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REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – SECOND SESSION (2008)

THE DEPARTMENTAL COMMITTEE
ON
ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS

REPORT ON THE VISIT TO SIERRA LEONE TO ATTEND A
REGIONAL SEMINAR ON THE ROLE OF PARLIAMENTARIANS
IN NATIONAL RECONCILIATION PROCESSES IN ENGLISH
SPEAKING AFRICA

JUNE 23 – 25, 2008

PARLIAMENT BUILDINGS
NAIROBI

JULY, 2008

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PREFACE

The Departmental Committee on Administration of Justice and Legal Affairs is constituted pursuant to provisions of Standing Order 151; its mandate pursuant to Standing Order 151(4) is:-

- a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) to study the programme and policy objectives of the Ministries and departments and the effectiveness for implementation;
- c) to study and know all legislation after First Reading, subject to the exceptions under Standing Order 101A (4);
- d) to study, assess and analyze the relative success of Ministries and departments as measured by the results obtained as compared with its stated objectives;
- e) to investigate and inquire into all matters relating to all assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister and;
- f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee oversees the operations of the following Ministries and Departments:-

- a) the Ministry of Justice and Constitutional Affairs ;
- b) Bodies concerned with the administration of law and justice;
- c) the Kenya Police force;
- d) the Judiciary;
- e) the office of the Attorney General (Public Prosecution);
- f) the Electoral Commission of Kenya; et cetera.

The Members of the Committee are as follows:

- (i) Hon. Abdikadir Mohammed, MP – Chairman
- (ii) Hon. Olago Aluoch, MP
- (iii) Hon. Njoroge Baiya, MP
- (iv) Hon. (Rev) Mutava Musyimi, MP
- (v) Hon. Millie Odhiambo, MP
- (vi) Hon. Amina Abdalla, MP
- (vii) Hon. Wamalwa Eugene, MP
- (viii) Hon. Isaac Ruto, MP
- (ix) Hon. Alfred Sambu, MP
- (x) Hon. George Nyamweya, MP
- (xi) Hon. Ababu Namwamba, MP

Mr. Speaker Sir,

The visit was undertaken by:-

- i) Hon. Alfred Sambu MP, Leader of Delegation,**
- ii) Hon. Olago Aluoch, MP**
- iii) Hon. George Nyamweya, MP**

Mrs. Nancy Mukunya, a Principal Clerk/Deputy Director was the Delegation Secretaries.

Mr. Speaker Sir,

The invitation to attend the seminar was addressed to you by the Interparliamentary Union and you directed the same to this Committee with the remarks that three Members should attend the seminar and represent the Kenyan Parliament. The Committee then considered the issue and nominated the above three members to travel to Sierra Leone.

Mr. Speaker Sir,

The Committee is grateful to you and the Liaison Committee for the opportunity to undertake the visit and to the office of the Clerk for providing the requisite technical support.

Mr. Speaker Sir,

On behalf of the Committee, it is now my pleasant duty to lay on the Table of the House the report of the Committee on the visit, pursuant to provisions of Standing Order 162.

A handwritten signature in blue ink, appearing to read 'A. Sambu', is positioned above the printed name.

Hon. Alfred Sambu, MP
Leader of Delegation, Departmental Committee on
Administration of Justice and Legal Affairs

INTRODUCTION

The seminar opened at 9.00 am on 23rd June with the inaugural session in which the following Members addressed the participants:

1. Hon. Eddie Turay, Leader of the Majority and Leader of the Government Business, Parliament of Sierra Leone who made the following observations:

- That it was an honour for Sierra Leone to host the Seminar and he hoped that at the end of it the parliamentarians would be clear on their role in National Reconciliation
- That Parliament is the institution that embodies society in the diversity of its composition and its opinions, and which relays and channels this diversity in the political process.
- That Parliament's vocation is to regulate tensions and maintain equilibrium between the competing claims of diversity and uniformity, individuality and collectivity, in order to enhance social cohesion and solidarity.
- That Parliament must accommodate the participation of all people in homogeneous as well as heterogeneous societies in order to safeguard diversity, pluralism and the right to be different in a climate of tolerance. This will require recognition of and respect for human rights in general as well as for their specific rights and duties.
- That as lawmakers and representatives of the people, the burden is on the Members to forge and implement whatever strategic alliances that we may deem necessary to lift the people from the quagmire of conflicts, poverty and disease and enhance their standard of living.
- That the Members possess the constitutional power and have the responsibility to close down and eliminate the curse of poverty and
- curb the spread of conflicts.

