

# CONSTITUTIONAL INSTRUMENT

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CONSTITUTIONAL INSTRUMENT No. 8 of 2009

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*THE CONSTITUTION OF SIERRA LEONE, 1991*

*(ACT NO. 6 OF 1991)*

THE COMMISSION OF INQUIRY (INCIDENTS OF POLITICAL VIOLENCE AND INTOLERANCE THAT OCCURRED IN GENDEMA, FREETOWN AND KENEMA, IN MARCH, 2009) NOTICE, 2009. Short title.

WHEREAS the Cabinet has advised that it is in the public interest to appoint a Commission of Inquiry to inquire into a matter of public interest:

AND WHEREAS by Article 2 of the Joint Communiqué signed by the Sierra Leone Peoples Party (SLPP) and All Peoples Congress (APC) on 2nd April, 2009 both parties agreed to the conduct of a speedy and independent review into the incidents of political violence and intolerance that occurred in Gendema, Freetown and in Kenema:

NOW, THEREFORE, in exercise of the powers conferred on him by paragraph (a) of subsection (1) of section 147 of the Constitution of Sierra Leone, 1991, the President, hereby makes the following Notice:-

1. (1) There is hereby appointed a Commission of Inquiry (hereinafter referred to as "Independent Review Panel" or "IRP") Appointment of IRP.
- (2) The Independent Review Panel shall consist of-
  - (a) E. E. C. Shears-Moses Esq. who shall be the Chairman;

3. (1) The IRP shall commence its proceedings as soon as practicable after the coming into operation of this Notice and shall sit in Freetown and such other place or places as the IRP may determine. Proceedings  
of IRP.

(2) The proceedings of the IRP shall be held in public, unless otherwise decided by the IRP, in the interest of public safety or public order.

(3) Before assuming the functions of his office, each member shall take and subscribe before the President, an oath that he will faithfully, fully, impartially and to the best of his ability perform the functions of his office under this Notice.

(4) The Chairman may, in the public interest, exclude the public or any particular person from its proceedings.

4. (1) The proceedings of the IRP shall be regulated by the practice and procedure in force in the High Court with such modification, adaptation and exception as are necessary to enable the IRP to elicit all such information as may be necessary for the performance of its functions. Rules and  
procedures of  
IRP.

(2) For the purposes of sub-paragraph (1), the IRP shall not be bound by the rules of evidence in civil or criminal proceedings.

(3) In conducting the review, the IRP shall give consideration to the Constitution, the "The Code of Conduct of the Political Parties" and other applicable legislation.

(4) The IRP shall adopt procedures and mechanisms for the protection of witnesses and other persons assisting it in the performance of its functions at all stages of its work.

(5) Information gathered by the IRP in the exercise of its powers and functions shall be confidential.

5. (1) The IRP shall have the powers, rights and privileges vested in the High Court or a Judge thereof at a trial in respect of- Attendance  
by witnesses.

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compelling the production of documents; and
- (c) the issue of a commission or request to examine witnesses abroad.

(2) Any person ordered to attend under subparagraph (1) shall attend at the time and place specified in the order and shall continue in attendance as directed by the IRP.

Report of  
IRP.

6. (1) The IRP shall submit a report to the President on each item specified in paragraph 2 either separately or compositely as soon as practicable after the IRP has ended its inquiry or investigation, but not later than 6 weeks from the date of commencement of its work except that the IRP, with the concurrence of the President, may extend the time within which its works may be completed or its report may be submitted.

(2) A report of the IRP shall be signed by the members.

MADE this 29th day of September, 2009.

DR. ERNEST BAI KOROMA,  
*President.*