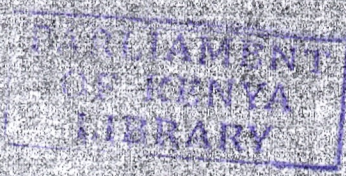


*Tabled by the
AG on 18/5/2011 at 2:30
and signed*



REPUBLIC OF KENYA



**ANNUAL REPORT
BY
THE HON. ATTORNEY GENERAL**

**IN RESPECT OF
PROSECUTION OF ANTI-CORRUPTION AND
ECONOMIC CRIME RELATED CASES
PURSUANT TO THE
PROVISIONS OF SECTION 37
OF
THE ANTI-CORRUPTION AND
ECONOMIC CRIMES ACT
NO.3 OF 2003**

**FOR THE PERIOD
1ST JANUARY 2010 TO 31ST DECEMBER 2010**

P R E A M B L E

The commencement date of the Anti-Corruption and Economic Crimes Act 2003 was 2nd May 2003. Section 37 (1) of the Act requires the Attorney General to prepare an annual report with respect to prosecutions for corruption or economic crimes. Section 37(2) further provides that the period covered by the annual report shall be the year ending 31st December.

The contents of the report as provided for under section 37 (3) of the Act shall include a summary of the steps taken by the Attorney General during the year in each prosecution and the status of each case at the end of the year.

Pursuant to the provisions of section 37(4) of the aforementioned Act, the annual report shall also indicate if a recommendation for corruption or economic crime was not accepted and shall set out succinctly the reasons for not accepting the recommendation.

The Attorney General is required to lay each annual report before the National Assembly following the first ten sitting days of the National Assembly following the end of the year to which the report relates as provided for under section 37(5) of the Anti Corruption and Economic Crimes Act.

This report is prepared under the old constitution under which the Attorney General is empowered to conduct all public prosecutions in the Republic of Kenya. Section 26 (1) of the Constitution provided that:

"There shall be an Attorney General whose Office shall be an office in the public service"

Section 26(3) provides;

"The Attorney General shall have power in any case in which he considers it desirable to do so"

- (a) To institute and undertake criminal proceedings against any person before any court (other than a court martial) in respect of any offence alleged to have been committed by that person.
- (b) To take over and continue any such criminal proceedings that have been instituted or undertaken by another person or authority ; and
- (c) To discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or another person or authority.

The powers of the Attorney General under this section may be exercised by him in person or by officers subordinate to him acting in accordance with his general or special instructions.

The Attorney General has continued to exercise his constitutional and statutory mandate to prosecute the cases that were referred to his office by the Kenya Anti-Corruption Commission pursuant to the provisions of the Anti-Corruption and Economic Crimes Act Section 35(1) which provides that:-

"Following an investigation the commission shall report to the Attorney General the results of an investigation"

In exercise of his powers under section 26(3) of the Constitution the Attorney General advised, directed upon and prosecuted various cases that were forwarded to his office and hereby tables this report before the National Assembly in compliance with section 37 of the Anti-Corruption and Economics Crimes Act.

During the year under review (2010) the Attorney General exercised his mandate to direct and prosecute cases referred to him by the Kenya Anti-corruption Commission and other investigative agencies such as the Criminal Investigations Department and Banking Fraud Department.

This was a busy year for the office with one hundred, and four (104) cases forwarded by Kenya Anti- Corruption Commission alongside hundreds of cases forwarded by other investigative agencies.

The office continued to carry out its constitutional duty despite severe institutional and operational challenges that have been cited in my earlier Anti-Corruption reports to Parliament. They include capacity limitations, inadequate professional and support staff, inadequate office space, lack of library, research and other resource facilities as well as poor terms and conditions of service.

In the year under review my office in collaboration with other Government Agencies and stakeholders organized and achieved the following:

1. Inter-Agency Cooperation:

The Department of Public Prosecutions enhanced its participation and collaboration with other Government Agencies and Departments in thematic areas of common interest and especially touching on the war against corruption. This is evidence by participation in the following forums:

- i) Anti-Corruption Agencies Forum and the development of a National Anti-Corruption policy retreat on February 22nd – 27th, 2010.
- ii) Workshop for Permanent Secretaries/Accounting Officers and Chief Executives of State Corporations on strategies to fight/eliminate corruption in the public service 5th – 6th February, 2010.
- iii) Follow up workshop on strategies to fight/eliminate corruption in the Public Service.
- iv) Strategies to eliminate corruption in Public Service Law Enforcement Thematic Group 15th July, 2010.
- v) 5th National integrity Review Conference 7th and 8th December, 2010.
- vi) The officers of the department have been working with and given assistance to Kenya Revenue Authority in the investigations and prosecutions of tax evasion and revenue offences.
- vii) The department has also been working closely with the Capital Markets Authority and Criminal Investigations Department (CID) in the investigations and prosecutions of insider trading, banking and financial fraud cases.

TRAININGS

Officers from the Department were given the following trainings:-

- i) Capacity Building under the ADB/Kenya Institutional Support for Good Governance (KISGG) Project 6th - 17th December, 2010.
- ii) Workshop on Investigation, Prosecution and Adjudication of Corruption and Economic Crime Offences 22nd – 24th September, 2010.

In collaboration with UNODC:

- i. Appointed a consultant in April 2010 to work on modalities of Professionalization of Prosecution Services in Kenya.
- ii. The Consultant carried out a Baseline Survey and prepared a report which will soon be validated by Stakeholders. Professionalization of Prosecution Services will have a big impact on successful prosecution of Corruption and Economic Crimes Cases in Kenya.

The Report is divided into the following categories:-

- A. FIRST QUARTERLY REPORT FROM
1ST JANUARY, 2010 TO 31ST MARCH, 2010.
- B. SECOND QUARTERLY REPORT FROM
1ST APRIL, 2010 TO 30TH JUNE, 2010
- C. THIRD QUARTERLY REPORT FROM
1ST JULY, 2010 TO 30TH SEPTEMBER, 2010.
- D. FOURTH QUARTERLY REPORT FROM
1ST OCTOBER, 2010 TO 31ST DECEMBER, 2010

**1. KACC/FI/INQ/141/09 ACC 8/2010
NO.1 KACC FIRST QUARTERLY REPORT**

This was an Inquiry into allegations that the acting Deputy Director, Secondary and Tertiary Directorate of the Ministry of Education misappropriated an imprest in the sum of Kshs. 5,545,300/- that was meant for conducting workshops described as Sensitization/Capacity Building Workshops on Secondary School Infrastructure Management in Western, Nyanza and Rift Valley Regions. The investigation revealed that the suspect misappropriated the imprest and purported to surrender the same using false documents. KACC forwarded the file to the Attorney General with recommendations for prosecution of the suspect for the offences of fraudulent acquisition of public property contrary to section 45(1) (a) and abuse of office contrary to section 46 of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file the Attorney General was satisfied that the evidence supported the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offence of fraudulent acquisition of public property contrary to section 45(1) (a) and abuse of office contrary to section 46 of the Anti- Corruption and Economic Crimes Act, 2003. Hearing on 16th and 17th February, 2011.

**2. KACC/INQ/FI/145/2009
NO.2 KACC FIRST QUARTERLY REPORT**

This was an Inquiry into allegations of embezzlement of Kshs.1, 945,000 by a Deputy Director of Education, while conducting a sensitization Capacity Building Workshop on Management of Instructional materials in Secondary Schools for Coast Province. The investigations carried out revealed that whereas the suspect received the imprest, he did not utilize it for the intended purposes. In surrendering the imprest, the suspect used false documents that were forgeries. KACC forwarded the file to the Attorney General with recommendations that the suspect be prosecuted for fraudulent acquisition of public property contrary to section 45 (1) (a) of the Anti- Corruption and Economic Crimes Act, 2003, as well as false accounting by a public officer contrary to section 331(1) and uttering false documents contrary to section 353 of the Penal Code.

Upon perusal of the inquiry file the Attorney General was satisfied that the evidence was sufficient to support the proposed charges and directed prosecution to ensue. The Attorney General further directed KACC to institute recovery proceedings in respect of moneys fraudulently acquired by the suspect.

STATUS

The suspect was charged with the offence of fraudulent acquisition of public property contrary to section 45 (1) (a) of the Anti- Corruption and Economic Crimes Act, 2003, as well as false accounting by a public officer contrary to section 331(1) and uttering false documents contrary to section 353 of the Penal Code. Hearing on 9th and 8th February, 2011.

3. KACC/AT/INQ./7/F ACC 19/2010 NO.3 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of irregular purchase of land L.R No. 14759/2 Machakos for cemetery use by the City Council of Nairobi. The investigation established a well orchestrated fraud in which Nairobi City Council was misled by its officers in collusion with others into buying a parcel of land unsuitable for the purpose for which it was intended and at a price of Kshs. 283,200,000.00 which price was far above the fair market value of land in similar location. KACC forwarded the file to the Attorney General recommending that a number of suspects be charged with offences including breach of procurement laws and regulations, wilful neglect of duty contrary to section 128 and conspiracy to commit fraud against the public contrary to section 393 of Penal Code.

Upon perusal of the inquiry file the Attorney General was satisfied that the evidence on record was sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with, wilful neglect of duty contrary to section 128 and conspiracy to commit fraud against the public contrary to section 393 of Penal Code. Mention on 11th January, 2011 for application for reference to High Court.

4. KACC/FI/INQ/02/2010 NO.4 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that an Assistant Director of Education misappropriated Kshs.7, 230,065 from the World Bank/Government funded Kenya Education Sector Support Program (KESSP), purportedly in conducting workshops to train 2,500 Primary School representatives on HIV/AIDS prevention and life skills. The investigation revealed that the suspect embezzled the imprest received, and purported to surrender it using false documents. KACC forwarded the file to the Attorney General recommending that the suspect to be charged with false accounting by a public officer contrary to section 331(1) of the Penal Code and knowingly making a false statement to ones principal contrary to section 41 (1) of the Anti-Corruption and Economic Crimes Act, 2003

Upon perusal of the inquiry file, the Attorney General was satisfied that the evidence was sufficient to sustain the proposed charges against the suspect and directed prosecution to ensue.

STATUS

The suspect was charged with the offence of false accounting by a public officer contrary to section 331(1) of the Penal Code and knowingly making a false statement to ones principal contrary to section 41 (1) of the Anti-Corruption and Economic Crimes Act, 2003. Hearing on 9th December, 2010.

5. KACC/FI/INQ/149(a)/2009 NO.5 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that an Assistant Director of Education, Ministry of Education embezzled a sum of Kshs. 9, 732,000, from the World Bank/Government funded Kenya Education Sector Support Program (KESSP) that was intended for conducting workshops to train primary school teachers on HIV/AIDS prevention and life skills. The investigation revealed that the suspect embezzled the imprest received, and purported to surrender it using false documents. KACC forwarded the file to the Attorney General recommending that the suspect be charged with false accounting by a public officer contrary to section 331 (1) of the Penal Code and deceiving principal contrary to section 41 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file the Attorney General concurred with KACC's recommendation that there was sufficient evidence to support the proposed charges against the suspect and directed prosecution to ensue.

STATUS

The suspect was charged with the offence of false accounting by a public officer contrary to section 331(1) of the Penal Code and knowingly making a false statement to ones principal contrary to section 41 (1) of the Anti-Corruption and Economic Crimes Act, 2003. Hearing on 15th, 16th and 17th February, 2011.

6. KACC/INQ/144/09 NO. 6 KACC FIRST QUARTERLY REPORTS

This was an Inquiry into allegations that an Acting Assistant Director of Education, Ministry of Education misappropriated Kshs. 3,334,600/= meant for the World Bank/Government of Kenya funded Education Sector Support Program purportedly in conducting double shift sensitization workshops for secondary schools in Kisumu and Mombasa. The

investigation established that the suspect surrendered the imprest using fake receipts and forged reimbursement schedules. KACC forwarded the file to the Attorney General with recommendations that the suspect be charged with the offence of false accounting by a public officer contrary to section 331 (1) of the Penal Code and deceiving principal contrary to section 41 (2) of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file the Attorney General concurred with KACC's recommendation that there was sufficient evidence to support the proposed charges against the suspect and directed prosecution to ensue and an additional charge of fraudulent acquisition of public revenue c/s 45 (1) a of ACECA. KACC was also directed to Institute recovery proceedings against the suspect.

STATUS

The suspect was charged with the offence of false accounting by a public officer contrary to section 331(1) of the Penal Code and knowingly making a false statement to ones principal contrary to section 41 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and fraudulent acquisition of public property contrary to section 45 (1) a of ACECA.

7. KACC/FI/INQ/142B/09 ACC 12/2010 NO.7 KACC FIRST QUARTERLY REPORT

This was an Inquiry Into allegations that a Senior Education Officer at the Ministry of Education misappropriated an imprest of Kshs 3,161,000/- from the World Bank funded Kenya Education Sector Support Project (**KESSP**) to facilitate a workshop on Management of Instructional Materials in Secondary Schools for North Rift. Investigations revealed that he surrendered the said imprest using false documents. KACC forwarded the file to the Attorney General with recommendations that the suspect be charged with the offences of fraudulent acquisition of public revenue contrary to section 45(1) (a) of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003, false accounting by a public officer contrary to section 331(1) of the penal code and several counts of uttering false documents contrary to section 353 of the Penal Code.