2. Hon.Samuel Sam-Sumana, Vice-President of Sierra Leone
who in his address to officially open the seminar;

- Welcomed all the participants in Sierra Leone and urged the members of parliament to seek lasting solutions to issues of conflict in Africa and specifically for the countries that had suffered from war and conflict in the recent past.
- He stated that the presence of so many participants was a clear indication of their love, solicitude and dedication to serve Africa as well as their belief in the political correctness of the Inter-Parliamentary Union, to usher in a period of unprecedented national reconciliation in the various conflict zones in Africa.
- He emphasized that, Parliamentarians, as people's tribunes and trustees of the popular will, had a sacred duty to take the initiative and lead in a concrete and measurable way in creating national reconciliation within the African Borders.
- He thereafter declared the seminar officially opened and wished Members successful deliberations.

3. Mr.Martin Chungong,Director,Division for the Promotion of Democracy, Inter-Parliamentary Union.

Being a representative of the Inter-Parliamentary Union he Started his speech by conveying best wishes and appreciation to the Speaker from the Secretary General of IPU, Mr. Anders Johnsson for accepting to host the seminar in Sierra Leone. He thereafter went on to make the following observations:

- That the peace agreement for Sierra Leone that was signed nine years ago has brought hope to the people of that country.

- That this peace has meant that Sierra Leoneans can hope to forget the violence of the yesteryears and build institutions that that will help build an equitable and inclusive society.
- It is noteworthy that peace agreements are only the starting points for a long term-term process to rebuild society.
- That Parliaments have a crucial responsibility in drawing up a sound social and economic agenda and by strengthening the independence and effectiveness of the judiciary.
- That Inter-Parliamentary Union was ready to work with member parliaments in helping them build capacity so that they may be more effective.

SEMINAR TOPICS

After the inaugural session the participants addressed the following topics

- i) Addressing the scars of the past and building viable societies
- ii) Truth and Reconciliation Commissions
- iii) The use of trials to address the legacy of abuse
- iv) Justice versus Amnesty
- v) Reparations
- vi) Institutional reforms
- vii) International initiatives in support of reconciliation

The participants thereafter gave their country experiences in addressing the legacy of the past and promoting institutional reforms and reconciliation. At the end of the three working days and after a lot of discussions the participants came up with a summary and recommendations which were presented by Hon. Olago Aluoch from the Parliament of Kenya. The same are attached herewith:

REGIONAL SEMINAR ON THE ROLE OF PARLIAMENTS IN NATIONAL RECONCILIATION PROCESSES IN ENGLISH-SPEAKING AFRICA

Organized jointly by the Parliament of Sierra Leone and the Inter-Parliamentary Union (IPU)

Sierra Leone, 23-25 June 2008

Bintumani hotel



Parliament of Sierra Leone



Inter-Parliamentary Union

SUMMARY AND RECOMMENDATIONS PRESENTED BY THE RAPPOREUR OF THE SEMINAR

Mr. John Olago-Aluoch, Member of the National Assembly of Kenya

At the invitation of the Parliament of Sierra Leone and the Inter-Parliamentary Union, we have discussed issues of fundamental importance to Africa at this regional seminar, which is the first activity of a two-year project of the Inter-Parliamentary Union to strengthen the role of parliaments in English-speaking African countries in promoting inclusive political processes, institutional reform and reconciliation.

