

PARLIAMENT OF UGANDA

**REPORT OF THE SELECT COMMITTEE ON THE MOTION FOR A
RESOLUTION OF PARLIAMENT TO PASS A VOTE OF CENSURE AGAINST
HON. PERSIS NAMUGANZA PRINCESS, MINISTER OF STATE FOR LANDS,
HOUSING AND URBAN DEVELOPMENT (HOUSING)**

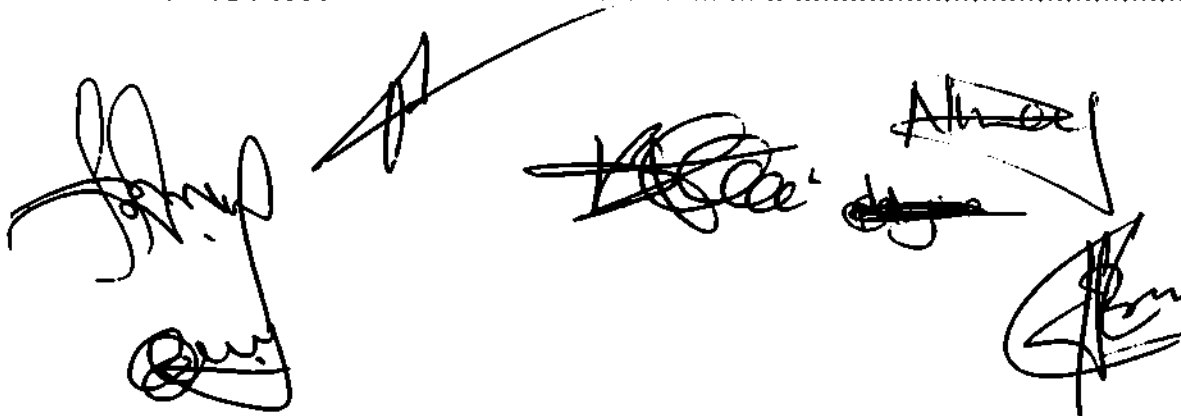
OFFICE OF THE CLERK TO PARLIAMENT

JANUARY, 2023

[Handwritten signatures and initials]

TABLE OF CONTENTS

1	INTRODUCTION.....	2
1.1	BACKGROUND.....	2
1.2	MANDATE OF THE SELECT COMMITTEE.....	4
2	ISSUES FOR DETERMINATION	5
3	METHODOLOGY.....	5
4	GROUND IN THE MOTION FOR THE CENSURE OF HON. PERSIS NAMUGANZA PRINCESS.....	9
5	OBJECTIONS RAISED BY MR. PANDE NORMAN TO THE PROCEEDINGS OF THE COMMITTEE.....	11
5.1	Inadequate Time to appear and defend herself.....	12
5.2	Full disclosure of evidence.....	13
5.3	Objection on grounds of <i>sub judice</i>	14
6	SUBMISSIONS OF WITNESSES	16
6.1	Submission of Hon. Okot John Amos, MP Agago North County and Mover of the Motion for Censure	16
6.2	Submission of Hon. Atwijukire Dan, MP Kazo County (Seconder of the Motion)	21
6.3	Submission of Hon. Olanya Gilbert, MP Kilak South County	24
6.4	Submission of Hon. Yona Musinguzi, MP Ntungamo Municipality	24
6.5	Submission of Hon. Amero Susan, District Woman Representative, Amuria District.....	24
6.6	Submission of Hon. Silwany Solomon, MP Bukooli County Central	25
6.7	Submission of Hon. Sarah Opendi, District Woman Representative Tororo District.....	25
6.8	Appearance and Defence by Hon. Namuganza	26
7	CONSIDERATION OF THE ADMISSIBILITY OF EVIDENCE ADDUCED BY THE WITNESSES.....	28
7.1	Admissibility of Evidence adduced by Hon. Okot John Amos.....	28
7.2	Admissibility of Evidence adduced by Hon. Atwijukire Dan	32
7.3	Evidence Adduced by Hon. Sarah Opendi.....	34
7.4	Evidence Adduced by Hon. Solomon Silwany.....	35
8	FINDINGS AND OBSERVATIONS	37
8.1	DETERMINATION OF THE ISSUES	37
8.1.1	Whether prima facie evidence has been adduced to prove the allegations contained in the motion of censure against Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development (Housing).....	37
9	CONCLUSION	53



Handwritten signatures and initials are present at the bottom of the page, including a large signature on the left, a signature in the center, and a signature on the right. There are also some initials and scribbles.

1 INTRODUCTION

Rt. Hon. Speaker and Hon. Members,

At the 1st Sitting of the 3rd Meeting of the 2nd Session of the 11th Parliament held on Friday 6th January 2023, Parliament constituted a Select Committee pursuant to Rule 109 (9) of the Rules of Procedure of Parliament to scrutinize and identify prima facie evidence to the allegations contained in the Motion for the censure of Hon. Persis Namuganza Princess, from the Office of State Minister for Lands, Housing and Urban Development (Housing) and to report back to the House (*Appendix 1*).

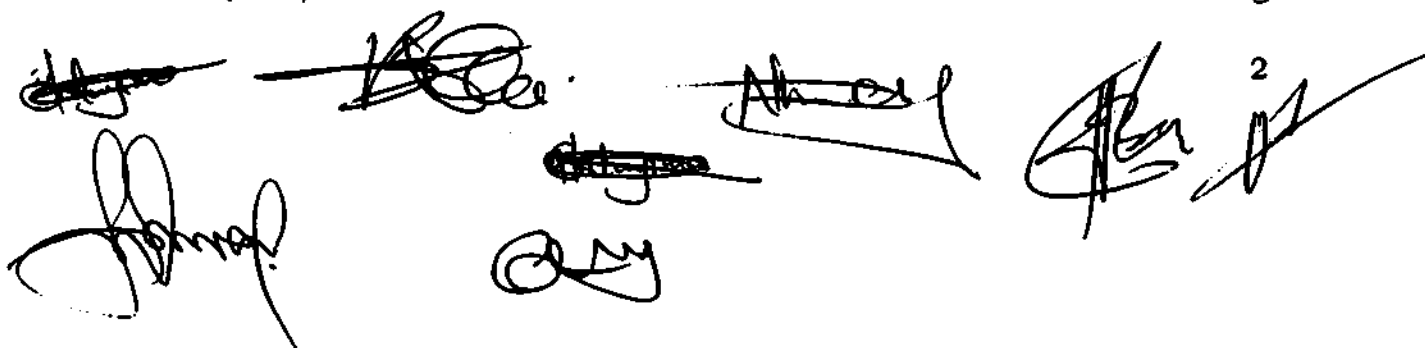
The Committee was comprised of the following Members-

- | | |
|-------------------------------|-------------|
| 1. Hon. Mwine Mpaka Rwamirama | Chairperson |
| 2. Hon. Wilfred Niwagaba | Member |
| 3. Hon. Mpindi Bumali | Member |
| 4. Hon. Charles Bakkabulindi; | Member |
| 5. Hon. Nancy Acora | Member |
| 6. Hon. Betty Ethel Naluyima | Member |
| 7. Hon. Geoffrey Ekanya | Member |

The Select Committee was required to exercise its mandate and report back to the House within fifteen (15) days from the date of receipt of the censure motion as required by Rule 109 (11) of the Rules of Procedure. The Committee undertook the assignment and hereby reports.

1.1 BACKGROUND

On 1st March 2022, Parliament constituted an Ad hoc Committee to investigate the Nakawa-Naguru land allocations following a member raising the matter on the floor and several media reports over the same. The Committee presented its report to the House on 18th May, 2022, wherein it recommended that Hon. Persis Namuganza be held accountable for abuse of office for misleading Uganda Land Commission (ULC) into allocation of land to individuals and entities following



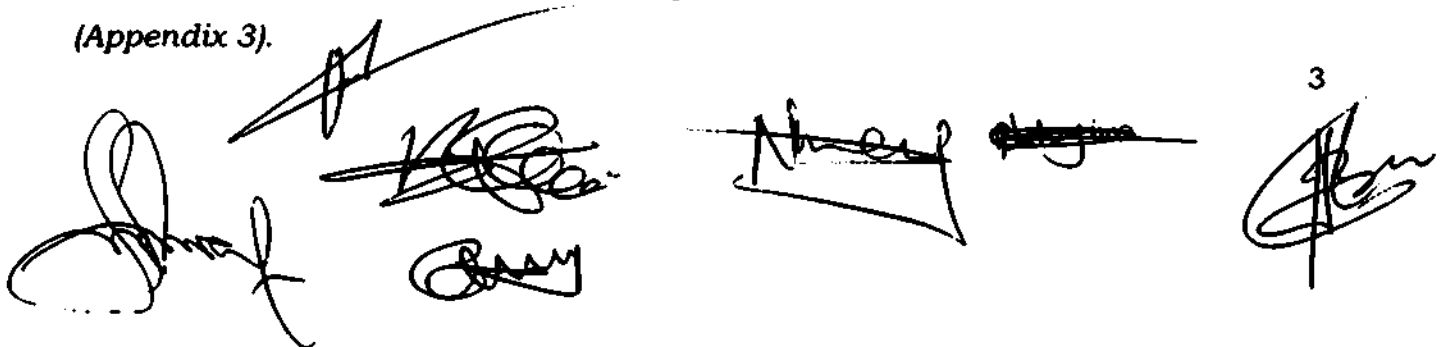
Handwritten signatures of the committee members, including the Chairperson and six members, arranged in two rows. The signature on the far right of the top row is marked with a superscript '2'.

Presidential directives, which were non-existent. It further recommended that the appointing authority temporarily relieves Hon. Persis Namuganza of her duties to pave way for investigations by the relevant organs of Government. Parliament adopted the Report of the Ad hoc Committee with amendments.

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 Lands, Housing and Urban Development (Housing)). Hon. Silwany alleged that Hon. Persis 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 Ad hoc Committees. The presiding officer referred the matter to the Committee on Rules, Privileges and Discipline to examine the allegations and report back to the House.

The Committee on Rules, Privileges and Discipline inquired into the allegations and found that based on the evidence presented to it, Hon. Namuganza made the alleged impugned statements on social media and during a television interview with NTV Uganda. The Committee among others, recommended that the House invokes Article 118 (1) (b) of the Constitution of the Republic of Uganda and Rule 106 of the Rules of Procedure of Parliament to censure her. The House adopted the Report of the Committee on 7th December, 2022 with an amendment.

On 9th December, 2022 Hon. Okot John Amos, Member of Parliament, Agago North, notified the Clerk to Parliament of his intention to move a motion to censure Hon. Namuganza in accordance with Rule 109(1) (*Appendix 2*). In compliance with Rule 109 (2) of the Rules of Procedure of Parliament, the Clerk, upon receipt of the notice of censure, notified Members of Parliament by causing the notice, the grounds and particulars supporting the grounds of the proposed censure motion to be pinned on the Members' notice board (*Appendix 3*).



Upon notifying Parliament, the Clerk to Parliament prepared and deposited with the Sergeant-at-Arms, a list of all Members of Parliament with an open space against each name, for purposes of appending signatures as required by Rule 109(3) of the Rules of Procedure of Parliament. The Speaker, upon verifying that the list had been appended by the required number of signatures, within the required time, included the motion on the Order Paper for consideration by the House as required by Rule 109(7) of the Rules of Procedure of Parliament.

On 23rd December, 2022 Hon. Okot John Amos, moved a Motion for a Resolution of Parliament to Pass a Vote of Censure against Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development (Housing) under Article 118 (1) (b) of the Constitution and Rules 106 and 109 of the Rules of Procedure of the Parliament of Uganda. The motion was seconded by several Members of Parliament (*Appendix 4*).

In accordance with the Rule 109 (8) of the Rules of Procedure of Parliament, the Speaker forwarded the Motion, the supporting grounds, particulars and the supporting documents to the President for onward transmission to the concerned Minister.

Pursuant to Rule 109 (9) of the Rules of Procedure of Parliament, the Rt. Hon. Deputy Speaker caused the appointment of the Select Committee with the approval of the House to which the Motion and all supporting documents were referred.

1.2 MANDATE OF THE SELECT COMMITTEE

The Committee derives its mandate from Article 90 of the Constitution of the Republic of Uganda, 1995 which empowers Parliament to appoint Committees necessary for the efficient discharge of its functions.

The Committee is established under Rule 109 (9) of the Rules of Procedure of Parliament which requires the Speaker to cause the appointment of a Select Committee to which the Motion for censure and all the supporting documents shall be referred.

The mandate of the Committee is stipulated in Rule 109 (9) of the Rules of Procedure of Parliament which provides that-

"(9) Fourteen days from the date of transmission of the Motion to the President, the Speaker shall cause to be appointed a Select Committee to which the Motion and all supporting documents shall be referred and the Committee shall—

(a) scrutinise and identify prima facie evidence to the allegations in the Motion;

(b) lead the House under the provision of sub rule 11 herein, in the proceedings of censure."

2 ISSUES FOR DETERMINATION

The Committee sought to resolve the following issues-

1. Whether there is prima facie evidence to prove the allegations contained in the motion for a Resolution of Parliament to pass a vote of censure against Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development (Housing).
2. The findings and observations of the Committee on the matter.

3 METHODOLOGY

The Committee, being conscious of its mandate and powers under the Constitution and the Rules of Procedure of Parliament and its quasi-judicial status, employed the following methods of work-

- a) Invited and granted opportunity to Hon. Namuganza (Appendix 5), the mover and seconders of the Motion (Appendix 6) and members of

A collection of handwritten signatures in black ink, likely representing the members of the committee mentioned in the text. The signatures are varied in style, with some being more stylized and others more legible. They are arranged in a horizontal row across the bottom of the page.

Parliament who had supplementing information (*Appendix 7*) to appear before the Committee.

b) Held meetings during which it received oral and written submissions from the following:

i) Hon. Okot John Amos (MP, Agago North County) – Mover of the Motion.

ii) Seconders of the Motion namely,

- Hon. Musinguzi Yona (Ntungamo Municipality)
- Hon. Osoru Mourine (Woman Representative, Arua City)
- Hon. Atwijukire Dan Kimosho (MP, Kazo County)
- Hon. Chemutai Everlyn (DWR, Bukwo District)
- Hon. Olanya Gilbert (MP, Kilak South County)
- Hon. Amero Susan (DWR, Amuria District)

iii) Members of Parliament with supplementing information pursuant to Rule 109(10)(b):

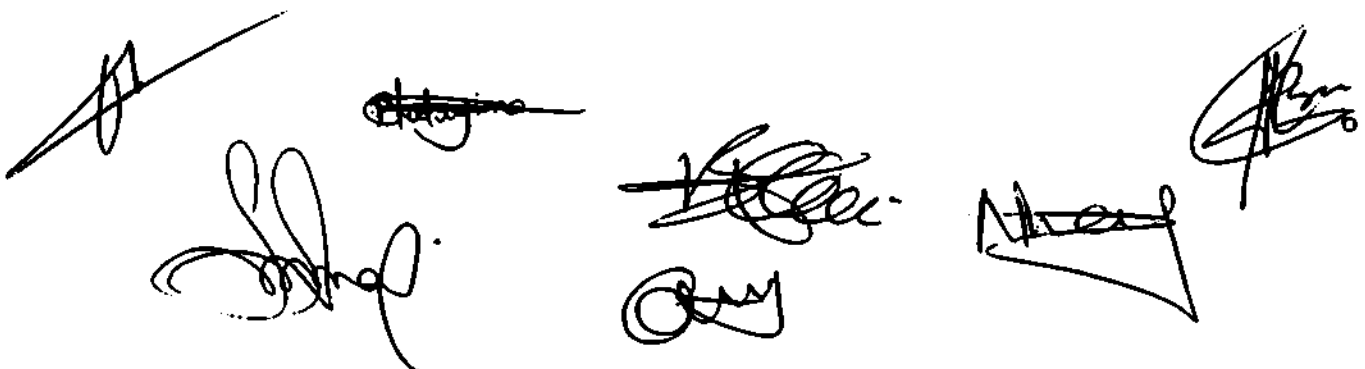
- Hon. Solomon Silwany, MP Bukooli County Central;
- Hon. Sarah Opendi, District Woman Representative, Tororo District;

iv) Mr. Pande Norman of Mwanja & Pande Advocates who claimed to have been instructed by Hon. Persis Namuganza Princess to represent her in the proceedings of the Committee (*Appendix 8*).

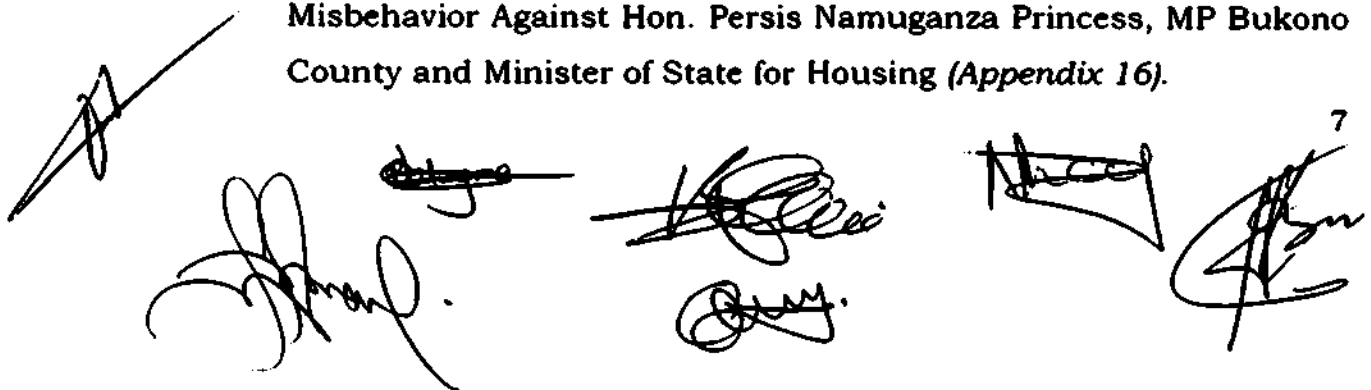
c) Reviewed written memoranda from witnesses as follows:

i) A presentation made by Hon. Okot John Amos (Mover of the Motion) to the Select Committee on the Censure of Hon. Persis Namuganza Princess, State Minister for Lands, Housing and Urban Development (Housing) (*Appendix 9*)

ii) A presentation made by Hon. Atwijukire Dan Kimosho (Secunder of the Motion) to the Select Committee investigating the petition of censure of Hon. Namuganza Persis, Minister of State for Lands, Housing and Urban Development (*Appendix 10*).



- iii) Answers to the questions posed by the Committee to the Petitioners jointly presented by Hon. Okot John Amos and Hon. Atwijukire Dan Kimosho (*Appendix 11*).
 - iv) A letter dated 12th January, 2023 from Mwanja & Pande Advocates addressed to the Speaker of Parliament, the Clerk to Parliament and the Chairperson of the Select Committee presented to the Committee by Mr. Pande Norman of Mwanja & Pande Advocates (*Appendix 12*).
- d) Reviewed relevant documents including;
- i) Notice of Censure Against Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development (Housing) (*supra*).
 - ii) Notice of Motion to move a motion of censure under Rule 109(1) of the Rules of Procedure of Parliament against Hon. Persis Namuganza Princess, State Minister for Lands, Housing and Urban Development (Housing) (*supra*)
 - iii) Motion for Resolution of Parliament to Pass a Vote of Censure Against Hon. Persis Namuganza Princess, State Minister for Lands, Housing and Urban Development (Housing)(*Appendix 13*).
 - iv) Report of the Standing Committee on Rules, Privileges and Discipline on the inquiry into Allegations of Misconduct and Misbehavior Against Hon. Persis Namuganza Princess, MP Bukono County and Minister of State for Housing and Appendices thereto (*Appendix 14*).
 - v) Transcript of the Proceedings of the Committee on Rules, Privileges and Discipline for Monday 12th September 2022; Tuesday 13th September, 2022; Wednesday 14th September, 2022; Thursday 15th September, 2022; Wednesday 21st September, 2022 and Tuesday 27th September, 2022 (*Appendix 15*).
 - vi) Minutes of the Meetings of the Committee on Rules, Privileges and Discipline on the inquiry into Allegations of Misconduct and Misbehavior Against Hon. Persis Namuganza Princess, MP Bukono County and Minister of State for Housing (*Appendix 16*).

