

PRESS RELEASE BY ATTORNEY-GENERAL ON ANGLO-LEASING AND OTHER SECURITY RELATED CONTRACTS

IN THE LAST FEW DAYS, THERE HAVE BEEN STATEMENTS IN THE MEDIA INSINUATING THAT THE ATTORNEY GENERAL AND THE DIRECTOR OF THE KENYA ANTI CORRUPTION COMMISSION CLEARED CERTAIN PERSONALITIES FROM THE ANGLO LEASING INVESTIGATIONS.

LET ME AT THE OUTSET CATEGORICALLY ASSURE THE PUBLIC THAT THE INVESTIGATIONS BY KENYA ANTI-CORRUPTION COMMISSION INTO THE 18 SECURITY CONTRACTS (ANGLO-LEASING AND ANGLO-LEASING TYPE OF PROJECTS) ARE ONGOING.

THERE WERE TWO SETS OF INVESTIGATIONS ARISING FROM THE SAID TRANSACTIONS.

THE FIRST CATEGORY CONCERNS INVESTIGATIONS INTO THE SUBSTANCE OF THE TRANSACTIONS THEMSELVES. IN RELATION TO THAT, A TOTAL OF 18 CONTRACTS ARE UNDER INVESTIGATIONS. TWO OF THEM INVOLVE ANGLO LEASING: FORENSIC LABORATORY AND THE PASSPORTS CONTRACTS. THE OTHER 16 RELATED TO SECURITY CONTRACTS.

IN RESPECT OF ANGLO LEASING CONTRACTS, SUBSTANTIVE INVESTIGATIONS WERE CARRIED OUT AND TWO CASES ARE ALREADY BEFORE COURT. ON 3RD OCTOBER 2006 FIVE FILES WERE RETURNED TO KACC FOR FURTHER INVESTIGATIONS. I HAVE BEEN ASSURED THAT THE INVESTIGATIONS INTO ALL THE SECURITY CONTRACTS BOTH LOCAL AND INTERNATIONAL, ARE AT AN ADVANCED STAGE. IN ADDITION, TO ASSIST IN THE INVESTIGATIONS, REPUTABLE INTERNATIONAL FIRMS HAVE BEEN APPOINTED TO CARRY OUT VALUATIONS INTO THE SECURITY PROJECTS AND TO ADVISE ON ASSETS RECOVERY.

THE SECOND CATEGORY OF INVESTIGATIONS RELATED TO ALLEGATIONS BY MR. GITHONGO TO THE EFFECT THAT CERTAIN PERSONALITIES HAD INTERFERED WITH THE INVESTIGATIONS HE WAS UNDERTAKING INTO ALLEGED PROCUREMENT IRREGULARITIES IN THE TWO CONTRACTS AWARDED TO M/S ANGLO LEASING AND FINANCE LTD. IT IS THESE INVESTIGATIONS THAT ARE THE SUBJECT OF THE INVESTIGATION REPORT RELEASED BY KACC AND PUBLISHED IN THE KENYA GAZETTE NOTICE NO. 488 OF 19TH JANUARY 2007.

THE INVESTIGATIONS RELATED TO THESE ALLEGATIONS WERE UNDERTAKEN AND COMPLETED BY KACC WHO AFTER ANALYSIS OF THE EVIDENCE AND THE APPLICABLE LAW, RECOMMENDED THAT THE INQUIRY FILES BE CLOSED FOR INSUFFICIENCY OF EVIDENCE.

AS REQUIRED BY LAW, THE REPORT AND RECOMMENDATIONS BY KACC WERE FORWARDED TO ME AND AFTER DUE CONSIDERATION AND INDEPENDENT EVALUATION OF THE EVIDENCE CONTAINED THEREIN, I ACCEPTED THEIR CONCLUSIONS AND RECOMMENDATIONS.

THE REASONS FOR THESE CONCLUSIONS ARE WELL SET OUT IN GREAT DETAIL IN THE REPORT THAT HAS JUST BEEN PUBLISHED.

FOR THE ABOVE REASONS, THE STATEMENTS AND COMMENTARIES APPEARING IN THE MEDIA TO THE EFFECT THAT THE ATTORNEY-GENERAL AND THE DIRECTOR OF THE KENYA ANTI-CORRUPTION COMMISSION (KACC) HAVE CLEARED CERTAIN PERSONALITIES FROM SUSPECTED COMPLICITY IN THE ANGLO-LEASING OR ANGLO-LEASING TYPE PROJECTS (SECURITY PROJECTS) IS BOTH MISLEADING AND IN BAD TASTE.

FOR THE AVOIDANCE OF DOUBT, I REITERATE THAT THE INVESTIGATIONS INTO ALL THE ANGLO LEASING AND SECURITY (ANGLO LEASING TYPE) CONTRACTS ARE ON GOING AND THAT NO PERSON OR ENTITY HAS BEEN CLEARED. ONCE THESE INVESTIGATIONS ARE COMPLETED, THE FILES SHALL BE SUBMITTED TO ME FOR CONSIDERATION AND DIRECTIONS.

WHILE I UNDERSTAND THE CONCERNS AND ANXIETY OF THE PUBLIC AND THEIR DESIRE TO HAVE THE INVESTIGATIONS CONCLUDED, AND THOSE INVOLVED BROUGHT TO BOOK, NONE THE LESS, I WOULD APPEAL TO ALL CONCERNED TO ENSURE THAT THEY GET THEIR ACTS CORRECT BEFORE MAKING PUBLIC UTTERANCES ON MATTERS UNDER INVESTIGATIONS.

IT SHOULD ALSO BE UNDERSTOOD AND APPRECIATED THAT ALL THOSE UNDER INVESTIGATIONS ARE ENTITLED TO THE DUE PROCESS OF THE LAW. IT IS THE RESPONSIBILITY OF THE ATTORNEY GENERAL, AS THE CUSTODIAN OF THE LAW, TO ENSURE THAT THE RIGHTS OF THE PUBLIC INCLUDING THOSE UNDER INVESTIGATIONS ARE RESPECTED AND UPHELD. WE ARE A COUNTRY UNDER THE RULE OF LAW AND ACCORDINGLY THE FIGHT AGAINST CORRUPTION MUST AND SHOULD BE FOUGHT AND WON IN STRICT ACCORDANCE WITH THE DUE PROCESS OF THE LAW - A CARDINAL PRINCIPLE OF WHICH IS THE PRESUMPTION THAT A PERSON SUSPECTED OF CRIME IS INNOCENT UNTIL HE PLEADS GUILTY OR IS FOUND GUILTY BY A COURT OF LAW AFTER A FAIR TRIAL. MEMBERS OF THE PUBLIC SHOULD DESIST FROM MAKING STATEMENTS WHICH WILL PREJUDICE THE CONSTITUTIONAL RIGHT TO A FAIR TRIAL IN THESE MATTERS.

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22ND JANUARY 2007