



**THE SECOND QUARTERLY REPORT FOR
THE YEAR 2009 COVERING THE PERIOD 1ST
APRIL 2009 TO 30TH JUNE 2009**

**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 2009 and is for the period commencing 1st April, 2009 to 30th June, 2009.

INVESTIGATIONS COVERING THE PERIOD 1ST APRIL 2009 TO 30TH JUNE 2009

1. KACC/FI/INQ/04/09

Inquiry into allegations of irregular release of Petroleum products held by the Kenya Pipeline Co. Ltd under collateral financing agreement without the authority of the financier. It was alleged that officials of the Kenya Pipeline Co. Ltd had irregularly released a total of 126,488,499 litres of petroleum products worth about Kshs. 7.6 billion that was under collateral financing to an oil marketing company without the requisite authority of the financier.

The investigation established that the collateral financing agreement was an arrangement whereby local oil marketers could access credit for the purpose of importing fuel under the Open Tender System that had been introduced by the Government of Kenya under the oversight of the Ministry of Energy. Its objective was to ensure price stability and adequate supplies of petroleum products. Such goods, once discharged at KPC's Kipevu Oil Storage Facility would be under the control of KPC on the basis of a letter of undertaking to the financier that they would not be released without the knowledge or authority of the financier, as security for the finances advanced to the marketer. It was established that in breach of this arrangement, certain KPC officers released fuel that had been charged to a financier to an oil marketer without the authority or knowledge of the financier; with the result that the finances thus advanced to fund the import risked being lost by the financier.

The file was forwarded to the Attorney General on the 4th June, 2009 with a recommendation that all the suspects involved be charged, respectively, with abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, neglect of official duty by a public officer, contrary to section 128 of the Penal Code, fraudulent disposition of mortgaged goods contrary to section 291 of the Penal Code, obtaining by false pretences contrary to section 313 of the Penal Code and conspiracy to defraud contrary to section 317 of the Penal Code. The recommendation was accepted by the Attorney General on 15th June, 2009 and the suspects have since been charged and arraigned before court to stand trial.

2. KACC/FI/INQ/83/2008

Inquiry into allegations of irregular advance payments to a contractor by the officials of the Ministry of Roads before delivery of goods. It was alleged that certain officials of the Ministry of Roads caused a payment of Kshs. 77 million to be made in advance to a contractor for the supply and delivery of bitumen before the goods were delivered.

The investigation confirmed that towards the end of the 2006/2007 financial year, the Ministry of Roads prepared twelve Local Purchase Orders (LPOs) for issuance to a contractor for the supply of bitumen. The LPOs were released to the contractor only two days to the closure of the 2006/2007 financial year. To facilitate payment within that financial year, two stores officers attached

to the Wilson Airport Depot issued counter requisition vouchers, falsely certifying that the goods ordered for had been received and taken on charge at the Depot. They colluded with the contractor who, for that purpose, had issued delivery notes and invoices purporting to show that deliveries had been made, when this was not the case. On the basis of the delivery notes, invoices and counter receipt vouchers, payment vouchers were prepared and full payment made to the contractor before delivery. It was evident therefore that the concerned officers had acted in breach of the Government Financial Regulations and Procedures that guide the incurring of expenditure. It was further established that delivery of the goods paid for in advance, which commenced in July, 2007, had not been fully made by the end of 2008 when this inquiry was instituted.

The file was forwarded to the Attorney General on 16th June, 2009 with recommendation that the suspects be prosecuted for the offences of wilful failure to comply with the law relating to the incurring of expenditure, and fraudulent acquisition of public property contrary to sections 45(1)(a) and 45(2)(b) of the Anti-Corruption and Economic Crimes Act, 2003. The advice of the Attorney General is awaited.

3. KACC/FI/INQ/91/2008

Inquiry into an allegation of fraudulent transfer of Kshs. 19.3 million from the KEMRI/CDC project account by a former Managing Director of Kenya Medical Research Institute (KEMRI) to the account of African Medical Services Trust (AMSET), an account that was unrelated to KEMRI.

