**Friday, 6 May 2011**

*(Parliament met at 10.38 a.m. in Parliament House, Kampala.)*

PRAYERS

(The Speaker, Mr Edward Ssekandi, in the Chair.)

The House was called to order.

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Hon. Members, I welcome you and I thank you for sparing some time on a Friday to come and carry out parliamentary work.

BILLS

COMMITTEE STAGE

THE PUBLIC PROCUREMENT AND DISPOSAL OF ASSETS (AMENDMENT) BILL, 2010

**THE SPEAKER:** No, we should not go to the Committee Stage, let us first go to the five minutes show.

10.41

**THE OPPOSITION CHIEF WHIP (Mr Kassiano Wadri):** Mr Speaker, thank you for the opportunity. As we said yesterday, there are certain records of Parliament which we want to put straight. The other day, we watched footages of events which took place when Dr Kiiza Besigye was arrested. We were able to prove to you and the entire House that security operatives in civilian attire moved with arms violently and arrested Dr Kiiza Besigye.

We further proved that one of them who was visibly seen was Mr Gilbert Bwana Arinaitwe. And in all these two presentations, the Government side, for reasons best known to them, could not show any footage showing these civilians brutally arresting Dr Kiiza Besigye.

As the debate ensued, Member after Member from the Government side stood up to say it was Dr Kiiza Besigye who came with a hammer and threatened to cause harm to the security officers. On our part, we want to put the record right by showing that it was a man hooded in civilian attire, who came with a hammer and used the same hammer to smash Dr Kiiza Besigye’s vehicle. At the end of the day, he broke the wind screen and the hammer landed in the vehicle and Dr Kiiza Besigye picked it and even showed it to the police saying, “Why are these goons being allowed to smash my vehicle with a hammer”?

He threatened that if anybody came close to him, he would use that same hammer to harm them - that he did! But what we want to prove is the fact that this hammer was brought at the scene of the violent arrest by a man hooded in civilian attire. And we want Government to identify him. If he was a security operative, let them identify him.

**THE SPEAKER:** Okay, let us see the video; but as we agreed, there will be no debate on that matter. We are only going to see it and then proceed to another issue.

**MR OKUMU:** Mr Speaker, the Rules of Procedure provide that Members of Parliament should be dressed properly. Is it in order for the Minister for Security to enter the House in a casual manner as if he is here to collect intelligence reports?

**THE SPEAKER:** Hon. Minister, could you explain yourself?

**THE MINISTER, OFFICE OF THE PRESIDENT (SECURITY) (Mr Amama Mbabazi):** Thank you, Mr Speaker. It is true that today I am not - I am usually attired in a suit and a tie but today I chose to wear this Mandela Style *–(Laughter)–* and this obviously is very decent. If one was to compare –

**THE SPEAKER:** Is it a national dress; what is it?

**MR AMAMA MBAMBAZI:** This is traditional, political wear –*(Interjections)–* Mr Speaker, I do not know if we were to be in a contest of who is better dressed between me and hon. Wadri – this is some traditional attire.

**THE SPEAKER:** If it is a national dress, like I recently saw hon. Kirunda dressed, I think it was Indonesian National dress. You can put on Ghanaian or whatever but the question is, is this national dress or somebody’s dress? Let us not bring huddles because we want to proceed with the business.

**MR AMAMA MBABAZI:** Thank you, Mr Speaker. I just wanted to say that yesterday we had –

**THE SPEAKER:** No, they have put for you a huddle that you should not be here because of your dress code. You can go and change.

**MR WADRI:** Mr Speaker, the integrity of this institution is under a test. We do not need to set the wrong precedence which will make every Tom, Dick and Harry to come into this Chamber dressed in any manner they would like to dress. Please, you are not supposed to be here. It is only fair that you respect this House and our Rules of Procedure.

**THE SPEAKER:** We have resolved this.

*(The honourable member for Kinkiizi County West thereupon withdrew from the chamber.)*

**THE SPEAKER:** Can you switch on the video, please!

*(A video presentation was made by the Opposition.)*

*(The honourable member for Kinkiizi County West returned to the chamber.)*

**THE SPEAKER:** You said the hammer is lost? Okay, I said we shall not debate that. Switch off.

Can we proceed with the motion? Where is it? Okay, switch off. Six hours?

10.52

**THE MINISTER, OFFICE OF THE PRESIDENT (SECURITY) (Mr Amama Mbabazi):** Mr Speaker, we went through the entire coverage from Kasangati up to the time when Dr Besigye was arrested at Mulago round about and it is very many hours. Since the Opposition had only a clip of two minutes at the time when Dr Besigye was arrested, we thought we should cover from Kubbiri up to the time when Dr Besigye was arrested so that we can show that there was no hammer from that time onwards. That is what we are intending to present instead of the entire six-hour coverage. Thank you.

