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CLERK-AT-THE-TABLE:	Miriam Mado

THE ETHICS AND ANTI-CORRUPTION COMMISSION

THE 3RD QUARTERLY REPORT COVERING THE PERIOD FROM
1ST JULY 2023 TO 30TH SEPTEMBER 2023

SEPTEMBER 2023

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 2023 to 30th September, 2023.

INVESTIGATION REPORTS COVERING THE PERIOD FROM 1ST JULY 2023 TO 30TH SEPTEMBER 2023

1. EACC/FI/INQ/45/2022

INQUIRY INTO ALLEGATION OF CORRUPTION AND EMBEZZLEMENT OF FUNDS AMOUNTING TO KSH 50,000,000/= BY UASIN GISHU COUNTY GOVERNMENT OFFICIALS IN MANAGEMENT OF UASIN GISHU OVERSEAS EDUCATION TRUST SCHOLARSHIP FUND A PROGRAM MEANT TO FULLY SPONSOR STUDENTS TO FURTHER THEIR STUDIES IN FINLAND BETWEEN 2021 AND 2022.

Investigations commenced following a complaint received by the Commission (EACC) on 24th October 2022 that the former Governor of Uasin Gishu and other County officials abused office and accumulated unexplained wealth through operation of a student overseas account. the money in the overseas account was deposited by parents who were desirous of having their children study in Finland.

Evidence established that in the year 2019, former Governor of Uasin Gishu was introduced to overseas education opportunities by the Cornelius Kiplagat, director Max Global, who also introduced him to Tampere University officials. After deliberations, the two teams (the team comprising of former Governor of Uasin Gishu and other County Officials as well as the officials of Tampere University of Applied Sciences) signed a memorandum of understanding to work together to foster cooperation in education and cultural activities. Subsequently, Chief Officer for Youth Affairs Gender and Sports formed a secretariat to facilitate the registration of the trust to run the overseas education programme.

Evidence further established that bank accounts for Uasin Gishu County Overseas education were opened. Account opening forms as well as signatures of the account signatories were forgeries.

Thereafter, the County advertised for scholarships where the applicants were required to pay Kshs. 9,000/= examination fees to allow them undertake entry exams. The parents of successful applicants were advised to pay varied amounts depending on the applicants courses. Cumulatively, the parents deposited Kshs. 1,151,586,973.11

Investigations reveal that Kshs. 284,436,114.00 was paid to Universities in Finland and Canada ; Kshs. 315,996,146.35 was paid to foreign agencies while Kshs. 50,713,939.50 was paid to local agencies. Bank charges and student visas costed Kshs. 308,923,702.85 and Kshs. 74,264,489.00 was withdrawn in cash.

Investigations also revealed that Chief Officer for Youth Affairs Gender and Sports as well as Deputy Director, County Education Revolving Funds, Youth Affairs and Sports Department conspired to swindle the funds as the money withdrawn by them was not put to the intended use.

On 25th September 2023 a report was compiled and forwarded to the DPP with recommendations to charge the former Governor for Uasin Gishu County and other County officials with the following counts;

- i. Two counts of Conspiracy to commit an offence of economic crime contrary to Section 47A(3), ACECA
- ii. One count of breach of trust contrary to section 127 of the Penal Code
- iii. Five counts of abuse of office contrary to Section 46, ACECA
- iv. Two counts of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act,
- v. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act

Eleven counts of uttering a false document contrary to section 353 as read with section 349 of the Penal Code.

On 16th November 2023, the DPP returned the inquiry file accepting the Commission's recommendation for prosecution.

2. EACC/FI/INQ/6/2023

INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST AND CORRUPTION IN THE ACQUISITION OF TELKOM KENYA SHARES BY THE GOVERNMENT OF KENYA FROM HELIOS INVESTMENTS LIMITED AT A COST OF KE. 6 BILLION IN THE FINANCIAL YEAR 2022/2023

Investigations commenced following a complaint received by the Commission (EACC) vide a letter from the Clerk to the National Assembly on 6th March 2023 in regard to allegations of irregular acquisition of Telkom Kenya Limited (TKL) shares by Government of Kenya (GoK) from Helios Investors LLP at a cost of Kes 6 Billion in FY 2022/2023.

Investigations established that the search for potential investor stopped when the former Cabinet Secretary, National Treasury wrote a letter dated 29th March 2022, of GoK's acceptance of Jamhuri Holdings Limited (JHL) decision to exit Telkom to GoK.

Investigations further established that the Communications Authority of Kenya did not grant approval for acquisition of 60% shares of Telkom Limited by the Government of Kenya in the transaction under inquiry since part of the conditions given by the Authority were not met by Telkom Kenya Ltd.

Investigations revealed that despite the correspondences between the former Attorney General (AG) and the former Cabinet Secretary (CS) National Treasury, the office of the AG did not issue legal opinion, neither were the AG's comments and advice incorporated in the contractual documents.

Investigations also revealed that the acquisition of shares by GoK from JHL did not meet the threshold as provided in **Regulation 40 (3) and (4) (a)** of the Public Finance Management (National Government) Regulations, 2015 since the transaction was not unforeseen and unavoidable.

On 29th August 2023 a report was compiled and forwarded to the DPP with recommendations to charge the former Cabinet Secretary (CS) for the National Treasury, the former Principal Secretary (PS) at The National Treasury, the Controller of Budget, former Director General Public Investments and Portfolio Management, Chief Executive Officer at Telkom Kenya Limited, Chairman of the Telkom Kenya Limited Board, Chief Operating Officer, Chief Strategy and Business Development Officer and Chief Finance Officer at Telkom Kenya Limited and a transaction advisor for Helios be charged with the following offences;

- i. Conspiracy to commit an offence of economic crime contrary to Section 47A(3) of ACECA
- ii. Fifteen counts of abuse of office contrary to Section 46 of the ACECA

- Two alternate counts of wilful failure to comply with the law relating to the management of funds contrary to section 45(2) (b) as read with section 48 of the ACECA
- iii. alternate count of entering into an obligation that has a financial implication contrary to section 196(3) as read with section 196(6) of the Public Finance Management Act, 2012
 - iv. conflict of interest Contrary to Section 42(3) of ACECA
 - v. Two counts of wilful failure to comply with the law relating to procurement Contrary to Section 45(2)(b) of ACECA
 - vi. Deceiving Principal contrary to Section 41 (2) of ACECA
 - vii. Fraudulent acquisition Contrary to Section 45(1)(a) all as read with Section 48 of ACECA,
 - viii. Three counts of Money Laundering contrary to Section 3 of the Proceeds of Crime and Anti-Money Laundering Act 2009
 - ix. Six counts of Acquisition of Proceeds of Crime contrary to Section 4 both as read with Section 16 of the Proceeds of Crime and Anti-Money Laundering Act 2009, and
 - x. Neglect of official duty contrary to Section 128 as read with Section 36 of the Penal Code,

Awaiting DPP's response.

