

Tabled on 15/5/2011
by the A.G.
Ghesu



PARLIAMENT
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**THE FIRST QUARTERLY REPORT FOR THE YEAR 2011
COVERING THE PERIOD
1ST JANUARY TO 31ST MARCH 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 fourth quarter of the year 2010 and is for the period commencing 1st January 2011 to 31st March 2010.

INVESTIGATIONS COVERING THE PERIOD 1ST JANUARY TO 31ST MARCH 2011

1. KACC/MSA/FI/INQ/12/2010

Inquiry into allegations that the Chief Executive Officer at the Kenya Ports Authority (KPA) irregularly procured Rubber Tyred Gantry Cranes and paid 40% upfront in contravention of the Public Procurement and Disposal Act, 2005. It was further alleged that the local agent of the company sponsored three Kenya Ports Authority officials for a trip to China before the tender was awarded.

The investigations established that the Management of KPA sought and received approval of the Board of Directors to purchase additional cargo handling equipment to supplement its fleet. The equipment including 10 units of Rubber Tyred Gantry (RTG) cranes were budgeted for and included in the Procurement Plan for the Financial Year 2009/2010. The procurement process was then initiated and the invitation to tender duly advertised nationally and internationally. The tenders were evaluated and the Corporation tender Committee (CTC) awarded the tender to a Chinese Company. It was further established that after the award, the Managing Director of KPA in collusion with two KPA lawyers approved the payment of 40% of the contract price of US\$6,161,600 as advance payment, while the tender documents had provided for a 20% payment.

The file was forwarded to the Attorney General on 11th January, 2011 recommending that the three suspects namely; the Managing Director, Corporation Secretary and Senior Legal officer of Kenya Ports Authority be charged with the offences 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 wilful failure to comply with the law relating to the procurement of goods contrary to section 45(2) of the Anti-corruption and Economic Crimes Act, No. 3 of 2003; the Procurement and Supplies Manager of Kenya Ports Authority be charged with inappropriate influence on evaluation contrary to section 38(1) (b) as read with section 38(2)(a) of the Public Procurement and Disposal Act, No. 3 of 2005. On 17th March, 2011, the file was returned by the Attorney General with recommendation for further investigations.

2. KACC/FI/INQ/105/10

Inquiry into allegations of loss of Kshs.1.431 million by Teso County Council through Procurement of Local Authorities Integrated Financial Operations Management Systems (LAIFOMS). It was further alleged that the project even though fully paid for, was never implemented. The investigations established that quotations were sought from three firms and processed through a Tender Committee and the lowest bidder was awarded. It further established that the computers were supplied, installed, tested and fully certified by an independent

Government Ministry official. The software was installed by the Ministry of Local Government and is fully operational and functional since July 2009. Investigations did not reveal any breach of procurement procedures or loss.

The file was forwarded to the Attorney General on 20th January, 2011 recommending that the inquiry file be closed. On 21st February, 2011, the Attorney General accepted the recommendation for closure.

3. KACC/FI/INQ/163/2009

Inquiry into allegations that an accounts clerk at the World Bank Funded Project in Western Kenya embezzled an imprest of Kshs.3,905,000 received by him to facilitate a training for the Water Resource Management Association members and Community Driven Development Officers at Tom Mboya Labour College in Kisumu. It was further alleged that the officer surrendered the imprest using forged documents. Investigations established that the workshop took place at the college from 12th to 24th January, 2009. The investigations also established that forged payment schedules in respect of the workshop participants were used to account for the money, and that the suspect did not use the imprest for the purpose that it was issued.

The file was forwarded to the Attorney General on 1st March, 2011 with the recommendation that the suspect be charged with the following offences; deceiving the principal contrary to section 41(2) as read with section 48(1) of ACECA, fraudulent acquisition of public property contrary to section 45(1)(a) as read with section 48(1) of ACECA, forgery contrary to section 349 as read with sections 345 and 348 of the Penal Code; and uttering false documents contrary to section 353 of the Penal Code. On 4th April, 2011, the Attorney General accepted the recommendation for prosecution.

4. KACC/FI/INQ/63/2010

Inquiry into allegations that a Senior Assistant Director of Education embezzled a sum of Kshs.7,604,700 given to her as imprest to carry out workshops on training of representatives from Primary Schools on HIV/AIDS prevention and life skills at Shanzu and Machakos Teachers Training Colleges. It was further alleged that she surrendered the imprest she received using false receipts and forged payment schedules. Investigations revealed that the workshops were held at the two colleges. However, the evidence gathered indicated that the suspect falsified the participants payment schedules and inflated the sums paid out to account for the imprest. The suspect could not account for how she expended the imprest.

The file was forwarded to the Attorney General on 31st December, 2010, with the recommendation that the suspect be charged with the following offences; deceiving the principal contrary to section 41(2) as read with section 48(1) of ACECA, fraudulent acquisition of public property contrary to section 45(1) (a) as read with section 48(1) of ACECA and uttering false documents contrary to

section 353 of the Penal Code. On 12th January, 2011, the Attorney General accepted the recommendation for prosecution.

5. KACC/MSA/FI/INQ/11/2010

Inquiry into allegations that the Municipal Council of Mombasa entered into a contract with a private company for the provision of parking management services in disregard of the Public Procurement procedures. The investigation established that a contract was entered into between the Municipal Council of Mombasa and the private company for the provision of parking management services for heavy commercial vehicles within the municipality to ease congestion and obstruction.

The investigations also revealed that prior to the signing of the contract; the private company made an unsolicited proposal to the Municipal Council of Mombasa and supported its proposal by a feasibility study that it had commissioned. The proposal was tabled and presented to the Full Council and was similarly approved. The evidence gathered revealed that the Town Clerk wilfully failed to comply with the law relating to the tendering of contracts.