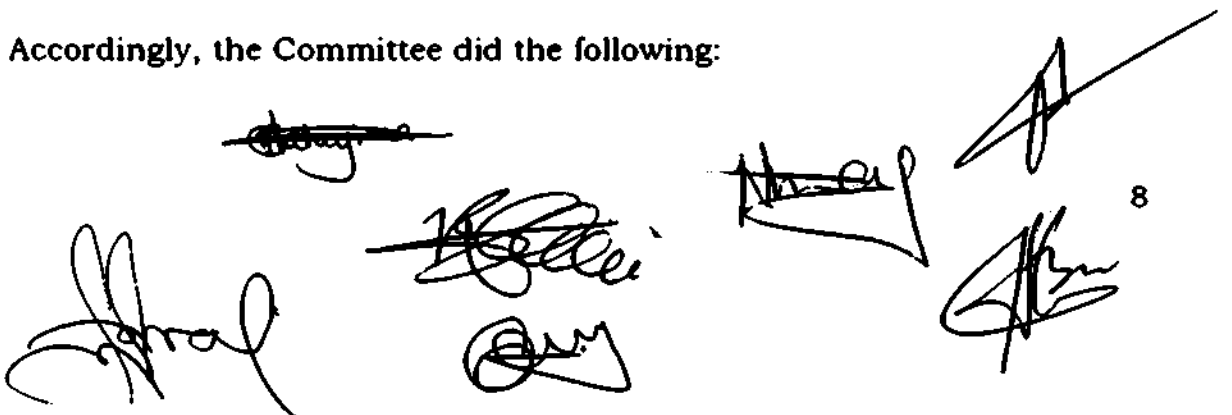


- vii) Hansard of the Plenary Proceedings of Tuesday 1st March, 2022.
- viii) Hansard of the Plenary Proceedings of Wednesday 18th May, 2022.
- ix) Hansard of the Plenary Proceedings of Wednesday 13th July, 2022.
- x) Hansard of the Plenary Proceedings of Wednesday 7th December, 2022.
- xi) Hansard of the Plenary Proceedings of Friday 23rd December, 2022
- xii) Hansard of the Plenary Proceedings of Friday 6th January, 2023
- e) Received, viewed and verified video recordings submitted by the witnesses.
- f) Reviewed applicable laws namely;
 - i) Constitution of the Republic of Uganda
 - ii) Rules of Procedure of Parliament of Uganda
 - iii) Case law particularly from Parliaments and Courts of Commonwealth countries
 - iv) Treatises and Papers on Commonwealth Parliamentary Procedures and Practices

The Committee, being mindful of its quasi-judicial status, the rules of natural justice and the constitutional rights of the Member to a fair hearing under Articles 28, 42 and 44 of the Constitution (*supra*) resolved that Hon. Namuganza-

- (a) was innocent of the allegations contained in the motion until proven guilty and the burden was on the mover of the motion to prove the allegations contained in the motion;
- (b) had a right to be represented by Counsel of her choice;
- (c) was at liberty to attend any meeting of the Committee held for the purpose of receiving evidence from witnesses and that she would, if she so wished, be given an opportunity to cross-examine the witnesses;
- (d) had a right to access all evidence that was adduced before the Committee by witnesses.

Accordingly, the Committee did the following:



Handwritten signatures of committee members, including a large signature on the left, a signature in the center, and a signature on the right. A small number '8' is visible near the bottom right signature.

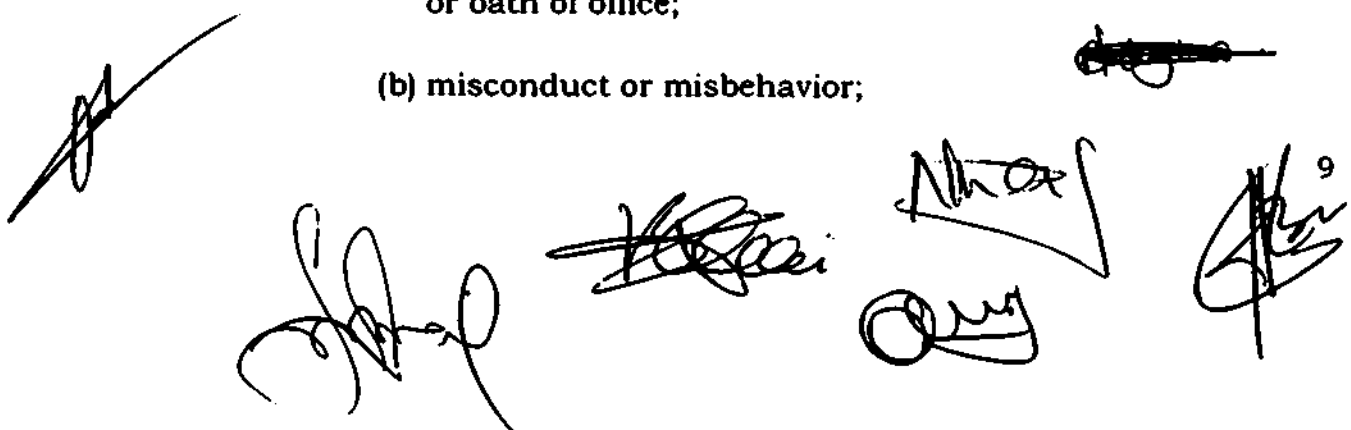
- i) Availed Hon. Namuganza with a schedule of the meetings of the Committee, the Motion for Censure and all supporting documents. This was done vide a letter dated Monday 9th January, 2023 informing her that a Select Committee had been constituted to scrutinise and identify prima facie evidence of the allegations contained in the Motion for Censure against her, forwarding a copy of the Motion and the supporting documents and the schedule of the meetings of the Committee, inviting her to appear before the Committee and defend herself against the allegations and informing her of her rights including her right to attend the meetings of the Committee with witnesses and to cross examine them (*supra*).
- ii) Informed her of the categories of witnesses namely, the mover and seconders of the motion, and any other member of parliament who had supplementing information that would appear before the Committee; and
- iii) Transmitted all the evidence tendered by the witnesses before the Committee to Hon. Namuganza vide letters dated Thursday 12th January, 2023 (*Appendix 17*) and Friday 13th January, 2023(*Appendix 18*) and the audio recordings of the proceedings of the Committee with the witnesses (*Appendix 19*).

4 GROUNDS IN THE MOTION FOR THE CENSURE OF HON. PERSIS NAMUGANZA PRINCESS

The Motion for censure against Hon. Namuganza was moved under Article 118(1)(b) of the Constitution and Rules 106 and 109 of the Rules of Procedure of Parliament. Article 118 (1) of the Constitution prescribes specific grounds upon which a Minister may be censured, and these are-

(a) abuse of office or willful violation of the oath of allegiance or oath of office;

(b) misconduct or misbehavior;

The bottom of the page features several handwritten signatures and initials. On the left, there is a large, stylized signature. In the center, there are two more signatures, one of which appears to be 'K. K. K.'. To the right of these, there are several sets of initials, including 'AKA', 'QUG', and a signature that ends with a superscript '9'.

(c) physical or mental incapacity, namely, that he or she is incapable of performing the functions of his or her office by reason of physical or mental incapacity;

(d) mismanagement; or

(e) incompetence.

The Committee notes that the grounds prescribed in Article 118(1) of the Constitution are the only grounds upon which a Minister may be removed. This principle was reaffirmed by court in the cases of **Brigadier Tumukunde Vs Attorney General and Another, Supreme Court Constitutional Appeal NO. 2** and **Saverino Twinobusingye v Attorney General, Constitutional Petition 47 of 2011**.

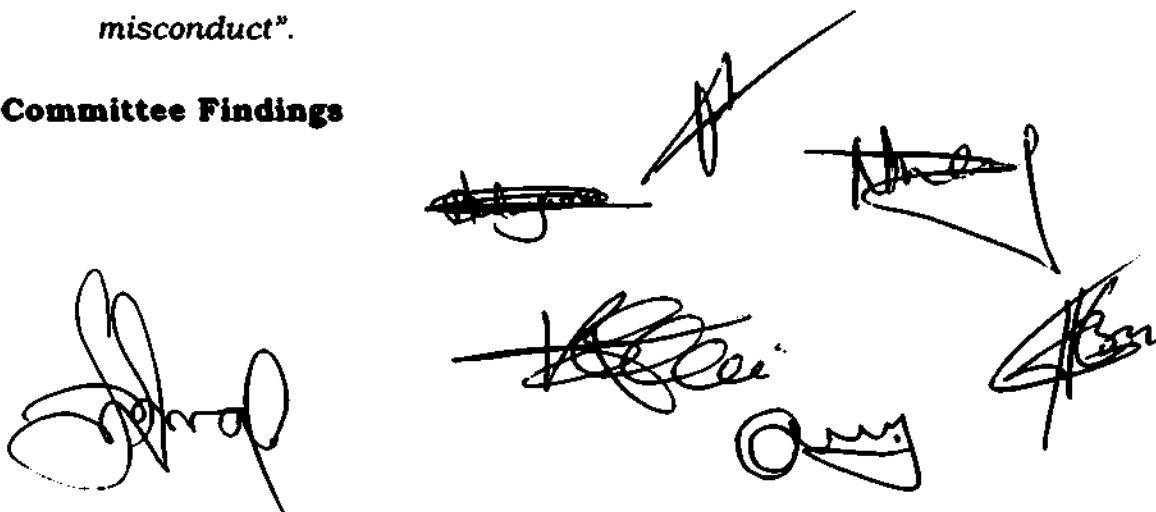
Accordingly, the Committee scrutinized the motion and all the supporting documents and the Hansard of the Plenary proceedings of 23rd December, 2022 to establish whether the grounds on which the Motion was moved are those provided for under Article 118 of the Constitution.

The text of the Motion as moved in the House by Hon. Okot John Amos is reproduced as follows:

"MOTION FOR RESOLUTION OF PARLIAMENT TO PASS A VOTE OF CENSURE AGAINST HON. PERSIS NAMUGANZA PRINCESS, STATE MINISTER FOR LANDS, HOUSING AND URBAN DEVELOPMENT (HOUSING) (Moved under Article 118 of the Constitution of the Republic of Uganda, 1995 and Rules 106 and 109 of the Rules of Procedure of Parliament)

...NOW, THEREFORE, be it resolved that Parliament passes a vote of censure against Hon. Persis Namuganza Princess, the Minister of State for Lands, Housing and Urban Development on grounds of misbehaviour and misconduct".

Committee Findings

The block contains several handwritten signatures in black ink. There are approximately seven distinct signatures scattered across the lower half of the page, some overlapping. The signatures vary in style, with some being more legible and others being more stylized or scribbled.

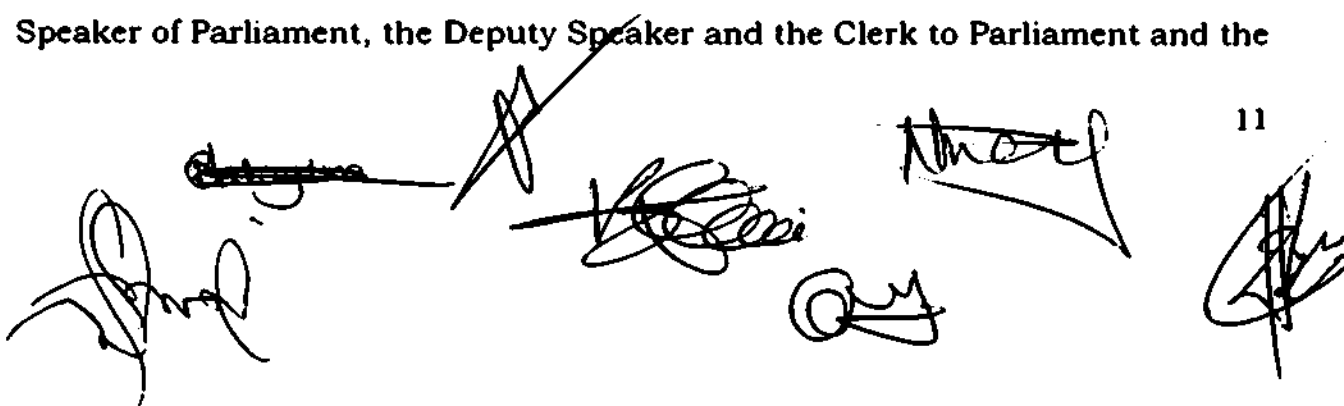
From the text of the Motion, the Committee found that the grounds for the proposed censure of Hon. Namuganza are misconduct or misbehavior which are provided for under Article 118(1)(b) of the Constitution.

Having established that the grounds in the motion are those provided for in Article 118 of the Constitution, the Committee resolved that the grounds specified in the censure motion were the only grounds upon which it would receive evidence to establish whether there was a prima facie case or not.

5 OBJECTIONS RAISED BY MR. PANDE NORMAN TO THE PROCEEDINGS OF THE COMMITTEE

Mr. Pande Norman of Mwanja & Pande Advocates appeared before the Committee on Friday 13th January, 2023 in a meeting which had been convened to grant an opportunity to Hon. Namuganza to defend herself against the allegations contained in the motion. He claimed that he had received instructions from Hon. Namuganza to represent her in the proceedings of the Committee. However, when asked to present proof of the said instructions, Mr. Pande stated that he was unable to obtain written instructions from Hon. Namuganza given the short notice within which she was required to appear before the Committee. At the prompting of the Committee to make a phone call to Hon. Namuganza requesting her to send the written instructions to him electronically, Mr. Pande stated that he had attempted to call Hon. Namuganza in that day's meeting, but she did not answer the several calls he had made to her. He requested the Committee to allow him present the letter of instructions from Hon. Namuganza as soon as he was able to reach her. The Committee considered his request and granted him audience on condition that he submits the instructions by Monday 16th January, 2023 at 9am. However, by the time of writing this report, the Committee had not received the said written instructions.

Notwithstanding the failure by Mr. Pande to provide written instructions from his client (Hon. Namuganza), the Committee allowed him to present a letter dated 12th January, 2023 which was addressed to several persons including the Speaker of Parliament, the Deputy Speaker and the Clerk to Parliament and the

The bottom of the page features several handwritten signatures and initials in black ink. From left to right, there is a large, stylized signature, a smaller signature, a signature with a long horizontal line extending to the left, a signature with a large 'V' or 'W' shape, a signature with a large 'M' or 'N' shape, and a signature with a large 'G' or 'C' shape. The page number '11' is printed in the bottom right corner.

Chairperson of the Select Committee containing several objections to the proceedings of the Committee as follows:

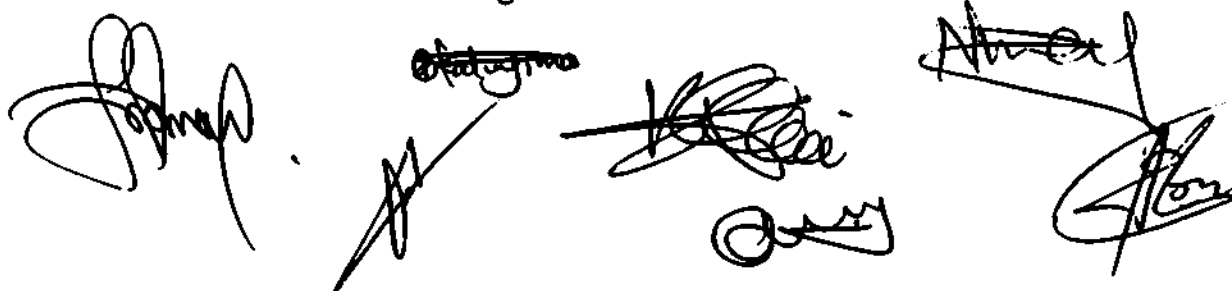
- (a) That his client (Hon. Namuganza) was not given adequate time to prepare and defend herself on the allegations contained in the Motion for her censure and to cross examine witnesses since the letter from the Clerk to Parliament dated 9th January 2023 inviting her to appear before the Committee on the 12th and 13th January 2023 was delivered on 10th January, 2023 giving her short notice of the meetings;
- (b) That his client was not given publications that were referred to in the Motion for her censure and therefore she was unable to defend herself against the said allegations or provide context to the statements which she had been called to defend herself against.
- (c) That the censure proceedings were *Sub judice* as they were the subject of court cases namely, *High Court Miscellaneous Cause No. 280 of 2022, Miscellaneous Application No.717 of 2022, Namuganza Persis Princess Versus Attorney General and the Clerk to Parliament; Constitutional Petition No. 41 of 2022, Miscellaneous Application No.19 of 2022 and Miscellaneous Application No. 20 of 2022* all of which had been fixed for hearing on the 13th April, 2023, 1st March 2023 and 17th March, 2023 respectively.
- (d) That his client was unable to appear before the Committee and defend herself against the allegations contained in the Motion for the afore stated reasons.

He prayed that the proceedings be suspended for the above reasons.

The Committee considered the objections and ruled as below-

5.1 Inadequate Time to appear and defend herself

Mr. Pande Norman contended that Hon. Namuganza had not been given adequate time to prepare and defend herself and to cross examine witnesses since the letter from the Clerk inviting her to appear before the Committee on the 12th and 13th January, 2023 was delivered on 10th January, 2023, giving her short notice of the meetings.



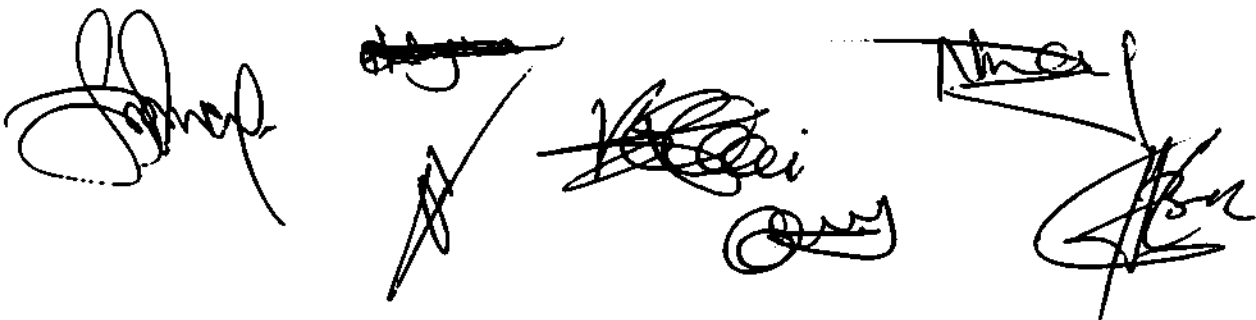
The Committee, being cognizant that adequate time to prepare a defence is one of the essential ingredients of the right to a fair hearing in accordance with Article 28(3)(c) of the Constitution and mindful of the fact that the right to a fair hearing is sacrosanct and a non-derogable right under Article 44 of the Constitution ruled as follows-

- a) That Article 118(4) and Rule 109(8) required the Speaker to forward the text of the Motion for censure, the supporting grounds, particulars and supporting documents to the President within seventy-two hours of moving the Motion, for onward transmission to the concerned Minister.
- b) That the evidence on record shows that the Speaker complied with the Constitution and Rule 109(8) as communicated by the Rt. Hon Deputy Speaker on the 23rd December, 2022. Therefore, upon forwarding the documents to the President, Hon. Namuganza had been effectively served.
- c) That it was the duty of President to transmit the documents of censure forwarded to him by the Speaker to Hon. Namuganza and therefore, Hon. Namuganza is presumed to have been served.
- (e) That further under Rule 109(9), the Committee was constituted fourteen days from the date of transmission of the Motion to the President implying that Hon. Namuganza was already aware that censure proceedings had ensued against her before the Committee was constituted.
- (f) That the censure proceedings have strict timelines prescribed by Article 118 of the Constitution and Rule 109 of the Rules of Procedure which cannot be extended.
- (g) That therefore, Hon. Namuganza had been accorded adequate time to prepare and appear before the Committee as required by law.

