

REALIZING INTEGRITY LAW: WALKING THE TALK

*A Consolidated Analytical Account of Adversely Mentioned Persons as
Contained in Publicly Available Reports*



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ACKNOWLEDGMENTS

Kenya has embarked upon the transformation of its governance structures with the promulgation of the Constitution 2010 which, among other things, has linked leadership with integrity. The requirement for integrity in leadership is a result of the realisation by Kenyans that only those with unquestionable track records can be trusted to bring this country forward.

The realization of the aspirations enshrined in the Constitution, particularly on Leadership and Integrity, will require a concerted effort to ensure that those trusted with positions of leadership adhere to standards that bring honour and dignity to the offices they hold.

The public bestows trust unto leaders and State officers. That trust must be met in a manner consistent with the Constitution of Kenya, and which demonstrates respect for the people and promote public confidence.

It is within this orientation that the Law Society of Kenya wishes to share with you the report ***Realizing Integrity Law: Walking the Talk - A Consolidated Analytical Account of Adversely Mentioned Persons as Contained in Publicly Available Reports***. Its aim is to support the quest for leadership that meets the spirit of integrity enshrined in the Constitution.

I wish to convey our gratitude to the German Development Cooperation (GDC) for the invaluable support in the production of this report.

Last but not least, I thank the Council of the Law Society of Kenya for the policy direction in this regard.



APOLLO MBOYA
SECRETARY/CEO

FORWARD

The promulgation of the new Constitution in August 2010 has radically changed the landscape for leadership and public governance in Kenya. The Constitution has, among other requirements, introduced a high threshold for both State officers and public officers.

Article 73(1) of the Constitution stipulates that the authority assigned to a State officer is a public trust to be exercised in a manner that is consistent with the purpose and objects of the Constitution, demonstrates respect for the people, brings honour to the nation and dignity to the office and promotes public confidence in the integrity of the office. Article 75 (1) provides guidelines for the conduct of a State officer both in private and in public life.

The eligibility of persons for election or appointment to public office is to be measured against the criteria and attributes required by Chapter Six of the Constitution, while in the vetting process, candidates for various public and political positions are required to show that they satisfy the moral and ethical requirements. Once assuming office, the leaders and State officers will be required to continuously observe the requirements of Chapter Six, not only in their public and official life but in their private life as well.

Over the years, several leaders and Public officers have been adversely mentioned in various Parliamentary Investment Committee reports, Parliamentary Accounts Committee reports, and Parliamentary Select Committee reports, Reports of Controller and Auditor's Reports, Commissions of Inquiry and reports by government and non-governmental organizations.

The reports of the committees and the commissions in most cases have not been acted upon. Indeed, many individuals adversely mentioned in these reports continue to hold senior positions in public life.

The Law Society of Kenya (LSK) sought to produce a consolidated analysis of relevant adversely mentioned persons, persons recommended for prosecution or surcharged in relation to public loss or criminal culpability. The report reviews and highlights information contained in various public documents, provides a synopsis of allegations against individuals, any other incriminating public information or issue or violation.

The report does not necessarily make a determination on the guilt of individuals. Rather, it feeds into a broader policy discourse on leadership and integrity in Kenya through evidence based vetting of potential leaders and State officers. Through this report, LSK is performing its statutory duty of promoting the rule of law and good governance towards the realisation of the integrity threshold provided in the Constitution of Kenya 2010.



ERIC KYALO MUTUA
CHAIRMAN

TABLE OF CONTENTS

TABLE OF CONTENTS	4
INTRODUCTION	5
SECTION 1: Complicity to individual and/ or mass human rights violations	7
1.1. Targeted Killings/Political Assassinations	7
1.2. Incitement to Violence, Murder and Forcible Displacement of Persons	11
1.2.1. Report of the Judicial Commission appointed to inquire into tribal clashes in Kenya (the Akiwumi report)	11
1.2.2. Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya 1992 (the Kiliku Report).....	16
1.3. Aiding and Abetting Illegal Activities	17
1.3.1. The Joint Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers.	17
MATRIX 1.....	19
SECTION 2: Complicity to corruption, economic crimes and abuse of office in Kenya	32
1.4. The legal and institutional framework for addressing corruption, abuse office and economic crimes in Kenya	32
1.4.1. Nature and Cost of abuse office.....	32
1.5. Illegal Allocation of Public Land	33
1.5.1. Inquiry into Kenya’s Land Issues (the Njonjo Commission).	33
1.5.1.1. The Commission of Inquiry into the Illegal/Irregular Allocation of Public Land (the Ndungu Report on land grabbing).	33
MATRIX 2.....	35

INTRODUCTION

This report is based on a study that was conducted by LSK in November and December 2012. The study comprised of a detailed review of published documents, some of which were not publicly distributed, the majority of which were either judicial or parliamentary commissions set to investigate serious human rights abuses putting the integrity and standing of individuals in question. The study was intended to introduce new approaches in the broader policy discourse on leadership and integrity in Kenya by providing evidence based tools for the vetting of potential leaders and State officers.

The study examined various public documents, including Parliamentary Investment Committee reports, Parliamentary Accounts Committee reports, and Parliamentary Select Committee reports, Controller and Auditor's Reports and Commissions of Inquiry to analyze the roles of public and State officers adversely mentioned.

The specific documents reviewed for the study included the following:

- The Report of the Commission of Inquiry into the Illegal and Irregular Allocation of Public Lands, 2003/2004 (*the Ndung'u Report on land grabbing*)
- The Report of the Judicial Commission appointed to inquire into tribal clashes in Kenya (*the Akiwumi Commission*)
- The Report of the Commission of Inquiry into the land law system of Kenya, 1999/2009 (*the Njonjo Commission*)
- The Report of the Select Committee on the disappearance and murder of the late member for Nyandarua North, the Hon. JM Kariuki, 1975 (*Mwangale Report*)
- The Report of the Parliamentary Select Committee investigating circumstances leading to the death of the late Dr. the Hon. Robert John Ouko, 2005 (*the Sunguh Report*)
- The Commission of Inquiry into the death of Robert Ouko, 1991 (*the Gicheru Commission Report*)
- The Report of the Joint Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers
- The Report of the Parliamentary Select Committee to investigate ethnic clashes in Western and other parts of Kenya, 1992 (*the Kiliku Report*)
- The Report of the Judicial Commission of inquiry into the Goldenberg Affair, 2004 (*the Bosire Report/the Goldenberg Report*)
- Report of the Defense Committee on the Sale of Embassy Houses
- Report on the ownership of South Ngariama Ranch
- Report status of ownership of LR 2890 in Timau Township
- The Report of the Public Accounts Committee on the matter of currency printing contracts between the Central Bank of Kenya and De La Rue Company (*De La Rue Report*)
- Report on alleged irregularities on the rolling-out of the Civil Servants' Out-patient Medical Insurance Scheme
- Seventeenth Report of the Public Investments Committee, 2010
- Sixteenth Report of the Public Investments Committee, 2009
- Public Accounts Committee Report on the 2004-2005 Financial Year
- Project KTM Kroll Consulting Report
- Report of the Parliamentary Select Committee on the decline of the Kenya shilling against major foreign currencies

- Country Development Fund (CDF) Mismanagement (*the Ababu Namwamba Report*)
- Parliamentary Anti-Corruption Select Committee, 2000 (*the Musikari Kombo Report*)
- National Social Security Fund (NSSF) special management audit report, 2008
- Special audit report of Controller and Auditor General on the purchase of land for cemetery by Nairobi City Council
- Report into the Maize Scandal, 2008

These documents covered issues and adversely mentioned leaders and public officers that have served some or all of the three post colonial Governments in Kenya. Some of the adversely mentioned individuals remain in active public life or are aspiring to be, despite integrity concerns, while others are retired or deceased but overall were never held to account.

The Mwangale Select Committee Report for example listed individuals that in the opinion of the commission participated or obstructed justice following the assassination of Josiah Mwangi Kariuki, a popular politician during the Kenyatta era, while the Sungu Report contains a list of adversely mentioned prominent persons, including politicians, lawyers, provincial administrators and police officers serving in President Moi's government following the mysterious killing of cabinet minister Robert Ouko. Other names adversely mentioned in the reports include senior government officials in President Mwai Kibaki's regime. Others are mentioned in reports that highlight misuse of public resources, impunity and obstruction to the administration of justice; those include the Ndung'u Commission report and the Parliamentary Report on the conduct of the Artur Brothers.

This report is divided into two broad sections. Section 1 seeks to develop a thematic and consolidated analytical account of adversely mentioned persons regarding human rights violations as contained in the publicly available reports.

Section 2 addresses issues of complicity to corruption, economic crimes and abuse of office. The public documents reviewed include those in which several leaders and public officers have been adversely mentioned and no restitutive or corrective action has been taken. In most instances, the reports have proposed policy measures to guard against malpractices and called on the government to hold to account certain individuals and companies adversely mentioned. The specific recommendations include prosecution, removal from positions of leadership, investigations and restitution of public property to the State.

In addition to providing a highlight of issues and pin-pointing individuals adversely mentioned in the various reports reviewed, a consolidated matrix of adversely mentioned persons, persons recommended for prosecution or surcharge in relation to public loss, and outright crime of negligence in Kenya is attached to this report for ease of reference.

SECTION 1: COMPLICITY TO INDIVIDUAL AND / OR MASS HUMAN RIGHTS VIOLATIONS

1.1. TARGETED KILLINGS/POLITICAL ASSASSINATIONS

Kenya has had a long history of political assassinations and targeted killings since independence. Some politicians and professionals have been assassinated, including:

- Pio Gama Pinto, 1965, socialist politician
- Tom Mboya, 1969, Kenyan politician
- JM Kariuki, 1975, Kenyan politician
- Lawrence Otieno Muga, 1987, politician and teacher
- Robert Ouko, 1990, Foreign Minister of Kenya
- John Kaiser, 2000, missionary (officially recorded as a suicide)
- Odhiambo Mbadi, 2005, Kenyan Constitution Review Commissioner

Although various commissions of inquiry have been set up to probe the cause of the mysterious disappearances and death of these individuals, no persons have been held to account. A good example is the deaths of JM Kariuki and Robert Ouko that took place during and implicated persons in top leadership in President Kenyatta and President Moi's governments respectively, and where two commissions of inquiry were formed.

The Murder of JM Kariuki

The Mwangale Select Committee Report (1975) on the death of JM Kariuki¹ was instituted by a resolution of parliament on the 14th March 1975 to investigate and report on the circumstances leading to the disappearance and death of JM Kariuki. The Committee held 46 meetings and interviewed 123 witnesses. However, it faced numerous challenges in trying to secure the cooperation of the police.² The Committee, in its conclusions, mentioned several individuals as having played a key role in the disappearance, murder and / or concealment of vital information that could have been helpful in tracing the key perpetrators. The Committee recommended further investigations of the following persons:

- 1) **Arthur Wanyoike Thungu** (*President Kenyatta's bodyguard, Superintendent of Police*). Subsequent serialization in the Daily Nation 2nd, 3rd and 4th March 2000 mentioned him as the key mastermind of the death of JM Kariuki.³
- 2) **Ben Gethi** (*Commandant of the G.S.U., 1978- 1982*).⁴ The Committee noted that since he was the last person seen by witnesses in the company of Mr. Kariuki when they left the Hilton Hotel together about two hours before the murder, he must be regarded as the accomplice or the murderer. The Committee recommended his suspension from duty pending investigations.

¹ See the Report of the Select Committee on the disappearance and murder of the late member for the Nyandarua North, the Hon. J.M. Kariuki, M.P., Committee chaired by E.W.Mwangale, M.P.

² Ibid paragraph 5.6

³ Michael Mundia Kamau, "Details of JM Kariuki's murder as disclosed by the daily Nation in march 2000"
<http://africanewsonline.blogspot.com/2012/07/details-of-jm-kariukis-murder-as.html>

⁴ Ibid paragraph 5.1

- 3) **Benard Hinga** (*Commissioner of Police, 1964-1978*).⁵ Alleged to have refused to cooperate with the Committee in the securing or preservation of evidence in the murder of JM Kariuki.
- 4) **George Githii** (*Journalist*). Allegedly to have misled the nation and Parliament in his publication on the 8th of March 1975 indicating that JM Kariuki was in Zambia.
- 5) **Ignatius I. Nderi** (*Director CID, 1974-1984*).⁶ Alleged to have refused to cooperate with the Committee in the securing or preservation of evidence in the murder of JM Kariuki.
- 6) **Mr. Kinyanjui** (*Inspector of Police – Ngong Police Station*). Acting negligently to conceal evidence.
- 7) **Mr. Mungai** (*Senior Assistant Commissioner of police*).⁷ Alleged to have refused to cooperate with the Committee in the securing or preservation of evidence in the murder of JM Kariuki.
- 8) **Mr. Ndegwa** (*Acting inspector of Police – Ngong Police Station*). Acting negligently to conceal evidence.
- 9) **Mr. Sokhi** (*Senior Superintendent of Police*).⁸ Alleged to have refused to cooperate with the Committee in the securing or preservation of evidence in the murder of JM Kariuki.
- 10) **Patrick Shaw** (*Kenya Police Reservist*). Suspicious movements requiring further investigation.
- 11) **Peter Kibathi Thuo**. Named as possible murderer of JM Kariuki.
- 12) **Peter Gicheru Njau**. Named as possible murderer of JM Kariuki.
- 13) **Peter Kimani**. Named as possible murderer of JM Kariuki.
- 14) **Mr. Sokho**. Alleged to have refused to cooperate with the Committee in the securing or preservation of evidence in the murder of JM Kariuki.
- 15) **Mr Henry Waga** (*Ngong Police Station*). Mentioned as one of the suspects.

The Committee further recommended that the following persons' nature of movement and activities should be further investigated:⁹

- a) **Evans Ngugi**
- b) **John Matung'u** (Councillor Ole Kejuado County Council)
- c) **Mr. Karanja**

⁵ Ibid paragraph 5.2

⁶ Ibid paragraph 5.2

⁷ Ibid paragraph 5.2

⁸ Ibid paragraph 5.2

⁹ Ibid, Report of the Select Committee on the disappearance and murder of the late member for Nyandarua North, the Hon. JM Kariuki, 1975 paragraph 5.5

- d) **Silas Mburu Gichua** (Councillor and Mayor of Nakuru)
- e) **Stanley Thuo** (District Commissioner, Nyandarua)
- f) **Waruhiu Itote** (Deputy Director, National Youth Service)

The murder of Dr. Robert Ouko

Following the death of Dr. Robert Ouko, a committee of parliament (*the Parliamentary Select Committee Investigating Circumstances Leading to the Death of the Late Hon. Dr. Robert John Ouko*) was established on the 26th of March 2003 by a resolution of Parliament to establish and report on the circumstances leading to the disappearance and death of Dr. Robert Ouko.

The Committee was chaired by Hon. Gor Sungu, the then M.P. for Kisumu Town East. The Committee was faced with various challenges, including the resignation of five members its members in regards to the chairperson's conduct. Out of the 10 members of the Committee only six members signed the final report.¹⁰

The report of the Committee was tabled in Parliament. However, it was rejected by Parliament on the 22nd of December 2003, with members accusing the Committee of a shoddy job intended to settle political scores.

