

## **PREAMBLE**

The Kenya Anti- Corruption Commission is required under section 36 of the Anti-Corruption and Economic Crimes Act to prepare quarterly reports.

Section 35 provides that:

- (1) Following an investigation the Commission shall report to the Attorney General on the results of the investigation.
- (2) The Commission's report shall include any recommendation the Commission may have that a person be prosecuted for corruption or economic crime.

Section 36 provides that:

- (1) The Commission shall prepare quarterly reports setting out the number of reports made to the Attorney General under section 35 and such other statistical information relating to those reports, as the Commission considers appropriate.
- (2) A quarterly report shall indicate if a recommendation of the Commission to prosecute a person for corruption or economic crime was not accepted.
- (3) The Commission shall give a copy of each quarterly report to the Attorney General.
- (4) The Attorney General shall lay a copy of each quarterly report before the National Assembly.
- (5) The Commission shall cause each quarterly report to be published in the Gazette.

This report is therefore made pursuant to section 36 of the Anti-Corruption and Economic Crimes Act. The report covers the second quarter of the year 2005 and is for the period between 1st April 2005 and 30<sup>th</sup> June 2005.

**INVESTIGATIONS COVERING THE PERIOD 1<sup>ST</sup> APRIL 2005 TO 30<sup>TH</sup> JUNE 2005**

**1. CR 141/51/05, ACC 2/2005**

Inquiry into alleged bribe demand of Kshs.10,000/- by OCS, Lari Police Station so that he could release the complainant's wife from police custody. Investigations established that the suspect indeed demanded Kshs.10,000/- and had received Kshs.5,000/- from the complainant. The suspect was arrested and arraigned in Court.

The report was forwarded to the Attorney General on 4th April 2005 with recommendation to prosecute the suspect with two counts of corruption.

The Attorney General accepted the recommendation to prosecute on 9th May 2005. The case is pending before Court.

**2. KACC/INQ 2/28.14.2004**

Inquiry into alleged discrimination by the Public Procurement Complaints, Review and Appeals Board and its secretariat in Appeal No.7/2004 in respect of Ministry of Health Tender No. MOH.2/2003-2004. The investigation did not establish any offence against officials of the Procurement Board.

The report was forwarded to the Attorney General on 5th April 2005 with recommendation that the file be closed. Action by the Attorney General is awaited.

**3. CR 141/101/05, CF 4/05**

Inquiry into an allegation that a City Council Askari demanded a bribe of Kshs.10,000/- from the complainant in order to drop a charge of using water without a water meter. Investigations revealed that the suspect had indeed demanded the money from the complainant. He was arrested and charged in court with soliciting for a bribe.

The report was forwarded to the Attorney General on 5th April 2005 with recommendation to the Attorney General to proceed with the

prosecution. The Attorney General accepted the recommendation to prosecute on 5th July 2005. The case is pending before Court.

#### **4. CR. 141/103/04, ACC 32/04**

Inquiry into an allegation that the Chief, Ngara Location, had demanded a sum of Kshs.10,000/- from the complainant in order to release seven cue sticks and six pool table balls which he had confiscated. Investigations revealed that the suspect had demanded Kshs.10,000/- and had received Kshs.9,000/- from the complainant. He was arrested and charged with two counts of corruption.

The report was forwarded to the Attorney General on 5th April 2005 with recommendation to the Attorney General to proceed with the prosecution of the suspect. The Attorney General's action on the recommendation is awaited. Meanwhile, the case is pending before court.

#### **5. CR. 141/1015/04, ACC 28/04**

Inquiry into allegations that an employee of Telkom Kenya Ltd had demanded a sum of Kshs. 10,000/- from the complainant in order to reconnect his telephone line. Investigations revealed that the suspect had demanded Kshs.10,000/- and received Kshs.9,000/- from the complainant. The suspect was arrested and charged before court with two counts of corruption.

The report was forwarded to the Attorney General on 8th April 2005 with recommendation to the Attorney General to proceed with the prosecution. The Attorney General's action on the recommendation is awaited. Meanwhile, the case is pending before court.

