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Report of the Parliamentary Anti-Corruption Select Committee (Minutes)

(Volume II)

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APPENDIX VI

Minutes

Of

The

Sittings

Of

The

Committee

(July 31, 1998 to May 5, 2000)

MINUTES OF THE FIRST SITTING OF THE SELECT COMMITTEE ON ANTI-CORRUPTION HELD IN CONFERENCE ROOM NO.9, PARLIAMENT BUILDINGS, ON FRIDAY, 31ST JULY, 1998 AT 9.00 A.M.

PRESENT:

The following Members of the Committee were present:

Hon. Musikari N. Kombo, MP - Chairman
Hon. Suleiman Kamolleh, MP - Vice-Chairman
Hon. George O. Achola, MP
Hon. Mohamed A. Galgalo, MP
Hon. Ngenye Kariuki, MP
Hon. Wanyiri Kihoro, MP
Hon. Kiraitu Murungi, MP
Prof. the Hon. Anyang' Nyong'o, MP
Hon. Wycliffe Osundwa, MP
Hon. Sammy Leshore, MP

IN ATTENDANCE		**NATIONAL ASSEMBLY**
Mr. J.K. Masya	-	Clerk of the National Assembly
Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior clerk Assistant
Miss A.K. Thuranira	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.1/98: INTRODUCTORY REMARKS BY THE CHAIRMAN

The Chairman called the meeting to order and made introductory remarks on the Select Committee on Anti-Corruption, that the Committee was formed by a Resolution of the House and that he would like the Committee to conduct its business in a professional manner so as to do Kenyans proud.

MIN.NO.2/98: TERMS OF REFERENCE

The Chairman referred the Members to the contents of the Resolution passed by the House on Wednesday, July 8, 1998 which provides, inter alia, the following as terms of reference for the Committee:

(a) To study and investigate the causes, nature, extent and impact of corruption in Kenya.

(b) To identify the key perpetrators and beneficiaries of corruption.

(c) To recommend effective and immediate measures to be taken against such individuals involved in corruption and recover

pubic property corruptly appropriated by them.

(d) To recommend the enactment of a Bill to provide for stiff penalties on all corruption related offences.

MIN.NO.3/98: MODUS OPERANDI

Members agreed that a sub-committee be set up, whose responsibility it would be:

(i) To work out the Committee's budget and draw up a calendar of the Committee's sittings by end of August, 1998.

(ii) To call for advice from professionals and the Clerk's office regarding the legal provisions and implications to the functions of the Committee.

MIN.NO.4/98: REMARKS BY THE CLERK OF THE NATIONAL ASSEMBLY

The Clerk reminded the Members that the mandate of the Committee was a complex one since it will be dealing with criminal probe which may require that the Committee hires legal experts to seek professional assistance from the Government.

The Clerk further reminded the Members that there were no financial provisions for ad-hoc Committee, and that budgetary proposals will have to be forwarded to the Treasury for consideration.

The Committee was informed that there was a shortage of facilities which may render the Committee's work difficult since the Committee room will be occupied by the two watch-dog Committees, i.e. PIC and PAC during the period of recess, while the one in County Hall is occupied by the Akiwumi Commission of Inquiry.

The Committee was further informed that its proceedings will be governed by the provisions in the Standing Orders and the National Assembly (Powers and Privileges) Act. The Clerk advised the Committee to be sensitive and appreciate the need to conduct its inquiry strictly in confidence so that senior Government officials who will be summoned to give evidence might do so freely and without fear.

MIN.NO.5/98: ELECTION OF VICE-CHAIRMAN

The Committee unanimously elected the Hon. Suleiman Kamolleh, MP to be the Vice-Chairman of the Committee.

MIN.NO.6/98: **ELECTION OF SUB-COMMITTEE**

The following Members were elected to the Sub-Committee:

Hon. Musikari Kombo, MP - Chairman
Hon. Suleiman Kamolleh, MP - Vice-Chairman
Hon. Owino Achola, MP
Hon. Ngenye Kariuki, MP
Hon. Kiraitu Murungi, MP

MIN.NO.7/98: **ANY OTHER BUSINESS**

It was agreed that the sub-committee will meet on 24th August, 1998, and that it reports back to the main Committee by the first week of September, 1998. It was also agreed that Hon. Ayoki's name be substituted with that of Hon. Ayacko, MP. and that Hon. Leshore arranges for another Member to replace the Hon. D.L. ole Sankori, MP who had been appoint an Assistant Minister.

MIN.NO.8/98: **ADJOURNMENT OF THE MEETING**

An the time being ten minutes past Twelve O'clock, the Chairman adjourned the meeting *sine die*.

CONFIRMED . . Hon.Musikari N.Kombo,MP . . . . . .
(CHAIRMAN)

DATE: .September08,1998. . . . . .

MINUTES OF THE SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, 8TH SEPTEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL AT 9.30 A.M.

PRESENT: The following Members were present:

The Hon. Musikari Kombo, MP	- Chairman
The Hon. Suleiman Kamolleh, MP	- Vice-Chairman
The Hon. George O. Achola, MP	
The Hon. W.O. Ayoki, MP	
The Hon. Mohamed A. Galgalo, MP	
The Hon. Ngenye Kariuki, MP	
The Hon. Martha Karua, MP	
The Hon. Kiraitu Murungi, MP	
The Hon. Wanyiri Kihoro, MP	
The Hon. Wycliffe Osundwa, MP	
The Hon. Sammy P. Leshore, MP	

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.9/98: CONFIRMATION OF MINUTES

Minutes of the meeting held on 31st July, 1998 were confirmed by the Members present and signed by the Chairman.

MIN.NO.10/98: MATTERS ARISING

The Committee agreed to include Singapore in the list of overseas countries to be visited.

In the list of experts, the Committee agreed to include the following institutions:

(i) The Womens Political Caucus;
(ii) The Kenya Union of Journalists;
(iii) The former Chairman of the disbanded Anti-Corruption Squad (Mr. Stanley Mutungi who is a Deputy Commissioner of Police).

MIN.NO.11/98: BRIEFING OF THE COMMITTEE BY THE CHAIRMAN

Under Min.No.3/98, (Modus Operandi) the Chairman briefed the Committee on the deliberations of hte Sub-Committee.

Concerning the Committee's budget contained in the minutes of the sub-committee, the Committee agreed that the budget be presented to the Treasury

as soon as possible.

The Chairman informed the Committee that the courtesy calls on the Committee were starting from 9th September, 1998.

The Committee agreed to have a brainstorming workshop at a later date and that the Clerk would be informed to facilitate the workshop.

MIN.NO.12/98: **ANY OTHER BUSINESS**

(i) The Committee agreed to have regular briefing to the Press after finishng with the courtesy calls.

(ii) The Committee was informed that it could enlist the services of a British private company called Kroll which has the necessary experience in tracking down corrupt individuals and institutions in overseas countries.

MIN.NO.13/98: **ADJOURNMENT**

And the time being Twelve O'clock, the Chairman adjourned the meeting until Wednesday, 9th September, 1998 at 9.00 a.m. in Conference Room, County Hall.

CONFIRMED . . Hon.Musikari Kombo,MP . . . . . .
(CHAIRMAN)

DATE . . September10,1998 . . . . . .

MINUTES OF THE THIRD SITTING OF THE SELECT COMMITTEE ON ANTI - CORRUPTION HELD ON WEDNESDAY, 9TH SEPTEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL AT 9.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari Kombo, MP	- Chairman
The Hon. Suleiman Kamolleh, MP	- Vice-Chairman
The Hon. George O. Acholla, MP	
The Hon. W.O. Ayoki, MP	
The Hon. Mohamed A. Galgalo, MP	
The Hon. Ngenye Kariuki, MP	
The Hon. (Ms) Martha Karua, MP	
The Hon. Kiraitu Murungi, MP	
The Hon. Wanyiri Kihoro, MP	
The Hon. Wycliffe Osundwa, MP	
The Hon. Sammy P. Leshore, MP	

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.14/98: ADJOURNMENT

The Committee adjourned at 9.30 a.m until today at 4.00 p.m. due to a request by top Government officials to postpone their coming to pay courtesy calls on the Committee to a later date.

AFTERNOON SITTING

PRESENT The following Members of the Committee were present:

The Hon. Musikari Kombo, MP	- Chairman
The Hon. Suleiman Kamolleh, MP	- Vice-Chairman
The Hon. George O. Achola, MP	
The Hon. W.O. Ayoki, MP	
The Hon. Mohamed A. Galgalo, MP	
The Hon. Ngenye Kariuki, MP	
The Hon. (Ms) Martha Karua, MP	
The Hon. Kiraitu Murungi, MP	
The Hon. Wanyiri Kihoro, MP	
The Hon. Wycliffe Osundwa, MP	

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.15/98: COURTESY CALL ON THE COMMITTEE BY THE GOVERNOR, CENTRAL BANK OF KENYA

The Governor of Central Bank of Kenya, Mr. Micah Cheserem appeared before the Committee to pay a courtesy call and expressed his opinion on how the Committee should go about discharging its responsibility in matters of curbing corruption in the country.

MIN.NO.16/98: ADJOURNMENT

And the time being Six O'clock, the Chairman adjourned the meeting until Thursday, 10th September, 1998 at 12.00 noon in Conference Room, County Hall.

CONFIRMED Hon.Musikari N.Kombo,MP .....
(CHAIRMAN)

DATE September 16,1998 .....

MINUTES OF THE FOURTH SITTING OF THE SELECT COMMITTEE ON ANTI-CORRUPTION HELD ON THURSDAY, 10TH SEPTEMBER, 1998 IN CONFERENCE ROOM COUNTY HALL AT 11.00 A.M.

PRESENT: The following Members of the Committee were present:

Hon. Musikari Kombo, M.P. - Chairman
Hon. Suleiman Kamolleh, M.P. - Vice - Chairman
Hon. Kiraitu Murungi, M.P.
Hon. George O. Acholla, M.P.
Hon. Sammy P. Leshore, M.P.
Hon. Wanyiri Kihoro, M.P.
Hon. Ngenye Kariuki, M.P.
Hon. Mohamed A. Galgalo, M.P.
Hon. W.O. Ayoki, M.P.
Hon. (Ms) Martha Karua, M.P.
Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss. C.M. Mwambua	-	Senior Clerk Assistant
Miss. M.J. Chesire	-	Third Clerk Assistant

MIN.NO.17/98 COURTESY CALL ON THE COMMITTEE BY THE MINISTER FOR FINANCE

The Minister for Finance, Mr. Simeon Nyachae, appeared before the Committee to pay a courtesy call and expressed his opinion on how the Committee should discharge its responsibility in matters of eradicating corruption in the public service and other sectors of the society.

MIN.NO.18/98 ADJOURNMENT

And the time being thirty Minutes past One O'clock, the Chairman adjourned the meeting until 2.30 p.m. in Conference Room, County Hall.

AFTERNOON SITTING

PRESENT The following Members of the Committee were present:

The Hon. Musikari Kombo, MP	- Chairman
The Hon. Suleiman Kamolleh, MP	- Vice-Chairman

The Hon. Kiraitu Murungi, M.P
The Hon. George O. Acholla, MP
The Hon. Sammy P. Leshore, MP
The Hon. (Ms) Martha Karua, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Ngenye Kariuki, MP
The Hon. Mohamed A. Galgalo, MP
The Hon. W.O. Ayoki, MP
The Hon. Wycliffe Osundwa, MP

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IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.19/98: MATTERS ARISING

The Committee unanimously agreed to include the following Very Important Persons (VIPs) in the list of people to pay courtesy calls to the Committee:

(i)	Prof.the Hon. George Saitoti,M.P.	-	Minister for Planning and National Development
(ii)	Hon. Musalia Mudavadi, M.P.	-	Minister for Agriculture
(iii)	Hon. Mwai Kibaki, M.P.	-	Leader of the OfficialOpposition Party.
(iv)	Mr. John Msafari	-	Commissioner - General-Kenya Revenue Authority (K.R.A)

MIN.NO.20/98: COURTESY CALL ON THE COMMITTEE BY THE DIRECTOR OF CRIMINAL INVESTIGATION DEPARTMENT (C.I.D)

The Director of Criminal Investigation Department, Mr. Noah Arap Too, paid a courtesy call on the Committee and expressed his opinion on how the Committee should discharge its main responsibility of curbing corruption in the country.

MIN.NO.21/98: **ADJOURNMENT**

And the time being fifty minutes past Four O'clock, the Chairman adjourned the meeting until 16th September, 1998 at 11.30 a.m in Conference Room, County Hall.

CONFIRMED . Hon.Musikari N Kombo,MP .....
(CHAIRMAN)

DATE . September 23, 1998 .....

MINUTES OF THE FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, 16TH SEPTEMBER, 1998 IN CONFERENCE ROOM COUNTY HALL AT 11.30 A.M.

PRESENT: The following Members of the Committee were present:

Hon. Musikari Kombo, M.P. - Chairman
Hon. Suleiman Kamolleh, M.P. - Vice - Chairman
Hon. Kiraitu Murungi, M.P.
Hon. Henry Obwocha, M.P.
Hon. Wanyiri Kihoro, M.P.
Hon. Ngenye Kariuki, M.P.
Hon. Mohamed A. Galgalo, M.P.
Hon. W.O. Ayoki, M.P.
Hon. Martha Karua, M.P.
Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss. C.M. Mwambua	-	Senior Clerk Assistant
Miss. M.J. Chesire	-	Third Clerk Assistant

MIN.NO.22/98 COURTESY CALL ON THE COMMITTEE BY THE ATTORNEY GENERAL

The Attorney General, Mr. Amos Wako, appeared before the Committee to pay a courtesy call and expressed his opinion on the Committee's responsibility in matters of eliminating corruption in the country and specifically in the public service. He also pointed to the Committee matters which are outside their mandate by virtue of their being Members of a Select Committee of Parliament *vis-a-vis* the Constitutional role of the executive.

MIN.NO.23/98 ADJOURNMENT

And the time being thirty Minutes past One O'clock, the Chairman adjourned the meeting until today at 2.30 p.m. in Conference Room, County Hall.

AFTERNOON SITTING

PRESENT The following Members of the Committee were present:

The Hon. Musikari Kombo, MP - Chairman
The Hon. Kiraitu Murungi, M.P
The Hon. Sammy P. Leshore, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Ngenye Kariuki, MP

The Hon. Mohamed A. Galgalo, MP
The Hon. W.O. Ayoki, MP

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.24/98: **CONFIRMATION OF MINUTES**

The Minutes of the meetings held on 9th and 10th September, 1998 were confirmed by the Members present and signed by the Chairman

MIN.NO.25/98 **MATTERS ARISING**

The Committee agreed to include the following individuals in the list of experts to be invited to appear before them to give evidence.

(i) Mr. Duncan Ndegwa
(ii) Mr. G.K. Kariithi
(iii) Mr. Jeremiah Kiereini
(iv) Mr. Charles Njonjo

MIN.NO.26/98: **ADJOURNMENT**

And the time being Three O'clock, the Chairman adjourned the meeting until 4.00 p.m due to a request by a top Government official to postpone his coming to pay a courtesy call on the Committee to a later date.

The meeting resumed at 4.00 p.m.

PRESENT: The following Members of the Committee were present:

Hon. Musikari Kombo, M.P. - Chairman
Hon. Suleiman Kamolleh, M.P. - Vice - Chairman
Hon. Kiraitu Murungi, M.P.
Hon. Wanyiri Kihoro, M.P.
Hon. Ngenye Kariuki, M.P.
Hon. Mohamed A. Galgalo, M.P.
Hon. W.O. Ayoki, M.P.
Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss. C.M. Mwambua	-	Senior Clerk Assistant
Miss. M.J. Chesire	-	Third Clerk Assistant

MIN.NO.27/98: COURTESY CALL ON THE COMMITTEE BY THE DIRECTOR OF INTELLIGENCE

The Director of Intelligence, Brig.(Rtd) Wilson Boinet, paid a courtesy call on the Committee and expressed his views on how the Committee should discharge its responsibility in matters pertaining to corruption in the country.

MIN.NO.28/98: COURTESY CALL ON THE COMMITTEE BY THE MINISTER FOR PLANNING AND NATIONAL DEVELOPMENT

The Minister for Planning and National Development, Prof. George Saitoti, paid a courtesy call on the Committee and expressed his opinion on corruption and how the Committee should deal with the matter and try to eradicate it from the society.

MIN.NO.29/98: ADJOURNMENT

And the time being ten minutes past Six O'clock, the Chairman adjourned the meeting until Thursday, 17th September, 1998 at 8.45 a.m in Conference Room, County Hall.

CONFIRMED Hon.N. Musikari Kombo,MP
(CHAIRMAN)

DATE Septtember 23,1998

MINUTES OF THE SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, 17TH SEPTEMBER, 1998 IN CONFERENCE ROOM COUNTY HALL AT 9.00 A.M.

PRESENT: The following Members of the Committee were present:

Hon. Musikari Kombo, M.P. - Chairman
Hon. Suleiman Kamolleh, M.P. - Vice - Chairman
Hon. Kiraitu Murungi, M.P.
Hon. W.R. Samoei, M.P.
Hon. Wanyiri Kihoro, M.P.
Hon. Ngenye Kariuki, M.P.
Hon. Mohamed A. Galgalo, M.P.
Hon. W.O. Ayoki, M.P.
Hon. Sammy Leshore, M.P.
Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss. C.M. Mwambua	-	Senior Clerk Assistant
Miss. M.J. Chesire	-	Third Clerk Assistant

MIN.NO.30/98: COURTESY CALL ON THE COMMITTEE BY THE MINISTER FOR AGRICULTURE

The Minister for Agriculture, Mr. Musalia Mudavadi, appeared before the Committee to pay a courtesy call and expressed his opinion on how the Committee should discharge its responsibility in matters of curbing corruption in the country.

MIN.NO.31/98: COURTESY CALL ON THE COMMITTEE BY THE COMMISSIONER OF POLICE

The Commissioner of Police, Mr. Duncan Wachira, paid a courtesy call on the Committee and expressed his opinion on how the Committee should discharge its main responsibility of eradicating corruption in the country's Public Service and other sectors of the society.

MIN.NO.32/98 PRESS STATEMENT

Soon after the Commissioner of Police completed his comments, the Committee welcomed the press to brief the journalists on what they were doing.

The Committee continued with its meeting after the Press conference.

MIN.NO.33/98 **ANY OTHER BUSINESS**

The Committee agreed to invite the Hon. Kibaki, M.P. and the Head of the Civil Service to pay a courtesy call on them next month.

The Committee instructed the Secretariat to draft a report which will be discussed by the Committee in the next meeting.

MIN.NO.34/98 **ADJOURNMENT**

And the time being forty Minutes past One O'clock, the Chairman adjourned the meeting until 23rd October, 1998 at 10.00 a.m. in Conference Room, County Hall.

CONFIRMED .Hon.. Musikari. N.Kombo, MP.....
(CHAIRMAN)

DATE ..November.10,.1998.....

MINUTES OF THE SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, 23RD OCTOBER, 1998 IN CONFERENCE ROOM 9, PARLIAMENT BUILDINGS, AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

Hon. Musikari N. Kombo, M.P.
Hon. Kiraitu Murungi, M.P
Hon. George O. Achola, M.P.
Hon. Wanyiri Kihoro, M.P.
Hon. Henry Obwocha, M.P.
Hon. Mohamed A. Galgalo, M.P.
Hon. Wycliffe Osundwa, M.P.
Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss. C.M. Mwambua	-	Senior Clerk Assistant
Miss. M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.35/98 **CONFIRMATION OF MINUTES**

The Minutes of the meetings held on 16th and 17th September, 1998 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.36/98 **COURTESY CALL ON THE COMMITTEE BY MR. JOHN GITHONGO OF AFRICAN STRATEGIC RESEARCH INSTITUTE**

Mr. John Githongo appeared before the Committee to pay a courtesy call and expressed his opinion on how the Committee should assist in eliminating corruption in the country.

MINUTE NO.37/98 **WORK PLAN**

The Committee was informed of its work plan as contained in the Minutes of the Sub-Committee of Thursday, 22nd October, 1998 and the same was approved accordingly.

MINUTE NO.38/98 **ANY OTHER BUSINESS**

The Committee agreed to have the proposed retreat between 3rd and 4th December, 1998.

MINUTE NO.39/98 **ADJOURNMENT**

And the time being fifteen minutes past Twelve O'clock, the Chairman adjourned the meeting until Thursday, 29th November, 1998 in County Hall at 10.00 a.m.

CONFIRMED: Hon. Musikari.N. Kombo,MP
(CHAIRMAN)

DATE: .November.10,1998.....

MINUTES OF THE EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, 29TH OCTOBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Musikari N. Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. Kiraitu Murungi, M.P.
The Hon. George O. Acholla, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. P.C. Owino Omolo - Principal Clerk Assistant
Miss. C.M. Mwambua - Senior Clerk Assistant
Miss. M.J. Chesire - Third Clerk Assistant

MINUTE NO.40/98 **CONFIRMATION OF MINUTES**

Minutes of the meeting held on 23rd October, 1998 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.41/98 **MATTERS ARISING**

(i) Under MIN.NO.37/98, the Committee discussed and approved the work plan at length.

(ii) Under MIN.NO.38/98, the Committee appointed three Members, viz: Hon. S.P. Leshore, M.P, Hon. S. Kamolleh, M.P and Hon. W.O. Ayoki, M.P to deliberate on the modalities of the proposed retreat and report back to the Committee for further discussion.

(iii) Under MIN.NO.33/98, the Committee deliberated upon the draft reports on the Memorandum submitted to the Committee, earlier by the following persons and adopted the said reports.

(a) Appendix 9 - Mr. John Githongo of African Strategic Research Institute

(b) Appendix 8 - Mr. Duncan Wachira, Commissioner of Police.

(c) Appendix 6 - Prof. the Hon. George Saitoti, M.P, Minister for Planning and National Development.

MINUTE NO.42/98 **COURTESY CALL ON THE COMMITTEE BY THE OFFICIAL LEADER OF THE OPPOSITION.**

The Official Leader of the Opposition, Hon. Mwai Kibaki, M.P., appeared before the Committee to pay a courtesy call and expressed his opinion on how the Committee should discharge its main responsibility of curbing corruption in the country's Public Service and other sectors of the society.

MINUTE NO.43/98 **ADJOURNMENT**

And the time being One O'clock, the Chairman adjourned the meeting until Friday, 30th October, 1998 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED: Hon.Musikari.N.kombo,MP
(CHAIRMAN)

DATE: .October.30,1998.....

MINUTES OF THE NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, 30TH OCTOBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari N. Kombo, M.P.	- Chairman
The Hon. Sulleiman Kamolleh, M.P.	- Vice-Chairman
The Hon. Kiraitu Murungi, M.P.	
The Hon. George O. Acholla, M.P.	
The Hon. William R. Samoei, M.P.	
The Hon. W.A. Ayoki, M.P.	
The Hon. Wycliffe Osundwa, M.P.	
The Hon. Henry Obwocha, M.P.	

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.44/98 CONFIRMATION OF MINUTES

Minutes of the meeting held on 29th October, 1998 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.45/98 MATTERS ARISING

Under MIN.NO.41/98 (ii), the Committee replaced the name of Hon. Sulleiman Kamolleh with that of Hon. Kiraitu Murungi.

MINUTE NO.46/98 COURTESY CALL ON THE COMMITTEE BY REPRESENTATIVES OF THE THREE DAILY NEWSPAPERS.

Mr. Wamahiu Muya, the Editorial Manager, Nation Newspapers Ltd., Mr. Amboka Andere, the Group Managing Editor, Kenya Times Media Trust Ltd and Mr. Sulubu Tuva, the Deputy Managing Editor, East African Standard, appeared before the Committee as a group to pay a courtesy call and expressed their opinion on how the Committee should go about discharging its responsibility in matters of eradicating corruption in the country.

MINUTE NO.47/98 ADJOURNMENT

And the time being thirty minutes past Twelve O'clock. an acting Chairman (Mr. Kiraitu Murungi) adjourned the meeting until Tuesday. 3rd November. 1998 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED Hon.Musikari.N.Kombo,1998.....
(CHAIRMAN)

DATE: November 03,1998.....

MINUTES OF THE TENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, 3RD NOVEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari N. Kombo, M.P.- Chairman
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy Leshore, M.P.
The Hon. W.A. Ayoki, M.P.
The Hon. Mohammed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wanyiri Kihoro, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr.P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.48/98 CONFIRMATION OF MINUTES

Minutes of the meeting held on 30th October, 1998 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.49/98 COURTESY CALL ON THE COMMITTEE BY REPRESENTATIVES OF TWO NON-GOVERNMENTAL ORGANISATIONS (NGOs)

Prof. Smokin Wanjala of CLARION and Mr. Wachira Maina of Centre for Governance and Development (CGD) appeared before the Committee to pay a courtesy call and expressed their opinions on how the Committee should discharge its responsibility in matters of curbing corruption in the country.

MINUTE NO.50/98 ANY OTHER BUSINESS

The Members were reminded to keep time in the future meetings.

The Committee agreed to invite the representatives of the following groups to pay a courtesy call on the Committee, viz:-

(i) Religious groups;

(a) The Catholic church - Archbishop Ndingi Mwana a' Nzeki.
(b) National Council Churches of Kenya - Rev. Mutava Musyimi.

(c) Anglican church - Dr. David Gitari.
(d) Methodist Church - Prof. Zablon Nthamburi
(e) The Chairman of SUPKEM - Prof. El. Busaidy

(ii) Political Parties - Secretary Generals of all Parliamentary political parties.

(iii) Women Groups

(a) Women political caucus
(b) FIDA
(c) Maendeleo ya Wanawake Organization

MINUTE NO.51/98 ADJOURNMENT

And the time being thirty minutes past Twelve O'clock, the Chairman adjourned the meeting until Tuesday, 10th November, 1998 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED .Hon.Musikari N. Kombo, MP.....
(CHAIRMAN)

DATE: November 16,1998.....

MINUTES OF THE ELEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, 10TH NOVEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari N. Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. Kiraitu Murungi, M.P.
The Hon. George O. Acholla, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Martha Karua, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.52/98 MATTERS ARISING

Under MIN.NO.38/98, the Committee agreed to have the proposed retreat from 1st to 3rd December, 1998 at a venue to be decided later.

MINUTE NO.53/98 COURTESY CALL ON THE COMMITTEE BY THE WORLD BANK COUNTRY DIRECTOR - SIR HAROLD E. WACKMAN.

The Country Director of World Bank, Kenya, Sir Harold E. Wackman, appeared before the Committee to pay his courtesy call and expressed his opinion on how the Committee should discharge its main responsibility of eradicating corruption in the country.

MINUTE NO.54/98 ANY OTHER BUSINESS

The Committee agreed to pay a courtesy call on the British High Commission on Tuesday, 17th November, 1998 at 5.00 p.m.

The Committee further agreed to pay a courtesy call on the I.M.F. Resident Representative in Kenya on a date to be decided later.

MINUTE NO.55/98 ADJOURNMENT

And the time being twenty minutes past Twelve O'clock, the Chairman adjourned the meeting.

CONFIRMED . Hon. .Musikari .N .Kombo,MP. . . . . .
(CHAIRMAN)

DATE: . November. 16,1998. . . . . .

MINUTES OF THE TWELFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, 16TH NOVEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 2.30 P.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari N. Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. Kiraitu Murungi, M.P.
The Hon. George O. Acholla, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohammed A. Galgallo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C.O. Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.56/98 CONFIRMATION OF MINUTES

Minutes of the meetings held on 3rd and 10th November, 1998 were confirmed with amendments by the Members present and signed by the Chairman.

MINUTE NO.57/98 MATTERS ARISING

(i) Under MIN.NO 41(ii), the Committee agreed to include the name of Hon. Anyang' Nyong'o, M.P in the Committee deliberating on the modalities of organising the proposed retreat.

(ii) Under MIN.NO 41(iii), the Committee deliberated upon the draft reports on the Memorandum submitted to the Committee earlier by the following persons and adopted the said reports.

(a) Appendix 2 - Hon. Simon Nyachae, the Minister for Finance.

(b) Appendix 1 - Mr. Micah Cheserem, the Governor, Central Bank of Kenya.

(iii) Under MIN.NO 18/98 (i) of the Sub-Committee, the Committee agreed to invite religious groups and the Chief Justice (Rtd) Justice Zacheaus Chesoni to pay a courtesy call on the Committee on Monday 23rd November, 1998 at 10.00 a.m and 2.30 p.m respectively.

(iv) Under MIN.NO 19/98 of the Sub-Committee, the Committee changed the dates and the venue of holding the proposed retreat from 1st to 3rd December, 1998 at Naivasha County Club to, 14th to 18th December, 1998 at Abarderes County Club.

MINUTE NO.58/98 ANY OTHER BUSINESS

The Committee instructed the secretariat to draft the invitation letters with assistance of the Chairman and have them sent in good time to the participants of the proposed retreat.

MINUTE NO.59/98 ADJOURNMENT

And the time being Four O'clock, the Chairman adjourned the meeting until 20th November, 1998 in Conference Room County Hall at 10.00 a.m.

CONFIRMED .Hon.. Musikari. N.kombo,MP.....
(CHAIRMAN)

DATE: . November 23,1998.....

MINUTES OF THE THIRTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, 20TH NOVEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. Kiraitu Murungi, M.P.
The Hon. George O. Acholla, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohammed A. Galgallo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C.O. Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.60/98 COURTESY CALL ON THE COMMITTEE BY THE SECRETARIES - GENERAL OF PARLIAMENTARY POLITICAL PARTIES

The following Secretaries General of the following parties, viz:-

(i) Dr. Charles Maranga of the National Development Party (NDP),

(ii) Dr. Apollo Njonjo of the Social Democratic Party (SDP),

(iii) Hon. Joseph Munyao of the Democratic Party of Kenya (DP); and

(iv) Mr. Kimani Wanyoike of the Forum for the Restoration of Democracy (For the People (F.P);

appeared before the Committee as a group to pay a courtesy call and expressed their opinions on how the Committee should discharge its main responsibility of eradicating corruption in the countries public service and other sectors of the society.

MINUTE NO.61/98 ADJOURNMENT

And the time being forty five minutes past Twelve O'clock, the Vice-Chairman, adjourned the meeting until Monday 23rd November, 1998 in Conference Room County Hall at 10.00 a.m.

CONFIRMED .Hon..Musikari.N.Kombo. ,MP .....
(CHAIRMAN)

DATE: . November 30,1998.....

MINUTES OF THE FOURTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, 23RD NOVEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. George O. Acholla, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

The meeting started with a word of prayer by His Grace Arch-Bishop Ndingi Mwana a' Nzeki.

MINUTE NO.62/98 CONFIRMATION OF MINUTES

Minutes of the meeting held on 16th November, 1998 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.63/98 MATTERS ARISING

(i) Under MIN.NO 57/98(iii)

(a) The Committee rescheduled the courtesy call on the Committee by the Chief Justice, Justice Zacheaus Chesoni, to Friday 27th November, 1998 at 2.30 p.m.

(b) The Committee agreed to invite the following religious groups to pay a courtesy call on the Committee on 27th November, 1998 at 10.00 a.m.

(i) The Chairman of the Hindu Council, Mr. M.L. Pindolia

(ii) SUPKEM

(iii) Seventh Day Adventist (SDA) Church.

MINUTE NO.64/98 COURTESY CALL ON THE COMMITTEE BY RELIGIOUS LEADERS.

His Grace Arch-Bishop Raphael Ndingi Mwana a' Nzeki of the Catholic Church, Bishop (Prof) Zablon Nthamburi of the Methodist Church, The Right Reverend Arch-Bishop (Dr) David Gitari of the Anglican Church of Kenya and the Reverend Mutava Musyimi, General Secretary, National Council of Churches of Kenya (N.C.C.K) paid a courtesy call on the Committee as a group and expressed their opinions on how the Committee should discharge its main responsibility of eradicating corruption in the society.

The meeting was closed with prayer by Bishop (Prof) Zablon Nthamburi.

MINUTE NO.65/98 ADJOURNMENT

And the time being forty minutes past Twelve O'clock, the Chairman adjourned the meeting until Friday 27th November, 1998 in Conference Room County Hall at 10.00 a.m.

CONFIRMED .Hon.Musikari N.Kombo,MP.....
(CHAIRMAN)

DATE: .November 30,1998.....

MINUTES OF THE FIFTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, 27TH NOVEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohammed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

The meeting started with prayer by Pastor Festus Njagi.

MINUTE NO.66/98 **COURTESY CALL ON THE COMMITTEE BY RELIGIOUS LEADERS.**

Mr. M.L. Pindolia, Chairman of the Hindu Council of Kenya, Seventh Day Adventist, Elder J. Othoo, the Executive Director East Africa Union accompanied by Pastor Festus Njagi and Pastor Peter Bwana and the representatives of the Supreme Council of Kenya Muslims (SUPKEM) Mr. Yusuf Murigi and Mr. Jamal appeared before the Committee as a group and expressed their opinions on how the Committee should discharge its main responsibility of eradicating corruption in the country.

MINUTE NO.67/98 **ADJOURNMENT**

And the time being ten minutes past One O'clock, the Vice-Chairman adjourned the meeting until Monday 30th November, 1998 in Conference Room, County Hall at 2.30 p.m.

CONFIRMED Hon.Musikari N Kombo,MP .....
(CHAIRMAN)

DATE: November 30,1998.....

MINUTES OF THE SIXTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, 30TH NOVEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 2.30 P.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohammed A. Galgalo, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:
The Hon. Wycliffe Osundwa, M.P.
The Hon. Kiraitu Murungi, M.P.

ABSENT WITHOUT APOLOGY:
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. William R. Samoei, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.68/98 CONFIRMATION OF MINUTES

Minutes of the meetings held on 20th, 23rd and 27th November, 1998 were confirmed with amendments by the Members present and signed by the Chairman.

MINUTE NO.69/98 PROGRAMME OF THE SEMINAR

The Committee was informed that the venue of the Seminar was changed from Abardare's Country Club to Lake Nakuru Lodge.

The Committee discussed the programme of the proposed seminar and agreed as deliberated by the Sub-Committee deliberating on the modalities of the seminar. The Chairman informed the Committee that the Speaker of the National Assembly had agreed to open the seminar.

MINUTE NO.70/98 ADJOURNMENT

And the time being forty minutes past Three O'clock, the Chairman adjourned the meeting until Thursday 3rd December, 1998 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED Hon. Musikari N Kombo,MP . . . . . .
(CHAIRMAN)

DATE: . . December 04,1998 . . . . . .

MINUTES OF THE SEVENTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, 3RD DECEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Ngenye Kariuki, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P.
The Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.71/98 CONFIRMATION OF MINUTES

Minutes of the meeting held on 30th November, 1998 were confirmed by the Members present and signed by the Vice-Chairman.

MINUTE NO.72/98 MATTERS ARISING

(i) Under MIN.NO 58/98, the Secretariat informed the Committee that the invitation letters for the participants of the seminar have been sent, but confirmations to that effect have not been received safe for one.

(ii) Under MIN.NO 69/98, the Committee agreed to change the venue of the seminar to either Naromoru River Lodge or Windsor Hotel.

(iii) (a) Under MIN.NO 3/98 of the Sub-Committee, deliberating on the seminar, the Committee agreed to replace the name of reverend Mutava Musyimi with that of Prof. (Bishop) Zablon Nthamburi.

(b) The Committee changed the dates of arrival to the Seminar for the Members and Secretariat from 14th December, 1998 at 6.00 p.m to 15th December, 1998 in the morning hours.

MINUTE NO.73/98 ANY OTHER BUSINESS

The Committee agreed to meet on 4th December, 1998 to deliberate on the following concerning the seminar, viz:-

- Venue of the Seminar.
- Final draft of the programme.
- Allowances.
- Transport.

MINUTE NO.74/98 ADJOURNMENT

And the time being Eleven O'clock, the Vice-Chairman adjourned the meeting until Friday 4th December, 1998 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED ..Hon.. Musikari. N. kombo, MP .....
(CHAIRMAN)

DATE: ..December 04,1998.....

MINUTES OF THE EIGHTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, 4TH DECEMBER, 1998 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha karua, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH APOLOGY:
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.75/98 CONFIRMATION OF MINUTES

Minutes of the meeting held on 3rd December, 1998 were confirmed with amendments by the Members present and signed by the Chairman.

MINUTE NO.76/98 MATTERS ARISING

(i) Under MIN.NO 73/98, it was confirmed that the venue of the seminar will be Naromoru River Lodge.

(ii) The final draft of the programme of the seminar was discussed at length and approved with amendments.

MINUTE NO.77/98 ANY OTHER BUSINESS

(i) The Committee agreed to invite the following persons to the seminar, viz:-

(a) Mr. Simpson Culzman of the European Union.
(b) Dr. Thomas Hammer of Friendrich Ebert Stiffun.

(ii) The Committee agreed that Parliament will provide transport and that petrol reimbursement will be made to those who would like to use their own vehicles.

(iii) The Committee was concerned about its status after the prorogation of the House and agreed to consult with the Clerk for further clarification as per Standing Order No. 160(3).

MINUTE NO.78/98 ADJOURNMENT

And the time being Eleven O'clock, the Chairman adjourned the meeting *Sine Die*.

CONFIRMED .Hon.Musikari. N.Kombo. MP.....
(CHAIRMAN)

DATE: . December 04,1998.....

MINUTES OF THE NINETEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON 15TH DECEMBER, 1998 AT NARO MORU RIVER LODGE AT 6.30 P.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari Kombo, MP	-	Chairman
The Hon. Sulleiman Kamolleh, MP	-	Vice Chairman
The Hon. Sammy Leshore, MP		
The Hon. Owino Achola, MP		
The Hon. Martha Karua, MP		
The Hon. Wycliffe Osundwa, MP		
The Hon. W.O. Ayoki, MP		
The Hon. Mohamed Galgalo, MP		
The Hon. Kiraitu Murungi, MP		
The Hon. Ngenye Kariuki, MP		
Prof. the Hon. Anyang' Nyong'o, MP		
The Hon. Wanyiri Kihoro, MP		

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.79/98: PROGRAMME FOR 1999

(i) The Committee agreed to hire two consultants in January, 1999 to study the Public Investments and Public Accounts Committees' Reports and advise the Committee accordingly.

(ii) The Committee resolved to resume in February, 1999.

(iii) The Committee also agreed to commission the two consultants to assist in the drafting of the Bill and the Committee's final report.

MIN.NO.80/98: ANY OTHER BUSINESS

The Committee agreed that the Sub-committee meets on 19th January, 1999.

MIN.NO.81/98: ADJOURNMENT

And the time being forty minutes past Seven O'clock, the Chairman adjourned the meeting.

CONFIRMED Hon. Musikari N.Kombo,MP .....
(CHAIRMAN)

DATE December 10,1998 .....

MINUTES OF THE TWENTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, 16TH DECEMBER, 1998 AT NAROMORU RIVER LODGE AT 9.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha karua, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. J.K. Masya	-	Clerk of the National Assembly
Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

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MINUTE NO.82/98 SEMINAR

Topic discussed: Nature and Causes of corruption.

MINUTE NO.83/98 ADJOURNMENT

And the time being thirty minutes past Six O'clock, the Chairr adjourned the meeting until 17th December, 1998 at 9.00 a.m.

CONFIRMED . . Hon.Musikari N Kombo,MP
(CHAIRMAN)

DATE: . . January 22,1999

MINUTES OF THE TWENTY FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, 17TH DECEMBER, 1998 AT NAROMORU RIVER LODGE AT 9.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha karua, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo	-	Principal Clerk Assistant
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.84/98 SEMINAR

Topics discussed:

(i) Remedial Measures to combat corruption: Current measures: Are they adequate?
(ii) Corruption in the Private Sector: What is to be done?

MINUTE NO.85/98 ANY OTHER BUSINESS

The Committee agreed that the Sub-Committee meets on 19th January, 1999 to review the Committee's programme for 1999.

MINUTE NO.86/98 ADJOURNMENT

And the time being thirty minutes past Four O'clock, the Chairman adjourned the meeting ***Sine Die***.

CONFIRMED Hon.Musikari NKombo,MP .....
(CHAIRMAN)

DATE: February 02,1999 .....

MINUTES OF THE TWENTY SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, 10TH FEBRUARY, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari N. Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.1/99 **CONFIRMATION OF MINUTES**

Minutes of the meetings held on 15th, 16th and 17th December, 1998 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.2/99 **MATTERS ARISING**

(i) Under MIN NO.2/99 of the Sub-Committee.

(a) Review of PAC & PIC reports - the Committee agreed to replace the name of Mr. Maina Wachira with that of Mr. David Gachukia.

(b) Drafting of the Bill - the Committee deleted the name of Mr. J.F.H Hamilton and replaced it with that of Ms. Njoki Ndungu.

(c) Questioning of witnesses - the Committee deleted the name of Mr. Sadiq Ghalia.

The Committee also agreed to invite the legal experts before the Committee for further consultations before they commence their work.

MINUTE NO.3/99 PROGRAMME OF THE COMMITTEE'S WORK

1. The Committee discussed at length the Committee's programme of work as contained in the Minutes of 4th February, 1999 of the Sub-Committee and approved them with amendments.

Under MIN.NO.5/99(iii) of the Sub-Committee;

(a) The Committee agreed to have advertisement in the press as by 12th February, 1999, to ask for memoranda from the public.

(b) The Committee agreed to carry out investigations on the following areas:-

(i) Ministry of Health.
(ii) Pension Schemes.

The Committee subsequently formed two sub-committees on the above to identify specific areas to be scrutinised by the Committee.

(c) The Membership of the Committees is as follows:-

(i) Ministry of Health

Hon. Owino Acholla, MP - Chairman
Hon. Sammy Leshore, MP.
Hon. Wycliffe Osundwa, MP.

(ii) Pension Schemes

Hon. Ngenye Kariuki, MP - Chairman
Hon. W. O. Ayoki, MP.
Hon. Mohammed A. Galgalo, MP.

2. The Secretariat was instructed to prepare a draft report on the seminar held at Naromoru River Lodge between 15th and 18th December, 1998.

3. The Secretariat was also instructed to prepare an interim report which should be ready by the end of February, 1999.

4. The Committee agreed to summon the following Members of Parliament to appear before the Committee to provide some useful information to the Committee concerning alleged irregularities at the Ministry of Health. The Members are:-

(i) Hon. Norman Nyagah, MP

(ii) Hon. Joshua O. Ojode, MP
(iii) Hon. George M. Anyona, MP.

MINUTE NO.4/99 ADJOURNMENT

And the time being forty five minutes past Twelve O'clock, the Chairman adjourned the meeting until today at 3.00 p.m. in Conference Room, County Hall.

AFTERNOON SITTING

PRESENT

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

MINUTE NO.5 99 PRESS STATEMENT

The Committee gave a brief statement to the press.

MINUTE NO.6 99 ADJOURNMENT

And the time being thirty minutes past Four O'clock, the Chairman adjourned the meeting until 11th February, 1999 at 10.00 a.m in Conference Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo
(Chairman)

DATE: February 18, 1999

MINUTES OF THE TWENTY THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, FEBRUARY 11, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.7/99 **PRESS STATEMENT**

The Committee discussed the draft statement to be released to the press on 12th February, 1999 and approved it accordingly.

MINUTE NO.8/99 **PROGRAMME OF THE COMMITTEE'S WORK**

As per MIN.NO.3/99(Main Committee), the Committee continued discussions on the programme of the Committee's work from the previous day.

Under MIN.NO.5/99(xi), the Committee agreed to conduct study tours in two African countries namely; Uganda and South Africa.

The Committee's programme to travel overseas was tentatively set for May, 1999 subject to availability of funds.

MINUTE NO.9/99 **ADJOURNMENT**

And the time being Eleven O'clock, the Chairman adjourned the meeting until Thursday, 18th February, 1999 at 10.00 a.m. in Conference Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: February 18, 1999

MINUTES OF THE TWENTY FOURTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, FEBRUARY 18, 1999 IN CONFERENCE ROOM FIRST FLOOR, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Sulleiman Kamolleh, M.P. - Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohammed A. Galgalo, M.P.
The Hon. William R. Samoei, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Musikari Kombo, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.10/99 CONFIRMATION OF MINUTES

Minutes of the meeting held on 11th February, 1999 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.11/99 ADOPTION OF THE MINUTES OF THE SUB-COMMITTEES ON HEALTH AND PENSION

The Committee adopted the minutes of the Sub-Committees on Ministry of Health and Pension Schemes in prihciple but will still discuss them further.

MINUTE NO.12/99 ANY OTHER BUSINESS

The Committee agreed to discuss further the programme of the Committee's work with the Clerk of the National Assembly in the next meeting on 23rd February, 1999.

The Committee agreed to have three advertisement in the radio to ask for memoranda from the public.

MINUTE NO.13/99 ADJOURNMENT

And the time being twenty five minutes past Twelve O'clock, the Chairman adjourned the meeting until Tuesday, 23rd February, 1999 at 10.00 a.m. in Conference Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: February 23, 1999

MINUTES OF THE TWENTY FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, FEBRUARY 23, 1999 IN CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohammed A. Galgalo, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. K.J. Masya	-	Clerk of the National Assembly
Mr. P.C. Owino Omolo	-	Deputy Clerk
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.14/99 CONFIRMATION OF MINUTES

Minutes of the meeting held on 18th February, 1999 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.15/99 MATTERS ARISING

Under MIN.NO.11/99, the Committee agreed to look into PIC and PAC past reports from 1974 to 1978 and from 1989 to date on the Ministry of Health and Pension Schemes.

MINUTE NO.16/99 PROGRAMME OF THE COMMITTEE'S WORK

The Committee discussed at length the Programme of the Committee's work.

The Committees was informed that as far as Standing Order No.160(3) is concerned, the Committee has to seek fresh mandate from the House when the new Session starts. The Committee should call witness only after the mandate has been granted by the House.

Under MIN.NO.5/99 of the Sub-Committee meeting, the Committee was advised as follows:-

(i) Hansard recording equipment and communication facilities installation in all the three Committee Rooms in County Hall is in progress.

(ii) Review of PIC and PAC reports - The Committee was informed that the lifting of materials from these reports should be done by the Secretariat with assistance from the offices of the Controller and Auditor General and Auditor General (Corporations). At the same time, the Committee can form a Sub-Committee to team up with the Secretariat for the same exercise.

(iii) The Memoranda from the public should be acknowledged.

(iv) Security for Members - The Clerk agreed to write a formal letter to the Commissioner of Police for security arrangements for the Committee after which each Member will pursue his own case with the Commissioner of Police.

(v) Drafting of the Bill - The Committee was informed that, it should table its recommendations to the House in a Report form just like the other Committees of the House do, as drafting of Bill is the duty of another arm of Government.

(vi) Visit to Provinces - The Committee was informed that the Committee's Budget has been presented to Treasury for consideration in the Supplementary Estimates.

MINUTE NO.17/99 ANY OTHER BUSINESS

The Committee agreed to invite the following personalities to pay a courtesy call on the Committee:

(i) Hon. Norman Nyagah, M.P, on 24th February, 1999 at 10.00a.m.
(ii) Hon. Joshua Ojodeh, M.P, on 25th February, 1999 at 10.00a.m.
(iii) Mr. Njoroge, Controller and Auditor General and Mr. Kemei, Auditor General (Corporations), on 2nd March, 1999 at 10.00 a.m.
(iv) Mr. Sang, Director Criminal Investigation Department on 3rd March, 1999 at 10.00 a.m.
(v) Mr. Philomen Abong'o, Commissioner of Police on 4th March, 1999 at 10.00 a.m.

MINUTE NO.18/99 ADJOURNMENT

And the time being thirty minutes past Twelve O'clock, the Chairman adjourned the meeting until Wednesday, 24th February, 1999 at 10.00 a.m. in Conference Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: February 25, 1999

MINUTES OF THE TWENTY SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, FEBRUARY 24, 1999 IN CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo - Deputy Clerk
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.19/99 MATTERS ARISING

(1) Under MIN NO.16/99(ii), the Committee formed a Sub-Committee to look into past reports of PAC and PIC. The membership of the Committee is composed of:-

(i) Hon. Kiraitu Murungi, M.P.
(ii) Hon. Wanyiri Kihoro, M.P.
(iii) Hon. Owino Acholla, M.P.
(iv) Hon. W.O. Ayoki, M.P.

(2) Under MIN NO.17/99(iii), the Committee agreed to invite the following personalities on the following dates:

(i) Mr. Njoroge, Controller and Auditor General, on 2nd March, 1999 at 10.00 a.m.
(ii) Mr. W.K. Kemei, Auditor General (Corporations), on 3rd March, 1999 at 10.00 a.m.
(iii) Mr. Philomen Abong'o, Commissioner of Police and Mr. Sang, Director, Criminal Investigation Department, on a date to be decided by the Committee.

MINUTE NO.20/99 ADJOURNMENT

And the time being thirty minutes past Eleven O'clock, the Chairman adjourned the meeting until Thursday, 25th February, 1999 at 10.00 a.m. in Conference Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: March 2, 1999

MINUTES OF THE TWENTY SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, FEBRUARY 25, 1999 IN CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo - Deputy Clerk
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.21/99 CONFIRMATION OF MINUTES

Minutes of the meeting held on 23rd February, 1999 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.22/99 MATTERS ARISING

(1) Under MIN.NO.15/99, the years of review of PIC and PAC past reports should be from 1974/75 to 1978/79 and from 1989/90 to date, and not as indicated in the minutes.

(2) Under MIN.NO.16/99(iii), the Committee revisited the issue of acknowledgment of Memoranda and instructed the Secretariat to do so accordingly.

Under MIN.NO.16/99(iv), the Committee resolved to follow up the issue of Security for Members with the Clerk.

Under MIN.NO.16/99(v), the Committee resolved that, in addition to the recommendations to be tabled in the House, it will draft a Bill to assist in curbing corruption which is part of the Committee's Terms of Reference.

(3) Under MIN.NO.17/99(i), the Committee agreed to invite Hon. Norman Nyagah, M.P. on 2nd March, 1999 at 12 O'clock.

MINUTE NO.23/99 COURTESY CALL ON THE COMMITTEE BY THE MEMBER OF PARLIAMENT FOR NDHIWA.

The Member for Parliament for Ndhiwa Constituency Hon. Joshua Orwa Ojode, M.P, appeared before the Committee to pay a courtesy call and provided tangible information concerning alleged irregularities in drugs procurement at the Ministry of Health.

MINUTE NO.24/99 ANY OTHER BUSINESS

The Committee resolved that copies of the Hansard on Hon. Joshua Ojode's Question and Reply by the Minister for Health just before the House adjourned last December be produced and distributed to members.

The Committee further resolved that a file should be opened for each member to get access to the Committee's notes.

MINUTE NO.25/99 ADJOURNMENT

And the time being twenty minutes past Twelve O'clock, the Chairman adjourned the meeting until Tuesday, 2nd March, 1999 at 10.00 a.m. in Conference Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: March 02, 1999

MINUTES OF THE TWENTY EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, MARCH 2, 1999 IN CONFERENCE ROOM, FIRST FLOOR COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. M.A. Galgalo, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss. C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.26/99 CONFIRMATION OF MINUTES

Minutes of the meetings held on 24th and 25th February, 1999 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.27/99 MATTERS ARISING

(1) Under MIN.NO.19/99, the Sub-committee formed to look into past Public Accounts and Public Investments Committees reports will also look into the Memoranda.

Hon. W.O. Ayoki is the Chairman of the sub-committee.

(ii) Under MIN.NO.22/99(2), the Committee resolved that the Chairman should follow the issue of security of Members with the Clerk of the National Assembly.

MINUTE NO.28/99 COURTESY CALL ON THE COMMITTEE BY THE CONTROLLER AND AUDITOR-GENERAL

Mr. S.M. Maluki, Deputy Controller and Auditor-General paid a courtesy call on the Committee and expressed his opinion on how the Committee should discharge its main responsibility of curbing corruption in the country's public service and other sectors of the society. He agreed to work hand in hand with the Committee by availing officers to assist the Committee in reviewing the past reports of PAC and PIC.

MINUTE NO.29/99 ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at One O'clock until Wednesday, 3rd March, 1999 at 10.00 a.m.

CONFIRMED: **Hon. Musikari N. Kombo, MP**
(Chairman)

DATE: **March 03, 1999**

MINUTES OF THE TWENTY NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, MARCH 3, 1999 IN CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice-Chairman
The Hon. George O. Acholla, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. M.A. Galgalo, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY

The Hon. Wycliffe Osundwa, M.P.
The Hon. W.O. Ayoki, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss. C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.30/99 **CONFIRMATION OF MINUTES**

Minutes of the meeting held on 2nd March, 1999 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.31/99 **COURTESY CALL ON THE COMMITTEE BY THE AUDITOR-GENERAL (CORPORATIONS)**

Mr. W. Kemei, the Auditor-General (Corporations) appeared before the Committee to pay a courtesy call and expressed his opinion on how the Committee should discharge its main responsibility in curbing corruption in the country.

He agreed to co-operate with the Committee by availing officers to assist the Committee in reviewing the past reports of the Public Investments Committee (PIC).

MINUTE NO.32/99 **ANY OTHER BUSINESS**

The Committee agreed to meet on Thursday, 4th March, 1999 to look into some documents to be availed to the Committee by the Hon. Henry Obwocha, MP.

MINUTE NO.33/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at fifteen minutes past Twelve O'clock until Thursday, 4th March, 1999 at 11.00 a.m.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **March 29, 1999**

MINUTES OF THE THIRTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, MARCH 4, 1999 IN CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL, AT 11.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. George O. Acholla, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.

ABSENT WITH APOLOGY

The Hon. Wycliffe Osundwa, M.P.
The Hon. W.O. Ayoki, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss. C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.34/99 **CONFIRMATION OF MINUTES**

Minutes of the meeting held on 3rd March, 1999 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.35/99 **INFORMATION ON PROPOSED REHABILITATION OF JOMO KENYATTA INTERNATIONAL AIRPORT (JKIA) FACILITIES**

The Hon. Henry Obwocha, M.P, availed some documents to the Committee concerning the proposed rehabilitation of JKIA.

The Committee resolved to give members time to peruse the documents after which they (documents) will be discussed at a later meeting.

MINUTE NO.36/99 **ANY OTHER BUSINESS**

The Committee resolved to do the following:-

(i) Look into the PIC Hansard reports on the Kenya Airports Authority (KAA).
(ii) Invite the Chairman of the Public Investments Committee (PIC) to pay a courtesy call to the Committee.
(iii) Ask for the speech on corruption which was delivered by the Minister for Finance in Washington DC.

MINUTE NO.37/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at Twelve noon.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **March 04, 1999**

MINUTES OF THE THIRTY FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, MARCH 25, 1999 IN CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL, AT 2.30 P.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P. - Vice Chairman
The Hon. George O. Acholla, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohammed Galgalo, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.

ABSENT WITH APOLOGY

The Hon. Henry Obwocha, M.P.
The Hon. Wanyiri Kihoro, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss. C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

CONTROLLER AND AUDITOR GENERAL

Mr. James Lago - Deputy Director of Audit

AUDITOR GENERAL CORPORATIONS

Mr. P.G. Ndungu - Principal Auditor, Corporations

MINUTE NO.38/99 **COURTESY CALL ON THE COMMITTEE BY THE MINISTER FOR FINANCE.**

The Minister for Finance, Dr. the Hon. Francis Y.O. Masakhalia, appeared before the Committee to pay a courtesy call and expressed his opinion on how the Committee should discharge its responsibility in matters of eradicating corruption in the country.

MINUTE NO.39/99 **PAST PUBLIC ACCOUNTS COMMITTEE (PAC) REPORTS**

Mr. James Lago, Deputy Director of Audit, presented to the Committee a suggested list of issues in the Controller and Auditor General's reports of 1988/89 to 1995/96 for further investigations by the Committee.

MINUTE NO.40/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at forty minutes past Five O'clock.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **May 19, 1999**

MINUTES OF THE THIRTY SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, MAY 17, 1999 IN CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT:

The Hon. W.O. Ayoki, M.P. (On the Chair)
The Hon. Kiraitu Murungi, M.P.
The Hon. Martha Karua, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Henry Obwocha, M.P.

ABSENT WITH APOLOGY The Hon. Musikari Kombo, M.P. (Chairman)

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss. C.M. Mwambua - Senior Clerk Assistant

MINUTE NO.41/99 **PROGRAMME OF THE COMMITTEE'S WORK**

The Committee discussed at length the programme of Committee's work and agreed on the following:-

(a) That Mr. P.G. Ndungu and Mr. James Lago both of the Controller and Auditor General's and the Auditor General (Corporations) offices respectively present their reports to the Committee as requested by the Committee on Tuesday, 25th May, 1999.

(b) That the Committee meets on Wednesday, 19th May, 1999 at 10.00 a.m to look into the memoranda from the public.

(c) That the immediate former Chairman of Public Accounts Committee (PAC) and the current Public Investment Committee (PIC) Chairman be invited to appear before the Committee on various dates as follows:-

(i) Hon. Henry Obwocha, M.P., former PAC Chairman on Wednesday, 2nd June, 1999 at 9.00 a.m.

(ii) Hon. Mwangi Githiomi, M.P., the current Chairman of PIC to be invited after consultations with him since he is travelling to Canada.

(d) The Committee should table its report to the House by 30th November, 1999.

MINUTE NO.42/99 ANY OTHER BUSINESS

The Members of the Committee send messages of condolences to the Hon. Musikari Kombo, M.P, Chairman of the Committee following the demise of his father on 16th May, 1999.

MINUTE NO.43/99 ADJOURNMENT

And there being no other business, the acting Chairman adjourned the meeting at fifty minutes past Three O'clock until Wednesday, 19th May, 1999 at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: May 19, 1999

MINUTES OF THE THIRTY THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, MAY 19, 1999 IN CONFERENCE ROOM NO. 7, PARLIAMENT BUILDINGS, AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. (Chairman)
The Hon. Suleiman Kamolleh, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Owino Achola, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. M.A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Ms. C.M. Mwambua	-	Senior Clerk Assistant
Mr. D.K. Ziah	-	Second Clerk Assistant

MINUTE NO.44/99 CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the meeting held on Monday, 17th May, 1999 were confirmed by members present and signed by the Chairman.

MINUTE NO.45/99 MATTERS ARISING

(i) **Min.No.41/99 (c)(ii),** the Committee was informed that the Hon. Mwangi Githiomi, M.P., current Public Investment Committee Chairman, will be able to appear before the Committee on Friday, 11th June, 1999.

(ii) **Min.No.41/99 (d),** the Committee was unanimously in agreement that 30th November, 1999 be kept as the committee's deadline for submission of its report to the House, although the dateline given by the House Business Committee was upto one year from the date of renewal of the Committee's new term.

MINUTE NO.46/99 OPENING OF MEMORANDA

It was agreed that the Committee will open the memoranda on corruption that it has received from the public and that the Sub-Committee will scrutinise them keenly by reading through each piece by all the Members of the Sub-Committee.

MINUTE NO.47/99 ADJOURNMENT

It was agreed that the Committee adjourns briefly to allow for a Press Conference to be called at 11.30 a.m. The Chairman thus adjourned the meeting at 11.00 a.m.

NEXT SITTING

The Committee resumed Sitting at 11.30 a.m.

PRESENT:

The Hon. Musikari Kombo, M.P. (Chairman)
The Hon. Sulleiman Kamolleh, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Owino Achola, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. M.A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.

MINUTE NO.48/99 PRESS BRIEFING

The Committee gave a briefing to the press and opened the memoranda from the public.

MINUTE NO.49/99 ADJOURNMENT

And the time being fifty-five minutes past Twelve Noon, the Chairman adjourned the meeting until Thursday, 20th May, 1999 at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: May 25, 1999

MINUTES OF THE THIRTY FOURTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, MAY 20, 1999 IN CONFERENCE ROOM NO. 7, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Sulleiman Kamolleh, M.P. - Chairman
The Hon. George O. Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Peter Maundu, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Martha Karua, M.P.
The Hon. M.D. Weyrah, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohammed A. Galgalo, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.50/99 MEMORANDA FROM THE PUBLIC

The Committee perused through the Memoranda at length and agreed to discuss further during the next meeting.

MINUTE NO.51/99 ADJOURNMENT

And the time being fifty minutes past Twelve noon, the Chairman adjourned the meeting until Tuesday, 25th May, 1999 at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: May 26, 1999

MINUTES OF THE THIRTY FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, MAY 25, 1999 IN CONFERENCE ROOM NO. 7, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Ngenye Kariuki, M.P.
The Hon. Peter Maundu, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Henry Obwocha, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P.
The Hon. Sulleiman Kamolleh, M.P.
The Hon. George O. Acholla, M.P.
The Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.52/99 CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the meeting held on Wednesday, 19th and Thursday, 20th May, 1999 were confirmed by members present and signed by the Chairman.

MINUTE NO.53/99 MATTERS ARISING

(i) **Min.No.41/99,** the Committee revisited its programme and agreed to discuss it further in the next meeting.

(ii) **Min.No.41/99 (c)(i),** the Committee postponed the appearance before it of the Hon. Henry Obwocha, M.P., former Chairman of Public Accounts Committee to a later date.

MINUTE NO.54/99 MEMORANDA FROM THE PUBLIC

The Committee perused through the Memoranda at length and agreed to classify them in the following categories, viz:-

(i) Land matters
(ii) Cooperatives
(iii) Judiciary
(iv) Taxes/customs

(v) The Police
(vi) Pensions and N.S.S.F
(vii) Electoral Commission
(viii) Theft from State Corporations
(ix) Tendering system
(x) Personal issues
(xi) General issues
(xii) Institutions
(xiii) Provincial Administration

The Committee will discuss in detail the above categories in the next meeting.

MINUTE NO.55/99 PAST PUBLIC INVESTMENTS COMMITTEE (PIC) REPORTS

Mr. P.G. Ndung'u, Principal Auditor, Corporations presented a detailed summary report of the first, second, third and fifth reports of the PIC and highlighted many cases of irregularities in various parastatals for further investigation by the Committee. He tabled the following documents therewith:-

(i) Extract of cases involving fraud/corruption from the first Report of the PIC.

(ii) Extract of cases involving fraud/corruption from the second Report of the PIC.

(iii) Extract of cases involving fraud/corruption from the third Report of the PIC.

(iv) Extract of cases involving fraud/corruption from the fifth Report of the PIC.

MINUTE NO.56/99 ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at fifty minutes past Twelve O'clock, until Wednesday, 26th May, 1999 in Conference Room No. 7 at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: May 26, 1999

MINUTES OF THE THIRTY SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, MAY 26, 1999 IN CONFERENCE ROOM NO. 7, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Peter Maundu, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P.
The Hon. Sulleiman Kamolleh, M.P.
The Hon. George O. Acholla, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Wanyiri Kihoro, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.57/99 CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the meeting held on Tuesday, 25th May, 1999 were confirmed with amendments by members present and signed by the Chairman.

MINUTE NO.58/99 MATTERS ARISING

The Chairman informed the Committee that Prof. the Hon. Anyang' Nyong'o, M.P, had sent his apologies for the meeting held on Tuesday 25th May, 1999.

MINUTE NO.59/99 MEMORANDA FROM THE PUBLIC

The Committee agreed to discuss the categories of the memoranda in the following manner:-

(i)	Electoral Commission	-	Hon. W.O. Ayoki, M.P.
(ii)	Tendering System	-	Hon. M.D. Weyrah,M.P.
(iii)	General issues	-	Hon. M.A.Galgalo,M.P.
(iv)	Provincial Administration	-	Hon. P. Maundu, M.P.

The Members agreed to report their findings in the next meeting.

MINUTE NO.60/99 ADJOURNMENT

And there being no other business, the Acting Chairman Hon. P. Maundu, M.P., adjourned the meeting at Twelve O'clock, until Thursday, 27th May, 1999 in Conference Room No. 7 at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: June 3, 1999

MINUTES OF THE THIRTY SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, MAY 27, 1999 IN CONFERENCE ROOM NO. 7, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Peter Maundu, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P.
The Hon. Sulleiman Kamolleh, M.P.
The Hon. George O. Acholla, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Wanyiri Kihoro, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.61/99 CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the sitting held on Wednesday, 26th May, 1999 were confirmed by members present and signed by the Chairman.

MINUTE NO.62/99 MEMORANDA FROM THE PUBLIC

The Committee continued with the scrutiny of the memoranda as follows:-

(i)	Tax evasion	-	Hon. M.D. Weyrah, M.P.
(ii)	Theft from state corporations	-	Hon. W.O. Ayoki, M.P.
(iii)	Judiciary	-	Hon. P. Maundu, M.P.

MINUTE NO.63/99 ADJOURNMENT

And the time being forty five minutes past Twelve O'clock, the Chairman adjourned the meeting, until Thursday, 3rd June, 1999 in Conference Room No. 7 at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP (Chairman)

DATE: June 3, 1999

MINUTES OF THE THIRTY EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, JUNE 3, 1999 IN CONFERENCE ROOM NO. 7, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Peter Maundu, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P.
The Hon. Sulleiman Kamolleh, M.P.
The Hon. George O. Acholla, M.P.
The Hon. Wycliffe Osundwa, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Martha Karua, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.64/99 CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the sitting held on Thursday, 27th May, 1999 were confirmed by members present and signed by the Chairman.

MINUTE NO.65/99 MEMORANDA FROM THE PUBLIC

The Committee continued with the scrutiny of the memoranda as follows:-

(i)	Tax Police	-	Hon. Henry Obwocha, M.P.
(ii)	Pensions and N.S.S.F and other issues raised by a Mr. James Francis Mugo	-	Hon. Wanyiri Kihoro, M.P.
(iii)	Cooperatives and personal matters	-	Hon. W.O. Ayoki, M.P.
(iv)	Land Matters	-	Scrutinized by all the Members.

MINUTE NO.66/99 ANY OTHER BUSINESS

The Members resolved to:-

(i) discuss the Committees Programme of work
(ii) write a brief report on the Memoranda from the public which will be presented to the Main Committee when it convenes.

MINUTE NO.67/99 ADJOURNMENT

And the time being One O'clock, the Chairman adjourned the meeting, until Friday, 4th June, 1999 in Conference Room No. 7 at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: June 18, 1999

MINUTES OF THE THIRTY NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, 4TH JUNE, 1999 IN CONFERENCE ROOM NO. 7, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. W.O. Ayoki, M.P. - Chairman
The Hon. Peter Maundu, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P.
The Hon. Sulleiman Kamolleh, M.P.
The Hon. George O. Acholla, M.P.
The Hon. Wycliffe Osundwa, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Martha Karua, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.68/99 MEMORANDA FROM THE PUBLIC

The Committee continued with the scrutiny of the memoranda and assembled the issues raised per Province.

MINUTE NO.69/99 ADJOURNMENT

And the time being One O'clock, the Chairman adjourned the meeting.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: June 14, 1999

MINUTES OF THE FORTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, JUNE 11, 1999 IN CONFERENCE ROOM NO. 9, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - Chairman
The Hon. Sulleiman Kamolleh, M.P.
The Hon. George O. Acholla, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Peter Maundu, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Kiraitu Murungi, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.70/99 **MATTERS ARISING**

(i) **Under Min.No.16/99(v), Security for Members,** the Committee agreed to invite the Commissioner of Police to pay a courtesy call on the Committee and discuss the issue of security with the Members.

(ii) **Under Min.No.22/99(2),** the Committee agreed to discuss further the commissioning of an expert in the drafting of the Anti-Corruption Bill.

MINUTE NO.71/99 **PROGRAMME OF THE COMMITTEE'S WORK**

The Committee discussed at length the programme of the committee's work and agreed on the following:-

(i) Visits to Provinces - to start with Nairobi and Central Provinces sometime in July and visits to other Provinces to commence when the House adjourns for the August recess.

(ii) Courtesy calls on the following:

(a) Justice Aaron Ringera, Director, Anti-Corruption Authority on 24th June, 1999.

(b) Justice Richard O. Kwach, on 3rd July, 1999.

MINUTE NO.72/99 **ANY OTHER BUSINESS**

(i) The Members agreed in principle to set an example by declaring their wealth and resolved to borrow a leaf from the British Parliament on the issue. The Secretariat was directed to write to the British High Commission to assist in availing the information and the format of declaration.

(ii) The Committee agreed that the Sub-Committee deliberating on the memoranda from the public meets on Monday, 14th June, 1999 to draft a report on the memoranda which is to be presented to the Main Committee on Friday, 18th June, 1999.

MINUTE NO.73/99 ADJOURNMENT

And the time being ten minutes past Twelve O'clock, the Chairman adjourned the meeting until Friday, 18th June, 1999 at 2.30 p.m.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **June 18,1999**

MINUTES OF THE FORTY FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, 14TH JUNE, 1999 IN CONFERENCE ROOM, COUNTY HALL AT 2.30 P.M.

PRESENT:

The Hon. Musikari Kombo, M.P.
The Hon. Sulleiman Kamolleh, M.P.
The Hon. George O. Acholla, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Ngenye Kariuki, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.74/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

The Minutes of the Sittings held on Thursday 3rd and Friday 4th June, 1999 were confirmed by members present and signed by the Chairman.

MINUTE NO.75/99 **MATTERS ARISING**

The Hon Kiraitu Murungi, M.P, informed the Committee that he was absent with apology for the Sittings held as from 25th May to 4th June, 1999 and the Secretariat took note of that.

MINUTE NO.76/99 **MEMORANDA FROM THE PUBLIC**

The Committee scrutinized the memoranda and instructed the Secretariat to compile a report on the memoranda which is to be reported to the Main Committee on Friday, 18th June, 1999 at 2.30 p.m.

MINUTE NO.77/99 **ADJOURNMENT**

And the time being Four O'clock, the Chairman adjourned the meeting until Friday, 18th June, 1999 in Conference Room No. 9, Parliament Buildings at 2.30 p.m.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **June 18, 1999**

MINUTES OF THE FORTY SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, JUNE 18, 1999 IN CONFERENCE ROOM, COUNTY HALL AT 2.30 P.M.

PRESENT:

The Hon. Musikari Kombo, M.P.
The Hon. Sulleiman Kamolleh, M.P.
The Hon. George O. Acholla, M.P.
The Hon. W.O. Ayoki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Peter Maundu, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.78/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

The Minutes of the Sittings held on Friday 11th and Monday 14th June, 1999 were confirmed with amendments by members present and signed by the Chairman.

MINUTE NO.79/99 **MATTERS ARISING**

(i) Prof. the Hon. Anyang' Nyong'o, M.P, informed the Committee that he was present in the Sitting held as from 20th May, 1999 and the Secretariat took note of that.

(ii) **Under Min.No.70/99(i),** the Secretariat was instructed to write to the Commissioner of Police to pay a courtesy call on the Committee.

Under Min.No.70/99(ii), the Committee decided to seek Attorney-General indulgence in the drafting of the Bill and also for him to second a drafts person to the Committee.

(iii) **Under Min.No.71/99(ii),** the Committee agreed to invite the following personalities to pay a courtesy call on the Committee:-

Justice Aaron Ringera, Director, Kenya Anti-Corruption Authority and Justice Richard O. Kwach, to appear together on 24th June, 1999 at 9.30.

(iv) **Under Min.No.41/99(c)(ii),** the Committee agreed to invite Hon. Mwangi Githiomi, M.P., the Chairman of Public

Investments Committee to appear before the Committee on 25th June, 1999 at 9.30 a.m.

