

REPORT 1: CORRUPTION AND ABUSE OF OFFICE ON THE PART OF THE
COMMISSIONER OF POLICE, MAJ. GEN. HUSSEIN ALI

It was in the course of my duty as part of the investigating commission at the Kilindini Harbour and its environs in Mombasa that I intercepted 18 (eighteen) containers of sugar that had been 'stolen' from the Port of Mombasa. I concluded that they were stolen because fictitious 'Customs Entry documents' had been used to secure their release from the Port of Mombasa into the local market, yet they were on their 'valid paper' goods on transit to the Democratic Republic of the Congo. Upon the receipt of some 'information', I intercepted these goods at a warehouse/ godown situated in Ganjoni Estate within Mombasa, and further investigations established that the containers, their contents (which happened to be sugar) and the warehouse/ godown all belonged to the prominent Mombasa politician, Mr. Taib Ali Taib, and his brother, Mr. Mohammed Taib, as the beneficial owners.

The sequence of investigations also revealed that three KRA officials manning gate number 1 of the Port of Mombasa were involved in the 'clearance and movement' of these containers, and I therefore placed them under arrest on the 5th of January 2006, them being:

1. Mr. Albert Wamimitire;
2. Mr. Patrick Mugoro; and
3. Mr. Sara Kibera.

The investigation commission used to have routine morning and evening 'call-ups', during which we would receive instructions and or get feed-back from the Commissioner of Police on the conduct of these investigations as he personally supervised the same, and no major decisions in the handling and dealing with the impounded sugar and the arrested suspects was to be made without his direct authority and approval.

It should also be noted that being a 'Gazetted Officer', even a Senior Superintendent of Police (SSP), I could only be moved, transferred, deployed or recalled from any posting or station by the Commissioner of Police alone, and not even his immediate deputizing officer.

It is what transpired hereafter that made me believe that the Commissioner of Police, Maj.-Gen. Hussein Ali, was involved in this high-level corruption.

The Involvement of Maj.-Gen. Hussein Ali

Come the evening same day of my arresting of the 3 KRA officers, 5th January, 2006, Mr. Kavila (ACP) in his routine evening 'call-up' to the investigating commission spoke to the Commissioner of Police via 'Radio Telephone' in our presence, and in the course of their conversation I heard him (Maj.-Gen. Hussein Ali) state that he had discussed the impounding of the 'transit sugar' and the arrest of the 3 KRA officials with the Commissioner-General of KRA, Mr. Michael Waweru, and Mr. Waweru had promised to send his deputy and other senior

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KRA officers to Mombasa to assess duty due to the Government on account of this impounded sugar, which duty and levies was to be paid first, before any criminal charges could be instituted. The Commissioner of Police, Maj.-Gen. Hussein Ali, then instructed Mr. Kavila (ACP) to release the three arrested KRA officers on Police Bonds until the following day, when they would report to the Provincial Headquarters of the CID situated in Mombasa. I am aware and also know for a fact that that the following took place thereafter:

1. The 3 KRA officers released on Police Bond never reported to the Provincial Headquarters of the CID, on the 6th January 2006, and have never been charged with any offence since (they were let to go);
2. No single KRA official came to assess any duties and levies payable to the Government on the impounded sugar as supposedly promised by the Commissioner General of KRA, and no duties or levies were ever paid;
3. Under mysterious circumstances, the Police Officers attached to the Central Police Station in Mombasa guarding the impounded sugar were withdrawn without my knowledge as the investigating officer thereof;
4. Upon receiving 'an information' I personally rushed to the warehouse/godown wherein was the sugar I had impounded and saw it being sold off by agents to the owners and being loaded into trucks and carried away, in total disregard of the investigations I was carrying on therewith;
5. When I confronted Mr. Kavila (ACP) on why and how all the above could be done under his authority without him having the courtesy of informing me as the investigating officer, he replied that he was acting on the express authority of the Commissioner of Police, Maj.-Gen. Hussein Ali;
6. That in a bid to preserve some evidence of what was going on, I instructed the 'Scenes of Crime Police Officers' to photograph the impounded sugar being loaded away, which they did (and which photos are part of the documents that I submitted to KACC with the earlier report); that upon Mr. Kavila (ACP) knowing of this, he informed the Commissioner of police about it, and I had the impression that they felt that I was 'investigating them';
7. That Mr. Kavial (ACP) put me on notice (presumably under the instructions of the Commissioner of Police) that all my movements in Mombasa were being monitored by 'them';
8. I was withdrawn from the investigating commission, my firearm withdrawn by the Director of CID, Mr. John Kamau, and allowances due to me on account of my involvement in the investigating commission withheld;

