



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. The report covers the second quarter of the year 2006 and is for the period commencing 1st April 2006 to 30th June 2006.

INVESTIGATIONS COVERING THE PERIOD 1ST APRIL 2006 TO 30TH JUNE 2006

1. KACC CR 141/744/2005; ACC NO. 29/2005

Inquiry into an allegation that a Law Clerk with the City Council of Nairobi demanded for a sum of Kshs. 3,000.00 from the complainant as an inducement so as not to order for demolition of his supermarket. Investigations established that the suspect solicited and received the said sum from the complainant. He was arrested and charged with two counts of corruption.

The file was forwarded to the Attorney General on 28th March 2006 with recommendation to continue with the prosecution of the case. Recommendation was accepted on 12th April 2006.

2. ACC CR 141/316/05; ACC NO. 57/05

Inquiry into an allegation that a Nairobi City Council employee demanded Kshs. 200,000/- in order to allow the complainant reconstruct a garage that had earlier been demolished. Investigations established that a demand had indeed been made and the suspect received Kshs. 6,000/- from the complainant. He was arrested and charged with two counts of corruption.

The file was forwarded to the Attorney General on 6th April 2006 with recommendation to proceed with the prosecution of the case. Recommendation was accepted on 8th May 2006.

3. ACC CR 141/1058/05; ACC NO. 60/05

Inquiry into an allegation that a Finger Prints Officer with National Registration Bureau demanded Kshs. 15,000/- in order to process the complainant's national identity card. The investigation established that the suspect demanded and received Kshs. 3,000 from the complainant. He was arrested and charged with two counts of corruption.

The file was forwarded to the Attorney General on 7th April 2006 with recommendation to continue with the prosecution of the case. Recommendation was accepted on 8th May 2006.

4. KACC CR 032/11/05, KISUMU ACC 279/05

Inquiry into an allegation that a District Labour Officer demanded Kshs. 50,000/- from the complainant in order to forbear charging him with a labour offence. Investigations established that the suspect demanded Kshs. 30,000 and received Kshs. 10,000 from the complainant. He was charged with two counts of corruption.

The file was forwarded to the Attorney General on 11th April 2006 with recommendation to continue with prosecution. Recommendation was accepted on 8th May 2006. The case has been concluded and the accused sentenced to pay a fine of Kshs. 20,000/- in respect of count one and in default 4 months imprisonment, and for Count two, Kshs. 80,000/- fine, and in default one year imprisonment.

5. KACC CR 030/1/0; KERICHO ACC NO. 4/05

Inquiry into an allegation that the DCIO, Kericho had demanded Kshs. 10,000 from the complainant as an inducement to release her son who had been put in custody for allegedly stealing some books. Investigations established that the suspect had solicited for and received a bribe. He was charged with two counts of corruption.

The file was forwarded to the Attorney General on 28th April 2006 with recommendation to continue with prosecution. Recommendation was accepted on 19th May 2006.

6. KACC/INQ/12/03

Inquiry into an allegation of a bribe demand and abuse of office by Makueni Land Registrar in respect of payment of stamp duty and release of title for parcel No. Makueni/Mubau/350. Investigations established that the said Registrar had abused his office and neglected his official duty by failing to collect the stamp duty payable to the Government.

The file was forwarded to the Attorney General on 28th April 2006 with a recommendation that the suspect be prosecuted with the two offences of abuse of office and neglect of duty. Recommendation was accepted on 19th May 2006.

7. KACC CR 112/18/06; ACC NO. 1/06

Inquiry into an allegation that an employee of the City Council of Nairobi's Inspectorate Department demanded from the complainant Kshs. 1,000/- in order to facilitate release of two G.S.M phones that had been confiscated. Investigations established that the suspect had demanded and received the said sum. He was charged with soliciting and receiving a bribe.

The file was forwarded to the Attorney General on 3rd May 2006 with recommendation to continue with prosecution of the case. Recommendation was accepted on 22nd May 2006.

8. KACC CR 141/846/05; ACC NO. 44/2005

Inquiry into an allegation that a Public Health Officer working for the City Council of Nairobi demanded a sum of Kshs. 20,000 as an inducement not to charge the complainant with an offence under the Public health Act. Investigations established that the suspect had demanded the money and received Kshs. 10,000/- from the complainant. He was arrested and charged with two counts of corruption.

The file was forwarded to the Attorney General on 3rd May, 2006 with recommendation to continue with the prosecution. Recommendation was accepted on 22nd May 2006.

9. KACC/FI/INQ.66C/05

Inquiry into an allegation that the management of Kenya Trading Corporation Ltd retained 58 retrenched employees on the payroll without lawful cause thereby occasioning loss of Government funds. Investigations established that the retrenched employees had been paid in full and they were no longer in the employ of the said Corporation.

The file was forwarded to the Attorney General on 4th May 2006 with recommendation that the file be closed. Recommendation for closure was accepted on 2nd June 2006.

10. KACC CR 142/06/06; NAIROBI ACC 3/06

Inquiry into an allegation that a Police Officer attached to Ongata Rongai Police Station had demanded a sum of Kshs. 3,000/- from the complainant as an inducement to terminate a case against a relative. Investigations established that the suspect indeed solicited for the bribe. He was arrested and charged with the offence.