MINUTE NO.80/99 REPORT ON THE MEMORANDA

The Sub-Committee Chairman, Hon. W.O. Ayoki, M.P, presented a report on the memoranda received from the public which was compiled by the Sub-Committee after scrutinizing the memoranda to the Committee.

After lengthy deliberations on the draft report by the Committee, the Sub-Committee was given more time to come up with a more comprehensive report on the memoranda which will be presented to the Committee on Thursday, June 24, 1999.

MINUTE NO.81/99 ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at thirty minutes past Four O'clock until Thursday, 24th June, 1999 in Conference Room No. 9, Parliament Buildings at 9.30 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: June 29, 1999

MINUTES OF THE FORTY THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, JUNE 24, 1999 IN CONFERENCE ROOM NO. 9, PARLIAMENT BUILDINGS AT 9.30 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-Chairman**
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter Maundu, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTE NO.82/99 **COURTESY CALL ON THE COMMITTEE BY THE DIRECTOR OF THE KENYA ANTI-CORRUPTION AUTHORITY**

The Director of the Kenya Anti-Corruption Authority, Justice Aaron Ringera, paid a courtesy call on the Committee and expressed his opinion on how the Committee should discharge its main responsibility in matters of eradicating corruption in the public service and other sectors of the society.

MINUTE NO.83/99 **MATTERS ARISING**

Under Min.No.70/99(ii), the Committee formed a Sub-Committee to look into the drafting of the Anti-Corruption Bill. The members of the Sub-Committee are as follows:-

- Hon. Sulleiman Kamolleh, M.P. - Chairman
- Hon. Martha Karua, M.P.
- Hon. Peter Maundu, M.P.
- Hon. Kiraitu Murungi, M.P.

MINUTE NO.84/99 **ANY OTHER BUSINESS**

The Committee agreed to invite the Hon Mwangi Githiomi, M.P, the Chairman, Public Investments Committee on Tuesday, 29th June, 1999 at 9.30 a.m.

The Committee also resolved to meet on Thursday, 1st July, 1999 to draw a programme of its work.

MINUTE NO.85/99 ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at thirty minutes past Eleven O'clock until Tuesday, 29th June, 1999 in Conference Room No. 9, Parliament Buildings at 9.30 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: June 29, 1999

MINUTES OF THE FORTY FORTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, JUNE 29, 1999 IN CONFERENCE ROOM NO. 9, PARLIAMENT BUILDINGS AT 9.30 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-Chairman**
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter Maundu, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Ngenye Kariuki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

AUDITOR-GENERAL CORPORATIONS

Mr. P.G. Ndung'u	-	Principal Auditor Corporations

MINUTE NO.86/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

The Minutes of the Sittings held on Friday 18th and Thursday 24th June, 1999 were confirmed with amendments by members present and signed by the Chairman.

MINUTE NO.87/99 **MATTERS ARISING**

(i) **Under Min.No.53/99(ii),** the Committee agreed to invite the Hon. Henry Obwocha, M.P, former Chairman, Public Accounts Committee (PAC) on a later date.

(ii) **Under Min.No.84/99,** the Secretariat was instructed to draw a timetable of the Committees work which will be considered by the Committee on Thursday, 1st July, 1999.

MINUTE NO.88/99 **COURTESY CALL ON THE COMMITTEE BY THE CHAIRMAN PUBLIC INVESTMENTS COMMITTEE (PIC)**

The Chairman, Public Investments Committee, Hon. Mwangi Githiomi, M.P , appeared before the Committee to pay a courtesy call and expressed his opinion on how the Committee should discharge its main responsibility in matters of eradicating corruption in the Country.

MINUTE NO.89/99 ADOPTION OF THE REPORT ON THE MEMORANDA

The Committee adopted the report on the memoranda which was presented by the Sub-Committee Chairman, Hon. W.O. Ayoki, M.P.

MINUTE NO.90/99 ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at forty five minutes past Twelve O'clock until Thursday, 1st July, 1999 in Conference Room No. 9, Parliament Buildings at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: July 06, 1999

MINUTES OF THE FORTY FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, JULY 1, 1999 IN CONFERENCE ROOM NO. 9, PARLIAMENT BUILDINGS AT 9.30 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-Chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter Maundu, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.91/99 **MATTERS ARISING**

Under Min.No.79/99(ii), the Committee agreed to invite the Attorney General on 16th July, 1999 at 10.00 a.m.

MINUTE NO.92/99 **PROGRAMME OF THE COMMITTEES WORK**

The Committee discussed its programme at length and constituted a Committee of three (3) members namely:-

- Hon. Sulleiman Kamolleh, M.P.
- Hon. Kiraitu Murungi, M.P.
- Hon. Peter Maundu, M.P.

to draw up a timetable which will be considered by the Main Committee on Tuesday, 6th July, 1999 at 10.00 a.m.

The Sub-Committee tentatively agreed on the following framework.

1. Provincial visits to commence in the following manner:-

   (i) Nairobi Province to start in Mid July.

   The Sub-Committee agreed to start with glaring cases which were highlighted in the memoranda for instance;

   (a) El Molo Drive
   (b) Nairobi City Council (the following persons to be summoned:- The Town Clerk, Mrs. Zipporah Wandera; Mr. Kuria wa Gathomi.
   (c) Karura Forest (not highlighted in memoranda) The following persons to be summoned to give evidence:- Minister for Lands; Former Minister of Natural Resources (Hon. Sambu); Commissioner

of Lands; Co-ordinator-Green -Belt Movement (Prof. Wangari Maathai); Hon Paul Muite, M.P.

(ii) Central Province - from 3rd to 4th August, 1999.

(iii) Eastern Province - from 10th to 11th August, 1999.

(iv) North Eastern Province - from 17th to 18th August, 1999.

(v) Rift Valley Province - from 24th to 25th August, 1999.

(vi) Nyanza Province - from 27th to 28th August, 1999

(vii) Western Province - from 30th to 31st August, 1999.

(viii) Coast Province - from 8th to 9th September, 1999.

2. Courtesy calls - The Committee will deliberate on the remaining courtesy calls between 13th and 30th September, 1999.

3. External trips - visits to overseas countries commence in October. The following countries were considered for the visits:- Hong Kong, Singapore, Newzealand, Denmark and Sweden.

4. Drafting of the Anti-Corruption Bill and compilation of the Report to be done in November.

MINUTE NO.93/99 ANY OTHER BUSINESS

(i) The Committee agreed to invite the Clerk of the National Assembly and Mr. Murumba Werunga, Deputy Clerk in-Charge of Committees on 6th July, 1999 to advice on the way forward as far as Provinical visits by the Committee are concerned.

MINUTE NO.94/99 ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at thirty five minutes past Four O'clock until Tuesday, 6th July, 1999 in Conference Room No. 9, Parliament Buildings at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: July 13, 1999

MINUTES OF THE FORTY SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, JULY 6, 1999 IN CONFERENCE ROOM NO. 9, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-Chairman**
The Hon. George O. Acholla
The Hon. W.O. Ayoki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. S.W. Ndindiri	-	Clerk of the National Assembly
Mr. Murumba Werunga	-	Deputy Clerk, Committees and Research
Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MINUTE NO.95/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

The Minutes of the Sitting held on Thursday 1st July, 1999 were confirmed with amendments by members present and signed by the Chairman.

MINUTE NO.96/99 **MATTERS ARISING**

(i) The Committee was advised to call evidence first then summon officers concerned afterwards.

(i) **Under Min.No.92/99(1),** the Committee made changes on the provincial visits starting from July 19, 1999 as follows:-

(i)	Nyanza	-	From 24th to 25th, August, 1999.
(ii)	Western	-	From 26th to 27th August, 1999.
(iii)	Rift Valley	-	Eldoret - 30th to 31st August, 1999.
			Nakuru - 1st to 2nd September, 1999.

(iii) **Under Min.No.92/99(3),** the Committee added the following countries in the list of external visits for further reconsideration; The United Kingdom and Botswana.

MINUTE NO.97/99 PROGRAMME OF THE COMMITTEES WORK (PROVINCIAL VISITS)

The Committee discussed at length the programme of the Committee's Provincial visits.

The Committee sought advice from the Clerk and the Deputy Clerk in charge of Committees concerning the following items and the Committee was advised accordingly as follows:-

(i) **Increase of staff** - the Committee was informed that the existing secretariat had been strengthened by an additional of one more member of staff.

(ii) **Handling of correspondence** - the Committee advised that the correspondence has to be done fairly quickly. The Clerk further agreed to speak to the Commissioner of Police as far as the courtesy call on the Committee is concerned.

(iii) **Availability of Hansard** - the Committee was advised that the Committee rooms in County Hall are now wired and could be activated any time. The main Akiwumi Room is not wired and therefore cannot be used at the moment. The Clerk agreed to avail the Committee Room, 1st Floor in County Hall for the Committee on a full time basis.

(iv) **Provincial visits** - the Committee was advised that, recording and transcription facilities will be availed. The Committee was further advised that the House rules are not permissive for public hearings, thus evidence was therefore limited to proceedings in camera until the Standing Orders are amended to provide for public hearings. The Committee was further informed that there are two (2) motions already in place to provide for public hearing and live coverage of the House proceedings which were yet to be deliberated on.

(v) **Publicity** - the Committee was advised to advertise its visits through the media and that witnesses should be reminded of the privilege of evidence they give i.e it should not be disclosed to anyone.

MINUTE NO.98/99 ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at forty five minutes past Twelve O'clock until Tuesday, 13th July, 1999 in Conference Room No. 9, Parliament Buildings at 10.00 a.m.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **July 16, 1999**

MINUTES OF THE FORTY SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, 13TH JULY, 1999 IN CONFERENCE ROOM NO. 9, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Mohammed A. Galgalo, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.99/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

The Minutes of the Sitting held on Tuesday 6th July, 1999 were confirmed with amendments by members present and signed by the Chairman.

MIN.NO. 100/99 **PROVINCIAL VISITS**

The Committee agreed that Provincial meetings be conducted at the Municipal Halls in the respective Provinces as follows:-

(i)	Nairobi Province	-	County Hall, Parliament.
(ii)	Central Province	-	Nyeri Municipal Hall.
(iii)	Eastern Province	-	Embu Municipal Hall.
(iv)	North Eastern Province	-	Kenya National Library, Garissa.
(v)	Rift Valley Province	-	Eldoret and Nakuru Municipal Halls.
(vi)	Nyanza Province	-	Kisumu Municipal Hall.
(vii)	Western Province	-	Kakamega Municipal Hall.
(viii)	Coast Province	-	Mombasa Municipal Hall.

The Committee looked into the tentative itinerary for overseas trips. The Secretariat was advised to draw a programme for the overseas trips in consultation with Embassies of the countries to be visited.

The Committee agreed to fix the overseas trips as from late September instead of early and mid September as was programmed earlier depending on whether the various countries are accommodative of the proposed dates.

MIN.NO.101/99 **COURTESY CALLS**

The Secretariat was instructed to invite the following persons to pay a courtesy call on the Committee on dates best suited to the personalities:-

(i) The Attorney-General
(ii) Commissioner of Police
(iii) Director of Criminal Investigation Department
(iv) Justice Richard O. Kwach.

MIN.NO.102/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at fifty minutes past Twelve O'clock until Friday, 16th July, 1999 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: July 16, 1999

MINUTES OF THE FORTY EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, JULY 16, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Sulleiman Kamolleh, M.P. - **Vice Chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. George O. Acholla, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Henry Obwocha, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **(Chairman)**
The Hon. Sammy P. Leshore, M.P.
The Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.103/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

The Minutes of the Sitting held on Tuesday 13th July, 1999 were confirmed by members present and signed by the Chairman.

MIN.NO. 104/99 **MATTERS ARISING**

The Hon. Wanyiri Kihoro, M.P informed the Committee that he was present in the Sitting held on 6th July, 1999 of which the Secretariat took note.

MIN.NO. 105/99 **PROGRAMME OF VISITS**

After lengthy deliberations, the Committee agreed on the following:-

1. **OVERSEAS TRIPS**

   (i) That Hong Kong be included in the list of countries to be visited in Group 1 and have it replaced with Germany in group 2.

   (ii) That the Programme of the visits as provided for in the tentative itinerary i.e from 9th September, to 6th October, 1999 will be discussed further in the next meeting.

2. **PROVINCIAL VISITS**

Additional changes were made in the Provincial visits programme as follows:-

(i) Nairobi Province - From 3rd to 5th August. This is because the Committee was not in a position to start its deliberations in Nairobi as from 19th July, 1999.

The following members were nominated to draft a programme of issues to be dealt with by the committee from the stipulated date in Nairobi. The Members are:-

- The Hon. Kiraitu Murungi, M.P.
- The Hon. Martha Karua, M.P.
- The Hon. Wanyiri Kihoro, M.P.
- Prof. the Hon. Anyang' Nyong'o, M.P.

The draft programme will be discussed further by the Committee on Tuesday 20th July, 1999 at 10.00 a.m.

(ii) The Committee will visit Central and Eastern Provinces from 10th to 13th August, 1999 in the respective Municipal Halls.

(iii) The dates and venues for the other Provinces remained the same as stipulated in the Minutes of 6th July, 1999.

(iv) As for Coast Province, the Committee instructed the Secretariat to explore the possibility of the Committee travelling to the Coast before travelling overseas or vice versa. This is because the dates scheduled for Coast Province and commencement of the overseas trips overlap.

MIN.NO.106/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at fifteen minutes to One O'clock until Tuesday, 20th July, 1999 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: July 20, 1999

MINUTES OF THE FORTY NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, JULY 20, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Sulleiman Kamolleh, M.P. - **Vice Chairman**
The Hon. W.O. Ayoki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Peter E. Maundu, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **(Chairman)**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Owino G. Acholla, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk, Research and Committees.
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO.107/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

The Minutes of the Sitting held on Friday 16th July, 1999 were confirmed by members present and signed by the Chairman.

MIN.NO. 108/99 **MATTERS ARISING**

Under Min.No.105/99, the Committee unanimously agreed to delete Hong Kong from the itinerary list of countries to be visited.

MIN.NO. 109/99 **PROGRAMME OF VISITS**

The Committee discussed at length the programme of visits and agreed on the following:-

1. **OVERSEAS TRIPS**

(i) That the Secretariat should plan for the overseas trips as it were in the tentative itinerary and the Committee will discuss it further in the next meeting.

(ii) That the Committee should be well informed on the countries to be visited in terms of their usefulness as far as Anti-corruption crusade is concerned.

2. **PROVINCIAL VISITS**

(i) The Committee was advised to change the dates of its sittings in Nairobi to 2nd, 3rd and 6th August, 1999 instead of from 3rd, 4th and 5th, August, 1999. This is because a seminar for all Members of investigatory Committees has been scheduled to take place from 3rd to 4th August, 1999 at Hotel Intercontinental.

(ii) Under the tentative programme for Nairobi Province i.e persons to be summoned, the Committee made the following changes:-

(a) **Under Karura Forest**, the Committee agreed to include the names of the following persons:-

(i) Mr. Gachanja, The Commissioner of Lands.
(ii) Messrs. Ambrose Rachel and George Oraro Advocates.

(b) **Under Goldenburg**, the Committee added the following names to the list:-

(i) Mrs. Mwatela -Central Bank of Kenya,
(ii) Mr. Charles Mbindyo - Former Permanent Secretary, Treasury
(iii) Dr. Karuga Koinange - Former Permanent Secretary, Treasury

(c) **Under City Hall** - Land Grabbing and Housing, the Committee included the following in the list:-

(i) The Commissioner of Lands
(ii) Mr. Mike Mills of Karengata Association.

The Committee was informed that there is shortage of the Hansard staff and that the recording equipment and committee facilities in the Committee Rooms in County Hall may not be available for Committee to start its deliberations as per its programme.

The Committee was very much concerned about this issue and at this juncture directed the Deputy Clerk in-charge of Committees to consult with the Clerks concerned and at least have one well-activated room availed to the Committee and if possible the Committee be allowed to hire private staff to assist in recording. This

will enable the Committee to bring its report to the House by November, 1999.

MIN.NO.110/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at fifteen minutes to One O'clock until Thursday, 22nd July, 1999 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: July 30, 1999

MINUTES OF THE FIFTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, JULY 22, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. W.O. Ayoki, M.P.
The Hon. Owino Acholla, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Kiraitu Murungi, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **(Chairman)**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Peter Maundu, M.P.
The Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk, Research and Committees.
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.
Mr. Njenga Ruge	-	Third Clerk Assistant.

MIN.NO. 111/99 **MATTERS ARISING**

Under Min.No.108/99, the Committee after lengthy discussions, agreed to revert back to what was discussed under Min. No.105/99, that Hong Kong be included in the list of overseas trips in Group 1.

MIN.NO. 112/99 **PROGRAMME OF VISITS**

1. After lengthy discussions, the Committee unanimously accepted the change of dates of its proposed visits as provided for in its tentative programme as follows:-

   (i) That Provincial visits commence from 9th August to 4th September, 1999. This has been necessitated by the change of date of the adjournment of the House from 29th July to 5th August, 1999.

   (ii) That Overseas trips commence from 13th September to 6th October, 1999.

2. The Committee agreed that after consultation with the overseas countries to be visited, the details of the delegation will be discussed later.

3. The Committee was further informed that the Seminar for all Members of the Investigatory Committees has been re-scheduled to take place from 10th to 11th August, 1999 at Safari Park Hotel.

MIN.NO.113/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at fifteen minutes past Twelve O'clock until Friday, 30th July, 1999 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **July 30, 1999**

MINUTES OF THE FIFTY-FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, JULY 30, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari **Kombo, M.P.** - **Chairman**
The Hon. Sulleiman **Kamolleh, M.P.** - **Vice-chairman**
The Hon. Owino **Acholla, M.P.**
The Hon. Ngenye **Kariuki, M.P.**
The Hon. Kiraitu **Murungi, M.P.**
The Hon. Wanyiri **Kihoro, M.P.**
The Hon. Wycliffe **Osundwa, M.P.**
Prof. the Hon. **Anyang' Nyong'o**, M.P.
The Hon. Peter E. **Maundu, M.P.**

ABSENT WITH APOLOGY:

The Hon. Mohamed A. Galgalo, M.P.
The Hon. Martha Karua, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. W.O. Ayoki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed D. Weyrah

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk, Research and Committees.
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.
Mr. Njenga Ruge	-	Third Clerk Assistant.

MIN.NO. 114/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

Minutes of the Forty Ninth and Fiftieth sittings were confirmed by Members present and signed by the Chairman.

MIN.NO. 115/99 **MATTERS ARISING**

Under Min.No.112/99(2), the Committee was informed that letters have been sent to Parliaments of countries in the tentative schedule of overseas trips and so far, two countries namely, Singapore and the United Kingdom have responded expressing their willingness to host the Committee.

It was then agreed that the Committee does not need to visit all the countries listed in the two clusters as two or three from each group would suffice the purpose of the trips.

Subsequently, the Committee **resolved** to await the responses of more Parliaments before fixing the **final itinerary.**

MIN.NO. 116/99 **PROGRAMME OF VISITS (UPDATE)**

The Committee considered the **programme** for Nairobi Province and agreed that the following be the **sequence** and points of reference while adducing evidence:-

(a) **KARURA FOREST - 9TH AUGUST, 1999**

(i) **The Commissioner of Lands.**

- Terms and conditions governing allocation of public land.
- A detailed account on the allotment of Karura Forest (Names of allottees and the plot numbers)

(ii) **Hon. J. Sambu (The former Minister for Environment and Natural Resources).**

- The circumstances that led to the degazettement of Karura Forest

(iii) **Messrs Ambrose Rachel and George Oraro Advocates, who did conveyancing.**

(iv) **Prof. Wangari Maathai.**

(v) **Mr. Kariuki and others who bought parcels of land at Karura from the original allottees.**

- Hon. Wanyiri Kihoro, M.P, undertook to study the legal aspects of the process/transactions and appraise the Committee on Monday 2nd August, 1999.

(b) **CITY HALL - 12TH AUGUST, 1999**

(i) **Town Clerk.**

- The Council's tendering procedures
- The disposal of council houses since 1992
- The Council's sources of revenue
- Debt collection
- The status of the Council's superannuation/pension scheme and investment portfolio.

(ii) **Mr. Mike Mills of Karengata Association.**

(c) **PUBLIC MEMORANDA - 13TH AUGUST, 1999**

Evidence will be adduced from people who sent memoranda.

MIN.NO.117/99 **ANY OTHER BUSINESS**

(i) The Deputy Clerk informed the Committee that the possibility of verbatim recording of Committees proceedings was still being explored. He promised to revert to the Committee on the issue next week.

(ii) The Chairman informed the Committee that the Attorney General had requested him to hasten the preparation of the Economic Crimes Bill.

He further explained that there was an urgent need to meet the Attorney General and the Kenya Anti-Corruption Authority to map out the way forward with regard to the proposed Bill.

The Committee agreed that the subject be revisited on Monday, 2nd August, 1999.

MIN.NO.118/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at forty five minutes past Twelve O'clock until Monday, 2nd August, 1999 in Conference Room, County Hall at 2.30 p.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: August 05, 1999

MINUTES OF THE FIFTY-SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, AUGUST 02, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 3.00 P.M.

PRESENT:

The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Owino Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Martha Karua, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. W.O. Ayoki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed D. Weyrah

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. Murumba Werunga - Deputy Clerk, Research and Committees.
Miss C.M. Mwambua - Senior Clerk Assistant.

MIN.NO. 119/99 REVIEW OF VISITS TO PROVINCES

The Committee reviewed the programme of the visits to the Provinces and added the following:-

(1) NAIROBI PROVINCE

(a) **Karura Forest**

In addition to the witnesses already identified, the following were added:-

(i) Crescent Construction Company
(ii) Permanent Secretary, Ministry of Lands and Settlement
(iii) The Attorney General

(2) **ALL PROVINCES**

The Committee resolved that the following be the mode of approach to the investigation:-

(i) **Government Policies**

Serving and past public servants for instance:- **Ministers,** Permanent Secretaries, etc will **expound on the** Government policies in the following **sequence**:-

(a) The policies **and reasons for the gazettement of** forests **and acquisition of other public property such as houses, land, plots etc and subsequent reasons for change of policy** resulting in their **disposal. The explanations** to be given will cover **all the incidents** of ownership by Central Government, Local Authorities and State Corporations.

(b) The modalities for the implementation of the policies in (i) above. The explanations will be expected to cover with sufficient details on the following aspects of disposal of the property;

- The criteria used in identifying the appropriate allottees.
- The actual allottees or beneficiaries of the allotment
- The current owners of the property
- The price at which the property was disposed off by the original owner (e.g Government, Local Authority, Parastatal, etc)
- And the price at which second and subsequent owners bought it.
- Whether the public servants as custodians of public property were satisfied that proper procedures were adhered to during disposal and further whether Government interests were secured (Did Government or the public get value for money?)

(c) The overall public policy regarding the creation, ownership and disposal of Trust Land, Forest Land, Local Authority and State Corporations Land.

(ii) **Communication to the Public**

Public advertisements be put in the print media and on radio informing the public of the dates for meetings, names of the Provinces and the actual venues and times. Further that the public be invited to present evidence in form of memoranda and/or oral submissions, and that the Committee will operate on a first come, first served basis.

(iii) **Identification of potential witnesses**

(a) The Committee resolved that the secretariat should avail copies of the Hansard Report of November, 1998, during the reply by the then Minister for Lands and Settlement, Hon. Noah Katana Ngala, M.P in which he gave names of the companies allegedly allocated land in Karura Forest. Further that the information given in the House at the same time by the Hon. John Sambu, M.P be availed.

(b) The Committee resolved that Councillors Dick Waweru and Samuel Mbugua, both former Mayors of Nairobi should be summoned to appear before the Committee.

MIN.NO.120/99 **ADJOURNMENT**

And there being no other business, the Vice-Chairman adjourned the meeting at ten minutes past Six O'clock until Thursday, August 05, 1999 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: August 05, 1999

MINUTES OF THE FIFTY-THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, AUGUST 05, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Owino Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.

ABSENT WITH APOLOGY:
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.

ABSENT WITHOUT APOLOGY:
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant.

MIN.NO. 121/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

Minutes of the Fifty First and Fifty Second sittings were confirmed by Members present and signed by the Chairman.

MIN.NO. 122/99 **MATTERS ARISING**

(i) **Under Min.No.115/99,** the Committee was informed that one more positive response had been received from Hong Kong, expressing the willingness to host the Committee.

(ii) **Under Min.No.116/99,** the Committee reviewed the programme of visits to the Provinces and expressed concern over the delay in the execution of programme.

It was resolved that the Registrar of Companies Mr. Omondi Mbago be summoned to appear before the Committee in connection with the registration of companies alleged to have been allocated land in Karura Forest.

The Committee further resolved to have the programme of visits amended to begin on Thursday, August 12, 1999, instead of Monday, August 09, 1999 as earlier programmed in order to give summoned persons enough time to prepare to appear before the Committee.

(iii) It was noted that Prof. the Hon. Anyang' Nyong'o, M.P, was absent with apology during the Fifty Second sitting held on Monday, August 02, 1999 and that the Hon. W.O. Ayoki, M.P, was absent with apology during the Fifty First sitting held on Friday, July 30, 1999.

MIN.NO.123/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at thirty five minutes past Eleven O'clock until Thursday, August 12, 1999 in Conference Room, County Hall at 9.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: August 05, 1999

MINUTES OF THE FIFTY-FOURTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, AUGUST 12, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 2.30 P.M.

PRESENT:	The Hon. Musikari Kombo, M.P.	**- Chairman**
	The Hon. Sulleiman Kamolleh, M.P.	**- Vice-chairman**
	The Hon. Martha Karua, M.P.	
	The Hon. W.O. Ayoki, M.P.	
	The Hon. Owino Acholla, M.P.	
	The Hon. Ngenye Kariuki, M.P.	
	The Hon. Kiraitu Murungi, M.P.	
	The Hon. Wanyiri Kihoro, M.P.	
	The Hon. Wycliffe Osundwa, M.P.	
	The Hon. Mohamed A. Galgalo, M.P.	
	Prof. the Hon. Anyang' Nyong'o, M.P.	
	The Hon. Mohamed D. Weyrah, M.P.	
ABSENT WITH APOLOGY:	The Hon. Sammy P. Leshore, M.P.	
	The Hon. Henry Obwocha, M.P.	
	The Hon. Peter E. Maundu, M.P.	

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk, Reasearch & Committees.
Miss C.M. Mwambua		Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.
Mr. Njenga Ruge	-	Third Clerk Assistant.

MIN.NO. 124/99 CONFIRMATION OF THE PREVIOUS MINUTES

Minutes of the Fifty Third sitting were confirmed after being proposed by Hon. Owino Acholla, M.P and seconded by Hon. Wanyiri Kihoro, M.P.

MIN.NO. 125/99 PRELIMINARIES

The Chairman introduced the witness, Prof. Wangari Maathai, to the relevant sections of the National Assembly (powers & privileges) Act, Cap 6, Laws of Kenya and in particular:

(i) Part 3 on Evidence
(ii) Part 4 on offences and penalties; and
(iii) Part 4 on Miscellaneous provisions.

MIN.NO.126/99 **EVIDENCE**

Prof. Wangari Maathai, accompanied by Hon. Moses Muihia, M.P appeared before the Committee. Prof. Maathai gave evidence under oath on the alienation of Karura Forest and its environmental implications.

She informed the Committee on the following:-

1. That Karura Forest saga can be viewed from two perspectives namely:-

   (i) **Legal**

   - That before any degazettment of forest land, the Minister responsible is supposed to advertise the said land asking for any objections within a stipulated time.

   - When the Minister advertised the notice for degazettment, the Green Belt Movement (GBM) objected. In essence, the GBM holds the view that the privatization process was illegal since the Minister did not respond to the GBM's objections.

   - The GBM had the option of going to court but realized that the suit would be thrown out on the reason that the GBM had no *locus standi*.

   - The Minister degazetted 85 hectares but it is estimated that about 500 hectares were actually hived off.

   Initially the developments in the Karura Forest were being protected by Kausha guards who alleged that they were enforcing a court order issued by Justice Kasanga Mulwa (Court Case file No. 2727/98).

   The GBM inquired from the Chief Justice wanting to know who had filed the case but there was no response. The GBM was later informed that the case had been withdrawn.

   (ii) **Environmental**

   The Green Belt Movement has been depending on public environmental sensitization to protect forests.

- It is impossible to reconstruct a natural forest due to the dynamism to its ecosystem.

- It is unwise to degazette Karura Forest primarily since it acts as a carbon sink for the city and also because we have an inter-generated responsibility to the future.

- The Environmental Conservation Bill is a good piece of legislation but it gives the President and the Minister overwhelming powers - two offices principally responsible for the degradation of the environment.

2. She proposed that the following people should be summoned to give evidence on the privatization of Karura Forest:-

- The current and former Ministers for Environment and Natural Resources
- Commissioner of Lands
- Registrar of Societies
- Registrar of titles
- Justice Kasanga Mulwa
- Forest Action Group

MIN.NO.127/99 **ANY OTHER BUSINESS**

The Chairman informed the Committee that the Speaker had received adverse allegations touching on Members of the Committee, and that the Committee requested the Chairman to consult with the Speaker of the National Assembly.

MIN.NO.128/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at forty five minutes past Five O'clock until Friday, August 13, 1999 in Conference Room, County Hall at 9.00 a.m.

CONFIRMED Hon.Musikari N Kombo ,MP
.....
(CHAIRMAN)

DATE: August 15,1999
.....

MINUTES OF THE FIFTY-FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, AUGUST 13, 1999 IN CONFERENCE ROOM, COUNTY HALL, AT 9.00 A.M.

PRESENT:	The Hon. Musikari Kombo, M.P.	**- Chairman**
	The Hon. Sulleiman Kamolleh, M.P.	**- Vice-chairman**
	The Hon. Martha Karua, M.P.	
	The Hon. Owino Acholla, M.P.	
	The Hon. Ngenye Kariuki, M.P.	
	The Hon. Wanyiri Kihoro, M.P.	
	The Hon. Mohamed A. Galgalo, M.P.	
	Prof. the Hon. Anyang' Nyong'o, M.P.	
	The Hon. Mohamed D. Weyrah, M.P.	
ABSENT WITH APOLOGY:	The Hon. Kiraitu Murungi, M.P.	
	The Hon. W.O. Ayoki, M.P.	
	The Hon. Sammy P. Leshore, M.P.	
	The Hon. Henry Obwocha, M.P.	
	The Hon. Peter E. Maundu, M.P.	
ABSENT WITHOUT APOLOGY:	The Hon. Wycliffe Osundwa, M.P.	

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk, Research & Committees.
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.
Mr. Njenga Ruge	-	Third Clerk Assistant.

MIN.NO. 129/99 **PRELIMINARY**

All the witnesses who appeared before the Committee were introduced by the Chairman to the relevant sections of the National Assembly (Powers and Privileges) Act Cap 6, Laws of Kenya and in particular

(i) Part 3 on Evidence
(ii) Part 4 on offences and penalties; and
(iii) Part 5 on Miscellaneous provisions.

MIN.NO. 130/99 **EVIDENCE**

Messrs Gerald M.T. Otieno and Henry Maina Gatete of the Catholic Justice and Peace Commission of Holy Family Basilica appeared and gave evidence after being affirmed and presented a memorandum which addressed the following areas:-

(i) Definition;
(ii) Causes;
(iii) Nature;
(iv) Extent and impact; and
(v) The key perpetrators of corruption.

(vi) Immediate and long term measures of curbing corruption.

MIN.NO. 131/99 EVIDENCE

Mr. Alfred Githinji Njoroge of Total Plan Services Ltd, appeared before the Committee and presented a memorandum on how he was illegally evicted from his business premises in a Government building (Crescent House) after he refused to pay goodwill to civil servants in the Ministry of Public Works and Housing.

The said officers were Messrs:

(i) Mr. Ndungu Mbogo
(ii) Mr. Khangati
(iii) Mr. Nzioka
(iv) Mr.Nzwili
(v) Mr. Kanyiri; all of Ministry of Public Works & Housing and
(vi) Mr. J.T.Githaiga of Camp Valuers.

He has instituted legal proceedings for the recovery of the losses incurred. He promised to send a copy of the plaint to the Committee.

MIN.NO. 132/99 EVIDENCE

Mr. Boniface Mathenge, of Uchumi Insurance Brokers appeared before the Committee and gave evidence under oath.

He presented a memorandum on the following:-

(i) Losses incurred by the Kenya National Assurance Company (now under receivership) amounting to Kshs.50million in respect to premium covers for Turkwel Gorge project.

(ii) Uchumi Insurance Brokers placed the necessary insurance cover for the project with the Kenya National Assurance but the latter irregularly transferred the business to Mr. E. Thomas of Prudential Assurance Company who influenced Senior Officers in the Treasury occasioning the loss of the premium due to KNAC and brokerage commission to Uchumi Insurance Brokers.

(iii) Uchumi Brokers sued KNAC for the brokerage commission and the court passed judgement in Uchumi's favour.

(iv) KNAC commissioned Mr. P.K. Muiruri of the Private eye to investigate if Uchumi Brokers existed and its liquidity status. This occasioned a further loss of Kshs.2.65million being the fees payable.

(v) The above process was used after the conclusion of a suit HCCC No. 1421 of 1993 between Julius Gathemia Kihara/Gaki Insurance Brokers Ltd.- versus KNAC which again led to the

loss of the fees paid by KNAC amounting to Kshs.2.65million.

He recommended that the following persons be summoned by the Committee to give further evidence on the matters in question.

(i) The then Vice-President and Minister for Finance, Hon. George Saitoti, M.P.
(ii) Mr. M.K. Micheu, the then Company Secretary, KNAC.
(iii) Mr. E. Thomas, the then Managing Director, Prudential Assurance Company.
(iv) Mr. P.K. Muiruri, the Managing Director, Private Eye (K) Ltd.

MIN.NO. 133/99 **EVIDENCE**

Mr.Charles M.M. Ondieki appears before the Committee and gave evidence under Oath.

The witness presented a memorandum about a KIRDI staff land house scheme at Syokimau Plot (L.R. NO.12715/681) measuring 5 acres which was unfairly divided amongst 17 members and whose value was inflated to Kshs.2.3million from Kshs.1.5million.

He also talked of widespread corruption in KIRDI and was advised to compile documentary evidence and present it to the Committee's secretariat.

He recommended that the following be summoned to give evidence on the land.

(i) Dr. Eng. H.L. Kaare - KIRDI Director
(ii) Mr. E. Muruka, Human Resource and Administration Manager
(iii) Mr. Abere, Finance Manager.

MIN.NO. 134/99 **EVIDENCE**

Mr. Benson Mbuchu Gichuki of Arbitration Services Tribunal, appeared before the Committee and gave evidence under oath.
The witness presented a memorandum on corruption in the public service.

MIN.NO. 135/99 **EVIDENCE**

Councillor Tarayia Ole Kores of Lodokelani Wards, Kajiado County Council appeared before the Committee and gave evidence under Oath.

He presented a memorandum on fraudulent acquisition and subdivision of plot No. Kajiado/Elangata - Wuas/21.

MIN.NO. 136/99 EVIDENCE

Mr. Peter Njuguna Murai appeared before the Committee and gave evidence under Oath.

He complained about the following:-

(i) Termination of services by Kenya Wildlife Service and wrongful compilation of his dues.

(ii) Juja farms (1976) Ltd, where he bought shares but never given his land.

(iii) Gema Holdings - He bought shares and even paid surveyor fees but never allocated any parcel of land.

He was advised to make available to the Secretariat any documentary evidence to support his claims.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITH APOLOGY:

The Hon. Martha Karua, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Owino Achola, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk, Research & Committees.
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.
Mr. Njenga Ruge	-	Third Clerk Assistant.

MIN.NO. 137/99 EVIDENCE

Mr. Dickson Rama of Contact Africa Bureau, P.O. Box 69067, Nairobi, appeared before the Committee and gave evidence under Oath. He complained about corruption practices by the Ministry of

Culture and Social Services officials and allegedly looted Kshs.8million from a project called Kenya National Theatre (KNT) Fair '95.

The whole saga started in 1995 when the Kenya National Theatre (KNT) manager, Miss Alice Ayara, placed an advertisement sponsored by the Daily Nation requesting for funding from well-wishers towards the renovation of KNT. A cultural cum trade event to attract financiers with a target of Kshs.5million was started. The NSSF donated a space to KNT for three months.

Contact Africa Bureau did the marketing and organization, while KNT received the collections. The business community responded well by booking exhibition stands. The procedure was for the exhibitors to fill KNT forms for participation, and pay at KNT accounts department and get KNT receipts where 90% of the payments was in cash and 10% in cheques. The kitty realized a total of Kshs.6.5million .

The fair was just about to start when 3 persons claiming were accountants from the Ministry of Culture namely Messrs George Yewa, Mr. Kennedy Idiasi and Kennedy Ochiando and Mr. P.J. Ochanda an accountant from KNT allegedly turned up claiming to have been sent to man the fair.

Since the event was to take place outdoors, KNT hired for tents from Kenya Vehicle Manufacturers (K) Ltd based in Thika. The Manager paid a deposit of Kshs.200,000. The fair was officially opened by Mrs. Grace Ogot, Chairman of KNT. It was later learnt that the Kshs.6.5million netted had disappeared leading to the exhibitors outcry demanding that the Manager be probed. Instead, the Manager was transferred.

A new team of Mr. Anami & Ms. Salome was appointed to manage the fair grounds, and collect rent arrears to pay debts. They were later joined by Mr. Singh to accomplish the task. The fair further collected Kshs.1.6million.

Kenya Vehicle Manufacturers (K) Ltd which was paid Kshs.5million on an out of court settlement for the tents used by KNT at the fair from Treasury through the Ministry of Culture and Social Services but contact Africa Bureau was not paid as per the agreement.

The witness was advised to present to the Secretariat the relevant documents to support his claims.

MIN.NO. 138/99 **EVIDENCE**

Mrs. Idah Wamuyu Mwangi of P.O. Box 72089, Nairobi, appeared before the Committee and gave evidence under Oath and presented a memoranda to the Committee. She complained about her plot No.A7 inner Core of Umoja Housing Estate (Nairobi) which she alleges that it was grabbed by a City Council Employee, a Mr. Jonathan Mwangi Githeru, where he later sold it to one Joseph Mwangi in 1993.

She was advised to go back and bring relevant documents concerning the plot to support his claim.

MIN.NO. 139/99 **EVIDENCE**

Mr. David Chege Karangi of P.O. Box 31404, Nairobi appeared before the Committee and gave evidence under Oath. He presented a memoranda and complained about two issues:-

(i) His compulsory retirement by the Kenya Railways Corporations after the cancellation of his Birth Certificate No.227807 entry No.B/E Lo 700917/73 - Muranga. He presented relevant documents to the Committee.

(ii) He also complained about corruption at Capital Drycleaners and Dyers (in receivership) by one Harbans Rai Sahi who was in partnership with Mrs. Prisika Wambui Karangi wife of the (complainant) in the above company.

The Company was later to be liquidated and it was placed under receivership and Mr. Harbans Rai Sahi of Capital Drycleaners was appointed the receiver and Manager. He (Mr. Karangi) availed relevant documents for the Committee perusal.

MIN.NO. 140/99 **EVIDENCE**

Councillor Dick Waweru of Nairobi City Council, appeared before the Committee and gave evidence under Oath. He informed the Committee about corruption in the City Hall and highlighted the following areas where corruption is rampant in the institution:-

(i) Awarding of Tenders - he said that the Minister for Local Authorities is using a Mr. Geoffrey Asanyo to acquire business through a company called Guasi Traders which belongs to Mr. Asanyo.
(ii) Debt collectors of rates and water
(iii) Land grabbing.

The Committee advised the Councillor to bring relevant documents on corruption in City Hall.

The Committee resolved to be summoned later with other City Council Officers.

MIN.NO. 141/99 **EVIDENCE**

The following witnesses will be summoned by the Committee at a later date. They appeared before the Committee but they did not give their evidence orally, though some presented their memoranda. This is due to inavailability of time.

Some of the witnesses presented memoranda to the Committee but they could not present their complaints orally.

The witnesses were:-

(i) Mr. Humphrey Mwangi L. Gitu
C/o B.M. Waweru
P.O. Box 30066
NAIROBI

(ii) Mr. David Irungu
C/o B.M. Waweru
P.O. Box 30066
NAIROBI

(iii) Mr. Peter Mugwe Thairu
C/o P.O. Box 16242
NAIROBI

(iv) Mr. Simon Njau Nganga
Water Sewerage Department
PIU Section
P.O. Box 30656
NAIROBI

(v) Mr. John Peter Nyakundi
P.O. Box 22529
NAIROBI

MIN.NO. 142/99 **PRESS STATEMENT**

The Committee gave a brief Statement and outlined the breakdown of the Committees Programme of Provincial visits which were to start on August 16, 1999, in Central Province at Nyeri Municipal Hall.

MIN.NO. 143/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at thirty minutes past Six O'clock until Tuesday, August 16, 1999 in Central Province, Nyeri Municipal Hall.

CONFIRMED . .Hon. Musikari N Kombo ,MP
(CHAIRMAN)

DATE: .August 15,1999

MINUTES OF THE FIFTY-SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, AUGUST 17, 1999 IN NYERI MUNICIPAL HALL, AT 10.30 A.M.

PRESENT:	The Hon. Musikari Kombo, M.P.	**- Chairman**
	The Hon. Sulleiman Kamolleh, M.P.	**- Vice-chairman**
	The Hon. Martha Karua, M.P.	
	The Hon. W.O. Ayoki, M.P.	
	The Hon. Ngenye Kariuki, M.P.	
	The Hon. Kiraitu Murungi, M.P.	
	The Hon. Wanyiri Kihoro, M.P.	
	The Hon. Wycliffe Osundwa, M.P.	
	The Hon. Mohamed A. Galgalo, M.P.	
	Prof. the Hon. Anyang' Nyong'o, M.P.	
	The Hon. Mohamed D. Weyrah, M.P.	
ABSENT WITH APOLOGY:	The Hon. Owino Acholla, M.P.	
	The Hon. Sammy P. Leshore, M.P.	
	The Hon. Henry Obwocha, M.P.	
	The Hon. Peter E. Maundu, M.P.	

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk, Research Library & Committees.
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO. 144/99 **EVIDENCE**

Mr. John Mutahi Watata of P.O. Box 207, Mukurweini, appeared before the Committee and gave evidence under Oath. He presented a memorandum to the Committee where he complained about a land dispute which goes way back to 1953 (No. Muhito/Muyu/109). He alleged that the land in question was grabbed by his cousin, a Mr. Mutahi Irungu, after it was given to him (Mr. Watata) by an uncle. The land had been sub-divided in 1959 as per the Case No.H.C.C.C No.63/72 which was later transferred under case no S.R.M.C.C.C No.105/73. The witness presented documents to support his claim.

MIN.NO. 145/99 **EVIDENCE**

Mrs Tabitha Gathoni Kamau, accompanied by Mrs. Naomi Wanyoike, of P.O. Box 713, Kiambu, appeared before the Committee and gave evidence under Oath. They presented a memorandum on a land dispute where the land Registrar in Kiambu was alledgedly involved. Mrs. Tabitha Gathoni Kamau, said that her land L.R. No.Gatamayu/Kagwe/1037 was subdivided when she was sick in

hospital. She gave the consent that her son be given the right to own the land. This same land was later sold to a Mr. Peter Njoroge Karima at a cost of Kshs.520,000. But before the old title deed could be surrendered, the Land Registrar Kiambu, registered the transaction under his name on 6th March, 1997.

The family members approached the District Commissioner for intervention and the transaction was cancelled. The matter was later taken to Court Civil Case No.282/97 and it is still pending.

MIN.NO. 146/99 **EVIDENCE**

Mr. Paul M. Wamae of P.O. Box 47159, Nairobi, appeared before the Committee and gave evidence under Oath. He outlined to the Committee the various causes, nature and impact of corruption in the Society. He further outlined ways of curbing the vice; and recommendations for dealing with the perpetrators.

MIN.NO. 147/99 **EVIDENCE**

Mr. Chrysostom Nderitu Karuu of P.O. Box 774, Nyeri, appeared before the Committee and gave evidence under Oath. He presented a memorandum where he complained about the Officer commanding Police Division (O.C.P.D) and D.C.I.O. of Nyandarua Police Station where they colluded with Robeand Commercial Agency of P.O. Box 1940, Nyahururu and robbed him of his plots at Nyahururu Municipality Block 11/142. He informed the Committee that he entered into an agreement with the Agency above to sell the plots on his behalf but the Agency went against the agreement by selling the land and failing to remit the amount to the owner.

MIN.NO. 148/99 **EVIDENCE**

Mr. Andrew Githinji Mwihuri of P.O. Box 47, Nyeri, appeared before the Committee and gave evidence under Oath and complained about Mr. Gikuhi his landlord. Mr. Sheikh Mohamood Mwanzi who evicted him from his business premises without a court order. The matter was later taken to court and the ruling was in the landlords favour. He believes the ruling was not fair.

MIN.NO. 149/99 **EVIDENCE**

Mr. Richard Kori Gathoki, of P.O. Box 53, Kerugoya, appeared before the Committee and gave evidence after affirmation. He presented a memorandum to Committee about a land dispute court ruling allegedly based on perjury, false swearing and false claims. He said that the registered proprietors and title deed holders were Njagi Karoki, Joel Mumo Zephania and Jacinta W. Mubari land No.213 & 215, Mwerua Kagio.

He informed the Committee that the land dispute does not come under Kirinyaga County Council, though the Council gave the land to the public. The legal owners took the matter to Court (Civil Case No.75/93 and No.81/95 - Embu) and the land was given back to them on 22nd May, 1995.

Later the plaintiff, Mr. James Miriuki Kamangi and, the then Market Superintendent and now Kirinyaga County Council Clerk, Mrs R.W. Miano allegedly conspired to defeat justice through false swearing, perjury and false claims and acted on contempt of court by disregarding the ruling of Court Case No.81/95. At the same time Mrs. Miano has withheld the complaints letter i.e beacon certificate and minute authority to develop letters. He informed the Committee that the Kirinyaga County Council is still obtaining levy taxes on the land in dispute.

MIN.NO. 150/99 **EVIDENCE**

The Committee gave a brief statement to the press at 1.40 p.m.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITH APOLOGY:

The Hon. Owino Acholla, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk, Research & Committees.
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO. 151/99 **EVIDENCE**

Lt. Col.(Rtd) J.P. Kibunja of P.O. Box 998, Thika, appeared before the Committee and gave evidence under Oath. He presented a memoranda on definition and causes of corruption outlined recommendation of how the vice can be curbed from the society.

MIN.NO. 152/99 **EVIDENCE**

Mr. David Kuria Ngomi of P.O. Box 180, Nyeri, appeared before the Committee and gave evidence under Oath. He complained that the Head of State was the biggest perpetrator of corruption and recommended that the law be amended to trim down the powers of the President of Kenya. He continued to give general remarks on how corruption should be contained (curbed). He presented a memorandum to the Committee detailing his complaint.

MIN.NO. 153/99 **EVIDENCE**

Mrs. Mary Wangechi Ndirigi of P.O. Box 1290, Nyeri, appeared before the Committee and gave evidence under Oath. She complained about the negligence of Kenya Wildlife Service and their failure to control elephants who are always destroying her crops. She also complained about the ruthlessness of the Nyeri Municipal Council officers who are always demolishing her dwelling and leaving her without shelter.

She was advised to seek assistance from her local chief, who should direct her to the local MP who should be in a position to assist her in obtaining documents to enable her claim compensation from KWS.

MIN.NO. 154/99 **EVIDENCE**

Mr. George Baragu Mutahi and James Gatama Gakandi of P.O. Box 147, Kiganjo, appeared before the Committee and gave evidence under Oath. They complained about collusion by Magistrates, lawyers, prosecutors and court clerks especially in Nyeri law courts to extort money from wananchi with cases in the law courts. They also complained of illegal allocations of plots where even the public cemetery was allocated to an individual; and also part of Mt. Kenya Forest which excised to settle landless people and were never settled on the land. These people are now camping on the roadside especially in Mathira Constituency. Did not give names of perpetrators neither did they recommend remedial action. The pair was advised to draw up a memorandum detailing all the complaints including names of the perpetrators of corrupt activities and forward the same to the Committee to consider and act on.

MIN.NO. 155/99 EVIDENCE

Mr. Nivan Kiarie Ngatia of P.O. Box 120, Othaya, appeared before the Committee and gave evidence under Oath. He complained about alienation of land Parcel Othaya/Kiambenya/105 by his step mother after his father's death in March, 1998. His late father Mr. Kagondu owned the land but the step mother has a title deed dated June 13, 1997 for the same land, on strength of which she has sought a permanent court injunction barring him and his clan/brothers from burying his elder brother, who died in July, 1998 and is still lying in the mortuary.

He was advised to file a counter claim and seek advise from Kituo cha Sheria who would assist him draft his case and file it under a certificate of urgency where he will be granted leave to present himself. These organisations will be able to assist him to operate in the right direction - He should urgently contact the Public Law Institute or Kituo cha Sheria for urgent help. He presented a memorandum to this effect for perusal and action by the Committee.

MIN.NO. 156/99 EVIDENCE

Mr. Wanguithi wa Thiga of P.O. Box 409, Nyeri, appeared before the Committee and gave evidence under Oath. He complained about a plot he acquired from Nyeri County Council in 1974 for which he paid Kshs.1000/=. And now he is being told that he has a loan of 54,000/=. He claimed to have left the documents at home since he didn't know the Committee would need them. He was advised to present his documents before the Committee tomorrow (18/08/99).

MIN.NO. 157/99 EVIDENCE

Mr. Samuel Ruingi Gathera of P.O. Box 27, Nyeri, appeared before the Committee and gave evidence under Oath. He complained of having been forced to repay a loan that he did not take. He was advised to avail supporting documents to the Committee tomorrow on 18th August, 1999 so they can be scrutinized and advise him accordingly.

MIN.NO. 158/99 EVIDENCE

Mr. James Kimaru Maina of P.O. Box 180, Nyeri, appeared before the Committee and gave evidence under Oath. He complained about his land having been illegally allocated to a Company called Tropical Construction Company owned by a Mr. Singh, who has entered into a lease agreement with Nyeri Municipal Council for 99 years. He has complained to the Council and all relevant authorities without success. He produced documents dated as far as back as 1958 to support his claim and appealed to the Committee to help him redeem his land

since he inherited it from his late father who had also allegedly inherited it from his forefathers.

MIN.NO. 159/99 **EVIDENCE**

Mr. John Githinji Wang'ondu of P.O. Box 280, Othaya, appeared before the Committee and gave evidence on Oath. He complained about the Commissioner of Co-operatives' failure to arbitrate on the case of his Co-operative Society (MM & J Co-operative Society) and about a Mr. J.V. Juma, Judge in Nyeri Law Courts having been compromised by one of the lawyers Mr. J. Namasaka Sichangi involved in the said Society's case. He made general allegations of corruption in the Co-operative movement having taken various dimensions and presented memoranda to support his claim.

Owing to shortage of time and that the Committee had to adjourn for the day, Mr. Wang'ondu's evidence was deferred to the following day.

MIN.NO. 160/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at Seven O'clock until Wednesday, August 18, 1999 in Nyeri Municipal Hall at 9.00 a.m.

CONFIRMED . . Hon. Musikari N. Kombo ., MP. . . .
(CHAIRMAN)

DATE: . . August 23, 1999 . . . . . .

MINUTES OF THE FIFTY-SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, AUGUST 18, 1999 IN NYERI MUNICIPAL HALL, AT 9.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITH APOLOGY:

The Hon. Owino Acholla, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk, Research & Committees.
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO. 161/99 EVIDENCE

Mr. John Githinji Wang'ondu of P.O. Box 280, Othaya, while still under the Oath he swore yesterday, the witness stated further that:

(i) The District Officer for Othaya having learnt of the witness coming to the Select Committee yesterday; he had ordered for his arrest; thus he could not get to his home at the end of his presentation.

(ii) The Acting Resident Magistrate, Regina Muraya received a bribe of Kshs.250,000 and is now reluctant to here the proceedings typed to enable him file further litigation in the High Court.

(iii) The Police Officers are always paid to cover all meetings of Co-operative Society in the rates of Kshs.5,000 (OCPD); Kshs.4,000 (DEPUTY OCPD); Kshs.3,000 (CHIEF INSPECTOR). But when the Co-operative Society fail to pay the money, the police do not appear at the meetings. The Police Officers and Provincial Administration (PADM) come to the meetings of Co-operative Societies because they are paid.

(iv) Members for Mukurweini has tender to transport Co-op Society and tender to supply fertilizer; has bought 700 pangas which are sharpened to oppose the split of Co-operatives. He has been given Kshs.55million loan out of the 800million the society had borrowed.

(v) The Members for Othaya and Nyeri are opposed to split of Co-operative Societies; yet they support the Co-operative Societies (Amendment) Bill of last year. The Members of Societies should be left to decide on the future of their societies.

(vi) George Masinde Sichangi a Nyeri Advocate, transmitted the bribe of Kshs.250,000 to Magistrate Miss Nyakundi on to Ms. Regina Muraya, the Acting Resident Magistrate.

(vii) The money paid to police officers to protect officials of Co-operative Societies, is signed for by the police officer, e.g the Othaya Farmers Society where the witness was an official.

(viii) Allegation that a document (Circular letter) circulated by D.O. Othaya to Jeremiah Gatere of Kerugoya - the circular letter has a cheque attached to it to be paid to Kabare Co-operative Society. The circular letter mentioned names of Hon. Martha Karua,M.P, Hon. Wanyiri Kihoro, M.P and the witness. The D.O. Othaya alleged at public meeting and also in the circular letter that the trio have been compromised to ensure farmers (Co-operative Society) take their Coffee to Thika Coffee Mills.

(xi) The current Chief of Karima Location in Othaya, a son of the Othaya Farmers Co-operative Society Chairman - actual name Andrew Karimi Kingori born in 1952 and baptised in 1956, but is now known as David Robert Kingari - Maiva, report about the fraudulent manner of employment have been made to the Head of the Public Service and the National Security Intelligence Service.

(x) The witness to provide evidence of payments to the police by the Othaya Co-operative Society.

MIN.NO. 162/99 **EVIDENCE**

Mr. Richard Kiana Gikuhi, Town Clerk, Nyeri Municipal Council, having been explained of his rights, powers and those of the Committee, was sworn in by the Secretary to the Committee. Thereafter, the witness then stated as follows:-

(i) Allegations on the allocations in Kiawara and demands for loans by the Nyeri Municipal Council from the allottees, who claim not to have entered into any agreement for the loans.

(ii) The improper construction at the Soko Mjinga Market, which has now blocked access to the public utility at the market - the building was apparently put up by the area Council. The Committee will visit the site. The Committee invited the Clerk to come along.

(iii) The transfer of the ASK Central Kenya from Ruringu to Kabiruini Forest - allegations of land grabbing by the Nyeri Municipal Council Councillors. The witness stated as follows relating to the above three points:-

(a) Kiawara Upgrading Scheme was started by the World Bank in 1974. All facilities and services were to be incorporated. The upgrading was financed by the loan from the World Bank through the Government to Nyeri Municipal Council as the Managing agent. A Committee comprising the Provincial Administration and Council, identified in 1984 120 deserving allottees for allocation. The 1992 decision revoked the decision to allocate only 60 and instead allocated all the 120 in Shauri Yako, Kiawara. The loan from World Bank was to be paid by the allottees. The original 60 were aware and started repaying loan. The later 60 were informed of the loan in 1994, some of the 60 refused to pay the loans. The Nyeri Municipal Council is sorting out the loan, except 13 who have refused to honour the loans. These group has gone to all offices and even attempted to petition the President on his recent visit to Nyeri.

(b) The Committee seeks a copy of the agreement between the Government, World Bank and the Nyeri Municipal Council.

(c) The loan demanded vary,but most have to be paid Kshs.59,000/=. The plots vary in size and most are 60" x 40". The loan is to be repaid in 60years and the Nyeri Municipal Council is willing to reschedule the repayment. Notice for possible eviction has been sent out and some responded positively.. Local Government Transfer will be in operation starting January 2000, which could assist the very poor within the Nyeri Municipal Council.

(d) **Enclosed Market (Soko Mjinga)**

It was first put up in 1950's. All shops are owned by Nyeri Municipal Council; one of the shops used as a hotel, the tenant requested to put up an extension to separate the kitchen, the Nyeri Municipal Council Engineer did survey and the plan for three rooms was approved by the Council and all procedures followed; the additional three rooms were to be owned by the

Nyeri Municipal Council. Some of the prospective allottees are related to some Councillors; The tenants rioted protesting the new constructions; the Clerk suspended the construction pending extensive discussion with all stakeholders and the meeting is yet to sort our this issue.

The Clerk was informed to forward a progress report on the discussions with stakeholders of the Enclosed Market over the suspended three construction set for next week on August 23, 1999.

The Clerk was requested to send copies of correspondence with the Ex-Convict (Mr. Andrew Githinji Mwitari) a carpenter - the plot was allocated to P.T. Ndegwa - all documents.

The Nyeri Municipal Council is not allocating authority for plots.

(e) **ASK old Ruringu Show Ground**

ASK allocated about 200 acres at Kabiruini Forest and the old show ground be left for public utility. Appeal has been made to all authorities yet ASK retain the Ruringu ASK ground.

ASK to confirm the status of the Ruringu Show ground.

The Clerk was requested to provide details of plot near the cemetery and others that have been allocated by the Commissioner of Lands (LR.Nos, the allottees), and the land around Ruringu.

The Committee departed for the Sites at 11.30a.m.

MIN.NO. 163/99 SITE VISITS BY THE COMMITTEE

The Committee visited a controversial construction site in Soko Mjinga where new structures are said to be coming up and blocking access to the enclosed market and the traders therein to the enclosed market and the traders therein are against it. They feel the space in question should be left open, to act as emergency exit point in case of fire/accident.

They say they need the space for storing their grains. But the truth is that the construction is being undertaken by the council and not by a grabber as earlier alleged. The council is building kiosks for rental to interested tenants, but the current traders fear that their business will be at stake.

Various members of the public expressed disgust over the space between the garbage dump and toilets and wondered how a shop can be built there.

He started that garbage management is poor.

That a building has been built by a councillor on an allegedly council plot.

Wananchi had numerous complaints against the same councillor locally known as "John Headache".

Informal Sector Market

It was allocated to individuals after council had provided water and electricity (around Asian quarters of 6 acres).

The subdivision of the Government quarters was done locally. The councils policy was to cut out portions of land occupied by government houses leaving houses intact and allocating the rest of the land to individuals for development.

Kabiruini Show Ground

The area has not been degazetted. The area already annexed by Agricultural show of Kenya (AKS) for the show ground is 46 hectares (100 acres).

The Committee returned back to the Town Hall at 4.30 p.m. There were so many more witnesses awaiting to give their evidence.

Being the last day in Nyeri, the Committee addressed the witnesses, received memoranda from those who had; and advised those who did not have to write them and sent them to the Committee address were provided.

MIN.NO. 164/99 **ADJOURNMENT**

And the time being Five O'oclock the Chairman adjournment the sitting until 19th August, 1999 at Embu Town Hall.

CONFIRMED .Hon.. Musikari. N. Kombo, MP. . . . . .
(CHAIRMAN)

DATE: . August .25., 1999 . . . . . .

MINUTES OF THE FIFTY-EIGHT SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, AUGUST 19, 1999 IN EMBU MUNICIPAL HALL, AT 9.30 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITH APOLOGY:

The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Owino Acholla, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO.165/99 EVIDENCE

Mr. Samuel Mbili Mugwika of of Karama Location P.O. Box 1923, Meru of Karama Location, appeared before the Committee and gave evidence on Oath. He presented a memorandum to the Committee where he complained about a Chief, Mr. Thomas Muring'a who allegedly stole relief food meant for the community Karama Location where the Chief comes from. The Chief was taken to court but the case could not be finalised because he (the Chief) was allegedly being protected by the Minister for Health Mr. Jackson Kalweo, then a Minister of State, Office of the President and Mr. Mativo, the area DC. Later the Chief was acquitted though tangible evidence on the issue were received from two Assistant Chiefs Mr. David Mwongela and Mr. Charles Kilautu. The residents of the Location in question protested bitterly.

The Chief has also allegedly grabbed a community land. The residents have complained to the relevant authorities but nothing has been done.

MIN.NO.166/99 **EVIDENCE**

Mr. M'ithili M'twaruchu of P.O. Box 1923, Meru, appeared before the Committee and gave evidence on Oath.

He stated thus:-

He is a retired Kenya Wildlife Service (KWS) officer who had served the Government for 30 years and that he retired in July, 1993. Upon retirement he found that his brother, Mr. Thomas Muringa, Chief of Karama Location, Tigania, Meru North had grabbed all his pieces of land and other pieces of land belonging to other brothers. The Chief used to forge his name in the lists of names of people owning farms e.g Luthii/193 which belongs to the complainant; and his brother who is the area Chief has inserted his name along with that of the complainant purporting to be a co-owning the land. He (the chief) has influenced any attempt by the complainant to seek redress. That he (Mr. M'twaruchi) is the sixth born in a family of 21 sons. The was left in charge of 21 pieces of land that he inherited from his late father and that his brothers have theirs. That the Chief who is one of his brothers has tried to illegally acquire his land and those belonging to the other brothers.

That when they were summoned by the area D.O. to appear before him to sort out this matter, the Chief refused to go and see the D.O. That his brother (the Chief) gets assistance from Hon. J. Kalweo, Minister for Health, who is their relative. That he has reported the matter to his area Member of Parliament, Hon. Adams Karauri but no assistance was forthcoming. That even now the Chief is notorious for receiving bribes to alter people's shambas, through corrupting the area lands officer Mr. Kepha.

The witness was advised to provide more evidence to the Committee in form of Memoranda for the Committee to act on.

MIN.NO.167/99 **EVIDENCE**

Mr. Martin Wachira Ngiri of P.O. Box 333, Embu, appeared before the Committee and gave evidence on Oath. He complained about illegal allocation of land mainly by Councillors using names of their relatives/children so as to disguise their identity.

That these plots are never regarded in this respect since the plots are never advertised. That the people who obtain these plots are known to council officials. He confessed that he feared to include his name in the list of witnesses that have complained about these allocations for fear of repercussions. He was assured that he did not need to fear since he was protected by law.

The witness was advised to go back and have the witnesses in his memorandum sign against their names in the list and then append his own name and signature and bring it back to the Committee tomorrow (20/8/99).

The witness told the Committee that he was being threatened by one of the Councillors, Mr. Edward Kioi, when he learned that the witness had known about the allocations. He was assured of protection by the Committee and that should he be intimidated/threatened he should write to the Committee through the address given by the Secretariat and inform the Committee of the threats.

He said that only Mr. Sheba Mohamud who is a lawyer was allocated a plot from his village, and that a Dr. Robert Njagi and his wife have been allocated plots 3A, 3B and 14B.

The Committee is to tour the site tomorrow.

MIN.NO.168/99 **EVIDENCE**

Mr. Michael Munyi Kioi of P.O. Box 244, appeared before the Committee and gave evidence on Oath.

He stated thus:-

His shamba No.36/Kiriari was changed by Mr. Luka Njiru Kagereki who claimed to have had power of attorney to receive the whole land. They had agreed in writing when he was receiving the loan that out of his 13 acres he was going to exchange 3 acres for the loan in question. Instead of this, the person decided to take the whole shamba (13 acres).

They drew an agreement before a lawyer in Nairobi known as James Kibicho Advocates. He used to work at Uchumi House as Senior Accounts Clerk.

The document they agreed and signed before lawyer James Kibicho the witness said, did not know was a "Power of Attorney" instead of an agreement that he gives Mr. Njiru 2 acres but this turned out to be a power of Attorney which gave Mr. Njiru powers over his (Mungi's) whole land. He was later forced to sign transfer forms by Mr. Njiru accompanied by police who harassed him to sign a number of forms he did not understand what they were for. Later he received a letter from Lawyer J.K. Kibicho of Nairobi notifying him to vacate the land within 14 days since it had now changed hands and it belonged to Mr. Luka Njiru Kagereki.

The witness was advised to draw up a memorandum explaining how these things happened (how Mr. Njiru loaned him 8,000/= which he was unable to pay back and how they agreed that he will give Mr. Njiru 2 acres of his land to offset the loan; and how later on Mr. Njiru decided to take over all his land). It should contain details of the years and amounts, persons involved and he sends it to the Committee through the address provided by the Secretariat.

The witness also complained of a land case that dates back to 1976 and he as never been heard; and he is determined about someone else who took falsefully his 1 acre piece of land and fraudulently obtained a title deed for it. Witness was advised to write a memorandum to the Committee on the same.

MIN.NO.169/99 **EVIDENCE**

Mrs. Jane Murangi Munyi of P.O. Box 244, Embu, appeared before the Committee and gave evidence on Oath.

She stated thus:-

She was a saved christian and stood for the truth at all times. They intended to sell their farm so that they could buy another one. Then they were approached by Mr. & Mrs. Newton Njagi with intentions to buy the shamba. This was in May, 1997. Her husband Mr. Michael Munyi came and told her that he had given Mr. Njagi the title deed to their shamba. Later they received notice to vacate the small shamba of 1 acre on which her husband had secured a loan with. They intended to move into this land and alas! it was being sold! She tried to ask her husband who had allowed him to sell the land to Mr. Njagi but he did not tell her. She called her children from Nairobi to come and see what their father had done. They did not agree with their father and they went away. Later they (the Children) were suddenly taken ill. They were taken to a church congregation to be prayed for - later they were well. It turned out it was as a result of the shamba they did not agree with their father to sell. Mr. Michael Munyi had sold the land for Kshs.600,000 and was paid half the price i.e Kshs.300,000 and he spent it alone.

She went to the land office and was advised to seek an advocate to assist her reclaim the shamba. That the advocate advised her to go to see the D.C. He husband later went to see his advocate and was issued with a cheque of Kshs.300,000. The buyer had said that he was buying the land without people's wives and he sells land without his wife. The witness pleaded with the Committee to help her regain her shamba. This shamba was not sold/bought through the Land Board. The husband sold the shamba and bought a matatu which was re-possessed after two weeks. She never even used it herself.

She was advised to bring her husband along to testify before the Committee today (19/8/99).

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITH APOLOGY:

The Hon. Owino Acholla, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO.170/99 EVIDENCE

Mrs. Jane Murangi Munyi still on the Oath she took in the morning appeared together with her husband Mr. Michael Munyi as required by the Committee.

Mr. Michael Munyi the husband appeared together with his wife Jane Murangi Munyi before the Committee and gave the following evidence on Oath:-

It is true that he and his wife wanted to sell their smaller shamba of 3 acres so that they could buy a bigger shamba; and that he sold the shamba worth Kshs.600,000 and was paid Kshs.300,000 by cheque drawn to Kenya Commercial Bank, Embu. That he was given Kshs.2,000 by the buyer to open an account at KCB Embu and Kshs.280,000 by cheque. That it was true that they had not gone with the buyer to the Land Board to have the ownership changed to this day, and that later on when he checked at the lands office, he discovered that the buyer had corruptly acquired a title for the whole piece of land. He said he had tried to appeal to relevant offices many times without success. That he had even been told by a relative of his wife's who works in the lands office, Embu, that she could assist him

get documents pertaining to the land case upon payment of Kshs.500 for 'mkubwa' to release the documents.

Later he was informed that the buyer had placed emissaries at the lands office to ensure that the complainant does not obtain the documents. He also stated that the buyer does not want the complainant to know his home and that he did not go to the Land Board with the buyer, Mr. Newton Njagi. He stated that he had already vacated the shamba even before the buyer took possession of it.

The witness was advised to bring copies of his bank statement from Kenya Commercial Bank and Consolidated Bank where he deposited the money, the agreements and any other documents pertaining to the transactions involved in this case.

MIN.NO.171/99 **EVIDENCE**

Mr. Joseph Lailai Kibara and Mr. M'ibiri M'alaikua of P.O. Box 58, Kianjai, Meru, representing the gathering (Land Consolidation) of Athinga/Athanja in Kiangai, Meru, appeared jointly before the Committee and after they were sworn in, gave the following evidence:-

They complained of injustices done to the common wananachi during the land consolidation exercise by the Consolidation Committee. They stated that this Committee acts in cahoots with powerful people from the Provincial administration, DO's, police, chiefs, assistant chiefs, etc, to harass and intimidate villagers who protest when some of their land is not properly demarcated. He claimed to have been arrested in May and detained at the D.O.'s office for two days when he failed to pay Kshs.2,000/= to the Land Demarcation Committee. He stated that police from Tigania police station are notoriously arresting people without due course. He reported the matter at the police station and at the District Lands Office but no action has been taken.

The Witnesses were advised to forward to the Committee names of complainants whom they represent and were given the Committee's postal address.

The Witnesses further told the Committee that even when they were coming to appear before the Committee they had to leave a day earlier and go into hiding for fear of repercussions from the adjudication Committee and their Chairman a Mr.....

MIN.NO.172/99 **EVIDENCE**

Mr. Gerald Njagi Kubai and Mr. Martin Kirimi Musa of P.O. Box 184 representing the people of Kalia Location, appeared jointly before the Committee and gave the following evidence on Oath.

That the people of Kalia Location have been subjected to alot of harassment suffering in the hands of a gang that is lead by a businessman called James Mugambi who operates in cahoots with the local magistrate, Mr. J.D. Gichuki and the Chief of Kalia, Mr. John G. Ruchu and the local police. They further stated that whenever the residents are attacked by this gang and try to report the attack to the police, nothing happens and all efforts are made to deter investigations and destroy evidence. They gave an example of a navy officer who was attacked by this gang and Mr. Mugambi and the Chief have done everything possible to destroy evidence.

Mr. Musa narrated a harrowing experience in the hands of the police at Meru C.I.D. office led by the DCIO, a Mr. Mutua on tramped up charges and held him hostage for 5 days - all in an effort to intimidate him not to follow up the Navy Officer's case. The Magistrate ruled that the witness had a case to answer - that he was caught in possession of 2 bullets, while his bond stated that he was guilty of robbery with violence. His advocate Mr. Gikunda Miriti and his representative Mr. Githinji were intimidated by the Magistrate Mr. H.N. Oundu, being threatened with dire consequence if he (the lawyer) dared involve himself with other people's war.

The Witnesses were advised to advise the people they are representing their won cases individually to the Committee by sending their memoranda to the Committee through the address provided by the Committee secretariat. Witness Martin Kirimi Musa was advised to summarise his own case as presented by him to the Committee and send it to the Committee Secretariat in through the address provided.

MIN.NO.173/99 **EVIDENCE**

Mr. Gathendu Mugo Boniface, Land Registrar, Embu appeared before the Committee (as a friend of the Committee) and gave the following evidence on Oath.

(i) That he is the Land Registrar and he has held that office in Embu for the last 8 years.

(ii) That the following are required to transact land transfer:-

(a) Consent from the Land Control Board (LCB)
(b) Old Title deed
(c) Dully signed transfer forms
(d) Copy of agreement for transfer
(e) Letter of consent for the transfer
(f) Transfer fees.

(iii) That he was not aware of a letter to him by Muthoga and Gaturu advocates requiring him to furnish them with copies of consent letter from LCB and transfer form so as to be able to advise their client on the validity of the transfer.

The witness was advised to copy the details of the letter and furnish the Committee with relevant information as required of him in the said letter tomorrow (20 8 99).

The witness was reminded that he was on Oath until 09.00hrs tomorrow when he will appear before the Committee to furnish members with the required information.

