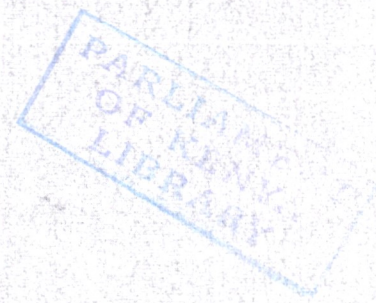


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**REPUBLIC OF KENYA
ANNUAL REPORT**

**BY
THE HON. ATTORNEY GENERAL**

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

PURSUANT TO THE

**PROVISIONS OF SECTION 37 OF THE ANTI-CORRUPTION AND
ECONOMIC CRIMES ACT NO.3 OF 2003**

FOR THE PERIOD 1ST JANUARY - 31ST DECEMBER, 2006

P R E A M B L E

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

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

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

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

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, 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 with a hundred and twenty eight cases forwarded by the Kenya Anti Corruption Commission. Some of them, complex frauds like the five Anglo-Leasing type contracts which are highlighted in this report.

It was the year that the Attorney General received the Bosire Report of Inquiry Into the Goldenberg Affair. From this report the Attorney General has filed and is prosecuting two major cases and three Judicial Review Applications arising there from. They are however not highlighted in this report as they do not fall Within the Anti-Corruption and Economic Crimes Act.

The office of the Attorney General has continued to carry out this mandate despite severe capacity limitations, inadequate professional and support staff, inadequate office space, lack of library, research and other resource facilities, poor terms and conditions of service. The office also continues to heavily rely on Police Prosecutors due above mentioned capacity problem.

In a bid, to deal with the professional capacity problem, the Government authorized the hiring of highly qualified special prosecutors to aid in the prosecution of Anti-Corruption and Economic Crimes Cases. Five special prosecutors have taken up their appointments and continued the prosecution of corruption and economic crimes cases.

This development has however created another problem as the other professional prosecutors feel short changed and have fast become demotivated due to the big salary disparity. This is despite the fact that the special prosecutors work alongside the other establishment staff.

Although significant strides have been made in empowering and enhancing the prosecution capacity of the Department of Public Prosecutions, a lot remain to be done, to transform the Department into a professional, efficient and effective prosecution service. Of critical importance is the need to urgently review the terms and conditions of service for all

prosecuting counsel so as to attract and retain the best Prosecutors.

Further, my office has taken steps to ensure professionalism and enhance the capacity of the prosecutors. In the year under review, my office in collaboration with Development partners (USAID) organized and undertook a refresher course for all state counsel in pre-trial, trial preparation and trial advocacy skills.

The other major hurdle which should be addressed, is the low-budgetary allocation compared to allocations to our counterparts like KACC. These limitations have been voiced in the Attorney General Anti-Corruption and Economic Crimes Annual Reports for the years 2003, 2004 and 2005.

In the past, the prosecution of Anti Corruption and Economic Crimes Cases has faced legal complications/technicalities brought by way of Constitutional Applications and Judicial Review Applications in the High Court.

I am happy to point out that with the coming into force of the Constitution of Kenya, High Court Practice and Procedure Rules, Legal Notice No.6 of 2006 released by His Lordship the Chief Justice Evan Gicheru on 17th February, 2006, and injunctions are no longer automatic as in the past. That must be the reason why

fewer Constitutional Applications were filed in the period under review.

The efficiency and effectiveness of the Attorney General's office have been undermined by the shortage and frequent transfers of Anti-Corruption special magistrates. Most of them left part heard cases which:

- i. Have had to start de-novo with a possibility of preliminary objections being raised by the defense and uncertainty as to the availability and credibility of witnesses.
- ii. Have been mentioned severally with no indication as to the possible hearing dates. This has affected the preparation and management of witnesses and exhibits.
- iii. Have to be fixed for hearing late in the year necessitating delay, frequent mentions affecting accused persons as well as tiring the prosecution.

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 that have been referred to the High Court for Constitutional Interpretation/Judicial Review.
- E. Files returned to KACC for further investigations.
- F. Files where the Attorney General directed closure/ withdrawal of case filed in Court.

A. FILES WHERE TRIAL IS CONCLUDED

1. KACC 141/891/05 NAIROBI ACC 46/05 No. 4 of KACC 1st Quarterly Report

This was an inquiry into allegations that an employee of Kenya Power and lighting company Ltd corruptly demanded a sum of Kshs.7000/= from the complainant in order to forbear from charging her with illegal consumption of Electricity. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence that the accused corruptly solicited and received a sum of Kshs.2000/= from the complainant. Attorney General accepted KACC'S recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence Of corruption contrary to section 39 of the Anti Corruption and Economic Crimes Act. Trial finalized. Accused convicted and fined Kshs.50, 000/= in default, 3 months imprisonment.

2. **KACC CR. 142/311/05**
NAIROBI ACC 53/2006
No. 6 of KACC 1st Quarterly Report

This was an inquiry into allegations that two Public Health Officers attached to the city Council of Nairobi solicited for a sum of Kshs.50,000/= from the complainant in order to forebear from charging her with the offence of failing to comply with a notice. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to support the claims that the suspect corruptly demanded Kshs.50, 000/= and did corruptly receive Kshs5,000/= from the complainant. KACC's recommendation to prosecute the suspect was accepted.

STATUS

The suspects were arrested and charged with the offence of corruption contrary to section 39 of the Anti corruption and Economic crimes Act. Trial finalized. Accused convicted and fined 80,000 in default 12 months imprisonment.

3. **KACC CR. 141/431/05**
ACC NO. 63/2005
No. 16 of KACC 1st Quarterly Report

This was an inquiry into an allegation that a preventive officer with Kenya Revenue Authority attached to Gilgil

Weigh bridge corruptly solicited for Kshs.30,000/= from the complainant in order to release his Motor Vehicle which had been detained at the weighbridge.

Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to support that the officer corruptly solicited for Kshs.30,000/= and did corruptly receive Kshs.10,000/= from the complainant. KACC's recommendation to prosecute the suspect was accepted.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti- Corruption and Economic Crimes Act. Trial concluded. Accused acquitted under Section 215 of the Criminal Procedure Code.

4. **KACC CR. 032/11/05,
KISUMU ACC 279/05
NO. 4 of KACC'S 2nd quarterly Report**

This was an inquiry into an allegation that a District Labor Officer demanded Kshs.50, 000/= from the complainant in order to for bear charging him with a labor offence. Upon perusal of the file, the Hon Attorney General was satisfied that there was sufficient evidence to charge the suspects with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti Corruption and Economic Crimes Act. The accused was found guilty and sentenced to pay a fine of Ksh.20,000/= in respect of count 1 and in default 4 months imprisonment. In respect of count two, the accused was fined Kshs.80,000/= fine and in default one year imprisonment.

5. **KACC/FI/INQ/56B/05**
No. 15 of KACC's 2nd Quarterly Report.

This was an inquiry into an allegations that the M.P for Galole Constituency, his personal Assistant and the Constituency Development Committee members had colluded with unscrupulous traders to misappropriate Galole Constituency Development Funds. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspects with Economic Crime for procuring consultancy services without following Legal procedures. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspects were arrested and charged with Commission of Economic Crimes. The accused was found guilty and

sentenced to pay a fine of kshs.80,000 and in default 12 (twelve) months imprisonment.

6. **KACC CR 141/871/2005**
NAIROBI ACC 46/2005
No. 7 of KACC 1st Quarterly Report

This was an inquiry into allegations that Technicians of KPLC were demanding Kshs.15,000/= from the complainant in order to forbear disconnecting his electricity. Upon perusal of the file, the Hon. Attorney General was satisfied that there was evidence to charge the suspects with the offence of obtaining money by false pretences and impersonating a person employed in the Public Service. KACC's recommendation to prosecute the suspects was Accepted.

STATUS

The suspects were arrested and charged with the offence of obtaining by false pretences contrary to section 313 of the Penal Code and impersonating a person employed in the Public Service contrary to section 382(1) of the penal code. The trial concluded. Accused convicted and fined Kshs.50,000 in default four months imprisonment

**7. KACC CR 122/489/2005
NAIROBI ACC NO. 35/05
No. 14 of KACC 2nd Quarterly Report.**

This was an inquiry into an allegation that Administration Police Officer attached to Eastleigh Chief's camp demanded a sum of Kshs.3,000/= from the complainant as an inducement to release cloth material impounded at the Chief's camp. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with corruption. KACC's recommendation to prosecute the suspect was accepted.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to sec 39 of the Anti Corruption and Economic Crimes Act. Trial concluded, accused
Convicted and fined Kshs.40,000 in default six months.

**8. KACC CR 141/249/06
ACC 18/2006
No. 11 of KACC 3rd Quarterly Report**

This was an inquiry into allegation that a Police Constable based at Kariobangi Police Post demanded Kshs. 20,000/= in order to forebear charging the complainant's nephew with the offence of robbery. Upon perusal of the file the Attorney General was satisfied that there was enough

evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Trial finalized, accused convicted, fined Kshs.50,000 in default six months.

9. **KACC CR 141/040/05
NAIROBI ACC 56/2005
NO. 2 KACC 2nd Quarterly Reports**

This was an inquiry into an allegation that a Clerical Officer in the Department of Civil Registration in Sheria House demanded a sum of Kshs.1,000 as an inducement to hasten the process of issuance of the birth certificate to the complainant. Upon perusal of the file the Hon. Attorney General was satisfied that the evidence was enough to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

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

Economic Crimes Act. Trial concluded, accused acquitted under Section 215 of the Criminal Procedure Code.

10. **KACC CR 141/1223/05**
ACC NO. 67/2005
No. 17 KACC 1st Quarterly Report

This was an inquiry into allegations that two officials of the City Council of Nairobi demanded from the complainant a sum of Kshs.50,000/= in order to forbear charging his two companies with the offence of trading without a license.

Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to support the claims that the suspects corruptly solicited for Kshs.50, 000/= from the complainant and that one suspect did corruptly receive Kshs.8,000/= and another Kshs.12,000/= from the complainant. Kenya Anti Corruption Commission's recommendation to prosecute the suspect was accepted.

STATUS

The suspects were arrested and charged with the offence of corruption contrary to section 39 of the anti Corruption and Economic Crimes Act. Trial concluded both accused acquitted in count I under Section 215 of the Criminal Procedure Code. Count II both accused fined 50,000 in default 6 six months imprisonment.

