



# THE KENYA GAZETTE

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GAZETTE NOTICE No. 4473

## THE COMMISSIONS OF INQUIRY ACT

(Cap. 102)

### COMMISSION OF INQUIRY INTO THE POST-ELECTION VIOLENCE FOLLOWING THE DECEMBER, 2007 GENERAL ELECTION

#### APPOINTMENT

IN EXERCISE of the powers conferred by section 3 of the Commissions of Inquiry Act, I, Mwai Kibaki, 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 to do so, appoint a commission of inquiry to inquire into the post-election violence experienced in Kenya after the General Elections held on 27th December, 2007, to be headed by—

Philip Waki—(*Judge of Appeal*);

as the Chairman, and

Gavin Alistair McFadyen,  
Pascal K. Kamale,

as commissioners, and

George Mong'are Kegoro,

to be the Secretary to the Commission, and

David Shikomera Majanja,

to be Counsel to assist the Commission.

Dated the 22nd May, 2008.

MWAI KIBAKI,  
*President.*

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## THE COMMISSIONS OF INQUIRY ACT

(Cap. 102)

### COMMISSION TO INQUIRE INTO THE POST-ELECTION VIOLENCE EXPERIENCED IN KENYA AFTER THE GENERAL ELECTIONS HELD ON 27TH DECEMBER, 2007.

#### CITATION

IN EXERCISE of the powers conferred on me by section 3 of the Commissions of Inquiry Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, do direct the commissioners to hold an inquiry with immediate effect.

#### 1. The terms of reference shall be to—

- (a) investigate the facts and surrounding circumstances related to acts of violence that followed the 2007 Presidential Election;
- (b) investigate the actions or omissions of State security agencies during the course of the violence, and make recommendations as necessary;
- (c) perform any other tasks that the Commission may deem necessary in fulfilling the foregoing terms of reference;
- (d) recommend—
  - (i) measures to be taken to prevent, control or eradicate the occurrence of similar deeds in future;
  - (ii) measures with regard to bringing to justice those persons responsible for criminal acts;
  - (iii) measures to eradicate impunity and promote national reconciliation in Kenya.
  - (iv) Such other legal, political or administrative measures as the Commission may deem necessary;
- (e) make such recommendations to the Truth, Justice and Reconciliation Commission as the Commission may deem appropriate,

and to report its findings and recommendations within three months.

#### 2. In the discharge of its mandate, the Commission shall—

- (a) receive views from members of the public and receive oral and/or written statements from any person with relevant information, and may—
  - (i) use official reports of any previous investigations;
  - (ii) use any investigation report by any institution or organization;
  - (iii) carry out or cause to be carried out such studies or research in any relevant areas;

- (b) determine its own rules of procedure and develop its own work plan.
  - (c) publish its rules or procedure in the Kenya Gazette;
  - (d) summon any person or persons concerned to testify on oath and to produce any books, plans and documents that the commissioners may require
  - (e) hold the inquiry in Nairobi or at such places as it may, from time to time, determine;
  - (f) hold the inquiry in public but may hold private hearings whenever it becomes necessary to instil confidence in the people appearing before the commission or to allay their fears of adversity or reprisal;
  - (g) execute the said inquiry with all diligence and speed and make their report without undue delay.
3. The Commission shall have all the powers necessary or expedient to effectively discharge its mandate, including the power to require co-operation from public officers and relevant institutions.
4. The Commission shall produce and submit to the President and the Panel of Eminent African Personalities a final report on its findings and recommendations which shall be made public, in English and Swahili, within fourteen days of submission.

5. The Commission shall be funded by the Government of Kenya and from the Trust Fund for the National Dialogue and Reconciliation.

Dated the 22nd May, 2008.

MWAI KIBAKI,  
*President.*

GAZETTE NOTICE NO. 4475

THE STATE CORPORATIONS CT

(Cap. 446)

THE EAST AFRICAN PORTLAND CEMENT COMPANY  
LIMITED

APPOINTMENT

IN EXERCISE of the powers conferred by section 5 (3) of the State Corporations Act, the Minister for Industrialization appoints—

JOHN NYAMBOK (Eng.)

to be the Managing Director of the East African Portland Cement Company Limited, for a period of three (3) years, with effect from 9th May, 2008.

Dated the 21st May, 2008.

HENRY KOSGEY,  
*Minister for Industrialization.*