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**REPUBLIC OF KENYA**

**ANNUAL REPORT**

**BY**

**THE HON. ATTORNEY GENERAL**

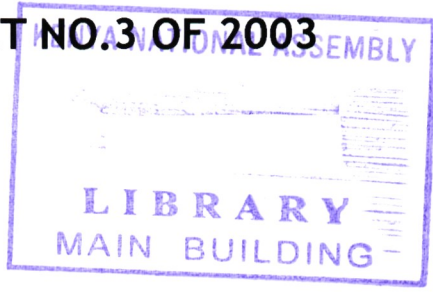
**IN RESPECT OF PROSECUTION OF ANTI-CORRUPTION AND  
ECONOMIC CRIME RELATED CASES**

**PURSUANT TO THE**

**PROVISIONS OF SECTION 37 OF THE ANTI-CORRUPTION**

**AND**

**ECONOMIC CRIMES ACT NO. 3 OF 2003**



**FOR THE PERIOD 1<sup>ST</sup> JANUARY - 31<sup>ST</sup> DECEMBER 2007**

## P R E A M B L E

The commencement date of the Anti-Corruption and Economic Crimes Act 2003 was 2<sup>nd</sup> May 2003. Section 37 (1) of the Act requires the Attorney General to prepare an annual report with respect to prosecutions for corruption or economic crimes. Section 37(2) further provides that the period covered by the annual report shall be the year ending 31<sup>st</sup> December, 2007.

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

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

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

The Attorney General is empowered by the Constitution of Kenya to conduct all public prosecutions in the Republic of Kenya. Section 26 (1) of the Constitution provides;

**“There shall be an Attorney General whose Office shall be an office in the public service”**

Section 26(3) provides;

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

- (a) To institute and undertake criminal proceedings against any person before any court (other than a court martial) in respect of any offence alleged to have been committed by that person.

- (b) To take over and continue any such criminal proceedings that have been instituted or undertaken by another person or authority ; and
- (c) To discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or another person or authority.

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

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

**“Following an investigation the commission shall report to the Attorney General the results of an investigation”**

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

During the year under review (2007) the Attorney General exercised his mandate to direct and prosecute cases referred to him by the Kenya Anti-corruption Commission and other investigative agencies such as the Criminal Investigations Department and Banking Fraud Department.

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

The office continued to carry out its constitutional duty despite severe institutional and operational challenges that have been cited in my earlier Anti-Corruption reports to Parliament. They include capacity limitations, inadequate professional and support staff,

inadequate office space, lack of library, research and other resource facilities as well as poor terms and conditions of service.

Though five special prosecutors were hired to aid in prosecution of major Anti-Corruption and Economic Crime cases, they are still way below the required number. Consequently a number of cases still continue to be prosecuted by police prosecutors.

Despite these limitations, significant strides have been made in empowering and enhancing the prosecution capacity of the Department of Public Prosecutions, still, a lot remains to be done to transform the Department into a professional, efficient and effective prosecution service.

In the year under review my office in collaboration with our Development partners mainly United States Agency for International Development (USAID) organized and achieved the following:

1. The National Prosecution Policy 2007, Code of Conduct and Ethics for Public Prosecutors and Training Needs Assessment, Curriculum and Training Manual for Public Prosecutors were launched in December, 2007.
2. Operationalization of the National Crime Research Centre (NCRC). The Governing Council of the NCRC was launched in July 2007 following the gazettelement of the NCRC Council Members.
3. Dentrization of the departments services to the districts; An office was opened in Kericho and a state counsel deployed to provide prosecutorial services in the area. In addition to the new office, officers in the provinces were designated to handle Anti-Corruption and Economic Crime cases in the field.
4. Inter - Agency Cooperation:  
The Department of Public Prosecutions enhanced its participation and collaboration with other government agencies and departments in thematic areas of common interest and especially touching on the war against corruption. This is evidenced by the following;

- i. The establishment of an inter-ministerial and multi-agency task team to operationalize the Witness Protection Act 2006. The task team produced a Report for operationalizing the witness Protection Act which is expected to be launched soon by the Honourable Attorney General.
- ii. Constitution of an Inter-agency task team on Mutual Legal Assistance.
- iii. Participation in the Inter-ministerial task team on Human Trafficking and the National Taskforce on Money Laundering.
- iv. Representation and active participation in the Vice President's Committee on Decongestion of Prisons.
- v. Collaboration with other agencies in the development of Key Legislation including the Money Laundering and Proceeds of Crime Bill, Counter Terrorism Bill, Organized Crime Bill, Plea Bargaining Bill and the legislative framework on Mutual Legal Assistance is currently being developed.
- vi. Collaboration with the Kenya Revenue Authority through organized joint training sessions for their investigators and prosecutors, advised on their internal prosecution policy and presently handling a number of prosecution files on their behalf.
- vii. Membership and participation in the inter-ministerial coordinating committee on Corruption that comprises all Ministries, Departments and Agencies dealing with Corruption.
- viii. The Department of Public Prosecutions obtained membership in key organs namely; the African Association of Prosecutions and the International Association of Prosecutors as an organizational member and participated in the past annual conferences held in July and September 2007 respectively.

The Report is divided into the following categories:

- A. FILES WHERE TRIAL IS CONCLUDED
- B. FILES WHERE TRIAL IS ONGOING
- C. FILES WHERE THE ATTORNEY GENERAL DIRECTED ADMINISTRATIVE OR OTHER DEPARTMENTAL ACTION.
- D. FILES RETURNED TO KACC FOR FURTHER INVESTIGATIONS.
- E. FILES WHERE THE ATTORNEY GENERAL DIRECTED CLOSURE.

**A. FILES WHERE TRIAL IS CONCLUDED**

1. **KACC CR. 741/23/2007 - COURT FILE: NAKURU ACC 1/07 NO. 24 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that two court clerks attached to Bomet Law Courts had corruptly solicited for a benefit of Kshs. 500/- as an inducement from the complainant in order to facilitate the preparation and service of a hearing notice upon her husband whom she had sued in Bomet Children's Case No. 3 of 2006. Investigations established that the money allegedly solicited for was indeed lawful court fees for the issuance and service of a hearing notice for which a receipt was issued.

Upon perusal of the file, the Attorney General found the evidence insufficient to support charges of corruption that KACC had preferred. He accepted KACC's recommendation to withdraw the charge filed in court.

## STATUS

Case withdrawn under section 87(a) of the Criminal Procedure Code (C.P.C).

2. **KACC CR.141/1016/2006, COURT FILE: NAIROBI  
ACC 111/2006  
NO.21 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Police Officer attached to Kasarani Police Station had corruptly solicited for a benefit of Kshs.20,000/= from the complainant as an inducement to forbear arresting her for an undisclosed offence. Investigations established the solicitation and receipt of Kshs.10,000/= from the complainant.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption. He accepted KACC's recommendation to prosecute.

## STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case Concluded on 30<sup>th</sup> November, 2007 and accused acquitted under section 202 of the C.P.C.

3. **KACC CR.142/98/2006- COURT FILE: NAIROBI ACC 32/2005  
NO.24 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that an Advocate acting for the National Bank of Kenya in High Court Civil Case No.1377 of 1996 was demanding a bribe of Kshs.50,000/= as an inducement to forbear committing the complainant to civil jail for failing to repay a loan he had guaranteed. Investigations established the solicitation and receipt of the money. The suspect was arrested and charged with two counts of corruption. However, after further evaluation of evidence, the Commission formed the opinion that the case should be withdrawn as a key witness could not be traced.

Upon perusal of the file, the Attorney General found that in the absence of the key witness, the evidence would be insufficient to support the charge of Corruption against the suspect. He accepted KACC's recommendation to withdraw the charges filed in court.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case later withdrawn under section 87(a) of the C.P.C.

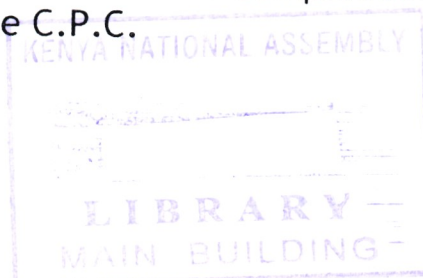
4. **KACC CR 122/227/2007: COURT FILE: MAKADARA ACC 28/2007 NO. 5 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a District Officer of Kikuyu Division had solicited for a benefit of Kshs.2,000/ as an inducement to assist the complainant to be employed as an Assistant Chief of Karai Sub-location. The investigation established the solicitation and receipt of the bribe. The suspect was arrested and charged before the Makadara Anti-Corruption Court with four counts of corruption. KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted.

Upon perusal of file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC'S recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti-Corruption and Economic Crimes Act. Accused acquitted after the complainant withdrew case under section 204 of the C.P.C.



5. **KACC. CR. 141/503/2005 - COURT FILE: NAIROBI ACC. NO. 21/2005**  
**NO 15 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a District Environment Officer based at Nyamira had solicited for a bribe of Kshs 50,000/= as inducement from the complainant to allow him to construct a petrol station. Investigations confirmed the solicitation and established that the officer did corruptly receive a benefit of Kshs 5,000/= from the complainant. KACC forwarded the file to the Attorney General with recommendations to prosecute. Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of corruption, he concurred with KACC's recommendation.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti - Corruption and Economic Crimes Act. Case concluded on 6<sup>th</sup> August, 2007. Accused convicted and fined; Count I, Kshs.30,000, in default three months imprisonment. Count II, Kshs.30,000, in default three months imprisonment.

6. **KACC. CR. 141/674/2006 - COURT FILE: NAIROBI ACC. NO. 49/2006**  
**NO. 17 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that an officer working at the office of the Registrar of Persons, Kayole, has demanded for a bribe of Kshs. 500/= from the complainant as an inducement to facilitate the processing of her new generation identity card. Investigations confirmed the solicitation and established the corrupt receipt by the officer of a benefit of Kshs 500/=.

Upon perusal of the file the Attorney General accepted KACC's recommendation to prosecute the suspect with the offence of corruption.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case completed, 13<sup>th</sup> August 2007 accused convicted. Count I: fined Kshs.50,000 in default 6 months imprisonment. Count II: fined Kshs.50,000 in default 6 months imprisonment.

7. **KACC CR. 112/314/2006; ACC 22/2006**  
**NO. 41 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that some City Constables working in the Inspectorate Department of the city Council of Nairobi had corruptly solicited for a bribe of Kshs.3,000/= from the complainant as an inducement to allow him operate hawking business along Harambee Avenue in Nairobi. Investigations confirmed corrupt solicitation of Kshs.3,000/= by two constables.

Upon perusal of the file the attorney General found the evidence sufficient to support a charge of corruption against the suspects. He accepted KACC recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case completed on 24<sup>th</sup> October, 2007. Acquitted under section 202 of the C.P.C.

8. **KACC CR. 111/63/2006. ACC 1664/2006**  
**NO. 38 KACC 1<sup>ST</sup> QUARTERLY REPORT**

Inquiry into allegations that a freelance Journalist had demanded a bribe of Kshs.30,000/= from the complainant as an inducement not to publish an alleged damaging story about the complainant and his company, Solid Rock Promotions Company.