11. **CR 741/382/2005**
KERICHO ACC 27/05
No. 15 of KACC 1st Quarterly Report

This was an inquiry into allegations that that DCIO Kilgoris corruptly solicited from the complainant a sum of Kshs.30,000/= as inducement to assist in terminating a criminal case against his brother.

Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to prosecute the suspect for the offence of corruption. Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti corruption Act. Trial concluded. Accused acquitted under Section 215 of the Criminal Procedure Code (CPC).

12. **CR 741/382/2005**
KERICHO ACC 27/05
No. 15 KACC 1st Quarterly Report

This was an inquiry into allegations that that DCIO Kilgoris corruptly solicited from the complainant a sum of Kshs.30,000/= as inducement to assist in terminating a criminal case against his brother. Upon perusal of the file, the Hon. Attorney General was satisfied that there was

sufficient evidence to prosecute the suspect for the offence of corruption. Attorney General accepted KACC's recommendation to prosecute

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Trial concluded accused acquitted under Section 215 of the CPC.

13. **KACC CR. 030/1/0**
KERICHO ACC NO. 4/05
No. 5 KACC 2nd Quarterly Report.

This was an inquiry into an allegation that the DCIO Kericho had demanded Kshs.10,000/= from the complainant as an inducement to release her son who had been put in custody for allegedly stealing some books. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

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

Economic Crimes Act. Trial concluded, accused acquitted on count 1 under Section 215 of the Criminal Procedure Code and convicted on, count 2 and sentenced to serve four years imprisonment without option of a fine. Addition, 10,000 mandatory fine.

14. **KACC CR 141/1020/2005**
NAIROBI ACC 55/05
No. 21 of KACC 3rd Quarterly Report

This was an inquiry into allegations that two traffic Police Officers based in Buruburu Police Station, and one of whom was the Divisional Traffic Officer, corruptly solicited for a bribe from the complainant in order to release motor vehicle Registration No. KAU 587G Isuzu Matatu, which had been detained because the owner had failed to give Kshs.3,000/= demanded as weekly "protection fee" and Kshs.500 as airtime. Upon perusal of the file the Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC recommendation to prosecute the suspects.

STATUS

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

and Economic Crimes Act. Trial finalized both accused acquitted under Section 215 of the C.P.C.

15. **KACC CR 141/1057/2005**
NAIROBI ACC 59/05
No. 27 KACC 3rd Quarterly Reports.

This was an inquiry into allegations of corruption against a Secretary and Committee member of Westlands Constituency Development Committee. It was alleged that the two corruptly solicited for a bribe of Kshs.20,000/= from the complainant in order to award him a contract to build a bridge within Westlands constituency. Upon perusal of the file the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspects with the offence of soliciting and receiving a bribe contrary to Section 39(3) of the Anti-corruption and Economic Crimes Act.

STATUS

The suspects were arrested and charged with the offence of corruption contrary to section 39(3) of the Anti-Corruption and Economic Crimes Act. Trial finalized accused discharged under section 87(a).

16. **KACC CR 142/319/05**
NAIROBI ACC 61/05
No. 5 KACC 3rd Quarterly Reports.

This was an inquiry into allegations that a subordinate staff at the Social Development Office in Kariokor under the auspices of the area district officer demanded Kshs. 1,000 from the complainant as an inducement to register a self-help group. Upon perusal of the file the Hon. Attorney General found the evidence sufficient to support the charge of corruption against the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Trial finalized. Accused acquitted under Section 215 of the Criminal Procedure Code.

17. **KACC CR 141/34/06**
NAIROBI ACC 9/06
No. 34 of KACC 3rd Quarterly Report

This was an inquiry into allegations that a Licensing Officer working for the City Council of Nairobi demanded Kshs.25,000 from the complainant in order to approve his Business license application. Upon perusal of the file the Attorney General agreed with KACC's recommendation that there was sufficient evidence to support the charges

of soliciting and receiving a bribe contrary to section 39(3) of the Anti Corruption & Economic Crimes Act.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti Corruption & Economic Crimes Act. Trial concluded first accused acquitted under Section 215 C.P.C. second accused fined 60,000 or six months imprisonment.

18. **KACC CR 142/285/2005**
NAIROBI ACC 42/2005
No. 13 of KACC 2nd Quarterly Report.

This was an inquiry into an allegation that an employee of the City council of Nairobi had demanded a sum of Kshs.20,000/= in order to forebear demolishing the complainant's kiosk. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to prosecute the suspects with the offence of corruption. The Attorney General accepted KACC's recommendations to prosecute.

STATUS

The suspects were arrested and charged with corruption contrary to sec 39 of the Anti Corruption and Economic

Crimes Act. Trial concluded accused convicted 80,000 in default 12 months.

19. **KACC CR 111/1254/05**
ACC 66/2005
NO. 9 of KACC's 3rd Quarterly Report

This was an inquiry into an allegation that officials of General Copy Right Monitors and Consultants demanded Kshs.20,000/= in order to return a personal computer and DVDs that had been confiscated from complainant's shop. Upon perusal of the file, the Hon. Attorney General was satisfied that the evidence was sufficient to charge the suspects with the offence of corruption. Attorney General accepted KACC's recommendations to prosecute the suspects.

STATUS

The suspects were arrested and charged with the offence of corruption contrary to section 39 of the Anti-corruption and Economic Crimes Act. Trial concluded accused acquitted under section 215 of the Criminal Procedure Code.

B. FILES FILED IN COURT AND TRIAL IS ON GOING

**20. KACC 141/714/05:
NAIROBI ACC 27/2005
No. 1 of KACC 1st Quarterly Report**

This was an inquiry into allegations that three City Council Askaris attached to the housing department demanded a sum of Kshs.10,000/= from an employee of the complainant's construction firm so as to forebear charging him with the offence of erecting a building structure without development permission. Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute the suspects.

STATUS:

The suspects were arrested and charged with the offence of corruption contrary to section 39 of the Anti Corruption and Economic Crimes act. The trial is ongoing, one witness heard, five remaining. Next hearing date, 18th April, 2007 3rd 4th and 5th October, 2007.

21. **KACC CR. 411/144/05**
EMBU ACC 11/2005
No. 10 of KACC 1st Quarterly Report

This was an inquiry into allegations that the OCS of Ntumu Police Station demanded a sum of Kshs.10,000/= from the complainant in order to release his mother and brother who were in police custody.

Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to support claims that the suspect demanded and did corruptly receive Kshs.10,000/= from the complainant. KACC's recommendation to prosecute the suspect with corruption was accepted.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the anti Corruption and Economic Crimes Act. The trial is on going, prosecution case closed. Judgment on 23rd May, 2007.

22. **KACC 142/305/05**
ACC 49/05
No. 11 of KACC 1st Quarterly Report

This was an inquiry into allegations that two employees of the City council of Nairobi demanded a sum Kshs5,000/= from the complainant's employee in order to forebear charging his company with the offence of failing to take

out a food hygiene license and a medical certificate for his other employee. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to support claims that the suspects solicited and did corruptly receive Kshs,5,000/=from the complainant. KACC's recommendation to prosecute the suspects was accepted.

STATUS

The suspects were arrested and charged with the offence of corruption contrary to section 39 of the Anti Corruption and Economic Crimes Act. The trial is on going, ruling on case to answer on 16th April, 2007.

23. **KACC F1/INQ/65 (A) 05**
No. 13 of KACC
ACC NO.19/07 1st Quarterly Report

This was an inquiry into allegations that the former governor of the Central Bank abused his office by irregularly hiring consultants including his son under the auspices of African Centre for Economic Growth thus occasioning a loss of Kshs9,070,018.90/= to Central Bank of Kenya.

Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to support the claims of abuse of office against the suspect. KACC's recommendation to prosecute the suspect was accepted.

STATUS

The suspect was arrested and charged with the offence of abuse of office contrary to Section 46 of the Anti Corruption and Economic Crimes Act. The trial is on going, Prosecution closed its case after calling 16 witnesses. Defence made submissions on no case to answer. Prosecution to reply. Further hearing on 16th April, 2007.

24. **KACC CR 943/296/05**
KISUMU ACC NO. 51/2005
No. 14 of KACC 1st Quarterly Report

This was an inquiry into an allegation that the District Officer Shinyalu Division in Kakamega and an administration Police Officer demanded bribe of Kshs.10,000.00/= from the complainant as an inducement to release her motor vehicle which had been detained for transporting illicit liquor. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to support the claims that the two officers corruptly solicited for a bribe of Kshs.10,000.00/= from the complainant. KACC's recommendation to prosecute the suspects was accepted.

STATUS

The suspects were arrested and charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. The trial is on going. Prosecution's case closed. Further hearing on 4th May, 2007.

25. **KACC 141/744/2005**
ACC NO. 29/2005
No. 1 of KACC 2nd Quarterly Report

This was an inquiry into allegations that a law clerk with the City Council of Nairobi demanded for a sum of Kshs.3,000.00/= from the complainant as an inducement so as not to order for demolition of his supermarket. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. The Trial is on going. 8 witnesses have testified, two remaining. Further hearing on 23rd July, 2007.

26. **KACC DR. 141/316/05**
ACC No. 57/05
No. 2 of KACC's 2nd Quarterly Report

This was an inquiry into an allegation that a Nairobi City Council employee demanded from the complainant a sum of Kshs.200,000/= in order to allow him reconstruct a garage that had earlier been demolished. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti corruption and Economic Crimes Act. Trial is on going. 6 witnesses have testified, three remaining. Further hearing on 14th May, 2007.

27. **ACC CR. 141/1058/05**
ACC No. 60/05
No. 3 of KACC's 2nd Quarterly Report.

This was an inquiry into an allegation that a finger prints officer with National Registration Bureau demanded Kshs.15,000/= in order to process the complainant's National Identity Card. Upon perusal of the file, the Hon

Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. Hearing not commenced.

Hearing dates on 26th and 27th July, 2007

28. **KACC CR. 112/18/06**
ACC 1/06
No. 7 of KACC's 2nd Quarterly Report.

