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GAZETTE NOTICE No. 13554

THE COMMISSIONS OF INQUIRY ACT

(Cap. 102)

APPOINTMENT OF JUDICIAL COMMISSION OF INQUIRY INTO THE ETHNIC VIOLENCE IN TANA RIVER, TANA NORTH AND TANA DELTA DISTRICTS

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 Kenya Defence Forces, being of the opinion that it is in the public interest, do hereby appoint a commission of inquiry to inquire into the ethnic violence which have occurred in Tana River, Tana North and Tana Delta Districts, to be headed by Lady Justice Grace Nzioka, Judge as the chairperson and—

Emily Ominde, Chief Magistrate,
Abdulqadir Lorot Ramadhan, Principal Magistrate,

as the commissioners, and

MacDonald Oguya,
Joseph Narangwi,

to be the joint secretaries of the Commission; and

Wamuti Ndegwa,
Ruth Lutta (Ms.),

to be counsel to assist the Commission.

Dated the 21st September, 2012.

MWAI KIBAKI,
President.

GAZETTE NOTICE No. 13555

THE COMMISSIONS OF INQUIRY ACT

(Cap. 102)

JUDICIAL COMMISSION OF INQUIRY INTO THE ETHNIC VIOLENCE IN TANA RIVER, TANA NORTH AND TANA DELTA DISTRICTS

A JUDICIAL COMMISSION to inquire into the ethnic violence in Tana River, Tana North and Tana Delta Districts.

NOW THEREFORE, 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 Kenya Defence Forces, do

direct the commissioners to hold an inquiry at Mombasa with immediate effect. The terms of reference shall be—

(a) to investigate the ethnic violence that has occurred in Tana River, Tana North and Tana Delta Districts with a view of establishing and/or determining—

(i) the origin, the probable, the immediate and the underlying causes of such violence;

(ii) action taken by law enforcement agencies with respect to any incidents of crime arising out of or committed in the course of the said ethnic violence and where such action was inadequate or insufficient, the reasons therefore;

(iii) the level of preparedness and the effectiveness of law enforcement agencies in controlling the said ethnic violence and in preventing the occurrence of such ethnic violence in future;

(b) to do, inquire into or investigate any other matter that is incidental to or connected with the foregoing,

(c) to recommend—

(i) prosecution or further criminal investigations against any person or persons who may have committed offences related to such ethnic violence;

(ii) ways, means and measures that must be taken to prevent, control or eradicate such violence in future;

and in accordance with section 7(1) of the said Act, to report thereon as soon as reasonably practicable, but not later than the 30 days from the date of being sworn in into office or any such other reasonable extension as I may in writing extend.

And I do direct that—

Emily Ominde, Chief Magistrate
Abdulqadir Lorot Ramadhan, Principal Magistrate

shall be the commissioners and that Lady Justice Grace Nzioka—Judge shall be the chairperson of the said commission.

And I do appoint—

MacDonald Oguya,
Joseph Narangwi

to be the joint secretaries to the Commission;

And further, I do hereby appoint—

Wamuti Ndegwa,
Ruth Lutta (Ms.),

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 and into the ethnic violence;
- (b) use any investigation report by any institution or organization into such ethnic violence;
- (c) commission reports from experts in any relevant areas.

And I do direct that the Commission may co-opt not more than two (2) 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 in any extent not later than 30 days of being sworn in into office or any such other reasonable extension as I may in writing extend.

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

Dated the 21st September, 2012.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 13556

THE CONSTITUTION OF KENYA
THE TEACHERS SERVICE COMMISSION ACT
(No. 20 of 2012)
THE TEACHERS SERVICE COMMISSION
APPOINTMENT OF SELECTION PANEL

IN EXERCISE of the powers conferred by 8 (1) of the Teachers Service Commission Act, 2012, I, Mwai Kibaki, President and Commander-in-Chief of the Kenya Defence Forces, in consultation with the Prime Minister, declare vacancies in the Teachers Service Commission and appoint—

James M. Kamunge,
Henry Okello Ayot (Prof.),
Francis M. Ng'ang'a,
John Kipkorir,
Ernest M. Wangai,
Mohammed M. Mwinyipembe,
Alice W. Muita,
Helel Cheramboss,
Muthoni Kimani,

to be members of the Selection Panel for the purpose of selecting suitable candidates for appointment as the Chairperson and members of the Teachers Service Commission, under section 8 of the Act.

