



**THE SECOND QUARTERLY REPORT FOR THE YEAR 2011
COVERING THE PERIOD
1ST APRIL TO 30TH JUNE 2011**

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 second quarter of the year 2011 and is for the period commencing 1st April, 2011 to 30th June 2011.

INVESTIGATIONS COVERING THE PERIOD 1ST APRIL TO 30TH JUNE 2011

1. KACC/AT/INQ/01/2010

Inquiry into allegations of irregular procurement of chromatography columns for the National Quality Control Laboratory (NQCL) by the Ministry of Medical Services. The investigations established that whereas the user department had requisitioned for 30 pieces of the High Performance Liquid Chromatography (HPLC) columns valued at Kshs. 1.8 million; the quantities were subsequently changed from "pieces" to "sets" during the procurement process, thereby causing the excess supply of 30 sets valued at Kshs. 66,780,000. The investigation further established that whereas the written contract with the supplier of the goods was not duly executed as provided in the Public Procurement and Disposal Act, 2005; a Local Purchase Order was issued to the supplier, in breach of the procurement regulations.

The file was forwarded to the Attorney General on 4th April, 2011 recommending that the two suspects namely; the Biomedical Engineer and Head of the Biomedical Engineering and Maintenance Division, and Senior Principal Procurement Officer and Head of the Procurement Unit of the Ministry of Health be charged with the offences of deceiving principal, contrary to section 41(2) and wilful failure to comply with the law relating to the tendering of contracts under section 45(2)(b) of the Anti-Corruption and Economic Crimes Act, 2003.

On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

2. KACC/INQ/FI/142A/2010

Inquiry into allegations that a Senior Education Officer, Ministry of Education embezzled Kshs.480,000 received by him as imprest while conducting a Capacity Building Workshop on Management of Instructional Materials for Secondary Schools at Kaimosi Teachers College. The investigations revealed that the officer purported to have paid a sum of Kshs.150,000 for accommodation of resource persons and Kshs.330,000 for the hire of laptops and LCD projectors, yet no such services were rendered. The evidence obtained further showed that the Education officer colluded with two business persons to provide false receipts purporting that payment had been made after services had been rendered. The payment made was later channelled back to the Education officer. He used the false documents to surrender an imprest that he had not expended for the purposes that it was issued.

The file was forwarded to the Attorney General on 11th April, 2011 recommending that the suspects be charged as follows; the Senior Education Officer be charged with fraudulent acquisition of public property contrary to section 45(1) (a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and both the Senior Education Officer, and the two business persons be charged with conspiracy to commit an economic crime contrary to

section 47(A) (3) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

3. KACC/FI/INQ/186/2010

Inquiry into allegations that two Provincial Administration Officers in Makindu District fraudulently acquired 500 bags of famine relief maize intended for distribution to the vulnerable residents of Makindu District. Investigations established that the Ministry of State for Special Programmes approved the allocation of assorted foodstuff to Makindu District for distribution to the needy residents of the District. A further provision was made in the form of Authority to Incur Expenditure (AIE) to cater for the logistical issues. Investigations established that, the District Officer collected the 1000 bags of maize from the National Cereals and Produce Board, and transported the same to Makindu. There were no documents obtained to show how 500 bags of maize had been distributed. The evidence obtained also showed that 500 bags of maize had initially been misappropriated, but restored by the District Commissioner after intervention by KACC. It further emerged that the District Commissioner and the District Officer alleged to have used 200 bags of maize as payment in kind for transport services. This was in spite of the fact that an AIE had been provided to cater for the logistics of transport and distribution of the food. Whereas the two officers ultimately restored and accounted for all the maize they had received, they had taken steps towards fraudulent disposal of 500 bags of maize. They were therefore culpable for an attempt to commit an economic crime.