Upon perusal of the inquiry file the Attorney General was satisfied that evidence there was sufficient evidence to support the recommended charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of fraudulent acquisition of public revenue contrary to section 45(1) (a) of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003, false accounting by a public officer contrary to section 331(1) of the Penal Code and several counts of

uttering false documents contrary to section 353 of the Penal Code. Hearing on 25th and 26th January, 2011.

**8. KACC/INQ/FI/143/2009
NO.8 KACC FIRST QUARTERLY REPORT**

This was an Inquiry into allegation of misappropriation of Kshs.1, 478,581 by a Deputy Director of Education, while carrying out Infrastructure Needs Assessment for secondary schools in the Coast Province. The investigations carried out revealed that the imprest in question was received by a Senior Education Officer who went to the Coast Province to facilitate and conduct the exercise. The investigation also showed that at the time of surrendering the said imprest, the said officer used false documents to purport to explain the expenditure. KACC forwarded the file to the Attorney General with recommendations that the suspect be prosecuted for the offence of false accounting by a public officer contrary to section 331 (1) of the Penal Code and giving a false statement to one's principal contrary to section 41 (2) of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file the Attorney General was satisfied that there was sufficient evidence to support the charges proposed against the suspect and directed that prosecution ensue.

STATUS

The suspect were charged with the offence of false accounting by a public officer contrary to section 331 (1) of the Penal Code and giving a false statement to one's principal contrary to section 41 (2) of the Anti-Corruption and Economic Crimes Act, 2003. Hearing on 17th December, 2010.

**9. KACC/FI/INQ/142A/09 ACC/14/2010
NO.9 KACC FIRST QUARTERLY REPORT**

This was an Inquiry Into allegations that a Deputy Director of Education at the Ministry of Education misappropriated an imprest of Kshs. 1,790,256/- from the World Bank funded Kenya Education Sector Support Project (**KESSP**) while conducting a Capacity Building Workshop on management of instructional materials in secondary schools. Investigations established that the suspect surrendered the said imprest using forged hotel receipts and payment schedules. KACC forwarded the file to the Attorney General on 10th February, 2010 with recommendations that the suspect be charged with the offences of fraudulent acquisition of public revenue contrary to section 45(1)(a) of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003, fraudulent false accounting by a public officer contrary to section 331 of the penal code, uttering false documents contrary to

section 353 of the Penal Code and abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003 .

Upon perusal of the Inquiry file, the Attorney General was satisfied that there was sufficient evidence to support the proposed charges and directed prosecution to ensue. Besides he instituted KACC to institute recovery proceedings against the suspect.

STATUS

The suspect was charged with the offences of fraudulent acquisition of public revenue contrary to section 45(1) (a) of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003, fraudulent false accounting by a public officer contrary to section 331 of the penal code, uttering false documents contrary to section 353 of the Penal Code and abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003. Hearing on 10th February, 2011.

10. KACC/FI/INQ/ 27/09 NO.10 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of fraudulent payment of Kshs. 5 million by National Aids Control Council (NACC) officers to M/S Plutonic ICT Ltd. It was alleged that M/s Plutonic ICT Ltd were awarded a contract to survey, design, install and commission Local Area Network for NACC; received payment, but they did not render fully the services for which the payment was made. The investigation established that contrary to the said allegations, the Local Area Network was installed and working and the payment was therefore not irregular. No impropriety or offence was established. KACC forwarded the file to the Attorney General recommending closure.

Upon perusal of the inquiry file the Attorney General found that there was no evidence to support any criminal offence and accepted KACC's recommendation that the file be closed.

STATUS

The file was returned to KACC with directions to close.

11. KACC/MSA/FI/INQ/13/2008 ACC. 4/2010 MOMBASA NO.11 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of abuse of office by the Director of Matuga Government Training Institute. The investigation revealed that the Director of the said institute in collusion with the director of a private company manipulated the procurement procedures to favour the said company. The Director received several payments that were made after several supply contracts were awarded to the private company. The

investigation established that the Institute's Director placed himself in a position of conflict of interest with his employer by acquiring an interest in the supply contracts emanating from the Institute that he was heading. KACC forwarded the file to the Attorney General recommending that the suspect be charged with the offence of abuse of office contrary to section 46 and conflict of interest contrary to section 42 (3) respectively, of the Anti- corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file the Attorney General was satisfied that there was sufficient evidence to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of abuse of office contrary to section 46 and conflict of interest contrary to section 42 (3) respectively, of the Anti- corruption and Economic Crimes Act, 2003. Hearing on 7th January, 2011.

12. KACC/FI/INQ/94/2005 CF. KISUMU ACC. 184/2010 NO.12 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of abuse of office against a former Receiver Manager for Muhoroni Sugar Company Ltd (in receivership). The investigation revealed that a Receiver Manager of Muhoroni Sugar Company Ltd (in receivership) had placed a sum of Kshs.100 million for investment purposes with a stock brokerage company he was associated with. The investigation established that in the course of his functions as a Receiver/Manager; the suspect gave instructions to the then Financial Controller of Muhoroni Sugar Company to transfer an amount of Kshs.100 million from its account to the brokerage company for investment. The Receiver/Manager disregarded clear guidelines issued by the appointing authority regarding the receivership. He also acted in conflict of interest by using public funds for investment by his own company. KACC forwarded the file to the Attorney General with the recommendation that the suspect be charged with abuse of office contrary to section 46 and conflict of interest 42 (3) respectively, of the Anti- corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file the Attorney General was satisfied that there was sufficient evidence to support the proposed charges against the suspect and directed that he be charged with wilful abuse of office C/S 46 and failure to comply with procedures regarding management of Public Funds Contrary to Section 45 (2) (b) of ACECA. KACC was also directed to recover kshs.1, 367,904.31 misappropriated by the suspect.

STATUS

The suspect was charged with the offences of abuse of office contrary to section 46 and conflict of interest 42 (3) respectively, of the Anti-corruption and Economic Crimes Act, 2003.

13. KACC/MSA/FI/INQ/14/2009 ACC. 9/2010 MOMBASA NO.13 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that an importer and a clearing agent colluded with officers at Kenya Bureau of Standards (KEBS) and Kenya Revenue Authority (KRA) to allow the importation of 32 used vehicles which were more than eight years old into Kenya contrary to Regulation KS 1515:2000 of KEBS. The investigation established that before any imported used motor vehicles were cleared for release into the country, it had to be verified that they met the age requirement stipulated in KS 1515:2000. This verification was the responsibility of the officers at KEBS and KRA. The investigation revealed that the verification and inspection officers from the two institutions failed to carry out the verification of both the vehicles and the import documents to ascertain the year of manufacture of the vehicles. Instead they passed the vehicles and issued release orders. The 32 vehicles were later inspected and found to be over eight years old. They were impounded before they could be released to the importers. The investigation also established that the clearing agents presented forged import documents. KACC forwarded the file to the Attorney General the file with recommendations that the KEBS and KRA officers be charged with the offence of deceiving principal contrary to section 41 (1) of ACECA, abuse of office contrary to section 46 of ACECA and wilful neglect to perform official duty; and the importers and clearing agents be charged with conspiracy contrary to section 393 of the Penal Code and uttering false documents contrary to section 353 of Penal Code.

Upon perusal of the file the Attorney General was satisfied that there was sufficient evidence to support the proposed charges and directed prosecution to ensue.

STATUS

The suspects were charged with the offences of deceiving principal contrary to section 41 (1) of ACECA, abuse of office contrary to section 46 of ACECA conspiracy contrary to section 393 of the Penal Code and uttering false documents contrary to section 353 of Penal Code. Hearing on 2nd to 4th February, 2011.

14. KACC /MSA/INQ/9/2007

NO.14 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of a flawed procurement of two ships to shore cranes by the Management of Kenya Ports Authority (KPA). The allegation was that KPA intended to enter into a contract with an Italian Firm for the supply of the two cranes without obtaining the necessary approvals, and there was no quality assurance clause in the intended contract. The investigation revealed that had KPA proceeded with the award of the contract, they would have flouted the procurement regulations. However, before the contract could be executed, KACC intervened to stop it. No offence was disclosed since the contract was not entered into. KACC forwarded the file to the Attorney General recommending the closure of this inquiry.

Upon perusal of the inquiry file the Attorney General found the evidence insufficient to support any criminal offence and concurred with KACC's recommendation that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

15. KACC/FI/INQ/25/2009

NO.15 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of irregular increment of the salary of the Director General of the National Environment Management Authority (NEMA). The investigation revealed that the Director General applied for a salary review which was approved by NEMA's Finance and Establishment Committee. The Board of NEMA also gave its approval. Prior to the salary increment being effected, the approval of the PS Ministry of Environment was required. The investigation revealed that prior to the PS giving his approval; the Director General directed that his salary increment be effected immediately. In authorizing the payment before Ministerial approval, the Director General and the Director of Finance and Administration failed to comply with specific guidelines that were applicable to the subject. KACC forwarded the file to the Attorney General recommending that the two officers be charged with wilful failure to comply with procedures relating to incurring of expenditure and procurement contrary to section 45(2)(b) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file the Attorney General found the evidence insufficient to support the proposed charges and directed that the

relevant Government Department take administrative action against the officer.

STATUS

The file was returned to KACC with directions to deal administratively.

16. KACC/FI/INQ/3/2009 CF. NAIROBI ACC. NO. 19/09 NO.16 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that the former Managing Director of Kenya Tourist Board (KTB) misappropriated Kshs. 38,007,173 meant for the operations of KTB by making direct payments to M/s Prime Outdoor Network Limited for advertising services that were not rendered. The investigation established that the procurement in respect of the advertising services, to prime Outdoor Network Ltd had not been planned nor budgeted for by KTB. The procurement was not deliberated upon by the Tender Committee of KTB. It was also established that the company awarded the contract for advertising did not render the services fully. KACC forwarded the file to the Attorney General recommending that the suspect be charged with abuse of office contrary to section 46, wilful failure to comply with the law relating to procurement contrary to section 45(2) (b) and fraudulently making payment from public revenue for services not rendered contrary to section 45 (2) (a) (iii) of the Anti-Corruption and Economic Crimes Act, 2003

Upon perusal of the file the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offence of abuse of office contrary to section 46, wilful failure to comply with the law relating to procurement contrary to section 45(2) (b) and fraudulently making payment from public revenue for services not rendered contrary to section 45 (2) (a) (iii) of the Anti-Corruption and Economic Crimes Act, 2003. Hearing on 18th and 19th January, 2011.

17. KACC CR. 652/267/2009 CF KISUMU ACC.NO.493/2009 NO.17 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that an Inspector of Police, based at Kisii Police Station had corruptly solicited from the Complainant a benefit as an inducement so as to release the complainant's son who had been arrested and detained for an alleged offence of stealing. 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 KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General was satisfied that there was sufficient evidence to support the preferred charges against the accused person and directed that the case be prosecuted to its logical conclusion.

STATUS

The suspect was 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. Hearing on 27th January, 2011.

**18. KACC CR.921/825/2009 CF KAKAMEGA ACC.NO.4/2009
NO.18 KACC FIRST QUARTERLY REPORT**

This was an Inquiry into allegations that a Town Engineer with the Kakamega Municipal Council solicited for a benefit from the complainant as an inducement for him to certify variation works and issue a favourable completion certificate in respect of a contract that had been awarded to Thelmax Contractors to undertake construction and repair works at the Kakamega Youth Polytechnic. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and the case is pending before the Kakamega Anti-Corruption Court. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General, found the evidence sufficient to support the preferred charges and directed that the case before court proceed to the logical conclusion.

STATUS

The suspect was charged with the offence 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. Hearing on 3rd February, 2011.

**19. KACC CR. 210/104/200 CF. NYERI ACC. NO.10/2009
NO.19 KACC FIRST QUARTERLY REPORT**

This was an Inquiry into allegations that two police officers attached to Karuri Police Station had solicited for a benefit from the complainant as

an inducement to forebear charging him with the offence of allegedly being a member of the Mungiki sect and to return his mobile that they had confiscated. 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General, found the evidence sufficient to support the preferred charges and directed that the case before court proceed to the logical conclusion.

STATUS

The suspects were 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. Case pending in court.

20. KACC CR.141/873/2009 CF.NAIROBI ACC. NO.32/2009 NO.20 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that the Chief of Makadara Location had solicited for a benefit from the complainant as an inducement to offer him protection while conducting his business within Buruburu. 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General, found the evidence sufficient to support the preferred charges and directed that the case before court proceed to the logical end.

STATUS

The suspects were 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. Case pending in court.

21. KACC. CR.661/204/2009, CF. KISUMU ACC.383/2009 NO.21 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that a Chief Inspector of Police, attached to Migori Police Station had solicited for a benefit from the complainant as an inducement to forbear charging him with an

unspecified offence, and as an inducement to return two (2) Applications for Registration Forms that the accused had confiscated from 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. KACC forwarded the file to the Attorney General recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General, found the evidence sufficient to support the preferred charges and directed that the case before court proceed to the logical end.