The Committee therefore found no merit in this particular objection and accordingly overruled it.

5.2 Full disclosure of evidence

Mr. Pande further contended that his client (Hon. Namuganza) had not been given publications that were referred to in the Motion for her censure and



therefore she was unable to defend herself against the said allegations or provide context to the statements which she had been called to defend herself against.

When asked by the Committee to clarify what he meant by publications and which documents he expected from the Committee at the onset of the proceedings other than the Motion and the supporting documents, Mr. Pande did not provide the said clarification and neither did he provide clarity on the documents he had received from his client and yet in his letter, he claimed to have perused through the attachments to the invitation letter which was addressed to his client and not him.

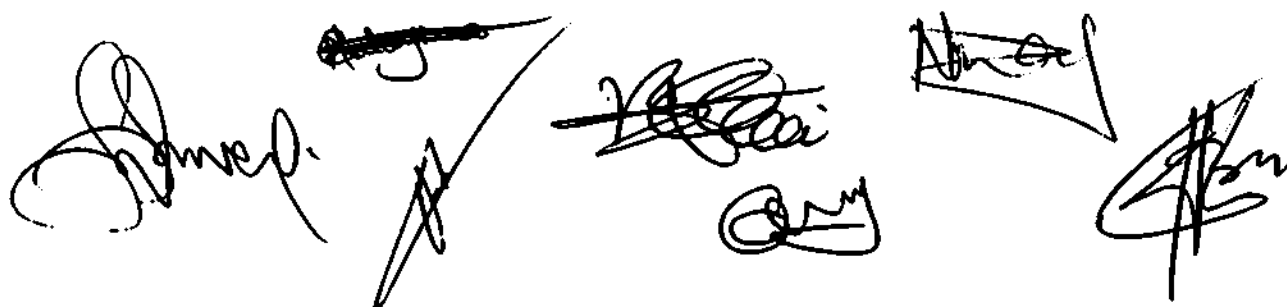
Mr. Pande was reminded of the mandate of the Committee under Rule 109 which is to scrutinize and identify prima facie evidence to the allegations in the Motion and that at the time the Committee sent out the invitation to Hon. Namuganza to appear before it, the Committee had not received evidence from the witnesses other than the motion and the supporting documents.

Additionally, the Committee informed Mr. Pande that in a letter dated 9th January, 2023, Hon. Namuganza was invited to attend the meeting of the Committee to receive evidence of witnesses on Thursday 12th January, 2023 and forwarded the schedule of the meetings to her. However, Hon. Namuganza did not appear or send a representative. The Committee further informed him that vide its letter dated 12th January, 2023 it forwarded the evidence it had received from the witnesses to Hon. Namuganza together with the audio recordings of the proceedings of the Committee.

Accordingly, the Committee overruled the objection.

5.3 Objection on grounds of *sub judice*

Mr. Pande contended that the censure proceedings were *Sub judice* as they were the subject of court cases namely, *High Court Miscellaneous Cause No. 280 of 2022, Miscellaneous Application No.717 of 2022, Namuganza Persis Princess Versus Attorney General and the Clerk to Parliament; Constitutional Petition No. 41 of 2022, Miscellaneous Application No.19 of 2022 and Miscellaneous*



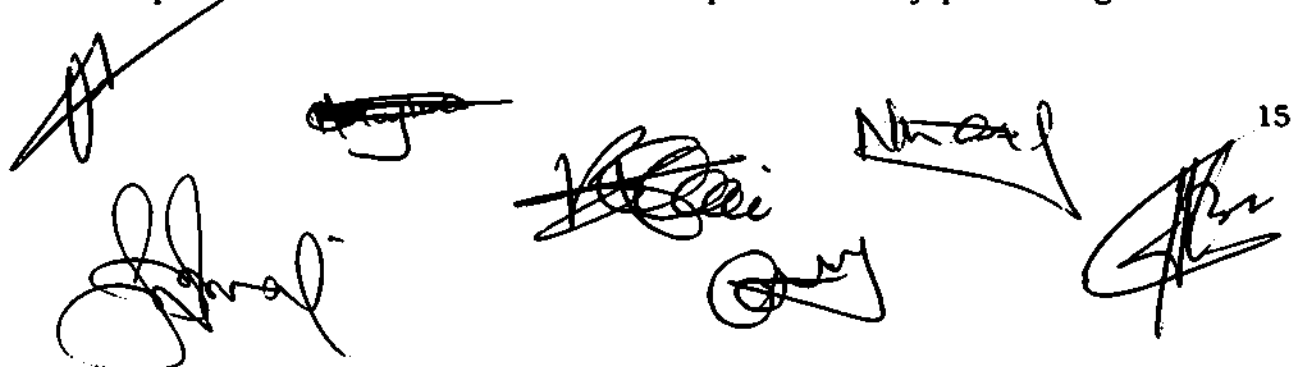
Application No. 20 of 2022 all of which had been fixed for hearing on the 13th April, 2023, 1st March 2023 and 17th March, 2023 respectively.

Upon raising the objection on the ground of *Sub judice*, the Committee requested Mr. Pande to provide information to justify the ground as required by Rule 73(4) of the Rules of Procedure of Parliament. In response, Mr. Pande stated that the Clerk to Parliament and the Attorney General were parties to the said court proceedings, they had been served with the court documents and had filed responses in court meaning that they were aware of the court cases. He further stated that it was the mandate of the Speaker to decide on the ground of *sub judice* and that he was only duty bound to provide the documents justifying the ground of *Sub judice* to the Speaker and not the Committee.

The Committee noted with concern the recalcitrant behavior of Mr. Pande but nonetheless granted him audience. It informed him that the Deputy Speaker had delivered a Ruling on the *Sub judice* ground of Hon. Namuganza at the Plenary sitting held on 23rd December, 2023 (*supra*) and therefore the matter of *Sub judice* had been settled. The Chairperson read to him the Ruling of the Rt. Hon. Deputy Speaker verbatim.

In response, Mr. Pande stated that the Ruling of the Deputy Speaker on 23rd December, 2022 was in respect of Constitutional Petition No.41 of 2022 but not in respect of Misc. Cause 280 of 2022 and Miscellaneous Application No.717 of 2022 since the ground of *Sub judice* had not been raised in respect of those cases and therefore the Speaker was required to make a ruling on those cases.

The Committee sought guidance from the Speaker who in a letter dated 13th January, 2023 (*Appendix 20*) addressed to the Chairperson of the Committee and copied to M/S Mwanja & Pande Advocates guided that the matter was not *Sub judice* since the *Miscellaneous Application No. 717 of 2022 and Miscellaneous Cause No 280 of 2023* did not relate in any way to the proceedings of censure being handled by the Committee but they related to her request to be availed with copies of the Hansard and record of parliamentary proceedings related to



15

the proceedings of the 7th December, 2022 and further that the cases were all fixed for hearing after the Select Committee had been appointed.

In light of the Speaker's guidance, the Committee resolved to proceed with the inquiry and accordingly wrote to Hon. Namuganza on 13th January, 2023 (*Appendix 21*) requiring her to appear before it and defend herself against the allegations in the Motion on Monday 16th January, 2023. In the communication, the Committee reminded Hon. Namuganza of her rights to legal representation and forwarded to her the additional evidence that was adduced by the witnesses in support of the Motion.

Accordingly, the Committee overruled the objection.

6 SUBMISSIONS OF WITNESSES

At the onset of the inquiry, the Committee invited the mover of the motion for censure, Hon. Okot John Amos, the seconders of the motion, the member against whom the motion for censure was moved, Hon. Persis Namuganza Princess and any other Member of Parliament who may have supplementing information to appear before it to adduce evidence to prove or disapprove the allegations made in the motion. Below is the summary of the submissions of the witnesses and the evidence they adduced.

6.1 Submission of Hon. Okot John Amos, MP Agago North County and Mover of the Motion for Censure

At the onset of his submission, Hon. Okot John Amos made an attempt to amend the motion for censure to include an additional ground of censure, to wit abuse of office to which the Committee rejected, and informed him that Rule 109 restricts the Committee to consideration of only the grounds stated in the Motion.

Hon. Okot John Amos made a written presentation (*supra*) as follows:

- a) That he moved a Motion in the House for a resolution of Parliament to pass a vote of censure against Hon. Persis Namuganza Princess from the Office the Minister of State for Lands, Housing and Urban Development

(Housing) under Article 118 of the Constitution and Rules 106 and 109 of the Rules of Procedure of Parliament on grounds of misconduct and misbehaviour.

b) That the matters that prompted him to move a Motion in the House which form justification for the censure are follows:

i) That the conduct of Hon Namuganza was examined by the Committee on Rules, Privileges and Discipline in its report on the inquiry into allegations of misconduct and misbehaviour against Hon. Namuganza and found that on 21st and 22nd May, 2022 and again on 12th and 13th July, 2022, Hon. Namuganza made statements about Parliament in the media and social media attacking the operations of Parliament, questioning the powers of Parliament, the integrity of the presiding officers of Parliament and imputing improper motive to Parliament and its presiding officers.

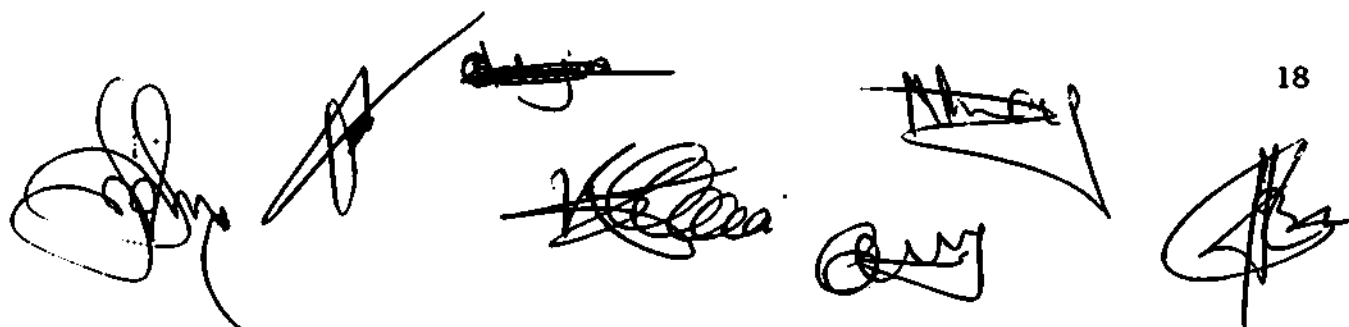
ii) That in finding Hon. Namuganza guilty of misbehaviour and misconduct, the Committee on Rules, Privileges and Discipline received, evaluated, and admitted various pieces of evidence including:

- excerpts from the Daily Monitor online Newspaper of 22nd May, 2022 with the heading *"Parliament has no power to suspend me-Namuganza"*.
- video recordings of the interview Hon. Namuganza held with NTV Uganda which aired on NTV Ku Ssaawa Emu and NTV Weekend Edition bulletins respectively on Friday 21st May, 2022.

a) That the above evidence was not rebutted by Hon. Namuganza making it admissible to prove a matter.

b) That the actions of Hon. Namuganza attacking the operations of Parliament, questioning the powers of Parliament, the integrity of the presiding officers of Parliament and imputing improper motive to Parliament and its presiding officers fall below the standards expected of a Member of Parliament.

- c) That the conduct of Hon. Namuganza breached the standards of conduct expected of a Member of Parliament as stipulated in Rule 85 and paragraphs 2, 3 and 5 of the Code of Conduct for Members of Parliament as stipulated in Appendix F of the Rules of Procedure of Parliament.
- d) That apart from breach of Appendix F of the Rules of Procedure, Hon. Namuganza breached Rule 224 on contempt of Parliament by acting contemptuously when she disregarded lawful directives, disrespected the exercise of lawful parliamentary powers, and has continually engaged in conduct that has brought disrepute to members and the image of Parliament.
- e) That in addition to the evidence of misconduct and misbehaviour highlighted in the Report of the Committee on Rules, Privileges and Discipline, Hon. Namuganza in an interview with NBS held on 9th December, 2022 again accused the presiding officers of Parliament of bias, defiling the Constitution and declaring Parliament's consideration of the report of the Committee on Rules, Privileges and Discipline on the Inquiry Into Allegations of misconduct and misbehaviour against Hon. Persis Namuganza Princess, State Minister for Lands, Housing And Urban Development (Housing), unconstitutional.
- f) That in the same NBS interview, Hon. Namuganza accused the Rt. Hon. Speaker, Anita Annet Among of having a personal vendetta against her, a matter she repeated on several occasions without substantiating.
- g) That the total sum of her conduct constitutes misconduct and misbehaviour as it falls short of the standard of decent behaviour and conduct expected of a Member of Parliament under the Rules of Procedure of Parliament.
- h) That on 7th December 2022 during consideration of the Report of the Committee on Rules, Privileges and Discipline, Hon. Namuganza was granted an opportunity to apologise to the House, the institution of Parliament, its presiding officers, and members of Parliament and in spite of the pleas from many members of Parliament including a senior member

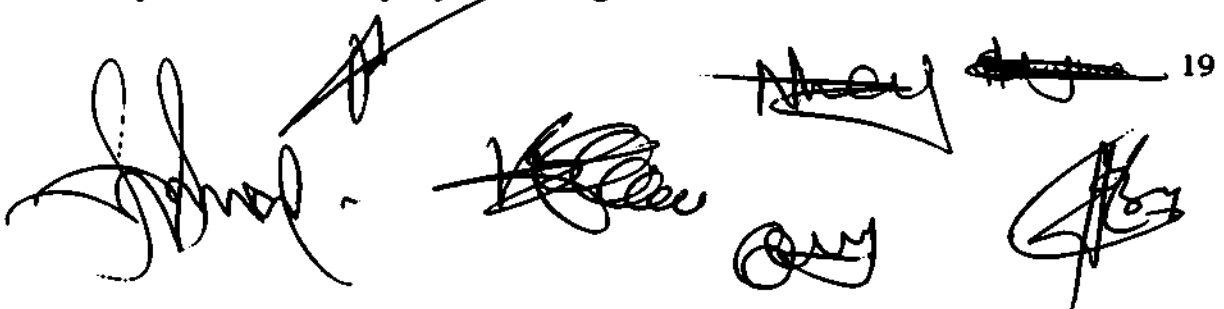
The bottom of the page features several handwritten signatures and initials in black ink. From left to right, there is a large, stylized signature, a smaller signature, a signature that appears to be 'Namuganza', a signature that appears to be 'Annet', a signature that appears to be 'Among', and a final signature on the far right. The signatures are written in various styles, some with loops and flourishes.

of Cabinet, the Prime Minister, Hon. Namuganza refused to render the apology.

- i) That in view of the above, censuring Hon. Namuganza from the Office of the Minister of State for Lands, Housing and Urban Development (Housing) was the most befitting punishment for her misconduct and misbehaviour and that it would restore public confidence in Parliament and send a strong message to all Members of Parliament to adhere to standards of behaviour and conduct expected of them under the Rules of Procedure of Parliament.

Hon. Okot adduced the following evidence in support of the censure of Hon. Namuganza:-

- i) Notice of Censure Against Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development (Housing) (*supra*).
- ii) Notice of Motion to move a motion of censure under Rule 109(1) of the Rules of Procedure of Parliament against Hon. Persis Namuganza Princess, State Minister for Lands, Housing and Urban Development (Housing) (*supra*).
- iii) Motion for Resolution of Parliament to Pass a Vote of Censure Against Hon. Persis Namuganza Princess, State Minister for Lands, Housing and Urban Development (Housing) (*supra*).
- iv) A Report of the Standing Committee on Rules, Privileges and Discipline on the inquiry into Allegations of Misconduct and Misbehavior Against Hon. Persis Namuganza Princess, MP Bukono County and Minister of State for Housing, and Appendices thereto (*supra*).
- v) Transcripts of the proceedings of the Committee on Rules, Privileges and Discipline for Monday 12th September, 2022; Tuesday 13th September, 2022; Wednesday 14th September, 2022; Thursday 15th September, 2022; Wednesday 21st September, 2022 and Tuesday 27th September, 2022(*supra*).
- vi) Minutes of the Meetings of the Committee on Rules, Privileges and Discipline on the inquiry into allegations of misconduct and misbehavior



19

against Hon. Persis Namuganza Princess, MP Bukono County and Minister of State for Lands, Housing and Urban Development (Housing) (*supra*).

vii) Print outs of WhatsApp messages from the official WhatsApp Group of the 11th Parliament named the "11th PARLIAMENT-Official" (Appendix 22).

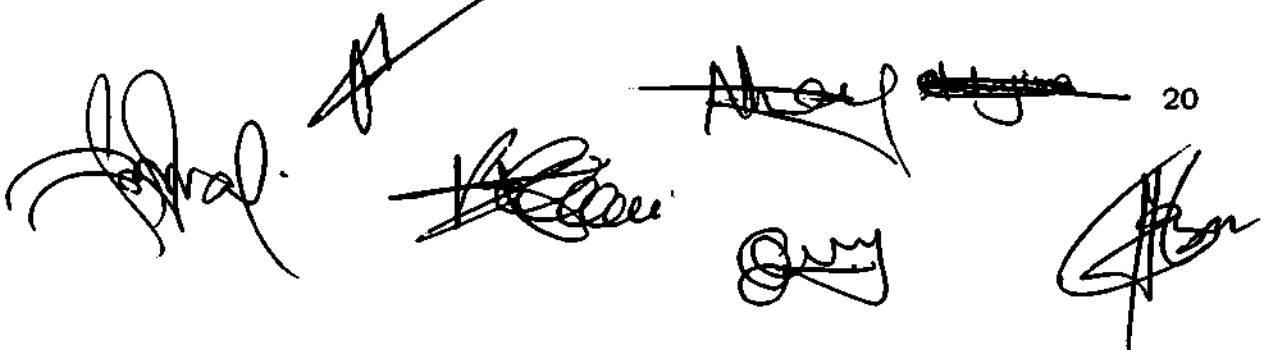
viii) Article from the Daily Monitor online Newspaper of 22nd May, 2022 with the heading "Parliament has no power to suspend me-
Namuganza"(Appendix 23).

ix) A flash disk containing the following (Appendix 24):

- video recordings of the interview Hon. Namuganza held with NTV Uganda which aired on NTV Ku Saawa Emu and NTV Weekend Edition bulletins respectively on Friday 21st May, 2022.
- video recordings of the interview Hon. Namuganza held with NBS on 9th December, 2022.
- video recordings of the past conduct of Hon. Namuganza picked from various media houses.

