

② Charles
Please deal
29/3/17



HENRY NYABUTO ONDIEKI

C/O PO BOX 854 KISII

CELLPHONE 0725804300

TO

SENATE STANDING COMMITTEE

ON AGRICULTURE, LIVESTOCK & FISHERIES

THRO THE CLERK,

PO BOX 41842-00100,

NAIROBI.



① DLPS
Please deal.
28/3/17

PETITION ON CHEMELIL SUGAR CO LTD.

ON MISAPPROPRIATION AN DIVERSION OF KSH 445,000,000/= IN CHEMELIL SUGAR COMPANY and the reluctance of the Director of Public prosecutions, EACC, and the public procurement authority to prosecute the impropriety by the board and CEO .

I HENRY NYABUTO ONDIEKI an employee of chemelil sugar company and a farmer wish to register this petition to request your committee to urgently investigate the board of CHEMELIL SUGAR COMPANY for failure to tame the wanton plunder of public recourses by the CEO of the company on the following grounds

- 1) The CEO of chemelil sugar co ltd has been trading and supplying gunny bags using his company he registered through his relatives called cubic business solutions ltd in full view of the board.
- 2) The CEO of chemelil is serving the interest of the cabinet secretary who has no control of him because he is in the CEO; S payroll.
- 3) The company was given **ksh 265,000,000/=** for maintenance and the CEO went without approval of the cabinet secretary and the CEO clandestinely borrowed a further **ksh 180,000,000/=** from the sugar buyers ostensibly for factory maintenance but the same was stolen by the CEO and the Board and the factory is not milling after two months of operation after maintenance.
- 4) The CEO has been paying himself without minding the plight of farmers who supplied cane from the year 2013- 2014 which arrears now stand in millions (**SEE PAYMENTS TO HIS FIRM**).
- 5) That despite the irregularities being reported to the Director for public prosecutions and EACC, the two independent commissions have given the Board of chemelil sugar a clean bill of health and in fact they are gracing the wanton misappropriation of the company resources the director of EACC IS NOT passionate in arresting the situation and he is dragging his feet on the complaints sent to him thereby being seen as handling matters of corruption gloves. (**SEE LETTERS TO THE COMMSIONS**).
- 6) The cabinet secretary is always a visitor to chemelil Sugar Company where he sometimes uses a helicopter fully paid by the CEO of CHEMELIL SUGAR COMPANY.



- 7) That the CEO who took his gratuity in November 2015 is running the company without being appointed by the cabinet secretary and the CEO has never remitted statutory deductions of employees which has resulted into employees have been listed by CRB(SEE LETTER FROM NBK) .
- 8) The cabinet secretary has no say on matters affecting the plight of chemelil Sugar Company because he is an interested party and the same issues were raised by farmers to the parliamentary committee on agriculture but the same was frustrated and it never saw the light of the day.
- 9) That despite numerous letters to the offices of government concerned there is no action being taken because the officers of government and the Board have ganged up to ensure that chemelil sugar company is declared insolvent so that they can buy it, this is despite jubilee government pumping and paying the farmers arrears on behalf of the company as follows, 2013 ksh 190,000,000/=, 2014, ksh 270,000,000/=.
- 10) The CEO of chemelil is always using freights to take kick backs to the cabinet secretary, internal passenger manifest will confirm my allegations.
- 11) The company recently organized a raid of the company van with cash on transit and ksh 500,000/= was reportedly lost but the truth of the matter the money was meant to assist the CEO in solving his financial distress.

I am therefore appealing to your good offices to rise to occasion and assist the helpless farmers and bring the Board to account on how the money for maintenance was used as the spare parts were never delivered but old spares were washed and sprayed.

The jubilee government is keen on pumping money to this company in millions and yet the Board which is supposed to ensure that the company is running profitably is busy misappropriating state resources under the watch of independent commissions.

The Board is immune to prosecution may be having known that whatever investigation by EACC are doing is a public relations exercise and hence the continued plunder.

Sir I know for sure that unless you take this matter seriously the government is going to lose money from this self imposing CEO who has protection even the public procurement authority who have ensured that chemelil Sugar Company is not subject to the public procurement and disposal act (SEE LETTER PPOA)

Kindly summon all the officers concerned to attend and I will offer myself and appear to testify. I have enclosed all the correspondence to the affected offices.

In the meantime I will file a petition to parliament to inquire into the ability of the Board of EACC and the Director of public prosecutions ;s ability to hold office given that they seem to lack passion to prosecute economic crimes which are manifest as reported .

This petition is served upon the concerned offices to serve as a notice of intention to petition.

Thank you

DATED AT KISII THIS 23RD DAY OF MARCH 2017

HENRY NYABUTO ONDIEKI


.....
COMPLAINANT AND INTENDED PETITIONER



CC

- 1) THE CHAIRMAN PARLIAMENTARY COMMITTEE ON AGRICULTURE
PARLIAMENT BUILDING
NAIROBI.
- 2) THE SPEAKER OF THE NATIONAL ASSEMBLY
PARLIAMENT BUILDING
NAIROBI.
- 3) DIRECTOR FOR PUBLIC PROSECUTIONS
NSSF BUILDING (let this serve as an intention to petition parliament)
PO BOX 30701-00100
NAIROBI.
- 4) CEO CHEMELI SUGAR CO LTD
PO BOX 177
MUHORONI.
- 5) THE CHAIRMAN OF THE BOARD
CHEMELIL SUGAR COMPANY
PO BOX 177
MUHORONI.
- 6) DIRECTOR EACC
INTEGRITY HOUSE (let this serve as an intention to petition parliament)
PO BOX 61130-00200
NAIROBI.
- 7) THE DIRECTOR PUBLIC PROCUMBENT AUTHORITY
NATIONAL BANK BUILDING
PO BOX 58535-00200 NAIROBI

Serving Copy



HENRY N ONDIEKI

P O BOX 854

KISII.

TO

DIRECTOR

PUBLIC PROCUREMENT AUTHORITY

Dear Sir

RE: MY LETTER DATE 24/10/2016 ON CHEMELIL SUGAR CO.LTD.

Further to my letter reference above I'm writing to enclose and provide further evidence on misappropriation and corruption by the CEO OF CHEMELIL SUGAR CO. LTD MR CHARLES APUDO OWELLE.

Please enclosed herein find.

1. Payment journal by Chemelil on payments for supply of Gunny bags by Cubic Business Solutions LTD which is a company of the said CEO by proxy by name (a) Mercy Tambo.
2. ALC No Family Bank Wetlands Branch No. 048000004914 and not Baclays earlier indicated.

Signatories to this A/C are;

- MERCY ATAMBO _____ niece.
- ROSE ANYANGO _____ wife.

3. For purpose of clarity, this is the same matter which is subject to constitutional petition No.25 of 2016 before high court in Kisumu.
4. Kindly note also that I shall avail more information for your necessary action.

Thank you.

HENRY NYABUTO ONDIEKI

1. Ethics and Anti-corruption commission.
2. Director for Public prosecution.
3. Head of Public Service.



HENRY NYABUTO ONDIEKI

P O BOX 854

KISIL

TEL:0725804300

THE CEO

Att.HARKHE WAQUO

ETHICS & ANTICORRUPTION COMMISSION

INTEGRITY CENTRE

"CONFIDENTIAL"

P O BOX 61130-00200

NAIROBI

Dear Sir

RE: CORRUPTION AT CHEMELIL SUGAR CO.LTD

I'M writing to bring to your attention that various issues of corruption have been raised on the cartels that have been reported to your office in Kisumu, your officers opened an inquiry file NO.5966/2016 and matter has gone mute.

This is my hypothesis on the issue, either your officers have no idea on how to tackle the matter or they have been compromised while it is not good to speculate it is incumbent upon your good office to act on allegations leveled against public servants who seem to be getting protection from your juniors. (See enclosed copies of issues)

TAKE NOTICE that you have an obligation to do what the law requires of you.

If the matter is not handled with speed I have no obligation but take your office to court for judicial review orders.

Please expedite

Yours faithfully

HENRY NYABUTO ONDIEKI





OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Télégraphic address: "Personnel",
Téléphone: Nairobi 2732090/2732240
Mobile: 0723202888/ 0787880580
Fax: 2243524/2251808
Email: info@odpp.go.ke

Nairobi NSSF Building, Block 'A'
19th Floor
P.O. BOX 30701 – 00100
NAIROBI KENYA

When Replying please quote:

Our ref: ODPP/CAM/7/017/46
Your Ref: PPRA/COMP/30/21 VOL V (25)

Date: 31st January, 2017

Public Procurement Regulatory Authority
National Bank Building
Harambee Avenue
P. O. Box. 58535
NAIROBI

**RE: COMPLAINT ON POSSIBLE PROCUREMENT OF SUGAR BAGS AND SEWING THREAD
AT CHEMELIL SUGAR COMPANY**

The above matter refers.