STATUS

The suspects were 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. Hearing on 21st January, 2011.

22. KACC CR. 021/101/2008 CF NAIROBI ACC.NO.8/2009 NO.22 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that a number of people were impersonating KACC investigators and extorting money from unsuspecting members of the public. Several members of the public made the complaints to the effect that some people purporting to be investigators from KACC were summoning them to Nairobi alleging that they are investigating corruption cases against them. The same people were also said to be demanding money from the complainants alleging that they would assist to halt the alleged investigations. Investigations were carried out and three suspects were arrested. One of the suspects was arrested as he received the trap money. The suspects were arraigned before the Nairobi Anti-Corruption court and charged with the offences of impersonating an investigator and extortion by threats. Given that the prosecution of the case was completed before the file was forwarded to the Attorney General, a report was compiled and for purposes of compliance with section 35 of the Anti- Corruption and Economic Crimes Act, No.3 of 2003.

Upon perusal of the inquiry file the Attorney General noted that the file was forwarded by KACC after the conclusion of the criminal case. As such the Attorney General could not give directions as required under sec. 35 of the ACECA.

STATUS

The file was returned to KACC with no directions since the matter had been concluded before obtaining the consent of the Hon. Attorney General.

23. KACC CR. 141/715/2009 CF. NAIROBI ACC NO. 36/2009 NO.23 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that a police officer attached to Kasarani Police Station had solicited for a benefit from the complainant as an inducement to forbear charging the complainant with the offence of stealing. 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the inquiry file, the Hon. Attorney General found that this was a case for C.I.D and directed that the same be referred to the criminal Investigations Department for investigation and appropriate action as the offence committed was covered under Penal code (S.117) and not under ACECA.

STATUS

The file was returned to KACC with directions to refer the matter to the Criminal Investigations Department.

24. KACC CR. 741/641/2009 CF KERICHO ACC. NO.5/2009 NO.24 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that traffic police officers attached to Bureti Traffic Base, Litein, were soliciting for and receiving bribes from public service vehicle operators as an inducement to allow them to continue operating along the Litein Road. 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General, found the evidence sufficient to support the preferred charges and directed that the case before court proceed to the logical end.

STATUS

The suspects were 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 case is pending in court.

25. KACC CR. 142/55/2009 CF NAIROBI ACC NO.23/2009 NO.25 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that a Security officer with the Cooperative Bank; had been offered a benefit by relatives of a suspect whom the bank was investigating for fraud. The offer for a benefit was an inducement for the Security officer to release the said suspect. The investigation established the offer of a benefit to the security officer. The suspects were arrested and charged with the offences of offering and giving a benefit contrary to section 39(3) (b) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General, found the evidence sufficient to support the preferred charges and directed that the case before court proceed to the logical end.

STATUS

The suspects were 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 case is pending in court.

26. KACC CR. 030/15/2009 CF KERICHO ACC NO.6/2009 NO.26 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that the District Commissioner Rongai had solicited for a benefit from the complainant as an inducement to allow the complainant to continue operating his brewery business. 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. KACC forwarded the file to the Attorney General, with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General found the evidence sufficient to support the preferred charges and directed that the case before court proceed to the logical end.

STATUS

The suspect was 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 case is pending in court.

27. KACC CR. 141/91/2009 CF NAIROBI ACC NO.33/2009 NO.27 KACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations that an Inspector with Nairobi City Council had solicited for a benefit from the complainant as an inducement to allow the complainant to construct a kiosk at his plot in Kariobangi South. 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General, found the evidence sufficient to support the preferred charges and directed that the case before court proceed to the logical end.

STATUS

The suspect was 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. Case pending in court.

28. KACC/MSA/INQ/FI/18/2009 NO. 1 KACC SECOND QUARTERLY REPORT

This was an inquiry into allegations that unscrupulous importers and clearing agents collude with Kenya Bureau of Standards (KEBS) and Kenya Revenue Authority (KRA) officers to allow illegal importation of over age used motor vehicles into the country in contravention of Clause 2:5 of the Kenya Standard 1515:2000 code of the Kenya Bureau of Standards. The evidence gathered showed that the KRA and KEBS officers who were assigned the responsibility of ascertaining that imported vehicles complied with the Kenya Standard passed two vehicles which were over 8 years old from the date of manufacture contrary to the regulation. The investigation further established that the same officers and the clearing agents were usually compromised through bribes so as to ignore the importation requirements. KACC forwarded the file to the Attorney General recommending that the suspects be charged with wilful neglect of official duty contrary to section 128 of the Penal Code. It was further

recommended that the importers be ordered to re-ship the vehicles back to their country of origin.

Upon perusal of the file the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspects were charged with wilful neglect of official duty contrary to section 128 of the Penal Code. Case pending in court.

29. KACC/MSA/FI/INQ.16/2009 NO. 2 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations that an importer and a clearing agent colluded with Kenya Bureau of Standards and Kenya Revenue Authority officers to allow importation of four (4) used vehicles into Kenya in contravention of clause 2:5 of the Kenya Standard 1515:2000 code of the Kenya Bureau of Standards. Information obtained from Toyota East Africa revealed that all the four (4) vehicles were outside the age limit prescribed in Clause 2.5. Further investigations revealed that the vehicles were not inspected by the Japan based JEVIC Company, and that the certificate of roadworthiness was issued by a firm known as Car Auto Appraisal Centre (CAAC) which is not a KEBS appointed body for purposes of pre-export verification. KACC forwarded to the Attorney General on recommending that the suspects face three (3) charges of attempting to commit an offence involving corruption contrary to section 47A of the Anti-Corruption and Economic Crimes Act, wilful neglect of official duty contrary to section 128 of the Penal Code, and disobedience of statutory duty contrary to section 130 of the Penal Code.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with 3 counts of attempting to commit an offence involving corruption contrary to section 47A of the Anti-Corruption and Economic Crimes Act wilful neglect of official duty contrary to section 128 of Penal Code and disobedience of statutory duty contrary to section 130 of the Penal Code. Case pending in court.

30. KACC/INQ/FI/12/2010 NO. 3 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations of misappropriation of public funds allocated to Onjiko Secondary School. It was alleged that the said funds

were siphoned into an account belonging to a Senior Officer with the Ministry of Education. Investigations established that the Principal of the said school failed to comply with the laid down procurement regulations by single sourcing a supplier to supply stationery to the School. The investigations also revealed that payments to the said supplier were made although the books were not delivered. KACC forwarded the file to the Attorney General with the recommendation that the suspects be charged with the offences of (i) fraudulent acquisition of public property contrary to section 45(1) (a), (ii) making fraudulent payment from public revenue for goods not supplied contrary to section 45(2) (a) (ii) and (iii) wilful failure to comply with applicable procurement procedures contrary to section 45(2) (b) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspects were charged with the offences of (i) fraudulent acquisition of public property contrary to section 45 (1) (a), (ii) making fraudulent payment from public revenue for goods supplied c/s 45 (2) (a) (ii) and (iii) wilful failure to comply with applicable procurement procedures contrary to section 45(2) (b) of the Anti-Corruption and Economic Crimes Act, 2003. Case pending in court.

31. KACC/FI/INQ/4/2010 NO. 4 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations that an Accounts Assistant attached to the Ministry of Education embezzled Kshs.4,508,337.10 meant for the participants of a workshop held for Teacher Advisory Centre Tutors (TAC), organized within the provisions of the framework of World Bank/Government of Kenya Education Sector Support Program (KESSP). The investigations established that the Accounts Assistant received an imprest of the sum of Kshs.4, 508,337.10 to facilitate the workshop. The investigation revealed that the suspect embezzled the funds and made false payment schedules and purported to surrender the imprest using false documents. KACC forwarded the file to the Attorney General with the recommendations for the prosecution of the suspect for the offences of fraudulent acquisition of public property contrary to section 45(1) (a), abuse of office contrary to section 46 and deceiving Principal contrary to section 41(2) of the ACECA, as well as false accounting by a public officer contrary to section 331(1) and (2) of the Penal Code.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the charges proposed and directed prosecutions to ensue.

STATUS

The suspect was charged for the offences of fraudulent acquisition of public property contrary to section 45(1) (a), abuse of office contrary to section 46 and deceiving Principal contrary to section 41(2) of the ACECA, as well as false accounting by a public officer contrary to section 331(1) and (2) of the Penal Code. Hearing on 14th February 2011.

32. KACC/MSA/INQ/FI/6/2009 CR. NO. 021/77/2010. C.F 2445/2010 NO. 5 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations of fraudulent acquisition of a road reserve within the Kenya Ports Authority, and its subsequent registration as two parcels in the name of a private company. Investigations established that the plot was part of the property owned by the defunct East African Harbours Corporation that was vested in Kenya Ports Authority vide Legal Notice No. 160 of 2001. The registration was executed using a forged Part Development Plan, beacon certificates and lease documents presented by the private company. KACC forwarded the file to the Attorney General with recommendations that the two directors of the private company be charged with the offence of uttering a false document contrary to section 353 of the Penal Code.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the charges proposed and directed prosecution to ensue.

STATUS

The two suspects were charged with the offence of uttering a false document contrary to section 353 of the Penal Code. Hearing on 23rd February, 2011.

33. KACC/FI/INQ/95/2008 ACC. 28/2010 NO. 6 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations that a freight and logistics company colluded with clearing agents to defraud their client as well as the government through non-payment of import duty amounting to Ksh.2, 767,260.00. Investigations established that Duty and VAT payable on the consignment was Kshs.2, 767,260 but the actual sum paid to KRA by the said company using fake entries and bank receipts, was Kshs.318, 443. KACC forwarded the file to the Attorney General with recommendations that the Directors and Operation Managers of the companies concerned be charged with the following offences;

1. Fraudulent failure to pay taxes payable to a public body contrary to section 45(1) (d) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
2. Uttering a false document contrary to section 353 of the Penal Code.
3. Conspiracy to commit an offence of corruption or economic crime contrary to section 47A (3) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
4. Conspiracy to defraud contrary to Section 317 of the Penal Code.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecutions to ensue

STATUS

The suspect was charged with the above stated charges. Hearing on 15th and 16th December, 2010.

34. KACC/MSA/FI/INQ./8/2009 ACC. 11/2010. CR. NO. 021/48/2010. NO. 7 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations of failure to adhere to Public Procurement Laws and Regulations in the procurement of seven tractors and ploughs by officials of Lamu West Constituency Development Committee. The investigations established that three officials of the Lamu West Constituency Development Fund Tractor Project Committee procured seven tractors and their accessories by way of direct procurement contrary to the provisions of the applicable law therein viz the Public Procurement and Disposal Act, 2005. They did not also involve the tender committee in the procurement of the tractors. KACC forwarded the file to the Attorney General with the recommendation that the three officials be charged with the offence of wilful failure to comply with the law relating to procurement of goods, contrary to section 45(2) (b) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The three suspects were charged with the offence of wilful failure to comply with the law relating to procurement of goods, contrary to Section 45(2) (b) of the Anti-Corruption and Economic Crimes Act, 2003. Hearing on 2nd and 3rd March, 2011.

**35. KACC/FI/INQ/7/09
NO. 8 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that the Managing Director of Kenya Ports Authority (KPA) irregularly approved payment of Kshs.9 million to ten members of staff to attend a training program in the USA. Investigations established that the only authorized allowance that KPA was to bear was Kshs.2, 089,600 instead of the Kshs.9, 000,000 approved by the Managing Director. The ten members of staff therefore received public funds they were not entitled to. KACC forwarded the file to the Attorney, with the recommendation that the suspect be charged with the offence of wilful failure to comply with applicable procedures and guidelines relating to management of public funds contrary to section 45 (2)(b) of the ACECA. It was further recommended that the funds irregularly paid to the members of staff attending the training be recovered.

Upon perusal of the file the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue. Attorney General further directed that the funds irregularly paid to the members of staff attending the training be recovered.

STATUS

The Managing Director was charged with the offence of wilful failure to comply with applicable procedures and guidelines relating to management of public funds contrary to section 45 (2) (b) of the ACECA. Case reference to the High Court for Constitutional Reference.

**36. KACC/FI/INQ/35/09 ACC. 49/10
NO. 9 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that the Director General of National Environmental Management Authority (NEMA) abused his office by irregularly paying Kshs.1, 500,000/= for Iko Toilet Project. Investigations established that the Director and his chief officers abused their offices and flouted financial regulations and procedures by expending NEMA's funds on a project not budgeted for. KACC forwarded the file to the Attorney General, with the recommendation that the suspects be charged with the offence of abuse of office contrary to section 46 as read with section 48 of the Anti-Corruption and Economic Crimes Act, No.3 of 2003, wilful failure to comply with the applicable procedures and guidelines relating to incurring of expenditure contrary to section 45(2)(b) as read with section 48 of ACECA, making false statement to principal contrary to section 41(1) as read with section 48 of ACECA, conspiracy to commit an offence of corruption contrary to section 47A(3) as read with section 48 of the ACECA, conspiracy to defraud the public contrary to section 317 of

the Penal Code and fraudulent acquisition of public property contrary to section 45(1)(a) as read with section 48 of ACECA.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecutions to ensue.

