



# THE KENYA GAZETTE

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GAZETTE NOTICE No. 3312

## THE COMMISSIONS OF INQUIRY ACT (Cap. 102)

### APPOINTMENT OF JUDICIAL COMMISSION OF INQUIRY

IN EXERCISE of the powers conferred by section 3 of the Commissions of Inquiry Act, I, Daniel Toroitich arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, being of the opinion that it is in the public interest, do appoint a commission of inquiry to inquire into the tribal clashes which have occurred in various parts of Kenya since 1991, to be headed by Hon. Mr. Justice Akilano Molade Akiwumi as the chairman, and

Hon. Mr. Justice Elkana Onderi Bosire,  
Hon. Lady Justice Sara Chibai Ondeyo,

as the commissioners, and

Hon. Mr. Justice Elkana Onderi Bosire,  
as the vice-chairman, and

Jacob Leita ole Kipury,  
Peter Musembi Muhati Alubale,  
to be the joint secretaries of the commission, and

John Nyaga Gacivih,  
Dorcas Agik Oduor,  
to be counsel to assist the commission.

Dated the 1st July, 1998.

D. T. ARAP MOI,  
President.

### GAZETTE NOTICE No. 3313

## THE COMMISSIONS OF INQUIRY ACT (Cap. 102)

### JUDICIAL COMMISSION OF INQUIRY Citation

A JUDICIAL COMMISSION to inquire into tribal clashes in Kenya.

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 and Commander-in-Chief of the Armed Forces of the Republic of Kenya, do direct the commissioners to hold an inquiry at Nairobi with immediate effect. The terms of reference shall be:

- (a) To investigate the tribal clashes that have occurred in various parts of Kenya since 1991, with a view of establishing and/or determining—
  - (i) the origin, the probable, the immediate and the underlying causes of such clashes;
  - (ii) the action taken by the police and other law enforcement agencies with respect to any incidents of crime arising out of or committed in the course of the said tribal clashes and where such action was inadequate or insufficient, the reasons therefor;
  - (iii) the level of preparedness and the effectiveness of law enforcement agencies in controlling the said tribal clashes and in preventing the occurrence of such tribal clashes in future;
- (b) To recommend—
  - (i) prosecution or further criminal investigations against any person or persons who may have committed offences related to such tribal clashes;
  - (ii) ways, means and measures that must be taken to prevent, control or eradicate such clashes in future;
  - (c) to do, inquire into or investigate any other matter that is incidental to or connected with the foregoing,

and in accordance with section 7 (1) of the said Act, to report thereon as soon as reasonably practicable, but not later than the 31st December, 1998.

And I do direct that—

Hon. Mr. Justice Akilano Molade Akiwumi, a judge of the Court of Appeal,

Hon. Mr. Justice Elkana Onderi Bosire, a judge of the Court of Appeal, and

Hon. Lady Justice Sara Chibai Odeyo, a judge of the High Court of Kenya;

shall be the commissioners and that Hon. Mr. Justice Akilano Molade Akiwumi, shall be the chairman of the said commission and Hon. Mr. Justice Elkana Onderi Bosire shall be the vice-chairman.

And I do appoint—

Jacob Leita ole Kipury, and  
Peter Mugeshi Muhati Alubale,

to be the joint secretaries to the commission;

and further, I do appoint—

John Nyaga Gacivih, and  
Dorcas Agik Oduor,

to be counsel to assist the said commission.

And I do direct that, in the performance of its task, the commission shall receive views from members of the public and receive oral and/or written statements from any person with relevant information, and may—

(a) use official reports of any previous investigations into the tribal clashes;

(b) use any investigation report by any institution or organization into such tribal clashes;

(c) commission reports from experts in any relevant areas.

And I do direct that the commission may co-opt not more than five (5) persons who, in the view of the commission, could facilitate effective execution of its functions on specific issues spelt out in the terms of reference.

And I do direct that in accordance with the provisions of section 10 (1) of the said Act, the commissioners shall summon any person or persons concerned to testify on oath and to produce any books, plans and documents that the commissioners may require.

And I do 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 as the said commissioners may, from time to time, determine.

And I do direct that the said commissioners shall execute the said inquiry with all diligence and speed and make their report without undue delay.

And I do command all other persons whom it may concern to take due notice hereof and to give their obedience accordingly.

Dated the 1st July, 1998.

D. T. ARAP MOI,  
President.