Reconciliation as a process is highly complex and involves many different aspects, contexts, stages and actors. While conflicts may vary from country to country, their causes are often related to the exclusion of large segments of society from the political process, social and economic inequalities and bad governance. Where countries possess important natural resources, their mismanagement has also been referred to as a particular trigger for violence. Participants have repeatedly stressed that reconciliation is not an event but a healing process which affects the lives of several generations. Perseverance is therefore essential.

The role of parliament is crucial in this respect as it adopts legislation on reconciliation, oversees the executive branch when it comes to implementation and can help to create effective institutions of governance. Moreover, an effective parliament itself is a clear sign to the people that the democratic order which broke down during a conflict is being mended and that there is reason to place one's trust again in the country's public institutions. Thanks to their direct contact with constituents, members of parliament, rather than the government, are ideally placed to initiate, lead and help implement the conclusions of a national debate on reconciliation, and to act as role models in promoting the values of tolerance and advocating the resolution of conflict through peaceful means. When parts of our countries are in crisis, a joint visit to the region by parliamentarians from the majority and the minority can be crucial to ease tensions.

We have had a very lively debate about the role of women and the need for a gender sensitive approach to the challenges that post-conflict societies face. We certainly all agree that the inclusion of women in reconciliation processes is a must as any process that excludes half of the population lacks democratic credibility and that it is a woman's right to have a say in the future of her country. Such inclusiveness is also essential to prevent frustration and to ensure that women and men work together to address concerns that relate specifically to women. It has been said that the aftermath of conflict can work as a catalyst for reform to strengthen the role of women in the political arena. Special mention has been made of Liberia, which is led by the first elected African female Head of State and where women are now a critical part of post-conflict reconstruction. That said, in many countries a number of barriers continue exist to women's inclusion in reconciliation efforts, such as their limited representation in parliament and other state institutions and the insufficient consideration of women's needs and conflict experiences. Our parliaments have a clear role to play in removing these barriers, which requires the education of both men and women. In our pursuit for inclusiveness we should also not forget to include our youth who are often in a precarious situation due to high levels of unemployment.

We have spent a large part of the seminar discussing the use of transitional justice mechanisms. No doubt, a truth commission, as one such mechanism, can make an essential contribution in post-conflict situations by charting the path to peace through truth-telling, accountability, reconciliation and recommendations for institutional reform. Nevertheless, the success of such commissions is certainly not guaranteed from the outset. Given their often limited lifespan and financial and human resource-constraints, they often come up against formidable challenges. It is crucial to ensure that their creation is a nationwide endeavour and that realistic expectations are created about what they can achieve. Their work should be seen as a long-term process, as it provides not only an analysis of the past but also a window to the future by issuing clear recommendations for rebuilding society and state institutions. It is essential that a time-line be in place for their implementation and that a follow-up mechanism be established. They also need to be properly resourced. The contribution of the international community is crucial in this regard.

We have heard about the need to establish appropriate reparation policies as part of a larger process of change that should include social and economic development of our countries in order to reduce frustrations. It was mentioned that reparation should not only be provided to the direct victims or their families. When a country is in conflict, most of the population, if not all of it, is affected. While material reparation is important, symbolic reparation is crucial to ensure that the "memory" of the past stays alive, including by setting up memorials for victims and by including adequate presentation of their suffering in educational tools. The goal is "to forgive, but not forget".

We have dealt substantively with the controversial issue of amnesties, which sits at a crucial crossroads of questions of immense moral, political and legal

complexity. While amnesties continue to be adopted in post-conflict situations, their legality is increasingly in doubt. Clearly, blanket amnesties will lack international recognition and may not be enforceable. However, there are more "palatable" amnesties which are conditional and limited and rule out the most serious international crimes. Often the question however is not so much about whether or not to adopt an amnesty law, but rather about how to build an approach to national accountability that fits a specific post-conflict situation.

