

**ROUND UP**

**Disabled minor defiled and killed**

THE ugly face of rape has reared its head once again, this time in Kuria District, where a five-year-old physically disabled girl was defiled and then murdered. Police said the victim was strangled by her attacker during a defilement ordeal that left the local community in shock. The girl, identified as Hellen Nchagwa, was reported missing on Thursday and her badly injured body was found dumped in a roadside thicket in Kubweye village on Friday morning. Area police boss Kibirgen Korir yesterday said the body had serious injuries that pointed to possible defilement and strangulation.

**Bomet to get new sewerage plant**

THE government will spend Sh160 million on the construction of a sewerage treatment plant in Bomet Municipality, East African and Regional Co-operation Minister John Koehn has said. Koehn said this would help curb environmental pollution and the perennial outbreak of waterborne diseases in the area. He said implementation of the project would curb pollution of Nyangores river. Koehn was speaking at Muiywek Secondary School in Mutharakwa division on Friday evening during a harambee to raise funds for the school's expansion. Nairobi businessman Sammy Kirui was the chief guest at the function.

**Relief food supply stopped by MP**

A MEMBER of Parliament yesterday stopped distribution of famine relief food in his constituency after discovering the provincial administration had sneaked in a list of "undeserving" people. "I was forced to stop the distribution after learning that some chiefs had included their relatives in the list of those in dire need of food assistance," said Kiharu MP Kembi Gitura. He was addressing a baraza at Kigetwini dispensary in Kimathi location. Controversy has dogged the distribution of relief food in the constituency, with some of it being described as unfit for human consumption.

**Herder stumbles on buried 'bomb'**

PANIC gripped Hells Gate area in Longonot yesterday when a group of pastoralists stumbled upon what is believed to be a bomb buried in the ground. Shocked residents converged at the scene to view the two-kilogramme bomb, believed to have been left behind during military training exercises by British colonial forces. An eyewitness, Mr Kipenchu ole Pariyo, who was herding his livestock in the area, said he contacted the police after he stumbled upon a strange. "I was afraid to touch the object because I knew the area has many bombs left behind by the British colonial forces," he said.

**Gang kills six villagers in night of terror**

► From Page 1

he was hurled down a 30-foot waterfall, it has merged.

Dr John Njagi Nyamu's body was discovered on Friday morning trapped under a stone and partially floating in Nyamindi River in Njukiini forest.

Initial scene-of-crime investigations revealed that the pharmacist had been tied tightly before being thrown into the fast-flowing river.

Nyamu, who ran a chain of pharmacies in Embu and Kirinyaga districts, disappeared a week ago while driving home from Kianyaga market at night. The car is yet to be recovered.

The motive of the brutal murder has yet to be established although it is feared that an unknown amount of money he had collected from his matatu business on the fateful day could have been

the target.

The Mt Kenya branch of the Kenya Pharmaceutical Association condemned the murder and urged the government to investigate.

Elsewhere, a suspected gangster was yesterday night gunned down by police in Migori town. The suspect was among five people who had earlier engaged officers in a shootout during a daring robbery within the town. The body was moved to the

Kisii District Hospital mortuary.

And in Awendo town, a gang of 30 robbers raided the home of the area town council chairman, Mr Omollo Kamili, and stole household goods.

In a separate incident, suspected armed thugs attacked a mourner in Thika and robbed him of the Sh70,000 he had raised to meet the burial expenses of his kin.

And in yet another incident

in the area, 12 passengers were forced to spend several hours in a coffee plantation following a carjacking incident. The passengers were dumped in the plantation by the carjackers who had boarded the matatu in Ruaraka, Nairobi. On reaching Ruiru town, they ordered the driver to surrender the vehicle's ignition key at gunpoint. The passengers were robbed of Sh34,000 and mobile phones.

**7 arrested as Egerton loses Sh500m in scandal**

■ STEVE MKAWALE

SEVEN employees of Egerton University have been arrested over a financial scam that has cost the institution over Sh500 million.

The suspects, who were arrested by detectives, are believed to have ripped the institution off by manipulating the payroll over the past 10 years. They have also been drawing "unusually high" salaries through a local bank, according to police sources.

The investigating team said fraud at the institution was widespread and involved top managers, payroll clerks, internal auditors and key employees of the finance department.

The fraud was detected after an employee intercepted a computer diskette containing details of the October payroll.

According to information contained in the diskette availed to The Sunday Standard, one inspection head in job grade L (the equivalent of a lecturer) was paid Sh159,893 while a clerk in grade IV in the same department was paid a net salary of Sh81,744 during the month.

The document further revealed that a senior administrator who left the institution two years ago was still drawing a monthly salary of Sh107,187.50 from the university coffers.

All the payroll numbers, save for the one used by the donor, were fake.

The detectives are also investigating the alleged existence of some 600 ghost workers in the institution's payroll.

The Rift Valley Provincial

criminal chief, Mrs Elizabeth Mugweru, confirmed the reports, adding that some suspects were assisting with investigations.