**THE SPEAKER:** I think my understanding was to show how the hammer came about. That’s all. The dispute was how did the hammer come into the hands of Dr Besigye? [MR OKUMU: *“*Order, Mr Speaker.”] There is no point of order here. Let us proceed. The aim of these people was to show how the hammer came to be in the hands of Dr Besigye. Is there anything to contradict this? Show it. Instead of six hours, show us what happened at that time.

*(A video presentation was made by hon. Amama Mbabazi.)*

**THE SPEAKER:** Okay, let us resume business. There is no further debate on the issue.

MOTION FOR A RESOLUTION OF PARLIAMENT ARISING FROM THE MINISTERIAL STATEMENT PRESENTED BY THE HON. MINISTER OF INTERNAL AFFAIRS ON TUESDAY, 3 MAY 2011 URGING GOVERNMENT, THE OPPOSITION, CIVIL SOCIETY AND OTHER STAKEHOLDERS TO HANDLE THE CURRENT INFLATION PEACEFULLY

11.15

**MR DAVID BAHATI (NRM, Ndorwa County West, Kabale):** Thank you. The copies of the motion are being distributed and as you directed, Mr Speaker, yesterday we had a constructive meeting with representatives of all parties. We adopted a “both...and” approach instead of “either...or” approach and we focused on the interests that we share as a country and the issues that bring us together rather than those that drive us apart. We made some amendments to the previous motion beginning with the title of the motion and then the resolutions.

The title of the motion now reads: “Motion for the resolution of Parliament urging Government, the Opposition, Civil Society and other stakeholders to handle the current inflation peacefully”.

If I may turn to the second page, we agreed on the following resolutions:

*“NOW, THEREFORE, be it resolved that:*

1. *Government takes practical steps to intervene and manage the current inflation and report back to Parliament and the nation within two weeks;*
2. *Government investigates alleged use of excessive force by the Police and security agents in containing the Walk-to-Work demonstrations and disciplinary action be taken on those found responsible within three months;*
3. *Government releases any persons arrested during the demonstrations against whom no charges have been preferred and expedite the cases of those charged;*
4. *Leaders of political parties and pressure groups exercise restraint and take appropriate measures to ensure that demonstrations are civil and acting within the ambits of the law in their demonstrations;*
5. *All political actors, Police and security agents respect:*

*(a) The staff of the Red Cross, their vehicles, emblem and other equipment in order to guarantee their safety and neutrality in all situations and;*

*(b) The journalists on assignment covering demonstrations.*

1. *Government should continue engaging political parties in dialogue and bring, within three months, the necessary legislation to operationalise Article 71(2) of the Constitution which provides for the establishment of a National Consultative Forum and code of conduct for political parties and organizations;*

*And we hope that this sets a tone for reconciliation and moving forward as a country and hopefully that the scenes that we have seen on the screen will be replaced by the wonderful scenes of what, as a country, we can offer.”*

I beg to move.

**THE SPEAKER:** Thank you very much, hon. Bahati and others for bringing up this new text of the resolution. I hope the resolution is clear. Do we need further debate on this?

11.19

**MR JOHN ARUMADRI (FDC, Madi-Okolo County, Arua):** Thank you, Mr Speaker. I am not comfortable with resolution number two and the use of the word, “Alleged”: *“Government investigates alleged use of excessive force.”* It is very clear to everybody who has got eyes that Government did indulge in excessive use of force. So, I would rather say, “Government should investigate the use of excessive force” but not calling it an allegation. It is beyond an allegation.

**THE SPEAKER:** Honourable, the moment you say, “Investigate”, it means the matter has not been proved. That is the term they use until they conclude hearing the evidence. It is a technical term.

11.20

**MS BETTY AOL (FDC, Woman Representative, Gulu):** Thank you, Mr Speaker. There were certain things, which were very clear, which did not come out clearly here especially with regard to the police officer, Arinaitwe. It should have come out very clearly but it is not clear.

And if you say Government - some of us even wonder - Arinaitwe should have come out here –(*Interjections*)- yes. Then we are running away from something which is direct and very clear. We are saying resolution two is a bit fake - it is not -

**THE SPEAKER:** Honourable, there are ways of proving charges. You don’t say, “I saw him with my very eyes, therefore, it is clear”, and the door is closed. You make a complaint; the complaint is investigated; evidence is given as required by law and then a conclusion is made. This is how things are done. You don’t say, “He was caught red-handed therefore convict him.” This has to be proved in courts of law by evidence as required by the law. Yes, hon. Lord Mayor. (*Laughter*)

11.21

**MR ERIAS LUKWAGO (DP, Kampala Division Central, Kampala):** Thank you. Much as I would agree with you, Mr Speaker, that we cannot condemn Arinaitwe unheard, we should make it very specific here – at least he has been identified. We have made a recommendation to which I have some views, in paragraph three, about prosecution. We have seen the video here - Arinaitwe is surely seen. Why don’t we be specific that he should be prosecuted?