Hon. Okot showed the Committee the video recordings and highlighted some of the statements allegedly made by Hon. Namuganza which he claimed constituted misconduct and misbehavior within the meaning of Article 118 of the Constitution. He stated:

- a) That in an interview Hon. Namuganza held with NTV Uganda which aired on NTV Ku Saawa Emu and NTV Weekend Edition bulletins respectively on Friday 21st May, 2022 which was examined in the Report of the Committee on Rules, Privileges and Discipline, Hon. Namuganza referred to the Report of the Adhoc Committee on the Naguru-Nakawa land allocations as a fake and biased report.
- b) That in an interview with NBS television on 9th December 2022 following consideration of the Report of the Committee on Rules, Privileges and Discipline on the inquiry into allegations of misconduct and misbehavior against her on 7th December, 2022, Hon. Namuganza accused the presiding officer, the Rt. Hon. Deputy Speaker of defiling the Constitution



20

and referred to the consideration of the Report of the Committee as unconstitutional.

- c) That in the same NBS interview, Hon. Namuganza alleged that the presiding officers of Parliament had created an environment of fear and intimidation aimed at restraining the members from exercising their constitutional mandate, allegations which were not true.

Hon. Okot further took the Committee through videos of the past conduct of Hon. Namuganza from various media houses including a video where Hon. Namuganza allegedly disrespected the Commission of Inquiry for Land matters and incited the public to attack the former Speaker of Parliament, Rt. Hon. Rebecca Kadaga and the Kyabazinga of Busoga.

When asked by the Committee on the relevance of the evidence of past conduct of Hon. Namuganza and why he thought that censure was the most befitting punishment, Hon. Okot stated that the evidence of past conduct of Hon. Namuganza was relevant for the purpose of demonstrating that Hon. Namuganza was not a first-time offender and therefore deserved to be severely punished by way of censure to send a strong message that similar conduct in future would not be condoned.

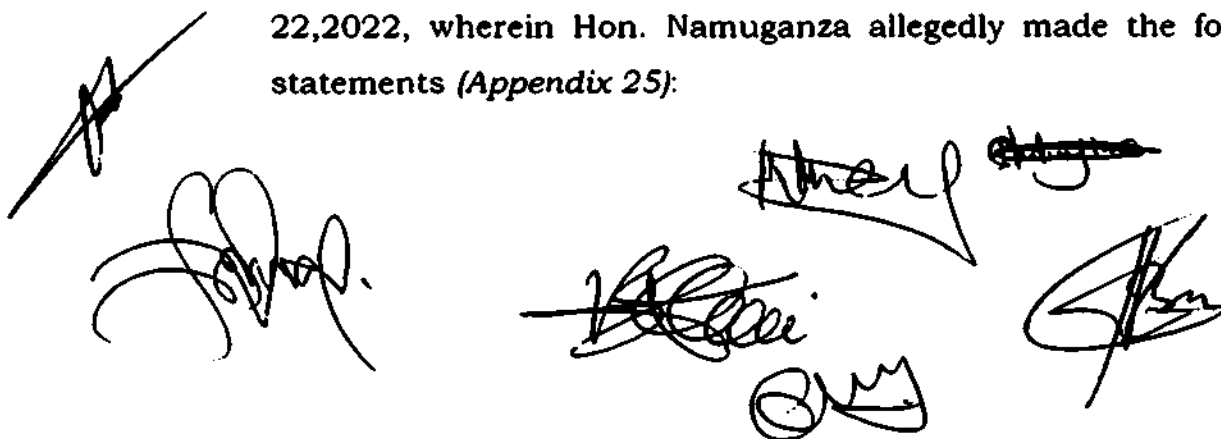
6.2 Submission of Hon. Atwijukire Dan, MP Kazo County (Seconder of the Motion)

Hon. Atwijukire Dan made a written presentation (*supra*) as follows:

- a) That Hon. Namuganza made utterances against the institution of Parliament and its leadership at various fora and had consistently put the Parliament of Uganda into disrepute from the 10th to the 11th Parliament.

He adduced the following evidence:-

- i) An online newspaper article "Parliament has no powers to suspend me – Namuganza", published in the Daily Monitor of Sunday, May 22, 2022, wherein Hon. Namuganza allegedly made the following statements (*Appendix 25*):

The bottom of the page features several handwritten signatures and initials in black ink. On the left, there is a large, stylized signature. In the center, there are several smaller signatures and initials, including one that appears to be 'Atwijukire Dan'. On the right, there is another large signature. The page number '21' is printed in the bottom right corner.

"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 pass the resolution to the executive for confirmation and I'm sure that the executive is sober and it will not act the way they acted".

ii) A Photocopy of the Daily Monitor Newspaper of Monday 23rd May, 2022 with an Article "Parliament Committees are like torture chambers, says Namuganza" (Appendix 26) in which Hon. Namuganza is quoted to have referred to committees of Parliament as torture chambers and to have castigated some committees for subjecting investors, witnesses and VIPs to embarrassment and 'torture' whenever they appear for discussions and hearings.

iii) A flash disk containing various videos recordings (Appendix 27) entitled-

- "Fake report" wherein Hon. Namuganza allegedly referred to the Report of the Ad hoc Committee on the Naguru-Nakawa Land Allocations as a fake report full of bias.
- "Ignorant Parliament" wherein Hon. Namuganza allegedly referred to Parliament as ignorant by making statements 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"*.
- "Minister Namuganza storms out of the Rules" wherein Hon. Namuganza allegedly stormed out of a meeting of the Committee on Rules, Privileges and Discipline which was investigating her alleged misconduct.
- "Minister refuses to apologise" wherein Hon. Namuganza allegedly refused to apologise to the House after being found guilty of misconduct and misbehaviour in the Report of the Committee on Rules, Privileges and Discipline on the Allegations of misconduct and misbehaviour against her.

b) That in the above video recordings, Hon. Namuganza insulted and demeaned the institution of Parliament and its leadership and that her conduct denigrated the integrity of not only the House but that of its membership and the Executive, and it was an embarrassment to the House, its membership and by extension the Executive, and the appointing Authority.

c) That Hon. Namuganza further vulgarized her conduct by making the censure process appear to be as a result of a personal war between herself and the Rt. Hon. Speaker, Anita Annet Among.

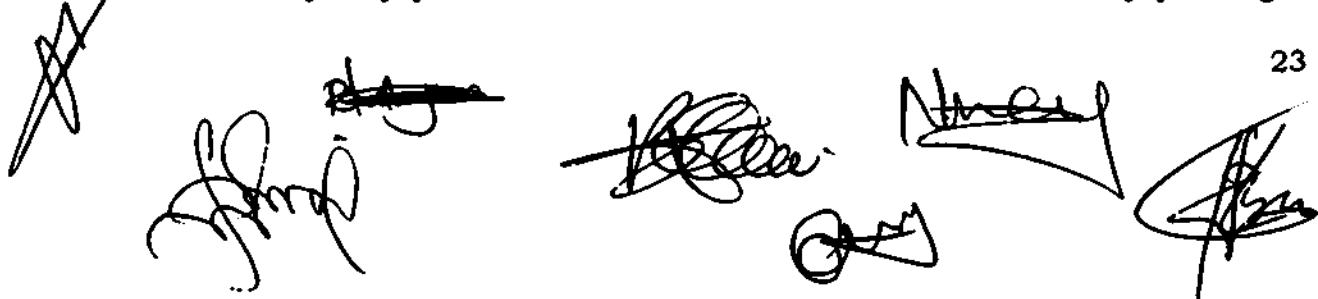
He adduced evidence of a flash disk (*Appendix 28*) containing a video recording of an interview between Hon. Namuganza and Baba television aired on 13th December, 2022 wherein Hon. Namuganza allegedly attributed the ongoing censure process against her to a personal matter of the marriage of the Rt. Hon. Speaker, Anita Annet Among to Hon. Moses Magogo and another video recording entitled "even dogs fall in love" wherein Hon. Namuganza stated in Luganda that "nembwa zewasa" which he loosely translated to mean "even dogs marry" in reference to the marriage of the Speaker.

d) That he found the above utterances unparliamentary and constituted conduct unbecoming of a Member of Parliament, more so a Minister.

e) That the Rules provide adequate remedies to members of Parliament who are dissatisfied with anything done by the House, and that as Members of Parliament they were expected to set a good example in terms of compliance with the Rules and not to act in a wanton manner like Hon. Namuganza did in the video clips he presented to the Committee.

f) That Hon. Namuganza was not a first-time member of parliament and she was also a Minister who was aware of the procedure for challenging the decisions of the House and she should therefore not be excused for her misconduct.

g) That they took a decision to express their dissatisfaction and displeasure in the only way permissible in the Constitution which was by passing a

The bottom of the page features several handwritten signatures and initials in black ink. From left to right, there is a large, stylized signature, a smaller signature, a signature with a horizontal line through it, a signature that appears to be 'Moses', a signature that appears to be 'Anita', and a large, bold signature on the far right.

vote of censure against Hon. Namuganza to deter similar misconduct in the future and restore the dignity of Parliament.

Hon. Atwijukire urged the Committee to consider evidence of the past conduct of Hon. Namuganza as it was intended to prove that Hon. Namuganza was not a first-time offender who should be given a lenient punishment, and that the only befitting punishment was censure so that she can serve as an example to other Members who plan on engaging in similar misconduct in the future.

6.3 Submission of Hon. Olanya Gilbert, MP Kilak South County

Hon. Olanya Gilbert made an oral submission as follows:

- a) That the previous conduct of the Hon. Namuganza should be taken into consideration in determining the matter since it served the purpose of proving that Hon. Namuganza was a habitual offender who ought to be severely punished.
- b) That he associated himself with the submission of the mover of the motion, Hon. Okot John Amos.

6.4 Submission of Hon. Yona Musinguzi, MP Ntungamo Municipality

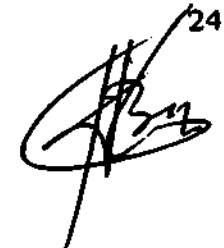
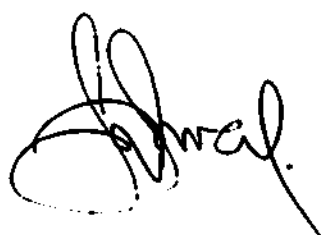
Hon. Yona Musinguzi made an oral submission as follows:

- a) That the framers of the Constitution envisaged situations of Ministers with questionable conduct such as the Hon. Namuganza and that was why they enacted Article 118 of the Constitution.
- b) That he associated himself with the submission of the mover of the motion, Hon. Okot John Amos.

6.5 Submission of Hon. Amero Susan, District Woman Representative, Amuria District

Hon. Amero Susan made an oral submission as follows:

- a) That the attack on the marriage of the Rt. Hon. Speaker by Hon. Namuganza was uncalled for since this was a private matter which was not in any way related to the matters for which she had been investigated.



- b) That she associated herself with the submission of Hon. Okot and appealed to the Committee to admit the evidence presented.

6.6 Submission of Hon. Silwany Solomon, MP Bukooli County Central

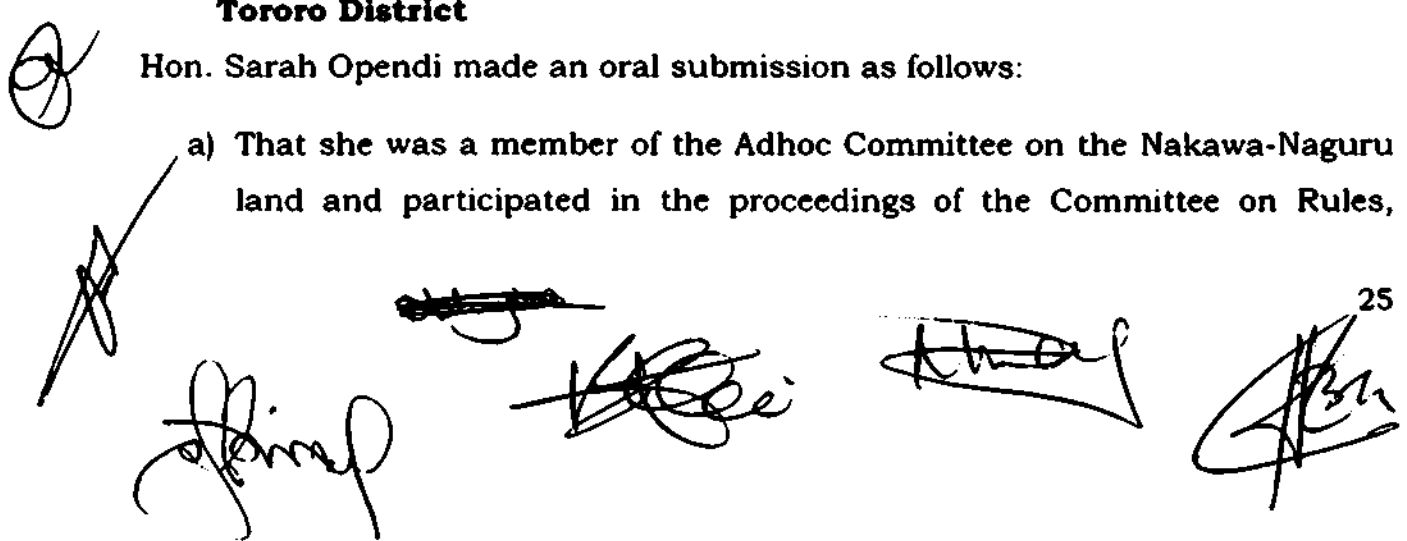
Hon. Solomon Silwany made an oral submission as follows:

- a) That Hon. Namuganza was in the habit of attacking fellow leaders and that she had on several occasions attacked the former Speaker of Parliament, the Rt. Hon. Rebecca Kadaga and the Kyabazinga of Busoga which culminated into her suspension from the Busoga Parliamentary Caucus. He adduced evidence of a flash disk (*Appendix 29*) containing video recordings entitled "CLIP 1" and another entitled "Namuganza attacks Kadaga in the 10th Parliament" wherein Hon. Namuganza allegedly attacked the Rt. Hon. Rebecca Kadaga, the Kyabazinga of Busoga and other leaders in Busoga and incited the public to stone the Kyabazinga of Busoga.
- b) That as a Minister, Hon. Namuganza was expected to portray a good public image and for her to attack the Kyabazinga, her conduct was unbecoming of a leader.
- c) That the evidence he adduced showed that Hon. Namuganza was a repeat offender who had on numerous occasions attacked the presiding officers of Parliament in the past and had been a subject of investigation by Parliamentary Committees and other Parliamentary groups for her unbecoming conduct.
- d) That as a repeat offender Hon. Namuganza should be severely punished by censuring her.

6.7 Submission of Hon. Sarah Opendi, District Woman Representative Tororo District

Hon. Sarah Opendi made an oral submission as follows:

- a) That she was a member of the Adhoc Committee on the Nakawa-Naguru land and participated in the proceedings of the Committee on Rules,



Handwritten signatures and initials are present at the bottom of the page, including a large signature on the left, a crossed-out signature in the center, and a signature on the right. The page number 25 is written in the top right corner.

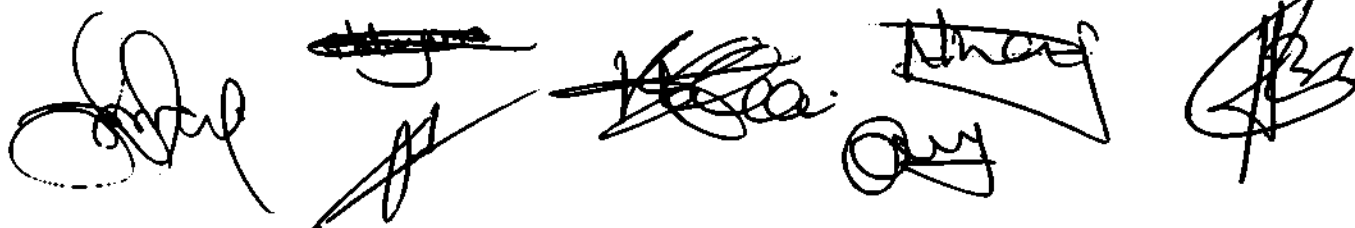
Privileges and Discipline on the inquiry into allegations of misconduct and misbehavior against Hon. Namuganza as a witness.

- b) That she was appearing before the Committee to disprove the allegations that Hon. Namuganza made in the House on 7th December, 2022 during consideration of the Report of the Committee on Rules, Privileges and Discipline to the effect that the censure proceedings were initiated against her to settle a personal grudge relating to the legal issues allegedly surrounding the marriage of the Rt. Hon. Speaker of Parliament, Anita Annet Among.
- c) That Hon. Namuganza reiterated the same allegations in an interview with NBS Television held in December, 2022 and on Baba Television.
- d) That the marriage of the Rt. Hon. Speaker began with a traditional marriage ceremony on 30th July, 2022 and a wedding on 31st July, 2022 at which she was the matron of honor and yet matters leading to the censure of Hon. Namuganza were raised by Hon. Silwany Solomon during a sitting of Parliament held on Wednesday 13th July 2022 which was presided over by the Rt. Hon. Deputy Speaker. Therefore, the issues allegedly surrounding the marriage could not be the cause of the censure proceedings against Hon. Namuganza.
- e) That the allegations were malicious, unfounded and not true since the Rt. Hon. Speaker had not presided over proceedings related to or dealing with any matter involving the censure of Hon. Namuganza and there was nothing personal or a conflict between her and Hon. Namuganza.

Hon. Sarah Opendi adduced evidence of the Hansard of the Plenary proceedings of Wednesday 13th July, 2022 (*Appendix 30*).

6.8 Appearance and Defence by Hon. Namuganza

Hon. Namuganza did not appear before the Committee as required despite having been informed of and invited for the meetings of the Committee on Thursday 12th January, 2023 to receive the submissions, cross examine the witnesses that were to appear before the Committee if she so wished and to further appear on Friday 13th January, 2023 to defend herself against the

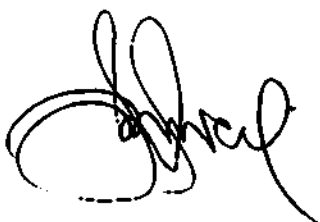
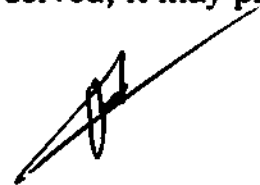
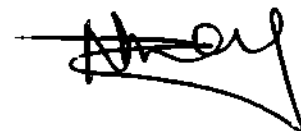


allegations in the motion. Mr. Pande Norman appeared before the Committee on Friday 13th January, 2023 claiming that he had instructions from Hon. Namuganza to represent her but he did not present proof of the said instructions. However, in his submission, Mr. Pande informed the Committee that he had perused through the attachments to the letter inviting his client (Hon. Namuganza) to appear before the Committee.

The Committee granted Hon. Namuganza another opportunity to appear before it and defend herself against the allegations in the Motion and in a letter dated 13th January, 2023 invited her to appear before the Committee on Monday 16th January, 2023 at 9am. In the same letter, the Committee asked Hon. Namuganza to confirm whether she had instructed Mr. Pande Norman to represent her in the proceedings of the Committee as her counsel. On Monday 16th January, 2023, the Committee waited for Hon. Namuganza the whole day, but she neither appeared nor sent a representative.

