



THE KENYA GAZETTE

Published by Authority of the Republic of Kenya

(Registered as a Newspaper at the G.P.O.)

Vol. CV—No. 21

NAIROBI, 21st February, 2003

Price Sh. 40

GAZETTE NOTICE No. 1234

THE CONSTITUTION OF KENYA

APPOINTMENT OF MEMBERS OF A TRIBUNAL TO INVESTIGATE THE CONDUCT OF THE HONOURABLE JUSTICE BERNARD CHUNGA, CHIEF JUSTICE OF KENYA

WHEREAS a question has arisen that the conduct of the Honourable Justice Bernard Chunga, Chief Justice of the Republic of Kenya, ought to be investigated.

Now therefore, in exercise of the powers conferred by section 62 (7) and (8) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint—

Francis X. ole Kaparo, Speaker of the National Assembly,
Justice (Rtd.) Majid Cockar, Retired Judge, Court of Appeal,
Justice Richard O. Kwach, Judge, Court of Appeal,
Eng. Abdullahi Sharawe, Chairman, Public Service Commission,
Gibson Kamau Kuria, Senior Counsel,

to be members of a tribunal to investigate the conduct of the Chief Justice of Kenya.

The mandate of the tribunal shall be:

(a) to investigate the conduct of the Chief Justice including, but not limited to, allegations that—

- (i) before, since and after his appointment as Chief Justice he has conducted himself in a dishonourable and disgraceful manner unbefitting the high office of the Chief Justice of the Republic of Kenya;
- (ii) he has conducted himself in a manner prejudicial and contrary to his oath of office as Chief Justice;
- (iii) he has persistently undermined the dignity, respect, honour and independence of the Judiciary;
- (iv) prior to his appointment as Chief Justice, as Deputy Public Prosecutor, he planned, condoned and executed a programme of torture and degrading treatment through illegal trials that undermined the Constitution of the Republic of Kenya, the fundamental freedoms of the people of Kenya and led to a gross abuse of the rule of law;
- (v) he has brought the Kenyan Judiciary into ridicule and disrepute by subverting the constitutional review process;
- (vi) he has undermined and obstructed the cause of justice by bench-rigging, intimidation of judges, interference with judicial decisions and punitive transfers of judges and magistrates;
- (vii) he has been corrupt and dishonest in office; he has protected corrupt judicial officers and has been involved in misappropriation of public property and land grabbing;

(viii) he no longer commands the confidence and respect of the people of Kenya as the Chief Justice of the Republic of Kenya and therefore he ought to be forthwith removed from office; and

(ix) to make a report and recommendations to me expeditiously.

(b) The tribunal shall have all the powers necessary or expedient for the execution of its mandate, including the power to—

(i) determine the times and venue of its meetings; and

(ii) to regulate its own procedure.

Dated the 21st February, 2003.

MWAI KIBAKI,
President.

GAZETTE NOTICE No. 1235

THE CONSTITUTION OF KENYA

APPOINTMENT OF COUNSEL AND SECRETARY TO THE TRIBUNAL TO INVESTIGATE THE CONDUCT OF THE HONOURABLE JUSTICE BERNARD CHUNGA, CHIEF JUSTICE OF KENYA

IN EXERCISE of the powers conferred by sections 23 and 24 of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint—

John Khaminwa (Dr.),
Mbuthi Gathenji,

as counsels to assist the tribunal investigating the conduct of the Honourable Justice Bernard Chunga, Chief Justice of the Republic of Kenya; and

P. G. Gichohi,
Unitter Kidullah (Mrs.),

as the joint secretaries of the said tribunal.

Dated the 21st February, 2003.

MWAI KIBAKI,
President.

GAZETTE NOTICE No. 1236

THE CONSTITUTION OF KENYA

APPOINTMENT OF AN ACTING CHIEF JUSTICE

IN EXERCISE of the powers conferred by section 61 (4) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint—

JUSTICE JOHNSON EVANS GICHERU

to act as Chief Justice of Kenya, with effect from 21st February, 2003.

Dated the 21st February, 2003.

MWAI KIBAKI,
President.