The file was forwarded to the Attorney General on 17th January, 2011 with the recommendation that the accused be charged with the offence of wilful failure to comply with the law relating to the tendering of contracts contrary to section 45(2)(b) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, No.3 of 2003. On 27th January, 2011, the Attorney General accepted the recommendation for prosecution.

6. KACC/FI/INQ/137/2009

Inquiry into allegations that the General Manager, Finance and Administration at the Kenya Investment Authority (KENINVEST), irregularly procured 20 desktop computers and 14 laptops computers valued at Kshs.3,241,000. Investigations established that indeed the computers were procured single-handedly by the General Manager despite questions being raised as to the propriety of the procurement. The Managing Director of the institution authorised the payment in spite of the concerns raised.

The file was forwarded to the Attorney General on 3rd February, 2011 with recommendations that the suspects be charged as follows; the General Manager be charged with wilful failure to comply with applicable law relating to procurement of goods contrary to section 45(2)(b) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, No.3 of 2003 and both the General Manager and the Managing Director be charged with 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. On 14th March, 2011, the Attorney General returned the file with recommendations for further investigations.

7. KACC/MSA/INQ/FI/08/2008

Inquiry into allegations of embezzlement of public funds at Malindi Law Court by the Accountant and the Cashier. The investigation established that various court officers collected receipt books from Treasury, received money from the public, remitted it to the Accountant in Charge and thereafter surrendered it to the District Treasury. The evidence gathered further revealed that some of the court staff receiving payments and surrendering revenue were not trained in matters of finance and accounting. From the evidence gathered, it was not possible to pin point any specific officer as being responsible for the loss of revenue. The Commission was of the view that further investigations were necessary to determine how much money was collected, who made the collections and how much was surrendered to the Treasury.

The file was forwarded to the Attorney General on 6th January, 2011 with recommendations that the inquiry file be handed over to the CID Malindi to continue with the investigations and pursue the criminal proceedings they had commenced in 2006. On 20th January, 2011, the Attorney General accepted the recommendation to refer the matter to the CID Malindi.

8. KACC/FI/INQ/144/2010

Inquiry into allegations of abuse of office against the acting Commercial Director, Nairobi Water and Sewerage Company. It was alleged that the acting Commercial Director, Nairobi Water and Sewerage Company influenced the installation of a communal water tank in his home at Kahawa West while he was the Manager, Southern Region. It was further alleged that he supplied water to the said tank with non-revenue water from NCSW and sold the water to the public. Investigations established that due to drought persisting in the country in 2009, there was a severe water shortage in Nairobi. Several meetings were held between officials of AWSB and NCWSC and it was decided that all regions within Nairobi would be supplied with ten plastic water tanks. The tanks were to be placed in needy areas identified by the regional managers. The investigations revealed that all the regions were supplied with water tanks. One of the tanks was placed on a road reserve near the home of the acting Commercial Director, Nairobi Water and Sewerage Company which was in the Northern Region and that the tank was not actually in the acting Commercial Director's home as alleged but on a road reserve. The evidence gathered did not establish any wrong doing on the part of the suspect to warrant either institution of criminal charges or administrative action against him.

The file was forwarded to the Attorney General on 24th January, 2011 with the recommendation that the inquiry file be closed. On 21st February, 2011, the Attorney General accepted the recommendation for closure.

9. KACC/FI/INQ/05/2010

Inquiry into allegations that an Accounts Assistant in the Ministry of Education embezzled Kshs.4,569,300/= issued to him as imprest to pay workshop participants and facilitators. Investigations revealed that the suspect surrendered the imprest he was given using false documents in which he not only inflated the transport reimbursements given to the facilitators, but also purported to have paid them lunches en route; facts denied by the participants.

The file was forwarded to the Attorney General on 24th January, 2011 with recommendations that the suspect be charged with the offences of uttering a false document contrary to Section 353 of the Penal Code and Deceiving principal contrary to section 41(2) of the Anti-Corruption and Economic Crimes Act, 2003. On 23rd February, 2011, the Attorney General accepted the recommendation for prosecution.

10. KACC/MSA/FI/INQ/10/2010

Inquiry into allegations of abuse of office, embezzlement of public funds and failure to comply with Procurement Laws by officials of Lamu West Constituency Development Fund Committee in the award of a contract for supply of school desks. Investigations established that the process of tendering was irregular since there was no proper bidding. Investigations also revealed that the supplier received excess payment for desks that were not delivered. Evidence gathered also established that one of the members of the CDF Committee participated in the award for the supply of desks to a company belonging to his nephew.

The file was forwarded to the Attorney General on 2nd February, 2011 with recommendations that the suspects be charged with the offences of fraudulent acquisition of public property contrary to section 45(1) (a), fraudulent making payment from public revenue for goods not supplied contrary to section 45(2) (a) (i), wilful failure to comply with law relating to tendering of contracts contrary to section 45(2) (b), Knowingly holding a private interest in a contract connected with a public body contrary to section 42(3) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003; forgery contrary to section 345 and uttering a false document contrary to section 353 of the Penal Code. On 8th March, 2011, the Attorney General accepted the recommendation for prosecution.

11. KACC/MSA/FI/INQ/02/2010

Inquiry into allegations of irregular leasing of Kenya Railways Corporation Land at Voi near Total Petrol Station using a local businessman as front. Investigations revealed that a businessman applied for a lease from Kenya Railways which was granted. The evidence obtained did not disclose any culpability on the part of any of the Corporation's officers to warrant prosecution. However, there was

breach of internal Corporation guidelines by the Corporations Estate Manager and Project Manager to warrant administrative action.