As earlier noted, the Committee transmitted the evidence it received from the witnesses to Hon. Namuganza on 12th and 13th January, 2023 but she did not respond to the allegations contained in the motion, she did not adduce any evidence to disapprove any allegation made by the witnesses or rebut the evidence adduced by the witnesses.

The Committee took cognizance of the principle in the case of ***Fox Odol Vs AG Constitutional Petition NO 54 of 2013*** 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, and the principle in ***Father Narsensio Begumisa and three Others v. Eric Tiberaga SCCA 17 of 2000 [2004] KALR 236*** that where the plaintiff appears and the defendant does not appear when the suit is called on for hearing, if the court is satisfied that the summons or notice of hearing was duly served, it may proceed ex parte.



The Committee found as a matter of fact that Hon. Namuganza was duly served with letters inviting her to appear before the Committee together with the schedule of the meetings and the evidence that was adduced before the Committee. Therefore, the Committee resolved to proceed with the matter *ex parte*.

The Committee being cognizant of the fact that the burden of proof lay with the mover of the Motion proceeded to scrutinize and identify whether there was *prima facie* evidence to the allegations in the motion as required by Rule 109(9)(a) of the Rules of Procedure of Parliament.

7 CONSIDERATION OF THE ADMISSIBILITY OF EVIDENCE ADDUCED BY THE WITNESSES

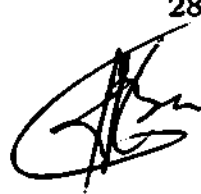
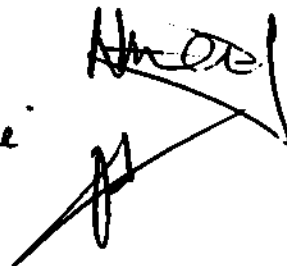
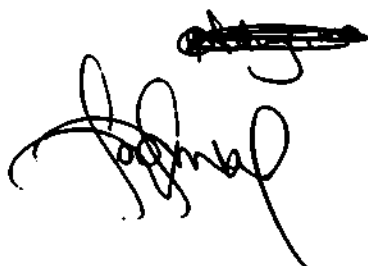
As earlier noted, the Committee received various pieces of oral, documentary, and electronic evidence from the witnesses in support of the Motion. The Committee being mindful of its mandate to scrutinize and identify *prima facie* evidence to prove the allegations contained in the Motion scrutinized the evidence having regard to the rules of evidence in the Evidence Act Chapter 6 of the Laws of Uganda and decided cases.

Accordingly, the Committee subjected the evidence to the principles of relevance and admissibility. The Committee also considered the authenticity of the evidence adduced by the witnesses since authenticity or genuineness of evidence is a condition antecedent to its admissibility.

7.1 Admissibility of Evidence adduced by Hon. Okot John Amos

The Committee scrutinized the evidence adduced by Hon. Okot John Amos in support of the Motion with the view of establishing whether it was relevant and admissible as noted hereunder.

- a) The Report of the Standing Committee on Rules, Privileges and Discipline on the inquiry into Allegations of Misconduct and Misbehavior Against Hon. Persis Namuganza Princess, MP Bukono County and Minister of State for Housing and Appendices thereto; the**



Transcripts of the Proceedings of the Committee; and the Minutes of the Meetings of the Committee.

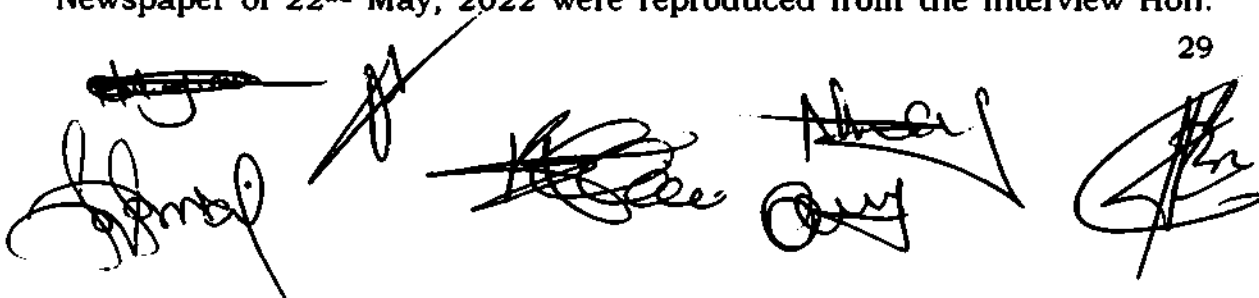
The above documentary evidence was admitted since it relates to evidence of Parliamentary proceedings, which upon being laid in Parliament and adopted become public documents which are admissible under section 79 of the Evidence Act.

- b) **The Print outs of the WhatsApp messages allegedly posted by Hon. Namuganza on the official WhatsApp Group of the 11th Parliament named the “11th PARLIAMENT-Official” on 12th and 13th July 2022 respectively.**

The print outs were admitted in evidence since they were part of the documents annexed to the Report of the Committee on Rules, Privileges and Discipline on the inquiry into Allegations of Misconduct and Misbehavior Against Hon. Namuganza and the authenticity of the evidence was verified by the witnesses who were members of the WhatsApp Group and the “Admins” of the Group as indicated at pages 14-21 and 24-25 of the Report of the Committee on Rules, Privileges and Discipline.

- c) **The Daily Monitor Online Newspaper of 22nd May, 2022 with the heading “Parliament has no power to suspend me-Namuganza”.**

The Committee noted that whereas newspapers are generally not admissible in evidence since they are considered to be hearsay, the evidence was admitted as it was considered relevant to the allegations under inquiry within the meaning of Section 4 of the Evidence Act. In addition, the evidence was verified by the Committee on Rules, Privileges and Discipline through the submission of Julian Mwine the Head of News at NTV Uganda who stated 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 and provided a link from which the said interview could be downloaded. Based on the submission, the Committee on Rules, Privileges and Discipline concluded that the statements which were quoted in the Daily Monitor Newspaper of 22nd May, 2022 were reproduced from the interview Hon.



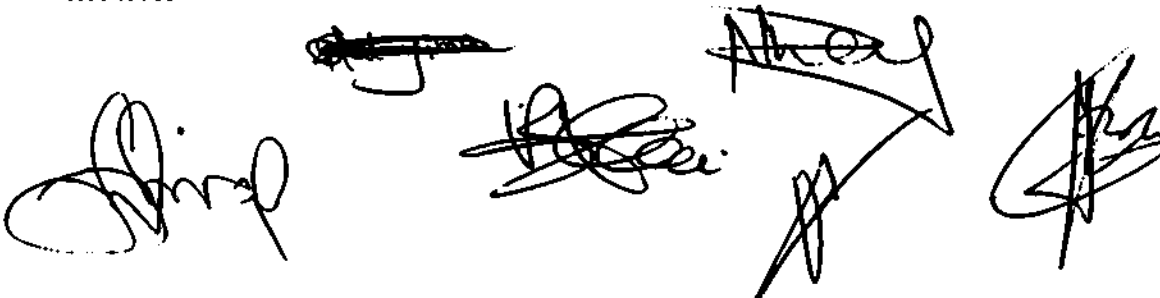
Namuganza held with NTV Uganda aired on NTV on Friday 21st May, 2022. This evidence was not rebutted by Hon. Namuganza.

Further more, the Select Committee wrote to the Managing Director NTV Uganda requesting him to authenticate the video recordings of the interview Hon. Namuganza held with NTV Uganda on 21st May, 2022 among other recordings that the witnesses had adduced in evidence. In response, Julian Mwine the head of news at NTV via emails dated 17th and 18th January, 2023 forwarded a link from which the video could be downloaded (*Appendix 31*) which further confirmed the authenticity of the newspaper article.

d) video recordings of the interview Hon. Namuganza held with NTV Uganda which aired on NTV Ku Saawa Emu and NTV Weekend Edition bulletins respectively on Friday 21st May, 2022.

The Committee considered the video recordings of the interview which aired on NTV Weekend Edition bulletin admissible since its authenticity was verified by the Committee on Rules, Privileges and Discipline through the submission of Ms. Julian Mwine, the Head of News at NTV Uganda to the Committee of Rules, Privileges and Discipline who confirmed to that Committee that the interview was conducted by NTV reporters at Parliament and aired on NTV Weekend Edition bulletin on Friday 21st May, 2022. In addition, Ms. Julian Mwine confirmed to the Select Committee vide emails dated 17th and 18th January, 2023 (*supra*) that the 'stories' were aired by NTV on 21st May, 2022 and provided a link from which they could be downloaded.

However, the Committee did not admit the evidence of the video recordings of the interview which was aired on NTV Ku Ssaawa Emu since this was not in the English language as required in Article 6 of the Constitution of Uganda and Rule 4 of the Rules of Procedure of Parliament and a translation thereof was not provided to the Committee by the mover of the motion.



30

e) video recordings of the interview Hon. Namuganza held with NBS on 9th December, 2022 (Play video in the House)

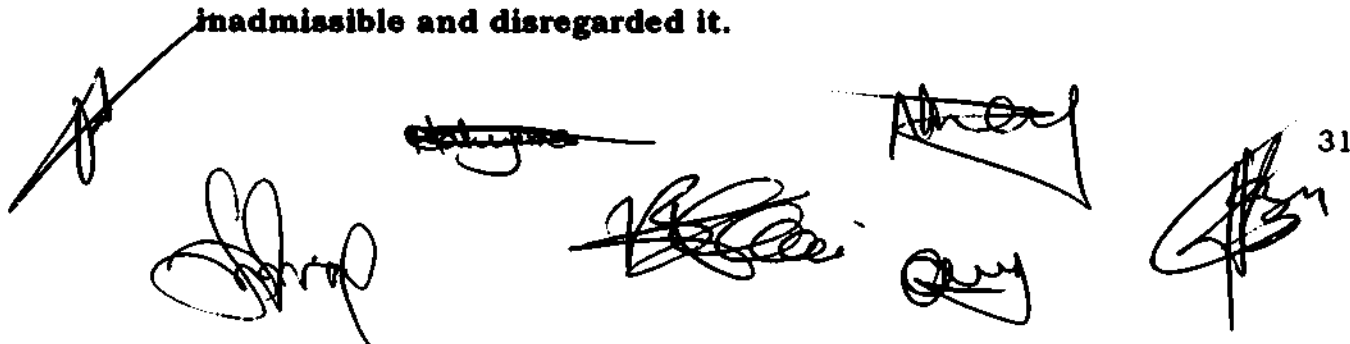
Whereas the Committee found the above evidence relevant to the facts in issue since it relates to the conduct of Hon. Namuganza following consideration of the Report of the Committee on Rules, Privileges and Discipline on which the grounds in the Motion were pegged, the authenticity of the video recordings could not be verified by the time of writing this Report. **Accordingly, the Committee did not admit the evidence.**

f) video recordings of past conduct of Hon. Namuganza picked from various media houses (Play video in the House)

The Committee noted that the above evidence was beyond the scope of the allegations contained in the motion and the supporting documents and admitting it in evidence would be ultra vires its mandate under Rule 109 (9) of the Rules of Procedure of Parliament.

Secondly, the Committee could not verify the evidence since it comprised of a compilation by the witness of video clips picked from various media houses and the Committee could not establish the subject matter in relation to which the clips related. The Committee notes that since video clips by their nature are susceptible to manipulation and alteration, they must be verified for them to be relied upon in evidence and these are usually produced by the person who broadcast them, just like newspapers, otherwise they would fall under the classification of hearsay evidence which is inadmissible. The court in ***Olega v Alldriga (Civil Appeal 6 of 2013)*** found that a video recording is regarded in law as a document and being a document, like any other document being offered in evidence, a recording must be authenticated, a witness must offer evidence establishing that the object is what that witness claims it is.

In view of the above, the Committee considered the evidence inadmissible and disregarded it.



Handwritten signatures and initials are present at the bottom of the page, including a large signature on the left, a signature in the center, and a signature on the right. The page number 31 is visible in the bottom right corner.

7.2 Admissibility of Evidence adduced by Hon. Atwijukire Dan

The Committee scrutinized the evidence adduced by Hon. Atwijukire Dan as follows:

- a) **Daily Monitor online Newspaper of 22nd May, 2022 with the heading "Parliament has no power to suspend me-Namuganza".**

The same newspaper article was adduced as evidence by Hon. Okot John Amos and was admitted in evidence as indicated above.

- b) **Photocopy of an Article from the Daily Monitor of Monday 23rd May, 2022 titled "Parliament Committees are like torture chambers, says Namuganza".**

The Committee wrote to the Managing Director of the Daily Monitor News Paper attaching a copy of the newspaper article and requesting for authentication of the same (*Appendix 32*). In response, Daily Monitor returned to the Committee a certified copy of the newspaper article (*Appendix 33*). **Accordingly, the newspaper article was admitted in evidence.**

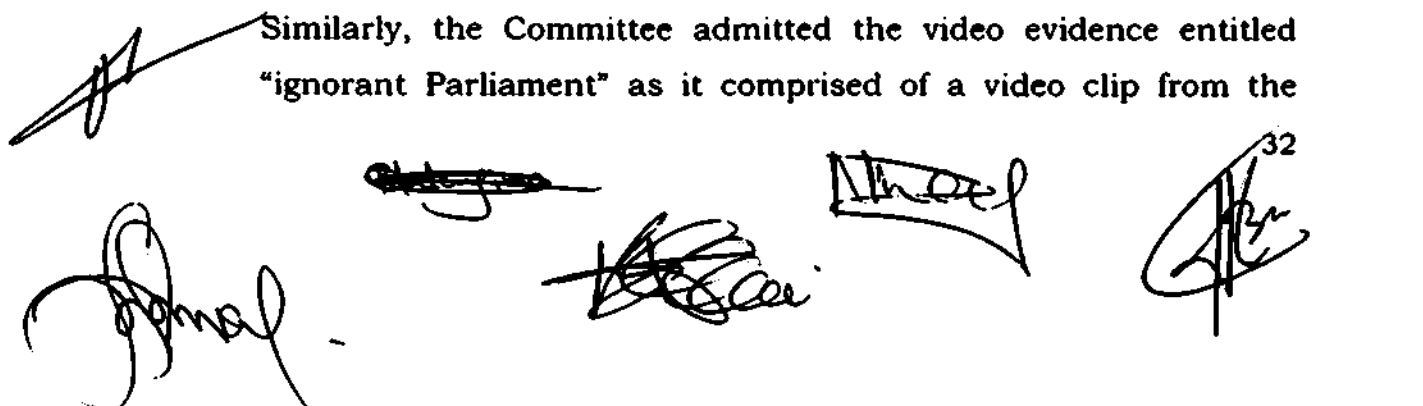
- c) **Various videos recordings entitled-**

- i) **"Fake report" (Play video in the House)** wherein Hon. Namuganza appears to be responding to the Report of a Committee of Parliament in the English language.

The Committee noted that the video recording entitled "Fake report" comprised of a video clip from the interview Hon. Namuganza held with NTV Uganda which aired on NTV Weekend Edition bulletin on Friday 21st May, 2022 which as noted earlier, **the Committee admitted in evidence while considering the evidence of Hon. Okot.**

- ii) **"Ignorant Parliament" (Play video in the House)** wherein Hon. Namuganza allegedly referred to Parliament as not sober.

Similarly, the Committee admitted the video evidence entitled "ignorant Parliament" as it comprised of a video clip from the

The bottom of the page features several handwritten signatures and initials. On the left, there is a large, stylized signature. In the center, there are two smaller signatures, one of which appears to be crossed out. To the right, there is a signature that looks like 'M. O. O.' and another signature with the number '32' written above it. There is also a small, illegible mark on the far right.

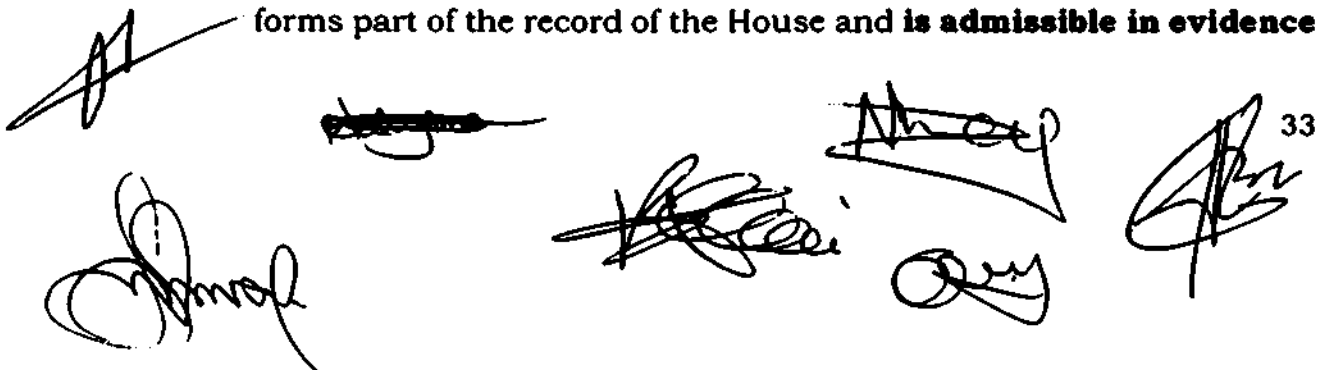
interview Hon. Namuganza held with NTV Uganda which aired on NTV Weekend Edition bulletin on Friday 21st May, 2022 which as noted earlier, **the Committee admitted in evidence while considering the evidence of Hon. Okot.**

- iii) *'Minister refuses to apologise'* wherein Hon. Namuganza allegedly refused to apologise to the House following her indictment for misconduct and misbehaviour by the Report of the Committee on Rules, Privileges and Discipline.

The Committee admitted the video evidence entitled 'Minister refuses to apologise'. The Committee confirmed the contents of the video recording through the Hansard of the Plenary proceedings of Wednesday, 7th December 2022 wherein it established that during consideration of the Report of the Committee on Rules, Privileges and Discipline on the inquiry into allegations of misconduct and misbehavior against Hon. Persis Namuganza, Hon. Namuganza was requested to apologise but she declined. **The evidence was therefore admitted in line with the principle in the case of *Olega v Alidriga* since the Committee could verify the contents of the video through the Parliamentary Hansard.**

- iv) *'Minister Namuganza storms out of the Rules' (Play video in the House)* wherein Hon. Namuganza appears to be speaking in what appears to be a meeting of a Committee of Parliament where after she allegedly stormed out.

The Committee confirmed the contents of the video recording entitled "Minister Namuganza storms out of the Rules" using the transcript of proceedings of the Committee on Rules, Privileges and Discipline of Wednesday 14th September, 2022 at page 31 and at page 6 of the Minutes of the Committee that were laid together with the Report of the Committee in the House which as noted earlier forms part of the record of the House and **is admissible in evidence**



33

as a public document within the meaning of sections 73 and 79 of the Evidence Act.

- v) *"Even dogs fall in love", (Play video in the House)* wherein Hon. Namuganza allegedly insulted the person of the Rt. Hon. Speaker of Parliament by comparing her marriage to that of dogs.