Mugweru, however, could not reveal the number of suspects in custody, saying the move would jeopardise investigations.

But sources at the university's Njoro Campus claimed the investigators were targeting junior employees and leaving out the "big fish."

"We are not sure whether the real culprits will be arrested. There is no way junior workers can pull such a big scam without the knowledge of senior managers," said the source.

The Sunday Standard further learnt that on September 13 this year, two employees of the university wrote to the Kenya Anti-Corruption Commission (KACC) over alleged graft at the institution.

But instead of carrying out investigations into the matter, the commission wrote back to the Vice Chancellor, Prof Ezra Martim, asking him to respond to the allegations.

The commission also attached a copy of the letter, which contained the names of the whistle-blowers. The whistle-blowers now fear for their lives and have said the move by KACC jeopardised their jobs.

When contacted for comment, KACC officials promised to provide full details of the matter, but had not responded by the time we went to press.



**Walking for journalists' education**

MEMBERS and supporters of the Association of Media Women in Kenya (AMWIK) during yesterday's walk in which they raised Sh1 million towards the women journalists' scholarship kitty. The money, which was donated by individuals and corporate organisations including East African Breweries Limited, Kameme FM, Sopa Lodges and the Muslim Council, will be given as loans to members of the association who wish to pursue degree courses in journalism in local universities. The 10-kilometre walk started at Nairobi's Uhuru Park to St James Hospital along Mombasa Road and back. The AMWIK Scholarship Fund was launched in April this year with the objective of raising funds to support women journalists.

**Media tipped**

**Mshindi calls for better**









## Kenya National Commission on Human Rights

1st Floor, CVS Plaza, Lenana Rd., P. O. Box 74359 - 00200, Nairobi - Kenya.

Tel: 254-20-2717908/2717928/2717256/2712664, Fax: 254-20-2716160

Email: [haki@knchr.org](mailto:haki@knchr.org)

KNCHR/COF/47

10<sup>th</sup> March 2006

**Justice Aaron Ringera**  
**Director, Kenya Anti-Corruption Commission**  
**Integrity Center**  
**Milimani Road**  
**NAIROBI**

Dear

**RE: ALLEGED INACTION BY KENYA ANTI-CORRUPTION COMMISSION TO COMPLAINTS OF CORRUPTION AT EGERTON UNIVERSITY.**

We have received a written complaint from Dr. Gitile Naituli a Senior Lecturer at Egerton University alleging that the Kenya Anti-Corruption Commission has failed or neglected to investigate serious allegations of corruption at Egerton University, in spite of being furnished with incontrovertible evidence of conduct constituting corruption or economic crime as defined by Section 7 (1) of the Anti-Corruption and Economic Crimes Act of 2003 (attached herewith is a copy of a confidential letter together with related correspondence from Dr Naituli dated 3<sup>rd</sup> March 2006).

As you are aware, we are an independent state agency with a complementary role to your organization to promote anti-corruption and good governance efforts in Kenya. Further, Section 16 (1) (f) of the Kenya National Commission on Human Rights Act empowers us to act as the chief agent of Government in ensuring the Government's compliance with its obligations under international treaties and conventions on human rights. In the performance of our work, Section 17 (c) of the Act makes it mandatory that we have regard to all applicable human rights standards. The principle of "Equality under the law" is one such international principle that we wish to invoke in the instant case; that both the mighty and the meek must equally face the law for the consequences of their actions.

We therefore write to you, requesting that you act on this complaint on account of the very serious allegations it raises. In our view, the alleged malpractices at Egerton University are serious enough to warrant an examination of the practices and procedures to ensure they are not conducive to encourage corrupt practices. At the very least and without prejudice to the foregoing, the complainant under Section 25 of your Act would be entitled to a written explanation of the outcome of his complaint.

Tel: (051) 62491/ 62481/ 62278  
Fax: (051) 62405  
P.O. Box 536  
Njoro, Kenya



**OFFICE OF THE DEPUTY VICE - CHANCELLOR  
FINANCE AND ADMINISTRATION**

**CONFIDENTIAL**

**DVC/AF/035**

**16<sup>th</sup> February, 2005**

Mr. Silvester Kiptoo,  
Computer Salaries Section,  
**Egerton University.**

**RE: ETHICAL ISSUES REGARDING PAYROLL PROCESSING**

Refer to your memo dated 25<sup>th</sup> January, 2005 and my reply dated 3<sup>rd</sup> February, 2005 on the above subject.

The investigations regarding SAMNEL WELFARE and account No. MED 2352 has been completed and it revealed the following:


1. That two staff members opened the above joint account in the Cooperative Savings and Credit Society Ltd., P.O. Box 178, Egerton in October 2004.
2. That there has been no cheque transactions in this account or any University cheques to this account.
3. All deposits are direct cash deposits.

There is therefore no evidence to suggest that deductions are effected "through check off to the welfare account number MED 2352 at the Egerton SACCO".