The file was forwarded to the Attorney General on 2nd February, 2011 with recommendations that the inquiry file be closed. On 21st February, 2011, the Attorney General accepted the recommendation for administrative action.

12. KACC/FI/INQ/17/2010

Inquiry into allegations of misappropriation of Kshs.2,966,00 belonging to the World Bank/Government Funded Kenya Education Sector Program (KESSP), by an Education Officer purportedly in conducting a Capacity Building Workshop on Management of Instructional Materials in Secondary Schools. The investigation disclosed that the suspect embarked on an elaborate scheme of forgery, falsification of documentation and fraudulent false accounting after receipt of Kshs.2,966,000/= in cash which he banked in his account. The evidence gathered revealed that the suspect retained Kshs.1,915,000/= in his account and used false documents to surrender the imprest.

The file was forwarded to the Attorney General on 1st February, 2011 with recommendations that initially the provisions of section 56B(1)& (3) be invoked to formally inform the suspect of the claim against him and demand that he settles the claim within a specified period. It was further recommended that should the suspect agree to comply; an undertaking not to prosecute him be made. In the event that the suspect does not comply criminal action be taken against him for the offences of fraudulent acquisition of public property contrary to section 45(1) (a) as read with section 48 of Anti-Corruption and Economic Crimes Act No.3 of 2003 and deceiving principal contrary to section 41(2) as read with section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003. On 16th March, 2011, the Attorney General accepted the recommendation to invoke section 56B (1) and (3) of the Anti-Corruption and Economic Crimes Act, 2003, and the accused to settle the claim; and in default prosecution to ensue.

13. KACC/FI/INQ/28/2010

Inquiry into allegations of embezzlement of Kshs.1,604,158/= by an ICT officer with the Ministry of Education while carrying out an ICT Capacity Building Workshop at International School for Medicine and Applied Technology (ISMAT), Kisumu. The investigation established that the imprest received by the suspect was not utilized for the intended purpose and that fictitious and doctored documents were also used to support expenditure at the time of surrendering the imprest.

The file was forwarded to the Attorney General on 9th February, 2011 with recommendations that the suspect be charged with the offences of false accounting by a public officer contrary to section 331(1) as read with section 331 (2) of the penal code, cap 63 of the Laws of Kenya and knowingly giving a false

document at one's principal contrary to section 41(2) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. On 8th March, 2011, the Attorney General accepted the recommendation for prosecution.

14. KACC.MSA.INQ/FI/25/2010

Inquiry into allegations that a clearing agent in Mombasa was colluding with Kenya Revenue Authority officers to evade payment of taxes on their imports. The investigation revealed that the clearing agent misdeclared the goods in respect of the four import entries and as a result paid lesser taxes. The investigation further established that after the KRA officers, dealing with the four import entries at the Document Processing Centre suspected that there were anomalies in the declaration, they directed that the a physical verification of the goods be done. In spite of these instructions, the Verification Officer (suspect) did not carry out the verification. Instead, she posted a verification report that was misleading by indicating that the description of the goods in the containers tallied with the details in the import documents. Further scrutiny of the containers revealed that the said verification report was false.

The file was forwarded to the Attorney General on 11th February, 2011 with recommendations that the suspects be charged as follows; the Verification Officer be charged with the offence of knowingly and deceiving principal contrary to section 41(1) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and that administrative action be taken against the Head of Verification for failure to perform his duties as required by his employer, Kenya Revenue Authority. On 8th March, 2011, the Attorney General accepted the recommendation for prosecution.

15. KACC/FI/INQ/147/2010

Inquiry into allegations that the former Managing Director of Kenya Broadcasting Corporation and former Corporation Secretary irregularly committed Kenya Broadcasting Corporation (KBC) to a partnership with two media houses to broadcast FIFA World Cup 2010 that was to be held in South Africa. It was further alleged that KBC thereafter single-sourced the two media houses as its partners in the venture. Investigations established that although two other media houses had offered better terms of engagement, KBC rejected their offers and accepted the offers from the former. The investigations further revealed that in contracting with FIFA and the two media houses, the two suspects who were responsible for all the decisions relative to the venture disregarded the applicable public procurement regulations.

The file was forwarded to the Attorney General on 16th February, 2011 with recommendations that the suspects be charged the offences of wilful failure to comply with the law relating to the tendering of contracts contrary to section 45(2)(b) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, No.3 of 2003. On 4th April, 2011, the Attorney General accepted the recommendation for prosecution.

16. KACC/FI/INQ/103/2009

Inquiry into allegations that the Officer In-charge of Kisumu Main Prison, flouted procurement laws and abused his office to benefit himself. Investigations revealed that the suspect registered a business in his name and that of his wife. The said business was one of those pre-qualified by the Kisumu East Tender Committee for the supply and delivery of various goods and services to Government departments in Kisumu. The evidence obtained established that at the time the said firm was pre-qualified, the suspect was not a member of the Tender Committee and the investigations have not shown that he influenced the Tender Committee to make the award to his firm.

The file was forwarded to the Attorney General on 18th February, 2011 with the recommendation that the inquiry file be closed. On 21st March, 2011, the Attorney General accepted the recommendation for closure of the inquiry file.

17. KACC/FI/INQ/116/2009

Inquiry into allegations that some officials of the Ministry of Lands, irregularly and fraudulently allocated a piece of land located in Loresho Estate to a businessman. Investigations revealed that the said piece of land had been previously allocated to a private company by the Commissioner of Lands. The investigations revealed that later the businessman, who was allocated the land under suspicious circumstances, colluded with public officers at the Lands Registry, City Council of Nairobi and licensed surveyors to alter records to facilitate the transfer of the land to him.

