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**THE FOURTH QUARTERLY REPORT FOR
THE YEAR 2007 COVERING THE PERIOD 1ST
OCTOBER 2007 TO 31ST DECEMBER 2007**

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**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 fourth quarter of the year 2007 and is for the period commencing 1st October, 2007 to 31st December, 2007.

INVESTIGATION REPORTS MADE TO THE ATTORNEY GENERAL DURING THE FOURTH QUARTER COVERING THE PERIOD 1ST OCTOBER, 2007 TO 31ST DECEMBER, 2007

1. KACC 011/45/2007 - COURT FILE: MAKADARA ACC. 32/2007

Inquiry into an allegation that the Assistant Chief of Muthingiine Sub location in Kibwezi District had corruptly solicited for a benefit of Kshs. 2,390/- in order to forbear charging the complainant with an alleged offence of handling stolen goods. Investigations established the solicitation and the subsequent receipt by the suspect of a benefit of Kshs. 2,400/-. He was arrested and charged with three counts of corruption under Section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 1st October, 2007 with recommendation that the case pending before Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 13th November, 2007.

2. KACC.CR. 011/73/2007 – COURT FILE: NAIROBI ACC. 26/2007

Inquiry into allegations that a police officer attached to Lang'ata Divisional Traffic Office had solicited for a benefit of Kshs. 3,000/- as inducement so as to forbear charging the complainant's driver with traffic offences. Investigations confirmed the solicitation and subsequent receipt by the officer of a benefit of Kshs. 2,000/- through an agent. He was arrested and charged jointly with the agent with corruption offences under section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 2nd October, 2007 with recommendation that the case pending before Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on 2nd November, 2007.

3. KACC.CR. 911/177/2007 – COURT FILE: BUNGOMA ACC. 904/2007

Inquiry into allegations that a Resident Magistrate based at Kakamega Law Courts had solicited for a bribe of Kshs. 40,000/- as inducement so as to deliver a favourable judgment in a criminal case that he was handling, in which the complainant was charged with the offence of malicious damage to property. Investigations

confirmed the solicitation and the receipt by the Magistrate of a benefit of Kshs. 19,000/- with the collusion of an agent. The two suspects were arrested and charged with three counts of soliciting and receiving a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 3rd October, 2007 with recommendation that the case that is pending before the Bungoma Anti-corruption Court be prosecuted to conclusion. The Attorney General accepted the recommendation on 1st November, 2007.

4. KACC/FI/INQ/07/2006

Inquiry into allegations of abuse of office against the former Managing Director of Kenya Literature Bureau. It was alleged that the Kenya Literature Bureau was on the verge of collapse due to the following:

- a) Unnecessary allowances paid to both the Management and the Board of Directors.
- b) Purchase of vehicles, which had not been fully paid for by the time of the complaint.
- c) Printing of text books outside the country when such printing could be done by the Bureau's own printing press.
- d) Employment of staff on tribal lines and placing such employees on higher job groups notwithstanding their lack of job experience.
- e) Purchase of a machine from South Africa which had cost more money in repairs than the cost price.

Investigations revealed no truth in any of these allegations. It was established that the procurement of the motor vehicles, the book binding machine and the printing services was regularly and transparently undertaken. The allegations of ethnicity in staff recruitment and the unnecessary payment of allowances to the Management and members of the Board of Directors were similarly found to be untrue.

The file was forwarded to the Attorney General on 3rd October, 2007 with recommendation for closure. The Attorney General accepted that recommendation on the 6th November, 2007.

5. KACC.CR.411/15/2007 - COURT FILE: EMBU ACC. 3/2007

Inquiry into an allegation that an Assistant Land Registrar, Embu, had solicited for a benefit of Kshs. 1,000/- from the complainant as an inducement to register a transfer of land in his favour. The investigation established the solicitation and receipt of a benefit in the sum of Kshs. 200/- by the officer. He was arrested and charged before the Embu Anti – Corruption Court with three counts of corruption.