When a country does decide to prosecute the perpetrators of abuses, a number of challenges may arise. In post-conflict situations, the justice system is often poorly equipped to fulfill its role. This situation is often compounded by the magnitude of the violations which makes it impossible for the ordinary justice system to respond. In such a situation, prosecuting alleged perpetrators may lead to further violations of human rights in so far as the prospect of their speedy trial is very slim. Moreover, all too often, judges are poorly trained, and corruption may thwart any prospect of true and impartial justice. A thorough reform of the justice system, including with respect to the particular concerns and issues related to women and youngsters, is therefore frequently one of the main priorities for post-conflict societies. Guarantees need to be in place to ensure the right of defence. Safeguards are needed to ensure that the courts are indeed independent and that their composition and work leave no doubt about their impartiality: "Justice must not only be done: it must be seen to be done."

The pursuit of justice also raises another important question. Where should it take place? Should prosecutions and trials be led by national courts, or should the International Criminal Court or a hybrid national-international tribunal be entrusted with this task? In principle, a justice system which is close to those whom it is meant to serve is preferable. This is not only a question of geographical distance, but also of cultural proximity to the context in which the violations took place. In this respect, several participants have also referred to the importance of traditional justice mechanisms, such as cleansing in northern Uganda and the gacaca system in Rwanda. However, often the national justice system is very weak, and cannot live up to its responsibility to dispense justice. In such situations, involving the International Criminal Court may be an option. However, several of the participants have raised the issue of perceived double standards in the international justice system. A mixed national-international court, if it takes in the advantages of both domestic and international justice mechanisms, can be an interesting alternative as shown by the Special Court for Sierra Leone. It helps to build capacity and enrich the national justice system.

Security-sector reform should be a key element of any reconciliation process. It is crucial to embed the security sector in a democratic structure and to provide it with a clear mission commensurate with accountability to promote the broad concept of human security in which the safety and protection of individuals and communities take centre stage. Moreover, the army, police and other state forces need to be inclusive, and their membership needs to reflect the composition of society. It is equally important that security sector

officers be inculcated with the principles of human rights. Parliament has a significant role to play in this regard in the areas of legislation, in particular in the adoption of the defence budget and in overseeing the government.

We have also spoken of the role of the international community in national reconciliation processes. Most post-conflict societies lack the necessary human and material resources to initiate substantive reconciliation efforts. The contribution of the international community can therefore be extremely useful as a source of finance and expertise in bringing local and regional actors together and in facilitating homegrown reconciliation processes. The role of the international community is not to impose but to facilitate and coordinate.

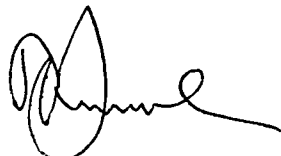
We have ended our deliberations today with an in-depth analysis of the national context against which each of our countries have faced moments of crisis or violence and what concrete role our parliaments have played to promote reconciliation and institutional and political reform in Ghana, Kenya, Liberia, Sierra Leone, Somalia and Sudan.

The enriching country presentations have underlined that Parliament has enormous potential to bring people closer and, if managed well, can be an important vehicle for political mediation and action and for the equitable allocation of resources to address the needs of the population. At the same time, they have also brought home that in many post-conflict or crisis situations, its capacity to overcome the enormous difficulties brought about by reconciliation is generally limited, all the more so as it is often confronted with the dominance of the executive branch of government. This situation is compounded by a lack of human and financial resources. Another major challenge is that post-conflict parliaments may be composed of the very actors to the conflict. It is therefore important to promote a culture of tolerance and compromise in parliament. Political parties are also requested to educate their members and democratize international processes that foster inclusiveness and reduce the scope for frustration.

We are very much committed to continue our efforts to address these challenges and believe that this regional seminar is an excellent starting point for more tailored debate and action at the national level to strengthen the role of our parliaments in promoting inclusive political processes, institutional reform and reconciliation.

We are grateful to the Parliament of Sierra Leone, which has spared no effort in making this regional seminar a success, and express our full support to working with the Inter-Parliamentary Union by organizing joint national seminars aimed at examining the specific circumstances of our countries and the adoption of action plans to address specific challenges in the area of reconciliation and institutional reform.

