the data would be automatically deleted.
- b) That there were two types of CCTV cameras in the Chamber; the old type and the new type. The old type stores data for three months while the new type for four months. The camera which the Committee was interested in was an old type which could only store data for three months.
- That it was out of sheer luck that she was able to retrieve the CCTV footages she presented to the Committee since it was now past three months since the incident the Committee was inquiring into happened.
- d) That it was advisable to lodge complaints of the nature the Committee was investigating within a period of three months when the data is still available on the CCTV camera system.
- FINDINGS, OBSERVATIONS AND RECOMMENDATIONS
- 7.1 CONSIDERATION OF EVIDENCE AND DETERMINATION OF THE **ISSUES**

7.1.1 Whether Hon. Persis Namuganza made the impugned statements in the media as alleged

The Committee considered the evidence presented by the witnesses to establish whether Hon. Namuganza made the alleged impugned statements.

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# 7.1.1.1 Consideration of Evidence of WhatsApp Messages allegedly posted by Hon. Namuganza on the 11th PARLIAMENT-Official WhatsApp Group

In his testimony before the Committee, Hon. Silwany alleged that Hon. Namuganza made the statements on the official WhatsApp Group of the 11<sup>th</sup> Parliament, the 11<sup>th</sup> PARLIAMENT-Official on Tuesday 12<sup>th</sup> July, 2022 from 5:49pm until Wednesday 13<sup>th</sup> July, 2022. He adduced evidence of printouts of the WhatsApp messages allegedly posted by Hon. Namuganza using her telephone number, 0782670551.

The testimony of Hon. Silwany was corroborated by Hon. Sarah Opendi, Hon. Elijah Okupa and the 'Admins' of the 11th PARLIAMENT-Official WhatsApp Group namely, Mr. Chris Obore, Mr. Bwalatum Moses and Mr. Charles Bukuwa.

Mr. Chris Obore confirmed that the impugned messages were posted by Hon. Namuganza and were still on the WhatsApp group. He adduced evidence of print outs of the messages.

The Committee granted Hon. Namuganza opportunity to controvert the evidence adduced by the witnesses by informing her of; the allegations made against her and inviting her for meetings to respond to the allegations. The Committee invited her for meetings with the witnesses, informed her of her right to cross examine them and furnished her with a schedule of the meetings.

When Hon. Namuganza raised objections to the hearing, the Committee considered the said objections and made its rulings. It responded to her request for adequate time to prepare a defence by suspending hearings on the matter for almost two months from 21st July, 2022 to 12th September, 2022. The Committee reconvened on Tuesday 12th September, 2022 but still Hon. Namuganza did not appear in person, claiming that she was attending a Cabinet meeting. The Committee adjourned the meeting to 13th September, 2022 to enable her to

appear in person.

On Wednesday 14th September, 202, the day the Committee was meeting with the witnesses, Hon. Namuganza walked out of the meeting in protest stating that

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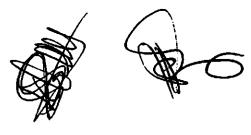
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the Committee was indulging in an illegality which she would not be a part of. Nonetheless, the Committee went ahead to furnish her with the evidence of print outs of the WhatsApp messages adduced by the witnesses and the audio recordings of the proceedings of the Committee with the witnesses for that day. Hon. Namuganza did not make any attempt to rebut or counter the evidence.

The Committee took cognizance of the principle in the case of **Fox Odoi** Oywelowo V Attorney General (Constitutional Petition No. 54 of 2013) where the constitutional court held that the right to be heard is limited to the opportunity to be heard and where a tribunal avails to an individual an opportunity to be heard and that individual fails or refuses to appear before it, it cannot be stated that, he or she was denied a right to be heard.

In view of the above principle, the Committee observes that it accorded Hon. Namuganza reasonable opportunity to present her case before it as the rules of natural justice and the right to a fair hearing dictate.

Despite the fact that Hon. Namuganza did not controvert the evidence presented to her, the Committee was cognizant of the fact that it is duty bound to analyze and evaluate the evidence before reaching a conclusion.

Accordingly, the Committee viewed the alleged impugned messages from the phone of Mr. Moses Bwalatum and established that they were the same as those in the print outs of the WhatsApp messages adduced as evidence by the witnesses. The Committee further established from the records of Parliament that the telephone number, 0782670551 from which the impugned messages originated, belonged to Hon. Namuganza (Appendix 19).

In view of the uncontroverted evidence of the WhatsApp messages adduced by Hon. Silwany as corroborated by Hon. Sarah Opendi and Hon. Elijah Okupa, the Committee finds that Hon. Namuganza made the impugned statements on social media as alleged.

