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GAZETTE NOTICE NO 4308

THE COMMISSIONS OF INQUIRY ACT (Cap. 102)

APPOINTMENT OF COMMISSION OF INQUIRY

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, do appoint a commission of inquiry into the various wrongful, criminal or otherwise unlawful acts and omissions including but not limited to breaches of security and security procedures involving the following persons namely; Artur Margayan, Artur Sargasyan, Arman Damidri, Alexander Tashchi and others, to be headed by:

Shadrack Kiruki—*Chairman*

Horace Etemesi (Bishop)—*Vice-Chairman*

Ahmed Isaac Hassan—*Commissioner*

Joint Secretaries:

Kennedy Kihara

Lillian Mahiri

as members of the Commission.

Dated the 13th June, 2006.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO 4309

THE COMMISSIONS OF INQUIRY ACT (Cap. 102)

COMMISSION OF INQUIRY

Citation

A COMMISSION to inquire into the various wrongful, criminal or otherwise unlawful acts and omissions including but not limited to breaches of security and security procedures involving the following persons namely; Artur Margayan, Artur Sargasyan, Arman Damidri, Alexander Tashchi and others.

NOW THEREFORE, in exercise of the powers conferred upon the President 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 at Nairobi with immediate effect. The terms of reference shall be—

- (a) to generally inquire into the circumstances and events leading to the deportation of the said persons and in particular—
 - (i) breaches of security and security procedures involving the said persons;
 - (ii) the security breach at the baggage hall at Jomo Kenyatta International Airport on the 8th June, 2006 leading to the assault of a Criminal Investigation Department officer and a customs officer and abuse and provocation of members of the public;
 - (iii) possession of firearms and suspected illegal activities at their Runda Estate residence;
 - (iv) any other unlawful, criminal or wrongful act or omission perpetrated by the said persons;
 - (v) any other matter that is incidental to or connected with the foregoing terms of reference.
- (b) to recommend—
 - (i) criminal investigation or prosecution to be taken against persons involved in the said various wrongful, criminal or otherwise unlawful acts or omissions;
 - (ii) disciplinary action to be taken against persons involved in the said various wrongful, criminal or otherwise unlawful acts or omissions;
 - (iii) legal and administrative measures for the prevention and elimination of such breaches of security and security procedures, criminal or unlawful acts or omissions;
 - (iv) such other measures as the Commission may deem necessary.

and, in accordance with section 7(1) of the said Act, to report thereon to me on or before 31st Day of July, 2006.

And I direct that—

Shadrack Kiruki,

Horace Etemesi (Bishop),

Ahmed Isaac Hassan,

shall be commissioners and that Shadrack Kiruki shall be the Chairman of the said Commission and Horace Etemesi (Bishop), shall be the Vice-Chairman.

And I do appoint—

Kennedy Kihara,

Lillian Mahiri,

to be the joint secretaries to the Commission.

And further, I do appoint—

Dorcas Oduor,

Mungai Warui,

to be assisting counsels to 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 into the said breaches;
- (b) use any investigation report by any institution or organization;
- (c) commission reports from experts in any relevant areas.

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

Dated the 13th June, 2006.

MWAI KIBAKI,
President.