



THE ETHICS AND ANTI-CORRUPTION COMMISSION

THE 3RD QUARTERLY REPORT COVERING THE PERIOD FROM 1ST JULY, 2018 TO 30TH SEPTEMBER, 2018

 THE NATIONAL ASSEMBLY PAPERS LAID	
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TABLED BY:	MAJORITY LEADER
CLERK-AT THE-TABLE:	

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 Third Quarter and is for the period commencing 1st July, 2018 to 30th September, 2018.

INVESTIGATION REPORT COVERING THE PERIOD 1ST JULY 2018 TO 30TH
SEPTEMBER 2018

1. EACC/ FI/INQ/ELD/25/2018

INQUIRY INTO ALLEGATIONS OF IRREGULAR PURCHASE OF MAIZE BY OFFICIALS OF THE NATIONAL CEREALS AND PRODUCE BOARD FROM UNSCRUPULOUS BUSINESSMEN.

Investigations commenced following reports that officials of the National Cereals and Produce Board (NCPB) were purchasing maize from brokers and unregistered farmers who had not been vetted to supply maize. As a result, genuine farmers were denied an opportunity to sell their maize to NCPB.

Investigations revealed that NCPB officials were required to purchase maize only from registered locally vetted farmers. The NCPB officials failed to adhere to the guidelines issued for maize intake and authorized payments to traders who did not qualify as farmers and had not been properly vetted to supply maize. Further, the Permanent Secretary, Agriculture, authorized spending of funds for the purchase of maize under the Strategic Food Reserve (SFR) without seeking necessary approvals from the SFR Board as legally required. The accounting officer, NCPB, failed to ensure that the funds allocated to the entity was properly utilized to pay genuine maize farmers.

A report was compiled and forwarded to the DPP on 23rd July, 2018 recommending that the suspects, senior Ministry of Agriculture officials, senior NCPB officials and traders, be charged with the following offences namely: wilful failure to comply with the law, applicable procedures and guidelines relating to management of public funds contrary to section 45(2) (b) as read with section 48 of ACECA; conspiracy to commit an offence of corruption contrary to section 47A (3) as read with section 48 (1) of ACECA; abuse of office contrary to section 46 as read with section 48(1) of ACECA; dealing with suspect property contrary to section 47 (1) as read with section 47 (2) (a) and 48 (1) of ACECA; fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 (1) of ACECA; conspiracy to defraud

the public contrary to section 317 of the Penal Code; neglect of official duty contrary to section 128 as read with section 36 of the Penal Code and unauthorized spending of public money contrary to Section 196 (1) as read with section 196 (6) of Public Finance Management Act (PFMA).

On 29th August, 2018, the recommendation for prosecution was accepted.

2. EACC/MLD/FI/INQ/18/2016

INQUIRY INTO ALLEGATIONS THAT CERTAIN EMPLOYEES OF KILIFI COUNTY GOVERNMENT HAD IRREGULARLY PAID A SUM OF KSHS 51,569,775.00/= TO SIX PRIVATE COMPANIES NAMELY: DAIMA ONE ENTERPRISES, ZOHALI SERVICES LIMITED, MAKEGRA SUPPLIES LIMITED, KILINGI INVESTMENTS COMPANY LIMITED, LEADERSHIP EDGE ASSOCIATES LIMITED AND JAHAZI INVESTMENTS COMPANY, FOR GOODS NOT SUPPLIED OR SERVICES NOT RENDERED.

Investigations revealed that six private companies unlawfully acquired public funds from the County Government of Kilifi for goods not supplied or services not rendered. It was further revealed that Kilifi County Government Officials facilitated and authorized irregular payments totaling to Kshs 51,569,775/= to the said six companies without any supporting documentation. In addition, Kilifi County Government officials engaged in falsification of documents to facilitate fraudulent payments for goods that were never supplied.

A report was compiled and forwarded to the DPP on 23rd July, 2018 recommending that the suspects be charged with the following offences namely: fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 (1) of ACECA; fraudulently making payment from public revenue contrary to section 45 (2) (a) as read with section 48 of ACECA; making a document without authority contrary to section 357 of the Penal Code; uttering a false document contrary to section 353 of the Penal Code; engaging in an action that is prohibited contrary to section 196 (1) as read with section 196 (7) of PFMA; dealing with proceeds of crime contrary to section 4 of the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA).

On 19th September, 2018, the DPP returned the inquiry file recommending further investigations.

3. EACC/FI/INQ/88/2016

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE, MONEY LAUNDERING, BRIBERY, CONFLICT OF INTEREST AND FAILURE TO PROTECT PUBLIC PROPERTY BY SENIOR OFFICIALS OF THE NAIROBI CITY COUNTY AND THE GOVERNOR OF NAIROBI CITY COUNTY.

Investigations revealed that the suspects, being senior employees of the Nairobi City County Government, authorized irregular payments totaling to Kshs 213,327,300/= to Ngurumani Traders and Lodwar Wholesalers without any supporting payment documents and for services not rendered. The directors of Ngurumani Traders and Lodwar Wholesalers were irregularly paid Kshs 213,327,300/= from Nairobi City County Government for services not rendered and also failed to pay tax in respect to the said amount. Investigations further established that senior officials of Nairobi City County Government received benefits from the said companies pursuant to the said unlawful payments.

A report was compiled and forwarded to DPP on 13th July, 2018 recommending that the suspects, be charged with the following offences under ACECA namely: conspiracy to commit an economic crime contrary to section 47A (3) as read with section 48 (1); abuse of office contrary to section 46 as read section 48; fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 (1); dealing with suspect property contrary to section 47 (1) as read with section 47 (2) (a) and 48 (1) and unlawful failure to pay taxes to a public body contrary to section 45 (1) (d) as read with section 48 (1).

On 7th August, 2018 the recommendation for prosecution was accepted.

4. EACC/FI/INQ/91/2015

INQUIRY INTO ALLEGATIONS OF IRREGULARITIES IN THE PROCUREMENT AND OVERPRICING IN RELATION TO THE TENDER NO. SU/QT/3264F/14 AWARDED TO M/S AERO DISPENSOR VALVES LTD BY KENYA PIPELINE LTD FOR SUPPLY OF

HYDRANT PIT VALVES COMPLETE WITH ISOLATION VALVES AND TWO YEARS OPERATING SPARES COSTING USD 6,409,491.89 (APPROXIMATELY KSHS 550,000,000/=).

Investigations established that there were procurement irregularities in the award of tender no. SU/QT/3264F/14 to Aero Dispensor Valves Limited by Kenya Pipeline Company Limited (KPC) to supply Hydrant pit valves complete with isolation valves and two years' operational spares. The KPC tender committee approved the use of direct procurement from ClaVal but instead the tender document was sent to Aero Dispensor Valves Limited which had not been proposed or approved by the tender committee. Aero Dispensor Valves Limited submitted the tender document with fraudulent supporting documents. The accounting officer, KPC, failed to enter into a written contract with Aero Dispensor Valves Limited. Investigations further established that a total of Kshs 58,271,533.12/= was paid to the supplier prior to the supply of goods.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspects be charged with the following offences namely: abuse of office contrary to section 46 as read with section 48(1) of ACECA; wilful failure to comply with the law relating to procurement contrary to section 45 (2) (b) as read with section 48 of ACECA; unlawful acquisition of a benefit contrary to section 45(1) (a) as read with section 48 of ACECA; conspiracy to defraud contrary to section 317 of the Penal Code and engaging in a fraudulent practice in a procurement contrary to section 41 (1) as read with section 41(4) of the Public Procurement and Disposal Act, 2005 (PPDA).

On 13th September, 2018 the DPP returned the inquiry file recommending further investigations.

5. EACC/MSA/FI/INQ/39/2016

INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT FOR HIRE OF TRUCKS, BULLDOZERS AND SHOVELS FOR GARBAGE COLLECTION AND

DISPOSAL BY THE COUNTY GOVERNMENT OF MOMBASA DURING THE FINANCIAL YEAR 2013/2014.

