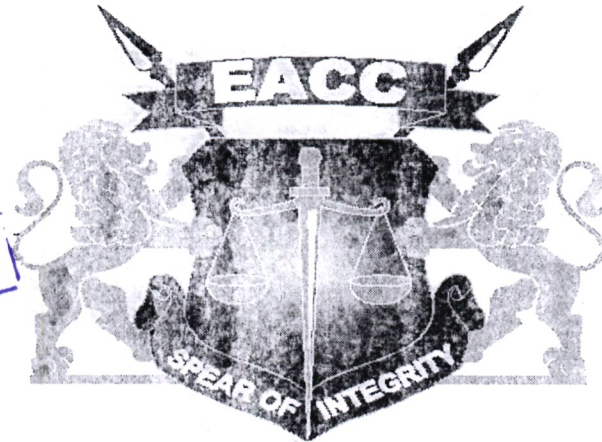



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THE ETHICS AND ANTI-CORRUPTION COMMISSION

THE FIRST QUARTERLY REPORT COVERING THE PERIOD FROM
1ST JANUARY 2021 TO 31ST MARCH 2021

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 03 AUG 2021	DAY: TUESDAY
TABLED BY:	Chief Whip Hon. Emmanuel Wayve, MP
CLERK-AT-THE-TABLE: 2021	Finlay Muriuki

PREAMBLE

The Ethics and Anti-Corruption Commission (the Commission) is required under section 36 of the Anti-Corruption and Economic Crimes Act, 2003 (ACECA), to prepare quarterly reports setting out the number of reports made to the Director of Public Prosecutions (DPP) under Section 35 of the ACECA, 2003 as read with Section 11(1) (d) of the Ethics and Anti-Corruption Commission Act, 2011, (EACCA).

Section 36 of ACECA provides that:

1. The Commission shall prepare quarterly reports setting out the number of reports made to the DPP under section 35 and such other statistical information relating to those reports, as the Commission considers appropriate.
2. A quarterly report shall indicate if a recommendation of the Commission to prosecute a person for corruption or economic crime was accepted or not accepted.
3. The Commission shall give a copy of each quarterly report to the Attorney General.
4. The Attorney General shall lay a copy of each quarterly report before the National Assembly.
5. The Commission shall cause each quarterly report to be published in the Gazette.

This report is therefore made pursuant to section 36 of ACECA. The report covers the First Quarter and is for the period commencing 1st January 2021 to 31st March, 2021.

INVESTIGATION REPORTS COVERING THE PERIOD 1ST JANUARY, 2021 TO 31ST MARCH, 2021

1. EACC/MLD/FI/INQ/03/2016

INQUIRY INTO ALLEGATION THAT THE COUNTY GOVERNMENT OF KILIFI LOST KSH 24,460,000 PAID IN THREE INSTALLMENTS OF KSH. 8,820,000 TO MEDISCOPE AGENCIES.

The Commission commenced investigations following an invitation by Kilifi County Government to examine its procurement processes following an internal forensic audit conducted at the County that identified a possible loss of Kshs. 24,460,00 to Medicscope Agencies

Investigations established that there was an irregular tender process in the award of a tender to Medicscope Agencies for the purchase of 6,000 pieces of insecticide treated mosquito nets. The irregularities included: there was no budgetary allocation, use of wrong procurement method, falsification of records etc. Three unlawful payments amounting to Kshs. 26,460,000/-, were made to the Medicscope Agencies for goods that were never delivered.

On 4th January, 2021 a report was compiled and forwarded to the DPP with recommendations to charge the Proprietor of Medicscope Agencies and County Officials who participated in the procurement irregularities with the following offences; 3 Counts of conspiracy to commit an offence of corruption contrary to Section 47 A (3), 3 Counts of fraudulently making payments from public revenue contrary to Section 45(2)(a), 3 Counts of abuse of office contrary to Section 46, 3 Counts of fraudulent acquisition of public property contrary to Section 45(1), all as read together with Section 48 of the ACECA, 2 Counts of forgery contrary to Section 349 as read together with Sections 345-348 of the Penal Code.