This was an inquiry into an allegation that an employee of the City Council of Nairobi's Inspectorate Department demanded from the complainant Kshs.1,000/= in order to facilitate release of two G.S.M phones that had been confiscated. Upon perusal of the file, the Hon Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act, Trial concluded. Judgment on 11th April, 2007

29. **KACC CR 141/846/05**
ACC No. 44/2005
No.8 of KACC's 2nd Quarterly Report

This was an inquiry into an allegation that a public Health Officer working for the City Council of Nairobi demanded a sum of Kshs.20,000/= as an inducement not to charge the complainant with an offence under the Public Health Act. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to charge the suspect.

STATUS

The suspect was arrested and charged with corruption contrary to section 39 of the Anti Corruption and Economic Crimes Act. The Trial is on going. 2 witnesses testified, six remaining. Hearing on 24th and 25th July, 2007.

30. **KACC CR 142/06.06**
NAIROBI ACC 3/06
No. 10 for KACC's 2nd Quarterly Report.

This was an inquiry into an allegation that a police officer attached to Ongata Rongai Police Station had demanded a sum of Kshs.3,000/= from the complainant as an inducement to terminate a case against a relative. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with offence of corruption contrary to Section 39 of the Anti Corruption and Economic Crimes Act. The Trial is on going. 6 witnesses have testified, three remaining. Further hearing on 19th July, 2007.

31. **KACC/FI/INQ/100/03**
No. 12 KACC's 2nd Quarterly Report.

This was an inquiry into an allegation that the City Council of Nairobi made a payment of Kshs.4.3 million to Stonegate Products for a generator and pick up matatu that were never supplied. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient

evidence to charge the suspects with the offence of abuse of office contrary to Section 46 of the Anti Corruption and Economic Crimes Act and obtaining by false pretences contrary to Section 313 of the Penal Code the Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspects who included the Director of Housing and Development, the Acting Workshop Manger, the City Treasurer, Accountant and Auditors were charged with the offence of abuse of office contrary to Section 46 of the Anti-Corruption and Economic Crimes Act, while the proprietor of Stonegate Products was charged with the offence of obtaining by false pretences contrary to Section 313 of the Penal code. Hearing not commenced, one of the accused deceased, mention on 19th April, 2007, for court to confirm the death.

32. **KACC CR 741/348/2005**
KERICHO ACC 24/05
No. 16 of KACC 2nd Quarterly Report

This was an inquiry into an allegation that an inspector in the Department of Weights and Measures Kericho, solicited for a sum of Kshs.80,000/= from the complainant as an inducement to withdraw Kericho criminal case No.

1741/05 preferred by the said suspect against the complainant. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to sec 39 of the Anti Corruption and Economic Crimes Act. The Trial is on going.

33. **KACC/INQ. 41/1.10.04**
No. 17 of KACC's 2nd Quarterly Report

This was an inquiry into allegations of Tax Evasion by exporters of hides and skin in collusion with hides and skins officers in the veterinary department. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the principal officers Hides and Skins with the offence of abuse of office for improperly conferring a benefit on himself amounting to Kshs.205,000/= for services meant to be rendered free of charge. Evidence further supported administrative action against the principal officer Hides & Skins. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of abuse of office contrary to Section 46 of the Anti Corruption and Economic Crimes Act. The Trial is ongoing.

34. **KACC CR/141/751/05**
NAIROBI ACC NO. 30/05
No. 18 of KACC's 2nd Quarterly Report.

This was an inquiry into an allegation that an Employee of the City Council of Nairobi's Public health Department was demanding a sum of Kshs.80,000/= from the complainant in order to give a favorable report as per court order in criminal case No. 226 A of 2005. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspects with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti Corruption and Economic Crimes Act. The Trial is ongoing. 7 witnesses have testified, 3 remaining. Hearing on 19th June, 2007.

**35. KACC/INQ. 36/18.05.05
No. 21 of KACC's 2nd Quarterly Report
ACC 48/06**

This was an inquiry into allegations of impropriety in the procurement of computer equipment for the Integrated Financial Management Information Systems (IFMIS) Project by the Ministry of Finance. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the Acting Director of Government Information Technology Services with an Economic Crime for willfully failing to comply with laid down procurement procedures and the procurement officer II with committing an Economic Crime. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspects were arrested and charged with committing an Economic Crime Contrary to Section 46 of the Anti Corruption and Economic Crimes Act. No witness has testified so far. Hearing on 14th and 15th May, 2007.

**36. KACC/F1/INQ/51/05
No. 22 of KACC's 2nd Quarterly Report**

This was an inquiry into allegations of abuse of office by a senior Lands officer in that he fraudulently acquired title to a government house No. MG 373 situated in south B and

transferred it to a third party. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of abuse of office in that he used his office to improperly confer a benefit to himself, his wife and a third party. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with abuse of office contrary to Sec 46 of the Anti Corruption and Economic Crimes Act. The Trial is on going, three witnesses have testified, five remaining, next hearing date on 12th April, 2007.

37. **KACC/INQ.1/21.0.04**
No. 20 of KACC 2nd Quarterly Report.

This was an inquiry into allegations that the City council of Nairobi irregularly awarded a garbage collection contract to Jaccorossi Impresse SPA of Italy. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the former City Treasurer and Deputy Town Clerk of the Nairobi city Council with the offence of abuse of office.

STATUS

The suspects were arrested and charged with the offence of Abuse of Office contrary to Section 46 of the Anti Corruption and Economic Crimes Act. Fresh case. Mention on 12th April, 2007 to fix hearing date.

38. **KACC CR 141/794/2005**
NO. 1 of KACC 3RD Quarterly Report

This was an inquiry into an allegation that two employees of Kenya power and lighting company Ltd had solicited for Kshs.18,000 from the complainant as an inducement to reconnect power supply to his house No. 45 situated in Dandora. Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspects with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute the suspects.

STATUS

The suspects were arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. The trial is ongoing.

39. **KACC CR 111/284/06**
NAIROBI ACC 28/2006
NO. 6 KACC 3rd Quarterly Report

This was an inquiry into allegation that a police constable demanded a sum of Kshs.500/= from the complainant as an inducement to provide protection for matatus playing route No. 131.

Upon perusal of the file the Hon. Attorney General found the evidence enough to support a charge of corruption and obstructing an investigator. The Attorney General accepted KACC's recommendations to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Trial not commenced. Hearing is on 5th and 6th July, 2007.

40. **KACC CR 111/176/2006**
NAIROBI ACC 15/2006
NO. 8 KACC 3rd Quarterly Report

This was inquiry into an allegation that two employees of Kenya power and Lighting Co. Ltd demanded Kshs.25,000/= from the complainant as an inducement not to disconnect power from his house. Upon perusal of the file, the Hon. Attorney General was satisfied that the

evidence was enough to charge the suspects with the offence of corruption. Attorney General accepted KACC's recommendations to prosecute the suspects.

STATUS

The suspects were arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. The trial is on going. 3 witnesses have testified, four remaining. Hearing on 16th and 17th July, 2007

41 **KACC CR. 122/124/2006**
NAIROBI ACC 13/06
No. 10 of KACC 3rd Quarterly Report

This was an inquiry into an allegation that the Chief of Ngara Location was demanding Kshs.1,000/= in order to authorize sale of a one roomed structure at Brilliant slums off Murang'a Road. Upon perusal of the file, the Hon. Attorney General was satisfied that the evidence was sufficient to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendations to prosecute.

STATUS

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

Economic Crimes Act. Trial not commenced. Hearing on 4th May 2007

42. **KACC 142/360/05**
No. 12 of KACC
ACC 68/05 3rd Quarterly Report

This was an inquiry into an allegation that an employee of Telkom Kenya Telephone Exchange, Westland's Offices demanded for Kshs.2,000/= in order to provide the complainant with a telephone line in his house. Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of Anti-Corruption and Economic Crimes Act. The trial not commenced. Hearing on 26th and 27th April, 2007.

43. **KACC CR/035/45/2005**
KISUMU ACC 906/05
No. 14 KACC 3rd Quarterly Report

This was an inquiry into an allegation that two police officers attached to Kamagambo Police Station

demanded a sum of Kshs.30,000/= from the complainant as an inducement to release Motor vehicle Reg. KAT 033F and its driver. Upon perusal of the file the Hon. Attorney General was satisfied that there was enough evidence to charge the suspects with the offence of corruption. Attorney General accepted KACC recommendation to prosecute the suspects.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. The trial is on-going, three witnesses testified, four remaining. Further hearing on 3rd May, 2007.

44. **KACC CR 141/106/06**
ACC.9/06 No. 15 KACC
3rd Quarterly Report

This was an inquiry into an allegation that an employee of the City Council of Nairobi Inspectorate Department in the company of another person not working for the City Council corruptly solicited for a sum of Kshs.5,000/= as an inducement to forebear from demolishing a tent erected in the business premises of the complainant. Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the

offence of Corruption. The Attorney General accepted KACC recommendation to prosecute the suspect.

STATUS

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

45. **KACC CR 141/303/2006**
NAIROBI ACC 29/06
No. 16 of KACC 3rd Quarterly Report

This was an inquiry into an allegation that a Police Constable based at Pangani Police Station solicited for Kshs.2,000/= from the complainant in order to facilitate the withdrawal of Makadara Criminal Case No. 2544/05 in which the complainant is the accused person. Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

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

Economic Crimes Act. The trial is on-going. One witness heard, six remaining. Further hearing on 30th April, 2007.

46. **KACC CR 141/432/2006**
NAIROBI ACC 34/2006
No. 18 of KACC 3rd Quarterly Report

This was an inquiry into an allegation that a Police Officer attached to Kilimani Police Station demanded a sum of Kshs.15,000/= from the complainant as an inducement not to charge her husband who was in police custody, with the offence of escaping from lawful custody. Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspects with the offence of corruption. The Hon. Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. The trial is on-going. One witness testified, five remaining. Hearing on 11th 12th and 13th July, 2007.

47. **KACC CR 142/20/2006**
NAIROBI ACC 8/2006
No. 19 of KACC 3rd Quarterly Report

This was an inquiry into an allegations that the proprietor of the Independent Newspaper and another journalist were demanding a sum of Kshs.20,000/= from the complainant as an inducement to forebear from publishing an adverse report about his sex life. Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspects with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. The trial is on-going. Three witnesses heard. Further hearing on 2nd 3rd May, 2007.