Investigations established that there was no specific budgetary allocation for garbage collection and disposal services in the Procurement Plan and budget for the financial year 2014/2015. The contract with the successful bidder was entered into and executed before the successful bidder had even accepted the offer. The contractor awarded the tender was not technically qualified for the award. The successful bidder engaged before the contract was signed and backdated the date the contract was signed. The County Government of Mombasa breached the provisions of procurement laws and procedures in awarding this tender.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspects, be charged with the following offences under ACECA: wilful failure to comply with the law and applicable procedures and guidelines relating to procurement contrary to section 45(2) as read with section 48; concealing evidence contrary to section 66 (1) (c) as read with section 66(2); fraudulently making payment from public revenue contrary to section 45(2) (a) as read with section 48 (1); abuse of office contrary to section 46 as read with section 48 and conspiracy to commit an offence of economic crime contrary to section 47 A (3) as read with section 48 (1).

On 23rd August, 2018, the DPP returned the inquiry file recommending further investigations.

6. EACC/NYR/INQ/28/2016

INQUIRY INTO ALLEGATIONS OF IRREGULAR VARIATION IN THE CONTRACT FOR RENOVATION OF THE COUNTY ASSEMBLY OF LAIKIPIA IN 2014/2015 FINANCIAL YEAR.

Investigations established that the successful bidder, Deep Seas Engineers Power Equipments and General Suppliers, was not registered by the National Construction Authority (NCA) thus not qualified for the award of the contracts

for works. The successful bidder had submitted a forged NCA registration certificate with its bid documents. Subsequently, the successful bidder was awarded and paid Kshs 11,948400/=. The variation of the contract was within the legal threshold of 25% of the original sum and was approved by the tender committee.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspects be charged with the following offences namely: fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 of ACECA; forgery contrary to section 351 as read with section 349 of the Penal Code; uttering a document contrary to section 351 as read with section 349 of the Penal Code; fraudulent practice in procurement proceedings contrary to section 41 (1) as read with section 137 of PPDA; carrying on the business of a contractor without being registered by the board of the NCA contrary to section 15 (1) as read with section 15 (3) of the National Construction Act.

On 17th September, 2018, the DPP returned the inquiry file recommending further investigations.

7. EACC. NKR/INQ/FI/103/2015

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE BY THE SUBUKIA SUB-COUNTY REVENUE OFFICER IN THE TRANSFER OF PLOT COMMERCIAL KABAZI.

Investigations established that a revenue officer for Subukia sub county, used her position to irregularly transfer Plot 17 commercial located at Kabazi trading centre whilst knowing that the said plot belonged to the complainant. The suspect used information contained in the said plot's green card ledger instead of the automated recording system to irregularly transfer the said plot. The second suspect, a clerical officer at Subukia sub county, irregularly made an entry on the said plot's green card to fraudulent reflect rent payment.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspects, be charged with the following offences

namely: abuse of office contrary to section 46 as read with section 48 (1) of ACECA and conspiracy to defraud contrary to section 317 of the Penal Code.

On 15th August, 2018, the DPP returned the inquiry file recommending further investigations.

8. EACC/FI/INQ/111/2017

INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT BY EMBAKASI SOUTH CDF OF KSHS 2.2 MILLION EARMARKED FOR THE PURCHASE OF 44 COMPUTERS FOR EMBAKASI GIRLS AND EMMAUS SCHOOL.

Investigations established that the suspect, former Funds Account Manager of Embakasi South Constituency Development Fund, used request for quotation method for tender no. EMBAKASI SOUTH/PUR/007/13-14 for the supply of 44 computers worth Kshs 2.2 million which was above the prescribed maximum threshold of Kshs 500,000/= for use of said method. The suspect irregularly signed an award letter for the supply of the said tender whilst knowing that the tender committee had not adjudicated or awarded the tender. Further, the suspect entered into a written contract for the said tender before the lapse of the required 14 days under section 68 (2) of the PPDA. The suspect failed to appoint members to the Inspection and acceptance committee for the said tender to inspect the delivered computers.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspect, be charged with the following offences under ACECA namely: abuse of office contrary to section 46 as read with section 48; wilful failure to comply with the law relating to procurement contrary to section 45(2) (b) as read with section 48.

On 30th August, 2018, the recommendation for prosecution was accepted.

9. EACC/KSM/FI/INQ/19/2016

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AGAINST A MARKETING OFFICER AT CHEMELIL SUGAR COMPANY CONTRARY TO SECTION 46 AS READ WITH SECTION 48 (1) OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT.

Investigations established that the suspect received and accepted favours from clients of Chemelil Sugar Company which directly compromised her in discharging her duties impartiality while dealing with the said clients. Her conduct was in direct conflict with section 11 of the Public Officers Ethics Act (POEA) prohibiting the receipt of gifts and favours from persons with an interest that may affect the carrying out of duties by a public officer.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that administrative action be taken against the suspect by Chemelil sugar Company for contravention of Article 75 (2) (a) of the Constitution and Section 36 (1) (b) of the Leadership and Integrity Act.

On 20th August, 2018, the recommendation for administrative action was accepted.

10. EACC/MLD/INQ/FI/12/2015

INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT PROCESS IN RESPECT TO CONSTRUCTION OF A THREE-STOREY DORMITORY FOR LAMU GIRLS SECONDARY SCHOOL.

Investigations established that the suspect, Funds Account Manager of Lamu West Constituency Development Fund failed to constitute and appoint members of the tender opening committee, tender evaluation committee and inspection and acceptance committee for tender no. CDF/LW/2013-2014 for the construction of a three-storey dormitory for Lamu Girls Secondary School. The suspect failed to ensure that a written contract was entered into between the procuring entity and the contractor as required by law. The suspect together with other suspects participated in an irregular procurement process resulting in undue award of the said tender.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspects be charged with the following offences namely: wilful failure to comply with the law, applicable regulations and guidelines relating to procurement contrary to section 45(2) (b) as read with section 48 of ACECA; abuse of office contrary to section 46 as read with section 48 of ACECA; conspiracy to commit an economic crime contrary to section 47A (3) as read with section 48 (1) of ACECA and uttering a false document contrary to section 353 of the Penal Code.

On 16th October, 2018, the DPP returned the inquiry file and recommended further investigations.

11. EACC/FI/INQ/19/2017

INQUIRY INTO ALLEGATIONS THAT KENYA RAILWAYS CORPORATION AND THE NATIONAL LAND COMMISSION PAID COMPENSATION TO PERSONS/ENTITIES AFFECTED BY THE STANDARD GAUGE RAILWAY FOR LAND WHICH LAY ON THE RAILWAY LINE RESERVE, FLIGHT PATH AND MARSHALLING YARD IN EMBAKASI AREA.

Investigations established that there was no approved PDP for allocation of land alienated as a railway reserve, marshalling yard and flight path hence any allocations done were null and void. The committee on review of grants and dispositions of land had revoked the titles for land parcel LR no. 9805, 9806, 9807 and 9808 which were illegally acquired public land by Dasahe Investments Limited. The Chairman, National Land Commission (NLC), irregularly granted approval for compensation of Kshs 221,375,000/= in favour of Dasahe Investments Limited for the revoked allocations for the parcels of land. Senior NLC officials prepared and authorized the said compensation payment.

A report was compiled and forwarded to the DPP on 23rd July, 2018 recommending that the suspects be charged with the following offences under ACECA namely: abuse of office contrary to section 46 as read with Section 48 (1) and unlawful acquisition of public property contrary to section 45 (1) (a) as read with section 48 (1) (a).

On 10th August, 2018, the recommendation for prosecution was accepted.

12. EACC/FI/INQ/121/2015

INQUIRY INTO ALLEGATIONS THAT KENYA PORTS AUTHORITY RETIREMENT BENEFITS SCHEME (KPARBS 2012) IRREGULARLY ENTERED INTO A SALE AGREEMENT FOR THE PURCHASE OF 100 ACRES.

Investigations established that the Board of Trustees of KPARBS, as a result of professional advice, resolved to purchase 100 acres of land located in Kikambala as an investment for the said scheme. However, the executors of the resolution of the Trustees i.e. the Chairman and Pension administrators were not diligent in ensuring that KPARBS was well protected in all the transactions they entered into. The process of acquisition of the said land by the Trustees and Pension Administrators of KPARBS was laced with irregularities.

