



**THE FOURTH QUARTERLY REPORT FOR THE YEAR 2010  
COVERING THE PERIOD  
1<sup>ST</sup> OCTOBER TO 31<sup>ST</sup> DECEMBER 2010**

**THE KENYA ANTI-CORRUPTION COMMISSION**

## **PREAMBLE**

The Kenya Anti-Corruption Commission is required under section 36 of the Anti-Corruption and Economic Crimes Act, 2003, to prepare quarterly reports setting out the number of reports made to the Attorney General under section 35.

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, 2003. The report covers the third quarter of the year 2010 and is for the period commencing 1<sup>st</sup> October 2010 to 31<sup>st</sup> December, 2010.

## **INVESTIGATIONS COVERING THE PERIOD 1<sup>ST</sup> OCTOBER TO 31<sup>ST</sup> DECEMBER 2010**

### **1. KACC/FI/INQ/152/2010**

Inquiry into allegations that officials of the Ministry of Industrialization issued exemptions for importation of over age motor vehicles, in contravention of the Kenya Standard KS 1515: 2000 and the Verification of Conformity to Kenya Standards of Imports Order (Legal Notice No. 78 of 2005). The investigations revealed that between the months of January and September 2010, the Minister for Industrialization exempted a total of 515 used motor vehicles that were over the allowed age of eight years. Out of these vehicles, 137 were exempted by the Minister without consulting or seeking advice from the National Standards Council. The Minister also granted the exemption without due consideration for national interest. Investigations further revealed that most of the persons who benefited from the exemptions were traders who were importing vehicles for sale and therefore were not included in the category stipulated in Legal Notice No. 78 of 2005. In the circumstances, the evidence established that the Minister was culpable for granting the exemptions without due regard to the procedure and applicable requirements.

The file was forwarded to the Attorney General on 21<sup>st</sup> December, 2010 recommending that the Minister be charged with the offences of abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, 2003 and wilful disobedience of statutory duty contrary to section 130 of the Penal Code, Chapter 63 of the Laws of Kenya. The Attorney General accepted the recommendation for prosecution on 3<sup>rd</sup> January, 2011.

### **2. KACC/FI/INQ/108/2009**

Inquiry into allegations of irregular procurement of consultancy services for review and development of the Kenya Wildlife Services (KWS) Strategic Plan for 2008-2012. Investigations revealed that although KWS indicated in the Request for Proposals that the bidder was to install the Balance Score Card software, they failed to give the specifications of the kind of software required. This was in breach of Section 79(a) Public Procurement and Disposal Act, 2005 that specifically required the procuring entity to prepare terms of reference setting out the specific requirements prepared relating to the services, and if applicable, the goods being procured and the time limit for delivery of completion. The investigation further revealed that the Evaluation Committee of KWS varied the evaluation criteria by excluding the BSC software specification, which variation was endorsed by the Tender Committee. This was in contravention of the procurement regulations.

The report was forwarded to the Attorney General on 7<sup>th</sup> October, 2010 recommending that the Managing Director, KWS, the Deputy Director of Finance, Head of ICT and Procurement, alongside all the members of the Evaluation and

Tender Committees be charged with the offence of wilful failure to comply with the law relating to procurement contrary to section 45(2) of the Anti- Corruption and Economic Crimes Act, 2003. It was further recommended that administrative action be taken against the Director General Public Procurement Oversight Authority for failure to review the procurement of the consultancy despite receiving a complaint from one of the bidders. The file was returned by the Attorney General on 22<sup>nd</sup> December 2010, recommending further investigations.

### **3. KACC/FI/INQ/34/09**

Inquiry into allegations of irregular procurement of two ICT consultants by the Kenya Airports Authority (KAA). In order to achieve its desired ICT strategy, KAA through an open tender awarded a Consultancy Contract to the successful bidder in 2005, for ICT Strategy and Implementation. The investigation revealed that in March 2006, the contract was terminated by KAA citing failure to avail key personnel by the firm contracted. The investigation established that upon the termination of the first Consultancy, the Managing Director (KAA) approved the hire of two new ICT consultants. The investigation revealed that the two did not tender any proposals for evaluation as required under the procurement regulations. Instead, they were hired like any other KAA employee and put on the KAA payroll. They did not have any TORs detailing the nature of their consultancy, the time frame and expected deliverables. The investigation showed that the officers at KAA who hired the two persons were culpable for failure to comply with the laid down public procurement regulations.