The Committee could not establish the source and the authenticity of the video recording since its source was not disclosed and besides, the video recording was not translated in the English language as required in Article 6 of the Constitution of Uganda and Rule 4 of the Rules of Procedure of Parliament. **Accordingly, the Committee did not admit the video recording in evidence.**

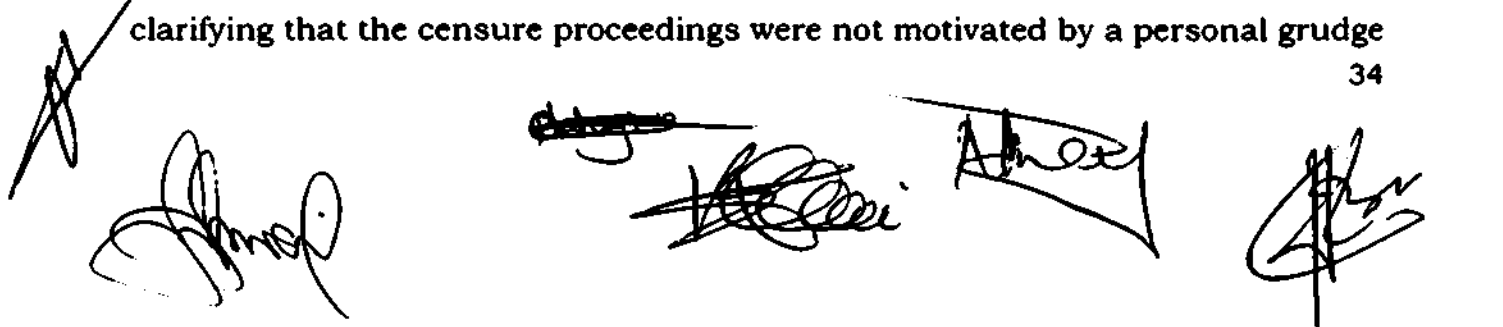
- vi) **Video recording of the interview of Hon. Namuganza and Baba Television held on 13th December, 2022 (Play video recording in the House)**

The Committee viewed the video recording of the interview Hon. Namuganza held with Baba Television on 13th of December, 2022 and noted that the video was recorded in both the English and Luganda. The video recording was not translated in the English language as required in Article 6 of the Constitution of Uganda and Rule 4 of the Rules of Procedure of Parliament. **Accordingly, the Committee did not admit the video recording in evidence.**

7.3 Evidence Adduced by Hon. Sarah Opendi

Hon. Sarah Opendi adduced evidence of the Hansard of the Plenary Proceedings of Wednesday 13th July, 2022 in support of her assertion that the matter of the alleged misconduct and misbehavior was raised in the House by Hon. Silwany Solomon on 13th July, 2022 before the marriage of the Speaker took place and therefore the issues allegedly surrounding the marriage could not be the cause of the censure proceedings.

The Committee observes that whereas the matter of the marriage of the Rt. Hon. Speaker was not in issue, it was relevant to the facts in issue for the purpose of clarifying that the censure proceedings were not motivated by a personal grudge

The bottom of the page features several handwritten signatures and initials in black ink. On the left, there is a large, stylized signature. In the center, there are several smaller signatures, some of which appear to be crossed out or written over. On the right, there is another large, stylized signature. The signatures are scattered across the bottom of the page, below the main text.

as alleged. Accordingly, the Committee admitted the evidence of the Hansard of the Plenary proceedings of 13th July, 2022 which is a public document and forms part of the record of the House.

7.4 Evidence Adduced by Hon. Solomon Silwany

Hon Silwany Solomon adduced electronic evidence in the form of video recordings in support of his assertion that Hon. Namuganza was in the habit of attacking fellow leaders and had on several occasions attacked the former Speaker of Parliament the Rt. Hon. Rebecca Kadaga as follows:

- a) A video recording entitled "*CLIP 1*" (*Play video clip in the House*) which appears to be a news broadcast by NTV Uganda in Luganda wherein Hon. Namuganza allegedly described a Report of the Committee of Rules, Privileges and Discipline as biased and accused Rt. Hon. Rebecca Kadaga of influencing the findings in the Report.
- b) A video recording entitled "*Namuganza attacks Kadaga in the 10th Parliament*" (*Play video recording in the House*) which appears to be a news broadcast of NBS in Luganda relating to an investigation into the conduct of Hon. Namuganza by the Busoga Parliamentary Caucus during the 10th Parliament.

The Committee noted as follows:

- a) that the two videos adduced by Hon. Silwany relate to matters that are not contained in the scope of allegations in the motion and supporting documents. Admitting the videos in evidence will be ultra vires the mandate and powers of the Committee as prescribed under Rule 109 (9) of the Rules of Procedure of Parliament.
- b) the videos were not recorded in the English language and translation of the recordings was not provided. The Committee observes that the principle of admissibility of electronic evidence in the case of *Olega v Alidriga (supra)* is that the party offering the recording has to produce a transcript of the recording which accurately reflects the recording's contents since evidence in all courts has to be recorded in English as the

official language of courts and if the recording is in any other language the transcript of the recording should be translated into English before it can be received in evidence.

- c) The videos also refer to draft reports of a Parliamentary Committee of Rules, Privileges and Discipline which was directed, on 15th March, 2018, during the 10th Parliament to investigate the conduct of Hon. Namuganza following a complaint raised by Hon. Abala David, the then Member of Parliament, Ngora County, who had complained about various utterances by Hon. Persis Namuganza against the then Speaker of Parliament.

Whereas this matter was referred to the Committee of Rules to investigate, by the time the 10th Parliament was prorogued, the report had not been considered by the House and no resolutions were made on the matter. Since this report was not considered by the 10th Parliament, it lapsed as required in Rule 235 of the Rules of Procedure of Parliament a matter the then Speaker of Parliament guided upon on the 16th September, 2021. This means that the report of the Rules Committee of the 10th Parliament relating to the investigation of Hon. Namuganza has no evidential value in this matter since that report was never considered by the House and lapsed with the 10th Parliament.

It is important to note that a Committee report becomes actionable when it is adopted by the House. Committee minutes, reports and recordings become accessible to the public when they become part of the record of Parliament. Indeed, court in ***Spear Motors Ltd Vs. AG and 2 others, HCCS NO. 0692 OF 2007***, held that once the signed report is laid on the table it becomes a record of the House. The debate and adoption of the report are two other separate matters and whether or not the report of a committee of Parliament is adopted or not seems to be irrelevant to its becoming a record of Parliament. The principle in the case is that once a report of Parliament is laid on table, it becomes part of the record of the House and is actionable, once it is adopted by the House.

Therefore, since the Report of the Committee on Rules, Privileges and Discipline of the 10th Parliament on the alleged misconduct of Hon. Namuganza was not laid on table in Parliament, it does not form part of the record of the House and further no action can be taken on the same since it was never adopted by the House then.

- d) In the same vein, the Committee **could not admit** the video recording of an investigation by the Busoga Parliamentary Caucus since such investigation was not conducted by an organ of Parliament nor a Report of thereof tabled in Parliament for its consideration. This therefore means that the Report of the investigation by Busoga Parliamentary Group does not form part of the record of the House. Thirdly, the Report is also beyond the scope of the Committee's investigation since it happened in the 10th Parliament.

For the above reasons, the video recordings adduced by Hon. Silwany were not admitted in evidence.

Upon determining the admissibility of the evidence, the Committee resolved that it would consider only the evidence it had admitted to resolve the issue of whether there was prima facie evidence to prove the allegations in the motion.

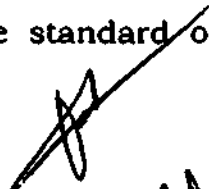
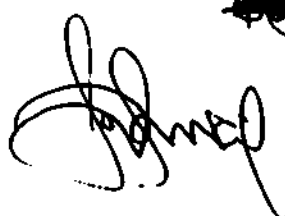
8 FINDINGS AND OBSERVATIONS

8.1 DETERMINATION OF THE ISSUES

8.1.1 Whether prima facie evidence has been adduced to prove the allegations contained in the motion of censure against Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development (Housing)

Upon satisfying itself on the legality of the grounds set out in the motion and supporting documents and identifying admissible evidence, the Committee proceeded to examine whether the evidence adduced in support of the motion discloses a prima facie case against Hon. Namuganza.

In resolving the above issue, the Committee deemed it prudent to examine the definition of the term "prima facie" and the standard of proof required to



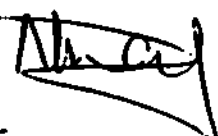
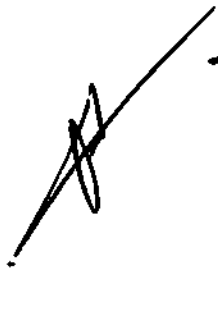
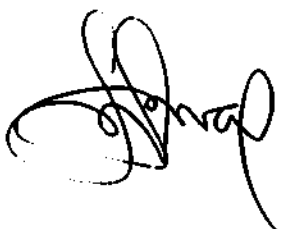
establish a prima facie case under the laws of Uganda and case law. The Committee noted that whereas the term "*prima facie*" is not defined under the Rules of Procedure of Parliament or any other law in Uganda, it has been defined by courts in several cases including the case of **Rananlal T. Bhatt v. R. [1957] EA 332** which stated that a *prima facie* case is established when the evidence adduced is such that a reasonable tribunal, properly directing its mind on the law and evidence, would convict the accused person if no evidence or explanation was set up by the defence. Furthermore, in the case of **Semambo and Anor. V. Uganda Cr. App. No. 76 of 1998, (C.A.)**, court held that, "a prima facie case means a case sufficient to call for an answer from the accused person".

According to the decision in **Rananlal T. Bhatt v. R and Semambo (supra)** the evidence required to establish a prima facie case is such evidence that sufficiently establishes a fact in absence of evidence to the contrary but is not conclusive. Therefore, what the court has to decide at the close of the prosecution case is whether a case has been made out against the accused just sufficiently to require him to make his or her defence.

In light of the above, the Committee resolved that a prima facie case shall be made out where evidence adduced by the movers of the motion or any other person appearing to support the motion proves the allegations contained in the motion and supporting documents and the evidence has not been discredited or rebutted by the accused Minister or any person appearing to defend the Minister.

In the same vein, the Committee observes that a prima facie case shall not be made out:

- a) if no evidence is adduced to prove the allegations contained in the motion and documents supporting the motion; or
- b) if the evidence adduced in support of the motion has been discredited as a result of cross examination or arising from evidence adduced to the Committee in defense of Hon. Namuganza or



- c) if the evidence in support of the censure is unreliable that no reasonable court or tribunal could safely convict Hon. Namuganza basing on the evidence.

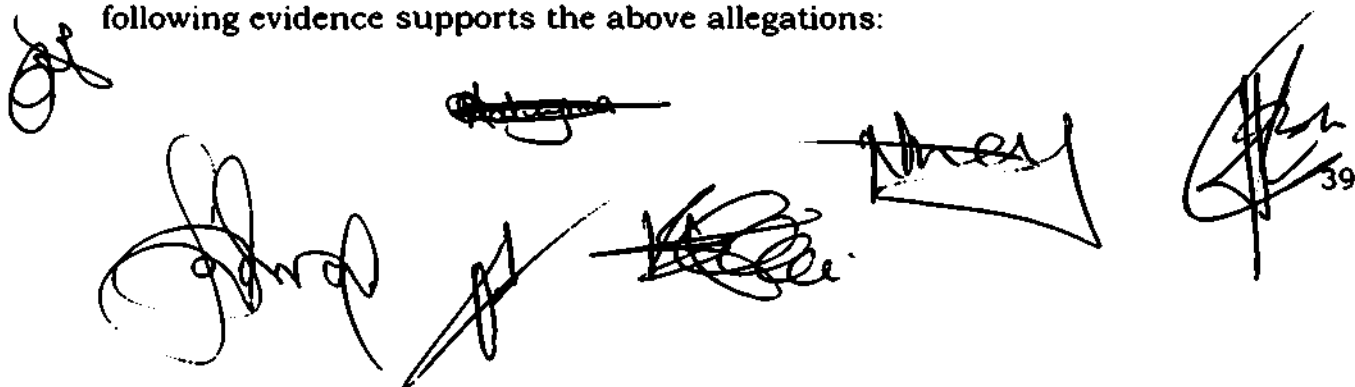
The Committee is also guided by the principle in **Civil Appeal No. 119 of 2018 Odongo Ochama Hussein Vs Abdul Rajab** wherein court observed that evaluation of evidence to determine a prima facie case must be approached as a whole. A court ought not consider the plaintiffs story in isolation of the defendant's story and finally decide which of the two to prefer. The evidence must be considered on each contentious point in the trial on the balance of probabilities for the correct decision to be made. The principle in this decision is that the Committee should consider the evidence as a whole and each contentious matter must be specifically addressed before the Committee makes a determination.

The Committee notes that whereas Hon. Namuganza did not adduce any evidence in her defense, it was duty bound to evaluate the evidence adduced by the mover and any other person who appeared before it to determine whether prima facie case has been established.

Accordingly, the Committee evaluated the evidence to establish whether it proved the allegations in the motion.

Allegation 1: That following the resolution of Parliament on the Report of the Adhoc Committee on the Naguru-Nakawa Land Allocations, Hon. Persis Namuganza Princess on 21st and 22nd May, and again on 12th and 13th July, 2022 made statements about Parliament in the media and on social media, attacking the operations of Parliament, questioning the powers of Parliament, the integrity of the presiding officers of Parliament and imputing improper motive to Parliament and its presiding officers;

The Select Committee examined the evidence adduced and finds that the following evidence supports the above allegations:



Handwritten signatures and initials of committee members, including a large signature on the left, a signature in the center, and a signature on the right with the number 39 below it.

a) Print outs of WhatsApp messages posted by Hon. Namuganza on the 11th Parliament Official WhatsApp Group

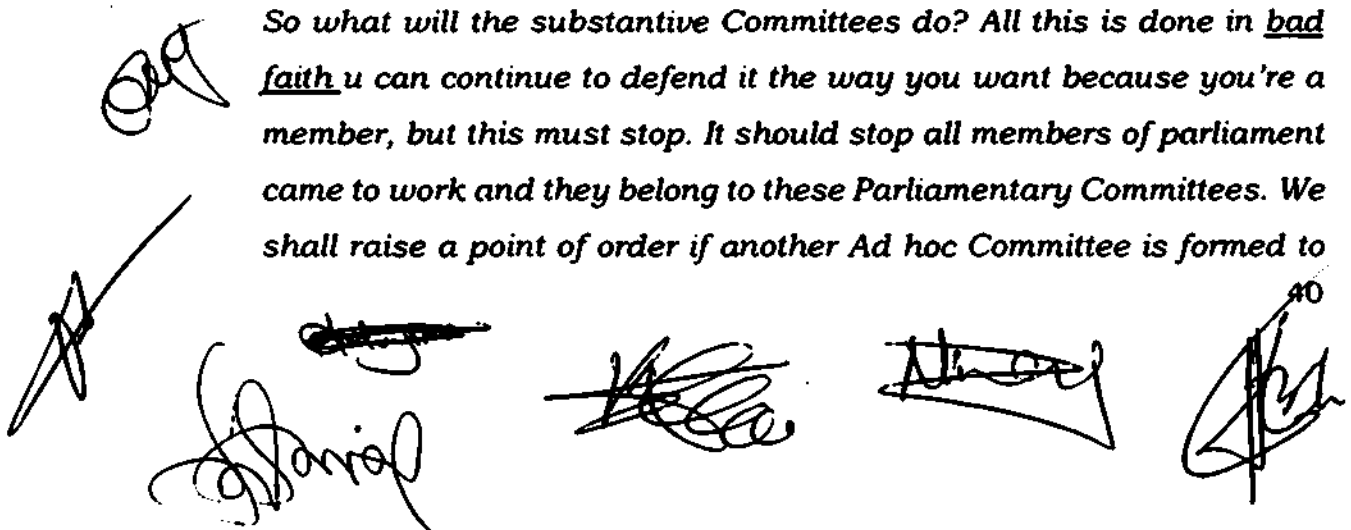
The Committee examined the following statements made by Hon. Namuganza on the WhatsApp Group the "11th Parliament Official" using her telephone number, 0782670551:

"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.

...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 hired to embarrass! Anyway, the matter is in Court for Judicial interpretation.

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

The bottom of the page features several handwritten signatures and initials. On the left, there is a large, stylized signature. Below it, there is a smaller signature. In the center, there is a signature that appears to be 'Daniel'. To the right of 'Daniel', there is a signature that looks like 'Kee'. Further right, there is a signature that looks like 'Alfred'. On the far right, there is a signature that looks like 'John'. There are also some smaller initials and marks scattered around these signatures.

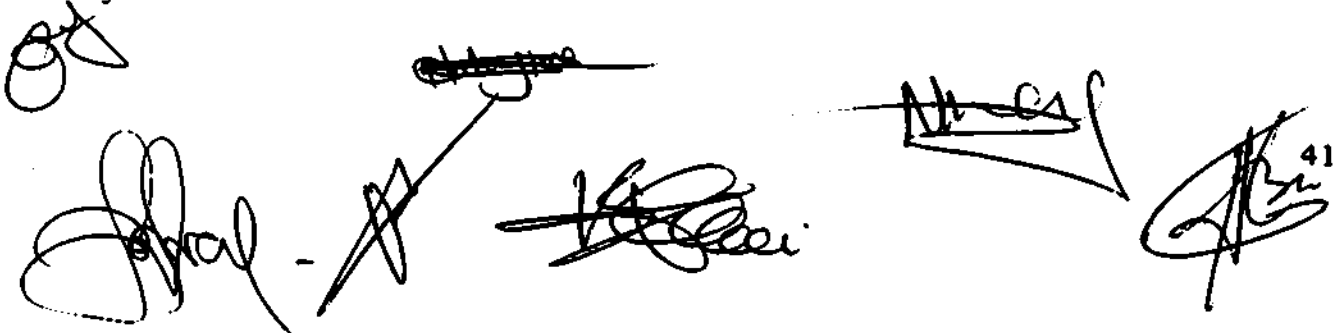
create order in the house. Like the one which is investigating the importation of rice its supposed to be the Committee on trade. Why Ad hoc? For a few members?

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 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"

The Select Committee found that the statements contained in the print outs were the same as those laid before the Committee on Rules, Privileges and Discipline and attached to its report to the House, and the same statements Hon. Okot Amos John based upon on to move the Motion for the censure of Hon. Namuganza as indicated on pages 1 and 2 of the Notice of Motion to the Clerk to Parliament which is part of the documents supporting the Motion.

The Committee is therefore satisfied that Hon. Namuganza made the statements on social media bashing the operations of Parliament and questioning the powers and integrity of the House to appoint Ad hoc Committees as provided under Rule 191 of the Rules of Procedure of Parliament which states 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 interest that does not come under the jurisdiction of any standing or sectoral committee or that has not been dealt with by a Select Committee.

The bottom of the page features several handwritten signatures and initials. On the left, there is a large, stylized signature. In the center, there is a signature that appears to be 'V. K. Kariuki'. To the right of this, there is a signature that looks like 'M. K. Kariuki'. On the far right, there is a signature with the number '41' written next to it.

b) Evidence of the News Paper Article published in the Daily Monitor of 22nd May, 2022 with the heading "Parliament has no powers to suspend me - Namuganza"

The Committee examined the News Paper Article published in the Daily Monitor of 22nd May, 2022 to determine whether Hon. Namuganza made the statements alleged in the motion. The Committee found that Hon. Namuganza made the following statements in the newspaper article:

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

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.

Based on above, the Committee finds that the evidence proves the allegations contained in the motion and meets the standard of proof required to establish a prima facie case envisaged under Rule 109(9)(a) of the Rules of Procedure of Parliament.

c) Evidence of the video recordings of the interview Hon. Namuganza held with NTV Uganda on 21st May, 2022

The Committee examined the video recordings of the interview of Hon. Namuganza with NTV held on 21st May, 2022 and established that she made the statements attributed to her in the interview and the same statements are those that were reproduced in the Daily Monitor newspaper article of 22nd May, 2022 which the Committee has already examined herein above.