I thereafter proceeded to complete my outstanding leave period, which ran till the 11th of April 2006, when I reported back on duty at my station in Kisumu, only to be given a letter of transfer by the Provincial Police Officer, Nyanza Province, Mr. Bakari Jambene, and was denied access into my office thereafter.

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On that very 11th of April 2006, I appealed to the Commissioner of Police against the transfer on grounds that I did not deserve or warrant it as per his (the Commissioner's) press briefing of the 6th of April 2006, when while addressing all provincial heads and formation commanders, the Commissioner of Police said that as part of his reform process, he had decided to transfer all senior officers who had over-stayed, being for a period of more than 3 years, at one station, in order to improve productivity. I was only 4 months into my posting in Kisumu, and obviously I did not qualify for or warrant such a transfer.

I have not received any reply to my appeal from the Commissioner of Police till date – not that I expected it, as I already knew that it was a well calculated move to get me out of the way (away from more developed towns, where my knowledge of his corrupt dealings could easily be put to use – as I already had done in reporting to KACC).

My predicament on this abuse of office by Maj.-Gen. Hussein Ali

I have not received any official communication from the Police Commissioner regarding my appeal against my transfer to Lokitang, and I decided not to take up the transfer until this issue is resolved. I have thus been dealt with as follows:

1. I have neither been officially interdicted nor sacked as required by law, yet my salary was stopped effective July 2006;
2. I am still having the Kenya Police uniforms that were assigned to me together with my Certificate of Appointment, yet it is not clear to me whether I am still a Police Officer or not.

My Plea to the Government:

I am asking the Government to take away the Kenya Police uniforms from me until this matter is resolved, so that I may officially know of my status with the Police Force.

REPORT 2: NON-ACTION BY KENYA ANTI-CORRUPTION COMMISSION'S (KACC) SENIOR OFFICERS, DR. MUTONY AND MR. WAIGURU ON MY REPORT MADE TO THEM ON THE 13TH OF JANUARY 2006

On the 13th of January 2006, I came to the KACC offices at Intergrity Centre with a view of seeing you in person (Dr. Aaron Ringera) as the Director and reporting this ordeal. However, given that you were not in the office, I was attended to by your Personal Assistant, Mr. Kenneth Mwige (Senior Counsel), who listened to me for two hours and upon realizing the sensitivity of this matter, spoke to Dr. Mutony (one of your deputies) and personally took me to his office, so that he may handle me in your absence.

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Dr. Mutony summoned Mr. Waiguru (also of KACC), and in the presence of Mr. Mwigie too, he requested me to narrate my report/complaint, which I did. Dr. Mutony they advised me to put my report in writing and attach thereto all the relevant documentary evidence, and hand over the same to Mr. Waiguru, which I did on the 18th of January 2006. Mr. Waiguru promised to revert to me within 1 (one) week after first of all sending KACC analysis officers to Mombasa to confirm and verify my reports.

Ever since that 18th of January 2006, neither Mr. Waiguru nor any other officer of the KACC has ever communicated or made contact with me.

