



**THE FIRST QUARTERLY REPORT FOR THE YEAR
2009 COVERING THE PERIOD 1ST JANUARY 2009 TO
31ST MARCH 2009**

THE KENYA ANTI-CORRUPTION COMMISSION

PREAMBLE

The Kenya Anti-Corruption Commission is required under section 36 of the Anti-Corruption and Economic Crimes Act, 2003, 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, 2003. The report covers the first quarter of the year 2009 and is for the period commencing 1st January, 2009 to 31st March, 2009.

INVESTIGATIONS COVERING THE PERIOD 1ST JANUARY 2009 TO 31ST MARCH 2009

1. KACC/INQ/1/02.05.03

Inquiry into an allegation that a construction company was irregularly awarded a contract to improve and gravel roads in Trans-Nzoia District in the sum of Kshs. 333,429,685 which contract was further illegally varied to Kshs. 399,744,912 and Kshs. 457,627,065 respectively, thereby occasioning loss to the Government of Kenya. The investigation established that the procurement process was flouted in the award of the tender. The Senior District Commissioner and Chairman of the District Tender Board abused the authority of his office by granting a waiver of the requirement for procurement by open tender in favour of restricted tendering in respect of tender for improvement and gravelling of Babaton-Endebess (C44), Kiminini-Matunda (E319) Roads in Trans-Nzoia District without seeking approval of Treasury. The former Permanent Secretary of the Ministry of Public Works and Housing on the other hand issued a letter of award to the construction company without approval of Treasury. The said Permanent Secretary and his successor also varied the contract without approval of Treasury.

The file was forwarded to the Attorney General on 19th February 2009 with recommendation that the former Senior District Commissioner and Chairman of the Trans-Nzoia District Tender Board and two former Permanent Secretaries in the Ministry of Public Works and Housing be charged with the offence of abuse of office contrary to Section 101(1) as read with Section 102A of the Penal Code. The recommendation was accepted on 8th April 2009.

2. KACC /FI/INQ/03/2009

Inquiry into allegations that the former Managing Director of the Kenya Tourist Board (KTB) irregularly procured the services of a tour company for which KTB paid a sum of Kshs. 8,925,444. The investigation established that procurement procedures were not followed in awarding the tour company the job of coordinating a

trip to the Maasai Mara by Permanent Secretaries. Direct procurement was adopted as the mode of procurement without regard to the provisions of the Public Procurement and Disposal Act, 2005. The said tour company is owned by one of the Board members of KTB. The Permanent Secretary, Ministry of Tourism & Wildlife participated in appointing the said tour company and indeed communicated the appointment to Catering and Tourism Development Levy Trustees. She also issued instructions for payment of a further Kshs. 400,000 to the said tour company despite the fact that the sum of Kshs. 8,925,444, which was highly exaggerated, had not been accounted for.

A report dated 31st March 2009 was forwarded to the Attorney General on 1st April 2009 with the recommendation that the Permanent Secretary in the Ministry of Tourism & Wildlife be charged with the offence of abuse of office contrary to Section 46 of the Anti-Corruption and Economic Crimes Act, 2003 and wilful failure to comply with the law relating to procurement contrary to Section 45(2) (b) of the Anti-Corruption and Economic Crimes Act, 2003. It was also recommended that the former Managing Director of KTB be charged with offence of wilful failure to comply with the law relating to procurement contrary to Section 45(2)(b) of the Anti-Corruption and Economic Crimes Act, 2003 and an alternative charge of abuse of office contrary to Section 46 of the Anti-Corruption and Economic Crimes Act, 2003. He is also recommended to be charged with fraudulently making payment from public revenues for services not rendered contrary to Section 45(2)(a)iii of the said Act. It was further recommended that the member of KTB Board who is also a director of the tour company be charged with the offence of conflict of interest contrary to Section 42(3) of the Anti-Corruption and Economic Crimes Act, 2003.

Advice of the Attorney General is awaited.