On 3rd March, 2021, the DPP returned the inquiry file and advised further investigations be conducted.

2. EACC/MSA/FI/INQ/18/2017

AN INVESTIGATION INTO AN ALLEGATION OF CONFLICT OF INTEREST BY A KENYA PORTS AUTHORITY EMPLOYEE - SENIOR CLERICAL OFFICER WHO WAS ALLEGED TO HAVE INFLUENCED THE AWARD OF TENDERS WORTH 40 MILLION TO CHEMISO EAST AFRICA. A BUSINESS ENTITY ASSOCIATED WITH HIM THROUGH HIS PROXIES.

Investigations by the Commission commenced following reports of conflict of interest in the award of a contract worth Kshs. 40 Million to Chemiso East Africa which was won by a proprietor who happened to be the mother of a Senior Clerical Officer who worked for the Kenya Ports Authority (KPA), the procuring entity.

Investigations established that the procurement was irregular which resulted to unlawful payments amounting to Kshs 62,732,772.74 to the proprietors of Chemiso East Africa. The investigations further established, that the Evaluation Committee didn't conduct proper technical evaluation and there was conflict of interest.

On 4th January, 2021, a report was compiled and forwarded to the DPP with recommendations to charge the Senior Clerical Officer, Head of Procurement and Supplies, Head of Civil Engineering, Members of Tender Evaluation Committee, the proprietor and signatory of Chemiso East Africa with the following offences; 2 Counts of conflict of interest contrary to Section 42(1), 1 Count of fraudulent acquisition of public property contrary to Section 45(1)(a), 2 Counts of willful failure to comply with law relating to procurement contrary to Section 45(2) (b), all as read together with Section 48 of the ACECA, 1 Count of money laundering contrary to Section 16 of the Proceeds of Crime and Anti Money Laundering Act, 1 Count of obtaining contract from a public institution by false pretense contrary to Section 313 of the penal code, 1 Count of fraudulent practice in procurement contrary to Section 41(4) as read with Section 137 of the Procurement and Disposal Act and 1 Count of forgery contrary to Section 349 as read together with sections 345-348 of the Penal Code.

The Commission is awaiting DPP's response.

3. EACC/FI/INQ/13/2019

ALLEGATIONS OF EMBEZZLEMENT OF KSH. 3,160,000 PUBLIC FUNDS AT BUMULA CONSTITUENCY AGAINST CONSTITUENCY UWEZO FUND ACCOUNT SIGNATORIES

Investigations commenced following a complaint that there was embezzlement of Uwezo funds (Ksh. 3,160,000) by a Sub County Accountant, funds that were meant for Youth and Women Fund at Bumula Constituency, Bungoma County.

Investigations established that there were irregular withdrawals from the fund account amounting to KShs. 3,160,000. The investigations further established that KShs. 3,160,000 was returned by the suspects through several deposits to the EACC's recovery account at the Kenya Commercial bank after the investigations were commenced.

On 1st February, 2021, a report was compiled and forwarded to the DPP with recommendations that the fund officials be charged with the following offences; 1 Count of conspiracy to commit an offence of Corruption contrary to Section 47(A) (3), 1 Count of Unlawful acquisition of public property contrary to Section 45(1) (a), 2 Counts of abuse of office contrary to Section 46, all as read together with Section 48 of the ACECA and 1 Count of breach of trust by a person employed in the public service contrary to Section 127 (1) as read with Section 127(2) of the penal code.

On 13th April 2021, the DPP returned the inquiry file accepting recommendations for prosecution subject to further investigations being carried out.

4. EACC/NYR/FI/INQ/14/2016

INQUIRY INTO ALLEGATION OF IRREGULAR TRANSFER OF LAND PARCELS BY A LAND REGISTRAR NANYUKI LANDS OFFICE.