If you have further information regarding this account please let me know.

The other issue regarding the student finance is still being investigated.

Thank you.

  
Prof. J.K. Tuitoek, Ph.D.  
**DEPUTY VICE CHANCELLOR (A&F)**

**JKT/pmm**



# CONFIDENTIAL

13<sup>TH</sup> SEPT 2004

TO  
THE KENYA ANTI-CORRUPTION COMMISSION,

## RE: CORUPTION AT EGERTON UNIVERSITY

Being employees of Egerton University we wish to report official corruption perpetrated by some senior managers of this university.

There is an elaborate scheme of corruption involving the DVC A&F, Personnel and computer section where the lists of staff serving in the University is falsified to enable the university draw extra money from the treasury. In this scheme the concerned officers prepare two separate lists of staff one for the actual payments (used internally) and another false one, that is send to the government authorities for instance The commission For higher education ,The treasury and the ministry whenever requested in order to illegally and fraudulently obtain approval of monies to the university.

This external list has a bloated number of employees (ghost workers) of about 2765 while the actual list is containing about 2135. We also wish to point out that this kind of fraud has been going on for more than six years and has managed to escape the scrutiny of internal and external auditors both of whom never audit the university payroll vis a vis the actual personnel records. It is even suspected that some people who applied for jobs here but never took up their assignments are included in the payroll for a substantial number of months and later on terminated. Such a case occurred sometime in the year 2000 and went undetected but was a subject of investigation on allegations made by a member of staff on the in-charge of computer section. The member of staff (One Lynet Sibya) was then transferred and the payroll processing became a closed secret in the office. It is unknown who sanctions this fraud and who benefits from it, but the concerned officers are known. It is also unclear weather the internal and external Auditors are in this conspiracy or acting in total ignorance under the guise of computer illiteracy. As members of staff stationed in this office ,we are privy to information in this scheme because there are instances where we are told to convert all casual employees of the university to permanent status and issue them with fictitious payroll numbers. The ghost workers are placed conveniently on certain grades to give an impression that they are actually paid that much every month! This normally happens when the government authorities demand such a report.

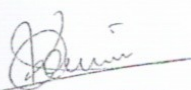
It is also important to point out that the operation of the payroll is a heavily guarded secret where certain reports are only executed by the boss even when on leave and are not crosschecked by any one. The banks' diskette for instance goes to the banks directly and even when there are obvious errors the communication is done directly to him. This is an opening for an even greater and expert fraud where payments to the ghost workers could be channelled to an existing account. There is a possibility that the payments to the banks does not match with the print outs and whenever a keen person in the audit section finds that figures don't add up in the payroll summary, the mistake is blamed on a line of code in the program! The payroll program has never been reviewed by anyone for consistency as is supposed to be. This reveals that there could be an expert fraud taking advantage of computer illiteracy on the part of the staff in the salaries and audit sections in the university.

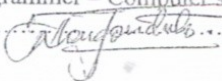
There is therefore need to seriously audit the university payroll from 1997 to uncover the extent of computer fraud at the University. The university is dragging its feet in the computerisation of

personnel and payroll records. No wonder therefore, that the university does not have clear policies on hiring, promoting and maintaining quality staff. There are instances where some members of staff have been hired and promoted selectively even without requisite qualifications and experience but due to kinship and tribalism. This is greatly facilitated by the lack of policy on matters of hiring and promotion.

In the spirit of zero tolerance to corruption I call upon your good office to thoroughly investigate and take due action on the perpetrators of this hidden fraud and malpractice of massive scale. This will not only make Egerton University a better place to work but also an institution of high moral standing.

Signed

Sylvester Kiptoo (Computer Programmer – Computer section).....  31/09/2004

Keneth Ntongondu (Accountant).....  31/09/2004.

CC  
GOVERNANCE AND ETHICS OFFICE,  
OFFICE OF THE PRESIDENT

Sylvester Kiptoo, and  
Keneth Ntongodu  
Egerton University  
P.O. Box 536, Njoro  
December 1<sup>st</sup>, 2004.

The Permanent Secretary  
Ethics and Governance  
P.O. Box Nairobi

Dear Sir,

**Re: Complaint Against Kenya Anti-Corruption Commission**

We wrote a letter under confidential cover, dated 13<sup>th</sup> September 2004, to the Kenya Anti-Corruption Commission and copied to your office. The subject of the said letter was the following:

1. Existence of ghost workers at Egerton University (estimated to be about 600)
2. Payroll Manipulation
3. Other forms of corruption

The Kenya Anti-Corruption Commission received this letter, wrote back to the Vice Chancellor of Egerton University, asking him to answer the allegation raised and attached the copy of our letter. This action by KACC has the following implications:

1. It jeopardizes our jobs at the University and puts our lives in danger.
2. It can lead to destruction of evidence.
3. It destroys our confidence in KACC.