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#### 7.1.1.2 Consideration of Evidence of the Daily Monitor Newspaper Article of 22<sup>nd</sup> May, 2022

The Committee examined the evidence adduced by Hon. Kibalya Henry Maurice of an article from the Daily Monitor online Newspaper of 22<sup>nd</sup> May, 2022 with the heading "Parliament has no powers to suspend me-Namuganza" which he said he had downloaded from the official website of the Daily Monitor, https://www.monitor.co.ug/uganda/news/national/parliament-has-no-

powers-to suspend-me-namuganza-3823346. He alleged that in the said Article, Hon. Namuganza was quoted as having stated in an interview with NTV Uganda regarding the Report of the Ad hoc Committee on the Naguru-Nakawa that:

"This report was misleading Members of Parliament, debating things which they don't know about and finally passing resolutions which they actually don't know. On this basis, first of all, I belong to the Executive and I know that they will have to forward the resolutions to the executive for confirmation and I'm sure the executive is sober and it will not act the way they acted".

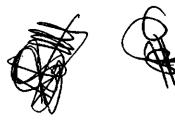
The Committee sought to establish whether Hon. Namuganza made the statements attributed to her in an interview with NTV Uganda as quoted in the Daily Monitor.

The Committee viewed the video recordings of the television interview of Hon. Namuganza with NTV Uganda (Appendix 20) as well as the Transcripts of the interview prepared by the Parliamentary Department of Hansard on request of the Committee (Appendix 21) and established that indeed Hon. Namuganza made the statements attributed to her in the Daily Monitor Newspaper adduced as evidence by Hon. Kibalya.

She stated that:

"But you saw what happened; it was like mob justice, moreover in Parliament. They did not want me to speak; they did not even want me to cite that the letter is missing. So, this report was misleading Members of

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Parliament; debating things, which they do not know and passing a resolution on something they do not actually know." (Emphasis Added).

In response to the question by the NTV reporter on whether she would respect the Parliamentary resolution for her to step aside as further investigations go on, Hon. Namuganza stated that:

"But on this basis of a fake report full of bias, then, you tell me to step aside. First of all, I belong to the Executive, and I think they will or have forwarded this to the Executive. I am sure the Executive is sober; it does not act the way they acted" (Emphasis Added).

Based on the evidence on record, the Committee was satisfied that Hon. Namuganza made the statements attributed to her in an interview with NTV, as reproduced in the Daily Monitor Newspaper article adduced as evidence by Hon. Kibalya.

7.1.1.3 Consideration of the Allegation that Hon. Namuganza made a derogatory gesture in the Chamber of Parliament on 18th May, 2022

The Committee further considered the allegation by Hon. Kibalya that Hon. Namuganza made a derogatory gesture as she was leaving the Chamber of Parliament following consideration of the Report of the Ad hoc Committee on the Naguru-Nakawa Land Allocations by the House.

Accordingly, the Committee viewed the video recordings of the Plenary Proceedings of 18th May, 2022, (Appendix 22) the day the Report of the Adhoc Committee on the Naguru-Nakawa Land Allocations was presented and adopted by the House. In addition, the Committee viewed the CCTV footages of the Chamber and Lobbies of Parliament for that day with the aid of Police Constable Akumu Florence.

The video recordings and the CCTV footages revealed that Hon. Namugariza left the House immediately after the adoption of the Report of the Ad hoc Committee on the Naguru-Nakawa land. The CCTV footages further showed that Hon.

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Namuganza made a certain gesture as she was leaving the Chamber, but it was not clear what gesture it was.

The Committee asked the Police Constable Akumu to retrieve images from the CCTV camera directly facing the exit used by Hon. Namuganza as she was leaving the Chamber to aid the Committee in establishing whether Hon. Namuganza actually made the alleged derogatory gesture. However, the Committee was informed that it was not possible to retrieve the said images since the camera in question could only store data for three months after which the data would be automatically deleted.

The Committee being dissatisfied with the explanation given by Constable Akumu, visited the Chamber and the Command Centre where the CCTV cameras are operated from and confirmed that indeed the information it was interested in was missing.

The Committee further established that:

- a) That there were four (4) CCTV cameras in the Chamber; three (3) of them were able to play back beyond 18th May, 2022, the day the Report of the Ad hoc Committee was presented, while one (1) camera which the Committee was interested in could not play back.
- b) That all the four CCTV cameras were of the same specifications and had the same storage capacity.
- c) That camera No.4 which the Committee was interested in had loosely connected wires hanging over it and the cover of its lens was missing.

In view of the above findings, the Committee could not establish whether or not Hon. Namuganza made the alleged derogatory gesture.

Based on the uncontroverted evidence of the WhatsApp messages adduced by Hon. Silwany as corroborated by other witnesses and the interview of Hon. Namuganza with NTV Uganda as quoted in the Daily Monitor Newspaper article of  $22^{nd}$  May, 2022, the Committee finds that Hon.

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Namuganza made the impugned statements on social media and television as alleged.

Issue 1 is therefore answered in the affirmative.

#### 7.1.2 Whether there is any breach of the Rules of Procedure of Parliament

The Committee, having found that Hon. Namuganza made the impugned statements in the media sought to establish whether there was any breach of the Rules of Procedure of Parliament.

