SPECIAL ISSUE

Kenya Gazette Supplement No. 107 (Bills No. 4)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

BILLS, 2012

NAIROBI, 4th September, 2012

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THE TRUTH, JUSTICE AND RECONCILIATION
(AMENDMENT) BILL, 2012

A Bill for

AN ACT of Parliament to amend the Truth, Justice and
Reconciliation Act, 2008

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as The Truth, Justice and
Reconciliation (Amendment) Bill, 2012.短标题。

2. Section 2 of the Truth, Justice and Reconciliation
Act, 2008 (in this Act referred to as the "principal Act") is
amended—

(a) by renumbering the existing provision
as subsection (1);

(b) by inserting the following new
subsection immediately after the new
subsection (1)—

(2) Despite subsection (1), after
the first elections under the
Constitution, references in this Act
to the expression "Minister" shall
be construed to mean "Cabinet
Secretary".

3. Section 20 of the principal Act is amended by
inserting the following new subsection immediately after
subsection (4B) —

(4C) Notwithstanding any other provision
of this Act, the Commission shall operate for
a further period of nine months with effect
from the 4th August, 2012.
MEMORANDUM OF OBJECTS AND REASONS

The principal object of the Bill is to provide a mechanism for the extension of the operation period of the Truth, Justice and Reconciliation commission for a period of nine months with effect from 4th August 2012. The Bill also seeks to harmonise the interpretation of common terms used in the Act with the new Constitution.

The enactment of this Bill shall occasion additional expenditure of public funds, which shall be provided through the annual estimates.

Dated the 30th August, 2012.

EUGENE WAMALWA,
Minister for Justice,
National Cohesion and Constitutional Affairs.

Section 20 of the Truth, Justice and Reconciliation Act, 2008 which it is proposed to amend-

Inauguration

20. (1) The Commission shall be inaugurated within twenty one days of the appointment of its members and shall operate for two years.

(2) Before the commencement of the period of two year specified in subsection (1), the Commission shall have a preparatory period of three months during which it may undertake all tasks necessary to ensure that it is able to work effectively from the commencement of its operations.

(3) Where for any reason the Commission is unable to finalize its work within the period of two years in accordance with subsection 1, it shall, at least three months before the expiry of the two years period, submit a progress report to the National Assembly together with a request for extension of the period beyond two years.

(4) The National Assembly may, if satisfied as to the reasons why an
extension of the life of the Commission is necessary, extend the duration for the Commission to continue its work but shall not in any case extend such duration for more than six months.

(4A) Notwithstanding the provisions of subsections (3) and (4), where the Commission is unable to complete and submit its report within the time extended under subsection (4), the Commission shall, submit a progress report to the National Assembly together with a request for a further extension.

Provided that a request under this subsection may be made notwithstanding that the period in respect of which it is made has expired.

(4B) The National Assembly may, if satisfied with the reasons for the request under subsection (4A), extend the duration for the Commission to complete and submit its report, but shall not in any case extend such duration for more than three months.

(5) The Commission shall, after its inauguration—

(a) inform the public of its existence and the purpose of its work; and

(b) when appropriate, invite all interested parties who may wish to do so, to make statements or give information to the Commission.