We would now like to inform you that since writing this letter, we have uncovered further irrefutable evidence that payroll manipulation has in fact been taking place at the Egerton University. We estimate that the Government could have lost close to Ksh 500 Million over the last ten years as a result of this fraud. We intercepted a payroll diskette on onward transmission to the Standard Bank, Nakuru Branch. It revealed that the following members of staff receive unusually high salaries:

P/NO.	NAME	GRADE	DESIGNATION	AMOUNT
11711	Manoah K. Kilach	L ( <i>Lecturer Equivalent</i> )	Section head – Payroll computer	159,893.00
17213	Jeremiah Njiri Karanja	A	Data entry clerk	118,726.00
20056	Paul K. Theuri	IV	Clerk	81,744.00
17713	Prof Richard W Mwangi	Prof	Left the university service (2yrs ago)	107,187.50
24033	Moses C. Ruto	D/E/F	Accounts assistant	89,637.00

Note: The above amounts are net of taxes and all other deductions.

All the above payroll numbers (except for Prof W. Mwangi) are fake. Additionally the following members appearing in the diskette list also have fake payroll numbers.



- |                          |             |               |
|--------------------------|-------------|---------------|
| 1. Jonathan M. Nduati    | P/No. 21282 | Ksh 29,054.90 |
| 2. Nancy Njeri Nduati    | P/No. 11092 | Ksh 25,438.10 |
| 3. Dr. Kennedy N. Ondimo | P/No. 20114 | Ksh 30,612.75 |

This is a quick review of a single transaction, for the month of October, to one bank only. It is our opinion that this fraud is widespread. It most likely involves the following:

1. Top university management
2. Payroll clerks
3. Internal auditors
4. Key finance department employees

**OTHER FORMS OF FRAUD:**

**Irregular Appointments and Promotions**

The management, through the maintenance of ghost workers, has resorted to hiring their kinsmen to make up for the difference. This is happening despite the freeze on employment. A case in point is the recent recruitment of four people related to senior managers in total disregard of the actual positions advertised. Promotions of members of staff also continue to be done without merit.

**Purchase Of Items**

The purchasing section of the university, central stores and the assets section collaborate with certain members of staff to purchase items and later release to themselves without tagging. These items are struck out of the assets register. This vice also manifests itself through vandalism of such items as computers once delivered to the University.

**Payment of suppliers**

Some employees collude with suppliers to quote for items out of stock and later pay them before delivery. An example of this is Today's Computers, ltd, which has always been paid but never delivers items sought from them.

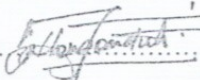
We are therefore writing to request that you order an investigation into these matters. We are prepared to give evidence if called upon to do so. We strongly believe that the Government has lost millions through this fraud. We do not believe that the Kenya Anti-Corruption Commission will take up this matter seriously given that senior members of staff at the commission are interacting regularly with senior Egerton University administrators through the anti-corruption seminars currently being held at the university.

Attached herewith find our first letter dated September 13<sup>th</sup>, 2004.

Yours faithfully,

1. Kiptoo Sylvester, Signature.....

Date..... 2<sup>nd</sup> Dec 2004

2. Keneth Ntongodu, Signature.....

Date..... 2<sup>nd</sup> Dec 2004

Cc: Director, Kenya Anti-Corruption Commission



REPORT SFR0201  
PAGE : 1  
RUN ON : 08/10/01  
AT : 10:37:09  
REPORTING

STANDARD FILE INTERCHANGE  
VALIDATION AND ERROR

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P.O. Box  
Njoro

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6	PAY 03027 0000001032447	1	51 03001 0000008213834	1	18569
	MR. BERNARD B. DUNDAH	KES19,539.60CR	01/10/04 00		
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	ABDI YAKUB GULIYE	KES22,193.60CR	01/10/04 00		
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	PROF. FRANCIS M. ITULYA	KES13,014.75CR	01/10/04 00		
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	DR. ANTHONY KAIRU KARANJA	KES15,742.85CR	01/10/04 00		
11	PAY 03027 0000001085737	1	51 03001 0000008213834	1	18277
	MRS. MARY W. KARIUKI	KES54,113.00CR	01/10/04 00		
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VALIDATION AND ERROR

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 DR. LEONZIO A. ONEK KES30,401.00CR 01/10/04 00

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 PROF. BHATTACHARJ M. SANYAL KES36,384.00CR 01/10/04 00



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AT : 10:37:19  
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MR. FREDRICK O. ISABOKE KES8,977.85CR 01/10/04 00

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DR. ALI SALIM ISLAM KES41,097.50CR 01/10/04 00

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AT : 10:37:10  
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STANDARD FILE INTERCHANGE