48. **KACC 141/52/06**
No. 20 of KACC 3rd Quarterly Report

This was an inquiry into an allegation that an employee of National Registration Bureau had demanded a sum of Kshs1,000/= as an inducement to process the complainant's national identity card. Upon perusal of the file, the Hon. Attorney General was satisfied that there was

enough evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

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

49. **KACC CR 141/473/2006**
No. 22 of KACC 3rd Quarterly Report

This was an inquiry into allegation that a surveyor based at Machakos District Lands Office was demanding a sum of Kshs.10,000/= in order to survey a piece of land the complainant had purchased in Kagonde, Masinga Division, Machakos District. Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendations to prosecute the suspect.

STATUS

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

50. **KACC CR 032/14/2006**
KISUMU ACC 311/2006
No. 23 of KACC 3rd Quarterly Report

This was an inquiry into an allegation that an employee of Kenya Revenue Authority demanded a sum of Kshs.30,000/= as an inducement to forbear from fining the complainant for offsetting the cost of Electronic Tax Register (ETR) machine from VAT returns without prior approval and authorization by KRA. Upon perusal of the file the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendations to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. The trial is on-going, prosecution case closed, and ruling on case to answer on 18th April, 2007.

51. **KACC CR. 142/363/2006**
NAIROBI/MAKADARA RMCR 2462/06
No. 24 of KACC 3rd Quarterly Report

This was an inquiry into an allegations that a Police constable based in Shauri Moyo Police Station in Nairobi demanded Kshs.1,000/= from the complainant as an

Inducement to arrest a suspect who had assaulted the complainant. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti-Corruption & Economic Crimes Act. The trial is on going.

52. **KACC CR 411/228/2005**
EMBU ACC 21/05
No. 29 of KACC 3rd Quarterly Report

This was an inquiry into allegations that a National Social Security Fund (NSSF) Enforcement officer based in Thika demanded Kshs.50,000/= from the complainant as an inducement to forebear charging him with non remittance of NSSF contributions in respect of employees of the complainants flower farm. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to support the claims that the suspect solicited for Kshs.50,000/= did corruptly receive kshs.18,000/= from the complainant. KACC's recommendation to prosecute the suspect was accepted.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39(3) of the Anti – Corruption and economic Crimes Act. The trial is on going. 7 witnesses have testified 6 remaining witnesses. Further hearing on 18th April, 2007

53. **KACC CR 111/164/06**
NAIROBI ACC 14/06
No. 36 of KACC 3rd Quarterly Report

This was an inquiry into allegations that a police officer based in Central Police station had demanded a sum of Kshs.8,500/= from the complainant in order to forbear charging him with an alleged offence of malicious damage to property. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. Attorney General accepted KACC 'S recommendation to prosecute.

STATUS

The suspect was arrested and charged with offence of corruption contrary to section 39 of the Anti corruption and Economic Crimes Act. Prosecution case closed. Ruling on case to answer on 17th April, 2007.

54. **KACC CR 111/279/06**
NAIROBI ACC 26/2006
No. 37 of KACC 3rd Quarterly Report

This was an inquiry into allegations that a Senior Clerical Officer with the Immigration Department had demanded a sum of Kshs.9,000/= in order to facilitate the processing of the complainant's passport. Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with an offence of corruption. AG accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of contrary to section 39 of the Anti-Corruption and Economic Crimes Act. Trial not commenced. Hearing on 18th and 19th April, 2007

55. **KACC CR. 141/1089/05**
NAIROBI ACC 62/2005
No. 41 of KACC 3rd Quarterly Report

This was an inquiry into allegations that an investigative editor working for Patriot Newspapers demanded a sum of Kshs.80,000/= from the complainant in order to "kill" a damaging story on his sex life. Upon perusal of the file the Hon. Attorney General was satisfied that the evidence was sufficient to support a charge of corruption.

Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with two counts of corruption contrary to section 39 of the Anti-corruption and Economic Crimes Act. The trial is ongoing. One witness heard. Further hearing on 31st May, 2007.

56. **KACC CR 011/44/06**
NAIROBI ACC. NO.1622/2006
NO.1 KACC 4TH Quarterly Report

This was an inquiry into an allegation that an Estate Officer of the City Council of Nairobi based at Bahati Social Hall was demanding a bribe of Kshs.2,000/- from each of the forty eight tenants residing in the City Council houses at Shauri Moyo. Upon perusal of the file, the Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendation to prosecute

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. The trial is on going. 5 witnesses testified, hearing on 4th May, 2007.

**57. KACC CR.741/1006/2005
NAIROBI ACC. NO.7321/2005
NO.2 KACC 4TH Quarterly Report**

This was an inquiry into allegations that three employees of the City Council of Nairobi solicited for a benefit of kshs.15,000 from the complainant as inducement to waive the recovery of kshs.102,000/=, being an alleged underpayment in respect of a license for his bar and lodging business. Upon perusal of the file the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-Corruption and Economic Crimes Act. 5 witnesses testified. Further hearing on 4th May, 2007.

**58. KACC.CR.741/152/2006
KERICHO ACC. NO.3/06
NO. 3 KACC 4TH Quarterly Report**

This was an inquiry into allegations that a police officer attached to Kericho Police Station solicited for a benefit of Kshs.15,000 and kshs.20,000/= respectively from two

complainants as inducement to forbear charging their sons with the offence of infringement of copyright. Upon perusal of file the Hon. Attorney General was satisfied that there was enough evidence to charge the suspects with the offence of corruption.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti-corruption and Economic Crimes Act. The trial is on going, five witnesses heard. Further hearing on 27th April, 2007.

59. **KACC/FI/INQ./05/2006**
NO.4 KACC 4TH Quarterly Report

This was an inquiry into an allegation of theft of kshs.2, 255,201.70 being part of the revenue collection for 29th December, 2005 that was lost while in the custody of the Chief Cashier and other officers in the cash office Section of the City Council of Nairobi.

Upon perusal of the file, the Hon. Attorney General found that there was sufficient evidence to charge the suspects with the offence of stealing. Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspects were arrested and charged with the offence of stealing by persons employed in the Public Service contrary to Section 280 of the Penal Code Cap 63 Laws of Kenya. The trial is on going, all witnesses testified, document examiner remaining. Further hearing on 8th May, 2007.

60. **KACC.CR.141/416/2006**
NAIROBI ACC. NO.33/06
NO.6 KACC 4th Quarterly Report

This was an inquiry into allegations that two employees of the City Council of Nairobi had solicited for a benefit in the sum of Kshs.10,000/= as inducement to give a favorable assessment of the trade license fee claimed by the Debt Collection Unit in respect of premises occupied by the complainant's company.

Upon perusal of the file the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendations to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti Corruption and

Economics crimes Act. The trial is ongoing, one witness testified hearing on 5th 8th and 10th April, 2007.

61. **KACC/FI/INQ/55A/2005**
NO.7 KACC - 4TH Quarterly Report
ACC. NO.20.06

This was an inquiry into an allegation that a former Managing Director of Kenya Wine Agencies Ltd was irregularly advanced a house purchase loan of kshs.6,000,000/=. Upon perusal of the file the Hon. Attorney General was satisfied that there was sufficient evidence to charge the Managing Director with the offence of Economic Crime and Abuse of office contrary to Section 45 and 46 of the Anti-Corruption and Economic Crimes Act, 2003. Attorney General accepted Kenya Anti Corruption Commission's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of abuse of office contrary to Section 45 and 46 of the Anti-Corruption and Economic Crimes Act, 2003. Trial not commenced. Hearing on 27th, 28th and 29th August, 2007.

62. **KACC. CR.921/595/2006**
KAKAMEGA ACC.No.2059/06
NO.12 KACC 4TH Quarterly Report

This was an inquiry into allegations that the Chief of Marama North Location in Butere-Mumias District had solicited for a bribe of Kshs.3,000/= from the complainant as inducement to provide security at the funeral of his deceased brother. Upon perusal of the file, the Hon. Attorney General was satisfied that the evidence was sufficient to charge the suspect with the offence of corruption.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti Corruption and Economic Crimes Act. The trial is ongoing, four witnesses heard, three remaining. Further hearing on 7th June, 2007.

63. **KACC CR 141/800/2006**
NAIROBI ACC.NO.5053/05
NO.14 KACC 4th Quarterly Report

This was an inquiry into an allegation that a Probation Officer based at Nyayo House in Nairobi solicited for a benefit of Kshs.8,000/= from the complainant as inducement to prepare a favorable probation report in respect of his brother who had been charged in Kibera Criminal Case number 5855 of 2005.

Upon perusal of the file the Hon. Attorney General was satisfied that the evidence was sufficient to charge the suspect with the offence of corruption. Attorney General accepted KACC recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti-Corruption and Economic Crimes Act. The trial not commenced. Hearing on 4th May, 2007

64. **KACC.CR.141/815/2006**
KIBERA ACC. NO.5341/06
NO.16 KACC 4th Quarterly Report

This was an inquiry into allegations that a police officer attached to Muthangari Police Station solicited for a benefit of Kshs.900/= as inducement to release the complainant's employee, who had been arrested for selling traditional liquor outside the official business hours stipulated in the license.

Upon perusal of the file the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Economic Crimes Act. Case referred to Nairobi Anti-Corruption court for reallocation. Mention on 23rd April, 2007 to fix hearing dates.

65. **KACC.CR.111/377/2006**
KIBERA ACC. NO.2744/06
NO.17 KACC - 4th Quarterly Report

This was an inquiry into allegations that two employees of the Town Council of Kikuyu had solicited for a benefit of Kshs.55,000/= from the Complainant as inducement to release his goats that had been seized and detained at the Town Council Offices' yard.

Upon perusal of the file the Hon. Attorney General was satisfied there was enough evidence to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti-Corruption and Economic Crimes. Complainant died. Nolle Prosequi forwarded to KACC on 5th March, 2007

66. **KACC. CR. 141/703/2006**
NAIROBI ACC.NO.58/06
No.18 KACC 4th Quarterly Report

This was an inquiry into allegations that a Field Officer working for the City Council of Nairobi had solicited for a benefit from the complainant to facilitate the issuance of an invoice to enable him pay for an advertisement sign for his business.

Upon perusal of the file, the Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of the Anti-Corruption and Economic Crimes Act. The trial is on going, three witnesses heard. Further hearing on 19th April, 2007.