Upon perusal of the file the Attorney General found the evidence insufficient to support a charge of corruption against

the suspect. He rejected KACC's recommendation to prosecute and directed that the case filed against the suspect be withdrawn under section 87(a) of the criminal procedure code.

### STATUS

Case withdrawn under section 87(a) of the C.P.C.

**9. KACC CR. 142/131/1006 - COURT FILE: NAIROBI ACC. NO. 56/2006**  
**No. 9 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a Police Officer based at Kagwe Police Post in Kiambu district, had solicited for a bribe in the sum of Kshs.3,000/= as inducement to forbear charging the complainant with an alleged offence of creating disturbance in a manner likely to cause a breach of the peace. Investigations confirmed the soliciting.

Upon perusal of the file, the Hon. Attorney General found the evidence sufficient to support an offence of corruption against the officer. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with two counts of soliciting a benefit contrary to Section 39 of the anti Corruption and Economic Crimes Act. Case concluded accused acquitted under section 210 of the penal code.

**10. KACC CR 030/10/07: COURT FILE: NAKURU ACC NO. 21/07**  
**NO. 9 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the DCIO Baringo, and two Police Officers from the said Station, had jointly solicited for a benefit of Kshs.80,000/= as an inducement to release the complainant's vehicle which had been detained by the said officers at Kabarnet Police Station on the purport that it was a stolen vehicle. Investigations established the solicitation.

KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted for corruption.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC,s recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Accused acquitted under section 204 of the C.P.C.

## **B. FILES WHERE TRIAL IS ONGOING**

### **11. KACC CR.805/751/2006 - COURT FILE: KERICHO ACC 25/2006 NO.10 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that an Administration Police Officer based at Merigi Post in Bomet District had demanded a bribe of Kshs.1,000/= as an inducement not to take legal action against the complainant for allegedly causing disturbance in a bar within Merigi Area.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the officer. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 28<sup>th</sup> March, 2008.

### **12. KACC CR.170/377/2006 - COURT FILE: KERICHO ACC 99/2006 NO.11 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Police Corporal was demanding a sum of Kshs.5,000/= as an inducement to hasten

the forwarding to the Officer Commanding Station Kilimani, of an inquiry file in respect to a complaint she was investigating. Investigations established the demand and receipt of Kshs.4,000/=.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the officer. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Part heard, two witnesses heard, further hearing 25<sup>th</sup> and 26<sup>th</sup> March, 2008.

#### 13. KACC CR.911/487/2006 - COURT FILE: KAKAMEGA ACC 2460/2006 NO.2 KACC 2<sup>ND</sup> QUARTERLY REPORT

This was an inquiry into allegations that a Senior Executive Officer of Bungoma Law Courts solicited for a benefit of Kshs.5,000/= as an inducement to trace a Court file in respect of Criminal Case No.579 of 2006 in which the complainant's brother was the accused. Investigations established that the said officer indeed solicited and received the bribe.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption against the officer. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes. Case concluded judgment on 10<sup>th</sup> April, 2008.

#### 14. KACC CR.142/148/2006 - COURT FILE: NAIROBI ACC 71/06 NO.3 KACC 2<sup>ND</sup> QUARTERLY REPORT

This was an inquiry into allegations that a City Council of Nairobi askari attached to the Inspectorate Department had

corruptly solicited for a sum of Kshs.20,000/= as an inducement to facilitate the release of the complainant's motor vehicle which had been detained at City Hall parking yard for contravention of the City by-laws.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the officer. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard, further hearing on 4<sup>th</sup> April, 2008.

**15. KACC CR.141/917/2006 - COURT FILE: NAIROBI  
ACC. NO.105/2006  
NO.4 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into allegations that two Police officers attached to the Tourist Police Unit had solicited for a bribe of Kshs.3,000/= as an inducement to forbear arresting and charging the complainant with the offence of tour guiding without a licence. Investigations confirmed the solicitation by the two officers and receipt of kshs.3,000/= by one of them.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the officer. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard two witnesses heard, further hearing on 10<sup>th</sup> March, 2008.

**16. KACC CR.141/855/2006 - COURT FILE: NAIROBI ACC 96/2006  
NO.6 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Senior Systems Analyst with the City Council of Nairobi had solicited for a bribe as an inducement to facilitate the awarding of Information and Communication Technology Consultancy tender to Softwise (Kenya) Limited. Investigations established that the solicitation was made on three occasions.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the officer.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard. Further hearing on 14<sup>th</sup> and 15<sup>th</sup> February, 2008.

**17. CR.141/118/2007 -COURT ACC 8/2006  
NO.8 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Police Officer attached to Kabati Police Station in Maragwa District solicited for a bribe of Kshs.10,000/= from the complainant as an inducement to forbear arresting the complainant for allegedly being in possession of a firearm without a firearm certificate. Investigations established the solicitation.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the officer. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh mater hearing on 3<sup>rd</sup> April, 2008.

**18. KACC CR.921/616/2006 - COURT FILE: BUNGOMA ACC  
2629/2006  
NO.12 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Chief Inspector of Police attached to the Western provincial CID Headquarters, Kakamega, had solicited and obtained a bribe of Kshs.50,000/= from the complainant's brother as an inducement not to charge the complainant with an alleged offence of misappropriation of funds. Investigations established the solicitation and receipt of the said sum by the suspect.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the officer. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard, 3 witnesses heard, further hearing on 14<sup>th</sup> May, 2008.

**19. KACC CR.141/1017/2006 - COURT FILE: NAIROBI ACC  
110/2006  
NO.13 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that an Inspector of Police serving as a Public Prosecutor in Limuru Law Courts, Kiambu, corruptly solicited for kshs.10,000/= from the complainant as an inducement to influence the outcome of a criminal case No.1711 of 2006 pending before Limuru Law Courts. Investigations established the solicitation and receipt of Kshs.8,000/=.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the officer. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard, 2 witnesses testified, further hearing on 21<sup>st</sup> and 22<sup>nd</sup> April, 2008.

**20. KACC CR.141/1035/2006 - COURT FILE: NAIROBI  
ACC 115/2006  
NO.14 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that the Chief Islamic Preacher (Chief Maalim) based at Kenya Prisons Services, corruptly solicited for a bribe of Kshs.10,000/= as an inducement to facilitate the reinstatement of the Imam of Meru Main Prison Mosque. The investigation confirmed that the Imam solicited and received Kshs.10,000/= from the complainant.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the chief Maalim. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard, 3 witnesses heard, further hearing on 12<sup>th</sup> March, 2008.

**21. KACC/INQ/FI/90A/2006 - COURT FILE: KERICHO ACC  
25/2006  
NO.15 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into allegations of misappropriation of Kshs.7,500,000/= granted to M/s Par Aid (Herbalists & Researchers) by the National Aids Control Council (NACC) for purposes of funding research on the efficacy of herbal treatment of HIV/Aids. Investigations revealed that the sum of Kshs.7,500,000/= was a grant alleged to be for the purposes of

funding a research on the efficacy of a herbal treatment of HIV/Aids.

It was also noted that the research proposal was drafted with the assistance of two Doctors based at Moi University and a Professor at the University of Nairobi, who jointly vouched for the positive results of an alleged earlier study. Investigations disclosed that some forged receipts allegedly issued by Moi University were tendered to NACC in support of expenses incurred as laboratory test fees in the sum of Kshs.3,833,800/=.

KACC forwarded the file to the Attorney General with a recommendation that the two partners of Par Aid be prosecuted with the offences of obtaining money by false pretences and uttering false documents. Further recommendations were made to the Director, NACC to lodge a complaint with the Medical Practitioners and Dentists Board against the two Doctors working at the Moi University and the Professor based at the University of Nairobi for professional misconduct.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offences proposed by KACC. He accepted KACC's recommendation to prosecute.

### STATUS

The two officers were charged with various counts of obtaining by false pretences contrary to section 313 of the penal code and uttering a false document contrary to section 353 of the penal code. Fresh matter, hearing on 22<sup>nd</sup> April, 2008.

**22. KACC CR.760/153/2006 - COURT FILE: NAKURU ACC  
300/2007  
NO.16 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that traffic police officers based at Kajiado were demanding bribes from lorry drivers who transport building materials along Kajiado - Namanga Road.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against one officer. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act.

**23. KACC CR.141/696/2006 - COURT FILE: KERICHO  
ACC 3/2007  
NO.18 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a Chief Inspector of Police attached to Ongata Rongai Police Station as the officer in charge corruptly solicited for a sum of Kshs.3,000/= from the complainant as an inducement to forbear charging her with an alleged offence of affray. Investigations established the solicitation and receipt of the bribe.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the officer. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard, 2 witnesses heard, further hearing on 26<sup>th</sup> and 27<sup>th</sup> March, 2008.

**24. KACC CR.132/297/2007 - COURT FILE: MAKADARA ACC  
11/2007  
NO.20 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation of corruption against a clerk based in the Makadara Registration of Person office who corruptly solicited for a benefit of Kshs.10,000/= as an inducement to process application forms for change of name in the complainant's Kenya National Identity Card. Investigations established the solicitation and receipt of Kshs.5,000/=.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Prosecution case concluded, ruling on case to answer on 31<sup>st</sup> March, 2008.

**25. KACC CR.122/06/2006 - COURT FILE: NAIROBI ACC 2/2007  
NO.22 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that the Chief of Eastleigh North Location had on numerous occasions solicited for bribes from the Small Scale Somali traders who sell their wares at Eastleigh Sixth Street. Investigations confirmed the allegations of corruption against the chief and his agent.

Upon perusal of the file, the Attorney General found the evidence sufficient to support charges of Corruption against them.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard, 2 witnesses heard, further hearing on 10<sup>th</sup> and 11<sup>th</sup> March, 2008.

**26. KACC CR.032/6/2007 - COURT FILE: KISUMU ACC 141/2007  
NO.23 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that the Deputy OCS of Isebania Police Station had solicited for a bribe of Kshs.5,000/= as an inducement to forbear charging the complainant's husband with an offence of being in possession of government stores. Investigations established the solicitation and receipt of the bribe.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard, further hearing on 27<sup>th</sup> March, 2008.

#### **27. KACC CR 021/04/2007-COURT FILE:MOMBASA ACC 3/2007 NO.25 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that the Town Clerk of Kwale Town Council had solicited for a bribe of Kshs.200,000/= as an inducement to facilitate the payment of Kshs.601,879,92/= being payment for the construction of Kwale Market. Investigations established that the said Clerk made demands on various occasions and indeed received a sum of Kshs.10,000/= from the complainant.

Upon perusal of the file, the Attorney General found the evidence sufficient to support a charge of Corruption against the suspect. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter. Hearing on 28<sup>th</sup> March, 2008.

#### **28. KACC 011/45/2007 - COURT FILE: MAKADARA ACC. 32/2007 No. 1 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that the Assistant Chief of Muthingiine Sub location in Kibwezi District had corruptly solicited for a benefit of Kshs. 2,390/- in order to forbear charging the complainant with an alleged offence of handling stolen goods. Investigations established the solicitation and the subsequent receipt by the suspect of a benefit of Kshs. 2,400/-.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 1<sup>st</sup> and 2<sup>nd</sup> April, 2008.