The file was forwarded to the Attorney General on 14th April, 2011 with the recommendation that the two suspects be charged with an attempt to commit an offence involving economic crime contrary to section 47A(1) as read with section 45(1)(b) of the Anti-Corruption and Economic Crimes Act, 2003.

On 1st July, 2011, the Director of Public Prosecutions directed that administrative action be taken against the two officers, in lieu of prosecution.

4. KACC/FI/INQ/39/2010

Inquiry into allegations that a Senior Education Officer at the Ministry of Education misappropriated Kshs.4,942,000/ of World Bank Funds given to the Ministry of Education under the Kenya Education Sector Support Programme. The money was intended for the conduct of training of representatives of Primary Schools on HIV/AIDS Prevention and Life Skills at Shanzu and Kamwenja Teachers Training Colleges. The training took place concurrently between the 31st May, 2009 and 20th June, 2009. Investigations established that the Education Officer did not expend the imprest for the purpose it was given. Instead at the time of surrender of the imprest, the suspect submitted false and forged documents in respect of transport reimbursement to participants and for the purchase of stationery in an attempt to account for the imprest.

The file was forwarded to the Attorney General on 21st April, 2011 with the recommendation that the suspect be charged with the following offences; Fraudulent Acquisition of Public Property contrary to section 45 (1) (a) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003, Deceiving Principal contrary to section 41(2) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act and an alternative charge of False Accounting by a Public Officer contrary to section 331(1) and (2) of the Penal Code .

On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution and recovery of the sum embezzled.

5. KACC/FI/INQ/153/2011

Inquiry into allegations that two plots LR. Nairobi/Block82/4324 & 1093 belonging to Harambee Cooperative Savings and Credit Society Ltd (SACCO) were fraudulently sold by two Central Management Committee Members. Investigations revealed that Harambee Sacco in the course of business engaged in the purchase of several properties in various towns up to the early 1990's when such purchases were stopped by the government. Amongst the properties that the Sacco had already purchased for onward sale to its members was LR. No Nairobi/Block 82/4324. The investigations did not reveal any irregularities or fraud in the allocation of the said plot. The requisite fees for the plot was paid contrary to the allegations that the two members of the Central Management Committee had fraudulently sold the property, the evidence revealed that at the time of the allocations, the two were not officials. Therefore no culpability on the part of the two was disclosed to warrant any criminal or administrative action against them.

The file was forwarded to the Attorney General on 28th April, 2011 with the recommendation that the inquiry file be closed. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for closure.

6. KACC/FI/INQ/103/2010

Inquiry into allegations of conflict of interest and abuse of office against the National Project Co-ordinator of the Pan African Tsetse and Trypanosomiasis Eradication Campaign (PATTEC). PATTEC was a project within the Ministry of Livestock jointly funded by the Government and the African Development Fund. It was alleged, that since the inception of PATTEC in 2004/05, all consultancy contracts procured by PATTEC were awarded to a consultancy firm associated with the National Coordinator. Investigations established that the Consultancy firm was registered as a business under the Registration of Business Names Act, in 1997, and the joint proprietors were the National Project Co-ordinator and another partner. The National Project Co-ordinator however resigned from the business in 2003 and a certificate of change of particulars issued to that effect leaving the other partner as the sole proprietor. Whereas the investigations revealed that the same Consultancy firm that the Coordinator had resigned from was awarded contracts by PATTEC, there is no evidence that she participated in

the procurement process, or that she directly or indirectly influenced or benefited from the proceeds of the contract.

The file was forwarded to the Attorney General on 29th April, 2011 with the recommendation that the inquiry file be closed. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for closure.