The file was forwarded to the Attorney General on 22nd May 2006 with recommendation that the case be prosecuted. Recommendation was accepted on 23rd June 2006.

11. KACC/INQ/29/21.10.2003

Inquiry into an allegation that three principal officers of Kenya Railway Workers Union (KRWU) misappropriated a sum of Kshs. 8,580,000 belonging to the Union. Investigations established that the said officials indeed misappropriated the money and there was evidence of theft. However, the officials have all since died.

The file was forwarded to the Attorney General on 22nd May 2006 with recommendation that the same be closed since the officials involved in the theft are all deceased. Recommendation to close file was accepted on 23rd June 2006.

12. KACC/FI/INQ/100/03

Inquiry into an allegation that the City Council of Nairobi made a payment of Kshs. 4.3 million to Stonegate Products for a generator and pickup Matatu that were never supplied. Investigations revealed that ten senior officers of the City Council circumvented the set procedures and enabled the payment to Stonegate Products of a sum totalling Kshs. 2,799,000.00 for goods not delivered.

The file was forwarded to the Attorney General on 22nd May 2006 with recommendation that the City Council of Nairobi officers be charged with the offence of abuse of office. The officers include the then Director of Housing Development Department and the Acting Workshop Manager in the same Department, the City Treasurer, various Accountants and Auditors. It was also recommended that the proprietor of Stonegate Products be charged with two counts of obtaining by false pretences.

Recommendation to prosecute was accepted on 28th June 2006.

13. KACC CR 142/285/2005, NAIROBI ACC 42/2005

Inquiry into an allegation that an employee of the City Council of Nairobi had demanded a sum of Kshs. 20,000/- in order to forbear demolishing the complainant's Kiosk. Investigations established that the suspect solicited for the said sum and received it through an agent. He was arrested and charged with two counts of corruption.

The file was forwarded to the Attorney General on 25th May 2006 with recommendation to continue with prosecution.

14. KACC CR 122/489/2005; NAIROBI ACC NO. 35/05

Inquiry into an allegation that an Administration Police Officer attached to Eastleigh Chief's camp demanded a sum of Kshs. 3,000/- from the complainant as an inducement to release cloth material impounded at the Chief's camp. Investigations established the suspect had indeed demanded and received

the said sum from the complainant. He was arrested and charged with two counts of corruption.

The file was forwarded to the Attorney General on 25th May 2006 with recommendation that the case be prosecuted. Recommendation was accepted on 26th June 2006.

15. KACC/FI/INQ/56B/05

Inquiry into an allegation that the M.P for Galole Constituency , his Personal Assistant and Constituency Committee Development members had colluded with unscrupulous traders to misappropriate Galole Constituency Developments Funds. Investigations established that the Constituency Development Fund Act and the Government Procurement Regulations were not followed when disbursing the funds.

The file was forwarded to the Attorney General on 6th June 2006 with recommendation that the M.P. for Galole Constituency and his Personal Assistant be charged with Economic Crime for procuring consultancy services without following the law. It was also recommended that the Galole Constituency Development Committee Secretary be charged with Economic Crime for failing to handle Kshs. 93,000 received as proceeds for sale of tender documents as required by law. Recommendation to prosecute was accepted on 30th June 2006.

16. KACC CR 741/348/2005; KERICHO ACC 24/05

Inquiry into an allegation that an Inspector in the Department of Weights and Measures, Kericho, solicited for a sum of Kshs.80,000/- from the complainant as an inducement to withdraw Kericho criminal case No. 1741/05 preferred by the said suspect against the complainant. Investigations established the demand was made. The suspect was arrested and charged with soliciting for a bribe.

The file was forwarded to the Attorney General on 20th June 2006 with recommendation to prosecute and the recommendation was accepted on 26th June 2006.

17. KACC/INQ.41/1.10.04

Inquiry into an allegation of tax evasion by exporters of hides and skins in collusion with Hides and Skins Officers in the Veterinary Department. High quality hides were declared as low grade hide, hence less VSDF Levy and export duty was being paid. There was little or no supervision of exporters to ensure proper levy was paid for the hides and skins being exported.

The file was forwarded to the Attorney General on 21st June 2006 with recommendation that Administrative action be taken against a Principal Hides and Skins Officer. It was also recommended that another Principal Hides and Skins Officer be charged with two counts of abuse of office for improperly conferring a benefit on himself amounting to Kshs. 205,000 for services meant to be rendered free of charge.

Recommendation to prosecute was accepted on 30th June 2006.

18. KACC CR/141/751/05; NAIROBI ACC NO. 30/05

Inquiry into an allegation that an employee of the City Council of Nairobi's Public Health Department was demanding a sum of Kshs. 80,000/- from the complainant in order to give a favourable compliance report as per court order in criminal case No. 226A of 2005. Investigations established that the Senior Public Health Officer indeed demanded the said sum and received Kshs. 2,000/- from the complainant. He was arrested and charged with two counts of corruption.