29. **KACC.CR. 011/73/2007 - COURT FILE: NAIROBI ACC. 26/2007  
No. 2 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a police officer attached to Lang'ata Divisional Traffic Office had solicited for a benefit of Kshs.3,000/- as an inducement to forbear charging the complainant's driver with traffic offences. Investigations confirmed the solicitation and subsequent receipt by the officer of a benefit of Kshs.2,000/- through an agent.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 28<sup>th</sup> and 29<sup>th</sup> May, 2008.

30. **KACC.CR.411/15/2007 - COURT FILE: EMBU ACC. 3/2007  
No. 5 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that an Assistant Land Registrar, Embu, had solicited for a benefit of Kshs.1,000/- from the complainant as an inducement to register a transfer of land in his favour. The investigation established the solicitation and receipt of a benefit in the sum of Kshs.200/- by the officer.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard, 2 witnesses heard, further hearing on 28<sup>th</sup> March, 2008.

31. **KACC/OPS/INQ./2/2007**  
**No. 7 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the Chief Surveyor with the City Council of Nairobi had solicited for a benefit of Kshs. 2.5 million from the complainant as inducement to facilitate the unconditional authorization for the subdivision of his Karen Plot No. 1160/40. The investigation established the solicitation. It was further established that the suspect had involved his lawyer in a conspiracy to disguise the anticipated receipt of the bribe and make it appear as payment for survey services rendered to the complainant, to which end he made documents in the complainant's name without his authority.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

### STATUS

- (i) Two suspects charged with 4 counts of soliciting for a benefit contrary to section 39 (3) as read with 48 (1) of penal code.
- (ii) Conspiracy to effect an unlawful purpose contrary to section 395 (f) of the penal code.
- (iii) Making a document without authority contrary to section 357 (a) of the penal code.

Fresh case coming for hearing on 25<sup>th</sup> and 26<sup>th</sup> March, 2008.

**32. KACC CR 142/159/2006 - COURT FILE: NAIROBI ACC 78/2006  
No. 8 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that two employees of the Co-operative Bank of Kenya Ltd, Head Office Branch, had solicited for a benefit of Kshs.400,000/- from the complainant, an employee of Taws Ltd, as inducement to write a favourable report about his company to the Security Sub-Committee of the Kenya Bankers Association. Investigations established that the two had indeed solicited for Kshs.400,000/- as alleged and received a benefit of Kshs.50,000/-.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard, 3 witnesses heard, further hearing on 8<sup>th</sup> and 9<sup>th</sup> April, 2008.

**33. KACC.CR.121/277/2007 - COURT FILE:MAKADARA ACC. NO.  
30/2007  
No. 9 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a member of the public had represented himself as an Investigator of the Kenya Anti-Corruption Commission. Investigations revealed that the suspect had for a period of time, represented himself as a KACC investigator and extorted money from several people, two of whom were traced. Also recovered from his possession was a forged staff identity card purporting to have been issued by the Commission.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the various charges recommended by KACC. Fresh matter, hearing on 20<sup>th</sup> April, 2008.

## STATUS

The suspect was charged with the following offences:

- (i) Three counts of impersonating an investigation contrary to section 34(2) of the Anti-corruption and Economic Act.
- (ii) Two counts of uttering a false document contrary to section 353 of the Penal Code.
- (iii) Forgery contrary to section 349 of the penal code.

Fresh matter, hearing on 10<sup>th</sup> April, 2008.

### **34. KACC/FI/INQ/50/2006 No. 10 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into an allegation of conspiracy to defraud Kenya Tea Development Agency (KTDA) and UAP Insurance Company Ltd of about Kshs.5 million as payment for general and special damages from claims regarding an accident that was alleged to have occurred on 31<sup>st</sup> August, 2004 involving an Isuzu lorry Registration No. KZK 214 belonging to Ogembo Tea Factory. Investigations established that no such accident occurred and that this was an elaborate conspiracy to defraud KTDA involving the alleged victims, their advocate, traffic policemen at Ogembo Police Station and a medical practitioner based at Awendo.

Upon perusal of the file, the Attorney General found the evidence sufficient to support various charges recommended by KACC.

## STATUS

The suspects are to be charged with the following offences;

- (i) Conspiracy to defraud contrary section 317 of the penal code
- (ii) Giving false information to a person employed in the public service contrary to section 12(a) of the penal code.
- (iii) Perjury contrary to section 108 (i) of the penal code.

KACC is yet to effect the arrest.

35. KACC. CR. 411/85/2007 - COURT FILE: EMBU ACC. NO. 5/2007  
No. 11 KACC 4<sup>TH</sup> QUARTERLY REPORT

This was an inquiry into allegations that a police officer based at Kerugoya Police Station had solicited for a sum of Kshs. 100,000/- from the complainant's husband as inducement to forbear charging him with an alleged offence of robbery with violence. Investigations established the solicitation and subsequent receipt from the complainant of a benefit of Kshs. 50,000/- by the officer.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC recommendation to prosecute.

#### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 27<sup>th</sup> April, 2008.

36. KACC CR 973/150/2007 - COURT FILE: KAKAMEGA ACC. 932/07  
No. 13 KACC 4<sup>TH</sup> QUARTERLY REPORT

This was an inquiry into allegations that the Chief of Marenyo Location in Butere had corruptly solicited for a benefit of Kshs. 15,000/- from the complainant as inducement to forbear arresting him for an alleged offence of defilement of a young girl. Investigations confirmed the solicitation.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

#### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic

Crimes Act. Case part heard, 3 witnesses heard, further hearing on 17<sup>th</sup> April, 2008.

**37. KACC CR 141/411/2007 - COURT FILE: NAIROBI ACC 29/2007  
No. 14 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that an official of the City Council of Nairobi, had corruptly solicited for a bribe of Kshs.30,000/- as an inducement to forbear charging the complainant with an alleged offence of gate and vehicle branding, and display of directional signs without a licence. Investigations established the solicitation and the subsequent receipt by the suspect of a benefit of Kshs.3,700/- from the complainant.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 3<sup>rd</sup> to 6<sup>th</sup> March, 2008.

**38. KACC/FI/INQ/9/2005  
NO. 16 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into alleged irregularities at Kenya Pipeline Company Ltd in the Kshs.2 billion borrowing contract with Triple A Capital Ltd. Investigations revealed a conspiracy by the former Chairman of the Board and the former Managing Director of KPC to defraud KPC with the collusion of the directors of Triple A Capital Ltd, leading to the loss of public funds amounting to Kshs.285,597,362/-.

KACC forwarded the file to the Attorney General recommending that the suspects be charged with conspiracy to defraud contrary to section 317 of the Penal Code, fraudulent acquisition of public property, contrary to section 45(1)(a) of the Anti-Corruption and Economic Crimes Act, fraudulent payment from public revenue for services not rendered

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

Upon perusal of the file, the Attorney General found the evidence sufficient to support the various offences proposed by KACC.

### STATUS

Attorney General gave KACC directions to arrest the suspects and take to court. Arrest not yet effected. One suspect filed a preliminary application in the High Court, mention on 10<sup>th</sup> March, 2008.

#### **39. KACC.CR.142/135/2007 - COURT FILE: NAIROBI ACC. 45/07 No. 17 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a police officer based at Tigoni Police Station had solicited for a bribe of Kshs.30,000/- from the complainant as an inducement to facilitate the release of her brother in law from police custody where he was held as a suspect in a case of robbery with violence. Investigations established the solicitation and the subsequent receipt by the officer of a bribe of Kshs.15,000/-.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 26<sup>th</sup> and 27<sup>th</sup> March, 2008.

#### **40. KACC.CR.741/38/2007 - COURT FILE: KERICHO ACC. 2/2007 No. 18 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a police officer who was then the Officer in Charge of Eldoret Police Station (OCS)

had solicited for a bribe of Kshs.100,000/- as inducement to release the complainant's property which had been seized by the police in the course of investigations on suspicion that they were stolen property. Investigations by the Commission confirmed the solicitation and the subsequent receipt by the OCS and two other police officers of a bribe of Kshs. 30,000/-. The three officers also obstructed the KACC investigators in the performance of their duties.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 28<sup>th</sup> March, 2008.

**41. KACC.CR.141/265/2007 - COURT FILE: MAKADARA  
ACC.35/2007  
No. 20 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a police officer attached to Kilimani Police Station had corruptly solicited for a benefit of Kshs.20,000/- as an inducement to forbear charging the complainant's uncle with an alleged offence of being unlawfully present in Kenya. Investigations confirmed the solicitation. On noticing that the complainant had an audio recording device, the suspect confiscated the same and caused the arrest of the complainant on a false accusation that he had been found in possession of cannabis sativa (bhang).

Upon perusal of the file, the Attorney General found the evidence sufficient to support charges of corruption and stealing. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of stealing contrary to section 275 of the penal code and Corruption contrary to section 39 of the Anti-corruption and Economic Crimes Act.

Case part heard, 3 witnesses heard, further hearing on 3<sup>rd</sup> April, 2008.

**42. KACC.CR.214/129/2007 - COURT FILE: NAIROBI ACC.34/2007  
No. 21 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This matter arose from a complaint that the District Officer, Kikuyu Division had solicited for a benefit as inducement to recruit the complainant as the assistant chief of Karai Sub-location. In the course of investigations into that allegation, the Administration Police officers attached to the DO's office, assaulted the KACC investigators and obstructed them from arresting the District Officer.

KACC forwarded the file to the Attorney General with recommendation to prosecute.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the charges recommended by the KACC.

**STATUS**

The suspects was charged with the offence of assault and obstruction contrary to section 66 (1) of the Anti-corruption and Economic Crimes Act. Fresh matter. Hearing on 25<sup>th</sup> April, 2008.

**43. KACC.CR.142/123/2007-COURT FILE NO: MAKADARA  
ACC.40/2007  
No. 22 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that two police officers attached to Railway Police Station had demanded for a bribe of Kshs.5,000/- as inducement to forbear arresting the complainant and his colleague for an alleged offence of causing damage to a Kenya Railways fence during a road traffic accident. Investigations confirmed the solicitation and the subsequent receipt by the officers of a benefit of Kshs.5,000/-.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

## STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter. Hearing on 28<sup>th</sup> and 29<sup>th</sup> April, 2008.

### 44. KACC/FI/INQ./95/2005 No. 23 KACC 4<sup>TH</sup> QUARTERLY REPORT

This was an inquiry into allegations of corruption against the former Director and Assistant Director of the Urban Development Department in the Ministry of Local Government (UDD) in respect of the award of tender and implementation of the project for construction of Migori and Awendo Bust Parks. Investigations revealed a number of irregularities in connection with the tender process for which the Director and Assistant Director were to blame as well as irregular payments to the contractor for services not yet rendered based on certificates of payment approved by the two suspects.