3. KACC/AT/INQ/17/2008

Inquiry into allegations that an employee of Deposit Protection Fund Board of the Central Bank of Kenya (DPFB) had unprocedurally acquired a plot No. LR 337/1083 situated at Athi River belonging to Prudential Bank Ltd (in liquidation). It was also alleged that the land

which was sold by DPFB as the liquidating agent for Kshs. 7 million was in the process of being sold to a third party for Kshs. 35 million and that to facilitate the process, the said employee gave a bribe of Kshs. 500,000 to the liquidating agent and Kshs. 1 million to an officer at Ardhi House to "sort out" the issue of land rent arrears. The investigation established that before the property was formally put up for sale, an interested party wrote to the liquidating agent expressing interest in the purchase of the property. He offered to purchase the plot at Kshs. 7 Million. While negotiating with DPFB, the interested party was at the same time negotiating with another party to sell the property at Kshs. 35 Million. The evidence gathered disclosed that the Liquidating Agent opted to dispose the property by private treaty without the benefit of a current valuation as required by the DPFB Manual with a view to ascertaining the market value. The Liquidating Agent also went ahead to deceive the Director of DPFB by indicating that the current open market value of the leasehold interest in the piece of land was Kshs. 10 Million with a forced sale value of Kshs. 6 million, yet no current valuation had been done. However, there was no evidence that the employee of Deposit Protection Fund Board had given bribes as alleged. There was however evidence that a Senior Clerical Officer at the Ministry of Lands improperly conferred a benefit on the interested party who purchased the subject plot by preparing a clearance certificate to facilitate issuance of letter of consent to transfer the property notwithstanding that the outstanding land rent and penalties in the sum of Kshs. 3,568,985 had not been paid.

The file was forwarded to the Attorney General on 3rd February 2009 with the recommendation that the Liquidation Agent of Prudential Bank Ltd (in liquidation) be charged with failure to comply with applicable procedures and guidelines relating to disposal of public property contrary to Section 45(2)(b) of the Anti-Corruption and Economic Crimes Act, 2003, deceiving principal contrary to Section 41(2) of the Anti-Corruption and Economic Crimes Act, 2003 and a Senior Clerical Officer in the Ministry of Lands be charged with abuse of office contrary to Section 46 of the Anti-Corruption and Economic Crimes Act, 2003.

The recommendation was accepted on 26th March 2009.

4. KACC/AT/INQ/10(B)/2007

Inquiry into an allegation that the Municipal Council of Nakuru had failed to implement a Government directive to reclaim grabbed or illegally acquired property belonging to the Council. The investigation established that vide its letter dated 17th September 1997, the Municipal Council of Nakuru sought permission of the Minister for Local Government to alienate and sell certain parcels of land so as to raise funds to pay a debt owed the Kenya National Assurance (then under receivership). The Minister for Local Government granted the approval but directed that the specified property to be sold must be properly valued and the funds realized from the sale to be applied to clear the debt. Contrary to the approval of the Minister, the Council went ahead to sell property in which the consent of the Minister had not been sought nor granted. Even for the properties that the Minister had given consent to sell, the Council purported to allocate the same to third parties and proceeded to issue them with leases whose terms were far much in excess of the remainder of the leasehold terms that the Council held. The investigation further established that the former Mayor and Town Clerk of the Municipal Council of Nakuru breached the trust the public has bestowed on them by arbitrarily issuing leases to third parties on parcels of land belonging to the Council.

The file was forwarded to the Attorney General on 24th March 2009 with the recommendation that the former Mayor and former Town Clerk of the Municipal Council of Nakuru be charged with various counts of breach of trust by a person employed in the public service contrary to Section 127(1) as read with Section 127(2) of the Penal Code. Advice of the Attorney General is awaited.