7. KACC/FI/INQ/156/2010

Inquiry into allegations of irregular award of a concession/exploration licence to an unqualified Company due to influence by the Permanent Secretary, Ministry of Justice and Constitutional Affairs. Investigations established that three mining companies applied for exploration license to the Commissioner of Mines and Geology. All the three applications were approved by the Prospecting and Mining Licensing Committee, despite the fact that none of them qualified for the award of the license. They did not meet all the requirements that were pre-requisite for the granting of the exploration licence. Investigations revealed that in spite of the objections to the approval, raised by the Commissioner of Mines and Geology, the PS in the Ministry suspended him and appointed an acting Commissioner. Subsequently the new appointee approved the applications in spite of the flaws. The investigation also revealed that one of the directors of the applicant companies forged a Certificate of Incorporation, and he presented it together with his application, upon which the Commissioner of Mines and Geology issued an Exploration licence. With regard to the allegations that the PS Ministry of Justice influenced the issuance of a Prospecting license to one of the companies, the evidence obtained did not establish any criminality or culpability to warrant any action against her.

The file was forwarded to the Attorney General on 5th April, 2011 with the recommendations that the following be charged as follows; the PS Ministry of Environment, the acting Commissioner of Mines and Geology and the members of the Prospecting and Mining Licensing Committee in the Ministry of Environment and Natural Resources be charged with the offence of abuse of office contrary to section 46 as read with section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003; and the director of the mining company be charged with forgery contrary to section 345 and uttering a false document contrary to section 353 of the Penal Code Cap 63, the Laws of Kenya.

On July, 2011, the Director of Public Prosecutions returned the file for further investigations.

8. KACC/FI/INQ/15/09

Inquiry into allegation that the Head of Kabete School Equipment and Maintenance Unit, Ministry of Education Science and Technology embezzled Kshs.2,263,440.00 meant for rehabilitation of the Provincial Technical Training Institute office in Embu. The investigation revealed that although the officer received the imprest to refurbish the aforementioned office, no renovations were carried out, nor were any materials purchased. Instead, the officer used falsified documents to surrender the imprest which he embezzled. The investigation also

revealed that the approval of the imprest received by the suspect was irregular, since the suspect had no mandate to request for the money. The request would only have been made by the office of the Provincial Technical Training Institute office.

The file was forwarded to the Attorney General on 11th April, 2011, with the recommendation that the suspect be charged with the following offences; knowingly giving a false statement to one's principal contrary to section 41(2) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003, and uttering a false document contrary to section 353 of the Penal Code, and that administrative action be taken against a Senior Deputy Secretary in the Ministry of who was the A.I.E. holder and who approved the imprest received by the suspect.

On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

9. KACC MSA/FI/INQ/6/2010

Inquiry into allegations of failure to adhere to public procurement laws and regulations in the procurement of a motor grader at the Kwale County Council. Investigations established that the Tender Committee charged with the responsibility of evaluating the bids for the tender for the supply of the grader adopted an irregular evaluation criteria and awarded the tender to an unresponsive bidder. This was in breach of the public procurement regulations. Investigations further established that the successful bidder received payment for the grader although it was not supplied to the County Council.

The file was forwarded to the Attorney General on 23rd June, 2011, with the recommendation that the members of the Kwale County Council Tender Committee be charged with the offence of wilful failure to comply with the law relating to the procurement of goods contrary to section 45(2) (b) of the Anti-Corruption and Economic Crimes Act, 2003, and the County Clerk be charged with the abuse of office contrary to section 46, and alternative charge of fraudulently making payment for goods not supplied contrary to section 45(2)(a) (ii) of the Anti-Corruption and Economic Crimes Act, 2003.

On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

10. KACC/FI/INQ/168/2010

Inquiry into allegations of abuse of office by officials of the National Water Conservation and Pipeline Corporation, by irregular procurement of borehole materials. The investigations revealed that the Corporations Tender Committee approved the procurement of borehole materials which was to be done by way of raising Requests for Quotations. In spite of this requirement, the procurment officer issued LPOs to suppliers who had not submitted their quotations, and ignored those that had been invited to place their bids. Falsified documents were also used and no deliberations were made on the quotations. By issuing the

LPOs without any quotations, the procurement officer failed to comply with the applicable procurement procedures. By approving the LPOs and the Payment Voucher in respect of goods supplied without following the laid down procedure, the Managing Director and the head of the user department improperly conferred a benefit.