Investigations commenced following a complaint against a former Land Registrar of Nanyuki Land Registry, that he abused office or acted fraudulently in the transfer of the land for parcels numbers, Nanyuki/Marura Block 1/28 (Ichuga) and Nanyuki/Marura Block 1/218 (Ichuga).

Investigations established that the alleged fraud in the complaint had been investigated by the Department of Criminal Investigations and the matter prosecuted to finality in Criminal Court case number, 2108 of 2010 at the Nyeri Chief Magistrate Court. The accused persons therein were acquitted for lack of evidence.

On 11th February, 2021, a report was compiled and forwarded to the DPP with recommendations that the inquiry be closed.

The Commission is awaiting DPP's response.

5. EACC/NYR/FI/INQ/48/2018

ALLEGATION THAT OFFICIALS OF NYANDARUA COUNTY GOVERNMENT MADE ILLEGAL AND IRREGULAR PAYMENT TO SUPPLIERS FOR PROVISION OF SERVICES FOR AN INVESTORS CONFERENCE THAT DID NOT TAKE PLACE.

Investigations commenced following a complaint received by the commission to the effect that officials of Nyandarua County Government under the Department of Trade made illegal payments to several entities for services allegedly offered to an investors conference that did not take place.

Investigations established that the said conference was postponed however the Nyandarua County Government officials proceeded to advertise for prequalification of suppliers for the said services and made awards to some entities. This led to irregular payments to those entities for services not rendered.

On 16th February, 2021 a report was compiled and forwarded to the ODPP with recommendations that the County Executive Committee Member, Accountants, Tender Evaluation Committee Members, Head of Procurement and Supply chain Management Department and Assistant, Weights and Measures Officer be charged with the following offences; 1 count of knowingly making false misleading statement to ones principal contrary to section 41 (2), 2 counts of willfully failing to comply with the applicable procedures and guidelines relating to incurring of expenditures and guidelines to incurring of expenditures contrary to section

45(2)(b), 1 count of fraudulently making payment from public revenue contrary to Section 45(2) (a), 2 counts of abuse of office contrary to Section 46, 1 count of conspiracy to commit an offence of economic crime contrary to Section 47(a) (3), 1 count of attempt to commit an offence of economic crime contrary to section 47(1) (a), all as read together with Section 48 (1), of the ACECA, 3 counts of fraudulent practice in a procurement process contrary to Section 66 (1) as read with Section 176(i) of the Public Procurement and Asset Disposal Act and 4 counts of making a document contrary to Section 357(a) of the Penal Code.

The Commission is awaiting DPP's response

6. EACC/PI/INQ/42/2020

INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES AND PRICE EXAGGERATION IN THE AWARD OF TENDER NUMBER TRCG/OT/OG/63/2018-2019 FOR THE SUPPLY OF MOTOR VEHICLES AND MOTOR CYCLES BY THE COUNTY GOVERNMENT OF TANA RIVER.

The Commission commenced the investigation after receiving an allegation of procurement irregularities and price exaggeration in the award of tender number TRCG/OT/63/2018-2019, for the supply of motor vehicles and motor cycles (goods) by the County Government of Tana River (County) to Emad Construction Ltd.

Investigations established that the tender evaluation process and the subsequent professional opinion were flawed leading to irregular award of the tender to Emad Construction Ltd. There was also no inspection of the goods delivered.

On 4th February, 2021, a report was compiled and forwarded to the DPP with recommendations to charge the Governor, County Executive Committee Member Roads, Chief Officer Water, Chief Officer Finance, Chief Officer for Roads, Director of Finance, Director of Supply Chain Management, Accountant 1, Members of the Evaluation Committee, General Manager and Director of Emad Construction Ltd, Director Interspares Ltd with the following offences; 1 Count of conspiracy to commit an offence of corruption contrary to Section 47(A) (3), 3