KACC forwarded the file to the Attorney General recommending that the Director, Assistant Director of UDD as well as the contractor be charged with various counts of willful failure to comply with applicable procedures and guidelines relating to management of public funds, abuse of office, fraudulent acquisition of a public benefit and receiving a benefit contrary to sections 39(3)(a), 45(1)(a), 45(2)(b) and 46 of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Attorney General found the evidence sufficient to prosecute the suspects with the offences proposed by KACC.

## STATUS

The suspect was charged with the following offences:

- (i) Willful failure to comply with applicable procedures and guidelines relating to management of public funds'
- (ii) Abuse of office'

- (iii) Fraudulent acquisition of a public benefit and receiving a benefit contrary to sections 39 (3) a, 45 (1) (a), 45 (2) (b) and 46 of the Anti-corruption and Economic Crimes Act.

**45. KACC CR. 141/298/2007 - COURT FILE: NAIROBI ACC 35/2007  
No. 25 KACC QUARTERLY REPORT**

This was an inquiry into an allegation that a police officer and former employee of the Kenya Anti-Corruption Commission had offered a benefit of Kshs.100,000/- to an Investigating officer of the Kenya Anti-Corruption Commission as inducement for the said KACC officer to write a favourable report in an investigation he was conducting against the former Deputy Mayor of the City Council of Nairobi. The investigation established the offer and subsequent handing over by the police officer of a benefit in the sum of Kshs.50,000/- to the KACC investigator for and on behalf of the former Deputy Mayor.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 17<sup>th</sup> and 18<sup>th</sup> March, 2008.

**46. KACC CR.411/110/07 - COURT FILE: EMBU ACC 7/2007  
No. 26 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Demarcation Officer based at Igembe Land Adjudication Office in Meru had corruptly solicited for a benefit of Kshs.2,000/- as an inducement to rectify the land register in relation to a mistake noted in connection with the complainants land title. The Investigation established the solicitation and the subsequent receipt by the suspect of a benefit in the sum of Kshs.1,000/-.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

## STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 7<sup>th</sup> April, 2008.

**47. KACC CR.346/199/07 - COURT FILE MOMBASA ACC 7/2007**  
**No. 27 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that employees of the Kenya Revenue Authority (KRA) based at Kilindini Port, Mombasa, were soliciting and receiving bribes from clearing agents as inducement to allow unverified imports into the country. Following this report, officers of the Kenya Anti-Corruption Commission conducted a one week surveillance exercise at the port, during which one of the KRA officers was observed receiving various amounts of money in bribes from clearing agents. He was arrested and upon being searched was found with a total of Kshs.211,050 on his person and drawers. A further search was conducted at his house and a sum of Kshs. 318,000 recovered from a suitcase.

Upon perusal of the file, the Attorney General found that there was sufficient evidence sufficient to support only one count of corruption.

## STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the penal code. Fresh matter, hearing on 13<sup>th</sup> March, 2008.

**48. KACC CR.921/549/2007 - COURT FILE: KAKAMEGA ACC**  
**2413/2007**  
**No. 29 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a police officer based at Luanda Police Station had corruptly solicited for a benefit of Kshs. 2,000/- from the complainant as an inducement to release his brother who had been detained at Luanda Police Station on allegations of involvement in a

robbery. The Investigation established the solicitation and the subsequent receipt by the suspect of a benefit in the sum of Kshs.2,000/-.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter hearing on 31<sup>st</sup> March, 2008.

#### **49. KACC 141/79/07: COURT FILE: NAIROBI ACC 8/07 NO. 1 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Police Officer attached to Juja Police Station had corruptly solicited for a benefit of Kshs.2,000/= in order to release the complainant's Motor Vehicle Registration No. KAP 471A which he had detained at Juja Police Station.

Upon perusal of file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC'S recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti-Corruption and Economic Crimes Act. Case part heard. Prosecution case closed. Ruling on case to answer awaited on notice.

#### **50. KACC CR 132/37/2007 NO. 10 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a routine inspector working for Kenya Power and Lighting Company Ltd. (KPLC) demanded from the proprietor of a Bakery within Kariobangi Light Industries, a sum of Kshs.110,000/- as an inducement not to disconnect power supply to his said bakery on allegations

that there were defects in the electric wiring to his premises. Investigations established the solicitation and receipt of Kshs.30,000/=from the complainant.

KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted for the offence of corruption.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC's recommendation to prosecute.

### **STATUS**

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Fresh matter, hearing on 8<sup>th</sup> and 9<sup>th</sup> May, 2008.

#### **51. KACC/CR/141/193/2007: COURT FILE: MAKADARA ACC 17/2007 NO.6 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a businessman in Nairobi had corruptly offered a bribe to an investigator with the Kenya Anti-Corruption Commission as an inducement to prepare a favourable report in respect of an investigation on a parcel of land L.R No.209/16441 whose allocation was the subject of investigation by the Commission. The investigation established that the offer to bribe the investigator had been made and indeed, on 15<sup>th</sup> March, 2007, the suspect corruptly gave the investigator Kshs.500,000/= as a part payment. KACC arrested and charged the suspect in Makadara Court for the offence of Corruption then forwarded the file to the Attorney General with recommendation that the prosecution proceeds to its logical conclusion.

### **STATUS**

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Upon being charged he filed a Judicial Review in the High Court and obtained a stay order. The Judicial Review is yet to be heard.

**52. KACC CR 141/1067/2006: COURT FILE: NAIROBI ACC 118/06  
No.7 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a Police Officer attached to Muthangari Police Station, Nairobi, corruptly solicited for a sum of Kshs.3,000/= from the complainant as an inducement not to arrest her for an alleged offence of handling stolen property. The investigation established the solicitation and receipt of the bribe by the suspect. KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Hearing on 27<sup>th</sup> and 28<sup>th</sup> March, 2008.

**53. KACC CR 132/37/07: COURT FILE: MAKADARA ACC 15/07  
No. 8 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations of corruption against two Public Health Technicians stationed at Wangige Health Centre. It was alleged that they had solicited for and received a benefit from the complainant as an inducement to issue him with a licence to operate his hotel located within Mwimuto Market. Investigations established that the two had solicited and received a benefit. KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted for corruption

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Fresh matter hearing on 8<sup>th</sup> and 9<sup>th</sup> May, 2008.

**54. KACC CR.142/55/2007: COURT FILE: MAKADARA ACC29/07  
No. 24 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Police Constable based at Ndakaini Police Post in Gatanga, Thika had corruptly solicited for a benefit as an inducement not to charge the complainant with an alleged offence of abduction. Investigations established the solicitation and receipt of a benefit. KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Fresh matter hearing on 17<sup>th</sup> and 18<sup>th</sup> April, 2008.

**55. KACC CR. 111/205/2007: COURT FILE; NAIROBI ACC 37/2007  
No.25 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that two Askaris (City Constables) working for the City Council of Nairobi had solicited for a benefit as an inducement to forbear charging the complainant with an alleged offence of tampering with a City Council sewer pipe in Imenti House along Tom Mboya Street. The investigation established solicitation and receipt of a benefit. KACC forwarded the file to the Attorney General with recommendation that the suspects be prosecuted for the offence of corruption.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Fresh matter hearing on 22<sup>nd</sup> and 23<sup>rd</sup> April, 2008.

#### **56. KACC CR.011/57/07: NAKURU ACC 23/07 No. 26 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Police Constable based at Rongai Police Station had corruptly solicited for a benefit as an inducement to forbear charging the complainant with an alleged "offence" of playing pool without a licence. The investigation established the solicitation. There was also evidence that the said officer stole the micro cassette which the complainant was using to record their conversation. KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Fresh matter. Transferred to Kericho, hearing dates to be fixed on 1<sup>st</sup> April, 2008.

#### **57. KACC/F1/IN1/72A/05 No. 12 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations of fraud against the Mayor and the Chief Officers of Mavoko Municipal Council in concert with a private contractor in the project of rehabilitation of

Kenya Meat Commission Road. Investigations done by the Commission revealed that Mavoko Municipal Council embarked on rehabilitation of the then dilapidated Kenya Meat Commission Road whose repair costs were estimated by the Municipal Engineer to cost Kshs.12,340,336/=. The construction went on and a total amount of Kshs.13,523, 474.30 paid to the Contractor representing a variation in the sum of Ksh.1, 106,335.50 over and above the original contract sum. Investigations further revealed that, the variation of works and contract price was never referred to the Tender Committee for approval as required under the Exchequer and Audit (Public Procurement) Regulations 2001 as amended in 2002. KACC forwarded the file to the Attorney General recommending the prosecution of the then Municipal Engineer of Mavoko Municipal Council, then Town Clerk, and the then Treasurer, with the offences of careless failure to comply with the law relating to procurement contrary to section 45(2)(b) as read with section 48(1) of the Anti-corruption and Economic Crimes Act, 2003.

Upon perusal of the file the Attorney General found the evidence sufficient to prosecute the suspects as recommended by KACC.

### STATUS

The suspects were charged with the offence of careless failure to comply with the law relating to procurement contrary to Section 45(2)(b) and 48(1) of the Anti corruption and Economic Crimes Act. Fresh matter hearing on 8<sup>th</sup> and 9<sup>th</sup> April, 2008.

#### **58. KACC CR 141/1018/2006: COURT FILE: NAIROBI ACC 113/07 No. 13 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations of corruption against two Askaris with the City Council of Nairobi. It was alleged that they had solicited for Ksh.400,000 from the General Manager of Sher Safari Agencies Limited as an inducement not to charge the Company with the offences of allegedly operating their business without a licence and constructing partitions without the approval of the City Council of Nairobi. Investigations confirmed that the two had solicited for a benefit. KACC forwarded the file to the Attorney General with

recommendation that the suspects be prosecuted for the offence of corruption.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC'S recommendation to prosecute.

### **STATUS**

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Prosecution case closed. Defence case on 10<sup>th</sup> April, 2008.

#### **59. KACC CR 132/33/07; COURT FILE: NAIROBI ACC 14/2007 No. 14 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that an official of Nairobi City Water and Sewerage Company Ltd. was demanding a bribe as an inducement not to disconnect water supply to a building within Umoja Estate. Investigations revealed that the suspect solicited for and did receive a benefit. KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted for the offence of corruption

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC'S recommendation to prosecute.

### **STATUS**

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Case part heard, further hearing on 30<sup>th</sup> March, 2008.

#### **60. KACC/(MSA)/021/53/2007: COURT FILE MOMBASA ACC 9/07 No.15 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a prosecutor attached to the Kwale Senior Resident Magistrate's Court had demanded

a sum of Kshs.7,000/= as an inducement to apply for warrants of arrest of some two suspects who were at large in a case where the complainant herein was also a complainant. Investigations established the solicitation for Kshs.7,000/=. KACC forwarded the file to the Attorney General with recommendation to prosecute the suspect with the offence of corruption

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC'S recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Fresh matter, hearing on 21<sup>st</sup> and 22<sup>nd</sup> February, 2008

#### 61. **KACC/CR 032/7/2007: COURT FILE: KISUMU ACC 79/07** **No.16 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into an allegation of corruption against three Traffic Police Officers based at Awendo Police Station Traffic Sub - Base. Investigations established that the said officer routinely demanded and received bribes from drivers of public service vehicles as an inducement not to charge them with traffic offences. KACC forwarded the file to the Attorney General with a recommendation to prosecute the suspects with the offence of corruption.