The file was forwarded to the Attorney General on 7th April 2011, with the recommendation that the suspects be charged with the following offences; the Managing Director and Head of Construction and Electro-Mechanical Department be charged with the offence of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act No. 3 of 2003; and the Procurement Officer be charged with wilful failure to comply with procurement law and procedures relating to procurement of public property contrary to section 45(2) (b) as read with section 48 of the Anti-Corruption and Economic Crimes Act, No.3 of 2003.

On 5th July, 2011, the Director of Public Prosecutions returned the file for further investigations.

11. KACC/KSM/FI/INQ/02

Inquiry into allegations that an acting Assistant Director of Education in the Ministry of Education embezzled Kshs.1,675,000 meant for the Kenya Education Sector Support Project. It was alleged that the officer received the imprest to facilitate the organisation of a capacity building workshop on the management of instructional materials in Secondary Schools held in Nyeri. The investigation revealed that the officer surrendered the imprest using false documents purporting to have spent the imprest that she had received for the intended purposes. The false documents included forged receipts for purchase of stationery, facilitators reimbursement schedules and false work tickets. The investigation also revealed that the suspect was accompanied by another officer who also used false documents to surrender the imprest she had received.

The file was forwarded to the Attorney General on 9th May, 2011, with the recommendation that the suspects be charged with the following offences; deceiving principal contrary to section 41(2) of the Anti-Corruption and Economic Crimes Act, No.3 of 2003 and fraudulent false accounting by a public officer contrary to section 331 (1) as read with section 331(2) the Penal Code.

On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

12. KACC/FI/INQ/7/2010

Inquiry into allegations that an Accounts Assistant Ministry of Education misappropriated an imprest of Kshs.2,414,700 to cater for a workshop held for TAC-Tutors at Kaimosi Teachers Training College. The investigations also revealed that the workshops were held in six sessions from 18th August, 2008 to 26th September, 2008 at the Kaimosi Teachers College. The investigation

revealed that the officer properly accounted for the imprest that he had received and surrendered it using authentic documents. The investigation did not reveal any evidence of misappropriation of the imprest.

The file was forwarded to the Attorney General on 18th May, 2011 with the recommendation that the inquiry file be closed. On 22nd June, 2011, the Director of Public Prosecutions accepted the recommendation for closure.

13. KACC. KSM/FI/01/2010

Inquiry into allegations that the principal of St. Theresa's Girls Secondary school, Kibuye misappropriated school funds and bought a lorry for the school in contravention of the public procurement rules and regulations. Investigations established that the lorry was single sourced by the school principal without competitive procurement as required by the Public Procurement and Disposal Act, 2005. As the Accounting Officer of the school, the principal was solely responsible for ensuring that there was compliance with the public procurement regulations. The investigation also established that the system of management of at the school was full of weaknesses that were prone to abuse; and thus would require urgent redress.

The file was forwarded to the Attorney General on 26th May, 2011 with the recommendation that the school principal be charged with the offence of careless failure to comply with the law relating to procurement contrary to section 45(2) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. A further recommendation was made that the KACC's Preventive Services Directorate do examine the practices and procedures of the school with a view to advising the school on administrative loopholes that may be conducive to corrupt practices.

On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution of the school principal, together with the members of the Board of Governors.

14. KACC/FI/INQ/163/2010

Inquiry into allegations that a Senior Education Officer in the Department of Tertiary and Secondary Education, embezzled an imprest of Kshs 3,446,362 received by him to carry out workshops on Infrastructure Needs Assessment in Nyanza and Western Provinces. The investigation revealed that no workshops were held, and the officer surrendered the imprest using false documents to purport to support the expenditure incurred.