The file was forwarded to the Attorney General on 3rd October, 2007 with recommendation that the case that is pending before Embu Anti-Corruption Court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 7th November, 2007.

6. KACC/FI/INQ./107/2005

Inquiry into allegations that 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 Company Ltd. This file had earlier been submitted to the Attorney General with a recommendation for closure but was returned to the Commission on the 4th January, 2007 for further investigations.

The additional points were covered and the file was re-submitted to the Attorney General on 8th October, 2007 with recommendation closure. The advice of the Attorney General is awaited.

7. KACC/OPS/INQ./2/2007

Inquiry into allegations that the Chief Surveyor with the City Council of Nairobi had solicited for a benefit of Kshs. 2.5 million from the complainant as inducement to facilitate the unconditional authorization for the subdivision of his Karen Plot No. 1160/40. The investigation established the solicitation. It was further established that the suspect had involved his lawyer in a conspiracy to disguise the anticipated receipt of the bribe and make it appear that it was payment for survey services rendered to the complainant, to which end he made documents in the complainant's name without his authority.

The file was forwarded to the Attorney General on 12th October, 2007 with recommendation that the former Chief Surveyor and the Advocate be arrested and prosecuted for soliciting for a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003 and conspiracy to effect and unlawful purpose contrary to section 395(f) of the Penal Code, Chapter 63 of the Laws of Kenya. The recommendation was accepted by the Attorney General on 12th November, 2007.

8. KACC CR 142/159/2006 - COURT FILE: NAIROBI ACC 78/2006

Inquiry into allegations that two employees of the Co-operative Bank of Kenya Ltd, Head Office Branch, had solicited for a benefit of Kshs. 400,000/- from the complainant, an employee of Taws Ltd, as inducement to write a favourable report about his company to the Security Sub-Committee of the Kenya Bankers Association. Investigations established that the two had indeed solicited for Kshs. 400,000/- as alleged and received a benefit of Kshs. 50,000/-. They were arrested and charged before the Makadara Anti – Corruption Court with the offence of soliciting and receiving a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 12th October, 2007 with recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 13th November, 2007.

9. KACC.CR.121/277/2007 - COURT FILE:MAKADARA ACC. NO. 30/2007

Inquiry into allegations that a member of the public had represented himself as an Investigator of the Kenya Anti-Corruption Commission. Investigations revealed that the suspect had for a period of time, represented himself as a KACC investigator and extorted money from several people, two of whom were traced. Also recovered from his possession was a forged staff identity card purporting to have been issued by the Commission. He was arrested and charged with impersonating an investigator of the Kenya Anti-Corruption Commission contrary to section 34(2) of the Anti-Corruption and Economic Crimes Act, 2003, uttering a false document contrary to section 353 of the Penal Code, stealing from the person contrary to section 279(a) of the Penal Code and attempted extortion contrary to section 300(1)(a) of the Penal Code.

The file was forwarded to the Attorney General on 16th October, 2007 with recommendation that the case pending in court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 26th November, 2007.

10. KACC/FI/INQ/50/2006

Inquiry into an allegation of conspiracy to defraud Kenya Tea Development Agency (KTDA) and UAP Insurance Company Ltd of about Kshs. 5 million as payment for general and special damages from claims regarding an accident that was alleged to have occurred on 31st August, 2004 involving an Isuzu lorry Registration No. KZK 214 belonging to Ogembo Tea Factory. Investigations established that no such accident occurred and that this was an elaborate conspiracy to defraud KTDA involving the alleged victims, their advocate, traffic policemen at Ogembo Police Station and a medical practitioner based at Awendo.

The file was forwarded to the Attorney General on 17th October, 2007 with recommendation that the suspects be charged with conspiracy to defraud, giving false information to a person employed in the public service and perjury contrary to sections 317, 129 and 108(1), respectively, of the Penal Code, Chapter 63 of the Laws of Kenya. The recommendation was accepted by the Attorney General on 26th November, 2007.