3. EACC/MLD/FI/INQ/2/2022

INQUIRY INTO ALLEGATIONS THAT BASELINE CONSULTANCY WAS AWARDED TENDER FOR CONSULTANCY SERVICES FOR RONALD NGALA UTALII COLLEGE CONSTRUCTION WITHOUT A BUDGET.

The Ethics and Anti-Corruption Commission (the Commission) received a report on allegations that the Tourism Fund(TF) fraudulently paid Kshs. 8.5 Billion to set up the Coast Branch of Kenya Utalii College (later renamed Ronald Ngala Utalii College- RNUC). This is one of the projects that were to be funded by the Government under the vision 2030 flagship projects. It was reported that the TF managers inflated the cost of setting up the college to Kshs. 10.4 Billion against the initial cost of Kshs. 1.95 Billion.

It was established that the Tourism Fund contracted private consultants to come up with drawings and designs of the college and also to supervise the main contractor. The drawings and designs were done and approved with a cost estimate of Kshs 8.6 Billion.

Investigations established that the Cabinet in its memo signed by The Minister for Tourism on 22nd May 2007 and Minister for Finance on 20th August 2007, approved the construction of Utalii College in Vipingo at a cost of Kshs. 1.948 Billion.

It was further established that not the whole amounts paid to the firms were legitimate, as the firms had been overpaid to a total of Kshs. 1,483,460,914.97.

On 1st August 2023 a report was compiled and forwarded to the DPP with recommendations to charge former Cabinet Secretary, Ministry of Tourism, former Permanent Secretary, Ministry of Tourism, former Chief Executive Officer of the Catering Tourism and Development Levy Trustees, the then Chief Executive Officer of the Catering Tourism and Development Levy Trustees, the Procurement Manager of the Catering Tourism and Development Levy Trustees, Baseline Architects, Rebman Malala T/A Ujenzi Consultants, Armitech Consulting Engineers and members of the Tender Committee with the following offences;

- i. Five counts of wilful failure to comply with the law relating to procurement contrary to section 45(2)(b) as read with section 48(1) of Anti-Corruption and Economic Crimes Act 2003.
- ii. Four counts of unlawful acquisition of public property contrary to section 45(1)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act 2003.
- iii. One count of abuse of office contrary to section 46 as read with section 48(1) of Anti-Corruption and Economic Crimes Act, No. 3 of 2003.

Awaiting DPP's response.

4. EACC/KSM/FI/INQ/10/2022

INVESTIGATIONS IN RESPECT TO ALLEGATIONS OF EMBEZZLEMENT OF PUBLIC FUNDS AMOUNTING TO KSHS 400 MILLION BY THE SIAYA COUNTY GOVERNMENT OFFICIALS ON THE PRETEXT THAT THEY WERE CLAIMS OF ALLOWANCES FOR TRAININGS AND OFFICIAL PUBLIC ENGAGEMENTS, WHICH WERE NEVER HELD.

Investigations commenced following an allegation of embezzlement of public funds amounting to Kshs. 400 million which was irregularly paid through claims of imprest to junior employees of Siaya County Government for activities which were not done. Upon reflecting in the account, the cash was immediately withdrawn from their respective bank accounts.

This investigation focused on one employee of Siaya County Government, one an Accountant at Department of Finance and Economic Planning who received Kshs. 18,980,830 into his account through applications that were irregular.

Investigations revealed that there was no proper authorization for the payments that were made to an Accountant at the Department of Finance and Economic Planning.

On 8th August 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspects with the following offences;

- i. One count of conspiracy to commit an offence of corruption contrary to section 47(a)(3) as read with sections 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. Nine counts of fraudulently making payment from public funds contrary to section 45(2) (a) as read with section 48(1) (a) of the Anti-Corruption and Economic Crimes Act, 2003.
- iii. One count of fraudulent acquisition of public property contrary to section 45(1)(b) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act no.3, 2003.
- iv. One count of false accounting by a public officer contrary to section 331 of the Penal Code as read with section 48(1) (a) of the Anti-Corruption and Economic Crimes Act, 2003
- v. Four counts of forgery contrary section 349 as read together with sections 345 – 348 of the Penal Code.
- vi. One count of uttering a false document contrary to section 353 of the penal code.

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

5. EACC/ISL/FI/INQ/21/2019

INVESTIGATION INTO ALLEGATIONS OF IRREGULAR PROCUREMENT AND AWARD OF TENDER TO M/S DRESCOLL COMPANY LIMITED FOR THE SUPPLY AND DELIVERY OF A FIRE ENGINE TRUCK TO MARSABIT COUNTY GOVERNMENT AT A COST OF KSHS. 62,000,000/- DURING THE FINANCIAL YEAR 2018/2019

Investigations commenced following an allegation of irregularities in procurement of Tender No. MBT/COU/ENERGY/106/2018-19 for supply and delivery of a Fire Engine by Marsabit County Government officials. It was alleged that the procurement process was not followed to identify the contractor and that the prices were highly inflated.

Investigations revealed that the County Government of Marsabit had no budget allocation for the procurement of a Fire Engine in the financial year 2018-2019.

Investigations also revealed, that the Tender Committee irregularly awarded the tender to M/S Drescoll Limited, a company which also provided forged documents with regard to past experience in order to influence tender award.

On 25th September 2023 a report was compiled and forwarded to the DPP with recommendations to charge the Assistant Director Supply Chain Management Department at Marsabit County Government, the Director of Drescoll Limited, members of the Tender Evaluation Committee and a limited liability Company with the following offences;

- i. Conspiracy to commit a corruption offence contrary to section 47a (3) as read with section 48 of the ACECA
- ii. Deceiving principal contrary to section 41 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act 2003.
- iii. Willful failure to comply with applicable procedures and guidelines relating to procurement of services contrary to section 45(2)(b) as read with section 48 of the Anti-Corruption and Economic Crimes Act 2003.
- iv. Abuse of office contrary to section 46 as read with section 48 of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003
- v. Engaging in a fraudulent practice in procurement proceedings contrary to section 66(1), 66 (12) as read with section 177 of the Public Procurement and Asset Disposal Act, 2015

- vi. Uttering a false document contrary to section 353 of the Penal Code.
- vii. Fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 (1) of the Anti- Corruption and Economic Crimes Act, 2003.

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

6. EACC/MLD/FI/INQ/4/2021

INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT PROCESS IN THE AWARD OF TENDER FOR CONSULTANCY AND CONSTRUCTION OF THE RONALD NGALA UTALII COLLEGE IN KILIFI COUNTY BY THE TOURISM FUND TO MULJI DEVRAJ BROTHERS COMPANY LIMITED AT A CONTRACT SUM OF KSHS. 8,961,370,998/=.

