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THE CONSTITUTION OF KENYA

APPOINTMENT OF A SPECIAL ACTION COMMITTEE TO ADDRESS SPECIFIC CONCERNS OF THE MUSLIM COMMUNITY IN REGARD TO ALLEGED HARASSMENT AND/OR DISCRIMINATION IN THE APPLICATION/ ENFORCEMENT OF THE LAW

APPOINTMENT

IT IS notified for public information that in exercise of the powers conferred by section 23 (1) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya appoint Special Action Committee to look into and address specific concerns raised by the Muslim community with regard to alleged harassment and/or discrimination in the process of the application of the law particularly as regards to security issues.

1. The Committee shall comprise of—

A. M. H. Sharawe (Eng.)—(*Chairman*);

Members:

Attorney-General,
Permanent Secretary, Ministry of State for Provincial
Administration and Internal Security,
Permanent Secretary, Ministry of State for Immigration,
Permanent Secretary, Ministry of Justice and Constitutional
Affairs,
Permanent Secretary, Ministry of Foreign Affairs,
Sheikh Abu Hamza,
Yunis Maalim Mahal (Amb.),
Hassan Lakicha,
Shiraz Magan;
Amna Mohamed (Amb.)—(*Secretary*).

The Committee shall be in office for a period of four (4) months.

2. The functions of the Committee shall be:

- (a) To receive individual complaints of alleged harassment and/or discrimination in the treatment of persons who profess the Muslim faith with regard to security operations,
- (b) To ascertain whether, on the face of it, there is merit in a complaint, and thereafter to act on the complaint appropriately,

which may include channeling it to the responsible department of Government for action.

- (c) To inquire into allegations of wrongful or illegal denial of entry into or exit out of Kenya by Kenyan citizens who profess the Muslim faith.
 - (d) To take immediate action so far as is possible to solve the problem disclosed in (a), (b) and (c) above.
 - (e) To oversee, co-ordinate, monitor and follow up specific action on identified problem cases.
 - (f) To review regulations, codes of conduct, processes and procedures in the public service and recommend changes necessary to avoid or reduce similar complaints.
 - (g) To prepare advisory opinions or proposals on appropriate remedial action to be taken by the Permanent Secretaries or chief executives of responsible Ministries or public bodies.
 - (h) To recommend appropriate policy and legislative reforms.
3. In the performance of its functions the Committee:
- (a) Shall be responsible to His Excellency the President.
 - (b) Shall hold such number of meetings in such place and at such times as the Committee shall consider necessary for the proper discharge of its functions.
 - (c) May use official reports of any previous investigations or complaint of a public nature relevant to its mandate.
 - (d) May carry out or cause to be carried out such studies, investigations or research as may inform the Committee on its mandate.
 - (e) Shall have all the powers necessary or expedient for the proper execution of its mandate, including the power to regulate its own procedures.
 - (f) Shall prepare and submit, to the President, an initial progress report on its interventions within one month from the date of its appointment.
 - (g) Shall in the said initial report make recommendations for longer term interventions in regard to administrative, legal and policy issues and set out a time-bound action plan for the implementation of the said recommendations.