#### **6. KACC/INQ.35 (A)/01.09/04**

Inquiry into allegations of corruption in the award of a KenGen contract to Zenith Steel Fabricators Ltd for the construction of a radio antennae mast at Turkwel Power Station. The investigation did not disclose evidence to support the corruption allegations.

The report was forwarded to the Attorney General on 19th April 2005 with recommendation that the file be closed. The Attorney General accepted the recommendation to close file on 28<sup>th</sup> June 2005.

### **7. KACC/ INQ 35(C)/ 1.09/04**

Inquiry into alleged corruption in award of tender to M/S Dinesh Construction Company ltd to erect an 8 km perimeter fence around Turkwel Power Station. The investigation did not reveal any corrupt conduct.

The report was forwarded to the Attorney General on 26th April 2005 with recommendation that the file be closed. Attorney General accepted the recommendation to close file on 5th July 2005.

### **8. CR. 141/1189/04, ACC 34/04**

Inquiry into an allegation that an agent of Kenya Power and Lighting Co. Ltd had demanded a bribe of Kshs.10,000/- from the complainant in order to forbear from disconnecting her electricity. Investigations established that there was a bribe demand and the suspect indeed received a sum of Kshs.5,000/- from the complainant. The suspect was arrested and has already been charged with two counts of corruption.

The report was forwarded to the Attorney General on 26th April 2005 with recommendation to the Attorney General to proceed with prosecution of the suspect with two counts of corruption. The Attorney General's action on the recommendation is awaited. Meanwhile, the case is pending before Court.

### **9. ACPU/INQ.90/13.11.02**

Inquiry into an allegation that a Police Officer of the rank of Corporal based at Muthaiga Police Station had demanded a sum of Kshs.20,000/- in order to release the complainant's twenty- two crates of assorted brands of beer. Investigations established that the suspect had made the demand for Kshs.20,000/= from the complainant.

The report was forwarded to the Attorney General on 26th April 2005 with recommendation that the suspect be charged with soliciting for a bribe. The Attorney General's action on the recommendation is awaited.

**10. CR. 141/1212/2004, ACC 36/2004**

Inquiry into an allegation that the Assistant Chief and two village elders of Kawangware sub-location had demanded a bribe in order to allow the complainant to operate a herbal clinic in the area without interference. Investigations established that there was a bribe demand and that the Assistant Chief had received Kshs.1,000/- whereas the elders had each received Kshs.200/- from the complainant. The three suspects were arrested and charged with the offence of corruption.

The report was forwarded to the Attorney General on 19th May 2005 with recommendation to the Attorney General to proceed with the prosecution. The Attorney General's action on the recommendation is awaited. Meanwhile, the case is pending before Court.

**11. CR.141/174/05, ACC.9/2005**

Inquiry into an allegation that a Traffic Police Officer demanded a bribe of Kshs.500/- from the complainant in order to forbear charging him with an alleged offence of receiving a call on his mobile phone while driving. The investigation established that the demand had been made. The suspect was arrested and charged with two counts of soliciting and receiving a bribe of Kshs.500/- from the complainant.

The report was forwarded to the Attorney General on 19th May 2005 with recommendation to the Attorney General to proceed with the prosecution of the suspect with two counts of corruption. The Attorney General accepted the recommendation to prosecute on 5th July 2005. The case is pending in Court.

**12. ACPU/INQ.25/205/2002(a)**

Inquiry into allegations of fraud involving some officials in the technical section of the City Council of Nairobi in collusion with employees of Invesco Assurance Company. The investigation did not disclose any fraud or breach of Procurement Regulations. The City Council of Nairobi was however advised to seek civil redress for any breach of contract by the Insurance Company.

The report was forwarded to the Attorney General on 24th May 2005 with recommendation that the file be closed. The Attorney General's action on the recommendation is awaited.

**13. KACC/INQ.50/02.11.04**

Inquiry into alleged corruption by officials of the Kenya Society for the mentally handicapped. The investigation has revealed that power struggles among officials of the Society led to the allegations. There was no evidence of corruption.

The report was forwarded to the Attorney General on 21<sup>st</sup> June 2005 with recommendation that the file be closed. The Attorney General's action on the recommendation is awaited.