I have been directed by the Director of Public Prosecutions to acknowledge receipt and note the contents of your letter referenced PPRA/COOMP/30/21 VOL V (25) dated 17th January, 2017.

I have also been directed by the Director of Public Prosecutions to forward to you a letter from Henry Ondieki for your action as the same falls under your jurisdiction.


NICHOLAS K. MUTUKU
DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS
FOR: DIRECTOR OF PUBLIC PROSECUTIONS

Copy to: Henry Ondieki ✓
P.O. Box 854
KISII

{ We acknowledge receipt of your letter in relation to the above subject matter.
Kindly Liaise with the Public Procurement Regulatory Authority for inquiries }



Chemelil is insolvent, says Ouko in audit report

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Auditor-General Edward Ouko. PHOTO FILE

By EDWIN MUTAI

Posted Thursday, June 2 2016 at 19:00

Chemelil Sugar Company is technically insolvent, Auditor General Edward Ouko says in a new report.

The sugar miller's performance has continued to deteriorate, which saw it declare a loss of Sh526.7 million in the year to June 2015, raising its cumulative retained earnings to negative Sh3.5 billion.

"The current liabilities exceed the current assets by Sh 1.4 billion. Evidently, the company is technically insolvent and its continued operation as a going concern is dependent upon the continued financial support from the government, trade payables and its bankers," says Mr. Ouko in an audit report tabled in Parliament last Thursday.

t: 0721202937
p: PO Box 41-40116 Chemelil, Kenya
e: hkagumba@hotmail.com, maacsedu@yahoo.com



HIV-Aids / Human Rights

17th March, 2017

CONFIDENTIAL

The Cabinet Secretary

Mr. Willy Bett

Ministry of Agriculture, Livestock Development and Fisheries

P.O. Box 34188-00100

Nairobi - Kilimo House.

Dear Mr. Bett,

RE: CORRUPTION AT CHEMELIL SUGAR COMPANY IS OUT OF CONTROL

As you are aware MAACS is a Human Rights Organisation in Chemelil Location of Muhoroni Sub-county that deals with cases of corruption and injustice. All members of the MAACS team are also sugarcane farmers and for that reason for at least 15 years MAACS has reported on corruption in the sugar industry mainly in Chemelil Sugar Company and handed over reports to the EACC Nairobi/Kisumu, the office of the DPP, your ministry and the Office of the President to no avail. Chemelil Sugar Company, once an asset to the Sugar Industry has slowly gone down the drain due to impunity, corruption and mismanagement by at least three directors. Chemelil has been declared insolvent by the Auditor General's office. The workers are frequently on strike due to late salaries and the working morale and motivation is at its lowest. The more than twenty thousand farmers are poverty stricken and demoralized due to outstanding unpaid debt to them of over Ksh 200 million. It is not clear who will pay these debts which accumulated due to corruption and when the farmers will be paid. The whole scenario is totally unacceptable and inhuman. Also, it is incomprehensible that the present MD whose

contract expired on 12th May, 2015 and received his terminal benefits in November 2015 is still illegally in office while he is receiving a salary and using company funds to frequently travel back and forth to Nairobi being driven in the company car.

The newest report to our office reveals that CSC received 265 million for the rehabilitation of the plant through the Sugar Directorate in August/September 2016. The maintenance exercise took place from August to December 2016. It is alleged by employees of the company that no new spare parts were bought but that the faulty spares were removed, reconditioned and put back. Subsequently, after maintenance the factory has not picked up due to constant breakdowns leaving cane tractors stranded in the hot sun in the yard. It needs no imagination to describe the poor dried up state of the cane. It was also reported that after receiving the maintenance funds the factory took an additional 180 million shillings from Sugar buyers. Looking at the devastated factory it should be investigated immediately where the Ksh 445 million went to. Chemelil farmers have given up on the factory and they are taking their cane to Muhoroni, Kibos and West Kenya. Before, the CSC used to mill in twenty four hours between 2500 - 3500 tones. After maintenance the tonnage has gone down to under 1000 tones per 24 hours meaning that the company is losing a large amount of money daily. It can be predicted that sooner or later the company will be forced to close down. **The MAACS Team would like to ask the relevant authorities to investigate what the Board of Directors play and if they are part of the people who shared the 445 million? This is daylight robbery of the taxpayer's money.**

An additional report was reported today that on the 16th March, 2017 members of the Strategic Board Committee under Chairman McOwiti intimidated employees especially in the finance and procurement departments and in the factory which has even contributed more to demoralizing the workers. In addition, it was observed by the board that on the same 16th March, no milling took place.

Sir, enough is enough! Serious action must be taken immediately and the ones involved in running down CSC must be investigated and removed if necessary.

Thanks for collaborating with MAACS.

Faithfully,

Helga Kagumba –HSC

Team leader/MAACS

CC:

1. The EACC Nairobi and Kisumu
2. Office of the DPP
3. The Principal Secretary Ministry of Agriculture
4. The CEO Sugar Directorate
5. The CEO State Corporations
6. The German Embassy

HENRY NYABUTO ONDIEK

PO BOX 854 40200 KISII

27/1/2017.

THE CHAIRMAN
EACC
INTEGRITY CENTER
PO BOX 61130-00200
NAIROBI

DEAR SIR

RE: *CORRUPTION MATTERS REPORETED ON CHEMELIL SUGAR CO LTD*

This is a follow up to my previous correspondence to your office on **03/11/2016** which matter was also copied to *DPP, INSPECTOR GENERAL STATE CORPORATIONS, AND PUBLIC PROCUREMENT AUTHORITY* (copy) enclosed.

Sir the contents of the said allegations are well documented and your office has been well informed about it, only that your director or whoever is charged with the responsibility has decided to give the issue blackout.

It is unfortunate that all government investigative agencies have decided to give the **CEO OF CHEMELIL** official corruption clemency despite glaring evidence available that the **CEO OF CHEMELIL** has formed cartel of his relatives who are doing business with the company which money is usually deposited to the account operated by the CEO ;s relatives.

The office of DPP has decided to close its eyes and the principal secretary ministry of agriculture is intermeddling with the appointment of the CEO of chemelil sugar company who is serving in the office without being officially cleared by your office but the principal secretary has found a way of going round the process of allowing a state officer to work in a public office without valid appointment.

The other interesting feature of the issue is that the CEO gave the cabinet secretary ministry of agriculture an inducement to allow him stay in office the irregularity notwithstanding.

Please note that I had given notice of intention to sue EACC AND DPP for failure to uphold the law.

I am giving you notice to inform the whole world that **MR CHARLES APUDO OWELLE THE CEO OF CHEMELIL SUGAR CO LTD** is the only person in the republic of Kenya who has been given exemption to run a state corporation without any appointment and without being cleared by your office.

Kindly confirm to me that there is nothing your office can do concerning this matter.

I am wondering what better opportunity to fight corruption than this

Thank you.

Yours faithfully


HENRY NYABUTO ONDIEKI

14



G4S Courier Services Cash Sales / Collection Sheet

G4S Kenya Limited
North Airport Road, Embakasi
P.O. Box 30242, G.P.O.
Nairobi 00100 Kenya.

CsD No.

131202

Telephone: 0733234307, 0733579607

0736888089, 0736888341

Email: couriercs@ke.g4s.com

www.g4s.co.ke

Registered Office: Witu Road off Lusaka Road

VAT No.: 0013528M

PIN No.: P000618582J

Collection Branch

From (Consignor)		To (Consignee)	
Full Names:	Henry Nyusito	Full Names:	His Eminent
Company Name:	on d... ..	Company Name:	Bishop Eliud
Physical Address:		Physical Address:	Kilabukhara
E-mail Address:		E-mail Address:	
Town:	Kisumu	Town:	Nairobi
Tel./Cell No.:	0725 804 300	Tel./Cell No.:	
ID No.:		ID No.:	
Destination, no. & type of pieces flyer no. (where applicable)	1-C Nairobi	Time received	13:15
Total weight in kgs		Date received	30/11/17
		Details of G4S employee who receives consignment	
		Full Names	Cowan
		Co. No.:	9090
		Signature:	
		ID Card No.:	2487502
		Customers should check the courier's identification	
		☒ Temporary Service ☐ Contracted Service	
		GIT INSURANCE ☐ YES ☐ NO	
		Total weight in words	
		Value of Goods	(a) Estimated value Kshs. / (b) Actual value Kshs.
		Charge K:	
		GIT Ins Kshs.	
		V.A.T. Kshs:	
		Total Kshs:	
		Tick Appropriate ☒ Overnight Service ☐ Same day Service ☐ One hour Service	
		☐ Dedicated Service - Vehicle ☐ Dedicated Service - Rider ☐ Special delivery Service ☐ Packing & Removal	
Total weight			
Excess weight			
Special Remarks			

- Customers are advised to self insure all items of value being sent through the courier services
- Cash or anything equivalent to cash is not carried on the courier service and the company will not accept liability for any loss of cash if carried on this service.
- This is an accountable document "Please forward all the three copies for each serial no. upon cancellation"
- The conditions of service are overleaf.