The file was forwarded to the Attorney General on 21st June 2006 with recommendation to continue with prosecution. The recommendation was accepted on 30th June 2006.

19. KACC/INQ.1/21.01.04

Inquiry into allegations of irregular payment of cash to the Mayor and Deputy Mayor of the City Council of Nairobi in lieu of furniture. Investigations established that payments were

indeed made to the Mayor and Deputy Mayor despite the fact that there was no resolution authorizing such payment.

The file was forwarded to the Attorney General on 21st June 2006 with the following recommendations;

- i) That the then Mayor of the City Council of Nairobi be charged with economic crime for unlawfully receiving Kshs. 3,000,000/- from the City Council of Nairobi on 20th May 2003 and 17th July 2003.
- ii) The Deputy Mayor of the City Council of Nairobi be charged with economic crime for unlawfully receiving Kshs.1, 500,000/- from the City Council of Nairobi on 8th July 2003.
- iii) The former Town Clerk be charged with two counts of abuse of office for improperly conferring a benefit to the Mayor and Deputy Mayor.
- iv) The former Town Clerk be charged with another count of giving false information to the Minister for Local Government on 29th April 2003.

The Attorney General returned the file on 30th June 2006 with recommendation that further investigations be carried out.

20. KACC/INQ 24/2004

Inquiry into allegations that the City Council of Nairobi irregularly awarded a garbage collection contract to Jacorossi Impresse SPA of Italy. Investigations established that the Council did not conduct any due diligence test before entering into a memorandum of understanding with Jacorossi. Further, officers and Councillors of the Council travelled to Italy and Egypt in November 2003 and paid themselves full per diem though the trip was fully paid for by Jacorossi, and were hence entitled to only quarter per diem in accordance with the Government Regulations.

The file was forwarded to the Attorney General on 21st June, 2006 with the following recommendations;

- i) The nine Councillors and Senior Officers who received the excess per diem be charged with economic crime for. The officers include Assistant Town Clerk-Legal, Acting Director, Environment and Assistant Director, Environment.
- ii) The former City Treasurer be charged with two counts of abuse of office for irregularly authorising the per diem payment and personally benefiting from the same.
- iii) The Deputy Town Clerk, Administration be charged with abuse of office for approving the extra per diem.
- iv) That one Paul Koinange be charged with deceiving a person acting under the Anti-Corruption and Economic Crimes Act for falsely claiming to be a Director of Anset Africa.

The Attorney General accepted all the recommendations on 30th June 2006.

21. KACC/INQ.36/18.05.05

Inquiry into allegations of impropriety in the procurement of computer equipment for the Integrated Financial Management Information Systems (IFMIS) Project, by the Ministry of Finance. Investigations established that procurement procedures were not followed when inviting bids for supply of computers for the project.

The file was forwarded to the Attorney General on 21st June 2006 with recommendation that the Acting Director of Government Information Technology Services (GITS) Department be charged with six counts of economic crime for wilfully failing to comply with laid down procurement procedures. It was also recommended that the Procurement Officer 11 in the same Department be charged with one count of economic crime. Recommendation to prosecute was accepted on 30th June 2006.

22. KACC/FI/INQ/51

Inquiry into allegations of abuse of office by a Senior Lands Officer in that he fraudulently acquired title to a Government house No. MG373 situated in South B and transferred it to a third party. Investigations established that the said Senior Lands officer used his office to improperly confer a benefit to himself, his wife and a third party. This was by fraudulently acquiring the Government house.

The file was forwarded to the Attorney General on 22nd June 2006 with recommendation that the Senior Lands Officer, his wife and a third party be charged with two counts of economic crime. The Senior Lands Officer is further to be charged with two other counts of abuse of office.

Recommendation to prosecute was accepted on 30th June 2006.

23. KACA/INQ.73/15.3.2000

Inquiry into allegations that one Philip Kivuva Nzioka used corrupt means to transfer land parcel numbers Nzau/kikumini/755 and 756 to himself thereby depriving the family of the late Grishon Mutiso of its entire land. Investigations have established that forged documents were used to obtain judgement that was used to transfer the land.

The file was forwarded to the Attorney General on 23rd June 2006 with recommendation that one Philip Kivuva Nzioka be charged with seven counts of forgery, seven counts of uttering a false document and one count of perjury.

Recommendation to prosecute was accepted on 30th June 2006.

**STATISTICAL SUMMARY OF FILES FORWARDED TO THE
ATTORNEY GENERAL**

Total No. of files forwarded to the Attorney General	23
No. of files recommended for prosecution	21
No. of files recommended for administrative or other action	0
No. of files recommended for closure	2
No. of files forwarded to the Attorney General with recommendation to prosecute and the cases are already lodged in Court	12
No. of files where recommendation for administrative or other action accepted	0
No. of files where recommendation for closure accepted.	2
No. of files returned for further investigations	1
No. of files where recommendation to prosecute not accepted	0
No. of files where recommendation for administrative or other action not accepted	0
No. of files where closure not accepted	0
No. of files awaiting Attorney General's action	0

DATED AT NAIROBI THIS DAY OF 2006

JUSTICE A. G. RINGERA
DIRECTOR/CHIEF EXECUTIVE