**14. KACC/FI/INQ/3/05**

Inquiry into an allegation that an Engineer of Kenya Ports Authority corruptly and in abuse of his office awarded tenders to M/s Hayer Bishan Singh & Sons Ltd for the repair of the access road and drainage system at the Kisumu Inland Container Depot without regard to tendering procedures. The investigation established that procurement regulations were actually followed.

The report was forwarded to the Attorney General on 28<sup>th</sup> June 2005 with recommendation that the file be closed. The Attorney General's action on the recommendation is awaited.

**15. CR 141/1202/04, ACC NO. 35/2004**

Inquiry into an allegation that an employee of Kikuyu Town Council corruptly demanded a sum of Kshs 7,000/- from the complainant in order to insert the complainant's name in the Kikuyu Town Council Ledger so as to show that the complainant owns plot No. Kikuyu/kik Block1/21. Investigations established that the suspect indeed demanded Kshs.7,000/- from the complainant and received Kshs.3,000/-. He was arrested and charged with two counts of corruption contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act.

The report was forwarded to the Attorney General on 28<sup>th</sup> June 2005 with recommendation to the Attorney General to proceed with

prosecution of the suspect. Attorney General's action on the recommendation is awaited.

#### **16. KACC/INQ.47/8.11.04**

Inquiry into alleged abuse of office in the recruitment of rangers by the Kenya Wildlife Service (KWS). Investigations have established that the Director of KWS proceeded with the recruitment of 952 rangers without the requisite authority from the Treasury and the Ministry of Tourism and Wildlife Service. The illegal recruitment far exceeded the number of rangers that had been stipulated by the Board of Trustees, i.e. two hundred. The Assistant Director (Security) on the other hand issued the Permanent Secretary, Ministry of Tourism and Wildlife Service with ten blank recruitment cards to give to people of her choice.

The report was forwarded to the Attorney General on 29<sup>th</sup> June 2005 with recommendation that the former Director of KWS be charged with two counts of economic crime contrary to section 45(2) (b) of the Anti-Corruption and Economic Crimes Act, abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act and Deceiving principal contrary to section 41(1) of the Anti-Corruption and Economic Crimes Act. It was also recommended that the Assistant Director (Security) be charged with abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act. The Attorney General's action on the recommendation is awaited.

#### **17.KACC/INQ.18/26.05.2004**

Inquiry into allegations of corruption in the Ministry of Water and Natural Resources, Management and Development, Tender No. MWRM & D/6/2003-2004. The investigation did not establish any evidence of corruption on the part of officers at the Ministry of Water and Natural Resources, Management and Development. There was however evidence that the Managing Director of Signal Excel Systems Ltd, a company that was awarded one of the tenders, had presented to the Ministry a forged tender security document.

The report was forwarded to the Attorney General on 29<sup>th</sup> June 2005 with recommendation that the Managing Director of Signal Excel

Systems Ltd be charged with the offence of uttering a false document contrary to section 353 of the Penal Code. The Attorney General's action on the recommendation is awaited.

**STATISTICAL SUMMARY OF FILES FORWARDED TO THE ATTORNEY GENERAL**

<b>Total No. of files forwarded to the Attorney General</b>	<b>17</b>
<b>No. of files recommended for prosecution</b>	<b>11</b>
<b>No. of files recommended for administrative or other action</b>	<b>0</b>
<b>No. of files recommended for closure</b>	<b>6</b>
<b>No. of files where recommendation to prosecute accepted</b>	<b>3</b>
<b>No. of files where recommendation for administrative or other action accepted</b>	<b>0</b>
<b>No. of files where recommendation for closure accepted</b>	<b>2</b>
<b>No. of files where recommendation to prosecute not accepted</b>	<b>0</b>
<b>No. of files where recommendation for administrative or other action not accepted</b>	<b>0</b>
<b>No. of files where closure not accepted</b>	<b>0</b>
<b>No. of files awaiting Attorney General's action</b>	<b>12</b>

DATED AT NAIROBI THIS                      DAY OF                      2005

**JUSTICE A. G. RINGERA**  
**DIRECTOR/CHIEF EXECUTIVE**