Customers details

Full Names: Henry Nyusito
ID No.: 8573525
Cell No.: 0725 804 300
Signature: [Signature]
Date: 30/11/2017

Official use only

Confirmed checked & received by:

Full Names: _____
Co. No.: _____
Signature: _____
Date: _____

Other collection and delivery centres in Nairobi include:-

- City Branch - Chambers Rd. Tel: 0733234504
- Embakasi (Head Office) - North Airport Road Tel: 0733234307, 0733579607, 0736888089, 0736888341
- Hilton Office, Hilton Hotel Mama Ngina Street - Tel: 0703478788
- Karura Branch - 5th Parklands Ave. Tel: 0703478793
- Witu Rd Branch - Tel: 0711042000, 0735579501
- Kikuyu Office - Kikuyu Shopping Centre
- Kiambu Office - Kiambu Town

Collection Centre Vehicles:-

- Harambee Ave. - Outside Shell & BP House
- Hurlingham - Pan Africa Insurance Packing
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- Kirinyaga Rd. Shell Petrol Station
- Koinange Street - Outside Consolidated Bank House
- 1. Moi Avenue - Behind Kencom Hbiuse
- 2. Moi Avenue - Opposite Moi Avenue Post Office
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- Tom Mboya Street - Mobil Petrol Station
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- Industrial Branch - Enterprise Road
- Wilson Airport
- Community - Upper Hill
- Buru Buru

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- Mombasa - Nkurumah Road, - Nyali Office near Nakumatt
- Town Office, White Fathers Road, Moi Ave
- Kisumu - Tivoli Centre, - Awori House off Oginga Odinga Road behind BBK
- Eldoret - KVDA Plaza off Uganda Road, near NBK Uganda Road
- Nakuru - Kenyatta Avenue, opp. Gilanis Supermarket
- Industrial Area, near DT Dobie



PUBLIC PROCUREMENT REGULATORY AUTHORITY

Telephone No. +254 (020) 3244000,

2213106, 2213107

Fax: +254 (020) 2213105, 3244399, 3244277

e-mail: info@ppoa.go.ke ; complaints@ppoa.go.ke

website : www.ppoa.go.ke

When replying please quote:



National Bank Building, 11th Floor

Harambee Avenue

P.O. Box 58535-00200

NAIROBI

KENYA

Ref: PPRA/COMP/30/21 VOL V (25)

17th January, 2017

Henry Ondieki,

P. O. Box 854,

KISII

RE: COMPLAINT ON PROCUREMENT OF SUGAR BAGS AND SEWING THREAD AT CHEMELIL SUGAR COMPANY LTD

Reference is made to your letter received at our offices on 3rd November 2016 on the above subject.

We wrote to the procuring entity vide letter Ref: PPRA/COMP/30/21 VOL V (41) dated 14th December 2016. We have reviewed a response from the procuring entity and we would like to clarify as follows:

1. You alleged that the company has been single sourcing for sugar bags from Cubic Enterprises which the CEO has been running through proxy by his wife and niece.

Response

This procurement was subjected to open tender; tender No. CSCL/2015-2016/01. The tender advert was advertised in the Standard Newspaper of Wednesday 30th September 2015. Copies of the evaluation report are in our possession.

2. You also claimed that Cubic Enterprises operates an account at Family Bank Westlands Branch where Rose Anyango (CEO's wife) and Mercy Atambo (CEO's niece) are signatories.

Response

From the documents availed to us, Ms. Rose Anyango is not listed as one of the directors of Cubic Enterprises while Ms. Merceline Atambo is listed as one of the directors holding 30 shares. We are

unable to determine any relationship between Ms. Merceline Atambo and Mr. Charles A. Owelle (the Managing Director).

We have noted that this matter is before a Kisumu HCC – Constitutional Reference No. 25/2016 between Henry Nyabuto Ondieki vs Charles A. Owelle and Others and is still pending determination. In view of the foregoing we will be in contempt of court if we subject this matter to any further investigations.

The issues you had raised touching on flouting of the procurement procedures have been addressed as stated above. We hope that we have answered your queries, you may revert to us if there is need for any further clarifications.



Thomas Otieno

For: DIRECTOR GENERAL

Encls

Copy to: 1. The Director,

Office of the Public Prosecutor,
NSSF Building, Block "A" 19th Floor,
P.O. Box 30701 – 00100,
NAIROBI.

2. The Managing Director,

Chemelil Sugar Company,
P.O. Box 177 – 40107,
MUHORONI

HENRY NYABUTO ONDIEKI

PO BOX 854 -40200

KISII

20/2/2017

TO

DIRECTOR GENERAL

PUBLIC PROCUREMENT REGULATORY AUTHORITY

PO BOX 58535-00200

Nairobi.

Dear sir,

Re: YOUR LETTER REF PPRA/COMP/30/21VOL V (25).

I am writing to respond to your letter reference above and I must admit from the outset that the letter does not respond to issues I raised in my complaint.

I must register my displeasure in the manner the letter is framed let alone the contempt my complain was accorded by your office for the following reasons

- 1) Your office seems to behave like a trade union protecting its members and not an authority duly mandated by law to monitor, assess, and to enforce public procurement and ensure that procuring public entities and persons respect national values and uphold the constitution.
- 2) That your response seems to have been written by the same person who the complaint was about as your letter seems to suggest that the documents availed to you confirmed the contrary and you seem to trust and rely on the response.
- 3) That you wrote to the procuring entity and you received response which in your own wisdom was gospel truth and therefore you're unable to act.
- 4) That contrary to my complain, the procurement entity has acted above board and has in your view operated an open tender policy.

IN THE MATTER OF INTENTION TO SUE
THE DIRECTOR FOR PUBLIC PROSECUTIONS

AND

DIRECTOR ETHICS & ANTI CORRUPTION COMMISSION

AND

IN THE MATTER TO APPLY FOR JUDICIAL
REVIEW FOR ORDERS OF MANDAMUS

AND

IN THE MATTER ORDER 53 OF CIVIL PROCEDURE RULES 2010

BETWEEN

REPUBLIC _____ APPLICANT

V/S

DIRECTOR FOR PUBLIC PROSECUTION (INTENDED RESPONDENT)

DIRECTOR ETHICS & ANTI CORRUPTION COMMISSION _____
INTENDED RESPONDENT

CHARLES APUPO OWELLE _____ NOTICE PARTY

HENRY NYABUTO ONDIEKI _____ INTENDED
APPLICANT

NOTICE

TAKE NOTICE that HENRY NYABUTO ONDIEKI hereby referred to as intended applicant ex-parte will after expiry of 14 days from the date hereof will sue in the high court for orders certiorari to compel you to prosecute the notice party MR CHARLES APUDO OWELLE, THE CEO OF CHEMELIL SUGAR CO LTD.

CIRCUMSTANCES GIVING RISE TO LIABILITY

1. The ex-parte applicant gave notice and complaint about corruption dealings being perpetuated by the notice party who is a public servant has been doing business of supplying Gunny bags to the company **CONTRARY TO CHAPTER SIX OF THE CONSTITUTION.**
2. The ex-parte applicant gave documents to prove the claim where the notice party is using his relatives to run bank account.

Namely

(I) MERCY

(II) EVERLYNE

(III) GEORGE ADEDE

(IV) WELLINGTON

3. The notice party has with a span of 3 years bought land at ^{DR}~~GOD ABUDO~~ **SETTLEMENT SCHEME** over **25 acres with Ksh 10,500,000/=** at the current market prize.

Your offices have refused to prosecute the notice party despite the glaring incriminating evidence.

This is therefore to give notice of intention to sue as provided in the law and that the ex-parte demands record of investigation and actions taken so far ~~taken~~ by you.

Dated at Kisii this 9th day of Dec. 2016.

Drawn & filed by

HENRY NYABUTO ONDIEKI

P O BOX 854

KISII.