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25	PAY	03027	0000001166060	1	51	03001	0000008213834	1	18155
DR. MWONGA M. SAMUEL KES30,361.00CR 01/10/04 00									
26	PAY	03008	0000001187207	1	51	03001	0000008213834	1	30107
OSORO MATTHIAS J. KES29,155.80CR 01/10/04 00									
27	PAY	03027	0000001187831	1	51	03001	0000008213834	1	18320
S.K. NG'ANG'A KES11,871.50CR 01/10/04 00									
28	PAY	03027	0000001203226	1	51	03001	0000008213834	1	13647
KENNEDY NTABO NY'ANGAU KES15,416.20CR 01/10/04 00									
29	PAY	03003	0000001203163	1	51	03001	0000008213834	1	12152
FREDRICK MWANGI NGAHU KES4,131.55CR 01/10/04 00									
30	PAY	03027	0000001203349	1	51	03001	0000008213834	1	20113
JUDITH AKINYI OBIERO KES7,323.10CR 01/10/04 00									
31	PAY	03027	0000001203659	1	51	03001	0000008213834	1	20029
JANE AWUOR OBURA KES34,573.60CR 01/10/04 00									
32	PAY	03027	0000001203721	1	51	03001	0000008213834	1	18105
DR. ROBERT G.K. OBURA KES26,159.70CR 01/10/04 00									
33	PAY	03027	0000001205015	1	51	03001	0000008213834	1	13090
DR. CYPRIAN AGUMBA ODENY KES46,173.60CR 01/10/04 00									
34	PAY	03027	0000001206038	1	51	03001	0000008213834	1	18274
J.B. OCHANDA OGOLA KES14,639.85CR 01/10/04 00									
35	PAY	03027	0000001211015	1	51	03001	0000008213834	1	19322
MR. JAMES OMONDI OMBIRI KES23,524.50CR 01/10/04 00									
36	PAY	03027	0000001212305	1	51	03001	0000008213834	1	20114
* DR. KENNEDY N. ONDIMU KES30,612.75CR 01/10/04 00									
37	PAY	03027	0000001213107	1	51	03001	0000008213834	1	60460
ELIJAH O. OCHOMO KES6,518.55CR 01/10/04 00									



13	PAY	03027	0000001090722	1	51	03001	0000008213834	1	25144
MISS GRACE W. KIHIA KES2,202.40CR 01/10/04 00									
14	PAY	03027	0000001098871	1	51	03001	0000008213834	1	11711
MANNOAH K. KILACH KES159,893.00CR 01/10/04 00									
15	PAY	03027	0000001106289	1	51	03001	0000008213834	1	21130
DR. PRISCAH K. TUITOEK KES34,399.50CR 01/10/04 00									
16	PAY	03027	0000001113323	1	51	03001	0000008213834	1	21259
JACOB J.J. OCHIENG KONYANG KES24,568.50CR 01/10/04 00									
17	PAY	03008	0000001120633	1	51	03001	0000008213834	1	30031
NYAMETI EZEKIEL M. KES8,282.45CR 01/10/04 00									
18	PAY	03027	0000001121083	1	51	03001	0000008213834	1	13076
JOHN NYAGA MACAI KES7,180.90CR 01/10/04 00									
19	PAY	03027	0000001125119	1	51	03001	0000008213834	1	20536
HUSSEIN A. MOHMOUD KES20,553.90CR 01/10/04 00									
20	PAY	03027	0000001131445	1	51	03001	0000008213834	1	19612
DR. MATASYOH JOSPHAT KES43,544.55CR 01/10/04 00									
21	PAY	03027	0000001134010	1	51	03001	0000008213834	1	19017
DR. MBATI SAMUEL K. KES44,155.40CR 01/10/04 00									
22	PAY	03027	0000001149220	1	51	03001	0000008213834	1	13517
MR. PATRICK SIMIYU MULIRO KES12,501.35CR 01/10/04 00									

# C O N F I D E N T I A L

Mr. S.C Kiptoo  
Dr. Gitile Naituli, PhD,  
Mr. Keneth Ntongondu,  
Egerton University,  
P.O Box 536, Njoro.  
7<sup>th</sup> January 2006

The Chief Secretary,  
Office Of the President

RE: COMPLAINT AGAINST PROF TUITOEK'S CANDIDATURE FOR VC EGERTON UNIVERSITY.

We, the undersigned, having blown the whistle on fraudulent activities at the University perpetuated by the Deputy Vice Chancellor Administration and Finance Prof James Tuitoek, are writing to object to his candidature and possible elevation to the position of Vice Chancellor to the University. Our exposure of the fraud led to the arrest of four clerical staff in his department who have since been charged in a court of law for stealing 50 million shillings

Our position is that there was a massive cover-up engineered by the DVC (A&F) and that there is no way a theft of that magnitude (which we believe to be grossly understated) could have taken place without the knowledge of the DVC (A&F) Prof James Tuitoek.

He has since taken the matter very personally and has continued to harass and intimidate us, the undersigned, with irregular and unsolicited transfers and verbal harassment all of which we have reported to the Kenya Anti Corruption Commission (please see letter dated 13<sup>th</sup> September 2004, December 1<sup>st</sup> 2004, January 30<sup>th</sup> 2005, March 28<sup>th</sup> 2005, July 22<sup>nd</sup> 2005, August 9<sup>th</sup> 2005, October 1<sup>st</sup> 2005, October 20<sup>th</sup> 2005. Also please refer to a letter from KACC dated 29<sup>th</sup> August 2005.