The file was forwarded to the Attorney General on 12<sup>th</sup> October, 2010 recommending that the suspects, namely the MD, ICT manager, General Manager Finance, Human Resource manager and procurement manager be charged with the offence of wilful failure to comply with the applicable laws relating to procurement contrary to section 45(2) (b) and abuse of office contrary to section 46 of the Anti- Corruption and Economic Crimes Act, 2003. The file was returned by the Attorney General on 22<sup>nd</sup> December, 2010 recommending further investigations.

### **4. KACC/ MSA/FI/15/ 2010**

Inquiry into allegations that the appointment of a law firm to handle debt collection and revenue enforcement at the Municipal Council of Mombasa was fraudulent and contravened the Public Procurement and Disposal Act, 2005. The investigations revealed that sometime in 2004, the Municipal Council of Mombasa entered into a contract with a private company for the installation and implementation of a Geographical Information System in the Council. The company established a revenue recovery team comprising of a lawyer, an auctioneer and a valuer to enhance revenue collection. It was agreed between the Council and the company that the lawyer would be part of the private firm's staff. The investigation revealed that notwithstanding this fact, the lawyer appointed by the private firm demanded for payment directly from the Municipal Council in respect of rates that he had collected from defaulters. Since the lawyer

had no contract with the Council, he was not entitled to make any claim directly from the Council. Moreover, the investigation further revealed that the money that he demanded for and was paid to him by the council was not advocates debt collection fees. Instead, it was money that the council was entitled to retain. In addition two officers from the council authorized the payment to the lawyer in spite of them knowing that the lawyer had no contract with the council and that he was not entitled to the payment. The payment made to the lawyer was therefore irregular and unlawful.

The file was forwarded to the Attorney General on 22<sup>nd</sup> October, 2010 recommending that the three suspects namely; the lawyer be charged with the offences of unlawful acquisition of public property contrary to section 45(1) and the two council officials with abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, 2003. The Attorney General accepted the recommendation for prosecution on 2<sup>nd</sup> December, 2010.

**5. KACC/FI/INQ/09/2010.**

Inquiry into allegations that a Senior Education Officer in the Ministry of Education, misappropriated part of Kshs. 8,574,740 entrusted to her to facilitate a national school based de-worming exercise in the Coast, Western, Nyanza, Eastern and Nyanza Provinces. The imprest was meant to facilitate the training workshops for the officers who would be involved in the exercise. The investigations revealed that at the time of the surrender of the imprest, the suspect used forged documents in purported justification of the expenses incurred. She submitted forged fuel tickets, as well as exaggerated allowance payment claims for the workshop participants.

The file was forwarded to the Attorney General with recommendations that the suspect be charged with the offences of fraudulent acquisition of public property contrary to section 45(1) of the Anti-Corruption and Economic Crimes Act, 2003, false accounting by a public officer contrary to section 331 (1), and uttering false documents contrary to section 353 of the of the Penal Code. The Attorney General accepted the recommendation for prosecution on 29<sup>th</sup> November, 2010.

**6. KACC/MSA/FI/INQ./40A/2006**

Inquiry into allegation that the Export Processing Zone Authority Board (EPZA), procured motor vehicles from Marshalls East Africa Limited and Toyota East Africa Limited using single sourcing method contrary to the existing procurement laws and regulations.

Investigations established that the EPZA Board approved a request by the EPZA management to purchase new cars through a financing arrangement that would have interest charged at no more than a flat rate of 10% per annum. EPZA proceeded to procure nine motor vehicles from the two companies in question by way of single sourcing and without first ensuring that there was sufficient money in the EPZA budget to cater for the purchase. This was in contravention of

Regulations 17(1) and 17(6) of the Exchequer and Audit (Public Procurement) Regulations, 2001.

A report was compiled and forwarded to the Hon. Attorney General on 2<sup>nd</sup> November, 2010 with the recommendations that the members of the EPZA Board be charged with the offence wilful failure to comply with law relating to procurement of goods, contrary to section 45 (2) (b) of the Anti-Corruption and Economic Crimes Act, 2003. The Attorney General accepted the recommendation for prosecution on 21<sup>st</sup> December, 2010.