Dated the 21st September, 2012.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 13557

TASK FORCE ON FORMULATION OF COMMUNITY LAND
AND EVICTIONS AND RESETTLEMENT BILLS

APPOINTMENT

IT IS notified for the general information of the public that the Minister for Lands has appointed a Task Force consisting of the following:

Elizabeth Nzioki (Dr.)—(*Chairperson*);

Members:

Patricia Kameri-Mbote (Prof.)
Collins Odote (Dr.)
Korir Singoei (Dr.)
Odindo Opiata
Ibrahim Mwathane
Winnie Mwangi (Dr.)
Peter Musyimi
Prof. Simiyu Wandibba
Faith Waigwa
Soipan Tuyu
Harry Frederick Mugo
Jane Mumbi Weru
Erastus Lokaale
Amina A. Hashi
Richard L. Lelemusi
Mercy Njamwea
Irene Mutai
Cesare Mbaria
V. K. Liyai

Joint Secretaries:

Priscilla Nyaga
Bernard Leitch
Vane Akama

The Task Force may co-opt professional and any appropriate competence within or outside Government.

Terms of Reference for the Task Force:

The mandate of the Task Force is to prepare two draft bills namely—

- (a) Community Land bill; and
- (b) Evictions and Resettlement Bill.

The Task force will formulate these draft bills through a consultative process and in close collaboration with Ministry of Lands, key Ministries and other stakeholders.

To achieve their mandate the Task Force will:

- Hold consultative meetings to discuss and understand community lands on recognition of rights, administration and management of community lands and evictions and resettlement.
- Review/Research the best practices from within and other countries that have statutorily recognized community land rights and evictions and resettlement to inform the development of the Bills.
- Review existing zero draft Community Land Bill.
- Review existing first draft evictions and resettlement Bill.
- Formulate a draft Community Land Bill that meets provisions of the Constitution and the Sessional Paper No. 3 on National Land Policy.
- Formulate a draft Evictions and Resettlement Bill based on provisions of the Constitution, National Land Policy and recommendations/findings of consultative processes.
- Hold regional fora with public and stakeholders to discuss draft Bills and use feedback from these consultative processes to firm up draft Bills.

In the performance of their tasks, the Task Force shall:

- (a) Prepare detailed Work Plan indicating the milestones and timelines.

- (b) Develop a prioritized Matrix clearly categorizing the immediate, medium and long-term reforms and budgetary requirements.
- (c) Review documents relevant to mandate.
- (d) Hold consultative forums with professionals, land sector stakeholders and public.

Reporting:

- (a) The Task Force shall report to the Minister for Lands; and
- (b) Shall regularly advise and keep the Minister apprised on progress. Without prejudice to the generality of the foregoing, it shall make monthly progress reports to the Minister.

Mode of Operation:

In the performance of the duties, the Task Force shall regulate its procedure.

Quorum:

The quorum of any meeting for purpose of conducting any business other than to appoint a temporary chairman shall be six excluding the chairman.

Duration

- (a) The Task Force shall finalize its task within a period of two months with effect from the date of gazettelement.
- (b) Any of the members other than the public officers may resign by writing to the Minister to that effect and such resignation, shall take effect upon such letter of resignation being received by the Minister.

Costs:

The costs incurred by the Task Force, including but not restricted to facilitation and the payment of allowance in respect of the members and the secretariat of the Task Force, shall be defrayed from voted funds of the Ministry.

Dated the 19th September, 2012.

JAMES ORENGO,
Minister For Lands.