

KENYA ANTI-CORRUPTION COMMISSION

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PRESS RELEASE

KACC RECOMMENDS THAT THE M.P. OF MAKADARA BE CHARGED WITH TWO COUNTS OF ABUSE OF OFFICE IN ITS THIRD QUARTERLY REPORT TO THE ATTORNEY GENERAL.

The Kenya Anti-Corruption Commission has forwarded 26 files in the Third Quarterly Report to the Attorney General which contain various recommendations including a recommendation that the MP for Makadara be charged with two counts of abuse of office contrary to Section 101(1) of the Penal Code and that administrative action be undertaken against the Chairman and two Commissioners of the Kenya National Commission on Human Rights. The third Quarterly Report is published in the Kenya Gazette Notice 9992 of 12th October 2007.

The Commission investigated allegations that the M.P. for Makadara Constituency abused his office as the Chairman of the Makadara Constituency Development Committee by interfering with the tendering and implementation of the CDF projects for construction of a secondary school and Jua Kali market stalls within the Constituency. The investigations revealed that the M.P had withheld a cheque of Kshs. 2 million payable to the Contractor who had been awarded the contract to construct the market stalls. The evidence revealed that the M.P also attempted to coerce the said contractors to pay a sum of Kshs. 2.3 million to a certain company of his choice, for the supply of the building materials for the said construction. The file was forwarded to the Attorney General on 25th September 2007 with recommendation that the said MP for Makadara be charged with two counts of abuse of office contrary to Section 101(1) of the Penal Code. Advice from the Attorney General is awaited.

Regarding allegations of financial irregularities at the Kenya National Commission on Human Rights, KACC investigated allegations that KNHR had an unsupported expenditure of Ksh.2,999,737, irregularly appointed M/S Ernst and Young to undertake an audit of the Commission's books of account, had an unsupported expenditure of kshs. 264,111 spent during the Human Rights Day and kshs. 114,253 was incurred by experts and stakeholders during the review of the KNCHR Strategic Plan, payment of relocation expenses amounting to Kshs. 1,336,263.25 to the Chairman and two other Commissioners and purchase of

Honda CRV vehicles for Kshs. 28,762,500 for the Commissioners and Secretary and failing to award the tender to the lowest bidder.

The investigations by the Commission on all the allegations disclosed no evidence of criminal wrong doing on the part of the Chairman or Commissioners of the KNCHR. However, the sums of Kshs. 519,873.25 and Kshs. 277,960 paid to the Chairman as reimbursement of the expenses incurred while shuttling between New York and Nairobi and relocation allowances respectively was found to be irregular and should be recovered from him.

The Commission also recommended that allowances paid to two Commissioners amounting to Kshs. 200,505 each be recovered from them as it was irregularly paid. Advice from the Attorney General is awaited.

The third Quarterly Report contained 21 files with recommendations for prosecution, one file for administrative action be taken and 4 files with recommendations for closure.

Other files forwarded to the Attorney General included allegations that the former Kenyan Ambassador to Germany and the former Financial Attaché' fraudulently obtained a sum of Kshs. 6,205,343.17 by falsely pretending that the money was due to the John F. Kennedy School at Berlin, Germany, as school fees for their children. The file was forwarded to the Attorney General on 10th July 2007 with recommendation that both the former Ambassador and the Financial Attaché' be charged with various counts of obtaining money by false pretences.

Into allegations that a businessman in Nairobi had corruptly offered a bribe to an investigator with the Kenya Anti-Corruption Commission as an inducement to prepare a favorable report, the file was forwarded to the Attorney General on 25th July 2007 with recommendation that the case pending in Court be prosecuted to conclusion.

Thank you,

Nicholas M. Simani
PRINCIPAL PUBLIC RELATIONS AND PROTOCOL OFFICER

15th October 2007