We are therefore writing in the spirit of the government stated policy of zero tolerance on corruption, to request that his candidature be revoked until a thorough investigation by KACC is carried out.

Yours faithfully'

1. Dr. Gitile Naituli, Ph.D, 2. Mr. S.C. Kiptoo, 3. Mr. Kenneth Ntongondu

Sign.  7/1/06

Sign.  7/1/06

Sign.  7/1/06

Cc

The Director, Kenya Anti-Corruption Commission (KACC)  
The Permanent Secretary, Ministry of Education



EGERTON



UNIVERSITY

**KISII CAMPUS COLLEGE**

Phone: 058 - 30826  
Facsimile: 058 - 31140

P.O. Box 408,  
KISII, KENYA.

20<sup>th</sup> September 2005

Mr. Sylvester Kiptoo  
Computer Technician  
**KISII CAMPUS COLLEGE**

Thro,

The  
Dean, Faculty of Commerce  
**KISII CAMPUS COLLEGE**

*forwarded  
PAC Othman*

Dear Mr. Kiptoo

**RE: APPLICATION FOR STUDY LEAVE.**

We are in receipt of your letter dated 2<sup>nd</sup> September, 2005 on the above mentioned issue.

The Campus training committee considered your request in a meeting held on 7<sup>th</sup> September, 2005.

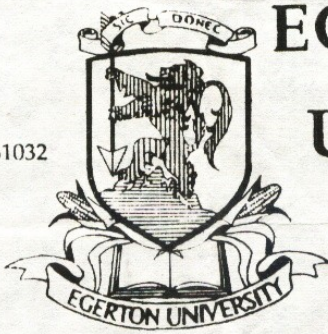
I regret to inform you that the committee was unable to grant your request because you were transferred here in order to fill a pertinent gap in the computer laboratory and therefore the committee felt that they could not release you to proceed for studies as the Campus does not have replacement for your position.

Thank you.

Yours sincerely

  
**P.A.C. KAPSOOT**  
**CHAIRMAN -KCSTC**





# EGERTON UNIVERSITY

Telephone: Nakuru 61620, 61031, 61032  
Telegrams: UNIVERSITY, Njoro  
Telex: 33075

P.O. Box 536  
Njoro, Kenya.

EUNJ/11142/120

22/7/2005

In reply quote Ref: .....

Date: .....

Mr. Silvester Kiptoo  
Computer Salaries Section  
Egerton University

*Forwarded &  
released with  
immediate effect  
22/07/2005  
Nery Mgi*

Thro' The Incharge  
Computer Salaries Section

Dear Mr. Kiptoo,

**RE: TRANSFER**

The University Management has decided that you be transferred to Kisii Campus College to run the Computer operations as it has no competent staff at the moment.

Please, arrange to report to the Principal, Kisii Campus College as soon as you are released by the head of your current section.

May I take this opportunity to wish you well as you prepare to undertake these new duties.

Yours sincerely,

**J.K. Kairu**  
**FOR: REGISTRAR (ADMINISTRATION)**

c.c. DVC (A&F) ]  
R/Admin ] to see in file  
Principal (KCC)  
Finance Officer

JKK/rw



Sylvester Kiptoo  
Egerton University  
P.O. Box 536 Njoro

30<sup>th</sup> January 2005

The Permanent Secretary,  
Ethics and Governance,  
Office of The President.

Dear Sir,

Re: COMPLAINT AGAINST PROF. JAMES TUITOEK, DEPUTY VICE-CHANCELLOR  
ADMINISTRATION AND FINANCE (DVC, A&F)

Following my complaints to KACC and to your office on corruption at Egerton University, and subsequent arrest and arraignment of some junior staff at the University, I have faced threats and intimidation from the DVC A&F. The DVC A&F appointed Nelly Twei to head the Salaries Computer Section who herself was part of the group arrested. Upon assuming this responsibility she informed me that she had been instructed by Prof. Tuitok not to allow me to perform any duty in the office until further instructions. Since then I always report to the office in the morning, do nothing, and I am not allowed to leave until 5 pm.

Additionally, I have since discovered other serious incidences of corruption as follows:

1. Self-sponsored student's fees are being collected outside the university and letters written to the accountant at the Town Campus thus allowing the said students to register without paying to the university. Evidence about this fact is on file at the Nakuru Town Campus and the University has lost millions through this fraud.
2. Student's fees at the main campus in Njoro are received through the Cash Office, and the collecting receipt books are subsequently destroyed.
3. Some students with balances collude with accountants at the Student's Finance Section to illegally write off fees balances by paying a token.
4. Nelly Twei (Head of Payroll Computer) and Samson Owino (Payroll Clerk) are currently operating a "Credit Bureau" through the payroll in the name of SAMNEL WELFARE through account number 2352 at the Egerton Sacco. This is payroll manipulation which is both illegal and unethical.
5. The current investigation (of Egerton University salary-scam and ghost-workers) is being trivialized by top management, whose primary objective is to cover-up themselves from the scam, in which they are deeply involved.