The Ethics and Anti-Corruption Commission (the Commission) received a report on allegations that the Tourism Fund(TF) fraudulently paid Kshs. 8.5 Billion to set up the Coast Branch of Kenya Utalii College (later renamed Ronald Ngala Utalii College-RNUC). This is one of the projects that were to be funded by the Government under the vision 2030 flagship projects. It was reported that the TF managers inflated the cost of setting up the college to Kshs. 10.4 Billion against the initial cost of Kshs. 1.95 Billion.

Investigations established that the land on which the college was to be built, was donated by Rea Vipingo Company Limited and a law firm was contracted to undertake conveyance to have the parcel transferred to the Tourism Fund.

Investigations revealed that the tender for construction of Ronald Ngala Utalii College was awarded in May 2013 at a cost of Kshs. 8.9 billion. This was against the approved amount by the cabinet of Kshs. 1.948 billion. The procuring entity, did not consider that there were not sufficient funds for the project in the budget.

On 1st August 2023 a report was compiled and forwarded to the DPP with recommendations to charge former Chief Executive Officer of the Catering Tourism and Development Levy Trustees, members of the Tender Committee, sole proprietor of Ujenzi Consultants, Directors of Mulji Devraj & Brothers Limited with the following offences;

- i. One count of wilful failure to comply with the law relating to procurement contrary to section 45(2)(b) as read with section 48(1) of Anti-Corruption and Economic Crimes Act 2003.
- ii. One count of unlawful acquisition of public property contrary to section 45(1)(a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act 2003.
- iii. One count of abuse of office contrary to section 46 as read with section 48(1) of Anti-Corruption and Economic Crimes Act, No. 3 of 2003.
- iv. One count of deceiving principal contrary to section 41(2) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003

Awaiting DPP's response.

7. EACC/PI/INQ/13/2022

INQUIRY INTO ALLEGATIONS OF IRREGULAR PAYMENT CLAIMS THROUGH PENDING BILLS AMOUNTING TO KSHS. 6 BILLION TO NYS BY SUPPLIERS NAMELY; HIGHVIEW TRADING, HORIZON LIMITED, LINK GENERAL, REAL TOOL TRADING, RETEGO TECHNOLOGIES, COMPTOOL TRADING, JIMCHAR ENTERPRISES, LIZLINK GEN. SUPPLIERS, NEWTOOL MART TRADINGTISON LIMITED AND OTHERS DURING THE FINANCIAL YEARS 2014 TO 2018.

The Ethics and Anti-Corruption Commission (EACC) received a report on allegation of irregular payment claims amounting to Kshs. 6 billion through pending bills by National Youth Service (NYS) to various suppliers namely; Highview Trading, Horizon Limited, Link General, Real Tool Trading, Retego Technologies, Comptool Trading, Jimchar Enterprises, Lizlink Gen. Suppliers, Newtool Mart Tradingtison Limited and others during the financial years 2014 to 2018.

Investigations revealed that there were no requisitions attached to the payment vouchers hence no evidence that the goods and services allegedly supplied were ordered by NYS officers.

Investigations also revealed that the LPOs were not signed by an accountant to commit the funds in the votebook as required by section 52 of the Public Finance Management Regulation on vote control procedures.

Further, it was established the LPOs and s13 had dates indicating that they were issued to the suppliers before their collection from the accounts department.

On 14th August 2023 a report was compiled and forwarded to the DPP with recommendations to charge the former Director in Charge of Finance, Senior Inspector Electrical at NYS, Members of Inspection and Acceptance Committee, and various companies incorporated in Kenya with the following counts;

- i. Six counts of uttering false documents contrary to section 353 as read with section 349 of the Penal Code
- ii. Three counts of knowingly giving a misleading document to one's principal contrary to section 41(2)
- iii. One count of conspiracy to commit an offence of economic crime contrary to Section 47A (3) all as read with Section 48 of ACECA.
- iv. Three counts of making a false documents contrary to section 355 as read with section 349 of The Penal Code.

Awaiting DPP's response.

8. EACC/NYR/FI/INQ/16/2021

INQUIRY INTO ALLEGATION OF IRREGULAR PROCUREMENT AND CONFLICT OF INTEREST AGAINST THE DEPUTY GOVERNOR KIRINYAGA COUNTY IN THE AWARD OF TENDER NO CGK/TR&PW/OT/015/2017-2018 TO JESTAM ENTERPRISES LIMITED BY THE COUNTY GOVERNMENT OF KIRINYAGA.

The Ethics and Anti-Corruption Commission (EACC) received a complaint on 3rd September, 2020 on allegations of conflict of interest and abuse of office against the then Deputy Governor, Kirinyaga County, in the award of tender no. CGK/TR &PW/OT/015/2017-2018, in respect of the spot improvement of Kibingoti Shopping Centre Road in Kiine Ward.

Investigations established that the Kirinyaga County Government had planned and budgeted for the project in its procurement plan and budget for the financial year 2017/2018 at a cost of Kshs. 7,286,772/=.

Investigations revealed that on 9th February 2018, the County Government placed a notice of invitation for tender in the People's Daily newspaper. The Tender Evaluation Committee evaluated the bids and recommended the award of the

tender to Jestam Enterprises Ltd being the lowest evaluated bidder at Kshs. 7,150,000.

Investigations further revealed that the Director of Jestam Enterprises Ltd was a brother in law to the then Deputy Governor Kirinyaga County and that the said company presented a false NCA certificate in support of their bid.

Financial investigations revealed that Jestam Enterprises Ltd had an Account at Ecobank and that after payments were done, the former Deputy Governor made withdrawals through cheques signed by him alone.

On 28th August 2023 a report was compiled and forwarded to the DPP with recommendations to charge jointly or severally the former Deputy Governor Kirinyaga County, his brother in law and Jestam Enterprises Limited with the following offences;

- i. Knowingly holding a private interest in a contract connected with a public body Contrary to section 42(3) as read with Section 48(1) of the ACECA
- ii. Fraudulent acquisition of public property contrary to section 45(1)(a) as read with section 48(1) of ACECA.
- iii. 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, 2015
- iv. Carrying on the business of a contractor without a valid registration from the National Construction Authority Board contrary to section 15 (1) as read with section 15 (3) of the National Construction Authority Act no.41 of 2011

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

9. EACC/MCKS/FI/INQ/43/2019

INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF KSHS. 2 MILLION PUBLIC FUNDS AND SHODDY WORK DONE BY THE CONTRACTOR IN RESPECT TO CONSTRUCTION OF A DORMITORY AT ILPLOSAT SECONDARY SCHOOL IN KAPUTIEI NORTH WARD, KAJIADO COUNTY

The Ethics and Anti-Corruption Commission (EACC) commenced this investigation following a report received on 4th June, 2019 on allegations of embezzlement of

Kshs. 2 million public funds and shoddy works done by the contractor in respect to construction of a dormitory at Ilplosat Secondary School in Kajiado County Government.

Investigations established that in the FY2014/2015, Kajiado County Government set aside Kshs. 3 million for construction of a dormitory at Ilpolosat Secondary School.

Investigations further established that due to the strong winds experienced in the said area, the roof was blown off and the same was communicated to the contractor who repaired it.