**7. KACC/INQ/FI/26/2010**

Inquiry into allegations of abuse of office and embezzlement of Kshs.1,370,000 against a Senior Assistant Director of Education, while conducting workshops for training members of school infrastructure committees for primary schools in Central and Nairobi Provinces. The investigation showed that the suspect received the aforesaid sum to pay lunch allowance and transport reimbursement to participants and facilitators. At the time of surrender of the imprest, the suspect purported to have expended the entire imprest. The investigation however revealed that he used false documents to surrender the imprest. The payment schedules were altered to exaggerate the amounts received by the participants. The suspect was therefore culpable for false accounting.

The file was forwarded to the Attorney General on 13<sup>th</sup> October, 2010 recommending the prosecution of the suspect for the offence of false accounting contrary to section 331(1) of the Penal Code. The Attorney General accepted the recommendation for prosecution on 21<sup>st</sup> December, 2010.

**8. KACC/FI/INQ/162/2010**

Inquiry into allegations of embezzlement against an employee of the Western Kenya Community Driven Development and Flood Mitigation Project. The investigation established that the said officer received an imprest of Kshs. 5,532,000 to facilitate a workshop on Environmental Social Management Framework at the Kisumu Hotel. The investigations also revealed that the suspect surrendered the imprest using false documents in support of expenditure. The payment schedules were altered to exaggerate the amounts received by the participants. The payment schedules also included names of persons who neither attended the workshop nor received any reimbursement.

The file was forwarded to the Attorney General on 29<sup>th</sup> December, 2010, recommending that the suspect be charged with the offences of fraudulent acquisition of public property contrary to section 45(1) and deceiving principal contrary to section 41(1) of the Anti- Corruption and Economic Crimes Act, 2003; and in the alternative, false accounting by a public officer contrary to section 331(1) of the Penal Code. Recovery proceedings for the monies fraudulently

acquired were also recommended. The Attorney General accepted the recommendation on 3<sup>rd</sup> January, 2011.

**9. KACC/FI/INQ/186/2009**

Inquiry into allegations of fraud and corruption against an employee of the Western Kenya Community Driven Development and Flood Mitigation Project. The investigation established that the said officer took an imprest of Kshs.1,151,770 to organize a training workshop for Community Development Committee members at Busia Agricultural Training Centre. The investigations also revealed that the suspect surrendered the imprest using false documents in support of expenditure. The participants' lists were doctored to include the names of persons who did not attend the workshop and the payment schedules falsified to indicate that the said people were paid when in actual fact they were not paid.

The file was forwarded to the Attorney General on the 18<sup>th</sup> November 2010, recommending that the suspect be charged with the offences of fraudulent acquisition of public property contrary to section 45(1) and deceiving principal contrary to section 41(1) of the Anti- Corruption and Economic Crimes Act, 2003; and in the alternative, uttering false documents contrary to section 353 of the Penal Code. The Attorney General accepted the recommendation for prosecution on 21<sup>st</sup> December, 2010.

**10. KACC/FI/INQ/36/2007**

Inquiry into allegations that a businessman fraudulently evaded payment of customs duty on a Motor Vehicle. It was alleged that the suspect imported the said motor vehicle from the UK and purportedly sold it to an International Organization that enjoys duty free facility. The investigation revealed that the vehicle was cleared free of duty and registered in the name of the said organization. The NGO got to know of the existence of the motor vehicle several years later when it was involved in a road traffic accident. It was under the custody of the suspect who also had in his possession a Log Book in the name of the organization.

The file was forwarded to the Attorney General on 28<sup>th</sup> October 2010 recommending that the suspect be charged with the offence of fraudulent evasion of payment of Customs duty contrary to section 187(f) of the Customs and Excise Act, and the full amount of duty payable and the attendant penalties be recovered by the Kenya Revenue Authority. The Attorney General accepted the recommendation for prosecution on 3<sup>rd</sup> December, 2010.

**11. KACC/FI/INQ/55C/05**

Inquiry into allegations of abuse of office against a former Director, and a Finance and Administration Manager respectively of Kenya Wines Agency