STATUS

The suspect was charged with the above stated charges. Hearing on 8th and 9th February, 2011.

37. KACC/MSA/INQ/FI/17/2009

NO. 10 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations that Kenya Revenue Authority Customs Department officers at Kilindini Customs Warehouse sold by public auction container number ECMU 9724447 containing motor vehicles, used computers and personal effects by passing them off as plastic buckets and paper towels thereby fetching a much lower price than it would have had its contents been correctly declared. The investigation revealed that after the importer of the said container failed to clear the goods thereon, the container was moved to the KRA warehouse. This attracted huge costs as storage costs and a decision was made to auction the container as abandoned goods. The customs officers charged with the responsibility of verifying the contents of the container, made a false declaration of the goods. When the misdeclared goods were auctioned, they fetched a lower amount of money than what should have been realized had the correct declaration been made. KACC forwarded the file to the Attorney General with the recommendation that the officers involved in the fraud be charged with the offence of committing a fraud affecting the public contrary to section 127 (1) as read with section 127 (2) of the Penal Code; and the offence of deceiving principal contrary to section 41 (2) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. Hearing on 16th February, 2011.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offence of committing a fraud affecting the public contrary to section 127 (1) as read with section 127 (2) of the Penal Code; and the offence of deceiving principal contrary to section 41 (2) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. Case pending in court.

**38. KACC/FI/INQ.40B/2006
NO. 11 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that the Nandi South District Agricultural Officer (DAO) misappropriated Kshs. 5 million meant for the construction of an office block through irregular tendering and falsification of documents. The investigation established that the DAO consulted the Ministry of Public Works (MOPW) for technical advice before commencing the project. Quotations for the proposed project were floated to seven pre-qualified contractors. Upon receipt of the quotations from the contractors, they were opened and forwarded to the MOPW for technical evaluation. The District Tender Committee (DTC) awarded the contract to the second lowest bidder since the lowest bidder's quotation was found to be non-responsive. KACC forwarded the file to the Attorney General recommending that the inquiry file be closed since the money received by the Nandi South District Agricultural Officer, for construction of the Agricultural block was not misappropriated through irregular procurement and falsification of documents as alleged. All the money allocated was properly accounted for, and the building completed.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

**39. KACC/FI/INQ/14/09
NO. 12 KACC SECOND QUARTERLY REPORTS**

This was an Inquiry into allegations of fraudulent alterations of Revenue figures by Central Bank (CBK) officers resulting to a probable revenue loss of Kshs.523, 649,826.00. It was further alleged that CBK officials manipulated the transfer vouchers made from the Central Bank of Kenya Revenue Deposit Account to the Exchequer account at Treasury. It was further alleged that the Transfer vouchers were not original and that they contained cancelled amounts and altered figures, and were not authorized. The investigation showed that satisfactory explanations for and documents supporting the alterations and cancellations were provided. The investigation did not show that there was any loss of revenue as alleged or at all. KACC forwarded the file to the Attorney General recommending the closure of the inquiry.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charges and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

40. KACC/MSA/INQ/FI/2/2009 NO. 13 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations of fraudulent acquisition of land belonging to ICDC by a private developer. The investigation revealed that, contrary to the allegations that land belonging to ICDC had been fraudulently acquired, what existed was a partnership between the developer and ICDC to jointly set up a container freight station on the plot belonging to ICDC. The land is still fully owned by ICDC and has not been illegally acquired. KACC forwarded the file to the Attorney General recommending the closure of the inquiry file.

Upon perusal of the file, the Attorney General found the evidence insufficient to support any offence hence he ordered the closure of the file.

STATUS

The file was returned to KACC with directions to close.

41. KACC/FI/INQ/57/09 NO. 14 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations of abuse of office against the Managing Director of Kenya Bureau of Standards (KEBS), by clearing 6350 metric tonnes of contaminated maize imported by the National Cereals and Produce Board (NCPB). The investigations revealed that after the government approved the importation of maize to replenish the available stocks, 6350 metric tonnes was shipped into the country. Doubts arose as to the suitability for consumption of some of the maize consignment. KEBS was consulted and after examining the maize, found some of it to be contaminated. While consultation was on going as to what to do with the contaminated maize, NCPB had the maize offloaded and stored in the KRA warehouses. After it was decided that the maize be resold to an external buyer who was to reshipe it out of the country, KRA made it a condition precedent that for it to release the maize, warehouse rent had to be paid. NCPB paid the rent amounting to Kshs. 48 million. The investigation revealed that it was the conflicting decisions by KEBS on the issue of the contaminated maize that led to NCPB paying the money to KRA. The management of NCPB could not be faulted for making the payment to KRA, as no offence was disclosed. KACC forwarded the file to the Attorney General with recommendations that the file be closed and further that NCPB be advised to continue pursuing the waiver of the rent paid from Treasury in order for KRA to refund the money paid to it by NCPB on account of go down rent.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

**42. KACC/FI/INQ/40/2009
NO. 15 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that public officers requested the National Cereals and Produce Board (NCPB) management to favour some customers in the sale of maize during a period of scarcity. The investigations revealed that the Strategic Grain Reserve Fund Trustees comprising 3 line Ministries had authorized the sale of the Strategic Grain Reserve maize through the NCPB, between the period December 2007 and October 2008. During this period, the country was experiencing a serious shortage of maize and a number of prominent personalities took advantage of the prevailing situation to write introductory notes cum letters to the NCPB Management seeking their help in the allocation and sale of maize to persons and companies that were known to them. A total of 3.4 million bags of maize were sold to various individuals and/or companies during the material period. Evidence obtained did not show that the holders of the introductory note/letters were more advantaged than those who did not have them. Moreover, the discretion as to whom to allocate and sell the maize largely remained in the hands of the NCPB Management. No evidence of culpable wrongdoing against any of the public officers who wrote notes to NCPB has been obtained to warrant any action against them. KACC forwarded the file to the Attorney General with the recommendation that the inquiry file be closed and that KACC's Preventive Services Directorate do examine the practices and procedures of NCPB with a view to advising them on administrative loopholes which may be conducive to corrupt practices.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close, and to proceed with the preventive measures proposed.

**43. KACC/FI/INQ/30/09
NO. 16 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that the management of the National Aids Control Council (NACC) fraudulently paid a total sum of Kshs.1.4 million to a service provider for the development of a 4-year MIS Strategic Plan, services which were not rendered. The investigations revealed that the idea of NACC developing an MIS Strategic Plan was mooted in August 2005 and was subsequently budgeted for by the Council in the financial year 2007-2008. NACC's Tender Committee awarded the tender for the development of the Strategic Plan to the service provider. Contrary to the allegations made, the strategic plan was in deed prepared satisfactorily and NACC paid for the services in terms of the contract with the consultants. There was no evidence of wrongdoing against any of the officials of NACC. KACC forwarded the file to the Attorney General with the recommendation that the inquiry file be closed.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

**44. KACC/FI/INQ/80/2009
NO. 17 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that the Managing Director of Mumias Sugar Company, offered bribes to witnesses in a criminal case in which he was the complainant. Investigations established that the evidence was not sufficient to prove the allegations of corruption or conspiracy to subvert justice made against the Managing Director. KACC forwarded the file to the Attorney General with the recommendation that the inquiry file be closed.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

**45. KACC/ INQ/FI/85/2009
NO. 18 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that officials of the National Social Security Fund (NSSF) irregularly procured 30 obsolete and defective internet servers which could not therefore be put to use. It was further

alleged that the servers were procured from the same firm that prepared the tender specifications, and that they were being concealed at Bruce House to avoid detection of the irregularity. The investigations established that contrary to the said allegations, the servers were regularly procured, duly delivered, installed and commissioned and are being utilized by the respective branches of NSSF to their satisfaction. KACC forwarded the file to the Attorney General recommending closure.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

46. KACC/AT/INQ/53(b)/2008 NO. 19 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations that a former Chief Executive Officer of Miwani Sugar fraudulently made payments of Kshs. 330 million to a commercial Bank to clear an outstanding loan on behalf of Miwani Sugar Company Ltd (in receivership). The investigations revealed that the negotiations that culminated in the payment of Kshs.330 million to the commercial bank were initiated, sanctioned and approved by the Ministry of Agriculture and the Kenya Sugar Board, in consultation with other key government ministries and the creditors of Miwani Sugar Company. It was not an initiative or personal decision of the CEO, nor was it fictitious as alleged. There was no evidence that the CEO breached any law or was otherwise culpable to warrant any action against him. KACC forwarded the file to the Attorney General recommending the closure.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

47. KACC/FI/INQ/54/2010 NO. 20 KACC 1ST QUARTERLY REPORTS

This was an inquiry into allegations of abuse of office and conflict of interest against the Permanent Secretary, office of the Prime Minister, in influencing the allocation of Strategic Grain Reserve Maize (SGR) to a certain company. The investigation revealed that the company was incorporated in 2004 and the PS was a director in the said company.

However, the company never proceeded with the objects for which it was incorporated. The investigation revealed that, the PS's associate decided to use the company's name to apply for allocation of maize. The evidence gathered did not reveal that the PS either knew of his associate's application or influenced the allocation of maize to the company. He also did not write any introductory letter for the company to be allocated maize. No evidence of culpable wrong doing was ascertained to warrant any action against the PS. KACC forwarded the file to the Attorney General recommending closure.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

48. KACC/FI/INQ/53/2010 NO. 21 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations that the Chief of Staff in the office of the Prime Minister influenced the award of a contract to supply 75,000 metric tonnes of maize to a South African company. The investigations revealed that after the Cabinet approved the import of maize by the National Cereals and Produce Board (NCPB), several supplier firms were identified through tendering and negotiation with the suppliers. The investigation revealed that the award of the contract to the South African firm to supply maize was done in accordance with the provisions of the Public Procurement and Disposal Act, 2005. Contrary to the allegations made against the Chief of Staff in the Prime Minister's office, the investigation showed no indication that the said officer influenced the award of the contract to supply maize to the aforementioned company. There was no evidence of culpability on the part of the said public officer to necessitate either criminal or administrative action against him. KACC forwarded the file to the Attorney General recommending closure.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charges and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

**49. KACC/FI/1NQ/92/08
NO. 22 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations of irregular sale of 3.4 million bags of maize from the Strategic Grain Reserve (SGR). The investigations revealed that the cabinet authorized the importation of maize duty free through NCPB to address the food shortage that was being experienced after a prolonged drought and the post election violence. The government further directed the implementation of a subsidized maize scheme by selling the stock from the Strategic Grain Reserve. The trustees of the SGR Trust Fund who were the Permanent Secretaries, Ministry of Agriculture, Ministry of Finance and Ministry of State for Special Programmes were to oversee the process and give guidelines on the sale of the SGR maize by NCPB. The investigations revealed that while authorizing NCPB to dispose off the SGR maize, the trustees did not give guidelines and policies to operationalize the sale of the maize. Owing to the lack of supervision by the Trustees, unscrupulous businessmen, middlemen and other interested persons bought maize from NCPB at subsidised prices and later sold it at exorbitant prices. The investigation also showed that there were weaknesses in the regulation and sale of the SGR maize stock. Whereas the evidence obtained did not disclose any offence, it was observed that the three trustees of the SGR failed to carry out their duties as required.

KACC forwarded the file to the Attorney General recommending that administrative action be taken against the following persons;

- The three trustees of the SGR Trust Fund.
- The managing Director, NCPB
- The General Manager Sales and Operations, NCPB
- The Sale and Marketing Manager, NCPB

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

**50. KACC/INQ/FI/58/2010
NO. 23 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations of irregular award of tender by the National Cereals and Produce Board (NCPB) for the supply of 75,000 metric tonnes of maize to two private companies. The specific allegation was that the Chief of Staff in the office of the Prime Minister influenced the award of the tender for the supply of maize in respect of the two firms. The investigation has revealed that after the Cabinet approved the

importation of maize by the National Cereals and Produce Board (NCPB), several supplier firms were identified through tendering and negotiation with the suppliers. The investigation revealed that the award of the contract to the said firms to supply maize was done in accordance with the provisions of the Public Procurement and Disposal Act, 2005. There was no evidence obtained to show that the Chief of Staff in the office of the Prime Minister influenced the award of the contract to the two firms. No culpability on the part of the said public officer has been ascertained to necessitate either criminal or administrative action against him. KACC forwarded the file to the Attorney General recommending closure.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

51. KACC/FI/INQ/57/2010 NO. 24 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations of irregular sale of 150,000 bags of Strategic Grain Reserve (SGR) maize to a trader at a profit in contravention of a directive issued by the Cabinet. The investigation revealed that the National Cereals and Produce Board (NCPB) were authorized to sell maize from the SGR. The trader purchased maize from NCPB at the government subsidized prices and sold it to millers at a profit, thus defeating the purpose of the subsidy that was intended to benefit the consumers. The investigation further revealed that there were no procedures or guidelines to guide the allocation and sale of maize by NCPB. No register of millers was maintained by NCPB, and therefore anybody posing as a miller would successfully apply for the allocation. However, the investigation did not disclose any evidence of culpability on the part of the officers at NCPB or the trader. KACC forwarded the file to the Attorney General recommending closure.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

**52. KACC CR.032/52/09 CF KISUMU ACC NO.566/09
NO. 25 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that a clerical officer with the Ministry of Lands, Kisumu had solicited for a benefit from the complainant as an inducement to facilitate the processing of the complainant's title deed. The investigations 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. It was further recommended that the suspect be charged with another count of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, No. of 2003. KACC forwarded the file to the Attorney General with the recommendation that the case pending before Kisumu Court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to the logical conclusion.

