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GAZETTE NOTICE NO. 4051

THE COMMISSIONS OF INQUIRY ACT

(Cap. 102)

JUDICIAL COMMISSION OF INQUIRY

CITATION

A JUDICIAL COMMISSION to inquire into allegations made within and outside Parliament involving Charles Mugane Njonjo, former Minister for Constitutional Affairs and Member of Parliament for Kikuyu Constituency, that he conducted himself in a manner prejudicial to the State and calculated to cause alarm and despondency with a view to undermining the office of Head of State of the Republic of Kenya and the image and performance of the Government thereof as by law established and generally or in particular to matters appertaining thereto.

NOW THEREFORE, in exercise of the powers conferred upon the President by section 3 of the Commissions of Inquiry Act, I, Daniel Toroitich arap Moi, President of the Republic of Kenya, do hereby direct the Commissioners to hold an inquiry at Old Chamber, Parliament Buildings, Nairobi, commencing on the 28th day of October, 1983, at 10 a.m. of which the terms of reference shall be:

- (a) to inquire into allegations that Charles Mugane Njonjo conducted himself in a manner prejudicial to the security of the State, the position of the Head of State, the image of the President and the constitutionally established government of the Republic of Kenya, including among others,

allegations that he was a party to a conspiracy or conspiracies to overthrow, by unlawful means, the Government of the Republic of Kenya, during the month of August 1982, or the concealment thereof; was a party to the unlawful activities of one Andrew Mungai Muthemba, or the concealment thereof; and was a party to the convening of the purported Rungiri Presbyterian Church of East Africa prayer meeting on 12th June, 1983 and/or its conversion into an irregular political gathering with the intention of undermining the position and image of the President and the political leadership in the country;

- (b) to inquire into allegations that Charles Mugane Njonjo acted against Kenya's national interest and policy of maintaining good neighbourliness and of opposing the inhuman régime of South Africa, including among others,

allegations that he was a party to a conspiracy or conspiracies to overthrow, by unlawful means, the brotherly government of the Republic of Seychelles as by law established, during the month of November

1981, especially when His Excellency the President of Kenya was Chairman of the Organization of African Unity;

- (c) to inquire into allegations that Charles Mugane Njonjo misused his office as Attorney-General and/or as Minister, including among others,

allegations that he arrogated to himself the duties and powers of the President; that he solicited or received or attempted to receive or offered or made or attempted to make corrupt payments, granted favours or acted to the prejudice of individuals, to seek political support, to undermine the process of democracy and to protect persons involved in illegal activities;

- (d) to inquire generally or in particular into any other matter pertaining to the above;

and in accordance with the provisions of section 7 (1) of the said Act, to report thereon.

AND I DO HEREBY direct that Mr. Justice C. H. E. Miller, a Judge of the Court of Appeal of the Republic of Kenya, Mr. Justice C. B. Madan, a Judge of the Court of Appeal of the Republic of Kenya and Mrs. Justice Effie Owour, a Judge of the High Court of the Republic of Kenya shall be the Commissioners and that Mr. Justice C. H. E. Miller shall be the Chairman of the said Commission.

AND I DO HEREBY appoint Jared Benson Kangwana, Esq. and Benjamin Patrick Kubo to be Secretaries to the said Commission.

AND I DO HEREBY appoint Lee Gacuiga Muthoga, Timan Ndere Njugi and John Walter Onyango Otieno to be Counsel to assist the said Commission.

AND I DO HEREBY direct that in accordance with the provisions of section 10 (1) of the said Act the Commissioners shall summon the said Charles Mugane Njonjo, and any other person or persons concerned, to testify on oath and to produce any books, plans and documents that the Commissioners may require.

AND I DO HEREBY direct that after its commencement, the said inquiry may be held at such times and in such places as the said Commissioners may from time to time determine and shall be held in public or in private or partly public and partly in private as the said Commissioners may from time to time determine:

AND I DO HEREBY direct that the said Commissioners shall execute the said inquiry with all due diligence and speed and make their report without undue delay:

AND I DO HEREBY command all other persons whom it may concern to take due notice hereby and to give their obedience accordingly.

Dated the 20th October, 1983.

DANIEL TOROITICH ARAP MOI,
President of the Republic of Kenya.

GAZETTE NOTICE No. 4052

IN THE MATTER OF A JUDICIAL COMMISSION OF INQUIRY ESTABLISHED BY HIS EXCELLENCY THE PRESIDENT ON 26TH OF JULY, 1983, UNDER THE COMMISSIONS OF INQUIRY ACT, CAP 102 OF THE LAWS OF KENYA TO INQUIRE UNDER ITS TERMS OF REFERENCE INTO ALLEGATIONS MADE INVOLVING CHARLES MUGANE NJONJO AS SET OUT IN THE COMMISSION'S TERMS OF REFERENCE.

TO:

CHARLES MUGANE NJONJO,
NAIVASHA AVENUE,
MUTHAIGA,
P.O. BOX 40666, NAIROBI.

WHEREAS His Excellency the President and Commander-in-Chief of the Armed Forces of the Republic of Kenya has appointed a Commission of Inquiry to inquire into your conduct as per the Citation and Terms of Reference thereof annexed hereto:

TAKE NOTICE that we, the said Commission of Inquiry will assemble at Old Chamber, Parliament Buildings at 10 a.m. on the 28th day of October, 1983, to conduct the said Inquiry.

AND FURTHER TAKE NOTICE that you, the said Charles Mugane Njonjo, may appear either in person or by your advocate at the hearing of the evidence, to cross-examine any witness testifying thereto, and to adduce without unreasonable delay material evidence in your behalf in refutation of or otherwise in relation to the evidence.

AND FURTHER TAKE NOTICE that the Commission will proceed to hold the inquiry and receive evidence pertaining thereto your absence notwithstanding.

GIVEN under the hand of the Chairman for and on behalf of the said Commission of Inquiry at Old Chamber, Parliament Buildings, Nairobi.

Dated at Nairobi the 20th October, 1983.

C. H. E. MILLER,
Chairman,
Commission of Inquiry.

TO BE SERVED ON:

CHARLES MUGANE NJONJO,
NAIVASHA AVENUE,
MUTHAIGA,
P.O. BOX 40666, NAIROBI.

PLEASE ACKNOWLEDGE THIS NOTICE
AND THE ATTACHED INSTRUMENT
BY SIGNING HEREUNDER:

.....
CHARLES MUGANE NJONJO.
.....day of October, 1983.