I have traveled on eight different occasions from both Kisumu and Isiolo to KACC's offices at Integrity Centre in Nairobi to follow-up on my report, but I have never been able to see either Dr. Mutony or Mr. Waiguru, as I am always being told that they are busy or that they are not in, and at times that I call later or I leave my contacts and they will call me back – which they have never done.

The last visit I made was on Monday the 7th of August 2006, when I was attended to by Ms Grace Namachage of the Reports Department, who advised me to take this issue up with your office in the event that I am not satisfied with the manner in which any officer of KACC has handled my matter – and I have now done so. I am hoping to hear from your office soon, even as I ask the following questions:

1. How be it that I have never been asked by KACC to record any statements 7 months after I made my report on the 18th January 2006?
2. How come not a single officer of KACC has gotten back to me 'as promised' on the fate of the report that I made and documents I gave?

I have personally made and signed this report/ complaint from facts well within my knowledge except as otherwise stated. I have taken the liberty of copying the same to other relevant officers of Government, considering the circumstances surrounding it.

Signed by me on this 10th day of August 2006 at Nairobi.


MOHAMMED GODANA JARSSA

Cc:

1. The Minister for Justice and Constitutional Affairs, Hon. Martha Karua
2. The Minister for Internal Security, Hon. John Michuki
3. The Head of Civil Service, Amb. Francis Muthaura
4. The Hon. Attorney General, Hon. Amos Wako
5. The Chairman, Public Service Commission of Kenya

Annexed herewith is a copy of the earlier report to KACC dated 18th of January 2006 and also delivered to KACC on the same date.



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1a

Kenya Revenue Authority

Customs & Excise Department
MISCELLANEOUS RECEIPT

3462

S. No.: **797809**

Station: **MOMBASA LONGROOM**

Receipt No.: **5112**

Received from: **AWAL LIMITED**
PIN No: **051136075B**

Date: **20/05/2003**

Amount (in words): **SIX MILLION, THREE HUNDRED AND TWENTY-EIGHT THOUSAND, NINE HUNDRED AND THIRTY-EIGHT KENYA SHILLINGS**

Being payment on account of Entry No. **MS403702R7**
Pool No. **833032**

Outward

Description	Amount (KShs)
Value Added Tax	5,494,500
IDF Fee	834,438
Total (KShs)	6,328,938

DE LA RUE

Cheque No.: **645244** Amount **Cash**



Cashier ID: **SDM**

Name: **Mathenge, Cashier (P) L/R**

For Commissioner of Customs & Excise

Dist. Original (Green) - Customer Duplicate (Yellow) - Accounts Tuplicate (Pink) - Station Copy

Stamp



KENYA PORTS AUTHORITY Invoice

2(b)

P.O. Box 95009 Mombasa Kenya
Tel: +254 11 312211
Telefax: +254 11 311867
Website: www.kenya-ports.com

Bill-to-Party

CHIBE FREIGHTERS LTD.
PO Box 86516
MOMBASA
KENYA

Payment information

Pin No.: P051094522S
VAT No.: 0106742J
Bill No.: 75049976
Date: 27.05.2003
Sales Order no./date: 50050825/27.05.2003
Release Order No.: 375146 ✓
Customer: 510015
Currency: USD
Exchange rate: 72.40000

Msc Floriana Arrival Date: 13.05.2003

Payment: Up to 27.05.2003

Invoice details

Item	Service	Description	Quantity	Unit	Rate	Amount
10	310013	Terminal Handling Import 20' FCL Cont	50 ✓	CT	150.00	7,500.00
20	310023	Customs Verification 20' Container	5	CT	75.00	375.00

Removal charges		25.00 USD	CT	1,250.00
LDC Container	11	12.50 USD	CT	6,875.00
Output Tax		19.00 %		2,081.00
MSS levy		10.00 KES	CT	179.50
Item total				7,875.00
Invoice amount				19,059.50
Invoice amount (KES)				1,379,907.80 ✓