STATUS

The suspect was 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 an extra count of abuse of office c/s 46 of ACECA. Hearing on 10th February, 2011.

**53. KACC CR.141/810/2009 – CF. NAIROBI ACC. NO.29/2009
NO. 26 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that a police officer attached to Kilimani Police Station had solicited for a benefit from the complainant as an inducement to release his motorcycle which had been impounded and to forbear charging him with the alleged offence of failing to produce his driving licence. The investigations 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court is prosecuted to its logical conclusion and that the suspect's colleague who had initially made the bribe demand should also be arrested and charged.

Upon perusal of the file the Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to the logical conclusion.

STATUS

The suspect was 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. Hearing on 27th January, 2011.

54. KACC CR. 410/84/2009 CF. EMBU ACC NO. 4/09. NO. 27 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations that a police officer attached to Makueni Police Station had solicited for a benefit from the complainant as an inducement not to charge him with offences relating to drug peddling and harassing his estranged wife. The investigations 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to the logical conclusion.

STATUS

The suspect was 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. Hearing on 8th February, 2011.

55. KACC CR.021/121/2009 CF. MOMBASA ACC NO.10/2009 NO. 28 KACC SECOND QUARTERLY REPORTS

This was an inquiry into allegations that a High Court Process Server, Mombasa had solicited for a benefit from the complainant as an inducement to forbear him being served with unspecified court orders in respect of a civil suit pending at the Mombasa Law Courts; in which the complainant was the defendant. The evidence obtained in the investigation was not sufficient to sustain the charges of solicitation and receipt of a benefit that had been preferred against the suspect. KACC forwarded the file to the Attorney General with the recommendation that that the case be withdrawn under section 87(a) of the Criminal Procedure Code.

Upon perusal of the file the Attorney General found the evidence insufficient to support charges of corruption and directed that the suspect be charged with the offence of obtaining by false pretences contrary to section 313 of the Penal Code.

STATUS

The file was returned to KACC with directions to withdraw the corruption charges under section 87(a) of CPC and charge the suspect with offence of obtaining by false pretences contrary to section 313 of the Penal Code. Hearing on 20th January, 2011.

**56. KACC CR.141/1015/2009 CF NAIROBI ACC NO.35/09
NO. 29 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that a police officer attached to Industrial Area Police Station had solicited for a benefit from the complainant as an inducement to forebear charging him with the offence of attempted theft from the New KCC, and instead treat him as a witness. The investigations established 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General found the evidence sufficient to support the charges preferred and directed that the case in court be prosecuted to the logical conclusion.

STATUS

The suspect was 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. Hearing on 11th February, 2011.

**57. KACC CR.141/79/2010 CF. NAIROBI ACC. NO.2/2010
NO. 30 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that a Traffic Police Officer attached to Kitengela Traffic Base had solicited for a benefit from the complainant as an inducement to forbear charging him with the traffic offence of driving a motor vehicle without an inspection sticker and to release his licence which the accused had confiscated. The investigations 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General found the evidence sufficient to support the charges preferred and directed that the case in court be prosecuted to the logical conclusion.

STATUS

The suspect was charged with the offence 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. Hearing on 21st February, 2011.

**58. KACC CR.021/114/2009 CF. NO.ACC. MOMBASA NO.9/2009
NO. 31 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that two police officers attached to Nyali Police Station, Mombasa had solicited for a benefit from the complainants as an inducement to forebear charging them with the offence of being found in possession of papers that were intended for printing fake currency. The investigations established the solicitation of a benefit. One of the suspects was also found in unlawful possession of papers intended to resemble and pass as special papers used for making bank notes. The suspects were arrested and charged with the offences of soliciting a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003, and unlawful possession of papers intended to resemble and pass as special papers used for making bank notes contrary to section 367 (a) of the Penal Code. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General found the evidence sufficient to support the charges preferred and directed that the case in court be prosecuted to the logical conclusion.

STATUS

The suspect was charged with the offences of soliciting a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003, and unlawful possession of papers intended to resemble and pass as special papers used for making bank notes contrary to section 367 (a) of the Penal Code. Hearing on 03rd January, 2011.

**59. KACC CR.021/99/2009 CF MSA ACC 08/2009
NO. 32 KACC SECOND QUARTERLY REPORTS**

This was an inquiry into allegations that a Police officer attached to Likien DO's office had solicited for a benefit from the complainant as an inducement to allow him to continue mining building stones from a quarry

at Majengo Mpya Likoni. The investigations established 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General found the evidence sufficient to support the charges preferred and directed that the case in court be prosecuted to the logical conclusion.

STATUS

The suspect was 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. Hearing on 26th January, 2011.

60. KACC CR.141/327/2009 CF. NAIROBI ACC. NO.14/09 NO. 33 KACC SECOND QUARTERLY REPORT

This was an inquiry into allegations that police officers attached to the CID, Central Division, Nairobi Area had solicited for a benefit from the complainant as an inducement to forbear charging him with the offence of obtaining money by false pretences. The investigations established 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file, the Attorney General found the evidence sufficient to support charges preferred and directed prosecutions to ensue.

STATUS

The suspects were charged with two counts for 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. Case pending in court.

61. KACC CR.251/309/2009 – NYERI ACC NO.15/09 NO. 34 KACC SECOND QUARTERLY REPORT

This was an inquiry into allegations that a Traffic Base Commandant attached to Kirinyaga District, had solicited for a benefit from the

complainant as an inducement to facilitate the release of his motor vehicle registration number KAR 465T which the officer had detained at Kerugoya Police Station for an alleged offence of obstruction. The investigations 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file, the Attorney General found the evidence sufficient to support charges preferred and directed prosecutions to ensue.

STATUS

The suspect was charged with two counts for the offence 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. Hearing on 29th February, 2011.

62. KACC CR.032/54/2009 CF. KISUMU ACC. NO. 581/2009 NO. 35 KACC SECOND QUARTERLY REPORT

This was an inquiry into allegations that a probation officer, attached to Nyando District had solicited for a benefit from the complainant as an inducement to facilitate a favourable judgement in Nyando criminal case number 795 of 2007 in which the complainant and another were the accused persons. The investigations 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. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file, the Attorney General found the evidence sufficient to support charges preferred and directed prosecutions to ensue.

STATUS

The suspect was 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. Hearing on 01st March, 2011.

**63. KACC CR.141/82/2010 CF. NAIROBI ACC. NO. 7/2010
NO. 36 KACC SECOND QUARTERLY REPORT**

This was an inquiry into allegations that a student at Moi University, Department of Environmental Health had offered a benefit to the complainant as an inducement to facilitate the employment of his brother at Equity Bank. The investigations established the offering and giving of a benefit by the suspect. The suspect was arrested and charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. KACC forwarded the file to the Attorney General with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file, the Attorney General found the evidence sufficient to support charges preferred and directed prosecutions to ensue.

STATUS

The suspect was charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. Hearing on 23rd March, 2011.

**64. KACC/FI/INQ/15/2010
NO. 1 KACC THIRD QUARTERLY REPORT**

This was an inquiry into allegations that a Senior Education Officer in the Ministry of Education misappropriated Kshs. 3,936,200 entrusted to him for the purpose of carrying out capacity building workshops for stakeholders in the Most Vulnerable Children (MVC) Support Grant Programme at Machakos and Garissa Teachers Training Colleges. The Commission had received a report alleging that a sum of Kshs. 103 million allocated to the Kenya Education Sector Support Programme (KESSP) of the Ministry of Education had been misappropriated by the implementing officers. Specific to this inquiry was the allegation that the Senior Education Officer had misappropriated a sum of Kshs. 3,936,200 that was intended for conducting sensitization workshops for stakeholders from various schools that were involved in the implementation of the MVC Support Grant Programme under the KESSP HIV and AIDS component. It was a requirement that before the funds could be released, the school head teachers and other stakeholders would be sensitized on the use of the funds. The investigations established that the suspect applied for and was given an imprest of Kshs. 3,936,200 to cater for the two workshops, and that after completion of the workshops; he surrendered the imprest using false documents to justify a higher expenditure than was the case.

KACC forwarded the file to the Attorney General with the recommendation that the suspect be prosecuted for the offences of fraudulent acquisition of public property contrary to section 45(1) (a) of the Anti-Corruption and Economic Crimes Act, 2003, false accounting by a public officer and uttering a false document contrary to sections 331(1) and 353 of the Penal Code, Chapter 63 of the Laws of Kenya.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of fraudulent acquisition of public property contrary to section 45(1) (a) of the Anti-Corruption and Economic Crimes Act, 2003, false accounting by a public officer and uttering a false document contrary to sections 331(1) and 353 of the Penal Code, Chapter 63 of the Laws of Kenya. Case pending in court.

65. KACC/FI/INQ/158/2009 – 46/2010 NO. 2 KACC THIRD QUARTERLY REPORT

This was an inquiry into allegations of fraud and corruption against the Human Resources Officer of the Western Kenya Community Driven Development and Flood Mitigation Project (WKCDD/FMP). It was alleged that the suspect, took an imprest of Kshs. 3,699,000 for use in conducting a sensitization workshop on HIV/AIDS but misappropriated the same. Investigations confirmed that the suspect had applied for and received an imprest of Kshs. 3,699,000 as alleged but surrendered the same using falsified documents. The suspect prepared false schedules bearing forged signatures of the participants indicating that they were paid more than what they actually received. Some of the alleged participants were categorical that they never attended the training.

KACC forwarded the file to the Attorney General with the recommendation that the suspect and her accomplice be prosecuted for the offences of conspiracy to defraud contrary to section 317 of the Penal Code, Chapter 63 of the Laws of Kenya, Deceiving Principal and fraudulent acquisition of public property contrary to sections 41(2) and 45(1) (a) of the Anti-Corruption and Economic Crimes Act, 2003, and uttering a false document contrary to section 353 of the Penal Code.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspects were charged with the offences of conspiracy to defraud contrary to section 317 of the Penal Code, Chapter 63 of the Laws of Kenya, Deceiving Principal and fraudulent acquisition of public property contrary to sections 41(2) and 45(1) (a) of the Anti-Corruption and Economic Crimes Act, 2003, and uttering a false document contrary to section 353 of the Penal Code. Hearing on 22nd and 23rd February, 2011.

66. KACC/FI/INQ/10/2010 ACC. 7/2010 NO. 3 KACC THIRD QUARTERLY REPORTS

This was an inquiry into allegations that a Senior Education Officer in the Ministry of Education misappropriated Kshs. 2,012,000 entrusted to her for conducting a workshop for the school infrastructure committees in Western Kenya Region. The Commission had received a report alleging that a sum of Kshs. 103 million allocated to the Kenya Education Sector Support Programme (KESSP) of the Ministry of Education had been misappropriated by the implementing officers. Specific to this inquiry was the allegation that a Senior Education Officer had misappropriated a sum of Kshs. 2,012,000 that was intended for facilitating the training of members of school infrastructure committees in the Western Kenya Region. The investigation established that the suspect was indeed entrusted with an imprest in the sum of Kshs. 2,012,000 to facilitate the subject training and that the workshops were indeed held. However it was ascertained that the suspect did not truthfully account for the expenditure at the time of surrender. It was noted that the forms signed by the participants to acknowledge payment were altered to indicate that they received more money than what they had received, some participants listed as having been paid facilitation allowance disputed the same, and falsified receipts were used to account for some of the imprest.

KACC forwarded the file to the Attorney General with the recommendation that the suspect be prosecuted for the offences of false accounting by a public officer and uttering a false document contrary to sections 331(1) and 353 of the Penal Code, Chapter 63 of the Laws of Kenya.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of false accounting by a public officer and uttering a false document contrary to sections 331(1)

and 353 of the Penal Code, Cap. 63 of the Laws of Kenya. Hearing on 25th January, 2011.

**67. KACC/AT/INQ/16/2009
NO. 4 KACC THIRD QUARTERLY REPORT**

This was an inquiry into allegations that private developer had illegally acquired a piece of land, LR No. 209/16441 belonging to Racecourse Primary School, a public school run and maintained by the City Council of Nairobi. The investigations confirmed the allegation and established that by the time the land in issue was being transferred to the private developer in 2006, it had already been allocated to the City Council of Nairobi by the Commissioner of Lands and was not available for disposal. It was further established that the transfer in favour of the private developer had been effected using a false Part Development Plan (PDP) and a forged letter of allocation with the complicity of some officials of the City Council of Nairobi and the Ministry of Lands.