The investigation confirmed the allegations and established that a total of Kshs. 19.3 million was irregularly transferred on the instructions of the former Managing Director to the account of AMSET, of which he was a trustee. It was further established that the suspect thereafter issued instructions for the movement of the funds from the AMSET account to various recipients outside the country through a local forex bureau.

The file was forwarded to the Attorney General on 26th June, 2009 with recommendation that the former Managing Director and AMSET be prosecuted for the offences of fraudulent acquisition of public property and abuse of office contrary to sections 45(1)(a) and 46 of the Anti-Corruption and Economic Crimes Act, 2003. It was further recommended that the misappropriated funds be recovered by the Commission's Civil Litigation and Asset Recovery Department. The recommendations were accepted by the Attorney General on 1st July, 2009.

4. KACC/AT/INQ/01/2009

Inquiry into allegations of embezzlement of the funds of the Kenya Civil Aviation Authority by the Human Resource & Administration Manager. It was alleged that some fraudulent activities were being perpetrated by the

Human Resource & Administration Manager in collusion with other members of staff in the Human Resource Department in connection with the Authority's medical scheme.

The investigation confirmed the allegations and further revealed that the Human Resource & Administration Manager had caused his own girlfriend who was neither a member nor a beneficiary of the KCAA medical scheme to be treated at a Nakuru Hospital during the period between February, 2008 and February, 2009 at the expense of the Authority and that to this end, he and his deputy made false representations vide letters of undertaking to the hospital indicating that the patient was a dependant of another member of staff, without the knowledge of the member of staff.

The file was forwarded to the Attorney General on 17th June, 2009 with recommendation for the prosecution of the suspects for the offences of conspiracy to defraud, contrary to section 317 of the Penal Code, Chapter 63 of the Laws of Kenya, as well as abuse of office and fraudulent acquisition of public benefit, contrary to sections 45(1)(a) and 46 of the Anti-Corruption and Economic Crimes Act, 2003. The file was returned by the Attorney General on 1st July, 2009 for further investigations.

5. KACC/FI/INQ/102/2005

Inquiry into allegations of abuse of office against the former Town Clerk of the Municipal Council of Busia. It was alleged that upon transfer to Busia, the officer stayed at a Busia hotel for several months at the expense of the Council. The investigation confirmed that because the institutional house for the Town Clerk had been leased out, the officer took full board accommodation at a hotel for eight months while at the same time drawing house allowance.

The file was forwarded to the Attorney General on 5th June, 2009 with the recommendation that the former Town Clerk be charged with fraudulent acquisition of public benefit, contrary to section 45(1)(a) of the Anti-Corruption and Economic Crimes Act, 2003, and that the sums thus acquired by the suspect be recovered by the Commission by way of civil action. The recommendations for prosecution and recovery were accepted by the Attorney General on 25th June, 2009.

6. KACC(KACA).CR.142/331/2002 – COURT FILE NO. NAIROBI ACC. 33/2002

Inquiry into allegations that two employees of the Kenya Revenue Authority had corruptly solicited for a bribe of Kshs. 500,000 from the complainant as inducement to forbear collecting unpaid income tax for the period 1993 to 1999 alleged to be in the sum of Kshs. 8 million. The investigation undertaken by the defunct Kenya Anti-Corruption Authority, established the solicitation and receipt of the benefit. The suspects were arrested and charged with the offence of corruption in office contrary to section 3(1) of the Prevention of

Corruption Act, Chapter 65 of the Laws of Kenya that was then in force. Upon the repeal of that Act, the two suspects were discharged under section 89(5) of the Criminal Procedure Code, Chapter 75, Laws of Kenya.

