



ORARO & COMPANY  
ADVOCATES



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**EMERGING ISSUES IN ANTI-MONEY LAUNDERING  
AND PROCEEDS OF CRIME**



22nd November 2019 |



Fairview Hotel

**in** #freshthinking



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## Anti-Money Laundering and Proceeds of Crime

**ORARO & COMPANY ADVOCATES**

### ABOUT US

Oraro & Company Advocates is a market-leading African law firm established in 1977 with a strong focus on dispute resolution and corporate & commercial law. With a dedicated team of 12 partners, 13 associates and 41 support staff, the firm is highly respected for its dispute resolution practice in Kenya, and its strong bench of litigators.

We provide specialist legal services both locally and regionally in Arbitration, Banking & Finance, Corporate & Commercial, Conveyancing & Real Estate, Dispute Resolution, Employment & Labour, Infrastructure, Projects and PPP, Restructuring & Insolvency and Tax.

Oraro & Company Advocates prides itself in its deeply rooted client relationships by providing quality legal services through its partner-led approach, drawing from local knowledge and global perspectives.



### OUR ASSET TRACING & RECOVERIES (WHITE COLLAR) EXPERTISE

Our Asset Tracing & Recoveries practice area is a recognised leader in advising on complex contentious and non-contentious asset tracing, recoveries and restructuring insolvencies. The practice area is led by a team of Partners with specialist know-how and deep experience in offering strategies for obtaining effective and time-critical legal remedies to secure and recover assets, including freezing injunctions, disclosure orders and protection of assets.

With a good reputation in handling complex banking disputes, debt recovery and asset tracing, the practice area has represented clients in various courts in the land including the Court of Appeal and the Supreme Court. Our Asset Tracing & Recoveries practice works closely with a broad range of stakeholders including banks, financial intermediaries, distressed companies, creditors, private equity sponsors, and governments. As a full-service law firm, the practice area is able to call upon advocates from a wide range of related specialist areas including tax, employment and labour, banking & finance and restructuring & insolvency.

*"They're very impressive. Oraro is the team we turn to for our most important litigation and arbitration."*

~ Chambers Global 2019.



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## Anti-Money Laundering and Proceeds of Crime

### OUR RELEVANT EXPERIENCE

- Acting for the Central Bank of Kenya in the recovery of all amounts in the “Goldenberg” related cases, in excess of USD 1 billion.
- Representing a Kenyan bank (Under Receivership) in a claim that seeks the tracing and recovery of approximately USD 340 million which was defalcated from a Bank. We succeeded in obtaining a mareva injunction (freezing order) which is currently in force to preserve the subject matter of the suit.
- Representing a leading regional bank in a claim of USD 52 million arising from a facility of USD 300 million advanced to the defendants to fund the construction of the Nairobi-Mombasa oil pipeline.
- Representing the Kenya Deposit Insurance Corporation (the receiver manager for a mid-sized Kenyan bank) as lead counsel in a recovery action as well as the tracing and recovery of assets worth USD 70 million from individuals and companies alleged to have defrauded the bank, leading up to its receivership. We obtained a mareva injunction/freezing order, which is currently in force to preserve the subject matter of the suit.
- Acting in a suit against a Dutch bank and its officers, in a matter involving fraudulent claims and liability by officers of the bank in making advances to the bank.
- Acting for a Kenyan investment bank in a suit where a customer alleges that the bank failed to act in accordance with his instructions, with respect to a sale order on a publicly listed company's shares that he had purchased. The bank contends that owing to certain discrepancies in the identity of the customer at the time the sale instructions were received, it was put on enquiry as to whether it was faced with a potential fraud and took reasonable steps (Know Your Customer) in order to avert the same.
- Representing the receiver of a Kenyan bank (under receivership) against 3 companies. The claim seeks the tracing and recovery of approximately USD 300,000 from third parties that had fraudulent unlawful advances that caused the bank to go down and be placed under receivership.
- Representing an accused person for actions done while executing duties when acting as a senior official in the Government of Kenya. The accused was charged with abuse of office and conspiring to defraud the government. The saga has come to be known as the Anglo-leasing saga.