Investigations did not reveal any procurement irregularities in the subject project, nor embezzlement of public funds as alleged. Only Kshs. 2.8 million out of Kshs. 5 million set aside was paid by the Kajiado County Government in relation to the subject project.

On 10th July 2023 a report was compiled and forwarded to the DPP with recommendations that the inquiry file be closed with no further action.

On 22nd November 2023, the DPP returned the inquiry file with recommendations for closure.

10. EACC/GSA/FI/INQ/1/2021

INQUIRY INTO ALLEGATIONS OF IRREGULAR PAYMENT OF KSHS. 99.9 MILLION BY THE COUNTY GOVERNMENT OF GARISSA TO A PRIVATE COMPANY NAMED M/S LIYAAN CONSTRUCTION.

Investigations commenced following a complaint received on 2nd February 2021 with allegations that Ms Liyaan Construction and Supplies Company Limited was being used by the Assistant Director, Urban Planning at Garissa County to embezzle public funds.

Investigations established that on diverse dates between 9th July 2019 and 4th January 2021 the firm had been paid a total of Kshs. 99.9 million out of which 88 million was withdrawn in cash.

It was further established that when the investigations began, notice of cessation of director form CR9 dated 24th February 2021 was lodged by the said Assistant Director-Urban Planning at Garissa County who ceased to be a director and

transferred his 1000 shares to another person according to a transfer deed dated 24th February 2021.

Financial analysis established that the suspect had been paid a total of Kshs.97,870,995.55 by the County Government of Garissa between 1st July 2019 and 31st January 2021.

On 16th August 2023 a report was compiled and forwarded to the DPP with recommendations that Deputy head of Treasury, Head of Treasury, Chief Officer, Finance, Chief Officer, Finance, IFMIS payment creator, IFMIS payment updater, IFMIS Invoice creator, IFMIS payment creator and updater be charged with the following offences;

- i. Conflict of interest contrary to section 42(3) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. Two counts of uttering false documents contrary to section 353 as read with section 349 of the Penal Code.
- iii. One count of fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48(1) of the Anti-Corruption and Economic crimes Act No. 3 of 2003.
- iv. Abuse of office contrary to section 46 as read with section 48[1] of the Anti-Corruption and Economic crimes Act no. 3 of 2003.
- v. Fraudulent payment from public revenues for goods not supplied contrary to section 45 (2) (a) (ii) as read with section 48(1) of the Anti-corruption and Economic crimes Act no. 3 of 2003.

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

11.EACC/GSA/FI/INQ/25/2016

INQUIRY INTO THE ALLEGATIONS OF IRREGULAR LEASING OF AMBULANCE SERVICES BY MANDERA COUNTY GOVERNMENT FROM EMERGENCY PLUS MEDICAL SERVICES (EPMS) LTD, A COMPANY OWNED BY THE KENYA RED CROSS SOCIETY.

The Commission commenced this investigation following a recommendation by the Senate on the procurement process employed in leasing the

ambulances from Kenya Red Cross Society. It was alleged that the County Government of Mandera irregularly leased ambulance services from Emergency Plus Medical Services (EPMS) where the County leased six ambulances at a cost of Kshs. 64 Million per year instead of adhering to the Appropriation Bill which recommended the buying of ambulances.

Investigations established that the County Government of Mandera had a budget of Kshs. 60 Million to purchase ambulances. After doing a cost analysis it was resolved that leasing ambulances for 18 months would be easy because the ambulances leased would access more areas.

Investigations established that direct procurement method was used in procurement of ambulance services because of the urgency needed to mitigate the child and maternal deaths.

It was further established that in the same financial year, an additional ambulance at a cost of Kshs 700,000/= was given to the County to address the huge referral gap in referral services in Mandera North.

Investigations also established that the CEC for Health signed a new contract with Emergency Plus Medical Services (EPMS) in the 2015/2016 financial year. The agreement which was signed on 8th October 2015 was back dated to 15th August 2015. The terms of this contract was that the services of the ambulance would cost Kshs 700,000/= per unit for one year. No procurement was undertaken to source for the ambulance services in this financial year after the previous contract had expired.

On 16th August-2023 a report was compiled and forwarded to the DPP with recommendations to charge the County Executive Member for Health with the following offences;

- i. Wilful failure to comply with the law relating to procurement contrary to section 45(2) (b) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003; and
- ii. Abuse of office contrary to section 45(2) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

12. EACC/ELD/FI/INQ/20/2021

INVESTIGATION INTO ALLEGATIONS OF CONFLICT OF INTEREST AND FRAUDULENT ACQUISITION OF PUBLIC FUNDS BY TURKANA COUNTY GOVERNMENT EMPLOYEES THROUGH AMAILO INVESTMENT COMPANY DURING THE FY 2019/2020 AND 2020/2021.

This investigation commenced following an anonymous report made to the Ethics and Anti- Corruption Commission (EACC) alleging Conflict of Interest and embezzlement of funds by an employee of Turkana County Government, through Amailo Investment Company, which company had been awarded tenders by the County Government worth over Kshs.100 Million.

Investigations established that the Accountant General of Turkana County Government held a private interest in Amailo Investment Company Limited and has been trading with the Turkana County Government through her relatives.

Investigations revealed that on 23rd March 2021, Amailo Investment Company was issued with Local Purchase order No 703 for the supply of 6024 bags of corn soya blend –UNIMIX, 25kg bag for ECD schools at a unit price of Kshs.4150 per bag.

Investigations further revealed that Amailo Investment Company conspired with the Public Health Officer and members of the Inspection and Acceptance Committee, to submit false delivery notes together with an invoice dated 25th May 2021 purporting that 6024 bags of soya beans had been delivered to Turkana County Government. Kshs. 24,999,600/= was paid to Amailo Investment Company being payment for supply 6024 bags of corn soya blend which goods were never delivered to the County.

On 16th August 2023 a report was compiled and forwarded to the DPP with recommendations to charge the Accountant General, members of the Inspection and Acceptance Committee, the Public Health Officer, and Directors of Amailo Investment Company Ltd, with the following offences:

- i. Knowingly holding a private interest in a contract connected with a public body contrary to section 42 (3) as read with section 48 (1) of the ACECA;
- ii. Wilful failure to comply with the law relating to procurement contrary to section 45(2)(b) as read with Section 48(1) of the ACECA.

- iii. Two counts of deceiving Principal Contrary to Section 41(2) as read with Section 48(1) ACECA.
- iv. Abuse of office Contrary to section 46 as read with Section 48(1) of ACECA.
- v. Fraudulent acquisition of Public Property Contrary to Sec. 45(1) of ACECA.

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

13. EACC/MCKS/FI/INQ/24/2018

INVESTIGATION INTO ALLEGATIONS OF IRREGULAR TENDER AWARD FOR TENDER NUMBER CGOKTI/Q839/2015-2016 BY THE COUNTY GOVERNMENT OF KITUI

The Commission commenced investigation following a complaint that tender for construction of 4- door pit latrine at a sum of Kshs. 480,000/= at Nzangathi Health Centre was awarded to Salalah Logistics Consultants a business owned and operated by former Mbitini Ward MCA.