Uhuru challenges Maraga to impris

2017 elections should not divide Kenyans, says head of State during Machakos fete

BY PATRICK LANG'AT
@PatrickLangat
palangat@ke.nationmedia.com

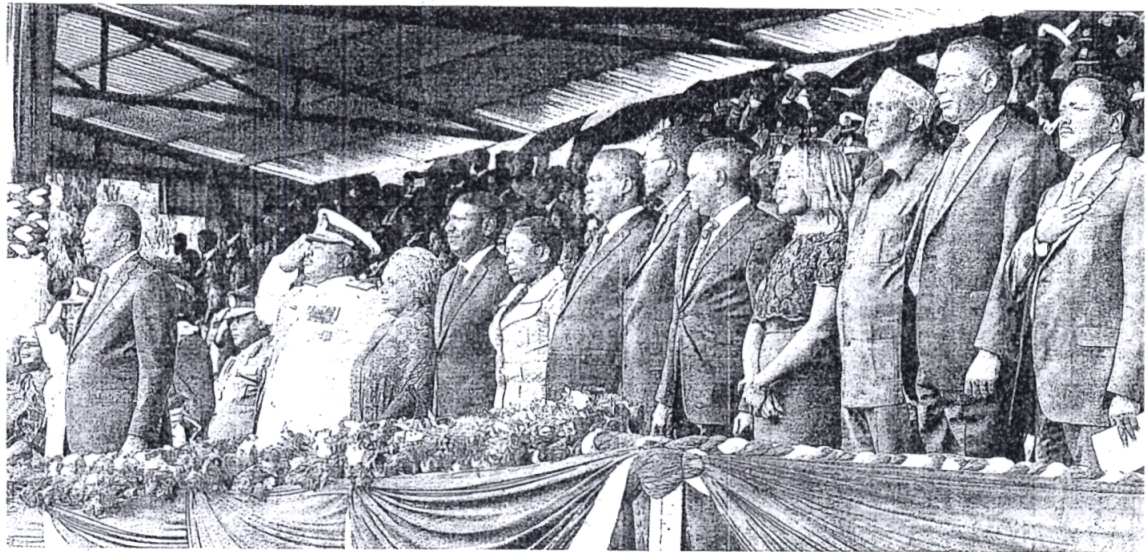
President Uhuru Kenyatta yesterday made good his promise and released 7,000 petty offenders in what he said was a move to free up space in jail to accommodate government officials involved in high-level corruption.

Coming in the week when his government has been in the spotlight over the fight against corruption, President Kenyatta once again said his government had done all it could to crack down on graft.

The Head of State asked Chief Justice David Maraga to ensure the anti-corruption cases pending in courts are finalised and the 7,000 spaces in prison taken up by those who have looted Kenya.

"We have released these chicken and cow thieves, and the other small things. And the Chief Justice is here," President Kenyatta said as he turned to CJ Maraga. "Now that space can be used to lock up those big people who have (stolen) public funds."

The President was speaking during the 7th Mashujaa Day celebrations at Kenyatta Stadium in Machakos County, the first of its kind to be held outside Nairobi. However, this was the second national day to be held outside the capital after the Madaraka Day celebrations



President Uhuru Kenyatta and other leaders when he presided over the Mashujaa Day national celebrations at Kenyatta Stadium in Machakos Town yesterday.

held in Nakuru in June.

Yesterday's celebrations were attended by Wiper leader Kalonzo Musyoka and Ford Kenya leader Moses Wetang'ula. However, Cord leader Raila Odinga did not attend because he was travelling to the UK.

The President's anti-graft stance was the third time in as many days this week that the President was absolving himself of blame for what critics and the Opposition see as a lacklustre fight against corruption.

On Tuesday, during a charged State House summit to discuss

the Jubilee administration's scorecard in the fight against corruption, a frustrated President Kenyatta said he had done his best to punish looters.

He again made the same emphatic statement when he launched the second phase of the standard gauge railway in Kajado on Wednesday, when he asked Kenyans to sign a petition against corrupt leaders to send them home.

In the Tuesday State House summit, President Kenyatta cut the image of a man continually frustrated by a system he said

he had no control over.

"As President, if there is one issue that has frustrated me, it is this issue. And I will say why. Because the pressure is on me," President Kenyatta said. "Show me any administration since independence that has taken action on corruption like I have done. I have removed everybody. I have done my part."

He put the Ethics and Anti-Corruption Commission boss Halakhe Wago on the spot, saying he had acted on the information given by the commission and presented names

of corruption suspects to Parliament in 2014, yet no action had been taken against those in the list.

Yesterday, President Kenyatta steered clear of politics in his 30-minute address, one of his shortest national day speeches since 2013. He asked Kenyans to embrace unity and patriotism.

Mr Kenyatta told Kenyans that for the struggle of the heroes of yesteryears to bear fruit, they must ensure that they keep the struggle for a united nation alive continuously.

He named as Kenya's heroes the pre-independence fighters; those who fought against the repressive one-party rule of President Daniel arap Moi in the 1990s; Kenyan athletes who continually rule the world in various championships and those who fought and brought the 2010 Constitution.

He also recognised Ms Lydia Mukhaye who led a team of health professionals to fight the Ebola epidemic in West Africa, Mr Salah Farah, a Muslim who gave his life to protect Christians in a terrorist attack, and Mr David ole Sankok, a person with disability who has gone to build a name for himself in medicine.

He also singled out independence heroes Jomo Kenyatta, Masaku wa Munyati, Koitalei arap Samoei and Chege wa Kiburu, Dedan Kimathi, Paul Ngel, Field Marshall Muthoni, Mulindi Mbingu, Henry Muoria, Pio Gama Pinto and Kisoi Munyao for a special mention for their contributions.

But most importantly, he said, were all Kenyans who are motivated to do well.

"And as we become better Kenyans — better citizens — we become a better nation: a nation worth dying for, because only a nation worth dying for is a nation worth living in," he said.

The Head of State said that

By the number

75,000 ARI PRISON FOR PETTY OFF

Kenya has a total of 75,000 petty offenders in its prisons, according to the Ministry of Internal Security.

By April this year, the number of petty offenders in the country's prisons was 75,000. In June this year, the Kenya National Bureau of Statistics reported that the number of petty offenders in the country's prisons was 75,000.

Petty offenders in the country's prisons are those who have been sentenced to less than two years. Another 2,000 petty offenders are in the country's prisons, but their sentences are not yet over.

Kenya would remain a nation only if the citizens, business and balance their income and those of the state.

He particularly stressed that the 2017 election should not divide the country.

"Kenyans rely on the state for their security and collective aim. You will show that Kenyans can do it, and yet remain united and nation."

Deputy President Ruto said the Jubilee administration was committed to the spirit of devolution, which had been disbursed in excess of 100 billion shillings in the past four years.

Mr Musyoka, dressed in traditional Maasai attire, said the day was a day to give ourselves a sense of nationalism, to this day with the day and rename it National Day and Heroes

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CORRIGENDA

IN Gazette Notice No. 1656 of 2012 *amend* the signatory printed as "G. W. MUMO", Land Registrar, Thika District" to read "G. W. MUMO, Land Registrar, Kajiado District".

IN Gazette Notice No. 3162 of 2012 *amend* the signatory printed as "C. K. OBARA, District Registrar, Nanyuki" to read "J. N. NYAGAH", District Registrar, Nanyuki".

GAZETTE NOTICE No. 6260

THE STATE CORPORATIONS ACT

(Cap. 446)

CHEMELIL SUGAR COMPANY LIMITED

APPOINTMENT

IN EXERCISE of the powers conferred by section 6 (1) (b) of the State Corporations Act, the Minister for Agriculture appoints—

CHARLES APUDO OWELLE

to be the Managing Director, Chemelil Sugar Company Limited, for a period of three (3) years, with effect from the 11th May, 2012.

Dated the 30th April, 2012.

S. J. KOSCH, *Minister for Agriculture.*

GAZETTE NOTICE No. 6261

THE STATE CORPORATIONS ACT

(Cap. 446)

THE NATIONAL DROUGHT MANAGEMENT AUTHORITY

APPOINTMENT

IN EXERCISE of the powers conferred by section 6 (1) (e) of the State Corporations Act, the Minister of State for Development of Northern Kenya and Other Arid Lands appoints—

Permanent Secretary, Ministry of Finance,
Permanent Secretary, Office of the Prime Minister, Ministry of
State for Development of Northern Kenya and Other Arid
Lands,

to be Board members of the National Drought Management Authority,
for a period of three (3) years.

Dated the 3rd May, 2012.

MOHAMED ELMI,
*Minister of State for Development
of Northern Kenya and Other Arid Lands.*

GAZETTE NOTICE No. 6262

THE KENYA AIRPORTS AUTHORITY ACT

(Cap. 395)

APPOINTMENT

IN EXERCISE of the powers conferred by section 5 (1) (f) of the Kenya Airports Authority Act, the Minister for Transport appoints—

GABRIEL COMBA KIVUTI

to be a member of the Board of Directors of the Kenya Airports
Authority, for a period of three (3) years, with effect from the 3rd
May, 2012.