67. **KACC. CR.141/1162/ 05**
NAIROBI ACC.NO. 65/05
No. 19 KACC 4th Quarterly Report

This was an inquiry into allegations that a children's officer based at Embakasi Division in Nairobi Area corruptly solicited for a benefit of Kshs.20,000/= from the complainant as inducement to forbear charging his wife

and domestic worker with an alleged offence of child neglect and assault. Upon Perusal of the file the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. The Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

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

68. **KACC.CR.411/05/06**
EMBU ACC.NO. 02/06
NO.20 KACC 4th Quarterly Report

This was an inquiry into allegations that an Administrative Police Officer attached to Magina Administration Police Post in Kiambu District solicited for a benefit of Kshs.20,000/= from the complainant as inducement to forbear re-arresting and charging him with an alleged offence of robbery with violence. Upon perusal of the file, the Hon. Attorney General was satisfied that the evidence was sufficient to charge the suspect with an offence of corruption. The Attorney General accepted KACC's recommendation to prosecute. Contrary to Section 39(3)

(a) and 66 (1) (a) of the Anti-Corruption and Economic Crimes Act, 2003.

STATUS

The suspect was arrested and charged with the offence of corruption and obstruction contrary to Section 39 (3) (a) and 66 (1) (a) of the Anti Corruption and Economic Crimes Act, 2003. Trial is on going, four witnesses testified. Further hearing on 24th April, 2007.

69. **KACC.CR.141/710/2006**
NAIROBI NO.6/06
NO.27 KACC 4th Quarterly Report

This was an inquiry into allegations that a Public Health Officer working for the City Council of Nairobi had solicited for a benefit to facilitate the withdrawal of cases filed against the complainants at the Nairobi City Court.

Upon perusal of the file, the Hon. Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect were arrested and charged with the offence of corruption contrary to Section 39 (3) (a) of the Anti Corruption and Economic Crimes Act.

70. **KACC.CR.140/170/06**
KIBERA CRC. NO.5342/06
NO.30 KACC 4th Quarterly Report

This was an inquiry into allegations that the Chief of Thitani Location in Mwingi District had solicited for a benefit of Kshs.2,000/= from the complainant as inducement to facilitate the recovery of his mobile phone and Kshs.5,000/= which had been stolen by his step-daughter.

Upon perusal of the file the Hon Attorney General was satisfied that the evidence was sufficient to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 (3) (a) of the Anti Corruption and Economic Crimes Act. Case withdrawn under Section 87(a) of Criminal Procedure Code on 20th September, 2006 to enable the accused to be charged before a court with jurisdiction.

71. **KACC.CR.111/122/06**
NAIROBI ACC.NO.10/06
No.33 KACC 4th Quarterly Report

This was an inquiry into allegations that an employee of the Nairobi City Water Sewerage Company Ltd had

demanded a bribe from two complainants separately as inducement to release their property which had been seized during a raid on those suspected of illegal water connection within the City of Nairobi.

Upon perusal of the file, the Hon Attorney General was satisfied that there was enough evidence to charge the suspect with the offence of corruption.

Attorney General accepted KACC's recommendation to prosecute.

STATUS:

The suspect was arrested and charged with the offence of corruption contrary to Section 39 (3) (a) of the Anti-Corruption and Economic Crimes 2003. The trial on going. 7 witness testified, hearing on 18th July, 2007.

72. **KACC CR. 141/775/2005**
ACC NO. 33/2005
No. 18 of KACC 1st quarterly report

This was an inquiry into allegations that an estates officer with the City Council of Nairobi corruptly solicited for a bribe of Kshs.5,000/= from the complainant in order to forebear from demolishing a wall erected on the complainant premises and allegedly extending to a public road. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to

support claims that the suspect corruptly solicited for Kshs5,000/= and did corruptly receive Kshs.2,000/= from the complainant. KACC's recommendation to prosecute the suspects was accepted.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39 of the Anti Corruption and Economic Crimes Act. The trial is on going, four witnesses testified. Next hearing on 25th and 26th June, 2007.

73. KACC/AT/INQ 871/2005 NO. 19 of KACC 1st Quarterly Report

This was an inquiry into an allegation that an advocate of the high court of Kenya based in Mombasa forged a transfer document thereby causing the government to lose stamp duty worth Kshs.760,000/=.

Upon perusal of the file, by the Hon Attorney General, was satisfied that there was sufficient evidence to confirm allegations that the transfer instrument in respect of this transaction was forged and the purchase price was altered from Kshs.26 million to Kshs.5 million. Evidence further confirmed that a valuer and a cashier at Kilifi Lands office aided in the commission of the crime. The Attorney General accepted KACC's recommendation to prosecute.

STATUS:

The suspects were arrested and charged as follows:

- i. The advocate involved in the transaction was charged with Economic Crime contrary to Sec. 45(1) (a) of the Anti Corruption and Economic Crimes Act and an alternative charge of stealing Kshs.760,000,000/= from his client.
- ii. The Land valuer based at Kilifi Lands office was charged with abuse of office for deliberately undervaluing the subject Piece of Land in order to confer a benefit to the advocate.
- iii. The Clerk based at Kilifi District Lands Office was charged with the offence of forgery and an alternative charge of fraudulent false accounting for making false entries in receipt No. F634861.

The trial is ongoing, no witness has testified, hearing on 11th and 12th April, 2007.

74. **KACC/INQ/12/03**
No.6 of KACC's
ACC NO. 1042/03 2nd Quarterly Report.

This was an inquiry into an allegation of a bribe demand and abuse of office by Makueni Land Registrar in respect of payment of stamp duty and release of title for parcel No. Makueni/Mubas/350. Upon perusal of the file, the

Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of abuse of office and negligence to perform his official duty. The Attorney General accepted KACC's recommendation to prosecute.

STATUS

The suspect was arrested and charged with the offence of abuse of office contrary to Section 46 of the Anti-Corruption and Economic Crime Act. Case finalized, judgment pending on 24th April, 2007.

75. **KACC CR. 741/163/2006**
KERICHO ACC 4/2006 – transferred to Nakuru
No. 40 of KACC 3rd Quarterly Report

This was an inquiry into an allegation that an Administration Police Officer based in Sogoo Chief's camp, Narok District had demanded Kshs.7,000/= in order to forbear charging the complainant with an offence of creating disturbance.

Upon perusal of the file the Hon. Attorney General was satisfied that the evidence was sufficient to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offense of corruption contrary to section 39 of the Anti - Corruption and Economic Crimes Act. Trial not commenced. Hearing on 27th April, 2007.

76. KACC/RR/INQ.84/2005 NO.22 KACC 4th Quarterly Report

This was an inquiry into an allegation that an Administration Police Constable attached to Kayole Chief's Camp had solicited for a benefit of Kshs.3,000 from the complainant as inducement to release him. The complainant had been arrested by the officer on suspicion of being a member of the outlawed Mungiki Sect.

Upon perusal of the file the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offense of corruption contrary to section 39 of the Anti - Corruption and Economic Crimes Act. The Trial is ongoing

77. KACC.CR.411/76/2006

EMBU NO.13/06

NO.29 KACC 4th Quarterly Report

This was an inquiry into allegations that the Mbeere District Administration Police Commander had solicited for a bribe of Kshs.20,000/= from the complainant as a reward for having assisted her sister to be recruited to the Administration Police Force. Upon perusal of the file, the Hon Attorney General was satisfied that the evidence was sufficient to charge the suspect with the offence of corruption. Attorney General accepted KACC's recommendation to prosecute the suspect.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to section 39(3) (a) of the Anti-Corruption and Economic Crimes Act. Trial not commenced. Hearing on 25th April, 2007.

78. KACC.CR.141/739/6

NAIROBI NO.75/06

No.25 KACC 4th Quarterly Report

This was an inquiry into allegations that the Chief of Ruaraka Location within Nairobi Area solicited for a benefit of Kshs.2, 000/= from the complainant as an inducement to permit him to renovate and operate his kiosk. Upon perusal

of the file the Hon. Attorney General was satisfied that there was sufficient evidence to prosecute the suspect with the offence of abuse of office. Attorney General accepted KACC's recommendations to prosecute the suspect.

STATUS

The suspect was arrested and charged. The offence of abuse of office contrary Section 46 of the Anti- Corruption and Economic Crimes Act, 2003. The Trial is on going. Hearing on 23rd and 24th April, 2007, 9 witnesses set to testify.

79. **KACC.CR.141/448/2006**
NAIROBI ACC.NO.35/06
NO. 21 KACC 4th Quarterly Report

This was an inquiry into an allegation that two employees of the Kenya Revenue Authority had solicited for a benefit of

Kshs.600,000/= from the complainant as inducement to resolve a dispute in respect of the 1993 tax returns for his company. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspects with the offence of corruption.

STATUS

The suspect was arrested and charged with the offence of corruption contrary to Section 39 of Anti Corruption and

Economic Crimes Act. Fresh case. Hearing on 11th,12th and 13th July, 2007. 8 witnesses to be called.

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

**80. KACC/FI/INQ/11(C)/2005
No. 32 of KACC 3rd Quarterly Report**

This was an inquiry into allegations of irregular procurement of legal services by National Environmental Management Authority (NEMA). The inquiry was as a result of a report by Efficient Monitoring Unit (EMU) that was prepared after a general audit on NEMA's activities. The report by EMU pointed at various wrong doings by the former Director General of NEMA. Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support a criminal offence. Attorney General accepted KACC's recommendations for administrative action.

STATUS

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

81. **KACC CR. 411/10/2006**
KIAMBU ACC 4.2006
No. 38 of KACC 3rd Quarterly Report

This was an inquiry into allegations that Police Officers attached to Kikuyu Police Station were receiving bribes from motorists, particularly public service vehicles, in order to forbear preferring charges of various traffic offences. KACC officers carried out an undercover operation and they observed peculiar behavior of traffic police officers, which made them believe that they were receiving bribes concealed in driving licenses of public services vehicles. They captured the events on video and recovered creased notes of fifty shillings totaling to Kshs.1,650/= . They charged the suspects with corruption. Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support the charge preferred.

STATUS

Attorney General directed that the case filed in court be withdrawn. He further directed that disciplinary action be taken against the suspects.