No action could be taken immediately with a view of having the suspects re-arrested and arraigned before court under the repealing law, namely, the Anti-Corruption and Economic Crimes Act, 2003, because a suspect in similar circumstances had filed **HCMA No. 994 of 2004: Republic Vs. the Chief Magistrate's Court, the Kenya Anti-Corruption Commission and the Attorney General, ex parte Antonine Auma Okoth**, seeking an order to prohibit the Kenya Anti-Corruption Commission and the Attorney General from pursuing charges against her under section 3(1) of the repealed Prevention of Corruption Act after the repeal of the Act. This matter, which had the effect of stalling all similar matters as the Anti-Corruption Court was reluctant to proceed before the High Court issued guidance on the way forward, was not concluded until 27th January, 2006, when the High court ruled that offences under the repealed Prevention of Corruption Act could be prosecuted, its repeal notwithstanding.

Thereafter, the Attorney General advised the Commission to re-evaluate the evidence in the file with a view of reviving the charges, taking into account the availability of the witnesses, the exhibits and the suspects. Upon such re-evaluation, it was established that although the suspects are available and still working for the Kenya Revenue Authority, it was not possible to obtain an independent witness to identify their voices in the tape-recorded conversation that is a key component of the prosecution evidence. The taped conversation was also found to be largely inaudible on account of the time lapse.

The file was therefore forwarded to the Attorney General on 21st May, 2009 with the recommendation that the matter be dealt with administratively by the Commissioner General, Kenya Revenue Authority, granted the overwhelming evidence of misconduct on the part of the officers. The recommendation was accepted by the Attorney General on 1st July, 2009.

7. KACC/AT/INQ/21/2009

Inquiry into allegations of irregular alienation of public land belonging to Eldoret Municipal Council. It was alleged that a former Mayor of Eldoret Municipal Council had irregularly sold a house belonging to the Municipal Council of Eldoret at Elgon View Estate to a certain businessman, and that the Mayor had illegally allocated public land belong to the Council to a company that he owned and thereafter caused the piece of land to be subdivided into smaller plots which he sold out. The investigation established the following:

- a) that the plot in question belonged to Eldoret Municipal Council after the Council bought the same and was issued with a Certificate of Lease.

- b) The Council had developed the plot by constructing thirteen three bed-roomed houses thereon for its staff.
- c) The first letter of allotment issued in 1995 to the company owned by the former mayor was cancelled after it was discovered that the land had already been leased to the Council.
- d) A second letter of allotment was issued to the former Mayor's company in 1997 in unclear circumstances, since the certificate of lease was still in the hands of the Council. The plot was therefore not available for allocation by the Government to the former Mayor's company, granted the definition of "unallotted Government Land" in section 2 of the Government Lands Act, Chapter 280 of the Laws of Kenya.
- e) It was noted that the letter of allotment in favour of the former Mayor was "subject to the surrender of the existing title" and there being no such surrender by the Council, the allocation was irregular. Besides, the alleged surrender of lease by the Council was not ratified in a full Council meeting as required by section 144 of the Local Government Act, Chapter 265 of the Laws of Kenya.
- f) The former Town Clerk of the Municipal Council of Eldoret who colluded with the former Mayor in these irregular transactions has since died.

The file was forwarded to the Attorney General on 21st May, 2009 with the recommendation that the subject property be recovered by way of civil action since the evidence gathered was not sufficient to sustain criminal charges against the former Mayor. To that end, the Commission has proceeded to file recovery suits against the former Mayor and others. The recommendation was accepted by the Attorney General on 25th June, 2009.

8. KACC/AT/INQ/55/2007

Inquiry into allegations that a Police Officer in the rank of a Constable had acquired unexplained assets in the period that he had been deployed at the Gilgil Weighbridge. It was specifically alleged that during the period in question, the suspect had acquired the following assets:

- a) A parcel of land located in Embu District.
- b) A hotel located at Runyenjes Township.
- c) Motor vehicle registration number KAX 599G
- d) A Toyota Premio motor vehicle.
- e) A club located at Naivasha Town.
- f) Huge cash deposits in his bank account at Equity bank.