The file was forwarded to the Attorney General on 8th June, 2011 with the recommendation that suspect be charged with the offences of knowingly deceiving the principal contrary to section 41(2) and fraudulent acquisition of public revenue contrary to section 45(1) (a) of the Anti-Corruption and Economic Crimes Act, 2003.

On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

15. KACC/INQ/FI/132/2010

Inquiry into allegations that the MP for West Mugirango and the Director of a construction firm fraudulently acquired Kshs.2,497,900 from the West Mugirango CDF kitty. Investigation established the area MP unilaterally engaged a construction company to carry out works on the Kebirigo-Mosobeti road without adherence to the applicable procurement procedures and regulations. The investigation further revealed that the contractor was paid with CDF funds allocated to the West Mugirango Constituency for a project that had not been planned for, nor approved by the Constituency Development Fund Board as provided for in the CDF Act.

The file was forwarded to the Attorney General on 8th June, 2011 with the recommendation that the MP be charged with the offences of wilful failure to comply with applicable procurement procedures and engaging in a project without prior planning as provided in section 45(2)(b) and (c) of the of the Anti-Corruption and Economic Crimes Act, No.3 of 2003, and the AIE holder for West Mugirango be charged with the offence of careless failure to comply with guidelines relating to incurring of expenditure contrary to section 45(2)(b) of the of the Anti-Corruption and Economic Crimes Act, No.3 of 2003.

On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

16. KACC/FI/INQ/164/2010

Inquiry into allegations that the National Project Coordinator for Western Kenya Community Driven Development and Flood Mitigation Project received an imprest of Kshs. 940,200 and surrendered it using forged documents. The Investigation established that the Coordinator properly accounted for the imprest he received and used it for the purposes that it had been issued. The documents he used in the surrender were authentic. There was no evidence to support any action against him.

The file was forwarded to the Attorney General on 20th May, 2011 with the recommendation that the inquiry file be closed. On 23rd June, 2011, the Director of Public Prosecutions accepted the recommendation for closure.

17. KACC/FI/INQ/182a/2010

Inquiry into allegations that the Member of Parliament for Igembe South Constituency irregularly purchased a constituency vehicle at an exorbitant price of Kshs 4.2 thereby occasioning a loss to the CDF kitty. Investigations established that the Igembe South Constituency Development Fund Committee resolved to buy a motor vehicle for use in the constituency. The purchase was approved and bought for a price that was within the range of Government

negotiated price. Investigations also revealed that the payment of Kshs. 4,198,999 was approved. The investigations did not reveal any irregularity in the purchase of the vehicle. There was also no evidence obtained to show that the MP irregularly purchased the vehicle for an exorbitant price or benefited personally from the purchase, to warrant any action against him.

The file was forwarded to the Director of Public Prosecutions on 23rd June, 2011 with the recommendation that the inquiry file be closed. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for closure.

18. KACC/FI/INQ/165/09

Inquiry into allegations of embezzlement of Kshs. 961,500 of the World Bank funded Western Kenya Community Driven Project by the project's Human Resource Manager and Cashier. The investigation revealed that the Human Resource Manager received the money to pay participants attending a workshop on Customer Care held at Kisumu Hotel. Investigations revealed that the Human Resource Manager used false documents at the time of the surrender of the imprest, comprising of forged payment schedules with inflated amounts and fictitious names.

The file was forwarded to the Attorney General on 4th May, 2011 with the recommendation that the suspect be charged with the offence of fraudulent acquisition of public property contrary to section 45(1) (a) as read with section 48(1) of the Anti- Corruption and Economic Crimes Act, 2003.

