

KENYAN PAPER SAYS GOLD SCAM PROBE REPORT EXPECTED TO "LAY BLAME"

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BBC

Text of editorial entitled "Two stages left in Goldenberg affair" published by Kenyan newspaper The Standard web site on 11 February

After 295 days, 102 witnesses, appearances by some 55 lawyers, millions of taxpayer's money and a fortnight short of two years, the Judicial Commission of Inquiry into the Goldenberg affair finally wound down yesterday.

That tempers at times flared as accusations were made and challenged, positions taken and questioned and demands made and upheld or turned down, did not come as a surprise. This was an inquiry into an explosive matter.

It is explosive because, as lead counsel John Khaminwa pointed out, Goldenberg was a fraudulent scheme in which the Kenyan taxpayer lost an estimated 100bn shillings (1.3bn dollars) and somebody must be held accountable for the rip off.

It was a clever scheme in which Goldenberg International was paid generous export compensation because it persuaded the authorities that it was exporting gold and diamonds and earning Kenya a great deal of money.

But while Mr Kamlesh Pattni, the proprietor of Goldenberg International, insisted he exported gold and diamond jewellery, most believe the exports were phantom and the export compensation payments illegal and criminal.

Obviously, Pattni on his own could not have conceived, implemented and executed fraud on that scale without the involvement of high-ranking people in government, the Treasury, Central Bank and the political establishment.

That explains why current and former senior and relatively junior government officials, serving and former ministers, former spy chief James Kanyotu, former President Moi and aide Johua Kulei would be mentioned in the inquiry.

And that also explains why nine politicians and activists would go to court to demand that all those people, who were mentioned in the inquiry, be summoned and be compelled to personally testify and be cross-examined.

At the end of the day, everything now rests with the commissioners - Mr Justice Samuel Bosire (chairing), Nzamba Kitonga and Peter Le Pelley - who have now gone on retreat to write their eagerly-awaited report.

What do Kenyans expect of the Bosire report? That it will be bold in its recommendations and, for example, declare that those who benefited from illegal Goldenberg transactions are made to surrender their wealth.

They would like to hear that the commission recommended that some people be arraigned for their role in hatching, implementing and executing the Goldenberg fraud and be made to return the money they made in the process. In other words, the expectation is that Bosire and his colleagues are expected to lay blame for the Goldenberg scandal at the feet of some people, who must be punished accordingly.

That way, a precedent will have been set and those who are in positions of power and responsibility will always be reminded that should they abuse their positions and offices they will be made to pay.

But this will be the case if President Kibaki, who formed and mandated the commission to inquire into the Goldenberg affair, acts on the expected bold recommendations from Bosire.

Put another way, there are still two stages to go in the Goldenberg investigation that could as yet introduce another twist and another turn to this long-running saga. What has not changed is that Kenyans want retribution.

This, and their perception of the government's performance in the war against graft, will inform the way they will receive Bosire's report and what the president does with it.