MIN.NO.174/99 **PRESS BRIEFING**

The Committee issued a brief statement to the Press at 4.55 p.m.

MIN.NO.175/99 **EVIDENCE**

Mr. James Wanyanga of Nyeri Municipal Council appeared before the Committee and gave the following evidence on Oath.

(i) That corruption in the Nyeri Municipal Council starts immediately after councillors are elected.

(ii) That in order for the Mayor to survive he enters into funny deals with councillors e.g in the tendering system where:-

(a) Councillor J.W. Gitahi is the main supplier of murram and does not supply anything, obtains an LPO and brings an invoice to be paid.

(b) Nominated Councillor Jeremiah Nyagah is the main supplier of stationery; while

(c) Councillor Peter Maina supplies tarmac and over Kshs.6 million has been paid out without supplies.

(d) The Councillor himself, Mr. James Wanyaga is also a supplier in Nyeri Municipal Council.

(iii) Tours have been undertaken without due regard to workers who are not paid - tours are expensive.

(iv) Tours hiring matatus from Town Clerk and Mayor are directors ..... and use lots of money to bribe councillors so that the corrupt deals are not exposed.
- The witness said that he is being threatened and sought Committee's protection now that he has testified.
- Misuse of office - Town Clerk has been in the Municipal Council for over 20 years.
- The Witness recommended the amendment of the law to allow direct election of Mayors by simple majority and not by councillors.
- Councillors who fought while they were on a tour to Kisumu were arrested and charged in a Kisumu Court where they are expected to appear for a hearing of their case on August 30, 1999, and the Municipal Council is meeting all their expenses thus squandering public funds with impunity.

MIN.NO.176/99 **EVIDENCE**

Messrs. James Kiviu, former Mayor, Embu Municipal; Councillor John Nyagah, former Town Clerk, Embu Municipal and Shadrack Nyaga, former Senator, all members of Futa Magendo Action Network, Embu Branch, appeared as a group before the Committee and gave the following evidence on Oath:-

They presented a memorandum to the Committee on ways and means and modalities of eradicating corruption in the country.

They presented plot numbers allegedly grabbed by individuals with assistance of the following persons:-

(i) Mr. Akungo, the Provincial physical Planning Officer
(ii) Mr. Kinyua, the Town Clerk
(iii) Mr. Mureithi, the Embu Town Mayor; and
(iv) Mr. J.N. Ombati, an official in the Ministry of Lands Office (Nairobi) in charge of Eastern Province.

The plot numbers in question are as follows:- Plot numbers from 1254 - 1255, 1202 - 1206, 1220 - 1267, 1327 and 1260 - 1290.

The Committee will visit the area in question tomorrow (20/8/99).

MIN.NO.177/99 **EVIDENCE**

Mr. Joseph Titus Karuri of P.O. Box 1283 appeared before the Committee and gave the following evidence on Oath.

That he is a coffee farmer, a leader in the Co-operative sector, Chairman of Embu Farmers Co-op Society.

He complained that the law enforcement agents have been partisan and applying the law selectively, thus causing a lot of friction and chaos in the Co-op sector especially in Central Province and now in Embu. He tabled a document to the committee whose authenticity he could not ascertain. The Committee assured him that the document was familiar to them since it was presented at an earlier sitting. That Thika Coffee Millers tried to him as the Chairman of Embu Farmers Sacco, who had been invited to the opening/launching of the Thika Millers with his Committee so that he can organise for coffee from Embu Farmers Sacco to be delivered for milling in Thika. That Thika Millers will use any means to harass coffee farmers who do not agree to deliver their coffee to Thika.

That the witness obtained the document from a colleague in the coffee sacco movement a Mr. Mbui. That a few individuals have been given money to intimidate and scare away coffee farmers to destabilize the societies so that they agree to send their coffee to Thika Coffee Millers. That Thika Coffee Millers are the ones that have come into the Coffee farming Sacco in a corrupt manner - wanting to influence every farmer gainst taking their coffee to KPCU and forcing them to take it to Thika. This is what has caused the problem.

The Committee resolved to summon the following persons:-

(i) The Manager, Thika Coffee Mills
(ii) The Manager, Thika Co-operative Bank
(iii) Mr. Jeremia Gateri of P.O. Box 67, Kerugoya
(iv) The D.O. who circulated the information on the above.

MIN.NO.178/99 **ADJOURNMENT**

And the time being Seven O'clock, the Chairman adjourned the sitting of the Committee until Friday, August 20, 1999 at 09.00hrs.

CONFIRMED . . Hon. Musikari N. Kombo, MP. . . . . .
(CHAIRMAN)

DATE: . . September 22, 1999 . . . . . .

MINUTES OF THE FIFTY-NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, AUGUST 20, 1999 IN EMBU MUNICIPAL HALL, AT 9.30 A.M.

PRESENT:	The Hon. Musikari Kombo, M.P.	- **Chairman**
	The Hon. Sulleiman Kamolleh, M.P.	- **Vice-chairman**
	The Hon. Martha Karua, M.P.	
	The Hon. W.O. Ayoki, M.P.	
	The Hon. Ngenye Kariuki, M.P.	
	The Hon. Kiraitu Murungi, M.P.	
	The Hon. Wanyiri Kihoro, M.P.	
	The Hon. Wycliffe Osundwa, M.P.	
	The Hon. Mohamed D. Weyrah, M.P.	
ABSENT WITH APOLOGY:	The Hon. Mohamed A. Galgalo, M.P.	
	Prof. the Hon. Anyang' Nyong'o, M.P.	
	The Hon. Owino Acholla, M.P.	
	The Hon. Sammy P. Leshore, M.P.	
	The Hon. Henry Obwocha, M.P.	
	The Hon. Peter E. Maundu, M.P.	

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO.179/99 EVIDENCE

Mr. Michael Munyi Kioi and his wife Mrs. Jane Murangi Munyi continued with their evidence on the Oath taken yesterday.

They tabled documentary evidence to prove that their land was actually fraudulently transferred into someone else's name (Mr. Newton Njagi).

MIN.NO.180/99 EVIDENCE

Mr. Nathan Namu of P.O. Box 449, Embu, appeared before the Committee and gave the following evidence on Oath:-

That he is a resident of Embu, he has been a political leader and now he is retired and has the interest of this nation of Kenya at heart. That is why he has found it necessary at his age (77 years) to appear before the Committee and express his views.

He stated that corruption is rooted in the country due to lack of patriotism on the part of Kenyans, which has caused a lot of suffering to Kenyans who have lost interest in the affairs of the nation.

That he obtained a plot in 1977 for which he obtained a title after 22 years of trying since he refused and decided never to bribe. That those with money do not want to struggle, since they can pay their way through anything. What about the poor? Who will look after their welfare?

He recommends that:-

(i) Appointments into Senior public offices be vetted.
(ii) Kenyans need to be patriotic and faithful to their country.
(iii) Efforts and hard work should be rewarded to boost the morale of the workers.
(iv) Crime should be dealt with firmly.
(v) Corrupt public officers be sacked on the spot/imprisoned without an option of a fine.
(vi) Civil Service be overhauled.
(vii) Anti-corruption offices be established in all Provinces and Districts with hot-line phone services to report and deal with corruption offenses.

MIN.NO.181/99 **EVIDENCE**

Mr. Justus Muchangi Njeru of P.O. Box 217, Embu, appeared before the Committee and gave the following evidence on Oath:-

That a one Fredrick Mukuha has forcefully taken all their land at Kithugururu area - Manyatta. His late father, who used to work at Manyatta, discovered that his title deeds were missing. He went to the Land office to enquire about his title deeds at Manyatta, but he was given money by ..... so that he can forget about the titles - but he refused and went to appear before the court to answer charges of trespass - saying that they now occupied the land illegally. The case No.72055/Embu Law Courts was heard first by Magistrate Fatuma Wanjiku and later by Kaburu Bauni. The Judgement stated that they vacate the land.

The witness was advised to collect all documents pertaining to the case and send them to the Committee through the address provided by the Secretariat.

MIN.NO.182/99 **EVIDENCE**

Mr. Julius Gichovi Waweru of P.O. Box 316, Embu, appeared before the Committee and gave the following evidence on Oath:-

That they have lived in a shamba that was bought by his late father at Kirigi Central Division, Manyatta. That when his late father died in 1978, they discovered that part of their shamba had been bought by Mr. Charles Kionange, former P.C. Eastern Province (Embu), who

built an estate thereon; and refrained them from burying their late father in the shamba. That since then they have been harassed constantly by Koinange's agents but they are still living there - that they had been denied access to their houses on the land. That finally the Embu Municipal Council came into the fray and started sub-dividing their shamba into plots and allocating them to outsiders. They did not have any plot allocated to them. The witness claimed that they had lived on this land since 1963.

That recently, their houses have been constantly demolished and people including the current Mayor of Embu Mr. Muriithi are said to be digging trenches currently to construct houses. That him and his family are constantly being harassed to vacate the place. That when he checked the records at the lands office, he discovered that the land was allegedly sold to eight other people apart from Mr. Koinange to whom his late father had sold 2 acres, leaving 3 acres to the family, which now seems to have disappeared mysteriously and no one seems to bother to assist them in anyway.

Witness was advised to pursue the matter before the Court to seek a title deed through "adverse possession" which can only be granted by a Court of Law. This type of case falls under adverse possession because the tenants have stayed on the said land for a long time i.e since 1958 to date. That they should seek services of a lawyer to pursue the matter.

MIN.NO.183/99 **SITE VISITS BY THE COMMITTEES**

The Committee visited the following sites to ascertain cases of complain as presented by the Committee by the representatives of the Futa Magendo (Embu Branch).

(i) **Stadium Village**

The Committee was informed that several plots have allegedly illegally acquired e.g.

Plot No. 1203 has been allocated to the District Physical Planner Mrs. Kariuki.
Plot No. 1204 - the Embu Mayor
Plot No. 1205 - the Mayor's son
public toilet - Mayor's brother (1254/1255).
Fronting Kubukubu Road and Lorry Park have already been allocated.
Plot 1209 - Mayor's father
Plot 1271 - Former Treasurer Christopher Ndwiga Munyi. He has already sold the plot through cartel involving the Provincial Commissioner and a former town clerk.

(ii) **School Ground**

The Committee visited the Embu urban primary school P.O. Box 26, Embu and was informed the school ground has been grabbed with beacons already erected.

The Chairman of the school Committee pastor James Mugo of P.O. Box 2025 Embu gave tangible information concerning the person who gave the mandate of allocation of the school ground. The allocation was allegedly authorised by the provincial physical planner Mr. Akungo and the then Embu DC Mr. Kimigwi.

Pastor James Mugo was advised to write a memorandum containing all information about the school and send it to the Committee using the Committees address provided to him.

(iii) **Embu Livestock Market**

The Committee was informed by the Futa Magendo group that the site of the market has been shifted from its original place to the new place where the Committee visited. The former site has allegedly been grabbed by a cartel led by the current mayor Mr. Muriithi with authority from the provincial physical planner Mr. Akungo.

(iv) **St. Michael Primary School**

The Committee visited St. Michael Primary School of P.O. Box 224 Embu and was informed of the grabbing/encroachment of the school land by individuals. The plot between the school and Kirimari secondary school has been allocated with beacons already in place.

(v) **Spring Valley Government Quarters**

The quarters have already been allegedly grabbed with beacons already erected. Further the houses have been condemned and allocated together with the land to individuals.

The Futa Magendo group was advised to compile their memorandum with tangible evidence and sent it to the Committee using the address provided to them.

MIN.NO.184/99 **ADJOURNMENT**

And the time being Four O'clock, the Chairman adjourned the sitting. The Committee went for lunch and later left for Nairobi.

CONFIRMED . Hon. Musikari N. Kombo, MP .....
(CHAIRMAN)

DATE: .September 22, 1999.....

MINUTES OF THE SIXTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, AUGUST 23, 1999 IN CONFERENCE ROOM, NO. 9, PARLIAMENT BUILDINGS, AT 2.30 P.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleiman Kamolleh, M.P. **- Vice-chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Owino Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Henry Obwocha, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY:

The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Martha Karua, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. S.W. Ndindiri	-	Clerk of the National Assembly.
Mr. Murumba Werunga	-	Deputy Clerk, Research, Committees and Library
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J.Chesire	-	Third Clerk Assistant.

MIN.NO. 185/99 CONFIRMATION OF THE PREVIOUS MINUTES

Minutes of the Fifty Third Sittings were confirmed after being proposed by Hon. Wycliffe Osundwa, M.P. and seconded by Hon. Owino Achola, M.P.

MIN.NO. 186/99 PROGRAMME OF PROVINCIAL VISITS

The Committee amended the days of holdings of its Sittings in Garissa to one day instead of two days and the Committee will fly back the same day. The date of departure was changed to August 24, 1999 at 7.30 a.m instead of its original date of August 23, 1999 at 12.00 noon.

The Committee further changed the dates of holding meetings in other Provinces as follows:-

(i) Departure to Kisumu on August 27, 1999 by air at 7.00 a.m and start business the same day.

(ii) Departure to Kakamega on 29th August, 1999

(iii) Departure to Eldoret on 31st August, 1999

(iv) Departure to Nakuru on 2nd September, 1999

MIN.NO. 187/99 **ANY OTHER BUSINESS**

The Committee resolved to review the Provincial Visits (Nyeri & Embu) on Wednesday, August 25, 1999 at 2.30 p.m.

MIN.NO.188/99 **ADJOURNMENT**

And the time being thirty five Minutes past Four O'clock, the Chairman adjourned the sitting until Wednesday, August 25, 1999 in Conference Room, County Hall at 2.30 p.m.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **September 22, 1999**

MINUTES OF THE SIXTY FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, 24TH AUGUST, 1999 IN GARISSA LIBRARY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Owino Acholla, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO.189/99 EVIDENCE

Mr. Mohamed Jama Ali and Hussein Issa Abdi of P.O. Box 883, Garissa, appeared jointly before the Committee and gave the following evidence on Oath.

He stated thus:-

That public assets have been looted, plots illegally allocated and boarded Government vehicles corruptly sold.

Plots have been allocated to a brother in-law of the former Chief of general Staff (General Mohamed) called Abdi.

The land belonging to Department of Culture and Social Services has also been illegally allocated and land between administration police line was allocated to a former administration police inspector and a Kenya Power and Lighting Company official. They presented a memoranda to support their allegations.

MIN.NO.190/99 **EVIDENCE**

Mr. Bishar Hared Gure of P.O. Box 59, Garissa, appeared before the Committee and gave the following evidence on Oath.

That he came to Garissa in 1970. That the rich and the senior civil servants have been grabbing land and evicting the poor people living in those areas.

That where he lives is where he moved after his former land was taken away. He has no title deed for the land he occupies now and he has not applied for one.

That there is a lot of oppression of the poor. He was evicted from his land without being allocated an alternative place. He is very bitter about it - even his cattle have all been stolen by bandits.The youth are employed and sacked unilaterly (without cause).He was advised that his case will be looked into and that if he availed himself, the committee would like to see the plot he was evicted from and take appropriate action.

MIN.NO.191/99 **EVIDENCE**

Mr. Ali Osman Ibrahim of P.O. Box 95, Garissa (Former Mayor of Garissa) appeared before the Committee and gave the following evidence on oath:-

That the people of Garissa live in harmony and that there are no incidents of Corruption or bribery within Garissa Town. That there are cases of unemployment, famine and he was very grateful that the Committee visited them in Garissa and that the people of Garissa were supportive of the Committee's efforts.

MIN.NO.192/99 **EVIDENCE**

Mr. Tawane Abdi Haji of P. O. Box 368, Garissa appeared before the Committee and gave the following evidence on oath:-

That all Government houses have been grabbed and illegally allocated to individuals, mainly Government Officers. That all famine relief food never gets to the beneficiaries but is sold by Government Officers. They should be asked to explain what happens.

MIN.NO.193/99 **EVIDENCE**

Mr. Hussein Gure Mohamed of P. O. Box 63 Garissa, appeared before the Committee and gave the following evidence on oath:-

That there is a lot of theft in Kenya today and that standards of education in Garissa are very low since the children of the rich are the only ones with access to education because they are able to pay - those from poor backgrounds even when they have done well, do not get an opportunity to further their education - they cannot afford it.

MIN.NO.194/99 **EVIDENCE**

Mr. Abdisitan Sheikh Mohamed of P.O. Box 54, Garissa appeared before the Committee and gave evidence on Oath:-

He presented a hand-written memorandum to the Committee to support his evidence that some NGO's extort alot of money from the local people and there is not much assistance the locals get from such NGO's among others.

MIN.NO.195/99 **EVIDENCE**

Mr. Charles Mulila Ndambo, the Town Clerk, Garissa Town Council, appeared before the Committee and gave evidence on Oath:-

He stated thus:-

That he is relatively new to the Council but he was informed that some land and houses had been allocated to individuals mainly by his predecessors, and that he could not confirm the said information since he had no records. That most of the records were held in the Office of the Provincial Physical Planning Officer.

That land near the police pavilion and Station was allocated to two individuals and that he only knew the first name of the allottees, a Mama Halima (Councillor).

That the land next to the Ministry of Land/works Provincial headquarters incending a piece of land earmarked for development were allocated to individuals . That some of the land was allocated about 5 years ago and he was also aware of that; and that part of Social Hall was allocated to a Mr. Aden of Iffin Hardwares, Garissa, while that belonging to Garissa County Council was allocated to a well connected individual's brother in-law (Mr. Aden, brother in-law of the former Chief of General Staff General Mahamud Mohamed).

That the former Chief's Office between the administration police lines and the post office is said to have been allocated to individuals - but he would check his records and confirm later. That he could not confirm allocation of land along Nairobi - Garissa Road. That land between Lamu Road and the airstrip - he would confirm later. That whatever land allocated to individuals, he would check his records and confirm the names of allottees allocated Government land and houses

for the last five years.

The Town Clerk informed the Committee that land in Garissa is not valued so no rates is paid to the Council. That part of his office has allegedly been allocated to a former Mayor, Mr. Ali Osman Ibrahim.

MIN.NO.196/99 **EVIDENCE**

Mohamed Hassan Sheikh of P.O. Box 320, Garissa, appeared before the Committee and gave evidence on Oath.

He stated thus:-

That livestock traders face a lot of problems in obtaining permits from the District Commissioner to be able to transport their livestock to the market. The DC uses agents to provide these letters to the traders and the agents charge a fee for every animal sold and exploiting the traders. That even though Garissa Country Council has enough land, the Council has not allocated any plots since independence, and that most of the land is first being grabbed by individuals, with the full knowledge of the Town Clerk.

MIN.NO.197/99 **EVIDENCE**

Mrs. Maiumuna Ahmed Haji and Mr. Mohamed Abdi Muhumed of P.O. Box 78, Garissa, jointly appeared before the Committee and gave evidence on Oath through an interpreter Mr. Khalif Abdi Farah.

That Maimuna's daughter was employed as a Clerk at the District Commissioner's office for 15 days during a by election and she has not been paid to date. That 250 people were employed by the district clerk and told they will be supplied with maize and nothing has happened to date. They were advised to give Committee time to consider their case and come back at 3.00 p.m.

AFTERNOON

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

MIN.NO.198/99 **EVIDENCE**

Mr. Hassan Sheikh Ali, Registrar, Garissa Teachers.Training College, appeared before the Committee and gave evidence on Oath.

He presented a handwritten memorandum to the Committee.

MIN.NO.199/99 **EVIDENCE**

Mr. Kefa Musundi, the District Clerk, Garissa, appeared before the Committee and gave evidence on Oath.

He clarified the issue of food-for-work arrangement between the DC's office and some women residents who were deployed to work at the show ground so as to be paid in terms of 90 kilos of maize intended for famine relief. That the work was done by some 224 women and were not supplied with maize as earlier agreed. That the original list was of 224 people, then a Mr. Mbunu of Agriculture unlawfully sneaked in another list which brought the names upto 335 people, and therefore the original group of 224 could not get 2 bags of maize each as earlier agreed and that is what brought about the problem.

That, he will be able to supply the maize to all those who worked for food at the show ground as soon as he was given the permit from the DC's office to obtain the maize from the Cereals and Produce Board stores.

The Witness was advised to give Committee time to consult on the matter and that he would be informed of the decision arrived at shortly (Committee consulted shortly and re-admitted the witness).

He advised to seek permit from the DC's office and report back to the Committee in 30 minutes time.

The witness was re-admitted and still on the Oath he took earlier in the afternoon he informed the Committee that the maize will be available tomorrow morning (Wednesday, August 25, 1999) so the complainants will be informed to come forward and receive their share of the food-for-work maize.

MIN.NO.200/99 **EVIDENCE**

Mr. Dagane Mohamed Abdullahi of P.O. Box 53, Garissa, appeared before the Committee and gave evidence on Oath.

That he is the Chairman of Marama Co-operative Society, which owns farms. That their Society leadership is being interfered with by local leaders, not allowing the Co-operative Society to have a free hand on matters pertaining to leadership of the Society.

MIN.NO.201/99 **ADJOURNMENT**

And the time being Five O'clock, the Chairman adjourned the sitting. The left for Nairobi.

CONFIRMED Hon.Musikari N Kombo, MP .....
(CHAIRMAN)

DATE: September 22,1999.....

MINUTES OF THE SIXTY-SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, AUGUST 25, 1999 IN CONFERENCE ROOM, FIRST FLOOR, COUNTY HALL, AT 2.30 P.M.

PRESENT:
The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleiman Kamolleh, M.P. **- Vice-Chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Owino Acholla, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Martha Karua, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITH APOLOGY:
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITHOUT APOLOGY:
The Hon. Henry Obwocha, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J.Chesire	-	Third Clerk Assistant.

MIN.NO. 202/99 **PRELIMINARY**

All the witnesses who appeared before the Committee were introduced by the Chairman to the relevant sections of the National Assembly (Powers and Privileges) Act Cap 6, Laws of Kenya and in particular

(i) Part 3 on Evidence
(ii) Part 4 on offenses and penalties; and
(iii) Part 5 on Miscellaneous provisions.

MIN.NO. 203/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

Minutes of the Sitting held on August 13, 1999 were confirmed after being proposed by Hon. Sulleiman Kamolleh, M.P. and seconded by Hon. Wanyiri Kihoro, M.P.

MIN.NO. 204/99 **REVIEW OF VISITS TO PROVINCES**

The Committee reviewed its sittings in Nairobi and advised the secretariat to prepare reports per visit.

MIN.NO. 205/99 **ANY OTHER BUSINESS**

The Committee discussed the following issues:-

(i) **Naromoru Report -** The Naromoru report on the Seminar held on December, 1998 has not been drafted due to shortage of manpower. The Committee formed a Sub-Committee to assist in the drafting of the report. The Members were:-

(a) Hon. Martha Karua, M.P.
(b) Hon. Kiraitu Murungi, M.P.
(c) Hon. Ngenye Kariuki, M.P.
(d) Hon. Peter E. Maundu, M.P.

(ii) **Foreign Trips -** The Committee resolved to await confirmation from the Clerk of the National Assembly that funds are available for the foreign trips, then other details will be worked out later.

MIN.NO.206/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at twenty minutes past Four O'clock until Friday, August 27, 1999 in Conference Room, County Hall at 2.30 p.m.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **September 23, 1999**

MINUTES OF THE SIXTY-THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, AUGUST 27, 1999 IN KISUMU MUNICIPAL HALL, AT 10.15 A.M.

PRESENT:
The Hon. Musikari Kombo, M.P. - Chairman
The Hon. W.O. Ayoki, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.

ABSENT WITH APOLOGY:
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Sulleiman Kamolleh, M.P. - Vice-chairman
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Martha Karua, M.P.
The Hon. Owino Acholla, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO.207/99 **EVIDENCE**

1st Witness

Messrs Daniel Gai Mojo, Chairman, Futa Magendo Action Group and KRWA accompanied by Mr. Gilbert Wakule Osodo Secretary (FMAG and K.R.W.A. and Mrs. Susan Ogunde (Treasurer FMAG and K.W.R.A.) appeared before the Committee as a group and gave evidence under oath. They stated thus:-

That, they could help them in their efforts to restore the lost glory of Kisumu Town and that they would tell the Committee what the causes and roots of corruption are. That the residents of Kisumu have taken to threatening the anti-corruption crusaders e.g.the Youth Group that was against the complaints about untreated water by residents.

That, main culprit is a Member of the provincial administration, by the name of Mr. Peter Raburu, the Provincial Commissioner who is allegedly intimidating residents and importing officers to work in the Town Council. That the town is generally dirty, with no street lighting and raw sewerage flowing unchecked. The Provincial

administration has participated by facilitating employment of unqualified persons who cannot advise on water treatment chemicals to be used or what should be done to check the sewerage menace.

Awarding of tenders also has been done to favour the Provincial Commissioner's friends who are supposed to supply water purifying chemicals. These include Mr. Matagaro, the Water Engineer, Councillor Ogutu who is the Chairman of water and sewerage committee and an Asian called Sundil. These people have an organised cartel to purportedly supply the water purifying chemicals e.g. both Matagaro and the chairman are supplying chemicals. The Company that won the tender was ignored and the tender given to companies like Surrot II whose director is a Mr. Oketch and two others. These are councillors who were guaranteed by the council to obtain loans from National Bank of Kenya and did not pay. So the council is repaying those loans which should have been paid by the councillors. This burdens up the taxpayer whose money is being used to repay loans for other people at the expense of rendering services to the residents.

The area near Moi Stadium has been allocated to all the current Councillors of the Council and construction is on-going. The area has been sub-divided into 155 plots which were distributed to councillors and their friends. This was done early this year.

Municipality houses were allocated by former Mayor Lawrence Oile to his friends. Others have had their compounds sub-divided and fenced off.

Open parks have not been spared either-Kenyatta Sports ground was allocated and someone is running a bar there - the land belonging to Victoria Primary School and Shauri Moyo Estate have been sub-divided through direct allocation from Nairobi and fenced off. M..... Estate junior quarters have also been allocated and they are being demolished to give way to construction of modern buildings.

Education

That before 1993 some 3 million was donated for construction. That there were problems in the disposal of assets belonging to Kenya Railways at a throw-away-price. e.g. 1990 - Mr. Otello Oyale bought a boot valued at 2 million at only one million Kenya Shillings.

Houses have been allocated to individuals as follows:-
499, 102, 366, 464, 463, 471, 472, 458, 459, 460, 462.

Land sold to an Asian at Kshs.100,000/= only and it is prime land. All these houses were sold by Ms. Milligan and company without being advertised.

Mr. Raymond Ndong appeared with an allocation of one of the Houses directly from Nairobi but his efforts were thwarted by the public who resisted his occupation of the House. That, this organisation (Futa Magendo) was worried about where the money goes after assets are sold and suggests that the Kenya Railways Houses be left intact.

They presented a memorandum to the committee to support their allegations.

Group was requested to come back at 4.00 p.m. to accompany the committee on site visits to the alleged grabbed plots.

MIN.NO.208/99 **EVIDENCE**

2nd Witness

Mr.Michael Ouma Odinda of P.O. Box 93 Ahero, Kisumu appeared before the committee and gave the following evidence on Oath:-

That, an accident involving the witness occurred in 1973 and resulting to a court case at the judgement of which the witness was awarded Kshs.600,000 as compensation for the death of his 3 children in the accident. This money never got to the witness but was manipulated by lawyers, magistrates and he finally got only Kshs.67,000. A lawyer Mr. Jogindar Sigh Behal stood for the witness. He withdrew his services quietly and Ms. M. Menezes came into the fray. The Judge involved was Justice Omolo who was the registrar them.

Witness advised to photo-copy all the documents pertaining to this case and hand them over to the Committee for scrutiny and necessary action. This should be done today.

MIN.NO.209/99 **EVIDENCE**

3rd Witness

Mr. Martin Obiero Ologi of P.O. Box 6685, Kondele, Kisumu appeared before the committee and gave evidence on oath.

He complained of encroachment of his land parcels Nos.- 1015 and 1016 by individuals and that upto now they are developing that land without his consent. That the land has a permanent foundation and pit latrine and a house dating back to 1970. He presented a map of the

said land to the committee for which he said he had a green card. These people were allocated the land by the Municipality and do not have title deeds. The people are Mr.Onyango and Mr. Okeyo - he has not managed to obtain further details about them since they build the houses under guard by groups of people. That even as the Committee was sitting the construction was going on. That he bought the land from its original owner in 1967. He presented documents to support his claim.

Witness advised to accompany the committee at 4.00 p.m. today for tour of the site.

MIN.NO.210/99 **EVIDENCE**

4th Witness

Bishop Elias Odhiambo Omenya of Legio Maria, P.O. Box 21 Daraja Mbili appeared before the Committee and gave evidence under oath. They stated thus:-

That traffic police hard mounted road block between Ahero and Kisumu and receiving money from motorists.

That in the period June - August the officers harassed a young boy Master Eric Onyango Otieno as he was coming from the river to fetch water and took him to the cells in Ahero. His father and other residents complained to the Local OCS who did not take any action.

Due to the nature of his presentation (it was general), he was advised to write a memorandum to the Committee through the address provided to him.

MIN.NO.211/99 **EVIDENCE**

5th Witness

Mr. Wycliffe Oduor Ogallo, the Town Clerk Kisumu Municipality appeared before the Committee and gave evidence on oath:

He was directed to furnish the Committee with information concerning the following property which are said to have been illegally allocated.

(i) A plot near Milimani and old Municipality Houses that have been subdivided and allocated. The Houses are MG.60, 84, 88, 59 and HG 14

(ii) Parks that have been allocated such as Victoria Park Kenyatta Sports Ground.

(iii) The Nubian Estate - also allocated

(iv) Residential Houses Nos,458, 459, 460, 461 462.

(v) House Nos. 499, 102, 366 on Ojijo Rd, and 464, 463, 470, 471, 572 on Lori Drive.

(vi) A house formerly belonging to Ministry of Public Works and Housing that was sold and the position of plots 12/336, 240,12/104, 12/34 and 239.

MIN.NO.212/99 **EVIDENCE**

6th Witness

Mr. Jackton Akumu of P.O. Box 1164 Kisumu appeared before the Committee and gave evidence under oath and stated thus:-

That he is a Kisumu resident having lived in Kisumu for the last twenty years.

That he was worried by the manner in which harambees are conducted - people have been harassed and forced to donate money for harambee. That law enforcers have demanded contributions towards harambee menacingly, and that the witness thinks that harambees should be done away with so that residents can live in peace. He wondered why the construction of provincial Headquarters Kisumu has never been completed for the last 20 years - what happened to the contractor - M/s Mugoya Construction? He suggested that the committee does investigate what happened.

That M/s Milligan and Co. a company owned by Mr. Kassim Owango and others have been assigned to sell the Railways Quarters and yet the sale was never advertised. How did the company get this assignment and from who? he wondered.

That heads of schools appear to collude with Education Officials to silence outspoken parents from pointing out the ills inflicting the management of public schools. That the witness was silenced when he sighted the mismanagement of funds at Victoria Primary School and Kisumu Boys School while he is a parent.

The witness asked the Committee to investigate the following;

(i) How the triangle at Dung Road/Ring Road junction at the end of Robert Ouko houses, has been allocated and walled up for construction.

(ii) The Kisumu bus park

(iii) The Municipal Market on Sunday - how it is managed.

(iv) Visit River Kisset - where all the effluent flows into Lake Victoria.

(v) The strong drainage system for which a contractor (Mrs Otieno Odongo and Co.) were contracted for Kshs.9 million shillings and did a shoddy job, after which the walls have collapsed and there is nothing to show for it, while money was paid out.

MIN.NO.213/99 **EVIDENCE**

7th Witness

Eng. Hannington Juma, the provincial works Officer, Nyanza appeared before the Committee and gave evidence on Oath:-

He stated thus:-

He was directed to furnish the Committee with information on the following Houses:-
KSM/MG/60, 48, 88,59 and
KSM/HU/HG/14 -
Block 12/24
Block 12/70
Block 12/22
Block 12/209
Block 8
Block 12/19 - Subdivided into 21B and 23B

He was advised to provide more information to include the allottees, any fees paid, and who did the allocation. He pleaded for time to go and refer to records for the right information on all the areas that the Committee directed him to look into and come back to the Committee later. The request was granted.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.

ABSENT WITH APOLOGY:

The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Martha Karua, M.P.
The Hon. Owino Acholla, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO.214/99 EVIDENCE

8th Witness

Mr. Oliver Gwer Pacho, the Kisumu District land officer appeared before the Committee as a friend of the Committee and gave evidence under oath.

He was directed to establish the truth about the following plots pertaining to their sizes, ownership and the current state of ownership of the same.

The plots are as follows:-

(i) Kisumu/Manyatta (a)/3433
(ii) Kisumu/Manyatta (a)/1015
(iii) Kisumu/Manyatta (a)/1016
(iv) Kisumu/Manyatta /3571 - 3593

And report back to Committee at 9.00 hours tomorrow 28th August, 1999.

MIN.NO.215/99 **EVIDENCE**

9th Witness

Mr. John Bruno Oloo of P.O. Box 1726 Kisumu appeared before the Committee and gave evidence under oath. He stated thus:-

That he bought a plot in Maseno from Kisumu County Council which he rented to denomination called ..... in 1969. That he learnt with shock later in 1990 that the land had changed hands without his knowledge through the District Commissioner's Office. The then District Commissioner Mr. Julius Kobia informed him that the said plot was allocated under a presidential decree and there was nothing he could do about it. When he followed up the matter further he was arrested and charged with incitement. By this time his tenant had stopped paying him rent.

His complaint: His land was re-allocated to somebody else without due consultation by Kisumu County Council and he wants compensation for the same.

Witness advised to write a memorandum and send it to the Committee through the address provided.

MIN.NO.216/99 **EVIDENCE**

10th Witness

Mr. Peter Orina Caipher of P.O. Box 1 Ahero appeared before the Committee and gave evidence under oath:-

His complaint was similar to that presented earlier to the Committee by Bishop Elias Odhiambo Omenya.

The Case is about the unlawful arrest and confinement unlawfully of Master Eric Otieno by a Sergeant Odhiambo of Ahero Police Station on allegation that the boy had stolen Kshs.100/=. But the fact of the matter is allegedly that the boy had gone to fetch water and was arrested as he carried the water home. When the boy was taken to the cells of Ahero Police Station, he was not even booked in the occurrence Book (O.B.).

The witness went on to Complain about alleged corruption within Ahero County Council. He did not produce documentary or credible evidence to support his claims.

He was advised to provide tangible evidence for his claims since the Committee was focused on corrupt deal/acts and their perpetrators and not hear say.

He was further advised to write a memorandum to the Committee for consideration and action.

MIN.NO.217/99 **EVIDENCE**

11th Witness

Mr. Charles Okuom Ogada of P.O. Box 40 Katito appeared before the Committee and gave evidence under oath.

In 1993/94 the GOK and UNICEF introduced a project in East Kano Location of contraction of a dispensary and water canal. That some pipes were brought in for the project, and later some were stolen. That the witness was mandated by the Committee to investigate the disappearance of the pipes and the police at Ahero Police Station were unco-operative even when the witness was assaulted by unknown people and reported the matter to the same Police Station. The then OCS a Mr. Kaaria and the Criminal Investigation, instead the police told the witness to pay Kshs.2000/= to them so that they can assist him when his father was knocked down by a G.K. vehicle belonging to the same Police Station.

Witness was advised that there is no "cost sharing" with the police and that they should never ask him for money in the name of "cost sharing" since they are supposed to offer service to Wananchi unconditionally.

MIN.NO.218/99 **PRESS STATEMENT**

The Committee issued a brief statement to the press at 4.45 p.m.

MIN.NO.219/99 **SITE VISITS BY THE COMMITTEE**

The Committee departed for the sites at 5.15 p.m. accompanied by the Town Clerk Kisumu Municipal Council Mr. Wycliffe Ogallo. The following sites were visited:-

(i) Milimani Government quarters which were allegedly condemned and allocated to individuals.

(ii) Old Municipality Houses - which have been condemned and allegedly sold to a company called Victoria Enterprises.

(iii) Makasembo Cemetery - The Cemetery has allegedly been allocated to individuals and beacons already erected.

MIN.NO.220/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the sitting at twenty minutes past Six O'clock, until Saturday 28th August, 1999 at Kisumu Municipal Hall at 9.00 a.m.

CONFIRMED ..Hon.Musikari.N.Kombo,.MP.....
(CHAIRMAN)

DATE: .September.23,.1999.....

MINUTES OF THE SIXTY-FOURTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON SATURDAY, AUGUST 28, 1999 IN KISUMU MUNICIPAL HALL, AT 9.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Owino Acholla, M.P

ABSENT WITH APOLOGY:

The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Martha Karua, M.P..
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO.221/99 EVIDENCE

1st Witness

Mr. Wycliffe Oduor Ogallo, the Town Clerk Kisumu Municipality appeared before the Committee and gave evidence:-

He produced documents pertaining to the plots and Houses allocations that he was instructed to provide to the Committee yesterday.

He clarified that the Makasembo cemetery land was allocated to residents to compensate them for their land which had been used up by a works bank project and that the cemetery was not in use - it was lastly used in 1972 and since then it was fist an open ground. He further clarified that all the residents were not accommodated in the said cemetery plot and that there was a possibility of one person being allocated more than one plot by using names of their relatives.

He was further instructed to provided more information concerning the allocation of Makasembo plots and those at Manyatta.

He further clarified that plot No. Kisumu Block 81231 was subdivided into two and allocated to M/s Babubhai Ashashai Patel of Kisumu and that the council was aware of this subdivision. This was done during the tenure of the former mayor, Councillor Lawrence Akinyi Oile.

The witness further clarified about the allocation of part of Victoria Park and adding it to a piece of the land belonging to Victoria Primary School - that the primary school had one piece of land that was too small for its proper use. That the council thought it wise to alleviate part of the park, and adding it up to that small piece to make enough land for the school's use.

The parcel land next to the town hall was allocated to Ondigi and Company through direct allocation by the commissioner of lands. It does not affect town Hall in any way. That it still belongs to the council although privately fenced.

Witness directed to provide committee with the certificate of ownership for the alienation of this part of the Hall and it was put to him that it was wrong to issue a "title upon a title" as was the case here. Witness confessed that he personally initiated this transaction.

On Manyatta Block 8433 the witness said that the plots allocated to individuals while some still remained with the councillor - that sometimes allocations of council land is done quietly without much being known, mainly between the mayor who colluded with councillors.

He presented documents to support his claim.

The witness was advised that whenever the council intended to tender for any services, these tenders should be open to the public for competitive bidding but not single sourcing. He further advised the compile all the information into a memorandum and send it to the committee for scrutiny and action.

MIN.NO.222/99 **EVIDENCE**

2nd Witness - 9.30 a.m.

Mr. Hamington Juma, Provincial Works Officer, Nyanza, appeared before the Committee still under oath and continued his evidence.

He clarified that his office had only House number for houses allocated to officers. That LR No.3 are found in the office of the Commissioner of Lands.

The Road reserve on which construction was going on falls under the Municipal council.

The witness further provided memoranda pertaining to the construction of Nyanza provincial Headquarters which has stalled. That the Construction began in January 1986 and was supposed to be completed in 200 weeks time; at a total cost of Kshs.186,360,810 and that the last site meeting was held on 26th October, 1990. That Kshs.155 million had already been paid by the time it stalled and that construction stalled as a result of inadequate funding.

That the contractor was Mugoya Construction Company

Witness advised to provided further detailed information to the Committee through the address provided.

MIN.NO.223/99 **EVIDENCE**

3rd Witness

Mr. Joshua James Owuor District Land Register, Kisumu and Mr. Oliver Gwer Pacho - the lands officer, Kisumu, appeared before the Committee and gave their evidence under oath.

They stated thus:-

Manyatta (a)/3444 is registered under the ownership of Kisumu Municipality Box 105 Kisumu.

That it was later sub-divided into plots 3571 - 3593

He produced documents in support of Land parcels Nos. Kisumu/Manyatta/(a)/3433, 1015, 1016 and 3571 - 3593.

MIN.NO.224/99 **EVIDENCE**

4th Witness

Messrs:- Jom Onyango, representing (KIKAKO - Kisumu Kajulus Kolowa) Mr. John Onyier and Alexander Nyawir. Jointly appeared before the Committee and gave evidence on oath.

That they are representatives of KIKAKO Welfare Association of P.O. Box 2596 Kisumu Municipality.

That in 1978 residents were evicted from their shambas along the Kisumu Boys' road without alternative settlement to give way to establishment of institutions for industrial development. That these developments were never made and that the land in question was later sub-divided by the Municipality and allocated to individuals. The group appealed to the Committee to assist the land owners get their land back.

They submitted a memorandum to support their case.

MIN.NO.225/99 **EVIDENCE**

5th Witness

Messrs:- Andi Ogada, James Onyango and Peter Ongare of FORD - Kenya peoples Power Movement, P.O. Box 2756 KISUMU.

appeared jointly before the Committee and gave evidence on oath:-

They complained about irregularities in the tendering system within Government Departments in Kisumu. That these irregularities are perpetrated by the District supplies officer who does his best to frustrate the efforts of local business people by solicing money from them before a tender could be awarded.

The group was advised to compile a memorandum and send it to the Committee for scrutiny and action.

On their complaint against the Kisumu Municipal Council's irregularity in outstanding of tenders illegal plot allocations and lack of supervision on council employees the group was advised to compile and send a memorandum to the Committee for scrutiny and action.

MIN.NO.226/99 **EVIDENCE**

6th Witness

Mr. Tom Shivachi of 951 Kisumu appeared before the Committee and gave evidence after affirmation.

That his son was cheated out of Kshs.30,000/= by the wife of the OCPD Kakamega, Mr. Shamalla to have his son recruited into the police force and two years down the road nothing has happened that he has sent his sister to the OCPD to demand the money back.

That his land in Kakamega was fraudently acquired by his brother and subdivided into other parcels Nos. That he discovered this anomaly only last week.

On this he was advised to reorganise his evidence and appear before the Committee in Kakamega on Monday 30th August, 1999 or Tuesday 31st August, 1999 when the Committee will be sitting there.

That he worked for Kenya Times Media and they failed to pay him.

Advised to compile a memorandum and submit it to the Committee in Kakamega next week.

Witness further complained about irregularities in the water department of Kisumu Municipality where water bills are not regularly sent to consumer in time and water meters in some cases are interfered with to reflect false meter readings.

He further appealed for the publication of a bill to compel all public land grabbers to return it especially government land.

MIN.NO.227/99 **EVIDENCE**

7th Witness

Mr. Mourice Odawo Onduru of P.O. Box 774 Kisumu appeared before the Committee and gave evidence under oaths:-

He was advised to compile a memorandum and send it to the Committee since his presentation centred mainly on the first mandate of the Committee.

MIN.NO.228/99 **EVIDENCE**

8th Witness

Mr. Bill Ng'ong'a of P.O. Box 2532 Kisumu appeared before the Committee and gave evidence on oath.

He complained about corruption in the Education sector in Kisumu Municipality especially at Victoria Primary School.

Witness was advised that similar evidence had been adduced earlier by another witness ahead of him.

That specific cases of school cheques being drawn in the name of Mr. Olago Aluoch and counter signed by the other officials some times for as much as Kshs.20,000/= for unspecified and unsolicited for services.

That Olago Aluoch was being paid alot of money by the school for unknown reasons.

That the witness wrote letters to various Education Officers to complain about this anomaly to no avail, and that he had to finally go to court to obtain an injunction, which was ignored by to the Headmaster, Mr. Naaman Ondego Auma, the Municipal Education officer and all concerned. He finally wrote to the Director of Education without success.

That his child who had been interviewed and found qualified for Std 1 was not so admitted and the receipt issued on payment for the admission was cancelled by the Headteacher. That he was made to resign from the Committee membership on suing the school and the council,and that his daughter was finally denied admission into Std 1, 1999 class.

The witness was advised to write a memorandum, summarising his case for the Committee to scrutinise and act on.

MIN.NO.229/99 **EVIDENCE**

9th Witness

Messrs:- Enock Omollo, James Awinyo and Dave Onyango of P.O. Box 4297 Kisumu appeared jointly before the Committee and gave evidence under oath.

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That they are representatives of the Nyanza Peoples Assembly and their major concern was that they found corruption already created by their fore-fathers and inherited it. At this point the group was advised to be more focused on specific cases of corruption and their perpetrators. The group further stated that corruption was encouraged by the District Focus for Rural Development Strategy when the D.C. is everything and the final authority to everything in the District. That there are not checks and balances to powers of the D.C. this leads to corruption. They associated cases of corruption at the LBDA (Lake Basin Development Authority) Headquarters perpetrated by the management of LBDA and Central Bank of Kenya Headquarters in Nairobi.

They cited cases of Block 11/90 and which was reserved for expansion of Sunset Hotel but now has been allocated to Hayer Bishan Singh (Asian) and also parcels KSM Block 8-22 KSM Block 8-307, KSM Block 8-458.

MIN.NO.230/99 **EVIDENCE**

10th Witness

Mr. Philip oyier Wanjare of P.O. Box 300 Homabay, Suba District appeared before the Committee and gave evidence under oath.

He complained of the land adjudication process in sub-District that it is complicated in that the Land adjudication officer Mr. Joseph Kibiego arap Ng'eny with an assistant worker who later became a recorder.

Parcel Kamwenda 2177 belonging to Mr. Philip Oyier Wanjare (the witness) was surveyed in someone elses name and was further subdivided into three other parcels as follows:-
Gwassi/Kamwenda Parcel Nos. 2177, 2140, and 2556.

Then parcel 2140 was left out during registration and was further sub-divided and allocated to other people. The then land adjudication officer at Mbita Mr.J.A. Winga called the file to his officer and cancelled the witness's name from parcel No. 2556 and inserted the name of Margaret Adero Owiso. The land has already been sold to a Mr. Elisha Wao.

That the only land the witness is left with now is parcel No. 2177 only. and he retrieved through filing a case in court. That the witness has complained to the Permanent Secretary Ministry of Lands and Settlement and visited the Ministry of Lands Headquarters ~~in~~ Nairobi 303 times to no avail.

That there are very many cases of this nature affecting the people of Suba who fell victim to erratic land demarcations by greedy adjudication officers and procedures.

Witness advise to summarise his case in a memorandum and include names of other people with similar cases from the area for the Committee to scrutinise and take action.

MIN.NO.231/99 **EVIDENCE**

11th Witness

Mr. Elizaphan Makori Ongaka of P.O. Box 1599 Kisumu appeared before the Committee and gave evidence on oath.

The witness addressed the receivership Act which has been very unkind to workers when companies they have been working for are placed under receivership. Witness cited the plight of the former workers of Kicomi.

MIN.NO.232/99 **EVIDENCE**

12th Witness

Mr. Fanwell Ogada Oguta of P.O. Box Kisumu appeared before the Committee and gave evidence under oath.

Witness complained of corruption within Kisumu Municipality regarding supplies of materials to the council e.g. chemicals, metalbars, etc.

That there is collusion between council officers and suppliers of materials e.g. the former Town Clerk allocated plots to his friends and accomplices. That they also colluded to sell off council property including houses to individual.

That Jenu Patel was a supplier to the council during the construction of the provincial Headquarters building. That he is still demanding to be paid Kshs.1.5 million while the construction has already stalled and he has already been paid Kshs.3.5 million shillings..

That Block B situated at Milimani area which got burnt down was allocated Kshs.0.5 million shillings for renovations and materials taken to the cite but the same used by the former treasurer Mr. to put up a private building. The supplier of these materials was Mr. Jim Patel. This cartel comprised of the former mayor Mr. Lawrence Oile and Town Clerk Mr. Were plus the Treasurer that the witness saw all these things happened and even tried to ask the treasurer what was going on but it did not stop. That the witness also report this case to the then PCIO Mr.Silaha who instructed him to arrest whoever trespassed into the property.

That the witness resides in the said block, whose compound has already sub-divided and allocated to an individual, Mr. Jinu Shah, and that the witness had written a letter to the Town Clerk requesting to be allocated that building since it had been condemned after it got burnt down but had not received any response from the Town Clerk todate.

That the witness had worked for the council for 32 years as a senior security officer and was now retiring. He requested the Committee to intervene and request the council on his behalf to allocated the house to him if only as his pension's but was advised that his request fell outside the Committee's mandate and therefore there was no way the Committee could get involved in the matter.

That Chemicals are supplied to the council by people who were not awarded tenders to do so. These are a Mr. Obiero and Shantil Patel through a company called Chemham.

MIN.NO.233/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the sitting at three O'clock until.

CONFIRMED . Hon. Musikari N Kombo ,MP.....
(CHAIRMAN)
DATE: ..September.23,1999.....

MINUTES OF THE SIXTY-FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, AUGUST 30, 1999 IN KAKAMEGA COUNTY COUNCIL HALL AT 11.50 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wycliffe Osundwa, M.P.
The Hon. Martha Karua, M.P..
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Peter E. Maundu, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO.234/99 EVIDENCE

1st Witness

Mr. Tom Majanja Shivachi of P.O. Box 951 Kakamega, while still on oath he took on 29th August, 1999 at Kisumu Municipal Hall appeared before the Committee and continued his evidence.

He complained about corruption in the recruitment of police force where a Mrs. Regina Shamalla, wife of the OCPD Kakamega Mr. Shamalla, collected money from people purporting to be able to ensure recruitment of their sons into the police force e.g. she took Kshs.30,000/= from the nephew of the witness Master Liyai Lusuti and advised him to go for recruitment in Busia, where he was never recruited and the money was never refunded.

He was advised to speak on matters that touch on his own cases and desist from talking on other people's behalf - still that the Committee was interested in factual information and not hearsay. Witness further advised to provide tangible evidence on the things he alleges to have been done - that he submits green cards for the pieces of land he claims to have been wrongly alienated e.g. one belonging to his late father and the other to his brother.

The rest of the witnes's evidence about his alleged contract with Kenya Times Media Trust was accorded on 29th August, 1999 at Kisumu Municipal Hall.

MIN.NO.235/99 **EVIDENCE**

2nd Witness

Mr. Stephen Otiato Nyawira, of P.O. Box 278 Maseno, appeared before the Committee and gave evidence under oath.

While representing Maseno Community he presented the following evidence:-

That the Maseno community has been trying to fight corruption perpetrated by the Principal of Maseno University College, his personal assistant, the registrar Mr. Badaso, the principals relatives and wife, Diana Akoth and the principal's daughter Permeanus Odhiambo - Principal's cousin (assistant registrar).

That tenders were awarded to Mr. Sebastian Atenyo, without competitive tendering. Bus No. disappeared while under the charge of a Dr. Mwamburi and was never followed - the officer and the driver (Mr. Obala) are still on employment and the driver has been promoted.

That over Kshs.1 million disappeared from the university and no follow-up.

That recruitment is done without interviews e.g. the principal's daughter Diana Achieng was just brought in, while the deputy register just hires relatives at will - especially casuals.

Benevolent Fund - officers handling were dismissed and some reinstated (what criterion was followed). Promotions are done selectively favouring relatives and friends of senior officers. That accommodation for student is not being properly done.

Witness advised to put his facts and details in order and send them to the Committee through the address provided to him by the Committee Secretariat.

MIN.NO.236/99 **EVIDENCE**

3rd Witness

Mr. Lawrence Mulama Itolondo of P.O. Box 1785 Kakamega appeared before the Committee and gave evidence under oath.

That he was 61 years old and hails from Shinyalu constituency and was Chairman of County Council, Kakamega and thinks that corruption in the country is self-made. That the country was peaceful until the Ndegwa Commission of 1971 which allowed civil servants to participate in business. That corruption started there. That despite the regulations barring Civil Servants from applying for tenders to supply items in their respective departments, they went ahead and did it thus opening up the way to corruption.

The witness called up legislators to revoke that sessional paper by the Ndegwa Commission and have civil servants barred from participating in business.

That Harambees have also encouraged corruption, where people would want to donate huge sums of money so they can be recognised in society. Where does this money come from?.

MIN.NO.237/99 **EVIDENCE**

4th Witness

Mr. Dennis Mbetera, of P.O. Box 961 Kakamega appeared before the Committee and gave evidence under oath.

That he is a Civil Servant and he highlighted on corruption in the Civil Service. He was the District probation officer, Kakamega District.

That most Civil Servants in his office are on loans and have families to take care of - so they end up soliciting money from the people to make ends meet.

The AIE holders in District Treasuries are handling so much work that if one wants his/her job project done, he/she has to talk to the accountant nicely to get money allocated or a cheque cashed.

Other head of departments handle projects worth so much money while they earn peanuts and are therefore exposed to temptations to steal that money.

That as long as District projects funds are left under District Officer's and accountants at District level, corruption will never end - he suggests that the heads of Departments who are in charge of such projects be made accountable for moneys spent in the projects. This should happen by remitting these funds directly to the HOD's involved for supervision of the same.

MIN.NO.238/99 **EVIDENCE**

5th Witness

Mr. Walter P. Adika Lugalia of P.O. Box 263 Kakamega appeared before the Committee and gave evidence under oath.

That he has a labour case in Kitale although he comes from Kakamega. That he worked for Lulu Farm where the employer, his paternal uncle, did not pay him Kshs.21,000 as he had promised, so that the witness could be able to construct a house for himself.

That on failure to be paid his salary, the witness reported the matter to the labour office in Kitale.

That on learning about the dispute in Kitale, his former employer asked him to go for his money at Lulu farm, which the witness did but was never given the money, and the management kept telling him to come the next day. That to this day he is not paid his dues.

Witness complains that the labour officer has been colluding with the son of his former employer to frustrate him and deny him his rightful earnings.

That while still in employment, he had an accident while driving a tractor belonging to the employer and that he had not yet filed a case for compensation.

Advised to file a case before it is too late.

MIN.NO.239/99 **EVIDENCE**

6th Witness

Messrs:- Peter Shivayila Kubai and John Jivery Indivariro of P.O. Box 353 Kakamega and representing the business people (traders) in Kakamega (Kakamega Municipal Market Traders Group) appeared before the Commitee and gave evidence under aoth. They stated thus:-

That they are chairman and organising secretary of the Kakamega Municipal Market Traders Group.

That the Market has deteriorated and traders are paying rates to the council.

That Mr. Mellex Maumo Town Clerk of Kakamega Municipal Council asked the witness for Kshs.10,000 so that he could recruit his (witness's) sister into the Municipal Council as a security officer or Revenue Collector. The Witness did not have the money so his sister was never employed. That the witness again was asked to pay Kshs.800 by the same town clerk to that he can be allowed to cut down some blue gam trees that he wanted.

He paid the money but was not issued with a receipt neither did he get the trees. He reported the matter to the DO1 Kakamega.

Witness was advised to report the matter to the police and not the DO1.

That Kakamega Municipality has deteriorated and that workers are not paid their salaries for a long time. Only those that are related to officials of the council are paid. He did not substantiate nor did he provide tangible evidence to support their claims.

Advised to write a memorandum and send to the Committee and to advice council workers who are not paid to present their cases to the Committee individually.

MIN.NO.240/99 **EVIDENCE**

7th Witness

Messrs: Peter Ndula and Paschel Murila of P.O. Box Kakamega appeared jointly before the Committee and gave evidence on oath.

That they were chairman and Secretary of Ford Kenya Ikolomani. That Corruption was perpetrated by political Party defectors who are normally hoodwinked corruptly by politicians.

That there was corruption thriving in Government Offices. e.g. Police, Provincial Administration, Lands Offices, Law courts etc.

That a more people driven constitution be effected.

The witnesses gave a general presentation on steps to be taken to alleviate corruption in the society.

MIN.NO.241/99 **EVIDENCE**

8th Witness

Mr. Ishilingi Wakukha Shiravutra of P.O. Box 111 Kakamega appeared before the Committee and gave evidence under oath.

He stated thus:-

That he is an old man and had been a politician for a long time.

Witness gave a general oral presentation on what kind of government he would like to see in Kenya, without any reference to corruption or its perpetrators.

He wondered whether the Kenya of today will be a Kenya of bribery and suggested that bribes should be dealt with especially police officers who are notorious for soliciting bribes.

That plots have been illegally acquired and that whenever people take cases to court they take too long to be determined and suggested that the mess in the courts should be rectified.

MIN.NO.242/99 **EVIDENCE**

9th Witness

A group of 16 Councillors from Bungoma was admitted before the Committee and jointly gave evidence under oath (see their names and Identities from the attendance list).

That they were councillors from Bungoma County Council led by their Chairman Mr. Robert Wangera and had appeared before the Committee to make their contribution.

That the provincial administration in Bungoma had to be bribed to recruit enumerators for the on-going census exercise.

That Chiefs are recruited without interviews after bribing their way into employment such that the person who appeared for the interview is never employed but replaced by one who paid a bribe and did not sit on interview.

That suspects are arrested after committing crimes and taken to the D.O.s office, where they are helped to escape after paying bribes.

That suspects are arrested and tortured in the Chief's office until they die e.g. a case at Mateka Chief's Centre.

The Witness was advised to file memorandum on the issue and send it to the Committee.

Kenya Police

That daytime bribery takes place everyday between Matatu crew and traffic police. That this is not only happening in Bungoma but all over the country.

That all the suspects arrested by police do not reach the courts but only those unable to pay their way home.

That P3 forms are being sold by the police stations for Kshs.600 while they should be issued free of charge.

That enrolment into Teachers Training Colleges and form I admissions have to be looked into.

That the councillors are sceptical about misuse of funds in Municipalities and councils by Chief officers.

That plot allocations are done without following the right procedures - that direct allocations from the Commissioner of Lands in Nairobi should be nullified and the right procedures followed in allocation of plots to avoid councillors being blamed for allocations they know nothing about.

That the councillors suggest strongly that something be done.

Group advised to compile a memorandum citing all the case and details and forward it to the committee since they were only making general unsubstantiated statements.

That the tendering system in the Ministry of Works left alot to be desired - e.g. the tender for Misikhu - Naitiri Road which was awarded to someone who has no tools or apparatus to work with - not even an office to operated from.

That the contract awarded for construction of Kibabii Teachers College was improper that the contractor does not have any tools to work with, and as a result the college was never constructed and funds were spent.

That the roles of chiefs and administration police be redefined.

MIN.NO.243/99 **EVIDENCE**

10th Witness

Mr. Francis Ingogi Lubembe, KANU Chairman Musa Ward of P.O. Box 90 Kakamega appeared before the Committee and gave evidence on oath and complained about police officers in Kakamega.

That police are harassing residents at night during their patrol. They are not doing their duties as expected.

That a sewerage built around a primary school has affected the health of the residents and the Municipal Council no longer spray the sewerage at least to curb the mosquitoes menace.

That a Musa Ward in Kakamega Municipality is too big and it is represented a councillor who does not originate from the ward. He recommended that the said ward should be divided into two.

That ward 1 at the Kakamega General Hospital is so congested with people ailing from different diseases put together. The Committee took note of that.

MIN.NO.244/99 **EVIDENCE**

11th Witness

Mr. Aineah Kasindo the Childrens Officer Kakamega of P.O. Box 689, Kakamega appeared before the Committee and gave evidence under oath.

That Civil Servants be well renumerated to be able to make their end meet.

Lowly paid officers entrusted with huge sums of money to spent on behalf of government will be tempted to steal the money.

The surrendering of receipts - fake receipts will be submitted for payment - printing of receipts invoices, delivering notes be all done by government printer and should have serial Nos. so that any payment can be traced to the original receipt - these tendencies have made government to payout large sums of money that is not been worked for.

Awarding of tenders.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wycliffe Osundwa, M.P.
The Hon. Martha Karua, M.P..
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO.245/99 EVIDENCE

12th Witness

Mr. Patrick Mishieni Maina of P.O. Box 631 Kakamega appeared before the Committee and gave evidence under oath.

He complained that his wife had ran away because her parents wanted dowry to be paid and that he has been corruptly taken to court and is being harassed by police.

He was advised to seek reconciliation with his wife and seek redress from a court of law to be granted custody of the children.

MIN.NO.246/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the sitting at ten minutes past Four O'clock, untill Tuesday 31st August, 1999 at Kakamega Municipal Hall at 9.00 a.m.

CONFIRMED .Hon.. Musikari N Kombo,MP.....
(CHAIRMAN)

DATE: September 28, 1999.....

MINUTES OF THE SIXTY-SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, AUGUST 31, 1999 IN KAKAMEGA COUNTY COUNCIL HALL AT 9.40 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wycliffe Osundwa, M.P.
The Hon. Martha Karua, M.P..
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO.247/99 EVIDENCE

1st Witness

Mr. Ernest Munangwi Bulokotsi of P.O. Box 189 Shinyalu appeared before the committee and gave evidence under oath.

He stated thus:-

That his brother assaulted Mr. Philip Musee, causing him loss of three teeth. Afterwards he was imprisoned and later surcharged Kshs.73,000 to have the set of teeth replaced.

That the family was unable to raise the money. That the area Chief came to his home and said that he would give them the money in exchange for a piece of land. That he gave him the piece of land parcel No.1396 and they went to the Land Board. That the Chief Mr. Laban Shimenga, detained his title deed and other papers. That the Chief through an advocate filed a case in court, contesting the sum of money involved. The court reduced the amount to Kshs.45,000/=

That he (the Chief) never paid the money and that the witness wanted to know about the title deed. That after the Chief trumped up allegations against the witness and that the witness was arrested and taken to a police station where the police went to the Lands office to check out the title of the land. That the witness asked for the titles and they were brought. That title was 1394 and No. 1395 had brother's name while Nos. 1396 read clement Shikongo.

That they went to the lands office and discovered that the title deed that had the witnesse's name was reading a different name, that of Mr. Clement Shikong'o. That later the Chief sent Administration Police officers to arrest the him and beat him up so that he could sign up the papers for transfer of his land. That the Chief has not paid the debt he was supposed to pay.

That they title that had his name on it LR. No.1394 was taken away by Administration Police officers who were sent by the chief to do so. That the same title at the Lands Office reads someone else's name - that of Clement Shikong'o. That the same title deed has been used to secure a loan of Kshs.200,000 from Kenya Commercial Bank and that now the land is being sold by the Bank. That it is earmarked to be sold on 2nd September, 1999. That his brother has collaborated with the Chief to steal his land.

MIN.NO.248/99 **EVIDENCE**

2nd Witness

Councillor Luke Nalinja of P.O. Box 2, Lwandeti appeared before the Committee and gave evidence on oath and stated thus:-

That in 1996 the president decided to settle 823 squatters in a 4000 acres of land and the instructions were given to the then District Commissioner, Mr. Peter Raburu, the current Provincial Commissioner Nyanza.

That each squatter was to be allocated 5 acres each.

That when the District Commissioner was transferred and a new one appointed, Mr. Cosmas Mtai the settlement could not continue as it was planned.

That when Mr. Cosmas Mutai was transferred he was replaced by a Mr. Aden Ali as the area District Commissioner who reduced the acreage meant for the squatters from 5 to 2 acres.

That some of the squatters were replaced and other people including civil servants were settled through issuance of new allocation letters by Mr. Aden Ali.

That only about 300 squatters were settled instead of the original 823 people. The settlement of the squatters started way back between January and April, 1996.

The witness was advised to compile a list of the allottees and send it to the Committee. The Committee will later visit the area on its way to Eldoret.

MIN.NO.249/99 **EVIDENCE**

3rd Witness

Mr. Peter Oduori and Mrs. Leonora Oduori of P.O. Box 182 Butula - Busia appeared jointly before the Committee and gave evidence under oath and stated thus:-

That he is a businessman at Butula. That in April this year (1999) some Administration Policemen accompanying Council Officers from Busia county Council came to his shop when the he was sick and forced his daughter to sign some papers allegedly to pay Kshs.4,000 as licence for the shop and some other money.

That they came back and demanded the money, and that the he pays Kshs.2470 for licence this year and a Kshs.700 service charge. That the witness remained adamant and he was bonded to appear in court at Busia. That he has been victimised for not obeying what some people wanted.

That the witness produced the names of the police officers allegedly working for County Council of Busia as Mrs. Wabanyi, Mr. Orwa who come repeatedly to his shop and demand that he pays Kshs.5,500 as licence to operate his shop. That he was later arrested and taken to court in Bungoma, at 3.00 p.m., and that the court decided to hear his case the next day, and that he was remanded at Bungoma Prison for 8 days. That the he feels harassed and unjustly treated.

He advised to also send a memorandum to the judicial complaints Commission addressing it to the Chairman (Mr.Justice Evans Gicheru) to investigate the matter from the judicial point of view.

They presented a memorandum to support their case.

MIN.NO.250/99 **EVIDENCE**

4th Witness

Mr. George Tindi the District Land Registrar, Vihiga, appeared before the Committee and gave evidence under oath.

He stated thus:-

That land parcel No. 1296 Isukha/Shitoto lies under his jurisdiction and that he pleaded with the Committee to allow him time to peruse the files for details. That he be allowed 1 hour to do so. He was allowed 30 minutes and instructed to report to the committee with full information.

After 30 minutes

The Land registrar, while still on oath continued his evidence.

That parcel No.1396 Isukha/Shitoto is owned by Mr. Ernest Bukolotsi and that it was sold to a Mr. Laban Shimenga M. ID/2311057 of P.O. Box 136 Khayega for Kshs.3000 only.

The document purporting transfer of land is dated 22nd January, 1991 between Mr. Ernest Bulokotsi and Laban Shimenga M. for Kshs.3000.

That the records have not been received for registration and that the settlement office has not issued any papers (title deeds) for the land.

The Registrar was directed to go back to the records and find out the details of parcels No. 1394, 1398, 1395 within the shortest time possible.

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MIN.NO.251/99 EVIDENCE

5th Witness

Mr. Eliud Ojenje Okwe of P.O. Box 2004 Kakamega, appeared before the Committee and gave evidence under oath. He stated thus:-

That public land has been grabbed and Kenyans in Kakamega are suffering especially the building housing Kenya Broadcasting Corporation offices near B.P. Petrol Station in Kakamega town used to be a public toilet which was grabbed, and someone in enjoying rent from it.

That there is grand corruption thriving in the judiciary and law courts.

That cemeteries, public toilets KARI land have been grabbed.

That two government quarters, 2216/6/96/16 which were grabbed and subdivided and allocated to individuals and now the witness and his colleague are threatened with eviction. The beneficiaries are former Provincial Commissioner, Mr. Francis Baya, former Provincial physical planner Mr. Khan Ndeda, former (late) Mayor - Morgan Makaka, and former intelligence officer - Mr. Maritim.

That Amalemba Primary School has also been sub-divided and allocated to Lawrence Itolondo for construction of a Petrol Station. Mr. Itolondo was once the chairman of Kakamega County Council. That this was said to have been a direct allocation from Nairobi, with the presidents name being used to scare away any opposing views. That the whole of Amalemba Primary School compound was exised and allocated out to the petrol station.

That the Civil servants welfare Association in Kakamega which used to levy alot of money from members i.e. Kshs.8,000 per member per every 30 months and making a total of Kshs.240,000 quarterly was only giving Kakamega branch Kshs.50,000 every six months. What happened to the rest of the money? That the same welfare association was now dissolved and no refunds have been made to the members.

That the centre of corruption was the leadership of this country.

That Otinde government Quarters Estate next to Barclays Bank Kakamega have also been grabbed.

MIN.NO.252/99 **EVIDENCE**

6th Witness

Mr. Laban Shimenga, Senior Chief, Khayega Location, Shinyalu Constituency appeared before the Committee and gave evidence on oath and stated thus:-

That Morris Lumbasio who hails from my location, had assaulted someone and was arrested charged and imprisoned for 2 years.

That when he left prison, he and his brother, Mr. Ernest Munangwi Bulokotsi came to his house and sought his assistance in the way of lending them money that they required to pay back as damages, to the person his brother had assaulted, in exchange for part of their 4 acre shamba. That the witness agreed to give them Kshs.3,400 and they in return will gave him part of the shamba. That the shamba was sub-divided into 3 pieces, one in the name of Ernest Bulokotsi, another one was given to the man who was assaulted and the final piece was left in abeyance so that if it was registered in the name of Morris Busweti. There was a risk of the land being auctioned by court brokers to pay for the assault. That the title was kept by him (the chief) so that Morris will not sell the land secretly. That later on Morris reported back to them (Laban and Ernest) that the amount had accrued interest from Kshs.60,000 to Kshs.100,000. That they felt Morris was inflating the figure. That now that piece of land stands at 5 acres from other shambas after sub-division. That one of the brothers Ernest Bulokotsi closed an access road passing through those pieces and that he had him arrested for that since the Chief thought he was closing a government road.

The witness was advised a road that passing through one's land is not government road but personal property.

MIN.NO.253/99 **EVIDENCE**

7th Witness

A group of six councillors and one civilian from Kakamega County Council appeared as group before the Committee and gave evidence on oath.

Through their spokesman Councillor J.K. Omukanda Chairman of the Environment Committee. That there was corruption especially in the Kakamega Country Council.

That Councillor Sammy Aswani Amunga embezzled council funds amount other things. That the witness tried to follow the matter but the town clerk Mr. Peter Kongoti did not call a meeting on grounds that he (Clerk) had to consult with provincial adminstration and in Nairobi Headquarters. That the witness write a letter to the Provincial Local Government Officer and nothing happened.

That the witness engaged M/s Mastakha and Company Advocates to compel the Town Clerk to call a meeting.

That some Kshs.100,000, for electrification of the council market was paid to P.A.A. Engineering Co. Ltd to which the Chairman of County Council (Cllr Amunga) is a director and not work was done.

That the total payment amounted to Kshs.1,978,508 which was made to P.A.A. Engineering and no work was done.

That a complaint letter to the clerk Kakamega County Council was written on 7th October, 1996 about these payments.

That between March 1994 and October 1995 Kshs.7,364,813 was paid to Salek Motors for repair of Vehicles.

That members of staff were given imprests amounting to Kshs.1,113,065 for repair of the same vehicles.

That a member of staff was given an imprest of Kshs.122,000 to repair the same vehicles.

That in July 1994, Saleh was paid Kshs.1,090,700 for repair of the same vehicles.

That in the same period staff members were given imprests amounting to Kshs.128,850.00 for repair of the same vehicles.

The Councillors presented documents to support their evidence. That the Councillors formed a co-operative union called Western Civil Leaders Sacco. That the council has been deducting their contributions to the sacco without remitting the same amounts to the Bank. This had culminated to the bouncing of cheques sent to the cooperative Bank Mumias Branch.

That at the Land Control Board Kakamega there is payment of levy without any receipts being given and which the money is taken to the area D.O. Mr. Joseph Chepkilot (Ikolomani Division). That chiefs at the division are members of the Board which is in real sense against the land law regulations. That at the Kakamega General Hospital patients pay service charge without issuance of receipts.

That when one goes to police station to report a case of assault, he is forced to pay money before action is taken.

That the D.O. Lurambi is protecting stock thieves. The accused are arraigned in court but are immediately released without punishment.

The civic leaders presented memorandum to support their evidence.

MIN.NO.254/99 **EVIDENCE**

8th Witness

The land Registrar, M. George Tindi while still on oath continued with his evidence concerning the land parcel no. 1296 Isukha/Shitoto.

He stated thus:-

On the first registration, the title was KK/Shitoto/1050 and the owner was Bulokotsi Lisarakwa (5.2 acre).

That Bulokotsi was first registered in 1974 and the beneficiaries applied to be given letters of administration on 23rd March, 1988.

That Earnest Bulokotsi was appointed 1st administrator to the estate of their father (deceased).