On 23rd June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

19. KACC CR.735/331/2010 CF NAKURU ACC. NO. 7/2010

Inquiry into allegations that a Quality Assurance and Standard Officer with the Ministry of Education corruptly solicited for a benefit from the complainant as a reward for having facilitated his appointment as a Supervisor in the 2010 K.C.S.E. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged before the Nakuru Anti-Corruption Court 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 6th April, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

20. KACC CR.741/507/2010 CF KERICHIO ACC. NO.1/2010

Inquiry into allegations that a Police Officer attached to Criminal Investigation Department, Eldoret corruptly solicited for a benefit from the complainant as an inducement to speed up investigations in a fraud case regarding his parcel of

land in Langas area in Eldoret Municipality. 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 27th April, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 1st July, 2011 the Director of Public Prosecutions accepted the recommendation for prosecution.

21. KACC CR.111/83/2011 CF NAIROBI ACC. NO.12/2011

Inquiry into allegations that employees of the City Council of Nairobi, City Inspectorate Department corruptly solicited for a benefit from the complainant as an inducement so as to facilitate the payment of fine in respect to two buses that had been impounded for violation of City Council's by-laws. 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 Attorney General on 7th June, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

22. KACC CR. 141/791/2010 CF NO. NAIROBI ACC.48/2010

Inquiry into allegations that certain persons, posing as officers of KACC were going round soliciting money from High School Principals as an inducement to forbear charging them with corruption-related offences. One of the principals who is the complainant reported that three persons posing as investigators of KACC solicited for a benefit Kshs.200,000 as inducement to provide the school with a "clearing certificate" from KACC and forbear charging the complainant with corruption offences. Upon receipt of the report from the complainant and investigations, the suspect was arrested and identified by the complainant as the person who had visited his school and presented himself as a KACC investigator. The investigation revealed that he suspect was not an investigator with KACC.

The suspect was arraigned before the Nairobi Anti- Corruption Court and charged with the offences of Impersonation contrary to section 34(1) of the Anti-Corruption and Economic Crimes Act and Attempt at extortion contrary to section 300(1) of the Penal Code. The file was forwarded to the Attorney General on 19th May, 2011 with the recommendation that the case be prosecuted to its logical conclusion.

On 23rd June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

23. KACC CR.218/147/2010 CF NYERI ACC. NO.2/2011

Inquiry into allegations that a former employee of the Kenya Power & Lighting Company Ltd corruptly solicited and received a benefit from the complainant as an inducement not to disconnect his electricity supply on allegations that he was using the power supply for commercial purposes, yet it was intended only for domestic use. It was further alleged that the suspect was not an employee of KPLC as he had purported, and was unknown to the KPLC staff at Limuru. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and arraigned before the Nyeri Anti- Corruption Court and charged with the offences of concealing evidence, contrary to section 66(1) (c) of the Anti-Corruption and Economic Crimes Act, 2003, obtaining money by false pretences contrary to sections 313 and personating a person employed in the public service contrary to section 105(b) of the Penal Code.

The file was forwarded to the Attorney General on 29th April, 2011 with the recommendation that the case be prosecuted to its logical conclusion, but the charges of obtaining by false pretences be withdrawn.

On 23rd June, 2011, the Attorney General accepted the recommendation for prosecution in respect of the charge of concealing evidence and personation; and withdrawal of the charge of obtaining money by false pretences.

24. KACC CR. 437/14/2011 – CF EMBU ACC. NO.3/2011

Inquiry into allegations that the Assistant Chief of Kathekani Sub-Location, Kibwezi District corruptly solicited and received a benefit from the complainant as an inducement to release a birth certificate that he had applied for. 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 9th May, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

25. KACC CR. 491/173/2010 CF EMBU ACC. NO. 6/2010

Inquiry into allegations that the Mwingi District Land Surveyor corruptly solicited and received a benefit from the complainant as an inducement to facilitate the excision of land which the complainant intended to buy. 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 27th April, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 29th

June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

26. KACC.CR.771/891/2010 CF KITALE ACC. NO. 2929/2010

Inquiry into allegations that two Clerks at the Kapsabet Law Courts corruptly solicited and received a benefit from the complainant as an inducement to facilitate the processing of the release of a suspect on bond. 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 Attorney General on 12th April, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