11. KACC. CR. 411/85/2007 – COURT FILE: EMBU ACC. NO. 5/2007

Inquiry into allegations that a police officer based at Kerugoya Police Station had solicited for a sum of Kshs. 100,000/- from the complainant's husband as inducement to forbear charging him with an alleged offence of robbery with violence. Investigations established the solicitation and subsequent receipt from the complainant of a benefit of Kshs. 50,000/- by the officer. He was arrested and charged with soliciting and receiving a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 19th October, 2007 with recommendation that the case that is pending before Embu Anti-Corruption Court be prosecuted to conclusion. The

recommendation was accepted by the Attorney General on 27th November, 2007.

12. KACC/AT/INQ/19/2006

Inquiry into allegations that Kangema District Officer influenced an award of contract for the construction of Muguru Location Chief's camp, which was funded through the Kangema Constituency Development Fund, in favour of his wife. Investigations established that the contract was procured in a transparent manner and that it was awarded to a local contractor and not the wife of the District Officer as alleged. It was further established that the wife of the District Officer had no connection at all with the winning firm.

The file was forwarded to the Attorney General on 24th October, 2007 with recommendation for closure of the inquiry file. The recommendation was accepted by the Attorney General on 26th November, 2007.

13. KACC CR 973/150/2007 - COURT FILE: KAKAMEGA ACC. 932/07

Inquiry into allegations that the Chief of Marenyo Location in Butere had corruptly solicited for a benefit of Kshs. 15,000/- from the complainant as inducement to forbear arresting him for an alleged offence of defilement of a young girl. Investigations confirmed the solicitation. The Chief was arrested and charged before the Kakamega Anti – Corruption Court with two counts of soliciting for a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 29th October, 2007 with recommendation that the case pending before Kakamega Anti-Corruption Court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on the 28th November, 2007.

14. KACC CR 141/411/2007 - COURT FILE: NAIROBI ACC 29/2007

Inquiry into allegations that an official of the City Council of Nairobi, had corruptly solicited for a bribe of Kshs. 30,000/- as an inducement to forbear charging the complainant with an alleged offence of gate and vehicle branding, and display of directional signs without a licence. Investigations established the solicitation and the

subsequent receipt by the suspect of a benefit of Kshs. 3,700/- from the complainant. He was arrested and charged with three counts of soliciting and receiving a benefit.

The file was forwarded to the Attorney General on 2nd November, 2007 with recommendation that the case pending before Court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on 26th November, 2007.

15. KACC/INQ.49/8.12,2004

Inquiry into allegations of misappropriation of Government funds disbursed by Treasury through the Ministry of Health to Kenya Medical Research Institute (KEMRI) during the financial year 1999/2000 amounting to Kshs. 142 million. Investigations established that the funds were intended to purchase some property on LR 209/10683 under a purchase-financed arrangement with a developer but was never put to the intended use.

The file was forwarded to the Attorney General on 7th November, 2007 with a recommendation that the Director of contracted company be charged with obtaining Kshs. 8,500,000/- by false pretences and uttering a false document contrary to sections 313 and 353 of the Penal Code, Chapter 63 of the Laws of Kenya. It was further recommended that the Director of KEMRI and KEMRI's lawyer be charged jointly with the offence of stealing contrary to section 275 of the Penal Code. The advice of the Attorney General is awaited.

16. KACC/FI/INQ/9/2005

Inquiry into alleged irregularities at Kenya Pipeline Company Ltd in the Kshs. 2 billion borrowing contract with Triple A Capital Ltd. Investigations revealed a conspiracy by the former Chairman of the Board and the former Managing Director of KPC to defraud KPC with the collusion of the directors of Triple A Capital Ltd, leading to the loss of public funds amounting to Kshs. 285,597,362/-.

The file was forwarded to the Attorney General on 12th November, 2007 with the recommendation that the suspects be charged with conspiracy to defraud contrary to section 317 of the Penal Code, fraudulent acquisition of public property, contrary to section 45(1)(a) of the Anti-Corruption and Economic Crimes Act, fraudulent payment from public revenue for services not rendered

contrary to section 45(2)(a)(iii) of the Anti-Corruption and Economic Crimes Act, and abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act. The advice of the Attorney General is awaited.