The file was forwarded to the Attorney General on 1st March, 2011 with the recommendation that the suspects be charged as follows; making a document without Lawful Authority contrary to Section 357(a) of the Penal Code, giving false information to a person employed in the Public Service contrary to Section 129(a) of the Penal Code, forgery contrary to section 347 of the Penal Code, conspiracy to defraud contrary to section 317 of the Penal Code, falsification of register contrary to section 361 of the Penal Code, abuse of office contrary to section 46 and deceiving principal contrary to Section 41(1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 5th April, 2011, the file was returned by the Attorney General with recommendations for further investigations.

18. KACC KSM. INQ/FI/03/2010

Inquiry into allegations that officials of Kisumu Municipal Council irregularly procured security services for the residence of the Mayor of Kisumu. Investigations established that the Mayor of Kisumu Municipal Council engaged the services of a private security firm to provide security at his residence situated

in Milimani Area within Kisumu. The investigation further revealed that the suspect unilaterally picked the security firm without reference to the Council's Tender Committee. Whereas this was a private engagement, and the firm had no contract with the Council, the Town Clerk and the Town Treasurer authorized payments to be made to the security firm.

The file was forwarded to the Attorney General on 21st February, 2011 with the recommendation that the suspects be charged as follows; the Mayor of Kisumu Council be charged with the offences of wilful failure with the law relating to the procurement of services contrary to section 45(2) (b) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003 and the two chief officers be charged with the offences of abuse of office contrary to section 46 as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and wilful neglect to perform official duty contrary to section 128 as read with section 36 of the Penal Code. On 4th April, 2011, the Attorney General returned the file directing that the suspect refunds the money that the Council paid for private security services provided at his residence and the file be closed in lieu of prosecution. .

19. KACC/FI/INQ/141/2010

Inquiry into allegations that the then Ministry of Water Development irregularly made payment of Kshs.80 million to a fictitious company whose name is similar to that of a contractor awarded a tender by the Ministry to undertake works on the Mombasa and Coastal Water Supply Project in 1981. Investigations revealed that there was no evidence to prove the alleged irregular payment by the Ministry. No culpability was established against any of the officers at the Ministry or any other person.

The inquiry file was forwarded to the Attorney General on 8th March, 2011 recommending that the inquiry file be closed. , the Attorney General accepted the recommendation for closure.

20. KACC/MSA/FI/INQ/13/2009

Inquiry into allegations that the procurement process in the award of a contract for Geographical Information Systems (GIS) Consultancy to a private firm by the Municipal Council of Mombasa (MCM) in 2004 was fraudulent and contravened the Exchequer and Audit (Public Procurement) Regulations, 2001. The investigations revealed that there were several irregularities in the award of the consultancy contract to the private firm. However crucial documents that would support prosecution of the officers involved were not available.

The inquiry file was forwarded to the Attorney General on 10th March, 2011, with the recommendations that the officers responsible be reprimanded and where they are still serving; be surcharged for any loss the Council may have incurred as a result of entering into the contract. It was further recommended that since there are arbitration proceedings over the contract, that the Commission be

enjoined as an interested party for purposes of ensuring no payment is made on a contract that was heavily skewed against the Council. It was also recommended that the matter be investigated by the Criminal Investigation Department with a view to establishing who is responsible for the loss of these critical documents and their eventual prosecution.

On 4th April, 2011, the Attorney General accepted the recommendations to reprimand and surcharge the officers responsible for the irregularities in the award of the contract; to enjoin the Commission as an interested party in the pending arbitration proceedings to ensure that no payment is made on a contract that was skewed against the Council and lastly the CID to investigate the loss of the critical documents.

21. KACC/FI/INQ/145/2010

Inquiry into allegations of conflict of interest against the Chief Executive Officer of Tanathi Water Services Board (TAWSB). It was alleged that the officer in his capacity as the CEO routinely awarded contracts to companies in which he had personal interest. It was further alleged that in some instances, payment was made by TAWSB to his firms for goods that had not been delivered. Investigations revealed that the officer was the proprietor of some of the companies which TAWSB had contracted to supply goods during the year 2009/2010 financial year. Investigations also showed that payments were made to the suspect's firms for goods that were not supplied. It was further established that the payments were made not commensurate with the goods that were delivered, if any.

The inquiry file was forwarded to the Attorney General on 14th March, 2011 with recommendations that the Chief Executive Officer be charged with the following offences; abuse of office contrary to section 46, fraudulently making payment from public revenues for goods not supplied contrary to section 45(2) (a) (ii) of and conflict of interest contrary to section 42(3) of the Anti-Corruption and Economic Crimes Act, 2003. The other suspects who colluded with the CEO be charged with; deceiving principal contrary to section 41(2) of the Anti-Corruption and Economic Crimes Act, 2003 and abuse of office contrary to section 46 of the Anti-corruption and Economic Crimes Act, 2003. It was further recommended that the systems at the Tana Water Services Board be reviewed.

On 4th April, 2011, the Attorney General accepted the recommendation for prosecution and the systems review of the Board.

22. KACC/FI/INQ/08/2010

Inquiry into allegations that an Accountant in the Ministry of Education misappropriated Kshs.8,371,200/= meant for Teacher's Advisory Centre (TAC), Tutors and Quality Assurance and Standards Officers (QASOs) in Kaimosi Teachers Training College during the period 16th February, 2009 to 3rd April, 2009. Investigations revealed the suspect did not properly account for the imprest received and falsified documents at the time of the surrender to purport to account for the money.

The inquiry file was forwarded to the Attorney General on 15th March, 2011 with recommendations that the suspect be charged with the following offences; knowingly deceiving a principal in a material respect contrary to Section 41(2) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003 and false accounting by a public officer contrary to Section 331(1) of the Penal Code Cap 63 Laws of Kenya. On 4th April, 2011, the Attorney accepted the recommendation for prosecution, and recovery.