Previous investigations had been conducted but cut short prematurely. First, there was an inquiry by Scotland Yard, whose term was ended before it completed its work although it presented its report in September 1990. Another judicial inquiry, known as the Gicheru Commission, was disbanded by President Moi prior to the completion of its work. There is no doubt that the circumstances and events leading to the death of Dr. Ouko were suspicious, with a number of individuals adversely named for possible planning and the involvement of key personalities of the then government. The Committee hypothesised on four issues that might have led to the assassination of Dr. Ouko:

1. The re-election of Dr. Ouko was seen as a problem due to his activism and crusade against corruption, thus attracting his enemies, Hon. Nicholas Biwott and Hezekiah Oyugi to support his challenger, the late Job H.O Omino.¹¹
2. Circumstances revolving around the revival of the molasses plant in Kisumu. Hon. Nicholas Biwott and Hon. George Saitoti are mentioned as having had sharp differences on Dr. Ouko's choice for the award of the contract to revive the molasses plant.¹²
3. The official visit by the former president to Washington, United States of America, which created a bad relationship between Dr. Ouko and Hon. Nicholas Biwott.¹³
4. Power struggles within the government due to the perceived foreign support enjoyed by Dr. Ouko.¹⁴

The Committee mentioned the recommended the following people for investigation in relation to the disappearance and murder of Dr. Robert Ouko:

¹⁰ See Report of the Parliamentary Select Committee investigating circumstances leading to the death of the late Dr. the Hon. Robert John Ouko, 2005, pages 3, 7

¹¹ Ibid page 33 of Vol 1

¹² Ibid page 36 of Vol 1

¹³ Ibid page 39 of Vol 1

¹⁴ Ibid page 42 of Vol 1

- 1) **Daniel Toroitich arap Moi** (*former president of Kenya*). The evidence given by Detective Superintendent Troon was revealing and straightforward, asserting that Dr. Ouko was killed as a result of an executive order. There is evidence also stating that Dr. Ouko was killed in Nakuru State House. The former president declined an opportunity to rebut adverse evidence against him, despite binding summons being issued to him through his advocates.¹⁵
- 2) **Erick Onyango** (deceased). The Committee recommended investigations in his role in the circumstances leading to the disappearance and death of the late Dr. Ouko.¹⁶
- 3) **George Oraro** (*lawyer*). Was implicated by Daniel Mburu Mukwana, Harrison Owuor Angir, Dickson Owen Oganda and Barrack Mbajah as having been present during the abduction of Dr. Ouko from his Koru home.¹⁷
- 4) **James Onyango K'Oyoo**. Was implicated by Daniel Mburu Mukwana, Harrison Owuor Angir, Dickson Owen Oganda and Barrack Mbajah as having been present during the abduction of Dr. Ouko from his Koru home.¹⁸
- 5) **Jonah Anguka** (*former District Commissioner, Nakuru*). The Committee noted that in view of the evidence provided by Lando Khwatenge and another witness to the effect that Dr. Ouko was killed in State House, Nakuru, the Government should institute investigations to ascertain his role in the said murder.¹⁹
- 6) **Hezekiah Oyugi** (*former Permanent Secretary Ministry of Internal Security, deceased*). He was listed as the prime suspect in the murder of Dr. Ouko. He was suspected to have been directly or indirectly involved in the disappearance and subsequent death of Ouko. He was in the Mercedes Benz that picked Ouko at his rural home on 13th February 1990. The Committee recommended that his role in the circumstances leading to the disappearance and death of the late Dr. Ouko be investigated.²⁰
- 7) **Nicholas Biwott**. Was implicated by Daniel Mburu Mukwana, Harrison Owuor Angir, Dickson Owen Oganda and Barrack Mbajah as having been present during the abduction of Dr. Ouko from his Koru home. The Committee recommended investigations into the possible contribution of Biwott to the circumstances leading to the death of Dr. Ouko.²¹ The Committee stated: *'The Committee has considered carefully the adverse evidence against Hon. Biwott and find that he was involved either directly or indirectly in the disappearance and subsequent murder of Dr. Ouko.'*²² The Committee further recommended that the Government should institute a fresh investigation and possible prosecution on the role he played either directly or indirectly specifically regarding activities to revive the molasses plant in Kisumu.

¹⁵ Ibid page 74 Vol 1, paragraph 166

¹⁶ Ibid page 74 Vol 1, paragraph a 165

¹⁷ Ibid page 75 Vol 1 paragraph 167

¹⁸ Ibid page 74 Vol 1, paragraph 166

¹⁹ Ibid page 136 Vol 1

²⁰ Ibid Page 75 Vol 1

²¹ Ibid Page 74 Vol 1, paragraph 165

²² Ibid Page 75 Vol 1, paragraph 168

- 8) **Paul Gondi.** The Committee recommended that his role in the circumstances leading to the disappearance and death of the late Dr. Ouko be investigated.²³

1.2. INCITEMENT TO VIOLENCE, MURDER AND FORCIBLE DISPLACEMENT OF PERSONS

Kenyans have experienced ethnic violence during almost every electioneering period since the onset of multi-party democracy in 1992. The only period that did not witness ethnic violence was in the 2002 elections that saw the transition ending the Moi rule and ushering in the Kibaki regime. The disputed presidential election of 2007 saw escalated violence resulting in the deaths of over 1133 people and the internal displacement of over 500,000 persons.²⁴ Prior to the violence in 2007/2008, a number of official reports from commissions of inquiry documented the instigators, inciters and funders of ethnic violence in Kenya. No serious efforts were made by the government to punish the perpetrators of such violence or to address the plight of victims.

1.2.1. Report of the Judicial Commission appointed to inquire into tribal Clashes in Kenya (The Akiwumi report)

The Commission was appointed on the 1st of July 1998²⁵ and its life was extended up to the 31st of July 1999. It submitted its report to President Daniel arap Moi on the 19th of August 1999. In its terms of reference, the Commission was charged with, inter alia:

A) To investigate the tribal clashes which have occurred in various parts of Kenya since 1991, with a view of establishing and/or determining:

- i. The origin, the probable, the immediate and the underlying causes of such clashes;
- ii. The action taken by the police and other law enforcement agencies with respect to any incidents of crime arising out of or committed in the course of the said tribal clashes and, where such action was inadequate or insufficient, the reasons therefor;
- iii. The level of preparedness and the effectiveness of law enforcement agencies in controlling the said tribal clashes and in preventing the occurrence of such tribal clashes in the future.

B) To recommend:

- i. Prosecution or further criminal investigations against any persons who may have committed offences related to such tribal clashes;
- ii. Ways, means and measures to prevent, control, or eradicate such clashes in the future;
- iii. To inquire into or investigate any other matter that is incidental to or connected with the foregoing.

The report investigated tribal clashes in the Rift Valley, Western, Coast, North Eastern and Eastern provinces. The report in appendix G mentioned 189 individuals as being involved in ethnic clashes.²⁶ However, the report does not mention the specific role played by some of these individuals. Recommendations were made to prevent the future recurrence of violence, including recommendations

²³ Ibid pages 129-130

²⁴ Report of the Commission of Inquiry into the Post-Election Violence (Waki report)

²⁵ Kenya Gazette Notice No. 3477 dated 10th July 1998

²⁶ Report of the Judicial Commission appointed to inquire into tribal clashes in Kenya, Appendix G, pages 1-4

for the investigations of named individuals suspected to have had a hand in the violence. The findings and recommendations of that Commission, as related to the Rift Valley, were however rejected by sections of the Government and there followed no further visible action on the report.

LIST OF PERSONS ADVERSELY MENTIONED IN THE AKIWUMI REPORT

1.	Mr. Kimani Soi	Ex M.P., Ndanai
2.	Senior Sergeant Opicho	Central Bank, Eldoret
3.	Mr. Francis Mutwol	Ex M.P.
4.	Mr. Robert Kipkorir	Ex M.P.
5.	Mr. Solomon Magut	Ex Councilor
6.	Mr. Jackson Kibor	Ex Chairman, Wareng County Council
7.	Mr. William M. Saina	Ex M.P., Mogotio
8.	Mr. Reuben Chesire	Ex M.P., Eldoret North
9.	Mr. Eric Bomett	Ex M.P., Rongai
10.	Mr. Lawi Kiplagat	Ex M.P., Baringo South
11.	Mr. John Cheruiyot	Ex M.P., Tinderet
12.	Mr. Timothy Mibei	Ex M.P., Bureti
13.	Hon. Christopher Lomada	M.P., East Pokot, Sigor
14.	Hon. Kipkalya Kones	M.P., Bomet
15.	Mr. Willy Kamuren	Ex M.P., Baringo North
16.	Mr. David Mativo	Ex D.C., Nandi
17.	Mr. Raphael Ndara Ndiwa	Kenya Police College, Kiganjo
18.	Mr. Wilberforce Kisiero	Ex M.P., Mt Elgon
19.	Dr. Noah Wekesa	Ex M.P., Kwana
20.	Mr. William Kasisi	Asst. Chief, Kiborowa
21.	Mr. John Ndiema Choto	Elder, Sabaot/Mt Elgon
22.	Mr. Michael Kitiyo	Chambers of Commerce and Industry
23.	Mr. Wafula Wabuge	Deceased
24.	Mr. Ben Jipcho	Businessman, Kitale
25.	Councilor P. Opindi	Trans Nzoia County Council
26.	Councilor J. Toili	Trans Nzoia County Council
27.	Mr. Charles Cheptais	KANU Chairman, Timboroa
28.	Mr. Samwel K. Moiben	Ex nominated M.P.
29.	Mr. Geoffrey Kipkut	Chief, Endebess location
30.	Mr. Solomon Kirui	Asst. Chief, Saboti, Trans Nzoia
31.	Mr. Joseph Cherogony	Asst. Chief, Saboti, Trans Nzoia
32.	Hon. William ole Ntimama	M.P., Narok
33.	Mr. Kibiego M. Korir	Nandi
34.	Mr. Benjamin Kositany	Ex M.P., Mosop
35.	Mr. Philip Cheruiyot	District Officer 1, Nandi
36.	Mr. Simon Too	Asst. Chief, Changaiya, Uasin Gishu
37.	Mr. Samson ole Tuya	Ex M.P.
38.	Mr. Samwel Chelule	Ex Councilor, Nandi

39.	Mr. Philip Karonei	Rtd Chief, Mitetei
40.	Mr. David Rono	KANU Youth Secretary, Nandi
41.	Mr. Ezekiel Barngetuny	Ex Nominated M.P.
42.	Mr. Henry Koech	Youth Chairman, Chepsaita
43.	Mr. Moses ole Sarun	Ex. Councilor
44.	Mr. Moses ole Naimadu	Resident, Kilgoris
45.	Mr. Ole Saino	Teacher, Kilgoris Secondary School
46.	Mr. Ole Nasa	Asst. Chief
47.	Mr. Joash Wamangoli	Ex M.P., Webuye
48.	Mr. William Changole	Ex District Commissioner, Bungoma
49.	Mr. Elijah Mwangale	Ex M.P., Kimilili
50.	Hon. Mark Too	Nominated M.P.
51.	Mr. Henry Tuwei	Chief, Songhor
52.	Mr. Andrew Muneria	Trans Nzioa
53.	Mr. Burudi Nabwera	Ex M.P.
54.	Mr. Richard C. Mibei	Businessman, Sotik
55.	Mr. Zephania Anyieni	Ex M.P.
56.	Hon. Hussein M. Mohamed	M.P.
57.	Mr. Philip J. W. Masinde	Ex M.P., Nambale
58.	Hon. Chris Obure	M.P.
59.	Hon. Joseph Kamotho	Nominated M.P.
60.	Hon. Joseph Ngutu	M.P.
61.	Mr. Philip Leakey	Ex M.P.
62.	Prof. G. Saitoti	M.P.
63.	Mr. Njoroge Mungai	Ex M.P., Dagoretti
64.	Mr. Moses N. Nyangao	Chebilat, Sotik
65.	Mr. K. Ongaro	Chief
66.	Mr. Peter Ondimu	Kilgoris
67.	Mr. William Kikwai	Ex M.P., Kipkelyon
68.	Mr. John Terer	Ex M.P.
69.	Rev Samwel Kobia	Ex Secretary General, NCCK
70.	Rt. Rev. Dr. G. Wanjau	Ex Moderator, PCEA
71.	Dr. Maria Nzomo	Lecturer, University of Nairobi
72.	Mr. Samson Omweno	District Officer, Lugari
73.	Ndegwa Wakirira	Kinamba
74.	Charles Ndungu	Kinamba
75.	Wairiuko Simon	Kinamba
76.	Albert Waigwa	Kinamba
77.	John Gathenge	Kinamba
78.	Gachoka Evans	Kinamba
79.	Waite Njeru	Kinamba
80.	John Muregi	Sipili
81.	Ndungu Evans	Ex Councilor, Kinamba
82.	Herman Wariuko	Sipili
83.	Simon K. Chibebe	Asst. Chief
84.	Councilor William Lasoi	Rongai

85.	Councilor Wilson Leitich	Nakuru County Council
86.	Mr. Paddy Onyango	KANU Activist
87.	Rev. Mutava Musyimi	Secretary General, NCCCK
88.	Hon. Henry Kosgei	M.P., Tinderet
89.	Hon. Nicholas Biwott	M.P.
90.	Mr. Richard N. A. Tanui	Chief, Kunyak
91.	Mr. Paul Wamae	Ex Chairman, Law Society of Kenya
92.	Councilor K. Mibei	(Molo) Nakuru County Council
93.	Hon. Kipngeno A. Ngeny	M.P.
94.	Mr. Timothy Sirma	Ex Provincial Commissioner, Coast
95.	Mr. Nicholas Mberia	Provincial Commissioner, Eastern
96.	Mr. K. Kirior	Ex M.P., Belgut
97.	C.I. Julius Ndegwa	OCS Ngong
98.	Mr. Potas Onundo Owuor	Nyati House
99.	Mr. Clement Kiteme	District Officer 1, Baringo
100.	Mr. Omar Raisi	Security Intelligence Officer
101.	Dr. Joseph Misoi	Ex M.P., Eldoret South
102.	Mr. Stephania Cheboi-	Rtd Chief Olenguruone
103.	Mr. K. Lagat	Kamwaru Farm
104.	Mr. Kipyegon Arap Korir	Mitetei Farm
105.	Mr. Musa Koech	Chief, Soliat Location
106.	Councilor Moses K. Rono	Kericho County Council
107.	Mr. Richard Bett	Businessman Sondu
108.	Mr. Tarus Terekech	Village Elder, Kamwara
109.	Mr. James Bett	C/o Sondu Market
110.	Councilor, Sammy K. Ngelel	Wareng County Council
111.	Mr. Josphat K. Barno	Burnt Forest
112.	Mr. Wilson B. Mutai	Burnt Forest
113.	Mr. J. K. Chepkwony	Burnt Forest
114.	Mr. Wilson K. Kirui	Sondu
115.	Councilor, J. Arap Too Bidii	Chairman, Nakuru County Council
116.	Mr. John Njuguna	Ngecha Store, Elburgon
117.	Councilor, Masai Masaranja	Kapsokwony
118.	Councilor, Mayiwa Francis	Molo/Nakuru County Council
119.	Councilor Andrew Chemaiyek	Nambale Synod
120.	Mr. Ayub Chepkwony	Ex-M.P., Belgut
121.	Mr. Peter Nangole	Ex-M.P.
122.	Mr. Jonathan K. Soi	EX District Officer, Nakuru
123.	Mr. George M. Tandui	Burnt Forest
124.	Mr. Wilson B. Tandui	Burnt Forest
125.	Mr. Kitili Arap Nduti	Burnt Forest
126.	Mr. Reuben Sabet	Asst. Chief, Kibuk
127.	Mr. Njenga Mungai	Ex M.P., Molo
128.	Councilor Reuben S. Ndara	Kapsokwony
129.	Mr. Richard Kamunge	Elburgon
130.	Mr. Joseph Kigo	Elburgon