We therefore go back to our countries with a renewed sense of commitment as we seek together to bring parliaments to the centre stage of reconciliation processes in Africa.



25 June 2006

**REGIONAL SEMINAR ON THE ROLE OF PARLIAMENTS IN NATIONAL
RECONCILIATION PROCESSES IN ENGLISH-SPEAKING AFRICA**
Organized jointly by the Parliament of Sierra Leone and the Inter-Parliamentary Union (IPU)

Sierra Leone, 23-25 June 2008

Bintumani hotel



Parliament of Sierra Leone



Inter-Parliamentary Union

Provisional list of participants

H.E. Mr. Samuel Sam-Sumana
Vice-President of the Republic of Sierra Leone

Hon. Justice Abel N.B. Stronge
Speaker of the Parliament of Sierra Leone

Hon. Eddie Turay
Leader of the Majority and Leader of Government Business, Parliament of Sierra Leone

Mr. Martin Chungong
Director, Division for the Promotion of Democracy
Inter-Parliamentary Union (IPU)

Panellists

Mr. Kojo ASANTE	Governance and Legal Policy Officer / Coordinator of the Parliamentary Support program, Ghana Center for Democratic Development
Dr. Nemata MAJEKS-WALKER	Founder and First President of the 50/50 Group of Sierra Leone
Mr. Stephen S. MANLEY	Director of Programs, Truth and Reconciliation Commission, Liberia
Mr. Franklyn BAI KARGBO	Former Executive Secretary, Truth and Reconciliation Commission of Sierra Leone
Mr. Melron C. NICOL-WILSON	Director, Lawyers Centre for Legal Assistance, Sierra Leone
Ms. Marieke WIERDA	Director, Prosecutions Programme, International Center for Transitional Justice (ICTJ)
Mr. Suliman BALDO	Director, Africa Program, International Center for Transitional Justice
Ms. Sarah-Ann A. A. LEWIS	Coordinator GoSL Justice Sector, Coordination Office, Sierra Leone
Dr. Osman GBLA	Dean, Faculty of Social Sciences and Law, Fourah Bay College, University of Sierra Leone
Mr. Michael VAN DER SCHULENBURG	Acting Executive Representative in Sierra Leone of the United Nations Secretary-General

Participants

COUNTRY	NAME	TITLE
GHANA	Mr. Nil Daku Adu MANTE	Member of the National Assembly
	Mr. Litalimor TAWIAH	Member of the National Assembly
	Mrs. Nana ABU-BONSAH	Member of the National Assembly
	Mr. Joseph AMENOWODE	Member of the National Assembly
	Mr. Benjamin KOFI AYEH	Member of the National Assembly
	Mr. Abbey OPPEY	Member of the National Assembly
	Mr. Ebenezer Ahumah DJIETROR	Clerk of the National Assembly
KENYA	Mr. Olago ALUOCH	Member of the National Assembly
	Mr. George NYAMWEYA	Member of the National Assembly
	Mr. Alfred SAMBU	Member of the National Assembly
	Mrs. Nancy W. MUKUNYA	Clerk, Deputy Director of the National Assembly
LIBERIA	Mr. Kollie SORSOR JALLAH	Member of the House of Representatives
	Mr. Cletus WOTORSON	Member of the Senate
	Mr. James R. KABA	Chief Clerk of the House of Representatives
	Mr. Joseph O. LATHROBE	Secretary of the delegation
SOMALIA	Mr. Ahmed ASHAREHAWAD	Member of the National Assembly
	Mr. Hussein OSMAN	Member of the National Assembly
	Mr. Ahmed D. ROBLE	Member of the National Assembly
	Mr. Mohamed I. BARAKALE	Member of the National Assembly
SUDAN	Mr. Farouq Ahmed ADAM	Member of the National Assembly
	Mr. Mohamed Sulman GHAZI	Member of the National Assembly
	Mr. Kon Bol YOUT	Member of the National Assembly
SIERRA LEONE	Mr. Victor C. JOHNSON	Deputy Speaker of the Parliament, Leader of the Delegation
	Mr. Momoh PUJEH	Member of Parliament, Minority Leader
	Mr. S.B.B. DUMBUYA	Member of Parliament, Deputy Majority Leader
	Ms. Alice FOYAH	Member of Parliament
	Mr. Legacy SANKOH	Member of Parliament, Deputy Leader PMDC
	Mr. Mathew S. NYUMA	Member of Parliament
	Mr. Ibrahim BUNDU	Member of Parliament, Chief Whip
	Mr. Jolly-Boy LAVALIE	Member of Parliament
	Ms. Rev. Marie YANSANEH	Member of Parliament
	Ms. Salamatu TURAY	Member of Parliament
	Mr. Sahr N. FASULUKU	Member of Parliament
	Mr. P.C. Bai Kurr Kanagbaro SANKA III	Member of Parliament
	Mr. P.C. Samba Bindi HINDOWA	Member of Parliament
	Mr. P.C. Bai Sebora KASANGBA II	Member of Parliament
	Mr. P.C. Alle B. SHERIFF	Member of Parliament
	Mr. Hassan B. SHERIFF	Member of Parliament
Mr. P.C. Alhaji Bai S. YEK II	Member of Parliament	