**THE SPEAKER:** No. Hon. Lukwago, you are a seasoned lawyer and you go to courts of law. This is the language they use. There have to open a CRB. A complaint has to be made, they open a CRB, and this is how things are done.

**MR LUKWAGO:** Most obliged, Mr Speaker. That now brings me to paragraph 4, where we are being vindictive. We are saying “*Leaders of political parties and pressure groups exercise restraint*.” That presupposes that actually the leaders have stepped out of the parameters of the law and, therefore, we are condemning leaders of political parties by making this recommendation. Why are we saying leaders should exercise restraint? What excesses have they committed?

**MR TUMWEBAZE:** Thank you, honourable colleague, for giving way. How did we come to this motion? We came to this motion to find a common ground. And if you want the motion to be tilted towards making conclusions of one side, then really the motion does not offer us a solution. To call upon all actors to exercise restraint is not synonymous with condemnation. It is just urging.

When you have leaders on top of their car roofs saying, “It’s a nuisance”. Oh my God! -(*Interjections*)- I do not doubt your capacity to say that because you slapped a police officer. So, let’s really find a common ground and then come up with something that is a win-win but if it is politicking to portray one party wrong, then it does not give us a way forward.

**MR LUKWAGO:** Mr Speaker, one thing I appreciate about the Movement system, as it were, is the entrenchment of the culture of resistance in our body politic. If I am faced with a situation of oppression and suppression, it is my right to resist. So, hon. Tumwebaze, if Besigye stood up and said, “I’ll not take up unlawful orders”, is he out of order?

This is exactly what resistance is all about. When you are violating my rights, I am duty bound to stand up against oppression. We are not right to say leaders should exercise restraint before we make a finding of fact that leaders were out of order in this Walk-to-Work demonstration. If we have made a finding of fact that there were leaders –(*Interruption*)

**GEN. TUMWINE:** I thank you, honourable, for allowing to take the information. I want to give information about orders. We have a clear understanding of legal, illegal, lawful, or unlawful orders. As long as the one who is giving the order is legally empowered to give that order, you take the order and you can go and complain to the relevant authorities or legal forum that the order was illegal but you obey the order.

**THE SPEAKER:** I think what hon. Lukwago is saying with regard to leaders of political parties exercising restraint is that they are already exercising restraint and, therefore, bringing this here is redundant. I think this is what he is saying. But if they are currently exercising restraint, does it matter now if it becomes redundant? Do you think they have been exercising restraint? You are saying, “Yes”, so, is it therefore not necessary to put this here?

**MR LUKWAGO:** MrSpeaker, in the context in which it is brought here, if you read the whole of paragraph 4 -

**THE SPEAKER:** Can you refine it?

**MR LUKWAGO:** “…*And take appropriate measures to ensure that*…” actually it is enough to say, “Leaders of political parties and pressure groups should take appropriate measures to ensure that demonstrators are civil and acting within the ambits of the law in their demonstration”, but not to say that they should exercise restraint. This is ambiguous.

And to my colleague, hon. Gen. Elly Tumwine, to say that you take the orders as they come, I wish you had done that in the 80s instead of going to the bush -*(Laughter)-* because what you really did wasn’t exercising restraint at all.

**THE SPEAKER:** What harm does it do if it remains there since it was done by a group of people?

**MR LUKWAGO:** You see, Mr Speaker, we are being vindictive here. We are saying, “The leaders of political parties are already condemned.” That they have actually been indulging in excesses; they are responsible for the omission or commission of the excesses.

**MRS ANYWAR:** Order.

**THE SPEAKER:** Let us not bring those points of order because we waste a lot of time on that. Let us straighten this and then proceed.

**GEN. TUMWINE:** Mr Speaker, aware that we have come a long way from rebellion and insurgency in Uganda where very many lives have been lost, where many paid dearly and we have managed to get this far in a democratic situation, is it in order for the hon. Member to keep referring to “Did you go; did you do the same?” and imply that rebellion, insurgency and killing of people while referring to our past is justified now? Is this where you want us to go back to? Is he in order?

**THE SPEAKER:** No, what you are saying is your personal assessment; his assessment may be different. Therefore, if it is different, that cannot invite a decision that he is out of order. What you can do is to inform him so that he gets to appreciate the situation but I cannot rule him out of order simply because he has a different assessment.

But, hon. Members let us see the spirit in which this motion was brought so that we work out something that is going to help us in that direction. Do you want to see your capital city upside down?