131.	Father Moses Mahuho	St. Kizito Larmudiak
132.	Mr. Christopher K. Saikwa	Trans Nzoia
133.	Mr. Julius Soi	Ex OCPD, Kitale
134.	Mr. Aden Noor Aden	Ex District Commissioner, Lugari
135.	Hon. Yusuf Haji	Ex Provincial Commissioner, Rift Valley
136.	Dr. Daniel Punyua	Narok
137.	Hon. Julius Ole Sunkuli	M.P.
138.	Mr. Kiplangat Arap Cherubo	Bochege Ndoinet
139.	Mr. Aramisi Kinga	Kimondo Location Endebes
140.	Mr. Jeremiah Kimutai Cheruiyot	D/PPO, Nyanza
141.	Mr. Joseph O.Ole Sesio	Ex District Officer, Cheptais
142.	Mr. Geoffrey K.K Kinoti	Rtd DCP
143.	Hon. Sharrif Nassir	M.P., Mvita
144.	Mr. Ole Ngeto	Snr. Chief Migwana
145.	Mr. Boy Juma Boy	Ex M.P., Matuga
146.	Mr. Omar Masumbuko	Politician
147.	Hon. Rashid Sajjad	Nominated M.P.
148.	Hon. Suleiman Shakombo	M.P., Likoni
149.	Mr. Swaleh Alfani	Witchdoctor, Kwale
150.	Mr. Kassim Mwamzandi	Ex M.P.
151.	Hon. Emmanuel Karisa Maitha	M.P., Kisauni
152.	Mr. David Siele	Ex-DCIO, Nakuru
153.	Mr. Jonathan Mutai	Chief, Amalo, Olenguruone
154.	Mr. Simon Boinet	Chief, Timboroa
155.	Mr. W. K. Maritim	Asst. Chief, Kuresoi
156.	Mr. Benjamin Ndegwa	Ex Snr. Chief, Molo
157.	Mr. Wycliffe Soi	Chief, Kamara
158.	Mr. Samwel K. Limo	Provincial Commissioner, Coast
159.	Mr. Barmadi Shukri	PSIO, Coast
160.	Mr. David Jakait	District Commissioner, Bomet
161.	Mr. Petkay Shen Miriti	Ex PSIO, Rift Valley
162.	Mr. Benson M. Okemwa	Ex PSIO, Rify Valley
163.	Mr. Kipkes Arap Too	Kamasai
164.	Mr. Cleophas Kiptara	Kamasai
165.	Mr. Earnest Karorei	Kamasai
166.	Mr. Gabriel Karorei	Kamasai
167.	Mr. Barnaba K. Luka	Kamasai Primary School
168.	Mr. Peter Ndemo	Ex District Commissioner, Narok
169.	Cpl Martin Wanga	CID Buru Buru
170.	Major Francis Weru	Department of Defense
171.	Hon. Dalmas Otieno	Ex M.P., Rongo
172.	Hon. Mwai Kibaki	M.P Othaya
173.	Mr. Gideon S. Konchella	Rtd Col.
174.	Mr. Wilson Litole	District Commissioner, Mwingi
175.	Mr. Mutunga Ole Milili	APC Chiefs Camp
176.	Mr. Reuben Oyondi	Ex M.P.

177.	Mr. Chirchir	DSIO, Trans Mara
178.	Mr. Ferdinand Obure	Ex M.P., Gucha
179.	Mr. John C. Namai	Ex PCIO, Coast
180.	Mr. Joseph Kobia	Ex OCPD, Trans Mara
181.	Mr. Richard Rono	Teacher, Kitambut Primary School
182.	Councilor Solomon Magut	Wareng County Council
183.	Mr. Musa Talaam	Ex District Officer, Endebes
184.	Mr. Simon Too	Asst. Chief, Chagaiya
185.	Mr. Bernard Rono	Kamasai
186.	Mr. William Chemwolin	Saboti Farm, Endebes
187.	Mr. Ngengi Muigai	Politician
188.	Mr. Mohamed O. Hassan	Ex District Officer, Naivasha
189.	Mr. Mbuthi Gathenji	Advocate

1.2.2. Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya 1992 (Kiliku Report)

The Committee was appointed on the 13th of May 1992 by the National Assembly and was chaired by the Hon. Joseph K. Kiliku. The Committee was to probe into the root causes of ethnic clashes in Western Kenya and to make recommendations with a view of averting such clashes in the future.²⁷ The Committee arrived at a conclusion that some members of the provincial administration either directly or indirectly participated in the clashes. The security personnel did not forestall the clashes and politicians made inciting and inflammatory remarks that triggered and / or aggravated the clashes.²⁸ The report notes also the presence of warriors within each ethnic community who fought in order to acquire territorial supremacy with a perception that communities not belonging to their tribe should be chased away from their land.²⁹ The Committee recommended among other things:

1. The transfer of chiefs and provincial administrative officers.
2. That all politicians who made inflammatory and inciting statements which caused tribal animosity during the clashes should be investigated with a view of taking appropriate legal action against them.
3. Investigations into the allegations made of the involvement of **Hon Nicholas Biwott** and **Ezekiel Barngetuny** in the organisation and financing of the 'warriors'.
4. The setting up of a special trust fund to facilitate the resettlement of clash victims.

The following individuals have been adversely mentioned by the Kiliku report:

1. **Ezekiel Barngetuny**, *Nominated MP, 1988 -1992*
2. **Kipkalya Kones**, (deceased), *Former MP for Bomet and a Cabinet Minister*
3. **Mark Too**, *KANU Chairperson, Nandi District*
4. **Nicholas Biwott**, *MP for Kerio and Minister for Energy 1988-1992*

²⁷ Report of the Parliamentary Select Committee to investigate ethnic clashes in Western and other parts of Kenya, 1992, page 1

²⁸ Ibid pages 79-81

²⁹ Ibid pages 81-82

5. **Reuben K. Chesire**, *Former Eldoret North MP (deceased)*
6. **Silas Tirut**
7. **Wilson Leitich**, *then nominated MP, 1988-1992*
8. **William Chan'gole**, *then District Commissioner, Bungoma 1992*
9. **Timothy Mibei**, *Minister for Public Works 1991-1992*
10. **Paul Chepkok**, *MP for Kerio Central and Assistant Minister for Industry in 1990-1992*
11. **Njenga Mungai**, *Molo MP, 1988-1992*
12. **David Kiilu Mativo**, *then District Commissioner and chair of the District Security Committee, Nandi District*
13. **Timothy Sirma**, *then District Commissioner, Kericho District, 1991-1992*
14. **Wilberforce Kisiero**, *then Mt Elgon MP, and Assistant Minister for Tourism and Wildlife (1988-1992)*
15. **Burudi Nabwera**, *former Minister of State*
16. **Maalim Mohammed**, *former Minister of State*
17. **Kimnai Soi**, *former MP, Chepalungu*
18. **William Kikwai**, *Former MP, Kipkelion Constituency*
19. **Christopher Lomada**, *former Assistant Minister of Culture and Social Services*
20. **Dr. Njoroge Mungai**
21. **Julius Sunkuli**, *former magistrate and MP, Kilgoris constituency*
22. **Ferdinand Obure**, *Former Bomachoge MP*
23. **William Morogo Saina**, *former Mogotio MP*

1.3. AIDING AND ABETTING ILLEGAL ACTIVITIES

1.3.1. *The Joint Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers*

The joint Parliamentary Committees handling the issue of the Artur Brothers noted that there was an attempt by the Minister for Justice and Constitutional Affairs, Hon. Martha Karua, to stop the investigations of the Committee on the grounds that the matter was the subject of investigations by the Kiruki Commission. The Parliamentary Committee's formal request to the Government for a copy of the Kiruki Report was ignored. The Committee concluded that the appointment of the Kiruki Commission was part of the cover-up and that the Kiruki Commission was never intended to unearth the truth. The Committee further noted that:

- a) The Arthur Brothers were con-men and drug-traffickers.³⁰
- b) The two brothers enjoyed State protection as they traversed the country conducting illegal activities.³¹

The Committee pointed mentioned the following key personalities as being involved:

- 1) **Ambassador Francis Muthaura**, *then Secretary to the Cabinet and head of Public service*

³⁰ Report of the Joint Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers, page 39

³¹ Ibid

- 2) **John Michuki** (deceased), *Minister of State in the Office of the President in charge of provincial administration and internal security*
- 3) **Kamlesh Patni**, *a businessman*
- 4) **Mary Wambui**, *PNU activist and business woman*
- 5) **Raju Sangani**, *a businessman*
- 6) **Stanley Murage**, *then Permanent Secretary and Special Advisor to the President on strategy*
- 7) **Winnie Wambui**, *daughter of Mary Wambui and Director of Kensington Holdings Limited*

MATRIX 1: Adversely mentioned persons – HUMAN RIGHTS VIOLATIONS

Name	Violation /Allegation	Report/citation	Finding & Recommendation	Action Taken
Peter Kinyanjui alias Mark Twist, then O.C.S. Ngong police station	An accomplice to murder, a police informer and a spy	Report of the Select Committee on the disappearance and murder of the late member for Nyandarua North, the Hon. JM Kariuki, 1975 <i>(Mwangale Report)</i> Paragraph 3.11	Alleged to be a criminal and a spy / police informer in the circumstances leading to the murder of JM Kariuki. The Committee recommended further investigations.	No Action
Mr. Ben Gethi , then G.S.U. Commandant	Prime suspect in the murder of JM Kariuki	Mwangale Report, Paragraph 4.1 and 5.1	Suspected to have played an active role in the murder of JM Kariuki or to be an accomplice of the actual murderer or murderers. It was recommended that he be suspended from duty and investigations be carried.	No Action
Inspector Patrick Shaw of KPR	Suspected to have played a role in the murder of JM Kariuki	Mwangale Report, Paragraph 4.1, and paragraph 5.5	Thorough investigations to be conducted on his role in the murder of JM Kariuki.	No Action
Mr. Nderi , then Director of CID	Person who lured JM Kariuki into the location where he was assassinated	Mwangale Report, Paragraph 4.1 and 5.2	Obstructing and/or interfering with the investigations. He also refused to cooperate with the Committee seeking the truth on the	No Action

			circumstances leading to the death of JM Kariuki. It was recommended that he be replaced.	
Mr. Kinyanjui Inspector of police then at Ngong Police station	Gross negligence in the performance of duty including concealment of information	Mwangale Report, Paragraph 4.1	Acted deliberately or with gross negligence in the performance of his duties after the discovery of the body of JM Kariuki. The Committee recommended disciplinary action.	No Action
Mr. Ndegwa , then Acting inspector of police, Ngong Police Station	Gross negligence in the performance of duty, including concealment of information	Mwangale Report, Paragraph 5.3	Acted deliberately or with gross negligence in the performance of his duties after the discovery of the body of JM Kariuki. The Committee recommended disciplinary action.	No Action
Mr. Henry Waga Deputy Acting Inspector, Ngong police station	Gross negligence in the performance of duty, including concealment of information	Mwangale Report, Paragraph 5.3	Acted deliberately or with gross negligence in the performance of his duties after the discovery of the body of JM Kariuki. The Committee recommended disciplinary action.	No Action
Mr. Pius Kibathi Thuo	Prime suspect in the murder of JM Kariuki	Mwangale Report, Paragraph 5.5	Thorough investigations to be conducted on his role in the murder of JM Kariuki.	No Action
Mr. Peter Gicheru Njau	Prime suspect in the murder of JM Kariuki	Mwangale Report, Paragraph 5.5	Thorough investigations to be conducted on his role in the murder of JM Kariuki.	No Action
Mr. Peter Kimani	Prime suspect in the murder of JM Kariuki	Mwangale Report, Paragraph 5.5	Thorough investigations to be conducted on his role in the murder of JM Kariuki.	No Action

Councillor Silas Mburu Gichia , then Mayor of Nakuru	His movements and activities require further investigation	Mwangale Report, Paragraph 5.5	Recommended further investigations.	No Action
John Mutung'u , Then Councillor of ole Kejuado County Council	Accomplice to murder	Mwangale Report, Paragraph 5.5	The Committee noted that he must be regarded as having been involved in the murder and further investigations should be undertaken concerning his role.	No Action
Mr Stanley Thuo , District Commissioner, Nyandarua	Suspected accomplice to murder	Mwangale Report, Paragraph 5.5	His movements and activities require further investigation. The Committee recommended further investigations.	No Action
Waruhiu Itote , <i>General China</i> , then Deputy Director of the National youth Service	Suspected accomplice to the murder of JM Kariuki	Mwangale Report, Paragraph 5.5	His movements and activities require further investigation. The Committee recommended further investigations.	No Action
Mr. Evans Ngugi	Suspected accomplice to the murder of JM Kariuki	Mwangale Report, Paragraph 5.5	His movements and activities require further investigation. The Committee recommended further investigations.	No Action
Mr. Karanja , bodyguard of the Hon. Mbiyu Koinange	Suspected accomplice to the murder of JM Kariuki	Mwangale Report, Paragraph 5.5	His movements and activities require further investigation. The Committee recommended further investigations.	No Action
Nicholas Biwott	Gross human rights violations during the	Report of the Parliamentary Select	The report found that at Kapkatet, he stated that FORD members would be	No Action

	politically instigated violence in Rift Valley Province, 1991-1992 Incitement to violence	Committee to investigate ethnic clashes in Western and other parts of Kenya, 1992 (<i>the Kiliku Report</i>) Pages 9-10 Pages 75 and 83	crushed and added that KANU Youth-wingers and wananchi were ready to fight to the last person to protect the Government of President Moi. He was also reported to have stated that Kalenjins were not cowards and that they were ready to counter attempts to relegate them from leadership. Finally, he, together with Ezekiel Barngetuny among others, allegedly financed warriors involved in the clashes.	
Reuben K Chesire (deceased)	Funding warriors who engaged in ethnic clashes	Kiliku Report, Page 75	Report recommended further investigations.	No Action
Ezekiel K Bargetuny	Funding warriors who engaged in ethnic clashes	Kiliku Report, Page 75, 83	Report recommended further investigations.	No Action
Wilson Letich	Funding warriors who engaged in ethnic clashes	Kiliku Report, Page 75	Report recommended further investigations.	No Action
Kipkalya Kones (Deceased)	Incitement to violence	Kiliku Report, Page 9	Report recommended further investigations.	No Action
Mark Too	Issuing inciting and inflammatory remarks	Kiliku Report, Page 36	On the 14 th of July 1989 he urged the Sabao to remove 'madoadoa' (spots) from their midst if they expected assistance.	No Action