In his submission to the Committee, Hon. Silwany alleged that the statements of Hon. Namuganza constituted an affront to the integrity of Parliament and its presiding officers. However, he did not state the specific Rule(s) in the Rules of Procedure that Hon. Namuganza contravened by making the impugned statements. Instead, he cited Rule 190 which empowers Parliament to institute Select committees.

In the submission of Hon. Sarah Opendi, she stated that Hon. Namuganza contravened Rule 85 and Appendix F of the Rules of Procedure, specifically Paragraph 5 which requires Members of Parliament to conduct themselves in a manner which will maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which may bring the House or its Members generally, into disrepute.

Hon. Asuman Basalirwa stated that if it was true that Hon. Namuganza made the alleged impugned statements, then she was in contempt of Parliament and her conduct was unbecoming of a Member of Parliament.

The Committee considered the Rules cited by the witnesses and generally Rules relating to the conduct of Members of Parliament as herein below.

Rule 85 provides that the behavior of a Member shall be guided by the Code of Conduct of Members prescribed in Appendix F.

The Code of Conduct for Members of Parliament under Appendix F of the Rules of Procedure prescribes the standards of behavior expected of members of

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Parliament. The Code is designed to assist the Members in the discharge of their obligations to the House, their constituents and the public at large.

Paragraph 2 thereof places a public duty on Members to uphold the law and act on all occasions in accordance with the public trust placed in them. It provides that:

#### "2. Public Duty

- (1) By virtue of The Oath of allegiance taken by all Members, Members have a duty to be faithful and bear true allegiance to the Republic of Uganda and to preserve, protect and defend the Constitution and to uphold the law and act on all occasions in accordance with the public trust placed in them.
- (2) Members have a general duty to act in the interests of the nation as a Whole; and special duty to their constituents.

Paragraph 3 of the Code of Conduct elaborates the general principles of conduct expected of Members of Parliament. Members are required to observe the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Paragraph 5 of the Code requires members to act in public trust at all times. It provides that:

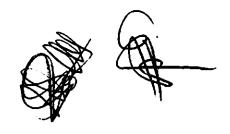
#### "5. Public Trust

Members shall at all times conduct themselves in a manner which will maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which may bring the House or its Members generally, into disrepute." (Emphasis added),

The Committee examined the dictionary meaning of the words "integrity" and 'disrepute". The Black's Law Dictionary (Revised Fourth Edition, pages 947 and 558) defines integrity as "soundness of moral principle and character as shown

by one person dealing with others in the making and performance of contracts

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and fidelity and honesty in the discharge of trusts. It is synonymous with probity, honesty and uprightness". Disrepute is defined as the "loss or want of reputation; ill character; disesteem; discredit".

According to paragraph 5 of the Code of Conduct, the duty to act in a manner which will maintain and strengthen the public's trust and confidence in the integrity of Parliament is born by the members of Parliament at all times, that is, within and outside the precincts of Parliament. Therefore, Hon. Namuganza had a duty to ensure that her statements in the media do not denigrate the integrity of Parliament and bring the House and its members into disrepute.

It was further alleged that the conduct of Hon. Namuganza constituted Contempt of Parliament. Rule 224 of the Rules of Procedure defines Contempt of Parliament in the following terms:

"as an act or omission which obstructs or impedes Parliament in the performance of its functions, or which obstructs or impedes a Member or officer of Parliament in the discharge of his duties or affronts the dignity of Parliament or which tends either directly or indirectly to produce such a result shall be contempt of Parliament". (Emphasis Added).

According to Cambridge Dictionary (dictionary.cambridge.org) the word "dignity" means the quality of a person that makes him or her deserving of respect, sometimes shown in behavior or appearance.

#### 7.1.2.1 Statements made by Hon. Namuganza on the 11th PARLIAMENT-Official WhatsApp Group

The Committee considered the following statements made by Hon. Namuganza on the 11th PARLIAMENT-Official WhatsApp Group to ascertain whether by making the impugned statements, she contravened the Rules of Procedure of Parliament:

"I remember people accusing me on this, the so called Adhoc Committee the spirit of abusing, hating, embarrassing, tarnishing each other's name as

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colleagues can't take us anywhere, we need to build consensus and friendship shame...

So why then does he appoint ministers? That strategic matters. U call Naguru Land also a strategic matter? May be u don't know what strategic matters mean. What am emphasizing colleagues is that it is very bad to just be used to fight each other, we still have a long way to go even life after Parliament. U need to study a matter yourself and decide without being misled and influenced to fight a colleague. Am telling u. The powerful Committee couldn't even find time to go and interact with H.E himself why? So for now you can go and ask him whether the Hon. Minister has initiated this call. He is there alive so kindly go for avoidance of doubt...

And these so called Ad-hoc Committees all the time?? We have substantive Committees of Parliament they should be the ones to handle matters that follow under their responsibilities why Adhoc? As if they are <u>hired</u> to <u>embarrass!</u> Anyway, the matter is in Court for Judicial interpretation...