A report was compiled and forwarded to the DPP on 7th August, 2018 recommending that the suspects be charged with the following offences namely: abuse of office contrary to section 46 to section 48 (1) of ACECA; fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 (1) of ACECA; dealing with suspect property contrary to section 47 (2) (a) as read with section 48 (1) of ACECA; conspiracy to commit an economic crime contrary to section 47A (1) as read with section 48 of ACECA and breach of public trust contrary to section 127 of the Penal code.

On 7th December, 2018, the DPP returned the inquiry file accepting recommendation for prosecution.

13. EACC/FI/INQ/09/2014

INQUIRY INTO ALLEGATIONS THAT THE PRINCIPAL OF RAMISI SECONDARY SCHOOL, FALSIFIED RECORDS TO INFLATE NUMBERS OF REGISTERED STUDENTS SO AS TO DEFRAUD THE MINISTRY OF EDUCATION THROUGH FREE SECONDARY EDUCATION PROGRAMME FUND.

Investigations revealed that Education Management Information System (EMIS) secondary schools data return for year 2013 and the free day secondary education data capture form for the year 2013 indicated that the student population of Ramisi Secondary School as 559. The actual student population for Ramisi Secondary School was 444 students. The suspect, by failing to verify the information on the said submitted forms, misled the District Education officer Msambweni and the Kwale County Director Teacher Service Commission (TSC) to disburse funds for the year 2013 amounting to Kshs 5,745,965 which was in excess by Kshs 1,182,089.

A report was compiled and forwarded to the DPP on 28th August, 2018 recommending that the suspect be charged for the offence of knowingly making misleading statement to one's principal contrary to section 41 (1) as read with section 48 (1) of ACECA.

On 5th October, 2018, the DPP returned the inquiry file and recommended further investigations.

14. EACC/NKR/INQ/FI/60/2016

INQUIRY INTO ALLEGATIONS THAT THE FORMER MEMBER OF COUNTY ASSEMBLY REPRESENTING KABATI WARD IN SUBUKIA CONSTITUENCY IN NAKURU COUNTY ALLEGEDLY ACCUMULATED UNEXPLAINED WEALTH.

Investigations established that the former Member of County Assembly (MCA) for Kabazi Ward in Nakuru County did make a full disclosure of his assets, income and liabilities as required by law. His bank accounts revealed that he received his salary, allowances and rental income which were commensurate with the declared assets. The suspect gave explanations and documentation of how he acquired or disposed of his immovable property. Investigations revealed that those were the only properties he owned and there was no further evidence of unexplained wealth.

A report was compiled and forwarded to the DPP on 28th August, 2018 recommending that the inquiry file be closed with no further action

On 25th September, 2018, recommendation for closure accepted.

15. EACC/KSM/FI/INQ/01/2014

INQUIRY INTO ALLEGATIONS AGAINST THE COUNTY GOVERNMENT OF BUSIA FOR ALLEGED IRREGULARITIES IN PROCUREMENT AND AWARD OF CONTRACTS FOR RENOVATION OF GOVERNOR'S OFFICE, COUNTY OFFICES, SUPPLY OF GENERATORS AMONG OTHER GOODS, WORKS AND SERVICES AMOUNTING TO KSHS 60 MILLION.

Investigations revealed that the tender for the supply and install carpets was procured through request for quotation at Kshs. 8,295,249/= which exceeded the prescribed maximum for works of Kshs 4,000,000/=. The tender committee members had not been appointed by the time the procurement plan and use of alternative procurement method was approved. The tender committee lacked quorum when the tenders under inquiry were deliberated on, awarded and payments made without recommendations of the inspection and acceptance committee. The tender evaluation was dated on 13th June 2013 yet the report was purportedly relied on in a tender committee meeting held on 6/6/2013.

Investigations established that the tender committee failed to follow the laid down procurement laws and procedures and that Busia County Government officials irregularly authorized illegal payments to various suppliers totaling to Kshs 23,971,873.60/= which arose from irregular procurement resolutions.

A report was compiled and forwarded to the DPP on 6th September, 2018 recommending that the suspects be charged with the following offences under the ACECA namely: wilful failure to comply with the law relating to procurement contrary to section 45 (2) (b) as read with section 48 (1) and abuse of office contrary to section 46 as read with section 48 (1).

On 2nd October, 2018, the DPP returned the inquiry file recommending further investigations.

16. EACC.NKR/FI/INQ/61/2016

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AND FRAUDULENT ACQUISITION OF PUBLIC PROPERTY AGAINST A FORMER COUNCILOR LITEIN WARD.

It was alleged that a former elected councilor of Litein Ward had mobilized funds to start Roronya Nursery School and converted the school into private school in the name of Upper Hill Nursery School.

Investigations established that the said former elected councilor did not convert Roronya Nursery School, a public school into a private school called Upper Hill Nursery School. Further, a land Surveyor from the Ministry of Lands, Kericho County acknowledged that there was a road passing through the school compound but confirmed that it had been moved to another point within the said property. The evidence obtained did not reveal any fraudulent or corrupt conduct by the suspect.

A report was compiled and forwarded to the DPP on 6th September, 2018 recommending that the file be closed with no further action.

On 18th October, 2018, the DPP accepted the recommendation for closure.

17. EACC/ELD/FI/INQ/33/2015

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AGAINST THE OFFICE MANAGER OF THE MEMBER OF COUNTY ASSEMBLY, KIPTOROR-CHEPSIRO WARD, TRANS-NZOIA COUNTY.

EACC commenced investigations following a complaint that the office manager of the MCA Kiptoror-Chepsiro ward, Trans-Nzoia County had demanded for a bribe from the officials of Ushirikiano Disabled Self-Help Group in order to give them a cheque of Kshs 80,000/= being issued by Trans-Nzoia County Government as a grant in favour of the said self-help group.

Investigations established that a grant of Kshs. 80,000/= was allocated to Ushirikiano and a meeting was organized by the suspects whereby new officials were elected. The new officials opened a bank account and

deposited the cheque and withdrew the money. The money was distributed among some genuine members and non-members of the group thus the funds were not utilized as intended. In the absence of the list of original members of Ushirikiano it was difficult to establish misappropriation of funds. The evidence gathered was insufficient to prove bribery against the suspects.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that it would be difficult to sustain charges of misappropriation of funds against the suspects without an original list of members of Ushirikiano. The Commission recommended civil recovery of the Kshs 80,000/= against the suspects.

On 20th December, 2018, the DPP returned the inquiry file directing that there is sufficient evidence to charge the suspects.

18. EACC.NKR/INQ/FI/167/2015

INQUIRY INTO ALLEGATIONS THAT OFFICRS IN-CHARGE OF KERICHO GK MAIN PRISON, KERICHO MEDIUM PRISON AND KERICHO WOMEN PRISON FRAUDULENTLY MADE PAYMENTS FROM PUBLIC REVENUE FOR GOODS NOT SUPPLIED OR NOT SUPPLIED IN FULL TO NYASCO COMMERCIAL ENTERPRISES AND OTHER COMPANIES BELONGING TO CIVIL SERVANTS IN THE COUNTY TREASURY.

Investigations established that the suspect, a chief accountant at the District Accounts office, Kericho County, a member of the District Tender Committee and a Director of Nyasco Commercial Enterprise made payments to his own company for tender no. KCO/1/2015/2016/17 for the supply and delivery of dry food stuffs to Kericho Prisons without declaring his personal interest in participating and adjudicating the said tender. Investigations revealed that Nyasco Commercial Enterprise was the only company owned by a civil servant in Kericho County Treasury that was prequalified to participate in the tender.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that the suspect be charged with the offence of failure to

disclose a private interest to one's principal contrary to section 42 (1) (a) & (b) as read with section 48 of the ACECA.

On 17th December, 2018, the DPP returned the inquiry file directing further investigations to be conducted.

19. EACC/GSA/EL/INQ/4/2018

INQUIRY INTO ALLEGATIONS THAT THE WAJIR COUNTY CHIEF OFFICER, PUBLIC WORKS AND HOUSING FORGED HIS INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) DEGREE CERTIFICATE.