William Changole, then District Commissioner, Bungoma 1992	Inflammatory remarks	Kiliku Report, Page 36	At a public baraza at Chemonge Market on the 16 th of December 1991 spoke in the Kalenjin language and urged the Sabaot to remove 'madoadoa' and 'chui' leopard from the midst of their flock.	No Action
Mr. Silas Tirot, Army officer	Led Sabaot warriors into war while on leave	Kiliku Report, Pages 36-37	Report indicates that he allegedly killed Kimiyu Mushi in early January 1992.	No Action
Hon. Nicholas Biwott	Hon. Biwott was the prime suspects in the murder of Dr. Ouko. He was suspected to have been directly or indirectly involved in the disappearance and subsequent death of Ouko.	Report of the Parliamentary Select Committee investigating circumstances leading to the death of the late Dr. the Hon. Robert John Ouko, 2005 (<i>the Sunguh Report</i>), Pages 41,61,74, 75, 77, 117-119, 120, 122, 124, 125,	He was implicated by Daniel Mburu Mukwana, Harrison Owuor Angir, Dickson Owen Oganda and barrack Mbajah as having been present during the abduction of Dr. Ouko from his koru home. The Committee recommended investigations into the possible contribution of Biwott to the circumstances leading to the death of Dr. Ouko. The Committee further recommended that the Government institutes fresh investigations and possible prosecution on the role he played either directly or indirectly in activities to revive the molasses plant in Kisumu.	Arrested and later released. No further investigations.
Mr. George Oraro	Political assassination suspect and /or accomplice	Sunguh report, Page 74	He was implicated by Daniel Mburu Mukwana, Harrison Owuor Angir, Dickson Owen Oganda and barrack Mbajah as having been present during the abduction of Dr. Ouko from his	No Action

			Koru home.	
Mr. James Onyango K'oyoo	Political assassination suspect and /or accomplice	Sunguh report, Page 74	He was implicated by Daniel Mburu Mukwana, Harrison Owuor Angir, Dickson Owen Oganda and barrack Mbajah as having been present during the abduction of Dr. Ouko from his Koru home.	No Action
Paul Gondi	Political assassination suspect and /or accomplice	Sunguh report, Pages 129-130	The Committee recommended investigations in his role in the circumstances leading to the disappearance and death of the late Dr. Ouko.	No Action
Mr. Erick Onyango (deceased)	Political assassination suspect and /or accomplice	Sunguh report, Pages 129-130	The Committee recommended investigations in his role in the circumstances leading to the disappearance and death of the late Dr. Ouko.	No Action
Mr. Hezekiah Oyugi (deceased)	Political assassination suspect and /or accomplice	Sunguh report, Pages 74, 129	He was listed as the prime suspect in the murder of Dr. Ouko. He was suspected to have been directly or indirectly involved in the disappearance and subsequent death of Dr. Ouko. He was in the Mercedes Benz that picked Dr. Ouko at his rural home on the 13 th of February 1990. The Committee recommended investigations in his role in the circumstances leading to the disappearance and death of the late Dr. Ouko.	Arrested and later released. No further investigations.

Mr. Jonah Anguka	Political assassination suspect and /or accomplice	Sunguh report, Page 136	The Committee noted that in view of the evidence provided by Lando Khwatenge and another witness to the effect that Dr. Ouko was killed in State House, Nakuru, the Government should institute investigations to ascertain his role in the said murder.	Was acquitted in the murder and fled to the US.
Bethuel Kiplagat	Political assassination suspect and /or accomplice	Sunguh Select Committee report on the assassination of Robert Ouko Page 128	The Committee recommended that the Government investigate his role in the withdrawal of Dr. Ouko's passport, bodyguards and official transport.	No Action
Malacki Oddenyo	Political assassination suspect and /or accomplice	Sunguh report, Page 128	The Committee recommended that the Government investigate his role in the withdrawal of Dr. Ouko's passport, bodyguards and official transport.	No Action
H.E. Daniel Torotich arap Moi , former President of Kenya (retired)	Political assassination suspect and /or accomplice	Sunguh report, Pages 74, 116	The evidence given by Detective Superintendent Troon was revealing and straightforward, asserting that Dr. Ouko was killed as a result of an executive order. There is evidence also stating that Dr. Ouko was killed in Nakuru State House.	No Action
Zablon Agalo Obonyo	Suspected accomplice to murder	Sunguh report, Page 131	Should be investigated further to establish amongst others failure to prevent a felony and gross negligence of duty.	No Action
Mr Kamlesh	Alleged involvement	The Report of the	The Bosire Report states that he is	Hotel repossessed by

<p>Mansukhlal Pattni, Director, promoter and shareholder of GIL and also Director, promoter and shareholder of Exchange Bank Ltd. He is currently a Televangelist with Hope Ministry and chair of Kenya National Democratic Alliance (KENDA)</p>	<p>in corruption</p>	<p>Judicial Commission of inquiry into the Goldenberg Affair, 2004 (<i>the Bosire Report/the Goldenberg Report</i>), Pages 255-257</p>	<p>shown on his own admissions and documents to be a perjurer, a forger, a fraudster and a thief within the Goldenberg International limited, (GIL's) scheme. He is criminally liable under Section 23 of the Penal Code. Report finds that he was also the promoter, shareholder and director of Exchange Bank Limited. Report recommended investigation for possible criminal or civil action.</p>	<p>Central Bank of Kenya and sold to LAICO in 2007/2008 in the midst of many controversies</p>
<p>Mr. James Kanyotu (deceased), was the Director of Intelligence (January 1965-January 1992). Also he was the Director of First American Bank</p>	<p>Alleged involvement in corruption</p>	<p>Bosire Report, Pages 25,257-260</p>	<p>The Bosire report indicates that his name was allegedly used as a promoter of GIL and EBL and was knowingly involved in GIL's activities. (Paragraph 710)</p>	<p>No Action</p>
<p>Hon. Prof. George Saitoti (deceased), Former Minister of Internal Security. He was the Vice President and Minister of Finance then</p>	<p>Alleged involvement in corruption</p>	<p>Bosire Report, Pages 217-220</p>	<p>He granted GIL exclusive rights to engage in gold and jewellery export trade and allowed the company an additional 15% export compensation notwithstanding the fact that this was ultra-vires the Local Manufactures (Export Compensation) Act.</p>	<p>He was cleared by the Courts and was able to expunge his name from the report</p>
<p>Charles Mbindyo, then Permanent Secretary, Treasury during the material</p>	<p>Alleged involvement in corruption</p>	<p>Bosire Report, Pages 220-221</p>	<p>The Bosire Report indicates that he was allegedly a party to the decision to pay ex gratia and for allowing GIL exclusive rights in the exports of gold</p>	<p>No Action</p>

time of GIL scandal			and diamond jewellery; he stated that this was on an experiment basis.	
Dr. Wilfred Karuga Koinange (deceased), Succeeded Charles Mbindyo as Permanent Secretary, Ministry of Finance in November 1991	Alleged involvement in corruption	Bosire report, Pages 223 - 224	The Bosire Report alleges that he effected various payments to GIL as ex gratia; that he actively assisted in GIL's activities and that he benefited from the proceeds.	No Action
Mr. Collin Owayo (deceased), then Commissioner for Mines and Geology, Ministry of Environment and Natural Resources	Alleged involvement in corruption	Bosire Report Pages 226-228	The Bosire report found that he lobbied for Aurum Kenya Ltd to be given sole rights and in addition to be granted 20% export compensation under the local manufactures.	No Action
Mr. Erick Kotut , Governor of Central Bank of Kenya, January 1990-July 1993	Alleged involvement in corruption	Bosire Report, Pages 237-244	The Bosire report accuses him of allowing irregularities and fraud so as to benefit GIL and Exchange Bank during his tenure.	No Action
Mr. Francis Chelelgo Cheruiyot , Commissioner of Customs and Excise during the scandal	Alleged involvement in corruption	Bosire report, Pages 229-232	Alleged to have allowed fraudulent export to take place yet he was in a position to stop it.	No Action
Mr. Elphas Riungu , was the Chief Banking Manager of Central Bank of Kenya until February 1992 when	Alleged involvement in corruption	Bosire report, Pages 232-237	According to the Bosire report, he was allegedly a key player in the Goldenberg affair and actively and knowingly supported its illegal Operations.	Matter has never been concluded in Court

he was appointed Deputy Governor				
Mr. Elijah Arap Bii , was at the time of the Goldenberg scandal the General Manager of Kenya Commercial Bank Ltd	Alleged involvement in corruption	Bosire report, Pages 250-251	According to the Bosire report, he was the General Manager of KCB Ltd when Dr. Koinange allegedly arranged for the transfer of KSh 5.86 billion out of the Paymaster General account with the Central Bank of Kenya. The money was credited into the Kenya Commercial Bank account and the money ended up with GIL.	Removed from office and jointly charged with Eliphaz Riungu and Dr. Wilfred Koinange for abuse of public office which led to the loss of KSh 5.86 billion. Matter pending in court.
Mr. Tom Kilalya Werunga , was an assistant principal in the Banking Division of the Central Bank of Kenya	Alleged involvement in corruption	Bosire report, Pages 244-246	The Bosire report alleges that he acted on letters from Dr. Koinange which authorized unlawful payments from the PMG's account, thus aiding and abetting theft.	No Action
Mr. Michael Wanjihia , was assistant Principal in the Foreign Department of the Central Bank of Kenya until the 18 th of August 1993	Alleged involvement in corruption	Bosire report, Pages 251-253	The Bosire report alleges that he signed the totally incorrect letters dated 12 th July 1993 to Delphis Bank Ltd stating the USD 19 million had been received from the bank, yet the contract had in fact been reversed.	Dismissed by the Central Bank of Kenya
Mary Wambui , PNU activist and business woman	Close association and dealings with the Artur Brothers in their illegal dealings	Report of the Joint Committees on Administration, National Security and Local Authorities and Administration of Justice	Was a close associate of the Artur Brothers who the Committee found to be conmen and drug traffickers.	No Action

		and Legal Affairs on the matter of the Armenian Brothers, Pages 4, 39 paragraph 115		
Winnie Wangui , daughter of Mary Wambui and Director of Kensington	Close association and dealings with the Artur Brothers in their illegal dealings	Report of the Joint Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers, Pages 4, 39 paragraph 115	Was a close associate of the Artur Brothers who the Committee found to be conmen and drug traffickers.	No Action
Stanley Murage	Close association and dealings with the Artur Brothers in their illegal dealings	Report of the Joint Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers , Pages 21, 39 paragraph 115	The Committee noted that he was a key player in the whole saga and worked to protect the operations of the Artur Brothers in the country. There is a need for further investigations in terms of the relationship between him and the illegal activities of the Artur Brothers.	No Action
John Michuki (deceased), Minister for Internal Security (2003-2007)	Protecting the Artur Brothers	Report of the Joint Committees on Administration, National Security and Local	Knew of the standard media attack and indeed stated that it was a 'government operation'. The attack of the standard group and CCTV footage	No Action

and former Minister for Environment		Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers , Page 39 paragraph 115	revealed the presence of the two Artur Brothers.	
Joseph Kamau, (deceased), Former CID Director	Offering protection to the Artur Brothers	Report of the Joint Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers , Page 39 paragraph 115	The Committee concluded that his role in connection with the brothers should be established.	No Action
Rau Sanghani	Close association and dealings with the Artur Brothers	Report of the Joint Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers , Page 39 paragraph 115	The Committee concluded that his role in connection with the brothers should be established.	No Action
Kamlesh Patni	Close association and dealings with the Artur Brothers	Report of the Joint Committees on Administration, National Security and Local Authorities and	The Committee concluded that his role in connection with the brothers should be established.	No Action

		Administration of Justice and Legal Affairs on the matter of the Armenian Brothers , Page 39 paragraph 115		
Francis Kirimi Muthaura	Close association and dealings with the Artur Brothers	Report of the Joint Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the matter of the Armenian Brothers , Page 39 paragraph 115	The Committee concluded that his role in connection with the brothers should be established.	No Action

SECTION 2: COMPLICITY TO CORRUPTION, ECONOMIC CRIMES AND ABUSE OF OFFICE IN KENYA

1.4. THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR ADDRESSING CORRUPTION, ABUSE OFFICE AND ECONOMIC CRIMES IN KENYA

The availability and effectiveness of a legal and institutional framework for addressing corruption, abuse of office and economic crimes has a bearing on the nature of guidance and controls to which public officers are subjected in managing and making decisions about public resources and public debt. The following are some of the laws that guide the fight against the most common forms of corrupt practice, abuse of office and economic crimes:

- Constitution of Kenya 2010
- Public Officer Ethics Act 2003, Cap 183
- Ethics and Anti-Corruption Commission Act
- UN Convention Against Corruption (UNCAC-2003)
- African Union Convention on Preventing and Combating Corruption (AUCPAC)
- Proceeds of Crime and Anti-money Laundering Act (No 9 of 2009)
- Public Procurement and Disposal Act

The extent to which these laws serve as deterrence to malfeasance is debatable thus far because of lack of enforcement.

Cost of Anglo-Leasing security contracts³²

The Government of Kenya borrowed funds at approximately 28% interest per annum to finance some of the irregular Anglo-Leasing security contracts, which was almost four times the then market rate. The exchequer paid upfront (before commencement of work) approximately KSh 8.9 billion. The value of Anglo-Leasing type of contracts increased eight fold between fiscal years 2001/2 and 2005/6. Planned debt repayment to Anglo-Leasing type of companies accounted for 35.9% of the total external debt service requirements in 2005/6. Scheduled payments in respect of the Anglo-Leasing type of contracts in 2005/6 would have funded the secondary school bursary scheme for the next 10 years or a 3 year programme of rural electrification at current funding levels.

Budgeted outflows (repayments) to Anglo-Leasing type of companies were almost half of the total project and programme loan inflows in 2004/5. This mode of finance (promissory notes) did not allow any grace period. All these questionable contracts were housed in the two most powerful offices in Kenya, that is, the Office of the President and the Office of the Vice President and Ministry of Home Affairs.

1.4.1. Nature and cost of abuse office

The crimes generally categorized under abuse of office in the reports analysed include:

³² Unpacking Githongo's report on Corruption in Kenya. IEA, 2006, page 2

- i. Use of public office to fraudulently acquire public money and assets
- ii. Authorizing and or facilitating unlawful payments, and therefore abetting theft of public resources
- iii. Acting in excess of powers conferred by law to one's office, or in total disregard of the legal provisions/limitations imposed by law on one's office, for example in awarding tenders
- iv. Illegal and unprocedural procurement of debt on behalf of the government
- v. Abusing budgetary instruments and or expending above budgetary estimates

1.5. ILLEGAL ALLOCATION OF PUBLIC LAND

The Waki report reiterates that historical land issues which have remained unaddressed including, the recommendations of the Ndung'u Commission, contributed to the 2007/2008 post-election violence.³³ The grabbing of public land not only leads to loss of State resources but also violates the rights of Kenyans in general. This section discusses the two reports that have dealt with land issues in Kenya.