Upon perusal of the file the Attorney General found the evidence sufficient to charge the suspect with the offence of corruption.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Case part heard three witnesses heard further hearing on 7<sup>th</sup> April, 2008.

**62. KACC CR 141/175/2007: COUR FILE MAKADARA ACC 13/07  
No. 17 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the Chief of Kabete Location had solicited for a bribe as an inducement to forbear from recommending to the Police the charging of the complainant's cousin with the alleged offence of defying a Chief's order and harbouring criminals. Investigations established the solicitation and receipt of the bribe. KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted for the offence of corruption.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC'S recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Case part heard two witnesses heard. Further hearing on 7<sup>th</sup> April, 2008.

**63. KACC/FI/INQ.59C/05 NO.19 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations of corruption in the award of tender for supply of 50,000 packs of Amoxicillin 250 mgs valued at 43,991,500 to Excelsior Mihaso Ltd by the Ministry of Health. The investigation revealed that there was a conspiracy between Chief Procurement Officer at the same Ministry, and the Director of the Excelsior Mihaso Ltd to manipulate the tender to favour the Company. The Ministerial tender Committee also proceeded to award the tender, despite the fact that the Company did not present the lowest evaluated tender. KACC forwarded the file to the Attorney General with recommendation that the members of the Ministerial Tender Committee be charged with the offence of awarding tender to a

candidate other than the lowest evaluated bidder. It was also recommended that Excelsior Mihaso Ltd and its director, together with the two Senior Procurement Officers at the Ministry of Health be charged with conspiracy to commit an offence.

Upon perusal of the file the Attorney General found the evidence sufficient to support the various charges against the suspects as recommended by KACC, and that the contract in question be cancelled and drugs returned to the supplier.

### STATUS

The suspects were charged with the following offences.

- i. Deceiving a principal contrary to Section 41(2) as read with 48(1) of the Anti-Corruption and Economic Crimes Act.
- ii. Conspiracy to commit a misdemeanor contrary to Section 394 of the Penal Code.
- iii. Awarding a tender to a candidate other than the lowest evaluated tender contrary to Regulation 30(8)(a) as read with Regulation 46 of the Exchequer and Audit (public procurement) Regulation 2001.

Fresh matter hearing on 26<sup>th</sup> - 27<sup>th</sup> May, 2008.

#### **64. KACC CR 141/203/2007: COURT FILE: MAKADARA ACC 19/07 No.20 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the Chief of Riruta Location had solicited for a bribe as an inducement to authorize the complainant to saw timber on land parcel number Dagoreti/Riruta/158. The investigation established that the Chief had solicited for a bribe. KACC forwarded the file to the Attorney General with recommendation that the suspect be prosecuted for the offence of corruption.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against

the suspect. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Fresh matter. Hearing on 7<sup>th</sup> April, 2008.

**65. KACC CR 342/102/2007: COURT FILE; MOMBASA ACC 2/07 NO. 21 KACC 3<sup>RD</sup> QUARTERLY REPORT**

Inquiry into an allegation that certain members of the Kisauni Constituency Development Committee had corruptly solicited for a benefit from a supplier in order to accept delivery of furniture which he had been contracted to supply. Investigations established that three members of the Committee solicited for sums ranging from Kshs.80,000/= and 100,000/= from the supplier. They also received Kshs.20,000/= from him. KACC forwarded the file to the Attorney General with recommendation that the suspects be prosecuted for offences of corruption.

Upon perusal of the file the Attorney General found the evidence sufficient to support charges of corruption against the suspects. He accepted KACC's recommendation to prosecute.

### STATUS

The suspects were charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Fresh matter, hearing on 10<sup>th</sup> March, 2008.

**66. KACC.CR. 911/177/2007 - COURT FILE: BUNGOMA ACC. 904/2007 No. 3 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a Resident Magistrate based at Kakamega Law Courts had solicited for a bribe of Kshs.40,000/- as inducement to deliver a favourable judgment in a criminal case that he was handling, in which the complainant was charged with the offence of malicious damage

to property. Investigations confirmed the solicitation and the receipt by the Magistrate of a benefit of Kshs.19,000/- with the collusion of an agent.

Upon perusal of the file, the Attorney General found the evidence sufficient to support the offence of Corruption. He accepted KACC's recommendation to prosecute.

### **STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Prosecution case closed, submissions on case to answer on 9<sup>th</sup> April, 2008.

#### **67. KACC/FI/ING/55D/2005 No. 4 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

The file was forwarded to the Attorney General with a recommendation that the suspects be charged with Economic Crime and Abuse of office under sections 45(2)(b) and 46 of the Anti-Corruption and Economic Crimes Act. 2003.

Upon perusal of the file the Hon. Attorney General accepted KACC's recommendation to charge the suspects with the above stated offences.

### **STATUS**

The suspects were charged with the Economic Crime and Abuse of Office contrary to sections 45(2)(b) and 46 of the Anti-Corruption and Economic Crimes Act. Hearing on 6<sup>th</sup> March, 2008.

**68. KACC. CR. 142/147/2006 - COURT FILE: NAIROBI ACC. NO. 72/2006**  
**No. 5 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that two employees of the City Council of Nairobi had demanded from the complainant, the Personnel Manager of a clothes manufacturing company, a sum of Kshs.40,000/= as an inducement to facilitate the withdrawal of a case lodged against the company by the Council at the City Court, Nairobi. Investigations confirmed the solicitation and receipt of a benefit of Kshs.20,000/=.

Upon perusal of the file, the Hon. Attorney General found the evidence sufficient to support a charge of corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspects were charged with two counts of soliciting and receiving Kshs.40,000. Fresh matter hearing on 28<sup>th</sup> March, 2008.

**69. KACC. CR. 170/359/2006 - COURT FILE: NAIROBI ACC. NO. 91/2006**  
**No. 6 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a Public Health Officer employed by the City Council of Nairobi had corruptly solicited for a benefit of Kshs.30,000/= from the complainant as inducement of forbear charging him with offences under the Public Health Act, chapter 242, Laws of Kenya. Investigation confirmed the solicitation and receipt of a benefit in the sum of Kshs.5,000.

Upon perusal of the file the Hon. attorney General was satisfied that the evidence was sufficient to support charges of corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti Corruption and Economic Crimes Act. Fresh matter. Hearing 13<sup>th</sup>, 14<sup>th</sup>, 17<sup>th</sup> March, 2008.

**70. KACC.CR.142/160/2006 - COURT FILE NAIROBI ACC. NO. 82/2006**  
**No. 7 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a Children's Officer at Murang'a district Children's office had solicited for a bribe of Kshs.1,200 as an inducement to prepare and submit a report in respect of children's Case No. 176 of 2005. Investigations established the solicitation and receipt by the officer of a benefit of Kshs.2,000/=.

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support a charge of corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The Suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Case Part heard. Three witness heard. Further hearing on 11<sup>th</sup> March, 2008.

**71. KACC. CR. 141/288/2006 - COURT FILE: NAIROBI ACC NO. 27/2006**  
**No. 8 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support a charge of corruption. He accepted KACC's recommendation to prosecute.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the anti Corruption and Economic Crimes Act. Prosecution case closed. Ruling on case to answer on notice.

72. **KACC. CR.141/662/2006 - COURT FILE: NAIROBI ACC NO. 47/06**  
**No. 10 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support charges of corruption against the officer. He accepted KACC recommendation to prosecute.

### STATUS

The suspect was charged with two counts of soliciting and receipt of Ksh.5,000 contrary to section 39 of the Anti Corruption and Economic Crimes Act. Case Part heard four witnesses heard. Further hearing 20<sup>th</sup> March, 2008.

73. **KACC CR. 141/680/2006 - COURT FILE: NAIROBI ACC. NO. 51/2006**  
**No. 13 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the chief of Mwerua Location in Kirinyaga District had demanded for a bribe of Kshs 5,000/= from the complainant as inducement to issue her with an introduction letter to enable her file a succession cause in

court. Investigations confirmed the solicitation and established the receipt by the Chief of a bribe of Kshs. 5,000/=.

KACC forwarded the file to the Hon. Attorney General with recommendations to prosecute.

Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support charges of corruption.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 of the Anti-Corruption and Economic Crimes. Part heard, four witnesses heard. Further hearing 19<sup>th</sup> March, 2008.

**74. KACC. CR. 141/891/06 - COURT FILE NAIROBI ACC. NO. 98/2006**  
**No. 14 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that an Inspector of Police attached to Kamukunji Police Station had solicited for a bribe of Kshs.3,000/= as inducement to facilitate the termination of a criminal case that was pending against the complainant at Makadara law courts. Investigations confirmed the solicitation and established that the officer did corruptly receive a benefit of Kshs.4,000/= from the complainant.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption. He concurred with KACC's recommendation to prosecute the suspect.

### STATUS

The suspect was charged with the offence of corruption contrary to Section 39 to the anti-corruption and Economic Crimes Act. Prosecution case closed. Defence hearing 5<sup>th</sup> May, 2008.

**75. KACC/FI/INQ/53A/2005**  
**No. 16 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

KACC forwarded the file to the Attorney General with recommendations that the Managing Director M/s Binlaw construction co Ltd be charged with the offence of uttering a false document contrary to Section 353 of the Penal Code Cap 63 Laws of Kenya, and that the outstanding amounts be recovered from the contractor. Upon perusal of the file the Attorney General found the evidence sufficient to support the proposed offence.

**STATUS**

The suspects were charged with the offence of uttering a false document contrary to section 353 of the Penal Code. Upon charged being the accused raised a constitutional issue, matter referred to the constitutional court. Hearing on 15<sup>th</sup> March, 2008.

**76. KACC. CR 123/25/2006 - COURT FILE: NAIROBI ACC. NO. 2/2006**  
**No. 18 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegation that the chief of Kahawa west Location in Nairobi had demanded for a benefit of Kshs 4,000/= as an inducement to forbear demolishing the complainant's business shed. Investigations confirmed that solicitation.

Upon perusal of the file the Attorney General accepted KACC's recommendation to prosecute the suspect with the offence of corruption.

### STATUS

The suspect was charged with the offence of corruption contrary to section 39 of the anti-Corruption and Economic Crimes Act.

**77. KACC. CR. 111/280/2006 - COURT FILE: NAIROBI ACC. NO. 24/06**  
**No. 20 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

Upon perusal of the file the Attorney General accepted KACC's recommendation to prosecute the suspect with the offence of corruption.

### STATUS

The suspect was charged with the offence of corruption contrary to section 30 of the Anti - Corruption and Economic Crimes Act. Fresh matter, hearing on 9<sup>th</sup> May, 2008.