In consideration of the statements made in the said interview, the Committee found that Hon. Namuganza attacked the operations of Parliament, questioned the powers of Parliament, the integrity of the

presiding officers of Parliament and imputed improper motives on Members of Parliament and the presiding officers of Parliament contrary to the Constitution and the Rules of Procedure of Parliament.

The Committee is therefore convinced that a reasonable tribunal, properly directing its mind on the law and evidence, would find Hon. Namuganza to have made the statements in the Motion and the supporting documents based on the evidence on record.

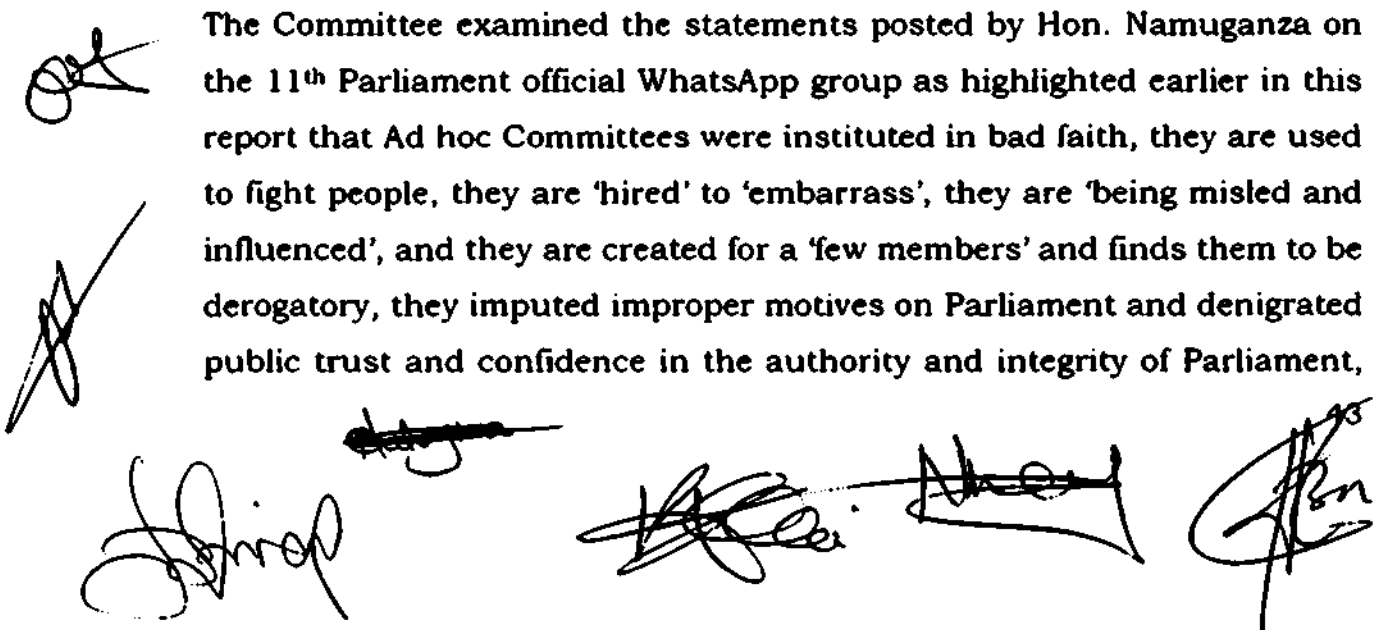
Based on above, the Committee finds that the evidence proves the allegations contained in the motion and meets the standard of proof required to establish a prima facie case envisaged under Rule 109(9)(a) of the Rules of Procedure of Parliament.

Allegation 2: That the statements made by Hon. Persis Namuganza Princess were derogatory and were found by Parliament to amount to gross misconduct and misbehavior, an affront to the dignity of Parliament, denigrated public trust and confidence in the authority and integrity of the Office of Speaker, Members of Parliament and the institution of Parliament and brought the House and its members into disrepute; and 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, paragraphs 2,3,4 and 5 and constituted Contempt of Parliament.

In proving the above allegation, the Committee relied on the following evidence.

a) Print outs of WhatsApp messages posted by Hon. Namuganza on the 11th Parliament Official WhatsApp Group.

The Committee examined the statements posted by Hon. Namuganza on the 11th Parliament official WhatsApp group as highlighted earlier in this report 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' and finds them to be derogatory, they imputed improper motives on Parliament and denigrated public trust and confidence in the authority and integrity of Parliament,

The bottom of the page contains several handwritten signatures and initials. On the left, there is a large, stylized signature. Below it, there is another signature. In the center, there is a signature that appears to be 'J. K. N.' followed by a large, bold signature. To the right of this, there is a signature that looks like 'A. N.' and another signature that is partially obscured. On the far right, there is a signature that appears to be 'P. N.'.

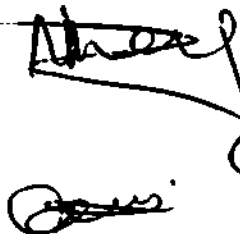
the presiding officers, members of parliament and the institution of Parliament as a whole.

b) Evidence of the News Paper Article published in the Daily Monitor of 22nd May, 2022 with the heading "Parliament has no powers to suspend me - Namuganza"

The Committee finds that the statements made by Hon. Namuganza in reference to the Report of the Ad hoc Committee on Naguru-Nakawa Land Allocations as quoted in an article in the Daily Monitor Newspaper, that the report was misleading, Members of Parliament were debating things, which they do not know and passing a resolution on something they do not actually know, that she would not resign on the basis of a fake report full of bias and the inference that Parliament was not sober were derogatory, they belittled Parliament and undermined its authority, they were an affront to the dignity of Parliament.

c) Report of the Standing Committee on Rules, Privileges and Discipline on the inquiry into Allegations of Misconduct and Misbehavior against Hon. Persis Namuganza Princess, MP Bukono County and Minister of State for Housing

The Select Committee has found as a matter of fact that Parliament found that by making the impugned statements, 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 brought the House and its members into disrepute. Her conduct was in breach of the Code of Conduct for Members of Parliament as stipulated in Appendix F of the Rules of Procedure of Parliament, specifically paragraphs 2, 3, 4 and 5, and constituted Contempt of Parliament as noted at page 39 of the Report of the Committee on Rules, privileges and Discipline which was adopted by the Parliament on Wednesday 7th December, 2022. Therefore, the findings and recommendations contained in the Report form part of the resolutions of Parliament.



Accordingly, the Committee finds that evidence on record proves allegation 2 and the evidence meets the standard of prima facie evidence required under Rule 109(9) of the Rules of Procedure of Parliament.

Allegation 3: That the conduct and behavior of Hon. Persis Namuganza, amounts to misbehavior or misconduct under Article 118(1)(b) of the Constitution

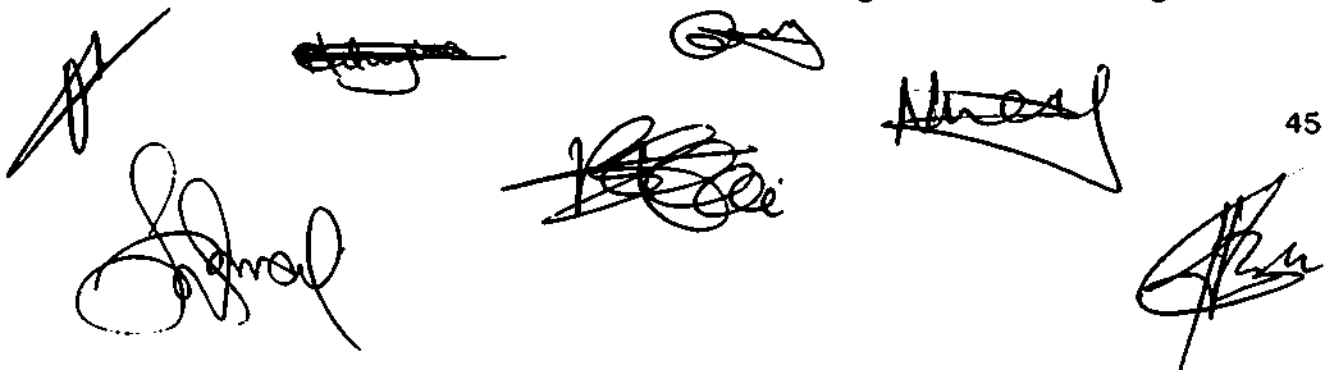
The Committee evaluated the evidence adduced by the witnesses to determine whether there is prima facie case established on the ground of misbehavior or misconduct under Article 118 of the Constitution.

The Committee examined the meaning of the words "misbehaviour" and "misconduct" and established that the words are not defined under the laws of Uganda. The Committee therefore had recourse to the dictionary meaning of the words.

According to the **Black's Law Dictionary, 6th Edition "Misconduct"** is defined as "A transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behaviour, wilful in character, improper or wrong behaviour; its synonyms are misdemeanour, misdeed, misbehaviour, delinquency, impropriety, mismanagement, offense but not negligence or carelessness." This definition was adopted in the decision of court in the case of **Fox Odol - Oywelowo and Anor v Attorney General, Constitutional Petition No. 8 of 2003** which found that misconduct connotes wilful transgression of some established and definite rule of action.

On the other hand, **misbehavior** is defined in the **Black's law Dictionary, 4th Edition** as "ill conduct, improper or unlawful behavior".

In view of the above definition, the mover of the censure motion had to adduce evidence to show that the conduct of Hon. Namuganza was a transgression of



45



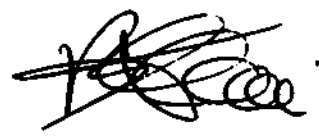
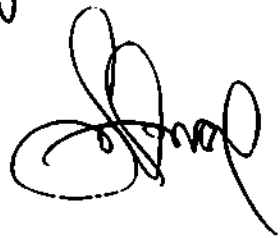


some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behaviour, wilful in character, improper or wrong behaviour.

The Committee notes that the standard of behavior and conduct expected of Members of Parliament, including Ministers is prescribed in the Rules of Procedure of Parliament. The Committee is of the considered opinion that the standard of behavior and conduct expected of a member applies to all Members of Parliament, irrespective of whether they are elected members or ex-officio Members of Parliament. The principle that Members of Parliament are all equal before the law was examined by court in the case of ***Brigadier Tumukunde Vs Attorney General and Another Supreme Court Constitutional Appeal NO. 2 of 2006*** wherein court held that *"We agree that soldier members of Parliament are full members of Parliament with equal rights and obligations as the civilian members of Parliament. They subscribe to an oath of office to defend, support and uphold the Constitution at all times. It is not disputed that the petitioner is entitled to all the powers and privileges any other Member of Parliament has."*

Rule 85 of the Rules of Procedure of Parliament 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 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 of Appendix F of the Rules of Procedure of Parliament which places a public duty on Members to uphold the law and act on all occasions in accordance with the public trust placed in them.

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



Paragraph 5 of Appendix F of the Rules of Procedure of Parliament 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.

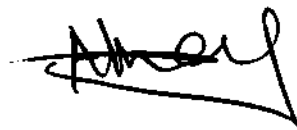
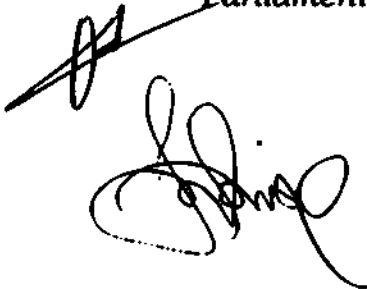
In the case of **Severino Twinobusingye v Attorney General, Constitutional Petition No. 47 of 2011**, the Constitutional Court pronounced itself on the conduct expected of members of Parliament. At pages 24 - 25, it stated:

"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 honor 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 Honorable 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...."

Having established the standard of conduct and behavior expected of members of Parliament, Ministers inclusive, the Committee proceeded to examine whether the evidence adduced by the witnesses establishes a prima facie case of misconduct or misbehavior under Article 118 of the Constitution. In so doing, the Committee examined the actions complained of to determine whether the conduct and behavior of Hon. Namuganza contravened the standards of conduct and behavior expected of a Member of Parliament prescribed in the Code of Conduct of Members in Appendix F of the Rules of Procedure of Parliament.

The Committee finds as follows:

- a) That by making statements on the WhatsApp Group of the "11th Parliament-Official" to the effect that Ad hoc Committees are instituted in



47

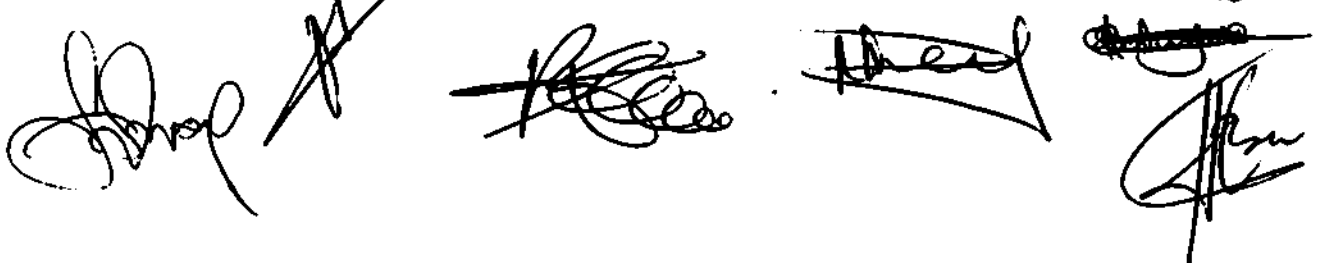


bad faith, they are used to fight people, they are 'hired' to 'embarrass', they are 'being misled and influenced', and they are created for a 'few members' Hon. Namuganza failed in her duty to at all times conduct herself in a manner which will maintain and strengthen the public's trust and confidence in the integrity of Parliament and never to undertake any action which may bring the House or its members generally in disrepute contrary to the paragraph 5 of the Code of Conduct of Members of Parliament. Her conduct fell short of the general principles of conduct members of parliament are enjoined to observe as stipulated in Paragraphs 3 of the Code of Conduct namely, selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

- b) That by making statements in an interview with NTV held on 21st May, 2022 as reproduced in the Daily Monitor Newspaper Article published on 22nd May 2022, that the Report of Adhoc Committee on the Naguru Nakawa Land Allocations was misleading, fake and biased and referring to Parliament as comprising of persons who lacked understanding of what they were doing when they passed the resolution adopting the Report, Hon. Namuganza lowered the esteem of the Parliament in the eyes of the public, belittled the presiding officers of the House, its members and consequently, the people of Uganda who elected those leaders in line with their constitutional mandate. Her conduct brought Parliament and its members into disrepute and breached paragraph 5 of the Code of Conduct in Appendix 5 of the Rules of Procedure of Parliament.

Hon. Namuganza ought to have used the proper channels of challenging the composition of the Ad hoc Committees as provided for under Rule 87(2) of the Rules of Procedure of Parliament as opposed to challenging them on social media.

- c) By referring to Parliament as a torture chamber as reported in the newspaper article published in the Daily Monitor of Monday 23rd May, 2022 titled "*Parliament Committees are like torture chambers, says Namuganza*", Hon. Namuganza undermined committees of Parliament which are constitutionally established, she denigrated the integrity of



Parliament and its members and lowered the esteem of the Parliament in the eyes of the public. In the said newspaper article, Hon. Namuganza is quoted to have made the following statements:

"This is a disgrace. How can investors who are interested in improving our economy be treated like that? The President should rein in...the President should also investigate this torture chamber..."

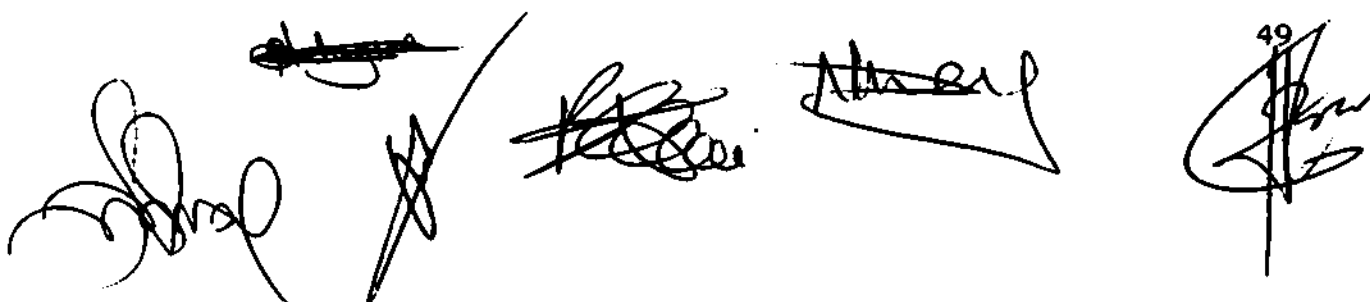
In reference to the findings and recommendations in the Report of the Naguru-Nakawa land allocations she stated that:

"When we meet the President, he gives verbal instructions. But when you take the same instructions to the Committee; they accuse you of framing the instructions. They should look for other methods of verifying the President's instructions rather than embarrass the messenger... the President is my witness, he knows very well that he gave me instructions and I was working to fulfill them. Some of these new MPS need more orientation to understand how the system works..."

Based on the above pieces of evidence, the Select Committee finds prima facie evidence confirming that the conduct of Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development (Housing) breached the standards of behaviour and conduct expected of a Member of Parliament as prescribed in Rule 85 and Appendix F of the Code of Conduct of Members prescribed in the Rules of Procedure of Parliament and such conduct amounts to misbehaviour or misconduct under Article 118 (1) (b) of the Constitution of the Republic of Uganda, 1995.

The Committee therefore finds that the above evidence meets the standard of proof required to establish a prima facie on grounds of misconduct or misbehavior under Article 118 of the Constitution.

