

CASE STUDY ON ASSETS RECOVERY

Presented by
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Presentation Outline

- ▶ Background of the case
- ▶ Crimes Committed
- ▶ Investigative techniques
- ▶ Inter-agency cooperation
- ▶ Assets recovered.

Background of the case

NRB MISC APP NO. 78 OF 2017

ASSETS RECOVERY AGENCY –VS- CHARITY WANGUI GETHI & SAM WACHENJE

- ▶ This case involved theft of public funds of Kshs 791,385,000 from the National Youth Service(NYS) that occurred in 2014 and 2015.
- ▶ The Kshs 791,385,000 was fraudulently paid to individuals bank accounts and three business entities namely; Form Home Builders, Roof and All Trading and Reinforced Concrete Technologies bank accounts.
- ▶ The case revealed a complex scheme of money laundering where there were several suspicious large cash withdrawals from the above business entities and other parties accounts.

Crimes Committed

- ▶ **Money laundering** as provided under section 3 of the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA).
- ▶ The 1st Respondent (Charity Wangui Gethi) and 2nd Respondent (Sam Wachenje) were charged with the offence of money laundering in Nairobi Chief Magistrate Court Criminal Case No. 1905 of 2015 and Criminal Case No 301 of 2016 which is pending in Court.

Investigative techniques

- ▶ **Warrants to investigate** the Respondents accounts were obtained from the court.
- ▶ **Financial Analysis** of the bank respondents and other parties bank statements
- ▶ **Interrogating and recording statements** of the respondents, employees of the bank
- ▶ Investigations traced a total of Kshs 97,682,424 out of which Kshs 87,682,424 was held in the 1st Respondent (Charity Wangui Gethi) bank accounts and Kshs 10 million was held in the 2nd Respondent (Sam Wachenje) bank account.

Inter-agency Cooperation

➤ **Directorate of Criminal Investigation**

-Conducted investigations into the theft of public funds of Kshs 791,385,000 from the National Youth Service(NYS).

-traced the illicit funds in the respondents accounts.

➤ **Financial Institutions**

-The banks provided the account opening forms, bank statements and records of the Respondents and other parties.

➤ **Office of the Director of Public Prosecution**

-instituted criminal proceedings against the respondents and other parties and charged them with offence of Money laundering as provided under section 3 as read with section 16(1)(a) of the Proceeds of Crime and Anti- Money Laundering Act(POCAMLA)

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➤ **Assets Recovery Agency**

- Instituted the preservation proceedings for preservation of the Kshs 97,682,424 traced in the respondents bank accounts.
- Gazetted the preservation orders pursuant to section 83(1) of the Proceeds of Crime and Anti- Money Laundering Act.
- Instituted forfeiture proceedings for recovery of the preserved Kshs 97,682,424 and prosecuted the matter.

Assets recovered.

- ▶ **Ksh 97,682,424** was forfeited to the Government of Kenya following the judgment delivered by the High Court.





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