23. KACC/FI/INQ/165/10

Inquiry into allegations that the Chief Executive Officers of the Athi Water Services Board (AWSB) and Tanathi Water Services Board (TAWSB) influenced the alteration of the tender documents submitted by a tenderer for Contract No.AWSB/WaSSIP/Comp.1/W-17/2010 for the construction of Wote Bulk Water Supply. The investigation revealed that at the time of opening the bids, the bid amount offered by one of the tenderers was increased from Kshs.131,292,816.80/= to Kshs.173, 575,861.80. However, since this amount exceeded the budget, officers from the water board engaged the tenderer to discuss a reduction of the works. This engagement by the evaluation team with the tenderer was done before the evaluation process was finalized. This was in contravention of the public procurement regulations. No culpability was established on the part of the CEO.

The inquiry file was forwarded to the Attorney General on 23rd March, 2011 with recommendations that the suspects be charged with the offence of unlawful disclosure of confidential information relating to the evaluation of tenders during procurement proceedings contrary to section 44(1) (c) as read with sections 44(4) and 137(1) (a) of the Public Procurement and Disposal Act, No. 3 of 2005. The Attorney General's response is awaited.

24. KACC/FI/INQ/92/2010

Inquiry into allegations that a Senior Education Officer misappropriated a sum of Kshs.1,905,000/= meant for the free secondary education programme while conducting Capacity Building Workshops on Management of Instructional Materials in Secondary Schools in the South Rift Region. Investigations established that the trainings took place at the Rift Valley Institute of Science and Technology (RVIST) between 28th September 2008 and 15th October, 2008, with participants drawn from various districts of the Rift Valley. The imprest received by the suspect was to cater for transport reimbursement to the participants, amongst other services. Investigations revealed that the suspect surrendered the imprest using forged documents whose authenticity was disputed by the participants.

The inquiry file was forwarded to the Attorney General on 28th March, 2011 with recommendations that the suspect be charged as follows; fraudulent acquisition

of public property contrary to section 45 (1) (a) and Deceiving Principal contrary to Section 41(2) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, 2003, and false accounting by a Public Officer contrary to Section 331 (1) and (2) of the Penal Code.

The Attorney General's response is awaited.

25. KACC/FI/INQ/103 B/05

Inquiry into allegations of misappropriation of public funds amounting to Kshs.2,500,000 by a former Managing Director; and a former Finance and Administration Manager of the Kenya Wines Agencies Limited (KWAL) through the irregular purchase of a motor vehicle for the said Finance and Administration Manager. Investigations established that the Managing Director authorized an application for a car loan made by Finance Manager, whereas the former did not qualify under rules of the KWAL Staff Car Loan Scheme. Investigations revealed that the Finance & Administration Manager left the employment of KWAL before repaying the loan, thus occasioning loss to KWAL.

The inquiry file was forwarded to the Attorney General on 28th March, 2011 with recommendations that the suspects be charged with the offences as follows; The former Managing Director 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, 2003 and alternative charge of wilful failure to comply with applicable guidelines relating to the management of funds contrary to Section 45(2) (b) and 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. The former Finance & Administration Manager be charged with the offence of fraudulent acquisition of public property contrary to Section 45 (1) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The Attorney General's response is awaited.

26. KACC/INQ/FI/45/2010

Inquiry into allegations that a secretary in the Ministry of Education embezzled an imprest of Kshs.1,067,550/= which she received for the purchase of stationery to be used in capacity building workshops on management of instructional materials in secondary schools. It was further alleged that she surrendered the imprest using forged receipts. Investigations revealed that the suspect did not use the imprest for the purposes it was issued, and instead surrendered the same using false documents.

The file was forwarded to the Attorney General on 29th March, 2011 with the recommendation that the suspect be charged with the offences of deceiving principal contrary to Section 41(2) of the Anti-Corruption and Economic Crimes Act, 2003;,, forgery contrary to section 347 and uttering false documents contrary to section 353 and false accounting by a public officer contrary to section 331 (1) of the Penal Code. The Attorney General's response is awaited.

27. KACC/AT/INQ/2/2010

Inquiry into allegations that a construction company fraudulently acquired a court decree by means of a forged arbitral award of Kshs.97,176,206/= . Investigations revealed that there was an arbitration dispute between the construction company and the Project Management Unit of the Office of the President. Investigations also revealed that the contractor altered the arbitral award and inserted their own figures, which they produced in court purporting it to be the genuine award. They thereafter used the said decree as basis of a fraudulent claim against the Government of Kenya.

The file was forwarded to the Attorney General on 28th March, 2011 with the recommendation that the suspects be charged with the following offences; Forgery contrary to Section 345 as read with Section 347(b) and Section 349 of the Penal Code Chapter 63 Laws of Kenya, Uttering a false document contrary to Section 353 of the Penal Code Chapter 63 Laws of Kenya, Attempt to commit a corruption offence contrary to Section 47A(1) of the Anti-Corruption and Economic Crimes Act, 2003 and Attempt to obtain by false pretences contrary to Section 313 as read with Section 389 of the Penal Code. The Attorney General's response is awaited.

28. KACC/PI/INQ/52/09

Inquiry into allegations that Chief Officers at Nairobi City Council colluded with officials of a private firm to enter into an irregular partnership contract. Investigations established that in the beginning of the year 2002, the City Council of Nairobi embarked on a process of preparation and implementation of a Strategic Plan known as Nairobi Metropolitan Growth Management and Development Strategy to manage Nairobi city for the next 20 to 30 years. One of the components of the Strategic Plan was introduction of a Geographical Information Systems (GIS) to manage information during the strategic planning and implementation period. The investigation revealed that a contract was entered into between the Council and the private firm which contained unfair terms to the Council. However the contract satisfied procedural propriety and was therefore binding on both parties. The contract was terminated, and the legality of the termination is pending before court. The investigation did not unearth any wrong doing on the part of the council officials or the representatives of the private firm.