5. KACC/FI/INQ/14/2008

Inquiry into allegations of irregularities in the importation of crude pyrethrum extract or Oleo Resin from Rwanda and alleged fraudulent payments by the management of the Pyrethrum Board of Kenya. The investigation established that a contract for the supply of 100 Metric Tonnes of crude pyrethrum extract was entered into between Pyrethrum Board of Kenya and Societe de Pyrethre au Rwanda (SOPYRWA) of Rwanda on 3rd March 2006. This

was prior to obtaining approval of the transaction from the Ministry of Agriculture and the Directorate of Procurement in the Ministry of Finance. The necessary approvals were subsequently obtained but part payments were made to SOPYRWA fraudulently and in breach of the contract which provided that payments should only be made upon delivery of Oleo Resin.

The file was forwarded to the Attorney General on 12th March 2009 with the recommendation that the Managing Director of Pyrethrum Board of Kenya and two other officials be charged with fraudulently making payment from public revenue contrary to Section 45(2)(a)(ii) of the Anti-Corruption and Economic Crimes Act, 2003. Advice of the Attorney General is awaited.

6. KACC/FI/INQ/10/2008

Inquiry into allegations of irregular payment of Kshs. 3,853,925 by judicial officers to a landlord for the refurbishments of three maisonettes leased by the Judiciary on LR. 209/404/4 Adams Arcade, Nairobi. The investigation established that the Judiciary had leased the three maisonettes in 1991 for an initial period of two years. The lease was thereafter extended by mutual consent until December 2007 when it was terminated at the instance of the Judiciary. The Judiciary required to put them in a tenantable condition, so the termination was prolonged. To facilitate the refurbishment, the landlord submitted a bill of quantities for the three units to the tune of Kshs. 3,853,925. The bill of quantities, which was the basis for payment to the landlord, was not subjected to any technical verification by the Ministry of Housing. The investigation also established that the works which ought to have been procured in accordance with the Public Procurement and Disposal Act, 2005, were left to the landlord to undertake at his own discretion and pleasure. Moreover, the vote from which some of the payment was made was not the proper one, yet no prior approval was secured by Treasury. It was established that the Registrar of the High Court improperly conferred a benefit on the landlord by issuing instructions for him to be paid Kshs. 3,853,925 before inspection had been undertaken and cost estimates prepared by the concerned personnel of the Ministry of Housing. He also failed to comply with law relating to procurement. On the other hand, the Principal

Accounts Controller of the Judiciary failed to comply with law relating to the incurring of expenditure by authorising part of the payment to be made from the wrong vote without approval of Treasury.

The file was forwarded to the Attorney General on 26th March 2009 with the recommendation that the former Registrar of the High Court be charged with abuse of office contrary to Section 46 of the Anti-Corruption and Economic Crimes Act, 2003, and in the alternative, wilful failure to comply with the law relating to procurement contrary to Section 45(2)(b) of the Anti-Corruption and Economic Crimes Act, 2003. It was also recommended that the Principal Accounts Controller of the Judiciary be charged with the offence of wilful failure to comply with the law relating to incurring of expenditure contrary to Section 45(2)(b) of the Anti-Corruption and Economic Crimes Act, 2003. Advice of the Attorney General is awaited.

7. KACC MSA/FI/INQ/28/2008

Inquiry into allegations that a Revenue Officer with Kenya Revenue Authority assisted a clearing agent to evade payment of taxes by making a misdeclaration of imported goods in respect of import entry number 2008MSA1299004. The investigation established that the Revenue Officer attempted to deceive Kenya Revenue Authority by posting an entry into the Simba system indicating that container number MSKU 0275359 contained 210 bales of used clothes and 340 bales of used shoes whereas there were 340 bales of used clothes and 210 bales of used shoes. The exchange of the figures was done with an intention of cheating on the weight, which is the basis of computing taxes.

The file was forwarded to the Attorney General on 23rd February 2009 with a recommendation that the Revenue Officer be charged with the offence of attempting to deceive principal contrary to Section 47A(1) of the Anti-Corruption and Economic Crimes Act. The Attorney General recommended further investigations on 13th March 2009. The same are being carried out.