That on 19th July, 1988, Earnest applied for the sub-division of the land No.1050. The board granted for the same on 26th July, 1988. The title was divided into 4 portions No. 1318, 1319, 1320, and 1321

The beneficiaries were as follows. Title No. 1318 -Ernest Munangwi Bukolotsi - 0.9 acre. He was issued with the title on 6th July, 1991. That 1319 was registered under Ernest Bulokotsi of which it was transferred to Joseph Mukobwa on 12th August, 1988. That on 10th November, 1988. he was issued with a title deed and sur charged

against Kshs.40,000 to Kenya Commercial Bank (0.06 acres).

That 1320 was registered under Ernest Bulokotsi but the title has not been collected.

That 1321 was under Ernest Bulokotsi which was later subdivided into 1394, 1395 and 1396.

That 1394 (0.5 acre) was registered under Ernest Bulokotsi on 1st February, 1992.

That 1395 (0.1 acre) was registered under Ernest Bulokotsi which was transferred to Morris Bukolotsi the same day.

That 1396 (0.2 acre) was registered under Ernest Bulokotsi but it was transferred to Laban Shimenga M. The title was issued and surcharged against Kshs.20,000 at Standard Bank.

MIN.NO.255/99 **EVIDENCE**

9th Witness

Mr. Laban Shimenga, Ernest Bulokotsi and George Tindi were summoned jointly to explain on that status of the parcel No.1394, in question. The Chief was made to explain to the complainant (Bulokotsi) about the whereabout of the title deed to the plot. The Chief confirmed to Mr Bulokotsi that the title deed was in his custody contrary to what Mr. Bulokotsi had said that it was with the CID officers.

At the same time, Mr. George Tindi, the District Land Registrar, confirmed to Mr. Bulokotsi that the land parcel is still registered under his name. At this point the Chief (Mr. Shimenga) was warned by the Committee that it was against the law to keep the title deed which in real sense did not belong to him. He was advised to surrender the document back to the owner.

MIN.NO.256/99 **EVIDENCE**

10th Witness

Mr. Simeon Shitemi of P.O. Box 30985 Nairobi appeared before the Committee and gave evidence on oath and stated thus:-

That he has been a board member of Musiomi Girls School. The board was told by the Headmistress Mrs. Agnes Wamakonjo to approve payments for expenses which had been incurred during the renovation of the school's library which she had paid without tendering.

That he went to see Mr. Cheloti the provincial Director of Education (PDE). He then went out briefed a Mr. Songoro, after failing to seek audience with the PDE.

That he went to see the then District Commissioner Mr. Cosmas Mtai, the Provincial Commissioner and Mr. Kyungu, the Chief Inspector of schools. That all these events happened between October 1998 and September 1999.

That he was the Chairman of Kaimosi Teachers College and that his term ended last year, but since then there has not been elected Board in that college.

That the principal of the college is ordering and buying all materials needed in that school without the approval of a tendering procedure.

That the Education Act should be amended to ensure that all leaders follow set up rules and regulations in their respective areas

That between 1985 - 1986, the then PS Education approached the then Member of Parliament for the area with a suggestion that Ikokho health centre be upgraded. The tender for upgrading the health centre was awarded by the then DC Nicholas Mberia to an Asian Contractor Stationed in Kisumu. But upto now the upgrading of the centre has not been completed ten years down the line.

He was advised to compile his complaints in form of a memorandum and send it to the Committee using the address provided by the secretariat.

MIN.NO.257/99 **EVIDENCE**

11th Witness

Mr. Jafred Chedo Mukonesi and Mr. Zablon Mandila of P.O. Box 32 Kambiro appeared jointly before the Committee and gave evidence on oath.

Mr. Jafred Mukonesi stated thus:-

He was assaulted in 1988 and he took the case to court case No. 1930/36 and the accused was arrested and charged for the offense.

Later the file went missing and he was told to rewrite another file and the case was taken to court for a second time of which when the case came for the second time, the file was reported missing. They presented memorandum to support their claims. The Committee promised to peruse through the papers and advise the complainants accordingly.

MIN.NO.258/99 **ADJOURNMENT**

And there being no other business the Acting Chairman Prof. Anyang Nyong adjourned the sitting at Five O'clock, until Wednesday 1st September, 1999 at Eldoret Municipal Hall at 9.00 a.m.

CONFIRMED . Hon. Musikari N Kombo ,MP .....
(CHAIRMAN)

DATE: September 28, 1999.....

MINUTES OF THE SIXTY-SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, SEPTEMBER 1ST, 1999 IN ELDORET MUNICIPAL HALL AT 10.30 A.M.

PRESENT:

Prof. the Hon. Anyang' Nyong'o, M.P. - **Ag. Chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Martha Karua, M.P..
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk - Research/Committes
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO.259/99 EVIDENCE

1st Witness

Mr. Samuel Kipkoskei Maritim of P.O. Box 29 Moi's Bridge appeared before the Committee and gave evidence under oath.

He stated thus:-

That there was corruption visited on their shamba by the provincial administration. This corruption was perpetrated by a son of one of their members of the society, Chief Andrew Rotich of Chepsiro Location. He misappropriated money obtained by their members from Agricultural Finance Corporation (AFC).

That he (the Chief) went on and changed the ownership of a shamba that was owned by their society and had it registered in the names of only six of the members, including himself. That they went on to subdivide the Shamba amongst themselves.

That the Chief used the then District Commissioner Uasin Gishu Mr. Ben Mogaka to obtain a fraudulent letter of consent which they used to have a title deed issued to them. That this sub division of the farm was done without involvement of all the members.

That one of the six members who were said to have signed an agreement to have the shamba sub-divided died in 1988 while the shamba was sub-divided in 1993. That one witness confessed to having been paid Kshs.1 million to testify for the 6 members and against his other colleagues to the effect that the shamba belonged to the 6 members.

That Mr. Michael Arusei Rono was bribed to help these other people to accomplish their falsehoods.

The witness was advised to obtain all necessary documents and report back to the Committee tomorrow, 2nd September at 9.00 a.m.

MIN.NO.260/99 **EVIDENCE**

2nd Witness

Messrs Kimagut Yebei and Samuel Kiplagat Kuto of P.O. Box 454 Moi's Bridge appeared before the Committee and jointly gave evidence under oath.

Mr. Kimagut Yebei stated thus:-

That he (Mr. Kimagut Yebei) reported that his shamba of 24 acres was taken away from him by Mr. Andrew Rotich Chief of Chepsiro Location. That the shamba belonged to a white settler and was bought by 42 partners. That the Managing Director of the farm was Mr. Kiprotich Masai and Solomon Kibet Sang, Kipkemei arap Sang and Elija Lagat were members. That members were getting 43 acres each and that the Chief hived off 24 acres out of the complainant's shamba corruptly.

The witnesses were advised to obtain documents to support their claims, which they said to have left at home and present them to the Committee tomorrow 2nd September, 1999.

That the Chief, Andrew Rotich, colluded with the Managing Director Mr. Masai to allocate themselves part of the complainants' land

measuring 24 acres. That the total acreage of the farm before this allocation was 67 acres. That they have had the shamba since 1967.

MIN.NO.261/99 **EVIDENCE**

3rd Witness

Mr. Harry James Onamu of P.O. Box 30 Vihiga, appeared before the Committee and gave evidence under oath.

He presented a memorandum and was advised to summarize his complaint in form of a memorandum and send it to the Committee using the address provided by the secretariat.

MIN.NO.262/99 **EVIDENCE**

4th Witness

Mr. Kipsang Arap Ngetich of P.O. Box Equator, appeared before the Committee and gave evidence on oath.

He states thus:-

That his land Parcel No.634 has been tampered with by the area Chief.

That after the land was surveyed and certified by the District Land Board, a road reserve was set aside without his consent thus tampering with the boundaries of his land.

The Committee advised the witness that the Committee will communicate with the land Registrar Koibatek District and Communicate back to him (Mr. Kipsang Ngetich).

MIN.NO.263/99 **EVIDENCE**

5th Witness

Mr. Joseph Sang Amdany, Councillor, Wareng County Council, P.O. Box 5189 Eldoret appeared before the Committee and gave evidence on oath.

He gave a general overview of corruption in Kenya and how corruption has affected the nation adversely.

He presented Memoranda to support his evidence.

He further stated thus:-

That a council land (1 hectare) outside the council chambers was allegedly grabbed by Mr. Joseph arap Leting after he was directly from Nairobi allocated without the consent of the council.

He was advised to avail the L.R. numbers and the size of the land.

That rural electrification programme is failing in Uasin Gishu because powerful people in the Government like Hon. Nicholas Biwott Minister for East African and Member of Parliament for Keiyo South and Regional Affairs has used his political power and transferred the electrification facility to his farm and his constituency.

The witness was advised to compile a list of all complainants on the above project and avail the list to the Committee (especially those who have contributed money) using of the address provided by the Secretariat.

MIN.NO.264/99 **PRESS STATEMENT**

The Committee gave a brief press statement at 1.35 p.m.

MIN.NO.265/99 **ADJOURNMENT**

And the time being forty minutes past One O'clock the committee adjourned the sitting until this afternoon at 2.00 p.m.

AFTERNOON SITTING

PRESENT:

	Prof. the Hon. Anyang' Nyong'o, M.P.	- **Ag. Chairman**
	The Hon. Wanyiri Kihoro, M.P.	
	The Hon. Ngenye Kariuki, M.P.	
	The Hon. Owino Acholla, M.P	
	The Hon. Henry Obwocha, M.P.	
	The Hon. W.O. Ayoki, M.P.	
ABSENT WITH APOLOGY:	The Hon. Musikari Kombo, M.P.	- **Chairman**
	The Hon. Sulleiman Kamolleh, M.P.	- **Vice-chairman**
	The Hon. Martha Karua, M.P..	
	The Hon. Wycliffe Osundwa, M.P.	
	The Hon. Mohamed A. Galgalo, M.P.	
	The Hon. Mohamed D. Weyrah, M.P.	
	The Hon. Kiraitu Murungi, M.P.	
	The Hon. Sammy P. Leshore, M.P.	
	The Hon. Peter E. Maundu, M.P.	

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk - Research/Committees
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO.266/99 **EVIDENCE**

6th Witness

Councillor Regina Kaptich Yego of P.O. Box 2921, Eldoret appeared before the Committee and gave evidence on oath.

She stated thus:-

That she is a nominated councillor in the Wareng County Council, and she hails from Kamagut Location.

That there's alot of corruption in the country. That corruption is perpetrated by leaders and not common Wananchi. That Chiefs and District Officers called on parents to bring in their children to be recruited as enumerators in the on-going census. That those young girls and boys who were recruited were not the ones who actually worked. Chiefs and District Officers had recruited their own people and that those who had been recruited were served with letters from Assistant Chiefs terminating their appointments e.g. Mr. James Kimeli

Tarus of Kamagut Location received such a letter from the Chief Mr. Isaac Sang. When his mother went to enquire why the termination was effected, she was told that the District Officer of the area is the one who had terminated the young man's employment.

That the parcel of land outside a county council building in Warreng, has been taken by Mr. Joseph Leting leaving the council building without any compound - it is not known whether he first acquired it or it was sold to him.

The witness urged the Committee to investigate the case.

MIN.NO.267/99 **EVIDENCE**

7th Witness

Mr. Peter Okabera Omwenga of P.O. Box 6675 Eldoret appeared before the Committee and gave evidence under oath.

He Stated that:-

He bought a shamba from Mr. Samuel Nyakeri in 1977 and built a house.

That later his father-in-law started building a house infront of his on the same plot.

MIN.NO.268/99 **EVIDENCE**

8th Witness

Mr. Kipkorir arap Menjo of P.O. Box 1937, Eldoret appeared before the Committee and gave evidence under oath.

He stated that:-

That the biggest problem especially in Uasin Gishu is the tribal clashes. That most of the leaders tend to take advantage of open land and chiefs take it upon themselves to arbitrate on disputes.

A case in point is Tungoin farm which had an acreage of 995 acres and was sub-divided for the share holders (171) each to get 6 acres leaving some land for a dispensary within the farm.

That Rev. Nicholas Kiptoo Misoi influenced the sub-division of the farm such that some of the members did not get the 6 acres they were promised. This arose from fear and intimidation from the Rev. Misoi who is believed to have alot of influence in society due to his

connections to high offices (that of the president) - so a decision he makes is not questioned by members.

That members had agreed to give Rev. Misoi parcel No. 47 which comprised the farm house, which was to be converted to a dispensary plus Kshs.30,000 in lieu of the house. That the Rev. Misoi never honoured this agreement where he was in return to surrender 6 acres of the parcel allocated to him for the construction of the dispensary. That the Rev. went ahead and processed his papers for parcels Nos. 46 and 47 (45 acres) against the wishes of other farm members.

The witness was advised to compile a memorandum on the two cases and submit it the Committee tomorrow 2nd September, 1999.

That there were complaints about Chekata/Sikaon Farmers Co-operative society.

That the society was registered as a land buying co-operative and has bought L.R. 8441/2 of 1409 acres of land with 156 original share holders who bought the farm from an Indian in 1974 and that since then there has been a dispute against the farm directors lead by Mr. Eliud Recha who have held office since 1974.

That the farm director has been using fake receipts to some shareholders (people) and that they have also been selling some pieces of land from the society.

That some people have been allocated pieces of land by these directors e.g. Mr. Kiptuwei Kili and Charles Manyan while rejecting the genuine farm receipts e.g. the ones held by Mr. Samoei, Koskei and others.

That the biggest problem has been the sub-division of the farm where a private surveyor by the name of Kimathenge made alot of errors while carrying out the sub division of the farm by not creating visible boundaries, allocating parcels of land to people who were not members and creating bigger parcels to the directors.

That the shareholders were not satisfied with his subdivision work had they raised queries with the District Commissioner's office Uasin Gishu in 1995 who visited the farm and elected a probe committee to investigate the matter.

That the probe Committee became a farm Committee and allocated themselves with pieces of land.

That the members launched a complaint with the police (Nakuru CID) office in 1997 and visited the office of the president in which a letter

was written to the Chief land registrar to stop issuing title deeds. That title deeds belonging to the Secretary and Treasurer were found to have errors and taken to court in Nakuru.

That in October, 1998 the complainants and plaintiffs requested the court to allow the District Commissioner to visit the farm and try to sort out their problems.

That the District Commissioner Uasin Gishu visited the farm on 13th October 1998 and discovered many anomalies that had occurred. That the District Commissioner dissolved the old Committee and conducted elections for a new one.

That while the new Committee was being elected members discovered that the directors of the old Committee were being assisted by the same District Commissioner to acquire title deeds for the parcels they had wrongfully acquired from the farm.

That the members felt that the government offices were not assisting them in any way since a meeting held at the District Commissioner's boardroom had mandated the Committee to sort out the problems in the farm by checking those with bigger portions to even them up with the others but this was not happening.

That members, through their representative now request the committee to come to their aid and investigate the matter and cause the lands office to stop issuing title deeds until these problems are sorted out.

The witness advised to compile a memoranda for both his cases and submit them before the Committee tomorrow 2nd September, 1999.

MIN.NO.269/99 **EVIDENCE**

9th Witness

Councillor Priscillah Cherop of Kamagut Ward, Wareng County Council, P.O. Box 2027 Eldoret appeared before the Committee and gave evidence on oath.

She complained about general overview of corruption especially at Eldoret Municipal Council.

That Wananchi in the rural areas are suffering because of corruption and that most of them were not aware of the Committees sittings at Eldoret and she requested for one extra sitting day for the Committee in Eldoret.

That the president gave mandate that eighty (80) squatters in Turbo be settled at Turbo forest but instead few rich people were allocated the land and the squatters were left living along the road. Each squatter was supposed to be allocated 5 acres. She then went ahead and informed the then District Officer I Turbo Division Mrs. Philemona Koech the current District Commissioner Mr. Kitui to no avail.

That a council plot at Wareng County Council had been grabbed by a former Permanent Secretary Mr. Joseph Leting, who is also the Member of Parliament for Emgwen Constituency allegedly with instructions from above.

She was advised to write a memorandum and avail documents concerning her complaints above and send it to the Committee using the address provided by the Secretariat.

MIN.NO.270/99 **EVIDENCE**

10th Witness

Mr. Julius Malakwen Lelei, of Box 466 Moi's Bridge appeared before the Committee and gave evidence on oath. He stated thus:-

That he bought land at Moi's Bridge location in 1977 after buying shares from a farm called Ex. Cullen. The land was 1290 acres and was leased to three people including himself, Mr. Tenai, Mr.Simion Kogo and Mr. Cheraisi

He was allocated 45 acres but he was not given a title deed. Some squatters in the land were given 150 acres. Mr. Tenai died. The area Chief, Mr. Samuel Lagat of Moi's bridge location colluded with private surveyors to rob him of his land and now he owns only 0.1 acres out of his original 46 acres.

That those who were later allocated the land had not bought shares from Ex cullen farm. That he has witnesses to ascertain his claims. He was also advised to send a signed list of all the witnesses to support his evidence.

The witness was advised to write a memorandum containing his information from the day he bought shares from Ex cullen farm and send it to the Committee using the address provided by the Secretariat.

MIN.NO.271/99 **EVIDENCE**

11th Witness

Mr. Jackson Muturi Omwonja of P.O. Box 2840 Eldoret appeared before the Committee and gave evidence on oath and stated thus:-

That he has been a victim of corruption at his work place. That he was employed by Rivatex Company in 1978 and he was the workers shopsteward representing their grievances. This resulted to his dismissal where he went to court in 1996 (Case No. 1176/96) but since then there has not been any judgement i.e. he has never appeared in court.

That he constituted services of a lawyer Mrs. Yano based in Eldoret but upto now the case has not been settled. Most of the time his files disappear from the registry and a skeleton file which was opened in 1999 has also disappeared.

That there is alot of Mismanagement at Rivatex Company.

The Company's 26 houses are being rent to outsiders while its workers are never given first priority.

14 The witness was advised to give the contact of his lawyer to the secretariat.

The Committee resolved to summon the Managing Director Rivatex Company Ltd on 2nd September, 1999.

MIN.NO.272/99 **EVIDENCE**

12th Witness

Mr. Julius Kundu Fwamba of P.O. Box 71, Eldoret appeared before the Committee and gave evidence on oath. He stated thus:-

That the District Commissioner's office Uasin Gishu is not accessible to the common Wananchi.

That he is the Chairman of the Kapsaret Squatters farm (EATEC Farm).

He was advised to write a concrete memorandum containing his complain about the District Commissioner's office inaccessibility.

That when the EATEC farm management were allocating the land to the squatters, they discriminated against other tribes. That the Nandis were the most favoured group in expense of the other tribes especially the Luhyas.

He was a representative of the Kapsiret farm but later on the Kapsiret Committee was dissolved and another Committee consisting of councillors Joshua Magut, David Chepsiror and Sumbeiywo was formed by the Managing Director Mr. Jeremy Tum.

That the genuine squatters at EATEC farm are 50 squatters consisting of all tribes (Nandis, Luhyas, Kikuyus etc) and only 29 squatters were settled with each squatter allocated 2 acres. The 29 squatters are allegedly members of the same family.

He gave the names of the area Chief Mr. Stanley Kipting'ei and the Assistant Chief as Mr. Henry Tokom. He requested the Committee to look into this issue and see how fairness can be done to assist him.

That when he approached a nation reporter to write a report concerning their grievances on the Nation Daily, the reporter asked for a tip (Kitu kidogo) for his grievances to be written on the paper.

MIN.NO.273/99 **EVIDENCE**

13th Witness

Mr. Anseti Nalianya Sahani of P.O. Box 6412 Eldoret appeared before the Committee and gave evidence on oath.

He stated thus:-

That he has been a resident of Eldoret town for the last 16 years.

He was employed by Nyairo and company advocates. That in May, 1995, he was a tenant at a house at Waiganjo Street after paying two months rent of Kshs.800.

That he was left to be incharge of the House and as a result he was not expected to pay rent.

That he didn't know the owner of the house until some time this year, 1999, when he came to know that the owner was Hon. Elijah Sumbeiywo.

That the house had no water but he tried all means until he got a meter.

That one time somebody by the name Peter whom he learnt later was Hon. Sumbeiywo employee came to his house and found his wife and told her that they fairly can still continue staying in the House without paying rent.

That on March, 1999 Hon. Sumbeiywo came and blocked their entry to the house but the family managed to gain entry.

That on 11th August, 1999 he got a letter from Hon. Sumbeiywo explaining why he had blocked entry to their House and he (Mr. Sahani) replied the letter. That 23rd August, 1999, Hon. Sumbeiywo and his agents stormed into his house and dismantled everything and carried the materials away.

That Hon. Sumbeiywo alleged that the house was allocated to him by the Uasin Gishu District Commissioner in 1986 when he was a presidential escort.

The witness wanted to be compensated for the damages he incurred and be refunded the two months rent of Kshs.800 which he had paid.

He was advised to report his case to the rent tribunal court through his lawyer M. Birech and Company Advocates.

He was also advised to write a memorandum containing his complaints and send it to the Committee.

MIN.NO.274/99 **ADJOURNMENT**

And there being no other business the Ag. Chairman Prof. Anyang Nyongo adjourned the meeting at forty minutes past Six O'clock until Thursday 2nd September, 1999 at 9.00 a.m.

CONFIRMED Hon. Musikari N.Kombo, MP
.....
(CHAIRMAN)

DATE: . . September 29,1999 .....

MINUTES OF THE SIXTY-EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, SEPTEMBER 2ND, 1999 IN ELDORET MUNICIPAL HALL AT 9.00 A.M.

PRESENT:

Prof. the Hon. Anyang' Nyong'o, M.P. - **Ag. Chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Martha Karua, M.P..
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk - Research/Committes
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO.275/99 EVIDENCE

1st Witness

Mr. John Silas Ndung'u of P.O. Box 3794, Eldoret appeared before the Committee and gave evidence under oath.

The Committee allowed the witness (as he requested) time to put his evidence together and present it to the Committee within half an hour (30 minutes).

The witness returned after 30 minutes with the relevant documents to support his case.

MIN.NO.276/99 EVIDENCE

2nd Witness

Messrs Emmanuel Kitum and Joseph Kissang of Box 210, Eldoret appeared before the Committee and gave evidence on oath.

They stated thus:-

That their shamba in Tranzoia District was wrongly sub-divided and that the people in charge of the sub-division took bigger portions of land and allocated other parcels to their friends. That the officer in charge, a Mr.Koskei who was a settlement officer took away land that belonged to other members of a land buying Company. Other persons who oversaw the sub-division were former MPs Boaz Kaino and Freddie Cheserek along with the then District Commissioner Marakwet Mr. Rashid who was based at Kapsowar.

That the farm acreage was 10,000 acres and each member was paying Kshs.800. That these things happened in 1996. That the farm is still there but the sub-division was not done fairly.

The witnesses were advised to obtain the names of the Committee members who were carrying out the sub-division of the farm and send them to the Committee on the address provided by the Secretariat.

That Sewarwo Health Centre in Cherangany does not have medicines since whatever was there was stolen by the medical officers in-charge especially the current one, Mr. Rotich.

The witnesses urged the Committee to investigate the matter since the wananchi were suffering.

MIN.NO.277/99 **EVIDENCE**

3rd Witness

Mr. Charles Kibe, Assistant Land Registrar, TranNzoia District, P.O. Box 620 Kitale appeared before the Committee after being summoned and gave evidence on oath.

He was informed that the Committee needed clarification on issues pertaining to Kiptenden Farm, LR5596 AND LR.2116, Chepsiro Location, Trans Nzoia District.

He clarified thus:-

That the original society name of the farm was Kiptenden Farmers Co-operative society. That the land was 1050 hectares and was sub-divided on 9th December, 1996 after consent for subdivision was issued by the Chief Land Registrar.

That he was not aware that one of the directors who was said to have signed the consent for sub-division of the farm had died in 1988.

That as at 6th January 1997 there were officials of the farm who held offices of Chairman (Mr. Misiong Kipkorir), Secretary (Mr. David

Kipkosgei), Treasurer (Abraham Kiptarbei Kerich).

That the farm was first sub-divided by the co-operative society (Kiptenden Farmers Co-operative Society).

At this point, the witness was advised that the said land had not changed to a co-operative society from a partnership known as Samuel Kipkosgei and Partners and could not have been subdivided by a Co-operative society.

That the partnership did not apply for sub-division, and that among the directors who are said to have signed an application for sub-division of the land was actually dead and another was (sick) actually in a coma to have been able to sign the documents. The Committee informed the witness that the Sub-division of the farm must have been fraudent and that the registrar should peruse the records, obtain this information and submit it to the Committee during its sittings in Nairobi in 2 weeks time, establishing exactly who the owners of the farm are and what happened to it, and whether the owners were aware of these facts.

MIN.NO.278/99 **EVIDENCE**

4th Witness

Mr.Samuel Kipkosgei Maritim of P.O. Box 29, Moi's Bridge appeared before the Committee for the second time and continued his evidence while still under the oath administered to him yesterday on 1st September, 1999.

The witness produced documents as requested by the Committee in support of the evidence he gave yesterday concerning the ownership and sub-division of Kiptenden Farm, Chepsiro Location Trans Nzoia District.

MIN.NO.279/99 **EVIDENCE**

5th Witness

Messrs: Francis Kipruto Cheplaiti, Kiplagat Samuel Koech and John Chebii of P.O. Box 524, Iten, appeared jointly before the Committee and gave evidence under oath. They stated thus:-

That they were representatives of the people of Tambach (wananchi) whose land had been used for expansion of Tambach Teachers College on the understanding that they will be compensated with alternative land elsewhere.

That in 1982 a sub-committee was set up by the District Development Committee to look into the matter and that the Committee requested the government to avail 300 acres for this purpose. That land was

availed part of which belonged to the Municipal Council at Eldoret.

That in 1992 the president stopped at Tambach Teachers Training College and ordered that the people be compensated with 600 acres from Selgoi Scheme which was a holding ground.

That survey work commenced following which the land was subdivided.

That after the Sub-division some people were left out and are still out to date. That this state of affairs was as a result of wrongful sub-division of some 160 acres where some 4 people who did not need compensation got land. That they were:- the former District Commissioner Uasin Gishu, the later Wilson Chepkwony,the then principal of Tambach Teachers College, Mr. Nathaniel Chepkener and Mr. Alfred Mwangi, the then District Surveyor, Uasin Gishu.

That these four persons were responsible for the allocation of the land to other people who were not among the beneficiaries.

The trio submitted documents in support of their evidence that the people of Tambach are complaining due to the wrongful allocation of 160 acres to people who did not require compensation at all, thus leaving out genuine ones whose land had been used to expand Tambach Teachers Training College. That their complaints have gone unheeded and that the people seem to have lost confidence in the government and there is no one to turn to.

On the complaints against the management of Tambach Teachers Training College, the witnesses were advised to compile a memorandum and send it to the Committee in Nairobi for further consideration and action. The Committee's forwarding address was provided by the secretariat.

MIN.NO.280/99 **PRESS STATEMENT**

The Committee issued a brief Statement to the press at twenty minutes past two O'clock.

MIN.NO.281/99 **ADJOURNMENT**

There being no other business the Chairman adjourned the sitting in Eldoret Municipal Hall at thirty minutes past Two O'clock until 3rd September 1999 at 9.00 a.m. in Nakuru Municipal Hall.

CONFIRMED ..... Hon.Musikari N. Kombo, MP
(CHAIRMAN)

DATE: ...September.29,.1999.....

SIXTY NINTH

MINUTES OF THE ~~SEVENTIETH~~ SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON SATURDAY, SEPTEMBER 4TH, 1999 IN NAKURU MUNICIPAL HALL AT 9.00 A.M.

PRESENT:

Prof. the Hon. Anyang' Nyong'o, M.P. - **Ag. Chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Martha Karua, M.P..
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Owino Acholla, M.P
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk - Research/Committees
Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

Owing to the sickness and Subsequent hospitalization of the Hon. Henry Obwocha in Nakuru, which occasioned lack of quorum, the Committee suspended its sitting at the Municipal Hall, Nakuru for the whole day on Friday, 3rd September, 1999 until the following day, Saturday, 4th September, 1999 when more members were expected to attend.

MIN.NO.282/99 **EVIDENCE**

1st Witness

Messrs:- Wilson Wangere Kaira, Jessie Kamau Gicharu and Jonathan Njoroge appeared before the Committee and jointly gave evidence under oath. They stated thus:-

That in 1993/94 the president gave 200 acres for resettlement of squatters in Bahati forest and directed the then Provincial Commissioner Mr. Yusuf Haji, to ensure these people are re-settled. That the president ordered clearance of the trees for resentment and clearing began immediately.

That the land was taken over by the Council, the then District Commissioner Mr. Raphael ole Letimale, the then Provincial Commissioner and the then Provincial Forest Officer (Mr. Rotich) Nakuru County Council Chairman (Mr. Bidii arap Too), the then KANU chairman Nakuru - Mr. Kinyua Njuguna, former councillor (Mr.Kinyanjui), former county council clerk, Mr. S.K. Kirior, special Branch officer, Mr. John Magende, Assistant physical planner and a senior chief Mr. Karanja.

That it was these people who acquired the land that His Excellency the President had set aside for the settlement of the squatters as follows:-

Haji - 42 acres (later sold)
District Commissioner Mr. Raphael ole Letimale42 acres (later sold)
Mr. Rotich - 3 acres (under sale)
Mr. Bidii arap Too - sold most of the plots & masterminded the sales of about 100 acres after allocating to councillors.

That the witnesses had complained to the provincial administration in 1994, and that the then chief ordered Administration Police to arrest him and that he was beaten almost to death for having questioned what had happened to the squatters land.

That the witnesses had tried to sue the county Council and all those who were involved but the file had disappeared while in the hands of the C.I.D. in Nakuru. That the witnesses had reported the matter to their former area Member of Parliament Bishop Joseph Kimani to no avail.

The Committee to visit the site later today.

The witnesses presented a memorandum in support of their case.

MIN.NO.283/99 **EVIDENCE**

2nd Witness

Ms. Elizabeth Taburandi of Manyata, Nakuru, appeared before the Committee and gave evidence under oath. She stated thus:-

That she has lived in a plot 1½ acres in Manyata (Bondeni Estate) for a long time.

That the Municipal Council and Provincial Administration have been harassing her even taking her to court to vacate the said plot but she has refused to move. Some people have grabbed those plots and are harassing the residents to vacate and move to a smaller plot in Pangani Estate which she has declined.

That she was allocated the said plot by the council (Many) 40 years ago and that she had been receiving assistance even to take her children to school from the council during the 'Mzungu' time. Later council 'ya mwafrika' started harassing her to vacate the plot that she has lived in for along time.

That recently she was told to vacate her plot in Bondeni and settle in another one at Pangani Estate which is much smaller and she cannot fit there with her children. She submitted documents in support of her case.

The witness was advised to await Committee's communication through the Town Clerk who will be summoned at a later stage to explain the status of Bondeni Estate, which councillor Gitata has grabbed and is evicting the old tenants.

MIN.NO.284/99 **EVIDENCE**

3rd Witness

A group of nine councillors from Nakuru Municipal Council led by councillor Ngali Valai, of P.O. Box 386 Nakuru appeared jointly before the Committee and gave evidence under oath.

Each gave their names as follows:-

Nakuru Councillors

Cllr. Ngali Valai
Cllr. Jackson Mugo Mathaai
Cllr. Simon Wachira
Cllr. James Githaiga
Cllr. Susan Machethe
Cllr. James Maina Ndirangu
Cllr. Peter Gichangi
Cllr. Silas Wachira Ngorie
Cllr. Josephat Kangara

That they were not all before the Committee since one of the councillors is admitted in hospital but will share their views.

That 20 acre of land earmarked for water catchment has been allocated to individuals after sub-division.

That this land was allocated by the sole decision by the Town Clerk Mr. Ernest Kiarie Muibu without authority of the council . The beneficiaries are councillor Toweet of Nakuru Municipal Council, Hon.F.L. Lotodo (Ministry of Natural Resources) and Mrs. Agnes Muibu (wife of the Town Clerk).

The 23 houses were sold exclusively by the Town Clerk, at his own price.

That in 1997 the council made a resolution to seek authority from the minister to sub-divide and sell some of the houses and plots and sell them in order to raise money to pay a debt of Kshs.6 Million with Kenya National Assurance Company.

The Town Clerk went on to sell the Houses without the authority of the council to his friends and others as follows:-

1. Mr. Herman Marine Nderi (Mayor)
2. Mr. Ernest Muiba (Town Clerk)
3. Mr. Barua Chele (former Permanent Secretary - Local Authorities)
4. Prof. Sam Ongeri (Minister for Local Authorities)
5. Ms. Jennifer Moi
6. Major Magut
7. Mr. Geoffrey Asanyo Makana
8. Director of Social Services - Mr. James Ocholla
9. Mr. Chemos (Councillor)
10. General Manager Water & Sewerage
    Mr. Samuel Kipkorir Chelule

That these were houses meant for occupation by senior government officers in Nakuru and the market price for each of these houses was estimated at 1.8 million.

That these houses are in Milimani where the value is about 4.5 million for a house and the plot on which it stand.

That the mayor (Mr. Herman Marine Nderi paid Kshs.20,000 as purchase price for the House allocated to him.

That the ministry directed in October 1997 that there should not be any more recruitment of staff. That immediately after the dissolution of the council, the Town Clerk went on to recruit members of staff and that so far 500 members of staff have been recruited into the council. That these people used to pay a sum of Kshs.20,000 to the Town

Clerk to get a job. That those who did not get jobs complained to the councillors.

Witnesses advised to provide names of some or all the people who paid to be employed, for the Committee to follow up and take action.

That the council is losing 3 million shillings per month on these workers who were hired irregularly.

That some workers were hired in November 1998 and have not been paid their salaries to date - that one of them is Ms. Priscilla Wangari Kihoto who reported for duty on 15th November, 1998 and has not received her salary to date.

That the letters of appointment were issued by the Town Clerk while others were signed by the principal administrative officer, Mr. John Muthamaki.

That Mukaru Uniforms, which is owned by a Mr. Mukari of Nyeri, who is a brother of the mayor was awarded a tender to supply uniforms without the consent or resolution of the council. The said said supplier was paid for uniforms not supplied.

That the Town Clerk was responsible for the award of this tender in conjunction with the mayor (Herman Mariane Nderi), and the town clerk was wholly responsible for the payments that were made without deliveries of the goods.

That the signatories to the account through which these payments were made were the town clerk, deputy town clerk and the treasurer (who is now at Nyahururu town council on transfer).

That the signatories as per Local Government Act Cap 265 are appointed by councillors themselves in a full council meeting. The signatories in Nakuru Municipality were allegedly appoint by the Town Clerk allegedly how?

That the current town clerk is on secondment from Office of the President and does not qualify for the job in terms of sections of Local Government Act (Cap 265) Laws of Kenya - That he is not a lawyer by profession as required by law, neither had he worked with any council for sometime before.

That Nyoro Construction company took too long to recarpet roads in the town and that its work was substandard/shoddy.

That the council resolved that the said contractor should not be awarded any other tender for construction of any roads.

That the council recommended that payment for work done by the same be withheld until the council was satisfied with the work done.

That these recommendations were ignored and the contractor paid in full even before completion of the work. Currently the contractor has been awarded a tender for phase 3 of the construction work, this time by the Minister for Local Authorities.

That the council accounts have not been audited for about 10 years now. That the council has complained to the Headquarters in Nairobi to the Minister to no avail.

That on Tuesday 31st August, 1999 some Kshs.500,000 was transferred from the Municipal Council's account No. ..... Delphis Bank Nakuru to account 301084495 National Bank of Kenya. That the holder of this account at National Bank is Mr. Herman Marine Nderi (Mayor of Nakuru).

That the council wrote a letter to the minister for Local Authorities complaining about the manner in which the affairs of the council were being run, to no avail.

That the Local Provincial administration was aware of the problems the council was going through but nothing was being done.

At this point the witnesses were advised that they should also participate in trying to alleviate the problems dogging the council other than just sitting and complaining without taking any action.

Witnesses stated that most of the problems facing the council emanated from the Local Government Act (Cap 265). That the said Act should be revised to allow for a different outlook of the council organisations.

Witnesses advised to forward their contributions towards the amendments of the Act which was extensively revised during the IPPG meetings in 1997 and the amendments now awaited to be tabled in the House for deliberations by Parliament.

That the immediate past mayoral elections were defective and actually no election took place and that the said election had been challenged in court.

The witnesses ~~prosecuted~~ the Committee with a video cassette of what actually transpired during the mayoral elections for the Committee to view and make a decision.

MIN.NO.285/99 EVIDENCE

4th Witness

Mr. Tikoishi ole Nampaso of P.O. Box 55 Olulunga, Narok appeared before the Committee and gave evidence under oath.

He stated thus:-

That he is a councillor in Narok County Council.

That the County Council of Narok was one of the richest councils in the country and that his concern was the way these funds were being misappropriated by the council.

That these problems occurred as a result of poor management by officers who are posted there on political grounds but who are not qualified for these posts.

That the current Treasurer, a Mr. ole Ntutu, who is a clerical officer II is holding the post as a result of influence from his brother Hon. ole Ntutu who is an assistant Minister for Regional Co-operation.

That a treasurer, a Mr. Apindi was posted to Narok County Council from Kisumu Municipality and he cannot take over the office since the current treasurer has sworn not to leave the office unless he is ordered by state House or his brother Hon. Ntutu.

That the Narok District Commissioner, Mr. John Kimiywi, has not guaranteed the security of this treasurer who is currently residing in a hotel in Narok and cannot take over the office because the provincial administration cannot guarantee his security.

That the corruption in Narok is perpetrated by the provincial administration.

That land issues caused the recent infamous land clashes due to the way the sub-division of lands was done, carelessly without due regard to whoever owned which land and titles deeds issued even to people who did not own the land.

That current Mau forest is being sub-divided in a manner which is likely to cause animosity of unknown magnitude.

The witness submitted a memorandum in support of his evidence.

MIN.NO.286/99 **EVIDENCE**

5th Witness

Mr. Kipoki Oreu Tasur of P.O. Box 151 Kilgoris appeared before the Committee and gave evidence under oath.

The witness stated thus:-

That he is chairman of Elchurai Group Ranch in Transmara, the size of the Ranch was 18,000 hectares.

That has been chairman since 1987. That there have been wrangles of ownership. In 1991 - Annual General Meeting was held in which elections of officials were also conducted. That another Committee was elected in July of 1991 to try and stop clashes between a members of the ranch. There were 334 members and each was to have 53 acres. The rest was to be allocated to 83 deserving squatters who had lived in the ranch since the 1950's.

That applications were made to the Land Board to dissolve the group ranch since all members had land. That the Board gave its concept in February, 1992.

That another meeting was called in 1st July, 1992 to establish whether there were any complaints about the sub-divisions and survey of the land.

That Hon. Julius Sunkuli got involved and gave a quick notice to all land officers in Narok to move out of the District for they were not guaranteed of security of their lives and they moved out before the completion of the work.

That a meeting was called, which was attended by then District Commissioner (Mr. Callistus Akello - currently District Commissioner Taita Taveta) where all the land owners were requested to forward any complaints if they had any to the land officials.

That these complaints would be made individually since the group ranch was by then dissolved - But no one came out to complain.

That problems of the members worsened when Transmara District was created.

That the Transmara District Commissioner (Mr. Ali Mbwarali - currently District Commissioner Suba) made sure that all that Hon. Sunkuli wanted was done. That is the land be sub-divided afresh.

That complaints were voiced and after Mr. Mbwarali tried to pressurise election of new officials (Committee) and that the land be sub-divided afresh.

That the director of survey was asked by Mr. Mbwarali to send a new team to do the sub-division - That a private group came to do the work and old members were paying Kshs.5,000 and new members Kshs.10,000.

That the District Commissioner started to victimise the old committee and harassment of the officials started. That they complained, and the District Commissioner Mbwarali was transferred and his successor followed in Mbwarali's footsteps.

That the new Committee had tried to register new members, and he came across a list of 363 names that was authoured by a Mr. Morris Kirigwo who was one the initial members and was being used to alter the old situation.

That the first name in the new list was that of Hon. Sunkuli who was not originally a member.

That the witness wrote to the Director of Land Adjudication urging him not to register the new members (with copies to several government departments) since the meeting in which they were purportedly registered was fictitious.

That the members of the original ~~Chairuga~~ Shartuka Ranch were 365 new members.

That the names of the 15 members of the new Committee and those of their wives appeared in both lists and that this meant that they would receive double share allocation.

That the names of the new members were those of top members of government and society led by that of Hon. Sunkuli.

That when the old members took the matter to court, the case which was supposed to be heard in Kisumu was dismissed arbitrarily.

That Mr. Wilson Lilole, the District Commissioner Mwingi was also involved.

That in 1997 the District Commissioner transmara wrote to (him the witness) urging him to withdraw the consent earlier granted to dissolve the group ranch.

That the new group of members was registered by a Mr. Musembi of Registrar Lands office.

The case was further referred to the court of appeal, which ordered a warrant of arrest be issued to Mr. Musembi who had failed to attend court. That the court ordered the status quo as at 1992 be maintained and that the bonefide members of the ranch as at 1992 stand. That the case is yet to be determined by the court of appeal.

That currently there are members who cannot till their land for fear of being arrested since they do not know who may have been allocated their land since District Commissioner's, D.O.s, Chiefs, M.P.s were re-allocated people's land.

That since there is not court in Narok, the case had to be heard in Kisii, where the magistrate who heard the case is Mr. William Tuiyot who worked in cahoots with Sunkuli and his group.

That the original members are scattered all over the place without knowing where their land is.

That all the following people are involved and should be probed:-

Hon.Julius ole Sunkuli	-	(Minister of State O.P.)
Mr. Muthui Katee	-	Current D.C. Transmara
Mr. Alloys Lekulo	-	D.O. Tiraa Division
Mr. Moses Koringo	-	Chairman of Sunkuli's Committee
Mr. Nduku Njuki	-	Director of Survey
Mr. Musembi	-	Former Registrar of group Ranches
Mr. Ali Mbwarali	-	Former District Commissioner Transmara and D.C. - currently Suba District.
Mr. Wilson Litole	-	District Commissioner - Mwingi

That the following people have had their land re-allocated to other people.

1. Mr. Daniel ole Tasur
2. Mr. Sammy Olondapash
3. Mr. Olondaru Mota Mberia
4. Mr. Mbayu Olokine
5. Mr. Joseph ole Tasur (father of witness) his land was allocated to a chief Mr. Daniel ole Kosen
6. Mr.Issa Keres

That the Hon. Sunkuli has interfered with sub division of all the other Ranches in Transmara since he is interested in having land in all of them.

MIN.NO.287/99 **EVIDENCE**

6th Witness

Messrs:- Aloyce Otiende, James Ng'ang'a Kuria (W.K.I.G.W.U.) George Kusindi, Assistant Branch Secretary, Kenya Local government Workers Union, Nakuru Branch, appeared jointly before the Committee and gave evidence under oath.

They stated thus:-

That the Lanet Social Hall has been sub-divided and allocated to individuals especially councillors and a Mr. James Gitau, assistant Education Officer, Town Hall.

That Herms Hall has been allocated to several members of staff e.g. Mr. Hesbon Omondi, a Clinical Officer with the Council, Councillor Babu and Director of social services Mr. James Michoma.

That the cemetery has beacons erected but the owners of the plots are not yet known. The Ministry of Health has written a letter to protest the manner in which the cemetery has been sub-divided without following the right procedures.

That Milimani houses have been allocated to the Town Clerk Mr. Ernest Muibu, Mayor - H.M. Nderi, Physical Planner Mr. Munyoki, Architect Mr. Indire.

School plots allocated are James Gitau - Mama Ngina Primary School, Moi Primary School and Jamhuri School.

Oginga Odinga Rd - One house sold to Family Planning Association of Kenya.

Public Utility

Mr. Indire an architect
Former Town Clerk
Ole Ntimama -sold
Councillor Mutahi
Baharini Borehole -already demarcated but owner not known
Langalanga Health Clinic - Nyoro Construction Company.
Nakuru West Health Clinic - to an unknown Asian
North Cemetery Parking - Visible structures

Nakka Estate - plot reserved for schools
Road reserve - several owners (NKRU-NBI/R/way.- - several owners several individual plots (names not known).

Playgrounds in Estates

Ngala Estate - A flat has been built but owner not known.

Ngei Estate - 3 pieces - allottees not known

Sewerage - already sub-divided and allocated to the mayors supporters.

Parking Bays of Nakuru West Market

Grabbed by councillors and sold to business people especially Councillor Gitu

Council Offices

Councillor Gitu sold to Mr. Ndegwa (businessman)
Attitude of the town clerk and Medical officer of Health - No request for employees etc.

MIN.NO.288/99 **EVIDENCE**

7th Witness

Mr. Andrew Charles Thuita Kibe of P.O. Box 12467, Nakuru, appeared before the Committee and gave evidence on oath.

He stated thus:-

That he is a former employee of Egerton University where he worked as a farm manager.

The he was employed in 1983 as an assistant farm manager, and he was later interviewed and promoted to Manager, an equivalent to the post of Senior Lecturer, on a two year contract, renewable by mutual agreement.

That his services were wrongly terminated on allegation that he failed to renew his contract and given two days to vacate the farm. That the he appealed and the council found him with no mistake but insisted that he had to go. That he appealed to the chancellor of the university, His Excellency the President, a copy of which he presented to the committee.

The witnesses was advised to forward the relevant documents to enable the committee peruse and take action on his case.

MIN.NO.289/99 **EVIDENCE**

8th Witness

Mr. Ernest Muibu Kiarie, the Town Clerk, Nakuru Municipal council P.O. Box 124 Nakuru, appealed before the Committee and gave evidence on oath.

He stated thus:-

That there are tender committees in the Municipal Council of Nakuru established as soon as the new council was formed in May, 1998.

That the he could avail minutes of previous tender committee meetings. He was directed to avail the minutes from 1998 to date.

That there were so many wrangles that hampered the smooth transaction of the business of the Committee on many occasions.

That there were two camps within the membership of the council and that there is a faction that is opposed to the election of the current mayor and are out to cause chaos.

That he was aware of the allocation of Moi Estate which is worth over 100 million shillings. That this estate had been used as collateral to secure a loan from Pioneer Insurance Company in the 1980's. That the council had defaulted in repayment of the loan and received a notice of intended sale of the estate to recover the loan.

That the council sought authority from the Minister to allow the council to sell off the land within the periphery along with the Estate to repay the loan. That the council met and resolved to sell the houses and land for the same purpose.

That the estate was sold without being advertised - that the councillors just decided to allocate them to people who paid for them. That the Town Planning Committee sat and did the allocation of the plots within the periphery. That the allottees were.

Mrs. Alicen Chelaite former mayor
Hon.Francis Lotondo - Minister for Natural Resources.
Mr. Rotich - former councillor - who paid Kshs.650,000 and obtained a title deed - others have not paid and the land is still with the council.
Mr. Kibe - businessman in Nakuru

That the council had 12 houses and not 23 in Milimani. That nine of them were sold and another three are still intact e.g. the mayors residence, that of the town clerk and the one for the MOH.

The other allottees were

- Mr. Barua Chele - Former Permanent Secretary
- Prof. Sam Ongeri - Minister of
- Mr. James Machuka Muchoma - director of social services
- Mr. Chemuss - Municipal Survey
- Mr. Chelule - General Manager - Water & Sewerage Department.
- Mr. Kimani - Public Health Officer
- Mr. Ernest Kiarie - Town Clerk
- Mr. H.M. Nderi - Mayor
- Ms. Jemutai alias Jannifer Moi - Business woman

He was directed to avail minutes and records of all the allottees and council meetings for the same in Milimani, Oginga Odinga Avenue, and water works since May, 1998.

He was also directed to avail information on allocation of Langalanga Municipal Council and Nakuru west clinic, Moi Primary school and Jamhuri Primary School.

That the land along Nairobi - Nakuru Road next to the Railway Station near Lanet is said to have been directly allocated to individuals by the Commissioner of lands and the Town Clerk will have to investigate the allegation. That there are cases of direct allocations by the Commissioner of Lands for plots that ideally lie within the council. He directed to provided information on such cases. That there were such cases in Ngala and Ngei Estates, some of which have permanent buildings that have already been put up. He was directed to provide information on allocations of open public utility plots for the committee to decide on what action to be taken.

That the council solicited tenders from two suppliers in Nakuru and one from Mukaru uniforms of Nyeri, which is owned by Mr. Mukaru Nderi (a brother of the current mayor) in June 1998 after council askaris in Nakuru went on strike and refused to participate in the Jamhuri day parade.

That the council was then very cash strapped and was looking for a supplier who could give them a 90 days credit. The first two refused but Mr. Nderi of Nyeri agreed to do so. That he supplied uniforms worth Kshs.580,000 and was not paid in time. That the council went

ahead and gave Mukaru another quotation worth Kshs.1.8 million which he has never honoured because they he disappointed by the delay in the payment of the 1st delivery.

That the he was completely satisfied with the work done by M/s Nyoro Construction company. That the council accounts were audited in 1987 - but currently they were being audited.

That the council had grossly over employed and that this was as a result of an old tradition where most employees of the council were children of either former council employees, councillors or mayors.

That the councillor (councillor Gitata) who evicted M/s Elizabeth Taburandi from her plot in Bondeni Estate was equally old, but had acquired a title for the land, and that the he had personally intervened to acquire an alternative piece of land for Elizabeth but she was adamant to move to the new site, since she had lived here (Bondeni) all her life and that councillor Gitaka who grabbed here plot and went to court to evict her was an intruder.

He (the Witness) directed to seek an alternative site for councillor Gitaka and leave Elizabeth to continue living in her plot in Bondeni.

That the stalls in Nakuru West Market were allocated illegally by the assistant director of social services under pressure from the councillors. That they were allocated to the same councillors who build the immediately demolished by the Nakuru Town Member of Parliament Hon. Manyara, accompanied by the Local District Commissioner. That most of the councillors who had complained to the committee were beneficiaries of the same. That the Town Clerk was away in Europe when these allocation ere made.

MIN.NO.290/99 **EVIDENCE**

9th Witness

Messrs: Francis Githii Ng'ang'a, Jackson Gachie Muiru and David Njuguna Chege all of P.O. Box 433 Naivasha, appeared jointly before the Committee and gave evidence under oath.

They stated thus:-

That Geoffrey Asanyo and a Mr. Mwaniki grabbed land and engaged an agent to sell it for them.

That the they complained to the lands office and provincial administration to no avail.

That they complained to the greenbelt movement director (Prof. Mathai) who wrote a letter to the Naivasha Municipal Clerk and that the Clerk denied the allegation.

That they moved in and build a school in the said land but this too, did not help the situation and that they complained to the commissioner of lands who referred them to the town clerk at Naivasha.

That later on they discovered that the land in question had been subdivided and letters of allotment and title deeds processed with full knowledge of the commissioner of lands. That the said land was sub-divided and sold to the public.

That when the land was first sub-divided and allocated to share holders, leaving 64 acres freehold, without a title. That this land was grabbed by Mr. Asanyo and Mwaniki who acquired letters of allotment and a title deed for the land subdivided it and opened it for sale to the public through an agent.

They were advised to seek services of a lawyer to file an injunction against anyone who intends to use the land. That they opened their land for grabbing by leaving it without a title and hence its occupation by the two people.

MIN.NO.291/99 **PRESS STATEMENT**

The Committee issued a brief press statement to the press at 5.30 p.m.

MIN.NO.292/99 **ADJOURNMENT**

And there being no other business the Ag. Chairman, Prof. Anyang Nyongo, M.P. adjourned the meeting at forty minutes past Five O'clock until Tuesday 4th September, 1999.

CONFIRMED ..Hon. Musikari N. Kombo ,MP.....
(CHAIRMAN)

DATE: .....September .29,. 1999 .....

MINUTES OF THE SEVENTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, SEPTEMBER 7TH, 1999 IN COMMITTEE ROOM COUNTY HALL AT 2.30 P.M.

PRESENT:	The Hon. Musikari Kombo, M.P.	**- Chairman**
	The Hon. Sulleman Kamolleh, M.P.	**- Vice-chairman**
	The Hon. Ngenye Kariuki, M.P.	
	The Hon. Martha Karua, M.P.	
	The Hon. Wycliffe Osundwa, M.P.	
	The Hon. Mohamed A. Galgalo, M.P.	
	The Hon. Peter E. Maundu, M.P.	
	The Hon. Kiraitu Murungi, M.P.	
	The Hon. Henry Obwocha, M.P.	
	The Hon. W.O. Ayoki, M.P.	
ABSENT WITH APOLOGY:	The Hon. Wanyiri Kihoro, M.P.	
	Prof. the Hon. Anyang' Nyong'o, M.P.	
	The Hon. Owino Acholla, M.P	
	The Hon. Mohamed D. Weyrah, M.P.	
	The Hon. Sammy P. Leshore, M.P.	

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant

MIN.NO.293/99 **EVIDENCE**

Witness

Mr. Lars-Johan Johansen of Nowegian People's Aid, P.O. Box 39207 Nairobi, appeared before the Committee and gave evidence under oath.

He stated thus:-

That uncancelled transit bonds for goods on transit to the Sudan were the problem. The bond were not cancelled and by the time they were alerted the bills had rocketed to Kshs.80 million between 1992 - 96 period bonds.

That cars were imported in the name of Nowegian People's Aid by unknown people.

That Theodore Odhiambo, a former administrative Manager with the organisation and Ms. Emma Kullos were involved in financial mismanagement in the organisation.

That the organisation has had threats from former employees of the finance department and accomplices. That a registered company by the name Trucckoil had imported vehicles using their organisation and without paying duty.

That Mr. Theodore Odhiambo imported Nissan cars using the organisation's name.

That Mr. Silla Tai threatened the witness into signing.

The witness was advised to facilitate the organisation to engage a lawyer to file an injunction against the user of the said vehicles which are registered in the name of or PA so that whoever feels aggrieved by the decision comes forward to claim the vehicles. That the organisation has the log books for all the vehicles but the vehicles are being used by a third party.

The witness was advised to furnish the committee with copies of the log books and the name of the owner of the company involved. He was advised to also provide a list of the insurers of the said vehicles.

That the duty involved was 80 million which the same as the value of the uncancelled bonds. That the registrar of motor vehicles was unable to state all/how many vehicles are owned by Nowegian People's Aid (NPA).

The witness was advised to make use of the organisations' lawyer to access records of the vehicles to establish whether/who transferred the vehicles to Truckoil.

That Ms. Emma Kullos had alot of connections with former employees of NPA and others from outside the organisation.

That she (Emma) used to be an employee of NPA and later became a consultant for the same.

That the he knows from other colleagues in the NGO sector that this was a Kenyan problem.

MIN. 294/99 **EVIDENCE**

2nd Witness

Mr. Joseph Mwawuda of Nowegian People's Aid, P.O. Box 39209, Nairobi appeared before the Committee and gave evidence under oath.

That he was the principle adviser of the Organisation, a consultant and an employee of the organisation.

That he joined NPA in October, 1998 and was assigned the responsibility of investigating and screening of the employees of the organisation.

That this clean up began within the personnel Department, Finance etc to find out whether the managers in employment were actually qualified for the jobs they were doing.

That the Chief Personnel officer, Mrs Mary Wamae was found to be working under forged certificates and the police were informed and got her out of the organisation. That a meeting was called to discuss this issue and that the Deputy Resident representative suggested a way be sought to assist the Chief Personnel Officer out of her problem. That the he was instructed to leave the matter alone, and that the police officer who was handling the matter turned hostile.

That the Deputy Resident representative is involved in the rip-off of NPA. That alot of correspondence bearing NPA letter heads were discovered in various officers i.e. Registrar of motor vehicles office, Ministry of Finance etc.

That Caritech Ltd is a company whose identify and details NPA could not obtain from the Registrar of companies. That it was discovered that PAYE deductions were not being remitted to Kenya Railways Authority, even National Hospital Insurance Finance, National Social Security Fund etc, that it was going to the personal account of the Chief personnel officer, Mrs. Mary Wamae.

That a week ago a court order was received by NPA Country Representative, his deputy and other senior officials, summoning them to explain why deductions were not being remitted.

That the un-remitted taxes amounted to Kshs.32 million. Th[illegible] investigations revealed that the money was going to the accounts of

(i) Mary Wamae
(ii) Theodore Otieno
(iii) Currilus Odhiambo
(iv) Mr. Kanjanjui

That during this period the signatories of NPA accounts were Mr. Vider, Mr. Harvey, and Mr. Carrilus Odhiambo.

That the cheques used to be drawn to an account in ABM-AMRO Bank where the money used to be banked. That the books reflecting the anomalies in those days were locked up and Mr. Lars-Johan-Johansen the country representative of NPA was unwilling to release them. That even KRA has written a letter to NPA, asking for these records and the same person unwilling to release the documents.

That was an employee of NPA and was employed by the Secretary General of NPA and has the support of the organisation. That the country Representative Mr. Johansen is unhappy with the revelations about the mismanagement of NPA.

That Mr. Vider Anjoen is reluctant to follow up Mary Wamae's case since he is married to her cousin. That Mr. Ken Miller, the project Manager runs an importation company, Ken Transporters which operated within NPA and was very much involved in the importation of vehicles and many other things including drug trafficking. That even the country representative Mr. Johansen and his deputy were aware of that matter.

That Mr. Vider was involved in the squandering of money in NPA along with the Personnel Manager, Mary Wamae - they recently bought an apartment in Kileleshwa - That they were involved in drug trafficking from Kivoku in Kampala to Nairobi.

The witness was advised to provide details of names of people involved. That members of the Board include Mr. Lars, Mr. Bethnel Kiplagat and Mr. Vider Anjoen.

That the Board has blocked him many times from appearing before this committee for fear of exposure of the misdeeds in the Organisation. That CIVICO Company is a subsidiary of Truckoil Company and it also imports spareparts. That the board members are paid Kshs.500,000 a month for being members - that the board does not meet often.

That a cheque of Kshs.12 million disappeared and when it was followed up the following persons were involved in its disappearance - Mr. Vider, Ms. Mary Wamae and Ms. Halima.

He was advised to compile a full memorandum and forward it to the Committee.

That John Tsuma, Mary Wamae, Halima Shwartsz, Vider Anjoen Maitha, Edward Ekweli, Ken Miller, Peter Havenell, Hellen Nyarangi could come to give evidence before the Committee.

MIN.NO.294/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the meeting at Five O'clock until Wednesday 8th September, 1999 at 9.00 a.m. at Mombasa Municipal Hall.

CONFIRMED ..Hon. Musikari N. Kombo, MP.....
(CHAIRMAN)

DATE: October 05, 1999.....

MINUTES OF THE SEVENTY - FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, SEPTEMBER 8TH, 1999 IN MOMBASA MUNICIPAL HALL AT 9.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleiman Kamolleh, M.P. - **Vice-chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P..
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Henry Obwocha, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Owino Acholla, M.P
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO. 295/99 **EVIDENCE**

1st Witnesses

Messrs. Ali Mwinyi Hamisi, Mwingi Hamisi Ali and Hassan Shilingi Yusuf of P.O. Box 80953 appeared jointly before the committee and gave evidence under oath:-

Mr. Ali Mwinyi Hamisi stated thus:-

That he had a shamba in Kilifi in which he lived for 40 years. That finally the farm was being surveyed and subdivided. That he reported to former Provincial Commissioner Mr. Isaiah Mathenge who advised him to go back and stay in the farm.

That the encroachment of the farm continued and he reported to the District Commissioner, Kilifi and finally the area chief (Mr. Donald Mgandi) brought him a notice of 14 days to vacate the farm. That he witness went to court but his case was not successful. That all this was happening in 1985.

That the case continued for 5 years and finally he lost the case against Mr. Philemon Mwaisaka who had encroached on 160 acres of the farm. That he took the matter back to court where Justice A.B. Shah told the witness that although he had the right evidence, he could not succeed in the case.

That he was still living in the same farm but most of it was taken over by Mwaisaka and others - that he lives in a very small piece that was left.

That he requested the Committee to visit the site and see for themselves what has happened. That the witness is in possession of the title deed for the farm. The witnesses were advised to provide a copy of the judgement and title deed to the Committee.

That originally the shamba belonged to Mr. T.B. Johnson and 20 others and that he bought the whole shamba for Kshs.30,000 in 1964.

That half of the same shamba was leased to the Europeans by the Kenya government while the other half was private land (treaty).

That the land was corruptly allocated to senior people in government leaving the poor old man squeezed in a small piece. That Mr. Philemon Mwaisaka was allocated 60 acres while 9 others were allocated smaller plots.

The witnesses submitted documentary evidence in support of their case and guided the committee through scrutiny of the papers they laid.

They were advised to give their addresses to the secretariat for future correspondence.

MIN.NO.296/99 **EVIDENCE**

2nd Witness

Mr. Benard Shisundi, of P.O. Box 90117, Mombasa, appeared before the Committee and gave evidence under oath.

He stated thus:-

That he formed a company in 1995 with two of his colleagues, namely Ali Sheikh (former DC) Mombasa and his son Alimin Sheikh. The Company was Rasini Agencies company limited. The directors informed company him that a Mr. Muyango Karegesa (a Rwandese) had some consignments which needed clearance from the port. They contracted Access Trident and Apollo insurance companies in the clearing process.

After the clearance, the said goods did not reach the intended destination. The directors Mr. Ali and Alamin were not willing to follow the issue and investigation followed but they did not bear any fruit. He complained to the customs office in Mombasa in 1996 but he did not get any assistance. The case was also reported to the port police but all in vain and this forced him to seek help from the Commissioner General, KRA and Commissioner of customs, commissioner of police and Minister for Finance but assistance was not forthcoming even after they promised to address the matter.

The other directors colluded and decided to dissolve the company after realising that he was still investigating the technicalities in the company. The bond security involved in this matter was over Kshs.30 million which had not been paid. He wrote to the registrar of motor vehicles who was then Mrs. Emily Gatuguta but no assistance came along.

The vehicles (about 12 vehicles) were already in the market and he said they could easily be availed. The owner of the consignment who was a Rwandese was a close confidant to a Mr. Philip Moi - this information he got from his colleague, Mr. Sheikh. As a result of this, his follow up of the case became very difficult because nobody was willing to assist in solving the problem even after seeking audience with senior government officials.

Due to the anomaly relating to the company, especially the security bonds which he could not pay to the insurance companies, his business licence was withdrawn and now he has lost everything. He wants his licence to be given back to him and at the same time, his two colleagues want the Company to be dissolved.

He gave the address of Ali Sheikh as Ali Sheikh and sons, Karimi House, Ground Floor, Moi Avenue.

The witnesses was advised to avail the relevant document to the Committee to support his case.

MIN.NO.297/99 **EVIDENCE**

3rd Witness

Mr. Symon Njagi Kareke, of P.O. Box 65, Mpeketoni, Lamu, appeared before the Committee and gave evidence under oath and stated thus:-

That he was a farmer and a christian at Mpeketoni, Lamu District.

That his main concern before the Committee was to complain about the grabbing of a school plot. That Umoja Primary School in Mpeketoni Division was started in 1981 in a ten acre piece of land plot No. 69 which was allocated to the community in 1997.

That another plot (plot no.189) and plot No. 70 which were adjacent to plot No. 69 were recommended for school expansion by the sub D.D.C. Mpeketoni in 1981. Umoja community cleared the bushes of plot No. 189 and prepared it for use. Mr. Wamwea who was the owner and had the allotment letter of the said plot was compensated with another plot. In his letter, to the settlement officer on 4th April, 1989, he (witness) admitted that plot No. 189 then belonged to Umoja Primary School.

That the plot (No. 189) in question was developed in 1994. Mr. Wamwea learnt that the school plots in Lamu were not issued with letters of allotment and he cunningly tried to swindle the school using those in authority.

That in 1988, the then District Commissioner Lamu District Mr. G. Mate, officially announced that plots 69, 70 and 189 were Umoja Primary School plots which was among others, witnessed by the area Chief Mr. Joseph Kibiru Njoroge.

The Chief and a Mr. James Kariuki later colluded and acquired the letter of allotment for plot No. 189 but they could not develop it and this culminated to the allocation of the land back to the school and Mr. Kariuki compensated with a plot No. 1235. Later the plot was allegedly allocated back to Mr. James Kariuki.

The witness was advised to avail more relevant documents to the committee to support his claim.

MIN.NO.298/99 **EVIDENCE**

4th Witness

Mr. William Kombe Pembe, of P.O. Box 72, Kaloleni, appeared before the Committee and gave evidence on oath.

He stated thus:-

He was an employee of a steel engineering services company for 16 years. That he was later sacked without notice and terminal benefits. He reported the matter to the labour office through a letter written to the labour office by Hon. Maitha Karisa but his employer could not take him back.

He was advised to write his memorandum showing how corruption led to his sacking. He was further advised to seek evidence with his area Member of Parliament so that another letter could be written to the company so that he could be re-employed.

MIN.NO.299/99 **EVIDENCE**

5th Witness

Mr. Salim Muhamadi Mwalibuzo of P.O. Box Tiwi appeared before the Committee and gave evidence under oath and states thus:-

That in 1992 his land was allegedly subdivided into two portions of plot Nos.483 and 484 and allocated to a Mr. Joshua Mwendwa who was a business tycoon in Hotel Industry and a former Minister for Lands and Settlement, Mr. Darius Mbela.

That he petitioned the president who in turn wrote an approval letter to the then District commissioner, Kwale District, who in turn forwarded it to the Commissioner of lands. The commissioner of Lands, Mr. Wilson Gachanja, personally visited the land and informed them that he was going to rectify the anomaly but all in vain.

That he sought assistance from the then Permanent Secretary Ministry of lands and Settlement to no avail. Later he discovered that the plot numbers have been changed and that new numbers were given as plot Nos.438 and 482 and they were registered as follows:-

(i) Plot No. 438 - Paradise Island Limited, of P.O. Box 168 and a charge to Standard Bank Limited of Kshs.2.375 million of which Joshua Mwendwa is a director of the company.

(ii) Plot No. 482 - Mwachema River Resort Limited of which Hon. Darius Mbela and his wife are Directors with a charge dated 10th August, 1998 to Standard Bank for Kshs.2.375 million

That when the District Commissioner summoned the then District Land Registrar and the District planning officer, they could not explain how the plots changed hands.

The Committee resolved to summon the District Land Registrar, Kwale District on this case.

The witness presented relevant documents to support his claim.

MIN.NO.300/99 **EVIDENCE**

6th Witness

Mr. Pascal Mlombi Mwamburi, of P.O Box 1035, Wundanyi appeared before the Committee and gave evidence under oath and status thus:-

That he was sued by one Joyce Mangoji in Voi RMCC 96/87 for Kshs.21,162.30 and the judgement was against him in that suit and his land parcel No. Chawia/Kidaya/Ngerenyi/44 was attached in order to secure the decretal amount after the sale of the said land.

That before the sale took place, he redeemed his property by paying the full decretal sum to a Mr. Abdulrahman Ali Orua who was an auctioneer and court broker. The latter then sold the said land to a Mr. Anthony Meshak Kilango who then transferred the suit land to a Mr. Erick N. Mugola.

That on realizing that his land had been sold, he applied to have the sale set aside of which the application was discussed after Mr. A.W. Orua filed an affidavit stating that payment of the decretal sum had been effected after the sale took place. Later it was discovered that the contents of Mr. Ali Orua's affidavit were false and he was subsequently charged in Vol CR.C.1417/92 with a criminal offence of making false document and he was convicted.

The witness was advised to present all the court judgement on the said land case to the land office so that he could be assisted to reclaim back his land. He presented documents for support his case.

MIN.NO.301/99 **EVIDENCE**

7th Witness

Messrs. Florence Wanjiku Hinga, (Chairlady) Ruth Wafula Kesekwa (Treasurer), Gladys Kibibi Charo and Magaret Njeri, representing Mikunjuani Women Group, P.O. Box 93238, Mombasa, appeared jointly before the committee and gave evidence under oath and stated thus:-

That the organization (Mikanjuani) women group was registered in 1982. They were dealing will chicken and charcoal businesses.

In 1998, the area councillor, a Mr. Mohammed Mzee came at night and evicted a tenant in their plot. Plot No. 053 Jomve Kuu Ward Changamwe division.

They reported to the area Chief, Mr. Nasir to ascertain who the owner of the plot was and the chief, who was new by then, asked to be given one week to understand the case. The councillor alleged that the plot was his and that the Mikanjuani Women group should be allocated another land.

They reported to the Town Clerk and the mayor and they confirmed that the land belonged to the women group though there were letters to verify.

Their building has been vandalized and the group has allegedly at a loss. When they petitioned the then Mombasa Municipal Mayor Cllr. Najib Balala, they were informed that the plot in question was not under the jurisdiction of the council but the Ministry of lands.

They prosecuted documents to the Committee to support their claims.

The Committee resolved to summon Mr. Mwachoki, the provincial Lands Adjudication and Settlement officers. The Committee will visit the site at a later in the day.

MIN.NO.302/99 **EVIDENCE**

8th Witness

Mr. Daniel Mbuba Njagi, of Box 81977, Mombasa, appeared before the Committee and gave evidence under oath.

That Kongowea Retail Market was built for those retailers selling their wares on the road. That when the stalls were completed some rich people came in and were allocated stalls e.g. Mr. Hamisi Mweshaho, Mr. Mohamed Ramadhani (Municipal worker)who worked in cahoots with Mr. Chekwe to allocate the stalls to outsiders.

That Kiosks were ordered demolished to pave way for expansion of roads by the mayor and the Minister for Local Authorities.

That Mr. Mohammed Chekwe and Ramadhani are pocketing Kshs.10,000 for these stalls. However, the witness did not produce evidence and was cautioned that he was on oath to tell the truth.

That the Municipal Council stopped allocation of the stalls but now the rates went up from Kshs.40,000 to Kshs.60,000. That new comers who had money came in and could even purchase 10 stalls.

The witness was advised to find out (investigate) whether there was anyone who had purchased more than one stall and furnish the committee with the relevant information so that it could assist him sort out his case.

MIN.NO.303/99 **EVIDENCE**

9th Witness

Mr. Omara Abaye Kalasinga, of P.O. Box 12411, Mombasa, appeared before the Committee and gave evidence under oath.

He stated thus:-

That he is retired teacher and that he is currently the Secretary General of Shirikisho Party - Mombasa.

That he had alot of specific issues relating to corruption.

That beach plots were being dished out to anyone who had power and money e.g. the late Steve Mwangi was allocated land as a gift directly from Nairobi. At this point the witness was informed that the Committee was concerned with specific information which could be verified.

That he undertook to carryout more investigations into his allegations so that he can give tangible evidence to support his claims.

That ASAL projects funded by ILRAD in Tana River have nothing to show for the funds invested in them.

That most of the corrupt individuals were protected by the president e.g. the Hon. Rashid Sajjaad acquired the Ganjoni Civil Servants Houses - the entire Estate through dubious means, and also a road reserve on which a wall was built and those who protested and tried to demolish the wall at Kengeleni were beaten up by police, whereby the Human Rights Mombasa Chapter has taken him (Sajjad) to court about the matter - Muslim Human Rights Group - Mombasa represented by Munir Mazrui and Khelef Khalifa. That the building at Mackinon which also belong to Sajjad was a public toilet and so was the plot where Bawazir plaza stands, since Bawazir and Sajjad are one.

That Mama Ngina grounds were also grabbed though he could not substantiate it.