The inquiry file was forwarded to the Attorney General on 24th March, 2011 with recommendations that the inquiry file be closed. On 4th April, 2011, the Attorney General accepted the recommendation for closure.

29. KACC.CR./161/164/2010 CF. NAIROBI ACC NO.29/2010

Inquiry into allegations that some persons were impersonating a KACC investigator. The suspects approached the Chairperson of the Islamic Foundation

and informed him that they were KACC officers investigating the activities of the Foundation. The investigations established the impersonation since it was discovered that the suspects were not KACC employees. The suspects were arrested and charged with the offences of impersonating an investigator contrary to section 34(1) as read with section 34(2) of the Anti-Corruption and Economic Crimes Act No.3 of 2003, attempted extortion by threats, contrary to section 300(1) (a) of the Penal Code and uttering a false document contrary to section 353 of the Penal Code.

The file was forwarded to the Attorney General on 5th January, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 19th January, 2011, the Attorney General accepted the recommendation for prosecution.

30. KISUMU ACC CF. NO. 437 OF 2010

Inquiry into allegations that the Land Adjudication and Settlement Assistant at Sinda Lands office solicited for a benefit from the complainant as an inducement to facilitate the demarcation of the boundary between the land of the complainant's father and his neighbour. 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 6th January, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 20th January, 2011, the Attorney General accepted the recommendation for prosecution on.

31. KACC/RR/INQ/03/2010

Inquiry into allegations that some persons were masquerading as Kenya Anti-Corruption Commission investigators who were investigating alleged cases of corruption at a farmers Company at Thika. Investigations revealed that the suspect went to the offices of the said company, represented themselves as KACC investigators; and demanded Company documents. The suspect also called the officials of the company and threatened to take them to court on corruption charges. It was established that the suspect was not a KACC employee.

The file was forwarded to the Attorney General on 11th January, 2011 recommending that one suspect be charged with the offence of impersonating an investigator contrary to section 34 (1) as read with section 34(2) of the Anti-Corruption and Economic Crimes Act No. of 2003 and administrative action be

taken against the other. On 21st February, 2011, the Attorney General accepted the recommendation for prosecution.

32. KACC CR.141/454/2010 ACC. NAIROBI CF. 25/2010

Inquiry into allegations that the Assistant Chief, Imara Daima Sub-Location, Nairobi solicited for a benefit from the complainant as an inducement so as to allow him put up temporary structures for business shelter. The investigation established the solicitation and receipt of the benefit. The suspect was 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.

The file was forwarded to the Attorney General on 11th January, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 20th January, 2011, the Attorney General accepted the recommendation for prosecution.

33. KACC CR.442/92/2010 – EMBU ACC NO.3/2010

Inquiry into allegations that Traffic Police Officers attached to Traffic Police Headquarters, Ruaraka, Nairobi and stationed along Nairobi- Mombasa road was soliciting for bribes from motorists for unspecified offences. The investigation established the solicitation and receipt of the benefit by the suspects. Large sums of money were also recovered from them. 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 conspiracy to commit an offence of corruption contrary to section 47A (3) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 12th January, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 4th February, 2011, the Attorney General accepted the recommendation for prosecution.

34. KACC CR.021/36/2010 – CF MOMBASA ACC NO.7/2010

Inquiry into allegations that an Assistant Supplies Officer, Mombasa Water and Sewerage Company Limited corruptly solicited and received a benefit for the complainant as an inducement to release a Local Purchase Order in respect of a tender for the supply of goods to the Council. The investigation established the solicitation and receipt of the benefit. The suspect was 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.

The file was forwarded to the Attorney General on 14th January, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 31st January, 2011, the Attorney General accepted the recommendation for prosecution.

35. OPERATIONS INQUIRY FILE NO.2/2009

Inquiry into allegations that a Principal Magistrate previously attached to Moyale Law Courts corruptly solicited and received a benefit from the complainant as an inducement to facilitate the release of seven of his relatives who had been arrested and brought before the said Magistrate for purposes of swearing a bond to keep the peace. The investigation established the solicitation and receipt of the benefit.

The file was forwarded to the Attorney General on 17th January, 2011 with the recommendation that the suspects be charged with the offences of soliciting for 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. On 4th April, 2011, the Attorney General returned the file recommending further investigations.

36. KACC CR.691/225/2010 CF KISUMU ACC. 433/2010

Inquiry into allegations that members of Sameta Land Disputes Tribunal corruptly solicited and received a benefit from the complainant as an inducement to rule in his favour in a case pending before the said tribunal. 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 17th January, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 27th January, 2011, the Attorney General accepted the recommendation for prosecution.

37. KACC CR.962/47/2010 – BUNGOMA ACC. 25/2010

Inquiry into allegations that the Chief, Kamolo Location, Teso District corruptly solicited for a benefit from the complainant as an inducement so as to preside over a family dispute between the complainant and his mother. 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 19th January, 2011 recommending that the suspect be 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 concealing evidence contrary to section 66(1) as read with section 66 (2) of the Anti-Corruption and Economic Crimes Act No.3 of 2003. On 4th February, 2011, the Attorney General accepted the recommendation for prosecution.

38. KACC CR.141/621/2010 – NAIROBI ACC NO.34/2010

Inquiry into allegations that an aide to the Minister for Industrialization corruptly solicited for a benefit from the complainant as an inducement to facilitate the release of a letter of exemption from 8 year rule requirement for importation of a motor vehicle 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, 2003 and concealing of 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 21st January, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 21st February, 2011, the Attorney General accepted the recommendation for prosecution.