Investigations established that the tender attracted three bidders. None of the three bidders met the evaluation criteria yet the Tender Evaluation Committee irregularly recommended the award of tender to Salalah Logistics Consultants.

Further, investigations established that the pit latrine walls collapsed before completion of the construction work. This necessitated variation of the structural design to include beams to strengthen the walls. Despite the collapsed walls and the stalled construction work, the Inspection and Acceptance committee valued the work done at 64% and recommended payment of Kshs. 462,205/= despite its failure to repair the pit latrine walls and complete the construction,

Investigations also confirmed that one of the proprietors of Salalah Logistics Consultants was a sitting MCA for Mbitini Ward when the tender was awarded, and this amounted to conflict of interest.

On 16th August 2023 a report was compiled and forwarded to the DPP with recommendations that the members of the Tender Evaluation Committee, members of the Inspection and Acceptance Committee and proprietors of Salalah Logistics Consultants be jointly and severally charged as follows:

- i. Three counts of Wilful failure to comply with the law relating to procurement contrary to Section 45 (2) (b) as read with section 48 (1) of the ACECA, 2003.
- ii. Abuse of office contrary to section 46 as read with section 48 of the ACECA, 2003.
- iii. Unlawful acquisition of public property contrary to Section 45(1) (a) as read with section 48 of the ACECA, 2003.
- iv. Conflict of interest contrary to Section 42(3) as read with Section 48 of the ACECA, 2003.

Awaiting DPP's response.

14. EACC/MCKS/FI/INQ/24/2021

INQUIRY INTO ALLEGATIONS THAT KITUI COUNTY HAD MISAPPROPRIATED KSHS. 500 MILLION MEANT FOR COVID 19 INTERVENTION.

The Ethics and Anti-Corruption Commission (EACC) commenced this investigation following a report received on 26th October, 2021 on allegations that Kitui County Government had misappropriated Kshs. 500 million meant for Covid 19 intervention. It was further alleged that the said amount was distributed to four County Ministries and was utilized in violation of the Covid 19 funds framework on utilization of funds.

Investigations established that in May, 2020 Kitui County Referral Hospital was appropriated a sum of Kshs. 300 million for COVID 19 response. Thereafter, Kitui County was allocated Kshs. 120 million as a conditional grant meant specifically for Covid 19 interventions. Guidelines on the utilization of the said grant were issued by the Ministry of Health requiring that the same be used for Covid 19 related activities only.

Investigations established that the said funds were however not used for Covid 19 emergency response, to wit, quarantine and isolation expenditures as was required by the guidelines on utilization of the conditional grant.

Investigations established that the preparation of the supplementary budget II was initiated by the County Executive Committee Member (CECM) County Treasury, who failed to indicate or inform the committee on the guidelines in place on how the Kshs. 420 million was to be utilized.

Investigations further revealed that as per the said guidelines the responsibility to ensure that the funds are utilized for the intended purpose was placed on the Chief Officer Finance and the Chief Officer Health. The two officers were also the signatories to a special purpose account from which the subject funds were disbursed and used for purposes not intended.

On 10th July 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspects with two counts of Wilful failure to comply with the law relating to management of public funds, to wit section 198 (1) (b) of the Public Finance Management Act, 2012.

On 16th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

15. EACC/MCKS/FI/INQ/4/2017

INQUIRY INTO ALLEGATIONS THAT THE COUNTY GOVERNMENT OF MACHAKOS THROUGH THE DEPARTMENT OF HEALTH MISAPPROPRIATED KSHS. 32 MILLION DONATED BY THE WORLD HEALTH ORGANIZATION (WHO) AND THE DANIDA FUND FROM THE ROYAL DANISH EMBASSY TO ASSIST IN IMPROVING HEALTH CARE WITHIN THE SAID COUNTY.

The Commission commenced this investigation following a report received on 29th November 2016 on allegations that the County Government of Machakos through the Department of Health misappropriated Kshs. 32 million donated by the World Health Organization (WHO) and the DANIDA Fund from the Danish Embassy to assist in improving health care within the County.

Investigations established that Machakos County through a proposal to WHO requested for funds to support the County's Health Sector. WHO released the said funds after a contract was signed between WHO and the PS the Ministry of Health on behalf of Machakos County.

Investigations also established that four out of the six projects were implemented and accounted for through reports/returns that were submitted to WHO. The remaining two projects worth Kshs. 32 million were never accounted for. Evidence revealed that the funds were withdrawn in cash between 22nd January and 5th August 2015 by the accountant at the Health Department.

Investigations further established that the suspects were the signatories to the Machakos County WHO bank account, in which the funds disbursed by WHO were held and from which the said funds were withdrawn and not accounted for.

On 10th July 2023 a report was compiled and forwarded to the DPP with the recommendations to charge the suspects with the following offences;

- i. Two counts of wilful failure to comply with the law relating to procurement contrary to section 45(2) (b) as read together with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. Two counts of unlawful acquisition of public property contrary to section 45(1) (a) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003

On 15th November 2023, the DPP returned the inquiry file accepting the Commission's recommendation for prosecution.

16. EACC/ISL/FI/INQ/7/2016

INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT FOR THE PROPOSED CONSTRUCTION OF THARAKA NITHI COUNTY ASSEMBLY TENDER NO. TNCA/T/01/2015-2016/01; IRREGULARLY AWARDED TO LEXIS INTERNATIONAL COMPANY LIMITED AT A COST OF KSHS. 369,642,688/=

The Commission commenced this investigation following allegations that Tharaka Nithi County Assembly irregularly awarded a tender to Lexis International Company Limited at a cost of Kshs. 369,642,688/= for the construction of the Assembly chambers and administration offices in the 2014/2015 financial year.

Investigations established that both the Evaluation and Tender Committees flawed the procurement process that led to the award of tender to Lexis International Limited.

Investigations also revealed that the Tender Evaluation Committee members failed to undertake evaluation of the bids using the laid down procedures and criteria set out in the tender documents.

Investigations further established that the Clerk of the County Assembly commenced the procurement process while he knew that there was no land to

construct the County Assembly offices. Additionally, he did not obtain the requisite approvals from government authorities (NEMA and NCA) before commencing the project.

On 27th September 2023, a report was compiled and forwarded to the DPP with recommendations to charge the members of the Tender Evaluation Committee, members of Tender Committee, Senior Legal Counsel and the then Clerk of the County Assembly of Tharaka Nithi with the following offences;

- i. Two counts of wilful failure to comply with the law relating to procurement contrary to section 45(2) (b) as read with section 48(1) of the Anti Corruption And Economic Crimes Act, 2003.
- ii. One count of fraudulent practice in procurement processes contrary to section 41(4) as read with section 137 of the Public Procurement and Disposal Act No. 3 of 2003.
- iii. One count of engaging in a project without prior planning, contrary to section 45 (2) (c) as read with section 48 (1) of the anti-Corruption & Economic Crimes Act, 2003.