1.5.1. Inquiry into Kenya's Land Issues (the Njonjo Commission)

The Commission had the mandate to address land administration issues in Kenya, both constitutional and legislative. The Commission collected oral and written submissions from Kenyans on a wide variety of issues. The Commission's report, published in November 2002, just a month before the end of the KANU regime and President Moi's retirement, recommended the restructuring of land administration and management in Kenya. The Commission proposed that the restructuring be centered on the principles of a land policy framework, the constitutional position of land and a new institutional framework for land administration. Though the Njonjo Report was never systematically implemented, these recommendations were to later greatly inform the formulation of Kenya's National Land Policy and the principles of the new Constitution.

The Njonjo Commission did not mention individuals but dealt with the weaknesses in the land regime as it was then, proposed a national land policy and constitutional reform, and the reform of the overall land sector regime.

1.5.1.1. The Commission of Inquiry into the Illegal/Irregular Allocation of Public Land, the Ndung'u Commission (the Ndung'u Report on land grabbing)

The Commission was established through Gazette Notice No. 4559 of the 4th of July 2003. It was chaired by Paul Ndung'u, an advocate, and was mandated to inquire into the following issues:

- (i) The legality of allocation of public land to private individuals and/or corporations;
- (ii) The collection of information on the nature and extent of unlawful and irregular allocations;
- (iii) The preparation of a list of all lands unlawfully acquired or irregularly allocated and to whom they were allocated, date of allocation and other particulars to the subsequent dealings in the concerned lands;
- (iv) The ascertaining of any persons or corporations to whom such land was allocated;
- (v) The identification of any public official involvement;

³³ Report of the Commission of Inquiry into the Post-Election Violence (Waki report), page 82

- (vi) The recommendation of legal and administrative measures needed for the restoration of such land;
- (vii) The recommendation of legal action in case these lands are not able to be restored to their proper title;
- (viii) The recommendation of criminal investigations or prosecutions against the concerned persons;
- (ix) The recommendation of legal and administrative measures to be taken in the future.³⁴

The Commission completed its task nine months after its inception and presented its report to the President in June 2004. The report was published on the 16th of December 2006 following massive agitation by civil society and other actors. The findings and recommendations of the report have never been implemented.

The Commission presented a main report of 244 pages and two annexures. Volume 1 comprise of 976 pages containing a matrix of individuals and companies that were illegally allocated land belonging to municipalities, city councils, road reserve, by-passes and settlement schemes. It provides the plot numbers, original allottee, date of allocation as well as owner as per time of the report. Regarding companies, the identities of owners are missing in some of the cases. Details of 95 companies were missing at the registry. Volume two has 797 pages. It lists forest land given out to individuals and other entities. It also documents complaints received from individuals on illegal allocation of public land.

The Commission mentions over 6000 names in the report and the two annexures (Volumes 1 and 2) who were awarded land belonging to national parks, national reserves, protected areas and other forms of public land. These are tabulated in the two annexures. The report recommended that all public officials, companies and professionals who participated in the illegal allocation of public land in ways that disclose the commission of crimes be investigated, prosecuted and/or retired from public service.

Its specific recommendations, by way of example, include the following: revocation of 105 plots allocated from land reserved for the Nairobi bypass (Annex 3); of 551 allocations made by the Nairobi City Council (Annex 5); 86 allocations by Meru, 449 by Nakuru, 270 by Eldoret, 100 by Nyeri, 186 by Kisumu, 407 by Mombasa, 56 by Nyahururu, 67 by Kiambu, 30 by Kisii, 17 by Kapsabet, 187 by Kerugoya/Kutus and 118 by Kitale Councils, with further dubious allocations by all these councils also to be investigated (Annexes 7-23). Numerous improperly documented allocations of land by Kenya Railways should also be examined, whilst 229 allocations made by the Kenya Agricultural Research Institute, 31 by Kenya Pipelines, 572 by Kenya Industrial Estates, and 178 by the prison authorities should be revoked, as well as smaller numbers of plots illegally allocated by other State corporations. There should also be revocation of titles of some 7 illegal allocations made by the judiciary, 57 by the Ministry of Cooperative Development and Marketing, 47 by the Ministry of Agriculture, 289 by the Ministry of Education, 73 by the Ministry of Labour and 22 by the Ministry of Energy (Annexes 41-49).³⁵

Attached to this report is a CD containing the complete list of names of all persons adversely mentioned in the Ndung'u Report.

³⁴ See pages xvii – xviii of the Ndung'u Commission Report.

³⁵ Roger Southall, *The Ndungu Report: Land & Graft in Kenya*, Published in: *Review of African Political Economy*, 103, March 2005, pages 142-51.

MATRIX TWO: Adversely mentioned individuals – ECONOMIC CRIMES

Adversely Mentioned Individuals	Nature of Complicity in Corruption/ Abuse of Office/ Economic Crimes	Date, Place and Institutions Affected, Including Resources involved	Status of Corrective/ Restitutive Action taken	Comments/ Reference
Special audit report of Controller and Auditor General on the purchase of land for cemetery by Nairobi City Council				
<p>Dave Mwangi, former Permanent Secretary, Office of the President</p>	<p>Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.</p>	<p>Nairobi City Council. Ministry of Local Government, Treasury. Payments totalling KSh 283,000,000 were done between June 2008 and January 2009 while the actual value of the land was valued at KSh 24,000,000. It cost the Government KSh 259,200,000 in excess payments, including the additional charges for advocate professional fees and taxes. The records indicate that the amount was not awarded to the property owner in full. Part of the amount was disbursed and paid to other parties. Mr. Musyoki Kilonzi (the seller/ M/s Naen Rech Ltd) received only KSh 107, 500,000 of the total amount paid.</p>	<p>Stepped down from his position. Matter in court</p>	<p>Report by A. S. M. Gatumbu, Controller and Auditor General, Pages 9, 11</p> <p>The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Pages 45,46</p>
<p>Sammy Kirui, then Permanent Secretary Ministry of Local Government</p>	<p>Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.</p>	<p>Nairobi City Council</p>	<p>Matter in court.</p>	<p>The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Page 41</p>

<p>John Gakuo, former Town Clerk, Nairobi and Current Project Coordinator Nairobi River</p>	<p>Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.</p>	<p>Nairobi City Council</p>	<p>Matter in court. Charged in connection with the Cemetery land scandal. Suspended to pave way for investigations.</p>	<p>The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Page 49</p>
<p>Kanyi Nyambura, Director of Planning, Ministry of Local Government</p>	<p>Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.</p>	<p>Nairobi City Council</p>	<p>Matter in court. Charged in connection with the Cemetery land scandal. Suspended to pave way for investigations.</p>	<p>The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Page 52</p>
<p>Alexander Musee, Deputy Director, Procurement, Ministry of Local Government</p>	<p>Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.</p>	<p>Nairobi City Council</p>	<p>Matter in court. Charged in connection with the Cemetery land scandal. Suspended to pave way for investigations.</p>	<p>The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Page 50.</p>
<p>I.N. Ngacha, Chief Internal Auditor, City Hall</p>	<p>Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.</p>	<p>Nairobi City Council</p>	<p>Matter in court. Charged in connection with the Cemetery land scandal. Suspended to pave way for investigations.</p>	<p>The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Pages 43,51</p>

Paul Chapia Onduso, Lawyer	Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.	Nairobi City Council	Matter in court. Charged in connection with the Cemetery land scandal. Suspended to pave way for investigations.	The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Page 53
Davies Odera Osiema, Lawyer	Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.	Nairobi City Council	Matter in court. Charged in connection with the Cemetery land scandal. Suspended to pave way for investigations.	The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Page 48
Bonface Okerosi Misera Director of Procurement, Local Government Ministry	Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.	Nairobi City Council	Matter in court. Charged in connection with the Cemetery land scandal. Suspended to pave way for investigations.	The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Pages 43,52
Karisa Iha Deputy Director Legal Affairs	Alleged involvement in corruption. The Cemetery report indicates he declared land to be suitable knowing very well it was not.	Nairobi City Council	Matter in court. Charged in connection with the Cemetery land scandal. Suspended to pave way for investigations.	The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi,

				Page 43,50
Dr. Nguku Medical Officer of Health	Alleged involvement in corruption. According to the Cemetery report, he was allegedly involved in the purchase of land for the Cemetery by the City Council of Nairobi.	Nairobi City Council	Committee recommended interdiction and further investigation. Matter in court. Charged in Connection with the Cemetery land scandal. Suspended to pave way for investigations.	The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Page 43
R.K. Rotich Director City Planning	Alleged involvement in corruption. The Cemetery report indicates that he was the chair of the tender committee that awarded the irregular tender.	Nairobi City Council	Committee recommended that he be charged in Connection with the Cemetery land scandal.	The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Page 49
N. Otido Deputy Town Clerk	Alleged involvement in corruption. The Parliamentary Report on the Cemetery land indicates that he was the chair of the tender committee that awarded the irregular tender and he signed the sale agreement and the transfer document for the Mavoko land, which is unsuitable for a cemetery.	Nairobi City Council	Charged in Connection with the Cemetery land scandal. Suspended to pave way for investigations.	The Departmental Committee on Local Authorities' Report on the Procurement of Cemetery Land By the City Council of Nairobi, Pages 42,52
Geoffrey Majiwa,	Alleged involvement in		Charged in Anti-	Kenya Anti-

immediate former Mayor of Nairobi	corruption. According to the media briefs by the Kenya Anti-Corruption Commission (KACC), he demanded a bribe in order to waive a fine of tax evasion against a mineral water bottle company along Mlolongo. He also attempted to bribe KACC officers to release him.		corruption Court.	Corruption Commission website, media briefs
The Report of the Judicial Commission of Inquiry into the Goldenberg Affair				
Eric Kotut, Governor of Central Bank of Kenya(CBK) - January 1990-July 1993	Alleged involvement in corruption. The Bosire report accuses him of allowing irregularities and fraud so as to benefit GIL and Exchange Bank during his tenure.	The Goldenberg scandal is said to have cost the country up to KSh 60 billion by some estimates, which at the time was an equivalent of more than 10% of the country's annual Gross Domestic Product. Many Kenyans lost their jobs as it negatively impacted the economy.	The Commission recommended investigations to establish if there was criminal liable and subsequent prosecution.	Bosire Report, Pages 237-244
James Kanyotu, (deceased), was the Director of Intelligence (January 1965-January 1992) and the Director of First American Bank	Alleged involvement in corruption. The Bosire report indicates that his name was allegedly used as a promoter of GIL and EBL and was knowingly involved in GIL's activities.		No action	Bosire Report, Pages 25; 257-260
Late Prof. George Saitoti	The Bosire Commission also alleged that the late Prof. George Saitoti used his power to give approvals to GIL unprocedurally.		On the 3 rd of February 2006, a report by Justice Bosire recommended that the late Prof. George Saitoti should face	Bosire Report, Pages 12, 13, 23, 88, 94 and 95

			criminal charges for his actions. The High Court expunged the name of Prof. George Saitoti from the list of those accused of involvement in the Goldenberg scandal in case miscellaneous civil application no. 102 of 2006, ROK vs Judicial Commission of Inquiry into the Goldenberg affair and 2 others, ex parte George Saitoti (2006).	
Kamlesh Damji Pattni , was the Director, promoter and shareholder of GIL and also the Director and shareholder of Exchange Bank Ltd. He is currently a televangelist with Hope Ministry and chair of Kenya National Democratic Alliance (KENDA)	Alleged involvement in corruption. The Bosire report states that he is shown on his own admissions and documents to be a perjurer, a forger, a fraudster and a thief within the GIL's scheme.		Grand Regency Hotel was repossessed by the Central Bank of Kenya and sold to LAICO in 2007/2008 amidst controversy and claims of more malfeasance. Matter in court. Office of the DPP has hinted at possible new prosecution of Pattni.	Bosire Report, Pages 255-257
Charles Mbindyo , was the Permanent Secretary, Treasury at the time of the GIL	Alleged involvement in corruption. The Bosire report indicates that he was allegedly a party to the decision to pay ex		Taken to court.	Bosire Report, Pages 220-221

scandal	gratia and for allowing GIL exclusive rights in the exports of gold and diamond jewellery. He stated that this was on an experiment basis. Mr. Charles Stephen Mbindyo allegedly ordered transfers of money from the supplementary estimates and gave wrong sources.			
Collins Owayo , then Commissioner for Mines and Geology (Ministry of Environment and Natural Resources)	The Bosire report found that he lobbied for Aurum Kenya Ltd to be given sole rights and in addition to be granted 20 % export compensation under the local manufactures.		No clear action.	Bosire Report, Pages 226-228
Dr. Wilfred Koinange , (deceased), succeeded Charles Mbindyo as Permanent Secretary, Ministry of Finance, in November 1991	Alleged involvement in corruption. The Bosire report alleges that he effected various payments to GIL as ex gratia; that he actively assisted in GIL's activities and that he benefited from the proceeds. The Bosire Commission also alleged that Koinange went on to pay export compensation scheme despite legal notice No 88.		Removed from office and jointly charged with Eliphaz Riungu and Elijah Bii for abuse of public office, which led to the loss of KSh 5.8 billion.	Bosire Report, Pages 223-224
Francis Chelelgo Cheruiyot , was Commissioner of Customs and Excise during the scandal	Alleged involvement in corruption. Alleged to have allowed fraudulent export to take place yet he was in a position to stop it.		Bosire Commission recommended follow up action for Accountability.	Bosire Report, Pages 229-232

Philip Muli Mulili, was Deputy Commissioner of Customs and Excise during the scandal	Alleged involvement in corruption. The report almost exonerates him of any wrong doing but it concludes: "Finally, he was not totally candid to the Public Accounts Committee when it was investigating Goldenberg, but his responsibility for this was for less than that of CBK and he apparently felt that he had some duty to try and protect his department".		No clear action.	Bosire Report, Pages 228-229
Elijah Arap Bii, was at the time of the Goldenberg scandal the General Manager of the Kenya Commercial Bank Ltd	Alleged involvement in corruption. According to the Bosire report, he was the General Manager of KCB Ltd when Dr. Koinange allegedly arranged for the transfer of KSh 5.86 billion out of the Paymaster General Account with the CBK. The money was credited into the KCB account with CBK and the money ended up with GIL.		Removed from office and jointly charged with Eliphaz Riungu and Dr. Wilfred Koinange for abuse of public office which led to the loss of KSh 5.8 billion.	Bosire Report, Pages 250-251
Elphas Riungu, at the time was the Chief Banking Manager of the Kenya	Alleged involvement in corruption. According to the Bosire report, he was allegedly a key player in the Goldenberg		Removed from office and jointly charged with Dr. Wilfred Koinange and Elijah Bii	Bosire Report, Pages 232-237