The investigation undertaken by the Commission confirmed the allegations, whereupon, the suspect was served with a notice pursuant to section 26 of the Anti-Corruption and Economic Crimes Act, 2003, requiring him to furnish the Commission with an inventory of his properties as well as an explanation as to how and when he acquired the same. The suspect's response was analyzed and found to be unsatisfactory, thereby raising reasonable suspicion that he may have acquired the property through corruption.

Nevertheless, there was no evidence to sustain a criminal prosecution against him.

The file was forwarded to the Attorney General on 22nd April, 2009 with the recommendation that forfeiture of the unexplained assets be pursued by the Commission by way of civil action under section 55 of the Anti-Corruption and Economic Crimes Act, 2003. It was further recommended that administrative action be taken against the officer by the Commissioner of Police. The recommendation was accepted by the Attorney General on 16th June, 2009 and a letter has already been written to the Commissioner of Police for administrative action to be taken against the officer. The Commission's Civil Litigation and & Asset Recovery Department has also been instructed to take up the civil aspects of the matter.

9. KACC(MSA)/FI/INQ/12/2008

Inquiry into allegations that a clearing and forwarding company had bribed officers manning the Kenya Ports Authority Gate 18/20 with Kshs. 400,000 to allow a consignment of sugar purported to be on transit to Uganda, to leave the Port of Mombasa without paying the Custom's warehouse rent. It was further alleged that the sugar had been diverted into the local market.

The investigation established that by the time the goods were released the warehouse rent had not been paid, and upon discovery of this fact, the total sums due were computed and a demand for payment made to company. It was confirmed that the payment was made. In addition, a fine of Kshs. 1,200,000 was imposed on the company by the Kenya Revenue Authority. It was further established that the failure by the clearing company to pay the warehouse rent before the sugar left the Port was occasioned by the negligence of two employees of the Kenya Revenue Authority, who although they computed the rent payable, did not ensure payment before release of the goods. There was otherwise no evidence that the clearing company had given a bribe of Kshs. 400,000 as alleged.

The file was forwarded to the Attorney General on 9th June, 2009 with a recommendation for administrative action against the two employees of the Kenya Revenue Authority for their dereliction of duty. The recommendation was accepted by the Attorney General on 30th June, 2009.

10. KACC/AT/INQ/9/2007

Inquiry into an allegation that the Councillors and Chief Officers of the Municipal Council of Nakuru had failed to account for over Kshs. 200 million utilized during the Financial Years 2002/2003 and 2003/2004. Following an audit that was undertaken by the Kenya National Audit Office, it was noted that the aforesaid sum remained unaccounted for, among other anomalies. The investigation by the Commission established that most of the concerns had been addressed by the Council. On the issue of outstanding imprest that

was the subject of this inquiry, it was noted that the Council had some Kshs. 4,351,190 in outstanding imprest, which through the efforts of the Town Treasurer had been recovered substantially at the commencement of this inquiry. As at 31st January, 2009, the balance outstanding was Kshs. 88,826 and the recovery process was confirmed to be ongoing still. There was otherwise no evidence of criminal culpability pointing to any particular officer as the anomaly was due to the Council's system's weakness.

The file was forwarded to the Attorney General on 16th June, 2009 with recommendation for closure. The recommendation was accepted by the Attorney General on 30th June, 2009.

11. KACC/INQ/17/20.5.04

Inquiry into an alleged fraudulent sale of a piece of land situated in the City of Nairobi by Kenya Railways Corporation to a certain company at Kshs. 77,130,000 and its subsequent re-sale by the said company, owned by a former Permanent Secretary, to the National Social Security Fund at an exorbitant price of Kshs. 174,500,000. It was further alleged that the former Permanent Secretary used her influence in Government to coerce NSSF to purchase the property.