Investigations established that the suspect knowingly and intentionally submitted a forged Bachelor's degree in ICT and transcripts from Mount Kenya University in his application for the position of Chief Officer, Public Works and Housing in Wajir County. Evidence revealed that the suspect was not a bonafide graduate of the said University and thus lacked the requisite academic qualifications to qualify for the position of Chief Officer.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that that the suspect be charged with offences namely: providing false information to a public entity contrary to section 46 (1) (d) as read with section 46(2) of the Leadership and Integrity Act (LIA), knowingly misleading a public entity contrary to section 46 (1) (b) as read with section 46 (2) of the LIA, forgery contrary to section 345 as read with section 349 of the Penal code and uttering false documents contrary to section 353 of the Penal code.

On 27th November, 2018, the DPP returned the inquiry file directing further investigations to be conducted.

20. EACC/KSM/EL/INQ/11A/2017

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE, FRAUDULENT ACQUISITION OF PROPERTY AND FORGERY AGAINST THE VICE CHANCELLOR AND FIXED ASSETS OFFICER OF MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY.

EACC commenced investigations following reports that the Vice Chancellor of Masinde Muliro University had engaged in financial misappropriation and abuse of office with regard to house allowance.

Investigations established that the Vice Chancellor continued to receive his full house allowance of Kshs 85, 616/= per month while the said University was paying rent for the duty house he was residing in. Further, it was at the Vice Chancellor's behest that the furnishings and generator were irregularly purchased for the said house. Evidence revealed that the Fixed Assets Officer falsified records to give the impression that the purchased items had been entered into the University's Assets Register.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that the suspects be charged with offences namely; abuse of office contrary to section 46 as read with section 48 (1) (a) of ACECA, fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 (1) of ACECA and deceive or knowingly mislead EACC contrary to section 46 (1) (b) of the LIA.

On 21st December, 2018, the DPP returned the inquiry file directing further investigations to be conducted.

21. EACC/NKR/INQ/EL/04/2015

INQUIRY INTO ALLEGATIONS OF UNETHICAL CONDUCT AGAINST THE MEMBER OF PARLIAMENT FOR NAKURU TOWN EAST CONSTITUENCY.

EACC commenced investigations following a report that on 7th April, 2015, the Member of Parliament (MP) for Nakuru Town East Constituency engaged in unethical conduct by assaulting Nakuru County officials while they were undertaking their duties which was in contravention of Chapter Six of the Constitution of Kenya, 2010.

Investigation established that the traders with the support of the suspect had insisted on constructing the kiosks along Kipkelion Road within Nakuru Town without the requisite approval of the County Government. As such, Nakuru County officers demolished the said kiosks and the suspect's conduct of

chasing after the Nakuru County vehicle and marshalling the traders to resist the demolition, demeaned the office he holds. Investigations revealed that the actions of the suspect clearly violated this constitutional provision of Article 75 from the premise that he was compromising and undermining the authority of the County Government which is mandated to give approvals for construction of structures within the County.

A report was compiled and forwarded to the DPP on 6th September, 2018 recommending that the suspect be issued with a caution and warning pursuant to Regulation 30(1) of the Leadership and Integrity Regulations, 2015. Further, EACC should also take further steps and require the National Assembly to formally reprimand the Member of Parliament for his unbecoming conduct, as provided under Regulation 30(2) of the Leadership and Integrity Regulations, 2015.

On 13th December, 2018, the DPP indicated that he retained the inquiry file pending review of criminal files related to the suspect.

22. EACC/GSA/EL/INQ/7/2017

INQUIRY INTO ALLEGATIONS AGAINST A FORMER CHIEF OFFICER EDUCATION, VOCATIONAL TRAINING AND SPORT, TANA RIVER COUNTY OF EMBEZZLEMENT OF KSHS 2,956,400/= BELONGING TO TANA RIVER COUNTY BEING MONIES MEANT TO FACILITATE YOUTH FROM THE COUNTY TO ATTEND THE INTER-COUNTY SCHOOL SPORTS COMPETITION HELD IN SIAYA COUNTY.

EACC commenced investigations following a report that the suspect had embezzled Kshs 2,956,400/= to facilitate attendance of youth from county in the Kenya Youth Inter County Sports Association competition held in Siaya County.

Investigations revealed that the suspect raised an imprest of Kshs 2,956,400/= which was approved and payment made to his personal account way after the conclusion of its intended purpose. The suspect failed to surrender the imprest as legally required thus embezzling public funds.

A report was compiled and forwarded to the DPP on 7th August, 2018 recommending that the suspect be charged with the offence of unlawful acquisition of public property contrary to section 45 (1) (a) of ACECA. Further, EACC will take appropriate steps to recover the amount of Kshs. 2,956,400/= from the suspect.

On 29th October, 2018, the DPP returned the inquiry file recommending further investigations.

23. EACC/KIS/EL/10/2017

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE BY THE THEN MANAGING DIRECTOR OF SOUTH NYANZA SUGAR COMPANY LIMITED (SONY).

Investigations established that the suspect irregularly (illegally) issued a letter of offer for employment for the position of Head of Marketing Business Development to a candidate other than the one who had been approved by the company's Board of Directors.

A report was compiled and forwarded to the DPP on 7th August, 2018 recommending that the suspect be charged for the offence of abuse of office contrary to section 46 as read with section 48 of the ACECA.

On 18th October, 2018, the DPP returned the inquiry file recommending further investigations.

24. EACC/EL/INQ/47/2015

INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE KISII COUNTY GOVERNMENT USED FAKE RECOMMENDATION LETTER PURPORTED TO HAVE BEEN WRITTEN BY WAKENYA PAMOJA SOCIETY LIMITED TO SECURE HIS CURRENT EMPLOYMENT AT KISII COUNTY GOVERNMENT.

It was alleged that an officer employed by Kisii County Government used a fake recommendation letter purported to be from his former employer Wakenya Pamoja Sacco Society Limited to secure employment at the County Government of Kisii.

Investigations revealed that there was no evidence indicating that the suspect used a fake recommendation letter from Wakenya Pamoja Sacco to apply for his current job. However, investigations established that the suspect filed and submitted to EACC and Kisii County Government a self-declaration form in which he failed to declare that he had been dismissed from his previous employment for lack of integrity and that he had a pending criminal court case.

A report was compiled and forwarded to the DPP on 7th August, 2018 recommending that the suspect be charged for the following offences namely; providing false information to EACC contrary to section 46 (1) (d) as read with section 46 (2) of the LIA, providing false information to Kisii County Government contrary to section 46(1) (d) as read with section 46 (2) of the LIA and false declaration contrary to section 11 of the Oaths and Statutory Declarations Act.

On 3rd October, 2018, the DPP returned the inquiry file recommending further investigations.

25. EACC/GSA/EL/INQ/1/2015

INQUIRY INTO ALLEGATIONS OF IRREGULAR RECRUITMENT OF GARISSA COUNTY ASSEMBLY SPEAKER.

Investigations revealed that the suspect had resigned from NHIF- Garissa branch before he was elected as the Speaker of the Garissa County Assembly. There was no evidence to establish that the suspect forged the signature in the NHIF letter dated 18/03/2013 acknowledging the receipt of his resignation.

A report was compiled and forwarded to the DPP on 13th July 2018, recommending that the file be closed with no further action.

On 16th September, 2018, the DPP declined the recommendation for closure and directed the suspect be charged with the following offences namely; making a document without authority contrary to section 358 of the Penal

Code and uttering a false document contrary to section 353 of the Penal Code.

26. EACC/EL/INQ/10/2016

INQUIRY INTO ALLEGATIONS THAT A SENIOR DIRECTOR OF AIR ACCIDENT INVESTIGATIONS AT THE MINISTRY OF TRANSPORT APPLIED FOR SEVEN DAYS PER DIEM TO SOUTH SUDAN BUT ACTUALLY STAYED THERE FOR ONE DAY BUT THEREAFTER SURRENDERED FOR SEVEN DAYS IMPREST.

Investigations established that the suspect applied and surrendered for seven days imprest to South Sudan yet he only travelled for one day thus entitled to one day imprest. The evidence revealed that the suspect took the surrender imprest documents he had submitted for the said imprest and failed to return them, once the subject investigations into the matter commenced.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspect be charged with the offences of deceiving principal contrary to section 41 (2) as read with section 48 (1) of the ACECA, abuse of office contrary to section 46 as read with section 48 (1) of the ACECA and concealing information on public finances contrary to section 198 (c) as read with section 199 of the PFMA.