82. **KACC/F1/INQ. 5/05/25.1.05**
No. 47 of KACC 3rd Quarterly Report

This was an inquiry into allegations that the former Assistant Minister for Manpower Development, presently Minister for

Housing and member of parliament of Malava Constituency, made false mileage claims amounting to Kshs.285,984/= Upon perusal of the file the Hon. Attorney General found that the said MP made mileage claims although he had used a GK motor vehicle in four instances when claims were made in the month of July and August 2004 and which were the focus of the investigation. The false claims totaled to Kshs.285,984, and the claim forms purported that the motor vehicle registration No. KAL 291B had been used, yet the MP does not own such a vehicle. The Attorney General did not accept KACC recommendation to prosecute the suspect. He directed that no prosecution should ensue against the former Assistant Minister. The Attorney General took into account the fact that sixty five (65) members of Parliament who had been overpaid mileage allowances were allowed to refund the overpaid amounts. He directed that the suspect refund the overpaid amount

STATUS

The file was returned to KACC with directions that the suspect refunds the overpaid amount.

83. **KACC/FI/INQ.06/2006**
NO.15 KACC 4th Quarterly Report

This was an inquiry into allegations that an Assistant Commissioner of Police attached to the CID Headquarters obtained an imprest of Kshs.508, 000/ for a security operation but has been unable to account for it to date.

Upon perusal of the file, the Hon. Attorney General found the evidence insufficient to support a criminal offence against the suspect.

The Attorney General accepted KACC's recommendation that the matter be dealt with administratively.

STATUS

The file was returned to KACC with directions that the matter is dealt with administratively.

84. **KACC/FI/IQ/54C/2005**
NO. 32 KACC 4th Quarterly Report

This was an inquiry into allegations of receipt of improper benefit by a Chief Inspector of Police while on secondment to Telkom Kenya Ltd.

Upon perusal of the file, the Hon Attorney General found the evidence insufficient to support a criminal charge against the suspect the Attorney General accepted KACC's recommendation of recovery of the amount overpaid.

STATUS

The file was returned to KACC with directions to recover the amount overpaid.

85. **KACC/FI/IQ/44/05**
NAIROBI ACC 27/005
No. 2 of KACC 1st quarterly report

This was an inquiry into allegations of abuse of office in the appointment of Mr. Francis Oyatsi and Mrs. Meuledi Mabruki Iseme by the Minister of Agriculture to the Post of Deputy Managing Director, National Cereals and Produce board (NCPB) and Kenya Seed company Ltd. respectively. Upon perusal of the file, the Hon. Attorney General found the evidence insufficient to support a Criminal Offence. He observed that the law regarding the powers of the Minister over appointment of chief executives and staff of statutory bodies had been misunderstood by Chief executives. Consequently therefore, the Hon. Attorney General directed the Head of Public Service to issue a circular to all Ministers advising them on the correct Legal position.

STATUS

The file was returned to KACC with directions to deal with the matter administratively. The Hon. Attorney General further directed that the purported appointment of Mrs. Iseme as Deputy Managing Director should be revoked

unless otherwise regularized by the Board of Directors in accordance with the law.

86. **KACC/RR/INQ/5/2006**
No. 4 KACC 3rd Quarterly Report

This was an inquiry into allegations that two police officers attached to Sosiot police station, Kericho corruptly solicited for a bribe in order to forebear charging the complaints with the offence of being in possession of chang'aa.

Upon perusal of the file the Hon. Attorney General found the evidence inadequate to support a criminal charge. The Attorney General accepted KACC's recommendations that the case be dealt with administratively.

STATUS

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

87. **KACC/F1/INQ.109A/05**
No. 25 KACC 3rd Quarterly Report

This was an inquiry into allegations that the Managing Director of Kenya Tourist Development Corporation (KTDC) arbitrarily increased his monthly salary from Kshs.243,170 to Kshs.540,000/= and backdated the increment to November 2003. Upon perusal of the file the Attorney General found to evidence insufficient to support a criminal offence. The

Attorney General accepted KACC's recommendation that the suspect be dealt with administratively.

STATUS

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

D. FILES THAT HAVE BEEN REFERRED TO THE HIGH COURT FOR CONSTITUTIONAL INTERPRETATION/JUDICIAL REVIEW

**88. CR. 141/147/06:
No. ACC11/06
No. 12 of KACC's 1st Quarterly Report**

This was inquiry into an allegation that a former Minister in charge of Internal Security failed to comply with a notice issued by KACC under section 26 of the Anti Corruption and Economic Crimes Act.

Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspect with the offence of failure to comply with a notice issued by KACC under section 26 of the Anti Corruption and Economic Crimes Act. KACC's recommendation to prosecute the suspect was accepted.

STATUS:

The accused was arrested and charged with the offence of failure to comply with a notice issued under Sec. 26 of

the Anti Corruption and Economic Crimes Act. He immediately raised a preliminary objection vide Criminal Application No. 54 of 2006 challenging the legality and constitutionality of Sec 26 of the Act. The High Court dismissed the application. The accused appealed to the Court of Appeal vide CA No. NBI 43 of 2006. The court of Appeal stayed the matter pending the determination of the appeal in the court of appeal. The appeal is pending.

E. FILES RETURNED TO KACC FOR FURTHER INVESTIGATIONS.

**89. KACC/F1/INQ./03/2006
NO.9 KACC 4th Quarterly Report**

This was an inquiry into allegations that a construction company fraudulently obtained consent judgments in its favor in Nairobi High Court Civil Suit number 1323 for Kshs.121, 708,169.73 against the City Council of Nairobi. Upon perusal of the file Hon. Attorney General found various gaps and deficiencies in the evidence recorded, Attorney General did not accept Kenya Anti Corruption Commission's recommendation to close the investigation file. He directed KACC to conduct further investigations in the areas identified.

STATUS

The file was returned to KACC with directions to conduct the further investigations and resubmit to him for further directions. Action by KACC is awaited.

90. **KACC/F1/INQ/33/2005**
No. 48 of KACC 3rd Quarterly Report

This was an inquiry into allegations of an irregular contract between Globetel Incorporated (UK) and the Government of Kenya for the supply and installation of a multi-channel security system for the Administration Police Department. The same was procured by Office of the President and the contract was signed on 29th May, 2002. The project involved the supply and installation of a backbone communication infrastructure dedicated to the Administration Police, and independent of the Kenya Police. Upon perusal of the file, the Hon Attorney General found material and significant **legal, evidentiary** and **procedural** Gaps and Deficiencies in the investigations which, unless covered, successful prosecution will be difficult to achieve. The Attorney General did not accept KACC's recommendations to prosecute in the light of these gaps and deficiencies

STATUS

Attorney General returned the file to KACC with directions that the gaps and deficiencies identified be covered by way of further investigations and the file resubmitted to him for further directions within thirty days. Action by KACC is awaited.

91. **KACC/F1/INQ/19/19/05**
No. 49 of KACC 3rd Quarterly Report

This was an inquiry into allegations that the Office of the President irregularly entered into a Supplier's Financing Agreement with M/S Infotalent Systems Ltd of Switzerland for Computerization of the security, law and order systems for the Kenya Police (popularly known as Project E-Cops). The contract was signed on 19th November, 2003. This was a project to computerize all operations of the Kenya Police Department countrywide with automated crime reporting, automated fingerprint identification, computerized filling and installation of closed circuit cameras in Nairobi City. Upon perusal of the file the Hon. Attorney General found material and significant **legal, evidentiary** and **procedural** gaps and deficiencies in the Investigations which, unless covered, successful prosecution will be difficult to achieve. The Attorney General did not accept KACC's recommendations to prosecute in the light of these gaps and deficiencies

STATUS

Attorney General returned the file to KACC with directions that the gaps and deficiencies identified be covered by way of further investigations and the file resubmitted to him for further directions within thirty days. Action by KACC is awaited.

92. **KACC/F1/INQ.29/05** **No. 50 of KACC 3rd Quarterly Report**

This was an inquiry into an allegation that on 7th June, 2002, the Government of Kenya irregularly entered into a contract on a single sourcing basis with M/S LBA Systems Ltd for the supply and installation of an early warning food security system for the Kenya Metrological Department (Popularly known as Project NEWSS) – procured by the Ministry of Transport and Communications at a cost of USD 35,000,000. The contract was signed on 6th June, 2002. The project entailed supply and installation of metrological equipments to provide accurate forecasts of weather and weather related hazards like flash floods, lightning and storms. The system was projected to modernize weather related data collection, transmission and publishing for both agricultural and aviation purposes. Upon perusal of the file the Hon Attorney General found material and significant **legal**, **evidentiary** and **procedural** gaps and deficiencies in the investigations which, unless covered,

successful prosecution will be difficult to achieve. The Attorney General did not accept Kenya Anti Corruption Commission's recommendations to prosecute in the light of these gaps and deficiencies.

STATUS

Attorney General returned the file to KACC with directions that the gaps and deficiencies identified be covered by way of further investigations and the file resubmitted to him for further directions within thirty days. Action by KACC is awaited.

93. **KACC/F1/INQ.20/05**
No. 51 of KACC 3rd Quarterly Report

This was an inquiry into an allegation of irregular single sourcing of a contract between the Government of Kenya and Spacenet Corporation of USA for the supply and installation of VSAT equipment to the Postal Corporation of Kenya (otherwise known as the Spacenet Project), procured by the Ministry of Transport and Communications. The contract with the financier was signed on 11th July, 2002 while the contract with the supplier was signed on 2nd September, 2002. The project involved the installation of internet services in all post offices even in rural post offices where there is no electricity. This rendered most of the procured equipment unutilized.

Upon perusal of the file the Hon Attorney General found material and significant **legal, evidentiary** and **procedural** Gaps and Deficiencies in the investigations which, unless covered, successful prosecution will be difficult to achieve. The Attorney General did not accept KACC's recommendations to prosecute in the light of these gaps and deficiencies

STATUS

Attorney General returned the file to KACC with directions that the gaps and deficiencies identified be covered by way of further investigations and the file resubmitted to him for further directions within thirty days. Action by KACC is awaited.

94. **KACC/F1/INQ. 25/05**
No. 2 of KACC 3rd Quarterly Report

This was an inquiry into an allegations hat the Office of the President irregularly entered into a Euros 40,000,000 suppliers financing agreement with Sound Day Corporation of United Kingdom for the Modernization of Police Equipment and Accessories for the Kenya Police Department. The contract was signed on 17th December, 2003. The project entailed supply of security equipment and accessories for the Police Department involving an assortment of arms and ammunitions.

