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GAZETTE NOTICE NO. 5132

**THE KENYA NATIONAL COMMISSION ON HUMAN
RIGHTS ACT
(No. 9 of 2002)**

APPOINTMENT OF COMMISSIONERS

IN EXERCISE of the powers conferred by section 6 (7) of the Kenya National Commission on Human Rights Act, 2002, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint—

Mavisi Violet Khadi,
Philip Tirop Kitur,
Khelifa Khalifa,
Fatuma Ibrahim Ali,
Maina Kiari,
Godana Doyo Adhi,
Catherine M. Mumma,
Lawrence M. Mute,
Wambui Kimathi,

to be commissioners of the Kenya National Commission on Human Rights, with effect from the 29th July, 2003.

Dated the 29th July, 2003.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 5133

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

**JUDICIAL COMMISSION OF INQUIRY ON THE
"GOLDENBERG AFFAIR"**

APPOINTMENT OF SECRETARY

IN EXERCISE of the powers conferred by section 6 of the Commissions of Inquiry Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint—

GEORGE MONG'ARE KEGORO

to be a joint secretary to the Commission appointed by me through Gazette Notice Nos. 1237 and 1238 of 2003, with effect from the 1st August, 2003, and revoke the appointment of Dan K. Ameyo.

Dated the 29th July, 2003.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 5134

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

**JUDICIAL COMMISSION OF INQUIRY INTO THE
"GOLDENBERG AFFAIR"**

AMENDMENT

WHEREAS by virtue of a commission issued by me through Gazette Notice Nos. 1237 and 1238 of 2003, an inquiry commenced into the "Goldenberg Affair".

AND WHEREAS it is necessary to amend the terms of reference of the said commission;

NOW THEREFORE, in exercise of the powers conferred by section 4 of the Commissions of Inquiry Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, amend the terms of reference of the commission specified in Gazette Notice No. 1238 of 2003:

(a) By deleting paragraph (e) and inserting the following new paragraphs—

(e) to inquire into the origins of, acceptance and implementation by the Central Bank of Kenya of the Rediscounting Facility for Pre-Export Bills of Exchange;

(f) to inquire into allegations that under the Central Bank of Kenya Rediscounting Facility for Pre-Export Bills of Exchange, various amounts were fraudulently paid out of the Central Bank of Kenya, through the Exchange Bank Limited, Kenya Commercial Bank Limited, National Bank of Kenya Limited, Delphis Bank Limited, Trust Bank Limited, Trade Bank Limited and any other commercial bank, to Goldenberg International Limited, Siro Voulla Rousalis and any other party, occasioning loss to the Central Bank of Kenya;

(g) to inquire into allegations that the moneys fraudulently paid to Goldenberg International Limited, Exchange Bank Limited and other companies as export compensation under paragraphs (b) and (c), and under the Rediscounting Facility for Pre-Export Bills of Exchange under paragraph (f), were allegedly used by those companies, their shareholders or directors to fraudulently earn profits by speculating in convertible foreign exchange bearer certificates;

- (h) to inquire into allegations that the Exchange Bank Limited, Goldenberg International Limited, their shareholders and directors, used the moneys paid to them under paragraphs (b), (c) and (f), jointly with Pan African Bank Limited, Delphis Bank Limited, Transnational Bank Limited and Post Credit Bank Limited to defraud the Central Bank of Kenya through a fraudulent scheme of cheque kiting;
- (i) to inquire into the origins of, acceptance and implementation of the special issue of Treasury Bills by the Central Bank of Kenya during the years 1992 and 1993, in relation to the moneys obtained under paragraphs (b), (c) and (f) and establish the further loss, if any, occasioned to the Central Bank of Kenya;
- (j) to inquire whether the moneys illegally obtained from the Central Bank of Kenya, the Customs Department and the Treasury were utilized, in part or at all, to fund the campaigns of any political parties, and if so, which parties and to what extent;
- (k) to inquire into the effect the Goldenberg-related civil and criminal litigation had on the administration of justice in Kenya;
- (l) to inquire into and establish the identities of the shareholders, directors and beneficial owners of all companies, partnerships and other business entities involved in the transactions in question;
- (m) to inquire into, establish and trace, locally and internationally, all assets acquired directly or indirectly with moneys illegally obtained from the Central Bank of Kenya, the Customs Department and the Treasury through the transactions under inquiry;

- (n) to inquire into and establish the identities of the parties involved in the illegal destruction of documents and other materials in a scheme to cover up the colossal loss to the Government occasioned by the "Goldenberg Affair" in order to avoid detection, investigation and prosecution or otherwise obstruct the course of justice;
- (o) to inquire into allegations that the disputed acquisition of the assets in Kenya, of World Duty Free Company Limited, incorporated in the Isle of Man, by Kamlesh Pattni *vide* a court order in Kenya was in pursuance of the cover-up of the irregularities in the "Goldenberg Affair";
- (p) to inquire into and establish the identities of all persons adversely affected, or who sustained any loss or damage as a result of the aforesaid illegal attempt to cover up the irregularities in the "Goldenberg Affair";
- (q) to inquire into the overall detrimental effect on the Kenyan economy following the irregular payments and to inquire into the extent of the damage, if any, the foregoing transactions had on the economy, and may continue to have in future;
- (r) to inquire into and investigate any other matter that is incidental to or connected with the foregoing terms of reference.
- (b) By renumbering the existing paragraph (f) as paragraph (s) and inserting the words "or to any other party" immediately after the word "Government" appearing in subparagraph (iii) thereof.

Dated the 29th July, 2003.

MWAI KIBAKI,
President.