**MR LUKWAGO:** Most obliged, Mr Speaker, and the hon. Members. On that note, I would like to move an amendment that we delete the words, “exercise restraint”. What you really want to be captured has already been provided for in the rest of the paragraph: *“...take appropriate measures to ensure that demonstrations are civil and acting within the ambit of the law in their demonstrations.”* They should not say that the leaders are responsible because when you say, “they should exercise restraint,” you are insinuating - actually there is an innuendo that the leaders are responsible.

**THE SPEAKER:** Supposing we insert “continue” between “groups” and “exercise” to read: “… continue to exercise restraint,” will that help?

**MR LUKWAGO:** Probably if we are to retain it, you would say, “Leaders of political parties, pressure groups and Government ….”

**THE SPEAKER:** Okay, you can insert that there -*(Laughter)-* he would like to add “Government.” Is it okay?

**HON. MEMBERS:** Yes.

*(Question put and agreed to.)*

**THE SPEAKER:** Okay, we have agreed on hon. Lukwago’s amendment.

11.33

**MR PATRICK AMURIAT (FDC, Kumi County, Kumi):** Thank you very much, Mr Speaker. I would like to bring another amendment and the reasons for it. I am proposing a complete deletion of resolution No. 4 for the reasons that, first of all were given by my friend, hon. Lukwago –(*Interjections*)- no I am debating this; this is my proposal. Mr Speaker, I would like you to save me from the wrath of my friend, hon. Byabagambi. He is really harassing me.

**THE SPEAKER:** You are protected. *(Laughter)*

**MR AMURIAT:** For the reasons that my friend, hon. Lukwago, has laboured to bring to the surface in this House, but also with more concern about the second part of that resolution, *“… take appropriate measures to ensure that demonstrations are civil and acting within the ambit of the law in their demonstrations.”* This is giving the Opposition leaders extra responsibility.

**THE SPEAKER:** Even Government. We have now added “Government.”

**MR AMURIAT:** This is giving the Opposition leaders and pressure groups extra responsibility, which they do not have control over. What we have seen in both videos over the last two days is that we have a political leader driving from his home; his only offence, if probably that may be referred to as an offence, is being popular among the masses. *(Laughter)* And they were cheering and saying, “Look, this is our leader.”

You even saw in that last part of the Government’s video that supporters kept talking to the police officers, you all saw that and judging from their faces and gestures, they were saying, “We are not violent people.” I didn’t see any person breaking into a shop. We all know that these people come from different backgrounds. As a political leader, you cannot know them by name. You can’t even know that they behave in such and such a way.

I am sure that is the same for the NRM as it is for *(Mr Ecweru rose\_)* I am not taking that information; I will give you a chance later. Let me develop my point. I would like to seek your indulgence - what is this turning into, Mr Speaker? I am the holder of the Floor and I have the right to either accept or reject any information. I am asking my brother, hon. Ecweru to restrain himself -*(Laughter)-* and make a substantive contribution if he so wishes.

So, what I was trying to drive at is that this whole paragraph 4 is very stringent and I think that it is not practical. What we should be proposing as resolutions here, my dear friends, are things that we can put into practice! I feel that this is not going to help us. It probably needs better phrasing. But my proposal at the onset is for a complete deletion of this particular paragraph.

**THE SPEAKER:** Okay, hon. Amuriat is proposing that we delete paragraph 4.

**HON. MEMBERS:** No.

**MR AMURIAT:** While I am still holding the Floor, Mr Speaker –

**THE SPEAKER:** I am putting a question to your amendment and then we proceed.

**MR AMURIAT:** What we are doing here today is not a question of numbers. When we sit here we should know that we are articulating for this country. Don’t look at the numbers you have across the Floor because if you are going to be irrational, you will see more of what happened last Friday and that is very unfortunate! Let us listen to each other; if we cannot do that and we think that we are going to utilise our numbers to push these resolutions down the throats of Ugandans, remember you are going to be pushing it down our throats, we in the Opposition, but also look at the man down at the street. These resolutions are supposed to affect people in my village.

**MRS OKURUT:** Thank you very much, my brother, for giving way. Mr Speaker, we sat in a meeting together with our brothers and sisters from the other side; what has come out is something that is built on consensus. Honourable, if we delete No.4 where we are talking about leaders of political parties, pressure groups and Government to exercise restraint, there are other groups, for instance, in Kampala there are the 1,000 women who wanted to strip naked. They wanted to demonstrate, and it is the truth, because they were saying that they were losing a lot of business.

This does not touch only one side of the group but we are talking about both sides. We really need either to work together as citizens or we all perish as fools.