That Berths in KPA were already privatised
Berth No. 1 - had gone to Siginon Freight Company

That Bandari College was almost allocated (grabbed) by individual, who was allegedly informed by the Permanent Secretary Ministry of transport that the institution had already been allocated to somebody.

That Twiga Construction Company was awarded a tender to construct buildings at the Tana Delta Rice Scheme at Garsen some 7 years ago but the buildings are yet to be completed.

That the selling of Kenya Cashewnuts factory at Kilifi to Bixa was not done procedurally and the people would rather have it back.

That Mr. Daudi Ekuam, former District Commissioner, Lamu stole Kshs.5 million from the District Treasury and the case has yet to be concluded in court. That people like Ekuam are still there in office and public funds are still being mismanaged.

That land in Kipini, Tana River District, was allocated to Injad Singh of Nairobi while he bought other land from other allottees. That Mohamed Aideed of Somalia and at some point deal was highly publicised and that he (witness) is not certain whether the land was bought or not. That the former chief secretary Mr. Kuindwa and the Commissioner of Lands were highly implicated in this deal.

That there were numerous cases of double allocations and issuance of more than one title deed e.g. Magarini Settlement scheme e.t.c. At this point the witness was cautioned against speculation and that if need be he should take time to verify his information and get his facts right.

The witness undertook to appear later in the week with more witnesses to testify before the Committee.

The committee to visit Berth 1 at Likoni tomorrow (9th September, 199) which is said to have been allocated to individuals.

MIN.NO.304/99 **PRESS BRIEFING**

The Committee issued a brief statement to the press at thirty minutes past Four O'clock.

MIN.NO.305/99 **ADJOURNMENT**

And there being no other witnesses to give evidence the chairman adjourned the sitting at fifty minutes past Four O'clock until Thursday, 9th September, 1999 at Mombasa Municipal Hall, at 9.00 a.m.

CONFIRMED Hon..Musikari.N..kombo,MP.....
(CHAIRMAN)

DATE: ..October 05, 1999.....

MINUTES OF THE SEVENTY-SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, SEPTEMBER 9TH, 1999 IN MOMBASA MUNICIPAL HALL AT 9.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P..
The Hon. Kiraitu Murungi, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Owino Acholla, M.P
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Henry Obwocha, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant.
Miss M.J. Chesire - Third Clerk Assistant.

MIN.NO.306/99 EVIDENCE

1st Witness

Mr. Morris Kamishera Mumba, the Town Clerk, Municipal Council of Mombasa, P.O. Box Mombasa, appeared before the Committee and gave evidence under oath. They stated thus:-

The witness was directed to furnish the Committee with the right information and establish the status of the following public utility plots allegedly converted to private use. The plots are:-

1. Bawazir Plaza
2. Pwani Forex Bureau
3. Kongowea Market Stalls
4. Ganjoni Civil Servants estate
5. A plot in Likoni given to the late Steve Mwangi
6. Mama Ngina Drive
7. Bamburi Public Beach
8. Bella plaza (on Malindi Road) - sitting on the road
9. Sell of Bamburi gardens

That he assumed office on 1st April, 1998 taking over from Mr. Mutuma Angaine who allegedly mismanaged the affairs of the council by allocating public utility plots to individuals. That Mama Ngina Drive case began in 1986 when he was the town Clerk in Mombasa Town council for the first time. That such cases involved the allocation of a plot in Kizingo area to Mr. Abdullaziz Mohamed Abbas. That he objected strongly against the allocating which the then District Commissioner, Mombasa, Mr. Paul Lagat tried to broker in support of Mr. Abbas, claiming that Mr. Abbas was willing to surrender another plot in exchange with the one in question, which was only a small strip, left out of a larger land on which he had built an estate.

That he objected and was adamant he was threatened by the then Provincial Commissioner, Mr. Simon Mugalla that he was stepping on people's toes. That the matter was also discussed in Parliament, where the then Minister for Local Government threatened to discipline him.

That the situation become too volatile for him as town clerk that the decided to quit and become a farmer. That he was out in the cold (as a farmer) for 2 years and that later he was re-appointed County Clerk, Kilifi County Council, and later transferred back to Mombasa.

That he has studied the history of grabbing for a long time (has been in Local Government now for 23 years and has seen it all.

That this kind of grabbing was a preserve of the highly placed persons who could obtain endorsement from high offices - it was not for every Tom, Dick and Harry.

That later the situation became too rampant that everybody could obtain any kind/type of plot(s).

That the dilemma of schools plots was that most of them did not have title deeds, and so were regarded as 'uncommitted' and 'open spaces' which are vulnerable to grabbing. That Heads of schools have been advised to acquire title deeds for their institutions.

That this cancer was a serious problem which is connected to the economic and political behaviour of this country.

The witness requested to provide information in form of a memorandum explaining the whole saga of plots allocation grabbing to suggestions on what could be done and present it to the committee at a later time.

That tendering was a straight case of following laid down procedure and regulations, although some may be obsolete. That the position of

the holding ground at Kibarani needed to be established.

That since the committee was interested in correcting a situation gone haywire and to change attitudes of Kenya to behave in a more positive way, the witness will be proud to share his positive views with the committee.

That the grabbing mania is an issue that is worrying because it is now encroaching on the estates after open grounds and public utility plots are gone.

That the Council establishment should be 3,700 employees but the clan, class and tribe systems that thrived in the past has now been overcome.

That patronage had also spoiled things for the Council with councillors and civic leaders patronising alot of a recruitment opportunities in the council.

The witness to resume evidence today, Thursday, 9th September, 1999 at 3.00 p.m.

MIN.NO.307/99 **EVIDENCE**

2nd Witness

Mr. Joseph M. Njoya, of P.O. Box 81358, Mombasa, appeared before the Committee and gave evidence under oath and stated thus:-

That he is an accountant in public practice after he retired as an accountant at the Mombasa Municipal Council.

He presented a memorandum touching on the following issues:-

(i) Source of corruption
(ii) Annual Awards -i.e. people who report genuine cases of fraud to be rewarded.
(iii) Control of land grabbing
(iv) Declaration of wealth - That is senior public servants and politicians to be made to declare their wealth while taking on leaving office.
(v) Appointment of public officers - That is appointment of public servants e.g. Provincial Commissioners, Permanent Secretaries, and heads of parastatals should be vetted.
(vi) Action on reports of Controller and Auditor General - That is Attorney General should institute legal proceedings against people found to have defrauded government funds.

MIN.NO.308/99 **EVIDENCE**

3rd Witness

Mr. Mohamed Awahi of P.O. Box 524 and Ms. Umi Shariff of P.O. Box 50, Malindi, appeared jointly before the Committee and gave evidence under oath and stated thus:-

That he (Mr. Mohammed) bought a plot No. 34383 in Malindi from Abdurahman Mahamud.

That Abdurahman sold another to a whiteman and assisted him (whiteman) to build a hotel. That the whiteman later encroached on the plot that Mr. Mohamed Awahi had bought from Abdurahman and corruptly acquired title deeds for both plots, purporting to have bought the two plots on the same say, time and amount of money.

The witness was advised to furnish the Committee with documents of the court case between Abdurahman and the white man including the response of the complaint.

That the case is still going on in court and that the committee cannot make a decision on a matter that is before court.

MIN.NO.309/99 **EVIDENCE**

4th Witness

Mrs. Lucy Malemba Asumani of Matendo I.F.C. Church of Box 42659, Mombasa appeared before the Committee and gave evidence under oath.

She stated thus:-

That she is a christian and that her house at shauri yako was demolished by a James Kisila. That she took the matter to court and justice has not been done.

That the lawyer who was handling her case a Mr. Khisa Akatsa who had been paid in full had not filed the case before court.

MIN.NO.310/99 **ADJOURNMENT**

The chairman adjourned the sitting at thirty minutes past Twelve O'clock for site visits.

MIN.NO.311/99 **SITE VISITS BY THE COMMITTEE**

The Committee visited Berth No. 1 at the Kenya Ports Authority, the Mbaraki Wharf and the Civil Servants Estate at Ganjoni.

MIN.NO.312/99 **PRESS STATEMENT**

The Committee gave a brief statement to the press at twenty minutes past Two O'clock.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P..
The Hon. Kiraitu Murungi, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Owino Acholla, M.P
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Henry Obwocha, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO.313/99 **EVIDENCE**

5th Witness

Mr. Harrison Wasiwasi Musundi, the District Land Registrar, Kwale appeared before the Committee and gave evidence under oath.

He stated thus:-

That land parcel No.Kwale/Diani/Complex/482 was government land. That on 10th January, 1992 the same land was allocated by the District Land Board. That it was allocated to Joshua Mbuthia Mwendwa on 5th July, 1992 and then title issued on 7th July, 1992. That on 2nd

September 1993, it was sold to Paradise Development Company of Ukunda, which was issued with a title deed on 2nd September 1992. That on 10th August, 1998 it was charged to Standard Bank, for two million shillings. That the land was 1.4 hectares.

That land parcel No.Kwale/Complex/438 was government land. That it was allocated to Ms. Mwachama River Resort Ltd on 24th February, 1994, that in May 1994 a title was issued and that on 10th August, 1998 it was charged to Standard Bank for Kshs. 3 million.

That the land was 1.4 hectares. That these parcels of land were originally a settlement scheme.

That the allocations were done by the District plots allocation Committee which is normally chaired by the District Commissioner.

That in this particular, case the allocations /transfers were influenced by the District Commissioner.

MIN.NO.314/99 **EVIDENCE**

6th Witness

The town Clerk Mombasa Municipality Mr. Morris Kambhera Mumba continued with evidence under the oath he took in the morning and gave information as follows concerning the following terms.

(i) The Municipal council Accounts - He stated that the councils accounts were last audited in 1990 and the remaining accounts were still lying at the Controller and Auditor General's office after they were procedurally forwarded for audit.

(ii) Municipal Councils property - He gave along list of the councils plots, road reserves, open spaces and Houses which have been allocated by the council and the names of allottees. He presented a memorandum to that effect.

MIN.NO.315/99 **EVIDENCE**

7th Witness

Mr. Iddi Ali Ganguma, of P.O. Box 42, Kwale, appeared before the Committee and gave evidence under oath.

That he was the chairman of Kwale County Council and a Director of Coast Development Authority.

That he had come to tell the Committee about land issues. That he had a document that he had written to the District Commissioner and could be produced later (tomorrow) on 10th September, 1999.

That he is complaining about a meeting held in December, 1997, allocating 402 plots in a way that was contrary to rules and regulations concerning land allocations. That these parcels included roads, Kwale baraza park, open spaces, playgrounds and other public utility plots in Kwale District.

That he will produce the documents tomorrow on 10th September, 1999.

MIN.NO.316/99 ADJOURNMENT

And there being no other witnesses to give evidence the chairman adjourned the sitting at thirty minutes past Four O'clock until Friday, 10th September,' 1999 at Mombasa Municipal Hall, at 9.00 a.m.

CONFIRMED .Hon.Musikari .N.Kombo MP.....
(CHAIRMAN)

DATE: September 10,1999.....

MINUTES OF THE SEVENTY-THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, SEPTEMBER 10TH, 1999 IN MOMBASA MUNICIPAL HALL AT 9.30 A.M.

PRESENT:	The Hon. Sulleiman Kamolleh, M.P.	**- Ag. chairman**
	The Hon. Ngenye Kariuki, M.P.	
	The Hon. Martha Karua, M.P.	
	The Hon. Wycliffe Osundwa, M.P.	
	The Hon. Mohamed A. Galgalo, M.P.	
	The Hon. Owino Acholla, M.P	
	The Hon. Peter E. Maundu, M.P.	
	The Hon. Sammy P. Leshore, M.P.	
	The Hon. W.O. Ayoki, M.P.	
ABSENT WITH APOLOGY:	The Hon. Musikari Kombo, M.P.	**- Chairman**
	The Hon. Wanyiri Kihoro, M.P.	
	The Hon. Kiraitu Murungi, M.P.	
	The Hon. Henry Obwocha, M.P.	
	Prof. the Hon. Anyang' Nyong'o, M.P.	
	The Hon. Mohamed D. Weyrah, M.P.	

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua	-	Senior Clerk Assistant.
Miss M.J. Chesire	-	Third Clerk Assistant.

MIN.NO.317/99 EVIDENCE

1st Witness

Mr. Issa Jiptek of P.O. Box 92417, Mombasa, appeared before the Committee and gave evidence under oath. He stated thus:-

That he is a chemical technologist a parttime lecturer at the Mombasa Polytechnic.

That Councillor Mohammed Bashir of Port-Reitz ward approached the him and asked him whether he would like some open space to be allocated to him.

That the transaction was completed before the elections in 1997. Then he (Councillor Bashir) came back and demanded to be paid rent of Kshs.1,000 for the same plot. That later the rent was hiked to Kshs.3,000 with a threat to pay or leave.

The witness was advised to formally apply to the council for occupation licence for his business directly so that he could stop being exploited by the councillor.

MIN.NO.318/99 **EVIDENCE**

2nd Witness

Mr. Michael Tinga Jeffwa of P.O. Box 40982 Mombasa, appeared before the committee and gave evidence under oath.

Witness gave a general presentation on the extent of corruption and how it could be curbed in the public service. Witness submitted a memorandum in support of his evidence.

He was advised to compile a detailed memorandum and send it to the committee.

MIN.NO.319/99 **EVIDENCE**

3rd Witness

Mrs. Mbengesi Mbaruk Kivunza of P.O. Box Ukunda appeared before the Committee and gave evidence under oath. She stated

That she is a former employee of the Municipal Council of Mombasa and that she has not been paid her pension to date. That she has been following the pension for the last 3 years. That she reported the delay to the Provincial Commissioner's office, who ordered the council to process her dues. That it is now 3 years since that order was given and she has been suffering. That she was surprised that orders from the Provincial Commissioner could be ignored by his subjects while it is true this kind of thing was unknown during the colonial period.

That she began work with the council as a temporary worker in 1952 and that later she was put on permanent employment. That she retired in 1998 and has not been paid any dues.

That Committed resolved that witness to be assisted by a committee member to have her case sorted out with the Town Clerk - Mombasa Municipal council (Hon. Maundu was assigned this task by the committee).

4th Witness

Hon. Abubakar Badawy, M.P. for Malindi Constituency of P.O. Box 275 Malindi and Mr. Joseph Karisa Chai of P.O. Box 5901 Malindi appeared jointly before the Committee and gave evidence under oath.

They Stated thus:-

That plot No. M3A was bought by Malindi Municipal Council for the purposes of settling squatters. That the farm was of 300 acres and was supposed to house 411 squatters. That the chairman of allocation committee was the District Commissioner and that the allocation was not done according to plan.

That most of the squatters never got settled but the land was allocated to other people. That the town clerk and town Engineer had opened an account for purposes of receiving payments for the extra plots that were supposed to have been sold to raise revenue for the council.

That the money that was so collected disappeared and that 6 million shillings were unaccounted for.

That the 300 acres were subdivided into 900 plots to settle the squatters who numbered only 411. That the initial number of squatters was 260 but it raised 411 and that the approval given by a the Minister for Local Government was for 411 squatters.

That the balance of 489 plots were supposed to be sold to raise revenue for the council as per the councils approval.

That the squatters were never settled as per plans and that the squatters are still there. That the then Kilifi District Commissioner (Malindi was then not yet a District), Mr. Harry Wamubeyi was the Chairman of the District Land Allocation Committee decided to allocate the land to other beneficiaries leaving the squatters unattended to. That the District Commissioner colluded with Councillors to deny squatters their share. That the land belonged to a whiteman locally known as "Bwana Kipigo" who co-existed peacefully with the squatters until he left the country, leaving the farm in the hands of the council to be subdivided to the squatters.

That another former District Commissioner, Kilifi, Mr. Lukas Kosilbet, prevented the sub-division of the plot, prompting the squatters to send a memorandum to the then Minister for Local lands Hon. Noah Katana Ngala, who ruled that he land be sub-divided to the squatters. That this never happened, and that another memo was send

to Prof. Sammy Ongeri the current Minister for Local Authorities who send inspectors to the land and gave the position of the said land as belonging to squatters.

The witnesses were advised that their case will be referred to their Departmental Committee on Local Government for further investigation in conjunction with this committee and advise the witnesses accordingly.

That the former Malindi Stadium was allocated to Hon. Maitha, M.P. Kisauni Constituency since it was small and had been donated by an individual. That the leaders in Malindi consented to the allocation since the stadium was small. That it later turned out that the proposed stadium was being subdivided along with part of the showground and allocated to private developers.

That Hon. Maitha is willing to surrender the title to the council in exchange with another plot in Malindi. That it had been a direct allocation to him by the commissioner of lands in Nairobi. That the letter of allocation is signed by Mr. Moses K. Jeffwa, the current town Clerk, Malindi Municipal Council.

That 2160 hectares and 62 hectares at Ngomeni in Magarini have been taken away by Coastal Aquacuture Ltd., by fraudulently using names of government officers who were working in Ngomeni at that time and that some of these officers e.g. Mr. Mjomba are willing to testify to this effect. That the company is owned by a prominent Nairobi lawyer, Mr. Peter Hewett.

That this land had been declared a land adjudication area but was illegally allocated to these white people.

That the then District Commissioner Kilifi, Mr. Lukas Kosilbet, who was chairman of the District land adjudication Committee allegedly colluded with these "Wazungus" to have the land allocated to them. That this land was an equivalent of the whole location!

That the privatisation of services in Malindi given to Ms. Darwins, urban cleaners @Kshs.8,136,000 per month, yet revenue collection from all the businesses in Malindi which does not yield more than 2 million shillings a year. That this state of affairs is upheld through collusion by councillors and the town clerk. That the Deputy Town clerk should explain why the papers pertaining to this contract had to be signed in Nairobi. That these scandals involve both the Town Clerk and his deputy who should be summoned to explain these matters.

The witnesses produced documentary evidence in support of their evidence.

MIN.NO.321/99 **EVIDENCE**

5th Witness

Mr. Wasiwasi, the District Land Registrar, Kwale, appeared before the Committee and while still under the oath administered to him yesterday presented documentary evidence in support of his evidence given yesterday, 9th September, 1999.

MIN.NO.322/99 **EVIDENCE**

6th Witness

Mr. Idd Ali Ganguma of P.O. Box 42, Kwale, appeared for the second time before the committee and while still under oath that was administered yesterday continued with his evidence.

That witness produced documents in support of his evidence.

MIN.NO.323/99 **EVIDENCE**

17

7th Witness

Mr. Abdulrahman Ali Mahtudh appeared before the Committee and gave evidence under oath and stated thus:-

That he bought a land parcel No.3483 for Kshs.100,000/=. That he sold part of it which was registered as parcel 3484 to a whiteman who constructed a 12 room hotel and that he was the contractor who constructed the Hotel for the whiteman. That the whiteman did not buy the other plot, which he sold to Mr. Mohammed Awadh for Kshs.5000,000/= including the house had constructed on the plot.

That he (Mr. Abdulrahman) sold this plot because he had a problem with the whiteman about it and that he wanted to get rid of the problem.

The witness was advised to allow the committee time to peruse through the documents presented to it, and to consult him later.

MIN.NO.324/99 **EVIDENCE**

8th Witness

Messrs. Florence Wanjiku Hinga, (Chairlady) Ruth Wafula Kesekwa

(Treasurer); Gladys Kibibi Charo Assistant Chairlady and Margaret Njeri Secretary; representing Mikunjuani Women Group of P.O. Box 93238, Mombasa appeared jointly before the committee while still under oath administered yesterday and continued their evidence.

MIN.NO.325/99 **EVIDENCE**

9th Witness

Mr. Mwadime Mwawasi of P.O. Box 86311 Mombasa appeared before the Committee and gave evidence under oath and stated thus:-

That he had problems with someone who has encroached into his plot leaving him with only 0.2 acre. That the person is threatening to destroy the his late mothers grave. That the same person has also grabbed other neighbours' plots and are now living under threats from the person.

That they have complained to the District Commissioner Taita Taveta and that he (DC) has promised to intervene.

The witness was advised to await the committee's response after consultations with the District Commissioner, Taita Taveta, District.

MIN.NO.326/99 **EVIDENCE**

10th Witness

Messres: Faridi Swaleh and Ahmed Athumani of P.O. Box 284 Malindi appeared jointly before the Committee and gave evidence under oath and stated thus:-

That the he was a treasurer of various organisations in Mambrui in Malindi.

That their land has been forcefully taken away from their organisations in their village. That about half of the land has been allocated to individuals. That this includes land where the communal dispensary stands. That there are numerous members of their society that are up in arms wanting the plots so alienated to be returned.

MIN.NO.327/99 **EVIDENCE**

11th Witness

Mr. Stephen Obara Leo of I.F.C. Church, P.O. Box 93766, Mombasa appeared before the Committee and gave evidence under oath. He stated thus:-

That he is a businessman at Mikindani Market since 1981.

That in 1985 he and his two wives applied for a permit to do business and were granted the permit. That they have been there ever since. That it came a time when many people left the market place, then the municipal council brought in other people including the councillor of Mikindani ward, who came in and started harassing them to pay him or quit the market. That the councillor of Mikindani ward who came in and started harassing them to pay him or quit the market. That the councillor threatened to evict them from their structure by selling it out to another person who then came to evict the him (Mr. Obara). That they reported the matter to the chief and the person claimed to have bought the stalls. That the witness had four stalls which he used for selling food, clothes and green groceries. The stalls were Nos. 96, 97, 165 and 166 and have all been taken away leaving the witness with nowhere to conduct his business from. That now he lives at home and has children in school who needed care and school fees.

The witness was advised to allow the committee to peruse his documents and will advise him writing in due course.

MIN.NO.328/99 **EVIDENCE**

12th Witness

Mr. Tabu Kiombwe Caster of P.O. Box 87692, Mombasa, appeared before the Committee and gave evidence under oath. He stated thus:-

That he had a band that used to play music at the Bush Bar. Where he used to play music along with his brother.

That in 1987 he and his brother were arrested and taken to Kijipwa police station. That his brother was tortured to death by the police and that the witness was released without any charges being preferred against him. That after he was released the he filed a case against the police for having murdered his brother. That the judgement was made against the government, to pay compensation for the murder of his brother.

That since then he has not been paid. He was advised to furnish the committee with documents pertaining to the case so that the committee could follow his case up and advise him accordingly.

MIN.NO.329/99 **EVIDENCE**

13th Witness

Mr. Chimanlal D. Shah of P.O. Box 95548, Mombasa, appeared

before the Committee and gave evidence under oath and stated thus:-

That Hon. Maitha of Kisauni Constituency has 2 plots along Moi Drive near Nyali Police Station.

That these plots are on a road reserve and that there was a case filed about the encroachment of the road. That the case was filled by Ms. Anjarwalla & Co. against Ms. Makuti Enterprises which is owned by Hon. Maitha. That the case against Makuti Enterprises is still on and that an injunction was granted not to tamper with the plots but looks like there is something going on. He submitted a brief memo in support of his evidence. That the case number is 372/96 filed by lawyers against the government and commissioner of lands for allocating a road reserve to M/s Makuti Enterprises.

The witness was advised to let the committee peruse the documents and advise him accordingly.

MIN.NO.330/99 **EVIDENCE**

14th Witness

Mr. Said K. Mwakulola of P.O. Box 34, Kwale, appeared before the Committee and gave evidence under oath and stated thus:-

That he was wrongfully dismissed from Kenya Ports Authority employment in 1996 without due course. He submitted documents in support of his claim.

MIN.NO.331/99 **EVIDENCE**

15th Witness

Mr. Walter Changilwa appeared before the Committee and gave evidence under oath.

He stated thus:-

That Mr. Christopher Horsey, Managing Director CIVICO Ltd (Nowlem Construction Company) and his brother David Horsey have been importing goods and selling them without paying Taxes (VAT).

That the he reported the case to Kenya Ports Authority (to officers Mr. Mbuggus and Donald) who went to the Company to investigate the matter. That the said officers were paid kickbacks amounting to Kshs.800,000 to leave the matter alone.

That these two brothers have been doing high tech corruption. That

he knows all these things because he was an employee of the two before he left for private business.

That on 20th December, 1994 the duo imported 17 compressors duty free and sold them one by one to businessmen of Asian Origin.

That on 22nd and 23rd December, 19994 the duo imported 7 lorries, 4 pickups and 4 land cruisers and were assisted by their Kalenjin counterpart to have them cleared. That the Kalenjin was in return given one pickup and landcruise free of charge for having 'helped' to have them cleared.

That the dual imported a very dangerous plant and are operating it at Shimanzi against the law since it emits dangerous says that are unfit for human safety since they did not have it examined and verified by public health officials. That he has reported this matter to the public Health Officer Mr. Maganga and actually took him to the site but he (Mr. Maganga) was later compromised by the two brothers and the machine is still operating.

That these same people have a company called Truckoil Ltd which imports vehicles without paying duty. That recently they imported trucks and registered them locally without paying duty. That these people use a Mr. M.M. Khan who lives in Tudor Estate to strike their deals.

That recently, (March 1999) the same people imported a MANN Trucks through an accomplice of theirs who works at the United Nations Headquarters at Gigiri. That they normally use him for all their imported deals.

That another whiteman known as Graham Kirfy is the one who does all the connections for them.

MIN.NO.332/99 **EVIDENCE**

16th Witness

Dr. Christopher Kamande of P.O. Box 83673, Mombasa appeared before the Committee and gave evidence under oath and stated as follows:-.

That he had a problem with his landlord who kept harassing him about rent for his business premises. That he decided to vacate the premises to another place, having paid full rent upto and including 31st March, 1997 when he vacated the premises. That the landlord decided to attach the witnesses office equipment for alleged non-payment. This non-payment. This non-payment had come about as a result of the

land lords withdrawal of cheques drawn by him (witness) in the Land lords name from his KCB Branch and failing to deposit the same to the witness's Baclays Bank Branch.

That on 20th January, 1998 the same auctioneers attached all his movable properties, snatched car keys from his hand and drove the car away leaving behind a warrant of attachment, which he cater confirmed that bore three different days including a Saturday when courts do not operate. That the case went to court and when it came up for hearing the file disappeared.

That Mr. P. Omwenga Advocates acted for the land lord. That he filed a suit against the landlord but his advocate did not allow the case to be heard. That he does not understand how his 3 cheques that he had issued to the landlord in respect of payment for rent landed into the hands of the landlord's advocate, Ms. P. Omwenga and P.N. Kimani plus one auctioneer who later approached him (witness) and asked to the him to allow for out-of-court settlement. That he felt demoralised and devastated by the manner in which is case was handled, clipping his business and destabilising his source of income.

That he submitted a lengthy memorandum in support of his evidence.

MIN.NO.334/99 **EVIDENCE**

17th Witness

Mrs. Ezima Vutale Mulama of P.O. Box 43, Bungoma, appeared before the Committee and gave evidence under oath.

She was advised to report her case to the police about the people who have invaded her shamba, if she has a title deed. Also she was advised to compile a memorandum and send it to the committee using the address provided.

MIN.NO.335/99 **ADJOURNMENT**

And there being no other witnesses to give evidence the chairman adjourned the sitting at thirty Minutes past Seven O'clock until a later date.

CONFIRMED . Hon.Musikari..N.Kombo.MP. . . . . .
(CHAIRMAN)

DATE: . . .September 30th,1999. . . . . .

MINUTES OF THE SEVENTY FOURTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, SEPTEMBER 21, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Martha Karua, M.P.
The Hon. Owino Acholla, M.P
The Hon. W.O. Ayoki, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.336/99 CONFIRMATION OF MINUTES

Minutes of the sittings held on 17th, 18th and 19th August, 1999 were confirmed after being proposed and seconded by Hon. Wycliffe Osundwa, M.P. and Prof. the Hon. Anyang' Nyong'o, M.P.; Prof. the Hon. Anyang' Nyong'o, M.P. and Hon. Sulleman Kamolleh, M.P.; and Hon. Osundwa M.P. and Hon. Wanyiri Kihoro, M.P. respectively.

MIN.NO.337/99 MATTERS ARISING

(a) **Under Minute 145/99,** the Committee resolved to summon the District Land Registrar, Kiambu.

(b) **Under Min. 154/99,** the Committee instructed the Secretariat to conduct Messrs. George Baragu Mutahi and James Gatama Gakandi of P.O. Box 147, Kiganjo and ask them to sent their memorandum to the Committee as they were advised on 17th August, 1999 in Nyeri.

(c) **Under Min. No. 161/99**

(i) the Committee resolved to summon Mr. John Githinji Wang'ondu of P.O. Box 280, Othaya.

(ii) Under Min. No.161/99(ii) The Committee further resolved to summon the Acting Resident Magistrate Nyeri, Ms. Regina Muraya.

(iii) Under Min. 161/99(iv), the Committee resolved to summon the Member of Parliament for Mukurweini, constituency, Hon. Muhika Mutahi, M.P.

(iv) Under Min. No.161/99 (vi), the Committee resolved to summon Mr. George Masinde Sichangi, who is an Advocate in Nyeri.

(v) Under 161/99 (viii), the Committee resolved to summon the District Officer, Othaya Division and the Manager, Thika Coffee Mills, Mr. M.C. Mwea.

(d) **Under Min. 162/99,**

(i) The Committee resolved to summon Mr. Richard Kiana Gikuhi, the Nyeri Municipal Council, Town Clerk.

(ii) Under Min. No.162/99, (e), the Committee resolved to summon, the Permanent Secretary, Ministry of Environment and Natural Resources and the District Commissioner, Nyeri who is also the Chairman of Land Allocation Committee.

(e) **Under Min. No.165/99,** the Committee resolved to summon the Chief of Karama Location, Meru, Mr. Thomas Muring'a

The Committee instructed the Secretariat to sent a warning letter to the Chief of Karama Location, Ametho Assistant Chief and a former KANU Executive Chairman who have been harassing Mr. Samuel Mugwika as a result of giving evidence before the Committee on 19th August, 1999.

At this point the Committee resolved to recommend in its final report that the office of the Ombudsman be constituted so that all land cases and other issues which came before the Committee in its deliberations could be referred to.

(f) **Under Min. No.171/99,**

(i) The Committee resolved to recommend in its final report that the land policy in general be reviewed and the Government should come up with a comprehensive Land Act.

(ii) The Committee resolved to summon, the Permanent Secretary, Ministry of Lands & Settlement to explain to the Committee about general land administration and alienation of land and other land related issues.

(g) **Under Min. No.175/99,** the Committee resolved to summon the Nyeri Municipal council Town Clerk.

(h) **Under Min. No.176/99,** the Committee resolved to summon the Mayor of Embu Municipal Council, Mr. Muriithi.

MIN.NO.338/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at Five O'clock until Wednesday 22nd September, 1999 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: October 05, 1999

MINUTES OF THE SEVENTY FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, SEPTEMBER 22, 1999 IN OLD CHAMBERS, PARLIAMENT BUILDINGS AT 11.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. -
The Hon. Martha Karua, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.339/99 **CONFIRMATION OF MINUTES**

Minutes of the sittings held on 20th and 23rd August, 1999 were confirmed after being proposed and seconded by Hon. Wanyiri Kihoro, M.P. and Hon. Martha Karua, M.P.; Hon. Martha Karua, M.P. and Hon. Mohammed Galgalo, M.P. respectively

MIN.NO.340/99 **MATTERS ARISING**

(a) Under Min. No.182/99, the Committee resolved to summon the Mayor Embu Municipal Hall, Mr. Muriithi, to give more information concerning Mr. Julius Gichovi Waweru's case.

(b) Under Min. No.183/99, the Committee resolved to summon the following persons to come and explain about the status of the following properties:-

The persons are:-

(i) The Embu Municipal Council Mayor
(ii) The Town Clerk, Embu Municipal Council
(iii) Mrs. Kariuki, the Embu District Physical Planner.

The properties in question are:-

(i) The Embu Urban Primary School
(ii) Embu Livestock Market
(iii) St. Michael Primary School (Embu)
(iv) Spring Valley Government quarters (Embu)

At this stage the Committee unanimously agreed to summon the Chief Executives of the following parastatals to explain the procedures of how and why their company houses were being allocated. The institutions: -

- The Kenya Railways
- Kenya Power and Lighting Company
- Kenya Ports Authority
- Telkom Kenya

(c) Under Min. No.194/99, the Committee agreed that the Sub-Committee which was formed to look into the memoranda from the public should look in detail the memoranda presented to the Committee on 24th August, 1999 by Mr. Abdistari Sheikh Mohammed to ascertain whether there are summons to be made.

The Committee further resolved to summon the following persons:-

(a) The provincial Lands Officer, North Eastern Province.

(b) The District Commissioner, Garissa,

(d) Under Min. No.195/99, the Committee resolved to summon the Town Clerk, Garissa Municipal Council.

(e) Under Min. No. 196/99, the Committee resolved to summon the District Commissioner, Garissa.

(f) Under Min. No. 198/99, the Committee unanimously agreed that the Sub-Committee looking on the memoranda should peruse through the memorandum presented to the Committee by Mr. Hassan Sheikh Ali, Registrar, Garissa Teachers Training College and advice the Committee accordingly.

MIN. NO. 341/99 **ANY OTHER BUSINESS**

The Committee discussed at length the following issues:-

(i) Foreign trips - That Committee discussed at length about Committee overseas trips and whether funds will be available for the same. At this point the Hon. Wycliffe Osundwa, M.P. who is a member of the Liaison Committee informed the Members that

they have been informed in the Committee that funds are in adequate for any Parliamentary Committees to facilitate any overseas trip.

At this point the Committee requested the Chairman, the Vice Chairman and Hon. Kiraitu Murungi to go and see the Deputy Speaker, who is the Chairman of the Liaison Committee and seek advice on whether the Anti-Corruption Committee could be allowed to source funds to facilitate its overseas trips.

(ii) The Draft Bill - The Committee agreed unanimously that the Sub-Committee formed to draft the Bill sets a date to meet with the drafts person Ms. Linda Murila, seconded from the Attorney General's Chambers, to discuss about the proposed draft Bill.

(iv) A proposed Committee Retreat/workshop - The Committee discussed at length the possibility of organizing and sponsoring a retreat. The Committee resolved that it will invite international resource persons as participants of the proposed retreat and the recommendations arising from the said retreat will solely be incorporated in the proposed draft Bill.

(iv) The structure of the Report of the Committee - The Committee discussed at length and agreed that the structural of the report should comprise the following items:-

(a) The background;
(b) The Committees mandate;
(c) Summary - That is what the Committee gathered during its deliberations since it was constituted.
(d) The main body of the Report;

(i) Types of Corruption;
(ii) Key perpetrators; and
(iii) Major recommendations on how to deal with all the types of corruption (remedies)

(v) The Committee resolved that the Sub-Committee, as a matter of urgency, should meet and draw up a time table for the Committee.

(vi) The Committee was informed that Justice Aaron Ringera, the Chairman of the Kenya Anti-Corruption Authority has requested to appear before the Committee to give evidence. At this juncture the Committee resolved to summon him to appear before the Committee on Tuesday 28th September, 1999 at 10.00 a.m. and invite the Head of the Public Service of Kenya Dr. Richard Leakey at a later date.

(vii) Evidence in Nairobi - The Committee expressed concern that there were many glaring issues of corruption in Nairobi especially arising from past Public Investments Committee and Public Accounts Committee reports and memoranda received concerning on Karura Forest, NSSF, City Hall and Goldenberg among others.

As a result of this the Committee resolved to, invite evidence from people in Nairobi with information on corruption on 29th, 30th, September and October 1st, 1999. The Secretariat was instructed to advertise in the papers the same information as soon as possible.

MIN.NO.342 /99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at forty minutes past Twelve O'clock until Thursday 23rd September, 1999 in Old Chambers, Parliament Buildings at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: October O5, 1999

MINUTES OF THE SEVENTY SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, SEPTEMBER 23, 1999 IN OLD CHAMBERS PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-Chairman**
The Hon. Owino Acholla, M.P
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.343/99 **CONFIRMATION OF MINUTES**

Minutes of 25th, 27th and 28th August, 1999 were confirmed after being proposed and seconded by Hon. Martha Karua, M.P. and Hon. Wycliffe Osundwa, M.P.; Hon. Wycliffe Osundwa, M.P.; and Hon. W.O. Ayoki, M.P.; Hon. Owino Acholla, M.P. and seconded by Hon. Wycliffe Osundwa, M.P. respectively.

MIN.NO.344/99 **MATTERS ARISING**

(i) Under Min.No.207/99 and 208/99, the Committee resolved that the Sub-Committee dealing with the memoranda from the public should look into the memoranda presented by the Futa Magendo Action Group, Kisumu Branch and that of Mr. Michael Ouma Odida and advice the Committee accordingly.

(ii) Under Min. No.212/99, the Committee resolved that in its final report, recommendations on the issue of Harambee in general will be incorporated.

(iii) Under Min. No.215/99, the Committee asked the Sub-Committee on the memoranda to ascertain whether Mr. John Bruno Oloo sent his memorandum as he was advised by the Committee on 27th August, 1999.

(iv) Under Min. 223/99, the Sub-Committee dealing with memoranda to look into, in detail, the documents presented to the Committee by Mr. Joshua James Owuor, District Land Registrar, Kisumu on 28th September, 1999.

(v) Under Min. No. 228/99, the Committee resolved that the issues raised by Mr. Bill Ong'ong'a, of P.O. Box 2532, Kisumu concerning corruption in Education section in Kisumu Municipality will be presented to Kenya Anti-Corruption Authority (KACA) for further action.

MIN.NO.345/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at thirty minutes past Eleven O'clock until Monday, September 27th, 1999 in Conference Room, County Hall, at 2.30 p.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE : October 05, 1999

MINUTES OF THE SEVENTY SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, SEPTEMBER 27, 1999 IN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 2.30 P.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-Chairman**
The Hon. Owino Acholla, M.P
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Wycliffe Osundwa, M.P.

ABSENT WITH APOLOGY:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Martha Karua, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.346/99 **EVIDENCE**

Justice Aaron Ringera, the Director Kenya Anti-Corruption Authority (KACA) appeared before the Committee and gave evidence under oath.

He discussed at length the Prevention of Corruption Act, Cap 65, of the Laws of Kenya and how the law can be improved/amended in order to curb corruption in the society. He stated thus:-

(a) The definition of corruption, - That Section 3, of the Act defines corruption basically as bribery. He suggested that, definition should be broadened to include theft, embezzlement, fraud, evasion of taxes and duties or any other misappropriation or loss of property of any public or private body resulting from abuse of office or any other unlawful act or omission.

He further stated that under the present law, the Authority (KACA) is empowered to investigate and to prosecute for offences under the Act (i.e. bribery) but no definition or specification of such offences is contained in the Act leaving room for misinterpretation by the officers of the Authority.

He informed the Committee that the public sector is not the only sector involved in corruption but also the private sector, Non -

Governmental Organisations and private bodies are corrupt and they should be included in the investigations.

(b) That the Act does not facilitate detection investigation, trial, prosecution and recovery of corruption practices.

(i) That there is a procedural defect, in the Act in that, police officers investigating corruption are required to seek the consent of the Attorney General before prosecution. This hinders KACA from working and the removal of this rule will enhance the Authority's image.

(ii) That only directors of the KACA, that is, the Director and two assistants Directors have powers to investigate and prosecute. These powers should be conferred to all officers of the Authority.

(c) Prosecution of corrupt cases: That currently prosecution of corruption cases follow normal procedures which usually take too long for action to be taken. There is requirement to set up a special Anti-corruption courts with wide discretions which can try cases without limits and this will give confidence to the public.

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(d) That informers and whistle blowers should be protected. For instance, Government officers who give information on corruption practices in their offices can be accused or victimized reason revealing official secrets. But with protection with the disclosures of corrupt practices should be encouraged.

(e) Penalties: That currently penalties for a corrupt practices are too mild. That currently the maximum penalty is only Kshs.10,000. There is need to increase it to Kshs.10 million or even more if the menace is to be curbed in the society.

(f) That KACA should be given more powers by the law to enable the Authority check on individuals living beyond their income. If they are suspected to be corrupt they should be taken to court to explain how they acquired what they have.

(g) That recovery of civil property cannot be possible after the elapse of three years since the act was committed. That going against this, will be contravention of the Law of Limitation, Cap 22, of the Laws of Kenya. The law should be amended to allow the recovery of corruptly acquired property any time without limitation.

(i) Private prosecutions - That, the Attorney General is a member the Executive, the Government legal advisor and the guardian of public interest. These are conflicting roles. The law should be

changed so that KACA is given some of the powers for instance to act as the public prosecutor through the gazettment by the Attorney General.

Other Recommendations

(a) That Economic Crimes Bill be introduced to encompass all corrupt practices. He gave an example of Botswana which has already established a Bill of that nature.

(b) That an office of Ombudsman should be established to deal with maladministration cases which do not necessarily amount to corruption. He gave an example of Uganda where the offices of investigations, ombudsman and prosecutions are combined but that country does not lack enforceability.

(c) That institutions in Kenya are generally weak and this requires the strengthening of the existing institutions for instance the following offices:-

(i) The Controller and Auditor Generals;
(ii) AG (Attorney General) and Judiciary;
(iii) The Police;
(iv) KACA (Kenya Anti Corruption Authority) and
(v) Parliament.

(d) That security of tenure should be given to KACA but the term should be limited.

(e) The Authority should be independent in order to hire and fire its officials. Currently, the directors of the Authority are elected by the Executive on the advise of the Advisory Board.

(f) That Harambee spirit has been abused. He suggested that Harambee collections should be audited and that full disclosure of donations should be mandatory and that public servants should not be allowed to conduct Harambee because this encourages corruption. That it should be left in the purview of only politicians and businessmen, among others.

(g) He gave the following list of countries which the Committee can borrow a leave as far as anti-corruption crusade is concerned.

The countries are as follows:-

(i) Botswana and Zimbabwe in Africa; and
(ii) Singapore and Hong Kong in Europe.

(h) The Committee undertook to present, to the Director KACA, the names of people who were adversely named in the PAC and PIC reports for the Authorities action.

(i) He presented the following documents to support his evidence:-

(i) A copy of a draft amendment proposals to the prevention of Corruption Act, Cap 65, Laws of Kenya of Kenya, by the Kenya Anti-Corruption Authority.

(ii) An explanatory memorandum on the proposed Bill.

MIN.NO.347/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the sitting at forty minutes past Five O'clock until Tuesday, 28th September, 1999 in Conference Room, County Hall at 9.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: November 05, 1999

MINUTES OF THE SEVENTY EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, SEPTEMBER 28, 1999 IN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-Chairman**
The Hon. Owino Acholla, M.P
The Hon. Kiraitu Murungi, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.

ABSENT WITH APOLOGY:

The Hon. Ngenye Kariuki, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.348/99 **CONFIRMATION OF MINUTES**

Minutes of the sittings held on 30th and 31st August, 1999 were confirmed after being proposed and seconded by Hon. W.O. Ayoki, M.P., Hon. W. Osundwa, M.P., and Hon. Owino Achola, M.P. and Hon. Wycliffe Osundwa, M.P. respectively.

MIN.NO.349/99 **MATTERS ARISING**

(a) Under Min. No.235/99, the Committee resolved to discuss the memorandum presented by Mr. Stephen Otialo Nyawira of P.O. Box 278, Maseno which he presented on 20th August, 1999 at Kakamega County Council Hall.

(b) Under Min. No.236/99 the Committee resolved as follows:-

(i) That the Ndegwa Commission report be provided to the Committee by the secretariat for discussion.

(ii) That the Harambee issue will be discussed at length and recommendations on the same will be incorporated the Committees final report.

(c) Under Min. No.237/99, the Committee resolved to include in its final report the following:-

(i) That remuneration to civil servants be reviewed to tackle the issue of handling of money by civil servants; and

(ii) That tendering procedures be reviewed.

(d) Under Min. No.240/99, the Committee resolved to address the issue of defection as a form or corruption.

(e) Under Min. No. 242/99, the Committee resolved to find perpetrators of corruption at Kibabii Teachers College.

(f) Under Min. No.248/99, the Committee resolved to peruse through the memorandum sent concerning squatters at Lugari forest.

At this point, the Committee resolved to summon Hon. Cyrus Jirongo, M.P. for Lugari constituency to give more information concerning the settlement at the said forest. At a later date the Committee will summon other parties which were implicated as far as councillor Luke Nalianya's evidence which he gave to the committee on 30th August, 1999 at Kakamega County Council Hall is concerned.

(g) Under Min No. 251/99, the Committee resolved to peruse through the memorandum sent by Mr. Eliud Ojenge Okwe of P.O. Box 2004, Kakamega to verify the authenticity of the information so that those implicated could be summoned or not.

(h) Under Min. No.253/99, the Committee resolved to look into the memorandum presented by the councillors of Kakamega County Council and see whether those implicated could be summoned or not.

(i) Under Min. No.256/99, the Committee resolved to summon the Headmistress of Musoli Girls School, Mrs. Agnes Wamakonjo.

The Committee resolved that the sub-Committee looking into the (memorandum should check whether Mr. Simeon Shitemi of P.O. Box 30985, Nairobi had sent his memoranda as advised by the Committee on 31st August, 1999.

MIN.NO.350/99 **ANY OTHER BUSINESS**

(i) The Committee resolved that after receiving evidence from people in Nairobi as from 29th and 30th September and 1st

October, 1999 it will start summoning those persons who have been adversely mentioned in the Committee's evidence.

(ii) The Committee instructed the secretariat to look for reports on Goldenberg as contained in Public Accounts Committee (PAC) reports of 1993/94 and 1994/99 for more information for the Committee to see what to do.

MIN.NO.351/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the sitting at forty minutes past Eleven O'clock until Wednesday 29th September, 1999 in Committee Room, County Hall at 9.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: November 05, 1999

MINUTES OF THE SEVENTY NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, SEPTEMBER 29, 1999 IN COMMITTEE ROOM COUNTY HALL AT 10.30 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Martha Karua, M.P.
The Hon. Owino Acholla, M.P
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk
Miss M.J. Chesire	-	Third Clerk Assistant
Mrs. Sarah Kioko	-	Third Clerk Assistant

MIN.NO.352/99 **CONFIRMATION OF MINUTES**

Minutes of the sittings held on 1st, 2nd and 4th September, 1999 were confirmed after all were proposed by Hon. Ngenye Kariuki, M.P. and seconded by Hon. W.O. Ayoki, M.P.

MIN.NO.353/99 **MATTERS ARISING**

(a) **Under Minute 260/99,** the Committee resolved to summon Mr. Kiprotich Masai, Director and Mr. Andrew Rotich, the Chief, Chepsiro Location, Moi's Bridge.

(b) **Under Minute 263/99,** the Committee resolved to summon the following persons:-

(i) The District Land Registrar, Uasin Gishu District, to clarify about the land outside Wareng County Council, which was allocated to Hon. Joseph Arap Leting, M.P.

(ii) Hon. Joseph Arap Leting, M.P, Emgwen Constituency.

(iii) Hon. Nicholas Biwott, M.P.

(iv) Mr. Samuel Gichuru, Managing Director, Kenya Power and Lighting Company, to clarify how much money has been spent since the Rural Electrification programme started.

(c) **Under Minute 268/99,**

(i) **Paragraph (4),** the Committee resolved to summon Rev. Nicholas Kiptoo Misoi, who influenced the Sub-division of Tungoin farm and had himself allocated land parcel No.47.

(ii) **Paragraph 17,** the Committee resolved to summon Mr. Eliud Parsankul, the District Commissioner, Uasin Gishu District.

(d) **Under Minute 269/99,** the Committee resolved to summon D.C. Uasin Gishu District who is the Chairman, District Allocation Committee to clarify on the settlement of squatters at Turbo forest.

(e) **Under Minute 271/99,** the Committee resolved to summon the Managing Director, Rivatex Company Limited.

(f) **Under Minute 272/99,** the Committee resolved to summon the Manager, EATEC farm in Uasin Gishu.

(g) **Under Minute 273/99,** the Committee resolved that issue was a question of a landlord/tenant transaction and the Committee did not see any corrupt practices involved.

(h) **Under Minute 282/99,** the Committee resolved to summon (i) Hon Yusuf Haji, M.P to clarify about the Bahati forest settlement of squatters and (ii) The Town Clerk, Nakuru Municipal Council, Mr. Ernest Muibu Kiarie.

(i) **Under Minute 284/99,** the Committee resolved to summon the Town Clerk, Nakuru, to clarify the LR. Numbers of the plots allocated to the following persons:-

(1) Mr. Herman Marine Nderi, Mayor, Nakuru Municipal Council
(2) Mr. Ernest Muibu Kiarie, Town Clerk, Nakuru Municipal Council
(3) Mr. Barua Chele, former Permanent Secretary, Ministry of Local Authorities
(4) Prof. the Hon. Sam Ongeri, M.P.
(5) Ms. Jeniffer Moi

(6) Major Magut
(7) Mr. Geoffrey Asanyo Makana
(8) Mr. James Ocholla, Director of Social Services, Nakuru Municipal Council
(9) Councillor Chemuss
(10) Mr. Sameul Kipkorir Chelule, General Manager, Water & Sewerage, Nakuru Municipal Council

The Committee further resolved that, the video tape presented to the Committee be watched by the Sub-Committee dealing with memoranda and advice the Committee accordingly.

(j) **Under Minute 286/99,** the Committee resolved to summon Hon Julius Sunkuli, M.P, a Minister of State, Office of the President to clarify on the Elchurai Group Ranch in Transmara.

(k) **Under Minute 298/99,** the Committee resolved to summon the Vice-chancellors of Egerton and Maseno Universities. At a later date, the Committee resolved to invite all the Vice- chancellors, to pay a courtesy call on the Committee.

(l) **Under Minute 290/99,** the Committee resolved to summon Mr. Geoffrey Makana Asanyo.

MIN.NO.354/99 **EVIDENCE**

Ist Witness

Messrs Ayoma Matunga and Dorothy Kweyu Munyakho of SODNET/Futa Magendo Network, P.O. Box 63125, Nairobi, appeared jointly before the Committee and gave evidence on Oath and stated thus:-

That Social Development Network is an NGO co-ordinating the anti-corruption activities of the Futa Magendo Action Network and other civil activities on Economic Governance across the country.

That the National Youth Service flats situated in Ruaraka have not been completed for the last twenty years, and that there are similar cases of white elephants in most Districts and Provincial Headquarters for instance Makueni, Kisumu and Migori.

At this point they were advised by the Committee that the issues they have raised have been discussed at length and resolutions were made in the PAC report of 1994/95.

That a fence around Kenya Wildlife Services in Shimba Hills was to be constructed but it was later abandoned before completion after being funded by the Government, the European Union, the World Bank among others. That one of the constructors is Messrs. Victor Enterprises.

They suggested that Kenya Anti-Corruption Authority (KACA) should be given power to prosecute directly than following the usual procedure of seeking consent from the Attorney-General's office.

That Woodley Estate Houses are in the verge of being grabbed and they asked the Committee to investigate. That one of the houses has been allocated to the current Nairobi City Council Town Clerk, Mrs. Zipporah Wandera. They presented a memorandum to support their claims. They were asked to compile a comprehensive memorandum and send to the Committee using the address provided.

MIN.NO.355/99 **EVIDENCE**

2nd Witness

Messrs Michael Munyi Kioi and Jane Murangi Kioi, appeared before the Committee and gave evidence on Oath.

The witnesses had appeared before the Committee on 19th August, 1999 and they were advised that the Committee will peruse through their documents and advice them accordingly.

At this point, the Committee advised the duo to go back to their lawyer, Mr. Muthoga Muturi to explain to him about the advice given to them by the Committee.

The Committee resolved to summon Mr. Newton Njagi, of P.O. Box 49485, Nairobi, Tel: 53456, Embu, who bought the shamba from Mr. and Mrs. Munyi Kioi, to clarify to the Committee on LR.No.Gaturi/Nembure/3670.

MIN.NO.356/99 **ADJOURNMENT**

And there being no other business the Vice-Chairman adjourned the Sitting at forty five minutes past Twelve O'clock, until this afternoon at 2.30 p.m.

AFTERNOON SITTING

PRESENT

The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.

The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT
WITH APOLOGY The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Wycliffe Osundwa, M.P.
The Hon. Martha Karua, M.P.
The Hon. Owino Acholla, M.P
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Wanyiri Kihoro, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga - Deputy Clerk
Miss. C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.357/99 **EVIDENCE**

3rd Witness

Mr. Simeon Murichi Thiga of P.O. Box 23364, Nairobi, appeared before the Committee and gave evidence under Oath.

He complained about land (KEVEVAPI) grabbed by the former Managing Director of Kenya Veterinary Vaccine Production Institute, Dr. Richard Cheruiyot Korir. That the institute was formerly known as Welcome Foundation, which was handed over to the Kenya Government and renamed KEVEVAPI. That the total acreage of the land in question was about 50 hectares. That the land has been sub-divided further and beacons and high fences erected, leaving the institute with only a small portion . That the vaccine production has deteriorated drastically between 1990 and 1999. That the Committee should visit the site to see for themselves how devastated the institute has become.

The witness has witnessed great wars on that land with double allocations and counter allocations and demolitions on the land and that farmers are now importing their own doses of vaccine from South Africa and elsewhere - because there are no doses to vaccinate animals in the country. That well connected individuals have grabbed all the land.

The witness was advised to compile a memorandum comprising all the names of the people alleged to have been allocated land at the Institute.

That he was working for Wellcome Foundation when it was working in partnership with the Government and that he absconded duty since he had nothing to do since he found himself without work after the institute was taken over by the Government and Hon. Kipkalia Kones came in from Office of the President and appointed Dr. Richard Cheruiyot Korir to replace Dr. J. Ndeti Kyengo, who retired after working as Managing Director for KEVEVAPI for 10 years. That he worked under Dr. Ndeti as a Research technologist for 5 years.

That there is an outcry about foot and mouth disease in the country. That the Institute flopped as a result of macro-management by Dr. Korir who was not a technically qualified person to deal with the operations of the Institute.

The Committee resolved to summon Dr. Korir to appear before the Committee along with the Director of Veterinary Services. Also to be summoned are:- Dr. Kabira, Director, Potato Research Centre, Tigoni, Limuru and Dr. Cyrus Nderitu, Director, Kenya Agricultural Research Institute (KARI).

MIN.NO.358/99 **EVIDENCE**

4th Witness

Mr. Fredrick Okemba Cosmas of P.O. Box 108, Kimilili, appeared before the Committee and gave evidence under Oath. He stated thus:-

That he bought land in Bungoma in 1995, measuring 55'x100' and was issued with a title deed. That later he discovered that the same person who sold the land to the witness, had also sold some land to a Mr. Julius Mwangi Njoroge who had in effect snatched the entire land from both the seller and the buyer. That he discovered that the title issued to him was fake, and that the same could not be used to secure a loan from the bank since the original title No.1373 had not been destroyed but had instead been charged for a loan with Kenya Commercial Bank, Webuye. That this original title No.1373 was further sub-divided to Nos.1441 belonging to his neighbour Phyllis and 1442, which belongs to him. That Julius Njoroge was sued and a court order given to the effect that Njoroge should not have grabbed all the land since it also belonged to others. That the original LR.No was 1256 measuring 0.44 ha - belonging to Mohamed Wabwire Ali who sold it to various people as follows:

	{1378 -	Remained with owner - 0.34 ha.
1256	{1379 -	Julius Mwangi Njoroge - 50'x100'
	{1380 -	Kabira - 50'x100'
1378	{1441 -	Phyllis - 50'x100'
	{1442 -	Cosmas Okemba - 50'x100'

Mohamed Wambwire Ali, should have remained with 0.24 ha, which he does not have. That all this land plus LR.Nos.1441 and 1442 belonging to both Phyllis and Okemba is recorded in the Lands office at Bungoma as belonging to Mr. Julius Mwangi Njoroge! How did Mwangi Njoroge acquire these pieces of land?

The Committee resolved to summon the Land Registrar, Bungoma, The Manager, Kenya Commercial Bank (KCB), Webuye and Mr. Julius Mwangi Njoroge.

MIN.NO.359/99 **ADJOURNMENT**

And there being no other business the Vice-Chairman adjourned the Sitting at Five O'clock, until Thursday, 30th September, 1999 in Conference Room, County Hall at 9.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: November 05, 1999

MINUTES OF THE EIGHTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, SEPTEMBER 30, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wycliffe Osundwa, M.P.
The Hon. Owino Acholla, M.P
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga - Deputy Clerk
Miss C.M: Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.360/99 **EVIDENCE**

1st Witnesses

Messrs. Samson Gachago and Francis Sorora Oloitiptip, representing Woodley Residents Welfare Society, P.O. Box 47187, Nairobi appeared jointly before the Committee and gave evidence under Oath.
Mr. Gachago stated thus:-

That there is illegal sale of Joseph Kangethe estate (Woodley Estate) by the Nairobi City Council Town Clerk, Mrs. Zipporah Wandera and the City Council Director of Planning, Mr. Kuria wa Gathoni.

That they have been consulting with City Hall to ascertain the sale and that in August, 1999, City Hall declined to receive rent from the tenants of the estate.

That a question concerning the estate in question was asked in Parliament by Hon. Ruhiu and a motion was also moved and passed that the residents of the estate be given first priority in purchasing the houses if they were to be sold.

That the President was approached by the residents and he was of the opinion that the residents be given first priority, but the Town Clerk did not notify the President that the sale of the estate has been done.

That Kuria wa Gathoni came and fenced a playing ground in the estate and alleged that he owns all open spaces in Woodley estate. That his wife (Kuria Gathoni's) has also been allocated a plot in Woodley where she has built kiosks.

That various residents have received eviction letters from lawyers acting on behalf of the alleged owners and they (tenants) have been ordered to vacate or pay the rent direct through the lawyers. That some of the lawyers for instance Kabiru Company & Advocates wrote a letter to a Mr. Oloitiptip, and Waruhiu & Muite Advocates wrote an eviction letter to Rev. Nick Achioga.

That the houses in Woodley are 188 bungalows and 96 flats and some 25 residents have already acquired allotment letters for their houses and a Mr. George Turuka has a title deed to his house.

That there has not been any resolution to sale off the houses by the City Council and they petitioned the then Minister for Local Authorities, Hon. Sam Ongeri, M.P to no avail. That when they learnt of the sale of the houses, they went to court and later formed a society (Woodley Co-operative Society) in order to buy the houses. This was after the City Council nullified the sale of those houses.

They were advised to register their society as soon as possible and at the same time approach Nairobi Housing Cooperative and USAID for assistance.

That they approached the current Nairobi Mayor, Councillor John Ndirangu and the deputy Joe Aketch. That the Mayor and the deputy were against the sale of the Woodley estate.

That payment of rent to City Hall is usually done through lawyers. That one of them is Oduk & Company Advocates who collects rent on behalf of City Hall.

That the Town Clerk, Zipporah Wandera and Mr. Kuria wa Gathoni are well connected and protected people and that they boast that they will never be removed from their offices in City Hall.

That a House in Woodley which was previously occupied by a Mr. Wandera (Zipporah's son) was later sold to City Hall at Kshs.1.1million. That this money is collected through several lawyers including Kennedy Ogeto & Company Advocates, Oduor & Company, among others, on behalf of City Hall.

That the Town Clerk is normally advised by Kuria wa Gathoni on who to allocate land/houses to, and that these allocations are not done in City Hall but outside. That Mr. Kuria wa Gathoni usually gets a kick back of Kshs.300,000/= before any allottee gets an allotment letter.

Mr. Francis Oloitiptip stated thus:-

That he used to work in City Hall as Senior Establishment Officer - he used to work under Wandera.

That the mess created by Mrs. Wandera and Kuria wa Gathomi will take long to be rectified. That the Town Clerk contracted private cleaners to clean the City, while on the other hand, the cleaners formerly employed by the Council are still on payroll.

That this firm Kenya Refuse Handlers, must be paying some kick back to Mrs. Wandera (the Town Clerk), although this could not be established.

The witnesses were advised to provide specific and tangible facts (evidence) for the Committee to act on.

That the Woodley Residents Welfare Association of which he (Mr. Gachago) is Chairman had tried to source the title deed for Woodley Estate, which happens to be just one(1) but in vain. That every time they have tried to search for the title, the file on Woodley has always not been available (it always disappears). That the only LR Number that is known for Woodley Estate is LR No.209/1702 which is always reflected on the water bills to the residents. They presented a memorandum to the Committee.

That Woodley Estate has become Kuria wa Gathomi's playground - that he has allocated houses to his many wives(7), children and relatives. That the plot currently occupied by the Winners Church was allocated by Kuria and that it used to be a playground for children of the residents.

MIN.NO.361/99 **EVIDENCE**

2nd Witness

Mr. Kepha Odongo of P.O. Box 41870, Nairobi, appeared before the Committee and gave evidence on Oath.

He complained about multipratices in the transport section of Kenya Revenue Authority (KRA) in Nyayo House, pertaining to the registration of a vehicle belonging to a Ms. Maria Balden Quglia, of P.O. Box 10, Limuru.

That the said vehicle was taken for inspection on 3/11/95 and no LogBook has been issued to date. That the file is claimed to have got lost and that officials at Nyayo House demand to be given inducements in form of money. That he was last in Nyayo House two weeks ago, to see a Mr. Mandiu, who claimed that there was nothing he could do since the file was not available. That everytime he goes to the office, he is asked to "speak properly" by Mr. Mandiu (one of the clerks who process the documents).

That the vehicle in question was left in the possession of Mr. Rorry Green who has been trying to have it registered in his name. That the vehicle in question is Reg.No.KHQ 876 - Fiat 2300. That he had a similar case of a Trailer No.Z7942 (trailer) belonging to a Mr. D.M. Abdi for which he (Abdi) paid a fee of Kshs.1,725/= on 6/8/99 and nothing has been done to date.

That a Mr. Wekesa who is in-charge of Transfer section, referred him to a Mr. Nyakora, who in event cancelled his name from the record given by Mr. Wekesa and told him that he (Nyakora) did not have the file, that it was in the registry, where the witness could not fetch it for himself.

MIN.NO.362/99 **EVIDENCE**

3rd Witness

19

The Hon. David Mwenje, M.P of P.O. Box 41842, Nairobi, appeared before the Committee and gave evidence under Oath. He stated thus:-

That all the social amenities within the city are provided for by the Nairobi City Council, for instance schools, roads, water, health centres, etc. That the council has failed to provide services to the people especially in Umoja where there are no roads at all. That the Council paid Kshs.70million to Councillor Ndirangu, who is currently the mayor of Nairobi, for a contract in 1998/99 to supply hardcore for repair of roads in Umoja and Eastlands in general. That this contract was erroneously given, since the Council is bound by law not to enter into contracts with its Councillors.

That the contract was for repair of Moi Drive in Umoja, Dandora and Komarock roads and their subsidiaries. That Mayor Ndirangu is the Councillor for Umoja ward. That another councillor was awarded the tender to repair roads in Dandora and that these roads have not been done. That one time the Councillor approached him to assist him to be paid and pay him (witness) some kick back which he declined but the Councillor was later paid and the work was never done.

That the dumping site in Dandora has been closed and the City Ministry of Health (MOH) has announced this to the public, yet some people are still being allowed to dump after `clearing' with the MOH. That the city will never be clean, since dumping is allowed to be done haphazardly along the roads and everywhere.

That debt collectors are assigned to collect debts from various companies and are paid 10% of whatever amount they have collected. That Hon. Kamande, M.P, Starehe Constituency, has done it and could be resourceful to the Committee. These bills have been incurred through water consumption. That the Council claims not to have water meters for water consumers in Nairobi. That recently, a contract was awarded to Mr. Geoffrey Asanyo of Nakuru, who supplied meters to the Industrial Area depot from where they were stolen and again supplied to the Council on another contract. That the former Minister for Local Authorities Prof. Sam Ongeri, M.P was also involved. That the officers involved in this scandle are the General Manager, Water and Sewerage, the Treasurer and the Town Clerk.

That currently, 12 Councillors are on a trip to France which was Co-sponsored by an interested party who has applied to be awarded the privatization of the Water Department. That the issue of privatisation is being discussed in France which is indicative of a major corrupt deal that is about to be sealed.

That the Council is contracting too many lawyers to collect revenue for it even of water bills - while it has its own lawyers - why so many people? So that kick backs can be paid.

That demolitions of kiosks and buildings are a source of corruption, that officers have to be paid some amounts of money which are remitted from kiosk owners and if they cannot pay, then demolitions occur.

That all the demolitions are authorised by the Town Clerk, sanctioned by the head of inspectorate and effected by the officer at Muoroto. That all houses reserved for Senior staff at Dagoretti were sold at throw away prices to Senior officers, Commissioners and Councillors for instance there is one bought by Mr. Simon Mwangi, who was a Commissioner and Mr. Daniel Kongo, former Chairman, Nairobi City Commission, who bought the Mayor's official residence worth over Kshs.2million for a mere Kshs.200,000.

That after the sale of houses the City Council now has resulted in secretly selling estates for instance Joseph Kangethe (Woodley), and they are now preparing to sell Kaloleni Estate. That all these things happen secretly since the City Council does not produce minutes for Council meetings. That the Minute books have not been produced since 1997 to date. That the former Mayor and the former Minister for Local

Authorities plus the Town Clerk jointly recruited thousands of employees whose salaries were not defined and who were employed at different rates but the money to pay them is not available. That one is surprised that the Council is employing when the Government is retrenching employees. That these workers salaries are paid selectively to specific small banks - why? so that the Chief Officers could manoeuvre their way round to be paid kick backs by those employees who have been paid. That the actual bonafide employees of the Council are not paid.

That Karura Forest plots were allocated to City councillors, Hon. Rashid Sajjad (who claimed to have bought most of his land from those allocated the plots), Mr. Kariuki of Green Corner (who tried to influence those crusading against the allocations to stop it and who claimed to have just bought his plot from someone else). That Mr. Kariuki of Green Corner should be able to tell the Committee who the other allottees were.

The witness was advised to provide more information to the Committee since the Committee was still open and try to sensitize the public to appear and air their views before the Committee.

MIN.NO.363/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at One O'clock, until this afternoon at 2.30 p.m.

AFTERNOON

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Wycliffe Osundwa, M.P.
The Hon. Owino Acholla, M.P
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.364/99 **EVIDENCE**

4th Witness

Mr. B.K. Mathenge of Uchumi Insurance Brokers Ltd, P.O. Box 49067, Nairobi, appeared before the Committee for the second time and gave evidence under Oath. He stated thus:-

That the following policy numbers were required by the Committee from him and he presented them to the Committee:-

(i) Contractors All Risks Policy No.300665
(ii) Women's Compensation Policy No.801797
(iii) Marine Cargo Open Cover No.420139/86.

MIN.NO.365/99 **EVIDENCE**

5th Witness

Mr. Samuel Magua of P.O. Box 73632, Nairobi, appeared before the Committee and gave evidence under Oath.

He complained about judicial intrigues perpetrated by lawyers, judicial officers in collusion with other multi-nationals (wealthy) to defraud Kenyans of justice and their right to property ownership and freedom to exercise their rights. That such firms are as follows:

- Salim Danji & Co., acting for Alico Company.
- Harrison Hamilton & Mathews, acting for World Bank.
- Anne Schofied & Kassamani Advocates, acting for Kingsway Tyres.

The witness presented a detailed memorandum in support of his evidence.

MIN.NO.366/99 **EVIDENCE**

6th Witness

Mr. Wanyanga Gathaka of P.O. Box 127, Nyeri, appeared before the Committee for the second time and gave evidence under Oath.

He presented a petition to the Committee to the effect that after his evidence to the Committee in Embu Municipal Hall, he had been

harassed by his fellow councillors and that he was arrested and taken to court where the magistrate directed him to inform the Committee of its implication into the charges labelled against him, that he fought the Mayor of Nyeri Municipality in the presence and full view of the Select Committee on Corruption during its sittings in Nyeri Municipal Hall.

He requested whether the Committee could testify in court as his witnesses as directed by the Magistrate. The witness was advised to advise his lawyer to request for a formal summons to the Committee by the court and that the Committee will be willing to respond to such summons.

MIN.NO.367/99 **EVIDENCE**

7th Witness

Mr. James Joseph Mungura Mbugua of P.O. Box 75547, Nairobi, appeared before the Committee and gave evidence under Oath. He stated thus:-

That he was the customer relations Manager of Kenya National Assurance Company (KNAC) upto the time it went under. That between 1986-87 when the new management comprising of the late Dr. Richard Koech and Mr. Lawi Kiplagat, the company began going down.

That the Company was ran down by the then Chief executives Mr. F.N. Kariuki and Mr. John K. Barmao plus the executive Chairman Hon. Henry Kosgei, who grabbed land in Kitale/Eldoret. That Mr. Kipkulei grabbed the Chief executive house at Muthaiga just before the closure of the Company. That there seemed to have been a grand plan to wind up the Company at any cost.

That Kipkulei had a lot of debts that were not cleared with KNAC since a lot of vehicles and property were insured by KNAC. That these debts were all written off along with those of other Chief executives.

That the Company was further stripped off its property and all that could have been salvaged. That this happened after the closure of the company and subsequent liquidation under Mr. Mbago, who was not very kind to the former workers of KNAC whose jobs were lost at the fall of the company. That some of the workers went home with negative balances etc.

That Mr. Mbago the liquidator has tried to sell assets of KNAC behind the scenes. That some former employees have been asked through lawyers Oraro & Company Advocates and other law firms to pay mortgage money owed them by former KNAC to the law firms.

At this point, he was advised to halt his evidence until after one week (7 days) when the Committee will have prepared itself to deal with all evidence pertaining to KNAC.

He presented a detailed memorandum to the Committee in support of his evidence.

The witness was advised to allow the Committee time to read and digest the contents of the memorandum in order to be able to respond positively to the issues raised therein.

MIN.NO.368/99 **EVIDENCE**

8th Witnesses

Messrs. Simon Njau Ng'ang'a and Stephen Mwangi of P.O. Box 91, Ruiru, and P.O. Box 31208, Nairobi, appeared jointly before the Committee and gave evidence under Oath. He stated thus:-

That they were both workers of the Nairobi City Council but in different departments.

They presented detailed memoranda in support of their evidence. They were advised to summarise their memoranda and to allow the members of the Committee time to read and digest the issues raised in the memoranda and to be summoned at a later date.

In summary of their case, the duo expressed concern over the way payments were being made by officers in City Hall especially to Ms. Githua and Associates, who are surveyors of the Thika Dam for the Council and who in essence should have been paid Kshs.800,000/= as survey fees but who have been forwarding claims after claims to be paid for in excess of what should have been paid. That currently, they have been paid a total of Kshs.19million and are still forwarding claims to be paid more. That the people at the core of this matter are the General Manager Water a Mr. Musyoka and his deputy, Mr. J.N. Kimani and many other senior officers.

The witnesses were advised to bring more information and await the Committee's summons to appear at a later date.

MIN.NO.369/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at thirty minutes past Four O'clock, until Friday, 1st October, 1999 at 10.00 a.m. in County Hall.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **November 05, 1999**

MINUTES OF THE EIGHTY FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, OCTOBER 1, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 9.00 A.M.

PRESENT:

The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wycliffe Osundwa, M.P.
The Hon. Owino Acholla, M.P
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. W.O. Ayoki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga - Deputy Clerk
Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.370/99 **EVIDENCE**

Mr. Nolascus Wafula Mmojja of P.O. Box 290, Bungoma, appeared before the Committee and gave evidence under Oath. He stated thus:-

That he is a Land Surveyor who is currently on private practice in Eldoret. The witness presented a petition to the Committee about corrupt deals perpetrated by Ms. Anyumba Associates, Mr. Lawrence Mweberi Omandi, Mr. Orenge who is an engineer in Bungoma who conspired to win a tender for a project in Bungoma and the witness was commissioned to do Survey work for the project, where he did 3/4 of the work required of him. That the entire project was worth between 1.5million and 6.0million shillings. That before he finished the work assigned to him, the persons came to him forcing him to sign an agreement to the effect that he will only be paid Kshs.21,000/= for the entire work. That he did not wish to sign the purported agreement which these people had drawn for his signature, and that he signed it under duress. That the witness hoped to come to terms with them later and that it never was to be.