KACC forwarded the file to the Attorney General with the recommendation that the private developer and the concerned officers of the City Council of Nairobi and the Ministry of Lands be prosecuted for the offences of fraudulent acquisition/disposal of public property contrary to section 45(1)(a) and (b) of the Anti-Corruption and Economic Crimes Act, unlawful failure to pay fees payable to a public body contrary to section 45(1)(d) of the Anti-Corruption and Economic Crimes Act, conspiracy to defraud contrary to section 317 of the Penal Code, and making a document without authority contrary to section 357(a) of the Penal Code.

Upon perusal of the file, the Attorney General found gaps and deficiencies in the investigations and directed that further investigations be carried out and the file resubmitted for further directions.

STATUS

The file was returned to KACC with directions to conduct further investigations and resubmit.

**68. KACC/FI/INQ/06/2010
NO. 5 KACC THIRD QUARTERLY REPORT**

This was an inquiry into allegations of embezzlement of Kshs. 2,632,000 against an Assistant Director in the Ministry of Education. It was alleged that several officials of the Ministry of Education had defrauded the Ministry of millions of shillings through a series of capacity building workshops that were organized by the Ministry under the Kenya Education Sector Support Programme (KESSP) Project. One of the workshops targeted the School Infrastructure Committees for which the suspect in this

inquiry was entrusted with Kshs. 2,632,000 imprest. The investigation revealed that the suspect colluded with the host institution to inflate the number of participants and that false receipts were used to account for and surrender the imprest.

KACC forwarded the file to the Attorney General with the recommendation that the suspect be prosecuted for the offences of fraudulent acquisition of public property contrary to section 45(1)(a) and (b) of the Anti-Corruption and Economic Crimes Act, knowingly deceiving principal contrary to section 41 of the Anti-Corruption and Economic Crimes Act, conspiracy to commit an offence of corruption or economic crime contrary to section 47A(3) of the Anti-Corruption and Economic Crimes Act, 2003 and uttering a false document contrary to section 353 of the Penal Code, Chapter 63 of the Laws of Kenya.

Upon perusal of the file, the Attorney General found gaps and deficiencies in the investigations and directed that further investigations be carried out and the file resubmitted for further directions.

STATUS

The file was returned to KACC with directions to conduct further investigations and resubmit.

69. KACC/MSA/FI/INQ/9/2009 NO. 6 KACC THIRD QUARTERLY REPORT

This was an inquiry into an allegation of failure to adhere to public procurement laws and regulations in the procurement of three tractors and two ploughs by officials of Lamu West Constituency Development Committee. Allegations were made to the Commission of various malpractices and violation of the procurement law in the management of Constituency Development Funds in Lamu West Constituency. The allegations involved conflict of interest, bid rigging, failure to comply with procurement laws, and abuse of office. The investigations into the allegations were initiated, with this particular inquiry targeting the alleged failure to comply with procurement law in the acquisition of three tractors and their accessories. The investigation confirmed three officials of the Lamu West Constituency Development Committee violated the procurement law and regulations in the acquisition of three tractors and their accessories.

KACC forwarded the file to the Attorney General with the recommendation that the three officials be charged with the offence of wilful failure to comply with the law relating to procurement of goods contrary to section 45(2) (b) of the Anti-corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspects were charged with the offence of wilful failure to comply with the law relating to procurement of goods contrary to section 45(2) (b) of the Anti-corruption and Economic Crimes Act, 2003. Case pending in court.

70. KACC/FI/INQ/110/2009 – 483/2010 NO. 7 KACC THIRD QUARTERLY REPORT

This was an inquiry into allegations of misappropriation of Kshs. 106,500 belonging to the Western Kenya Community Driven Development and Flood Mitigation Project (WKCDD/FMP) by the Chief Fisheries Officer, Bondo District. It was alleged that part of the funds donated by the World Bank to finance the WKCDD/FMP had been misappropriated on the pretext that it was used for restocking the Ochof Fish Dam. Investigations confirmed that the suspect had applied for and received an imprest of Kshs. 106,500 for the purpose of carrying out an ecological survey and restocking of Ochof Dam with fingerlings and that he surrendered the imprest in the usual manner. Some of the documents attached to the surrender voucher were receipts allegedly issued for the hire of a boat and for the purchase of fingerlings. The owners of the boat and the fish farm from which the fingerlings were allegedly bought denied the transactions and the receipts found to be false documents.

KACC forwarded the file to the Attorney General with the recommendation that the suspect be prosecuted for the offences of false accounting by a public officer contrary to section 331(1) of the Penal Code and uttering a false document contrary to section 353 of the Penal Code.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of false accounting by a public officer contrary to section 331(1) of the Penal Code and uttering a false document contrary to section 353 of the Penal Code. Hearing on 11th February, 2011.

**71. KACC/AT/INQ/08/2007
NO. 8 KACC THIRD QUARTERLY REPORTS**

This was an inquiry into allegations that a Police Officer based at Ruaraka Police Station, Nairobi and the officer in charge of Highway Traffic Patrol was corrupt and had unexplained assets, a list of which was provided to the Commission. The Commission carried out investigations into the allegations and established that a significant portion of the assets in question belonged to the suspect's wife and were owned by her before they got married. It was further established that the suspect's wife was an established businesswoman owning considerable assets. It was the wealth declarations made by the suspect following their marriage that appear to have triggered the suspicions about his possessing unexplained assets, which were sufficiently accounted for by both the suspect and his wife. The investigations unearthed no evidence that the suspect was involved in corrupt activities or economic crime. KACC forwarded the file to the Attorney General with recommendations for closure.

Upon perusal of the file, the Attorney General found that there was no evidence to indicate that the suspect was involved in corrupt activities or economic crimes and concurred with KACC that the inquiry file be closed.

STATUS

The file was returned to KACC with directions to close.

**72. KACC/FI/INQ/99/2009
NO. 9 KACC THIRD QUARTERLY REPORTS**

This was an inquiry into allegations of conflict of interest against officials at the Kuria West District Treasury in the award of a tender for the renovation of the District Treasury offices. The investigation confirmed that funds had been set aside for the renovation of the District Treasury premises to create more office space. Subsequent to the receipt of the money, Bills of Quantities were prepared by the Ministry of Works, on the basis of which Requests for Quotations were floated. The quotations were thereafter evaluated and an award made to the lowest evaluated bidder. The decision was communicated the bidders and a Local Service Order issued. The investigation further established that the works were undertaken and payment made upon verification thereof. It became evident therefore that the relevant procurement procedures were followed in the award of the tender. There was equally no evidence to show that any of the officers involved in the processing of the tender influenced the award or had any connection with the successful bidder or the proceeds of the tender.

KACC forwarded the file to the Attorney General with the recommendation that the inquiry file be closed.

Upon perusal of the file, the Attorney General found the evidence insufficient to warrant charges being preferred but nevertheless directed that the matter be dealt with administratively.

STATUS

The file was returned to KACC with directions to deal with the matter administratively.

73. KACC.CR.764/246/2010: COURT FILE NO. NAKURU ACC. 4/2010 NO. 10 KACC THIRD QUARTERLY REPORTS

This was an inquiry into allegations that a police officer attached to Gilgil Police Station had corruptly solicited for a benefit from the complainant as an inducement to facilitate the withdrawal of charges of robbery with violence filed against the complainant's son at Naivasha Law Courts. 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 .

KACC forwarded the file to the Attorney General with a recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecutions to ensue. Hearing on 14th February, 2011.

STATUS

The suspect was 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. Case pending in court.

74. KACC.CR.021/19/2010: COURT FILE NO. MOMBASA ACC. 2/2010 NO. 11 KACC THIRD QUARTERLY REPORTS

This was an inquiry into allegations that a Security Officer at the Kenya Ports Authority had corruptly solicited for a benefit from the complainant as an inducement to frustrate investigations into allegations of corruption against the complainant in which the suspect was the key witness. The suspect indicated that he could frustrate the investigation and eventual prosecution of the case against the complainant by failing to attend court when required to testify. 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.

KACC forwarded the file to the Attorney General with a recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file, the Attorney General found the evidence sufficient to support charges proposed and directed prosecution to ensue.

STATUS

The suspect was 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. Hearing on 8th February, 2011.

75. KACC.CR.811/103/2010: COURT FILE NO. KITALE ACC. 234/2010 NO. 12 KACC THIRD QUARTERLY REPORTS

This was an inquiry into allegations that a senior support staff at the Ministry of Roads Kitale Office had corruptly solicited for a benefit from the complainant as an inducement to facilitate the approval of site building plans. 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.

KACC forwarded the file to the Attorney General with a recommendation that the case pending before court be prosecuted to its logical conclusion

Upon perusal of the file, the Attorney General found the evidence sufficient to support charges proposed and directed prosecution to ensue.

STATUS

The suspect was 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. Hearing on 16th February, 2011.

76. KACC.CR.141/381/2009: COURT FILE NO. NAIROBI ACC. 24/2010 NO. 13 KACC THIRD QUARTERLY REPORTS

This was an inquiry into allegations that a clerical officer employed by the City Council of Nairobi had corruptly solicited for a benefit from the complainant as an inducement to facilitate the processing of a death

certificate in respect of the complainant's deceased 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.

KACC forwarded the file to the Attorney General with a recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the preferred charges and directed prosecution to ensue.

STATUS

The suspect was 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. Hearing on 21st January, 2011.

77. KACC/CR.141/356/2010: COURT FILE NO. NAIROBI ACC. 22/2010 NO. 14 KACC THIRD QUARTERLY REPORTS

This was an inquiry into allegations that a Senior Administrative Assistant at Kenyatta University had corruptly solicited for a benefit from the complainant as an inducement to facilitate the release of a diploma certificate to the complainant, who had previously been a student at the University. 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.

KACC forwarded the file to the Attorney General with a recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the preferred charges and directed prosecution to ensue.

STATUS

The suspect was 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. Hearing on 20th January, 2011.

**78. KACC/FI/INQ/152/2010 ACC. 1/2011
NO. 1 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations that officials of the Ministry of Industrialization issued exemptions for importation of over age motor vehicles, in contravention of the Kenya Standard KS 1515: 2000 and the Verification of Conformity to Kenya Standards of Imports Order (Legal Notice No. 78 of 2005). The investigations revealed that between the months of January and September 2010, the Minister for Industrialization exempted a total of 515 used motor vehicles that were over the allowed age of eight years. Out of these vehicles, 137 were exempted by the Minister without consulting or seeking advice from the National Standards Council. The Minister also granted the exemption without due consideration for national interest. Investigations further revealed that most of the persons who benefited from the exemptions were traders who were importing vehicles for sale and therefore were not included in the category stipulated in Legal Notice No. 78 of 2005.

KACC forwarded the file to the Attorney General recommending that the Minister be charged with the offences of abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, 2003 and wilful disobedience of statutory duty contrary to section 130 of the Penal Code, Chapter 63 of the Laws of Kenya.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offence of Abuse of Office Contrary to Section 46 of the Anti-Corruption and Economic Crimes Act, 2003 and wilful disobedience of statutory duty contrary to Section 130 of the Penal Code, Chapter 63 of the Laws of Kenya. Hearing on 2nd, 3rd and 4th March, 2011.

**79. KACC/FI/INQ/108/2009
NO. 2 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations of irregular procurement of consultancy services for review and development of the Kenya Wildlife Services (KWS) Strategic Plan for 2008-2012. Investigations revealed that although KWS indicated in the Request for Proposals that the bidder was to install the Balance Score Card software, they failed to give the specifications of the kind of software required. This was in breach of Section 79(a) Public Procurement and Disposal Act, 2005 that specifically required the procuring entity to prepare terms of reference setting out the specific requirements prepared relating to the services, and if applicable, the

goods being procured and the time limit for delivery of completion. The investigation further revealed that the Evaluation Committee of KWS varied the evaluation criteria by excluding the BSC software specification, which variation was endorsed by the Tender Committee. This was in contravention of the procurement regulations.

KACC forwarded the file to the Attorney General recommending that the Managing Director, KWS, the Deputy Director of Finance, Head of ICT and Procurement, alongside all the members of the Evaluation and Tender Committees be charged with the offence of wilful failure to comply with the law relating to procurement contrary to section 45(2) of the Anti-Corruption and Economic Crimes Act, 2003. It was further recommended that administrative action be taken against the Director General Public Procurement Oversight Authority for failure to review the procurement of the consultancy despite receiving a complaint from one of the bidders.

Upon perusal of the file, the Attorney General found gaps and deficiencies in the investigations and directed that further investigations be conducted in the outlined areas and the file re-submitted for directions.

STATUS

The file was returned to KACC with directions to conduct further investigations and resubmit the file to the Attorney General.

80. KACC/FI/INQ/34/09

NO. 3 KACC FOURTH QUARTERLY REPORTS

This was an Inquiry into allegations of irregular procurement of two ICT consultants by the Kenya Airports Authority (KAA). In order to achieve its desired ICT strategy, KAA through an open tender awarded a Consultancy Contract to the successful bidder in 2005, for ICT Strategy and Implementation. The investigation revealed that in March 2006, the contract was terminated by KAA citing failure to avail key personnel by the firm contracted. The investigation established that upon the termination of the first Consultancy, the Managing Director (KAA) approved the hire of two new ICT consultants. The investigation revealed that the two did not tender any proposals for evaluation as required under the procurement regulations. Instead, they were hired like any other KAA employee and put on the KAA payroll. They did not have any TORs detailing the nature of their consultancy, the time frame and expected deliverables.