Mr. P.C. Dhaffie BENYA	Member of Parliament
Mr. P.C. Alie Balansama MARAH III	Member of Parliament
Mr. P.C. Bai Bureh Sallu LUGBU II	Member of Parliament
Mr. P.C. Brima Victor Sidi KEBBIE	Member of Parliament
Mr. Thomas I MANSARAY	Member of Parliament, PMDC Leader
Ms. Nenneh LEBBIE	Member of Parliament
Ms. Victoria Saidu KAMARA	Member of Parliament
Mr. Komba KOEDOYOMA	Member of Parliament, Deputy Chief Whip
Mr. Manie BETTS-PRIDY	Member of Parliament
Mr. Philip T. TONDONEH	Member of Parliament
Ms. Bernadette LAHAI	Member of Parliament
Mr. Emmanuel W. TOMMY	Member of Parliament, Deputy Minority Leader
Ms. Veronica SESAY	Member of Parliament
Mr. Victor KAMARA	Clerk of Parliament
Mr. Abraham K. SELLU	Secretary

Ms Georgiana LUKE	Secretariat staff
Ms Georgette FORSTER	Secretariat staff
Mrs Christiana BUCKNOR	Secretariat staff
Mr. Mohamed LEBBIE	Secretariat staff
Mr Daniel BOCKARIE	Secretariat staff
Mr. Prince SORIBA	Secretariat staff
Mr Peter KULAGBANDA	Secretariat staff
Ms Feimata KALLON	Secretariat staff
Ms Mariatu JABBIE	Secretariat staff
Ms Adama KARGBO	Secretariat staff
Mr Cyril KING	Secretariat staff
Mr Samuel SONGA	Secretariat staff

UGANDA

Mr. Wadri KASSIANO EZATI	Member of the Parliament of Uganda
Mrs. Jessica ALUPE EPER	Member of the Parliament of Uganda
Mr. Brian ASIIMWE	Member of the Parliament of Uganda

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UNICEF

Mr. Michael CHARLEY

Child Protection Specialist, United Nations Children's Fund, Sierra Leone

Women's Forum S.L.J

Ms. Sally Kamara

Member, Income Generating and Agricultural Committee, Western Region

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INTER-PARLIAMENTARY UNION

Mr. Rogier HUIZENGA

Human Rights Programme Officer

Ms. Kareen JABRE

Manager, Programme for Partnership between Men and Women

**MINUTES OF THE TWELVETH SITTING OF THE
DEPARTMENTAL COMMITTEE ON THE ADMINISTRATION OF
JUSTICE AND LEGAL AFFAIRS HELD ON 11TH JULY 2008, IN
CONTINENTAL RESORT AT 9.30 A.M**