On 22nd November 2023, the DPP returned the inquiry file with recommendations for further investigations.

17.EACC/MCKS/FI/INQ/10/2015

INQUIRY INTO ALLEGATIONS OF CONSPIRACY TO DEFRAUD MACHAKOS COUNTY KSHS. 10,881,665/= BY MEMBERS OF STAFF OF THE SAID COUNTY IN THE PROCUREMENT OF WORKS FOR REHABILITATION AND COMMISSIONING OF THE KAMU IRRIGATION SCHEME PROJECT IN THE FY 2013/2014MWI&I QUO56/2013-2014.

The Commission (EACC) commenced this investigation following a report received on 14th July, 2015 on allegations of conspiracy to defraud Machakos County Kshs. 10,881,665/= by members of staff of the said County in the procurement of works for rehabilitation and commissioning of the Kamu Irrigation Scheme Project in the FY2013/2014MWI&I QUO56/2013-2014.

Investigations established that there was a need to rehabilitate the Kamu irrigation scheme. The community made a proposal to the Water and Irrigation Department seeking support.

Investigations revealed that before payment was made, the Irrigation Engineer visited the site and established that only 710 PVC pipes and rubbers had been supplied worth Kshs. 4.6 million. Based on this the Chief Officer Water and Irrigation Department, authorized payment and the supplier was paid Kshs. 4.6 million on 12th June, 2014 and Kshs. 1 million on 11th October, 2014.

Evidence shows that the above payment was made to Triple Three Solutions Ltd a company that did not participate in the subject procurement.

On 27th September 2023 a report was compiled and forwarded to the DPP with recommendations that Chief Officer Water and Irrigation Department, Director of Triple Three Solutions Ltd, Triple Three Solutions Ltd, Director in the Department of Water and the Chair of the Procurement Committee and Director Osiligi Engineers Ltd be charged with the following offences;

- i. Three counts of wilful failure to comply with the law relating to procurement contrary to section 45(2) (b) as read together with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. One count of fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 of the Anti-Corruption and Economic Crimes Act 2003
- iii. Two counts of engaging in fraudulent practice in a procurement proceeding contrary to section 41 (1) as read together with section 41 (4) and section 137 of the Public Procurement and Disposals Act, 2005 (Repealed).

On 22nd November 2023, the DPP returned the inquiry file with recommendation for further investigations.

18. EACC/NKR/FI/INQ/02/2020

AN INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES IN THE AWARD OF THE TENDER FOR THE SUPPLY AND DELIVERY OF AMBULANCE AND UTILITY VEHICLES AT THE COUNTY GOVERNMENT OF KERICHO VIDE TENDER NO. CGK/T/H/018/2019/2020.

The investigation was commenced in response to a complaint received on 30th September 2020, which alleged irregularities in the procurement process involving

the acquisition of ambulance and utility motor vehicles vide Tender CGK/T/H/018/2019/2020.

Investigations established that the tender was planned and budgeted for, however, during evaluation, the Committee failed to adhere to the evaluation criteria and awarded of the tender for Kshs. 42,300,000 to Delta Equipment Ltd.

Investigation uncovered deviations from proper procurement procedures, leading to irregularities in the awarding of the tender to Delta Equipment Ltd for Kshs. 42,300,000.

However, it is noteworthy that the contract was cancelled and no money was paid. The procurement of the 3 ambulances and 1 utility vehicle was retendered and were delivered by Toyota Kenya who was the winning bidder in the subsequent tender.

On 27th September 2023 a report was compiled and forwarded to the DPP with recommendations that the Evaluation Committee be subjected to administrative actions as per the County Government Act and the PPAD Act, 2015.

On 22nd November 2023, the DPP returned the inquiry file with recommendations for administrative action.

19.EACC/MSA/FI/INQ/05/2021

AN INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES IN THE PURCHASE OF LAND REFERENCE NUMBER KISUMU/NYALENDA "B" /594 BY KENYA MARITIME AUTHORITY

The Commission received a complaint on 4th February, 2021, on allegations of corruption and procurement irregularities in the purchase of land reference number Kisumu/Nyalenda "B" /594 for construction of Maritime research and Rescue Centres. The tender was awarded to Ms. Rowalo Merchants at a cost of Kshs.19.5M.

Investigations established that the land was over priced and that the Valuers from the Ministry of Land and Physical Planning misled Kenya Maritime Authority (KMA) into believing that the suit property was valued at Kshs. 17,000,000 instead of Kshs. 7,200,000.

Investigations also established that the procurement of the land was undertaken without prior planning and sufficient budget.

Investigations further revealed that the Chairman of the Tender Evaluation Committee had a private interest in the procurement as he received some money which financial investigations revealed, were part of proceeds of the procurement.

On 27th September 2023 a report was compiled and forwarded to the DPP with recommendations to charge the former Acting Deputy Governor, the Valuer as well as the Chairman Tender Evaluation Committee, with the following offences;

- i. Two counts of wilful failure to comply with law relating to procurement contrary to section 45(2)b of ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) of ACECA;
- iii. One count of conflict of interest contrary to Section 42(3) of ACECA; and
- iv. One count of abuse of office contrary to section 46 as read with section 48(1) of ACECA.

Awaiting DPP's response.

20. EACC/ELD/EL/INQ/07/2019

INVESTIGATIONS INTO ALLEGATIONS THAT AN EMPLOYEE OF TEACHERS SERVICE COMMISSION SHARES SIMILAR DOCUMENTS WITH ANOTHER PERSON WORKING WITH THE COUNTY GOVERNMENT OF TRANS NZOIA

The Commission commenced investigations into allegations that an employee of Trans Nzoia County Government was sharing similar documents with another person working with the Teachers Service Commission.

Investigations established that the two are actually siblings. Furthermore, that the one working with the Teachers Service Commission was using the name, identity card and KCSE certificate belonging to her sister who is working with the County Government of Trans nzoia.

On 11th September 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with the following offences;

- i. One count of fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003
- ii. Two counts of knowingly using a false/misleading document to one's principal contrary to section 41(1) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003.
- iii. Two counts of uttering a false document contrary to section 353 of the Penal Code.
- iv. One count of personation contrary to section 382 of the Penal Code.
- v. One count of unlawful possession of an identity card belonging to any other person contrary to section 14 (1) (f) of the Registration of Persons Act Cap 107.

The Commission will also institute the recovery of public funds used to pay her salary of Kshs. 3 million, two hundred and twenty two thousand, one hundred and twenty nine shillings, sixty cents (Kshs. 3,222,129.60) for the period October 2010 to December 2020.

On 15th November 2023, the DPP returned the inquiry file accepting the Commission's recommendations for prosecution.