KACC forwarded the file to the Attorney General recommending that the suspects, namely the MD, ICT manager, General Manager Finance, Human Resource manager and procurement manager be charged with the offence of willful failure to comply with the applicable laws relating to

procurement contrary to section 45(2) (b) and abuse of office contrary to section 46 of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Hon. Attorney General found gaps and deficiencies in the investigations and directed that further investigations be conducted in the outlined areas and the file be re-submitted for directions.

STATUS

The file was returned to KACC with directions to conduct further investigations and resubmit the file to the Hon. Attorney General.

81. KACC/MSA/FI/15/ 2010 NO. 4 KACC FOURTH QUARTERLY REPORTS

This was an Inquiry into allegations that the appointment of a law firm to handle debt collection and revenue enforcement at the Municipal Council of Mombasa was fraudulent and contravened the Public Procurement and Disposal Act, 2005. The investigations revealed that sometime in 2004, the Municipal Council of Mombasa entered into a contract with a private company for the installation and implementation of a Geographical Information System in the Council. The company established a revenue recovery team comprising of a lawyer, an auctioneer and a valuer to enhance revenue collection. It was agreed between the Council and the company that the lawyer would be part of the private firm's staff. The investigation revealed that notwithstanding this fact, the lawyer appointed by the private firm demanded for payment directly from the Municipal Council in respect of rates that he had collected from defaulters. Since the lawyer had no contract with the Council, he was not entitled to make any claim directly from the Council. Moreover, the investigation further revealed that the money that he demanded for and was paid to him by the council was not advocates debt collection fees. Instead, it was money that the council was entitled to retain. In addition two officers from the council authorized the payment to the lawyer in spite of them knowing that the lawyer had no contract with the council and that he was not entitled to the payment. The payment made to the lawyer was therefore irregular and unlawful.

KACC forwarded the file to the Attorney General recommending that the three suspects namely; the lawyer be charged with the offences of unlawful acquisition of public property contrary to section 45(1) and the two council officials with abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed that prosecution ensue.

STATUS

The lawyer was charged with the offences of unlawful acquisition of public property contrary to Section 45(1) and the two council officials with abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, 2003. Case pending in court.

82. KACC/FI/INQ/09/2010.

NO. 5 KACC FOURTH QUARTERLY REPORTS

This was an Inquiry into allegations that a Senior Education Officer in the Ministry of Education, misappropriated part of Kshs. 8,574,740 entrusted to her to facilitate a national school based de-worming exercise in the Coast, Western, Nyanza, Eastern and Nyanza Provinces. The imprest was meant to facilitate the training workshops for the officers who would be involved in the exercise. The investigations revealed that at the time of the surrender of the imprest, the suspect used forged documents in purported justification of the expenses incurred. She submitted forged fuel tickets, as well as exaggerated allowance payment claims for the workshop participants.

KACC forwarded the file to the Attorney General with recommendations that the suspect be charged with the offences of fraudulent acquisition of public property contrary to section 45(1) of the Anti-Corruption and Economic Crimes Act, 2003, false accounting by a public officer contrary to section 331 (1), and uttering false documents contrary to section 353 of the of the Penal Code.

Upon perusal of the file, the Hon. Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the above quoted offences of fraudulent acquisition of public property contrary to Section 45(1) of the Anti-Corruption and Economic Crimes Act, 2003, false accounting by a public officer contrary to Section 331(1), and uttering false documents contrary to Section 353 of the Penal Code, Chapter 63 of the Laws of Kenya. Hearing 3rd and 4th March, 2011.

83. KACC/MSA/FI/INQ./40A/2006

NO. 6 KACC FOURTH QUARTERLY REPORTS

This was an Inquiry into allegation that the Export Processing Zone Authority Board (EPZA), procured motor vehicles from Marshalls East Africa Limited and Toyota East Africa Limited using single sourcing method contrary to the existing procurement laws and regulations.

Investigations established that the EPZA Board approved a request by the EPZA management to purchase new cars through a financing arrangement that would have interest charged at no more than a flat rate of 10% per annum. EPZA proceeded to procure nine motor vehicles from the two companies in question by way of single sourcing and without first ensuring that there was sufficient money in the EPZA budget to cater for the purchase. This was in contravention of Regulations 17(1) and 17(6) of the Exchequer and Audit (Public Procurement) Regulations, 2001.

KACC forwarded the file to the Hon. Attorney General with the recommendations that the members of the EPZA Board be charged with the offence wilful failure to comply with law relating to procurement of goods, contrary to section 45 (2) (b) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspects were charged with the Offence of Wilful failure to comply with the law relating to procurement of goods, contrary to Section 45(2) (b) of the Anti-Corruption and Economic Crimes Act, 2003. Case pending in court.

84. KACC/INQ/FI/26/2010

NO. 7 KACC FOURTH QUARTERLY REPORTS

This was an Inquiry into allegations of abuse of office and embezzlement of Kshs.1, 370,000 against a Senior Assistant Director of Education, while conducting workshops for training members of school infrastructure committees for primary schools in Central and Nairobi Provinces. The investigation showed that the suspect received the aforesaid sum to pay lunch allowance and transport reimbursement to participants and facilitators. At the time of surrender of the imprest, the suspect purported to have expended the entire imprest. The investigation however revealed that he used false documents to surrender the imprest. The payment schedules were altered to exaggerate the amounts received by the participants. The suspect was therefore culpable for false accounting.

KACC forwarded the file to the Attorney General recommending the prosecution of the suspect for the offence of false accounting contrary to section 331(1) of the Penal Code.

Upon perusal of the file the Attorney General, found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offence of false accounting by a public officer contrary to Section 331(1) of the penal code and recovery proceedings by way of civil suit instituted against the suspect. Hearing on 9th and 10th March, 2011.

**85. KACC/FI/INQ/162/2010
NO. 8 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations of embezzlement against an employee of the Western Kenya Community Driven Development and Flood Mitigation Project. The investigation established that the said officer received an imprest of Kshs. 5,532,000 to facilitate a workshop on Environmental Social Management Framework at the Kisumu Hotel. The investigations also revealed that the suspect surrendered the imprest using false documents in support of expenditure. The payment schedules were altered to exaggerate the amounts received by the participants. The payment schedules also included names of persons who neither attended the workshop nor received any reimbursement.

KACC forwarded the file to the Attorney General recommending that the suspect be charged with the offences of fraudulent acquisition of public property contrary to section 45(1) and deceiving principal contrary to section 41(1) of the Anti-Corruption and Economic Crimes Act, 2003; and in the alternative, false accounting by a public officer contrary to section 331(1) of the Penal Code.

Upon perusal of the file the Attorney General, found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of fraudulent acquisition of public property contrary to Section 45(1) and deceiving principal Contrary to Section 41(1) of the Anti-Corruption and Economic Crimes Act, 2003 and in the alternatives false accounting by a public officer contrary to section 331(1) of the penal code. Case pending in court.

**86. KACC/FI/INQ/186/2009
NO. 9 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations of fraud and corruption against an employee of the Western Kenya Community Driven Development and Flood Mitigation Project. The investigation established that the said officer took an imprest of Kshs.1, 151,770 to organize a training workshop for Community Development Committee members at Busia Agricultural Training Centre. The investigations also revealed that the suspect surrendered the imprest using false documents in support of expenditure. The participants' lists were doctored to include the names of persons who did not attend the workshop and the payment schedules falsified to indicate that the said people were paid when in actual fact they were not paid.

KACC forwarded the file to the Attorney General recommending that the suspect be charged with the offences of fraudulent acquisition of public property contrary to section 45(1) and deceiving principal contrary to section 41(1) of the Anti- Corruption and Economic Crimes Act, 2003; and in the alternative, uttering false documents contrary to section 353 of the Penal Code.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of fraudulent acquisition of public property contrary to Section 45(1) and deceiving principle contrary to Section 41(1) of the Anti-Corruption and Economic Crimes Act, 2003 and in the alternative, uttering false documents contrary to Section 353 of the Penal Code. Case pending in court.

**87. KACC/FI/INQ/36/2007
NO. 10 KACC FOURTH QUARTERLY REPORT**

This was an Inquiry into allegations that a businessman fraudulently evaded payment of customs duty on a Motor Vehicle. It was alleged that the suspect imported the said motor vehicle from the UK and purportedly sold it to an International Organization that enjoys duty free facility. The investigation revealed that the vehicle was cleared free of duty and registered in the name of the said organization. The NGO got to know of the existence of the motor vehicle several years later when it was involved in a road traffic accident. It was under the custody of the suspect who also had in his possession a Log Book in the name of the organization.

KACC forwarded the file to the Attorney General recommending that the suspect be charged with the offence of fraudulent evasion of payment of Customs duty contrary to section 187(f) of the Customs and Excise Act, and the full amount of duty payable and the attendant penalties be recovered by the Kenya Revenue Authority.

Upon perusal of the file, the Hon. Attorney General found the evidence sufficient to support the proposed charges and directed prosecution ensue.

STATUS

The suspect was charged with the offence of fraudulent evasion of payment of customs duty contrary to Section 187(f) of the customs and Excise Act and recovery proceedings by way of civil suit instituted against the suspect. Hearing on 22nd February, 2011.

88. KACC/FI/INQ/55C/05 NO. 11 KACC FOURTH QUARTERLY REPORTS

This was an Inquiry into allegations of abuse of office against a former Director, and Finance and Administration Manager respectively of Kenya Wines Agency (KWAL). It was alleged that the two officers failed to remit Kshs. 600,000 paid to them by a private firm in respect of products purchased by the said firm from KWAL on credit. The investigation revealed that the private firm was a distributor of KWAL products. The firm authorized one of their employees to collect goods from KWAL on its behalf. It is in the course of collecting the products that the employee of the firm entered into an arrangement with the two officers at KWAL to obtain goods on credit on the strength of post dated cheques. It was a requirement that since the firm was in the category of cash account customers, for it to be accorded credit facilities; it had to furnish a bank guarantee. The investigation revealed that the firm's employee was not one of its directors and therefore could not furnish such a guarantee. In spite of the there being no bank guarantee given, the Finance and Administration Manager gave an approval for the firm to obtain products on credit. The investigation showed that this approval was irregular. As a result, the firm received goods on credit worth Kshs. 600,045. The investigation further revealed that the former KWAL director offered his own personal cheques to KWAL as bank guarantee in order for the private firm to obtain goods on credit. In return the firm's employee deposited into the director's account funds to cater for the cheques issued. The evidence obtained did not reveal that the director remitted the money paid to him to KWAL for the products. By failing to remit the money to KWAL, the Director improperly conferred a benefit to himself, whereas the Finance Manager by authorizing the private firm to obtain products on credit improperly conferred a benefit on the firm.

KACC forwarded the file to the Attorney General recommending that the two suspects be charged with the offence of abuse of office contrary to section 46 of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed that prosecution ensue after addressing the outlined areas by way of further investigations.

STATUS

The suspects were charged with abuse of office Contrary to Section 46 of the Anti-Corruption and Economic Crimes Act, 2003. Case pending in court.

89. KACC/FI/INQ/24/2010 NO. 12 KACC FOURTH QUARTERLY REPORT

This was an Inquiry into allegations that a Senior Education Officer, Ministry of Education misappropriated an imprest of Kshs. 1,173,000 meant for training Management Committees and Education Officers in Eastern Province. The investigations revealed that the suspect did not properly account for the imprest that he received. The investigations also revealed that reimbursements to the workshop participants were done in an arbitrary manner and imprest surrender was not backed by any evidence of documentation to authenticate the amounts purportedly made. In addition, persons listed as facilitators denied either facilitating or being paid the sums indicated in the reimbursement schedules.

KACC forwarded the file to the Attorney General recommending that the suspect be charged with the offences of deceiving principal contrary to section 41(1) and fraud by a person employed in the public service contrary to section 127(1) of the Penal Code.

Upon perusal of the file, the Hon. Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspect was charged with the Offences of deceiving principal contrary to Section 4(1) and fraud by person employed in the public service contrary to section 127(1) of the penal code. Hearing on 11th February, 2011.

90. KACC/FI/INQ/55/2010 NO. 13 KACC FOURTH QUARTERLY REPORTS

This was an Inquiry into allegations of embezzlement of Kshs. 763,000 by an accountant with the Ministry of Education. The investigation disclosed that

the accountant received the imprest which was to cater for the payment of participants and facilitators at a Steering Group Writing workshop held at the Agricultural Resource Centre Hotel. The investigation revealed that the suspect surrendered the imprest using false documents. The investigation further revealed that a Senior Deputy Director of Basic Education received a sum of Kshs. 20,000/= from the suspect although he did not attend the workshop.

KACC forwarded the file to the Attorney General recommending that the two suspects be charged with the offences of deceiving principal contrary to section 41(1) and fraudulent acquisition of public property contrary to section 45(1) of the Anti- Corruption and Economic Crimes Act, 2003. Recovery proceedings for the monies fraudulently acquired were also recommended.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the proposed charges and directed prosecution to ensue.

