

## **PREAMBLE**

The Kenya Anti-Corruption Commission is required under section 36 of the Anti-Corruption and Economic Crimes Act, 2003, to prepare quarterly reports.

Section 35 provides that:

1. Following an investigation, the Commission shall report to the Attorney General on the results of the investigation.
2. The Commission's report shall include any recommendation the Commission may have that a person be prosecuted for corruption or economic crime.

Section 36 provides that:

1. The Commission shall prepare quarterly reports setting out the number of reports made to the Attorney General under section 35 and such other statistical information relating to those reports, as the Commission considers appropriate.
2. A quarterly report shall indicate if a recommendation of the Commission to prosecute a person for corruption or economic crime was not accepted.
3. The Commission shall give a copy of each quarterly report to the Attorney General.

4. The Attorney General shall lay a copy of each quarterly report before the National Assembly.
5. The Commission shall cause each quarterly report to be published in the Gazette.

This report is therefore made pursuant to section 36 of the Anti-Corruption and Economic Crimes Act, 2003. The report covers the first quarter of the year 2007 and is for the period commencing 1<sup>st</sup> January, 2007 to 31<sup>st</sup> March, 2007.

**INVESTIGATIONS COVERING THE PERIOD 1<sup>ST</sup> JANUARY, 2007**  
**TO 31<sup>ST</sup> MARCH, 2007**

**1. KACC.CR. 141/793/2006 – COURT FILE: KIBERA ACC. NO. 5162/2006**

Inquiry into allegations that a police officer attached to CID, Embakasi had solicited for a benefit of Kshs. 100,000/= from the complainant as inducement to forbear arresting and charging him with an alleged offence of threatening to kill. Investigations established the alleged solicitation, and a trap confirmed the receipt by the suspect of Kshs. 10,000 from the complainant. He was arrested and charged with two counts of soliciting and receiving a benefit.

The file was forwarded to the Attorney General on the 2<sup>nd</sup> January, 2007 with a recommendation to continue with the prosecution of the case. The recommendation was accepted on 23<sup>rd</sup> January 2007.

**2. KACC/INQ.20/30.07.03**

Inquiry into allegations of corruption by M/s Don-Woods Company Ltd in the award and execution of a contract for the construction of the Kenya Pipeline Co. Ltd Headquarters, Nairobi (KPC.) Investigations revealed that the two former Managing Directors engaged various consultants for the project without following the laid down procurement procedures. One of them also awarded a tender for additional works for construction of two extra floors of KPC Headquarters at a cost of Kshs. 340,972,850/- to Don-woods Company Ltd without subjecting it to open tender, in total disregard of the procurement regulations.

The file was forwarded to the Attorney General on the 4<sup>th</sup> January, 2007 with a recommendation that the two former Managing Directors be charged with various counts of abuse of office contrary to section 101(1) of the Penal Code, Chapter 63, Laws of Kenya. The Attorney General returned the file on 30<sup>th</sup> March 2007 with recommendation that further investigations be carried out.

**3. KACC/FI/INQ.67/2005**

Inquiry into allegations of corruption and theft against two employees of the Department of Small and Micro Enterprise

Development and Sustainable Livelihoods Programme in the Ministry of Labour and Human Resources Development (MLHRD). Investigations revealed no criminal conduct in respect of the two officers.

The file was forwarded to the Attorney General on the 5<sup>th</sup> January, 2007 with a recommendation that the file be closed. The recommendation was accepted by the Attorney General on the 15<sup>th</sup> March 2007 and the file has been accordingly closed.

**4. KACC/FI/INQ./55D/2005**

Inquiry into allegations that a former Managing Director and Deputy Managing Director of Kenya Wine Agencies Ltd fraudulently acquired motor vehicles belonging to the company. The investigation established that the two ordered for the purchase of Motor vehicles Registration KAR 505B Toyota Prado and KAN 143R Mercedes Benz without following the laid down procedures and indeed fraudulently acquired the said Motor Vehicles.

The file was forwarded to the Attorney General on the 9<sup>th</sup> January, 2007 with a recommendation that the suspects be charged with Economic crime and Abuse of office under sections 45(2)(b) and 46 of the Anti-Corruption and Economic Crimes Act, 2003. The recommendation was accepted by the Attorney General on 30<sup>th</sup> March 2007.