Counts of conflict of interest contrary to Section 42(3), 6 Counts of abuse of office contrary to Section 46, 6 Counts of willful failure to comply with the Law relating to procurement or public funds contrary to Section 45(2) (b), 1 Count of knowingly using a false or misleading document to one's principal Contrary to Section 41(2), all as read together with Section 48(1), of the ACECA, 2 Counts of fraudulent practice in procurement proceedings contrary to Section 41(4) as read with Section 137 of Public Procurement and Disposal Act and 3 Counts of making a false document contrary to Section 347(A) as read with Section 349 of the Penal Code, 4 Counts of receiving a bribe contrary to Section 6(1)(a) and (b) of the Bribery Act as read with Section 18(1) and (2)

On 10th March, 2021 the DPP returned the inquiry file and advised that further investigations be carried out. Further investigations were conducted and the file was resubmitted to the ODPP on 22nd March, 2021.

7. EACC/ISL/EL/INQ/23/2017

INQUIRY INTO ALLEGATIONS THAT THE COUNTY EXECUTIVE FOR YOUTH AND SPORTS IN MERU COUNTY FORGED A DEGREE CERTIFICATE FROM THE UNIVERSITY OF NAIROBI.

The Commission commenced investigations upon receipt of a report that the Executive Committee Member for Youth Affairs and Sports in Meru County Government presented a forged Degree Certificate in Bachelor of Commerce purportedly issued by University of Nairobi (UON) in the year 2010. The Degree Certificate was allegedly presented during a recruitment exercise by the County that led to the subsequent appointment of the CEC to the said position.

Investigations established that the Executive Committee Member for Youth, Gender and Sports made a false declaration in the EACC Self-declaration form that he had acquired a Bachelor of Commerce Degree, Accounting Option from UON when he applied for the position of County Executive Committee Member of Culture and Sports on 11/09/2017. The officer also presented a forged copy of the

said degree to a committee handling appointment for the said position for verification.

On 25th January, 2021 a report was prepared and forwarded to the DPP with recommendation that the officer be charged with the following offences; 5 Counts of forgery contrary to Section 349 of the Penal Code, 5 Counts of uttering a false document contrary to Section 353 as read with Section 349 of the Penal Code, 1 Count of providing false information to the EACC contrary to Section 46(1)(d) of LIA as read with Section 46(2) of LIA and Deceiving the Meru County Government contrary to Section 46(1)(d) of LIA

On 24th January, 2021, the DPP returned the inquiry file and advised that further investigations be carried out.

8. EACC/BGM/EL/INQ/4/2019

ALLEGATIONS OF UNETHICAL CONDUCT BY MT. ELGON MEMBER OF PARLIAMENT ON 23RD FEBRUARY 2019 AT NASALA VILLAGE LWANDANYI WARD BUNGOMA COUNTY DURING A BURIAL EVENT.

The Commission commenced investigations following a complaint of unethical conduct on the part of the Honourable Member of Parliament of Mt Elgon (MP). The complaint alleged that the MP was involved in a brawl in a public place with a former opponent for the said seat.

Investigations revealed that the MP was involved in a brawl in a public place during a funeral event at Nasala Village in Mt Elgon Sub County, Bungoma County. The Department of Criminal Investigations Office at Bungoma West division investigated the matter and recommended charges after opening an inquiry file no. 6/29. Four persons apart from the MP who were allegedly involved in the same brawl were charged for the said incident in Court with unlawfully taking part in a fight in a public place contrary to section 92 of the Penal Code. The accused persons in the said matter pleaded guilty to the charges therein and were fined Kshs. 4,000 each.

On 25th January, 2021, a report was compiled and forwarded to the DPP with recommendations that the MP be issued with a Caution as per regulation (30)1 of the LIA.

On 30th March, 2021 the DPP returned the inquiry file concurring with Commission's recommendations to caution the MP.

9. EACC/NYR/EL/INQ/45/2018

AN INQUIRY INTO ALLEGATIONS OF UNETHICAL CONDUCT AGAINST THE VICE CHANCELLOR KIRINYAGA UNIVERSITY.