Serial Number: 085793

INSPECTION CERTIFICATE No. 1/5622 - 1391

Mombasa

21st May, 2003

LEVY CALCULATION CERTIFICATE

Shipment Details			
Commodity	: Egyptian Brown Sugar	Quantity as per B/L :	*****1,250.00 MT
Seller	: Bajaber Trading Company LLC P.O. Box 49134 Dubai, United Arab Emirates	Country of Supply :	Egypt
Importer	: Awal Limited P.O. Box 97464 Mombasa	Importer PIN Number :	P051136075B
Vessel's Name	: m/v MSC Floriana	Port of Loading :	Damietta
Bill of Lading No	: MSCUJ1802915	Date : 29.04.2003	Port of Discharge : Mombasa

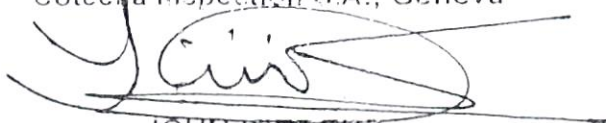
This certificate is issued in accordance with the terms of Legal Notice No. 385 of 16th December, 2002.

The original of this certificate is to be presented by the importer at the time of clearance of the above mentioned goods, together with the official receipt, issued by the Kenya Sugar Board appointed bank, confirming remittance of the Sugar Development Levy on imported sugar.

On the basis of our assessment, the 7% levy payable has been calculated as follows:

Levy Details			
Total C.I.F. Value	Currency	USD	*****412,500.00
Exchange Rate	70.8084	Week No.	21
Amount of Levy to be collected	KES	***2,044,592.60	

Authorised Representative of
 Cotecna Inspection S.A., Geneva


 JOHN KIEREINI

This certificate is issued without any alteration whatsoever.

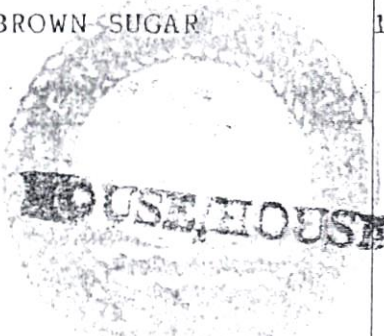


KENYA PORTS AUTHORITY

MOMBASA PORT RELEASE ORDER

2(a)

1. Importers Name Address AWAL LIMITED P.O. BOX 97464, MOMBASA, KENYA.		2. Bill of Lading/Airwaybill No Delivery Sheet No MSCUJ-1802915	3. Customs Assigned Number 5. MPRO SERIAL No 0375146
6. Supplier Name Address OAKWOOD INTERNATIONAL TRADING SAUDIAN COMPANY BUILDING EL NOZHA ST FLAT 3 EAST CITY CAIRO EGYPT. TEL: 41771787 6900163.		4. Manifest endorsed Page No _____ Date _____ Signature _____ Import License/Permit No IDF NO: 1030204314	
8. Clearing Agents Name CHIBE FREIGHTERS LTD P.O. BOX 86516, MOMBASA.		Ref No 2003/048	9. Shipping Line OCEANFREIGHT SHIPPING
10. Buyer if not importer SAME AS ABOVE		11. Country of Origin EGYPT	
12. Disposal Code <input checked="" type="checkbox"/> ROAD <input type="checkbox"/> SEA <input type="checkbox"/> AIR <input type="checkbox"/> RAIL		16. Country of Final Destination KENYA	
14. Rotation Number		15. Date of Report 13.5.03	
17. Vessel/Aircraft/Vehicle No MSC FLORIANA		18. Port of Loading DAMIETA	
20. Port of Discharge MOMBASA		21. Port Account No. CASH	
22. Marks and No's		23. Total No. and kind of packages in words FIFTY CONTAINERS ONLY	
26. Description of Goods 50x 20' CONTAINERS STC 25000 BAGS EGYPTIAN BROWN SUGAR		24. Weight Kg. 1254M.T.	
SEE ATTACHED LIST.		27. Sea Freight including Surcharges PREPAID	