21.EACC/EL/INQ/68/2018

INVESTIGATION INTO ALLEGATIONS THAT AN EMPLOYEE AT THE RURAL ELECTRIFICATION AUTHORITY USED FORGED ACADEMIC CERTIFICATE TO GAIN EMPLOYMENT AT RURAL ELECTRIFICATION AUTHORITY.

The Commission commenced investigations upon receipt of a complaint that an employee used a forged academic certificate to gain employment to the position of Office Assistant (10) at Rural Electrification Authority (REA).

Investigations established that the Rural Electrification Authority through an internal advertisement of 6th November 2017, advertised various positions, among them, Office Assistant which had a vacancy for nine posts.

The suspect applied for the position of Office Assistant (10) and submitted transcripts and a Diploma in Hospitality Management allegedly attained in 2015 from Mt. Kenya University and Murang'a University College respectively.

Investigations established that the suspect was not a bona fide student of Mt. Kenya University and that she had never undertaken any course at Murang'a University College.

On 27th September 2023 a report was compiled and forwarded to the DPP with recommendations that the suspect be charged with the following offences:

- i. three counts of forgery contrary to section 349 of the Penal Code, and
- ii. four counts of uttering a false document contrary to section 353 of the Penal Code.

The Commission to also institute proceedings against the suspect for the recovery of public funds amounting to Kshs. 1,536,913/= which the suspect received as salary from November,2014 to October, 2018.

On 15th November 2023, the DPP returned the inquiry file accepting the Commission's recommendation for prosecution.

22. EACC/EL/INQ/28/2021

INVESTIGATIONS INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI WATER AND SEWERAGE COMPANY LIMITED FALSIFIED HER KENYA CERTIFICATE OF SECONDARY EXAMINATIONS CERTIFICATE CONTRARY TO THE LEADERSHIP AND INTEGRITY ACT 2012.

The Commission commenced investigations following receipt of an anonymous report that an employee of Nairobi Water and Sewerage Company (NWSC) forged her Kenya Certificate of Secondary Education (KCSE) to obtain employment as a Community Development Assistant.

Investigations established that the suspect is an employee of Nairobi City Water and Sewerage Company who was initially engaged as a Community Assistant at Grade 8 a position that did not require a specific special KCSE grade or qualifications. Investigations established that there was forgery of a Kenya Certificate of Secondary Education certificate by the suspect.

Further investigations established that the suspect had a Diploma in community development from Nairobi Aviation College which was also a forgery. It was

established that the suspect used academic papers that were not genuine hence acquiring public funds through fraudulent means.

On 5th September 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with the following offences;

- i. One count of fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. Two counts of 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.
- iii. Two counts of forgery contrary to section 345 as read with section 349 of the Penal Code.
- iv. Two counts of uttering a false document contrary to section 353 of the penal code.

The Commission to institute proceedings against the suspect for the recovery of public funds used to pay her salary of Kshs. 3,120,671.00 for the period commencing in 2015 to January 2023.

On 20th November 2023, the DPP returned the inquiry file with recommendation for further investigations.

23. EACC/ELD/EL/INQ/06/2020

INVESTIGATIONS INTO ALLEGATIONS THAT THE DIRECTOR-RESOURCE MOBILIZATION OFFICER FOR TURKANA COUNTY GOVERNMENT USED FALSIFIED DOCUMENTS TO SECURE EMPLOYMENT AT THE COUNTY.

The Commission commenced investigations into allegation that the County Resource Mobilization Officer for Turkana County used falsified academic certificates to secure employment.

Investigations established that the suspect presented to the County Government of Turkana a forged degree from JKUAT to secure employment hence acquiring public funds through fraudulent means. He did not possess the minimum educational requirements and qualifications set for the position and thus had not obtained the appointment on merit.

On 5th September 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with the following offences;

- i. One count of fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. One count of knowingly using a misleading document to one's principal contrary to section 41(1) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- iii. Two counts of 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, 2012 Laws of Kenya
- iv. One count of 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.
- v. One count of forgery contrary to section 345 as read with section 349 of the Penal Code.
- vi. One count of uttering a false document contrary to section 353 of the penal code.

The Commission also proposes to institute the recovery of public funds used to pay his salary of Kshs. 3,167,191.05/= for the period commencing from December 2018 to May 2021.

In addition to the above recommendations, the Commission to issue an advisory to the County Public Service Board and the County Secretary of the County Government of Turkana to conduct verification of all academic certificates for their staff to avoid persons with fraudulent documents and those who do not meet qualifications from holding offices.

On 20th November 2023, the DPP returned the inquiry file with recommendation for further investigations.

24. EACC/ISL/EL/INQ/1/2022

INVESTIGATIONS INTO ALLEGATIONS THAT A NOMINATED MEMBER TO THE THARAKA NITHI COUNTY ASSEMBLY FORGED ACADEMIC DOCUMENTS WHICH SHE PRESENTED TO THE HUMAN RESOURCES DEPARTMENT; COUNTY ASSEMBLY OF THARAKA NITHI.

The Commission commenced this investigation following reports that a nominated member to the County Assembly of Tharaka Nithi forged her academic documents, which she presented to the Human Resources Department of the County Assembly of Tharaka Nithi.

Investigations established that upon verification of the Kenya National Examination Council (KNEC) records, it was revealed that the suspect registered and sat for 1987 KCE Examinations at Muthambi Girls High School under Index number 34007/005. Investigations further revealed that the grades for three subjects were altered.

On 11th September 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with the following offences;

- i. One count of providing false information to the Ethics and Anti-Corruption Commission contrary to section 46(1) (d) as read with section 46(2) of the Leadership and Integrity Act, 2012.
- ii. One count of 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.
- iii. Two counts of forgery contrary to section 345 as read with section 349 of the Penal Code.
- iv. Two counts of uttering a false document contrary to section 353 of the penal code.

On 20th November 2023, the DPP returned the inquiry file with recommendation for further investigations.

25.EACC/EL/INQ/49/2017

INVESTIGATIONS INTO ALLEGATIONS THAT THE DIRECTOR OF ROADS AND TRANSPORT IN THE DEPARTMENT OF ROADS, TRANSPORT, PUBLIC WORKS AND UTILITIES, COUNTY GOVERNMENT OF KIAMBU, USED A FORGED UNIVERSITY OF NAIROBI DEGREE CERTIFICATE TO SECURE EMPLOYMENT AS DIRECTOR OF ROADS AND TRANSPORT AT KIAMBU COUNTY GOVERNMENT.

The Commission received a complaint on 3rd April 2017 that Director Roads and Transport in the Department of Roads, Transport, Public Works and Utilities, County

Government of Kiambu, used a forged University of Nairobi degree certificate in Civil Engineering purportedly attained in the year 2006 to secure employment at the County Government. It is further alleged that he holds a Master's in Environment from JKUAT and has enrolled for a doctorate in Environmental Technology at Jomo Kenyatta University of Agriculture and Technology.