Dated the 30th April, 2012.

AMOS KIMUNYA,
Minister for Transport.

GAZETTE NOTICE No. 6263

THE NURSES ACT

(Cap. 257)

APPOINTMENT

IT IS notified for the general information of the public that the
Minister for Medical Services in consultation with the Nursing
Council of Kenya appoints—

ADAN ALI ADAN

to be the Returning Officer for the election of elected members to the
Nursing Council of Kenya.

Dated the 30th April, 2012.

P. A. NYONG'O,
Minister for Medical Services.

GAZETTE NOTICE No. 6264

THE LOCAL GOVERNMENT ACT

(Cap. 265)

THE ISIOLO TRADE DEVELOPMENT JOINT LOAN BOARD

APPOINTMENT

IN EXERCISE of the powers conferred by paragraph 3 of the
Local Government (Isiolo Trade Development Joint Loan Board)
Order, 1966, upon the Minister for Local Government and in
pursuance of a direction given under section 38 (1) of the
Interpretation and General Provision Act (Cap. 2), the Permanent
Secretary, Ministry of Trade, appoints—

Mohamed Nur Yusuf—(Chairman),
District Commissioner, Isiolo—(Ex officio),
District Trade Development Officer, Isiolo—(Secretary),
Rahima Abdikadir Guyo,
Chairman, Kenya National Chamber of Commerce and Industry,
Isiolo Branch,

to be members of the Isiolo Trade Development Joint Board for a
period of three (3) years.

Gazette Notice No. 2200 of 2008, is revoked.

Dated the 25th April, 2012.

MR/9577965
ABDULRAZAQ A. ALI,
Permanent Secretary, Ministry of Trade.

GAZETTE NOTICE No. 6265

THE LAND REGISTRATION ACT

(No. 3 of 2012)

THE REGISTERED LAND ACT

(Cap. 300 (Repealed))

NOTIFICATION

WHEREAS, after the year 2001 irregular excision of portions of
the Mau Forest Complex, the Government imposed restrictions on
transaction involving all the parcels of land that resulted from the
excisions, and whereas by error, some land registrations section that
are outside the Mau Forest Complex were also affected by the
restriction.

Now therefore, the general public are notified that the restrictions
that were erroneously placed on the following Land Registration
Sections have been lifted so long as such restrictions were placed for
the reason only that the land was originally part of Mau Forest
Complex.

- (a) Nakuru/Olenguruone/Amado Section;
- (b) Nakuru/Olenguruone/Cheptuech Section;
- (c) Olenguruone/Chepakundi Section;
- (d) Olenguruone/Kitangich (Original) Section; and
- (e) Nakuru/Olenguruone/Ambuske Section.

Dated the 25th April, 2012.

C. W. NGATIA,
Chief Land Registrar.

HNO.002



CHEMELIL SUGAR COMPANY LIMITED

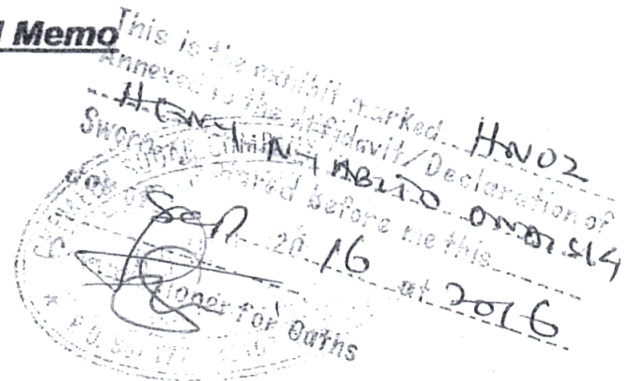
Internal Memo

TO : Head of Finance

FROM: Head of Human Resource

REF : CSCL/HOHR/HRAM/044

DATE : November 5, 2015



RE: PAYMENT OF GRATUITY

This is to inform you that the Managing Directors' Contract, Mr. Charles A. Owelle, for the period 11th May 2012 to 11th May 2015 expired.

Please pay him gratuity at 31% of his annual basic pay for the period.


J. KIPKERING

c.c Managing Director

MA
*Compute and
revert back*
[Signature]
6/11/16

1081548.30

400 000 . . .

MR. CHARLES APUDO OWELLE -W/NO. 0123
GRATUITY COMPUTATION FROM 11TH MAY 2012 TO 11TH MAY 2015

	2012		2013		2014		2015	
	Basic Pay	Gratuity	Basic Pay	Gratuity	Basic Pay	Gratuity	Basic Pay	Gratuity
Jan			257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00
Feb			257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00
Mar			257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00
Apr			257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00
May	176,950.82	54,854.75	257,000.00	79,670.00	257,000.00	79,670.00	92,942.47	28,812.16
Jun	257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00		
Jul	257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00		
Aug	257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00		
Sep	257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00		
Oct	257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00		
Nov	257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00		
Dec	257,000.00	79,670.00	257,000.00	79,670.00	257,000.00	79,670.00		
TOTAL	1,975,950.82	612,544.75	3,084,000.00	956,040.00	3,084,000.00	956,040.00	1,120,942.47	347,492.16
GROSS GRATUITY TOTAL								2,872,116.92

Summary
Gross Gratuity Pay 2,872,116.92
Less Tax 896,719.16
Net Gratuity 1,975,397.76

Prepared by Management Accountant
Date

CHEQUE NO. 119 NOV 2015
CASH
493,849.45
493,849.45
493,849.45
1,975,397.76

This is the exhibit marked HNOO 03
Annexed to the Affidavit/Declaration of
HON. M. J. D. B. C. L. C.
Sworn/Declared before me this
day of Sep 20 16 at 2016
Commissioner for Oaths

process in form for
interest &
in state of welfare
7/11/15



KENYA UNION OF SUGAR PLANTATION AND ALLIED WORKERS
CHEMELIL BRANCH

All Correspondence to be addressed to:
The Branch Secretary

Branch Chairman: Samwel Agwet
Branch Secretary: Paul O. Menya
Branch Treasurer: Richard Bett

P. O. Box 177-40107
Tel: 0722 584 635

Email:chemelilkuspawbranch@gmail.com

Your Ref:.....

Date.....

Our Ref:.....

MEMORANDUM PRESENTED TO PARLIAMENTARY AGRICULTURE COMMITTEE ON 11th NOV 2016

We as the union do present this petition with a view of you carrying out thorough investigation of the below facts with an aim of turning around this company to its former glory of profitability, which is the concern of all stakeholders.

-NON REMITTANCE OF STATUTORY DEDUCTIONS this involves NHIF, NSSF, self-help group's deductions, and Jumuiya cooperative savings deductions which has gone beyond 24 million to date.

-Non-remittance of loan recoveries by the employer which has attracted penalties and accrued interest on interest. Currently the Chemelil employees are in the bad books of the financial institutions (National Bank of Kenya & Chase Bank) which means that they've been listed with the CRB. This figure is approximately 15 million for the period July 2012 to date.

-POOR MEDICAL SERVICES TO THE EMPLOYEES: no early referrals, debts owed to various health institutions makes these institutions not to admit our employees when referred. Like Moi Teaching & Referral is owed approximately 5 million.

-Retirees benefits for 2015/2016 has not been paid. The accrued dues has escalated to approximately 40 million.

-un-procedural procurement procedures: this involves the use of IOUs, which results in poor quality items which cannot function well, this has made the company to incur unnecessary breakdowns.

It also involves single sourcing of tenders to companies allied to the top management and the members of the board.

It is also sad to note that the company management is buying fuel in bulk from the local petrol station (Excell filling station) at high prices to store them at our company fuel station instead of buying the same from proper and reputable companies like Shell or National at a lower cost which has been the past practice.

Asst. Branch Secretary: Samuel Odera
Asst. Branch Treasurer: Caroline Bussaka
Asst. Branch Chairman: Enoch Nyakwara

Casualization of employees for more than 3 months: some have worked up to 8 years and beyond. Some have been stopped un-procedurally making the company to bear fines and other legal costs. The current casuals engaged in the maintenance do not know their terms of employment some are being paid as low as 376/=per day and not paid for overtime worked. This is sheer exploitation!

Terminal benefits paid upon death of employees are still pending, for some it has gone for more than 5 years.

-Some of the valuable items from the factory are taken for repairs and they get lost: like the, turbinebearings and the old turbo alternator.

-unnecessary litigation costs: firing people un-procedurally by the Human resource office which has led to the company incurring unnecessary expenses on litigation, most people who have been fired from Chemelil since the coming of the current Human resource manager have won in various courts of law in this country and the company has paid heavily some people have not been paid.