So what will the substantive Committees do? All this is done in <u>bad faith</u> u can continue to defend it the way you want because you're a member, but this must stop....

It should stop all members of parliament came to work and they belong to these Parliamentary Committees. We shall raise a point of order if another Ad hoc Committee is formed to create order in the house. Like the one which is investigating the importation of rice its supposed to be the Committee on trade. Why Ad hoc? For a few members?"

The words highlighted in the statements made by Hon. Namuganza have the following dictionary meanings (dictionary.cambridge.org):

- Abusing: Rude and offensive words said to another person.
- Hating: To dislike someone or something very much.
- Embarrassing: Feeling ashamed or shy.

Tarnishing: To make people think that someone or something is less good.

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- To be used: To take advantage of a person or situation; to exploit.
  - o To be friendly towards someone for your own advantage or purposes.
- <u>To fight:</u> To use physical force to try to defeat another person or group of people.
  - o To use a lot of effort to defeat or achieve something, or to stop something happening.
- Misled: To cause someone to believe something that is not true.
- <u>Influenced</u>: To affect or change how someone or something develops, behaves or thinks.
- Hired: To employ someone or pay someone to do a particular job.
- Bad faith: Dishonest or unacceptable behavior.
- Few: Some or a small number of something.

The statements by Hon. Namuganza on the 11th PARLIAMENT-Official WhatsApp Group that Ad hoc Committees were instituted in bad faith, they are used to fight people, they are 'hired' to 'embarrass', they are 'being misled and influenced' and they are created for a 'few members' impute improper motive to Parliament and its presiding officers in the exercise of its powers to constitute Ad hoc Committees which are duly conferred on Parliament by the Constitution and the Rules of Procedure of Parliament.

The Constitution of the Republic of Uganda, Article 90(1) empowers Parliament to appoint Committees necessary for the efficient discharge of its functions. Article 90 (2) further provides that Parliament shall, by its rules of procedure, prescribe the powers, composition and functions of its committees.

In the exercise of the above constitutional mandate, Parliament enacted its Rules of Procedure, and Rule 191 thereof provides that-

"The House may at any time, on the advice of the Business Committee, appoint an Ad hoc Committee to investigate any matter of public importance that does not come under the jurisdiction of any Standing or Sectoral Committee or that has not been dealt with by a Select Committee.

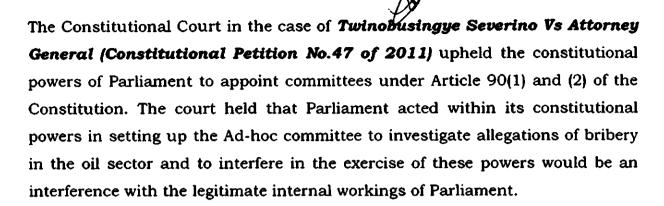
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In view of the above, the Committee observes that the statements made by Hon. Namuganza challenging the powers and authority of Parliament to institute Ad hoc Committees were unfounded, misleading and had no legal basis.

## 7.1.2.2 Statements made by Hon. Namuganza in an interview with NTV Uganda

As noted earlier, Hon. Namuganza made derogatory statements about Parliament in an interview with NTV regarding the Report of the Nakawa-Naguru Land Allocations. She stated that:

"But you saw what happened; it was like <u>mob justice</u>, moreover in Parliament. They did not want me to speak; they did not even want me to cite that the letter is missing. So this report was <u>misleading</u> Members of <u>Parliament</u>; debating things, which they do not know and passing a resolution on something they do not actually know...But on this basis of a <u>fake</u> report full of <u>bias</u>, then, you tell me to step aside. First of all, I belong to the Executive, and <u>I think they will or have forwarded this to the Executive. I am sure the Executive is sober</u>; it does not act the way they acted" (Emphasis Added).

According to Cambridge dictionary (dictionary.cambridge.org), the words used by Hon. Namuganza bear the following meanings:

Fake: A copy of something that is intended to look real or valuable and

deceive people.

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- <u>Bias</u>: Action of supporting or opposing a particular person or thing in an unfair way, because of allowing personal opinions to influence your judgement.
- Sober: Someone who is not drunk.
  - o Someone who is serious and thinks a lot.

According to the Afro barometer (Policy Paper on Factors that contribute to Mob justice in Uganda, 2020, page 1) mob justice is defined as:

"a form of extrajudicial punishment or retribution in which a person suspected of wrongdoing is typically humiliated, beaten, and in many cases killed by vigilantes or a crowd".

The words used by Hon. Namuganza as defined above implied that Parliament lacked understanding of what it was doing when it passed a resolution adopting the Report of the Ad hoc Committee on the Naguru-Nakawa Land Allocations. That it passed a deceptive, and biased report and that Parliament is comprised of unserious and drunk people who are not law abiding in the discharge of their duties. The words further meant that Hon. Namuganza was intentional on defying the resolutions of the House on the Ad hoc Committee Report.