Commercial Bank Ltd until February 1992 when he was appointed Deputy Governor	affair and actively and knowingly supported its illegal operations.		for abuse of public office which led to the loss of KSh 5.8 billion.	
Tom Kilalya Werunga, was an assistant principal in the Banking Division of the Kenya Commercial Bank Ltd	Alleged involvement in corruption. The Bosire report alleges that he acted on letters from Dr. Koinange which authorized unlawful payments from the PMG's account, thus aiding and abetting theft.		No action.	Bosire Report, Pages 244-246
Joshua Chelelgo Kulei, was personal assistant to President Moi. Also was both Director and shareholder of Trans National Bank	Alleged involvement in corruption. The Bosire report indicates that he supported and benefited from activities of GIL; and large sums of GIL money and motor vehicles were given to him for KANU's campaigns in the 1992 general election.		No action.	Bosire Report, Pages 246-249
Joseph Magari, was Permanent Secretary in the Ministry of Finance after Mbindyo	Alleged involvement in corruption. The Bosire report alleges that he admitted to having authorized various payments to GIL by way of an additional 15% ex gratia. He also admitted the payments were against the law but that he had been ordered by Moi to pay the money.		He was removed from office in 2006 and is facing criminal charges in relation to the Anglo-Leasing Scandal.	Bosire Report, Pages 221-223
Michael Wanjihia,	Alleged involvement in		Dismissed by	Bosire Report,

was assistant Principal in the Foreign Department of the Central Bank of Kenya until the 18 th of August 1993	corruption. The Bosire report alleges that he signed the three totally incorrect letters dated 12 th July 1993 to Delphis Bank Ltd stating the US \$ 19 million had been received from the bank, yet the contract had in fact been reversed.		CBK.	Pages 251-253
Edward Nambisia, former Customs Officer	According to the Bosire report, he was frequently involved in exportation of GIL which made the schemes of GIL easier to carry out.		No action.	Bosire Report, Page 251
Joab Kilach, was financial controller in the Central Bank of Kenya in 1990 and then director, banking supervision department, and finally, manager, foreign department in August 1992	Alleged involvement in corruption. According to the Bosire report, he allegedly signed letters to AMEX and Bank of Indonesia (Banque Indoduez Aval) in the full knowledge of the nature of these dealings.		Commission recommended further investigation to establish criminal culpability and take legal action if any. He was dismissed.	Bosire Report, Pages 253-254
Report of the Public Accounts Committee on the matter of currency printing contracts between the Central Bank of Kenya and De La Rue Company				
Hon. Amos Kimunya, Former Minister for Finance	The Minister directed the Central Bank of Kenya to cancel the contract for printing new generation notes with De la Rue even though Treasury has no	November 2007 at Treasury. The move cost the tax payers KSh 1, 830,909,616. This is the price difference between the cost of the interim orders and the cancelled contract.	Minister asked to step aside to pave way for further investigation.	Report of the Public Accounts Committee (PAC) on Matter of printing contracts between the Central

	<p>mandate to direct the Central Bank on procurement issues. He therefore disregarded the provisions stated in the Procurement and Disposal Act 2005.</p> <p>In addition, the Minister failed to advise the Central Bank to negotiate for a lower price in view of the fact that the interim order pricing was higher than the cancelled contract.</p>			<p>Bank of Kenya and De La Rue Company, Chaired by Hon. Boni Khalwale, M.P., Pages 8-9,23 & 54</p>
<p>Prof. Njuguna Ndung'u, Governor of the Central Bank of Kenya</p>	<p>The Governor procured banknotes from De La Rue on interim orders without subjecting the exercise to a competitive procurement process. His actions were contrary to the Government's procurement regulations and procedures. The Governor under his capacity did not resist the directive from the then Finance Minister, he failed to protect the Bank's independence and the tax payers' interest. The Banking and Central Bank of Kenya Act stipulates that it is the duty of the Minister for Finance to give directions in terms of the conduct of monetary policy and not operational matters.</p>	<p>November 2007 at the Central Bank of Kenya.</p>	<p>The Ethics and Anti-Corruption Commission asked to investigate and take appropriate legal action and recover the lost funds.</p>	<p>Report of the Public Accounts Committee (PAC) on the matter of printing contracts between the Central Bank of Kenya and De La Rue Company, Chaired by Hon. Boni Khalwale, M.P, Pages 8-10, 13, 20 & 41</p>

Report of the Parliamentary Select Committee on the decline of the Kenya shilling against major foreign currencies

<p>Prof. Njuguna Ndung'u, Governor of the Central Bank of Kenya</p>	<p>The report notes that the Governor of the Central Bank:</p> <p>(i) Did not react in good time to the problem of sharp decline of the shilling, which triggered a panic and fertile ground for hoarding foreign currencies and speculation.</p> <p>(ii) Kept CBK Discount Window interest rates below the interbank rate and Treasury Bill rates that encouraged the commercial banks to bypass the interbank market to borrow from the discount window.</p> <p>(iii) Allowed communication breakdown between the CBK and the banks.</p> <p>(iv) Played down the gravity of the problem to the extent that in various instances and forums, he was quoted saying that he would not intervene in the foreign exchange market.</p> <p>(v) Not being candid enough with information to Kenyans and even to this Select Committee. For instance, the Governor claimed publicly that some banks, which he refused to name, were responsible for</p>	<p>2011. The steady depreciation trend of the Kenyan shilling has made many Kenyans and foreign investors incur massive losses and the cost of transacting business unduly expensive. Institutions and groups affected include bankers, lenders, importers, traders, students studying abroad, investors, hospitality and tourism sector, among others which heavily rely on or use foreign currency.</p> <p>The depreciation of the Kenya shilling affected the cost structure of listed companies, which rely on imports. Higher import costs affected their projected earnings, which further triggered the fall in the price of the listed shares. In addition, the decline of the shilling caused companies to postpone conducting Initial Public Offers (IPO), fearing under subscription.</p> <p>Thus, the shilling decline was partly to blame for the drop in the NSE 20-share index. Also, ordinary retail investors may have sold their shares to cope with the high cost of living associated with the weak shilling and inflationary pressures.</p>	<p>The Committee found the Governor's conduct and behavior incompatible with the holder of the office of Governor of the Central Bank of Kenya and therefore recommended that the Governor takes responsibility for allowing the sharp decline of the shilling. The Commission recommended that the Governor steps aside to pave way for thorough investigations. That the President should constitute a tribunal to investigate the Governor's conduct, incapability and incompetence to perform the functions of the office as per the provisions of the CBK Act Cap 491 section 14 (2)(f) and 14(3).</p>	<p>Report of the Parliamentary Select Committee on the decline of the Kenya shilling against major foreign currencies, Page 33</p> <p>Recommendations related to the Central Bank Governor not adopted by Parliament.</p>
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	<p>arbitrage and hoarding of foreign currencies.</p> <p>(vi) Overseeing the rise of the CBR rate to 18%, hence occasioning Kenyans heavy interest rate payments.</p> <p>(vii) Being squarely responsible for creating the opportunity for banks and individuals to make quick money through speculation and hoarding.</p> <p>(viii) His announcement and release of CBK circular to bypass the banking system and deal directly with buyers or sellers of foreign exchange, although reversed, was in complete disregard of the financial structures and could have opened opportunities for rationing of foreign exchange, occasioning parallel markets to thrive.</p>			
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Report of the Defense Committee on the Sale of Embassy Houses

<p>Hon. Moses Wetangula, EGH. MP, former Minister for Foreign Affairs</p>	<p>The Minister in his capacity while discharging his duties initiated the discussions and negotiations about the sale, acquisition and development of various properties of Kenya's Diplomatic Missions. In one</p>	<p>The properties were sold in 2004. Nevertheless, the Ministry of Foreign Affairs began construction of the Chancery, staff quarters and the Residence in Abuja in 2010.</p>	<p>The Minister asked to step aside to pave way for further investigations.</p>	<p>Report on the procurement, disposal and construction of properties of Kenya's diplomatic missions. Departmental</p>
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	<p>occasion, the proceeds from the sale of the Lagos properties were allegedly transferred to purchase property in Tokyo (DFR 1) instead of constructing a Chancery and Residence in Abuja where the Federal Government of Nigeria had offered a plot at no direct cost to the Kenya High Commission in Nigeria.</p>			<p>Committee on Defense and Foreign Relations, Chaired by Hon. Adan W. Keynan, M.P., Page 12</p>
	<p>The sale of the plot in Cairo and the proceeds were diverted to other purposes not intended.</p>	<p>This cost the government and the tax payers a total amount of 4,191,600 Egyptian pounds in 2007.</p>		<p>Report on the procurement, disposal and construction of properties of Kenya's diplomatic missions. Departmental Committee on Defense and Foreign Relations, Chaired by Hon. Adan w. Keynan, M.P., Page 12</p>
	<p>The Japanese Government had offered a plot on sale for the Kenyan Government for the construction of the Chancery and Residence. The Minister of Foreign Affairs instead of taking advantage of the offer and save the Government from high expenditure hurriedly bought a Chancery in a residential area</p>	<p>The purchase was done in 2009 and cost the tax payers JPY 1,750,000,000. The Ambassador's residence was mysteriously destroyed by fire.</p>	<p>The Minister was asked to step aside for further investigations.</p>	<p>Report on the procurement, disposal and construction of properties of Kenya's diplomatic missions. Departmental Committee on Defense and Foreign Relations, Chaired by</p>

	without weighing the available options or consulting and taking into account the economic impact of such a decision.			Hon. Adan w. Keynan, M.P., Pages 13 & 44-45
	The purchase of a Chancery in Brussels, Belgium. The amount was to include refurbishment, furniture and fittings.	It cost the tax payers 3,850,000 Euros.		Report on the procurement, disposal and construction of properties of Kenya's diplomatic missions. Departmental Committee on Defense and Foreign Relations, Chaired by Hon. Adan w. Keynan, M.P., Page 14
	<p>Lots of funds were lost by diverting them for purposes not intended. The Minister misadvised the government that there was value for money while in real sense the government was losing money in these purchases.</p> <p>The Minister against all odds hired expensive lawyers while there were other available lawyers charging comparatively low fees and who ready to offer the same services.</p> <p>The Minister also gave a contradicting report against that given by the architects concerning the Tokyo property.</p>			Report on the procurement, disposal and construction of properties of Kenya's diplomatic missions. Departmental Committee on Defense and Foreign Relations, Chaired by Hon. Adan w. Keynan, M.P., Pages 43, 52 &124

	<p>The purchase and disposal of these properties did not follow the procedures and policies as laid by the Public Procurement Oversight Authority.</p> <p>The Minister was in breach of section 19 of the Public Officer Ethics Act for misleading the public.</p>			
<p>Mr. Thuita Mwangi, Permanent Secretary, Ministry of Foreign Affairs</p>	<p>The Permanent Secretary failed to ensure that the provisions of the Public Procurement and Disposal Act, 2005 were adhered to. He did not ensure that the independent valuers were engaged before the purchases were made.</p> <p>The PS also failed to safeguard the government's interest in ensuring that the properties were not overpriced. Due to negligence of duty, he did not ensure that the properties were fully insured after the purchase, exposing the property to risk.</p> <p>The PS is alleged to have signed an agreement for the sale in Tokyo while he did not accompany the team to Tokyo.</p> <p>The same document was signed by another officer (Mr. Allan Mburu) in Tokyo on the same date.</p>		<p>Ordered to be investigated.</p>	<p>Report on the procurement, disposal and construction of properties of Kenya's diplomatic missions. Departmental Committee on Defense and Foreign Relations, Chaired by Hon. Adan w. Keynan, M.P., Pages 79, 83, 88-89, 129 & 133</p>

<p>Mr. Allan Mburu, Deputy Head of Mission, Kenya Embassy in Japan</p>	<p>He purportedly signed a sale agreement on behalf of the Government of Kenya without authority from the Minister, contrary to section 2 and 4 of the Government Contracts Act, CAP 25 Laws of Kenya.</p>		<p>Ordered to be investigated and face charges if found guilty.</p>	<p>Report on the procurement, disposal and construction of properties of Kenya's diplomatic missions. Departmental Committee on Defense and Foreign Relations, Chaired by Hon. Adan w. Keynan, M.P., Page 131</p>
<p>Report into the Maize Scandal</p>				
<p>Prof Gideon Miso, Managing Director, National Cereal and Produce Board (NCPB)</p>	<p>Alleged involvement in corruption. According to the Maize Scandal Report, he allegedly acted contrary to GOK objectives by knowingly selling maize under the scheme; failing to develop and implement a fair and objective policy to assess and award application for subsidized maize; failing to disclose to the trustees that NCPB was selling maize in breach of the trustees' instructions; and breaching the procurement regulations in relation to maize imports.</p>	<p>The maize scandal is believed to have cost the tax payers an estimated US\$ 26.1 million or approximately KSh 2 billion.</p>	<p>Committee recommended KACC to investigate further and prosecute if found to be criminally liable.</p> <p>Suspended then reinstated.</p>	<p>The Maize Scandal Report, Page 303; See also The Standard Newspaper, 18/5/2010</p>

<p>Hon. William Ruto, former Minister for Agriculture</p>	<p>Ruto allegedly flouted the Public Officer Ethics Act (POEA) by disregarding its provisions, in particular, Sections 12(4)C, 12(4)D, 17 and 19 and related regulations in the discharge of his duties. In one particular instance, he is alleged to have supported a company he was associated with to receive a contract to supply the NCPB with gunny bags (AMACO).</p>		<p>It was recommended that the mentioned individual face the full force of the law. On the 29th of April 2009 the Attorney General recommended to the KACC to close the files. No evidence was found linking the Prime Minister (Raila Odinga) to the scam. Price Waterhouse Coopers in their report recommended that the Minister William Ruto) pave way for investigation. He was suspended by the Prime Minister.</p> <p>It was also recommended that the National Cereals and Produce Board's mandate be reformed and spared from the commercial functions that make it prone to political interests. The NCPB Act should be amended to reduce the President's and</p>	<p>The Maize Scandal Report, Pages 4, 8 and 18</p>
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			Minister's excessive and discretionary powers over the board appointments.	
Robert Langa't , former NCPB's General Manager, Marketing and Operations	Alleged involvement in corruption. According to the Maize Scandal Report, is accused of knowingly participating in the sale of subsidized maize under the scheme; failure to develop and consistently implement a fair and objective policy to assess and award the applications for subsidized maize; and failure to discharge the duties of the chairperson of the committee.		Committee recommended KACC to investigate further and prosecute if found to be criminally liable. Suspended then reinstated.	The Maize Scandal Report, Page 304; See also The Standard Newspaper, 18/5/2010
Mr Boit , NCPB's Sales and Marketing Manager	According to the Maize Scandal Report, he knowingly participated in the sale of subsidized maize under the scheme, failed to develop and implement a fair and objective policy to access and award application for the subsidized maize and; and acted to facilitate allocations between traders and millers so as to improperly convey a benefit.		Committee recommended KACC to investigate further and prosecute if found to be criminally liable. Suspended then reinstated.	The Maize Scandal Report, Page 304; See also The Standard Newspaper, 18/5/2010
Mrs. Ann Kamau , Corporation's Secretary and Legal Officer	Alleged involvement in corruption. According to the Maize Scandal		Sacked by the then acting Managing Director Alfred Busolo.	The Maize Scandal Report, Page 304