**5. KACC.CR. 142/147/2006 – COURT FILE: NAIROBI ACC. NO. 72/2006**

Inquiry into allegations that two employees of the City Council of Nairobi had demanded from the complainant, the Personnel Manager of a clothes manufacturing company, a sum of Kshs. 40,000/= as an inducement to facilitate the withdrawal of a case lodged against the company by the Council at the City Court, Nairobi. Investigations confirmed the solicitation and receipt of a benefit of Kshs. 20,000/=. The suspect was arrested and arraigned before the Nairobi Anti-Corruption Court to answer two counts of corruption.

The file was forwarded to the Attorney General on the 9<sup>th</sup> January, 2007 with a recommendation that the case pending before Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 19<sup>th</sup> February 2007.

**6. KACC.CR.170/359/2006 – COURT FILE: NAIROBI ACC. NO. 91/2006**

Inquiry into allegations that a Public Health Officer employed by the City Council of Nairobi had corruptly solicited for a benefit of Kshs. 30,000/= from the complainant as inducement to forbear charging him with offences under the Public Health Act, Chapter 242, Laws of Kenya. Investigation confirmed the solicitation and receipt of a benefit in the sum of Kshs. 5,000, for which the suspect was arrested and arraigned before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 26<sup>th</sup> January, 2007 with a recommendation that the case pending before Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 19<sup>th</sup> February 2007.

**7. KACC.CR. 142/160/2006 – COURT FILE: NAIROBI ACC. NO. 82/2006**

Inquiry into allegations that a Children's Officer at Murang'a District Children's office had solicited for a bribe of Kshs. 1,200 as an inducement to prepare and submit a report in respect of Children's Case No. 176 of 2005. Investigations established the solicitation and receipt by the officer of a benefit of Kshs. 2,000/=, for which he was arrested and arraigned before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on the 26<sup>th</sup> January, 2007 with a recommendation that the case that is pending before the Nairobi Anti-Corruption Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 15<sup>th</sup> March 2007.

**8. KACC.CR.141/288/2006 – COURT FILE: NAIROBI ACC NO. 27/2006**

Inquiry into allegations that a Senior Clerical Officer attached to Milimani Commercial Courts, Nairobi, solicited for a bribe of Kshs. 2,000/= from the complainant as an inducement to facilitate the processing of typed copies of court proceedings in civil case No. 8046 of 2002 involving the complainant's wife. Investigations confirmed the solicitation and established receipt by the suspect of a benefit of Kshs. 1,000/= for which he was arrested and arraigned before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on the 26<sup>th</sup> January, 2007 with a recommendation that the case pending before Court

be prosecuted to conclusion. The Attorney General accepted the recommendation on 20<sup>th</sup> February 2007.

**9. KACC.CR.142/131/1006 – COURT FILE: NAIROBI ACC. NO. 56/2006**

Inquiry into allegations that a Police Officer based at Kagwe Police Post in Kiambu District, had solicited for a bribe in the sum of Kshs. 3,000/= as inducement to forbear charging the complainant with an alleged offence of creating disturbance in a manner likely to cause a breach of the peace. Investigations confirmed the solicitation. A trap operation organized by the investigating team to establish receipt did not succeed. The officer was thus arrested and charged in the Nairobi Anti-Corruption Court with two counts of soliciting for a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on the 30<sup>th</sup> January, 2007 with a recommendation that the pending case be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 21<sup>st</sup> March 2007.

**10. KACC.CR.141/662/2006 – COURT FILE: NAIROBI ACC. NO. 47/2006**

Inquiry into allegations that a Clerical Officer working for the Pensions Department at Bima House Nairobi had solicited for a bribe of Kshs. 5,000/= from the complainant as inducement to facilitate the processing of the pension benefits due to his mother-in-law. Investigations confirmed the solicitation and established the corrupt receipt by the officer of a benefit of Kshs. 3,000, for which he was arrested and arraigned before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on the 9<sup>th</sup> February, 2007 with a recommendation that the case pending before Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 30<sup>th</sup> March 2007.

**11. KACC/FI/INQ/56/2006**

Inquiry into allegations of corrupt activities in Nzoia Outgrowers Company Ltd (NOCO). In particular it was alleged that:

- A tractor belonging to NOCO was lost but the management did not follow up the matter

- A building in Bungoma Town belonging to NOCO was irregularly sold and the proceeds of sale were unaccounted for
- The Company's Directors received irregular payment of allowances for attendance of several unnecessary meetings
- The Company's debtors were not being pursued
- The NOCO officials issued postdated cheques haphazardly

Investigations undertaken by the Commission into each of these allegations revealed that they were not grounded on concrete evidence. To the contrary, the investigations established that the loss of the tractor was followed up; efforts were made to recover debts owed to the company; sale of NOCO Plaza in Bungoma Town was regular and the proceeds were accounted for, and that the Directors did not receive any irregular payment of allowances.