I am therefore writing to request the intervention of your office because my job is now at risk.

Yours Faithfully,



Sylvester Kiptoo (Computer programmer, payroll office).

Enclosures: 1) Letter to your office dated Dec 1<sup>st</sup>, 2004, 2) Letter to KACC dated 13<sup>th</sup>, 2004.



The Director,  
Kenya Anti Corruption Commission,  
P.O Box 61130 - 00 200  
NAIROBI

Dear Sir,

**RE: THE PERSECUTION OF ANTI-CORRUPTION FORCES  
AT EGERTON UNIVERSITY**

In September 2004, I drew the attention of the nation via the Kenya Anti-Corruption Commission to the rampant corruption and fraudulent activities at Egerton University. These activities involved the manipulation of the payroll and the students fees and the incidence of ghost workers at the institution. To my dismay, my letter to the KACC of 13<sup>th</sup> September 2004, was faxed to the University management; this threw my security into serious jeopardy. I, therefore, decided to communicate these concerns to the then Permanent Secretary for Ethics and Governance, Mr. John Githongo. The resultant pressure led to some investigations by the anti-fraud detectives and the accounting firm of Ernest & Young. Four suspects were then arrested and charged. Even with the half-hearted investigations, it was established that the fraudulent activities had cost the country the sum of **Ksh. 50 million**, the money having been wired to individual accounts.

Sir, it is now eleven months since I raised the matter and the fire seems not only burning out but also the University management is **NOT** happy with me; it has chosen to resort to intimidation against me at every opportunity. Despite the fact that the University Council acknowledged that fraud had taken place and that the University would reward the whistle blowers, the situation on the ground smells of **hatred, suspicion, and intimidation.**

In a memo to me dated 3<sup>rd</sup> February 2005 (see copy), Deputy Vice Chancellor for Administration and Finance encouraged me to forward to him any information regarding payroll malpractices and other forms of corrupt activities. Shockingly,



the same information found its way to the same people I had mentioned as being involved. When I complained to him about this betrayal of trust, he casually told me off saying the suspects could have got the information through other sources. A few days after our meeting, the same DVC called me for a meeting in the Vice Chancellor's Boardroom attended by him, the Deputy Registrar (Administration), the Senior Assistant Registrar (Personnel), the Assistant Registrar (Personnel) and one of my office colleagues. The purpose of the meeting was ostensibly to counsel me regarding my 'behaviour'. The DVC showed me copies of the correspondences I had made to the KACC and the Ethics and Governance PS, which he claimed were **false, malicious, and actionable in the courts**. The meeting strongly advised me to reform and stop doing 'such things' as it could land me in jail for a period of NOT less than two years.

Curiously, the University management kept me in the dark all the time the anti-fraud detectives and Ernest and Young conducted their investigations into the scandals; they called me neither for questioning nor for recording a statement. It is my strong belief that this was a deliberate campaign to derail the investigations especially on the explosive issues surrounding ghost workers and students financial records. As I write, historical data on student fees payments has been deleted from the computer! And to add on to the intrigues, a junior colleague of mine has been installed to head the section and appears to have firm instructions to trim me to size as I remained in the office but without touching the payroll. To thicken this plot even further, I recently received a letter of transfer moving me to Kisii Campus (see copy and note the endorsement), which is 200 Km from Njoro Campus and a smear campaign, to boot, initiated to portray me as a **traitor** and always at loggerheads with management. Any visitor to my former office is told I am on my way out of the University and he/she should not associate with me. The perpetrators and their sympathizers claim the Ksh. 50 million fraud is just but a waste of time since Egerton University has never won a court battle in the first place. My former colleagues and sections I implicated in the corrupt activities, including the

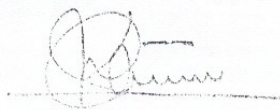


four suspected masterminds, wildly celebrated news of my transfer.

Sir, the four suspects in this scandal are a bitter people. It is very likely that they can do me serious harm; my life is endangered going by the many advices I have recently received from sympathizers. Some of the people I mentioned are senior members in this community and they are also bitter men and have joined in celebrating every persecution that comes my way. I am besieged from all corners. My transfer to Kisii campus, where my professional services are least required is replete with suspicion. Additionally my study leave was cancelled last year without explanation after my KACC letters were faxed back to the University management (see copy).

I together with my colleagues took up the challenge by the Government to well-meaning citizens to take up the war on corruption. It appears we were terribly mistaken for the same Government has completely abandoned us. Reformers in public institutions live in constant fear of sacking or even being eliminated. How can we stop the plunder of public resources if those who have the will to do so are haunted and hunted by the corrupt troops? I would like to ask your Commission to take up this matter and deal with it decisively. Egerton University is a public resource that cannot be left to waste away.