The Committee finds that the statements were unfounded, baseless, malicious, demeaning, and contemptuous; they undermined the authority and integrity of Parliament and brought the House and its members into disrepute.

The Committee considered the tenability of the allusion by some members that Hon. Namuganza may have made the impugned statements within the confines of her right to freedom of expression.

The Committee is conscious of the fact that the right to freedom of expression is a fundamental human right guaranteed by Article 29(1) (a) of the Constitution. In addition, the freedom of members to speak in Parliament is one of the immunities and privileges of Members of Parliament envisaged under the Article

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97 of the Constitution and Section 2 of the Parliament (Powers and Privileges) Act. Cap 258.

Article 97 provides that:

"The Speaker, the Deputy Speaker, members of Parliament and any other person participating or assisting in or acting in connection with or reporting the proceedings of Parliament or any of its committees shall be entitled to such immunities and privileges as Parliament shall by law prescribe.

The Parliament (Powers and Privileges) Act gives effect to Article 97 and Section 2 thereof provides for Parliamentary immunity from legal proceedings. It provides that:

"No civil or criminal proceedings may be instituted against any member for words spoken before, or written in a report to, Parliament or to a committee, or by reason of any matter or thing brought by the member in Parliament or a committee by petition, bill, motion or otherwise.

The Committee notes that the right to freedom of expression is not absolute, and according to Article 43 of the Constitution, the right must be exercised in cognizance of the rights and freedoms of others or public interest. Accordingly, the right to freedom of speech and expression must be balanced against the need to maintain the authority of, and public trust and confidence in the integrity of Parliament.

The Inter-Parliamentary Union (Freedom of Expression for Parliaments and their members: Importance and Scope of Protection: Handbook for Parliamentarians No.28, 2018) while recognizing the importance of the right of members of parliament to freedom of expression, stresses the need for members to be conscious of the impact that their statements may have given their positions as social leaders and to exercise some care when speaking. It further recognizes that Parliament reserves the right to sanction members for their speech either

within or outside Parliament.





#### It states that:

"It is universally recognized that parliamentarians have special freedom of expression needs. This is based not so much on their special personal status but on the role that they play in society and the need for them to be able to debate openly in parliament, without fear of reprisals, especially of a legal nature, in order to serve the wider public interest...Parliamentarians have the right, in common with other citizens, to engage in very strong criticism of other parliamentarians, political parties, and even the head of State, as well as to voice their views on sensitive national issues...

Parliamentarians should also use their positions as social leaders to help ensure respect for freedom of expression. Societies cannot rely only on good laws, even where the rule of law is strong, to protect freedom of expression, since there will always be 84 opportunities for abuse. As part of their general responsibility to oversee the actions not only of government but also other powerful social actors, such as large corporations, parliamentarians should keep an eye out for abuses, expose them and follow up at least in more serious cases.

Related to this, parliamentarians should be conscious of the impact that their own expressions may have. Even though, as noted just below, parliamentarians enjoy very strong protection for their right to free speech, this does not mean that they do not have a social and moral responsibility to exercise some care when speaking...Despite the strong free speech protections parliamentarians enjoy vis-à-vis the courts, they may still be sanctioned for what they say in parliament by parliament itself' (Emphasis Added).

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The need for Members of Parliament to exercise their right to freedom of speech with restraint was further stressed by Constitutional Court in the case of *Twinobusingye Severino V Attorney General (Supra)*. At pages 24-25, the

court stated thus:
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"We hasten to observe in this regard, that although members of Parliament are independent and have the freedom to say anything on the floor of the House, they are however, obliged to exercise and enjoy their Powers and Privileges with restraint and decorum and in a manner that gives honour and admiration not only to the institution of Parliament but also to those who, inter-alia elected them, those who listen, to and watch them debating in the public gallery and on television and read about them in the print media. As the National legislature, Parliament is the fountain of Constitutionalism and therefore the Honourable members of Parliament are enjoined by virtue of their office to observe and adhere to the basic tenets of the Constitution in their deliberations and actions.

The Speaker, as the head of the House, has a big role to play in guiding parliamentarians not to use unparliamentary and reckless language that may infringe on other people's rights which are entrenched in the Constitution, by calling them to order. Parliament should avoid acts which are akin to mob justice because such acts undermine the respect and integrity of the National Parliament. It is not in keeping with the basic tenets of the Constitution, for example, when an Honourable Member of Parliament advocates for executing people without trial, like Idi Amin did to many Ugandans and this member is not called to order, but is just cheered on by the rest of the House."

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The Committee is of the view that the statements imputing improper motive to Parliament and its presiding officers and bringing it into disrepute should be distinguished from healthy criticism. It is clear from the documentary evidence on record and the oral testimonies of the witnesses, that Hon. Namuganza initiated the discussion on the 11th PARLIAMENT-Official WhatsApp Group that led to the impugned statements and in making the statements, she was motivated by personal grievance having been indicted by Parliament for her role in the Naguru-Nakawa Land Allocations. To condone such conduct under the guise of the exercise of the right to freedom of speech and expression may

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nurture and facilitate a culture of impunity and disrespect for Parliamentary processes and decisions and thereby erode public trust and confidence in Parliament.

