



**QUARTERLY REPORT  
BY THE KENYA ANTI-CORRUPTION  
COMMISSION**

**1<sup>st</sup> OCTOBER TO 31<sup>st</sup> DECEMBER 2004**

*Tumalize Ufisadi*

## PREAMBLE

The Kenya Anti- Corruption Commission is required under sections 35 and 36 of the Anti-Corruption and Economic Crimes Act to prepare quarterly reports.

Section 35 of the Act provides as follows:

- (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.

In addition, Section 36 provides as follows:

- (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 prepared pursuant to sections 35 and 36 of the Anti-Corruption and Economic Crimes Act.

## INVESTIGATIONS CONCLUDED IN THE PERIOD OCTOBER-DECEMBER 2004

### 1. **KACC/INQ/5/4.02.2004**

This was an inquiry into allegations that certain Ministers bribed delegates participating in the Constitution of Kenya Review Conference and that the Member of Parliament for Hamisi Constituency had uttered false and alarming statements.

#### **Recommendation**

Investigations failed to establish any offence and it was recommended that the file be closed.

The file was forwarded to the Attorney General on 22nd September 2004 and action is awaited.

### 2. **KACC/INQ. 6/5/5.2.2004**

This was an inquiry into allegations that the County Clerk of Maragua County Council had corruptly solicited for a sum of Kshs. 50,000/= as a reward for having allegedly facilitated for a tender award for supply of stationary to the complainant's firm.

Investigations established that the County Clerk had demanded for a bribe and had received Kshs 20,000/= from the Complainant after a trap was laid.

The suspect was arraigned in court on 5th February 2004.

#### **Recommendation**

There was sufficient evidence to warrant a charge of corruption contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act.

The file was forwarded to the Attorney General on 22nd November 2004. In the meantime, the matter is pending before Embu Anti-Corruption Court.

**3. KACC/INQ.40/27.09.04**

This was an inquiry into allegations that two employees of the City Council of Nairobi corruptly solicited for a sum of Kshs. 10,000/- in order to allow the complainant to continue with repairs of a pavement outside Traven House situated at the junction of Hakati / Mfangano roads.

The suspects were arraigned in court on 28th September 2004.

**Recommendation**

That there is sufficient evidence to charge the first accused with the offence of corruption contrary to section 39(3) (a) of the Anti-Corruption and Economic Crimes Act. However, the case against the second accused should be withdrawn for insufficient evidence.

The file was forwarded to the Attorney General on 24th November 2004. In the meantime, the case is pending before court.

**4. KACC/INQ.30/3.08.2004**

This was an inquiry into an allegation that a Police Constable attached to Ruai Police Station demanded a bribe of Kshs. 2,000/- so as to forbear charging the complainant with a criminal offence.

Investigations established that the suspect had demanded for a bribe and had received a sum of Kshs. 1,200/- from the complainant.

The suspect was arraigned in court on 5th August 2004.

### **Recommendation**

There was sufficient evidence to sustain two counts of corruption contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act.

The file was forwarded to the Attorney General on 24th November 2004. The case is in the meantime pending before court.

### **STATISTICAL SUMMARY**

<b>No. of files forwarded to the Attorney General</b>	<b>4</b>
<b>No. of files recommended for prosecution</b>	<b>3</b>
<b>No. of files recommended for administrative or other action</b>	<b>0</b>
<b>No. of files recommended for closure</b>	<b>1</b>
<b>No. of files where recommendation for prosecution accepted</b>	<b>0</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>0</b>
<b>No. of files where recommendation for prosecution 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 recommendation for closure not accepted</b>	<b>0</b>
<b>No. of files awaiting Attorney General's action</b>	<b>4</b>

DATED at Nairobi this 5<sup>th</sup> day of January, 2005



JUSTICE (RTD) AARON G. RINGERA  
DIRECTOR/ CHIEF EXECUTIVE  
KENYA ANTI-CORRUPTION COMMISSION