On 5th September, 2018, the DPP returned the inquiry file recommending further investigations.

27. EACC/NKR/INQ/EL/07/2017

INQUIRY INTO ALLEGATIONS THAT A PUBLIC OFFICER EMPLOYED BY THE TEACHERS SERVICE COMMISSION HAS BEEN APPOINTED AS A BOARD MEMBER OF BOMET COUNTY ASSEMBLY SERVICE BOARD WHILE STILL EMPLOYED AS A TEACHER WITH TSC THUS PREJUDICING SERVICE TO THE PUPILS OF KUGUNOI PRIMARY SCHOOL.

Investigations established that the suspect is an employee of Teachers Service Commission and a member of the Bomet County Assembly Service Board (CASB). It was further revealed that she was consistently attending the CASB meetings when she was required to be in class teaching. Her

engagement as a member of the CASB compromises her attending her assigned lessons in school and teaching her pupils.

A report was compiled and forwarded to the DPP on 6th July 2018 that the suspect be issued with a written caution according to regulation 30 (1) and (2) of LIA. EACC to issue an advisory to TSC against allowing employees to engage in other activities that compromise their duties. The Bomet CASB should adhere to directive of the Executive Office issued by the Head of Public Service with regard to Board appointments.

On 20th August, 2018, the DPP accepted the recommendation that the CASB member be cautioned and an advisory issued to TSC cautioning its employees from engaging in activities that compromise their duties and service delivery in their independent capacity.

28. EACC/ISL/EL/INQ/NO/01/2015

INQUIRY INTO ALLEGED UNETHICAL CONDUCT OF THE CHIEF EAST LOCATION AND ASSISTANT CHIEF MWANGAZA SUB-LOCATION LOCATED WITHIN ISIOLO COUNTY.

EACC commenced investigations following numerous reports that the suspect, an Assistant Chief of Mwangaza sub-location was using her position to intimidate residents of Mwangaza and was involved in land grabbing in Mwangaza.

Investigations established no evidence to link the Chief of East Location to any of the allegations. There was no tangible evidence showing the suspect's involvement in land grabbing or aiding land grabbers. There was no evidence to show that the suspect intimidated members of the public.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the file be closed with no further action.

On 19th September, 2018, the DPP accepted the recommendation for closure.

29. EACC/NYR/OPS/INQ/02/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION LEVELLED AGAINST TWO TRAFFIC POLICE OFFICERS BASED AT KARATINA TRAFFIC SUB BASE.

Investigations established that the traffic Police officers based at Karatina Traffic Sub Base were soliciting for and extorting bribes from motorists along Karatina-Nyeri Highway next to Omega Supermarket. Surveillance was conducted along the said road and the traffic officers were videotaped taking bribes from motorists. A sting operation was conducted and the suspects were arrested and Kshs 1,750/= was recovered. The suspects were charged before Nyeri Law courts each with one count of receiving a bribe contrary to section 6 (1) (b) as read with section 18 of the Bribery Act and abuse of office contrary to section 46 as read with section 48 of the ACECA.

A report was compiled and forwarded to the DPP on 13th July, 2018 recommending that the case before court to proceed to its logical conclusion subject to some amendments to the charge sheet.

On 15th August 2018, the DPP accepted the recommendation for prosecution of the case before court to proceed to its logical conclusion.

30. EACC/MSA/INQ/14/2016

INQUIRY INTO ALLEGATIONS THAT THE ASSISTANT CHIEF OF LUNGALUNGA SUB LOCATION HAD ORGANISED A GROUP OF SIX MIDDLEMEN TO COLLECT ON HIS BEHALF, A SUM OF MONEY OF BETWEEN KSHS 200 AND KSHS 2,000/= SO AS TO FACILITATE THE PROCESS OF CIVIL REGISTRATION OF BIRTH CERTIFICATES WITHIN KWALE COUNTY.

Investigations revealed that there was no evidence to establish that the suspects requested and received any bribe to facilitate the processing of birth certificates in Kwale County. Further, the evidence did not reveal that the suspects impersonated employees of the Department of Immigration and Registration of Persons, Civil Registration in Kwale county.

A report was compiled and forwarded to the DPP on 13th July 2018 recommending that there was no evidence to establish criminal culpability

against the suspects. Further, an advisory should be issued to Kwale County Commissioner to direct all chiefs and assistant chiefs in Kwale county to process all application forms for registration of births and deaths.

On 3rd August 2018, the DPP accepted the recommendation for closure.

31. EACC/MLD/OPS/INQ/4/2018

INQUIRY INTO ALLEGATIONS THAT A DRIVER OF A PUBLIC SERVICE VEHICLE FROM MOMBASA TO MALINDI OFFERED A BRIBE OF KSHS 2000/- TO A NTSA OFFICER TO FORBEAR CHARGING HIM WITH A TRAFFIC OFFENCE.

EACC and NTSA conducted a joint operation on 31st December, 2017 at Mida Creek Area along Mombasa-Malindi Highway. A driver of a public service vehicle was arrested for driving without a driving license and a class 'A' endorsement on his license.

Investigations revealed that the suspect gave Kshs 2,000/= to a NTSA officer to forbear charging him with the offence of driving without a driving license and a class 'A' endorsement on his license.

A report was compiled and forwarded to the DPP on 13th July, 2018 recommending that the suspect be charged with one count of the offence of giving a bribe contrary to section 5 (1) as read with section 18 (1) of the Bribery Act No. 47 of 2016.

On 13th December, 2018, the DPP noted that there is sufficient evidence to warrant prosecution but advised that administrative action should be taken against the suspect.

32. EACC/MLD/OPS/INQ/1/2018

INQUIRY INTO ALLEGATIONS THAT A PUBLIC SERVICE VEHICLE DRIVER OFFERED A BRIBE OF KSHS 2000/= TO A NTSA OFFICER TO FORBEAR CHARGING HIM WITH A TRAFFIC OFFENCE.

EACC and NTSA conducted a joint operation on 2nd January, 2018 at Mkangagani along Mombasa-Malindi Highway. A driver of a public service vehicle was arrested for overspeeding. An NTSA officer using a speed gun

observed that the suspect was speeding at 89kph instead of the maximum set limit speed of 80kph.

Investigations established that from the evidence on record, it cannot be firmly said that the Kshs 2000/= given to the NTSA officer was a bribe to forbear being charged as opposed to a cash bail to secure his release and appear before court later.

A report was compiled and forwarded to the DPP on 13th July, 2018 recommending that the file be closed for lack of sufficient evidence.

On 3rd August, 2018, the DPP accepted the recommendation for closure.

33. EACC/MSA/OPS/INQ/1/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A DEPUTY OCS AT KIEMBENI POLICE STATION.

Investigations commenced after receiving a complaint on 8th January, 2018 that the Deputy OCS Kiembeni Police Station was requesting for a bribe of Kshs 10,000/= to facilitate the release of a member of Nguu Tatu Community Based Organization from police custody.

Investigations established that the Deputy OCS requested for Kshs 10,000/= and received Kshs 8,000/= as bribe.

A report was compiled and forwarded to the DPP on 13th July, 2018 recommending that the Deputy OCS be charged with three counts of the offence of receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery Act No. 47 of 2016.

On 28th September, 2018 the DPP returned the inquiry file recommending further investigations.

34. EACC/MLD/OPS/INQ/3/2018

INQUIRY INTO ALLEGATION THAT A PUBLIC SERVICE VEHICLE DRIVER PLYING MOMBASA –MALINDI ROUTE OFFERED A BRIBE OF KSHS. 2,000/= TO A

NATIONAL TRANSPORT AND SAFETY AUTHORITY OFFICER TO FORBEAR CHARGING HIM WITH A TRAFFIC OFFENCE.

A joint operation between EACC and NTSA was conducted to nab motorists offending traffic laws and involving in bribery activities. An operation was conducted on 2nd January, 2018 at Mkangagani along Mombasa-Malindi Highway.

Investigations established that the suspect, a driver of a public service vehicle, gave Kshs 2,000/= to a NTSA officer to forbear charging him with the offence of overspeeding contrary to section 42 (1) as read with section 43 of the Traffic Act.