The Committee observes that the Rules of Procedure provide avenues to challenge the decisions of the House. Rule 222 provides as follows-

- (1) It is out of order to attempt to reconsider a specific question upon which the House has come to a conclusion during the current session.
- (2) Notwithstanding sub rule (1), the House may reconsider its decision upon a substantive Motion for the reconsideration, moved under notice of not less than fourteen days.

In addition, Rule 55 provides for Personal explanations as follows-

- "(1) A Member may explain a matter of personal nature, but no controversial matter may be brought in the explanation nor may debate arise upon it.
- (2) Unless the situation warrants otherwise any personal explanation under this rule shall be submitted to the Speaker in writing by 11:00 am on the day on which it is to be made."

The statement by Hon. Namuganza that "We shall raise a point of order if another Ad hoc Committee is formed to create order in the house", implies that she was aware that a decision of the House could only be challenged in the House. However, she opted not to use the available legal avenues and instead challenged the decisions of the House in the media contrary to the Rules of Procedure of Parliament.

The Committee finds that, by making derogatory statements about Parliament, the conduct of Hon. Namuganza amounted to gross misconduct and misbehavior, was an affront to the dignity of Parliament, it denigrated public trust and confidence in the authority and integrity of the Office of the Speaker, Members and the institution of Parliament and

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brought the House and its members into disrepute. Her conduct was in breach of the Code of Conduct for Members of Parliament as enumerated in Appendix F of the Rules of Procedure of Parliament, specifically paragraphs 2, 3, 4 and 5, and constituted Contempt of Parliament.

Issue 2 is therefore answered in the affirmative.

#### 7.2 OBSERVATIONS

The Committee observed that:

- a) From the evidence presented to it, Hon. Namuganza made the impugned statements on social media as alleged by Hon. Silwany and corroborated by the testimonies of Hon. Sarah Opendi, Hon. Elijah Okupa, and the "Admins of the 11th PARLIAMENT Official WhatsApp Group. The evidence on record further supports the assertion by Hon. Kibalya Henry Maurice that Hon. Namuganza made derogatory statements about Parliament during a television interview with NTV Uganda regarding the Report of the Naguru-Nakawa land allocations.
- b) The statements made by Hon. Namuganza on social media imputed improper motives to Parliament and its presiding officers and were therefore an affront to the dignity Parliament, they denigrated public trust and confidence in the integrity of the Office of the Speaker, members and the institution of Parliament and brought the House and its members into disrepute. In addition, the statements Hon. Namuganza made in an interview with NTV were contemptuous, demeaning of the institution of Parliament and undermined its authority.
- c) In the course of investigating the allegation by Hon. Kibalya that Hon. Namuganza made a derogatory gesture as she was leaving the Chamber of Parliament in the afternoon of 18th May, 2022, the Committee noted that the camera which captured images of Hon. Namuganza exiting the chamber could only store data for three months after which the data would be automatically deleted. The inquiry by the Committee was commenced

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after the three months period had lapsed, therefore the data from the camera had been automatically deleted. This not only hampered the investigations of the Committee but also poses a serious security threat to Parliament as an institution.

d) Throughout the inquiry, Hon. Namuganza exhibited disrespectful behavior; on several occasions she did not appear in person as required, and on Wednesday 14th September when she appeared before the Committee in person, she was one and a half hours late and did not apologize for her late coming. She later walked out of the meeting in protest stating that the proceedings of the Committee were an illegality.

In conclusion, the Committee finds that the conduct and behavior of Hon.

Namuganza constitutes gross misconduct and misbehavior and is not befitting of a Member of Parliament, more so a Minister.

#### 7.3 RECOMMENDATIONS

The Committee having found that the conduct of Hon. Persis Namuganza Princess is not befitting of a Member of Parliament and a Minister and being cognizant of the fact that Parliament approved her appointment as a Minister, recommends that the House invokes Article 118(1) (b) of the Constitution and Rule 106 of the Rules of Procedure to censure her.

The Committee further recommends that:

1. Members of Parliament should uphold their duty to maintain and strengthen the public's trust and confidence in the integrity of Parliament at all times, they should desist from conduct that denigrates the integrity and reputation of Parliament, its presiding officers and Members in the eyes of the public.

2. Parliament should orient Members on the Rules of Procedure with special emphasis on the Code of Conduct for Members of Parliament enumerated in Appendix F of the Rules of Procedure and the mechanisms available in the Rules for resolving personal grievances.

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3. The Parliamentary Commission should consider procuring a CCTV camera system with larger storage capacity so that data can be stored for longer periods and ensure that data from the CCTV Camera system is backed up for future reference and security purposes.

#### CONCLUSION

The Committee prays that this Report be adopted by the House.

