AMNESTY TO AVOID PROSECUTION


The Kenya Anti Corruption Commission (KACC) has published a request to all those who want to take advantage of amnesty provisions of Section 25(a) of the Anti Corruption and Economics Crime Act. The Commission has given them 60 days to surrender their illegally acquired wealth or risk prosecution.

Those willing to take up what has been referred to as ‘special offer’ are required to fully disclose and declare the wealth illegally acquired and pay it back with an extra 12 percent of the value of the wealth, in return for amnesty.

According to KACC Director PLO Lumumba, not all cases will guarantee amnesty, each case will be considered on its own merit, only those that pass the test as set out in the law will be considered.

Dr. Lumumba also said that the corruption cases going on outside the jurisdiction of Kenya would proceed regardless of the step taken by the anti-corruption body to offer amnesty. This statement comes after it emerges that former Kenya Power and Lighting Company manager; Mr. Samuel Gichuru was willing to surrender part of his wealth.

He is facing extradition to Britain to face graft-related charges and had earlier in the year approached KACC seeking amnesty. This was not possible since the amnesty offer had not been officially announced.

The applications for amnesty will be directed to a five-member amnesty committee led by the Deputy Director of KACC Dr. John Mutonyi who also heads the investigation and asset -tracing directorate. The moneys collected in the process of restitution will be forwarded to the consolidated fund.

Meanwhile, KACC Advisory Board has forwarded names of Ms Irene Keino and Mr. Charles Wambu to Parliament for consideration as part of the group that will vet commissioners as required by the Independent Boundaries and Elections Act.

The seven-member selection panel will also include two nominees each from the office of the president and the prime minister and another two each from the judicial service commission and the professionals association of East Africa.

KACC OFFERS AMNESTY ON ILLEGAL WEALTH – Ally Jamah, The Standard, 23 July 2011

People who have plundered public resources have 60 days to surrender their wealth to the State or risk prosecution.

Kenya Anti Corruption Commission (KACC) invited those who have committed economic crimes to take advantage of the amnesty.

KACC issued the special offer on Tuesday warning that after the lapse, stern action will follow.

KACC Director Patrick Lumumba and KACC Advisory Board chairman Okongo Omogeni said the amnesty, to be officially published today, will offer a chance for individuals with dirty wealth to escape prosecution in exchange for a full return of everything they stole from public coffers.

An amnesty committee headed by KACC Deputy Director John Mutonyi will consider the amnesty applications and the names of the applicants will be published for Kenyans to make submissions and objections.

We are issuing the amnesty offer to people who are known to us and also those not known to us, said Lumumba.

As the amnesty was announced, it emerged that former Kenya Power and Lighting Company manager Samuel Gichuru was willing to surrender part of his wealth.

Gichuru, who is facing extradition to Britain to face graft-related charges, had approached KACC early this year seeking an amnesty.
But the efforts were unsuccessful since by then, the amnesty offer had not been officially considered by KACC, which made the amnesty decision in a board meeting last week.

But ongoing cases regarding Gichuru will not be affected by the amnesty and will proceed as planned. In fact, we support his extradition to the UK, added Lumumba.

Bill of health

Doubt exists on whether the amnesty offer will attract a substantial proportion of all the illegally acquired wealth within and outside the country’s borders.

Under the amnesty rules, the candidates must make full disclosure of past corrupt acts and all the returned wealth must be accompanied by 12 per cent charge on every year since it was acquired.

In case of immovable property, 12 per cent interest on the market value of the property must also be paid to be able to get a clean bill of health. They must also make reparations to any person affected by the corrupt conduct as well as undertake not to commit any other corrupt act.

The understanding will cover only those acts which are disclosed and shall stand revoked if it found that the applicant concealed any material facts on past corruption or economic crime, said Lumumba.

On Tuesday, KACC also nominated two of its representatives to the selection panel for the Independent Electoral and Boundaries Commission (IEBC). They are Irene Cheptoo Keino and Charles Kariuki Wambugu.

Amnesty deal

Keino is the Vice Chairperson of the KACC Advisory Board, while Wambugu is a member of the same board. Both names were forwarded to Parliament for vetting and eventual appointment by President Mwai Kibaki.

We have full confidence in the integrity of the two individuals and we believe they will offer great service in putting in place the next electoral body, said KACC Chairperson.

In other briefings, Lumumba revealed that 36 corruption cases are ready, including those against an assistant minister and several heads of State corporations, adding that the cases have been approved by the AG to be forwarded to court.

PLO said politicians who apply for the amnesty might be made to renounce their future political ambitions as part of the amnesty deal. The move may kick up controversy in the political class.

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