

PREAMBLE

The Kenya Anti- Corruption Commission is required under section 36 of the Anti-Corruption and Economic Crimes Act to prepare quarterly reports.

Section 35 provides that:

- (1) Following an investigation the Commission shall report to the Attorney General on the results of the investigation.
- (2) The Commission's report shall include any recommendation the Commission may have that a person be prosecuted for corruption or economic crime.

Section 36 provides that:

- (1) The Commission shall prepare quarterly reports setting out the number of reports made to the Attorney General under section 35 and such other statistical information relating to those reports as the Commission considers appropriate.
- (2) A quarterly report shall indicate if a recommendation of the Commission to prosecute a person for corruption or economic crime was not accepted.
- (3) The Commission shall give a copy of each quarterly report to the Attorney General.
- (4) The Attorney General shall lay a copy of each quarterly report before the National Assembly.
- (5) The Commission shall cause each quarterly report to be published in the Gazette.

This report is therefore made pursuant to section 36 of the Anti-Corruption and Economic Crimes Act.

INVESTIGATIONS CONCLUDED IN THE PERIOD APRIL - JUNE 2004

1. KACC/INQ 16D/2.12.2003

This was an inquiry into allegations that the a former Managing Director of East African Portland Cement Company Ltd (EAPCC) and a transporter had been irregularly advanced Kshs. 1,500,000/- and Kshs.150,000/- respectively.

Investigations established that the former Managing Director and transporter obtained advances with the help of the Financial Accountant without following the established procedures and without seeking approval of the Board of Directors.

Recommendations

- a) That the former Managing Director EAPCC and the transporter be charged with an Economic Crime contrary to section 45(1)(a) of the Anti-corruption and economic Crimes Act, 2003 for fraudulently or otherwise unlawfully acquiring a benefit.
- b) That the Financial Accountant EAPCC be charged with the offence of abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act.

The file was forwarded to the Attorney General on 16th April 2004 and action is awaited.

2. KACC/INQ. 51(A)/17.12.03

This was an inquiry into allegations that Directors of the Kenya College of Communications and Technology (KCCT) advanced themselves various loans in millions of shillings in abuse of the authority of their offices.

Investigations established that two former Directors abused the authority of their office by taking and approving for each other huge loans, which have remained unpaid for unduly long periods.

Recommendations

That the investigation be transferred to the Police Department for an independent assessment of the evidence.

The file was forwarded to the Attorney General on 3rd May 2004 and action is awaited.

3. ACPU/INQ 43(A)/6.6 2002

This was an inquiry into allegations of misappropriation of funds at the Investment Promotion Centre (IPC) through repair of leased houses.

Investigations established that the telephone exchange in question was installed by the company to the satisfaction of the management and the old one installed in the Eldoret branch office.

Recommendations

That the allegations were unfounded and evidence on record did not reveal any wrong -doing. It was recommended that the file be closed with no further action.

The file was forwarded to the Attorney General on 10th May 2004 and action is awaited.

4. ACPU/INQ.19A/7.03.2003

This was an inquiry into allegations of misappropriation of funds by the management committee of the Ol Kalou Farmers' SACCO Bank in Nyandarua District.

Investigations established that almost the entire management team of the SACCO received various advances of different amounts without following the society's by-laws.

Recommendations

- a) That the then former General Manager be charged with three counts of stealing.
- b) That the monies advanced to the management committee be recovered through civil process.

The file was forwarded to the Attorney General on 21st May 2004 and a response on the recommendation is awaited.

5. **KACC/INQ/43/14.11.2003**

This was an inquiry into allegations that the Managing Trustee of the National Social Security Fund (NSSF) cheated about his age in order to obtain a withdrawal benefit from the fund in April 2002.

Investigations failed to conclusively establish any wrong -doing on the part of the Managing Trustee even though there was a discrepancy on the date of birth in the old generation identity card and the new generation one. The application form for the new generation identity card could not be traced.

Recommendations

That it was difficult to make any conclusive recommendations as there was no sufficient evidence.

The file was forwarded to the Attorney General on 29th June 2004 and action is awaited.

STATISTICAL SUMMARY

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|---|---|
| No. of files forwarded to the Attorney General | 5 |
| No. of files recommended for prosecution | 2 |
| No. of files recommended for administrative or other action | 1 |
| No. of files recommended for closure | 2 |
| No. of files where recommendation for prosecution accepted | 0 |
| No. of files where recommendation for administrative or other action accepted | 0 |
| No. of files where recommendation for closure accepted | 0 |
| No. of files where recommendation for prosecution not accepted | 0 |
| No. of files where recommendation for administrative or other action not accepted | 0 |
| No. of files where recommendation for closure not accepted | 0 |
| No. of files awaiting Attorney General's action | 5 |

DATED at Nairobi this day of 2004

JUSTICE (RTD) AARON G. RINGERA
DIRECTOR/ CHIEF EXECUTIVE
KENYA ANTI-CORRUPTION COMMISSION