The Commission commenced investigations following allegations of unethical conduct against the Vice Chancellor of Kirinyaga University that the Vice Chancellor had discriminated and profiled some former Kirinyaga University employees. It was also alleged that the Vice Chancellor appointed her daughter as a tutorial fellow at Kirinyaga University Health and Science Department without consulting the University Council.

Investigations established that the vacancy for the said position had been advertised by Kirinyaga University and the Vice Chancellor's daughter was an applicant. The Vice Chancellor participated in the interview and the daughter was awarded the said position.

On 22nd January, 2021, a report was compiled and forwarded to the DPP with the recommendation that administrative action be taken against the Vice Chancellor for conflict of interest. The Vice Chancellor had violated her obligations under LIA by failing to disclose the interest in compliance with Section 45(1) and 45(2) of ACECA.

The Commission is awaiting DPP's response.

10. EACC/MSA/EL/INQ/11/2019

AN INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST AGAINST FORMER KWALE COUNTY EXECUTIVE COMMITTEE MEMBER FOR TOURISM WHO IS CURRENTLY THE MEMBER OF PARLIAMENT FOR MANDERA.

The Commission commenced investigations following an anonymous complaint that the Kwale County Government had for a period of two years awarded a contract/tender for catering services and accommodation of County officials to Lofta Resort Diani Ltd, a hotel associated with the County Executive Member of Tourism (CEC) of Kwale County Government

Investigations established that the County Executive Member of Tourism who was employed at Kwale County Government, was a director and a controlling shareholder of Lofta Resort Diani Ltd alongside his wife, son, and nephew who were co-directors during award of several prequalified tenders. Lofta Resort Diani Ltd was a prequalified supplier of Kwale County Government from the years, 2014-2018 and received payments in the said period totalling KShs 51,539,424.

Investigations also established, in the financial year of 2014/2015 Lofta Resort Diani Ltd had been disqualified for being non responsive. However, Tender Committee awarded the tender to Lofta Resort Diani Ltd and other non-responsive companies. The evidence confirmed that there existed a conflict of interest on the part of the CEC.

On 11th February, 2021, a report was compiled and forwarded to the DPP with recommendation that the CEC and other Kwale County Government officials be charged with the following offences; 1 Count of Conflict contrary to Section 42(3) of ACCECA, 1 Count of willful failure to comply with the law relating to procurement contrary to Section 45(2), 1 Count of Deceiving the principal contrary to Section 41(2), 1 Count of abuse of office contrary to Section 46, all as read together with Section 48, of the ACECA .

The Commission is awaiting DPP's response.

11.EACC/ELD/EL/INQ/07/2016

INQUIRY INTO ALLEGATIONS THAT THE MEMBERS OF TRANS NZOIA COUNTY ASSEMBLY EMPLOYED THEIR RELATIVES IRREGULARLY CONTRARY TO CHAPTER SIX OF THE CONSTITUTION AND PROVISION OF THE LEADERSHIP AND INTEGRITY ACT

Investigations commenced following allegations of abuse of office against the Majority leader, Minority Leader, Speaker, Clerk, MCA's of Trans Nzoia County Assembly and members of the County Public Service Board. It was alleged by the Complainant that the said officials influenced the employment of their relatives or family members at the County Government of Trans Nzoia.

Investigations established that there was a recruitment exercise by the County Public Service Board for various positions done in the year, 2015 at the Trans Nzoia County. The MCA of Sirende Ward in Trans Nzoia County participated in the shortlisting and interviews especially for the position of Committee Clerk in which his daughter was a candidate and was offered the said position. The MCA did so without disclosing the conflict of interest.

On 11th February, 2021 a report was compiled and forwarded to the DPP recommending that the MCA be charged with the following offences; 3 counts of failure to disclose a private interest to one's principal contrary to Section 42(1) (a) and (b) and 1 count of abuse of office contrary to Section 46, both as read together with Section 48 ACECA

On 13th May 2021, the DPP returned the inquiry file for further investigations.

