

COMMISSION OF INQUIRY (YENDI EVENTS) INSTRUMENT, 2002

[C.I. 36]

[(Article 278 (1) (a)) (25th April, 2002)]

WHEREAS the President is satisfied that it is in the public interest that there should be appointed a Commission of Inquiry into the events and the resultant deaths and injuries of persons which occurred in Yendi in the Dagbon Traditional Area of the Northern Region between the 25th and 27th March, 2002:

NOW THEREFORE, in exercise of the powers conferred on the President of the Republic by clause (1) (a) of article 278 of the Constitution, this Instrument is made this 25th day of April, 2002.

1. Appointment of the Commission

There is appointed by this Instrument a Commission of Inquiry composed of,

Mr. Justice I.N.K. Wuaku	<i>Chairman</i>
Prof. Kwesi Yankah	<i>Member</i>
Mrs. Florence Brew	<i>Member</i>

2. Terms of reference of the Commission

The terms of reference of the Commission are

- (a) to make a full, faithful and impartial inquiry into the circumstances of, and establish the facts leading to the events and the resultant deaths and injuries in Yendi in the Dagbon Traditional Area of the Northern Region between the 25th and 27th March, 2002;
- (b) to identify those responsible for the events and resultant deaths and injuries of persons and to recommend appropriate sanctions or actions against a person found to have caused, been responsible for or who has been involved in the violence and the resultant deaths and injuries;
- (c) to inquire into a matter which the Commission considers incidental or reasonably related to the events and the resultant deaths and injuries;
- (d) to submit within one month its report to the President giving reasons for its findings and recommendations.¹

3. Mode of operation of the Commission

The Commission shall carry out its inquiry in accordance with articles 279, 280 and 281 of the Constitution.

1. The "one month" was extended to the 31st August, 2002, by C.I. 37, and again extended to the 31st October, 2002 by C.I. 38.

4. Secretary and Counsel to the Commission

The President shall appoint a Secretary and a Counsel to the Commission, who shall perform the functions directed by the Commission.

5. Appearance by lawyer

(1) A person whose conduct is the subject of inquiry by the Commission or who is implicated, concerned in, or has a legitimate interest in a matter under investigation by the Commission is entitled to be represented by a lawyer at the inquiry.

(2) Any other person who considers it desirable that he or she should be represented by a lawyer or any other expert may be allowed by the Commission to be so represented.

6. Privileges and immunities of witness and lawyer

A witness or lawyer appearing before the Commission is entitled to the same privileges and immunities as a witness or lawyer appearing before the High Court.

7. Expenses in relation to the Commission

(1) A witness summoned by the Commission is entitled to the allowances that are payable to a witness summoned by the High Court in a criminal trial.

(2) The chairman and the other members of the Commission and a person employed in relation to the functions of the Commission may be paid the travelling, sitting and any other allowances approved by the President on the recommendations of the Minister responsible for Finance.

8. Public officers to assist the Commission

The Attorney-General shall assign officers to attend on the Commission, to serve summons on witnesses and to perform any other functions relating to the Commission as directed by the Commission.

[Date of *Gazette* notification: 26th April, 2002]