The investigation undertaken by the Commission confirmed that the Kenya Railways Corporation did advertise for sale some of its properties in Nairobi and other towns in the country. The need to dispose of the properties arose from a restructuring programme that entailed staff downsizing, with attendant financial implications. The Kenya Railways Corporation adhered to the divestiture guidelines that were then in force and caused the plots earmarked for disposal, including the subject plot, to be valued by its valuers as well as by an independent valuer. The independent valuer returned a value of Kshs. 51,550,000 for the subject plot. Thereafter Kenya Railways Corporation advertised the plots inviting bids for their sale. It was confirmed by the Commission that the bidding and evaluation process was above board, and the ultimate buyer was the highest bidder for the subject plot. Thereafter, the former Permanent Secretary, as the Managing Director of the purchasing company offered the property to NSSF for sale after applying for change of user from residential to commercial and obtaining an extension of the lease for the plot. It was ascertained that these changes had enhanced the value of the property.

The Board of the NSSF met severally to deliberate on the offer along with other offers and resolved to buy the property at Kshs.174,500,000. The decision was arrived at after several valuations had been undertaken at the instance of NSSF, and on the basis of the going price of adjacent plots. Additionally, members of the Board of NSSF who were interviewed by the Commission denied that the former Permanent Secretary exerted any pressure on them to purchase the property. In a peculiar turn of events, the property was thereafter declared a national monument under the provisions

of the Antiques and Monuments Act, Chapter 215 of the Laws of Kenya (now repealed), vide Gazette Notice No. 2443 of 16th May, 1997, a move which NSSF has taken action to challenge by way of a civil suit, vide **Milimani HCCC 714 of 2003**. It emerged therefore that although there was strong suspicion of collusion and conspiracy between the former Permanent Secretary and the Board/Management of NSSF in the disposal of the property to NSSF, there was no evidence to sustain a criminal prosecution to the requisite standards.

The file was forwarded to the Attorney General on 20th May, 2009 with the recommendation that the inquiry file be closed. The recommendation was accepted by the Attorney General on 25th June, 2009.

12. KACC.CASUM NO. 11616/2007

Inquiry into allegations of corruption and abuse of office against the Solicitor General. A report was made to the Commission alleging that the Solicitor General had engaged in various acts of corruption and abuse of office with regard to procurement of goods, works and services. The investigation conducted into each of the allegations revealed that most of them were unfounded. In a few instances, it was observed that there were institutional weaknesses at the State Law Office, which could be remedied by administrative measures. There was otherwise no evidence of criminal culpability on the part of the Solicitor General in the instances reported and investigated.

The file was forward to the Attorney General on the 29th April, 2009 with recommendation that the inquiry file be closed and that the administrative weaknesses noted be addressed by the State Law Office. The recommendation was accepted by the Attorney General on 1st July, 2009.

13. KACC/FI/INQ/12/2009

Inquiry into allegations that some Members of Parliament and senior public servants unlawfully influenced the allocation of maize by the National Cereals and Produce Board (NCPB) to themselves and others by writing introductory notes to the management of NCPB. The investigation confirmed that several Members of Parliament and some Permanent Secretaries did issue introductory notes to NCPB as alleged, and that this was at a time when the country was facing an acute food shortage that prompted the trustees of the Strategic Grain Reserve Trust Fund to dispose of some maize from the Strategic Grain Reserve through NCPB. The categories of persons who were eligible to buy maize from the Strategic Grain Reserves were millers, institutions and other desperate cases. It was further established from the concerned NCPB officers that applicable guidelines were followed in the sale of the maize and that all requests were treated equally. Additionally, the investigations established that quite a number of the introductory letters were not complied with as they were received by NCPB after the Trustees of the Strategic Grain Reserves Fund had suspended the sale of their maize stock. It

became apparent therefore that the notes did not in themselves accord the note bearers any advantage or benefit.

The file, which specifically dealt with the introductory notes that were not complied with by NCPB, was forwarded to the Attorney General on 29th April, 2009 with the recommendation that the inquiry file be closed. The recommendation was accepted by the Attorney General on 25th June, 2009.