(KWAL). It was alleged that the two officers failed to remit Kshs. 600,000 paid to them by a private firm in respect of products purchased by the said firm from KWAL on credit. The investigation revealed that the private firm was a distributor of KWAL products. The firm authorized one of their employees to collect goods from KWAL on its behalf. It is in the course of collecting the products that the employee of the firm entered into an arrangement with the two officers at KWAL to obtain goods on credit on the strength of post dated cheques. It was a requirement that since the firm was in the category of cash account customers, for it to be accorded credit facilities; it had to furnish a bank guarantee. The investigation revealed that the firm's employee was not one of its directors and therefore could not furnish such a guarantee. In spite of the there being no bank guarantee given, the Finance and Administration Manager gave an approval for the firm to obtain products on credit. The investigation showed that this approval was irregular. As a result, the firm received goods on credit worth Kshs. 600,045. The investigation further revealed that the former KWAL director offered his own personal cheques to KWAL as bank guarantee in order for the private firm to obtain goods on credit. In return the firm's employee deposited into the director's account funds to cater for the cheques issued. The evidence obtained did not reveal that the director remitted the money paid to him to KWAL for the products. By failing to remit the money to KWAL, the Director improperly conferred a benefit to himself, whereas the Finance Manager by authorizing the private firm to obtain products on credit improperly conferred a benefit on the firm.

The file was forwarded to the Attorney General on 28<sup>th</sup> December, 2010 recommending that the two suspects be charged with the offence of abuse of office contrary to section 46 of the Anti- Corruption and Economic Crimes Act, 2003. The Attorney General accepted the recommendation on 3<sup>rd</sup> January, 2011.

## **12. KACC/FI/INQ/24/2010**

Inquiry into allegations that a Senior Education Officer, Ministry of Education misappropriated an imprest of Kshs. 1,173,000 meant for training Management Committees and Education Officers in Eastern Province. The investigations revealed that the suspect did not properly account for the imprest that he received. The investigations also revealed that reimbursements to the workshop participants were done in an arbitrary manner and imprest surrender was not backed by any evidence of documentation to authenticate the amounts purportedly made. In addition, persons listed as facilitators denied either facilitating or being paid the sums indicated in the reimbursement schedules.

The file was forwarded to the Attorney General on 28<sup>th</sup> December, 2010 recommending that the suspect be charged with the offences of deceiving principal contrary to section 41(1) and fraud by a person employed in the public service contrary to section 127(1) of the Penal Code. The Attorney General accepted the recommendation on 3<sup>rd</sup> January, 2011.

**13. KACC/FI/INQ/55/2010**

Inquiry into allegations of embezzlement of Kshs. 763,000 by an accountant with the Ministry of Education. The investigation disclosed that the accountant received the imprest which was to cater for the payment of participants and facilitators at a Steering Group Writing workshop held at the Agricultural Resource Centre Hotel. The investigation revealed that the suspect surrendered the imprest using false documents. The investigation further revealed that a Senior Deputy Director of Basic Education received a sum of Kshs. 20,000/= from the suspect although he did not attend the workshop.

The file was forwarded to the Attorney General on 6<sup>th</sup> October, 2010 recommending that the two suspects be charged with the offences of deceiving principal contrary to section 41(1) and fraudulent acquisition of public property contrary to section 45(1) of the Anti- Corruption and Economic Crimes Act, 2003. Recovery proceedings for the monies fraudulently acquired were also recommended. The Attorney General accepted the recommendation for prosecution on 29<sup>th</sup> November, 2010.

**14. KACC/PI/INQ/108/2009**

Inquiry into allegations of fraudulent dismissal of a former employee of the Ministry of Transport and Communications and allegations of corrupt practices at the Ministry. The investigation established that the said officer was retired in public interest by the Public Service Commission, after a Judicial Committee of Inquiry found him guilty of misconduct. He challenged the retirement at the High Court but his suit was dismissed. Since the court dismissed his claim for unlawful dismissal, the Commission was of the view that the other avenue open to him was to appeal the decision. As concerns the allegations of corrupt practices, the Commission recommended that the same be referred to the Criminal Investigations Department (CID) for investigations and appropriate action, noting that the payments were allegedly made twenty years ago and could therefore disclose Penal Code offences.

The file was forwarded to the Hon. Attorney General on 4<sup>th</sup> October 2010 recommending that the matter be referred to the CID. The Attorney General accepted the recommendation to refer the matter to the CID on 21<sup>st</sup> December, 2010.

**15. KACC/FI/INQ/95/2005**

Inquiry into allegations that the Permanent Secretary, Ministry of Agriculture colluded with the Permanent Secretary Ministry of Lands and Housing, to fraudulently allocate a government house at Mugoya Phase IV Estate to the wife of the Permanent Secretary, Ministry of Agriculture. Investigations established that in 2002, the Government of Kenya decided to sell some of its non-strategic houses located in various parts of the country. A Task Force was formed to

identify the houses for sale, prepare sale documents and facilitate their transfer. One of the houses earmarked for sale was HG. 70 Mugoya Phase IV Estate. The occupant of the house made an application to purchase the house but the application was declined because the property had earlier been purchased by the wife of the former Permanent Secretary, Ministry of Agriculture. Investigations further revealed that, a Cabinet decision was made to the effect that all houses sold to non-civil servants, but had been occupied by civil servants should be repossessed. Since the allottee of the house in question was not a civil servant, she did not qualify for allocation. However, in the course of investigations, it was established that the allottee withdrew her interest in the property and surrendered the lease to the Commissioner of Lands. A refund of the purchase price was made to her.