17. KACC.CR.142/135/2007 - COURT FILE: NAIROBI ACC. 45/07

Inquiry into allegations that a police officer based at Tigoni Police Station had solicited for a bribe of Kshs. 30,000/- from the complainant as an inducement to facilitate the release of her brother in law from police custody where he was held as a suspect in a case of robbery with violence. Investigations established the solicitation and the subsequent receipt by the officer of a bribe of Kshs. 15,000/-. He was arrested and charged before the Nairobi Anti-Corruption Court with two counts of soliciting and one count of receiving a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 16th November, 2007 with recommendation that the case pending before Nairobi Anti-Corruption Court be prosecuted to its logical conclusion. The recommendation was accepted by the Attorney General on the 14th December, 2007.

18. KACC.CR.741/38/2007 – COURT FILE: KERICHO ACC. 2/2007

Inquiry into allegations that a police officer who was then the Officer in Charge of Eldoret Police Station (OCS) had solicited for a bribe of Kshs. 100,000/- as inducement to release the complainant's property which had been seized by the police in the course of investigations on suspicion that they were stolen property. Investigations by the Commission confirmed the solicitation and the subsequent receipt by the OCS and two other police officers of a bribe of Kshs. 30,000/-. The three officers also obstructed the KACC investigators in the performance of their duties. They were arrested and charged with soliciting and receiving a benefit and obstruction of KACC investigators contrary to sections 39(3)(a) and section 66(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 28th November, 2007 with recommendation that the case that is pending before Kericho Anti-Corruption Court be prosecuted to conclusion. The recommendation was accepted by the Attorney General on the 17th December, 2007.

19. KACC/FI/INQ./15/2005

Inquiry into allegations of irregular procurement of motor vehicles and stationery by M/s New KCC Ltd and fraudulent false accounting by officers in the company's Sales Department. It was alleged that a car hire company was irregularly awarded a contract to lease vehicles to New KCC Ltd and that a firm owned by the wife of the then Minister for Co-operative Development had irregularly been awarded a contract to supply stationery to New KCC Ltd. The investigations revealed that the procurement for lease hire services was regularly undertaken, that the firm owned by the wife of the then Minister for Co-operative Development was only one of many contractors who were pre-qualified through a transparent evaluation process in compliance with the Exchequer & Audit (Public Procurement) Regulations, 2001, that were then in force, and was not favoured in any way.

Regarding allegations that the Sales and Distribution Manager of New KCC Ltd had sold milk to some three specific companies but that no payments were made by the said companies to New KCC Ltd, it was established that the said three companies paid for the milk purchased by them.

The file was forwarded to the Attorney General on 28th November, 2007 with recommendation that the inquiry file be closed. The advice of the Attorney General is awaited.

20. KACC.CR.141/1265/2007 - COURT FILE: MAKADARA ACC.35/2007

Inquiry into allegations that a police officer attached to Kilimani Police Station had corruptly solicited for a benefit of Kshs. 20,000/- as an inducement to forbear charging the complainant's uncle with an alleged offence of being unlawfully present in Kenya. Investigations confirmed the solicitation. On noticing that the complainant had an audio recording device, the suspect confiscated the same and caused the arrest of the complainant on the false accusation that he had been found in possession of cannabis sativa (bhang). The officer was later arrested and charged before Makadara Anti-Corruption Court with two counts of soliciting for a benefit and one count of removing evidence contrary to sections 39(3)(a) and 66(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 28th November, 2007 with recommendation that the charge of removing evidence relating to the confiscation of the audio recording device be replaced with one of stealing contrary to section 275 of the Penal Code, Chapter 63 of the Laws of Kenya, and that the case pending before Makadara Anti-Corruption Court be prosecuted to its logical conclusion.