The file was forwarded to the Attorney General on 9<sup>th</sup> February, 2007 with a recommendation that the inquiry be closed. The recommendation was accepted on 23<sup>rd</sup> March 2007.

## **12. KACC/FI/INQ/37/2006**

Inquiry into allegations that a Chief Economist in the Ministry of Planning and National Development received an imprest amounting to Kshs. 2,554,657 from the Ministry of Water and Irrigation where he previously served, to attend a Diploma course in Management at the Global Training and Development Institute, United States of America, but allegedly neither attended nor surrendered the imprest. Investigations carried out by the Commission revealed that the officer was nominated to attend the training, and the course was to run from 3<sup>rd</sup> May, 2004 to 30<sup>th</sup> July 2004. His nomination was approved by the Permanent Secretary concerned, whereupon he was paid his tuition fees and per diem allowances to cater for the ninety four days that he was to be out of the country. It was established that the officer indeed travelled to the USA to undertake the course but was out of the country for only fifty four days because his course was interrupted to enable him finalize a work assignment for which he did return to Kenya after he was recalled by the Ministry.

The file was forwarded to the Attorney General on the 9<sup>th</sup> February, 2007 with a recommendation that, since the said officer was paid for the full duration, the excess per diem paid be recovered from the officer through monthly deductions from his salary. The

recommendation was accepted by the Attorney General on 30<sup>th</sup> March 2007.

**13. KACC.CR.141/680/2006 – COURT FILE: NAIROBI ACC. NO. 51/2006**

Inquiry into allegations that the Chief of Mwerua Location in Kirinyaga District had demanded for a bribe of Kshs. 5,000/= from the complainant as inducement to issue her with an introduction letter to enable her file a succession cause in court. Investigations confirmed the solicitation and established the receipt by the Chief of a bribe of Kshs. 5,000/=, for which he was arrested and arraigned before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on the 13<sup>th</sup> February, 2007 with a recommendation that the case that is pending before Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 15<sup>th</sup> March 2007.

**14. KACC.CR.141/891/06 – COURT FILE: NAIROBI ACC. NO. 98/2006**

Inquiry into allegations that an Inspector of Police attached to Kamukunji Police Station had solicited for a bribe of Kshs. 3,000/= as inducement in order to facilitate the termination of a criminal case that was pending against the complainant at Makadara Law Courts. Investigations confirmed the solicitation and established that the officer did corruptly receive a benefit of Kshs. 4,000/= from the complainant. She was thus arrested and arraigned before the Nairobi Anti-Corruption Court for corruption offences.

The file was forwarded to the Attorney General on the 22<sup>nd</sup> February, 2007 with a recommendation that the case that is pending before Court be prosecuted to completion. The recommendation was accepted by the Attorney General on 23<sup>rd</sup> March 2007.

**15. KACC.CR.141/503/2005 – COURT FILE: NAIROBI ACC. NO.21/2005**

Inquiry into allegations that a District Environment Officer based at Nyamira had solicited for a bribe of Kshs. 50,000/= as inducement from the complainant to allow him to construct a petrol station. Investigations confirmed the solicitation and established that the officer did corruptly receive a benefit of Kshs. 5,000/= from the complainant, for which he was arrested and arraigned before the Nairobi Anti-Corruption Court.



The file was forwarded to the Attorney General on the 22<sup>nd</sup> February, 2007 with a recommendation that the pending case against the officer be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 30<sup>th</sup> March 2007.

#### **16. KACC/FI/INQ/53A/2005**

Inquiry into allegations of misappropriation of public funds in respect of the contract between the Ministry of Local Government and M/s Binlaw Construction Co. Ltd. Investigations established that though the procurement process was transparent, the successful tenderer, M/s Binlaw Construction Co. Ltd used a forged Bank Guarantee to qualify for the contract. It was also established that in the course of implementation of the contract certain payments were made to the contractor which were not deducted from the ensuing certificates of payment.