A report was compiled and forwarded to the DPP on 12th June, 2018 that the suspect be charged with one count of the offence of giving a bribe contrary to section 5 (1) as read with section 18 (1) of the Bribery Act No. 47 of 2016.

On 13th December, 2018, the DPP noted that there is sufficient evidence to warrant prosecution but advised that other alternatives to prosecution should be employed.

35. CR.148/29/2017 CF ACC 16/2017

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST THE CHAIRPERSON OF LIQUOR LICENSING COMMITTEE FOR EMBAKASI EAST SUB-COUNTY AND A LIQUOR LICENSING CLERK AT NAIROBI CITY COUNTY GOVERNMENT

Investigations established that the suspects conspired and requested for a bribe of Kshs 15,000/= and subsequently, one suspect received Kshs 12,000/= from the complainant as an inducement for the granting authority for the renewal of the complainant's liquor license. The suspects were consequently charged with the offence of receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery act.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the case, which was already in court, proceeds to its logical conclusion.

On 20th February, 2019 the DPP accepted the recommendation that the matter already in court proceeds to its logical conclusion.

36. EACC/MLD/OPS/INQ/3/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN EMPLOYEE OF KILIFI MARIAKANI WATER AND SEWERAGE COMPANY.

Investigations commenced following intelligence report that Kilifi Mariakani Water and Sewerage Company (KIMAWASCO) was incurring financial loss due to illegal water connections. The complainant had gone to the KIMAWASCO office in Kilifi town to pay his water bill of Kshs 4,310/= only to realize that his name was not in the KIMAWASCO system.

Investigations established that the Kshs 4,310/= requested by the suspect was not a bribe but statutory fee to regularize the complainant's water connection. However, the suspect who is a public officer, failed to diligently execute his duties by using an old water meter instead of a new one for purposes of reconnecting water supply for the complainant. This action on the part of the suspects breached sections 8, 9(a) and 10 (1) of the Public Officers Ethics Act.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that administrative action be taken against the suspect by the management of KIMAWASCO.

On 22nd August, 2018, the DPP accepted the recommendation for administrative action.

37. EACC/MSA/OPS/INQ/31/2017

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST A POLICE OFFICER ATTACHED TO LUNGA LUNGA POLICE STATION.

Investigations established that the suspect requested for a bribe of Kshs 3,000/= from the complainant to facilitate arrest of some persons whose cattle had destroyed crops at the complainant's farm. However, from the evidence, the suspect did not receive the alleged bribe.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspect police officer be charged with two counts of the offence of receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) of the Bribery Act, 2016.

On 11th December, 2018, the DPP noted that there is sufficient evidence to warrant prosecution but recommended administrative action to be taken against the suspect.

38. EACC/MKS/OPS/INQ/21/2017

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST TWO TRAFFIC POLICE OFFICERS ATTACHED TO MATUU POLICE STATION.

Investigations established that traffic police officers attached to Matuu Police Station usually demand for a benefit of Kshs 1,000/= from each truck carrying goods and also Kshs. 100/= from each Public Service Vehicles plying the Garissa- Matuu road. A sting operation was conducted that resulted in the arrest of two traffic police officers who corruptly received Kshs. 1,000/=.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspects be charged with offences under ACECA namely, dealing with suspect property contrary to section 47 (2) (a) as read with section 48 (1); abuse of office contrary to section 46; obstruction contrary to section 66 (1) (a) as read with section 66 (2).

On 13th December 2017, the DPP noted that there is sufficient evidence to warrant prosecution but recommended administrative action to be taken against the suspect.

39. CR. 627/409/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A NATIONAL INTELLIGENCE SERVICE OFFICER BASED AT THE KISUMU IMMIGRATION OFFICE.

EACC commenced investigations following a report from a complainant who had applied for a passport at the Immigration Department in Kisumu, been subjected to the Immigration Vetting Board and was awaiting its outcome.

He alleged that the suspect had requested for a financial advantage of Kshs 5,000/= to clear him with the Immigration Vetting Board and to fast track the issuance of his passport.

Investigations revealed that the suspect had initially requested for a financial advantage of Kshs 5,000/= and received Kshs 4,000/= from the complainant. An operation was conducted and the suspect was arrested.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspect be charged with four counts of receiving a bribe contrary to section 6 (1)(a) as read with section 18 of the Bribery Act.

On 3rd October, 2018, the DPP returned the inquiry file recommending further investigations.

40. EACC/OPS/159/2017

INQUIRY INTO ALLEGATION OF GIVING A BRIBE AGAINST A DRIVER OF A PRIVATE MOTOR VEHICLE CONTRARY TO SECTION 5 (1) AS READ WITH SECTION 18 (1) (2) OF THE BRIBERY ACT.

During a joint operation between the EACC and the NTSA conducted on 23rd December, 2017 at around 11 pm at Joyland area along Kakamega – Mumias Highway, a motorist was found to have been driving under the influence of alcohol. The motorist offered Kshs. 5000/= to the NTSA officer to forbear being charged with the offence of driving under the influence of alcohol.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspect be charged with two counts of giving a bribe contrary to section 5 (1) as read with section 18 (1) of the Bribery Act No. 47 of 2016.

On 25th September, 2018, the DPP accepted the recommendation for prosecution.

41. CR.148/20/2017 ACC. 986/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TRAFFIC POLICE OFFICERS BASED AT NAROK POLICE STATION.

Investigations through surveillance established that the traffic police officers based at Narok Police Station were demanding for bribes from the motorists plying the Narok- Maasai Mara and Narok-Bomet Roads. EACC organized a sting operation and arrested two traffic police officers and recovered Kshs 7,150/=. The suspects were charged with receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery Act, abuse of office contrary to section 46 as read with section 48 of ACECA and dealing in suspect property contrary to section 47 (2) (a) as read with section 48 (1) of ACECA.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the case before court to proceed to its logical conclusion subject to some amendments to the charge sheet.

On 28th September 2018, the DPP agreed with the recommendation to prosecute one suspect and advised that administrative action to be taken against another suspect in lieu of prosecution.

42. CR.148/6/2018 ACC NO. 3 /2018

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST POLICE OFFICERS BASED AT KABETE POLICE STATION.

Investigations established that the suspect requested for and received a financial advantage of Kshs 20,000/= on the pretext that it was cash bail yet it was not receipted. He further requested for a financial advantage of Kshs 30,000 which was received, on his behalf, by his colleague, so as not to charge the complainant for the offence of stealing. The suspects were arrested and charged with four counts of the offence of receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery Act.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the prosecution of the case already in court proceeds to its logical conclusion subject to some amendments to the charge sheet.

On 3rd August 2018, the DPP returned the inquiry file recommending further investigations.

43. EACC/OPS/INQ/169/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A DRIVER OF MOTOR VEHICLE REGISTRATION NUMBER KCK 805K.

EACC and NTSA conducted a joint operation on 24th December, 2017 at Awasi area along Kericho – Kisumu Road. A driver of a public service vehicle was arrested for driving a motor vehicle on a public road without a road license.

Investigation revealed that the suspect was asked to pay a cash bail of Kshs. 5,000/= but he offered and gave a financial advantage of Kshs 1,000/= to a NTSA officer to forbear charging him with the offence of driving a motor vehicle on a public road without a road license contrary to Regulation 15 (1) (a) of the National Transport and Safety Authority (operation of Public Vehicles) Regulations, 2014.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspect be charged with two counts of the offence of receiving a bribe contrary to section 5 (1) as read with section 18 of the Bribery Act.

On 13th December, 2018, the DPP noted that there is sufficient evidence to warrant prosecution but advised that alternatives to prosecution should be employed.

44. EACC/MSA/OPS/INQ/29/2017

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST AN EMPLOYEE OF KENYA POWER AND LIGHTING COMPANY LIMITED BASED IN MOMBASA COUNTY.

EACC commenced investigations following a complaint that an employee of Kenya Power and Lighting Company Limited (KPLC) had requested for a financial advantage of Kshs 3,000/= to improperly reconnect electricity at the complainant's residence in Mshomoroni, Mombasa.