12. EACC/KSI/EL/INQ/2/2019

INVESTIGATIONS INTO THE ALLEGED USE OF FORGED ACADEMIC CERTIFICATES BY A TEACHER, TO OBTAIN EMPLOYMENT THROUGH THE TEACHERS SERVICE COMMISSION.

The Commission commenced investigations upon receipt of allegations that a teacher under the Teachers Service Commission (TSC) working at Tabaka Boys Primary School, Kisii County had obtained employment through the TSC using forged academic certificates.

Investigations established that the teacher has worked at Tabaka Boys Primary school and other public schools. The said teacher assumed the identity of two other individuals by using details of their academic certificates and personal

details. Using the said Certificates, he obtained employment and public money through the TSC.

On 3rd March, 2021 a report was prepared and forwarded to the DPP on 3rd March, 2021 with recommendation that the suspect be charged with the following offences; 3 counts of Personation of a person named in a certificate contrary to section 384 of the Penal Code. 3 Counts of providing false information to a person employed in the Public Service contrary to Section 129(a) of the Penal Code and 1 Count of Fraudulent acquisition of public property contrary to Section 45(a) as read together with Section 48 of the ACECA, 2003

On 24th May 2021, the DPP returned the inquiry file for further investigations.

13. EACC/OPS/INQ/69/2018

INQUIRY INTO THE ALLEGATIONS THAT A POLICE OFFICER ATTACHED TO THE NAIROBI AREA PATROL STATION REQUESTED FOR A BRIBE OF KSH. 10,000 IN ORDER TO FOREBEAR CHARGING A MOTORIST WITH THE OFFENCE OF CHANGING LANE

The Commission commenced investigations following a report made by a complainant against a police officer working within the National Police Service stationed at Nairobi Area Patrol Station in Nairobi

Investigations established that the police officer had requested the complainant to pay a bribe of Kshs. 10,000/-to forebear charging the complainant before the court with a traffic offence of obstruction. However, the complainant refused to pay the bribe and the police officer issued the complainant with the notice to attend court. The complainant made an audio recording of the said bribe demand incident and reported to EACC.

On 25th July 2020, a report was compiled and forwarded to the DPP with recommendation that police officer be charged with the offence of receiving a bribe contrary to Section 6(1) as read with Section 18(1) and 3 of the Bribery Act

On 12th March, 2021, the DPP returned the inquiry file and advised that the matter be disposed of by way of administrative action for lack of sufficient evidence.

14. EACC/OPS/INQ/113/2019

AN INQUIRY INTO ALLEGATIONS THAT NATIONAL AIDS CONTROL COUNCIL (NACC) OFFICIALS/EMPLOYEES IRREGULARLY DISPOSED A MOTOR VEHICLE TO A BOARD MEMBER.

The Commission commenced investigations following a complaint from an anonymous source indicating that a Motor Vehicle Registration number, KAN 921 U belonging to the National Aids Control Council (NACC) was disposed of through collusion of NACC officials to a board member of the NACC.

Investigations established that the motor vehicle KAN 921 U was disposed of to a board member of NACC within the law.

On 25th January, 2021, a report was compiled and forwarded to the DPP with recommendation that the file be closed.

On 24th March, 2021 the DPP returned the inquiry file and concurred with the Commission's recommendation to close the file.

15. EACC/MCKS/OPS/INQ/54/2018

INQUIRY INTO THE ALLEGATIONS OF BRIBERY AGAINST A POLICE OFFICER ATTACHED TO THE DIRECTORATE OF CRIMINAL INVESTIGATIONS OFFICE AT EMALI

The Commission commenced investigations following a complaint lodged by a Complainant against a police officer attached to the Directorate of Criminal Investigations (DCI) Office at Emali police station (station). The complainant alleged that the police officer had demanded a financial benefit of Kshs. 15,000 so as not to charge the Complainant with giving false information to a public officer.