39. KACC/AT/INQ/36/2010 – F

Inquiry into allegations of misappropriation of Kshs.26.22 million allocated to West Mugirango Constituency by the area Member of Parliament in collusion with others. Investigations established that a total sum of Kshs.1,690,000 that was withdrawn from the CDF account could be traced as deposits into the bank account of the Member of Parliament. It was further established that a sum of Kshs.5,643,500 was owed by eight officials of the CDF in outstanding imprests, and that minutes of the CDF Committee were doctored and/or manufactured to cover up for the misappropriated funds. The investigation also revealed that the motor vehicles registered in the personal names of the Member of Parliament and his wife would regularly draw fuel from the CDF contracted supplier at the expense of the CDF.

The file was forwarded to the Attorney General on 2nd February, 2011 with recommendations that the suspects 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, abuse of office contrary to section 46 as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and false accounting by a public officer contrary to section 331(1) as read with section 331(2) of the Penal Code. On 4th April, 2011, the Attorney General returned the file with recommendation for further investigations.

40. KACC CR.755/416/2010 NAKURU ACC. NO.15/2010

Inquiry into allegations that the Prosecutor at the Nanyuki Law Courts corruptly solicited for a benefit from the complainant as an inducement so as to facilitate the withdrawal of Criminal Case against the complainant's brother. 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 3rd February, 2011 recommending that the case be prosecuted to its logical conclusion. On 23rd February, 2011, the Attorney General accepted the recommendation for prosecution.

41. KACC CR.261/436/2010 CF NYERI ACC. NO.9/2010

Inquiry into allegations that the Chief, Kakuzi Location in Central Province corruptly solicited for a benefit from the complainant as an inducement so as to write a letter confirming the death of the complainant's husband for purposes of filing a succession cause. The investigation established the solicitation of the benefit. The suspect was arrested and charged with the offences of soliciting for 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 4th February, 2011 recommending that the case be prosecuted to its logical conclusion. On 8th March, 2011, the Attorney General accepted the recommendation for prosecution.

42. KACC MSA.CR.021/88/2010 CF MSA ACC. NO.13/2010

Inquiry into allegations that a Registry Clerk, Kenya Power and Lighting Company Limited corruptly solicited for a benefit from the complainant as an inducement so as to facilitate the re-routing of a power line that had passed through the complainant's land. 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 4th February, 2011 recommending that the case be prosecuted to its logical conclusion. On 8th March, 2011, the Attorney General accepted the recommendation for prosecution.

43. KACC CR.781/338/2010 CF NKU ACC. NO.6/2010

Inquiry into allegations that the District Land Adjudication Officer, Narok North District corruptly solicited for a benefit from the complainant as an inducement so as to deliver a favourable ruling at the hearing of the appeal in which the complainant was a party. 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 4th February, 2011 recommending that the case be prosecuted to its logical conclusion. On 23rd February, 2011, the Attorney General accepted the recommendation for prosecution.

44. KACC CR.141/749/2010 – CF NYERI ACC NO.8/2010

Inquiry into allegations that traffic police officers at Mathore in Lari, Kiambu along the Nairobi-Naivasha Highway were soliciting for benefits from matatu drivers and other road users. 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 15th February, 2011 recommending that the case be prosecuted to its logical conclusion. On 21st March, 2011, the Attorney General accepted the recommendation for prosecution.

45. KACC CR/161/767/2010 CF NAIROBI ACC NO.39/2010

Inquiry into allegations that the Kitsuru Ward Councillor within the City Council of Nairobi, corruptly solicited for a benefit from the complainant as an inducement to him so as to expedite the issuance of a renewal of lease on a property that a Housing Cooperative Society held at the Shauri Moyo Estate in 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.

The file was forwarded to the Attorney General on 18th February, 2011 recommending that the case be prosecuted to its logical conclusion. On 8th March, 2011, the Attorney General accepted the recommendation for prosecution.

46. KACC.CR.255/307/2010 CF. ACC NYERI NO.5/2010

Inquiry into allegations that an acting Principal Revenue Officer, Kenya Revenue Authority based in Nyeri, corruptly solicited for a benefit from the complainant as an inducement to forbear charging him for an alleged offence of under declaring sales. 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 1st March, 2011 recommending that the case be prosecuted to its logical conclusion. On 16th March, 2011, the Attorney General accepted the recommendation for prosecution.

47. KACC (KSM) CR.661/199/2010 CF KSM ACC. NO.495/2010

Inquiry into allegations that the Chief of Suna Ragana Location in Migori District, corruptly solicited for a benefit from the complainant as an inducement so as to arbitrate in a land dispute involving the complainant 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) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 1st March, 2011 recommending that the case be prosecuted to its logical conclusion. On 21st March, 2011, the Attorney General accepted the recommendation for prosecution.

48. KACC/INQ/AT/35/2007 (F)

Inquiry into allegations of irregular acquisition of public utility land a portion of land forming part of Kenya Airport Authority's near Wilson Airport. Investigations revealed that the affected land was part of a thirty (30) meter wide road reserve that had been hived off, illegally alienated and allocated to private developers. The investigation revealed that this being a road reserve, it was not available for alienation. It was also established that the allottee may have forged the letters of allotment together with receipts acknowledging payment of the standard premium and stamp duty.

The file was forwarded to the Attorney General on 1st March, 2011 with the recommendation that the suspects be charged with the offence of uttering a false document contrary to section 353 of the Penal Code. On 4th April, 2011, the Attorney General accepted the recommendation for prosecution.