**78. KACC. CR. 142/143/2006 - COURT FILE: NAIROBI ACC. 70/06**  
**No. 21 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that an employee of Kenya Power and Lighting co. Ltd had demanded for a bribe of Kshs 30,000/= from the complainant as an inducement to restore electric power which he had disconnected from his premises. Investigations confirmed the solicitation. A trap operation to

confirm receipt of the bribe was called off after the suspect became suspicious of the complainant and switched off his mobile phone. He was nonetheless arrested and charged with two counts of soliciting for a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file the Attorney General accepted KACC's recommendation to prosecute the suspect with the offence of soliciting for a benefit.

### **STATUS**

The suspect was charged with two counts of soliciting for a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act. Accused jumped bail. Warrant of his arrest in force.

**79. KACC. CR. 831/784/2006 - COURT FILE: KERICHO ACC. NO. 22/06**  
**No. 22 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

Upon perusal of the file the Attorney General found the evidence sufficient to support the offence of corruption. He accepted KACC's recommendation to prosecute the suspect with the offence of corruption.

### **STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti - Corruption and Economic Crimes Act. Fresh matter, hearing dates not allocated.

**80. KACC CR. 141/794/2006 - COURT FILE: NAIROBI ACC. NO. 5161/06**  
**No. 25 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

Upon perusal of the file the Attorney General found the evidence sufficient to support the offence of corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti- Corruption and Economic Crimes Act. Case part heard, four witnesses heard. Further hearing on 5<sup>th</sup> May, 2008.

**81. KACC. CR. 032/45/2006 - COURT FILE: KISUMU ACC. NO. 850/06**  
**No. 26 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that two police officers attached to Isebania Police Station in Kuria District, had demanded for a bribe of Kshs.2,000/= from the complainant as inducement to issue her with a P3 form.

Upon perusal of the file the Attorney General found the evidence sufficient to support the offence of corruption. He accepted KACC's recommendation to prosecute the suspects with the offence of corruption.

**STATUS**

The suspects were charged with the offence of corruption contrary to section 39 of the Anti - Corruption and Economic Crimes Act. Fresh matter hearing on 27<sup>th</sup> March, 2008.

**82. KACC. CR. 822/124/2006 - COURT FILE: KERICHO  
ACC. NO. 5/06  
No. 28 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a District Public Health Officer attached to Turkana District had solicited for a bribe of Kshs.20,000/= from the complainant as an inducement to issue him with a permit to operate his business of water bottling. Investigations confirmed the solicitation and established the receipt by the officer of a bribe of Kshs.20,000/=.

Upon perusal of the file the Attorney General found the evidence sufficient to support the offence of corruption. He accepted KACC recommendation to prosecute.

**STATUS**

The suspect was charged with two counts of corruption contrary to section 39 of the anti-Corruption and Economic Crimes Act. Fresh matter hearing on 18<sup>th</sup> March, 2008.

**83. KACC. CR. 411/178/2006 - COURT FILE: EMBU  
ACC.NO.41/06  
No. 29 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that a Police Officer attached to Embu CID office had solicited for a bribe of Kshs.10,000/= as an inducement to forbear arresting the complainant for an alleged offence of threatening to kill.

Upon perusal of the file the Attorney General found the evidence sufficient to support the offence of corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of soliciting for a benefit contrary to section 39 of the Anti - Corruption and Economic Crimes Act. Fresh matter, hearing on 27<sup>th</sup> March, 2008.

**84. KACC. CR. 141/584/2006 - COURT FILE: MAKADARA ACC.  
3645/06  
No. 30 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a clerk and a Magistrate attached to the Business Premises Rent Tribunal had solicited for a bribe from the complainant for the Magistrate to deliver a ruling favourable to him in a case pending before the Tribunal. Investigations confirmed the corrupt solicitation and receipt of a bribe of Kshs.10,000/= by the Magistrate.

Upon perusal of the file the Attorney General found the evidence sufficient to support the offence of corruption against the two suspects. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspects were charged with the offence of corruption contrary to section 39 of the Anti - Corruption and Economic Crimes Act. Fresh matter. Hearing on 3<sup>rd</sup> and 5<sup>th</sup> March, 2008.

**85. KACC. CR. 141/997/2006 - COURT FILE: NAIROBI ACC.  
109/06  
No. 32 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegation that an employee of the City Council of Nairobi had demanded for a bribe of Kshs.500/= as an inducement to unclamp the complainant's motor vehicle. Investigations confirmed the solicitation and established the corrupt receipt by the officer of a benefit of Kshs.500/=.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti - Corruption and Economic Crimes Act.

**86. KACC. CR. 141/598/2006 - COURT FILE: NAIROBI ACC.44/06  
No. 33 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the chief of Kirimukuyu Location in Mathira, Nyeri District, had demanded for a sum of Kshs.7,000/= from the complainant in order to release his wife who had been arrested for incitement.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of soliciting for a benefit contrary to section 39 of the Anti Corruption and Economic Crimes Act. Prosecution case closed. Defence hearing on 25<sup>th</sup> March, 2008.

**87. KACC. CR.141/570/2006 - COURT FILE: NAIROBI ACC. 80/06  
No.35 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that an employee of National Environment Management Authority (NEMA) had solicited for a bribe of Kshs 30,000/= from the complainant as inducement to speed up the processing of the payment of an invoice submitted by the complainant for services rendered to NEMA.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of corruption against the suspect. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Fresh matter, hearing on 15<sup>th</sup> and 16<sup>th</sup> May, 2008.

**88. KACC/FI/INQ.69(B0/2006  
No. 36 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

KACC forwarded the file to the Attorney General with a recommendation that the former Director be charged with Economic Crime under Section 45(1)(a) of the Anti-corruption and Economic Crimes Act, 2003.

Upon perusal of the file the Attorney General found the evidence sufficient to support a charge of Economic Crime against the Director. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with Economic Crime contrary to section 45(1) (a) of the Anti - Corruption and Economic Crimes Act. Fresh case, hearing on 25<sup>th</sup> February, 2008.

**89. KACC CR. 921/931/2006.KAKMEGA ACC 3368/2006  
No. 39 1<sup>ST</sup> KACC QUARTERLY REPORT**

This was an inquiry into an allegation that an auditor with the Kakamega District Education Office, audit Unit, had solicited for a benefit of Kshs.6,000/= as an inducement to write a good audit report for Musaga Primary School. Investigations confirmed the corrupt solicitation and receipt of a bribe of Kshs.4,000/= by the Auditor. Upon perusal of the file the Attorney General found the evidence enough to support a charge of corruption. He accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti- corruption and Economic Crimes Act. Fresh matter, mention to fix dates.

**90. KACC CR. 123/608/2006; ACC 101/2006**  
**No. 40 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Police constable attached to the Criminal Investigation Department, Kerugoya, had solicited for a benefit of Kshs.15,000/= as an inducement not to charge a businessman from Kerugoya with an alleged offence of printing forged currency notes. Investigations confirmed corrupt solicitation of Kshs.20,000/= and receipt of a bribe of Kshs.5,000/= by the said officer.

Upon perusal of the file the Attorney General found the evidence enough to support a charge of corruption. He accepted KACC recommendation to prosecute.

**STATUS**

The suspect was charged with the offence of corruption contrary to section 39 of the Anti- corruption and Economic Crimes Act. Part heard, three witnesses heard, further hearing on 12<sup>th</sup> March, 2008.

**91. KACC/INQ. 69(A)/2006**  
**No. 42 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that the former Managing director of Kenya Reinsurance corporation Ltd;

- (i) Converted cheques totaling to Kshs.6,730,291.20 meant for the corporation to pay his personal mortgage,
- (ii) Obtained 5,423,183 from the corporation by falsely pretending that the money was a refund of a deposit paid by M/s Rockhound Properties Ltd towards purchase of the corporation's property at Villa Franca Estate.

Investigations established that two cheques totaling to Kshs. 6,730,291.20 were remitted to Kenya Reinsurance Corporation

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

KACC forwarded the file to the Attorney General with recommendations that the former Managing Director and the Finance Director be charged with various counts of economic crime contrary to Section 45(1) (a) of the Anti-Corruption and Economic Crimes Act. It was also recommended that the former Finance Director be charged with abuse of office, forgery and uttering a false document.

Upon perusal of the file the Attorney General found the evidence sufficient to support charges as proposed by KACC. He accepted KACC's recommendation to prosecute.

### **STATUS**

The Managing Director and the Finance Director were charged with various counts of Economic Crimes Contrary to Section 45(1)(a) of the Economic Crimes Act and the former Finance Director charged with abuse of office contrary to section 46 of the Anti Corruption and Economic Crimes Act, forgery contrary to section 347 and uttering a false document contrary to section 353 of the Penal code. Case part heard, three witnesses heard further hearing on 14<sup>th</sup> March, 2008.

92. **KACC 141/793/2006 -  
No. 1 KACC 1<sup>ST</sup> QUARTER REPORT**

This was an inquiry into allegations that a police officer attached to CID, Embakasi had solicited for a benefit of Kshs.100,000/= from the complainant as inducement to forbear arresting and charging him with an alleged offence of threatening to kill. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to support a charge of corruption. Attorney General accepted KACC's recommendation to prosecute.

**STATUS**

The suspect was charged with two counts of soliciting and receiving a benefit contrary to section 39 of the Anti Corruption and Economics Crime Act. Fresh matter, hearing on 19<sup>th</sup> and 20<sup>th</sup> March, 2008.

**C. FILES WHERE THE ATTORNEY GENERAL DIRECTED  
ADMINISTRATIVE OR OTHER DEPARTMENTAL ACTION**

93. **KACC/FI/INQ/111C/2005  
No.1 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into allegations of irregular payment of honoraria of Kshs.7,696,400/- by Harambee Sacco Ltd to an inquiry team. The investigations established that there were irregularities in the way the honoraria was utilized. KACC recommended that the Harambee Sacco should consider recovering the unsurrendered imprest on account of fuel from the concerned members of the inquiry team. It was also recommended that Section 2 of the Anti-Corruption and Economic Crimes Act, 2003 should be amended to include Cooperative Societies as public bodies in line with the Public Officer Ethics Act, 2003.

Upon perusal of the file, the Attorney General found the evidence insufficient to support any criminal offence. He accepted KACC's recommendation to deal with the matter administratively and recover the money.

**STATUS**

The file was returned to KACC with directions to deal administratively and recover the money.

**94. KACC CR.141/921/2006 - COURT FILE: NAIROBI ACC 104/2006  
No.9 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a Process Server based at Githunguri Law Courts had solicited for a bribe of Kshs.20,000/= in order to facilitate the writing of a favourable judgment in a criminal case pending before the Githunguri Magistrates Court against the complainant. Initial investigations established a bribe demand.

KACC forwarded the file to the Attorney General with recommendation that the case pending before Court be terminated by way of a nolle prosequi, and administrative action be taken against the accused by the Judicial Service Commission.

Upon perusal of the file, the Attorney General found the evidence insufficient to support the corruption charge filed against the suspect. He accepted KACC's recommendation to withdraw the charge and proceed by way of administrative action.