The file was forwarded to the Attorney General on the 22<sup>nd</sup> February, 2007 with a recommendation that the Managing Director of M/s Binlaw Construction Co. Ltd be charged with the offence of uttering a false document contrary to section 353 of the Penal Code, Chapter 63, Laws of Kenya. It was further recommended that the outstanding sums be recovered from the contractor. The recommendation was accepted by the Attorney General on 30<sup>th</sup> March 2007.

#### **17. KACC.CR. 141/674/2006 – COURT FILE: NAIROBI ACC. NO. 49/2006**

Inquiry into allegations that an officer working at the office of the Registrar of Persons, Kayole, had demanded for a bribe of Kshs. 500/= from the complainant as an inducement to facilitate the processing of her new generation identity card. Investigations confirmed the solicitation and established the corrupt receipt by the officer of a benefit of Kshs. 500/=. She was thus arrested, charged and arraigned before the Nairobi Anti-Corruption Court for corruption offences.

The file was forwarded to the Attorney General on the 26<sup>th</sup> February, 2007 with a recommendation that the case that is pending before Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 27<sup>th</sup> March 2007.

**18. KACC.CR.123/25/2006 – COURT FILE: NAIROBI ACC. NO. 2/2006**

Inquiry into allegations that the Chief of Kahawa West Location in Nairobi had demanded for a benefit of Kshs. 4,000/= as an inducement to forbear demolishing the complainant's business shed. Investigations confirmed the solicitation. A trap operation was arranged with a view of establishing receipt of a bribe but was called off after the Chief became suspicious of being monitored. He was nonetheless arrested for bribe solicitation and was arraigned before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on the 26<sup>th</sup> February, 2007 with a recommendation that the case that is pending before Court be prosecuted to conclusion. The recommendation was accepted on 21<sup>st</sup> March 2007.

**19. ACPU/INQ.81/31.10.02**

Inquiry into an allegation that a State Counsel at the Ministry of Co-operative Development fraudulently transferred property on L.R. No. 209/1837 known as Magumoni House situated along Duruma Road, Nairobi to Mwoni Housing Co-operative Society Ltd. Investigations established the allegations of fraud and confirmed that the State Counsel did execute an indenture for the transfer of the land without lawful authority.

The file was forwarded to the Attorney General on the 26<sup>th</sup> February, 2007 with a recommendation that the State Counsel be prosecuted for making a document without authority contrary to section 357(a) of the Penal Code, Chapter 63 of the Laws of Kenya. The Attorney General returned the file on 30<sup>th</sup> March 2007 with recommendation that further investigations be carried out.

**20. KACC.CR. 111/280/2006 – COURT FILE: NAIROBI ACC. NO. 24/06**

Inquiry into allegations that an Immigration Officer based at the Department of Immigration, Nyayo House, Nairobi had solicited for a bribe of Kshs. 10,000/= from the complainant, a national of Uganda, as inducement to forbear charging him with offences under the Immigration Act, Chapter 172, Laws of Kenya, and to release his passports and goods seized from his kiosk. Investigations confirmed the solicitation and established that the officer did corruptly receive Kshs. 7,000/= from the complainant. He was arrested and arraigned before the Nairobi Anti-Corruption Court for

the offences of soliciting and receiving a bribe contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on the 27<sup>th</sup> February, 2007 with a recommendation that the case that is pending before Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 22<sup>nd</sup> March 2007.

**21. KACC.CR.142/143/2006 – COURT FILE: NAIROBI ACC. 70/06**

Inquiry into allegations that an employee of Kenya Power and Lighting Co. Ltd had demanded for a bribe of Kshs. 30,000/= from the complainant as inducement to restore electric power which he had disconnected from his premises. Investigations confirmed the solicitation. A trap operation to confirm receipt of the bribe was called off after the suspect became suspicious of the complainant and switched off his mobile phone. He was nonetheless arrested and charged with two counts of soliciting for a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on the 28<sup>th</sup> February, 2007 with a recommendation that the case pending before Court be prosecuted to conclusion. The recommendation was accepted on 21<sup>st</sup> March 2007.

**22. KACC.CR. 831/784/2006 – COURT FILE: KERICHO ACC. NO. 22/06**

Inquiry into allegations that a Court Clerk at the Eldoret Law Courts had solicited for a bribe of Kshs. 20,000/= from the complainant as an inducement to facilitate a favourable judgment in a criminal case before Eldoret Chief Magistrate's Court in which the complainant was charged with the offence of obtaining by false pretences, contrary to section 313 of the Penal Code, Chapter 63 of the Laws of Kenya. Investigations confirmed the solicitation and established that the Court Clerk did corruptly receive Kshs. 10,000/= from the complainant. She was arrested, charged and arraigned before the Anti-Corruption Court in Kericho for corruption offences.