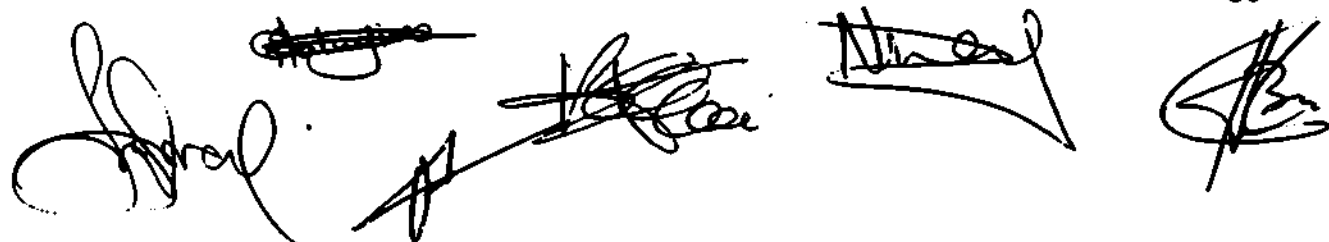
Before taking leave of this matter, the Committee notes with concern, the allegations referred to by Hon. Sarah Opendi in her submission to the Committee to the effect that Hon. Namuganza made allegations in the House and on various



media platforms that the censure proceedings against her were initiated to settle a personal grudge relating to the legal issues allegedly surrounding the marriage of the Rt. Hon. Speaker of Parliament, Anita Annet Among. For the avoidance of doubt, Hon. Sarah Opendi stated:

- a) That she was only responding to the allegations that the censure of the Hon. Namuganza is as a result of personal matters between the Rt. Hon. Speaker of Parliament and Hon. Namuganza.
- b) That on numerous occasions, Hon. Namuganza has indicated that the censure motion is brought against her to settle personal grudge relating to the legal issues surrounding the marriage of the Rt. Hon. Speaker.
- c) That above allegations were not true because the Rt. Hon. Speaker had not taken any decision or presided over any proceedings involving the reference of the conduct of Hon. Namuganza to any Committee of Parliament, the consideration of any Report relating to Hon. Namuganza or any matter relating to the censure of Hon. Namuganza.
- d) That the matters leading to the censure of Hon. Namuganza were raised by Hon. Silwany during the 7th Sitting of the 1st Meeting of the 2nd Session of the 11th Parliament held on Wednesday 13th July, 2022 and these sittings were presided over by the Rt. Hon. Deputy Speaker of Parliament. These matters happened before the wedding of the Rt. Hon. Speaker which occurred on the 30th and 31st July, 2022, at which wedding, she, Hon. Opendi was the Matron and therefore cannot be the cause for her Censure Motion, as alleged by Hon. Namuganza.
- e) That the Rt. Hon. Speaker has not presided over proceedings related to or dealing with any matter involving the censure of Hon. Namuganza and there is nothing personal or a conflict between the Speaker and Hon. Namuganza *(Play videos of the interviews of Hon. Namuganza with Baba Television and NBS in the House).*

The Committee observes that whereas the matter of the marriage of the Rt. Hon. Speaker was not in issue, it was relevant to the facts in issue for the purpose of clarifying that the censure proceedings were not motivated by a personal grudge

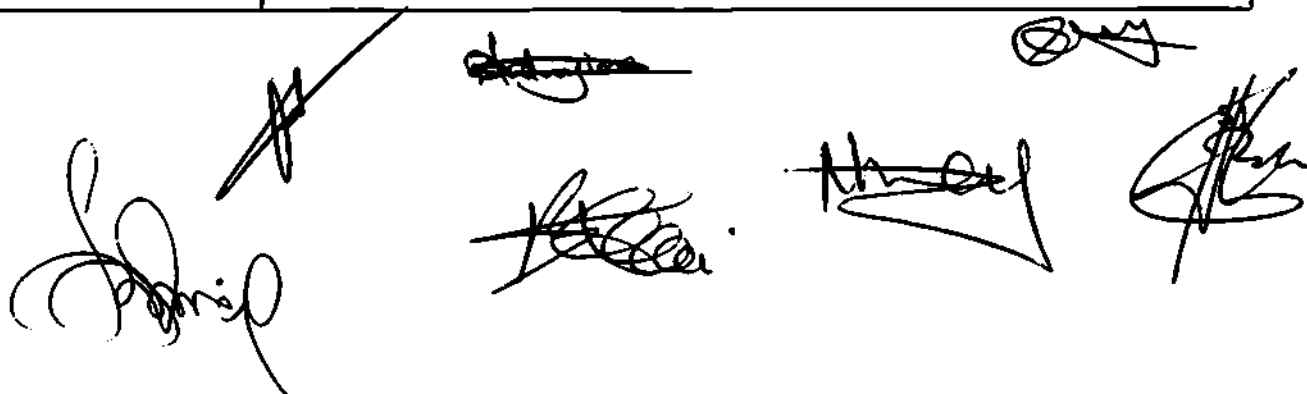


as alleged. The committee observes that the sequence of events did not support the alleged existence of the grudge. **Whereas the Committee did not admit the evidence of the video recordings of the interviews of Hon. Namuganza with NBS on 9th December, 2022 and Baba Television as a basis for establishing a prima facie case, the Committee** examined the video recordings for the purpose of clarify on the above contentious issue.

The Committee has examined the chronological events on the matter as indicated in the table below:

Table showing Events leading to the Moving of the Censure Motion

1 st March 2022	Parliament constitutes and Adhoc Committee to investigate Nakawa-Naguru Land Allocations
18 th May 2022	Parliament adopts the Report of the Adhoc Committee on the Nakawa-Naguru Land Allocations
13 th July 2022	Hon. Solomon Silwany raises on a matter of procedure regarding allegations of misconduct and misbehaviour against Hon. Persis Namuganza Princess
13 th July 2022	The presiding officer, who was the Rt. Hon. Deputy Speaker, refers the matter to the Rules and Privileges Committee on the alleged Minister Hon. Persis Namuganza Princess's misconduct and Misbehaviour
30 th and 31 st July 2022	Rt. Hon. Speaker Anita Among gets married to Hon. Engineer Moses Magogo
7 th December 2022	The Rules and Privileges Committee of Parliament presents a report on the matters referred to it on the 13 th July, 2022 and found that the conduct and behaviour of Hon. Persis Namuganza Princess constituted misconduct and misbehaviour and is not befitting of a Member of a Parliament, more so a Minister. The Committee recommended that the House invokes Article 118(1)(b) of the Constitution

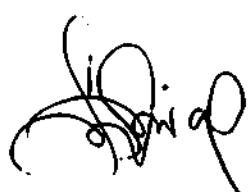
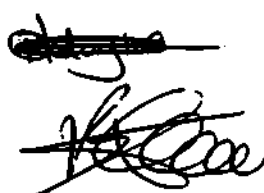
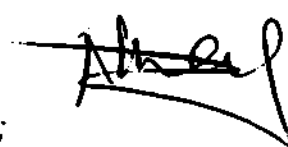


Handwritten signatures and initials are present below the table, including a large signature on the left, a signature in the center, and several other initials and signatures on the right.

	and Rule 106 of the Rules of Procedure of Parliament to censure her.
7 th December 2022	The House adopted the Report of the Committee on Rules, Privileges and Discipline.
9 th December, 2022	Hon. Okot Amos notified the Clerk to Parliament of his intention to move the motion to censure Hon. Namuganza on grounds of misconduct and misbehaviour.
9 th December, 2022	Hon. Namuganza appears on NBS Television and suggests that her censure is influenced by the Rt. Hon. Speaker as a result of the alleged matters related to the Rt. Speaker's marriage which the husband of Hon. Namuganza allegedly handled.
13 th December, 2022	Hon. Namuganza appears on Baba Television and suggests that her censure is influenced by the Rt. Hon. Speaker as a result of alleged matters related to the Rt. Speaker's marriage which Hon. Namuganza's husband allegedly handled.

In light of the above, the sequence in the above chronological order of events does not support the claim of the grudge being the cause of the censure motion as alleged by the Hon. Namuganza in her various interviews. The law only calls us to distinguish facts in terms of their occurrence. This is as follows:

- a) There is a seventeen (17) day lag between the time the Hon. Namuganza was sent to the Committee on Rules and Privileges on alleged grounds of misconduct and behaviour (13th July 2022) and the time the Hon. Speaker got married (30th July 2022) and 31st July, 2022.
- b) No new grounds were introduced following the Rt. Hon. Speaker's marriage.
- c) The Committee did not establish any single footprint of the Rt. Hon. Speaker's involvement in sending the Hon. Minister to the Rules and Privileges Committee on the allegations of


misconduct and misbehaviour on the 13th July 2022 where she was not even the Presiding officer of the House as established from the Hansard which was submitted by Hon. Sarah Opendi and verified by the Committee.

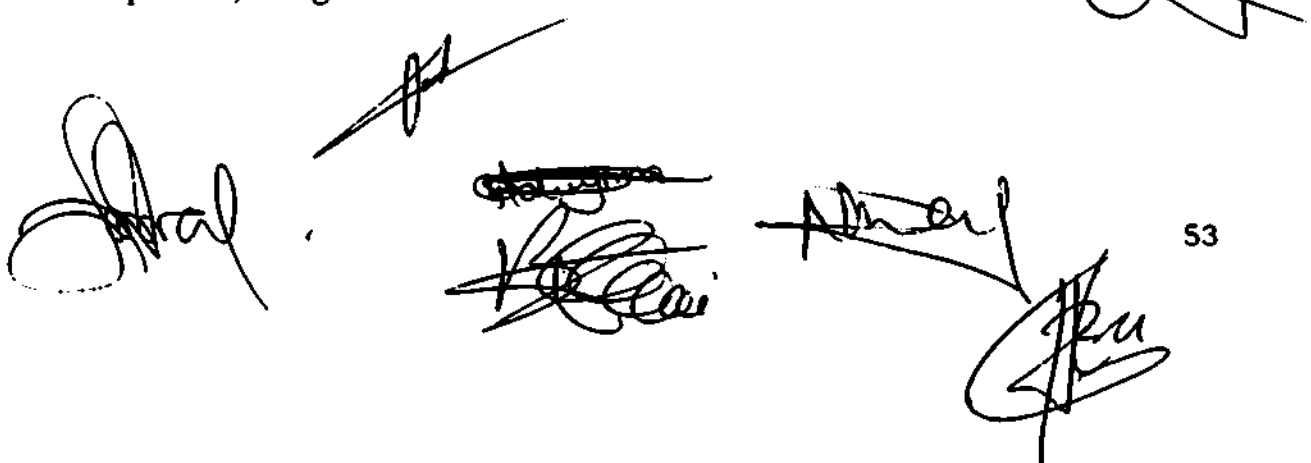
- d) It is practically impossible that the marriage of the Hon. Right Hon. Speaker could have influenced decisions of the Committee and the House that were taken prior to its occurrence.
- e) That the media interviews and statements made by Hon. Persis Namuganza Princess attacking the integrity of the Parliament, its proceedings and resolutions were made outside Parliament and therefore not privileged and she has no immunity derived from them. These amounted to contempt of Parliament.

In conclusion, the matter raised in the inter views was obnoxious, reckless, insufferable, beyond the pale and in *per incuriam*. It was an attack on the person of the Speaker and the Parliament without due regard to the rules of procedure, the protected status, the procedures of redress, the applicability of privilege and decorum of Parliament.

9 CONCLUSION

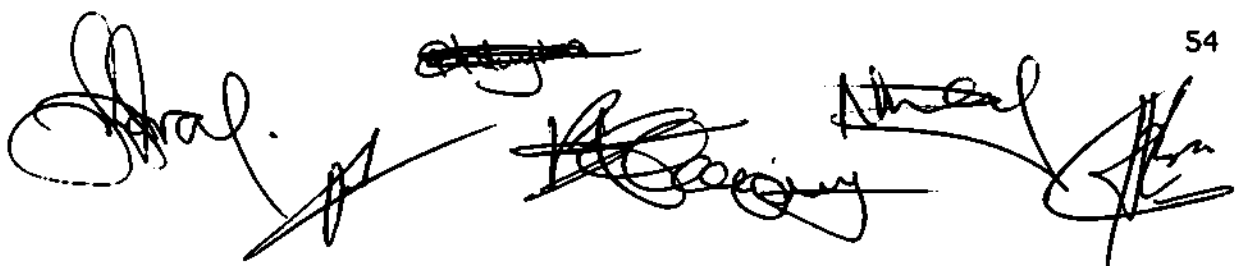
The Committee having found prima facie evidence to prove the allegations contained in the Motion and supporting documents prays that this Report be adopted by the House and leads the House under Rule 109 (9)(b) of the Rules of Procedure of Parliament in the proceedings of censure against Hon. Persis Namuganza Princess from the Office of the Minister of State for Lands, Housing and Urban Development (Housing).

Rt. Hon. Speaker, I beg to move.



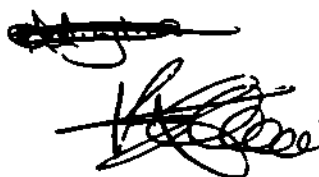
APPENDICES

1. Appendix 1: Hansard of the Plenary Proceedings of Friday 6th January, 2023.
2. Appendix 2: Notice of Motion to move a motion of censure under Rule 109(1) of the Rules of Procedure of Parliament against Hon. Persis Namuganza Princess, State Minister for Lands, Housing and Urban Development (Housing).
3. Appendix 3: Letter dated 22nd December, 2022 from the Clerk to Parliament to the Rt. Hon. Speaker of Parliament.
4. Appendix 4: Hansard of the Plenary Proceedings of Friday 23rd December, 2022.
5. Appendix 5: Letter dated 9th January, 2023 from the Clerk to Parliament to Hon. Persis Namuganza, Minister of State for Lands, Housing and Urban Development (Housing).
6. Appendix 6: Letter from the Clerk to Parliament dated 9th January, 2023 addressed to the mover of the motion for censure against Hon. Persis Namuganza and the seconders of the motion.
7. Appendix 7: Notice from the Clerk to Parliament dated 9th January, 2023 addressed to all Members of Parliament.
8. Appendix 8: A photocopy of the Uganda Law Society Identity Card of Mr. Pande Norman of Mwanja & Pande Advocates.
9. Appendix 9: A presentation made by Hon. Okot John Amos to the Select Committee on the Censure of Hon. Persis Namuganza Princess, State Minister for Lands, Housing and Urban Development (Housing).
10. Appendix 10: A presentation made by Hon. Atwijukire Dan to the Select Committee investigating the petition of censure of Hon. Namuganza Persis, Minister of State for Lands, Housing and Urban Development.
11. Appendix 11: Answers to the questions posed by the Committee to the Petitioners jointly presented by Hon. Okot John Amos and Hon. Atwijukire Dan.
12. Appendix 12: A letter signed by Mr. Pande Norman of Mwanja & Pande Advocates dated 12th January, 2023 addressed to the Rt. Hon. Speaker, Rt.



Hon. Deputy Speaker, the Attorney General of Uganda, the Clerk to Parliament and the Chairperson of the Select Committee on the Motion for a Resolution of Parliament to Pass a Vote of Censure Against Hon. Namuganza Persis Princess.

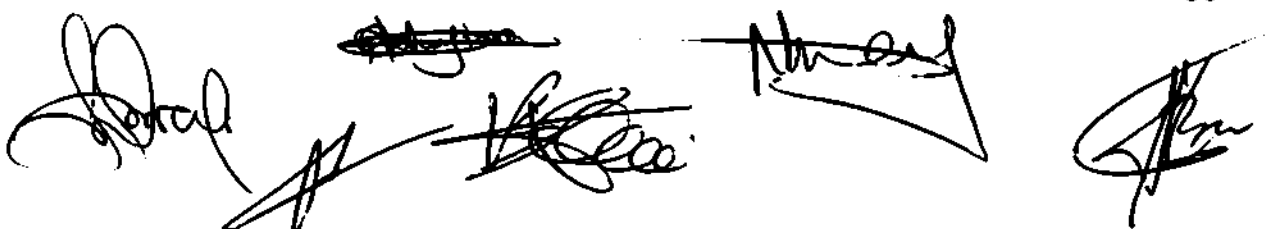
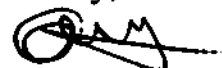
13. Appendix 13: Motion for a Resolution of Parliament to Pass a Vote of Censure Against Hon. Persis Namuganza Princess, State Minister for Lands, Housing and Urban Development (Housing).
14. Appendix 14: Report of the Standing Committee on Rules, Privileges and Discipline on the inquiry into Allegations of Misconduct and Misbehavior Against Hon. Persis Namuganza Princess, MP Bukono County and Minister of State for Housing and Appendices thereto.
15. Appendix 15: Transcripts of the Proceedings of the Committee on Rules, Privileges and Discipline for Monday 12th September 2022; Tuesday 13th September, 2022; Wednesday 14th September, 2022; Thursday 15th September, 2022; Wednesday 21st September, 2022 and Tuesday 27th September, 2022.
16. Appendix 16: Minutes of the Meetings of the 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.
17. Appendix 17: Letter from the Clerk to Parliament dated 12th January, 2023 to Hon. Persis Namuganza, Minister of State for Lands, Housing and Urban Development (Housing).
18. Appendix 18: Letter from the Clerk to Parliament dated 13th January, 2023 to Hon. Persis Namuganza, Minister of State for Lands, Housing and Urban Development (Housing).
19. Appendix 19: Audio Recordings of the Proceedings of the Select Committee on the Motion for a Resolution of Parliament to Pass a Vote of Censure Against Hon. Persis Namuganza Princess.
20. Appendix 20: Letter from the Rt. Hon. Deputy Speaker dated 13th January, 2023 addressed to the Chairperson of the Select Committee on the Motion



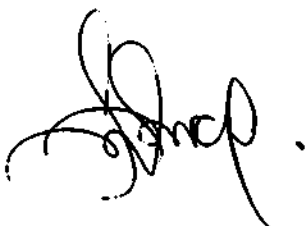
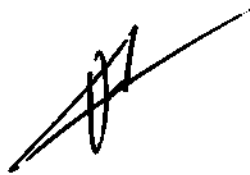
55

for a Resolution of Parliament to Pass a Vote of Censure Against Hon. Persis Namuganza Princess.






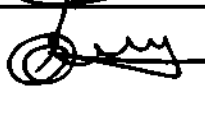
21. Appendix 21: Letter from the Clerk to Parliament dated 13th January, 2023 to Hon. Persis Namuganza, Minister of State for Lands, Housing and Urban Development (Housing).
22. Appendix 22: Print outs of WhatsApp messages from the official WhatsApp Group of the 11th Parliament named the "11th PARLIAMENT-Official".
23. Appendix 23: Article from the Daily Monitor online Newspaper of 22nd May, 2022 with the heading "*Parliament has no power to suspend me- Namuganza*".
24. Appendix 24: A flash disk containing video recordings adduced in evidence by Hon. Okot John Amos.
25. Appendix 25: An online newspaper article "Parliament has no powers to suspend me – Namuganza", published in the Daily Monitor of Sunday, May 22, 2022.
26. Appendix 26: A Photocopy of the Daily Monitor Newspaper of Monday 23rd May, 2022 with an Article "Parliament Committees are like torture chambers, says Namuganza".
27. Appendix 27: A flash disk containing video recordings adduced in evidence by Hon. Atwijukire Dan.
28. Appendix 28: A flash disk containing video recordings adduced in evidence by Hon. Atwijukire Dan.
29. Appendix 29: A flash disk containing video recordings adduced in evidence by Hon. Silwany Solomon.
30. Appendix 30: Hansard of the Plenary proceedings of Wednesday 13th July, 2022
31. Appendix 31: Prints outs of emails dated 17th and 18th January, 2022 from Julian Mwine, Head of News at NTV Uganda to the Clerk to the Select Committee on the Motion for a Resolution of Parliament to Pass a Vote of Censure Against Hon. Persis Namuganza Princess.
32. Appendix 32: Letter from the Clerk to Parliament dated 16th January, 2023 to the Managing Director, Monitor Publications Ltd.



33. Appendix 33: Certified copy of the Daily Monitor Newspaper of Monday 23rd May, 2022 with an Article "Parliament Committees are like torture chambers, says Namuganza".



**ENDORSEMENT OF THE REPORT OF THE SELECT COMMITTEE ON THE
MOTION FOR A RESOLUTION OF PARLIAMENT TO PASS A VOTE OF
CENSURE AGAINST HON. PERSIS NAMUGANZA PRINCESS, MINISTER OF
STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (HOUSING)**

S/N	NAME	CONSTITUENCY	PARTY	SIGNATURE
1.	Hon. Mwine Mpaka Rwamirama (Chairperson)	Mbarara South Division	NRM	
2.	Hon. Mpindi Bumali	Representative, Persons With Disabilities	IND	
3.	Hon. Niwagaba Wilfred	Ndorwa County East	IND	
4.	Hon. Acora Nancy	District Woman Representative, Lamwo	IND	
5.	Hon. Bakkabulindi Charles	Workers Representative	NRM	
6.	Hon. Ekanya Geofrey	Tororo North County	FDC	
7.	Hon. Naluyima Betty Ethel	District Woman Representative, Wakiso	NUP	