**STATUS**

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

**95. KACC/INQ/42(A)/2004  
No. 4 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the former Kenyan Ambassador to Germany and the former Financial Attaché fraudulently obtained a sum of Kshs.6,205,343.17 by falsely pretending that the money was due to the John F. Kennedy School at Berlin, Germany, as school fees for their children. There was evidence that the two officials indeed obtained the

said amount fraudulently. KACC forwarded the file to the Attorney General with recommendation that both the former Ambassador and the Financial Attaché' be charged with various counts of obtaining money by false pretences.

Upon perusal of the file the Attorney General found that suspects did obtain the money wrongly and were not entitled to the same. He directed that the suspects be given 14 days notice to pay amounts in question. Failure to do so would result in criminal proceedings to ensue.

### STATUS

File returned to KACC with directions to recover the money in question.

**96. KACC/FI/INQ/37/2006**  
**No. 12 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

KACC forwarded the file to the Attorney General with recommendations that the excess per diem be recovered from the officer.

Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support any criminal offence. He accepted KACC's recommendations to deal with the matter administratively and recover the money.

### STATUS

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

#### **97. KACC/FI/INQ/111A/2005 No. 27 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

KACC forwarded the file to the Attorney General with recommendation for administrative action. Upon perusal of the file the Attorney General accepted KACC recommendation that the matter be dealt with administratively.

### STATUS

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

#### **D. FILES RETURNED TO KACC FOR FURTHER INVESTIGATIONS**

#### **98. KACC/AT/INQ/24/2006 No.5 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into allegations that directors of Rothman's Holdings Limited illegally acquired public land reference Mombasa Municipality Block XXXVI/681/M1 situated at Kizingo area. The investigation established that the piece of land was lawfully acquired and there was no element of fraud in the

transaction. KACC forwarded to the Attorney General with recommendation to close the same.

Upon perusal of the file, the Attorney General found a number of gaps and deficiencies in the investigations and did not accept KACC'S recommendation to close the file. He ordered that the gaps and deficiencies be addressed by way of further investigations.

### STATUS

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

**99. KACC/F1/INQ/27A/0**  
**No. 3 KACC 3RD QUARTERLY REPORT**

Inquiry into allegations of abuse of office by the Government Engineers in approving payments to a Construction company for shoddy work done on Garissa Dadaab Road Spot improvement Gravelling Project. The investigations did not establish any abuse of office by the Engineers but it was noted that there was some element of inadequate supervision of the contractor. This led to unsatisfactory work being undertaken. KACC forwarded the file to the Attorney General with recommendation that the inquiry file be closed.

Upon perusal of the file the Attorney General found gaps and deficiencies in the investigations. He rejected KACC recommendations to close the inquiry file and ordered further investigations.

### STATUS

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

**100. KACC/INQ/F1/90A/05**  
**No. 18 KACC 3<sup>RD</sup> QUARTERLY REPORT**

Inquiry into allegations of corruption and possession of unexplained wealth against a Senior Roads Inspector of the

Ministry of Roads and Public Works based in Kisumu. Investigations established that certain offences involving submitting false information to the Public Service Commission were committed contrary to the Public Officer Ethics Act. However KACC lacks powers to investigate offences under the Act, it thus forwarded the file to the Attorney General with recommendation that the matter be referred to the Criminal Investigation Department for their further action and that Kenya Revenue Authority look into the possibility of tax evasion by the said officer.

Upon perusal of the file the Attorney General found that KACC does not have powers to investigate such offences and concurred that the matter be referred to the C.I.D for revaluation of the evidence and further investigations.

### **STATUS**

The file was returned to KACC with directions to submit it to the C.I.D. for re-evaluation and further investigations.

#### **101. KACC/FI/INQ.85/05 No. 34 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the property of the City Council of Nairobi, LR. No. 3734/261 - IR 11173, situated in Lavington and reserved as the Mayoral Residence, was fraudulently acquired by the wife of a former Minister.

Upon perusal of the file the Hon. Attorney General found gaps and deficiencies in the investigations. He directed that further investigations be conducted in the areas identified and the file resubmitted to him for further directions upon completion.

### **STATUS**

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

**102. ACPU/INQ. 81/31.10.02**  
**No. 19 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into an allegation that a State counsel at the Ministry of Co-operative Development fraudulently transferred property on L.R No. 209/1837 known as Magumoni House situated along Duruma Road Nairobi to Mwoni Housing Co-operative Society Ltd.

KACC forwarded the file to the Attorney General with a recommendation that the officer be prosecuted with the offence of making a document without authority contrary to section 357(a) of the Penal Code.

Upon perusal of the file the Attorney General found the evidence insufficient to support the proposed charge. He directed that further investigations be carried out.

**STATUS**

The file was returned to KACC with directions to carry out further investigations.

**103. KACC/INQ. 20/30.07.03**  
**No.2 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

KACC forwarded the file to the Attorney General with a recommendation that the two former Managing Directors be charged with various counts of abuse of office contrary to section 101(1) of the Penal Code, Chapter 63, Laws of Kenya.

Upon perusal of the file the Hon. Attorney General found material and significant, legal and evidentiary gaps and deficiencies. He instructed KACC to conduct further investigations.

### **STATUS**

Attorney General returned the file to KACC with directions for further investigations.

#### **104. KACC/F1/INQ.70/2006 No.23 KACC QUARTERLY REPORT**

This was an inquiry into allegations that the Member of Parliament (MP) for Makadara Constituency abused his office as the Chairman of the Makadara Constituency Development Committee by interfering with the tendering and implementation of the CDF projects for construction of a secondary school and Jua Kali market stalls within the Constituency.

KACC forwarded the file to the Attorney General with recommendation that the said MP for Makadara be charged with two counts of abuse of office contrary to Section 101(1) of the Penal Code.

Upon perusal of the file the Attorney General found gaps and deficiencies in the investigation. He did not accept KACC's recommendation to prosecute in the light of these gaps and deficiencies. He directed KACC to conduct further investigations into these gaps and deficiencies.

### **STATUS**

The file was returned to KACC with directions to conduct further investigations into the outlined areas.

#### **105. KACC/INQ.49/8.12,2004 No. 15 KACC 4<sup>TH</sup> QUARTERLY REPORT**

Inquiry into allegations of misappropriation of Government funds disbursed by Treasury through the Ministry of Health to

Kenya Medical Research Institute (KEMRI) during the financial year 1999/2000 amounting to Kshs.142 million. Investigations established that the funds were intended to purchase some property on LR 209/10683 under a purchase-financed arrangement with a developer but was never put to the intended use.

KACC forwarded the file to the Attorney General with a recommendation that the Director of the contracted company be charged with obtaining Kshs.8,500,000/- by false pretences and uttering a false document contrary to sections 313 and 353 of the Penal Code, Chapter 63 of the Laws of Kenya and that the Director of KEMRI and KEMRI's lawyer be charged jointly with the offence of stealing contrary to section 275 of the Penal Code.

Upon perusal of the file the Attorney General found material and significant legal and evidentiary gaps and deficiencies in the investigations which unless covered, successful prosecution will be difficult to achieve. The Attorney General directed that these gaps and deficiencies be covered before he considers prosecution.

### **STATUS**

The inquiry file was returned to the Attorney General with directions that the gaps and deficiencies identified be covered by way of further investigations and the file resubmitted to him for further directions.

### **E. FILES WHERE THE ATTORNEY GENERAL DIRECTED CLOSURE**

#### **106. KACC CR.141/421/2005 No.7 KACC 2<sup>ND</sup> QUARTERLY REPORT**

This was an inquiry into allegations that members of Kajiado District Lands Tribunal had solicited and received a bribe of Kshs.20,000/= as an inducement to settle a land dispute. KACC forwarded the file to the Attorney General with recommendation that the inquiry file be closed.

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

### STATUS

The file was returned to KACC with directions to close.

#### **107. KACC/AT/INQ/21(C)/2006 No.2 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations of misappropriation by the Githunguri Constituency Development Committee of Kshs.2.4. Million allocated to the Kigumo Health Centre. The investigation did not establish any evidence of embezzlement of the Constituency Development Funds as alleged. KACC'S forwarded the file to the Attorney General with recommendation that the inquiry file be closed.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal offence against the suspects. He accepted KACC'S recommendation to close the inquiry file.

### STATUS

The file was returned to KACC with directions to close.

#### **108. KACC/AT/INQ/20/2006 No. 11 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the former District Commissioner for Isiolo misused Kshs.600,000 drawn from Isiolo North Constituency Development fund to pay irregular allowances to members of the peace and Conflict Resolution Committee in Merti Division. The investigation did not reveal any evidence of the alleged misuse of funds. KACC forwarded the file to the Attorney General with recommendation that the same be closed.

Upon perusal of the file the Attorney General found no evidence to support a criminal charge. He accepted KACC'S recommendation to close the file.

### STATUS

The file was returned to KACC with directions to close.

#### **109. KACC/INQ.28/2006** **No.22 KACC 3<sup>RD</sup> QUARTERLY REPORT**

This was an inquiry into allegations of financial irregularities at the Kenya National Commission on Human Rights highlighted in a report of the Controller and Auditor General for the financial year ending 30<sup>th</sup> June, 2004. the alleged irregularities included alleged unsupported expenditure amounting to Kshs.2,999,737.35, irregular appointment of M/S Ernst and Young to undertake an audit of the Commission's books of account, unsupported expenditure of Kshs.264,111 spent during the Human Rights Day and Kshs.114,253 incurred by experts and stakeholders during the review of the KNCHR Strategic Plan, payment of relocation expenses amounting to Kshs.1,336,263.25 to the Chairman and two other Commissioners and purchase of Honda CRV vehicles for Kshs.28,762,500 for the Commissioners and Secretary and failing to award the tender to the lowest bidder.

The Commission instituted investigations on all the allegations and the same disclosed no evidence of criminal wrong doing on the part of the Chairman or Commissioners of the KNCHR. However, the sum of Kshs.519,873.25 and 277,960 paid to the Chairman as reimbursement of the expenses incurred while shuttling between New York and Nairobi and relocation allowances respectively was found to be irregular and should be recovered from him. KACC forwarded the file to the Attorney General with recommendation administrative action to recover the amount and allowances paid to two Commissioners amounting to Kshs.200,505 each which was irregularly paid.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge against the

KNCHR officers or basis for surcharge. He directed that the inquiry file be closed with no further action.

### STATUS

The file was returned to KACC with directions to close.

**110. KACC/FI/INQ./107/2005**  
**No. 6 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that Tana and Athi Rivers Development Authority (TARDA) irregularly signed an agreement with MAT International Ltd giving it a 70% shareholding in the proposed Tana Delta Sugar Company Ltd. This file had earlier been submitted to the Attorney General with a recommendation for closure but was returned to the Commission on the 4<sup>th</sup> January, 2007 for further investigations.

Upon perusal of the file, the Attorney General found the evidence gathered in the initial and subsequent investigations insufficient to support any criminal prosecution. He concurred with KACC's recommendations close the file.

### STATUS

The file was returned to KACC with directions to close.