The file was forwarded to the Attorney General on 1<sup>st</sup> March, 2007 with a recommendation that the case that is pending before Court be prosecuted to conclusion. The recommendation was accepted on 22<sup>nd</sup> March 2007.

### **23. KACC/FI/INQ./52B/2005**

Inquiry into alleged collusion between two Somali registered companies and two Kenya Revenue Authority officials to divert goods from Newland Export Processing Zones (EPZ) Ltd into the local market. Investigations did not disclose any evidence of such diversion as alleged. It was however established that a sister company of Newland EPZ Co. Ltd by the name Longwin Co. Ltd imports similar products, namely dry cell batteries, from China for sale locally. It was therefore necessary for KRA in conjunction with the Export Processing Zone Authority to ensure that the batteries processed by Newland EPZ Co. Ltd are easily distinguishable from those imported by the sister company, otherwise it may be impossible to detect any cases of diversion. A letter to that effect was forwarded to the Commissioner General, KRA.

The file was forwarded to the Attorney General on the 1st March 2007 with a recommendation for closure. The recommendation was accepted on 30<sup>th</sup> March 2007.

### **24. KACC/INQ. 2/21.01.04**

Inquiry into allegations that the City Council of Nairobi irregularly paid the Mayor's Chaplain sitting allowances equivalent to a Councillor's allowances. Investigations confirmed the allegations and established that there was neither a Council resolution nor any authorization by the Minister for Local Government approving the payment.

The file was forwarded to the Attorney General on the 1<sup>st</sup> March, 2007 with a recommendation that the Town Clerk and Deputy Town Clerk who sanctioned the payments be prosecuted for the offence of abuse of office contrary to section 101(1) of the Penal Code, Chapter 63, Laws of Kenya. (Recovery proceedings have already been instituted against the Reverend). The Attorney General rejected the recommendation to prosecute on 30<sup>th</sup> March 2007.

### **25. KACC.CR.141/794/2006 – COURT FILE: NAIROBI ACC. NO. 5161/06**

Inquiry into allegations that a police officer attached to Shauri Moyo Police Station in Nairobi had demanded for a bribe of Kshs. 20,000/= from the complainant as inducement to return to him his national identity card which the officer had confiscated in the year 2001. Investigations confirmed the solicitation. A trap operation to

establish receipt of the bribe was not successful. The officer was however arrested and charged with two counts of soliciting for a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003 and his case is pending before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 6<sup>th</sup> March, 2007 with a recommendation that the case that is pending before Court be prosecuted to conclusion. The recommendation was accepted on 4<sup>th</sup> April 2007.

**26. KACC.CR.032/45/2006 – COURT FILE: KISUMU ACC. NO. 850/06**

Inquiry into allegations that two police officers attached to Isebania Police Station in Kuria District, had demanded for a bribe of Kshs. 2,000/= from the complainant as inducement to issue her with a P3 form. Investigations confirmed the solicitation and established the receipt by one of the officers of a bribe of Kshs. 2,000/=. They were arrested and charged with soliciting and receiving a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 9<sup>th</sup> March, 2007 with a recommendation that the pending case be prosecuted to conclusion. The recommendation was accepted on 4<sup>th</sup> April 2007.

**27. KACC/FI/INQ/111A/2005**

Inquiry into allegations that the former Director-General of National Environment Management Authority (NEMA) irregularly received Board sitting allowances amounting to Kshs. 811,900/=. Investigations confirmed the allegation and established that the Director-General had started refunding the money.

The file was forwarded to the Attorney General on 13<sup>th</sup> March, 2007 with a recommendation for administrative action and recovery of the Kshs. 390,000/= that was outstanding. The recommendation was accepted on 4<sup>th</sup> April 2007.

**28. KACC.CR. 822/124/2006 – COURT FILE: KERICHO ACC. NO. 5/06**

Inquiry into allegations that a District Public Health Officer attached to Turkana District had solicited for a bribe of Kshs. 20,000/= from the complainant as an inducement to issue him with a permit to

operate his business of water bottling. Investigations confirmed the solicitation and established the receipt by the officer of a bribe of Kshs. 20,000/=. He was arrested and charged with soliciting and receiving a benefit and his case is pending before the Kericho Anti-Corruption Court.