	Report, she knowingly participated in the award of a contract in breach of the procurement rules and company regulations and failed to discharge and act in proper conduct as a legal officer.		To face prosecution.	
Cornel Ngelechey, Chief Accountant at the NCPB	Alleged involvement in corruption. The Maize Scandal Report alleges that he failed to discharge his duties as the chief accountant.		Sacked by the then acting Managing Director Alfred Busolo. To face prosecution.	The Maize Scandal Report, Page 306
Dr. Romano Kiome, Permanent Secretary, Ministry of Agriculture (MoA)	Alleged involvement in corruption. According to the Maize Scandal Report, he allegedly failed to investigate, insisted on safeguards or suspended release of further maize to NCPB despite being aware of the scheme; ratified post event the over sale of 277,000 bags of SGR stock in excess of what had been approved by the trustees; and influenced the decision of NCPB by using his position as a trustee and PS in the MoA.		Suspended then reinstated. Continuous public scrutiny recommended.	The Maize Scandal Report, Page 314 See also The Standard Newspaper, 18/5/2010
Ali D. Mohamed, then Permanent Secretary, Ministry of	Alleged involvement in corruption. The Maize Scandal Report		Suspended then reinstated.	The Maize Scandal Report, Page 316

State for Special Programmes (MoSSP)	alleges that he failed to investigate, insist on safeguards over or suspend release of maize to NCPB and ratifying post event the over sale of 277,000 bags to SGR stocks by NCPB in excess of what was authorized by the trustees.		Continuous public scrutiny recommended.	
Joseph Kinyua, Permanent Secretary, Ministry of Finance (MoF)	Alleged involvement in corruption. The Maize Scandal Report accuses him of not criticizing or voicing his concern over the scandal.		Continuous public scrutiny recommended. No action.	The Maize Scandal Report, Page 317
Mohamed Isahakia, Permanent Secretary, Office of the Prime Minister	Alleged involvement in corruption. His role in the scandal is unclear.		Suspended, cleared and reinstated. Continuous public scrutiny recommended.	The Maize Scandal Report, Page 320
Caroli Omondi, Principal Administrative Secretary/Chief of Staff, Office of the Prime Minister	Alleged involvement in corruption. The Maize Scandal report alleges that he signed the letter approving the upward variation of the price in respect of Agri's second contract for the supply of 60,000 MT contrary to the prescribed formal procurement procedures.		Suspended, cleared and reinstated. Continuous public scrutiny recommended.	The Maize Scandal Report, Page 321

Report of Parliamentary Anti-Corruption Select Committee

<p>Eric Kotut and Kamlesh Masunkhulal Patni</p>	<p>Fraud</p>	<p>Exchange Bank and Central Bank, KSh 13.5 Billion</p>	<p>Committee recommended that Chief Justice ensure case is expedited and monies recovered.</p>	<p>PAC 1995/96 Report, Paragraph 39</p>
<p>Hon. Fred Gumo and Mumias sugar company officers</p>	<p>Kombo report alleges that they were involved in fraudulent invoicing for services already paid for.</p>	<p>Mumias Sugar Co., KSh 28 million</p>	<p>Committee recommended that then KACA investigate with a view to prosecute and lost monies recovered.</p>	<p>4th PIC report for the year ended 30th June 1991</p>
<p>Joseph B.K Mwaniki Cherine Nyanjui, Ben Kipkulei Wilfred Koinange Hezkiah Oyugi</p> <p>Wildred Kimalat, former Permanent Secretary, Office of the President</p>	<p>Kombo report alleges that they over-evaluated the Eldoret airport land.</p>	<p>Eldoret Airport, KSh 7.3 million</p>	<p>Committee recommended that then KACA investigate then Chief Government Valuer B.K. Mwaniki and Catherine Nyanjui of Loyd Masika Ltd., with a view to prosecute and recover lost monies.</p>	<p>PAC report 1994/95, paragraphs 26-28 and 33-38</p>
<p>Leonard Sawe and Charles Mbindyo, former Permanent Secretary, Treasury</p>	<p>Kombo report alleges that they made fraudulent payments for: i. Goods not delivered ii. Defective goods delivered iii. No-installation of boilers</p>	<p>US \$ 532,000</p>	<p>Committee recommended that then KACA investigate with a view to prosecute for abuse of</p>	<p>PAC report 1995/96, paragraphs 230-233</p>

			office.	
Crispus Mutitu , then Permanent Secretary, Ministry of Energy, 1994-95 and the then Managing Director, Kerio Valley Development Authority	Kombo report alleges that they are responsible for loss of money unaccounted for in Turkwel Gorge Energy project.	Total spent on project: KSh 8.14 billion Accounted for: KSh 5.1 billion Unaccounted for: KSh 3.04 billion	Committee recommended that then KACA investigate with a view to prosecute for abuse of office.	PAC report 1995/96, paragraph 644
Phillip Moi and Mohammed Muzahim	Kombo report alleges that they fraudulently and illegally imported six Mercedes Benz cars.	KSh 30 million	Committee recommended that they be charged in court to recover duty.	PAC report 1995/96, paragraphs 75-79
Lawi Kiplagat , Executive Secretariat Technical Unit and Raspel Ltd., purchasers of Milling Corporation of Kenya	Kombo report alleges that he under-evaluated properties on disposal under privatization.	ESTU, Disposal of parastatals	Committee recommended that then KACA investigate with a view to prosecute for abuse of office.	PAC report 1995/96, paragraphs 61-73
	Kombo report alleges that he sold Milling Corporation of Kenya below is market value.	Milling Corporation of Kenya, KSh 400 million	Committee recommended that then KACA investigate with a view to prosecute and recover public funds.	6 th report of PIC 1996, Pages 222-235
Ketan Somaia and the late Hezekiah Oyugi	Kombo report alleges that they were paid for security equipment not delivered.	KSh 240 million	Committee recommended that then KACA charge Ketan Somaia with corruption.	PAC report 1995/96, paragraphs 151-153
William Bomet	Kombo report alleges that they	KSh 300 million	Committee	PAC report 1995/96,

<p>Phillip K. Magut Simon Kuria Kanyingi David Tirop Tom Sagwe A.M. Maganga</p>	<p>used public office for personal gain.</p>		<p>recommended that i. then KACA investigate with a view to prosecute for abuse of office; ii. Perpetrators not to be allowed to hold public office; iii. Recoveries should be instituted.</p>	<p>paragraphs 614-616</p>
<p>Wilson Gachanja, former Commissioner of Lands and accounting officer in the Ministry of Lands and Ministry of Public Works</p>	<p>Kombo report alleges that they irregularly allocated 576 government plots and hoses to private firms and individuals as per appendix no. iv.a.</p>		<p>Committee recommended that i. then KACA cause proper valuation of the properties and enforce payment at market rates; ii. KRA and Ministry of Lands in conjunction with KACA to recover commensurate rates and stamp duties; iii. Ethics and Integrity Committee of Parliament investigate similar cases in all districts with a view to implement i. and ii. above.</p>	<p>PAC report 1994/95, paragraphs 555-558 PAC report 1995/96, paragraphs 687-689</p>
<p>Samuel Muindi J.M Kesoso Wilson Gachanja,</p>	<p>Kombo report alleges that they irregularly and illegally made payments for ghost plots.</p>	<p>KSh 1.7 billion</p>	<p>Committee recommended that i. then KACA investigate with a view</p>	<p>NSSF accounts for the year ended 30th of June 1995 in the 8th PAC report,</p>

former Commissioner of Lands			to prosecute for abuse of office; ii. perpetrators Kesoso and Muindi not to be allowed to hold public office; iii. recoveries should be instituted.	paragraph 4, pages 47-50
Elijah Mwangale Dr. Wilfred Koinage Fred Wafula Don Eshitemi	Kombo report alleges that they misused public office for private gain. They are also alleged to have engaged in a conspiracy to defraud the Government.	Nzoia Sugar Company	Committee recommended that i. then KACA investigate with a view to prosecute for abuse of office; ii. perpetrators declared unfit to hold public office; iii. recoveries should be instituted.	Nzoia Sugar Company accounts for the year ended June 1995 in the 6 th PAC report, paragraphs 2.1 and 2.2
Daniel Runya Ngumba Joshua Kulei Japheth Karuku S. Gunga Yagnesh C. Desai N. Korir B.K. Rotich P.K. Shah W.K. Sambu Lawi Kiplagat	Kombo report alleges that they defrauded NCPB, ICDC and IDB. Shares in Kenya Cashew Nuts Ltd. were fraudulently sold to private individuals instead of to the Kilifi District Cooperative Union.	NCPB, ICDC, IDB and Kenya Cashew Nuts Ltd. KSh 82.5 million	Committee recommended that i. then KACA investigate with a view to prosecute; ii. recoveries should be instituted.	Kenya Cashew Nuts Ltd, NCPB accounts for the year ended June 1995 in the 8 th PIC report
Ms Mutula Kilonzo and co. advocates Simon Mauncho and co	Kombo report alleges that they defrauded NSSF.	KSh 252 million	Committee recommended that i. then KACA	NSSF accounts ending 30 th June of 1994 in the 8 th PIC

<p>advocates M.M Ombogo and co advocates Simo Muindi Mr J. Kisoso</p>			<p>investigate with a view to prosecute; ii) then KACA to investigate further with a view to recover any excess payments made above permitted professional scale fees; iii. Ethics and Integrity Committee of Parliament refer the matter to the Advocates Complaints Committee for appropriate disciplinary action.</p>	<p>report</p>
<p>John Savage Hon Nicholas K. Biwott Hon. For George Saitoti (deceased) Ahmed H. Ali (deceased)</p>	<p>Kombo report alleges that they made fraudulent investments and misused public office.</p>	<p>ICDC, Soya Oil Ltd., KSh 850 million</p>	<p>Committee recommended that then KACA investigate with a view to prosecute and recover public funds.</p>	<p>ICDC, Soya Oil Ltd. accounts for the year ended June 1994 in the 6th PIC report and PAC report of 1995/96, paragraph 611</p>
<p>Mr. DK Tirop, former Managing Director, Kenya National Trading Company (KNTC)</p>	<p>Kombo report alleges that he paid for fertilizers no delivered.</p>	<p>KNTC, KSh 7 million</p>	<p>Committee recommended that then KACA investigate with a view to prosecute and recover public funds from Rospel Ltd.</p>	<p>KNTC accounts for year ending 30th June 1993 in the 6th PIC report, paragraph 3 on pages 122-123</p>
<p>Hon. Kipng'eno Arap</p>	<p>Kombo report alleges that they</p>	<p>KPTC, KSh 58 million</p>	<p>Committee</p>	<p>KPTC accounts for</p>

<p>Ng'eny', former Managing Director, Kenya Posts and Telecommunications Corporation</p> <p>Chege Kirundi</p> <p>Lucy Wamaitha Chege</p>	fraudulently purchased land.		<p>recommended that</p> <p>i. then KACA investigate with a view to prosecute and recover public funds;</p> <p>ii. Ethics and Integrity Committee of Parliament refer the matter to the Advocates Complaints Committee for appropriate disciplinary action;</p> <p>iii. perpetrators be banned from holding public office.</p>	year ending 30 th June 1995 in the 8 th PIC report, paragraphs 2.10, 2.1.1 and 2.2
<p>Dr. B.N. Majisu</p> <p>Sospeter N. Arasa, Wami Associates</p>	Kombo report alleges that they fraudulently over-invoiced for services rendered.	National Council for Science and Technology, KSh 5 million	Committee recommended that then KACA investigate with a view to prosecute and recover public funds from Wami Associates.	National Council for Science and Technology accounts ending 30 th of June 1994, in the 7 th PIC report, paragraphs 3.0-3.4.2 and 8 th PIC report
<p>Phillip Mulei</p> <p>Martin Kunguru, Mugoya Construction</p>	Kombo report alleges that they fraudulently varied the cost of constructing for the extension of the NSSF building.	KSh 117.8 million	Committee recommended that then KACA investigate with a view to prosecute and recover public funds.	NSSF report of PIC paragraph 1.0-1.2. NSSF accounts for the year ended June 1991
<p>Phillip Mbithi</p> <p>Sospeter Arasa</p>	Kombo report alleges that they fraudulently obtained monies	KPA container freight section, KSh 28 million	Committee recommended that	KPA accounts for the year ended 30 th of

<p>Hon Simeon Mkalla O.E Njiru, KPA Engineer B.S Dogra, Consultant</p>	<p>from KPA.</p>		<p>then KACA investigate with a view to prosecute and recover public funds.</p>	<p>June 1996 in 8th PIC report, paragraph 5.0</p>
<p>Report on alleged irregularities on the rolling-out of the Civil Servants' Out-patient Medical Insurance Scheme</p>				
<p>Dalmas Otieno, Ministry of State for Public Works</p> <p>Prof Peter Anyang'Nyongó, Minister for Medical Services</p> <p>Richard Kerich, CEO, NHIF</p> <p>Prof Muga, former Director of Medical Services</p> <p>Immediate former members of the NHIF board</p> <p>Directors of Clinix and Meridian medical centres</p> <p>Teddy Madahana Asiavuga</p>	<p>In contracting NHIF to provide the cover for the members, a number of factors were not put into consideration and the whole process benefited a few the officials. The funds from the scheme were siphoned to individual pockets thereby denying the Civil Servants their right to enjoy their right. The process did not consider the process of conceptualization and exercise of free choice, There was lack of awareness on the part of the beneficiaries; The geographical locations of residences/beneficiaries, Non-existent facilities and Lack of capacity by some of the facilities allocated to provide the service. The capitation method of payment also did not take into account value for money by the beneficiaries.</p>	<p>In January 2012, Clinix Health care was scheduled by NHIF to receive KSh 202, 161,188. The amount to be paid to 56 outlets was KSh 194, 908, 523 leaving a variance of KSh 7, 252, 665 that could not be accounted for. At the time of the roll-out, 20 outlets were capitated to the tune of KSh 94, 700769 and additional 36 outlets were capitated to the tune of KSh 100,207, 753 and yet they were not operational. Meridian medical Centers were also capitated to provide the service.</p>	<p>The ethics and anticorruption commission to investigate the role played by the following persons in the irregularities of the scheme; The Registrar General, The Director of Medical Services, The CEO NHIF, The Members of the NHIF Board, The Ps. Ministry of , The Minister for Medical Services, The Minister of State for Public Services. The true identity of Mr. Teddy Madahana to be investigated for possible misrepresentation and prosecuted if found culpable.</p>	<p>Due diligence to be carried out to avoid registration of companies associated with persons of undesirable character (Departmental Committee on Health- Chaired by Hon. (Dr.) Robert Monda, M.P.) Pages 35, 79-85, 100-102 and 105.</p>