**111. KACC/FI/INQ/15/2005**  
**No. 19 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations of irregular procurement of motor vehicles and stationery by M/s New KCC Ltd and fraudulent false accounting by officers in the company's Sales Department. It was alleged that a car hire company was irregularly awarded a contract to lease vehicles to New KCC Ltd and that a firm owned by the wife of the then Minister for Co-operative Development had irregularly been awarded a contract to supply stationery to New KCC Ltd. The investigations revealed that the procurement for lease hire services was regularly undertaken, that the firm owned by the wife of the then Minister for Co-operative Development was only one of many contractors who were pre-qualified through a transparent

evaluation process in compliance with the Exchequer & Audit (Public Procurement) Regulations, 2001, that were then in force, and was not favoured in any way.

Regarding allegations that the Sales and Distribution Manager of New KCC Ltd had sold milk to some three specific companies but that no payments were made by the said companies to New KCC Ltd, it was established that the said three companies paid for the milk purchased by them.

Upon perusal of the file, the Attorney General found no evidence of any impropriety or wrong doing in regard to the transactions in question. He accepted KACC's recommendation that the inquiry file be closed.

### STATUS

The file was returned to KACC with directions to close.

#### **112. KACC/FI/INQ/41/2007** **No. 28 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that the Managing Trustee of the Local Authorities Pensions Trust irregularly obtained a loan of Kshs.400,000/- from the Super Fund Multipurpose Savings and Credit Co-operative Society Ltd without the intention of repaying it. The Investigation established that the suspect did indeed obtain a loan as alleged and that his loan application was duly approved by the Credit Committee. There was no indication however that he influenced the Credit Committee in any way to grant his application. It was also established that the loan was factored in the Society's books and was being repaid as per the terms approved by the Credit Committee. There was, in addition, a repayment guarantee by which the suspect's guarantors authorized the Sacco Society to have recourse to them in the event of default. Proper safeguards had therefore been put in place to ensure recovery of the loan.

Upon perusal of the file, the Attorney General found no evidence of culpable wrongs on the part of the suspect. He accepted KACC's recommendations to close the file.

## STATUS

The file was returned to KACC with directions to close.

### 113. KACC/FI/INQ/07/2006 No. 4 KACC 4<sup>TH</sup> QUARTERLY REPORT

This was an inquiry into allegations of abuse of office against the former Managing Director of Kenya Literature Bureau. It was alleged that the Kenya Literature Bureau was on the verge of collapse due to the following:

- a) Unnecessary allowances paid to both the Management and the Board of Directors.
- b) Purchase of vehicles, which had not been fully paid for by the time of the complaint.
- c) Printing of text books outside the country when such printing could be done by the Bureau's own printing press.
- d) Employment of staff on tribal lines and placing such employees on higher job groups notwithstanding their lack of job experience.
- e) Purchase of a machine from South Africa which had cost more money in repairs than the cost price.

Investigations revealed no truth in any of these allegations. It was established that the procurement of the motor vehicles, the book binding machine and the printing services was regularly and transparently undertaken. The allegations of ethnicity in staff recruitment and the unnecessary payment of allowances to the Management and members of the Board of Directors were similarly found to be untrue.

KACC forwarded the file to the Attorney General with recommendation for closure.

Upon perusal of the file, the Attorney General found no evidence on which to base a prosecution against the suspects. He accepted KACC's recommendation to close the file.

### STATUS

The file was returned to KACC with directions to close

#### **114. KACC/AT/INQ/19/2006** **No. 12 KACC 4<sup>TH</sup> QUARTERLY REPORT**

This was an inquiry into allegations that Kangema District Officer influenced an award of contract for the construction of Muguru Location Chief's camp, which was funded through the Kangema Constituency Development Fund, in favour of his wife. Investigations established that the contract was procured in a transparent manner and that it was awarded to a local contractor and not the wife of the District Officer as alleged. It was further established that the wife of the District Officer had no connection at all with the winning firm.

Upon perusal of the file the Attorney General found the evidence insufficient to support a criminal prosecution. He accepted KACC's recommendation to close the file.

### STATUS

File returned to KACC with directions to close.

#### **115. KACC/F1/INQ/56/2006** **No. 11 KACC 1<sup>ST</sup> QUARTERLY REPORT**

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

- A tractor belonging to NOCO was lost but the management did not follow up the matter.
- A building in Bungoma town belonging to NOCO was irregularly sold and the proceeds of sale were unaccounted for

- The Company's Directors received irregular payment of allowances for attendance of several unnecessary meetings
- The Company's debts were not being pursued
- The NOCO officials issued postdated cheques haphazardly.

Investigations undertaken by KACC into each of these allegations revealed that they were not grounded on concrete evidence, to the contrary, the investigations established that the loss of the tractor was followed up; efforts were made to recover debts owed to the company; sale of NOCO Plaza in Bungoma Town was regular and the proceeds were accounted for, and that the Director did not receive any irregular payment of allowances. KACC forwarded the file to the Attorney General with recommendations that the inquiry be closed.

Upon perusal of the file the Attorney General found the evidence insufficient to support any criminal charge. He accepted KACC's recommendations to close the inquiry.

### STATUS

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

#### **116. KACC/FI/INQ/52B/2005/ KACC/FI/52(A)/2005 NO.17 KACC 2<sup>ND</sup> QUARTERLY REPORT NO. 23 KACC 1<sup>ST</sup> QUARTERLY REPORT**

This was an inquiry into alleged collusion between two Somali registered companies and two Kenya Revenue Authority officials to divert goods from Newland Export Processing Zones (EPZ) Ltd into the local market. Investigations did not disclose any evidence of such diversion as alleged. Evidence established that a sister company of Newland EPZ Co. Ltd by the name Longwin Co. Ltd imports similar products, namely dry cell batteries, from China for sale locally. It was therefore necessary for KRA in conjunction with the Export Processing

Zone Authority to ensure that the batteries processed by Newland EPZ Co. Ltd are easily distinguishable from those imported by the sister company, otherwise it may be impossible to detect any cases of diversion. A letter to that effect was forwarded to the Commissioner General, KRA by KACC.

KACC forwarded the file to the Attorney General with a recommendation for closure.

Upon perusal of the file the Attorney General found the evidence insufficient to support a criminal charge. He accepted KACC's recommendation for closure.

### **STATUS**

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

#### **117. KACC/INQ 2/21.0.04 No. 24 KACC 1<sup>ST</sup> QUARTERLY REPORT**

Inquiry into allegations that the city Council of Nairobi irregularly paid the Mayor's Chaplain sitting allowances equivalent to a Councillor's allowances.

KACC forwarded the file to the Attorney General with a recommendation to prosecute the Town Clerk and Deputy Town clerk who sanctioned the payments with the offence of abuse of office contrary to section 101(1) of the Penal Code,

Upon perusal of the file the Attorney General found the evidence insufficient to support the proposed charges, as the chaplain was rightly appointed and the existence and function is along tradition dating back to the 1950's

### **STATUS**

The file was returned to KACC with directions to close and advice the City Council of Nairobi to regularize the appointment.

**118. KACC/FI/INQ.67/2005**  
**No. 3 KACC 1<sup>ST</sup> QUARTERLY REPORT**

Inquiry into allegations of corruption and theft against two employees of the Department of Small and Micro enterprise Development and Sustainable Livelihoods Programme in the Ministry of Labour and Human Resources Development (MLHRD) Investigation revealed no criminal conduct in respect of the two officers. KACC forwarded the file to Attorney General with a recommendation that the file be closed.

Upon perusal of the file, the Hon attorney General concurred with KACC that the evidence was insufficient to support a criminal offence. He accepted their recommendation to close the file.

**STATUS**

The file was returned to KACC with directions to close.

**119. KACC. CR. 802/697/2006 - COURT FILE: KERICHO ACC. 23/06**  
**No. 31 KACC 1<sup>ST</sup> QUARTERLY REPORT**

Inquiry into allegations that a Clerical Officer with the Department of the Registrar of Persons, Bomet and a Clerical Officer at the Bomet Law Courts had demanded for a bribe of Kshs.500/= from the complainant as inducement to facilitate the processing of her second generation identity card.

Upon perusal of the file the Attorney General found the evidence insufficient to support a charge of corruption. He accepted KACC's recommendation to withdraw the charge filed in court.

**STATUS**

The charge was withdrawn under section 87(9) of the Criminal procedure code cap 75 Laws of Kenya.

**120. KACC/FI/INQ/55/06**  
**No. 37 KACC 1<sup>ST</sup> QUARTERLY REPORT**

Inquiry into allegations of corruption in the proposed extension and refurbishment of Kenya Ports authority (KPA) headquarters at Kipevu, Mombasa.

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

KACC forwarded the file to the Attorney General with recommendation that the same be closed in view of the fact that there were no procurement regulations regulating procurement of consultancy services, and further that the issue relating to the consultancy were addressed by both the High Court and Court of Appeal.

Upon perusal of the file the Attorney General found that the matter had been dealt with by way of civil process and there is no basis of criminal proceedings. He accepted KACC's recommendations to close the file.

**STATUS**

The file was returned to KACC with directions to close.

**121. KACC/FI/INQ/62/05**  
**No.19 KACC 2<sup>ND</sup> QUARTERLY REPORT**

Inquiry into allegations of tax evasion by Cable Television Network Ltd. Investigations established that KRA had computed

the tax liability of Cable Television Network. The same included income tax, Value Added Tax. KRA is already in the process of recovering the tax and additional penalties which were imposed on the said Company under the Income Tax Act and the Value Added Tax Act.

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

Upon perusal of the file, the Attorney General found no evidence of any criminal offence. He accepted KACC's recommendation to close the file.

### **STATUS**

The file was returned to KACC with directions to close and KRA to pursue the C.T.N Ltd to pay the Tax arrears.


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

PARTICULARS OF CASE	NUMBER
INVESTIGATION FILES RECEIVED BY THE ATTORNEY GENERAL FROM KACC: 1 <sup>ST</sup> JANUARY 2007 - 31 <sup>ST</sup> DECEMBER 2007	<b>121</b>
A. CASES WHERE TRIAL IS CONCLUDED	<b>10</b>
B. CASES FILED IN COURT AND TRIAL ON-GOING	<b>82</b>
C. FILES WHERE A.G DIRECTED ADMINISTRATIVE OR OTHER DEPARTMENTAL ACTION	<b>5</b>
D. FILES RETURNED TO KACC FOR FURTHER INVESTIGATIONS	<b>8</b>
E. FILES WHERE A.G DIRECTED CLOSURE	<b>16</b>
<b>TOTAL NUMBER OF FILES</b>	<b>121</b>

**KEY**

- OCS - Officer Commanding Police Station  
KACC - Kenya Anti-Corruption Commission  
C/S - Contrary to section  
INQ - Inquiry  
ACC - Anti-Corruption Court  
CF - Court File  
DCIO - Divisional Criminal Investigation Officer  
GK - Government of Kenya  
C.P.C - Criminal Procedure Code Cap 75 laws of Kenya

Dated at Nairobi this .....<sup>12<sup>th</sup></sup>..... day of .....*March*..... 2008



**HON. S. AMOS WAKO, EGH, F.C.I.Arb., SC, MP**  
**ATTORNEY GENERAL**