21. KACC.CR.214/129/2007 - COURT FILE: NAIROBI ACC.34/2007

This matter arose from a complaint that the District Officer, Kikuyu Division had solicited for a benefit as inducement to recruit the complainant as the assistant chief of Karai Sub-location. In the course of investigations into that allegation, the Administration Police officers attached to the DO's office, assaulted the KACC investigators and obstructed them from arresting the District Officer. The Administration Police officers involved were accordingly arrested and charged before the Makadara Anti-Corruption Court with assault and obstruction contrary to section 66(1) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 29th November 2007 with recommendation that the case pending before Court be prosecuted to its logical conclusion.

22. KACC.CR.142/123/2007-COURT FILE: MAKADARA ACC. 40/2007

Inquiry into allegations that two police officers attached to Railway Police Station had demanded for a bribe of Kshs. 5,000/- as inducement to forbear arresting the complainant and his colleague for an alleged offence of causing damage to a Kenya Railways fence during a road traffic accident. Investigations confirmed the solicitation and the subsequent receipt by the officers of a benefit of Kshs. 5,000/-. They were arrested and charged with soliciting and receiving a benefit, contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 29th November 2007 with recommendation that the case that is pending before Makadara Anti-Corruption Court be prosecuted to conclusion.

23. KACC/FI/INQ./95/2005

Inquiry into allegations of corruption against the former Director and Assistant Director of the Urban Development Department in the Ministry of Local Government (UDD) in respect of the award of tender and implementation of the project for construction of Migori and Awendo Bust Parks. Investigations revealed a number of irregularities in connection with the tender process for which the Director and Assistant Director were to blame as well as irregular payments to the contractor for services not yet rendered based certificates of payment approved by the two suspects.

The file was forwarded to the Attorney General on 3rd December 2007 with recommendation that the Director, Assistant Director of UDD as well as the contractor be charged with various counts of wilful failure to comply with applicable procedures and guidelines relating to management of public funds, abuse of office, fraudulent acquisition of a public benefit and receiving a benefit contrary to sections 39(3)(a), 45(1)(a), 45(2)(b) and 46 of the Anti-Corruption and Economic Crimes Act, 2003. Advice of the Attorney General is awaited.

24. KACC CR. 741/23/2007 - COURT FILE: NAKURU ACC 1/07

Inquiry into an allegation that two court clerks attached to Bomet Law Courts had corruptly solicited for a benefit of Kshs. 500/- as an inducement from the complainant in order to facilitate the preparation and service of a hearing notice upon her husband whom she had sued in Bomet Children's Case No. 3 of 2006. Investigations established that the money allegedly solicited for was indeed lawful court fees for the issuance and service of a hearing notice for which a receipt was issued.

Accordingly, the file was forwarded to the Attorney General on 14th December, 2007 with recommendation that the case pending before Court be discontinued under section 82 or 87 of the Criminal Procedure code, Chapter 75 of the Laws of Kenya.

25. KACC CR. 141/298/2007 - COURT FILE: NAIROBI ACC 35/2007

Inquiry into an allegation that a police officer and former employee of the Kenya Anti-Corruption Commission had offered a benefit of Kshs. 100,000/- to an Investigating officer of the Kenya Anti-Corruption Commission as inducement for the said KACC officer to

write a favourable report in an investigation he was conducting against the former Deputy Mayor of the City Council of Nairobi. The investigation established the offer and subsequent handing over by the police officer of a benefit in the sum of Kshs. 50,000/- to the KACC investigator for and on behalf of the former Deputy Mayor. Both suspects were arrested and charged in Nairobi Anti-Corruption Court with offering and giving a benefit contrary to section 39(3)(b) of the Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 14th December, with recommendation that the case pending before Court be prosecuted to its logical conclusion.