8. KACC/FI/INQ/16/2008

Inquiry into allegations of conflict of interest involving the Financial Controller of Kenya Tourist Development Corporation in the award of a cleaning services tender to a firm that he was associated with as a client through his private auditing firm. The investigation established that the Financial Controller indeed acted in conflict of interest.

The file was forwarded to the Attorney General on 29th January 2009 with recommendation that the Financial Controller of Kenya Tourist Development Corporation be prosecuted for knowingly holding a private interest in a contract emanating from a public body contrary to Section 42(3) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. The Attorney General recommended further investigations on 1st April 2009.

9. KACC/FI/INQ/18/2008

Inquiry into allegations that a Returning Officer II based at the District Election Coordinators Office, Nyandarua District, had been qualifying his own motor vehicle registration number KAA 872F for hire by the Electoral Commission of Kenya notwithstanding that it was an old Toyota pick up with no 4-wheel drive power. It was also alleged that the Returning Officer had employed his wife as a Registration Clerk at Gatimu in Ol Kalou Constituency though she was not the most qualified for the job. Investigations established that the recruitment of the Returning Officer's wife was done in an open and competitive manner and had no bearing with the role of the Returning Officer/Elections Officer II. However, there is evidence that the Returning Officer II took part in procurement proceedings for the provision of transport services to the Electoral Commission of Kenya during the Malewa River Ward by-election and qualified his motor vehicle KAA 872F.

The file was forwarded to the Attorney General on 30th January 2009 with recommendation that the Returning Officer II be charged with the offence of conflict of interest contrary to Section 43(1)(a) as read with Sections 43(8) and Section 137(1) of the Public

Procurement and Disposal Act, No. 3 of 2005. The recommendation was accepted on 8th April 2009.

10. KACC/FI/INQ/54/2007

Inquiry into allegations that the Managing Trustee of the Local Authorities Pensions Trust (LAP TRUST) failed to surrender Kshs. 102,132.20, being the balance of unspent imprest upon his return from official visits to UK and Italy. The investigation established that the Managing Trustee did not comply with the requirement that he surrenders imprest within 48 hours after the purpose for which the imprest was applied. This is contrary to the Public Audit Act. However, LAP TRUST is not a public entity and the said Act does not apply to it.

The file was forwarded to the Attorney General on 30th January 2009 with recommendation that the file be closed. The recommendation was accepted on 2nd March 2009.

11. KACC/FI/INQ/01A/2008

Inquiry into allegations that three Administration Police Officers based in Kirinyaga District had unlawfully diverted to their own use, revenue realized for security services rendered by Administration Police to Equity Bank, Kerugoya Branch. The investigation established the fraudulent diversion of the public funds.

The file was forwarded to the Attorney General on 24th February 2009 with a recommendation that the three Administration Police Officers be charged with various counts of fraudulent acquisition of public property contrary to Section 45(1)(a) of the Anti-Corruption and Economic Crimes Act, 2003. The Attorney General recommended further investigations on 24th March 2009. The same are being undertaken.

12. KACC CR 221/286/2008: NYERI ACC 3/2008

Inquiry into an allegation that a Police Officer stationed at Kianyaga Police Station was soliciting for a benefit that was an inducement to provide "protection" to the complainant's business. The

investigation established the solicitation and receipt of the benefit. The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to section 39(3) (a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and the case is pending before the Nyeri Anti-Corruption Court.

The file was forwarded to the Attorney General on 6th January 2009 with the recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 27th January 2009.

13. KACC CR 141/416/2008: NAIROBI ACC 27/2008

Inquiry into an allegation that two officers of the City Council of Nairobi's Health Department had corruptly solicited for a benefit that was an inducement to forbear charging the complainant with an alleged offence of selling food contrary to Section 4 of Foods, Drugs and Chemical Substances Act, Cap 254, Laws of Kenya. The investigation established solicitation and receipt of a benefit. The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to Section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and the case is pending before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 6th January 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation was accepted on 19th January 2009.