That these people had just conspired to obtain the official seal of Anyumba Associates to validate their status. That they were not qualified surveyors. That the owner of the Company is a Civil Servant who is not even a surveyor! That the way the job (tender) was obtained was wrong and the way the job was done was also wrong.

That these people were awarded a tender worthy of professionals when they themselves were not professionals but they only operated using Mr. Anyumba's certificates and seal in a small office in Eldoret. That this `firm' operates in cahoots with the local D.C who was represented by the DO1 in the tender award Committee which awarded the tender to these people. That DO1 is Mr. Jinaro.

That the witness complained to his local Member of Parliament who advised him to first just let the matter rest. That the witness feels used and dumped by a group of people perpetrating corrupt deals.

Witness was advised to provide more information and documentary evidence (copies of tender documents and/or drawings that these people stole from his office). Witness presented a memorandum to support his evidence.

Action:

1. To summon the D.C Bungoma to appear before the Committee as soon as possible.
2. Write to the Director of CID and request for immediate investigations into the activities of the said company i.e Keera Engineering Development Investment Co. Ltd.

MIN.NO.371/99 **EVIDENCE**

Mr. Samuel Njuguna of P.O. Box 62706, Nairobi, appeared before the Committee and gave evidence under Oath. He stated thus:-

That he had a complaint against Mr. Mwangi Njuguna and Jane Wanja Komu. That in 1982 his father Mr. Mwangi Njuguna bought a piece of land LR.No. Karimiru plot No.213 from Mr. Lawrence Githinji.

That the land was in Nyeri District and was not immediately transferred to the owner due to a loan that had not been cleared. That the land was bought for Kshs.21,500/=. That a search at the lands office in Nyeri in 1997 showed that the same land had been registered under the name of Jane Wanja Komu, who was working at the Lands office, Nyeri.

That a letter of repossession of this land from the original allottee, Mr. Lawrence Githinji reached the witness's father after 6 months from the date it was written. That the letter alleged that the land had not been made use of and that it was lying idle and as such it had to be repossessed and reallocated to another person who would make use of it. That the land was then allocated to Ms. Jane Wanja Komu who allegedly colluded with the lands officers to have the land allocated to her.

That the land was not lying idle since the complainant's family has been tilling the land to date and that his father had been paying rates for the land since he purchased it. That the title deed was issued to Ms. Wanja Komu and it did not show the history of the land.

That Mr. Lawrence Githinji had shifted to live in Mombasa and so the witness's father had talked to him to allow him to continue paying rates to the Settlement Fund Trustees so he could be issued with the title deed on completion of the payments. That the title has already been issued to Ms. Jane Wanja Komu.

Witness was advised to compile a memorandum and send it to the Committee for perusal and action.

MIN.NO.372/99 **EVIDENCE**

Mr. James Karani Gitao of P.O. Box 46741, Nairobi, appeared before the Committee and gave evidence under Oath.

That he is a former Civil Servant, that he worked with KNTC as a General Manager for 10 years and went to a University in the USA. That he is Chairman to the Coffee Advisory and Management Board.

He complained of a family feud between him and one of his brothers over property inherited by the witness from his father and about which the brother in question was not happy. And that he has been subjected to alot of harassment as a result and that the judicial system needs to be overhauled so that innocent people are not harassed for no reason at all and taken to courts for flimsy reasons that were just a mere waste of time.

That the witness had been accused of malicious damage of property after he uprooted coffee bushes fro his late father's farm which he had inherited after his elder bother complained to the police. That he was arrested by Mr. Obiero (inspector) and Mr. Maina who was OCS Githunguri Police Station. That the case has taken too long and that his rights have been violated by the unnecessary delay.

Witness was advised to complain officially to the Chairman of the Implementation Committee of the Justice Kwach Report copying the letter to the Director of Public Prosecutions about the conduct of his case.

That the particulars of the case are (CR 578/98) as follows:-

Police File No.216/207/98
OB No.F 19/5/98

That Mr. Kenny Mbugua talked to the Magistrate who said that he would finalise the case if the complainant gave Kshs.10,000/= to him (Magistrate). That the witness's brother (Mr. Muhia Gitao) has given money to the Chief, D.O., Magistrate and the Police so that the witness could be fixed.

That the witness finds the way the police handled his case as corrupt, and suggests that something could be done.

Witness was advised to compile a memorandum and attach all the relevant documentary evidence and send it to the Committee for perusal and action.

MIN.NO.373/99 **EVIDENCE**

Mr. Benson Mbuchu Gichucki of Arbitration Services Tribunal, P.O. Box 58709, Nairobi, appeared before the Committee for the second time and while still under Oath gave his evidence as follows:-

He suggested that the proposed bill on economic crimes should be two way - that the person who is found guilty of corruption should be dealt with on a criminal case for committing the offence and on the other hand should also include a Civil Case where property corruptly appropriated should be recovered fully. That this way, the perpetrators will be fully punished.

The witness generally gave view on how corruption could be curbed in the country. He presented a memorandum in support of his evidence.

Witness was advised to compile a memorandum for the Committee to peruse and act on.

MIN.NO.374/99 **EVIDENCE**

Mr. James Wanyaga Gathaka of P.O. Box 127, Nyeri, appeared before the Committee for the third time and while still under Oath gave his evidence as follows:-

That his Worship the Mayor of Nyeri Municipality has been his friend and business partner for a long time (7 years). That the Mayor had given him an office in which to operate his business and that they have shared interests and business for a long time.

That since the witness gave evidence to the Committee at Embu Municipal Hall on 19th August, 1999, the Mayor has resulted into harassing him and even had him arrested on trumped up charges. That the witness sought the Committee's intervention in this matter, in accordance with the provisions of (Parliamentary Powers & Privileges) Act Cap.6 Laws of Kenya.

The witness submitted a letter from his advocate M/s M.K. Kiminda Advocates requesting the intervention of the Committee on the matter.

Action:

1. The Committee to draft a letter to the lawyer with a copy to the court to the effect that the Committee did not witness any commotion between the Mayor and the witness at the Mayor's Parlour in Nyeri Municipal Hall, when the Committee held its sittings there in August, 1999.

2. To summon the Mayor to appear before the Committee.

MIN.NO.375/99 **ADJOURNMENT**

And there being no other business the Vice-Chairman adjourned the Sitting at Thirty minutes past Twelve O'clock, until this afternoon at 2.30 p.m.

AFTERNOON

PRESENT:

The Hon. Henry Obwocha, M.P. - **Acting Chairman**
The Hon. Wycliffe Osundwa, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P.
The Hon. Sulleman Kamolleh, M.P.
The Hon. Owino Acholla, M.P
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.376/99

The Committee deliberated on a memorandum of letters send by Mr. Paul Mandila Injendi of Kenya Local Government Workers Union, Kakamega Branch and resolved thus:-

1. That the Acting Town Clerk, Kakamega Municipal Council, Mr. Mellex Amaumo be summoned to appear before the Committee along with his Secretary, Mrs. Makonjio and the complainant, Mr. Paul Mandila Injendi on Monday, 11th October, 1999 at 2.30 p.m.

2. That the Minutes of the previous sittings be confirmed during the next sitting.

3. That Mr. Kennedy Ogeto, Advocates, be summoned to appear before the Committee in connection with the sale of Woodley Estate on Tuesday, 5th October, 1999 at 10.00 a.m.

MIN.NO.377/99 ADJOURNMENT

And there being no other business the Acting Chairman (Hon. Henry Obwocha) adjourned the Sitting at Four O'clock, until Monday, 4th October, 1999 at 2.30 p.m. in County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: November 05, 1999

MINUTES OF THE EIGHTY SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, OCTOBER 4, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL, AT 2.30 P.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Owino Acholla, M.P
The Hon. Sammy P. Leshore, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Wycliffe Osundwa, M.P.

ABSENT WITH APOLOGY:

The Hon. Sulleman Kamolleh, M.P. - **Vice-Chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Henry Obwocha, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.378/99 **EVIDENCE**

1st Witness

Mr. Musa Kiptoon Leting of P.O. Box 9085 Eldoret appeared before the Committee and gave evidence under oath. He stated thus:-

That their problems concern Sirikwa Farm, Eldoret which was purchased by Hon. William Morogo arap Saina together with Mzee Kimaywa, Musa Chemirmir as trustees. That this was on behalf of 115 members in 1971 who collected money to purchase the farm. That in 1976 Morogo arap Saina, brought in 85 other people into the scheme who were not members of the society. That after this the members complained to the then Provincial Commissioner who told them that there was nothing they could do. That they later went to court to contest Saina's action. That the court ordered the District Commissioner to arbitrate over the case and that the District Commissioner ordered them to live in harmony and send back a report to court that the people had agreed to live in harmony. That

in 1977 Saina oversaw the division of the farm into two namely Segero and Sirikwa farms.

That the members did not agreed with him but he still went ahead and brought the District Commissioner and the area chief to subdivide the farm further to other people and title deeds were issued which were handed over by the president and at the same time Arap Saina and the Chief gave titles to their own people. This left the original members of Sirikwa Farm with 2417 acres. That the original acreage was 3117 acres. That later arap Saina brought in 85 people and gave them 720 acres while some 700 acres had been set aside for squatters. That the land was originally bought from an Asian for Kshs.450,000/= in 1971. That each member expected to be allocated 20 acres on completion of payment for the entire land. That Mzee Jonah Singeci was the Chairman of the farm.

MIN.NO.379/99 **EVIDENCE**

2nd Witness

Mr. Paul Mandila Injendi of P.O. Box 176, Kakamega, appeared before the Committee and gave evidence under oath.

He stated thus:-

That the Town Clerk, Kakamega, Mr. Mellex Amaumo surmoned him after he gave his evidence before the Committee on 31st August , 1999.

That the town clerk demanded to see a copy of the memorandum that the witness had submitted to the Committee. That he intimidated him (the witness) that if he thought he could finish him (the town clerk), then the Town Clerk would finish him first.

That shortly after that he (the witness) started receiving letters from the town clerk at short intervals and that finally he was suspended from employment with the Kakamega Municipal Council.

That he was arrested on 24th September, 1999 and detained at the Kakamega Police Station for about an hour and was released without any charges preferred against him. That the witness feels that he is being harassed for having testified before the Committee in Kakamega.

The witness was advised to pursue his case vigorously with his union - Kenya Local Government Workers' Union, Kakamega branch, and, that the Committee will institute investigations into the matter. He was also directed to obtain copies of the minutes of the meeting he alleges was held on September 10th 1999 between the KLGWU and council officials and send them to the Committee for perusal and action.

MIN.NO.380/99 **ADJOURNMENT**

And there being no other business the Ag. Chairman (Hon. Wanyiri Kihoro) adjourned the sitting at twenty minutes past Four O'clock until Tuesday 5th October, 1999 in Committee Room, County Hall at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: November 05, 1999

MINUTES OF THE EIGHTY THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, OCTOBER 5, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. W.O. Ayoki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Henry Obwocha, M.P.
The Hon. Martha Karua, M.P.
The Hon. Owino Acholla, M.P
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant

MIN.NO.381/99 **CONFIRMATION OF MINUTES**

Minutes of the sittings held on 7th, 8th, 9th, 10th, 21st, 22nd and 23rd September, 1999 were confirmed by Members present and signed by the Chairman after they were proposed and seconded by Hon. Wycliffe Osundwa, M.P and Hon. Sammy P. Leshore, M.P, Hon. Peter Maundu, M.P and Hon. Mohammed Galgalo, M.P respectively.

MIN.NO.382/99 **MATTERS ARISING**

(a) **Under Minute 293/99,** the Committee resolved to follow up on Log-books to be provided by Norwegian People Aid (Mr. Laars-Johan Johansen).

(b) **Under Minute 294/99,** the Committee recommended that the following persons be summoned

(i) Ms. Emma Kullos
(ii) Ms. Mary Wamae
(iii) Ms. Halima Shwartz.

(c) **Under Minute 299/99,** the Committee resolved to summon Hon. Darius Mbela, M.P, Mr. Joshua Mwendwa and the Commissioner of Lands to answer queries on Land in Kipimi in Min. No.303/99 and the case in Min.No.299/99. Tiwi/Diani Settlement Scheme and also the land in Mtwapa.

(d) **Under Minute 309/99,** that a general letter be written by the Committee about Haywire lawyers like Mr. Khisa Akatsa and all the others whose cases were brought before the Committee.

(e) **Under Minute 311/99,** the Town Clerk, Mombasa Municipal Council be reminded to submit his memorandum including a list of houses allegedly allocated to an individual in Ganjoni Estate.

(f) **Under Minute 313/99,** the Committee to Summon Hon. Darius Mbela, M.P and Mr. Joshua Mwendwa.

(g) **Under Minute 315/99,** the Committee to prepare a list of all the land cases in Coast Province as presented before the Committee by witnesses at Mombasa Municipal Hall and summon the Commissioner of Lands to make his submission on the same.

(h) **Under Minute 320/99,** that the Committee summons the current District Commissioner, Malindi and the Town Clerk, Mr. Moses Jeffwa to explain the current status of the squatters land and the alleged allocation of the former Malindi Stadium to Hon. Karisa Maitha, M.P. Hon. A. Badawy, M.P to provide background information on the parcels and the LR.Nos and their previous status and ownership.

(i) **Under Minute 331/99,** Mr. Maganga the Public Health Officer be summoned in connection with the Machine owned by Civico Limited, which operates contrary to public health regulations.

(j) **Under Minute 332/99,** the Committee recommended that the laws governing landlord/tenancy matters be reviewed.

(k) **Under Minute 337/99**

(i) A list of people to be summoned be kept until an appropriate time for the Committee to do so.

(ii) That the Committee does not have to solicit memoranda any more, that what is already submitted will suffice.

(l) **Under Minute 344/99(iv),** the Committee to take note of Min.No.344/99(iv) and (v) on which a decision will be made on Monday, 18th October, 1999.

MIN.NO.383/99 **EVIDENCE**

1st Witness

Mr. Evans Monari of Ogeto and Co. Advocates presented himself before the Committee representing Mr. Kennedy Ogeto Advocates, who had been summoned to appear before the Committee on Tuesday, 5th October, 1999 at 10.00 a.m. He was informed that he could not represent Mr. Ogeto, that he (Ogeto) must appear in person before the Committee and give evidence under Oath. He tried to explain to the committee that Mr. Ogeto had travelled to Arusha to make legal representations at the International Tribunal for Rwanda in Arusha, Tanzania and that he will be back in a weeks's time.

The Committee directed that Mr. Ogeto should appear before it on Monday, October 18, 1999 at 10.00 a.m without fail.

MIN.NO.384/99 **PARLIAMENTARY DRAFTSMAN**

Miss Linda Murila, a Parliamentary Counsel based at the Attorney General's Chambers and seconded to the Committee as draftsperson appeared before the Committee and was briefed by an acting Chairman (Hon. Kiraitu Murungi, M.P) on the expectations and operations of the Committee. That the Committee had to produce its report by end of November, 1999 and that work had to really be sped up. Ms. Murila informed the Committee that she had no objections to the Committees' Terms of Reference and she was willing to work with the Committee. She was detailed to liaise with the Secretariat to obtain the relevant documents to start work immediately and appear before the Committee on Friday, 15th October, 1999 at 10.00 a.m to give a progress report.

MIN.NO.385/99 **ANY OTHER BUSINESS**

It was resolved that the Committee will publish a general letter to thank all the witnesses in all the Provinces for their evidence and that it (evidence) will form part and parcel of the Committee's report to Parliament.

MIN.NO.386/99 **DATE OF NEXT MEETING**

The Committee will meet on 15th October, 1999 to deliberate on:-

(i) Foreign trips
(ii) Review the Interim Draft Report by Ms. Linda Murila

(iii) Review the Committee retreat/workshop

(iv) Receive report from the Committee on Memoranda

(v) Review evidence given in Nairobi and deliberate on reports concerning Karura Forest, NSSF, City Hall and Goldenburg, with a view to deciding whether or not to summon the persons involved.

The Committee will also resolve on when to invite the Head of Public Service of Kenya, Dr. Richard Leakey, to pay a courtesy call on the Committee.

MIN.NO.387/99 **ADJOURNMENT**

And there being no other business the Vice Chairman adjourned the Sitting at Fifteen minutes past One O'clock, until Friday, 15th October, 1999 at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: November 05, 199

MINUTES OF THE EIGHTY FOURTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, OCTOBER 18, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT:

The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Wycliffe Osundwa, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Ngenye Kariuki, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. **- Chairman**
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Owino Acholla, M.P
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Mohamed D. Weyrah, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C.M. Mwambua	-	Senior Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

ATTORNEY GENERAL'S CHAMBERS

Miss Linda Murila - Parliamentary Counsel

MIN.NO.388/99 **EVIDENCE**

Mr. Kennedy Ogeto of Ogeto & Company Advocates, Nairobi, accompanied by his lawyer, Mr. Evans Monari also of Ogeto and Co. Advocates, both of P.O. Box 69438, Nairobi, appeared jointly before the Committee and gave evidence under oath:-

Mr. Ogeto Stated thus:-

That he is an advocate, and has dealt with sale of houses in many Estates including Woodley Estate.

That he acted on instructions from past and the present Town Clerk Nairobi City Council, Mrs. Zipporah Wandera and other junior officers of the Council and that he could produce purchase prices provided by the council. He was instructed to provide details of all the Houses he had dealt with including L.R. numbers of each and the kind of instructions he had received from city council regarding transfer of property. That he is normally an advocate for city council when such transaction are taking place.

That he has acted on behalf of city council of Nairobi, during the sale of Houses in Woodley Estate and there's normally consent from the city council Town Clerk.

That most of the properties are just one title which is sub-divided into smaller units after the sale. That the authority of sale is signed by responsible officers in city Hall like the Town Clerk, or her deputy etc.

That when the city council allocates land to an individual, that individual pays a certain amount of money to the council, and that he doesn't know whether that same individual could sell the same property at a higher price.

That he did not know about House No.160/1/6 in Joseph Kangethe Estate.

At this point the witness was reminded that the said house 166/1/6 Joseph Kangethe was a house he (the witness) had purchased from a Mr. A.V. Wandera (Zipporah Wandera's son).

He claimed not to know the person who sold the House to him and that he would not disclose since that to him was a personal and private matter.

That he paid Kshs.3 million for the said house but still insisted he did not know the seller, Mr. A.V. Wandera. At this point the Committee put it to him that members had documentary evidence to the effect that he (Kennedy-Ogeto) had signed a sale agreement with a Mr. A.V. Wandera who sold to him house No.160/1/6 Joseph Kangethe Estate (Woodley) for Kshs.3 million and that if he (witness) disputed that information he could then present to the Committee a copy of his own sale agreement for the house he has agreed he bought from Joseph Kangethe Estate (Woodley) for comparison with what the Committee had.

He was advised to compile a memorandum and present to the Committee specific information on some queries put to him by members as follows:-

(a) To provide names of other Junior officers within the Nairobi City Council, other than Mr. Ngeno (former Town Clerk) and Mrs.

Zipporah Wandera (current Town Clerk) who have given him instructions to sell Nairobi City Council Property;

(b) To provide a list of properties which he has transferred to private hands on behalf of the City Council; and

(c) To provide a list of properties which the council has instructed him to transfer on behalf of the council and whose transfer has not been done yet.

MIN.NO.389/99 **EVIDENCE**

2nd Witness

Mr. John Kimani Kiruga of P.O. Box 75151, Nairobi appeared before the Committee and gave evidence on oath.

He stated thus:-

That he was detained during the emergency period in 1952 until August 1958. When he was released he took possession of land parcel No. Kiambu/Ndumberi/1045 which after demarcation was registered in the name of his younger brother, Mr. Mugecha Kiruga as a trustee. In 1959, he swooped the aforesaid land with parcel No.76/Ndeiya/Makutano and was also registered under his brother's name.

That in 1971 his brother allegedly sold the land to a Mr. George Karongo Njoroge though he had lodged a caveat in the Land Registry in Kiambu to prohibit any dealings in the said land. His brother conspired with the purchaser and the area Chief Mr. Paul Ndungu Njuguna to fraudulently and unlawfully sell the land.

That the ex-chief, Mr. Njuguna, was instrumental in the unlawful removal of the caveat by misrepresenting to the Land Registrar that he had brought to him (witness) a notice of intention to remove a caution as indicated in his letter dated 11th October, 1972. This removal led to the transfer of the land to George Karongo Njoroge.

That in 1996 he petitioned the president for intervention. The Office of the President wrote to the C.I.D. Director, to investigate the fraudulent transfer of the land.

That this matter had been previously arbitrated by a parcel of clan elders and made an award in the witness' favour as evidenced by a copy of the minutes of the proceedings presided over by the District Officer in Kiambu and further confirmed by the office of the District Commissioner, Kiambu.

That when the case went to court (civil case No.52/85), the court ruled on his favour but the defendant, Mr. George Njoroge, still went against the court ruling and insisted that the land was his.

That the case reached, the court of Appeal and Justice H.G. Platt in his judgement he delivered in 1988 awarded the parcel of land to Mr. Kiruga (Witness).

That since then he has been living in the said land as a squatter. That the committee could call the Chief Mr. Paul Ndungu Njuguna to explain how the land was transferred.

He was advised to give the Committee the name of the then Kiambu District Land Registrar who was involved in the said land transaction in 1972.

He tabled documents concerning the said land to support his claims.

MIN.NO.390/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at Six O'clock.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: December 12, 1999

MINUTES OF THE EIGHTY FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, OCTOBER 29, 1999 IN ROOM,NO. 165 AT 11.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Owino Acholla, M.P
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Ngenye Kariuki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. W.O. Ayoki, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.391/99 DELIBERATIONS OF THE COMMITTEES WORK

The Committee discussed at length the programme of its work. The Committee was concerned that it was running short of time before its Draft Bill and report are presented to the House.

At this point the Committee instructed the Secretariat to look in detail into the Committee's precious minutes and come up with a list of issues the Committee would like to study in detail and persons to be summoned arising from the information the Committee has gathered during its deliberations. This information is to be presented to the Committee in its next meeting on Thursday, 4th November, 1999.

MIN.NO.392/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until 4th November, 1999 in Conference Room, County Hall at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: December 10, 1999

MINUTES OF THE EIGHTY SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, NOVEMBER 4, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Ngenye Kariuki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Owino Acholla, M.P
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter E. Maundu, M.P.

ABSENT WITH APOLOGY:

The Hon. Kiraitu Murungi, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Mohamed D. Weyrah, M.P.
The Hon. Wycliffe Osundwa, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.393/99 CONFIRMATION OF MINUTES

Minutes of the sittings held on 27th, 28th, 29th, 30th September, and 1st, 5th and 18th October, 1999 were confirmed after being proposed and seconded by Hons. Ngenye Kariuki, M.P. and Musikari Kombo, M.P.; Hon. W.O Ayoki, M.P. and Henry Obwocha, M.P.; Hons. Sulleman Kamolleh, M.P. and Peter Maundu, M.P.; Prof. the Hon. Anyang Nyong'o, M.P. and Hon. W.O. Ayoki, M.P.; Hons. M.A. Galgalo, M.P. and Prof. the Hon. Anyang Nyong, M.P.; and Hons. Kamolleh, M.P. and Galgalo, M.P. respectively.

MIN.NO.394/99 MATTERS ARISING

(a) **Under Min. No.349 (e)** the Committee resolved that the case of construction of Kibabii Teachers College be forwarded to Kenya Anti-Corruption Authority for further investigation. On this note,

it was agreed that most of the persons short listed to be summoned be forwarded to KACA for further investigations.

(b) **Under Min. No.362/99,** it was agreed that the Hon. David Mwenje be reminded to submit the information he promised to the Committee.

(c) **Under Min. No. 367,** the Committee resolved to study in detail the memorandum presented to the Committee by Mr. James Joseph Mungura Mbugua and see whether the persons adversely mentioned could be summoned.

(d) **Under Min. No.368/99,** the Committee resolved that the names of Messrs. Simon Njau Ng'ang'a and Stephen Mwangi be included in the list of people to be summoned.

(e) **Under Min. No.385/99,** the Committee resolved to publish a general letter on 12th November, 1999 to thank all the witnesses in all the provinces for their evidence.

(f) (1) **Under Min. No. 382/99 (b)** the Committee resolved to summon the following persons on 12th November, 1999 at 10.00 a.m.

(i) Ms. Emma Kullos
(ii) Ms. Mary Wamae
(iii) Ms. Halima Shwartz

(2) **Under Min. No. 382(i),** the Committee is yet to make a decision raised under Min. No.344/99 (iv) and (v)

MIN.NO.395/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at thirty five minutes past Twelve O'clock until 11th November, 1999 at 10.00 a.m. in Committee Room County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: December 10, 1999

MINUTES OF THE EIGHTY SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, NOVEMBER 11, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY:

The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wycliffe Osundwa, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Owino Acholla, M.P
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.396/99 **PROGRAMME OF THE COMMITTEE'S WORK**

The Committee discussed the programme of its work and resolved that the three persons namely Messrs. Emma Kullos, Mary Wamae and Halima Shwartz from Norwegian People's Aid be summoned to appear before the Committee on Friday, 19th November, 1999 at 10.00 a.m. in Committee Room County Hall.

MIN.NO.397/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at fifty minutes past Eleven O'clock until 12th November, 1999 at 10.00 a.m. in Committee Room County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: December 10, 1999

MINUTES OF THE EIGHTY EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, NOVEMBER 18, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Owino Acholla, M.P

ABSENT WITHOUT APOLOGY:

The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.398/99 **EVIDENCE**

Mr. Maina Wachira of Centre for Governance and Development (CGD) Nairobi appeared before the Committee as **amicus curie** (a friend of the Committee)and gave an overview of anti-Corruption laws and how linkages could be created within our own institutions for fighting corruption.

That specific laws should be established to deal comprehensively with institutions of **Audit** and **investigation.**

That there is need to establish laws that enforce integrity, for instance;

(i) register of interests by legislators
(ii) laws regulating administration of capital markets etc.
(iii) Enforcable administrative codes
(iv) Mechanism should be set up to allow the public access to public information (This is done in Sweden
(v) Public hearings

(vi) Tender and procurement should be publicly announced. This allows the public to counter check against open tendering procedures and the returns filed by contractors, for instance.

He was advised to consolidate the information he has to give a specific and detailed definition of Economic crimes, giving the relevant examples.

He was also requested to provide a list of perpetrators of corruption as indicated in the past Public Investments and Public Accounts Committees reports by Thursday, November 25, 1999.

Mr. Maina Wachira presented a detailed memorandum to the Committee on what the economic Bill should entail.

MIN.NO.399/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at fifteen minutes past Twelve O'clock until 19th November, 1999 at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: December 10, 1999

MINUTES OF THE EIGHTY NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, NOVEMBER 19, 1999 IN COMMITTEE ROOM, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Owino Acholla, M.P

ABSENT WITH APOLOGY:

The Hon. Henry Obwocha, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Martha Karua, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.400/99 **EVIDENCE**

Mr. Kennedy Ogeto Advocate, appeared before the Committee accompanied by his lawyer Mr. Evans Monari both of Ogeto and Company Advocates P.O. Box 69438, Nairobi and gave evidence under oath:-

They stated thus:-

That Kennedy Ogeto bought house No.160/1/6 Joseph Kangethe Estate (Woodley) from Mr. A. U. Wandera and that he had lost his sale agreement with Mr. A. U. Wandera. That he negotiated the sale agreement through his lawyer, Ms. Mercy Mugo but not directly with Mr. A. U. Wandera. That he had met Mr. A. U. Wandera only once.

At this point the Committee put it to him (Ogeto) that he indeed knew Mr. A. U. Wandera.

He still insisted that he had lost his sale agreement and conceded that he had not reported the loss of the document to the police and so he did not have any abstract report to prove to the Committee that he had indeed lost the document.

That at one time a sale agreement similar to his was published in the press some time ago and that the copy reproduced in the newspaper was a true copy of the sale agreement that he claimed .

That he had done some major renovations to the House in question costing him about 1 million shillings and that he is currently residing in the same house. That the renovations included changing the roof and demolishing some walls of the house. That indeed he had bought this house from Mr. A. U. Wandera and that Mr. A. U. Wandera was the husband of former Nairobi Town Clerk, Mrs. Zipporah Wandera and not her son as earlier alleged.

At this point, the witness was directed to produce a police abstract to the Committee on Thursday 25th November, 1999 as proof that he had lost his sale agreement for the house he bought from Mr. A. U. Wandera.

21 That other officers who gave him instructions on behalf of the council included Mr. Kuria wa Gathoni - Director of City Planning and Ms. Mercy Mugo, Chief Counsel, conveyancing.

That the instructions given by the said officers were verbal and that he could not disclose or furnish the Committee with the instructions he carried out owing to the law of confidentiality between a lawyer and his client.

At this point it was put to him that the Committee had powers to take any evidence from anyone in accordance with the provisions of the National Assembly (Powers and Privileges) Act, Cap 6 of the Laws of Kenya. The witness was directed to provide this information as required by the Committee on Thursday, November 25th 1999 at 10.00 a.m. without fail. That incase the witness encountered any difficulties in obtaining the information he should report this to the Committee so that the necessary action is taken.

He claimed that he was not in a position to provide a list of all properties which he has transferred to private hands on behalf of the council unless he had permission from his client - the city council. He was directed to submit to the Committee this position in writing on Thursday, November 25th 1999 at 10.00 a.m. so that the necessary action can be taken.

He was further directed to provide the evidence as required by the Committee under privilege on the material date.

The witness told the committee that he was never involved in collecting any rates or debts on behalf of the council. That he was appointed by Mr. Ng'eno (Former Town Clerk) to do general work, conveyancing and litigation for the city council of Nairobi.

He pleaded with the Committee to pardon him if he was unable to provide any information `beyond' his control. At this point he was reminded that the Committee must get the information it is seeking since its operations are based on the National Assembly (powers and privileges) Act, Cap 6, which in many respects supersedes the Advocates Act under which he was trying to take cover.

That this information should be availed to the Committee promptly on Thursday, November 25th 1999 at 10.00 a.m. at the same venue.

MIN.NO.401/99 **EVIDENCE**

Messrs: Daniel Kirwa Yego and Kibiego arap Sitienei of P.O. Box 30 Turbo, appeared jointly before the Committee and gave evidence under oath.

They stated thus:-

That their complaint was about a farm L.R. No.9191 which was bought in 1974 from people who had leased the farm from ADC for 30 years. That the farm was bought from Paul Kirwa and others who had leased the farm for 30 years from ADC.

That Paul Kirwa incorporated them into his portion of the farm to buy shares as partners in the Sociot Farm.

That they bought 90 acres from Mr. Paul Kirwa's portion for Kshs.408,416/65 which was paid to ADC in full. That all the fees including survey fees have been paid. That the problem is with the survey Department which is reluctant to subdivide their land for which all payments have been made so that title deeds could be issued to them.

Action

The Committee to write a letter to the District Surveyor, Trans Nzoia to expedite survey work for the witnesses since they have complied with all the requirements for the subdivision of their land.

MIN.NO.402/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at fourty five minutes past Twelve O'clock until Monday, November 22nd 1999 at 2.30 p.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: **December 10, 1999**

MINUTES OF THE NINETIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, DECEMBER 3, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Owino Acholla, M.P
The Hon. Henry Obwocha, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk (Research, Library & Committees)
Miss C. M. Mwambua -		Ag. Principal Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.403/99 **COURTESY CALL ON THE COMMITTEE BY THE HEAD OF THE CIVIL SERVICE**

Dr. Richard Leakey, the Head of the Civil Service and Secretary to the Cabinet, appeared before the Committee to pay a courtesy call. He expressed his opinion on the Committee's responsibility in matters of curbing corruption in the Country and specifically in the public service. The Committee will summon him to appear before it and give evidence if need be. He was willing to do so when called upon.

MIN.NO.404/99 **COURTESY CALL ON THE COMMITTEE BY THE FORMER COMMISSIONER, HONG KONG INDEPENDENT COMMISSION AGAINST CORRUPTION**

Mr. Bertrand de Speville, the former Commissioner, Hong Kong Independent Commission against corruption appeared before the Committee to pay a courtesy call and expressed his opinion on corruption and discussed at length on how and what the Committee can do to curb the menace in the society.

MIN.NO.405/99 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at forty minutes past One O'clock until Tuesday, December 7th, 1999 at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **December 17,1999**

MINUTES OF THE NINETY-FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, DECEMBER 7, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wycliffe Osundwa, M.P.

ABSENT WITH APOLOGY: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Owino Acholla, M.P

ABSENT WITHOUT APOLOGY: The Hon. W.O. Ayoki, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Martha Karua, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN.NO.406/99 **COURTESY CALL ON THE COMMITTEE BY MR. MUTAHI NGUNYI OF CIDA**

Mr. Mutahi Ngunyi a Consultant, paid a courtesy call to the Committee as a Consultant for CIDA and sought to know how the CIDA sponsored trip to Canada by Chairmen of Departmental Committees had impacted on the operations and activities of the Committee and how CIDA could help to support the Committee in its operations. He told the Committee that he was in the process of writing an evaluation report on the Canadian support to Kenya and Uganda. He was advised to appear before the Committee in January and give evidence, that he could forward a paper he claimed to have written to the Committee for perusal before then.

MIN.NO.407/99 **THE COMMITTEES REPORT**

It was agreed that more evidence be sought on the following areas where mega corruption was sited to have thrived; N.S.S.F, Goldenberg, Karura Forest, City Hall, Post Office, Ministry of Lands and Public Works. That all the evidence adduced be included in the Committee's report.

The Chairman reported that he had met with the Director of Transparency International, Mr. John Githongo, who intimated that his

organisation was willing to provide expertise to work with the Secretariat to peruse through all Committee documents i.e Memoranda, Minutes and Hansard transcriptions about the Committees deliberations and compile all this information into a draft report.

The Committee recommended that Transparency International be approached by the Chairman to provide support to the Secretariat towards the drafting of the Report, and that the Committee plans for a retreat sometimes in January, 2000, when this work can be done.

MIN.NO.408/99 **THE ANTI-CORRUPTION AND ECONOMIC CRIMES BILL, 2000**

It was agreed that:-

(i) The Committee contacts Mr. Bertrand de Speville of U.K and Mr. Steve Mwenesi to work with Ms. Linda Murila, the Parliamentary Counsel from the Attorney-General's Chambers and the drafting Committee on the Bill.

(ii) Mr. Rick Stapenhurst of World Bank be invited to work along with the experts and the drafting Committee.

(iii) The drafting of the Bill and the foreign trips will take place simultenously; with the Bill and Report taking priority.

(iv) That the Committee meets on Friday, 10th December, 1999 to draw-up the programme for the Committee's work during the recess and another meeting be held on 15th December, 1999 to lay strategies on the drafting of the Bill, the proposed retreat and the Report.

MIN.NO.409/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at twenty minutes past Twelve O'clock until Friday, December 10th, 1999 at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **December 17, 1999**

MINUTES OF THE NINETY-SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, DECEMBER 10, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Owino Acholla, M.P
The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY: The Hon. Martha Karua, M.P.

ABSENT WITHOUT APOLOGY: The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.410/99 **CONFIRMATION OF MINUTES**

Minutes of the sittings held on 29th October, 4th, 12th and 19th November, 1999 were confirmed by Members present and signed by the Chairman.

MIN.NO.411/99 **MATTERS ARISING**

(i) The Committee noted that on 19th November, 1999, the Hon. Sammy P. Leshore, M.P, was absent with apology since he had travelled out of the Country.

(ii) **Under Min.No.349/99 (e),** the Committee deleted the name **`Committee'** and replaced with the name **`Secretariat'.**

(iii) **Under Min.No.349/99 (f),** the Committee resolved to summon three Norwegian People's Aid officials to appear before the Committee on Friday 17th December, 1999.

(iv) **Under Min.No.400/99,** the Committee resolved to set a date in January 2000 for Mr. Kennedy Ogeto to appear and provide information as required by the Committee on 18th November, 1999.

MIN.NO.412/99 **PROGRAMME OF COMMITTEE'S WORK**

CHAIRMAN'S REPORT

- That the Committee has a lot of information from evidence adduced by witnesses, memos, the Hansard recordings, PIC & PAC past reports (from Mr. Ndung'u & Lago). It is time that this information was put together to form the Committee report and draft Bill.

- That the drafting Sub-Committee needs to be boosted by inclusion of experts in the names of Mr. Bertrand de Speville of U.K and Mr. Steve Mwenesi of Attorney-General's Chambers.

- That the British High Commission is willing to avail Mr. De Speville at their expense.

  Expenses: Transparency International is willing to assist in this regard.

- That Transparency International is willing to peruse all the materials and information available to the Committee and compose a report and that the organisation was also willing to provide experts to work with the Secretariat and the drafting Committee headed by Prof. Anyang' Nyong'o, M.P and the Chairman together with Mr. Maina Wachira.

- That the Sub-Committee goes for a retreat to do the drafting, and be joined by the rest of the Committee later on for 3 days.

SUGGESTIONS

- A Raw report - all the submissions, findings, presentations - the way it is - then have it edited by the Committee.

- Sub-Committee to draw up the programme for adducing evidence on mega corruption.

- The Hon. Henry Obwocha, M.P to work with Controller and Auditor General (C&AG) officers to peruse through PIC & PAC past reports and report to the Committee.

MIN.NO.413/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at ten minutes past One O'clock until Tuesday, December 14th, 1999 at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: December 17, 1999

MINUTES OF THE NINETY-THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, DECEMBER 14, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Owino Acholla, M.P
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.414/99 **PROGRAMME OF COMMITTEE'S WORK**

How to go about it:-

(i) That the report will be tackled in 3 units:-

Hon. Henry Obwocha, M.P with his team on PIC and PAC past reports will report to the Committee on Friday, 17th December, 1999.

(ii) The Sub-Committee on Agenda and the way forward:-

(a) Memoranda - Hon. W.O. Ayoki, M.P
(b) Summons
(c) The Report.

The above will come up with those who should be summoned.

(iii) The Legal (draft) Committee:-

(a) To liaise with Attorney-General and his agent (Linda) to come up with the legal structure of the report.

Hon. Kiraitu Murungi, M.P to lead this Sub-Committee and report to the Committee.

That all these units will make their reports to the Main Committee

After lengthy deliberations, it was agreed that the Committee meets from Tuesday 21st, Wednesday 22nd and Thursday 23rd, 1999 in order to complete all the work on documentation and then adjourn until Monday 10th January, 2000. That all the meetings will begin at 10.00 and run throughout the day.

MIN.NO.415/99 **ADJOURNMENT**

And there being no other business, the Vice-Chairman adjourned the Sitting at Twelve O'clock until Friday, December 17th, 1999 at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: December 17, 1999

MINUTES OF THE NINETY-FOURTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, DECEMBER 17, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Owino Acholla, M.P
The Hon. Ngenye Kariuki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITH APOLOGY: The Hon. Martha Karua, M.P.

ABSENT WITHOUT APOLOGY: The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.416/99 **CONFIRMATION OF MINUTES**

Minutes of the Sittings held on 3rd, 7th, 10th and 14th December were confirmed after being proposed and seconded by Hon. Sulleman Kamolleh, M.P and Hon. Owino Acholla, M.P; Hon. Wycliffe Osundwa, M.P and Hon. Peter Maundu, M.P; Hon. Owino Acholla, M.P and Hon. Wycliffe Osundwa, M.P; and Hon. W.O. Ayoki, M.P and Hon. Mohamed Weyrah, M.P.

MIN.NO.417/99 **MATTERS ARISING**

(i) **Under Min No.411(iii),** the Committee resolved after lengthy discussions that the Norwegian People's Aid officials together with other witnesses whom the Committee is planning to summon, be summoned starting from 10th January, 2000.

(ii) **Under Min No.414(i)** the Committee resolved that Hon. Henry Obwocha, M.P, reports to the Committee on PIC and PAC past reports on Monday 20th December, 1999.

After a lengthy discussions, it was resolved that the Committee meets on Monday 20th and Tuesday 21st December only and not on 23rd December as earlier planned.

MIN.NO.418/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at forty minutes past Eleven O'clock until Monday, December 20th, 1999 at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: January11, 2000

MINUTES OF THE NINETY-FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, DECEMBER 20, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Owino Acholla, M.P
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.

ABSENT WITH APOLOGY: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITHOUT APOLOGY: The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.419/99 **SCRUTINY OF MEMORANDA**

The Committee scrutinised and serialised the various memoranda received from the public and classified them into various categories. Members volunteered to continue with the exercise in the afternoon.

MIN.NO.420/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until Tuesday, December 21st, 1999 at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **January 18, 2000**

MINUTES OF THE NINETY-SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, DECEMBER 21, 1999 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Owino Acholla, M.P
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Peter E. Maundu, M.P.

ABSENT WITH APOLOGY: The Hon. Martha Karua, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITHOUT APOLOGY: The Hon. Ngenye Kariuki, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN.NO.421/99 **SCRUTINY OF MEMORANDA**

The Committee continued with the scrutiny and of classification of the memoranda into various categories as follows:-

(i) Provincial Administration - Hon. Sammy P. Leshore, M.P
(ii) Judiciary - Hon. W.O. Ayoki, M.P.
(iii) Local Authorities & Parastatals - Hon. Sulleman Kamolleh, M.P
(iv) Land issues - Hon. Owino Achola, M.P
(v) General issues - Hon. Musikari Kombo, M.P; Hon. Mohamed A. Galgalo, M.P; and Hon. Peter E. Maundu, M.P.

MIN.NO.422/99 **PIC AND PAC REPORTS**

Hon. Henry Obwocha, M.P, gave a brief report on cases highlighted in the PIC and PAC reports from 1974 to 1995 as extracted by officers from the Controller & Auditor-General and Auditor-General (Corporations) and expressed concern that most of the cases were not included. He undertook to submit a more comprehensive report to the Committee by January 10th, 2000, when the Committee resumes its sittings for the new year.

MIN.NO.423/99 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until Monday, January 10th, 2000 at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: **Hon. Musikari N. Kombo MP**
(Chairman)

DATE: **Janaury 18, 2000**

MINUTES OF THE NINETY-SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, JANUARY 11, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 11.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Ngenye Kariuki, M.P.

ABSENT WITH APOLOGY:

The Hon. Owino Acholla, M.P
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Wanyiri Kihoro, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN.NO.424/2000 **THE ANTI-CORRUPTION AND ECONOMIC CRIMES BILL, 2000**

The Chairman informed members that letters had already been sent out inviting experts to assist in the drafting of the Bill and report.

However, the members heard that Mr. Speaker had advised that these experts be involved in discussing a draft that has already been compiled by the Committee instead of them being involved at the drafting level. Members were in concurrence with this view.

MIN.NO.425/2000 **PERSONS TO BE SUMMONED**

A compiled list of persons to be summoned was presented to the Committee, and it was agreed that these persons will be summoned as at and when their evidence is absolutely necessary to the Committee.

It was also agreed that Justice Otieno Kwach be included.

MIN.NO.426/2000 **COMMITTEE'S WORKPLAN**

It was agreed that the Chairman dissolves into two main sub-Committees i.e. (i) the drafting sub-committee on the Bill, - to be headed by Hon. Kiraitu Murungi, M.P. and (ii) the sub-committee for drafting the Report - this will be headed by the Hon. (Prof) Anyang Nyong'o, M.P. assisted by Hon. Ngenye Kariuki, M.P.

It was also agreed that all members of Parliament whose names were mentioned during the evidence adduced by witnesses be accorded a hearing by the Committee before the report is written, and further that the Committee reconvens today, Tuesday, 11th January, 2000 at 2.30 p.m. to peruse through the list of the persons to be summoned for purposes of short listing the names of those who really have to be summoned.

MIN.NO.427/2000 ANY OTHER BUSINESS

The Chairman thanked members of the Committee for having sacrificed their time to attend the sitting and appealed for their continued support.

MIN.NO.428/2000 ADJOURNMENT

And there being no other business, the Chairman adjourned the Sitting at twenty minutes past eleven O'clock until this afternoon at 2.30 p.m.

AFTERNOON

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Peter E. Maundu, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.

ABSENT WITH APOLOGY:

The Hon. Kiraitu Murungi, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITHOUT APOLOGY

The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Martha Karua, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wanyiri Kihoro, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN.NO.429/2000 PERSONS TO BE SUMMONED

(a) From Min. No. 145/99, the Committee recommended that the case involving the Land Registrar, Kiambu be referred to K.A.C.A. for further action, and that all such cases be referred to the relevant authorities for further action. That one letter be addressed to the Director KACA, with different (relevant) case numbers.

(b) (i) From Min. No. 161/99, the Committee recommended that Mr. John Githinji Wang'ondu of P.O. Box 280, Othaya, be summoned to substantiate claims made by him to the Committee and provide the information he promised to provide. And that all the other witnesses mentioned in this minute be left in abeyance until Mr. Wang'ondu has clarified his allegations then the Committee will make a decision.

(ii) That a cheque of Kshs. 2 million alleged to have been attached to a circular letter allegedly circulated by the D.O. Othaya which mentioned the names of Hon. Martha Karua, M.P. and Hon. Wanyiri Kihoro, M.P. be further investigated (Action; Hon. Maundu to follow up the matter).

(c) (i) From Min. No. 162/99, the Committee recommended that the Town Clerk, Nyeri Municipal council be summoned to clarify and provide evidence concerning the allocation of 200 acres of Kabiruini Forest to Agricultural Society of Kenya (A.S.K.) and allegations made in Min. No. 175/99.

(ii) Letters be written to the A.S.K. to confirm the status of the allocation of Kabiruini forest and another one to the Permanent Secretary, Ministry of Natural Resources to confirm degazettement of the same.

(d) From Min. No. 183/99, the Committee recommended that the mayor of Embu Municipality be summoned together with the Town Clerk to substantiate the allegations contained therein with a view to referring the case to KACA for further action.

(e) From Min.No. 248/99 - Hon. Ayoki to advise the Committee on Hon. C.S. Jirongo's involvement in the settlement of squatters in Lugari Forest.

(f) From Min. NO. 260/99 - the Committee recommended that all land cases be categorised each on its own merit in a general paragraph in the report.

(g) (i) From Min. Nos. 268/99 and 269/99 the Committee recommended that the Town Clerk, Eldoret Municipal Council be summoned to clarify allegations raised therein.

(ii) That Hon. Joseph arap Leting, M.P. be summoned in Connection with acquisition of a council plot at Wareng County Council.

MIN.NO.430/2000 ADJOURNMENT

And there being no other business, the Chairman adjourned the Sitting at thirty minutes past Four O'clock until Wednesday, 12th January, 2000, at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: January 18, 2000

MINUTES OF THE NINETY-EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, JANUARY 12, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Sammy P. Leshore, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITH APOLOGY:

The Hon. Martha Karua, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Wanyiri Kihoro, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN.NO.431/2000 **THE ANTI-CORRUPTION AND ECONOMIC CRIMES BILL, 2000**

The Hon. Henry Obwocha, M.P, Chairman of the PIC and PAC reports analysis sub-committee presented a detailed and comprehensive report to the Committee regarding cases highlighted in the past PIC and PAC reports between 1974 and 1996. He sighted about 200 cases that needed further investigation.

MIN.NO.432/2000 **PRESS STATEMENT**

The Committee gave a brief statement to the members of the press at 11.30 a.m.

MIN.NO.433/2000 **PERSONS TO BE SUMMONED - RECOMMENDATIONS**

(i) From Min. No. 268/99, the Committee recommended that the Rev. Nicholas Kiptoo Misoi be summoned in connection with the sub-division of Tungoin Farm in Uasin District and that all land cases that come to the attention of the committee be compiled and recommendations made regarding all of them.

(ii) From Min. No. 269/99, the Committee recommended that the D.C. Uasin Gishu District be summoned in connection with the settlement of squatters at Turbo Forest.

(iii) From Min. No. 270/99, the Committee recommended that the case of Ex-cullen farm in Moi's Bridge be referred to KACA for further investigation and that the same applies to the case in Min. No.272/99.

(iv) From Min. No. 282/99, the Committee recommended that the Hon. Yusuf Mohammed Haji, M.P. and the Town Clerk, Nakuru Municipal Council, Mr. Earnest Kiarie, be summoned in connection with allegations contained therein.

(v) From Min. No.284/99 the Committee recommends that all the persons mentioned adversely in this minute be summoned to clear their names.

(vi) The Committee recommends that all the persons mentioned in Min. No. 286/99 be summoned to clear their names and that the Town Clerk Nakuru Municipal Council, Mr. Earnest Muibu Kiarie be called to substantiate allegations contained in Min. No. 287/99 and Min. No. 289/99.

MIN.NO.434/2000 **ADJOURNMENT**

And there being no other business, the Acting Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until this afternoon at 2.30 p.m.

AFTERNOON SITTING

PRESENT:

The Hon. Peter E. Maundu, M.P.
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. W.O. Ayoki, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.

The Hon. Mohamed D. Weyrah, M.P.

ABSENT WITHOUT APOLOGY

The Hon. Owino Acholla, M.P
The Hon, Wanyiri Kihoro, M.P.

MIN.NO.435/2000 RECOMMENDATIONS

(i) From Min. No. 189/99 and 195/99 the Committee recommended that the Town Clerk, Garissa Town Council be summoned to clarify allegations contained in those minutes.

(ii) From Min. No. 207/99 the Committee recommended that the Town Clerk, Kisumu Municipal Council be summoned therein and also in Min. No.211/99.

MIN.NO.436/2000 ADJOURNMENT

And there being no other business, the Acting Chairman adjourned the Sitting at Twenty minutes past Four O'clock until Thursday, 13th January, 2000, at 10.00 a.m.

CONFIRMED: Hon. Musikari N. Kombo MP
(Chairman)

DATE: Janaury 18, 2000

MINUTES OF THE NINETY-NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, JANUARY 17, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Ngenye Kariuki, M.P.

ABSENT WITH APOLOGY:

The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Sammy P. Leshore, M.P.
The Hon. Martha Karua, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.437/2000 RECOMMENDATIONS

(a) From Min. No. 221/99, the Committee recommends:-

(i) That plot No. Kisumu Block 81231 reverts to its original status (the subdivision be cancelled).

(ii) That the Town Clerk, Kisumu Municipal Council, Mr. Wycliffe Oduor Ogallo and the Commissioner of Lands be summoned to appear before the Committee in connection with allocation of plots within the Municipality of Kisumu.

(iii) That the Town Clerk be reminded to submit the memoranda of information as advised by the Committee in the last paragraph.

(b) **From Min. No. 222/99, the Committee recommends:-**

That the Ministry of Roads and Public Works be approached to provide the committee with Government Policy on allocation of Government Houses.

(c) **From Min. No. 229/99, the Committee recommends:-**

That Block 11/90 reverts back to its original status (for expansion of Sunset Hotel, Kisumu).

(d) **From Min. No. 231/99, the Committee recommends:-**

That the Receivership Act be overhauled (revised) in the light of all the parastatals that were placed under receivership in the country.

That the Committee comes up with a comprehensive legislation that gives alternatives to Civil Servants in order to curb corruption.

(e) **From Min. No. 248/99, the Committee recommends:-**

That the Provincial Commissioner, Nyanza, Mr. Peter Raburu, be summoned to appear before the Committee in connection with settlement of squatters in Lugari Forest. That he should appear along with Hon. Cyrus Jirongo.

(f) **From Min. No. 295/99, the Committee recommends:-**

That H.E. Philemon Mwaisaka, be summoned to appear before the Committee in connection with a land case in Kilifi against a one Ali Mwinyi Hamisi of P.O. Box 80953, Mombasa.

(g) **From Min. No. 299/99 and 313/99, the Committee recommends:-**

That Hon Darius Mbela, M.P, be summoned to appear before the Committee in connection with plot Nos.483 and 484 Tiwi.

(h) **From Min. No. 303/99, the Committee recommends:-**

That Hon Rashid Sajjaad, M.P, be summoned to appear before the Committee in connection with the acquisition of Ganjoni Civil Servants Houses.

(i) **From Min. No. 320/99, the Committee recommends:-**

That the former District Commissioner, Malindi, Mr. Harry Wamubeyi and former District Commissioner, Kilifi, Mr. Lukas Kosilbet, be summoned in connection with 2160 and 62 hectares in Ngomeni in Magarini, Malindi.

(j) **From Min. No. 329/99, the Committee recommends:-**

That Hon. Karisa Maitha, M.P, be summoned to appear before the Committee in connection with two plots at Moine Drive near Nyali Police Station, acquired by Makuti Enterprises, of which he is the Managing Director.

(k) **From Min. No. 331/99, the Committee recommends:-**

That two brothers, Mr. Christopher Horsey and Mr. David Horsey, be summoned to appear before the Committee in connection with the operations of Civico and Truckoil Companies.

It was then agreed that the list of all the persons to be summoned be revisited with a view to trimming it down to key persons who will then be summoned to appear before the Committee to clear their names.

MIN.NO.438/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at thirty five minutes past four O'clock until Tuesday, 18th January, 2000, at 10.00 a.m.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: January 18, 2000

MINUTES OF THE HUNDREDTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, JANUARY 18, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY: The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITHOUT APOLOGY: The Hon. Martha Karua, M.P.
The Hon. Peter E. Maundu, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.439/2000 **CONFIRMATION OF MINUTES**

Minutes of the sittings held on 21st December, 1999, 11th, 12th and 17th January, 2000 were confirmed after being proposed and seconded by Hon. W.O. Ayoki, M.P and Hon. Wycliffe Osundwa, M.P; Hon. Kiraitu Murungi, M.P and Prof. the Hon. Anyang' Nyong'o, M.P; Hon. Kiraitu Murungi, M.P and Hon. W.O. Ayoki, M.P; and Hon. Wycliffe Osundwa, M.P and Hon. Kiraitu Murungi, M.P, respectively.

MIN.NO.440/2000 **MATTERS ARISING**

(i) **From Min. No. 429/2000(e),** Hon. W.O. Ayoki, M.P will advise the Committee tomorrow.

(ii) **From Min. No. 433/2000(ii),** the District Commissioner, Uasin Gishu, at the time of the settlement of squatters in Turbo Forest be summoned to appear before the Committee in connection with that matter and **NOT** the Office of the District Commissioner.

(iii) **From Min. No. 437/2000,** the Committee recommends that

(a) the Legal Sub-Committee advises the Committee in connection with the Receivership Act.

(b) Mr. Peter Hewett be summoned in connection with 2160 and 62 hectares in Ngomeni in Magarini, Malindi.

(iv) The Committee expressed concern that the very pertinent issues expressed by Members on 13th January, 2000 and 14th January, 2000 were not recorded. The Secretariat was directed to consult with those senior members of the secretariat who were present during those two sittings and construct Minutes for the Committee.

MIN.NO.441/2000 HON. HENRY OBWOCHA'S REPORT

A detailed and comprehensive Report on cases extracted from past PIC and PAC reports was presented to the Committee. This report was compiled by Hon. Henry Obwocha, M.P. The Committee went through it and recommended that the whole document be condensed into a prose format and that the Committee comes up with recommendations that express concern over the Wanton destruction of public funds and assets e.g the construction of the Eldoret Airport, the purchase of the Presidential Jet and many others.

The Committee then recommends that these cases be refered to Kenya Anti-Corruption Authority (KACA) for further investigations and action.

RECOMMENDATIONS

1. The Committee recommended that the Receivership Law be overhauled to seal any loopholes for exploitation of public coffers.

2. That the Golden-berg deal was irregular and illegal - no export compensation should be paid for "processed" goods but for "originating" goods. There are no gold mines in Kenya, so the gold in question had been imported from elsewhere for processing and compensation should not have been paid for it.

3. It is the consideration of the Committee that monies were obtained from Central Bank through 'Kiting' or inter bank borrowing without the Central Bank of Kenya establishing the credibility of the borrowing banks. The Committee therefore recommends that KACA investigates the Directors of these Banks with a view to establishing whether Central Bank of Kenya had prior knowledge of the deceitful acts by these Bank Directors e.g Trade Bank, Exchange Bank and Post Bank Credit.

MIN.NO.442/2000 ADJOURNMENT

And there being no other business, the Vice-Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until this afternoon at 2.30p.m.

AFTERNOON SITTING

PRESENT: The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITHOUT APOLOGY: The Hon. Martha Karua, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.443/2000 CONFIRMATION OF MINUTES

Minutes of the sitting held on 20th December, 1999, were confirmed after being proposed and seconded by Hon. Henry Obwocha, M.P and Hon. Ngenye Kariuki, M.P, respectively.

MIN.NO.444/2000 RECOMMENDATIONS

(i) Purchase of Government houses and residential properties in South C - the right procedures were not followed and the prices were inflated from £62,000 to £82,500 per unit.
Recommendation: That more information be obtained from the Controller and Auditor General regarding the procedure of acquisition of such property, and the financiers of the deal to enable the Committee make the necessary recommendations.

(ii) Purchase of tractors for County Councils - the Committee was concerned that the Ministry of Finance paid for these tractors whose ownership cannot be currently established.
Recommendation: That the verbatim report for the 1994/95 PAC report, paragraph 59, Ministry of Finance be studied to establish the current position of ownership of those tractors.

(iii) **Sale of Parastatals**

That 10million pounds was not remitted to the Treasury after the sale of various parastatals. These were:-

- Meru Ginery
- Mwea Ginery
- Homa-Bay Hotel
- Golf Hotel, Kakamega
- Embu Hotel
- Kenya Flouspar mines
- A.D.C Farms
- I.C.D.C
- Cotton Board of Kenya (Gineries)
- KTDC (Hotels)
- National Cereals and Produce Board

Recommendation: That these cases be looked at individually or be referred to Kenya Anti Corruption Authority (KACA) for further investigation to establish the position of the funds.

(iv) **Illegal importation of Cars by M/s Sheraton International.**

That six (6) Macedes Benz cars were illegally imported by Mr. Philip Moi, purportedly for the Sudanese Embassy. These cars were imported duty free, thus evading a duty of about 30million shillings, and then registered as private vehicles.

That one of these vehicles was registered as KAA 971S and later fraudulently changed to KAD 738Q. That this transaction was carried out by Mr. Philip Moi in conjunction with Mr. Muzahim Mohamed through their Company, Sheraton International.

Recommendation: That the culprits be arrested and charged for fraud and tax evasion.

MIN.NO.445/2000 ADJOURNMENT

And there being no other business, the Acting Chairman (Hon. W.O. Ayoki, M.P) adjourned the Sitting at fifteen minutes past four O'clock until Wednesday, 19th January, 2000, at 10.00 a.m.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: January 20, 2000

MINUTES OF THE HUNDRED AND FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, JANUARY 19, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.446/2000 **COMMITTEES' WORK PLAN**

It was agreed that:

(i) The drafting Sub-Committee meets on Tuesday, 26th January, 2000 at 10.00 a.m to review the drafting process.

(ii) Today's meeting be a brainstorming one on the contents and the structure of the draft Bill.

(iii) That the Sub-Committees present their drafts to the Main Committee by January 31, 2000 at 10.00 a.m.

(iv) That the experts in attendance present a general outlook of the proposed Economic Crimes Bill and what aspects the Bill should cover in order to contain and close loopholes that may be used as avenues of corrupt practices e.g Government financial regulations, tendering procedures, *etc.*

- That the Bill be titled ***"The Economic Crimes and Anti-Corruption Act"***.

- That the definition of corruption be broad enough to cover various categories of offences e.g economic crimes, abuses of office, *etc.*

- Prosecution - That a separate department be set up to deal with economic crimes within the framework of the judiciary and that judges serving in this department be vetted by Parliament.

- That the Bill will be a Consolidative Law - should harmonise all other legislations to reduce, if not remove all the truncation within the various sections of Government.

MIN.NO.447/2000 **STRUCTURE OF THE DRAFT REPORT**

RECOMMENDATIONS:

It was agreed:-

- That a recommendation be made to link the Government's budgetary system to Parliament for more effective scrutiny - that the Committees of Supply and Ways and Means are too large to effect a thorough scrutiny of the budget or any monies voted by Parliament.

- That the Office of the Controller and Auditor-General be strengthened and that provisions be made to establish an office of an Auditor for Local Authorities.

- That the establishment of the office of an Obundsman be considered.

- That effective measures of curbing corruption be recommended.

- That perpetrators be given six (6) months, within which to negotiate amnesty.

MEASURES

(i) Laws from various countries be looked at in the light of making recommendations for effective measures against corruption and corrupt individuals.

(ii) It was recommended that the Prevention of Corruption Act (Cap 65) be repealed and replaced by the new law.

(iii) That the drafting Sub-Committee comes up with proposals on whether harambees should be abolished or continued and propose more effective ways of dealing with it.

(iv) That the Anti-Corruption Committee becomes a Standing Committee of Parliament.

MIN.NO.448/2000 ADJOURNMENT

And there being no other business, the Vice-Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until this afternoon at 2.30p.m.

AFTERNOON SITTING

PRESENT: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Henry Obwocha, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon.Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITHOUT APOLOGY: The Hon. Martha Karua, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.449/2000 CONFIRMATION OF MINUTES

Minutes of the sitting held on 18th January, 2000, were confirmed after having been proposed and seconded by Hon. Ngenye Kariuki, M.P and Hon. W.O. Ayoki, M.P, respectively.

MIN.NO.450/2000 MATTERS ARISING

(i) **From Min. No. 441/2000,** It was agreed that the paragraph and the year of the report in reference be indicated against Minute No.444/2000 to indicate continuity from Min.No.441/2000.

(ii) **From Min. No. 440/2000(i),** the Hon. W.O. Ayoki, M.P, briefed the Committee on the names mentioned in various memoranda sent to the Committee by the public as follows:-

(a) Hon. David ole Sankori, M.P, in connection with illegal acquisition of land in Kajiado District.

(b) Hon. Julius Sunkuli, M.P, in connection with illegal acquisition of ranch land in Trans Mara District.

(c) Mr. Samuel Gichuru, Managing Director, Kenya Power & Lighting Company, in connection with obtaining a bribe of Kshs.30million to award a tender for supply of transformers to a one Harish Devani.

(d) Hon. Henry Kosgei, M.P, in connection with his involvement in the liquidation of Kenya National Assurance Company (KNAC)

MIN.NO.451/2000 ADJOURNMENT

And there being no other business, the Vice-Chairman adjourned the Sitting at fifteen minutes past four O'clock until Thursday, 20th January, 2000, at 10.00 a.m.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: January 21, 2000

MINUTES OF THE HUNDRED AND SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, JANUARY 20, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.452/2000 CONFIRMATION OF MINUTES

Minutes of the sitting held on 19th January, 2000, were confirmed by Members present and signed by the Chairman.

MIN.NO.453/2000 MATTERS ARISING

(a) **From Min. No. 446/2000(iv),** the Bill be titled ***"The Economic Crimes and Anti-Corruption Bill"***.

(b) **From Min. No. 447/2000(Second paragraph):**

(i) That the auditing of Local Authorities be considered in the light of PAC recommendations in the 1994/95 Report.

(ii) That the principle of amnesty be considered.

(iii) That the third paragraph be deleted.

(c) **From Min. No. 450/2000,** a Sub-section (e) which reads as follows, be added; **"other names are contained in the PIC & PAC reports also found in the minutes of the Committee sittings".**

MIN.NO.454/2000 REPORT ON THE PAST PIC AND PAC REPORTS

The Members continued with the perusal and recommendations of the report on past PIC and PAC reports as follows:-

(i) **Diversion of transit goods:-** The Committee was concerned that transit goods were diverted into the local market without paying duty and recommended that the cases be referred to Kenya Anti-Corruption Authority (KACA) for further investigations and action.

(ii) **Failure to collect Revenue in Mombasa:-** The Committee noted that goods were released from the Mombasa Port without paying duty and recommended that the case be referred to KACA for investigation and action.

(iii) **Failure to collect import duty at Jomo Kenyatta International Airport and Mombasa Airport (Paragraph 80)** the case be refered to KACA.

(iv) **Uncancelled Security bonds in KJIA (paragraph 86 & 87)** the case to be refered to KACA.

(v) **Payment of goods not delivered:-** The Committee was concerned that this was a major corruption and recommended:

(a) that Committee agrees with PAC 1996/97 recommendations.

(b) that officers involved be prosecuted and the case be refered to KACA for further investigation and action.

(c) That Mr. Ketan Somaia's property be attached by KACA pending further investigations and prosecution of Mr. Somaia and Government officers who facilitated the payment for goods not delivered to Office of the President.

MIN.NO.448/2000 ADJOURNMENT

And there being no other business, the Vice-Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until this afternoon at 2.30p.m

AFTERNOON SITTING

PRESENT: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. W.O. Ayoki, M.P.

The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Henry Obwocha, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon.Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Martha Karua, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.450/2000 MATTERS ARISING

(i) **From Min. No. 441/2000,** It was agreed that the paragraph and the year of the report in reference be indicated against Minute No.444/2000 to indicate continuity from Min.No.441/2000.

(ii) **From Min. No. 440/2000(i),** the Hon. W.O. Ayoki, M.P, briefed the Committee on the names mentioned in various memoranda sent to the Committee by the public as follows:-

(a) Hon. David ole Sankori, M.P, in connection with illegal acquisition of land in Kajiado District.

(b) Hon. Julius Sunkuli, M.P, in connection with illegal acquisition of ranch land in Trans Mara District.

(c) Mr. Samuel Gichuru, Managing Director, Kenya Power & Lighting Company, in connection with obtaining a bribe of Kshs.30million to award a tender for supply of transformers to a one Harish Devani.

(d) Hon. Henry Kosgei, M.P, in connection with his involvement in the liquidation of Kenya National Assurance Company (KNAC)

MIN.NO.451/2000 ADJOURNMENT

And there being no other business, the Vice-Chairman adjourned the Sitting at fifteen minutes past four O'clock until Thursday, 20th January, 2000, at 10.00 a.m.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: January 21, 2000

MINUTES OF THE HUNDRED AND SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, JANUARY 26, 2000 IN COMMITTEE ROOM, COUNTY HALL AT 2.30 P.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Owino Acholla, M.P
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITH APOLOGY:

The Hon. Kiraitu Murungi, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed D. Weyrah, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.471/2000 **CONFIRMATION OF MINUTES**

Minutes of the sittings held on 24th and 25th January, 2000, were confirmed after having been proposed and seconded by Hon. Wycliffe Osundwa, M.P and Hon. Sammy P. Leshore, M.P respectively.

MIN.NO.472/2000 **MATTERS ARISING**

(i) **From Min. No. 465/2000(6)(b),** all Land Acts should be reviewed to come up with a comprehensive Land Act.

(ii) A full list of all matters requiring further investigation and action by Kenya Anti-Corruption Authority be drawn up.

(iii) **From Min. No. 469/2000(c),** it was agreed that:

(a) All the Honourable Members who have been adversely mentioned by witnesses when presenting their evidence be summoned on various dates to appear before the Committee and clear their names, and that the following

Members be summoned to appear before the Committee on Tuesday, 1st February, 2000 at 10.00 a.m.

- The Hon. Darius Mbela, M.P.
- The Hon. Julius Sunkuli, M.P.
- The Hon. Oloo Aringo, M.P.
- The Hon. Mohamed Yussuf Haji, M.P.
- The Hon. J.T. arap Leting, M.P.

(b) That the rest of the Honourable Members be summoned on dates to be decided later. These are:-

- The Hon. Henry Kosgey, M.P.
- The Hon. David Sankori, M.P.
- The Hon. Simeon Mkalla, M.P.
- The Hon. Karisa Maitha, M.P.
- The Hon. Lawrence Sifuna, M.P.
- The Hon. P.K. Muiruri, M.P.
- The Hon. Muhika Mutahi, M.P.

MIN.NO.473/2000 MATTERS ARISING

The Members deliberated on memoranda touching on those Honourable Members that were adversely mentioned by witnesses during their evidence before the Committee to establish the reasons why they should be summoned, and made recommendations as follows:-

1. **The Hon. Mohamed Yussuf Haji, M.P** - concerning land allocation to undeserving people in Dundori Forest, Nakuru, which was meant for settlement of squatters.

   Recommendation:

   That the undeserving beneficiaries of the land in Dundori Forest, Nakuru, surrender the land for re-settlement of squatters as originally intended.

2. **The Hon. J.T. Leting, M.P** - allegedly allocated a plot fronting Wareng County Council illegally.

   Recommendation:

   Councillor Priscillar Cherop of Wareng County Council be contacted by phone to provide the details of LR.Nos and when the allocation of the said plot was made to the Committee, so that the matter could then be dealt with.

3. **The Hon. Oloo Aringo, M.P** - allocated a plot in the Nucleus Estate of Muhoroni Sugar Company and failed to pay

Kshs.258,000/ for it. To explain to the Committee why he had to be allocated land in the first place.

Recommendation:

The Committee recommended that this land should not have been allocated to individuals and should revert to its original owner (Muhoroni Sugar Company).

4. **ADDITIONAL INFORMATION**

The Committee heard more information touching on Hon. Mohamed Yussuf Haji, M.P, that he used his office when he was Provincial Commissioner to acquire land illegally in the following areas:-

(i) Mwakirungi, Mtwapa, Coast Province - 60 acres currently occupied by squatters.

(ii) Kakamega Forest - 40 acres (acquired when he was Provincial Commissioner, Western Province).

(iii) Ngata Farm, Nakuru - 200 acres (acquired when he was Provincial Commissioner, Rift Valley Province).

(iv) Ndabibi Farm - 80 acres (acquired when he was Provincial Commissioner, Rift Valley Province).

(v) Madogo, Ziwani Sub-Location, Bura - 4 acres (acquired forcefully from *wananchi* amid protests).

MIN.NO.474/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at thirty minutes past four O'clock until Thursday, 27th January, 2000, at 10.00 a.m.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: January 28, 2000

MINUTES OF THE HUNDRED AND SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, JANUARY 27, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Owino Acholla, M.P
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH APOLOGY:

The Hon. Kiraitu Murungi, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.475/2000 **SUMMONS**

1. **Hon. Julius ole Sunkuli, M.P.**

After lengthy deliberations it was agreed that the Hon. Julius ole Sunkuli, M.P, be summoned to appear before the Committee to clear the air regarding the allocation of land within Shartuka Ranch in Trans mara District on Wednesday, 2nd February, 2000 at 10.00 a.m.

2. **Hon. David ole Sankori, M.P.**

Evidence had been adduced before the Committee that the Hon. David ole Sankori, M.P, had been illegally allocated 1000 acres of land No.KAJIADO/ELANGATA-WUAS/21, and that this land had been used as holding ground for the Community but was fraudulently subdivided and allocated to the MP.

Recommendation:

(i) That the Honourable Member be summoned to appear before the Committee to clear his name on Wednesday, 2nd February, 2000 at 11.30 a.m.

(ii) That the land in question should revert back to the community.

MIN.NO.476/2000 ADJOURNMENT

And there being no other business, the Vice-Chairman adjourned the Sitting at Ten minutes past Twelve O'clock until this afternoon at 2.30 p.m.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-Chairman**
The Hon. Owino Acholla, M.P
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY:

The Hon. Kiraitu Murungi, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Henry Obwocha, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.477/2000 SUMMONS

1. **The Rev. Nicholas Kiptoo Misoi**.