Upon perusal of the file, the Hon Attorney General found material and significant **legal, evidentiary** and **procedural** Gaps and Deficiencies in the investigations which, unless covered, successful prosecution will be difficult to achieve. The Attorney General did not accept KACC's recommendations to prosecute in the light of these gaps and deficiencies

STATUS

Attorney General returned the file to KACC with directions that the gaps and deficiencies identified be covered by way of further investigations and the file resubmitted to him for further directions within thirty days. Action by KACC is still awaited.

95. **KACC/FI/INQ.107/2005**
NO.28 KACC 4th Quarterly Report

This was an inquiry into allegations that the 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 Ltd.

Upon perusal of the file the Hon. Attorney General found that the evidence established that a Joint Venture Agreement was indeed signed between TARDA and MAT International Ltd, and that the agreement was signed and registered before the revised draft was approved by

Treasury or the Attorney General. However, there were glaring gaps and deficiencies in the evidence recorded necessitating further investigations. Attorney General did not accept KACC's recommendation to close the file. He ordered further investigations in the areas outlined.

STATUS

The file was returned to KACC with directions that further investigations are carried out and the file resubmitted to him for further directions. Action by KACC is awaited.

96. **KACC/INQ/15/8.03.02**
No. 8 of KACC 1st Quarterly Report

This was an inquiry into allegations that the former Managing Director of Kerio Valley Development Authority fraudulently purchased two plots for the Authority at Kshs.6.6 million instead of Kshs2.5 million and that the acquisition was done in contravention of the procurement procedures. Upon perusal of the file, the Hon. Attorney General found gaps and deficiencies in the evidence recorded. Attorney General directed KACC to conduct further investigations in the areas identified.

STATUS:

The file was returned to KACC to conduct further investigations as outlined. KACC report on further investigations is awaited.

97. **KACC /INQ 1/21.01.04
No. 19 of KACC'S 2nd Quarterly Report.**

This was an inquiry into allegations of irregular payment of cash to the Mayor and Deputy Mayor of the City Council of Nairobi in lieu of furniture. Upon perusal of the file, the Hon Attorney General found the evidence insufficient to support any criminal charge against the suspect. He directed further investigations on identified areas.

STATUS

The file was returned to KACC for further investigations. KACC report is awaited.

**F. FILES WHERE THE ATTORNEY GENERAL DIRECTED
CLOSURE OR WITHDRAW OF CASE FILED IN COURT**

98. **KACC/INQ. 73/15.3.2000
No. 23 KACC's 2nd Quarterly Report**

This was an inquiry into allegations that one Philip Kivuva Nzioka to transfer land parcel numbers Nzai/Kikumini/755

and 756 to himself thereby depriving the family of the late Grishon Muriso of its entire land. Upon perusal of the file the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspects with the offences of forgery and uttering false documents. The Attorney General accepted KACC's recommendation to prosecute. The Attorney General later reviewed the case and found that the prosecution was against public policy.

STATUS

The file was returned to KACC with directions to close .

99. **KACC/AT/INQ.56/2005 NO.23 KACC 4th Quarterly Report**

This was inquiry into allegations that the Kenya Sugar Authority (now Kenya Sugar Board) irregularly paid a firm of Advocates Kshs.1,111,557.20 as legal fees for preparation and registration of a debenture which was allegedly neither prepared nor registered.

Upon perusal of the file the Hon. Attorney General found that the said firm of advocates did prepare the debenture document and had it duly executed, and further that it was presented for registration, but the Registrar of Companies declined registration for the reason that Miwani Sugarcane Out growers Company Ltd had not filed its annual returns

for the period between 1998 and 2000 as required under the section 125 (1) of the Companies Act, Chapter 485 of the Laws of Kenya. It was further established that the lawyers were entitled to raise a fee note for work done and that the fee note raised was scrutinized by the Authority's Company Secretary who was satisfied that it was within the scale provided in the Advocates' Remuneration Order. There was no basis for a criminal charge. The Hon. Attorney General accepted KACC's recommendation to close the file.

STATUS

The file was returned to KACC with directions to close.

100. **KACC/INQ/29/21.10.2002**
No. 11 of KACC's 2nd Quarterly Report

This was an inquiry into an allegation that three principal officers of Kenya Railway Workers union (KRWO) misappropriated a sum of Kshs.8,580,000/= belonging to the Union. Upon perusal of the file, the Hon. Attorney General was satisfied that there was sufficient evidence to charge the suspects with theft. The suspects have since died. In the circumstances the Attorney General accepted KACC's recommendation to close the file.

STATUS

The file was returned to KACC with directions to close.

101. **KACC CR 141/779/2006**
KIBERA RMCR 5040/2006
No. 43 of KACC 3rd Quarterly Report

This was an inquiry into allegations that the former Head of Public Service had failed to comply with a requisite to compel attendance contrary to the provisions of the Anti-Corruption and Economic Crimes Act. The suspect however complied with the notice after charges were preferred in Court. Upon perusal of the file the Hon. Attorney General accepted KACC's recommendation to withdraw the case the suspect having complied with the notice.

STATUS

File returned to KACC with instructions to withdraw the case in court. Case withdrawn.

102. **KACC/F1/INQ. 81/2005**
No. 44 of KACC 3rd Quarterly Report

This was an inquiry into allegations of abuse of office by the former Registrar of Cooperatives and Kiambu District Cooperative Officer for unlawfully registering Nyakiri Farmers Co-operative Society, a splinter Society from Gititu Coffee Growers Cooperative society.

Upon perusal of the file Hon. Attorney General established that the proper process was followed before the Society was registered, and even an attempt to challenge the registration at the High Court failed. No evidence of criminal offence. Attorney General accepted KACC's recommendation to close the file.

STATUS

The file was returned to KACC with directions to close.

103 **KACC/F1/INQ. 109C/05**
No. 45 of KACC 3rd Quarterly Report

This was an inquiry into allegations that the former Managing Director of Kenya Tourist Development Corporation (KTDC) irregularly acquired the Corporation's Lavington House at Kshs.10 million whereas the highest bidder had quoted Kshs.16 million. Upon perusal of the file, the Hon. Attorney General found that the evidence established that the Permanent Secretary in Treasury rejected the request for approval to dispose of the property because it had not been identified as a non-strategic Government owned house for disposal. The house is thus still owned by the Corporation. There was no evidence of any criminal offence. Attorney General accepted KACC's recommendation to close the file.

STATUS

The file was returned to KACC with directions to close.

104. **KACC/F1/INQ. 100A/05**
No. 46 of KACC 3rd Quarterly Report

This was an inquiry into allegations of financial irregularities at the Ministry of Energy. It was alleged that a sum of Kshs.70 million received by the Ministry of Energy from KPLC and Kshs.399 million received by the Ministry of Energy through the REP account was banked for 3 months and Kshs.400 million was withdrawn on instructions of the PS, Ministry of Energy and these transactions were not disclosed in the Ministry's accounts. Upon perusal of the file the Hon. Attorney General found that the evidence established that the transactions surrounding the said sums were legitimate and there was no evidence to support a criminal offence. The Attorney General accepted KACC's recommendations to close the file.

STATUS

The file was returned to KACC with directions to close.

105. **KACC/INQ.73/02**
No. 39 of KACC 3rd Quarterly Report

This was an inquiry into allegations of fraudulent false accounting for cheque No. 1,092,155/= paid to the

collector of Stamp Duty on account of Ganijee Glass Mart Ltd and Ganijee Brothers Ltd. Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support a criminal offence. Attorney General accepted KACC's recommendation to close the file.

STATUS

The file was returned to KACC with directions to close.

106. **KACC/FI/INQ/11/06**
No. 33 of KACC 3rd Quarterly Report

This was an inquiry into allegations of irregular award of tender of installation and commissioning of security machines/equipment by the Government press. The allegation was made by one of the bidders who did not win the tender. Upon perusal of the file, the Hon. Attorney General found the evidence insufficient to support a criminal charge. Attorney General accepted KACC's recommendations to close the file.

STATUS

The file was returned to KACC with directions to close

**107. KACC INQ. 94(B)/05
No. 30 KACC 3rd Quarterly Report**

This was an inquiry into allegations of improper accounting of Kshs.80 million remitted to Muhoroni Sugar Company Ltd (In receivership) by the Kenya Sugar Authority. Investigations established that the allegation was based on lack of accurate records at the Kenya Sugar Board. Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support a criminal offence. The Attorney General accepted KACC's recommendations to close the file.

STATUS

The file was returned to KACC with directions to close.

**108. KACC INQ. 11(A)/5/3/04
No. 31 of KACC 3rd Quarterly Report**

This was an inquiry into allegations of impropriety against immediate former Director General of National Environment Management Authority (NEMA). The specific allegations were that the former Director General authorized payment of Kshs.297,500 for a computer server that had not been supplied and purchase of T-shirts at a cost of Kshs.2.9 million without the approval of Board of Directors in return for a bribe of Kshs.500,000/= from the supplier. Upon perusal of the file the Hon. Attorney General

found the evidence insufficient to support criminal offence. Attorney General accepted KACC's recommendations to close the file.

STATUS

The file was returned to KACC with directions to close.

109. **KACC/F1/INQ/109B/05**
No. 26 KACC 3rd Quarterly Report

This was an inquiry into an allegation that the Kenya Tourist Development Corporation (KTDC) management made a loan advance of Kshs.100 million to Jacaranda Hotel (Mombasa) from Divestiture proceeds contrary to Treasury regulations and guidelines, the KTDC Act and Lending policy. Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support a criminal charge. Attorney General did not accept KACC's recommendation to prosecute the former Managing Director (KTDC).

STATUS

The file was returned to KACC with directions to close.

**110. KACC/F1/INQ/1/1B/2005
No. 13 KACC 3rd Quarterly Report**

This was an inquiry into allegations that an Internal Auditor from the Ministry of Finance seconded to National Environmental Management Authority (NEMA) was drawing a double salary from the two institutions. The allegation was contained in a report by Efficiency Monitoring Unit (EMU). Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support any criminal charge. Hon. Attorney General accepted KACC's recommendation to close the file.

STATUS

The Hon. Attorney General returned the file to KACC with directions to close.

**111. KACC CR. 032/41/06
KISUMU ACC 859/06
No. 7 KACC 3rd Quarterly Report**

This was an inquiry into an allegation that a police officer attached to Ogombo District demanded a sum of Kshs.3,000 as an inducement to issue a P3 Form and arrest persons who had assaulted the complainant. Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support a charge of corruption against the

suspect. Attorney General accepted KACC's recommendation to withdraw the case filed in court.