14. KACC/FI/INQ/19/2008

Inquiry into allegations of misappropriation of Kshs. 18 million meant for the construction of Kehancha Municipal Stadium by a former Mayor. The investigation established that the contractor and the consultants were paid only for works and services rendered in accordance with the terms of the contract and hence, there was no indication that the funds were misused as alleged. Regarding allegations that the former Mayor converted some of the building materials to his personal use, the investigation revealed that it was the contractor's workers who removed some of the materials from the site because they had not received all their dues. Accordingly, there was no evidence to point to the criminal culpability of the former Mayor or any other suspect. The failure to complete the project as envisaged was directly attributable to the failure by the Municipal Council of Kehancha to avail sufficient funds for the project.

The file was forwarded to the Attorney General on 17th June, 2009 with recommendation for closure. The recommendation was accepted by the Attorney General on 30th June, 2009.

15. ACC.CR.141/632/2008 – COURT FILE NO. NAIROBI ACC. 37/2008

Inquiry into allegations that an employee of the City Council of Nairobi had corruptly solicited for a benefit as inducement to release the complainant's bicycle which she had confiscated, in the course of her duties, for breach of the bye-laws of the City Council of Nairobi. 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 Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 7th April, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 30th April, 2009.

16. KACC.CR.255/600/2008 – COURT FILE NO. NYERI ACC. 9/2008

Inquiry into allegations that a Clinical Officer based at Kirogo Health Centre in Muranga District had corruptly solicited for a benefit that was an inducement for him to fill a medical examination report form (P3) for the complainant's niece. The investigation established the solicitation and receipt of the benefit by the suspect. He 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 Nyeri Anti-Corruption Court.

The file was forwarded to the Attorney General on 16th April, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on the 7th May, 2009.

17. KACC.CR.444/133/2008 – COURT FILE NO. NAIROBI ACC. 19/2008

Inquiry into allegations that the Chairman and a member of the Kangundo District Land Disputes Tribunal had solicited for a benefit from the complainant as an inducement to facilitate the arbitration of a land dispute involving 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, 2003 and the case is pending before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 17th April, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 7th May, 2009.

18. KACC.CR.141/683/2008 – COURT FILE NO. NAIROBI ACC. 39/2008

Inquiry into allegations that an employee of the City Council of Nairobi had corruptly solicited for a benefit from the Route Manager of a bus company operating within the City of Nairobi as an inducement to forbear charging one of their drivers with the offence of damaging a portion of a roadside pavement and a street light post. 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 Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 11th May, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 11th June, 2009.

19. KACC(MSA).CR.021/16/2009 – COURT FILE NO. MOMBASA ACC. 4/2009

Inquiry into allegations that an employee of a clearing and forwarding company based in Mombasa had corruptly solicited for a benefit as an inducement to facilitate the quick clearance and release of the complainant's container. 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 Mombasa Anti-Corruption Court.

The file was forwarded to the Attorney General on 11th May, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 29th May, 2009.

20. KACC(MSA).CR.021/46/2008 – COURT FILE NO. MOMBASA ACC. 5/2008

Inquiry into allegations that an agent of the Kenya Power & Lighting Co. Ltd, based in Mombasa had corruptly solicited for a benefit from the complainant as an inducement to facilitate the installation of electricity supply to his premises situated in Bamburi Area. 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 Mombasa Anti-Corruption Court.

The file was forwarded to the Attorney General on 22nd May, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 16th June, 2009.

21. KACC.CR.736/21/2009 – COURT FILE NO. NAKURU ACC. 351/2009

Inquiry into allegations that a Public Health Officer based at Kitengela Township had corruptly solicited for a benefit from the complainant as an inducement to forbear charging his friend with the offence of hawking *samosas* under unsanitary conditions. 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 Nakuru Anti-Corruption Court.

The file was forwarded to the Attorney General on 2nd June, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 24th June, 2009.

22. KACC(MSA).CR.346/33/2009 – COURT FILE NO. MOMBASA ACC. 1/2009

Inquiry into allegations that two police officers attached to Kilifi Police Station had corruptly solicited for a benefit from the complainant and his driver as an inducement to forbear charging the driver with the offence of driving a defective motor vehicle on a public road and to release the lorry which had been detained by the officers in the course of their traffic duties. 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 and the case is pending before the Mombasa Anti-Corruption Court.