After lengthy deliberations, the Committee agreed that there were no compelling reasons to summon the Rev. Misoi to appear before the Committee and recommended that the complainants take the matter to Court.

2. It was agreed that the Hon. Cyrus Jirongo, M.P, be summoned to appear before the Committee as *amicus cure* (a friend of the Committee) on Tuesday 1st February, 2000 at 2.30 p.m in connection with **settlement of squatters at Lugari Forest.**

3. It was agreed that the Hon. Henry Kosgei, M.P and the Hon. P.K. Muiruri, M.P, be summoned to appear before the Committee on Wednesday 2nd February, 2000 at 2.30 p.m and 3.30 p.m respectively.

4. KENYA NATIONAL ASSURANCE COMPANY

The Committee resolved to take Kenya National Assurance Company as a case study of the massive looting of parastatals and to summon as many people who have been mentioned in connection therewith as possible.

5. **Hon. M.A. Badawy, M.P.**

It was agreed that the Hon. M.A. Badawy, M.P, be summoned to appear before the Committee to give more information concerning settlement of squatters in Malindi, on Thursday 3rd February, 2000 at 10.00 a.m.

6. **Hon. Simeon Mkalla, M.P.**

It was agreed that the Hon. Simeon Mkalla, M.P, be summoned to appear before the Committee on Thursday 3rd February, 2000 at 2.30 p.m in connection with the purchase of defective buses for Kenya Ports Authority, when he was the Managing Director (1995/96 PIC Report).

MIN.NO.478/2000 ADJOURNMENT

And there being no other business, the Chairman adjourned the Sitting at four O'clock until Friday, 28th January, 2000, at 10.00 a.m.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: January 28, 2000

MINUTES OF THE HUNDRED AND EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, JANUARY 28, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed D. Weyrah, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITH APOLOGY:

The Hon. W.O. Ayoki, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Ngenye Kariuki, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.479/2000 **CONFIRMATION OF MINUTES**

Minutes of the sittings held on 26th and 27th January, 2000, were confirmed after having been proposed and seconded by Hon. Peter E. Maundu, M.P and Hon. Sammy P. Leshore, M.P; and Hon. Owino Achola, M.P and Hon. Sulleman Kamolleh, M.P respectively.

MIN.NO.480/2000 **MATTERS ARISING**

(i) **From Min. No. 472/2000(b),** it was agreed that names of the following Honourable Members who have been adversely mentioned be added to the list:-

- The Hon. Sulleman Rashid Shakombo, M.P.
- The Hon. Rashid Sajaad, M.P.
- The Hon. Cyrus Jirong, M.P.
- Prof. the Hon. Sam Ongeri, M.P.
- Prof. the Hon. George Saitoti, M.P.}

- The Hon. K.N.K. Biwott, M.P} - **in connection with Soya beans project by ICDC.**

(ii) **From Min. No. 473/2000(2),** efforts be intensified to obtain the information from Councillor Priscilla Cherop of Wareng County Council.

(iii) **From Min. No. 473/2000(4),** it was agreed that the name of Hon. Mohamed Galgalo, M.P be expunged from the Minute.

MIN.NO.481/2000 **THE ANTI- CORRUPTION AND ECONOMIC CRIMES BILL, 2000**

It was agreed that the drafting Sub-Committee be left to work on the draft Bill, which will be presented to the Main Committee on Monday, 31st January, 2000 at 2.30 p.m.

MIN.NO.482/2000 **ANY OTHER BUSINESS**

FOREIGN TRIPS AND PROPOSED RETREAT

It was agreed that the dates be harmonised with the availability of finances so that final arrangements can be made for the trips to Botswana, Germany and the retreat.

MIN.NO.483/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at forty minutes past Eleven O'clock until Monday, 31st January, 2000, at 2.30 p.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: February 01, 2000

MINUTES OF THE HUNDRED AND NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, JANUARY 31, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT: The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

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Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.484/2000 **REPORT ON THE DRAFT BILL**

The Chairman of the Sub-Committee (Hon. Kiraitu Murungi) on the Draft Bill reported to the Main Committee on its deliberation on the Bill, that the draft of the Bill will be availed to the Committee at a later date when it is ready. However, the Members brainstormed on what should be included in the bill in terms of its content and made the following recommendations:-

1. That all motor vehicle insurance cases and road licences be inspected and issued during a specific month in a year.

2. That heavy fines be imposed on traffic offenders to deter recurrence of traffic offences.

3. That offences part of the Bill be divided into two parts:-

   (i) The Economic Crimes,
   (ii) Anti-Corruption Laws.

   Economic Crimes to include negligence Management that causes enormous losses to the public e.g N.S.S.F, Mumias Sugar Company are good examples.

MIN.NO.485/2000 ADJOURNMENT

And there being no other business, the Acting Chairman adjourned the Sitting at thirty minutes past Four O'clock until Tuesday, 1st February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: February 01, 2000

MINUTES OF THE HUNDRED AND TENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, FEBRUARY 1, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua. M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.486/2000 CONFIRMATION OF MINUTES

Minutes of the sittings held on 28th and 31st January, 2000, were confirmed with amendments after having been proposed and seconded by Prof. Hon. Anyang' Nyong'o, M.P and Hon. Wanyiri Kihoro, M.P, respectively.

MIN.NO.487/2000 MATTERS ARISING

(i) **From Min.No.480/2000(i),** it was observed that:-

Work done by HZ Construction Company on the Nyeri - Kiganjo Road was not properly done but payments had already been made in full. The Committee therefore recommended that:-

(a) the Permanent Secretary, Ministry of Roads and Public Works, be summoned to provide the following information about that project:-

(i) Whether there was tendering for the project.
(ii) How many companies tendered.
(iii) How much the project was worth.

(iv) How much was paid for work done.
(v) The position or the level of work done to date.

(b) That this information was vital and should be obtained before the Committee summons the Hon. Nicholas Biwott, M.P to appear before it in connection with the operations of HZ Construction Company.

(ii) **From Min.No.473/2000,** it was agreed that items No.1 and 4 concerning evidence touching on Hon. M.Y. Haji, M.P be amalgamated to form one item. The full text should read as follows:-

(a) **The Hon. Mohamed Yussuf Haji, M.P** - concerning land allocation to undeserving people in Dundori Forest, Nakuru, which was meant for settlement of squatters.

The Committee heard more information touching on the Honourable Member, that he used his office when he was Provincial Commissioner to acquire land illegally in the following areas:-

(i) Mwakirunge, Mtwapa, Coast Province - 60 acres currently occupied by squatters.

(ii) Kakamega Forest - 40 acres (acquired when he was Provincial Commissioner, Western Province).

(iii) Ngata Farm, Nakuru - 200 acres (acquired when he was Provincial Commissioner, Rift Valley Province).

(iv) Ndabibi Farm - 80 acres (acquired when he was Provincial Commissioner, Rift Valley Province).

(v) Madogo, Ziwani Sub-Location, Bura - 4 acres (acquired forcefully from *wananchi* amid protests).

(iii) **From Min.No.484/2000,** it was agreed that the entire Minute be re-written to incorporate the following information that had been omitted:

(a) That the offences part of the Bill be divided into two parts:-

(i) The Economic Crimes,

(ii) Crimes related to Corruption.

That for economic crimes, various statutes that covered this area be looked at as follows:-

(i) State Corporations Act.
(ii) Criminal Procedure Code.
(iii) Preservation of Public Security Act.
(iv) Customs and Excise duty Act.
(v) Money Lenders Act.
(vi) Foreign Exchange and Control Act.

(b) Ms. Linda Murila of Attorney-General's Chambers to incorporate all the relevant sections from the Botswana and Nigerian Law into the draft Bill.

(c) Definition of corruption be broadened to cover a wider range of offenders.

(d) Schedule of corruption cases, penalties and punishments.

(e) Land grabbing be specifically defined to include punishment for grabbers and its facilitators.

(f) That cases sited from past PAC and PIC reports be used to draw up specific corruption and economic offences and a range of preventive measures that deter recurrence in future.

MIN.NO.488/2000 SUMMONS

(a) The Members were informed that:-

(i) Hon. M.Y. Haji, M.P who was scheduled to appear before the Committee had not received his summons since he was out of Town and that the letter had been delivered to his office.

(ii) That Hon. Julius Sunkuli, M.P, had received his notification and was ready to appear before the Committee.

(b) It was agreed that the Hon. Julius Sunkuli, M.P appears before the Committee in the afternoon, today at 3.30 p.m.

MIN.NO.489/2000 ADJOURNMENT

And there being no other business, the Vice-Chairman adjourned the Sitting at Twelve O'clock until this afternoon at 2.30 p.m.

AFTERNOON SITTING

PRESENT:

The Hon. Sulleman Kamolleh, M.P. - **Vice-Chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Wycliffe Osundwa, M.P.
The Hon. Owino Acholla, M.P
The Hon. Henry Obwocha, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed D. Weyrah, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Mr. Murumba Werunga	-	Deputy Clerk (Committees, Research & Library)
Miss C. M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.490/2000 **EVIDENCE**

Hon. Cyrus Jirongo, M.P of National Assembly, P.O. Box 41842, Nairobi, appeared before the Committee and gave further evidence under oath.

He stated thus:

That the issue of squatters in Lugari was already an explosive one when he was elected Member of Parliament for Lugari.

That then Lugari was not yet a District but part of the larger Kakamega District. That Lugari as a district has 10 Locations one of which is Mautuma Location, where Lugari Forest lies.

That 4,000 acres were set aside for settlement of 823 squatters. That the Provincial Administration was to oversee the settlement. That the

District Commissioner, Peter Raburu brought in more people who were not original squatters. That each squatter was meant to be allocated 5 acres and that it never happened. That instead well to do people were allocated the land instead of the original 823 squatters. That the witness has been following up and pressing the matter with the Provincial Administration. That squatters only got 2 acres instead of 5 acres, and it went further to 1/4 an acre. That the rest of the land was being sold by the then District Commissioner, Mr. Aden Ali who signed the sale agreements and were witnessed by his District Officer 1, Mr. Omweno and his Chief, a Mr. Macho.

That the people to whom the land was sold were Mr. Z.K. Cheruiyot, Permanent Secretary, Office of the President, Mr. Peter Raburu, 70 acres, Mr. Litunda John, 4 acres, Mr. Cosmas Mtai, Plot 680, 6 acres among others.

He presented a detailed memorandum in support of his evidence. That this issue was not new but well known to the Provincial Administration, especially the District Commissioner. That a Mr. Mulleli of Maizelands Agencies Limited, who had been allocated plots which he sold to the District Commissioner was victimised by the same DC, Mr. Aden Ali in a letter Ref.CON/L/7A/VOL.1/(12) dated 18th March, 1999.

That the land previously allocated to him will be withdrawn and charged in Court if he continued pestering the District Commissioner. The Witness requested the Committee to quiz the following people for more information regarding this squatters issue:-

1. Mr. Zakayo Cheruiyot, Permanent Secretary, Office of the President.
2. The Squatter Committee (witness could arrange and facilitate their appearance before the Committee).
3. Mr. Mulleli.
4. The District Commissioner (Mr. Aden Ali), currently Deputy Provincial Commissioner, Eastern Province.
5. Mr. Omweno.

He suggested that the process in Lugari can be reversed since title deeds have not been issued yet, and that the culprits could be prosecuted. The witness was cross-examined on a number of issues that he had been involved in, raging from his activities with YK 92, to the development of Hazina Estate by Sololo Outlets, of which he is Managing Director. He stated that his Sololo Outlets project was a genuine business venture which was brought down by political interference and false reports by some of his 'best' friends. He gave a lengthy explanation which touched on various personalities and powerful people within the establishment of this republic such as Prof. Philip Mbithi, Mutula Kilonzo, Lee Muthoga,

Hon. Sammy P. Leshore, M.P., Hon. Kipruto arap Kirwa, M.P. Swaleh Slim, Mr. S.M. Muindi (former Manager, Trustee, NSSF), among others.

He promised to forward to the Committee a comprehensive dossier for the Committee to study and make recommendations.

MIN.NO.491/2000 **EVIDENCE**

Hon. Julius Sunkuli, M.P, Minister of State, Office of the President, of P.O. Box 30510, Nairobi, appeared before the Committee and gave further evidence in relation to Min.No.253/99, allocation of land at Shartuka Ranch in Transmara District while under oath.

He stated thus:

That the Shartuka Group Ranch is the most problematic in Transmara, since it borders Maasai and Kipsigis Communities which have always been fighting over the ranch.

That his predecessor had addressed this issue from the opposite directions.

That a Mr. Joel Tasur was elected Chairman of this group ranch which originally had 334 members and he increased the number to about 800 by selling land to outsiders. That every person was entitled to 53 acres.

That the Ranch belongs to the Moitalel clan of which the Minister is a member and personally has an interest in it since his cattle graze there. That at the moment the Minister has no other title deed elsewhere except in Shartuka.

That the land has been adjudicated under the chairmanship of Moses Koringo and titles have been issued. That Mr. Tasur and his group raised an objection in Court before Justice Kwach and is due for hearing soon, since the Tasur group has withdrawn their claim. That the first piece of land that the witness got in Shartuka was allocated to him by the Tasur Committee, and that Mr. Tasur himself issued him with a card signed by himself (Tasur).

That in Transmara it is normal for one to belong to more than one group ranches. That he is the only one who owns land in only one Ranch - Shartuka. That his father owns more than one pieces of land. That group ranches originally belonged to the fathers of the current members who were registered as they came of age.

That he lives on land he bought from elsewhere near Kilgoris Town while the home for his cattle is in Shartuka Ranch - that he has bought other pieces of land which do not belong to group ranches. That all

group ranches in Masai land have had a lot of problems and suggested that this could be solved by sub-dividing all the ranches. He suggested that the communal land ownership (Group Ranches Act) be reviewed with a view to harmonising it with other land laws to protect the land owned communally like in Masai land from massive fraud. He sighted a case of a one Ole Kijabe Tonai who fraudulently acquired a title deed for 10 square kilometres of land in Transmara - Title No.Transmara/oloolold/1.

That Shartuka Group Ranch should not be penalised because his name appears in the list of members who own land there, but the Committee should examine the root of the problem as the registration of Group Ranches in general in Transmara and Masai land in general.

He suggested that any emerging members of a group ranch and who have come of age should be registered in their respective group ranches or else a situation of Landlessness will be created and this may result to unnecessary tension among the members of the societies involved. The witness submitted that corruption should not be looked at in terms of misdeeds in public offices only, but misdeeds by all. That social disparities should also be put into consideration. He promised to submit a memorandum to support his evidence.

MIN.NO.492/2000 **ADJOURNMENT**

And there being no other business, the Acting Chairman (Hon. Kiraitu Murungi, M.P) adjourned the Sitting at thirty minutes past Six O'clock until Wednesday, 2nd February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: February 09, 2000

MINUTES OF THE HUNDRED AND ELEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, FEBRUARY 2, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Henry Obwocha, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.493/2000 **DRAFT BILL**

Members deliberated on the contents of a booklet by the Independent Commission Against Corruption (ICAC) of Hong Kong at length and agreed that:-

(i) The booklet contained useful proposals that could form an integral part of the Committee's draft Bill.

(ii) This booklet be availed to the Parliamentary Counsel from the Attorney General's office who is assisting in the drafting of the bill for incorporation into the Committee's draft.

(iii) That copies of the booklet be availed to all members for ease of deliberations.

MIN.NO.494/2000 **SUMMONS**

(i) **The Hon. Patrick K. Muiruri, M.P.**

The Committee was informed that:-

The Hon. P.K. Muiruri, M.P, although he had received his summons he was unable to appear before the Committee as required due to other prior commitments. It was then agreed that the Member be allocated a new date within which to appear and submit his evidence before the Committee.

(ii) **The Hon. David ole Sankori, M.P,** who was scheduled to appear before the Committee to give evidence concerning allocation of land in Kajiado District was served with his notification to do so but had not communicated to the Committee to indicate whether he would be appearing before it to give evidence or not.

MIN.NO.495/2000 **ANY OTHER BUSINESS**

The Committee was informed of the bereavement of Hon. Ngenye Kariuki, M.P, a member of the Committee who lost his brother. The following members were then nominated to represent the Committee at the burial, accompanied by a member of the secretariat and deliver the Committee's message of condolence to the family of the Hon. Ngenye Kariuki, M.P, at their home in Mukuyu Market, Murang'a District on 2nd February, 2000 at 1.00 p.m:-

Hon. S.M. Kamolleh, M.P. - V/Chairman
Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

MIN.NO.496/2000 **ADJOURNMENT**

And there being no other business, the Vice-Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until Thursday, 3rd February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: **February 10, 2000**

MINUTES OF THE HUNDRED AND TWELFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, FEBRUARY 3, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Owino Acholla, M.P
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Peter E. Maundu, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY:

The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.497/2000 **EVIDENCE**

Hon. Mohamed Yusuf Haji, M.P, an Assistant Minister, Office of the President, P.O. Box 30510, Nairobi, appeared before the Committee and gave evidence under oath.

He stated thus:-

That he did recall that some land was given by the President to settle some landless people in Nakuru. That he had instructed his District Officer I to supervise the resettlement of the squatters and that to the best of this recollection the land was allocated to all deserving cases and that no one complained to him as having been left out.

That the land in question was called Dundori and it bordered the Dundori Forest but was not part of the forest.

That the witness had himself been allocated land that he had applied for to start a saw milling business.

That it could be true that a former District Officer 1, Mr. Letimalo was allocated land in the settlement scheme. That the land he was allocated after having applied for it and paid full dues was about 3 - 4 acres.

That the witness could not remember the LR.No of the said land. That he was never allocated 6 acres of land in the Dundori Settlement Scheme contrary to evidence adduced before the Committee to the effect that this land was actually allocated to the witness. The witness consented that the land he claims to have been allocated to him could actually be 6 acres and that he had planned to sell it to someone, and that he had already received 10% payment for it.

On the land at Mwakirunge, Mtwapa, the witness denied ever having been allocated the land which was meant for squatters. That there were no squatters on that land and that he applied for the land, which was allocated to him on lease, and after 10 years he applied again for the land to be allocated to him instead of the lease, and that the land was allocated to him. That previously, a Mr. Kiraithe who used to be a Commissioner of Prisons, and when he died, his wife (Kiraithe's) was later allocated 10 acres along with many other allottees including the witness. That he now owns the land, on a freehold title deed. He was advised to furnish the Committee with details of the title for perusal.

That the land was originally 70 acres although he claims to own 65 acres of the land. He was advised to furnish the Committee with details of the leasehold before the title deed was issued in order to show the process of acquisition. That he allocated 5 acres of this land to the District Commissioner's Office.

On the Kakamega Forest, the witness claimed not to have ever owned any land in Kakamega Forest nor does he own a house outside Kakamega Town. That what he knows is that 100 acres of Kakamega Forest was allocated to the showground. That he was allocated 30 acres of land in Nzoia, which he declined to take possession of.

That he used to have land in Ngata farm (60 acres) which he sold later, and that he voluntarily surrendered another 150 acres he had been allocated in Nyandarua when he was District Officer there.

That he sold the land (60 acres) at Ngata Farm upon his retirement. That the allocations were not advertised but he found allocations going on, then he applied to the Managing Director and was then allocated 60 acres. That he paid for this land at 3,000/= per acre and he later sold it for Kshs.10million. That this was A.D.C. land and the allocations were done in 1987/88 by the Managing Director, the late Dr. Walter Kilele.

The witness consented to owning 250 acres of land in Ndabibi farm and has built a house in it, and currently farming in the land. That he is the only man with a house in the farm. That he bought the land at 6,000/= per acre and that he paid Kshs.900,000 for the whole land.

At this point, it was put to the witness that 250 acres bought each at 6,000/= amounts to Kshs.1.5million and that if he paid only Kshs.900,000 for this land, then he still owed A.D.C. some Kshs.600,000 which he has not paid to date. At this point, the witness claimed not to even hold the title deed to the farm and that he would pay the Kshs.600,000 if asked to do so. The witness was advised to furnish the Committee with relevant documents to verify this matter.

The witness denied that he had been allocated any plots in Garissa directly from the Commissioner of Lands Office. That he owned only one plot that was allocated to him by the Government. That he followed the right channel to have it allocated to him and that other plots he owned were bought by him from various people.

The witness denied ever owning any land in Madogo in Ziwani Sub-location, Bura, Tana River District, measuring 4 acres. That what he knows is that he allowed people who were displaced by floods along the Tana River to temporarily settle on his own land while the Government looked for alternative land for them. That these people were being taken care of by CARE KENYA an NGO. That they were meant to stay on his land for only 2 months but they seemed not to have been in a hurry to leave. That he reported the matter to the Provincial Commissioner, N.E.P and was told that arrangements were being made to move them elsewhere. That he wrote to the Provincial Commissioner requesting him to hasten arrangements to move these people from his land.

He was advised to furnish the committee with a copy of correspondence to this effect and also the one he wrote to relinquish the land he had been allocated in Nyandarua. The witness informed the Committee that no force was used to move these people from his land. The witness further informed the Committee that land allocations are still going on in Garissa Municipality where even public utility plots were being allocated left and right to individuals and that there is no proper documentation of these allocations.

He further suggested that the Land Law be reviewed to come up with a clear land allocation policy that closes all the loopholes that have been exploited in the past to acquire land irregularly.

MIN.NO.498/2000 ADJOURNMENT

And there being no other business, the Chairman adjourned the Sitting at Twelve O'clock until this afternoon at 2.30 p.m.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.

ABSENT WITH APOLOGY:

The Hon. Owino Acholla, M.P
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Peter E. Maundu, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.499/2000 **SUMMONS**

The Hon. David Sankori,M.P.

The Committee noted with concern that the Hon. David Sankori, M.P had failed to honour the summons by the Committee to appear before it on Wednesday 2nd February, 2000.

It was therefore agreed that the Committee should not try to reach out to him but will expect him to make an effort to appear before it, failure to which he will go on record as having ignored an opportunity accorded him by the Committee to clear his name after he was adversely mentioned by witnesses during their evidence before the Committee.

MIN.NO.500/2000 **EVIDENCE**

The Hon. Sulleman Rashid Shakombo, M.P, of Parliament Buildings, P.O. Box 41842, Nairobi, appeared before the Committee and gave evidence under oath.

He stated thus:-

It was that sometimes in August, 1985 he was appointed Secretary of the caretaker Committee of the Union of Kenya Civil Servants (UKCS).

That he was with others like Mr. John Cyrus Nyamato and Mr. Patrick Mbondo, who was later replaced by Mr. David Mbai. That they recruited about 60 - 70 members by 1987. Contributions accruing from membership were used to run various branch offices that were established.

That the assets of the defunct Union of Kenya Civil Servants were not directly run by the Welfare Association, until much later when the High Court ruled that the Welfare association should administer the assets. That these assets included Nature House on Tom Mboya Street, an Estate in Langata and another one in Kariobangi South and two vehicles that were at a police station in Nairobi, and a plot No.11/MN/143, Mombasa.

That there was a bank loan charged on the Langata estate at the time the court ruled in favour of the Welfare Association administering the assets of the former union, which was more than the value of the estate and so the welfare never bothered about the estate.

That the estate was subsequently sold to whoever wanted to buy it. That the witness had heard about the plot in Mombasa but had no idea where the plot was (i.e plot No.11/MN/143).

That at the time the Union was disbanded, there were officials who were managing the assets of the Union but were not necessarily under the welfare association. That the caretaker welfare association was appointed 5 years after the union was disbanded and that a little while later in 1987, the witness retired from Civil Service and Mr.Wilfred Kimalat, who was then his assistant took over from him. That the role of the welfare association at the time of his appointment as secretary was to establish the association to take the place of the Civil Servants Union which had been disbanded.

That the status of Nature House was that it was officially handed over to the Welfare Association by the Court and that the witness had already retired at the time. That the then Permanent Secretary, Office of the President in charge of Internal Security, the late Hezekiah Oyugi is the one who called the witness and others for a meeting in the Office of the President Board room to announce their appointments to them as a caretaker committee members of the Civil Servants Welfare Association.

That the welfare association was registered with the registrar of Societies.

He suggested to the Committee that Law should be formulated that will strengthen and build institutions rather than individuals as has been happening in the past. The Committee recommended that Mr. Wilfred Kimalat, Permanent Secretary, Ministry of Education and Mr. John Nyamato be summoned to appear before the Committee and give evidence concerning the administration of assets of the defunct Union of Kenya Civil Servants.

MIN.NO.501/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at thirty Minutes past Four O'clock until Friday, 4th February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED Hon. Musikari Kombo, MP
(Chairman)

DATE: February 10, 2000

MINUTES OF THE HUNDRED AND THIRTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, FEBRUARY 4, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Owino Acholla, M.P
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Peter E. Maundu, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P

ABSENT WITH APOLOGY:

The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

ATTORNEY-GENERAL'S CHAMBERS

Ms. Linda Murila - Parliamentary Counsel

MIN.NO.502/2000 **EVIDENCE**

The Hon. David Sankori, M.P, an Assistant Minister, for Tourism, Trade and Industry, P.O. Box 41842, Nairobi, appeared before the Committee and gave evidence under oath.

He stated thus:-

That he was the member of Parliament for Kajiado Central in Kajiado District. That the District Commissioner Kajiado in 1999 was Mr. Muli Malombe and that he did not know the name of the then County Clerk.

That he was aware of the subdivision of LR.No.KAJIADO/ELANGATA/WUAS/21 and that he was only involved in the sub-division of the land in his capacity as the local Member of Parliament and that he was only assisting the members of the Co-operative Society in Sub-dividing their land. That 1,000 acres were sub-divided for use as holding ground for the Co-operative society of the area. That this land was exised from a larger group ranch for use by the Community as holding ground. That the co-operative Society applied to

be allocated this land through the right channels - that this was in 1997/98 and as a result, Mr. Philemon Mwaisaka, former Permanent Secretary, Ministry of Agriculture, wrote a letter to the Commissioner of Lands requesting him to allow the sub-division to proceed.

At this point, it was put to the witness that he was allocated 100 acres as per evidence adduced before the Committee earlier by witnesses. That there had been an objection raised by a Councillor to the allocation of this land, which the then Permanent Secretary, Ministry of Agriculture had upheld and which was communicated to the Commissioner of Lands by the then Permanent Secretary, Mr. Philemon Mwaisaka. That the then Permanent Secretary was made to change his stand by a letter purportedly written by an officer from the District Commissioner's office Kajiado, declaring that all the necessary steps had been taken and the right channels followed and so the allocation could proceed. That this letter was later disowned by the District Commissioner, Kajiado, Mr. Muli Malombe, in a letter dated 8th February, 1999 declaring the first one a forgery since it was signed by an officer who was non-existent at the District Commissioner's office, Kajiado.

At this point, the witness prayed that the Committee allows him time to gather his documentary evidence and re-appear before it again on Tuesday, February 08, 2000. This plea was granted by the Committee. The committee also agreed to summon a Mr. Mulike, the County Clerk, Kajiado County Council, to appear along with the witness to clarify issues pertaining to this case. The pair should appear on Tuesday, 08 February, 2000 at 10.00 a.m. The witness further stated that it was a policy by the Community to give all holding grounds back to their owners in order to avoid future cases of land grabbing, since they had better return the land back to the Community than to keep holding grounds only for other people to come in and grab them since there were no more animals (cattle) to be held on the holding grounds by the County Council. That the future of group ranches in Kajiado was bleak, that the Maasai Community intends to do away with such group ranches gradually.

MIN.NO.503/2000 **THE ANTI-CORRUPTION AND ECONOMIC CRIMES, BILL 2000**

Ms. Linda Murila, Parliamentary Counsel from the Attorney-General's Chambers informed the Committee that she had incorporated most of the amendments and information as directed by the Committee into the draft Bill, and that the draft was ready. Copies of the draft were circulated to members for perusal.

The Committee then perused through the draft Bill and made amendments and recommendations which were to be incorporated in the draft as follows:-

PART II **ESTABLISHMENT OF ECONOMIC CRIMES AND ANTI-CORRUPTION BOARD AND COURT.**

3. (1) (a) - Chairman
(b) - Director General
(c) - Secretary to the Board appointed by the Board.
(e) amended to read `nominated by the Attorney-General'
(f) One from K.N.U.T.
One from K.A.M.
One from C.O.T.U.
One from Medical & Dentist Board.
One from Kenya Bankers Association.
One from a Joint Forum of Religious Organisations.

(2) The Chairman of the Board shall be a person of high moral character and standing in society and of high integrity and credibility. Shall be elected by the Members (not necessarily from amongst the Board members). His/Her appointment will be approved by Parliament before he/she is appointed by the President.

(3) Was deleted.

(4) This Sub-section was re-numbered (3) and agreed to as follows:-

"The Attorney-General shall, within 14 days after receipt of the names from the nominating bodies specified under Sub-section (1) submit the names to Parliament for approval".

(5) This Sub-section was agreed to as follows:-

"The Attorney-General shall, within 14 days after receipt of Parliaments approval under Sub-section (3) transmit the names to the President for appointment".

(6) This Sub-section was added as follows:-

"if the President shall for any reason within twenty one (21) days of Parliamentary approval fail to appoint a person(s), the person(s) shall be deemed to have been duly appointed".

4. (a) This Sub-section was added as follows:-

"The purpose for which the Board is established is:-

(a) Formulate and review policy relating to corruption and Economic Crimes.

(b) Recommend to Parliament:

(i) Persons for appointment as Director-General or Directors pursuant to section 17;

(ii) the removal of a Director-General or Directors pursuant to section 17.

(c) to advise the Commission generally on the exercise of its powers and performance of its functions under this Act.

(d) to ensure timely production of the annual report of the Boards activities or such other report as may from time to time be required by Parliament.

5. (1) The Chairman or a member of the Board other than an ex-officio member shall hold office for a period not exceeding five (5) years on such terms and conditions as may be specified in the instrument of appointment and shall not be eligible for re-appointment.

MIN.NO.504/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at One O'clock until Monday, 7th February, 2000, at 2.30 p.m. in Committee Room, County Hall.

CONFIRMED Hon. Musikari Kombo, MP
(Chairman)

DATE: February 10, 2000

MINUTES OF THE HUNDRED AND FOURTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, FEBRUARY 7, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT:

The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Ngenye Kariuki, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.
The Hon. Sammy P. Leshore, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.505/2000 **THE ANTI-CORRUPTION AND ECONOMIC CRIMES BILL, 2000**

The Committee continued with the scrutiny and perusal of the draft Anti-Corruption and Economic Crimes Bill, making amendments and recommendations as follows:-

Clause 5(2) Add: The quorum of the Board shall be 1/3 of its membership.

5(3) The Members of the Board shall be appointed as follows:

(a) Seven (7) Members within one month of the commencement of this Act;

(b) the remaining members within one month after twelve months of the commencement of the Act.

5(4) A member of the Board, other than an ex-officio member may resign his office by notice in writing under his hand addressed to the Chairman of the Board.

Clause 6 Insert the words **"by the Board approved by the Board"** between the words **"recommendation"** and **"Parliament"** appearing on the second line.

6(b)(i) Delete the words **"declared or becomes"** in the first line and insert therein the word **"adjudged**.

6(b)(ii) Delete all the words immediatley after **"bankrupt"** in the first line.

Clause /(2) Delete al the words appearing between **"not"** and **"in"** on the third line.

7(3) Deleted.

Clause 11 (1)&(2) transfered to page 8, and renumbered 5 - to read as follows:

The president shall appoint the Directors within 14 days of approval by Parliament. Should the appointment not be made for any reason, within 21 days of such approval by Parliament, the person so nominated and approved shall be deemed to have been duly appointed.

Clause 12(1) Amended to read:

The Director-General shall be Secretary to the Board.

12(2) Delete **"Director-General"** and insert therein **"Board".**

MIN.NO.506/2000 **ADJOURNMENT**

And there being no other business, the Acting Chairman adjourned the Sitting at thirty Minutes past Four O'clock until Tuesday, 8th February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: February 29, 2000

MINUTES OF THE HUNDRED AND FIFTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, FEBRUARY 8, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Ngenye Kariuki, M.P.
The Hon. Owino Acholla, M.P
The Hon. Henry Obwocha, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.507/2000 **EVIDENCE**

Hon. David ole Sankori, M.P, an Assistant Minister for Tourism, Trade and Industry, appeared before the Committee while still on oath administered last Thursday, 3rd February, 2000 and continued with his evidence.

He presented documents to support his earlier evidence in connection with the allocation of land parcel No.KAJIADO/ELANGATA/WUAS/21. The documents included letters of application for allocation of 1000 acres of the above holding ground, copies of the Council minutes of Olkejuado County Council, letter of allotment signed by the County Clerk, correspondence to Commissioner of Lands, copies of the title deeds, among others for the Committee to peruse and make a decision.

The witness informed the Committee that there was no contradiction between his acquisition of 124 hectares of land No.Kajiado/Kaputei South 46 and the 1000 acres acquired by the Co-perative Society at Kajiado/Elangata/Wuas/21.

That the Elangata/Wuas land was holding ground for the Community and was allocated to a co-operative Society, while the Kajiado/Kaputei South 46 was allocated to him after having applied for it in the right way in 1975. He was challenged by the Committee to explain the process of acquisition of the said land which was holding ground for the community, held in trust on their behalf by the Olkejuado County Council and that later the land changed hands and landed into the possession of a few individuals including the witness. The witness further claimed to have followed the right channels to have the land allocated to him when he was a Councillor within Olkejuado County Council. He further blamed local politics for objections raised about his acquisition of the piece of land in question. He also claimed that he could not remember how much money he had paid to the County Council as a token for the land, that he could not address the issue of his own land and that he had already given lengthy explanation to the Public Accounts Committee and that he had no more additional information to supply to the Committee. It was put to him that it was important that he answered questions as put to him by the Committee; that the Committee, was in order to ask the questions and that he must answer them as put to him, regardless of whether they were helpful to the Committee or not. The witness prayed to be allowed more time to prepare to answer questions put to him by the Committee.

At this point, it was put to the witness that he could actually recall what token payment he made to the County Council when he was allocated the land and that he did not actually need time to remember these facts. At this point, the witness actually recalled that he had paid a token of Kshs.3000/= to the Council upon the allocation of the land measuring 124 hectares to him, and that the County Council plots used to be advertised locally for people to apply.

MIN.NO.508/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at fifteen minutes past Eleven O'clock until this afternoon at 2.30 p.m.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Peter E. Maundu, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Owino Acholla, M.P
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.509/2000 **EVIDENCE**

The Hon. Darius Mbela, M.P. of P.O. Box 41842, Nairobi, appeared before the Committee and gave evidence under Oath.

That he knew about Mwachema River Resort Limited of which he and his wife were directors before he transferred his shares. That the land in question is registered as Plot No.482, Diani, Tiwi.

That the land was Government land and that it was later sub-divided to various people and that when the witness learnt of the allocations, he applied for a portion of an Island situated in the middle of Mwachema River, which was allocated to him along with other people who had applied for land there. That the land in question may have been charged with Standard Chartered Bank for 2.3million after the witness had disposed off it. That the land before allocation was actually the size of a whole sub-location. That at this time the witness was not Minister for Lands and Settlement, a portfolio he later held for 5 years.

That the entire land, the size of a sub-location, was compulsorily acquired by the Government for development - of Government projects - hotels, and tourists resorts and that whatever remained was allocated to those members of the public who could develop the portions allocated to them by the Government. That some of the original owners who wanted their land back on paying to the Government fees that were required of them got their land back, while others got monetary compensation and moved out to buy land elsewhere.

That Mr. Salim Muhamad Mwalibunzo of Chief's office, Tiwi was fully compensated for his land and that he has no reason to complain. That the time he was allocated this land no one was living on it, neither does anyone live there to date. That when the title deed was issued to him in 1994, he was Minister for Water Development. That Mr. Mwalibunzo had never approached him about the land in question, neither has anybody brought the matter to the witness's attention, nor did the witness know about Mr. Mwalibunzo's audience with the President over the

matter. It was put to him that Mr. Mwalibunzo had complained to the President, and that the President had actually ordered the return of the land to its original owner, Mr. Mwlibunzo. That he never charged the land for any loan. That he transferred his shares wholly in the early 1990's and that when the land title was issued and charged for a bank loan he no longer had any interests in it. That he has no idea whether the land is now developed or not.

The witness prayed for time to fetch documents to support his evidence as follows:

1. a letter of allotment for the land in question from the Government.
2. documents transferring his shares in Mwachema River Resort limited to a third party.

He should avail these documents on Thursday, 10th February, 2000 at 11.00 a.m.

MIN.NO.510/2000 **EVIDENCE**

The Hon. Patrick Muiruri, M.P, of Parliament Buildings, P.O. Box 41842, Nairobi, appeared before the Committee and gave evidence under oath.

He stated thus:-

He apologised to the Committee for not availing himself when he was first summoned to appear before the Committee on Thursday, 3rd February, 2000.

That he was already aware that a Mr. Mathenge of Uchumi Insurance Brokers had written to him about his investigations for Kenya National Assurance Company (KNAC) and Uchumi Insurance Brokers. That he had been instructed by KNAC to proof whether Uchumi Insurance Brokers was liquid enough to enable it pay a bill of Kshs.15million.
That his lengthy investigation revealed that Uchumi Insurance Brokers had already been struck off the Register by the Commissioner of Insurance not to transact any business and had been gazetted to that effect in Gazette Notice No.3060 of July, 1988.

That when he submitted his fee note to Kenya National Assurance Company it was negotiated and paid for. The witness stated that all his companies were registered for V.A.T even at the time he was contracted by Kenya National Assurance Company and Uchumi Insurance Brokers. That he could never claim V.A.T falsely through any of his companies and that he was willing to provide documentary evidence to this effect. The Committee directed him to avail all the documents to prove his

claim. That he had been a Chairman of Gatukuyu Coffee Factory where he began with a membership of 5,000 and the member grew to about 10,000 members and other coffee groups and finally he served a director of Coffee Board of Kenya.

That he did not like that he saw within the coffee sector, that alot of corruption was being perpetrated by the directors e.g Stephen Michoma, Abraham Mwangi, Pithon Mwangi (former Managing Director, Coffee Board of Kenya), Mr. Kinyua and others. That these people will rig themselves into offices so that they could control the Coffee industry. That they control the catalogue of prices for their own benefit. That the method of election of these directors was too narrow and meant to frustrate and exploit farmers. This whole system should be overhauled. that the story of Coffee is a long one and that it will require more time to explain the coffee situation to the Committee. He was given the benefit of another appearance at a time the Committee will decide and inform the witness.

On the Kenya Creameries Co-operative (K.C.C.), the witness consents that the story is very long. That he joined KCC in 1969 as a junior worker, and rose to the rank of director. That by the time he was elected director, KCC was already insolvent and in bad books with the Government. That at this time, KCC was already heavily indebted at Kshs.1billion and that now it has gone upto 2.9billion. That farmers are not paid for their milk deliveries, nor are transporters paid. That directors were paid a salary of Kshs.50,000/=, that even some directors used to obtain their salaries in advance and that they left huge debts. That when his team took over directorship from Mr. Raymond Moi, Nathaniel Chebelyon and their team, the company was already heavily insolvent and that the former directors looted the Company bare before they left. That KCC owes the witness lots of money in unpaid rents for his houses in BuruBuru and Plainsview estates and others. That during 1993/94/95, KCC made a loss of Kshs.1.6billion. He was directed to present documents in support of his evidence to the Committee soonest.

On the Coffee Sector, the witness told the Committee that the biggest problems in the Coffee Sector could be solved through a complete overhaul and liberalization of the sector so that farmers are not exploited by directors, who occassion long delays and suffering to the farmers by not paying them well and in time for their produce, while the Government also loses a lot of revenue in terms of taxes due to undervaluation of the crop.

The witness suggested that coffee be returned to the farmer, who should be allowed to sell it to whoever offers a better price on a willing-buyer - willing-seller basis. The Marketing of coffee should be reviewed and new strategies devised to deal with the marketing of the crop. He further

advised the Committee to call evidence from the following persons who are conversant with the coffee and milk (KCC) sectors:

1. Mr. Nyagah wa Munyambu (Coffee)
2. Mr. Stanley Metto (former KCC Chairman)

MIN.NO.511/2000 **ANY OTHER BUSINESS**

Foreign Trips

After lengthy deliberations, it was agreed that the Committee will not be in a position to participate in a trip to Germany as planned by the German Embassy and the F.E.S Foundation if it will involve other parties outside the Committee.

MIN.NO.512/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at thirty Minutes past Five O'clock until Wednesday, 9th February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: February 29, 2000

MINUTES OF THE HUNDRED AND SIXTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, FEBRUARY 9, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.513/2000 **CONFIRMATION OF MINUTES**

Minutes of the sitting held on 1st February, 2000 were confirmed by members present and signed by the Chairman after having been proposed and seconded by Hon. Wycliffe Osundwa, M.P and Hon. W.O. Ayoki, M.P, respectively.

MIN.NO.514/2000 **MATTERS ARISING**

(i) **From Min.No.487/2000,** it was agreed that part (b) of the minutes be expunged from records.

(ii) **From Min.No.491/2000,** paragraph (1), the minute quoted therein should be Min.286/99 and not 253/99 as earlier indicated in the said minutes.

MIN.NO.515/2000 **THE DRAFT BILL**

The Committee continued with the perusal of the draft bill and made amendments and recommendations as follows:-

Clause 11 The Director General shall be Secretary to the Board.

Clause 16(1) Moved to page 12 to be renumbered later.

(1) amended by inserting the words **"and determine"** in the third line between the word **"hear"** and **"all"** .

Clause 16(3) amended to read as follows:

"The judges of the court shall be nominated by the Judicial Service Commission in consultation with the Law Society of Kenya (LSK), and approved by Parliament for appointment by the President".

16(4) The President shall appoint judges within 14 days of Parliaments approval, and should not appoint them within 21 days of such approval by Parliament, then the person will be deemed to have been duly appointed.

16(5) The Judicial Service Commission shall nominate another person in place of any nominee not approved by Parliament upon his nomination by the Commission.

16(6) delete the words **"under this Act"** appearing immediately after the word **"established"** and the word **"shall".**

16(7) The board shall make laws for regulating administrative modalities (aspects), and specifying the number of judges for the court.

Clause 20 **(b)** Insert the words **"or information"** between the word **"documents"** and **"relating"** appearing on the second line.

(c) to be discussed later.

Clause 21 **(1) - (9)** agreed to

(8) Substitute the word **"Any"** with **"All"** at the beginning of the first line.

(9) May be combined with sub-clause 8 and replace the word **"approval"** in the second line with the word **"review"** appearing between the word **"for"** and **"every"**.

Clause 22 agreed to

Clause 23 - (a) amended by adding the words **"or occupies"** at the end of the Sub-clause.

MIN.NO.516/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at Twelve O'clock until this afternoon at 2.30. p.m.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Owino Acholla, M.P
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Sammy P. Leshore, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY:

The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.517/2000 **EVIDENCE**

The Hon. Abubakar Mohamed Ahmed Badawy, M.P, of Parliament Buildings, P.O. Box 41842, Nairobi, appeared before the Committee and gave evidence on oath.

He stated thus:-

He apologised for not appearing last week since his summons coincided with a sitting of Public Investments Committee of which he is a member and had to lead evidence in an important issue pertaining to Public Investments Committee.

That he had gathered more information and documentary evidence since he last appeared before this Committee in Mombasa on 10th September, 1999. That the evidence he is giving today concerns plots that were sold to Kenya Posts and Telecommunication Corporations (KPTC) by the Municipal Council of Malindi. That the said plot was sold to KPTC by the Municipal Council for Kshs.51million, remained undeveloped and was later re-allocated to the Municipal Council of Malindi who then entered into negotiations with KPTC again through a nominee, M/s Challa and Associates for Kshs.10million.

That this land was originally a bus park and measured 1.7 hectares. That a title deed was issued by the Commissioner of Lands in the name of KPTC and still the Municipal Council went ahead to appoint Nyokabi and Associates to do conveyancing between the Municipality and KPTC for the same plot whose title deed was again issued for the same plot. That in total Kshs.63million was spent on this plot, Kshs.53million for consultancy work and Kshs.10million for the purported purchase of the plot by KPTC which already belonged to them.

That the people involved in this scam were Mr. Jan Mutai former Managing Director, KPTC, former Town Clerk, Malindi, Mr. Edward Karani (currently town clerk, Voi), Nyokabi and Company Advocates and Challa and Associates who acted for both vendor and purchaser. That these were some former councillors of Malindi Municipal Council who would be willing to testify before the Committee as follows:

1. Mr. Ali Bidi
2. Mr. Bozo
3. Mr. J.L. Mwandori

That the cheque from KPTC was issued to M/s Nyokabi and Company Advocates. The witness tabled documentary evidence in support of his evidence. The witness further adduced evidence that the Municipal Council of Malindi further allocated land intended for a public stadium in Malindi Town to individuals and that money changed hands and that this money was later shared amongst a group of councillors of Malindi Municipal Council. He produced affidavits sworn by some six councillors in support of the fact that they had witnessed money changing hands between the Town Clerk and prospective buyers of the plots. That the land is still used by the Municipal Council and that people who were cheated of their money purportedly to be sold the plots have been seeking refunds in vain. That one of the beneficiaries is Hon. Karisa Maitha, M.P, who was allocated a stadium which the community would rather have remain as a public utility plot. That the Hon. Maitha was willing to surrender the stadium allocated to him in exchange for an alternative plot. That the stadium plot has now been invaded by squatters on hearing that it was being sub-divided and allocated to individuals,

while the other plot is still in use as showground by the Municipal Council and that the people of Malindi would want it to remain intact and that those who paid money should have their money refunded to them. That unfortunately the Town Clerk who collected money from the individuals was now dead and that the money went into the pockets of individuals but not the Municipal Council - so the council could not be asked to refund this money. That the two parties were both accomplices in a criminal deal (they knew they were engaging in an illegal deal). So, what should be done? The public utility plots should remain as such, even though large sums of money were involved i.e people paid Kshs.600,000/= each and that 5 people paid this money, amounting to Kshs.3million!

The witness further testified that a contract between a private company known as Urban Cleaners to privatise refuse collection, road sweeping, litter collection and refuse disposal was entered into sorely by the mayor of Malindi, Mr. Gideon Mung'aro and his Town Clerk without the approval of the full council. That the contract would have cost the Municipal Council Kshs.8million shillings per month, which is over and above the Municipal Council's revenue collection and virtually the council could not foot the bill! That it would only add a bigger burden to the residents of Malindi. That the mayor, during a council meeting made a confession that he had signed the contract with the Urban Cleaners because he was an interested party, and that after the confession, councillors demanded his resignation as Mayor of Malindi and that to date there is a lot of discontent amongst the councillors. That the Committee could seek further information from the Mayor himself, and several councillors who are willing to testify before the Committee as follows:-

1. Ex-councillor Ali Didi
2. Ex-councillor Bozo
3. Ex-councillor J.L. Mwandori
4. Councillor Mwalimu Ngandu
5. Councillor Ali Shemaka Sizi

MIN.NO.518/2000 **THE DRAFT BILL**

The Committee continued with the perusal of the draft Bill making amendments and recommendations as follows:-

PART III- INVESTIGATION, SEARCH, SEIZURE AND ARREST.

Clause 21 **(1)** delete **"without a warrant"** appearing between the words **"may"** and **"arrest"** in the second line. The Clause should therefore read as follows:

"No person shall be arrested without a warrant except in circumstances where the arresting officer can proof beyond reasonable doubt that obtaining a warrant prior to the arrest was impracticable"

Clause 24 agreed to

Clause **25(1)** delete the word **"vehicle"** appearing in the third line between the words **"other"** and **"anything".**

25(2) delete all the words between the word **"court"** in the first line and **"is satisfied"** in the second line.

Delete also the word **"vehicle"** and insert in place thereof the word **"place"** in the third line and in any other place where it appears.

Delete the words appearing between the word **"offence"** and **"the court"** substituted in the fifth line.

Clause **26(1)** Delete **"place"** and insert therein **"vehicle"** appearing between **"premises"** and **"vessel"** and **"vehicle"** and replace therein **"other"** and **"evidence"** on the third line.

(c) Delete the word **"conceded"** appearing between **"is"** and **"or"** in the first line and replace therein with the word **"concealed".**

Delete **"place"** and replace therein with **"vehicle"** wherever it appears.

26(3) Insert the word **"further"** between **"authorizing"** and **"detention"** in the third line.

26(5) Deleted.

Clause 27 Delete second paragraph.

Clause **28(1)** Delete **"vehicle"** and insert therein **"place"** and vice-versa wherever it appears.

28(3) Delete the word **"refuses"** appearing between **"department"** and **"to"** in the first line and replace therewith the word **"fails".**

Clause **29(3)** Insert the word **"the"** between **"possess"** and **"travel"** in the third line.

Clause 31 Insert a new clause 31 as follows:-

"Any person aggrieved by the exercise by the Commission of the powers specified in Sections 20 to 30 inclusive, may apply to the Court for review and compensation".

Clause 32 Re-name Clause 31 Clause 32.

Insert the word **"or"** and delete letter `c' appearing between the word **"done"** and **"omitted"** in the fourth line.

MIN.NO.519/2000 **ADJOURNMENT**

And there being no other business, the Acting Chairman adjourned the Sitting at fifteen Minutes past Five O'clock until Thursday, 10th February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: **February 29, 2000**

MINUTES OF THE HUNDRED AND SEVENTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, FEBRUARY 10, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wanyiri Kihoro, M.P.
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.520/2000 **CONFIRMATION OF MINUTES**

Minutes of the sittings held on 2nd, 3rd and 4th February, 2000 were confirmed after having been proposed and seconded by Hon. W.O. Ayoki, M.P and Hon. Wanyiri Kihoro, M.P; Hon. W.O. Ayoki, M.P and Hon. Kiraitu Murungi, M.P; and Hon. Wanyiri Kihoro , M.P and Hon. Sulleman Kamolleh, M.P, respectively.

MIN.NO.521/2000 **MATTERS ARISING**

From Min.No.503/2000, the title of the draft Bill be changed to **"Anti-Corruption and Economic Crimes Bill, 2000"** in line with the mandate of the Committee.

MIN.NO.522/2000 **EVIDENCE**

The Hon. Darius Mbela, M.P, of Parliament Buildings, P.O. Box 41842, Nairobi, appeared before the Committee and while still on oath administered last week continued with his evidence.

That Plot No.483 in question was initially allocated to a Mr. Jonam Mugho on 28th March, 1991 with whom the witness entered into a sale

agreement, and on 2nd August, 1991 the land was transferred to the witness's company, M/s Mwachema River Resort Limited which was owned by the witness and his wife. That a title deed was issued to the company in which the duo were the sole shareholders. That the witness did not manage to obtain his copy of the sale agreement, but could try to trace it if given more time to do so. The request was granted. That the witness did not buy the land from a Mr. Muhamad Salim Mwalibunzo who had adduced evidence before the Committee at the Mombasa Municipal Hall earlier to the effect that the land was inherited by him from his ancestors.

The witness alleged that when the said land was in his possession, it's title had not been charged for any loan with Standard Chartered Bank. That he had acquired a title deed before he transferred his shares from Mwachema River Resort Limited, and that he had paid a token of Kshs.100,000/= for the land allocated to him. That by the time the title was charged to Standard Chartered Bank, he had already transferred his shares and title to M/s Sachdeva & Co. Advocates, through a senior partner in the firm of lawyers, Mr. Ashok Magnani who acted on behalf of the witness and Mr. Da Gama Rose.

That the Law firm in Mombasa could be contacted directly by the Committee for any information required by it. That his company had no relationship whatsoever with Paradise Island Limited of P.O. Box 168, Ukunda, owned by a Mr. Joshua Mwendwa, the General Manager of Leopards Beach Hotel, Diani.

That a considerable chunk of land had been compulsorily acquired by the Government without due consideration to the overriding public interest. That the witness does a lot of buying and selling of land and that he could not remember how much he had earned from the sale of his shares to Mr. Da Gama Rose - that the information regarding the current ownership of Mwachema River Resort Limited could be obtained from M/s Sachdeva and Company, particularly from Mr. Ashok Magnani.

MIN.NO.523/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at Twelve O'clock until this afternoon at 2.30. p.m.

AFTERNOON SITTING

PRESENT:

The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Owino Acholla, M.P
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:

The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed D. Weyrah, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.524/2000 **THE DRAFT BILL**

Clause 15 (2) amended by inserting the following words " **shall report to Parliament and"** between the word **"Commission"** and **"shall"** on the first line.

PART V - CORRUPTION OFFENCES.

Clause 32(2) (a) delete **"also"** appearing between "**asks"** and **"for"** on the first line.

32 (d) delete **"as an agent"** and insert therein **"any person"** before the word **"accepts"** on the first line.

32 (e)(i) amend by:

(i) deleting the words **"any meeting"**
(ii) insert **"person"** between **"any"** and **"measure"** in the second line.
(iii) add **"at any meeting"** at the end of the third line.

32 (g) delete the words **"all the words"** appearing between **"by"** and **"any"** on the third line.

32 (l)(i) add the word **"and"** appearing after the word **"deal"** in line two.

32 (l)(ii) delete the word **"and"** appearing after the word **"many"** in line one.

32 (o) delete the word **"thrive"** appearing between **"on"** and **"or"** and add the words **"relation, race, tribe, gender or religion"**.

32 (o) add the word **"a corruption"** between the words **"commits"** and **"offence"** and delete the word **"an"** thereon.

Clause 32(3) Any person who commits an offence under Subsection (1) shall on conviction be liable to the punishment prescribed in the schedule.

Clause 32(4) Delete the words appearing between the word **"person"** and **"shall"** and add the words **"convicted of an offence under this section"**.

Clause 32(2) Any person who fails without reasonable excuse, to comply with Subsection (1) commits an offence. The other part of the sentence starting from the word **"and"** in line two and ending with the word **"imprisonment"** will be provided for in the schedule.

MIN.NO.525/2000 ADJOURNMENT

And there being no other business, the Acting Chairman (Hon. Kiraitu Murungi, M.P) adjourned the Sitting at fifteen Minutes past Five O'clock until Friday, 11th February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: February 29, 2000

MINUTES OF THE HUNDRED AND EIGHTEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, FEBRUARY 11, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon. Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Kiraitu Murungi, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.526/2000 **THE DRAFT BILL**

PART IV - ECONOMIC CRIMES.

Clause 34 to add a clause on Economic sabotage - to be broadly defined.

NEW CLAUSE: Insert a new clause 34(2) as follows:

"any person who commits an offence under subsection (a)(2) shall be liable to imprisonment for a period prescribed in the schedule.

Clause 34(3) See page 22 clause 34(4) as amended.

Clause 35(1) Insert **"wilfully"** between the words **"who"** and **"resists"** in the first line.

35(2) Transfer to the Schedule.

Clause 36(b) Transfer all those words appearing immediately after the word **"offence"** in the second line to the Schedule.

Clause 37(b)	Transfer to schedule: all those words appearing immediately after the word **"offence"** on the fifth line.
Clause 38(2)	Transfer to schedule: all those words appearing immediately after the word **"offence"** on the Sixth line.
Clause 39	Transfer to schedule: all those words appearing after the word **"offence"** on the fifth line.
Clause 41	Delete, all those words appearing between **"shillings"** and **"to"** in the third and fourth lines.
Clause 42	agreed to
	PART VI - EVIDENCE.
Clause 43(1)	Insert all the words appearing between **"possession"** and **"of"** in line three immediately after the word **"assets"** in line four.
Clause 44	Delete the words appearing immediately after **"accused"** in line six.
	PART VII - MISCELLANEOUS.
Clause 46	agreed to.
Clause 47	agreed to.
	NEW CLAUSE:
	"The Director-General, may, with approval of the Board, offer to reward or reward any informer who provides useful information leading to the discovery and arrest of perpetrators of corruption" (close to be inserted between clause 47 & 48)
Clause 49(2)	Non-citizens resident or having property in Kenya.
Clause 50	agreed to.
Clause 51	agreed to.
Clause 52	agreed to.
Clause 52(A)	to be introduced as follows:-
	NEW CLAUSE:

Clause 52A	"The property forfeited to the Government shall be sold by public auction".
Clause 53	agreed to.
Clause 54	to be inter changed with Clause 55.
Clause 56	The prevention of Corruption Act (Cap 65, Laws of Kenya) shall hereby deem to be repealed.
Clause 57	Any offence in the previous Act (Cap 65 Laws of Kenya) shall be deemed to be an offence in this Act.

MIN.NO.527/2000 **ADJOURNMENT**

And there being no other business, the Acting Chairman adjourned the Sitting at forty five minutes past Twelve O'clock until Monday, 21st February, 2000, at 2.30 p.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: **February 29, 2000**

MINUTES OF THE HUNDRED AND NINETEENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY, FEBRUARY 18, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:
The Hon. Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Sammy P. Leshore, M.P.

ABSENT WITH APOLOGY:
The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.528/2000 **THE DRAFT BILL**

PART III- ECONOMIC CRIMES.

Clause 1(a) and (b) agreed to.

Clause 2(a) delete and replace with clause 17(3)(c) as follows:-
"That the office of the Public Protector be as described in

Clause 17(3)c (to replace that of the director of Prevention of corruption and Economic crimes).

Clause 3 - 5 deleted.

Clause 7(1)-3 and 7A deleted.

Clause 7B(1) delete **"investigation"** in the first line.

delete the word **"prescribed"** in line two and insert therein the word **"necessary"** between **"may be"** and **"where".**

delete all the words after **"a"** in the fifth line and replace therein the words **"person acting on capacity".**

Clause 7(2)(a) - (f) agreed to.

Clause 8(1) agreed to.

(2)(a) - (c) agreed to.

(d) delete **"commission"** and replace therein with **"director of investigation".**

(e) deleted.

(f) delete **"Parliament"** and insert therein **"Board".**

The Committee agreed that the Office of the Public Protector be a department under the Director General instead of establishing it as an independent body (Hon. Kiraitu Murungi, M.P and Hon. Wanyiri Kihoro, M.P to merge this draft with the main one for this purpose).

MIN.NO.529/2000 **ADJOURNMENT**

And there being no other business, the Vice-Chairman adjourned the Sitting at Twelve O'clock until Monday, 21st February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: February 29, 2000

MINUTES OF THE HUNDRED AND TWENTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, FEBRUARY 21, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. W.O. Ayoki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Henry Obwocha, M.P.

ABSENT WITH APOLOGY: The Hon. Sulleman Kamolleh, M.P. - Vice-chairman
The Hon. Mohamed D. Weyrah, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Owino Acholla, M.P
The Hon. Wycliffe Osundwa, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE **NATIONAL ASSEMBLY**

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.530/2000 **THE DRAFT REPORT**

It was agreed that the drafting Sub-Committee retires to a retreat to draft the Committee's report. That the retreat begins from 28th February, to 3rd March, 2000 at Naivasha.

Required materials for the Retreat

1. All files - Volumes 1 and 2.
2. All Memoranda.
3. Hansard Transcription.
4. (i) Documents of the Naromoru Retreat (98)
   (ii) CGD could be asked to bring theirs if any.
5. Declaration of wealth - locally from Kenya Anti Corruption Authority and a model from the House of Commons (U.K).

MIN.NO.531/2000 **THE DRAFT BILL.**

The Committee perused through the fair draft of the Bill, making corrections and clarifications as follows:-

Clause 2(b) delete **"the"** and replace therein with **"a"**.

2(c) delete **"the"** and insert therein with **"a"**.

2(e) delete **"the"** and replace therein with **"a"**.

2(c) Reframe the definition of **"commission"** as follows:-

"Anti Corruption and Economic Crimes " Commission.

delete section 17 and replace therein with 14.

Re-define **"Board"** as **"Anti Corruption and Economic Crimes"** Board.

Court to be re-defined as:

"Anti Corruption and Economic Crimes" Court.

delete **"missions"** and substitute therewith **"commission"** between **"or"** and **"prohibited".**

2(b) delete the entire paragraph.

2(c) re-number as (b).

Define Public Protector as follows:-

- means a public protector under Section 19(i).

MIN.NO.532/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at Five O'clock until Tuesday, 22nd February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: February 29, 2000

MINUTES OF THE HUNDRED AND TWENTY FIRST SITTING OF THE ANTI-CORRUPTION COMMITTEE HELD ON TUESDAY, FEBRUARY 22 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

Hon. Sulleman Kamolleh, M.P. - **Vice Chairman**
Hon. W.O. Ayoki, M.P
Hon. Kiraitu Murungi, M.P
Hon. Wanyiri Kihoro, M.P
Hon. Martha Karua, M.P
Prof. the Hon. Anyang' Nyong'o, M.P
Hon. Peter E. Maundu, M.P

ABSENT WITH **APOLOGY:**

Hon. Musikari Kombo, M.P - **Chairman**
Hon. Wycliffe Osundwa, M.P
Hon. Henry Obwocha, M.P
Hon. Mohamed D. Weyrah, M.P
Hon. Mohamed A. Galgalo, M.P
Hon. Ngenye Kariuki, M.P
Hon. Sammy P. Leshore, M.P
Hon. Owino Achola, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.533/2000 THE DRAFT BILL

The Committee continued with deliberation on the draft Bill, making amendments as follows:-

Clause 3 (c) delete **"two"** and insert **"one".**

Clause 3(2) insert the following:-

"The nominating bodies shall forward the names of their nominees for the Attorney General as in the prescribed manner".

Clause 3 (3) Re-arrange the numbering of the subclause as appropriate.

Clause 4 (b)(i) delete **"section 17"** and insert **"section 14".**

4(d) delete **"and"** between **"receive"** and **"annual".**

Clause 5(1) delete the words **"not exceeding"** appearing between the word **"period"** and **"five"** in the second line.

5(2)(b) delete the words **"within one"** appearing between **"members"** and **"month"** and insert therein the words **"during the thirteenth"**.

Clause 7(2)(a) insert **"take part or vote"** between the words **"present"** and **"during"** in the first line.

7(2)(b) deleted.

Clause 10 delete all the words appearing between **"such"** and **"allowances"** in line two and insert the words **"and/or reimbursement"** between the words **"allowances"** and **"for".**

Clause 13 delete **"14"** and insert **"12"** in the first line, and insert the following words between **"liability"** and **"to"** in the second line: of the Board in contrast.

Clause 14 (e) Insert the words **"as may be"** between the words **"necessary"** and **"acts"** in the first line.

14(2) delete **"the"** in the first line and insert therein **"a"** between the words **"General"** and **"public"**.

Insert : **"and"** between **"protector"** and **"three"** in the second line.

Delete: all the words appearing between **"Directors",** and **"nominated"** in the second line.

14(4) delete: all the words appearing immediately after offices.

14(4) (a) becomes (c) and
c becomes (a).

14(5)(a) Insert **"a further"** between **"term"** and **"of"** in the second line.

14(9) Insert: **"a"** between **"or"** and **"Director"** in line one; and **"or public protector"** between **"Director"** and **"to"** in the third line.

Insert: **"public protector as the case may be"** between **"Director"** and **"until"** in the fourth line.

Insert: **"public protector"** between **"Director"** and **"or"** in the fourth line.

14(12) Delete: (i) **"the"** appearing between **"General"** and **"public"** in the first line and insert in place thereof **"a".**(ii) all the words appearing between **"suspension"** and **"shall"** in the sixth and seventh lines. (iii) the **"President"** appearing on the eighth line and replace therein with the word **"Board".**

Clause 15(1)(d) Insert: **"who"** between **"person"** and **"the"** in the first line.

Clause 16(3) Upon hearing any complaint, and upon making such inquires as may be necessary, the public protector may:

(a) resolve the complaint through negotiation, arbitration and amicable settlement;
(b) order compensation or restitution;
(c) fine or admonish the guilty party;
(d) recommend disciplinary action, demotion or dismissal from public office ;
(e) refer the complaint to the Director of Investigations;
(f) make a report to the Board recommending any action, charge in law, policy or practice.

16(4) The Board shall with approval of Parliament make rules setting out the procedures for initiating and processing complaints before the public protector, and generally for the better carrying out of the functions and duties of the public protector.

Clause 17(1) (a)(i) delete all the words appearing immediately after **"Parliament"**.

17(2) – (7) re-number the subclauses appropriately.

MIN.NO.534/2000 **ANY OTHER BUSINESS**

It was agreed that the Committee adjourns its sitting so that members should go to the Nairobi Hospital to console their colleagues, the Hon. S.P. Leshore, M.P and the Hon. Mohamed Shidiye, M.P, who were admitted at the hospital.

MIN.NO.535/2000 **ADJOURNMENT**

And there being no other business, the Vice-Chairman adjourned the sitting at fifteen minutes past Twelve O'clock until this afternoon at 3.00 p.m.

AFTERNOON SITTING

PRESENT:
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

ABSENT WITH APOLOGY:
The Hon. Musikari Kombo, M.P. - **Chairman**
The Hon.Sulleman Kamolleh, M.P. - **Vice-chairman**
The Hon. Mohamed D. Weyrah, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Owino Acholla, M.P
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.536/2000 THE DRAFT REPORT

The Committee continued to peruse and polish up the second draft of the Bill, making amendments as at where necessary.

MIN.NO.537/2000 ADJOURNMENT

And there being no other business, the Acting Chairman (Hon. Kiraitu Murungi, M.P) adjourned the Sitting at twenty five minutes past Five O'clock until Wednesday, 23rd February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED Hon. Musikari Kombo, MP
(Chairman)

DATE: February 29, 2000

MINUTES OF THE HUNDRED AND TWENTY SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY, FEBRUARY 23, 2000 IN COMMITTEE ROOM, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon.Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Owino Acholla, M.P

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Mohamed D. Weyrah, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.538/2000 THE DRAFT REPORT

The Committee continued with discussions and polishing up of the second draft of the Bill, making amendments and suggestions as and where necessary from Clause 32 to Clause 36.

MIN.NO.539/2000 ADJOURNMENT

And there being no other business, the Vice Chairman adjourned the Sitting at One O'clock until this afternoon at 2.30 p.m.

AFTERNOON SITTING

PRESENT: The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Ngenye Kariuki, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Owino Acholla, M.P

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon.Sulleman Kamolleh, M.P. **- Vice-chairman**

The Hon. Mohamed D. Weyrah, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Mohamed A. Galgalo, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN.NO.540/2000 THE DRAFT REPORT

The Committee continued and completed with the polishing of the second draft of the Bill from Clause 37 to Clause 58, making amendments and suggestions as at and where necessary.

MIN.NO.541/2000 ANY OTHER BUSINESS

THE PROPOSED SEMINAR

It was agreed that the following resource persons be invited to participate in the proposed seminar to be held on 21st to 26th March, 2000.

1. Transparency International.
2. Inspector General Augustine Ruzindana of Uganda.
3. The current Inspector General of Government in Uganda.
4. Mr. Bertrand De Speville (U.K.).
5. Mr. Brian Cooksey (Tanzania).
6. Mr. Harold Wackman (World Bank).
7. Mr. Ladipo Odomolekun (World Bank).
8. Mr. Festus Osunzade (I.M.F.).
9. Mr. Richard O. Kwach (Judiciary).
10. Dr. Gibson Kamau Kuria (Chairman, Law Society of Kenya).
11. Dr. Andrew Mullei.
12. Dr. Richard Leakey (Head of Public Service).
13. Mr. Martin L. Oduor-Otieno (Permanent Secretary, Treasury).
14. Justice Aaron Ringera (Director, Kenya Anti Corruption Authority).
15. Mr. A.R. Kapila.
16. Mr. Maina Wachira (CGD)

MIN.NO.542/2000 ADJOURNMENT

And there being no other business, the Acting Chairman adjourned the Sitting at forty five minutes past Four O'clock until Thursday, 24th February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

DATE: February 29, 2000

MINUTES OF THE HUNDRED AND TWENTY THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, 23RD FEBRUARY, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT: The Hon.Sulleman Kamolleh, M.P. **- Vice-chairman**
The Hon. Kiraitu Murungi, M.P.
The Hon. Wanyiri Kihoro, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.
The Hon. Mohamed D. Weyrah, M.P.
The Hon. W.O. Ayoki, M.P.
The Hon. Peter E. Maundu, M.P.
The Hon. Owino Acholla, M.P.
The Hon. Mohamed A. Galgalo, M.P.

ABSENT WITH APOLOGY: The Hon. Musikari Kombo, M.P. **- Chairman**
The Hon. Ngenye Kariuki, M.P.
The Hon. Martha Karua, M.P.
The Hon. Sammy P. Leshore, M.P.
The Hon. Wycliffe Osundwa, M.P.
The Hon. Henry Obwocha, M.P.

IN ATTENDANCE NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

PARLIAMENT OF NAMIBIA - MEMBERS OF STANDING ON REGIONAL DEVELOPMENT AND REPORTS

Hon. Asser Kapere, M.P.
Hon. Noa Tuhadeleni, M.P.
Hon. P. Ndjambula, M.P.
Ms. M. Bessinger, Clerk.

MIN.NO.543/2000 COURTESY CALL BY MR. CHARLES SOTZ, PRINCIPAL, STRATHMORE COLLEGE, NAIROBI.

1. He has been in Kenya 17 years. He was born in Argentina.

Corruption is quite complex - the bottom line is that the citizens are not honest people - no matter what institution are put in place.

- The Ndegwa Commission of 1971 needs to be reviewed - terms of service for Civil Servants should be revised among other things.

2. **The Judiciary -** Concentration of power in individuals and institutions and lack of justice in the society form the core of corruption witnessed in the country.

3. **Lack of pride in the police force -** no motivation to work harder - they form the backbone of society along with teachers.

- Value of jobs and terms of service and manner of training should be revised to give them sense of value!

- Civil service commitment needs to be revisited - motivation to serve.

- Repeal the culture of personal business by Civil servants, which leads to concentration of power in individuals - some control needs to be exerted.

- Social justice called for.

- Strike a balance between liberalization and liberation - so as not to do one and create problems for the other.

- Amnesty for perpetrators - may be from 1975 or 1980 backwards.

- Concentrate on the events of the recent past - a line has to be drawn at some point.

- Advocates democracy from the point of view of accountability at the end of the day (one's term).

- The office of the Controller and Auditor General should be retained but in the procedure of appointment the office should be reviewed.

- Democracy makes occupancy of offices both temporary and contractual more accountable - creating an atmosphere where corruption is impossible to thrive.

- How do we build a culture of democracy? Are there lessons we could learn from other places e.g Argentina etc? Argentina is not a good example to learn from.

- Believes in freedom - Kenya is a young nation and should have perspective of Kenya as a young nation that is capable of making mistakes.

- Honesty is a virtue that should thrive in the society - there is no harm in acknowledging what we were incapable of doing and let those who are capable handle them.

- Argentina did justice during the transition from military to civilian rule - they put people to jail - how was this justice done? The society rejected court martial trials and basically had everyone who was guilty of any offence of omission or commission basically but in jail for a deterrent sentence.

HARAMBEE - Is a good way of helping each other in the society - it has been manipulated by politicians obligations built on them - at the root level - it is a good and genuine thing.

From a complex level, it has been misused to gain favours. The objective is good but there are pit falls in the implementations. Otherwise harambee is a good, genuine spirit that should be continued.

MIN.NO.544/2000 **ADJOURNMENT**

And there being no other business, the Vice Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until Friday, 25th February, 2000, at 10.00 a.m. in Committee Room, County Hall.