A report was compiled and forwarded to the Hon. Attorney General on 15<sup>th</sup> November, 2010 recommending the closure of the inquiry file. The Attorney General accepted the recommendation for closure on 20<sup>th</sup> December, 2010.

**16. KACC/FI/INQ/18/2009**

Inquiry into allegations that a consignment of six used motor vehicles was cleared at the Mombasa Port in spite of them not meeting Kenyan Standards under KS 1515: 2000. It was further alleged that because the motor vehicles were more than 8 years old from their date of manufacture, their importation therefore contravened Clause 2.5 of the Kenya Standard Code of Practice for Inspection of Road Vehicles.

The investigation established that five of the motor vehicles in question exceeded the age limit provided for motor vehicle imports into the country. In accordance with Paragraph 7(3) of the Verification of Conformity to the Kenya Standards of Imports Order, 2005, it was recommended that the 5 vehicles be shipped back to the country of origin or destroyed at the exporter's expense. It was further proposed that such reshipment or destruction be supervised by KACC officers. There was however, no sufficient evidence to warrant the criminal prosecution of any of the three suspects named in the inquiry file.

The file was forwarded to the Attorney General on 4<sup>th</sup> October, 2010 with a recommendation that the inquiry file be closed. The file was returned by the Attorney General recommending further investigations.

**17. KACC/CR.141/320/2010-COURT FILE: MAKADARA ACC. NO. 3 OF 2010**

Inquiry into allegations that a Police Officer, attached to Pangani Traffic Base, corruptly solicited for a benefit from the complainant as an inducement to facilitate the release of a motor vehicle which had been impounded for an alleged offence of having tinted windscreens. The investigation established the solicitation of the benefit. The suspect was arrested and charged with the offence of soliciting a benefit contrary to section 39(3) (a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on the 11<sup>th</sup> October 2010 with a recommendation that the case be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution on 29<sup>th</sup> November, 2010.

**18. KACC/CR. 255/69/2010-COURT FILE: NYERI ACC. NO.1 OF 2010**

Inquiry into allegations that two businessmen corruptly offered a benefit of Kshs. 320, 000 to an officer of the Kenya Power & Lighting Co. Ltd as an inducement to facilitate the irregular release of KPLC electricity poles to them. The investigations established the offer made by the suspects. They were arrested at the scene as they supervised the loading of the poles onto a lorry. They were later charged in Court with corruptly offering a benefit and conspiracy to commit an offence of corruption.

The file was forwarded to the Attorney General on the 12<sup>th</sup> October 2010 recommending the prosecution of the suspects. The Attorney General accepted the recommendation for prosecution on the 20<sup>th</sup> December, 2010.

**19. KACC/CR. 313/279/2010-COURT FILE: MALINDI ACC. NO. 2 OF 2010**

Inquiry into allegations that the Lamu District Land Adjudication and Settlement Officer solicited for a benefit from the complainant as an inducement to facilitate the processing of a letter of offer in respect of the complainant's plot in Lamu/Hindi Magogoni. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Hon. Attorney General on 18<sup>th</sup> October, 2010 with a recommendation that the case be prosecuted to its logical conclusion. The recommendation to prosecute was accepted by the Attorney General on 29<sup>th</sup> November, 2010.

**20. KACC/CR.481/60/2010- COURT FILE EMBU ACC. NO.1 OF 2010**

Inquiry into allegations of corruption against public officers in the processing of Birth Certificates at the Meru South District Civil Registration office based at Chuka. Investigations revealed that some officers in the said office solicited for bribes before they could process and issue birth certificates to persons applying for the same. Investigations further revealed that the officers involved in the corrupt practices used people known to them and who they trusted as their agents to demand and receive bribes on their behalf and to transmit the same to them. The investigation established the solicitation and receipt of the benefit. The suspects were arrested and charged with the offences of soliciting and

receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Hon. Attorney General on 21<sup>st</sup> October 2010 with the recommendation that the case be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution on 29<sup>th</sup> November, 2010.