The file was forwarded to the Attorney General on 14<sup>th</sup> March, 2007 with a recommendation that the pending case be prosecuted to conclusion. The recommendation was accepted on 4<sup>th</sup> April 2007.

**29. KACC.CR.411/178/2006 – COURT FILE: EMBU ACC. NO. 41/06**

Inquiry into allegations that a Police Officer attached to Embu CID office had solicited for a bribe of Kshs. 10,000/= as an inducement to forbear arresting the complainant for an alleged offence of threatening to kill. Investigations confirmed the solicitation. A trap operation to establish receipt of the bribe failed on account of the arrest of the complainant. The officer was arrested and charged with soliciting for a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003 and his case is pending before Embu Anti-Corruption Court.

The file was forwarded to the Attorney General on 16<sup>th</sup> March, 2007 with a recommendation that the pending case be prosecuted to conclusion. The recommendation was accepted on 4<sup>th</sup> April 2007.

**30. KACC.CR. 141/584/2006 – COURT FILE: MAKADARA ACC. 3645/06**

Inquiry into allegation that a Clerk and a Magistrate attached to the Business Premises Rent Tribunal had solicited for a bribe from the complainant for the Magistrate to deliver a ruling favourable to him in a case pending before the Tribunal. Investigations confirmed the corrupt solicitation and receipt of a bribe of Kshs. 10,000/= by the Magistrate. Both the clerk and the Magistrate were arrested and charged with soliciting and receiving a bribe contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003 and their case is pending before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on the 19<sup>th</sup> March, 2007 with a recommendation that the pending case be prosecuted to conclusion. The recommendation was accepted on 30<sup>th</sup> March 2007.

**31. KACC.CR.802/697/2006 – COURT FILE: KERICHO ACC. 23/06**

Inquiry into allegations that a Clerical Officer with the Department of the Registrar of Persons, Bomet and a Clerical Officer at the Bomet Law Courts had demanded for a bribe of Kshs. 500/= from the complainant as inducement to facilitate the processing of her second generation identity card. Investigations were undertaken that led to the arrest of the two suspects, who were arraigned before the Kericho Anti-Corruption Court for corruption offences of soliciting and receiving a benefit.

Upon analysis of the evidence, it was ascertained that it was insufficient to sustain the preferred charges. The file was forwarded to the Attorney General on the 22<sup>nd</sup> March, 2007 with a recommendation that the charges be withdrawn under section 87(a) of the Criminal Procedure Code, Chapter 75 of the Laws of Kenya. The recommendation was accepted on 4<sup>th</sup> April 2007.

**32. KACC.CR.141/997/2006 – COURT FILE: NAIROBI ACC. 109/06**

Inquiry into allegation that an employee of the City Council of Nairobi had demanded for a bribe of Kshs. 500/= as an inducement to unclamp the complainant's motor vehicle. Investigations confirmed the solicitation and established the corrupt receipt by the officer of a benefit of Kshs. 500/=. He was arrested and charged before the Nairobi Anti-Corruption Court with the offences of soliciting for and receiving a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on the 22<sup>nd</sup> March 2007 with a recommendation that the case that is pending before Court be prosecuted to conclusion. The recommendation was accepted on 4<sup>th</sup> April 2007.

**33. KACC.CR. 141/598/2006 – COURT FILE: NAIROBI ACC. 44/06**

Inquiry into allegations that the Chief of Kirimukuyu Location in Mathira, Nyeri District, had demanded for a sum of Kshs. 7,000/= from the complainant in order to release his wife who had been arrested for incitement. Investigations confirmed the solicitation. A trap operation planned to establish receipt of a bribe was called off after the Chief became suspicious when he spotted two officers of the Kenya Anti-Corruption Commission. He was nonetheless

arrested and charged with soliciting for a bribe and his case is pending before Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on the 22<sup>nd</sup> March, 2007 with a recommendation that the pending case be prosecuted to conclusion. The recommendation was accepted on 4<sup>th</sup> April 2007.