14. KACC (ACPU) CR. 141/687/2002

The suspect in this matter had been charged with the offence of corruption under the Prevention of Corruption Act, Cap 65, Laws of Kenya (Repealed). The case was terminated by the Court under Section 89(5) of the Criminal Procedure Code on 8th September 2003 following the repeal of the Prevention of Corruption Act. The matter was re-evaluated by Kenya Anti-Corruption Commission following the direction of the Honourable Attorney General. The re-evaluation established that there was adequate evidence to sustain the two counts of corruption for the soliciting and receiving of a benefit and

that by virtue of the saving provisions of Section 71(2) of the Anti-Corruption and Economic Crimes Act, 2003 and Section 23(3)(e) the Interpretation and General Provisions Act, the suspect could be re-charged.

The file was forwarded to the Attorney General on 7th January 2009 with recommendation that the charges that had been withdrawn be reinstated and the case be prosecuted to its logical conclusion. The recommendation was accepted on 30th January 2009.

15. KACC CR. 732/181/2008: NAKURU ACC 4/2008

Inquiry into an allegation that a Public Health Officer had corruptly solicited for a benefit that was an inducement so as to re-open the Ngong open air market which he had earlier closed, and to withdraw Criminal Case number 1847 of 2008 that he had filed against the County Council of Olkejuado at Kibera Law Courts. The investigation established solicitation and receipt of a benefit. The suspect was arrested and charged with the offence of soliciting for and receiving a benefit contrary to Section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and the case is pending before the Nakuru Anti-Corruption Court.

The file was forwarded to the Attorney General on 12th January 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation was accepted on 27th January 2009.

16. KACC CR. 141/390/2008: NAIROBI ACC 25/2008

Inquiry into an allegation that a Court Clerk based in Makadara Courts had solicited for a benefit that was an inducement to facilitate the lifting of a warrant of arrest and withdrawal of a Criminal Case that was pending before Makadara Law Courts against the complainant's employee. The investigation established an offence of conspiracy to commit an offence of corruption contrary to Section 47(A)(3) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, and solicitation and receipt of a benefit contrary to Section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. He was

arrested and charged with the said offences and the case is pending before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 12th January 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation was accepted on 6th February 2009.

17. KACC CR. 141/664/2008: NAIROBI ACC 38/2008

Inquiry into an allegation that an employee of the Nairobi City Water and Sewerage Co. Ltd had solicited for a benefit that was an inducement to facilitate the quick processing of the complainant's application for subdivision of his plots in Lake View Estate within the City of Nairobi and for the plots to be connected to the water reticulation system. The investigation established solicitation and receipt of a benefit. The suspect was arrested and charged with the offence of soliciting for and receiving a benefit contrary to Section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003 and the suspect was charged with the said offences before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 29th January 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation was accepted on 12th March 2009.

18. KACC CR. 440/420/2008: MERU ACC 1/2008

Inquiry into an allegation that the Chief of Yathui Location within Mwala District had corruptly solicited for a benefit that was an inducement to facilitate the preparation of a letter confirming the death of the complainant's grandfather as well as the beneficiaries of his estate. The investigation established solicitation and receipt of a benefit. The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is pending before the Meru Anti-Corruption Court.

The file was forwarded to the Attorney General on 30th January 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation to prosecute was rejected by the Attorney General on 10th March 2009 and instead advised that administrative action be taken. The file was returned to the Attorney General on 18th March 2009 with a request to reconsider the position. Further advice is awaited.

19. KACC CR. 142/24/2008: NAIROBI ACC 24/2008

Inquiry into an allegation that the Chief of Kamahuha Location in Murang'a South District had solicited for a benefit that was an inducement so as to issue an introductory letter to the complainant stating the dependants of his late father. The investigation established solicitation and receipt of a benefit. The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is pending before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 3rd February 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion.