**MR ECWERU:** Mr Speaker, the authors of paragraph 4 had very good intentions. Before the demonstrations on Friday, in my area where I reside there was a truck that moved around distributing tyres to the youth and those in the truck claimed that they were doing this on behalf of the people who organised the demonstrations. It may totally be independent from the wishes of the organisers, but the truth is that there are many people who are taking advantage of these demonstrations particularly those with bad intentions. Therefore, it is important to include this provision that calls on all of us, both the organisers and we on the Government side, to control the people who purport to be following us.

In Kireka, there was a demonstration and tyres were burnt at every stage. They had been distributed by people who were claiming to be doing it on behalf of the organisers. So this must be controlled.

**MR AMURIAT:** I think no civilised person would condone the distribution of tyres for evil intentions, and I think the minister would have done better by informing the authorities to arrest those culprits. I am happy that there is a truck parked at the Central Police Station that is full of tyres. I think the investigations are ongoing.

The provocation of violence, we will all appreciate, has been caused by the manner in which the Police have handled the situation in Kampala. Where the Police do not interfere with walkers, there are no incidents. Ever since the Walk-to-Work started, I have walked with my friend, Nandala-Mafabi -*(Interjections)-* it does not matter whether I am known or not. I am not walking to get known. There is a point I am trying to drive into your heads. I do not walk to gain any popularity whatsoever but I feel the pain that the people of Uganda are going through at this time.

I have walked ever since the Walk-to-Work campaign started. There was only one incident when I was arrested by the Police and taken to court but all the other times I have walked peacefully up to Parliament, got to my office and worked normally. What does that tell us about what has been happening around? If people were allowed to walk, I do not think there would be incidents. All the Police needed to do was to observe what is happening or even escort, like Mutabaazi did to Otunnu, hon. Nandala-Mafabi and I.

**THE SPEAKER:** Cut short your submission. I want to put your amendment to vote.

**MR AMURIAT:** You are the presiding officer, Mr Speaker.

**THE SPEAKER:** You have made your point but you are taking hours.

**MR AMURIAT:** I want to move that paragraph No. 4 of the resolutions of this motion be deleted in its entirety. I beg to move.

**MR KASAIJJA:** Mr Speaker, if we removed paragraph No. 4, it would be a recipe for continued trouble. Why does the law empower the Police to request those who want to do demonstrations to inform the Police? So that they, together with you who is doing your thing, agree on how the thing should be done so that it does not degenerate into a riot. If you remove this and the leaders do not take responsibility and they do not inform anybody who can be able to keep law and order, we will be heading for trouble.

So, as far as I am concerned, this paragraph should remain. It is for good intentions. It is for the protection of everybody; it will protect those in the Opposition and the Government. I strongly suggest that we do not touch it; we make the amendment that the Government should be –

**THE SPEAKER:** Hon. Members, the paragraph reads as follows: *“Leaders of political parties, pressure groups, government exercise restraint, take appropriate measures to ensure that demonstrators are civil and act within the ambit of the law in their demonstrations.”* It is proposed that we delete this paragraph. I put the question to the amendment.

(*Question put and negatived.*)

**MRS ANYWAR:** I would like to thank the movers of this motion. Where we have come from and the tone we now have should be encouraged for the sake of peace in this country. I have an amendment to move in light of No. 3 together with 5(b). Journalists are key to democracy. The media are the eye of the public and it is very important that they are left to do their work.

**THE SPEAKER:** Now you are on paragraph 3. Can you read what you want to say and then you justify it?

**MRS ANYWAR:** Yes. In No. 5(b), we are already saying that the political actors and all those should respect the journalists on assignment covering demonstrations. My amendment to No. 3 should be, “The Government releases any persons arrested during the demonstrations against whom no charges have been preferred and expedites the cases of those charged and drops further arrests in …” *-(Interjections)-* let me read and finish.

I am just saying this because we must move forward for peace. I am referring to further arrests of those who are associated with these demonstrations and investigations of persons and the media houses related to the demonstrations. I am not banning the Government from all arrests. However, if it is goodwill and we want to reconcile this country, it would be contradictory for us to say that we are moving to reconcile and move together while you are witch hunting others in a similar situation. This is my humble appeal that *–(Interruption)*

**MR KASAIJA:** I thank you very much, colleague, for giving way. I am seeking clarification from hon. Anywar. If the Police have evidence that actually during these bad moments in the course of our history they committed a crime, I would like to know whether she is suggesting that those people should be left to go free and that the Police should not take action. If that is the interpretation then what sort of message are we sending? Shall we not be creating impunity that I can do something wrong but then because Parliament has sat down and therefore I can go free?

The wrongdoers, irrespective of who they are, should really be made to face the law. So, clarify to me, what do you exactly mean? I thank you very much.