49. KACC/AT/INQ/24/2006

Inquiry into allegations that the Directors of a private company illegally acquired public land, situated at Kizingo area, within Mombasa. Investigations revealed that the said land parcel was initially part of Government of Kenya Housing Estate. It was hived off from the original land parcel number MSA Block XXVI/243 within Kizingo area. Investigations also showed that several other portions of land forming part of the Government Housing Estate were also allocated to private individuals and companies. Since this was already land set aside for public use, the investigation revealed that it was not available for alienation.

The inquiry file was forwarded to the Attorney General on 3rd March, 2011 with the recommendation that the Commission institutes civil proceedings for the recovery of the illegally alienated land pursuant to its mandate under section 7(1) (g) of the Anti- Corruption and Economic Crimes Act, 2003. On 4th April, 2011, the Attorney General accepted the recommendation for recovery of the illegally alienated land.

50. KACC/INQ/AT/53 (A)/2009

Inquiry into the allegations that the former Chief Executive Officer, Kenya Sugar Board in abuse of his office unlawfully made payments of Kshs.350 million to an unsecured creditor of Miwani Sugar Company (1989). It was further alleged that the payments were made without due consultations with either Miwani Sugar Company or the Board's approval. The payments were alleged to have been overstated thereby costing the Company substantial losses and that the monies so paid were subsequently used as bribes to the Chief Executive Officer, the area Member of Parliament and the then Minister for Agriculture. The investigation revealed that the process of negotiation and the eventual payment of the alleged sum were consultative and done with the authorization of the relevant Government ministries. No wrongdoing was established on the part of the CEO or any other officers.

The inquiry file was forwarded to the Attorney General on 3rd March, 2011 with the recommendation that the file be closed. The Attorney General accepted the recommendation for closure on 28th March, 2011.

51. KACC CR.681/249/2010 CF KSM ACC. NO. 592/2010

Inquiry into allegations that a Fisheries Assistant with the Ministry of Fisheries, Nyangoma Division, corruptly solicited for a benefit from the complainant as an inducement so as to release a net that he had confiscated. 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 7th March, 2011 recommending that the case be prosecuted to its logical conclusion. On 28th March, 2011, the Attorney General accepted the recommendation for prosecution.

52. KACC CR.021/42/2010 CF MSA ACC. NO.10/2010

Inquiry into allegations that an Administration Police Officer and a Community Policing Member corruptly solicited for a benefit from the complainant as an inducement so as to terminate alleged investigations against the complainant. 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 10th March, 2011 recommending that the case be prosecuted to its logical conclusion. On 29th March, 2011, the Attorney General accepted the recommendation for prosecution.

53. KACC.021/3/11 CF MOMBASA ACC.4/2010

Inquiry into allegations that officers manning the Mariakani Transit Weighbridge were soliciting for and receiving bribes from truck drivers, as an inducement to allow the truck drivers who were not adhering to the rules on Axle Load Control to pass through the weighbridge. The investigation revealed that the suspects received bribes from various truck drivers. The suspects were arrested and charged with the offences of soliciting for a benefit contrary to section 39(3) (a) and abuse of office contrary to section 46 of the Anti- Corruption and Economic Crimes Act, 2003. The inquiry file was forwarded to the Attorney General on 10th March, 2011 recommending that the case be prosecuted to its logical conclusion, subject to amendments to the charges. On 28th March, 2011, the Attorney General accepted the recommendation for prosecution.

54. KACC.CR.032/28/2010 – CF KISUMU CR NO. 472/10

Inquiry into allegations that a Customs Officer, at Muhuru Bay, Kisumu corruptly solicited for a benefit from the complainant as an inducement in order to release a Tanzanian registered vehicle that had been detained by the Customs Department. 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 10th March, 2011 recommending that the case be prosecuted to its logical conclusion. On 4th April, 2011, the Attorney General accepted the recommendation for prosecution.

55. KACC CR.374/108/2010 CF MLD ACC. NO.5/2010

Inquiry into allegations that a Forest Officer with Kenya Forest Service corruptly solicited for a benefit from the complainant as an inducement so as to release the power saw that had been confiscated. 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 inquiry file was forwarded to the Attorney General on 11th March, 2011 recommending that the case be prosecuted to its logical conclusion. On 4th April, 2011, the Attorney General accepted the recommendation for prosecution.

56. KACC.CR.021/480/2010 – CF MALINDI ACC NO.4/2010

Inquiry into allegations that a Public Health Officer based at Malindi Municipal Council corruptly solicited for a benefit from the complainant as an inducement so as to facilitate the issuance of a Liquor License. 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 inquiry file was forwarded to the Attorney General on 11th March, 2011 recommending that the case be prosecuted to its logical conclusion. The Attorney General accepted the recommendation for prosecution.

57. KACC CR.021/28/2010 CF. ACC MSA 5/2010

Inquiry into allegations that the suspect offered a benefit to the complainant, as an inducement to facilitate the release from custody of two persons facing charges of being in possession of papers for forgery. The investigation established the offer 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 3rd January, 2011 with the recommendation that the case be prosecuted to its logical conclusion. On 14th January, 2011, the Attorney General accepted the recommendation for prosecution.

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

Total No. of files forwarded to the Attorney General	57
No. of files recommended for prosecution	47
No. of files recommended for administrative or other action	3
No. of files recommended for closure	7
No. of files recommended for prosecution and the cases are already lodged before Court	29
No. of files where recommendation to prosecute accepted	36
No. of files where recommendation for administrative or other action accepted	1
No. of files where recommendation for closure accepted	7
No. of files returned for further investigations	4
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	6
No. of files where closure not accepted	0
No. of files awaiting Attorney General's action	5

DATED AT NAIROBI THIS

14 DAY OF *April*

2011

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