<p>The registrar general</p>	<p>There is lack of knowledge about the true owners of Clinix company that was awarded the single largest contract of providing the medical services to the members. The CEO Mr. Teddy Madahana Asiavuga deliberately misidentified himself before the committee. There was also conflict of interest as the then NHIF board chairperson was a director in the 'The Star Hospital' which was among the list of the private service providers that were receiving capitation from the NHIF scheme.</p>			
<p>National Social Security Fund (NSSF) special management audit report</p>				
<p>Ms. Rachel Lumbasyo, the Managing Trustee</p> <p>Ms. Jane Mwangi, Chairman of the Board of Trustees</p> <p>Mr. Naftali Mogere, former Managing Trustee</p> <p>Mr. F. Moturi, former Investment</p>	<p>The Board of Trustees of the NSSF fund has failed over the years to comply with various statutory requirements, ignoring the approvals from the Ministers for Labour and Finance. There is evidence of mismanagement of the funds used in various investments that have been lost. One of the big issues that were exposed during the investigations by the Commission indicates that the</p>	<p>In March 2008, the plot was sold for KSh 1,375,000,000, much below what professional land valuers estimated to be its market value. A total of KSh 54,043,600 has been lost in penalties due to negligence of the officers in charge for failure to remit NHIF contributions on time between September 2003 and December 2006.</p>	<p>It was recommended that the Board of Trustees be relieved of its duties by the Minister for Labour for its inability to safeguard the pensioners' funds. It was dissolved in October 2008. The Managing Trustee abused her office, consequently the</p>	<p>NSSF Audit report 2008 Pages 9-11 & 58</p>

<p>Manager</p>	<p>disposal of the Kenyatta Avenue Plot was awarded to Delta Square Ltd., a company that was formed just three days before the transfer.</p> <p>The NSSF board hasn't approved an ICT policy yet the fund has incurred over KSh 500,000 for the infrastructure which is not functional, suggesting the mismanagement/ embezzlement of public investment funds.</p> <p>Contrary to the laid down code of ethics that governs NSSF like any other public office, the Managing Trustee Ms. Lumbasyo recruited a total of 128 staff in various positions (most of which were from her ethnic community) without following the fund's recruitment regulations. This was regarded as abuse of office and power.</p> <p>The Board in many occasions failed to exercise due diligence in making most of its investment decisions, resulting in loss of members' funds.</p> <p>The fund also often did not comply with the RBA Act, and does not follow Treasury guidelines.</p>		<p>team recommended that she should, in the future, be barred from holding any Public office.</p> <p>Former Managing Trustee Naftali Mogere, former Investment Manager F. Moturi and Ms. Rachel Lumbasyo, the Managing Trustee, to be held responsible for the missing share certificates for the investments made in the collapsed Discount Securities Limited.</p> <p>It is recommended that in future the Minister observes the Guidelines and Statutes on appointment of Managing Trustees.</p>	
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Project KTM Kroll consulting Report

<p>Joshua Kulei, Ketan Somaia, Nicholas Biwott, Gideon Moi, Josiah Kiplagat, former President Daniel arap Moi, Late John Michuki, Late Prof George Saitoti, Ezekiel Oyugi</p>	<p>It is estimated that US\$ 200 million dollars were laundered through Kenya via Trans-National Bank.</p>	<p>In October 2002, approximately US\$ 15 million were paid by Phillip Moi to an Italian family on a deal on which they failed to deliver. Banguie Belgolaise, Belgium & middle East Bank Kenya, is a bank believed to be owned by Hon. Daniel Moi and the late Hon. Michuki.</p>	<p>There could be a significant amount of money held, but further inquiries need to be made on Hon. Daniel Moi's participation.</p> <p>Kulei is alledged to have a chain of businesses locally and outside the country, especially in London and South Africa, whose acquisitions are not clear in the public domain.</p> <p>Ezekiel Oyugi used Equatorial Bank and he was responsible for contracting on behalf of Government in the purchase of weapons.</p> <p>The former President should be investigated further to unveil more activities.</p>	<p>Kroll report illegally privileges, Pages 104, 107-108</p> <p>Nicholas Biwott, Pages 40-50, 60 Philip Moi, Pages 50, 59</p> <p>Kulei representing Ex President Moi in most companies, Pages 18-23 Illegality acquired resources.</p> <p>Katen Samaia, Page 27 The owner of the Equatorial Bank was adversely mentioned in the Goldenberg scandal and aided in money laundering. Crowns Agent in the UK was recommended for investigation involving Oyugi and Ketan Gedion Moi on illegal links,</p>
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Country Development Fund (CDF) Mismanagement Report

<p>Hon. Ferdinand Waititu Hon. Dickson Wathika Hon. Simon Mbugua</p>		<p>The Government has lost KSh 445 million from the CDF due to the mismanagement by Members of Parliament or the various development committees assigned to manage the CDF funds at the constituency levels across the country. The expenditure for the above fund is available in the public domain and is being audited as demanded by the public in order to help understand and appreciate how the funds have been used in terms of tangible investments, development and services offered.</p>	<p>Follow up was needed for the 17 constituencies that were assessed as many had ghost projects and embezzlement of funds. According to the report, Hon. Waititu defended himself of being associated with the projects mismanaged by the late David Mwenje, former Member of Parliament for Embakasi Constituency. Additional MPs should be investigated and record should be brought into books.</p>	<p>Daily Nation, 6th of April 2010.</p>
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Kazi Kwa Vijana Initiative

<p>Office of the Prime Minister and the line Ministries who took</p>	<p>A total of KSh 33,061,925 has been embezzled according to the interim audit report.</p>	<p>During the period of October 2011, the “KKV scandal” received unprecedented media coverage.</p>	<p>Poor internal control procedures in the Office of the Prime</p>	<p>Auditor General’s report, 26th of October 2011 on the</p>
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<p>part</p> <p>Hon. Franklin Bett, Minister for Roads</p> <p>Hon Charity Ngilu, Minister for Water and Irrigation</p> <p>Hon. Noah Wekesa, Minister for Forestry and Wildlife Functions</p> <p>Hon. John Michuki, Minister for Environment and Natural Resources</p> <p>Hon. Musalia Mudavadi, Minister for Local Government</p>	<p>Each of the named ministers were allegedly said to have received KSh 1 million from the project which cannot properly be accounted for.</p>	<p>The project was suspended by the World Bank in order to pave way for re-designing towards better accountability and targeting of beneficiaries. This move adversely affected the many jobless youths who had been absorbed in the project and were improving their standards of living.</p>	<p>Minister gave an opportunity for the officers to embezzle funds. An overhaul of the system is therefore required to change the face of the project and request for further funding. The Prime Minister acknowledged the failures of not involving the line Ministries and the weak internal control within his office. Parliament urged the Rt. Hon. Prime Minister to take political responsibility for failure to closely monitor the activities in the project.</p>	<p>website</p>
<p>Free Primary Education Scandal</p>				
<p>Prof Sam Ogeri</p> <p>Prof Karega Mutahi</p>	<p>The primary education sector got caught up in the mix of events that almost paralyzed the system.</p>	<p>The Government lost approximately KSh 4 billion donated by the development partners to support the program and give primary school going children the opportunity to enjoy the right to</p>	<p>The USA suspended their US\$ 7 million followed by the UK. The donors demanded</p>	<p>Free primary education report, Pages 4, 16 18.</p>

Mrs Concilia Ondiek	Both the Minister and the Permanent Secretary have the authority and the mandate to oversee the Ministry's day to day operations. None of the operations could be done without their consent as they have a say in almost all the activities and importantly the release of funds.	education and a chance to a brighter future.	for a strong punitive action against the individuals named. Concilia Ondiek currently in court for embezzlement of FPE funds.	
Prof G. K. Saitoti, (deceased), MP Kajiado North, former Minister for Internal Security and Provincial Administration, former Vice President (1989-2002)	Illegal and irregular acquisition of public land. According to the Ndung'u report, he was illegally allocated a government house (Mandera Road, LR. No. 209/3003); and illegal settlement schemes were carved out of ADC farms in Nyota complex and allocation of more than 5 acres contrary to the average allocations.		Commission recommended revocation of the title and repossession of the public land. No action taken.	Ndung'u Commission Report, Annexes Vol. 1 Pages 799,893
16th Report of the Public Investments Committee (PIC)				
Mr. Alex S. Oleteipan, Chief Executive Kenya Ferry Services Mr. Wilson Gachanja,	The Kenyan Government lost KSh 5.8 million due to indirect purchase of land that was done through the Land Commission, the then Chief Executive and	On the 26 th of November 1992, the corporation acquired land through a third party after failing to get through allotment. KFS had to get loans and pay an extra KSh 5.8 million.	The individuals mentioned were behind the malfeasance that affected the company.	16 th PIC report, Pages 211 and 222 Agro Chemicals on page 21

<p>Land Commission</p> <p>Ms. Rose Tata Muya, Chief Director, Agro Chemicals and Food Company</p> <p>Charles Lutta Kasamani, Lawyer, Agro Chemicals and Food Company</p> <p>Mr. Hussein Ibrahim and Mr. Muchanga Wanyonyi w/s. Womi Ass.</p>	<p>the Vendor.</p> <p>Mtongwe Ferry disaster in which 257 passengers died.</p> <p>The company Agro Chemicals had accumulated losses up to KSh 5,249,848,601.</p> <p>Mr. Hussein illegally gave w/s Womi Ass. a contract outside the budget limits, making the whole process to escalate from KSh 1,762,000,000 to KSh 3,279,226,670.</p>		<p>The Committee recommended KACC to establish circumstances surrounding the sale of the land.</p> <p>The Committee on the Mtongwe disaster recommended that Mr. Oleteipan be reprimanded for the financial loss and loss of 257 lives.</p> <p>The Committee recommended that the Director of Criminal Investigation prefer charges, KACC to investigate individuals responsible and the Chief Executive and the lawyer to face the law.</p>	<p>NHIF building on pages 125, 126</p>
<p>Report on the Ownership of South Ngariama Ranch</p>				
<p>Mrs. Roselyne Miano</p> <p>Mr. Jackson Arithi</p> <p>Counsellor Cyprian Kangiri</p>	<p>The Departmental Committee on Lands and Natural Resources, following various complaints, questions by Members of Parliament, memoranda, conflicts and or</p>	<p>In 1973, the South Ngariama Ranching Co- operative Society Limited secured a loan with AFC for additional stock and was required to have the lease extended on the 29th of January 1988. The title for LR. No.13963 or grant No.4238 was used to secure a loan of KSh 1 million from AFC for</p>	<p>Following the above observations, aware of the fact that the land in question will be under Kirinyaga County government in</p>	<p>South Ngariama Ranch report, Pages 14, 22 & 34</p>

George Njeru	disputes leading to deaths arising out of the ownership of the South Ngariama Ranch in Kirinyaga County resolved to intervene and investigate the cause of conflicts and ownership of the Ranch (L.R. 13963). The Committee noted that the then Acting Clerk, Mrs. Roselyne Miano, gazetted herself as member of the Lands Board against the law, without the authority from the Commissioner of Lands or the Minister; this was to allow her to set the land aside and subdivide it.	additional stock on the 20 th of July 1988.	April 2013, also aware that the legislation on community land will have been enacted by then, the Committee recommends as follows: i. that the status quo be maintained; ii. that a determination of all pending court cases be expedited.	
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17th Report of the Public Investment Committee on accounts of State corporations

<p>Mr. Joseph Otieno, Nzoia Sugar Company</p> <p>Mr. Samuel Wambua, Chemelil Sugar Company</p> <p>Mr. Jos Konzolo, Managing Trustee, NSSF</p> <p>Mr. Ben Mtuweta, Managing Trustee, NSSF</p> <p>Mr. Samuel Muindi,</p>	<p>Mr. Joseph Otieno took part in a fraud by collecting a cheque worth KSh 500,068, despite having been dismissed from the office at that particular time. Mr. Samuel Wambua under his watch entered into an agreement with an NGO to construct Manguvu community water and sanitation project in Mwingi District where the company lost KSh 19,585,843. The amount could not be properly accounted for. He</p>	<p>Through the misappropriation of VAT payable, the Nzoia Company lost KSh 60,170,270 and a fraudulent cheque amounting to KSh 500,068.</p> <p>Through the Munguvu project the company lost KSh 19,585,843 and the community was therefore denied a better service to gain from the project.</p> <p>The company lost and made unnecessary advances to Mugoya Building and Construction Company. Kenyatta Hospital lost KSh 117,183,043 to upgrade the casualty department that was not completed in time due to money laundering and illegal deals and contracts.</p>	<p>The Committee recommended KACC to investigate the amount outstanding against Nzoia in the form of VAT payable to KRA and fraudulent loss of cheque through Mr. Joseph Otieno. The Committee recommended that KACC investigate the manner in which the water project was</p>	<p>17th PIC report of 2010, Pages 40, 41</p> <p>Chemelil Water and Sanitation Project scam report, Pages 66-69</p> <p>NSSF on the advances made to Mugoya and Building Construction and Engineering Ltd.,</p>
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<p>NSSF</p> <p>Dr. Meshack Ong’uti, Kenyatta National Hospital</p> <p>Hon. Amos Kimunya, then Minister for Finance</p> <p>Hon. Mwakwere, then Minister for Transport</p> <p>Mr. Joseph Kinyua, then Permanent Secretary to the Treasury</p> <p>Ms. Esther Koimett, Investment Secretary</p> <p>Dr. Margret Gachara, National AIDS Control Council</p>	<p>further awarded tender to NETWAS, an unlicensed company.</p> <p>NSSF, through the Chief Executive, Mr. Jos Konzola lost KSh 324,353,699 plus interests accrued to Mugoya Building and Construction Company.</p> <p>Dr. Meshack during the extension of the hospital’s main casualty department was allegedly involved in illegal deals amounting to KSh 117,183,043.</p> <p>The mentioned individuals made a concession to RVP, a private entity, that exposed the company to a loss of KSh 1,940,883,857, making a net appropriation A/C to a negative amount of KSh 13,213,881,182.</p> <p>Dr. Gachara’s emoluments amounting to KSh 1,134,777 were not audited, as she was supposedly on a contract, having been seconded to NACC by UNAIDS.</p>	<p>Kenya Railway corporation lost the amount indicated and through the retrenchment made, many employees lost jobs, resulting in reduction from 9,000 to 90 staff.</p>	<p>implemented and financed and charge individuals liable for the loss.</p> <p>The Committee recommended that individuals, Mr. Jos, Ben Mtuweta, Samuel Muindi, be held responsible of advancing money without board approval.</p> <p>The Committee recommended that the Criminal Investigation Department expedite investigation and the individuals be held liable, including the then Director Dr. Ong’uti be taken to court.</p> <p>The Committee further said that Dr. Ong’uti should be barred from holding any public office in the Republic of Kenya.</p> <p>The Committee recommended that KACC expedite investigation and find out the role played by</p>	<p>Pages 80-82 &111</p> <p>Extension of the Kenyatta Hospital casualty department report, irregularity noted Pages 185-187</p> <p>Kenya Railway corporation loss through concession, Pages 217,221,260</p> <p>National AIDS Control Council, irregularity Pages 310-313, case No HCCC No 550 of 2005</p>
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