The Police officer received Kshs. 5,000 from the complainant following a trap operation. However, after receiving the same, the money was not recovered as it was hidden by the police officer.

On 25th January, 2021 a report was compiled and forwarded to the DPP recommending that the police officer be charged with the following offences; 4

Counts of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act and 1 count of concealing evidence contrary to section 66 (1) (c) of ACECA as read with Sub Section 2 of ACECA.

On 22nd March, 2021 the DPP returned the inquiry file and concurred with the Commission's recommendation to charge the officer.

16. EACC/OPS/INQ/100/2019

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST OFFICERS AT THE OFFICE OF THE AUDITOR GENERAL.

The Commission commenced investigations following a complaint by a former Governor of Nairobi County that there were officers from the Auditor General's Office who had requested for a bribe of Kshs. 100,000,000 in order to give Nairobi County Government a favourable external financial audit report that the said officers were preparing.

Investigations established that there was no sufficient evidence to support the complaint's allegations against officers of the Auditor General's office or against the Clerical Officer of Nairobi County Government.

on 25th January, 2021 a report was compiled and forwarded to the DPP recommending that the file be closed due to insufficient evidence.

On 12th May 2021, the DPP returned the inquiry file accepting recommendation for closure.

17. EACC/KSM/OPS/INQ/3/2019

AN INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST THE OFFICER IN-CHARGE OF NGIYA POLICE PATROL BASE

The Commission commenced investigations following a complaint against a Police officer in charge of Ngiya Police Patrol for demanding bribe in order to issue the complainant with witness statement in a case file number, 271/2019 that was

before Siaya Law Courts. The complainant was an accused therein and had been sued for common assault and malicious damage to property.

Investigations established that the complainant had been charged in case file number, 271/2019 that was before Siaya Law Courts. The police officer made a bribe demand of Kshs 3,000/- to the Complainant in order to facilitate the complainant with witness statements in the said court case. The police officer received Kshs. 3,000/- from the complainant following a trap operation that was conducted by EACC.

On 25th January, 2021 a report was compiled and forwarded to the DPP with a recommendation to charge the police officer with the following offences; 3 Counts of Receiving a bribe contrary to Section 6(1) of the Bribery Act and 1 Count of Abuse of Office contrary to Section 46 as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act.

On 17th February, 2021, the DPP returned the inquiry file and advised further investigations be conducted.

18. EACC/KSM/OPS/INQ/16/2019

INQUIRY INTO ALLEGATIONS OF RECEIVING BRIBE AGAINST A PUBLIC HEALTH OFFICER OF THE KISUMU COUNTY GOVERNMENT

The Commission commenced investigations following a complaint by an entrepreneur in Kisumu County against Kisumu County Government Health Officers who had bonded the complainant to appear before the Kisumu Magistrates Court at Kisumu to answer to charges of keeping commercial property under unsanitary condition and discharging liquid waste in an open pit causing public nuisance. The complainant alleged the Kisumu County Government Health Officers demanded a bribe of Ksh.50,000/- so as to lift the bond

Investigations established a Kisumu County Government Health Officer requested from the entrepreneur a financial benefit of Kshs. 10,000/- so as to lift the said bond.

The officer collected kshs. 10,000 in cash through a proxy following a trap operation conducted by EACC.

On 25th January, 2021 a report was prepared and forwarded to the DPP with recommendation to charge the Public Health Officer of Kisumu County with the 2 counts of the offence of receiving a bribe contrary to Section 6(1)(b) as read with Section 18 of the Bribery Act

On 2nd March 2021, the DPP returned the inquiry file for further investigations.

19. EACC/MSA/OPS/INQ/43/2019

AN INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST AN OFFICER WORKING AT THE DEPARTMENT OF CRIMINAL INVESTIGATIONS

Investigations commenced following allegations by the complainant that an officer working in the Department of Criminal investigations (DCI) was requesting for financial advantage of Kshs. 30,000/- in order to forebear charging the complainant for illegally issuing a passport.