Yours faithfully,



S. Kiptoo

Sylvestre Kiptoo  
P.O Box 108  
NAKURU

Encls.

cc Minister for Justice and Constitutional Affairs  
P.O Box 40112  
NAIROBI

Hon. Uhuru Kenyatta, Leader of Official Opposition  
National Assembly, Parliament Buildings  
P.O Box 41842  
NAIROBI

Head of the Civil Service and Secretary to the Cabinet  
Office of the President, Harambee House  
P.O Box 30510  
NAIROBI

Chairman, Public Accounts Committee  
National Assembly, Parliament Buildings  
P.O Box 41842  
NAIROBI

✓ The Chairman  
Kenya National Commission on Human Rights  
P.O Box 74359  
NAIROBI

Chairman, Public Universities Inspection Board  
Director, Transparency International (Kenya Chapter)

Chairman Universities Non Teaching Staff Union,  
Egerton University Branch  
P.O Box 108  
NAKURU

*Thursday August 11 2005*



# Mirugi Kariuki & Co

ADVOCATES AND COMMISSIONERS FOR OATHS

KAHIGA WAITINDI LLB(Hons)Moi  
L.M KARANJA LLB (Hons) Moi  
Associate: J.K. KURGAT LLB (Hons) Moi

Morop Distributors (K) Ltd Building,  
Kenyatta Avenue,  
P.O Box 1689-20100, Tel; 2213484/2211355  
NAKURU  
Mobile; 0722 174011  
Fax; (051) 2212243  
Email;Mirugi@africaonline.co.ke

Our Ref: MK/OG/N/06

Your Ref:

Date: 28/4/2006

M/S Sylvester Kiptoo &  
Kenneth Ntongudu  
P.O Box 536

**NJORO**

Dear Sirs,

**RE: JUDICIAL REVIEW APPLICATION AGAINST THE KENYA ANTI-CORRUPTION COMMISSION & EGERTON UNIVERSITY**


We refer to the discussion between yourself and the undersigned and the instructions that we move to seek orders that will ensure that the KACC takes up investigations regarding corruption at the University. We have carried out initial research and have since established that it is possible to embark on a judicial review application.

In the circumstances, we advise that our charges would be made up as hereunder:

- |                                                                                          |                               |
|------------------------------------------------------------------------------------------|-------------------------------|
| a) Instructions fees for an application for leave to<br>File the substantive motion..... | Kshs: 45,000/=                |
| b) Instructions fees for the substantive judicial<br>Review motion.....                  | Kshs: 65,000/=                |
| c) Disbursements.....                                                                    | Kshs: 15,000/=                |
|                                                                                          | <b>Kshs: <u>125,000/=</u></b> |

Please make the necessary payments so that we can prepare the litigation papers.

Yours faithfully,  
**FOR: MIRUGI KARIUKI & CO**

  
**KAHIGA WAITINDI**  
KW/mn

Sylvester Kiptoo  
Egerton University  
P.O. Box 536 Njoro

30<sup>th</sup> January 2005

The Permanent Secretary,  
Ethics and Governance,  
Office of The President.

Dear Sir,

Re: COMPLAINT AGAINST PROF. JAMES TUITOEK, DEPUTY VICE-CHANCELLOR  
ADMINISTRATION AND FINANCE (DVC, A&F)

Following my complaints to KACC and to your office on corruption at Egerton University, and subsequent arrest and arraignment of some junior staff at the University, I have faced threats and intimidation from the DVC A&F. The DVC A&F appointed Nelly Tuci to head the Salaries Computer Section who herself was part of the group arrested. Upon assuming this responsibility she informed me that she had been instructed by Prof. Tuitock not to allow me to perform any duty in the office until further instructions. Since then I always report to the office in the morning, do nothing, and I am not allowed to leave until 5 pm.

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I am therefore writing to request the intervention of your office because my job is now at risk.

Yours Faithfully,



Sylvester Kiptoo (Computer programmer, payroll office).

Enclosures: 1) Letter to your office dated Dec 1<sup>st</sup>, 2004, 2) Letter to KACC dated Sept 13<sup>th</sup>, 2004.



EUNJ/11142

5<sup>th</sup> October, 2004

Mr. Sylvester Kiptoo Chebii  
**Computer Services**

Thro' Finance Officer

**RE: APPLICATION FOR STUDY LEAVE**

Your letter dated 29<sup>th</sup> September, on the above subject refers.

This is to inform you that your application for study leave to undertake a Master of Science (Computer Science) degree at Makerere University has not been approved.

*Prof. E.M. Wathuta*

Prof. E.M. Wathuta  
**DEPUTY VICE-CHANCELLOR (ACADEMIC AFFAIRS)**

CC. VC ]  
DVC/AF ]  
R/ADM. ] To see in File  
R/AA ]  
DVC/RE  
AR(Computer Services) ✓

EMW/em