STATUS

The file was returned to KACC with directions to terminate the case filed in court.

**112. KACC INQ 22/19.04.2004
NO. 3 KACC 3rd Quarter Report**

This was an inquiry into allegations that Donholm Rahisi Stores entered into an agreement with East Africa Portland cement Co. Ltd (EA PCC) for the sale of cement at a discount of 18.9% inclusive of transport rebate without the authority of the Board of Directors. Upon perusal of the file, the Hon. Attorney General found the evidence inadequate to base a criminal charge. He accepted KACC's recommendations that the file be closed as the matter was subject to a civil case in the High Court.

STATUS

The file was returned to KACC with directions to close.

**113. KACC 141/241/06
ACC 17/06
No. 17 of KACC 3rd Quarterly Report**

This was an inquiry into allegations that a Senior Superintendent of Police based at Police Headquarters had corruptly demanded a sum of Kshs. 70,000/= as inducement to recruit the complaint's younger brother to the Police Force. Upon perusal of the file the Hon. Attorney General found the evidence inadequate to support the charge filed in court. Attorney General accepted KACC recommendations to withdraw the charge.

STATUS

The file was returned to KACC with directions to terminate the case.

**114. KACC INQ 14/05 NO.05
NO. 9 OF KACC 1st Quarterly Report**

This was an inquiry into allegations of corruption in the award of Kshs.6.5 million insurance contracts by New KCC Ltd to M/s Seculars Insurance Brokers Ltd, a company associated with the Minister for Co-operative Development.

Upon perusal of the file, the Hon. Attorney General concurred with KACC's recommendations that the evidence gathered was insufficient to mount a prosecution against the suspect.

STATUS:

The file was returned to KACC with directions that the same be closed.

**115. KACC/FI/INQ.58/2005
NO.5 of KACC 1st Quarterly Report**

This was an inquiry into allegations that an official of Naivasha G.K Prison was defrauding the Government through fraudulent procurement of food stuff. Upon perusal of the file, the Hon. Attorney General was satisfied that the evidence did not disclose any offence. He concurred with KACC's recommendation to close the file.

STATUS

The file was returned to KACC with directions that the file be closed.

**116. KACC ACPU/INQ.82/31.10.02
No. 3 of KACC 1st Quarterly Report**

This was an inquiry into allegations that the Kenya Police SACCO irregularly paid Kshs.3, 960, 00/= to its lawyers. Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support a Criminal offence against

the suspect. Attorney General concurred with KACC's recommendations to close the file.

STATUS:

The file was returned to KACC with directions that the same be closed.

**117. KACC F1/INQ. 66 C/05
No. 9 of KACC 2nd Quarterly Report.**

This was an inquiry into an allegation that the Management of Kenya Trading Corporation Ltd retained 58 retrenched employees on the payroll without lawful cause thereby occasioning loss of government funds. Upon perusal of the file, the Hon. Attorney General found the evidence insufficient to support any criminal offence. The Attorney General accepted KACC's recommendation to close the file.

STATUS

The file was returned to KACC with instructions that the same be closed.

**118. KACC/F1/INQ/88/2005
No. 28 KACC 3rd Quarterly Report**

This was an inquiry into an allegation of irregular procurement of Electronic Tax Registers and approval of

Electronic Tax Register suppliers by Kenya Revenue Authority. Upon perusal of the file, the Hon. Attorney General found the evidence insufficient to support a criminal offence. The Attorney General accepted KACC's recommendations to close the file.

STATUS

The file was returned to KACC with directions to close.

119 **KACC/AT/INQ/6/28.2.06**
No. 35 of KACC 3rd Quarterly Report

This was an inquiry into allegations of corruption involving an Engineer in the Ministry of Local Government on secondment to the Kenya Urban and Infrastructure Project (KUTIP). He was also accused of having unexplained wealth.

Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support a criminal offence. Attorney General accepted KACC's recommendations to close the file.

STATUS

The file was returned to KACC with directions to close.

120. KACC/FI/INQ. 63/2005
No. 42 of KACC 3rd Quarter Report.

This was an inquiry into allegations of abuse of office by three senior officers of Kenya Revenue Authority. They are alleged to have colluded with Aberdare Freight Ltd to evade tax on sugar imported from Brazil. It was also alleged that officers made false entries that the sugar was imported from Egypt so as to enable importers enjoy reduced import tariffs available to COMESA members. Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support a Criminal Charge. Attorney General accepted KACC's recommendations to close the file.

STATUS

The file was returned to KACC with directions to close.

121. KACC/FI/INQ./12/2006
NO.5 KACC 4th Quarterly Report

This was an inquiry into allegations of impropriety against the Managing Director of National Oil Corporation of Kenya, in that she asked the complainant, an applicant for a license for an oil exploration venture in Kenya, to shop for her while they were attending an international Energy conference in Barcelona, Spain in June, 2005. Upon perusal of the file the Hon. Attorney General found the evidence

insufficient to support a criminal offence against the suspect. The Attorney General accepted KACC's recommendation to close the file.

STATUS

The file was returned to KACC with directions to close.

122. **KACC/FI/INQ./80/2005**
NO.8 KACC 4th Quarterly Report

This was an inquiry into allegations that the Directors of the Coffee Board of Kenya were influenced to award a tender for insurance services to companies in which the Minister for Co-operative Development and the Member of Parliament for Nyeri Town Constituency were Directors.

Upon Perusal of the file the Hon. Attorney General found the evidence insufficient to support a Criminal charge Attorney General accepted KACC's recommendations to close the file.

STATUS

The file was returned to KACC with directions to close.

123. **KACC/FI/INQ./23/2006**
No.10 KACC 4th Quarterly Report

This was an inquiry into allegations that a former Director of the National Aids Council attempted to embezzle funds in

the guise of paying school fees arrears for orphaned children under the Orphaned and Vulnerable Children Programme (OVC). Upon perusal of the file the Hon. Attorney General, found the evidence insufficient to form the basis of a criminal offence. Attorney General accepted KACC's recommendation to close the file.

STATUS

The file was returned to KACC with directions to close.

124. KACC/FI/INQ./38/2006 NO.11 KACC 4TH Quarterly Report

This was an inquiry into allegations by the former Permanent Secretary in the Office of the President in charge of Governance and Ethics to the effect that the former Minister for Justice and Constitutional Affairs and the former Minister for Finance, among others, had interfered with investigations he was undertaking into alleged procurement irregularities in the two contracts awarded to Ms. Anglo Leasing & Finance Ltd. The contracts were for supply, installation and commissioning of a new passport issuing system by the Department of Immigration, Ministry of Home Affairs and contract for procurement of a CID forensic laboratory by the Office of the President. Investigations revealed that; the evidence was insufficient to charge the suspects with any criminal offence.

Upon perusal of the file the Hon. Attorney General found the evidence insufficient to form the basis of any criminal offence against the suspects. Attorney General accepted KACC's recommendation to close the investigation file.

STATUS

The file was returned to KACC with directions to close.

125. **KACC/FI/INQ./47/2005**
No.13 KACC 4th Quarterly Report

This was an inquiry into allegations that the member of Parliament for Muhoroni Constituency was engaged in various corrupt activities, including receiving a motor vehicle as a gift in order to support the construction of a new sugar factory at Kibos. Upon perusal of the file, the Hon. Attorney General found the evidence insufficient to support any criminal offence against the suspect. Attorney General accepted Kenya Anti Corruption Commission's recommendation to close the file.

STATUS:

The file was returned to KACC with directions to close

126. KACC/AT/INQ./18/2006
NO.24 KACC 4th Quarterly Report

This was an inquiry into allegations that the Chairman of Kangema CDF Committee influenced the award of a contract of kshs.2,000,000 for the construction of a laboratory at Kibutha Mixed Secondary School. Upon perusal of the file the Hon. Attorney General found that there was no basis for a criminal charge. The suspect has since died. Attorney General accepted recommendation by KACC that the file be closed.

STATUS

The file was returned to KACC with directions to close.

127. KACC/FI/INQ/34(A)2005
No.26 KACC 4th Quarterly Report

This was an inquiry into allegations that a former Managing Director of Kenya Railways Corporation irregularly advanced himself Kshs.4 million in abuse of the authority bestowed on his office. Upon perusal of the file the Hon. Attorney General found the evidence insufficient to support a criminal offence against the suspect. The Hon. Attorney General accepted KACC's recommendation to close the file and pursue a counter claim for Kshs.889,134.45 on behalf of Kenya Railways

STATUS

The file was returned to KACC with directions to close.

128. **KACC/FI/INQ.93A/2005**
NO.31 KACC 4th Quarterly Report

This was an inquiry into allegation of abuse of office in the award of tender for procurement of a card printer against two employees of the Kenya Revenue Authority.

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

STATUS

The file was returned to KACC with directions to close.

PARTICULARS OF CASES	NUMBER
INVESTIGATION FILES RECEIVED BY THE ATTORNEY GENERAL FROM KACC: 1 ST JANUARY TO 31 ST DECEMBER, 2006	128
A. FILES WHERE TRIAL IS CONCLUDED	19
B. FILES FILED IN COURT AND TRIAL IS ON-GOING	59
C. FILES WHERE ATTORNEY GENERAL DIRECTED ADMINISTRATIVE OR OTHER DEPARTMENTAL ACTION/ JUDICIAL REVIEW	9
D. FILES THAT HAVE BEEN REFERRED TO THE HIGH COURT FOR: CONSTITUTIONAL INTERPRETATION/JUDICIAL REVIEW	1
E. FILES RETURNED TO KACC FOR FURTHER INVESTIGATIONS	9
F. FILES WHERE ATTORNEY GENERAL DIRECTED CLOSURE OR WITHDRAWAL OF CASE FILED IN COURT	31
TOTAL	128

Key

- OCS - Officer Commanding Police Station
- KACC- - Kenya Anti-Corruption Commission
- INQ - Inquiry
- ACC - Anti-Corruption Court
- CF - Court File
- DCIO - Divisional Criminal Investigation Officer
- NCPB - National Cereals and Produce Board
- GK - Government of Kenya.
- CPC - Criminal Procedure Code

Dated at Nairobi this.....day of..... 2007

Hon. Amos Wako (EGH, EBS, SC, MP)

ATTORNEY GENERAL