27. KACC.CR.141/764/2010 CF NAIROBI. ACC. NO.3/2010

Inquiry into allegations that an Internal Motor Assessor, Blue Shield Insurance Company Limited corruptly solicited and received a benefit from the complainant as an inducement to prepare an assessors report to facilitate the complainant to obtain re-imburement for an insurance claim. 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 14th April, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 23rd June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

28. KACC CR.144/122/2011 CF NAIROBI ACC. NO. 10/2011

Inquiry into allegations that Public health Officers with the City Council of Nairobi corruptly solicited and received a benefit from the complainant as an inducement to forbear charging him with an alleged offence of failing to comply with City Council of Nairobi by laws. 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 Attorney General on 19th April, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

29. KACC CR. 141/147/2011 CF NAIROBI ACC NO. 11/2011

Inquiry into allegations that employees of the National City Water and Sewerage Company Ltd solicited for a benefit from the complainant as an inducement so as to return two confiscated Water Meters and facilitate waiver of some alleged outstanding water bills owed by a company contracted by the complainant to carry out construction. 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 Attorney General on 18th May, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 23rd June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

30. KACC CR.214/65/2011 CF NYERI ACC. NO.1/2011

Inquiry into allegations that a Police Officer based at the Kikuyu Police Station and attached to Traffic duties solicited for a benefit from the complainant as an inducement to forebear charging the complainant with traffic offences arising from an accident that had occurred involving his vehicle and another. 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) and concealing evidence contrary to section 66 (1) (c) as read with section 66 (2) of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

The file was forwarded to the Attorney General on 8th June, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

31. KACC CR.021/121/2010 CF. MOMBASA ACC. NO. 18/2010

Inquiry into allegations that the Chairman of Ziwa La Ng'ombe Squatters Settlement Scheme, Kilifi solicited for a benefit from the complainant as an inducement to facilitate the change of land records in respect of a plot belonging to the complainant. 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 No.3 of 2003.

The file was forwarded to the Attorney General on 11th May, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

32. KACC CR.032/37/2010 CF. KISUMU ACC. NO.554 /2010

Inquiry into allegations that the Principal of Muhoroni Mixed Secondary School and the PTA Chairman solicited for a benefit from the complainant as an inducement to facilitate the approval of the Board of Governors for the payment of his outstanding claims arising out of a building construction contract with the school. 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) and concealing evidence contrary to section 66 (I) (c) as read with section 66 (2) of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

The file was forwarded to the Attorney General on 12th May, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

33. KACC CR.021/30/2011 CF. MOMBASA ACC. NO. /2011

Inquiry into allegations that the suspect herein offered a benefit to the complainant as an inducement to influence him to implicate the Member of Parliament for Makadara in a criminal case against the complainant. The investigation did not establish the solicitation and receipt of the benefit. Whereas the suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) and concealing evidence contrary to section 66 (I) (c) as read with section 66 (2) of the Anti-Corruption and Economic Crimes Act No.3 of 2003, the evidence obtained is not sufficient to prove the charges against him.

The file was forwarded to the Director of Public Prosecutions on 23rd June, 2011 with the recommendation that the case against the accused be withdrawn under section 87(a) of the Criminal procedure Code. On 29th June, 2011, the Director of Public Prosecutions accepted the recommendation for the withdrawal of the case under section 87(a) of the Criminal Procedure Code.

34. KACC CR. 141/289/2011 CF. NAIROBI ACC. NO.41/2011

Inquiry into allegations that a Senior Clerical Officer and an Accountant, Ministry of Education solicited for a benefit from the complainant as an inducement to facilitate the waiver of an outstanding balance in salary overpayment to the complainant. The investigation established the solicitation and receipt of the benefit, and forgery. The suspects were arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) and conspiracy to commit an offence of corruption contrary to section 47A(3) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003; and forgery contrary to section 349 of the Penal Code.