26. KACC CR.411/110/07 - COURT FILE: EMBU ACC 7/2007

Inquiry into an allegation that a Demarcation Officer based at Igembe Land Adjudication Office in Meru had corruptly solicited for a benefit of Kshs. 2,000/- as an inducement to rectify the land register in relation to a mistake noted in connection with the complainants land title. The Investigation established the solicitation and the subsequent receipt by the suspect of a benefit in the sum of Kshs. 1,000/-. He was arrested and charged with soliciting and receiving a benefit, contrary to section 39(3)(a) of Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 17th December, 2007 with recommendation that the case pending before Court be prosecuted to its logical conclusion.

27. KACC CR.346/199/07 – COURT FILE MOMBASA ACC 7/2007

Inquiry into an allegation that employees of the Kenya Revenue Authority (KRA) based at Kilindini Port, Mombasa, were soliciting and receiving bribes from clearing agents as inducement in order to allow unverified imports into the country. Following this report, officers of the Kenya Anti-Corruption Commission conducted a one week surveillance exercise at the port, during which one of the KRA officers was observed receiving various amounts of money in bribes from clearing agents. He was arrested and upon being searched was found with a total of Kshs. 211,050 on his person and drawers. A further search was conducted at his house and a sum of Kshs. 318,000 recovered from a suitcase. After his arrest and while being escorted to his house, he offered a bribe to one of the officers of the Kenya Anti-Corruption Commission so as to be released. He was

nonetheless taken into custody and charged with two counts of receiving a benefit and one count of offering a benefit contrary to sections 39(3)(a) and (b) of Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 17th December, 2007 with recommendation that the case pending before Court be prosecuted to its logical conclusion in respect only of the third count of offering a benefit and that the first two counts of receiving a benefit be withdrawn under section 87(a) of the Criminal Procedure Code, Chapter 75 of the Laws of Kenya for lack of sufficient evidence, granted that the people from whom the suspect received bribes could not be traced.

28. KACC/FI/INQ/41/2007

Inquiry into allegations that the Managing Trustee of the Local Authorities Pensions Trust irregularly obtained a loan of Kshs 400,000/- from the Super Fund Multipurpose Savings and Credit Co-operative Society Ltd without the intention of repaying it. The Investigation established that the suspect did indeed obtain a loan as alleged and that his loan application was duly approved by the Credit Committee. There was no indication however that he influenced the Credit Committee in any way to grant his application. It was also established that the loan was factored in the Society's books and was being repaid as per the terms approved by the Credit Committee. There was, in addition, a repayment guarantee by which the suspect's guarantors authorized the Sacco Society to have recourse to them in the event of default. Proper safeguards had therefore been put in place to ensure recovery of the loan.

The file was forwarded to the Attorney General on 21st December, 2007 with recommendation that the inquiry file be closed. The advice of the Attorney General is awaited.

29. KACC CR.921/549/2007 - COURT FILE: RAKAMEGA ACC 2413/2007

Inquiry into an allegation that a police officer based at Luanda Police Station had corruptly solicited for a benefit of Kshs. 2,000/- from the complainant as an inducement to release his brother who had been detained at Luanda Police Station on allegations of involvement in robbery. The Investigation established the solicitation and the subsequent receipt by the suspect of a benefit in the sum

of Kshs. 2,000/-. He was arrested and charged with soliciting and receiving a benefit, contrary to section 39(3)(a) of Anti-Corruption and Economic Crimes Act, 2003.

The file was forwarded to the Attorney General on 21st December, 2007 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	29
No. of files recommended for prosecution	24
No. of files recommended for administrative or other action	0
No. of files recommended for closure	5
No. of files where recommendation to prosecute accepted	21
No. of files recommended for prosecution and the cases are already lodged in Court	20
No. of files where recommendation for administrative or other action accepted	0
No. of files where recommendation for closure accepted	2
No. of files where recommendation to prosecute not accepted	0
No. of files where A-G has recommended further investigations	0
No. of files where recommendation for administrative or other action not accepted	0
No. of files where closure not accepted	0
No. of files forwarded in the previous quarters and received during this quarter	2
No. of files awaiting Attorney General's action	6

DATED AT NAIROBI THIS 14th DAY OF JANUARY, 2008


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