Investigations revealed that the suspect requested for a bribe of Kshs 3,000/= and received a bribe of Kshs 2,000/= from the complainant, upon completion of the electricity reconnection.

A report was compiled and forwarded to the DPP on 6th July, 2018 recommending that the suspect be charged with three counts of receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery Act.

On 17th December, 2017, the DPP noted that there is sufficient evidence to warrant prosecution but advised that alternatives to prosecution should be employed.

45. CR. 421/75/2018

INVESTIGATIONS INTO ALLEGATIONS OF CORRUPTION AGAINST THE ASSISTANT CHIEF FOR TURINGWI SUB- LOCATION WITHIN MERU COUNTY.

Investigations established that the suspect had requested for a financial advantage of Kshs 30,000/= and received Kshs. 16,000/= from the complainant as an inducement to allow the complainant to conclude a land transaction and for the new buyer to effect development on the land. The suspect was consequently arrested and charged in court with three counts of receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery Act.

A report was compiled and forwarded to the DPP on 7th August, 2018 recommending that the prosecution of the suspect proceeds to its logical conclusion subject to some amendments to the charge.

On 4th October, 2018, the DPP accepted the recommendation that prosecution of the case before court to proceed to its logical conclusion.

46. EACC/OPS/INQ/106/2017

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST PERSONS WHO PURPORTED TO BE EMPLOYEES OF NAIROBI CITY COUNTY GOVERNMENT ENFORCEMENT OFFICERS

EACC commenced investigations against the suspects who were purporting to be Nairobi City County Government Enforcement officers and had attempted to extort, using threats, Kshs 300,000/= from the complainant so as to forbear charging him in court for allegedly flouting the Nairobi City Government County construction regulations. Investigations revealed that only one suspect had identified himself as a Nairobi City County Government official and not the other two suspects.

A report was compiled and forwarded to the DPP on 7th August, 2018 recommending that the suspect be charged with the following offences under the Penal Code namely; two counts of attempt to extort by threats contrary to section 300 (1) (a) and personating a person employed in public service contrary to section 105 (b).

On 10th December, 2018, the recommendation for prosecution was accepted.

47. EACC/OPS/INQ/128/2017

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST ASSISTANT CHIEF, SENIOR CHIEF AND ASSISTANT COUNTY COMMISSIONER OF HIGHRIDGE LOCATION WESTLANDS SUB- COUNTY, NAIROBI COUNTY.

Investigations established that the suspects conspired to request and in fact requested for a bribe of Kshs 100,000/= and received a financial advantage of Kshs 30,000/= from the complainants so as to forbear effecting a purported eviction order.

A report was compiled and forwarded to the DPP on 7th August, 2018 recommending that the suspects be charged with the offences; conspiracy to commit an offence of corruption contrary to section 47A (3) (a) as read with section 48 of the ACECA, receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery Act and uttering a false document contrary to section 353 of the Penal Code.

On 12th October, 2018 the DPP returned the inquiry file recommending further investigations.

48. EACC/OPS/INQ/39/2018

INQUIRY INTO ALLEGATIONS THAT A SURVEY ASSISTANT AT THE COUNTY GOVERNMENT OF MURANG'A RECEIVED A BRIBE TO FACILITATE SURVEY WORKS.

Investigations revealed that the suspect requested for and received a financial advantage of Kshs 2,000/= from the complainant as an inducement to facilitate survey works on the complainant's parcel of land in Maragua.

A report was compiled and forwarded to DPP on 7th August, 2018 recommending that the suspect be charged with two counts of the offence of receiving a benefit contrary to Section 6 (1) as read with section 18 (1) of the Bribery Act No,47 of 2016.

On 2nd October, 2018 the DPP accepted the recommendation for prosecution.

49. EACC/MSA/OPS/INQ/21/2018

INQUIRY INTO ALLEGATION THAT AN EMPLOYEE OF SGS KENYA LIMITED BASED AT MTWAPA WEIGHBRIDGE REQUESTED FOR A BRIBE OF KSHS 30,000/= TO FACILITATE THE RELEASE OF TRUCK REGISTRATION NUMBER KBH 607Y WHICH HAD BEEN DETAINED AT THE WEIGHBRIDGE ON ACCOUNT OF OVERLOADING.

Investigations established that the suspect had requested for a financial advantage of Kshs 30,000/= and received Kshs 22,000/= after negotiations with the complainant so as to facilitate the release of truck registration number KBH 607Y which had been detained for overloading at the Mtwapa weighbridge.

A report was compiled and forwarded to the DPP on 6th September, 2018 recommending that the suspect be charged with two counts of the offence of receiving a bribe contrary to section 6(1)(a) as read with section 18 of the Bribery Act No. 47 of 2016.

On 27th September, 2018, the DPP returned the inquiry file recommending further investigations.

50. EACC/OPS/INQ/153/2017

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST TWO PURPORTED OFFICERS OF THE RENT RESTRICTION TRIBUNAL

Investigations established that the suspects purported to be officers from the Rent Restriction Tribunal and requested for a financial advantage of Kshs 40,000/= and received Kshs 35,000/= from the complainant in order to stall a rent dispute case.

A report was compiled and forwarded to the DPP on 6th September, 2018 recommending that the suspects be charged with three counts of the offence of receiving a bribe contrary to section 6(1)(a) as read with section 18 of the Bribery Act No. 47 of 2016.

On 3rd October, 2018, the DPP accepted the recommendation for prosecution.

51. EACC/MKS/OPS/INQ/60/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A LAND ADJUDICATION OFFICER ATTACHED TO KILUNGU LANDS OFFICE.

Investigations established that the suspect had initially requested for a financial advantage of Kshs 30,000/= and received Kshs 20,000/= to withdraw a land case for land parcels 570 and 628 from Kilome Police Station. The suspect was consequently charged with four counts of the offence of receiving a bribe contrary to section 6(1) as read with section 18(1) of the Bribery Act and abuse of office contrary to section 46 as read with section 48 of the ACECA.

A report was compiled and forwarded to the DPP on 6th September, 2018 recommending that the prosecution of the suspect proceeds to its logical conclusion.

On 28th September, 2018 the DPP accepted the recommendation that prosecution of the case before court to proceed to its logical conclusion.

52. EACC/OPS/INQ/166/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PUBLIC SERVICE VEHICLE DRIVER OF MOTOR VEHICLE REGISTRATION NO KCL 661F.

EACC and NTSA conducted a joint operation on 25th December, 2017 at Showground area along Machakos – Kyumbi road. A driver of a public service vehicle was arrested for driving a motor vehicle without a night travel licence.

Investigations revealed that the suspect was driving a motor vehicle without a night travel licence contrary to section 28 as read with section 41 of the NTSA Act. The suspect offered an NTSA officer a sum of Kshs. 1,000/= as a bribe.

A report was compiled and forwarded to the DPP on 6th September, 2018 recommending that the suspect be charged with one count of the offence of giving a bribe contrary to section 5(1) as read with section 18 of the Bribery Act.

On 27th September, 2018 the DPP returned the inquiry file recommending further investigations.

53. EACC/MSA/OPS/INQ/4/2018 CR. NO 021/4/2018

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST A CHILDREN'S OFFICER BASED IN MVITA.

Investigations established that the suspect, a children's officer in Mvita, had requested for a financial advantage of Kshs 15,000/= and received Kshs 10,000/= from the complainant to draw correspondence to Tononoka Law Courts in Case no. 62 Of 2017 to seek orders for the release of the complainant's child who was in the custody of Salama Children's Home. The suspect was subsequently arrested and charged with three counts of the offence of receiving a bribe contrary to section 6(1) (a) as read with section 18 of the Bribery Act No 47 of 2016.

A report was compiled and forwarded to the DPP on 6th September 2018 recommending that the prosecution of the suspect proceeds to its logical conclusion subject to amendments of the charge sheet.

On 28th September, 2018, the DPP accepted the recommendation that prosecution of the case proceeds to its logical conclusion.

54. EACC/GSA/OPS/INQ/02/2018 CF: GSA ACC 1/2018

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A CLERICAL OFFICER AT CIVIL REGISTRATION OFFICE BASED AT HOLA OFFICE.