**MR WADRI:** The information I would like to give is that it takes two to tangle. We have watched the footage and deep in our hearts, we must appreciate that either side could have made mistakes. This is not time for us to whitewash but to really be ourselvesand take appropriate action where necessary. We saw the likes of the Arinaitwes taking the law into their hands. So, really, for us to come up and say that nothing happened on the part of the Government and for us to say that nothing happened on our side would be missing the point.

Therefore, I have the following to say as far as No. 3 is concerned. When you are looking at No. 3, you need to look at it hand in hand with No. 6. What is it that we want achieved at the end of the day? We want to achieve harmony, and if we are to achieve harmony, there must be the spirit of give and take.

Hon. Sam Kutesa, my long time friend and mentor in DP and now in the Movement *–(Laughter)-* being the Minister of Foreign Affairs, he knows that when you go into international negotiations, you must consider all parameters. Therefore, if we are really going to have meaning to No. 6, we must be able to accept give and take. In any case, the charges which have been preferred against suspects who were involved in these demonstrations, in my own understanding, are trumped-up charges which will not hold water in the long run in our judiciary system. That is the reason why in certain courts, the cases have just been dismissed and the suspects set free. These offences are so minor; they are misdemeanors and, therefore, not serious in nature. Those are things over which we could caution or say, “Please, let us start on a new plate and let us not engage in committing them again.”

I would like to propose the following as an amendment to No. 3: “Government unconditionally releases all persons arrested during the demonstrations”, and we leave it at that. Thereafter, we can now go and begin looking at No. 6.

How can we avoid future occurrences of this nature? To me, it would be in the best interest of this country that we say, “Look, we all made mistakes but let us not dig into the mistakes we have made but let us forge a way forward to make sure that the few slight mistakes we have made are not repeated”, and then we will be able to move forward. I thank you.

**THE SPEAKER:** Okay, please, bear with me. Please, join me in welcoming - in the distinguished strangers’ gallery we have hon. Cecilia Ogwal, former Member of Parliament for Dokolo County. *(Applause)* You are welcome.

**MR KASULE SEBUNYA:** I thank you, Mr Speaker. I stand to propose that the question be put for the House to adopt this motion

**THE SPEAKER:** Hon. Members, the other amendment proposed by hon. Kassiano Wadri is on No. 3, that Government unconditionally releases all persons arrested during the demonstrations. That is the amendment so far.

**THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Prof. Apolo Nsibambi):** Mr Speaker, there may be people who may have committed criminal acts and so you cannot *– (Interjections) -* How do I know? I have not examined these people and I do not have the capacity to. What I am saying is that we cannot release them. Sorry, your motion, I think, would allow such people to get away with impunity and therefore I must reluctantly oppose it.

**MR WADRI:** Mr Speaker, as I said earlier on, we really want to build confidence in ourselves on all sides. It is not the first time in Uganda, let alone in Africa and globally, that when people want to pacify a situation they give and go for these concessions. I will want to give you an example.

My friend, hon. Sam Kutesa, was the Attorney-General during Gen. Lutwa’s regime. That was the time when there were peace talks between the present President, His Excellency, Yoweri Kaguta Museveni, and the Lutwa junta in Nairobi. While these negotiations were ongoing, the late Lt Col Serwanga Lwanga had been arrested by the Uganda Government then. The Museveni team put a condition that, “Before we go on with these negotiations, can you please release Serwanga Lwanga?” Because the late Gen. Tito Lutwa treasured peace, he unconditionally released Serwanga Lwanga for the peace talks to continue. That you all know.

The point I am making is that, surely at this critical time - I call it critical because we do not want a situation where the country goes into melee; we should move together. As I said earlier on, after all, the charges preferred on those who were arrested during these demonstrations are trivial. Whether they are trumped-up charges or not, at least they are not felonies; they are misdemeanors.

Since the DPP is part of Government, the DPP has powers -(*Interjections*)- yes, independent but he is in the entire government - but I do not have the powers to withdraw charges. That is the reason why I am saying, if there is goodwill on the part of Government, the DPP, who after all forms part of the entire Government, can be able to drop these charges. We have had this done before for stability. You know what happened in Kenya. You know what we have gone through as a country. We have had these concessions in the past and -(*Interruption*)

**MR LUKWAGO:** Thank you, the Opposition Chief Whip, for giving way. The information I want to give on this issue is that in all these cases taken to courts, there is not even a single complainant. These are cases where Government comes in to pick individuals, dump them in cells and take them to court and they are not pursued.

Even away from these cases here, as I stand before you I have nine cases against me. In all these cases, it is the Government which is the complainant and there are those which are, I think, six years old and Government has never brought even a single witness to testify against me. So, this is the same case with these matters. These are trumped-up charges where people are just languishing in prison and I am sure no evidence will be adduced against them.