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# Anti-Money Laundering and Proceeds of Crime

## ABOUT THE EVENT

### EMERGING ISSUES IN ANTI-MONEY LAUNDERING AND PROCEEDS OF CRIME

Kenya being East Africa's financial hub, remains vulnerable to money laundering and financial fraud. The country has been listed among the hotspots for money laundering in a **2019 report** released by the federal government of the United States. The implication of this is that any payment involving entities within the country will be subjected to additional scrutiny by global financial players, investors and banks. Government regulators have been putting in place measures and issuing directives which are aimed at sealing the available loopholes.

This session will facilitate dialogue, discussion and sharing of legal and industry experience with a focus on money laundering and the provision of the Proceeds of Crime and Anti-Money Laundering Act.

The seminar will among other issues highlight:

- the salient issues stipulated in the Proceeds of Crime and Anti-Money Laundering (Amendment) Act, 2017;
- anti-money laundering obligations of financial institutions;
- legal implications and remedy measures; and
- emerging issues in the fight against money laundering.



**Venue:** Fairview Hotel



**Date:** 22nd November 2019

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## Anti-Money Laundering and Proceeds of Crime

### PANELLISTS



**George Oraro, SC**  
Senior Partner

Senior Partner at Oraro & Company Advocates, George Oraro SC has over 43 years of experience and he is held in high esteem for his arbitration, mediation and litigation expertise in Kenya. He specialises in administrative and judicial review, banking & commercial litigation, corporate & commercial law, employment and labour disputes, international trade and tax disputes.

Chambers Global 2019 Guide ranked George a top-tier lawyer, noting that he has a "brilliant legal mind" and that he has "attention to detail and extensive knowledge of law across jurisdictions."

**E: [goraro@oraro.co.ke](mailto:goraro@oraro.co.ke)**



**Jonathan Huth**  
Lawyer, Kobre &  
Kim LLP, UK

Jonathan Huth is an accomplished trial lawyer who focuses his practice on cross-border disputes and investigations in the UK, greater Europe and Africa, with experience working in government, in-house and corporate council matters involving securities and financial fraud, market manipulation, futures and derivatives, international arbitration award enforcement and asset investigations and related recovery matters.

With a career spanning 19 years, Jonathan has worked for various organisations including HSBC Bank London as the Associate General Counsel, the U.S. Commodity Futures Trading Commission as the Senior Trial Attorney, Forman Watkins Krutz & Tardy LLP as a Senior Associate, the U.S. Department of Treasury - IRS as an Attorney for Senior Counselor to the Commissioner, Office of Professional Responsibility and the Financial Industry Regulatory Authority in the Fraud Division and Market Regulation. In these roles, Jonathan has engaged with regulators across the globe including those in multiple African jurisdictions, Europe and Asia.

**E: [jonathan.huth@kobrekim.co.uk](mailto:jonathan.huth@kobrekim.co.uk)**



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## Anti-Money Laundering and Proceeds of Crime

### PANELLISTS



**Wangechi Gichuki**

Head of Legal,  
Telkom Kenya

With over 13 years of experience, Wangechi has worked for various organisations in legal and regulatory capacities including Airtel Networks Kenya as the Senior Regulatory Officer, the State Counsel at the State Law Office and Ransley, McVicker & Shaw Advocates as an Associate Advocate.

At Telkom, Wangechi oversees the everyday legal aspects of the business, advises on the changing laws, provides legal support to the regulatory division at Telkom in terms of review of sector regulations and industry lobbying opportunities. She also oversees the company's litigation and contracting portfolio. Additionally, she sits on the Telposta Pension Scheme Board in the capacity of legal advisor.

**E: [wgichuki@telkom.co.ke](mailto:wgichuki@telkom.co.ke)**



**Zivanai Muchenje**

Head, FCC  
Governance, Kenya  
& East Africa,  
Standard Chartered  
Bank Kenya

A Zimbabwean native, Zivanai has over 12 years experience in the financial services industry across the East and Southern Africa region with a focus on anti-money laundering/combating the financing of terrorism, sanctions and anti-bribery and corruption compliance issues.