EACC commenced investigations following the complaint that officers from the Civil Registrar's office in Hola were requesting for a financial advantage of Kshs 200/= for each application of a birth certificate in order to fast track the process.

Investigations revealed that the required amount for each birth certificate application was Kshs 150/=. The suspect had requested for a financial advantage of Kshs 200/= for each application and was receiving an extra Kshs 50/= from each application. The suspect was charged with the offence of receiving a bribe contrary to section 6(1) (a) as read with section 18 of the Bribery Act No 47 of 2016 and dealing with suspect property contrary to section 47 as read with section 48 (1) of the ACECA.

A report was compiled and forwarded to the DPP on 25th September 2018 recommending that the prosecution of the suspect proceeds to its logical conclusion.

On 27th November, 2018, the DPP returned the inquiry file directing that the case pending in court be withdrawn and administrative action be taken.

55. EACC/ISL/OPS/12/2017

INQUIRY INTO THE ALLEGATION OF CORRUPTION AGAINST AN ADMINISTRATION POLICE OFFICER MANNING A ROAD BLOCK ALONG MOYALE-MARSABIT ROAD IN MARSABIT COUNTY.

Investigations revealed that the suspect, an Administration Police officer had requested for a financial advantage of Kshs. 100,000/= and received Kshs 20,000/= from the complainant to forbear charging him for allegedly being in Kenya illegally.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that the suspect be charged with two counts of the offence of receiving a bribe contrary to section 6(1) (a) as read with section 18(1) and (2) of the Bribery Act.

On 15th October, 2018, the DPP accepted the recommendation for prosecution.

56. EACC/MLD/OPS/INQ/02/2018

INQUIRY INTO ALLEGATIONS THAT A DRIVER OF PUBLIC SERVICE VEHICLE OFFERED A BRIBE OF KSHS 3000/= TO A NTSA OFFICER AS AN INDUCEMENT NOT TO CHARGE HIM IN COURT.

EACC and NTSA conducted a joint operation on 2nd January 2018 at Mkangagani along Kilifi-Malindi road. A driver of a Public Service Vehicle (PSV), was arrested for not having a class "A" endorsement in his driving licence and a PSV badge.

Investigations revealed that the suspect gave an NTSA officer a Kshs 3,000/= as cash bail and not a bribe to forego charging him with the offence of driving a Public Service Vehicle without class "A" on his driving licence and PSV badge.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that the file be closed for insufficient evidence to support a charge of giving a bribe against the suspect.

On 18th October, 2018, the DPP accepted the recommendation for closure.

57. CR. 911/624/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A DRIVER AND COURT CLERK BASED AT THE BUNGOMA LAW COURTS.

Investigations revealed that the suspects corruptly solicited for and received a financial benefit of Kshs. 50,000/= from the complainant as an inducement to facilitate the release of a motor vehicle registration number KCA 964K which was detained at Bungoma Law Court.

The suspects were charged with the offences of corruptly soliciting for a benefit contrary to section 39 (3) (a) as read with section 48 (1) and section 27 of the Bribery Act, corruptly receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) and section 27 of the Bribery Act, and concealing evidence contrary to section 66 (1) (c) as read with section 66 (2) of the ACECA.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that the prosecution of the suspects proceeds to its logical conclusion.

On 14th November 2018, the recommendation for prosecution was accepted

58. EACC/OPS/INQ/51/2017

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST AN EMPLOYEE AT STANBIC BANK.

EACC commenced investigations following a report that the suspect, an employee of Stanbic Bank, solicited for and received a bribe of Kshs 50,000/= from the complainant as an inducement so as to facilitate approval of a car loan application of 1.4 million.

Investigations established that the suspect received Kshs 50,000/= from the complainant which he used to settle a personal loan he had with a colleague. However, from the evidence obtained, it was difficult to prove that the suspect solicited Kshs 50,000/= as a bribe from the complainant to facilitate the approval of her car loan application. The evidence revealed that the suspect misled the complainant into believing that his colleague was in a position to approve her loan yet he knew that the money was meant to settle a personal debt. The offence established was obtaining by false pretense contrary to section 313 of the Penal Code.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that the inquiry file be forwarded to the Directorate of Criminal Investigations for further and necessary action.

On 4th December, 2018 the DPP returned the inquiry file accepting recommendation for prosecution.

59. EACC/MSA/OPS/INQ/26/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN EMPLOYEE OF NATIONAL HOSPITAL INSURANCE FUND (NHIF) AT KILIFI COUNTY.

Investigations revealed that the suspect, an employee of NHIF Kilifi branch requested for a financial advantage of Kshs 25,000/= and received Kshs 23,000/= to influence the Registration and Compliance officer to waive the payment of Kshs 19,200/= levied to Mazeras Junior Academy for delayed payments of NHIF contributions.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that the suspect be charged with two counts of the offence of receiving a bribe contrary to section 6 (1) as read with section 18(1) and (2) of the Bribery Act.

On 18th October, 2018 the DPP returned the inquiry file accepting recommendation for prosecution.

60. EACC/ELD/OPS/10/2018

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST TRAFFIC POLICE OFFICERS ALONG KAPENGURIA- CHEPARARIA ROAD.

Investigations established through surveillance that the suspects collected bribes from motorists on the road. Footages captured at different times indicated that the traffic officers would stop motorists and collect bribes without inspecting the vehicles for compliance of traffic laws.

Two traffic police officers were arrested in a sting operation. A search conducted inside the suspects' motor vehicles led to the recovery of a total of Kshs 7,940/=. The suspects were charged with offences under ACECA

namely; dealing with suspect property contrary to section 47 (1) as read with section 48 (1) and an alternative count of abuse of office contrary to section 46 as read with section 48. However, the evidence gathered did not link the suspects with corrupt conduct and the video footages captured did not capture the drivers giving out money to either of the suspects.

A report was compiled and forwarded to the DPP on 25th September, 2018 recommending that the evidence gathered was not sufficient to sustain any charges against the suspects and the pending case be withdrawn.

On 20th November 2018, the recommendation for withdrawal of the case in court was accepted by the DPP.

61. EACC/OPS/INQ/168/2017

INQUIRY INTO ALLEGATIONS THAT A DRIVER OF A COMMERCIAL MOTOR VEHICLE OFFERED AN INDUCEMENT TO NTSA OFFICER FOR FORBEARANCE NOT TO BE CHARGED FOR A TRAFFIC OFFENCE.

EACC and NTSA conducted a joint operation on 20th December 2018 at Pap Onditi area along Kendu Bay- Kisumu Highway. A driver of a commercial van belonging to Otoma Mini Bakeries, was arrested for driving a motor vehicle on a public road with worn out tyres.

Investigations revealed that the suspect gave an NTSA officer a Kshs 1,000/= as an inducement to forbear charging him with the traffic offence of driving a motor vehicle on a public road with worn out tyres.

A report was compiled and forwarded to the DPP on 7th August, 2018 recommending that the suspect be charged with one count of the offence of giving a bribe contrary to section 5(1) as read with section 18 of the Bribery Act.

On 4th December 2018, the DPP returned the inquiry file declining the recommendation to prosecute and directing administrative action to be taken against the suspect.

STATISTICAL SUMMARY OF FILES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

Total No. of files forwarded to the Director of Public Prosecutions	61
No. of files recommended for prosecution	47
No. of files recommended for administrative or other action	5
No. of files recommended for closure	9
No. of files recommended for prosecution and the cases are already lodged before Court	9
No. of files where recommendation to prosecute accepted	19
No. of files where recommendation for administrative or other action accepted	3
No. of files where recommendation for closure accepted	7
No. of files returned for further investigations	21
No. of files where recommendation to prosecute not accepted	0
No. of files where recommendation for administrative or other action not accepted	0
No. of files where closure not accepted	2
No. of files where prosecution declined but administrative action recommended	8
No. of files awaiting the DPP's advice (the inquiry file retained by DPP pending review of criminal files related to the subject inquiry)	1

DATED AT NAIROBI THIS

1st

DAY OF

March

2019



ARCH. (RTD) ELIUD WABUKALA, EBS

CHAIRMAN

/wk



TWALIB MBARAK

SECRETARY/CHIEF EXECUTIVE OFFICER