#### **34. KACC/FI/INQ.85/05**

Inquiry into allegations that the property of the City Council of Nairobi, LR. No. 3734/261 – IR 11173, situated in Lavington and reserved as the Mayoral Residence, was fraudulently acquired by the wife of a former Minister. Investigations established that there was no resolution of the Council authorizing the transfer. There was also no approval of any such transfer by the Minister for Local Government. The documents in the possession of the Minister's wife are totally different from those in the Lands office. The Commission reached the conclusion that the former Minister used his office as the Minister for Lands to manipulate records and to fraudulently seize ownership of the Mayor's house and cause it to be registered in his wife's name.

The file was forwarded to the Attorney General on the 23<sup>rd</sup> March, 2007 with a recommendation that the former Minister and his wife be charged with the offences of uttering a false document and perjury contrary to sections 353 and 108 of the Penal Code, Chapter 63, Laws of Kenya, respectively. The advice of the Attorney General is awaited.

#### **35. KACC.CR.141/570/2006 – COURT FILE: NAIROBI ACC. 80/06**

Inquiry into allegations that an employee of National Environment Management Authority (NEMA) had solicited for a bribe of Kshs. 30,000/= from the complainant as inducement to speed up the processing of the payment of an invoice submitted by the complainant for services rendered to NEMA. Investigations confirmed the solicitation and subsequent receipt by the officer of a benefit of Kshs. 20,000/=. He was arrested and charged with corruption offences and his case is pending before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on the 23<sup>rd</sup> March, 2007 with a recommendation that the pending case be prosecuted



to conclusion. The recommendation was accepted on 30<sup>th</sup> March 2007.

### **36. KACC/FI/INQ.69 (B)/2006**

Inquiry into allegations that the former Finance and Corporate Services Director of the Kenya Reinsurance Corporation diverted Kshs. 1,835,978.00 meant for the Corporation to his personal use. Investigations confirmed that the said Finance and Corporate Services Director instructed a Cashier to credit his mortgage account with a sum of Kshs. 1,835,978.00, which sum had been paid by an insurance company as part of its 18% compulsory treaty shares.

The file was forwarded to the Attorney General on the 23<sup>rd</sup> March, 2007 with a recommendation that the former Director be charged with Economic Crime under section 45(1)(a) of the Anti-Corruption and Economic Crimes Act, 2003. The recommendation was accepted on 4<sup>th</sup> April 2007.

### **37. KACC/FI/INQ/55/06**

Inquiry into allegations of corruption in the proposed extension and refurbishment of Kenya Ports Authority (KPA) headquarters at Kipevu, Mombasa. The matter had been investigated by the Public Investment Committee of Parliament (PIC) and it recommended that the Principal Officer of Jagar Consultants be investigated and prosecuted for receiving unlawful payment amounting to Kshs. 315,691,200 being consultancy fees for services of quantity surveying rendered to KPA. PIC also recommended that the former Managing Director and Company Secretary of KPA be investigated.

Investigations by KACC established that Jagar Consultants were appointed through the lead consultant of the project and the appointment was approved by the Management of KPA. The investigation also established that in 1994, there were no clear procurement guidelines as to the manner in which consultants would be engaged. Further, the KPA Rules of Procurement had given the Chief Civil Engineer a free hand to make appointments in civil engineering projects. It was also noted that the matter regarding the payment of the consultancy fee was taken to Court in civil case No. 2931/1997 and orders were made in favour of the firm.

The file was forwarded to the Attorney General on 23<sup>rd</sup> March 2007 with recommendation that the same be closed in view of the fact that there were no procurement regulations regulating procurement of consultancy services, and further that the issues relating to the consultancy were addressed by both the High Court and Court of Appeal. The Attorney General's advice on the matter is awaited.

### **38. KACC CR.111/63/2006, ACC 1664/2006**

Inquiry into allegations that a Freelance Journalist had demanded a bribe of Kshs. 30,000/- from the complainant as an inducement so as not to publish an alleged damaging story about the complainant and his company, Solid Rock Promotions Company. Investigations established the receipt of Kshs. 10,000/- by the Journalist. He was arrested and charged with a corruption offence of receiving a benefit and his case is pending before the Nairobi Anti-Corruption Court. After further analysis of the evidence however, the Commission has recommended that the charge before Court be substituted with that of demanding property with menaces contrary to section 302 of the Penal Code, Cap 63, Laws of Kenya.

The file was forwarded to the Attorney General on 27<sup>th</sup> March 2007 with a recommendation that the pending case be prosecuted to conclusion.