The file was forwarded to the Director of Public Prosecutions on 30th June, 2011 with the recommendation that the case be prosecuted to its logical conclusion.

On 1st July 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

35. KACC CR. 021/2011 CF. MOMBASA ACC. NO.3/2011

Inquiry into allegations that a Clerical Officer at the Coast provincial Land Disputes Appeal Committee, Mombasa solicited for a benefit from the complainant as an inducement so as to avail his file in respect of an appeal case pending before the Appeals Committee for purposes of allocating a hearing date. 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 No.3 of 2003.

The file was forwarded to the Director of Public Prosecutions on 30th June, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 1st July, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

36. KACC CR. 141/021/26/2011 CF. MOMBASA ACC. NO.5/2011

Inquiry into allegations that the CDF Account Manager, Garsen Constituency solicited for a benefit from the complainant as an inducement to facilitate the release of a cheque payable to the complainant in respect of a CDF project undertaken by him at Arap Moi primary School. The investigation established the solicitation of the benefit. The suspect was arrested and charged with the offences of soliciting a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

The file was forwarded to the Director of Public Prosecutions on 30th June, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 1st July, 2011, the Director of Public Prosecutions accepted the recommendation for prosecution.

DISCLOSURE OF DISRUPTIONS/INTERVENTIONS AND OTHER STATISTICAL INFORMATION UNDER SECTION 33 AND 36 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, 2003

In the months of May and June, 2011 the Kenya Anti-Corruption Commission proactively made the following disruptions and interventions/monitoring:-

(A) DISRUPTIONS

1. **Kitutu Chache Constituency CDF**
The Commission disrupted an irregular request for tax exception of Kshs.20 million by a merchant through the Kitutu Chache CDF, on account that the sugar was exempted from taxes.
2. **Sotik Town Council**
The Commission intervened and stopped the irregular allocation of various public plots within Sotik Town Council valued at approximately Kshs.10 million.
3. **Catering and Tourism Development levy Trustees**
The Commission intervened and stopped a flouted procurement process involving Kshs.700 million, for the construction of a hotel and training facility in Coast Province by the Trustees.
4. **Eldoret Municipal Council**
The Commission disrupted a cartel engaging in printing of fake land documents that was facilitating evasion of stamp duty and land rates in Eldoret Municipality amounting to Kshs.50 million.

The total loss of public funds averted through the aforementioned disruptions was **Kshs.780,000,000** (Seven Hundred and Eighty Million).

(B) INTERVENTIONS/MONITORING

1. **National Social Security Fund (NSSF)**
The Commission intervened and monitored the offer of Tender No. 16/2010-2011 for Supply, Installation, Configuration, Customization and Commissioning of a Fully Integrated ICT Infrastructure by NSSF at a cost of Kshs. **1,690,670,000/-** (Kenya Shillings One Billion Six Hundred and Ninety Million Six Hundred and Seventy Thousand).
2. **Postal Corporation of Kenya**
The Commission intervened and monitored the sale of Government Land by the Postal Corporation of Kenya to Bharti Airtel at a cost of **Kshs. 543,000,000/-** (Kenya Shillings Five Hundred and Forty Three Million).

The total value involved under interventions/monitoring was **Kshs. 2,233,670,000** (Two Billion, Two Hundred Thirty Three Million and Six Hundred and Seventy Thousand).

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

Total No. of files forwarded to the Attorney General	36
No. of files recommended for prosecution	30
No. of files recommended for administrative or other action	1
No. of files recommended for closure	5
No. of files recommended for prosecution and the cases are already lodged before Court	17
No. of files where recommendation to prosecute accepted	27
No. of files where recommendation for administrative or other action accepted	1
No. of files where recommendation for closure accepted	5
No. of files returned for further investigations	2
No. of files where recommendation to prosecute not accepted	1
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	3
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**