REVENUE

ACCOUNTS

OFFICE

Received Date Stamp Initials Reasons for Rejection Rejection No. Initials Certifying Officer	Received Date Stamp Initials Released DATE STAMP Initials	Weight of Tonnage on Test Measurement on Tonnage on Test KENYA PORTS AUTHORITY DOCUMENTS RECEIVED 27 MAY 2003 REVENUE ACCOUNTS OFFICE MOMBASA CHIBE FREIGHTERS LTD (We, the undersigned, being duly authorised by the owners) of the goods specified in this entry declare all the particulars given to be true PIN NO: 20511320320 MAY 2003 AKAINGU MWAJORO AUTHORIZED SIGNATURE DATE 14.5.03
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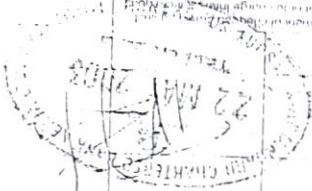
PIN No. P051094522S

AT No. 0106742J

270

091331:029999:99

The fund received the following disbursement for the purpose of providing for the maintenance of the fund for the year ending 31st March 2002. The amount of the disbursement is as follows:



100

17 MAY 2002 (DATE)

Allegiance Deposit

AMOUNT	DESCRIPTION
100	100

Date 22 05 02

Receipt available on request

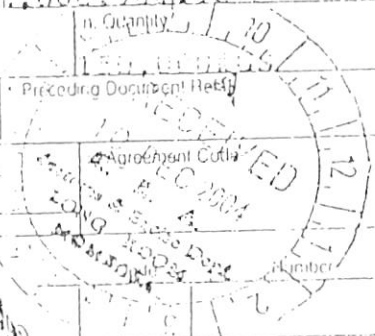
1146768

KENYA REVENUE AUTHORITY, CUSTOMS & EXCISE DEPARTMENT

1. Exporter/Consignor AL-RAS AREA P.O BOX 1491 DEIRA - DUBAI		PIN No.		2. Clearance Office Code MSA	3. Regime Code C4	4. Frontier Office/	FOR OFFICIAL USE DECLARATION No 2903	
5. Importer/Consignee JAMAMU INTERNATIONAL P.O BOX 51399 NAIROBI		PIN No. 0051099085Q		5. Manifest No.		6. DATE		8. Voyage/Flight/Vehicle reg. No./Vess GLOBAL PRINCE.
18. Declarant/Agent WEST WING (K) LTD P.O BOX 2023, MOMBASA.		PIN No. 0051109855I		10. Total Items 1	11. Total Packages 3000	12. Country of Consignment DUBAI		14. Port of Destination KLD
24. Mode of Transport RO		25. Nationality of Transport KE		26. Place of Discharge/Loading KLD/SHARJAH		27. Terms of Delivery 100		28. Terms of Payment TAC
29. Estimated Period in Warehouse Transit		30. Warehouse Code/Name/Address		31. Other Information 0051099085Q		32. a. Total Customs Value 2,868,960.93		35. Total Gross Weight 150,000
33. Vehicle Owner/Driver		34. Via (Countries of Transit)		35. Seal Nos.		36. Total Gross Weight 150,000		d. Net Weight (KG) 150,000
a. Shipping Marks & Nos/Container No. AS PER REVERSE		b. CPC C400		c. Commodity Code 16064000		Customs Value 1,004,136.32		
e. Goods Description x20 STC 3000 BAGS VIETNAMESE RICE 15% 0% BROKEN IN PP BAGS 0 KGS EACH HOUSE/HOUSE		f. Currency USD		g. Exchange Rate 81.75		h. Invoice Value 830,000		i. Quantity 150,000
s. License Number B041158020		t. License Value/Quantity 114,062.5		u. License Value/Quantity Deducted 42,398.43		v. Type of Package BAGS		w. Number of Packages 3000