### **39. KACC CR. 921/931/2006, KAKAMEGA ACC 3368/2006**

Inquiry into an allegation that an Auditor with the Kakamega District Education Office, Audit Unit, had solicited for a benefit of Kshs. 6,000/- as an inducement to write a good audit report for Musaga Primary School. Investigations confirmed the corrupt solicitation and receipt of a bribe of Kshs. 4,000/= by the Auditor. He was arrested and charged with soliciting and receiving a bribe contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003 and the case is pending before the Kakamega Anti-Corruption Court.

The file was forwarded to the Attorney General on 27<sup>th</sup> March 2007 with a recommendation that the pending case be prosecuted to conclusion.

#### **40. KACC CR. 123/608/2006; ACC 101/2006**

Inquiry into an allegation that a Police Constable attached to the Criminal Investigation Department, Kerugoya, had solicited for a benefit of Kshs. 15,000/- as an inducement so as not to charge a businessman from Kerugoya with an alleged offence of printing forged currency notes. Investigations confirmed corrupt solicitation of Kshs. 20,000/- and receipt of a bribe of Kshs. 5,000/= by the said officer. He was arrested and charged with soliciting and receiving a bribe contrary to section 39(3)(a) 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 28<sup>th</sup> March 2007 with a recommendation that the pending case be prosecuted to conclusion.

#### **41. KACC CR. 112/314/2006; ACC 22/2006**

Inquiry into an allegation that some City Constables working in the Inspectorate Department of the City Council of Nairobi had corruptly solicited for a bribe of Kshs. 3,000/- from the complainant as an inducement so as to allow him operate hawking business along Harambee Avenue in Nairobi. Investigations confirmed corrupt solicitation of Kshs. 3,000/- and two City Constables were arrested and charged with soliciting for a bribe contrary to section 39(3)(a) 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 28<sup>th</sup> March 2007 with a recommendation that the pending case be prosecuted to conclusion.

#### **42. KACC/INQ. 69(A)/2006**

Inquiry into an allegation that the former Managing Director of Kenya Reinsurance Corporation Ltd converted cheques totaling to Kshs. 6,730,291.20 meant for the Corporation to pay his personal mortgage. There was also another allegation to the effect that the former Finance Director of the said Corporation obtained Kshs. 5,423,183 from the Corporation by falsely pretending that the money was a refund of a deposit paid by M/S Rockhound Properties Ltd towards purchase of the Corporation's property at Villa Franca Estate.

Investigations have established that two cheques totaling to Kshs. 6,730,291.20 were remitted to Kenya Reinsurance Corporation for payment of premiums due and office renovation expenses, but the proceeds thereof were diverted and posted as credits into the mortgage account of the Managing Director. Investigations have also established that a Company called Rockhound Properties Ltd had expressed interest to purchase House No. 307 at Villa Franca Estate and was expected to raise a deposit of Kshs. 5,466,383. However, the sum of Kshs. 5,466,383 that was purportedly paid by Rockhound Properties Ltd as deposit was money remitted by an Insurance Company as re-insurance premiums due to the Corporation. Out of the said sum, Kshs. 3,000,000 was used as part payment for a house for the Managing Director and Kshs. 2,000,000 was used to purchase stocks at the Nairobi Stock Exchange for the Finance Director and his wife.

The file was forwarded to the Attorney General on 30<sup>th</sup> March 2007 with a recommendation that the former Managing Director and the Finance Director be charged with various counts of economic crime contrary to Section 45(1)a of the Anti-Corruption and Economic Crimes Act. It was also recommended that the former Finance Director be charged with abuse of office, forgery and uttering a false document. The Attorney General's advice is awaited.

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

Total No. of files forwarded to the Attorney General	42
No. of files recommended for prosecution	36
No. of files recommended for administrative or other action	2
No. of files recommended for closure	4
No. of files where recommendation to prosecute accepted	31
No. of files recommended for prosecution and the cases are already lodged in court	28
No. of files where recommendation for administrative or other action accepted	2
No. of files where recommendation for closure accepted	3
No. of files returned for further investigations	2
No. of files where recommendation to prosecute not accepted	1
No. of files where administrative or other action not accepted	0
No. of files forwarded in previous quarters and received during this quarter	2
No. of files where closure not accepted	0
Total No. of files awaiting Attorney General's action	3

DATED AT NAIROBI THIS

DAY OF

2007

**JUSTICE A. G. RINGERA**  
**DIRECTOR/CHIEF EXECUTIVE**