There are people who were arrested during the September riots in 2009. They were charged with perpetrating terrorism and up to now they are still in Luzira. Their trial has not commenced. It is coming to two years and no single witness has come up to testify. I am sure after about three, four or five years they will be released. That is very unfortunate.

So we are saying here, drop those charges because they are trumped-up charges surely. In one case they said, “This is a holding charge.” This is the information I wanted to give in the spirit of building consensus in this matter. Please, drop these charges.

**MR WADRI:** I just want to drive my point home with one example. On Monday at around 3.00 p.m. while I was still in the office, I was called that one of my members had been arrested, that is, hon. Naggayi Ssempala. I went to Kabalagala Police Station. From Kabalagala Police Station, I went to Makindye Court and you would shed tears. There was a small girl - a house girl- who talked violently on call because she was throwing her hands in the air, crying. She was arrested after she had just been sent with a *kaveera* to go and buy charcoal. Poor girl does not know what the demonstration is about, she does not know about inflation. All she knows is that the master has given her this amount of money to go and buy charcoal and *menvu* for the children. Poor girl was netted [MR MBABAZI: “Nabilah?”] No, a house girl!

Poor girl kept sobbing. Nobody knew where she came from and nobody knew where she was in terms of responsibility at home. Surely, such a person, you really see innocence on her face from the word go but there she is, caught up in this melee. Surely, those are really types of situations that we need to consider. It is on that basis that I am making this very general -

**THE SPEAKER:** Hon. Kassiano, you are talking about unconditional release of those arrested during the riots; what would happen to those who committed offences during the riots and they have not been arrested? What would you suggest for that?

**MR WADRI:** Mr Speaker, actually No. 2 takes care of those who are at large, the likes of the Arinaitwes and the hooded man who used a hammer in the footage to smash the window. It is there. It is provided for under No. 2. We can still improve on No. 2 where that category of cases will fall.

**THE SPEAKER:** No, these have been arrested and charged; they should be unconditionally released. Those who have not been arrested but were involved in criminal activities, should they be pursued?

**MR WADRI:** You see, my own understanding -(*Interruption)*

**MR RUHINDI:** Mr Speaker, the proposed amendment by hon. Wadri, in my opinion, is brought in good faith and within the spirit of this motion. My only problem is that we sit here in this Parliament and create institutions and give them responsibilities and powers. You are rightly pointing out the office of the DPP, but your submission on his role and powers is still wanting. Look at Article 120 of the Constitution. Can you see what authority the motion we make here can have on this particular Article? That is very clear. Article 120, Clause 6 says: *“In the exercise of the functions conferred on him or her by this Article, the Director of Public Prosecutions shall not be subject to the direction or control of any person or authority.”*

I have captured the gist of your submission and it can be considered. You are saying that, “You are Government and you can actually consider those; you can sit with the DPP and you can do this and that”. Let us take that within clause 6 of the motion, where Government is going to engage political parties and organisations in dialogue. During that process, these issues of mitigating sentences, release of persons and so on and so forth should come in there. However, to say in our motion and we pass it that we have unconditionally directed the DPP to release those he has arrested even where he feels he has got relevant evidence, may be unconstitutional. Thank you.

**THE SPEAKER:** You see, hon. Baba Diri cannot see what is going on. Can we allow her to say something? Okay, hon. Baba Diri will come later.

**MR WADRI:** My teacher, hon. Baba Diri, you will bear with me. In these particular cases, there is the complainant and it is Government of Uganda. That is the reason why it states, “Government of Uganda v so and so”. The matter is criminal and the complainant in this case is the state. Just like in the similar case that I referred to, there was the chamber of the DPP in the case of the late Sserwanga Lwanga. There was the DPP and the Uganda Government as the complainant and you were able to give a concession.

**MR KUTESA:** May I inform hon. Kassiano, who says that I am his mentor, that by that time, the DPP under the 1967 Constitution was not independent? That is a fact of law.

**GEN. TUMWINE:** I will give two points of information. The first one is the one he referred to of the peace talks that were in Nairobi, in which I personally participated. I will give you accurate information because you are trying to compare incomparable things. You are comparing a situation when the forces of NRA had crossed Katonga and were about to capture government and the Government that was in power had all its forces. Those are two situations that existed that cannot be compared in any degree with the present situation that we are dealing with.

Secondly, the release of the late Sserwanga Lwanga was not put as a condition for the peace talks. Actually, it was in exchange for the aircraft we had captured in Kasese. So, let that record be clear. That was not put as a condition, and this is authentic information. You miss the facts.