STATUS

The suspects were charged with the offences of deceiving principal contrary to Section 41(1) and fraudulent acquisition of public property contrary to Section 45(1) of the Anti-Corruption and Economic Crimes Act, 2003 and recovery proceedings by way of civil suit instituted against the suspects. Case pending in court.

91. KACC/PI/INQ/108/2009 NO. 14 KACC FOURTH QUARTERLY REPORTS

This was an Inquiry into allegations of fraudulent dismissal of a former employee of the Ministry of Transport and Communications and allegations of corrupt practices at the Ministry. The investigation established that the said officer was retired in public interest by the Public Service Commission, after a Judicial Committee of Inquiry found him guilty of misconduct. He challenged the retirement at the High Court but his suit was dismissed. Since the court dismissed his claim for unlawful dismissal, the Commission was of the view that the other avenue open to him was to appeal the decision. As concerned the allegations of corrupt practices, the KACC recommended that the same be referred to the Criminal Investigations Department (CID) for investigations and appropriate action, noting that the payments were allegedly made twenty years ago and could therefore disclose Penal Code offences.

KACC forwarded the file to the Attorney General recommending that the matter be referred to the CID.

Upon perusal of the file, the Attorney General found the evidence insufficient to support allegations of corrupt practices and directed that the matter be referred to the CID for investigation and the complainant to be advised to pursue the civil process.

STATUS

The inquiry file was returned to KACC with directions to refer the matter to the CID for investigations and appropriate action and in addition the complainant be advised to pursue civil process.

92. KACC/FI/INQ/95/2005 NO. 15 KACC FOURTH QUARTERLY REPORT

This was an Inquiry into allegations that the Permanent Secretary, Ministry of Agriculture colluded with the Permanent Secretary Ministry of Lands and Housing, to fraudulently allocate a government house at Mugoya Phase IV Estate to the wife of the Permanent Secretary, Ministry of Agriculture. Investigations established that in 2002, the Government of Kenya decided to sell some of its non-strategic houses located in various parts of the country. A Task Force was formed to identify the houses for sale, prepare sale documents and facilitate their transfer. One of the houses earmarked for sale was HG. 70 Mugoya Phase IV Estates. The occupant of the house made an application to purchase the house but the application was declined because the property had earlier been purchased by the wife of the former Permanent Secretary, Ministry of Agriculture. Investigations further revealed that, a Cabinet decision was made to the effect that all houses sold to non-civil servants, but had been occupied by civil servants should be repossessed. Since the allottee of the house in question was not a civil servant, she did not qualify for allocation. However, in the course of investigations, it was established that the allottee withdrew her interest in the property and surrendered the lease to the Commissioner of Lands. A refund of the purchase price was made to her.

KACC forwarded the file to the Hon. Attorney General recommending the closure.

Upon perusal of the file, the Hon. Attorney General found the evidence insufficient to support any criminal charge and accepted KACC's recommendation to close the file.

STATUS

The inquiry file was returned to KACC with directions to close.

**93. KACC/FI/INQ/18/2009
NO. 16 KACC FOURTH QUARTERLY REPORT**

This was an Inquiry into allegations that a consignment of six used motor vehicles was cleared at the Mombasa Port in spite of them not meeting Kenyan Standards under KS 1515: 2000. It was further alleged that because the motor vehicles were more than 8 years old from their date of manufacture, their importation therefore contravened Clause 2.5 of the Kenya Standard Code of Practice for Inspection of Road Vehicles.

The investigation established that five of the motor vehicles in question exceeded the age limit provided for motor vehicle imports into the country. In accordance with Paragraph 7(3) of the Verification of Conformity to the Kenya Standards of Imports Order, 2005, it was recommended that the 5 vehicles be shipped back to the country of origin or destroyed at the exporter's expense. It was further proposed that such reshipment or destruction be supervised by KACC officers. There was however, no sufficient evidence to warrant the criminal prosecution of any of the three suspects named in the inquiry file.

KACC forwarded the file to the Attorney General with a recommendation that the inquiry file be closed.

Upon perusal of the file, the Hon. Attorney General found gaps and deficiencies in the investigations and directed that further investigations be conducted in the outlined areas.

STATUS

The file was returned to KACC with directions to conduct further investigations and resubmit to the Attorney General.

**94. KACC/CR.141/320/2010-COURT FILE: MAKADARA ACC. NO. 3 OF 2010.
NO. 17 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations that a Police Officer, attached to Pangani Traffic Base, corruptly solicited for a benefit from the complainant as an inducement to facilitate the release of a motor vehicle which had been impounded for an alleged offence of having tinted windscreens. The investigation established the solicitation of the benefit. The suspect was arrested and charged with the offence of soliciting a benefit contrary to section 39(3) (a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

KACC forwarded the file to the Attorney General with a recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the preferred charges and directed that the case pending before the court be prosecuted to its logical conclusion.

STATUS

The suspect was charged with the Offence of Soliciting for a benefit Contrary to Section 39(3) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. Hearing on 2nd February, 2011.

**95. KACC/CR. 255/69/2010-COURT FILE: NYERI ACC. NO.1 OF 2010
NO. 18 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations that two businessmen corruptly offered a benefit of Kshs. 320, 000 to an officer of the Kenya Power & Lighting Co. Ltd as an inducement to facilitate the irregular release of KPLC electricity poles to them. The investigations established the offer made by the suspects. They were arrested at the scene as they supervised the loading of the poles onto a lorry. They were later charged in Court with corruptly offering a benefit contrary to Section 39(3) (b) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act No. 3 of 2003 and conspiracy to commit an offence of corruption.

KACC forwarded the file to the Attorney General recommending the prosecution of the suspects.

Upon perusal of the file, the Hon. Attorney General found the evidence sufficient to support the preferred charge and directed that the case be prosecuted to its logical conclusion.

STATUS

The suspects were charged with the offence of corruptly offering a benefit contrary to Section 39(3) (b) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act No. 3 of 2003. Case pending in court.

**96. KACC/CR. 313/279/2010-COURT FILE: MALINDI ACC. NO. 2 OF 2010
NO. 19 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations that the Lamu District Land Adjudication and Settlement Officer solicited for a benefit from the complainant as an inducement to facilitate the processing of a letter of offer in respect of the complainant's plot in Lamu/Hindi Magogoni. 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.

KACC forwarded the file to the Hon. Attorney General with a recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file, the Hon. Attorney General found the evidence sufficient to support the preferred charges and directed that the case in court be prosecuted to its logical conclusion.

STATUS

The suspect was charged with the offence of soliciting and receiving a benefit contrary to Section 39(3) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2008. Hearing on 06th January, 2011.

**97. KACC/CR.481/60/2010- COURT FILE EMBU ACC. NO.1 OF 2010
NO. 20 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations of corruption against public officers in the processing of Birth Certificates at the Meru South District Civil Registration office based at Chuka. Investigations revealed that some officers in the said office solicited for bribes before they could process and issue birth certificates to persons applying for the same. Investigations further revealed that the officers involved in the corrupt practices used people known to them and who they trusted as their agents to demand and receive bribes on their behalf and to transmit the same to them. 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.

KACC forwarded the file to the Hon. Attorney General with the recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file, the Hon. Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to its logical conclusion.

STATUS

The suspects were charged with the offence 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. Hearing on 25th January, 2011.

**98. KACC 313/267/2010-COURT FILE: MALINDI ACC. NO.1 OF 2010
NO. 21 KACC, 4TH QUARTERLY REPORTS**

This was an Inquiry into allegations that two officials of the Kenya Revenue Authority (KRA) based at the KRA Malindi Office had solicited for

a benefit of a sum of Kshs. 300,000/= from a complainant as an inducement to them so as to waive a sum of Kshs. 680,000/= domestic tax that was due with respect to a residential property that the said complainant and members of his family had inherited. 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.

KACC forwarded the file to the Hon. Attorney General recommending that the case be prosecuted to its logical conclusion.

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to its logical conclusion.

STATUS

The suspects were 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. Hearing on 11th February 2010.

99. KACC CR.731/72/2010- COURT FILE: NAKURU ACC NO.3 OF 2010 NO. 22 KACC FOURTH QUARTERLY REPORTS

This was an Inquiry into allegations that the Executive Assistant at Kajiado Law Courts corruptly solicited and received a benefit from the complainant as an inducement to facilitate the issuance of an injunction in a Civil Case in which the complainant is the plaintiff. 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.

KACC forwarded the file to the Attorney General with the recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to its logical conclusion.

STATUS

The suspects were 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. Hearing on 06th January, 2011.

**100. KACC/CR. 141/525/2010: COURT FILE NAIROBI ACC. NO. 32 OF 2010
NO. 23 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations that a Marketing Assistant at the Nairobi City Water and Sewerage Company Ltd solicited for a benefit from the complainant as an inducement not to disconnect the complainant's water supply. 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.

KACC forwarded the file to the Hon. Attorney General recommending that the case be prosecuted to its logical conclusion.

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to its logical conclusion.

STATUS

The suspects were 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. Hearing on 23rd February, 2011.

**101. KACC CR. 221/172/2010-COURT FILE: NYERI ACC. NO.3 OF 2010
NO. 24 KACC FOURTH QUARTERLY REPORTS**

This was an Inquiry into allegations that a Volunteer Children's Officer, based at Kirinyaga District Children's office solicited from the complainant a benefit as an inducement to facilitate the recommendation for the placement of the complainant's daughter in a children's home. 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.

KACC forwarded the file to the Attorney General, with the recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to its logical conclusion.

STATUS

The suspects were 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. Hearing on 15th February 2011.

**102. KACC CR. 141/938/2009-COURT FILE: NAIROBI ACC. NO. 3 OF 2010
NO. 25 KACC, 4TH QUARTERLY REPORTS**

This was an Inquiry into allegations that a Chief City Superintendent at the City Council of Nairobi, solicited from the complainant, a benefit as an inducement to offer the complainant "protection" to operate his matatu business at the Nairobi-Meru bus stage within the City Centre. 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, with the recommendation that the case pending before court be prosecuted to its logical conclusion.

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to its logical conclusion.

STATUS

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. Hearing on 23rd February, 2011.

**103. KACC CR. 313/405/2010-COURT FILE: MALINDI ACC. NO. 3 OF 2010
NO.26 KACC, 4TH QUARTERLY REPORTS**

This was an Inquiry into allegations that the Assistant Chief of Marekebuni Sub-location of Magarini District solicited from the complainant a benefit as an inducement to assist him to secure employment at the new Magarini District Commissioner's office. 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.

KACC forwarded the file to the Attorney General with the recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to its logical conclusion.

STATUS

The suspects were 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. Hearing on 16th February, 2011.

**104. KACC CR. 411/96/2010-COURT FILE EMBU ACC. NO. 4 OF 2010
NO. 27 KACC, 4TH QUARTERLY REPORTS**

This was an Inquiry into allegations that the Deputy Officer Commanding Station, Runyenjes Police Station solicited from the complainants a benefit as an inducement so as to forbear charging them for an alleged offence of robbery with violence. The investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting and receiving a benefit contrary to section 39(3)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and the case is pending before the Embu Anti-Corruption Court.

KACC forwarded the file to the Attorney General with the recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file the Attorney General found the evidence sufficient to support the preferred charges and directed that the case be prosecuted to its logical conclusion.

STATUS

The suspects were 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. Hearing on 7th and 8th March, 2011.

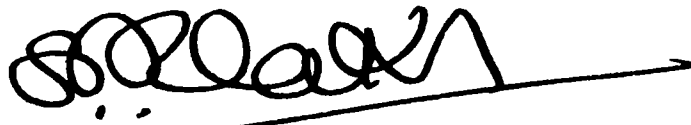
**STATISTICAL SUMMARY OF CASES FORWARDED TO THE
ATTORNEY GENERAL AND ACTION TAKEN**

S/No.	PARTICULARS OF CASES	NUMBER
1.	INVESTIGATION FILES SUBMITTED BY KACC TO THE ATTORNEY GENERAL FROM: KACC: JANUARY 2010 – 31 ST DECEMBER 2010.	104
2.	FILES WHERE AG DIRECTED PROSECUTION TO ENSUE.	77
3.	FILES WHERE AG DIRECTED FURTHER INVESTIGATIONS.	5
4.	FILES WHERE AG DIRECTED ADMINISTRATIVE OR OTHER DEPARTMENTAL ACTION.	4
5.	FILES WHERE AG DIRECTED CLOSURE.	18
6.	FILES AWAITING AG'S DIRECTIONS	NIL
	TOTAL	104

Key

- ACC - Anti-Corruption Court
- ACECA - Anti-Corruption and Economic Crimes Act No.3 of 2003
- AG - Attorney General
- CF - Court File
- CID - Criminal Investigation Department
- COMMISSION - Kenya Anti-Corruption Commission
- C/S - Contrary to Section
- INQ - Inquiry
- KACC - Kenya Anti-Corruption Commission

Dated at Nairobi this 8th day of March 2011



Hon. S. Amos Wako, EGH, F.C.I, Arb., SC, MP
ATTORNEY GENERAL