Rt. Hon. Speaker, I beg to move.



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#### **APPENDICES**

- Appendix 1: Excerpt of the Hansard of the Plenary proceedings of Wednesday 13th July, 2022.
- 2. Appendix 2: Letter from the Clerk to Parliament to Hon. Persis Namuganza dated Tuesday 19th July, 2022
- 3. Appendix 3: Letter from CRIMSON Advocates to the Clerk to Parliament and the Chairperson, Committee on Rules, Privileges and Discipline dated Thursday 21st July, 2022.
- 4. Appendix 4: Letter from the Clerk to Parliament to Hon. Persis
  Namuganza dated Thursday 21st July, 2022
- 5. Appendix 5: Letter from the CRIMSON Advocates to the Clerk to Parliament and the Chairperson of the Committee on Rules, Privileges and Discipline dated 26th July, 2022
- 6. Appendix 6: Letter from the Speaker of Parliament to the Deputy Chairperson of the Committee on Rules, Privileges and Discipline dated 22<sup>nd</sup> August, 2022.
- 7. Appendix 7: Letter from the Clerk to Parliament to Hon. Persis Namuganza dated 7th September, 2022.
- 8. Appendix 8: Letter from CRIMSON Associated Advocates to the Clerk to Parliament and the Chairperson of the Committee on Rules, Privileges and Discipline dated 12th September, 2022.
- 9. Appendix 9: Letter from the Rt. Hon. Speaker to the Deputy Chairperson, Committee on Rules, Privileges and Discipline dated 12th September, 2022.
- 10 Appendix 10: Letter from CRIMSON Associated Advocates to the Speaker of Parliament of Uganda copied to the Chairperson, Committee on Rules, Privileges and Discipline dated 13th September, 2022.

11. Appendix 11: Letter from the Clerk to Parliament to Hon. Persis Namuganza dated 15th September, 2022.

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- 12. Appendix 12: Printouts of the WhatsApp messages allegedly posted by Hon. Namuganza on the 11th PARLIAMENT Official WhatsApp Group adduced as evidence by Hon. Silwany Solomon.
- 13. Appendix 13: Printouts of the WhatsApp messages allegedly posted by Hon. Namuganza on the 11th PARLIAMENT Official WhatsApp Group adduced as evidence by Hon. Sarah Opendi.
- 14. Appendix 14: Daily Monitor online Newspaper Article of 22<sup>nd</sup> May, 2022 adduced as evidence by Hon. Henry Maurice Kibalya.
- 15. Appendix 15: Printouts of the WhatsApp messages allegedly posted by Hon. Namuganza on the 11th PARLIAMENT Official WhatsApp Group adduced in evidence by the "Admins" of the Group.
- 16. Appendix 16: Letter from the Clerk to Parliament to the Managing Director, NTV Uganda dated 16th September, 2022
- 17. Appendix 17: Print out of the email from the Head of News at NTV, Julian Mwine to the Clerk, Committee on Rules, Privileges and Discipline dated 16th September, 2022
- 18. Appendix 18: Letter from the Clerk to Parliament to the Commandant Parliamentary Police Division dated 21st September, 2022.
- 19. Appendix 19: Internal Memo from the Office of the Clerk to Parliament to the Clerk, Committee on Rules, Privileges and Discipline dated 26th September, 2022.
- 20. Appendix 20: Recordings of the television interview of Hon. Namuganza with NTV Uganda held on Friday 21st May, 2022.
- 21. Appendix 21: Transcripts of the television interview of Hon. Namuganza with NTV Uganda prepared by the Department of Hansard, Parliament of Uganda.

22. Appendix 22: Video recordings of the Plenary Proceedings of Wednesday 18th May, 2022,

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ENDORSEMENT OF THE REPORT OF THE STANDING COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE ON THE INQUIRY INTO ALLEGATIONS OF MISCONDUCT AND MISBEHAVIOUR AGAINST HON. PERSIS NAMUGANZA PRINCESS, MP BUKONO COUNTY AND MINISTER OF STATE FOR HOUSING

S/N	NAME	CONSTITUENCY	PARTY	SIGNATURE
1.	Hon. Abdu Katuntu <b>C/P</b>	Bugweri county	IND	M
2.	Hon. Rev. Fr. Charles Onen <b>D/CP</b>	Gulu East	IND	Burgaston
3.	Hon. Kauma Sauda	DWR Iganga	NRM	1 %
4.	Hon. Mutembuli Yusuf	Bunyole East	NRM	ALL.
5.	Hon. Okiror Bosco	Usuk County	NRM	Op.
6.	Hon. Ssebikaali Yoweeri	Ntwetwe County	NRM	
7.	Hon. Otimgiw Isaac	Padyere County	NRM	Jan Z
8.	Hon. Kanushu Laura	PWD National	NRM	Par
9.	Hon. Kunihira Faith Philo	DWR Kyenjojo	NRM	Dash
10.	Hon. Katoto Mohammed	Katerera County	NRM	
11.	Hon. Akumu Catherine Mavenjina	Older Persons Northern	NRM	C.A. Hoverejina
12.	Hon. Nakazibwe Hope Grania	DWR Mubende	NRM	1 10003
13.	Hon. Twinomujuni Francis	Buhaguzi County	NRM	
14.	Hon. Nebanda Florence	DWR Butaleja	NRM	
15.	Hon. Nyakato Dorothy	DWR Kitagwenda	NRM	A A A A A A A A A A A A A A A A A A A
16.	Hon. Achayo Juliet Lodou	Ngora County	NRM	
17.		Moroto	NRM	-
	Hon. Adome Francis Lorika	Municipality	ļ	