-Penalties payment for KRA/NHIF:and others due to non-remittances.

-lack of machinery and poor maintenance: which leads to huge costs, for example a machine is repaired at a cost of 2-4 million instead of buying a new one.

-The 265 million loan for maintenance:we need a parliamentary committee to know how this loan for maintenance has been spent.

-Farmers arrears: we would like to know the take of the ministry of agriculture through sugar directorate on the 202 million on the farmers' arrears. This issue has drastically affected our performance in terms of cane supply from out grower's farms.

-Maintenance of the nucleus farms is poor and currently a larger portion of the same is fallow. These farm is contributing over 15% of the total cane supply to the company.

OUT OF CROP MAINTANANCE

-Hiring incompetent contractors who do not even have a workforce forcing the company employees' to intervene where the contractor has failed and payment has been made. This also involves the budget for the current maintenance, where the tenders were awarded mainly to one company by the name **MANIKDAS**.

-Boiler valves:The spares that were ordered, and paid for, was about 7 million and has not been supplied.

-Boiler tubes: that were rejected in Sony sugar, ended upin Chemelil through **MANIKDAS**, though were rejected by our inspection team. Despite that, the management ended up sanctioning their usage.

-We would like to knowthe details of the tender servicing of the new TA and the payment for the new TA and the contract of the Job tender. For it is hidden to us.

-Nepotism in Employment: this involves the recruitment process of casual employees during the OOC. The chairman of the board brought his own people, denying other Kenyans an equal chance.

-The non- transparent way in which the prepaid meters were installed.We feel KPLC was compromised to install a program that was meant for slum dwellers as per the World Bank policy to Chemelil, a matter that should be investigated.

-Carelessness on handling the company's money: recently the company lost ksh 500,000 to highway robbers along the Kisumu Kericho highway, the management is very silent over the issue, and they failed to seek the help of the Kenya police while withdrawing funds which has been the norm.

Hiring of goons: in the recent past, management hired some goons to the company's boardroom to help The CEO humiliate and malign the Factory manager who has been in the forefront in fighting corruption during maintenance, this was also meant to silence the union from exposing the impunity in the system.

-procurement of substandard chemicals used in the factory while the costs remain the same.

-We would like the committee to ask to know why we have stores with leaking roofs, destroying the quality of fertilizers and other factory chemicals before their usage.

ChemelilAcademy:what reason did the management have in making the school autonomous by putting it in the hands of an individual instead of trustees ratified by the board?

NHIFaccreditation:how did Chemelil medical center get accreditation from NHIF yet we are paying penalties for delay of remittances of the same funds.

-Sugar buyers' debts: The Company is indebted to the sugar buyers to a tune of over 200 million.

Recommendations

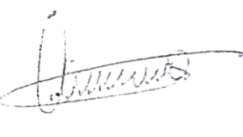
-Total overhaul of the current management and the Board of Directors.

-All the legal costs emanating from wrongful dismissal from the court of law should be surcharged to the holder of the human resource office not the company.

-Thoroughforensic audit of the usage of the maintenance money (265 million).

-Contract of service should not be awarded to people or a person who has failed to turn around the organizations performance for the last 3 years.

Presented By KUSPAW Chemelil Branch



11/11/16

Paul Menya
Branch secretary



CHEMELIL SUGAR COMPANY LIMITED

P. O. Box 177, MUHORONI - 40107, Kenya or
P. O. Box 1649, KISUMU - 40100, Kenya
Phone: 020 2031883/4/5/7
GSM Lines: 0722 209798, 0710 766383, 0735 234 733
Chemelil Academy Line: 020 2031881
Fax: 020 2031886
Email: md@chemsugar.co.ke
csc@chemsugar.co.ke
Website: www.chemsugar.co.ke

Our Ref: CSC/FIN/FA/NBK/01/2014

31st March, 2014

The Branch Manager
National Bank of Kenya
P.O. Box 1152 - 40100
KISUMU

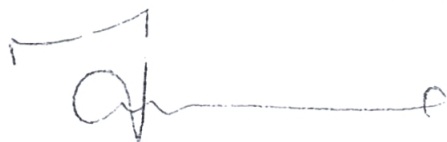
Dear Sir,

RE: CHEMELIL STAFF LOAN PENALTY

Please provide us with the schedule of penalty which accrued out of late submission of the loan recoveries for the months of **July 2012 to October 2012** for each of our staff who were your loanees within that said period.

We will highly appreciate if we can get this report by **02/04/2014**.

Yours faithfully,
CHEMELIL SUGAR COMPANY LIMITED



J W OMONDI
HEAD OF FINANCE

JWO/bk

(ALL CORRESPONDENCE TO BE ADDRESSED TO THE MANAGING DIRECTOR)



KENYA **2030**
Towards a globally competitive
and prosperous nation

	P/NO	ACCOUNT NAME	ACC NO	AMOUNT
1	409	Moses Adhinga	01117026912100	82,600.55
2	1625	Joseph Omare Etyang	01117026460900	19,306.10
3	1694	Elphas Otieno Awiti	01119026466701	23,539.65
4	1758	Enock Oluoch Abanga	01117026466100	30,333.30
5	1803	Michael Orenge Nyarige	01117026461700	17,256.80
6	2633	Okech Barnabas	01119026844900	12,688.95
7	2636	Mukwana Festus	01117026540301	53,879.25
8	2836	Kennedy Gwehona Chahilu	01117026374900	17,233.55
9	2842	Samwel Omondi Oduor	01117026467100	15,237.15
10	2876	Adika Muhonga Muga	01117026501200	17,237.10
11	2959	David Samia Angana	01117026499901	18,357.50
12	4298	Emily Chelangat Gachuma	01117026482300	13,526.35
13	4337	Hesbon Onyango Ouma	01119026694300	59,544.65
14	4485	Ezekiel Ngeso Chwanya	01117026434200	24,406.15
15	4520	Alfred Evans Agesa	01117026373801	45,458.25
16	4529	Ahmed Affi Nuh	01117026508600	23,423.15
17	4539	Judith Rodah Ondiek	01117026517600	19,146.55
18	4562	John Ouko Billa	01117025647900	23,367.65
19	4600	Meshack S. Muyonga	01117026376001	14,707.80
20	4678	Keter Rose Cherotich	01117026433800	23,487.90
21	5009	Charles Ooko Aongo	01117026521700	28,023.10
22	5059	Cheruiyot Kiptarus	01117026611100	31,915.35
23	6001	John Kipsang Rutto	01117056515200	14,874.75
24	6056	Otieno Benedict Hongo	01117026628300	26,806.15
25	6128	Mobisa Peter	01117026425800	17,026.35
26	6129	Tobias Lusimbo Waswa	01117025072901	35,069.65
27		Kolum Kipkoech	01117026465500	19,047.25
28	6188	Harvey Otieno Walwenda	01117026467300	19,147.35
29	6270	Owen Otieno Oburu	01119026650800	37,753.10
30	6276	Rispah Chemayiek Namanda	01117026392600	16,948.40
31	6282	George Milongo Wasonga	01117026464701	25,087.20
32	6356	Joseph Oduor Ngare	01117027138100	24,245.30
33	6499	Dorbines Onuonga	01117026426800	37,764.55
34	9520	Judith Anyango Ogembo	01117026313400	35,164.75
35	9530	Eric Ongus Ongus	01117026391800	30,018.55
36	9722	Jones Bosco Magare	01117025194101	54,027.25
TOTAL				1,007,657.40

Our Ref: NBK/CREDIT/CRB/ APRIL/2015

Date: 1st May, 2015

ONDIEKI, HENERY NYABUTO

P.O BOX 177 - 40107

MUHORONI

Dear Sir/Madam,

National Bank of Kenya Limited
Head Office, National Bank Building
Harambee Avenue,
P.O. Box 72866 - 00200 Nairobi, Kenya
Tel: +254 (0) 20 2828000
Cell: +254 (0) 711 038000
Email: info@nationalbank.co.ke
Website: www.nationalbank.co.ke

**PRE-LISTING NOTIFICATION ISSUED PURSUANT TO REGULATION 50(1)(a)
OF THE CREDIT REFERENCE BUREAU REGULATIONS, 2013**

We wish to inform you that, in line with the above Regulations, Banks, Microfinance Banks (MFBs) and the Deposit Protection Fund Board (DPFB) are required to share credit information of all their borrowers through licensed Credit Reference Bureaus (CRBs).

A default in loan repayment will result in a negative impact on your credit record. If your loan is classified as Non-Performing as per the Banking Act & Prudential Guidelines and/or as per the Microfinance Act, your credit profile at the CRBs will be adversely affected.

Please note that your account(s) below are (is) currently in default as at 30th April 2015.