The file was forwarded to the Attorney General on 3rd June, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 24th June, 2009.

23. KACC.CR.030/05/2009 – COURT FILE NO. NAKURU ACC. 847/2009

Inquiry into allegations that the Officer in charge of Rongai Police Station had corruptly solicited for a benefit from the complainant as an inducement to forbear charging her husband with the 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 Nakuru Anti-Corruption Court.

The file was forwarded to the Attorney General on 3rd June, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 30th June, 2009.

24. KACC.CR.141/112/2009 – COURT FILE NO. NAIROBI ACC. 5/2009

Inquiry into allegations that two employees of the City Council of Nairobi had corruptly solicited for a benefit from the complainant as an inducement to forbear demolishing his food kiosk at Dagoreti Corner. 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 and the case is pending before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 12th June, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion.

25. KACC.CR.764/468/2008 – COURT FILE NO. NAKURU ACC. 6/2008

Inquiry into allegations that a Senior Resident Magistrate and a Police Officer attached to Engineer Law Courts in Naivasha had corruptly solicited for a benefit from the complainant as an inducement to release her mother, whose case was pending before the Senior Resident Magistrate's Court, from custody. The investigation established the solicitation and receipt of the benefit. The suspects were arrested and charged with the offences of conspiracy to commit an offence of corruption as well as soliciting and receiving a benefit contrary to section 39(3)(a) and 47A(3) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. Their case is pending before the Nakuru Anti-Corruption Court.

The file was forwarded to the Attorney General on 15th June, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 26th June, 2009.

26. KACC.CR.255/53/2009 – COURT FILE NO. NYERI ACC. 2/2009

Inquiry into allegations that a Volunteer Children's Officer based in Kikuyu Division of Kiambu Central District had corruptly solicited for a benefit from the complainant as an inducement to issue him with a letter granting him custody of his son, his estranged wife having consented to the arrangement. 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 Nyeri Anti-Corruption Court.

The file was forwarded to the Attorney General on 17th June, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 30th June, 2009.

27. KACC.CR.021/79/2008 – COURT FILE NO. MOMBASA ACC. 6/2008

Inquiry into allegations the three employees of the Municipal Council of Mombasa had corruptly solicited for a benefit from the complainant as an inducement to release her tents that had been confiscated by the officers on account of alleged illegal hawking. The investigation established the solicitation and receipt of the benefit. The suspects were arrested and charged with the offences of corruptly 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 Mombasa Anti-Corruption Court.

The file was forwarded to the Attorney General on 24th June, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 30th June, 2009.

28. KACC.CR.255/53/2009 – COURT FILE NO. NYERI ACC. 2/2009

Inquiry into allegations that a Security Manager with a certain company based in Thika had corruptly solicited for a benefit from the complainant, the Operations Manager of a security firm, as an inducement to facilitate the renewal of a contract for the provision of security services by the security firm to the company. 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 Nyeri Anti-Corruption Court.

The file was forwarded to the Attorney General on 25th June, 2009 with the recommendation that the case pending before court be prosecuted to its logical conclusion.

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STATISTICAL SUMMARY OF FILES FORWARDED TO THE ATTORNEY GENERAL

Total No. of files forwarded to the Attorney General	28
No. of files recommended for prosecution	19
No. of files recommended for administrative or other action	4
No. of files recommended for closure	5
No. of files recommended for prosecution and the cases are already lodged before Court	14
No. of files where recommendation to prosecute accepted	15
No. of files where recommendation for administrative or other action accepted	4
No. of files where recommendation for closure accepted	5
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 forwarded in previous quarters and received during this quarter	10
No. of files where closure not accepted	0
No. of files awaiting Attorney General's action	1

DATED AT NAIROBI THIS DAY OF 2009

**JUSTICE (RTD) A. G. RINGERA, EBS
DIRECTOR/CHIEF EXECUTIVE**