PRESENT

1. Hon. Abdikadir, Mohammed, MP
2. Hon. Rev. Mutava Musyimi, MP
3. Hon. Issac Ruto Kiprono, MP
4. Hon. Ababu Namwamba, M.P
5. Hon. Baiya Peter, MP
6. Hon. Olago Aluoch, MP

ABSENT WITH APOLOGY

1. Hon. Amina Abdalla, MP
2. Hon. Millie Odhiambo, MP
3. Hon. Alfred Sambu, MP
4. Hon. Wamalwa Eugene, MP
5. Hon. George Nyamweya, MP

IN ATTENDANCE

1. Mr. P.G Gichohi
2. Mrs. N. Mukunya
3. Hellen Kimaiga

**KENYA NATIONAL
ASSEMBLY**

Clerk of the National Ass
Principal Clerk/Deputy Director
Parliamentary Intern

**MIN. NO. 57/2008: OPENING REMARKS BY CLERK OF THE
NATIONAL ASSEMBLY**

The Chairman called the meeting to order at 9.40 a.m. and Hon. Olago Aluoch opened the meeting with a word of prayer. The Clerk of the National Assembly then made his remarks in which he underscored the importance of

the Committee on Administration of Justice and Legal Affairs. He assured the Members that his office will support the Committee in terms of all the required staff and any other logistics to enable it fulfill its Mandate. In this respect, the Parliamentary Service Commission was ready to have a full secretariat set up to assist the Committee. The Committee would also be enabled to use Legal experts especially in matters dealing with the Constitutional Review.

He further observed that the current Bills referred to the Committee were also important and it was imperative for the Members to consider them and avail the reports to the House without undue delay. He urged the Committee to have a work plan to guide its activities and to help in finalizing reports on the Bills in time.

MIN. NO. 58/2008: CONSIDERATION OF THE PROPOSED
AMENDMENTS TO THE CRIMINAL
PROCEDURE CODE (AMENDMENT) BILL,
2008

The Chairman observed that the Committee had received submissions from the Law Society of Kenya, the Kenya National Commission on Human Rights, the Probation department, the Judges and Magistrates Association, the Prisons department and the Kenya Anti-Corruption Commission.

He then requested the Chairman of the sub-committee appointed to consider these submissions to take the Members through the submissions and the proposed amendments.

Hon. Olago Aluoch, who was a member of the subcommittee, took the Members through the proposed amendments and those that were rejected by the Members were removed there from.

The Members then agreed that the present amendments would be brought to the House.

Hon.Olago also took the members through the report about the sub-committee's trip to Sierra Leone and the committee adopted the same and requested that the report be tabled in the House for adoption.

MIN. NO. 59/2008: CONSIDERATION OF THE NATIONAL ETHNIC AND RACE RELATIONS COMMISSION BILL, 2008

The Members noted that the functions of the proposed Commission were similar to those of many other Commissions. They also observed that the Bill merely sets out a Commission whose role was only advisory. After a lot of debate the Members agreed that the Bill does not provide a way to deal with Ethnic Relations. A subcommittee of four members, namely, Hon Isaac Ruto, Hon. Mutava Musyimi, Hon. Njoroge Baiya and Hon, Olago Aluoch was then set up and it was mandated to seek expert advice and report its findings to the main Committee on or before 11th August 2008.

MIN. NO.60/2008: CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE TRUTH, JUSTICE AND RECONCILIATION COMMISSION BILL, 2008

The Members received a presentation from three representatives from the Kenya National Commission on Human Rights and then debate ensued. After a lot of deliberations and considerations of various views the members agreed that another sitting was required to finalize the proposed amendments. It was agreed that the issue of Amnesty was to be specifically revisited.

N. NO. 61/2008:

ADJOURNMENT

There being no other listed business for the day the meeting was adjourned at 6.10 p.m. until the next day at 8.30 a.m.

Signed.....



CHAIRMAN

Date.....

14th July 2008