Prior to his current position, Zivanai worked as the Associate Director, FCC Controls, at Standard Chartered Bank Zimbabwe and as the Anti-Money Laundering Compliance Officer at AfrAsia Bank Zimbabwe Limited.

Zivanai is a registered lawyer in Zimbabwe, Certified Anti-money laundering specialist, certified fraud examiner and an Associate of the Institute of Bankers of Zimbabwe.

**E: [Zivanai.Muchenje@sc.com](mailto:Zivanai.Muchenje@sc.com)**



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### PANELLISTS



**John Kamau**  
Associate Director,  
Forensics, PwC

John is an Associate Director within the Advisory Business of PwC's East African Market. He leads teams within the region in the fight against economic crime and has experience leading assignments aimed at both preventing and combating fraud, money laundering, corruption and other financial crimes in Kenya, Uganda, Tanzania, Ethiopia, Malawi, Rwanda, Zambia and Mauritius.

John holds an engineering degree from Moi University and is a member of the Association of Chartered Certified Accountants (ACCA), UK and an associate member of the Association of Certified Fraud Examiners (ACFE). John has also attended various post-graduate in-house courses on forensics in general and financial crimes in particular.

**E: [john.kamau@pwc.com](mailto:john.kamau@pwc.com)**



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## Anti-Money Laundering and Proceeds of Crime

### KEY AML CONTACTS



**Noella Lubano**

Partner

E: [noella@oraro.co.ke](mailto:noella@oraro.co.ke)



**Geoffrey Muchiri**

Partner

E: [geoffrey@oraro.co.ke](mailto:geoffrey@oraro.co.ke)



**Lena Onchwari**

Partner

E: [lena@oraro.co.ke](mailto:lena@oraro.co.ke)



**Daniel Okoth**

Senior Associate

E: [daniel@oraro.co.ke](mailto:daniel@oraro.co.ke)



**Erastus Rabut**

Associate

E: [erastus@oraro.co.ke](mailto:erastus@oraro.co.ke)



**Eva Mukami**

Associate

E: [emukami@oraro.co.ke](mailto:emukami@oraro.co.ke)



**Meshack Kwaka**

Associate

E: [meshack@oraro.co.ke](mailto:meshack@oraro.co.ke)





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## AGENDA

**Friday, 22nd November 2019**

|                 |  |
|-----------------|--|
| <b>7:00 AM:</b> | Registration and Breakfast   |
| <b>7:30 AM:</b> | Welcome Remarks by Noella Lubano, Partner  |
| <b>7:40 AM:</b> | Panel Discussion by:<br><br><b>George Oraro SC:</b> Senior Partner, Oraro & Company Advocates<br><br><b>Jonathan Huth:</b> Lawyer, Kobre & Kim LLP, UK<br><br><b>Wangechi Gichuki:</b> Head of Legal, Telkom Kenya<br><br><b>Zivanai Muchenje:</b> Head, FCC Governance, Kenya & East Africa, Standard Chartered Bank Kenya<br><br><b>John Kamau:</b> Associate Director, Forensics, PwC<br><br><b>Geoffrey Muchiri:</b> Partner, Oraro & Company Advocates <b>Moderator</b><br><br><b>Lena Onchwari:</b> Partner, Oraro & Company Advocates <b>Master of Ceremony</b> |
| <b>9:00 AM:</b> | Q&A and Roundtable Discussion<br><br><b>Moderated by Erastus Rabut, Associate</b>  |
| <b>9:30 AM:</b> | Closing Remarks by Daniel Okoth, Senior Associate  |
| <b>9:35 AM:</b> | Guests Leave at Own Pleasure   |



ORARO & COMPANY  
ADVOCATES

ACK Garden Annex, 6th Floor, 1st Ngong Avenue

P.O. Box 51236-00200, Nairobi, Kenya

Dropping Zone: Room 8, Embassy House Basement

T: +254 709 250 000

E: [legal@oraro.co.ke](mailto:legal@oraro.co.ke) | [www.oraro.co.ke](http://www.oraro.co.ke)



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