CONFIRMED: Hon. Musikari Kombo, MP
(Chairman)

Date: **May 04, 2000**

MINUTES OF THE ONE HUNDRED AND TWENTY FOURTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY FEBRUARY 25, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:-

The Hon.Kiraitu Murungi, MP	-	Ag. Chairman
The Hon. Wanyiri Kihoro, MP		
The Hon. W.O. Ayoki, MP		
The Hon. Martha Karua, MP		
The Hon. Owino Achola, MP		
The Hon. Peter E. Maundu, MP		
The Hon. Mohammed D. Weyrah, MP		
The Prof. Hon. Anyang Nyongó MP		

ABSENT WITH APOLOGY: -

The Hon. Musikari N. Kombo, MP	-	Chairman
The Hon. Suleman Kamolleh, MP	-	Vice Chairman
The Hon. Ngenye Kariuki, MP		
The Hon. Wycliffe Osundwa, MP		
The Hon. Mohammed Galgalo, MP		
The Hon. Sammy P. Leshore, MP		
The Hon. Henry Obwocha, MP		

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua	-	Ag Principal Clerk Assistant
Miss M. J. Chesire	-	Third Clerk Assistant

MIN NO. 545/2000 THE PROPOSED WORKSHOP

After Lengthy discussions, the Committee resolved to invite the following persons: -

1) Mr. John Msafari - Chairman, Kenya Revenue Authority
2) Mr. John Mturi - Chairman, Kenya Ports Authority
3) Mr. Micah Cheserem - Governor, Central Bank of Kenya
4) Chairman, Federation of Kenya Employees (FKE)
5) Chairman, Certified Public Accountants (CPA)
6) Chairman, Central Organization Trade Union (COTU)
7) Chairman, Kenya Association of Manufacturers (KAM)
8) Secretary General, Kenya National Union of Teachers (KNUT)

9) Chairman, Kenya Institute of Engineers (KIE)
10) Chairman, Kenya Bankers Association (KBA)
11) Chairman, Medical and Dentists Board
12) Bishop John Njue
13) Bishop David Gitari
14) Bishop Zablon Nthamburi
15) SUPKEM - Mr. Khalif
16) AIC - Bishop Silas Yeyo
17) Dr. Andrew Mulei
18) Mr. Wachira Maina - CGD
19) Mr. John Githongo – Transparency International
20) Chairman, PIC
21) Chairman, PAC
22) Justice Aaron Ringera – Director KACA
23) World Bank - (i) Mr. Harold Wackman
(ii) Mr. Ladipo Adomolekun
24) IMF – Mr. F. Osunsade.
25) U.S. Ambassador – Mr. Jeffrey James
26) Nigerian High Commissioner
27) GTZ – Director
28) Speaker of the National Assembly (who will open the seminar)
29) Chairman, Magistrates Association
30) Chief Justice
31) Justice Richard Otieno Kwach
32) Mr. Lee Muthoga
33) Mr. Kapila
34) Pheroze Nowrojee
35) Dr. Richard Leakey – Head of Public Service
36) Chairman, FIDA
37) Mrs. Phoebe Asiyo – Women's Political Caucus
38) Hon. Zipporah Kittony – Chairperson, Maendeleo ya Wanawake Organisation.
39) Dr. Jennifer Riria – Chairperson, Kenya Women Finance Trust
40) Ms Linda Murila – Parliamentary Counsel, Attorny General's Chambers.

MIN NO.546/2000 ADJOURNMENT

And there being no other business the Acting Chairman (Hon. Kiraitu Murungi) M.P., adjourned the sitting at ten minutes past Twelve O'clock until Monday 28th February, 2000 in Committee Room, County Hall at 10.00 a.m.

Confirmed: Hon. Musikari Kombo, MP
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND TWENTY FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY FEBRUARY 28, 2000 IN THE COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT:

The Prof. Hon. Anyang' Ny'ong'o, MP	-	Ag. Chairman
The Hon. Wanyiri Kihoro, MP		
The Hon. Mohamed A. Galgalo, MP		
The Hon. Henry Obwocha, MP		
The Hon. Peter E. Maundu, MP		
The Hon. Owino Acholla, MP.		
The Hon. Mohamed D. Weyrah, MP		
The Hon. Ngenye Kariuki, MP		

ABSENT WITH APOLOGY:

The Hon. Musikari N. Kombo, MP	-	Chairman
The Hon. Maitha Karua, MP		
The Hon. Wycliffe Osundwa, MP		
The Hon. Kiraitu Murungi, MP		
The Hon. W.O. Ayoki, MP		
The Hon. Sammy P. Leshore, MP		

IN ATTENDANCE: NATIONAL ASSEMBLY

The Miss C.M. Mwambua	-	Ag. Principal Clerk Assistant.
The Miss M.J. Chesire	-	Third Clerk Assistant

MIN NO. 547/2000 EVIDENCE

Mr. Ojenge Okwe of Kakamega appeared before the Committee for a second time and gave evidence under oath.

He stated thus:-

That a lot of good signs within the society emanating from the Committees' work were evident throughout the country. That there are still some adamant persons who think that the effects of the Committees work were a mere cosmetic gesture that will soon go away.

That there has been a lot of harassment on his person and all those who were directly affected by land grabbing especially of their houses at Otiende Estate in Kakamega town. That someone

threatened him that he had treated the Provincial Commissioner's office like a toilet where he walks in and out at will-this being the period when he and others used to report harassment to the Provincial Commissioner.

That a certain lady was transferred to Lugari as a result of the same harassment after which she was evicted from her house by the District Commissioner's office, using Administration Police, after the house she occupied was allegedly bought by a Mr. Mwangi from a Mr. Jimmy Angwenyi who then issued an eviction order to her.

That it was sad that the people who should protect *Wananchi* are the same ones who are harassing them i.e. the Provincial Administration. That some occupants of houses in Otiende Estate were issued with letters of allotment for the houses they occupied. But they have been threatened with 'big' names like that of Mr. Francis Baya, the Provincial Commissioner Rift Valley, inorder to stop them and other people from talking about irregularities going on in Kakamega. That the other victims have organised themselves into a voice and appealed to the Attorney General to assist in sorting out their problems. That they have written a Memo to the Attorney General but to date, nothing has happened. That on October 18th, 1999 a Mr. Jeremiah Orindo, a contractor confronted the witness in public and told him that 'they' were not happy with the way he had given evidence to this Committee on 31/8/99 at Kakamega and that the Provincial Commissioner would deal with him accordingly.

That Milimani and Otiende Estates were government Quarters occupied by Civil Servants who were allocated the houses by the District Commissioners office.

The witness produced documents and letters of allotment as follows:-

i. May 97 - Mr. J. Martin Residential plot 'P' Kakamega Municipality-Milimani – has a house on it.
ii. (a) 19/2/96 -George Otipa of Box 482 TP 36/xivi) Otiende – a house on it occupied by Mrs. Dorcas Ronde a worker at the Provincial Hospital.

    (b) Premium paid: (I) Kshs.20,670/= on 29/4/97.

    (c) Title deeds in the name of George Otipa.

(d) A lease letter.

iii. Clement Were Mukhule of PO Box 482, Kakamega plot No.31001/(xivii)
Receipts of Kshs13,604/= - dated 25/5/98
Premiums paid to the Commissioner of lands through National Bank of Kenya Cheque No.14604 – dated 20/5/98

That there have not been any more allocations but a rush to obtain papers for what has already been grabbed, and getting the occupants of the grabbed plots out of the houses on those plots is evident.

He has been a victim of harassment and that the following persons were witness as to this harassment Mr. Hassan Moibe, Mr. Erick Ajuoga and a Mr. John Jagero.

That the houses in question have been sold in a hurry to the second and third buyers at the expense of the occupants of the Government houses. That he was worried by the current trend where land is being grabbed and sold/allocated to people.

That whenever he and other victims visit the Provincial Commissioner's office to enquire about their security when threatened and harassed by grabbers, they do not hold an amicable discussion where views can be expressed freely but that they literally storm the Provincial Commissioner's office when they are "pushed to the wall" by their tormentors. That the Provincial Commissioner does not seem impressed by their action and so he is not accommodative of their complaints to give viable solutions.

MIN. NO.548/2000 ADJOURNMENT

And there being no other business, the acting Chairman (Prof. Anyang' Nyong'o) adjourned the sitting at five O'clock until Tuesday, 29th February, 2000 at Lake Elementaita Lodge.

Confirmed: Hon. Musikari Kombo,MP
(Chairman)

Date : May 04, 2000

MINUTES OF THE ONE HUNDRED AND TWENTY SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY, FEBRUARY 29, 2000 AT ELEMENTAITA LODGE CONFERENCE ROOM AT 9.00 A.M.

PRESENT: -

The Hon. Musikari N. Kombo, MP – Chairman
The Prof. Hon. Anyang Nyongó, MP
The Hon. Wanyiri Kihoro, MP
The Hon. W.O. Ayoki, MP
The Hon. Owino Acholla, MP
The Hon. M.D. Weyrah, MP
The Hon. Ngenye Kariuki, MP
The Hon. Peter E. Maundu, MP
The Hon Mohammed A. Galgalo, MP

ABSENT WITH APOLOGY: -

The Hon Sammy P. Leshore, MP
The Hon. Henry Obwocha, MP
The Hon. Martha Karua, MP
The Hon. Wycliffe Osundwa, MP
The Hon.Kiraitu Murungi,.MP
The Hon. Suleman Kamolleh, MP - Vice Chairman

IN ATTENDANCE – NATIONAL ASSEMBLY

Miss C.M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN NO. 549/2000 CONFIRMATION OF MINUTES

Minutes of the sittings held on 7th, 8th, 9th, 10th and 11th February, 2000 were confirmed after being proposed and seconded by Hon. Wanyiri Kihoro, MP and Prof. Anyang' Nyongó, MP; Hon. M.D. Weyrah, MP and Hon. Wanyiri Kihoro MP; Hon. Owino Achola, MP and Hon.W.O Ayoki, MP; Hon Wanyiri Kihoro, MP and Hon Owino Achola, MP; and Hon. Anyang' Nyong'o, MP and Hon. M.D. Weyrah, MP respectively.

MIN NO.550/2000 MATTERS ARISING

Under Min No.522/2000, the Committee resolved to revisit the issues touching on the Hon. Darius Mbela, MP and make a final decision.

MIN NO.551/2000 **REPORT**

The Committee dissolved into three working groups to look into the structure of the report as follows: -

(i) Executive Summary
(ii) Memoranda
(iii) List of Perpetrators

MIN NO.552/2000 **ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at Ten O'clock until Wednesday 1st March, 2000 in Conference Room, Lake Elementaita Lodge.

Confirmed: Hon. Musikari Kombo, MP
(Chairman)

Date: May 04, 2000

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MINUTES OF THE ONE HUNDRED AND TWENTY SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY MARCH 3, 2000 AT THE ELEMENTAITA LODGE CONFERENCE ROOM AT 8.00 A.M.

PRESENT: -

The Prof. Hon. Anyang Nyongó – Ag. Chairman
The Hon. Wanyiri Kihoro, MP
The Hon. Mohammed Galgalo, MP
The Hon. Mohammed D. Weyrah, MP
The Hon. Ngenye Kariuki, MP
The Hon. Owino Acholla, MP
The Hon W.O. Ayoki, MP
The Hon. Peter E. Maundu, MP

ABSENT WITH APOLOGY:-

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Suleman Kamolleh, MP - Vice Chairman
The Hon. Sammy P. Leshore, MP
The Hon. Kiraitu Murungi, MP
The Hon. Wycliffe Osundwa, MP
The Hon. Martha Karua, MP

IN ATTENDANCE – NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag Principal Clerk Assistant
Miss M. J. Chesire – Third Clerk Assistant

MIN NO.553/2000 THE DRAFT REPORT

The three working groups presented their draft to the main Committee and after lengthy discussions the documents were adopted and amalgamated into one document-the Draft Report of the Committee. Two groups were yet to wind up their reports, i.e.the report on the memoranda and the report from the past PIC and PAC reports.

It was agreed that these be completed in Nairobi when the Committee returns from its retreat at the Elementaita Lodge in Naivasha during the week commencing Monday 6th march, 2000.

MIN NO.554/2000 ADJOURNMENT

And there being no other business the acting Chairman (Prof. Anyang' Nyongó) adjourned the sitting at 9.30 am until Monday, 6th March, 2000 at 2.30 p.m. in the Conference Room, County Hall.

Confirmed: Hon. Musikari Kombo, MP
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND TWENTY EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY MARCH 6, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT: -

The Hon. Musikari N. Kombo, MP	-	Chairman
The Prof.Hon.Anyang' Nyong'o, MP		
The Hon Kiraitu Murungi, MP		
The Hon. Wanyiri Kihoro, MP		
The Hon. Peter E. Maundu, MP		
The Hon. Henry Obwocha, MP		
The Hon. Owino Achola, MP		
The Hon. Mohammed A. Galgalo, MP		
The Hon. Winston O. Ayoki, MP		
The Hon. Ngenye Kariuki, MP		

ABSENT WITH APOLOTY:-

The Hon. Suleman Kamolleh, MP	-	Vice Chairman
The Hon. Sammy Leshore, MP		
The Hon.Martha Karua, MP		
The Hon.Wycliffe Osundwa, MP		
The Hon.Mohammed D. Weyrah, MP		

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN NO.555/2000 (A) THE DRAFT REPORT

The Hon. Anyany' Nyong'o reported that the Committees' retreat to Lake Elementaita Lodge from 28th February to 3rd March, 2000 was quite fruitful. That Members and the Secretariat worked very hard and came up with the main body of the report, which was availed to Members to peruse through and improve on.

That the Report had 3 sources from which to establish perpetrators of corruption:

(i) The past PIC and PAC reports
(i) Memoranda

(ii) Public hearings and Provincial visits.

That the report is structured as follows:

(1) Executive Summary
(2) Acknowledgements
(3) Chapter one:-
- (i) Introduction
- (ii) Background
- (iii) Establishments and composition of the Parliamentary Anti-Corruption Select Committee
- (iv) Methodology.

(4) Chapter Two:- Findings

- (i) Nature of Corruption
- (ii) Causes of Corruption
- (iii) Extent of Corruption
- (iv) Perpetrators of Corruption
- (v) Impact of Corruption on the Kenyan Society.

(5) Chapter Three: Recommendations

- (i) A new Anti-corruption and Economic Crimes Bill, 2000
- (ii) Establishment of Parliamentary Oversight Committee.
- (iii) Strategies to curb corruption through education, information, role modeling and other appropriate methods.
- (iv) Provision for an opportunity to own up through transitional justice
- (v) A leadership code
- (vi) Declaration of Assets and wealth.
- (vii) Reforms in the Judiciary and Civil Service
- (viii) Economic Reforms.

That the lists of perpetrators would be compressed and tabulated into tables which are easier to accommodate in the report without making it unnecessarily voluminous.

After lengthy deliberations, it was agreed that more needed to be said on the judiciary, the Armed forces and the Banks.

That the Kwach Report be availed to Members for perusal with a view to inclusion of recommendations contained therein into the Committee's Report.

Also to be included in the report in the box form are: -

(i) The magistrates case in Nyeri
(ii) Futa Magendo Action network evidence from Embu.
(iii) The Lugari Forest incident
(iv) KEVEVAPI
(v) A story about the bandit war in Garissa.

MIN. NO.556/2000 THE PROPOSED WORKSHOP 21-26TH MARCH, 2000-MOMBASA

After lengthy discussions it was agreed that the Committee holds the workshop exclusively for Members, since there was no need of inviting outsiders who had nothing to do with the Committee's report. It was further agreed that only technical persons e.g. lawyers who could add value to the Committee's draft bill who could be invited and that the number should be limited to the following:

(i) Justice Aaron Ringera
(ii) Mr. Bertrand de Spenville (UK)
(iii) Dr. R.E. Leakey-Head of Public Service
(iv) Attorney General
(v) Dr. Gibson K. Kuria – Chairman L.S.K.
(vi) Ms Jean Kamau, FIDA
(vii) Mr. Lee Muthoga, Advocate
(viii) Prof. Smokin Wanjala-Faculty of law University of Nairobi
(ix) Chairman, Kenya Magistrates Association
(x) Bernard Chunga-Chief Justice or representative
(xi) Mr. John Msafari-Commissioner General, KRA

(c) FOREIGN TRIPS

It was agreed that the Committee will depart Nairobi for Botswana on Saturday, 11th March, 2000 and return on Thursday, 16th March, 2000. That the Clerk's office will facilitate travel documents and visas where applicable.

MIN NO.557/2000 ADJOURNMENT

And there being no other business the acting Chairman (Prof Nyong'o) adjourned the sitting at twenty minutes past three O'clock until Tuesday, 7th March, 2000 at 2.30 p.m.

Confirmed: Hon. Musikari N. Kombo
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND TWENTY NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY MARCH 8, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT: -

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Suleman Kamolleh, MP - Vice Chairman
The Hon. Kiraitu Murungi, MP
The Prof. the Hon. Anyang Nyong'o, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Winston O. Ayoki, MP
The Hon. Henry Obwocha, MP
The Hon. Ngenye Kariuki, MP
The Hon. Mohammed Galgalo, MP
The Hon. Peter E. Maundu, MP
The Hon. Owino Achola, MP

ABSENT WITH APOLOGY: -

The Hon. S.P. Leshore, MP
The Hon. Martha Karua, MP

ABSENT WITHOUT APOLOGY: -

The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe Osundwa, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN NO.558/2000 PRESS BRIEFING

The Committee issued a brief statement to the Press and expressed great concern at the presence of two (2) police officers amongst the members of the press during the briefing in the Committee Room, County Hall. Consequently, it was decided that: -

(i) all the copies of the draft Bill and Report be withdrawn at the end of the sitting for safe-keeping (under lock and key)
(ii) that the said officers be summoned immediately to appear before the Committee and explain why they

lied to the Committee by claiming to be employees of Kenya Times Media Trust and the Herald respectively.

MIN NO.559/2000 . DRAFT REPORT

The Committee continued perusing and polishing the draft Report, making amendments and corrections when and where necessary.

It was agreed that all the evidence from the Norwegian People's Aid together with the cases of misappropriation of funds and maladministration in the education sector especially the cases of Victoria and M.M. Shah Primary Schools in Kisumu and Musoli Girls High School in Kakamega be put together in box form and be annexed to the report.

MIN NO.560/2000 ANY OTHER BUSINESS

Mr. Mohammed Sheikh Mahmoud, and Mr. Peterson Nyanchong'e appeared before the Committee after they were summoned.

The Committee put it to them that it was disappointed by their presence during the press briefing by the Committee at 3.00 p.m. today, and the fact that they actually lied when asked to identify themselves that they were personnel from Kenya Times and the Herald respectively.

That the Committee felt rather intimidated by their presence, and more so the fact that they had been given an opportunity to walk out nobly when they were asked to identify themselves. That the Committee was already aware of their activities but the fact that they chose to lie to the Committee that they belonged to a media house was totally unacceptable. It was further put to them that the Committee of the House cannot be subjected to harassment by a creature of the House itself i.e. the National Intelligence Service, which is their employer.

They were informed that their explanations to the Committee that they feared the press might misreport activities of the Committee, hence their presence in the Committee room during the press briefing, was totally unacceptable.

The duo apologised to the committee and were told to leave. The Committee resolved to pursue the matter with their superiors since it was not clear why the two chose to attend the conference uninvited and to lie to the Committee.

MIŃ NO.561/2000 ADJOURNMENT

And there being no other business, the Chairman adjourned the sitting at forty minutes past four O'clock until Thursday, March 09, 2000 at 10.00 a.m. in Committee Room, County Hall.

Confirmed: Hon. Musikari N. Kombo
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND THIRTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD OF WEDNESDAY MARCH 15, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT

The Hon. Sulleman Kamolleh, MP - Vice Chairman
The Hon. Kiraitu Murungi, MP
The Hon. Henry O. Obwocha, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Peter E. Maundu, MP
The Hon. Owino Achola, MP.
The Hon. Wycliffe W. Osundwa, MP
The Hon. W. O. Ayoki, MP
The Prof. Hon. P. Anyang' Nyong'o, MP
The Hon. Martha W. Karua, MP

ABSENT WITH APOLOGY:

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sammy P. Leshore, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Mohamed A. Galgalo, MP
The Hon. Ngenye Kariuki, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

The Mr. Murumba Werunga - Deputy Clerk
The Miss C. M. Mwambua - Ag. Principal Clerk Assistant
The Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.562/2000 THE DRAFT REPORT.

It was resolved that, the, draft report be ready by Monday, March 20, 2000 for perusal and polishing by the Committee by Wednesday, March 22, 2000

The Hon. Henry Obwocha guided the Committee through evidence on the Goldenberg scam in four phases for the purpose of cross-examining witnesses on the same who will be appearing before the Committee on Thursday, March 16, 2000.

MIN.NO.563/2000 ADJOURNMENT

And there being no other business the Vice Chairman adjourned the sitting at thirty minutes past Twelve O'clock until this afternoon at 2.30 p.m.

Confirmed: **Hon. Musikari N. Kombo M.P.**
(Chairman)

Date: **May 04, 2000**

MINUTES OF THE ONE HUNDRED AND THIRTY FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, MARCH 16, 2000 IN COMMITTEE ROOM, FIRST FLOOR COUNTY HALL AT 10.00 A.M.

PRESENT.

The Hon. Sulleman Kamolleh, MP - Vice Chairman
The Hon. Kiraitu Murungi, MP
The Hon. Henry O. Obwocha, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Owino Achola, MP
The Hon. W.O Ayoki, MP
The Hon. Peter E. Maundu, MP
The Prof. the Hon. P. Anyang' Nyong'o, MP
The Hon. Ngenye Kariuki, MP
The Hon. Mohamed A. Galgalo, MP

ABSENT WITH APOLOGY

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sammy P. Leshore, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Martha W. Karua, MP
The Hon. Wycliffe W. Osundwa, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua - Ag. Principal Clerk Assistant

MIN.NO.564/2000 PAST PIC AND PAC REPORTS

The Hon. Henry Obwocha will present his report from the on above on Friday March 17, 2000.

MIN.NO.565/2000 EVIDENCE

Mr. Charles Mwea, Manager, Thika Coffee Mills, P.O. Box 3549, Thika, accompanied by the following:-

Mr. Peter Nyaga - Financial Controller
Mr. Gitau Nyoro - General Manager
Mr. D. Omondi - Public Relations Manager and
Mr. D. Magani - Legal Officer

appeared before the Committee and gave evidence under oath.

They stated thus:-

(i) That, before their emergence to the Coffee Sector, visibility studies were carried out and the relevant licences applied for as required by the law.

(ii) That, they started by holding various meetings with the farmers, both small-scale farmers and estate owners all over the country, making requests and pleas for farmers to consider doing business with them. These were presented during general meetings by farmers co-operative societies and estate owners. That they would be invited to the meetings by the co-operative societies along with other competitors, mainly the KPCU. Then farmers would be asked to decide on whom to give their business. The decision would be taken by a vote, either a show of hands or lining up behind miller of ones choice.

(iii) That, it was not part of the strategy to give inducements in order to secure business.

(iv) That, they were invited to Kabare Co-operative Society along with other to a meeting to talk to the farmers since 1996.

(v) That, the co-operative society has many factories.

(vi) That, they have been doing business with Mubithania factory where Mr. Jeremiah Gateri was a member.

(vii) That, Mr. Gitau Nyoro, General Manager of Thika Coffee Mills indeed knew Mr. Jeremiah Gateri but that it was not through Mr. Gateri's efforts that the Mills were able to gain access to Muthegeria Coffee Factory.

(viii) That, Mr. Nyoro knew Mr. Gateri as a local leader in Kirinyaga and that the latter was not the Chairman of Kabare Co-operative Soceity.

(ix) That it was not true Thika Coffee Mills had issued a cheque of Kshs.2 M. to Mr. Jeremiah Gateri for the purpose of helping in the compaign towards the liberalisation of coffee milling in Central Kenya.

(x) That the Mills had also been alerted of the said cheque in circulation and that they took the necessary steps to investigate the matter through the police and the C.I.D.

(xi) All this point, it was not clearly stated by the witnesses that they had the finger prints taken and fully investigated.

(xii) The General Manager and his colleagues denied that they knew the Hon. Martha Karua, MP who was allegedly supposed to have been paid some Kshs.500,000/= from the proceeds of the alleged cheque. He also agreed that he knew one John Githinji Wangondu who was Chairman of Othaya Co-operative Society and that Othaya Co-operative Society was their good client.

(xiii) That they got the business from this Co-operative Society when Mr. Wang'ondu became Chairman of the Co-operative Society.

(xiv) They denied that they had offered inducements to Mr. Wang'ondu to assist them penetrate the Othaya Coffee Milling Market.

(xv) He admitted to knowing the Hon. Wanyiri Kihoro, MP for Nyeri town.

(xvi) That, their stand was against the split of coffee societies but would rather deal with societies that were economically viable and could run their affairs independently. That they advocated for Societies to have sound management.

(xvii) That, Thika Coffee Mills is a subsidiary of a company called International Controls Ltd. whose directors were Mr. Paul Ngugi, Mrs. Ngugi and Elizabeth Ngugi.

(xviii) That, International Controls Limited owned 100% shares of Thika Coffee Mills.

(xix) They stated that the motive of tarnishing their name would be competition in the coffee milling business.

(xx) That, their immediate competitors were KPCU, Gatatha Millers in Kiambu, Brooke Bond among others.

(xxi) That, other than commercial millers, there are also the commission agents who are the go-between the millers and

the farmers. That the Coffee Board of Kenya was also a competitors, and that at times the provincial administration had been used to divert coffee from their mills to their competitors while the farmers in question had signed a contract with FCM. That, Thika Coffee Mills does not hold any coffee but is delivered immediately after milling to the Coffee Board of Kenya.

(xxii) That, they do not buy or sell coffee – theirs was just milling and delivery to market.

(xxiii) That, their milling charges are $ 75 per tonne as compared to KPCU whose charges are $ 79 per tonne. The team submitted a detailed Memorandum to the Committee in support of their evidence.

MIN.NO.566/2000 SUMMONS

The Committee expressed concern that the witnesses summoned to appear before it on the Goldenberg scam had failed to do so under the guise of the *sub-judice* rule. It was then resolved that the Chairman consults with the Clerk of the National Assembly on the circumstances under which the summons could not be transmitted to the required witnesses.

MIN. NO.567/2000 ADJOURNMENT

And there being no other business, the Chairman adjourned the Sitting at forty-five minutes past Twelve O'clock until this Afternoon at 2.30 p.m.

Confirmed: Hon. MUSIKARI N. KOMBO MP .P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND THIRTY SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY MARCH, 17 2000, IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Ngenye Kariuki, MP	-	Ag. Chairman
The Hon. Peter Maundu, MP		
The Hon. Winston O. Oyoki, MP		
The Hon. Wanyiri Kihoro, MP		
The Hon. Owino Acholla, MP		
The Hon. Henry Obwocha, MP		

ABSENT WITH APOLOGY:

The Hon. Musikari N. Kombo, MP	-	Chairman
The Hon. Suleman Kamolleh, MP	-	Vice Chairman
The Hon. Martha Karua, MP		
The Hon. Sammy P. Leshore, MP		
The Prof. Hon. Anyang' Nyong'o, MP		
The Hon. Kiraitu Murungi, MP		
The Hon. Wycliffe Osundwa, MP		
The Hon. Mohamed A. Galgalo, MP		
The Hon. Mohamed D. Weyrah, MP		

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss M.J. Chesire	-	Third Clerk Assistant

MIN NO.568/2000 PAST PAC REPORT ON GOLDENBERG

Hon. Henry Obwocha, MP, presented detailed information on past Public Accounts Committee reports concerning the Goldernberg scam. He laid documents in support of the fact that the issue was discussed in detail by PAC in 1994.

That all-documentary evidence on Goldenberg which was available in Parliament has all been taken away by the Attorney General purportedly for use during the prosecution of the cases in the High Court.

That the outstanding issue on the scam is the loss of the Kshs.5.7 billion. The loss of this amount is contained in three letters written to Treasury with no reference numbers.

That the money was disbursed through the following banks as follows:

Exchange Bank	K£ 71,054,047
Delphis Bank	K£ 70,000,000
Exchange Bank	K£ 28,078,718
Delphis Bank	K£ 30,000,000
	K£ 289,132,765

That the Committee should be concerned with the channelling of the Kshs.13 billion (which Kamlesh Pattni owed the Central Bank of Kenya) to the Kenya Commercial Bank and whether the said amount is part of the Goldenberg.

That the outstanding claim to Mr. Pattni and Goldenberg by Treasury is Kshs.1,169,612,150, which Treasury confirmed to have paid Mr. Pattni.

That there is also the case where Treasury paid Goldenberg International through the following banks as follows:-

Exchange Bank	-	Kshs.13,525,211,000
Trade Bank	-	Kshs.2,172,329,283
Post Bank Credit	-	Kshs.2,063,986,511
Total	-	**Kshs.17,761,526,974**

That an extra Kshs.30.8 billion resulted from the extra 20% compensation. That the total amount paid to Goldenburg was Kshs65.6 billion.

That the cases on Goldenburg have been in Court since 1994. That any time PAC or Parliament tried to unveil the issues surrounding Goldenberg, the *sub judice* rule has always been applied.

The Committee was of the opinion that the *sub-judice* rule should be checked and be rectified so that Parliament can penetrate this particular case and that the judicial system should be enhanced so that this case could be settled once and for all.

That the following persons should be held responsible concerning Goldenberg:-

(i) Mr. Kamlesh Pattni

(ii) Mr. Charles Mbindyo (former Permanent Secretary, Treasury)
(iii) Prof. George Saitoti (then Minister for Finance)
(iv) Mr. Erick Kotut (former Governor, Central Central Bank of Kenya and other Central Bank officials)
(v) Mr. Collins Owayo, Commissioner of Mines.
(vi) Customs department.
(vii) Wilfred Koinange (former Permanent Secretary, Treasury)
(viii) The Banks which processed the transfer of the money.

MIN NO.569/2000 **ADJOURNMENT**

And there being on other business the Ag. Chairman (Hon. Ngenye Kariuki MP) adjourned the sitting at thirty minutes past Twelve O'clock until Monday 20th March, 2000 at 9.00 O'clock at the Serena Hotel.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDERED AND THIRTY THIRD SITTING OF TH ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY MARCH, 20 2000 AT SERENA HOTEL

PRESENT

The Prof. Hon. Anyang' Nyong'o, MP
The Hon. Sulleman Kamolleh, MP - Vice Chairman
The Hon. Kiraitu Murungi, MP
The Hon. Ngenye Kariuki, MP
The Hon. Henry Obwocha, MP
The Hon. Winston O. Ayoki, MP
The Hon. Owino Acholla, MP
The Hon. Peter E. Maundu, MP
The Hon. Mohamed Galgalo, MP

ABSENT WITH APOLOGY

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Maitha Karua, MP
The Hon. Sammy Leshore, MP
The Hon. Mohamed Weyrah, MP
The Hon. Wanyiri Kihoro, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

ATTORNEY GENERAL'S CHAMBERS

Miss Linda Murila - Parliamentary Counsel

RESOURCE PERSONS

	NAME	**INSTITUTION**
1.	Mr. Betrand De Speville	De Speville & Associates
2.	Mr. Festus Osunsade	IMF Country Director, Nairobi
3.	Mr. Harold Wackman	Country Director, World Bank (Kenya)
4.	Mr. Lee G. Muthoga	Muthoga and Gaturu, Advocates
5.	Alphonse Ntogaiti	Kenya Revenue Authority
6.	Hon. Justice Aaron Ringera	Director, Kenya Anti-Corruption Authority.
7.	Mr. Ladipo Adamalekun	World Bank, Nairobi
8.	Mr. Vincent Shitandi Omukoko	U.S. Embassy, Nairobi
9.	Mr. Wachira Maina	Centre for Governance and Development

		(CGD)
10.	Mr. John Githongo	Transparency International (Kenya Charter)
11.	Ms Nancy Gitau	USAID
12.	Mr. Peter Croll	Director, GTZ, Kenya.
13.	Dr. Richard Leakey	Head of Public Service
14.	Sir Jeffrey James	British High Commissioner to Kenya.

MIN NO.570/2000 THE DRAFT BILL

The Committee's Draft Bill, "The Anti-Corruption and Economic Crimes Bill, 2000" was discussed at length and various amendment were made to be incorporated in the final draft of the Bill.

MIN NO.571/2000 ADJORNMENT

And there being not other business the Vice Chairman adjourned the sitting at thirty minutes past Five O'clock until Tuesday 21st March, 2000 at Serena Hotel.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND THIRTY FOURTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY MARCH 21, 2000 AT SERENA HOTEL AT 9.00 A.M.

PRESENT

The Hon. Sulleman Kamolleh, MP	-	Vice Chairman
The Hon. Kiraitu Murungi, MP		
The Prof. the Hon. Anyang' Nyong'o, MP		
The Hon. Henry Obwocha, MP		
The Hon. Ngenye Kariuki, MP		
The Hon. Winston O. Ayoki, MP		
The Hon. Peter E. Maundu, MP		
The Hon. Owino Acholla, MP		
The Hon. Mohamed A. Galgalo, MP		
The Hon. Maitha Karua, MP		
The Hon. Wanyiri Kihoro, MP		
The Hon. Mohamed D. Weyrah, MP		

ABSENT WITH APOLOGY

The Hon. Musikari N. Kombo, MP	-	Chairman
The Hon. Sammy Leshore, MP		
The Hon. Wycliffe Osundwa, MP		

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

ATTORNEY GENERAL'S CHAMBERS.

Miss Linda Murila	-	Parliamentary Counsel.

	NAME	**INSTITUTION**
1.	Mr. Betrand De Speville	De Speville & Associates
2.	Mr. Festus Osunsade	IMF Country Director, Nairobi
3.	Mr. Harold Wackman	Country Director, World Bank Kenya)
4.	Mr. Lee G. Muthoga	Muthoga and Gaturu, Advocates
5.	Alphonse Ntogaiti	Kenya Revenue Authority
6.	Hon. Justice Aaron Ringera	Director, Kenya Anti-Corruption Authority.
7.	Mr. Ladipo Adamalekun	World Bank, Nairobi
8.	Mr. Vincent Shitandi Omukoko	U.S. Embassy, Nairobi
9.	Mr. Wachira Maina	Centre for Governance and Development (CGD)

10.	Mr. John Githongo	Transparency International (Kenya Charter)
11.	Ms Nancy Gitau	USAID
12.	Mr. Peter Croll	Director, GTZ, Kenya.

MIN NO.572/2000 THE DRAFT BILL

The workshop dissolved into three (3) working groups to analyse the proposed Bill, Clause by Clause with a view to incorporating all the views especially those contained in Justice Ringera's document presented to the workshop yesterday on 20th March, 2000.

The groups are as follows:-

(a) Group I - Institution – parts
(b) Group II - Definitions – parts
(c) Group III - Procedures - parts

The groups later reported back to the plenary and their presentations were discussed at length before being incorporated in the final draft of the Bill.

MIN NO.573/2000 CLOSING SPEECH BY ATTORNEY GENERA

The Attorney General, Hon. Amos Wako presented his views about the Draft Bill before officially closing the Seminar. He stated that the Government and especially his office was interested in laws to combat corruption. He gave the history of prevention of Corruption Laws since 1991. That economic crimes cause substantial damage to economic, social environmental institutions. That Economic Crimes Act is most needed to combat economic crimes that the Government is interested in putting in place a comprehensive law to this effect and this demands full participation and support of all to succeed.

MIN. NO.574/2000 ADJOURNMENT

And there being no other business, the Vice Chairman adjourned the sitting until Thursday 25th March, 2000 in Committee Room County Hall at 10.00 a.m.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND THIRTY FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY MARCH 22, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Sulleman Kamolleh, MP - Vice Chairman
The Prof. Hon. Anyang' Nyong'o, MP
The Hon. Kiraitu Murungi, MP
The Hon. Owino Acholla, MP
The Hon. Henry Obwocha, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Martha Karua,MP
The Hon. Mohamed Galgalo, MP
The Hon. Peter E. Maundu, MP
The Hon. Ngenye Kariuki, MP

ABSENT WITH APOLOGY

The Hon. Musikari N. Kombo, MP – Chairman
The Hon. Sammy P. Leshore, MP
The Hon. Mohamed Weyrah, MP
The Hon. Wycliffe Osundwa, MP
The Hon. Winston O. Ayoki, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua – Ag. Principal Clerk Assistant.
Miss M.J. Chesire – Third Clerk Assistant.

MIN NO.575/2000 TRIP TO BOTSWANA

The Members discussed at length the proposed trip to Botswana. The Committee was informed that Center for Governance and Development (CGD) will only cater for the Air tickets and accommodation minus meals. In this case the Members will be expected to pay for their own meals from their quarter per diem which will be provided by Parliament. The Members were concerned about this state of affairs, and appointed the Hon. Kamolleh, MP, Hon. Martha Karua, MP and Hon. Ngenye Kariuki, MP who were asked to take up the matter with the Speaker and the Clerk of the National Assembly.

MIN NO.576/2000 ANY OTHER BUSINESS

(i) SUMMONS

The Committee was informed by the Vice-Chairman that the Speaker was of the opinion that those implicated on the Goldenberg scam would not be summoned because the matter was *sub-judice*. The idea did not augur well with the Committee and the Members agreed to further consult with the Speaker due to the fact that what the Committee wanted to investigate was on the issue of 20% extra compensation paid to Goldenberg for the export of gold and jewellery and which was not part of the matters before court.

(ii) MEMORANDA

The Committee was informed that during its provincial visits, most of the Town Clerks to Municipal and County Councils appeared before the Committee and promised to submit more information on the status of council/municipals plots, houses and other properties, but to date nothing had been done. The secretariat was instructed to follow up the matter.

MIN. NO.577/2000 ADJOURNMENT

And there being no other business the Vice-Chairman adjourned the sitting at thirty minutes past four O'clock until Thursday 23rd March, 2000 at 10.00 a.m.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND THIRTY SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY THE MARCH 27, 2000 IN GABORONE, BOTSWANA AT 9.00 A.M.

PRESENT:

The Hon. Musikari N. Kombo, MP – Chairman
The Hon. Sulleman Kamolleh, MP – Vice Chairman
The Hon. Owino Acholla, MP
The Hon. Kiraitu Murungi, MP
The Hon. Ocholla W. Ayoki, MP
The Hon. Mohamed A. Galgalo, MP
The Hon. Martha Karua MP
The Hon. Wycliffe Osundwa, MP
The Prof. the Hon. Anyang' Nyong'o, MP
The Hon. Peter Maundu, MP
The Hon. Ngenye Kariuki, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wanyiri Kihoro, MP

ABSENT WITH APOLOGY

The Hon. Sammy P. Leshore, MP
The Hon. Henry Obwocha, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M. J. Chesire	-	Third Clerk Assistant

ATTORNEY GENERAL'S CHAMBERS

Miss Linda Murila	-	Parliamentary Counsel

MIN. NO.578/2000 COURTESY CALL ON THE DIRECTOR, DIRECTORATE ON CORRUPTION AND ECONOMIC CRIMES.

The Committee paid a courtesy call on the Director of the Directorate on Corruption and Economic Crimes (DCEC) Mr. Katlholo and two (2) Assistant Directors. He outlined how they have managed to minimize cases of corruption in their society. That their aim is to be the best anti-corruption agency in Africa, and commit themselves to combating corruption in Botswana.

That the main strategies (drives) of (DCEC) are:-

(i) Investigation
(ii) Prosecutions
(iii) Public education
(iv) Performance

That their performance indicators are:-

i. Detention and conviction rates
ii. Corruption opportunities minimized since there are control systems in place to make corruption visible
iii. Training plans
iv. Youth programmes – People are educated on how to fight corruption and even school children are involved in the crusade against corruption.
v. Perspective change – People's minds should be changed and this change comes gradually
vi. Workshops/seminars
vii. Advisory Services

The DCEC was formed in 1994 after 3 issues:-

i. Petty Corruption involving theft in School books by the Ministry of Local government.

ii. Corruption in land acquisition where 3 Ministers were involved.

iii. Corruption in the Botswana National Housing Corporation.

After the formation of DCEC expatriates were hired from Hong Kong due to their experience in fighting corruption to assist in the directions and operations of the Directorate.

The Political <u>will</u> and not political <u>wish</u> is important in fighting corruption. In Botswana the political will has been maintained from independence until it became a culture.

That the amnesty rule is not applicable in Botswana and prosecution on corruption cases can be backdated to 20 years and that the penal code rules are applied during prosecution.

<u>INVESTIGATION AND INTELLIGENCE DIRECTOR</u>

That investigations need technical support and surveillance e.g., taking photographs of suspects and monitoring movements of suspects.

That more information on corruption is received from the public and the DCEC is called upon directly by the public to investigate something or somebody.

MIN NO.579/2000 COURTESY CALL ON THE ATTORNEY GENERAL

The Committee paid a courtesy call on the Attorney General. The meeting was held at the House of Chiefs, Parliament.

He stated thus:

That the Attorney General can investigate all sectors of the society including the police, and matters touching on intelligence, Ministers, Members of Parliament etc.

That the law overrides professional secrecy. That there is no political interference on the operations of the office of the Attorney General. He advises the President about any decision he (Attorney General) would like to take and then he goes ahead without any pressure to implement it.

The traffic offenses are many and thus there is a particular magistrate assigned to deal with traffic offences.

That investigators have no bounds i.e., the president's family and relatives have been investigated; including sons of the former president who have also been investigated.

MIN. NO. 580/2000 COURTESY CALL ON THE DIRECTOR OF BOTSWANA CONFEDERATION OF COMMERCE, INDUSTRY AND MANPOWER (BOCCIM)

The Committee paid a courtesy call on the Director of Botswana Confederation of Commerce Industry and Manpower (BOCCIM) Mr. Elius Dewah.

He stated thus:-

That BOCCIM is a private sector organization working closely with all stake holders:-

He compared and contrasted the three areas of the society where corruption is rampant as follows:-

A	B	C
Businessmen	Civil Servants	Members of Parliament
1 In a hurry to make money 2 Have money power 3 Believe money can buy power and influence 4 Rich 5 Want to make more money to buy power and influence 6 Corruptors. Why? i. To beat greed in the bureaucracy ii. No Code of Conduct	1. Bureaucratic and slow act 2. Government power 3. Power can buy money 4. Poor 5. Sell power (signatures and favours) 6. Corruptees. Why? i. Greed ii. Skewed incomes between junior and senior staff. iii. Lack of supervision by senior staff, iv. Collusion between junior and senior staff. A condoning political systems.	1. Always seeking popularity. 2. Influence 3. Influence can buy money 4. Not enough 5. Sell political influence. 6. Corruptees. Why? i. Entering politics from a poor base ii. Greed. iii. Feeling of insecurity iv. Low salaries for MPs. v. A condoning political system.

That there is a high level consultative council where the President is the Chairman to look into ways of preventing corruption. Stakeholders are Members of this council and all Ministries are represented.

That fighting corruption needs the collective work/efforts of businessmen, civil servants and Members of Parliament.

That there is a code of conduct for businessmen to check and balance their activities.

MIN. NO.581/2000 ADJOURNMENT

And there being no other business, the Chairman adjourned the sitting at Five O'clock until Tuesday 28th March, 2000 still in Botswana at 9.00 a.m.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: **May 04, 2000**

MINUTES OF THE ONE HUNDRED AND THIRTY SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY 28TH MARCH, 2000 IN THE HOUSE OF CHIEFS, PARLIAMENT, GABORONE, BOTSWANA AT 9.00 A.M.

PRESENT

The Hon. Musikari N. Kombo, MP – Chairman
The Hon. Sulleman Kamolleh, MP – Vice Chairman
The Hon. Owino Acholla, MP
The Hon. Kiraitu Murungi, MP
The Hon. Ocholla W. Ayoki, MP
The Hon. Mohamed A. Galgalo, MP
The Hon. Martha Karua, MP
The Hon. Wycliffe Osundwa, MP
The Prof. Hon. Anyang' Nyong'o, MP
The Hon. Peter Maundu, MP
The Hon. Ngenye Kariuki, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wanyiri Kihoro, MP

ABSENT WITH APOLOGY

The Hon. Sammy P. Leshore, MP
The Hon. Henry Obwocha, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M. J. Chesire	-	Third Clerk Assistant

ATTORNEY GENERAL'S CHAMBERS

Miss Linda Murila	-	Parliamentary Counsel

MIN. NO.582/2000 COURTESY CALL ON THE CHAIR OF PUBLIC ACCOUNTS COMMITTEE (P.A.C) THE HON. M.R. TSHIPINARE

The Committee paid a courtesy call on the Chairperson of Public Accounts Committee, Hon. M. R. Tshipinare.

He stated thus:-

That after the Auditor General tables reports before Parliament, the Accounting officers are held responsible for their expenditure in their Ministries/Departments.

That the Attorney General sits in PAC so that he can act and surcharge those who have misappropriated funds and he has to give an account of previous cases which he has not acted upon.

That the Auditor General is Independent. It is a Constitutional office and operates under the Audit Act.

That Accounting officers who mismanage government funds under their jurisdiction, the amount is recovered through deductions in their salaries, e.g., if a driver is involved in an accident through careless driving, he will have to meet part of the expenses of the repair of the vehicle he was driving.

That Members of Parliament travel first class but sometimes the Clerk of the National Assembly would plead with them to travel Business class due to financial constraints.

MIN. NO.583/2000 **COURTESY CALL ON THE CHAIR OF FINANCE AND ESTIMATES COMMITTEE**

The Committee paid a courtesy call on the Chairperson of Finance and Estimates Committee, Hon. Venson on behalf of Hon. G.D. Lefhoko

She explained to the Committee the Budget process in Botswana.

She Stated that estimates for all Ministries are tabled in Parliament for consideration depending on financial factors and prioritized needs.

That the budget originates from village Development Committees then presented to District Development Committees (DDCs) then on to National Development Plans which runs for three (3) years.

That they have a centralized human resource service and distribution is done according to needs.

That Accounts of Botswana Parliament are handled by an Accounts Controller.

That an Estimates Committee can object to the inclusion of an item in the Budget before presentation to the House.

That implementation of projects are done at the local/grassroot level and that projects can override others though not in the original development plan. These are projects which are income and development oriented for instance, computer installations etc.

That centralized public service has enabled the economy to grow. Salaries for civil servants are set by the centralized service but local authorities do not set their own salaries.

MIN. NO.584/2000 COURTESY CALL ON THE SPEAKER OF THE NATIONAL ASSEMBLY MR. M. R. MOLOMO

The Committee paid a courtesy call on the Speaker of the National Assembly, Hon. M.R. Molomo at the House of Chiefs.

He stated that Parliament operates under the Constitution. The Speaker is not elected but appointed, but the Deputy Speaker must be elected by Members.

The Chiefs are responsible to the Vice-President and they act as Judicial officials for the government in their respective areas.

MIN. NO.585/2000 ANY OTHER BUSINESS

30

i. The Committee proceeded to Parliament to observe proceedings of the House at 2.30 p.m.

ii. The Committee paid a courtesy call on the Vice Chancellor of the University of Botswana Dr. Burton Mguni and held a brief discussion with him and other heads of various Departments of the University.

MIN. NO.586/2000 ADJOURNMENT

And there being no other business, the Chairman adjourned the sitting at Five O'clock until Thursday 6th April 2000 at Committee Room County Hall Nairobi at 10.00 a.m.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND THIRTY EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY APRIL 6, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sulleman Kamolleh, MP - Vice Chairman
The Hon. Ngenye Kariuki, MP
The Hon. Kiraitu Murungi, MP
The Hon. Ochoro W. Ayoki, MP
The Hon. Mohamed Galgalo, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Henry Obwocha, MP
The Prof. Hon. Anyang' Nyong'o, MP

ABSENT WITH APOLOGY

The Hon. Sammy P. Leshore, MP
The Hon. George O. Acholla, MP
The Hon. Martha Karua, MP
The Hon. Wycliffe Osundwa, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Peter E. Maundu, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua	Ag. Principal Clerk Assistant
Miss M.J. Chesire	Third Clerk Assistant

MIN. NO.587/2000 REPORT OF THE COMMITTEE

The Committee discussed at length chapter 3 Recommendations of the report and from (a) to (g) and made some amendments and corrections and agreed that the remaining portion will be discussed in the next meeting on Monday 10th April, 2000.

MIN. NO.588/2000 ADJOURNMENT

And there being no other business the Chairman adjourned the sitting at One O'clock until Monday 10th April, 2000 in Committee Room County Hall at 10.00 a.m.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: **May 04, 2000**

MINUTES OF ONE HUNDRED AND THIRTY NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY, APRIL 10, 2000 IN THE COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Ngenye Kariuki, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Henry Obwocha, MP
The Hon. Mohamed A. Galgalo, MP

ABSENT WITH APOLOGY

The Hon. Sammy P. Leshore, MP
The Hon. Martha Karua, MP
The Hon. Wycliffe Osundwa, MP
The Hon. Winston O. Ayoki, MP
The Hon. Owino Acholla, MP
The Prof. Hon. Anyang' Nyong'o, MP
The Hon. Sulleman Kamolleh, MP - Vice Chairman
The Hon. Kiraitu Murungi, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Peter E. Maundu, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN. NO.589/2000 THE DRAFT REPORT

It was agreed that perpetrators be dealt with as "alleged perpetrators" and not as persons who have been found guilty of offences they are alleged to have committed.

That each case be dealt with individually and recommendations made accordingly.

CATEGORY A-PIC AND PAC REPORTS

1) **CASE:** Fraudulent and illegal importation and evasion of duty on 6 Mercedes Benz cars by M/s Sheraton International.

Alleged perpetrators

i. Mr. Phillip Moi
ii. Mohamed Muzahim
(Paragraphs 76 and 78 of PAC 1994/95)

Recommendation:

KACA to charge the two in court and recover the duty.

2) **CASE:** Unexplained expenditure on the Goldenberg scam by various Treasury officials as follows:-

i) Hon. George Saitoti, MP, Vice President (then Minister for Finance)
ii) Mr. Kamlesh Pattni
iii) Mr. Charles Mbindyo (the then Permanent Secretary, Treasury) and who authorised and initiated the payments.
iv) Mr. Eric Kotut (then governor of Central Bank of Kenya – who personally signed the payments)
v) Mr. Wilfred Koinange (former Permanent Secretary, Treasury)
vi) Mr. Eliphaz Riungu
vii) Mr. Wairagu
viii) Mr. Kibunja (former Accountant General)
ix) Mr. Collins Owayo (former Commissioner of Mines)
x) Other unidentified officials from Treasury, Customs, Central Bank of Kenya and Commissioner of Mines and Geology.

Recommendations

The committee summoned the alleged perpetrators but was stopped under the guise of the *sub-judice* rule. But the cases in court are connected with 5.8 Billion payments and 13.5 Billion paid to Exchange Bank.

The perpetrators in the export compensation scam (20% and the additional 15% export compensation) have never been taken to court.

The committee therefore recommends that KACA takes up the case with a view to prosecution of the suspects and recover the public funds.

MIN. NO.590/2000 ADJOURNMENT

And there being no other business, the Chairman adjourned the sitting at thirty minutes past five O'clock until Tuesday, 11th March, 2000 at 10.00 a.m.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND FORTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY APRIL 11, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sulleman M. Kamolleh - Vice Chairman
The Hon. Wanyiri Kihoro, MP
The Hon. Winston O. Ayoki, MP
The Hon. Henry Obwocha, MP
The Hon. Owino Acholla, MP
The Hon. Kiraitu Murungi, MP

ABSENT WITH APOLOGY

The Hon. Martha Karua, MP
The Hon. Sammy P. Leshore, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe Osundwa, MP
The Hon. Ngenye Kariuki, MP
The Hon. Peter E. Maundu, MP
The Prof. Hon. Anyang' Nyong'o, MP
The Hon. Mohammed Galgalo, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

ATTORNEY GENERAL'S CHAMBERS

Miss Linda Murila - Parliamentary Counsel

MIN. NO.591/2000 THE DRAFT BILL

The Sub-Committee looking at the Draft Bill presented the final copy of the Bill to the main Committee and the Members agreed to study the Draft Bill during the next sitting.

MIN. NO.592/2000 THE DRAFT REPORT

The Committee studied at length the list of perpetrators which was compiled from PIC and PAC past reports for inclusion in the final report and made amendments there on as at and where necessary.

MIN. NO.593/2000 ADJOURMENT

And there being no other business the Chairman adjourned the sitting at One O'clock until Wednesday 12th April, 2000 in Committee Room County Hall.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND FORTY FIRST SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY APRIL 12, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT

The Hon. Kiraitu Murungi, MP
The Hon. Wanyiri Kihoro, MP
The Prof. the Hon. Anyang' Nyong'o, MP
The Hon. Peter E. Maundu, MP
The Hon. Henry Obwocha, MP

ABSENT WITH APOLOGY

The Hon. Sammy P. Leshore, MP
The Hon. Martha Karua, MP
The Hon. Mohamed A. Galgallo, MP
The Hon. Wycliffe Osundwa, MP
The Hon. Ngenye Kariuki, MP
The Hon. W. O. Ayoki, MP
The Hon. Owino Acholla, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Sulleman Kamolleh, MP - Vice Chairman
The Hon. Musikari N. Kombo, MP - Chairman

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

ATTORNEY GENERAL'S CHAMBERS

Miss Linda Murila - Parliamentary Counsel

MIN. NO.594/2000 THE DRAFT BILL

The Committee perused through the final copy of the Draft Bill Clause by Clause making amendments where and when necessary for incorporation into the final draft of the bill.

MIN. NO.595/2000 ADJOURNMENT

And there being no other business the Acting Chairman (Hon. Kiraitu Murungi) adjourned the sitting at fifty five minutes past

Eleven O'clock until today afternoon at 3.00 p.m. in Committee Room County Hall.

AFTERNOON SITTING

PRESENT

The Hon. Kiraitu Murungi, MP
The Hon. Wanyiri Kihoro, MP
The Prof. the Hon. Anyang' Nyong'o, MP
The Hon. Martha Karua, MP
The Hon. Mohammed A. Galgallo, MP
The Hon. Ngenye Kariuki, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

ATTORNEY GENERAL'S CHAMBERS

Miss Linda Murila	-	Parliamentary Counsel.

MIN. NO.596/2000 THE DRAFT BILL.

The Committee continued with the analysis of the Final Draft Bill before it is printed for presentation to the House.

MIN. NO.597/2000 ADJOURNMENT

And there being no other business, the Acting Chairman (Hon. Kiraitu Murungi) MP adjourned the sitting at thirty minutes past Five O'clock until 17th April 2000 at 2.30 p.m., Monday.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND FORTY SECOND SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY APRIL 17, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 2.30 P.M.

PRESENT

The Hon. Sulleman Kamolleh, MP - Vice-Chairman
The Hon. Kiraitu Murungi, MP
The Hon. Henry Obwocha, MP
The Hon. Hon. Mohamed A. Galagalo, MP
The Hon. Owino Achola, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Peter E. Maundu, MP
The Hon. Winston D. Ayoki, MP
The Hon. Ngenye Kariuki, MP

ABSENT WITH APOLOGY

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sammy P. Leshore, MP
The Hon. Martha Karua, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe Osundwa, MP
The Prof. the Hon. Anyang' Nyong'o, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

ATTORNEY GENERAL'S CHAMBERS

Miss Linda Murila - Parliamentary Counsel

MIN. NO.598/2000 THE DRAFT BILL

The Committee continued with the analysis of the Draft Bill from Part VIII to XII.

MIN. NO.599/2000 ADJOURNMENT

And there being no other business the Acting Chairman (Hon. Kiraitu Murungi) adjourned the sitting at fifty five minutes past Four O'clock until Tuesday 18th April, 2000 in Committee Room (County Hall) at 10.00 a.m.

Confirmed **Hon. Musikari N. Kombo M.P.**
(Chairman)

Date: **May 04, 2000**

MINUTES OF THE ONE HUNDRED AND FORTY THIRD SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON TUESDAY APRIL 18, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Kiraitu Murungi, MP
The Hon. Winston O. Ayoki, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Mohamed A. Galgallo, MP

ABSENT WITH APOLOGY

The Hon. Sulleman Kamolleh, MP - Vice-Chairman
The Hon. Sammy P. Leshore, MP
The Hon. Martha Karua, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe Osundwa, MP
The Prof. the Hon. Anyang' Nyong'o, MP
The Hon. Henry Obwocha, MP
The Hon. Owino Achola, MP
The Hon. Peter E. Maundu, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN. NO.600/2000 THE DRAFT REPORT

The Committee deliberated at length on the recommendations contained in the Report of the Committee, making improvements and amendments as at and where necessary.

MIN. NO.601/2000 ADJOURNMENT

And there being no other business the Chairman adjourned the sitting at fourty five minutes past Twelve O'clock until this afternoon at 4.00 p.m. in Committee Room (County Hall).

AFTERNOON SITTING

PRESENT

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Kiraitu Murungi, MP
The Hon. Winston O. Ayoki, MP

The Hon. Wanyiri Kihoro, MP
The Hon. Ngenye Kariuki, MP
The Prof. Hon. Anyang' Nyong'o, MP
The Hon. Martha Karua, MP

ABSENT WITH APOLOGY

The Hon. Sulleman Kamolleh, MP - Vice-Chairman
The Hon. Sammy P. Leshore, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe Osundwa, MP
The Hon. Henry Obwocha, MP
The Hon. Owino Achola, MP
The Hon. Peter E. Maundu, MP
The Hon. Mohamed Galgallo, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN. NO.602/2000 THE DRAFT REPORT

The Committee continued perusing and polishing the recommendations of the Draft Report making amendments as at and where necessary.

MIN. NO.603/2000 ADJOURNMENT

And there being no other business the Chairman adjourned the sitting at thirty minutes past Six O'clock until Thursday, 20th April, 2000 at 10.00 a.m. in Committee Room (County Hall).

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND FORTY FORTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY APRIL20, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sulleman Kamolleh, MP - Vice-Chairman
The Hon. Wanyiri Kihoro, MP
The Hon. Ngenye Kariuki, MP
The Hon. Henry Obwocha, MP

ABSENT WITH APOLOGY

The Hon. Sammy P. Leshore, MP
The Hon. Martha Karua, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe Osundwa, MP
The Hon. Peter E. Maundu, MP
The Prof. the Hon. Anyang' Nyong'o, MP
The Hon. Winston O. Ayoki, MP
The Hon. Owino Achola, MP
The Hon. Mohamed A. Galgallo,MP
The Hon. Kiraitu Murungi, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN. NO.604/2000 THE DRAFT REPORT

The Committee analysed at length the Committee's draft report and resolved to continue today in the afternoon at 3.00 p.m.

MIN. NO.605/2000 ADJOURNMENT

And there being no other business the Chairman adjourned the sitting at One O'clock until this afternoon at 3.00 p.m. in Committee Room (County Hall).

AFTERNOON SITTING

PRESENT

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sulleman Kamolleh, MP - Vice-Chairman
The Hon. Kiraitu Murungi, MP
The Hon. Ngenye Kariuki, MP
The Hon. Henry Obwocha, MP

ABSENT WITH APOLOGY

The Hon. Sammy P. Leshore, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe Osundwa, MP
The Hon. Owino Achola, MP
The Hon. Peter E. Maundu, MP
The Hon. Mohamed Galgallo, MP
The Hon. Winston O. Ayoki, MP
The Hon. Wanyiri Kihoro, MP
The Prof. Hon. Anyang' Nyong'o, MP
The Hon. Martha Karua, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN. NO.606/2000 THE DRAFT REPORT

The Committee continued the analysis of the Committee's draft report, polishing up the lists of perpetrators.

MIN. NO.607/2000 ADJOURNMENT

And there being no other business the Chairman adjourned the sitting at Six O'clock until Friday, 21st April, 2000 at 9.30 a.m. in Committee Room (County Hall).

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 04, 2000

MINUTES OF THE ONE HUNDRED AND FORTY FIFTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON FRIDAY APRIL 21, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 9.30 A.M.

PRESENT

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sulleman Kamolleh, MP - Vice-Chairman
The Hon. Henry Obwocha, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Hon. Kiraitu Murungi,MP
The Hon. Peter E. Maundu, MP

ABSENT WITH APOLOGY

The Hon. Sammy P. Leshore, MP
The Hon. Martha Karua, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe Osundwa, MP
The Prof. the Hon. Anyang' Nyong'o, MP
The Hon. Winston O. Ayoki, MP
The Hon. Owino Achola, MP
The Hon. Mohamed A. Galgallo,MP
The Hon. Ngenye Kariuki, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN. NO.608/2000 THE DRAFT REPORT

The Committee perused through, polishing the list of alleged perpetrators of corruption along with recommendations made for each case, making amendments and corrections where and when possible for inclusion in the final report of the Committee.

MIN. NO.609/2000 ADJOURNMENT

And there being no other business the Chairman adjourned the sitting at fifty five minutes past One O'clock, until Monday, 24th April, 2000 at 10.30 a.m. in Committee Room (County Hall).

Confirmed: **Hon. Musikari N. Kombo M.P.**
(Chairman)

Date: **May 04, 2000**

MINUTES OF THE ONE HUNDRED AND FORTY SIXTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON MONDAY APRIL24, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.30 A.M.

PRESENT

The Hon. Sulleman Kamolleh, MP - Vice-Chairman
The Hon. Henry Obwocha, MP
The Hon. Ngenye Kariuki, MP
The Hon. Wanyiri Kihoro, MP

ABSENT WITH APOLOGY

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sammy P. Leshore, MP
The Hon. Martha Karua, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe Osundwa, MP
The Prof. Hon. Anyang' Nyong'o, MP
The Hon. Winston O. Ayoki, MP
The Hon. Owino Achola, MP
The Hon. Mohamed A. Galgallo,MP
The Hon. Hon. Kiraitu Murungi,MP
The Hon. Peter E. Maundu, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua - Ag. Principal Clerk Assistant

MIN. NO.610/2000 THE DRAFT REPORT

The Committee continued perusing through and polishing the list of alleged perpetrators of corruption along with recommendations made for each case, making amendments and corrections where and when possible for inclusion in the final report of the Committee.

MIN. NO.611/2000 ADJOURNMENT

And there being no other business the Vice-Chairman adjourned the sitting at thirty minutes past Twelve O'clock, until Tuesday, 25th April, 2000 at 10.00 a.m. in Committee Room (County Hall).

Confirmed Hon. **Musikari N. Kombo M.P.**
(Chairman)

Date: **May 04, 2000**

MINUTES OF THE ONE HUNDRED AND FORTY SEVENTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY APRIL 27, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL) AT 10.00 A.M.

PRESENT

The Hon. Sulleman Kamolleh, MP	-	Vice-Chairman
The Hon. Henry Obwocha, MP		
The Hon. Owino Achola, MP		
The Hon. Winston O. Ayoki, MP		
The Hon. Wanyiri Kihoro, MP		
The Hon. Martha Kaur, MP		

ABSENT WITH APOLOGY

The Hon. Musikari N. Kombo, MP	-	Chairman
The Hon. Sammy P. Leshore, MP		
The Hon. Ngenye Kariuki, MP		
The Hon. Mohamed D. Weyrah, MP		
The Hon. Wycliffe Osundwa, MP		
The Prof. Hon. Anyang' Nyong'o, MP		
The Hon. Kiraitu Murungi, MP		
The Hon. Mohamed A. Galgallo,MP		
The Hon. Peter E. Maundu, MP		

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C. M. Mwambua	-	Ag. Principal Clerk Assistant
Miss M.J. Chesire	-	Third Clerk Assistant

MIN. NO.612/2000 THE DRAFT REPORT

The Committee analysed its report and in particular the part on the memoranda, making appropriate recommendations as at and where necessary.

MIN. NO.613/2000 ADJOURNMENT

And there being no other business the Vice-Chairman adjourned the sitting at ten minutes past Twelve O'clock, until Friday, 28th April, 2000 at 10.00 a.m. in Committee Room (County Hall).

Confirmed: **Hon. Musikari N. Kombo M.P.**
(Chairman)

Date: **May 05, 2000**

MINUTES OF THE ONE HUNDRED AND FORTY EIGHTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY MAY 02, 2000 IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 10.00 A.M.

PRESENT:

The Hon. Sulleman Kamolleh, MP	-	Vice Chairman
The Hon. Kiraitu Murungi, MP		
The Hon. Henry O. Obwocha, MP		
The Prof. the Hon. P. Anyang Nyong'o		

ABSENT WITH APOLOGY:

The Hon. Musikari N. Kombo, MP	-	Chairman
The Hon. Sammy P. Leshore, MP		
The Hon. Mohamed A. Galgalo, MP		
The Hon. Peter E. Maundu, MP		
The Hon. Mohamed D. Weyrah, MP		
The Hon. Wanyiri Kihoro, MP		
The Hon. Ngenye Kariuki, MP		
The Hon. Wycliffe W. Osundwa, MP		
The Hon. Ochoro Ayoki, MP		
The Hon. Owino Acholla, MP		
The Hon. Martha W. Karua, MP		

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk
Miss C.M. Mwambua	-	Ag. Principal Clerk Assistant

MIN.NO.614/2000 THE DRAFT REPORT

The Committee continued the scruitiny of the lists of alleged perpetrators and the preparation of Appendices and Tables of names and information for inclusion in the final report of the Committee.

MIN.NO.615/2000 PROGRAMME OF THE REMAINING WORK

After lengthy discussions, the Committee resolved to schedule the remaining work as follows in order to finalise and polish up the final report for typing:-

1) That the insertion of all corrections in the draft report be finalised today, Tuedsday May 02, 2000
2) Compilation of the Report, including reconciliation of dates and Tables be finalised on May 03, 2000.
3) Compilation of the Report reconciliation of dates and Tables be finalised in May 04, 2000
4) Confirmation of all Minutes and corrections of the entire report text be finalised on May 05, 2000.

MIN. NO.616/2000 ADJOURNMENT

And there being no other business, the Vice Chairman adjourned the Sitting at thirty minutes past Twelve O'clock until this afternoon at 4.00 p.m.

AFTERNOON

PRESENT:

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sulleman Kamolleh, MP
The Hon. Owino Acholla, MP
The Hon. Kiraitu Murungi, MP
The Hon. Ocholla W. Ayoki, MP
The Hon. Mohamed A. Galgalo, MP
The Hon. Martha Karua, MP
The Prof. Hon. Anyang' Nyong'o, MP
The Hon. Peter Maundu, MP
The Hon. Ngenye Kariuki, MP
The Hon. Henry Obwocha, MP

ABSENT WITH APOLOGY:

The Hon. Sammy P. Leshore, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Wycliffe W. Osundwa, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua - Ag. Principal Clerk Assistant

MIN.NO.617/2000 CONFIRMATION OF MINUTES

Minutes of the Sittings held on February 28, 2000, March 3, 8, 28, 2000 were confirmed by Members present and signed by the Chairman.

MIN. NO.618/2000 MATTERS ARISING

Under Min.No.560 2000, the Chairman reported that following the summons on the two intelligence officers by the Committee on March 08, 2000, their superior, a Mr. Mjomba had spoken to the Chairman and tendered an apology to the Committee for the uninvited appearance by the two officers during a Press briefing by the Committee in the Committee Room on the second floor, County Hall.

MIN.NO.619/2000 ANY OTHER BUSINESS

(i) Karura Forest

The Hon. Kiraitu Murungi MP was requested to prepare a write-up on allocation of plots in Karura Forest to private individuals and companies based on information contained in copies of the Hansard provided detailing the names of alleged perpetrators. The information should be in a Table form.

(ii) KNAC (Kenya National Assurance Company)

The Hon. Peter E. Maundu, MP and the Hon. Martha W. Karua, MP were requested to work out tabulated information regarding the liquidation of Kenya National Assurance Company.

MIN.NO.620/2000 ADJOURNMENT

And there being no Any Other Business, the Chairman adjourned the Sitting at forty five Minutes past Six O'clock until Wednesday, May 03, 2000 at 10.00 a.m.

Confirmed: Hon. Musikari N. Kombo M.P.
(Chairman)

Date: May 05, 2000

MINUTES OF THE ONE HUNDRED AND FORTY NINTH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON WEDNESDAY MAY 03, 2000 IN THE COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL AT 4.00 P.M.

PRESENT;

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sulleman Kamolleh, MP - Vice Chairman
The Hon. Kiraitu Murungi, MP
The Hon. Winston O. Ayoki, MP
The Hon. Mohamed Galgalo, MP
The Hon. Henry O. Obwocha, MP
The Hon. Ngenye Kariuki, MP
The Hon. Peter E. Maundu, MP

ABSENT WITH APOLOGY:

The Prof. Hon. P. Anyang' Nyong'o, MP
The Hon. Sammy P. Leshore, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Martha W. Karua, MP
The Hon. Owino Acholla, MP
The Wycliffe W. Osundwa, MP
The Hon. Owino Acholla, MP
The Hon. Wanyiri Kihoro, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.621/2000 STRUCTURE OF THE REPORT

After lengthy discussions, it was resolved that, the Report will be structured as follows:

(1) The Executive Summary
(2) The Narrative
(3) Schedules as follows:-
    (a) PIC/PAC Reports
    (b) Provincial Visits and Public hearings.
    (c) Memoranda.
(4) The Anti-Corruption and Economic Crimes Bill, 2000

(5) Appendices:

1. (a) List of Govt. Houses
   (b) List of City Council Houses
2. PAC/PIC extacts
3. Minutes

MIN.NO.622/2000 **ADJOURNMENT**

And there being no other business the Chairman adjourned the Sitting at thirty minutes past Six O'clock until Thursday, May 04, 2000 at 10.00 a.m.

Confirmed: **Hon. Musikari N. Kombo MP**
(Chairman)

Date: **May 05, 2000**

MINUTES OF THE ONE HUNDRED AND FIFTIETH SITTING OF THE ANTI-CORRUPTION SELECT COMMITTEE HELD ON THURSDAY, MAY 04, 2000 IN THE COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL, AT 10.00 A.M.

PRESENT:

The Hon. Sulleman Kamolleh, MP - Vice Chairman
The Hon. Henry O. Obwocha, MP
The Hon. Martha Karua, MP
The Hon. Ngenye Kariuki, MP
The Hon. Winston O. Ayoki, MP
The Hon. Mohammed A. Galgalo, MP
The Hon. Kiraitu Murungi, MP
The Hon. Owino Acholla, MP

ABSENT WITH APOLOGY:

The Hon. Musikari N. Kombo, MP - Chairman
The Hon. Sammy P. Leshore, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Mohamed D. Weyrah, MP
The Hon. Wycliffe W. Osundwa, MP
The Prof. Hon. P. Anyang' Nyong'o, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua - Ag. Principal Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MIN.NO.623/2000 CONFIRMATION OF PREVIOUS MINUTES

Minutes of the Sittings held on February25 and 28,, 6, 20, 21, 22, 27, 24 and 27 April, 2000 were confirmed by the Members present and signed by the Chairman.

MIN.NO.624/2000 THE REPORT OF THE ANTI-CORRUPTION COMMITTEE REPORT

It was resolved agreed that concerted efforts be made to ensure that the report was ready for printing by Friday, May 05, 2000.

MIN.NO.625/2000 ADJOURNMENT

And there being no other business the Vice Chairman adjourned the sitting *sine die* at thirty minutes past Six O'clock.

Confirmed: **Hon. Musikari N. Kombo, MP**
(Chairman)

Date: **May, 05, 2000**