



THE KENYA GAZETTE

Published by Authority of the Republic of Kenya

(Registered as a Newspaper at the G.P.O.)

Vol. C—No. 48

NAIROBI, 10th August, 1998

Price Sh. 35

GAZETTE NOTICE No. 4291

THE PREVENTION OF CORRUPTION ACT

(Cap. 65)

TRIBUNAL OF INQUIRY

Rules of Procedure

THIS Tribunal of Inquiry has been convened pursuant to its appointment to inquire into the capability or competence of John Harun Mwau, Director of the Kenya Anti-Corruption Authority, to properly perform the functions of his office, as stated in Gazette Notice No. 3960 of 1998.

The tribunal makes the following rules for the conduct and management of the proceedings of the inquiry under section 11B (2H) (b) of the Act.

- (a) The Attorney-General may appear as *amicus curiae*.
- (b) The tribunal shall sit daily from Monday to Friday commencing at 9.00 a.m.
- (c) The subject of the inquiry shall have the right to be present during all of the proceedings and may choose to be represented by counsel of his choice.
- (d) Counsel assisting the tribunal will present evidence relating to the inquiry.
- (e) The counsel assisting the tribunal may draw up a list of allegation or allegations against the subject of the inquiry,

and the subject of the inquiry shall be entitled to a copy of the document containing the allegation or allegations.

- (f) The tribunal may at its sole discretion summon any person or persons to testify before it on oath, and the person so summoned shall be obliged to attend and the provisions applying to witnesses summoned by ordinary courts of law shall apply to such person.
- (g) The tribunal shall be guided by the ordinary rules of evidence and procedure and in particular, the rule of relevancy.
- (h) The subject of the inquiry shall have the right to cross-examine any or all witnesses. If the subject is represented by counsel, then counsel shall do the cross-examination.
- (i) The subject of the inquiry shall be entitled to call evidence to rebut allegations made against him.
- (j) Counsel assisting the tribunal may cross-examine the subject of the inquiry and any witnesses called by him.
- (k) At the close of all the evidence that may be called before the tribunal, counsel assisting tribunal and the subject of the inquiry or, if represented, his counsel, may make such submissions as they may think necessary.

R. S. C. OMOLO,
Chairman.