I get concerned when I see the way we lightly take political issues. Situations which are so serious are taken across the table very lightly. It is the same with somebody who said there is no complainant for those people who were arrested. Shops were robbed, vehicles were vandalised, and stones were thrown at people and they were injured. These are facts which we cannot just rub off as “no crime”. Actually, afterwards I would like to make an amendment once we have dealt with this.

**THE SPEAKER:** Hon. Members, I am going to put the question. You either adopt the resolution or you do not. We have spent a lot of time on this. First of all, on the amendment put by hon. Wadri; he wants unconditional release for those arrested. I put the question to that.

*(Question put and negative.)*

**THE SPEAKER:** Now I put the question to the amendments as framed in the resolutions.

*(Question put and agreed to.)*

*(Motion adopted.)*

**MR WADRI:** Thank you, Mr Speaker. I am very happy that at least you have allowed me this opportunity to be on record. We have hurriedly passed this motion yet we had many more amendments, which we wanted to bring.

**THE SPEAKER:** Hon. Members, yesterday we agreed that you sit with the movers of the motion and whoever has an amendment brings it. This was done, a report was made and now again other amendments are being made - no, we do not have that time. Anyway, the matter is closed. We go to the next business.

BILLS

COMMITTEE STAGE

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS (AMENDMENT) BILL, 2010

12.16

*Clause 1, agreed to.*

Clause 2

**MR TUMWEBAZE:** Mr Chairman, we have an amendment to Clause 2. I beg that we correct it. There are some errors in the way it appears in the report. It should read, in paragraph c, insert immediately after sub-clause (1)(a) the following:

“(1)(b) Subject to sub-section (1)(c), this Act shall not apply to the Auditor-General in the selection of private audit firms to undertake any assignment under the mandate of the Auditor-General.

(1)(c) The Auditor-General shall, in exercise of his or her mandate in sub-section (1)(b), apply the principles of transparency and competition in order to ensure value for money.”

The justification is to bring the provision in line with Article 163(6) of the Constitution which provides for the independence of the Auditor-General in the exercise of his or her audit mandate. I beg to submit.

**THE CHAIRMAN:** I put the question.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

Clause 3

**MR TUMWEBAZE:** Mr Chairman, we propose to amend clause 3, the interpretation:

1. Under the definition of “emergency situation” in paragraph (e) on page 9, replace the words “consultancy services” with the word, “procurement”.

**THE CHAIRMAN:** Hon. Members, the practice recently has been that we leave this interpretation clause for later rather than dealing with it before. So, we shall refer to it after we have gone through others. If you have any amendment to clause 3, it will come after because we may find ourselves having other definitions as we go through other clauses.

**MR NANDALA-MAFABI:** Mr Chairman, we are making a law but do we have quorum?

**THE CHAIRMAN:** Okay, let me see. Unfortunately, we do not have quorum. Can you ring the bell *–(Interjections)–* you are entitled to raise that issue. Let us resume.

MOTION FOR THE HOUSE TO RESUME

12.19

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (INVESTMENT) (Mr Aston Kajara):** Mr Chairman, I beg to move that the House do resume and the Committee of the Whole House reports thereto.

**THE CHAIRMAN:** I put the question to the motion.

*(Question put and agreed to.)*

*(The House resumed, the Speaker presiding.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

**THE SPEAKER:** No, leave that out. We are not going to adopt the report until there is quorum.

Hon. Members, I appeal to you; although your term is ending soon, it is expiring on the 18th and you are supposed to continue displaying diligence by attending to parliamentary business. We will be asked, “Where are the other people?” and they will have no explanation to give. I am appealing to Members to continue attending to parliamentary work. I suspend the proceedings for 15 minutes.

*(The proceedings were suspended at 12.20 p.m.)*

*(On resumption at 12.42 p.m. the Speaker presiding\_)*

**THE SPEAKER:** The quorum of this Parliament now for making decisions is about 83 Members of Parliament. As I see, the numbers here are fewer despite the fact that we suspended the proceedings for 15 minutes. In the circumstances, I have no alternative but to adjourn this House and appeal to you to come on Monday afternoon to be able to deal with this Bill and any other pending business but with the necessary numbers.

I thank those who are able to come - those who are here - but please talk to your colleagues so that they continue to carry out their mandate and duty as expected until the expiry of the term of this Parliament, which will be on 18th. The 18th is the day we first met five years ago and it is the day the mandate of this Parliament expires. I really thank you.

On Tuesday, there will be an occasion when we shall meet at a party, a garden *–* yes, and *kyamucate*. (*Laughter*) You will be given the details. Those who have not been able to come these days at least let them come on Tuesday. I think we shall be in Serena. The House adjourned until Monday at 2.00 p.m. Thank you very much.

*(The House rose at 12.44 p.m. and adjourned until Monday, 9 May 2011 at 2.00 p.m.)*