ACCOUNT NUMBER	CLEARED BALANCE (DR)	DAYS PAST DUE
011AF083379100	671,649.25	61

We hereby notify you will be automatically adversely listed the CRBs when your days past due reaches 90 if the arrears are not cleared. To avoid an adverse listing, you are advised to either clear the arrears or settle the outstanding debt.

You have a right of access to your credit report at the CRBs and you may dispute any erroneous information. You may request for your report by contacting the CRBs at the following addresses:

TransUnion CRB

2nd Floor, Prosperity House,
Westlands Road, Off Museum Hill,
Westlands, Nairobi.
P.O. Box 46406, 00100
NAIROBI, KENYA
Telephone: +254 (0) 20
51799/3751360/2/4/5
Fax: +254 (0) 20 3751344
Email: info@crbafrica.com
Website: www.crbafrica.com

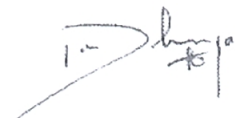
Metropol CRB

1st Floor, Shelter Afrique Centre,
Upper Hill, Nairobi.
P. O Box 35331 - 00200
NAIROBI, KENYA.
Telephone: +254 (0) 20 2689881/27113575
Fax: +254 (0) 20 273572
Email: creditbureau@metropol.co.ke
Website: www.metropolcorporation.com

Yours Faithfully,



Raphael W. Orimba
Credit Remedial Manager



Musa N. Dumbuya
Head - Collections & Remedial

CHEMELIL SUGAR COMPANY LIMITED

P. O. Box 177, MUHORONI - 40107, Kenya or
P. O. Box 1649, KISUMU - 40100, Kenya
Phone: 020 2031883/4/5/7
GSM Lines: 0722 209798, 0710 766383, 0735 234 733
Chemelil Academy Line: 020 2031881
Fax: 020 2031886
Email: md@chemsugar.co.ke
csc@chemsugar.co.ke
Website: www.chemsugar.co.ke

Our Ref: CSC/FIN/FA/NBK/01/2014

31st March, 2014

The Branch Manager
National Bank of Kenya
P.O. Box 264 - 30301
NANDI HILLS

Dear Sir,

RE: CHEMELIL STAFF LOAN PENALTY

Please provide us with the schedule of penalty which accrued out of late submission of the loan recoveries for the months of **July 2012 to October 2012** for each of our staff who were your loanees within that said period.

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Yours faithfully,
CHEMELIL SUGAR COMPANY LIMITED


J W OMONDI
HEAD OF FINANCE

JWO:bk



(ALL CORRESPONDENCE TO BE ADDRESSED TO THE MANAGING DIRECTOR)

KENYA
2030
Towards a globally competitive

NANDI HILLS BRANCH

ACCOUNT NAME	ACCRUED INTEREST JULY 2012-OCT 2012	ACCOUNT NOS
Agwet Samuel S	38,091.00	'01117026394801
Alfred Kipchumba K	26,664.00	'01117026435400
Ambito Otieno Walter	35,361.00	'01120026968600
Amos Kipkemboi Kosgei	38,091.00	'01117056545700
Aran Eliakim Omuya	38,091.00	'01117083361700
Arnother Keter	12,546.00	'01117083370700
Atika Jephther Masiba	40,536.00	'01117083361000
Atinga Alex Otieno	41,901.00	'01117083351400
Atura Charles Kibagendi	38,091.00	'01117083403700
Awili Richard	38,091.00	'01117083365900
Basecal Ongoro John	29,091.00	'01120025075800
Bett Boaz Kipkemboi	22,857.00	'01117083360800
Biwott David Metto	45,711.00	'01117056649000
Chebiegon Maryline J	28,950.00	'01117083369700
Chesang Robert K	38,091.00	'01117083358900
aniel Kipkurui L	31,998.00	'01117026467601
Daniel Ouma Odindo	51,999.00	'01120026731300
Danish Odhiambo Awuor	44,187.00	'01117026406901
Douglas Kibiwot K	51,804.00	'01117056649000
Edward Ikojo Murunga	34,281.00	'01117026791700
Enock Nyakwara N	28,950.00	'01117026392800
Ernest Musungu Asigi	28,023.00	'01117083380100
Eunice Jesang	31,200.00	'01120083405500
Francis Cheruiyot T	34,284.00	'01117026793500
Frederick Odhiambo Onyango	15,600.00	'01120026855800
Frederick Omodo Ogwe	34,320.00	'01120026435500
Frederick Tuwei	28,350.00	'01117083356800
Hosborne Ouma Miruka	39,996.00	'01117026377100
Iacton Micah Oyule	38,091.00	'01117026407301
Iapheth Ochieng O	54,090.00	'01117026655500
Jonathan Kabir Apidi	43,425.00	'01117083364700
Jeph Otieno O	45,759.00	'01120026713700
Joseph Otieno Obayi	25,140.00	'01117025940701
Joshua Njuguna	12,456.00	'01117026632600
Joshua Odongo Ange	38,091.00	'01117026466200
Joshua Oyudo Asiyu	60,183.00	'01117026534500
Leino Julius Kipkosgei	45,711.00	'01117026592400
Leah Nalwa Musee	36,597.00	'01117083367200
Ligu John Cheruiyot	34,284.00	'01117083365700
Ligen Daniel Kipsoi	38,091.00	'01117083361900
Limonyi Elvine Mwendwa	30,474.00	'01117083428100
Liprono Stephen K	30,474.00	'01117083351600
Liprop Simba	28,509.00	'01117031422800
Lipui Benson Kiplimo	44,064.00	'01117083357300

Peter Sammy Kasalu		
Pual Njenga Njuguna	45,711.00	'01117026725100
Richard k. Cherutich	45,711.00	'01117026433201
Richard Kipkosgei	20,913.00	'01117083404600
Rofich Alex	26,664.00	'01117026535301
Rofich Sally	30,159.00	'01120083367300
Rufa Jelimo Hellen	41,598.00	'01120083377500
Ruth Edwin Kiprop	31,020.00	'01120025074000
Sibola Walter Mogusu	18,285.00	'01117083417300
Songok Elijah Kipruto	39,287.00	'01120083359100
Songol Jebet Selly	44,721.00	'01120083359200
Wekulo Seth Maende	49,518.00	'01117025069200
William Lagat	31,200.00	'01120083353000
	47,232.00	'01117026394201
	3,867,835.00	

PETITION

IN THE MATTER OF : MISMANAGEMENT OF CHEMELIL SUGAR
COMPANY LIMITED (Under articles 1, 2, 3, 10, 19, 20, 21, 22,
119, 159 and 259 of the Constitution)

To:
The Clerk
The Parliamentary Committee on Agriculture
National Assembly
Nairobi.

Dear Sir/Madam,

We address you pursuant to the kind audience given to some of the undersigned farmers on Thursday, August 04, 2016 by the committee on this subject.

This is a humble petition of Sugarcane Farmers in Kisumu County and Nandi Counties supplying cane to Chemelil Sugar Company Limited in the Republic of Kenya. We wish to address you as follows:-

1. That the Petitioners are sugarcane farmers and stakeholders of Chemelil Sugar Company - Nyando Sugar Belt in Kisumu and Nandi counties and citizens of the Republic of Kenya residing and earning livelihoods as farmers in Nandi, Muhoroni, Miwani and Chemelil region. The Petitioners strongly believe in the defence of our constitutional values of accountability and transparency, and wish to present this petition as part of their contribution to saving the Chemelil Sugar Company from continued mismanagement that threatens the economic life of farmers and national development.

This is the exhibit marked HW 055 A66
Annexed to the Affidavit/Declaration
Henry N. Mbatia
Sworn/Declared before me this 4th
day of Oct 2016 at ICS II

 Officer for Oaths

2. That we are cognizant of the fact that on 9/5/2016, the Board of the Company passed a resolution to re-appoint the current Managing Director of Chemelil Sugar Company, Mr. Charles Owele despite his record of incompetence, mismanagement and corruption in the management of the company.
3. That the resolution, lobby and interests behind the re-appointment of Charles Owele is being exercised without public participation and any iota of integrity
4. That the company is now operating in technical insolvency and utter indebtedness, facts of which are in the public domain. Indeed that the financial position of the company is demonstrated from its many due cheques issued to farmers and suppliers such as Company cheque number 014752 of amount Kshs. 358,594 (annex 1/cheque not honored)
5. That in the recent past, farmers public and lawful demonstrations against mismanagement of the company clearly show the dissatisfaction of the farmers with the management of the factory.
6. That in response to farmers' pressure and quest for better corporate governance at the Factory, the management of the factory has employed devious and illegal tactics against the perceived dissidents including hideous assaults by unknown people and stage managed lobbying visits by certain patronised farmers (see annex II/allowances paid to a group to visit CS, Agriculture) to keep the current factory management in office.
7. This humble petition is further based on the following grounds:
 - i. That the factory mismanagement and corruption is threatening into its imminent collapse
 - ii. That the Chemelil Company Board has failed to act in a responsible, accountable and transparent manner in recommending keeping the management of Chemelil sugar Company (see annex III/letter to Secretary, Parastatals Advisory Committee to retain MD) in total disregard of the constitutional principles of accountability and transparency as well as manifesto of the Jubilee government of returning sugar parastatals to full profitability
 - iii. That the Factory can no longer meet its debts wherever they fall due, and that many of the farmers who supply cane to chemelil remains unpaid

since 2014. By June 2016, the current liabilities of the company exceeded its assets by Kshs. 1.4 billion (see annex IV) despite overt push by interested parties to keep the badly performing management in office.