**21. KACC 313/267/2010-COURT FILE: MALINDI ACC. NO.1 OF 2010**

Inquiry into allegations that two officials of the Kenya Revenue Authority (KRA) based at the KRA Malindi Office had solicited for a benefit of a sum of Kshs. 300,000/= from a complainant as an inducement to them so as to waive a sum of Kshs. 680,000/= domestic tax that was due with respect to a residential property that the said complainant and members of his family had inherited. The investigation established the solicitation and receipt of the benefit. The suspects were arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The report forwarded to the Hon. Attorney General on 1<sup>st</sup> November, 2010 recommending that the case be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution on 29<sup>th</sup> November, 2010.

**22. KACC CR.731/72/2010- COURT FILE: NAKURU ACC NO.3 OF 2010**

Inquiry into allegations that the Executive Assistant at Kajiado Law Courts corruptly solicited and received a benefit from the complainant as an inducement to facilitate the issuance of an injunction in a Civil Case in which the complainant is the plaintiff. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 15<sup>th</sup> November, 2010, with the recommendation that the case be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution on 20<sup>th</sup> December, 2010.

**23. KACC/CR. 141/525/2010-COURT FILE: NAIROBI ACC. NO. 32 OF 2010**

Inquiry into allegations that a Marketing Assistant at the Nairobi City Water and Sewerage Company Ltd solicited for a benefit from the complainant as an inducement not to disconnect the complainant's water supply. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to

section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Hon. Attorney General on the 16<sup>th</sup> November 2010 recommending that the case be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution on 21<sup>st</sup> December, 2010.

**24. KACC CR. 221/172/2010-COURT FILE: NYERI ACC. NO.3 OF 2010**

Inquiry into allegations that a Volunteer Children's Officer, based at Kirinyaga District Children's office solicited from the complainant a benefit as an inducement to facilitate the recommendation for the placement of the complainant's daughter in a children's home. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 26<sup>th</sup> November, 2010, with the recommendation that the case be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution on 21<sup>st</sup> December, 2010.

**25. KACC CR. 141/938/2009-COURT FILE: NAIROBI ACC. NO. 3 OF 2010**

Inquiry into allegations that a Chief City Superintendent at the City Council of Nairobi, solicited from the complainant, a benefit as an inducement to offer the complainant "protection" to operate his matatu business at the Nairobi-Meru bus stage within the City Centre. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 26<sup>th</sup> November, 2010, with the recommendation that the case pending before court be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution on 20<sup>th</sup> December, 2010.

**26. KACC CR. 313/405/2010-COURT FILE: MALINDI ACC. NO. 3 OF 2010**

Inquiry into allegations that the Assistant Chief of Marekebuni Sub-location of Magarini District solicited from the complainant a benefit as an inducement to assist him to secure employment at the new Magarini District Commissioner's office. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the

Anti-Corruption and Economic Crimes Act, 2003 and the case is pending before the Malindi Anti-Corruption Court.

The file was forwarded to the Attorney General on 29<sup>th</sup> November, 2010 with the recommendation that the case be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution on 20<sup>th</sup> December, 2010.

**27. KACC CR. 411/96/2010-COURT FILE EMBU ACC. NO. 4 OF 2010**

Inquiry into allegations that the Deputy Officer Commanding Station, Runyenjes Police Station solicited from the complainants a benefit as an inducement so as to forbear charging them for an alleged offence of robbery with violence. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and the case is pending before the Embu Anti-Corruption Court.

The file was forwarded to the Attorney General on 28<sup>th</sup> December, 2010 with the recommendation that the case be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution on 3<sup>rd</sup> January, 2011.

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

Total No. of files forwarded to the Attorney General	27
No. of files recommended for prosecution	24
No. of files recommended for administrative or other action	1
No. of files recommended for closure	2
No. of files recommended for prosecution and the cases are already lodged before Court	11
No. of files where recommendation to prosecute accepted	22
No. of files where recommendation for administrative or other action accepted	1
No. of files where recommendation for closure accepted	1
No. of files returned for further investigations	3
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 forwarded in previous quarters and received during this quarter	18
No. of files where closure not accepted	0
No. of files awaiting Attorney General's action	0

**DATED AT NAIROBI THIS                      DAY OF                      2011**

**PROF. P.L.O. LUMUMBA, PhD  
DIRECTOR/CHIEF EXECUTIVE**