

Daniel Arap Moi / Anglo-Leasing Case

Case ID:

ARW-45

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Kenya

Position of Public Official(s) (yrs in office):

President (1978-2002)

Jurisdiction of Asset Recovery:

Switzerland

Jurisdiction of Asset Recovery ? Description:

Asset Location / Alleged Asset Location

Asset Recovery Start:

2004

Asset Recovery End:

2004

UNCAC Offenses Implicated:

Art.17

Art.19

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Other

Intl.Cooperation: MLAT/Letter of Request?:

No

Basis for Intl Cooperation:

NA

Contributing Factors in Asset Recovery:

According to a Kenyan government audit report, during the investigation by the Kenya Anti-Corruption Commission into Anglo Leasing, some of the credit supplier companies involved voluntarily refunded the full amounts relating to their contracts without prompting or explanation: (Source: "Special Audit on Procurement of Passport Issuing Equipment By the Department of Immigration, Office of the Vice-President and Ministry of Home Affairs." Report of the The Public Accounts Committee to the Kenyan National Assembly, Ninth Parliament - Fifth Session. March 2006. page 16ff.)

Status of Asset Recovery :

Completed

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

NA

Case Summary:

According to a Kenyan government audit report, during the investigation by the Kenya Anti-Corruption Commission (led by John Githongo) into Anglo Leasing, some of the credit supplier companies involved voluntarily refunded the full amounts relating to their contracts without

prompting or explanation: Leyland Export Ltd. returned \$910,000 (from the Export Lease Purchase project); Anglo Leasing & Finance Ltd. returned \$4,744,444 (from the Forensic Science Laboratories project) and EUR 956,700 (from the Immigration ISDCS project); Infotalent Ltd. returned EUR 5,287,164 (from the Kenyan Police Law and Order (E Cops) project). The \$4.7 million from Anglo Leasing was remitted by the Schroder and Co Bank AG of Zurich on behalf of its client, but Mr. Githongo commented that no one in the government knew who actually had sent the money. (Source: "Special Audit on Procurement of Passport Issuing Equipment By the Department of Immigration, Office of the Vice-President and Ministry of Home Affairs." Report of the The Public Accounts Committee to the Kenyan National Assembly, Ninth Parliament - Fifth Session. March 2006. page 16ff.)

Disposition of Criminal Case(s):

None

Jurisdiction of Origin: Investigative Agency:

Kenya Anti-Corruption Commission; Kenya National Assembly, Public Accounts Committee

Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):

Unspecified

Jurisdiction of Origin: Courts Involved:

High Court; Court of Appeal of Kenya at Nairobi

Jurisdiction of Asset Recovery: Investigative Agency:

Unknown

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

Unspecified

Jurisdiction of Asset Recovery: Courts Involved:

Unspecified

Documents:

Moi_AngloLeasing_First_Mercantile_Appeal_Ct_2010.pdf

Moi_Profile_Statehousekenya_Gov_Apr_29_2011.pdf

Documents Links:

http://www1.worldbank.org/finance/star_site/documents/arw/Moi_AngloLeasi...

http://www1.worldbank.org/finance/star_site/documents/arw/Moi_Profile_St...

Other Sources:

Special Audit on Procurement of Passport Issuing Equipment By the Department of Immigration, Office of the Vice-President and Ministry of Home Affairs," Report of the The Public Accounts Committee to the Kenyan National Assembly, Ninth Parliament - Fifth Session. March 2006, at 16ff, accessed at website of Transparency International Kenya, http://www.tikenya.org/documents/pac_report06.pdf;

Profile of Daniel Toroitich arap Moi from the Official Website of State House, Kenya, accessed at <http://www.statehousekenya.go.ke/presidents/moi/profile.htm>.