



REPUBLIC OF KENYA

COUNTRY STATEMENT

BY

AMB. MICHAEL A.O. OYUGI

**AMBASSADOR/PERMANENT REPRESENTATIVE OF THE REPUBLIC
OF KENYA TO
THE UN AND THE INTERNATIONAL ORGANISATIONS IN VIENNA,
AUSTRIA & LEADER OF DELEGATION**

DELIVERED ON TUESDAY, NOVEMBER 15, 2016

**DURING THE
RESUMED 7TH SESSION OF THE MEETING OF THE
IMPLEMENTATION REVIEW GROUP OF THE UN CONVENTION
AGAINST CORRUPTION**

HELD AT

**THE VIENNA INTERNATIONAL CENTRE (VIC),
VIENNA,
AUSTRIA.**

14-16 NOVEMBER, 2016.

Mr. Chairperson, Excellencies, Ladies and Gentlemen,

1. Like other delegations before me, I take this opportunity to felicitate you, Chairperson, and the Bureau, on your election to preside over this meeting and also thank the UNCAC Secretariat for the excellent documentation they have laid before us for purposes of this meeting. We are confident that with your Presidency, the Agenda of this meeting will be fully disposed of.

Mr. President,

2. As has been tritely observed before, political will is very essential to the fight against corruption. As a demonstration of his political commitment to the fight against corruption, H.E. President Uhuru Kenyatta, CGH, convened a high-level Governance and Anti-Corruption Summit at State House in Nairobi, on 18th October, 2016. The Summit brought together actors from law enforcement agencies, government ministries, the Judiciary, civil society, the media, academia, and many other actors, to interrogate the efficacy of the various anti-corruption strategies the country has been employing. The result of the Summit has been better synergy among anti-corruption bodies and commitment to delivering results for Kenyans.
3. As highlighted by our Kenyan Delegate during the Expert Panel Discussion on the Performance of the Mechanism held yesterday, Kenya takes the implementation of its UNCAC Report recommendations very seriously and has taken a number of measures towards ensuring full implementation of its UNCAC Review Report. One of the key recommendations made by the UNCAC Review Team was the need for law enforcement co-operation in the fight against corruption. I would like to share a few details about some of the major successes realised out of the Multi-Agency Team (MAT) initiative adopted in November 2015, with a view to enhancing interagency cooperation amongst law enforcement agencies in the fight against corruption. And since we have received some substantial amount of technical assistance (TA) to support this initiative, especially from GIZ and DFID, we feel that it is important to share more information on its successes.
4. MAT is composed of: the Ethics and Anti-corruption Commission; the Office of the Director of Public Prosecutions; the Directorate of Criminal

Investigations; the National Intelligence Service; Financial Reporting Centre; Asset Recovery Agency; the Kenya Revenue Authority, and the Office of the President. It is currently chaired by the Attorney General. MAT has been successful in enhancing co-operation amongst the agencies and providing real-time onslaught on corruption.

5. As at October 2016 Kenya had 406 corruption and economic crime cases pending in court. Out of these, 98 involve high profile personalities such as Cabinet Secretaries, members of parliament, Chief executive officers of parastatals and state agencies. Currently Kenya has secured a total of 170 convictions with various penalties including imprisonment, mandatory fines and restitution of property. One of the recent celebrated convictions involves a former Member of Parliament who was found guilty of 9 corruption counts relating to loss of Kshs 4.5 million; the said member, her husband and 4 others were convicted and sentenced to pay a total of Kshs 24.95 million (about US\$ 2.495m) and in default 18 years imprisonment.
6. In respect to asset recovery, Kenya has so far traced and recovered assets worth Kshs 9.8 billion between the years 2005 to 2016. Currently there are 174 civil cases pending in court for recovery of illegally acquired assets whose approximated value is Kshs 3 billion. We have also activated the Assets Recovery Agency (ARA) under the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) to augment asset recovery initiatives already being undertaken by EACC.
7. Recently the Chief Justice gazetted and operationalized the Anti-Corruption and Economic Crimes Division of the High Court. This supplements the already existing institution of Special Magistrates who are designated to hear and determine corruption and economic crime matters on a priority basis. Nonetheless, the creation of a High Court Division has helped significantly in terms of ensuring that corruption and economic crime matters are heard and determined expeditiously and that frivolous applications to bar trials do not see the light of day.

8. Since some assets are stashed in foreign jurisdictions, Kenya has used international cooperation to trace and recover these assets. Through international cooperation, Kenya has recently recovered Kshs 50 million from United Kingdom relating to the Smith and Ouzman (Chicken Gate) case involving bribery of Public officials for the award and supply of election materials. The two Governments have agreed to use the recovered money to purchase 7 ambulances to support the health sector. Negotiations are also on going for the repatriation of \$ 2 million frozen by Swiss Government on Anglo-Leasing matters and Kshs 535 million frozen by the Jersey Government in relation to the payment of bribery of public officials for the award of contracts at the Kenya Power Co. Ltd.

9. In conclusion, to assure this Meeting that Kenya has now drafted the necessary laws, that is: the Bribery Bill, 2016; the Anti-Corruption Laws (Amendments) Bill, 2016, and the Whistleblower Protection Bill, 2016, to facilitate the full domestication of our UNCAC obligations. We would like to reiterate our readiness to co-operate with other States Parties in terms of Mutual Legal Assistance (MLA) provision, law enforcement co-operation and asset recovery, so that corrupt persons have nowhere to hide themselves or their ill-gotten wealth. Even then, we support the proposal by Canada for the IRG to set aside time in one of our future sessions to have some extensive discussion on the issue of MLA in order to address some of the bottlenecks which encumber its (implementation) provision.

I thank you.