20. KACC CR. 921/675/2008: KAKAMEGA RMCR 1496/2008

Inquiry into an allegation that a Police Constable based at Eregi Patrol Base within Kakamega District had corruptly solicited for a benefit from the complainant as an inducement so as to release his bicycle that had been detained at Eregi Patrol Base. The investigation established solicitation and receipt of a benefit. The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is pending before the Kakamega Anti-Corruption Court.

The file was forwarded to the Attorney General on 24th February 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation was accepted on 12th March 2009.

21. KACC CR.141/609/2008: NAIROBI ACC 36/2008

Inquiry into an allegation that a Police Officer attached to Wilson Airport Police Station had solicited for a benefit that was an inducement so as to release the complainant's music instruments. The investigation established solicitation and receipt of a benefit. The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is pending hearing before the Nairobi Anti-Corruption Court. It has however been recommended that the charge of soliciting for a benefit preferred against the suspect's colleague be withdrawn as the evidence against him is not sufficient.

The file was forwarded to the Attorney General on 16th March 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation was accepted on 8th April 2009.

22. KACC CR. 141/745/2008: NAIROBI ACC 40/2008

Inquiry into an allegation that a proprietor of company engaged in distribution business was planning to give a benefit of Kshs. 500,000 to the Commercial Manager of East African Portland Cement Co. Ltd (EAPCC) through the then outgoing Sales Executive Officer for Mt. Kenya Region as an inducement to influence his appointment as a cement distributor for EAPCC. The investigation confirmed that the businessman gave a benefit of Kshs. 650,000 to the Commercial Manager of EAPCC through agents. The businessman was arrested and charged with the offence of giving a benefit contrary to Section 39(3)(b) of the Anti-Corruption and Economic Crimes Act, 2003 whereas the Commercial Manager of EAPCC was charged with receiving a benefit contrary to Section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003. The case is pending before the Nairobi Anti-Corruption Court.

The file was forwarded to the Attorney General on 18th March 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion.

23. KACC CR. 651/516/2008: KISUMU ACC 555/2008

Inquiry into an allegation that a journalist with People Daily Newspaper based in Kisumu had solicited for a benefit from the complainant as an inducement so as not to publish a damaging story about him. The investigation established solicitation and receipt of a benefit. The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is pending before the Kisumu Anti-Corruption Court.

The file was forwarded to the Attorney General on 24th March 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion.

24. KACC CR. 711/472/2008: NAKURU ACC 7/2008

Inquiry into an allegation that two Councillors of the Town Council of Londiani had solicited for a benefit of Kshs. 150,000 as an inducement so as to facilitate the approval of a cheque for Kshs. 400,000 that was payable to the complainant's company. The investigation established the solicitation and receipt of a benefit. The suspects were arrested and charged with the offences of soliciting for and receiving a benefit contrary to section 39(3)(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is pending before the Nakuru Anti-Corruption Court.

The file was forwarded to the Attorney General on 25th March 2009 with recommendation that the case pending before Court be prosecuted to its logical conclusion.

STATISTICAL SUMMARY OF FILES FORWARDED TO THE ATTORNEY GENERAL

Total No. of files forwarded to the Attorney General	24
No. of files recommended for prosecution	23
No. of files recommended for administrative or other action	0
No. of files recommended for closure	1
No. of files where recommendation to prosecute accepted	15
No. of files recommended for prosecution and the cases are already lodged before Court	13
No. of files where recommendation for administrative or other action accepted	0
No. of files where recommendation for closure accepted	1
No. of files returned for further investigations	3
No. of files where recommendation to prosecute not accepted	1
No. of files where recommendation for administrative or other action not accepted	0
No. of files forwarded in previous quarters and received during this quarter	21
No. of files where closure not accepted	0
No. of files awaiting Attorney General's action	4

DATED AT NAIROBI THIS DAY OF 2009.

JUSTICE (RTD) A. G. RINGERA, EBS
DIRECTOR/CHIEF EXECUTIVE