

(1) Where a Commission of Enquiry submits a report to the government and the government has published a whitepaper in respect of the report and has in the whitepaper –

- a. Accepted the recommendation that a person should be banned from holding public, or
- b. Accepted the recommendation that a person should be dismissed or removed from a public office,

the Minister shall within one week publish the names of such persons in the *Gazette* and add it to the Second Schedule to this Act.

(2) In respect of paragraph (1) (b) the President shall act in accordance with section 167 of the Constitution and subject to relevant enactment or rule of law, declare that person summarily dismissed or removed from the post with effect from the date specified in the notice.

(3) A person removed under this section, may subject to the enactment relating to that person, be entitled or eligibility to emoluments, pension, gratuity, or any other accrued rights.

5. Introduction of a new Section 20

“20. Amnesty for Persons Banned from Holding Public Office

- (1) A person who is serving a ban from holding Public Office pursuant to a finding by a Commission of Inquiry issued under this Act, may apply for a commutation of the ban in writing to the Minister.
- (2) Upon receiving such application, the Minister shall present it to the President as soon as possible for consideration.
- (3) The President may upon consultation with Cabinet commute the whole or any part of the ban imposed on such person.
- (4) Where the president in consultation with cabinet commutes the whole or part of the ban imposed on the person –
 - a. The minister shall within one week from the date of such decision publish the decision in the gazette, and
 - b. Update the second schedule hereto accordingly.

6. Introduction of a new Section 21

“21. Persons qualified to apply for a Amnesty

1. A person may make an application under section 19 if –
 - (a) he or she is serving a ban pursuant to a finding by a Commission of Inquiry established under this Act.
 - (b) has not had findings made against him or her that involve the commission of gross human rights violations.
 - (c) has served at least three years of his or her ban.
 - (d) has not had any adverse findings made against him or her by a subsequent Commission of Inquiry issued under this Act or any other law, and
 - (e) has not been convicted for an offence during the period of the ban.
2. A commutation under this section shall not expunge the findings pursuant to which the ban was made”

7. Introduction of a new Schedule

“SECOND SCHEDULE

[Section 19]

List of Individuals Banned from Holding Public Office”

OBJECTS AND REASONS

This Bill seeks to amend the Commission of Inquiry Law, to add a new provision to define the meanings of Minister and Whitepaper under this Act, to give power to the President to issue amnesty to persons banned from holding public office and to provide a criterion for persons entitled to apply for amnesty.

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HON. DAWDA A. JALLOW

ATTORNEY GENERAL AND MINISTER OF JUSTICE