- iv. That farmers in Nandi and Kisumu County are not ready for the privatization of the company without any primary restructuring, reforms and open discussion with the stakeholder farmers over the matter
- v. That there has been selective payment of arrears accrued to farmers. At the time of writing this Petition, arrears for August 2014, July-October 2015, March/April 2016 had not been paid. This is erratic and incomprehensible, to say the least.
- vi. That Chemelil Factory is pursuing a haphazard, capricious and exploitative Sugar cane pricing, leading to farmers shunning delivery of cane to the factory. This is undermining the factory's stability.

8. Whereof based on these grounds and history, the Petitioners humbly pray that:

- i. That a forensic audit is launched on the Factory Accounts and Performance in the last three (3) years to establish the full facts responsible for its technical insolvency of the Company
- ii. The current management of Chemelil Sugar company, including its Board of Management is investigated and sanctioned, where guilt is found, for incompetence, irresponsibility and corruption
- iii. That financial, policy and other measures be quickly put in place to ensure that the Factory is a going concern
- iv. That farmers arrears be paid *in toto* without any discrimination or favor.

This is all we can state for now in the issue of MISMANAGEMENT of the company.

Signed on this day of 5th in the month of August 2016 for and on behalf of the Sugar Cane farmers in Chemelil Sugar Milling Zone

NO	NAMES	PLOT NUMBERS	ID NO.	SIGNATURE
1.	CHARLES ATIANG ATIANG	061/22	11154191	C. D. Atiang
2.	SILAS NYAGATA ONTIN	062/177	11665036	
3.	HENRY NYABUTO ONDIKI	061/161	8578505	
4.	PHILIP KEMBOI	TULWARSOI	22992423	
5.	STEPHEN TUWEL	TULWARSOI	28335597	
6.	GEORGE OPIRO	065/	1655017	
7.	JARISO NOESA	1	4067630	
8.	MARY ADUO	28	2875172	
9.	VALENTINE OMOLU		8186785	
10.	DAN O. OMOLU	065/298	13707411	
11.	HESBON OADU		1166801	
12.	JOSHUA O. NYANGA		2875112	
13.	YUSSIN MOO SULEMANI		87115927	

44.	WESLY TALAM	MARABA F.C.S	21149168	test
45.	STEPHEN KIRANG BULLONY	TULWABSUI F.C.S	26138894	
46.	DAVID KIPCHUMBA KAGAI	KABUTIEI F.C.S	23282280	David
47.	ARUSEI JOSEPH AMBERI	KABUTIEI F.C.S	27957100	Amber
48.	John Amburi Mudegar	MARABA F.C.S	20036875	John
49.	JOSHUA ARUSEI MAJANI	KABUTIEI F.C.S	5592000	Must
50.	EDWIN TARUS	MARABA F.C.S	26950888	mm
51.	DAVID KIPKORCHI	TULWABSUI	23222461	David
52.	PATRICK KIMELEI TOTOM	KABUTIEI F.C.S	24101122	Patrick
53.	JOEL KIPTO TOTOM	TULWABSUI F.C.S	52516079	Joel
54.	PAUL KIPKORCHI	KABUTIEI F.C.S	21101216	Paul
55.	JANE JEMALYO	MAIAMBACHE F.C.S	13013871	Jane
56.	JOEL KIPCHUMBA MASBEI	SARWAI F.C.S.	23253210	Joel
57.	EMMANUEL TOO	BARMERENG F.C.S.	25821016	Emmanuel
58.	PHILIP KIPCHOGI RUTTO	TULWABSUI F.C.S.	32441012	Phil
59.	SAMSON KIPARUS KORIA	CANELAND	24292260	Samson
60.	EMILY TANUI	TULWABSUI F.C.S.	211050100	Emily
61.	PHILIP KIMELEI BULLONY	AINAPNGEIONY	29324480	Philip
62.	ELVIS KIPKORCHI CHEPKWONY	SOI VALLEY	23324143	Elvis
63.	SAMUEL KIMELEI KORIA	SENETWO TURUA	10326166	Sam
64.	SAMUEL KIPKAGAI KICHO	MAIAMBACHE	28328840	Samuel
65.	SIMON KIPKAGAI SINGOBI	TULWABSUI F.C.S	20213244	Simon
66.	DANIEL KIPKORIA TUWEI	TULWABSUI F.C.S	24009494	mm
67.	THOMAS RONO	KABUTIEI	67627170	Thom
68.	JOHNS KIPTO CHEPKWONY	KABUTIEI F.C.S	6665350	John
69.	REUBEN KIBET KOCHE	TULWABSUI F.C.S.	28970692	Reuben
70.	Richard Kipsum Simu	Green leaf F.C.S.	22160585	Richard
71.	SAMUEL KOCHE	MARABA F.C.S	3842348	Samuel
72.	CLEMENT KEBENEI	TULWABSUI F.C.S	12469543	Clement
73.	PHILIP MISOI	TULWABSUI F.C.S	24874100	Philip

Mismanagement of Chemelil Sugar Company
Memorandum to Cabinet Secretary for Agriculture
From Kenya National Federation of Sugarcane Farmers
Chemelil Branch
P.O Box,53 Chemelil
Email: atiangatyang@yahoo.com

12TH MAY 2016

Att. Mr. Willy Bet

RE: NO TO REAPPOINTMENT OF CHARLES OWELE AS THE CEO
CHEMELIL SUGAR COMPANY LIMITED

We sugarcane farmers and the stake holders of Chemelil Sugar Company, In Kisumu and Nandi County's are appealing to you and your Government NOT to re-appoint the current CEO to head Chemelil Sugar Company again. As was re-commended by the board on 9/5/2016. Charles Owele has failed to restructure Chemelil Sugar Company leading to its near collapse due to incompetence, mismanagement and corruption at the company the recently issuing of posted dated cheques is an indication for the bad financial position of the company cheque number 014752 Ksh.358, 594.00 (See the attached copies).

The recent farmer's demonstration against the board decision on 11/5/2016 in Chemelil was a clear sign that the business community and the farmers of Chemelil are dissatisfied with performance of the current CEO.

Bwana waziri Chemelil Sugar has benefited from government bailout on farmer's arrears and factory maintenance to the tune of 1.8 billion from sugar development Levy yet he

have defaulted he has failed to remit the amount recovered to the said account(SDF)since Charles Owele was appointed in acting capacity on 11th September 2011 he was further confirmed on 11th May 2012 as the CEO of Chemelil Sugar Company.

Mr.Charles Owele mismanagement is bent on killing the factory and by extension killing the.economy of Nandi and Kisumu County's.

We would like to draw your attention to the fact that the Chemelil Sugar Company Board has failed to act in responsible, accountable and transparent in total disregard for the principal of good governance and against the principle of Jubilee government "*ya kesema na kutenda*".

For Chemilil Sugar Company to survive Owele *Must go*,his his mismanagement has driven the company in to the negative to the tune of 400 million ,the poverty level stand at more than 70%.Workers have been demolished and are no longer productive.

Farmers in Nandi and Kisumu County are not ready for another receivership, that is after Miwani and MuhoroniSugar Factory went under to date. These are the facts Bwana waziri .

SINCE THE PRESENT MANAGEMENT TOOK OVER, THE TREND OF PRODUCTION PARAMETERS BEARS ALL INDICATION OF A COLLAPSING SYSTEM AS OUTLINED BELOW.

- i. **There is a clear downward trend in cane crushed by 380,000 tones**
- ii. **Sugar produced is the least in the history of Chemelil Sugar Company**
- iii. **Sugarcane conversion efficiency i.e. tonnes of cane /tonnes of sugar (Tc/Ts) increased from 10.05 – 12.52.**

The estimated Ts/Tc since Owele took over is the worst in the history of Chemelil Sugar Company.

The estimated Tc/Ts for the year 2014/2015/2016 are recorded worst in history of Chemilil Sugar Company.