REVENUE INFORMATION

ii. Duty/Tax Type	aa. Duty/Tax Base	bb. Rate	cc. Value of Duty/Tax Due	dd. Duty/Tax Due	z. Attached Documents Code
320	C.I.F	35%	2,868,960.93	1,004,136.32	
320	V.V	00	3,873,097.30	00	
37. SUMMARY TOTALS					ee. Total Duty/Tax due (in item)
					1,004,136.32
38. This Page					41. Other Charges
1,004,136					00
39. Other Pages					00
40. Totals					00
1,004,136					00



42. Grand Total (Duties, Taxes and other Charges)		FOR OFFICIAL USE	
1,078,033		Proper Officer	CHEQUE / CASH
47. Declaration		No. _____	
I/We <u>WEST WING (K) LTD</u> the undersigned of <u>NELSON K. OKELIO</u> (company name) being the agent/principal of _____ (importer/exporter) do hereby declare that the information and particulars declared herein are true and complete and accept fully the conditions and requirements attached to the use of the CPC Form herein.		Date _____	
		Received for payment of Import Duty, Excise Duty and VAT	
		Signature _____	
		Date _____	

KENYA REVENUE AUTHORITY

KILINDINI PORT CARGO AND CONTAINERS GATE REGISTER

Time	Vessel's Name & Date of Arrival	Memo No	Trucks Reg No	MPRO No	Trn Number	Gate Pass Number	Receipt No	Duty BIF	Cleaning Agent	Port Pass No & Signature	Transporter	Destination	C35 or T 812	Container
	J- LAROB 22/12/24		KAS 527 F 2C 0242	0559803	6910 29/12/24	445639	NIL	NIL	SPASDGT	9020430	CASHABO	M81	C497	LM1 406
			KAZ 691 U 2C 0958	✓	✓	445640	-	-	✓	✓	✓	M81	C497	LM1 407
			KAS 200 M 2C 1399	✓	✓	445641	-	-	✓	✓	✓	M81	C497	LM1 408
					SUNDAY									
	MSC CAMILLE 23 12 24		KPZ 610 24 7748	0560801	5776 28/12/24	440321	115625	7486518	KETAW	G075330	HUSAIN	MISA	C0	MSC 11592
			KT 119 24 2043	✓	✓	440322	-	-	✓	✓	✓			MSC 3252
														MSC 1517
			KPZ 610 24 7748			440321	-	-						MSC 320
			KAX 028			440323	-	-						MSC 1253
			2B 1290				-	-						MSC 216
	J SMERADO 12 12 24		KAZ 508 F 2B 5876	0560380	6129 28 12 24	445642	1153739	82014	SEARCY	G022375	MWALE	MISA	C0	LMC 054
	u PROSPERITY 25 12 24		KAS 020 U 2C 1023	ESS4863	4563 20 12 24	445646	447331	NIL	ATP1	G078198	A TUE	M81	C491	CAX 95013
			KAS 025 U 2C 1034			445645	-	-						CAX 115
			KAS 022 A 2C 1426			445647	✓	✓						LMC 786
	J VERSE 22 12 24		KAZ 976 T 2C 0730	0559802	6410 29 12 24	445648	HS	6012196	SIREBOX	G022366	BRESHAES	M81	C491	LMC 045
			KAZ 307 A 2C 1401	✓	✓	445649	-	-						LM 045
	GLOBAL P 20/12/24		KJZ 440 2C 1219	0561642	240 11/12/24	445504	117264	1093022	WAZIMBA	9008587	WAZIMBA	MISA	C4	LM 401
			✓	✓	✓	✓	-	-				MISA	C4	ML 200
			✓ KAD 932 Q 2 7725	✓	✓	446508	-	-				MISA	C4	ML 207
			✓	✓	✓	✓	-	-				MISA	C4	ML 208
			✓ KAE 014 T 2C 4936	✓	✓	445503	-	-				MISA	C4	ML 216