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Hon. Timuzigu Kamugisha Michael	Kajara County	NRM	The same
Hon. Okot Boniface	Youth Northern	NRM	
Hon. Kabuura Derrick	Bushenyi-Ishaka	NRM	
	DWR	NRM	wald.
Hon. Kahunde Hellen	Kiryandongo		da de
	Bufumbira	NRM	100
Hon. Kamara John Nzeyimana	County North		Ì
	Older Persons	NRM	
Hon. Tibasiimwa Joram	Western		i
Hon. Aleper Margaret Achilla	DWR Kotido	NRM	true
Hon. Adidwa Abdu	Bukooli County	IND	
	South		
Hon. Opio Samuel	Kole County	IND	A 41
	North		<b>GAM</b>
Hon. Masaba Karim	Industrial	IND	
	Division		
Hon. Musana Eric	Buyaga East	IND	
	County		
Hon. Atim Ogwal Cecilia	DWR Dokolo	FDC	
Hon Atkins Godfrey Katusabe	Bukonzo West	FDC	
	County		dre
Hon. Malende Shamim	Kampala District	NUP	
Hon. Nalule Asha Aisha Kabanda	DWR Butambala	NUP	100ml
	District	<	TANK TO THE PARTY OF THE PARTY
Hon. Wakayima Musoke	Nansana	NUP	
	Municipality		:
Hon. Kayemba Geoffrey Ssolo	Bukomansimbi	NUP	
	South		
Hon. Nambooze Teddy	Mpigi District	NUP	
	Hon. Kabuura Derrick  Hon. Kahunde Hellen  Hon. Kamara John Nzeyimana  Hon. Tibasiimwa Joram  Hon. Aleper Margaret Achilla  Hon. Adidwa Abdu  Hon. Opio Samuel  Hon. Masaba Karim  Hon. Musana Eric  Hon. Atim Ogwal Cecilia  Hon. Atkins Godfrey Katusabe  Hon. Malende Shamim  Hon. Nalule Asha Aisha Kabanda  Hon. Wakayima Musoke  Hon. Kayemba Geoffrey Ssolo	Hon. Okot Boniface  Hon. Kabuura Derrick  Bushenyi-Ishaka  DWR  Kiryandongo  Bufumbira  County North  Older Persons  Western  Hon. Aleper Margaret Achilla  Hon. Opio Samuel  Hon. Masaba Karim  Hon. Musana Eric  Hon. Atim Ogwal Cecilia  Hon. Atkins Godfrey Katusabe  Hon. Malende Shamim  Hon. Nalule Asha Aisha Kabanda  Hon. Wakayima Musoke  Hon. Kabuura DWR  Bushenyi-Ishaka  DWR  Kiryandongo  Bufumbira  County North  DWR Kotido  Bukooli County  South  Kole County  North  Industrial  Division  Buyaga East  County  Hon. Atkins Godfrey Katusabe  Bukonzo West  County  Hon. Malende Shamim  Kampala District  Hon. Nalule Asha Aisha Kabanda  DWR Butambala  District  Hon. Wakayima Musoke  Nansana  Municipality  Hon. Kayemba Geoffrey Ssolo  Bukomansimbi  South	Hon. Okot Boniface  Youth Northern  NRM  Hon. Kabuura Derrick  Bushenyi-Ishaka  NRM  DWR Kiryandongo  Bufumbira County North  Older Persons NRM  Hon. Aleper Margaret Achilla  Hon. Adidwa Abdu  Hon. Opio Samuel  Hon. Masaba Karim  Hon. Musana Eric  Hon. Atim Ogwal Cecilia  Hon. Atkins Godfrey Katusabe Hon. Malende Shamim  Hon. Nalule Asha Aisha Kabanda  Hon. Wakayima Musoke  Hon. Kabuura Derrick  Bushenyi-Ishaka  NRM  Kiryandongo  Bufumbira  County North  Older Persons NRM  Western  DWR Kotido  NRM  How Koile County  IND  South  Industrial Division  Buyaga East County  Hon. Atim Ogwal Cecilia  DWR Dokolo  FDC  Hon. Atkins Godfrey Katusabe  Bukonzo County  Hon. Malende Shamim  Kampala District  NUP  Municipality  Hon. Kayemba Geoffrey Ssolo  Bukomansimbi South