Investigations established that the said officer who was a Chief Inspector of Police had demanded a bribe of Kshs. 30,000/- in order to give a favourable opinion in ongoing investigations against the complainant. Following a trap operation, the said officer was arrested after requesting and receiving a bribe of Kshs. 20,000/- from the complainant

On 11th February, 2021, a report was compiled and forwarded to the DPP with recommendations to charge the officer with 2 counts of the offence of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act

The Commission is awaiting DPP's response.

20. EACC/OPS/INQ/20/2020

INQUIRY IN RESPECT OF BRIBERY ALLEGATIONS AGAINST AN EMPLOYEE OF NAIROBI CITY WATER AND SEWARAGE COMPANY

Investigations commenced following a complaint that a Revenue Collection Assistant at Nairobi Water and Sewerage Co Ltd requested for a financial advantage of Kshs. 20,000 to reconnect water at Park two Estate within Lang'ata, Nairobi that had been disconnected.

Investigations established that the Revenue Collection Assistant was an employee of Nairobi Water and Sewerage Co Ltd and demanded from the complainant a bribe of Kshs. 30,000 in order to reconnect water that had been disconnected at Park Two Estate within Langata, Nairobi. Investigations further established that the Revenue Collection Assistant received Kshs. 30,000 from the complainant.

On 11th February, 2021, a report was compiled and forwarded to the DPP with recommendation that the Revenue Collection Assistant be charged with 3 counts of the offence of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act

On 20th April, 2021 the DPP returned the inquiry file and with recommendations that further investigations be carried out.

21. EACC/OPS/INQ/5/2020

AN INQUIRY INTO ALLEGATIONS AGAINST DIRECTOR OF A CONSTRUCTION COMPANY FOR OFFERING A BRIBE IN ORDER TO FORBEAR INSTITUTION OF CHARGES AGAINST DIRECTORS OF A COMPANY WHICH WAS UNDER INVESTIGATIONS

Investigations commenced by the Commission after a complainant was made by a police officer based at Central Police station who alleged that a Director of a construction company was offering her a bribe to forebear instituting criminal charges against him and other directors of the said company who were under investigation.

Investigations established that there was a proxy who was a prisons officer who had been sent by a co-director of a company to bribe a police officer who was investigating a case against him and other co-directors. A covert operation was

conducted by EACC whereby the proxy to the Director gave the complainant a sum of Kshs. 100,000 and the proxy was arrested.

On 11th February, 2021 a report was compiled and forwarded to the ODPP with recommendations that the Prisons Officer and Director be charged with the offence of Giving a bribe contrary to Section 5(1) as read with Section 18 of the Bribery Act.

On 22nd March, 2021 the DPP returned the inquiry file and concurred with the Commission's recommendation to charge the suspect.

STATISTICAL SUMMARY OF FILES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

1.	Total No. of files forwarded to the Director of Public Prosecutions	21
2.	No. of files recommended for prosecution	16
3.	No. of files recommended for administrative or other action	2
4.	No. of files recommended for closure	3
5.	No. of files recommended for prosecution and the cases are already lodged before Court	0
6.	No. of files where recommendation to prosecute accepted	2
7.	No. of files where recommendation for administrative or other action accepted	1
8.	No. of files where recommendation for closure accepted	2
9.	No. of files returned for further investigations	9
10.	No. of files where recommendation to prosecute not accepted	0
11.	No. of files where recommendation for administrative or other action not accepted	0
12.	No. of files where closure not accepted	0
13.	No. of files where prosecution declined but administrative action recommended	1
14.	No. of files awaiting the DPP's advice	6

DATED AT NAIROBI THIS

9th

DAY OF

June

2021



ARCHBISHOP (RTD) ELIUD WABUKALA, EBS
CHAIRPERSON

/smc



TWALIB MBARAK, CBS
SECRETARY/CHIEF EXECUTIVE OFFICER