



**KENYA NATIONAL COMMISSION ON HUMAN RIGHTS**  
**PUBLIC NATIONAL INQUIRY ON SECURITY AND HUMAN RIGHTS IN NORTH**  
**RIFT, KENYA**

**RULES AND PROCEDURE**

This public inquiry is being conducted as a response to the perennial and systemic conflict in North Rift which has been recurring thus infringing on various human rights as enshrined in Chapter IV, of the Constitution of Kenya, 2010.

The Commission makes the following rules for the conduct and management of the proceedings of the public inquiry as provided under Article 59(k) and section 8, 26 of the KNCHR Act 2011 Part VI and the Third Schedule of the KNCHR (Complaints Procedures) Regulations, 2014

- a) The inquiry proceedings shall be inquisitorial.
- b) The panel shall not be bound by the strict rules of the law of Evidence and shall have all the powers reserved to the Commission by the Kenya National Commission on Human Rights Act, 2011 but shall at all times observe the rules of natural justice.
- c) The inquiry hearings shall be held in public save where the panel may direct otherwise. Furthermore, the panel may exclude any person or class of persons from all or any part of the proceedings of the inquiry if satisfied that it is desirable so to do for the preservation of order, for the due conduct of the inquiry, in the interest of security, or the protection of the person, property or reputation of any witness in the inquiry or any person referred to in the course of the proceedings thereof.
- d) The panel may take evidence from any person in camera, upon application from the person or if in the opinion of the panel it is prudent to do so for reasons stated in Rule(c) above.
- e) Any person who is in any way interested or concerned in any matter under the inquiry shall be accorded an opportunity to make relevant presentations in person or by a legal representative of his or her choice.
- f) The panel may co-opt an expert or experts with the requisite skills and knowledge with regard to any matter before the Inquiry as stated under Section 18(2) of the KNCHR Act 2011

- g) The panel will determine the order in which witnesses will present evidence before the panel during the inquiry but in so doing it shall ensure that persons adversely mentioned get the opportunity to defend themselves, including cross-examination of the witnesses mentioning them adversely.
- h) The panel may summon any person or persons before it to testify on oath and may call for production of any evidence including but not limited to the production of reports, plans, and documents that the panel may require for the purposes of the inquiry.
- i) The panel may recall any person for any further evidence on any point relating to any matter before them and may recall any witness for further examination.
- j) The panel will question the witnesses on any matters relating to the inquiry. Evidence may also be given by written statements in form of sworn memorandum or affidavits, provided that the panel may require the deponent before them to clarify any issues.
- k) The panel shall conduct the hearings within the suitable definitions of time and working days as enumerated in the constitution and apply their discretion in handling time management on a case by case basis during the hearing.
- l) Notwithstanding the above the Commission may apply any other rules and procedures provided in any other written law.

Dated.....day of ..... 2016

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Commissioner KNCHR/Chairperson