Investigations established that suspect was not admitted for a Bachelor of Science in Engineering at the University of Nairobi as the graduation booklet for 1st September 2006 does not contain his name. Investigations further established that the suspect used the forged Bachelor's degree certificate in Civil Engineering to apply for Master of Science in Environmental Legislation and Management at JKUAT.

On 1st August, 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with the following offences;

- i. One count of fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. One count of forgery contrary to section 345 as read with section 349 of the Penal Code.
- iii. One count of uttering a false document contrary to section 353 of the Penal Code.

On 15th November 2023, the DPP returned the inquiry file accepting the Commission's recommendation for prosecution.

26. EACC/EL/INQ/9/2020

INVESTIGATIONS INTO ALLEGATION OF FAKE RECOMMENDATION LETTER/BACKGROUND CHECK FORM TENDERED BY A SUSPECT TO THE KENYA NATIONAL COMMISSION FOR UNESCO DURING HER RECRUITMENT AT THE COMMISSION AS CHIEF ACCOUNTANT.

The Commission received a complaint on 13th February 2020 on allegation that a person seeking employment tendered a fake recommendation letter to the Kenya National Commission for UNESCO during her recruitment at the Commission as Chief Accountant.

Investigations established that the author of the Background Check form dated 3rd July 2018 was filled by a different person and not the suspect herself.

Investigations further revealed that the suspect uttered background check form that contained false information regarding disciplinary proceeding at Avic Shantui to KNATCOM.

On 1st August 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspects with the following offences;

- i. Two counts of giving false information to person employed in the public service contrary to section 129(a) of the Penal Code.
- ii. One count of making a document without authority contrary to section 357(a) of the Penal Code.
- iii. One count of deceiving the Ethics and Anti-Corruption Commission contrary to section 46 (1) (b) as read with section 46 (2) of the Leadership and Integrity Act, 2012.

On 16th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

27. EACC/EL/INQ/29(i)/2022

INVESTIGATIONS INTO ALLEGATIONS THAT AN EMPLOYEE OF RURAL ELECTRIFICATION AND RENEWABLE ENERGY CORPORATION USED FORGED ACADEMIC DOCUMENTS TO GET EMPLOYMENT AT RURAL ELECTRIFICATION AND RENEWABLE ENERGY CORPORATION

On 2nd August 2022, the Commission received an anonymous report that an employee of Rural Electrification and Renewable Energy Corporation (REREC) used forged academic documents to apply for the position of General Manager, Finance and ICT at REREC.

Investigations established that indeed the suspect forged a Master of Business Administration degree certificate purporting to be a genuine certificate issued by the University of Nairobi.

On 14th September 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with the following offences;

- i. One count of fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. One count of forgery contrary to section 345 as read with section 349 of the Penal Code.
- iii. One count of uttering a false document contrary to section 353 of the Penal Code.
- iv. Two counts of deceiving principal contrary to section 41 (2) as read with section 48 of the Anti-Corruption and Economic Crimes Act.

Awaiting DPP's response.

28. EACC/EL/INQ/14/2020

INVESTIGATIONS INTO ALLEGATIONS THAT THE CHIEF PROTOCOL OFFICER AT THE COUNTY GOVERNMENT OF GARISSA USED FORGED ACADEMIC DOCUMENTS TO GET EMPLOYMENT AT THE COUNTY GOVERNMENT OF GARISSA.

The Commission commenced investigations following an anonymous report that the Chief Protocol Officer at the County Government of Garissa forged academic certificates and used them to secure a job as the Chief Protocol Officer at the County Government of Garissa.

Investigations established that the Bachelor of Arts (Sociology & Political Science) degree certificate purportedly from the University of Nairobi, which was found in the suspect's file was not authentic.

On 11th September 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with the following offences;

- i. One count of fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. One count of forgery contrary to section 345 as read with section 349 of the Penal Code.
- iii. One count of uttering a false document contrary to section 353 of the Penal Code.

- iv. One count of deceiving principal contrary to section 41 (2) as read with section 48 of the Anti-Corruption and Economic Crimes Act.

On 22nd November 2023, the DPP returned the inquiry file with recommendations for further investigations.

29.EACC/NYR/EL/INQ/7/2020

INVESTIGATIONS IN RESPECT OF ALLEGATION THAT THE CHIEF OFFICER EDUCATION AND VOCATIONAL TRAINING, MURANGA COUNTY PRESENTED A FAKE CERTIFICATE FROM THE UNIVERSITY OF NAIROBI DURING RECRUITMENT IN MURANGA COUNTY.

The Commission commenced investigation after an allegation was made the Chief Officer Education and Vocational Training in the County Government of Murang'a presented fake degree certificate from the University of Nairobi to secure employment in the County Government of Murang'a.

Investigations established that during the application for the position of Director and Chief Officer, the suspect indicated that he had a degree from the University of Nairobi which he alleged to have attained between 1998 and 2002.

Investigations established that the suspect was not a graduate of the University of Nairobi of Bachelor of Education (Arts) hence the degree certificate was not genuine.

On 8th August 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to section 45 (1) (a) as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. One count of forgery contrary to section 345 as read with section 349 of the Penal Code.
- iii. Four counts of uttering a false document contrary to section 353 of the Penal Code.
- iv. One count of deceiving the Murang'a County Public Service Board contrary to section 46 (1) (b) as read with section 46 (2) of the Leadership and Integrity Act, Cap. 182 Laws of Kenya.

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

30. EACC/OPS/INQ/48/2022

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST AN OFFICER ATTACHED TO THE NAIROBI CITY COUNTY GOVERNMENT INVESTIGATION DEPARTMENT.

The Commission commenced investigations following a complaint that an officer attached to the Nairobi City County requested for a bribe of Kshs. 300,000/- as an inducement to provide protection at the Nairobi City Hall in regard to plot No. Eastleigh 36/1/50 owned by complainant's mother.

On 28th April 2022, the Commission conducted an operation at the Nairobi Central Business District (CBD); Beneve hotel, where the suspect received Kshs 130,000/- trap money.

Investigations established that the suspect had premeditated intentions to request for a bribe. He requested for Kshs. 300,000/- which was reviewed upwards to Kshs. 500,000/-

On 10th July 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with three counts of receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery Act no. 47 of 2016.

On 16th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

31. EACC/NYR/OPS/INQ/09/2021

INQUIRY INTO ALLEGATION THAT A POLICE OFFICER DEPLOYED TO NANYUKI POLICE STATION AS THE IN-CHARGE GENDER DESK REQUESTED FOR AND RECEIVED A BRIBE

Investigations commenced following a complaint received by the Commission that a Police Officer deployed to Nanyuki Police Station as the In-charge Gender Desk requested for and received a bribe from the complainant as an inducement in order to release her and her husband from police custody.

Investigations established that the complainant was released upon paying a bribe of Kshs. 5,000/= to secure her release. But the complainant's husband was held in police custody for 4 days as he was unable to raise the Kshs. 50,000/= demanded by the suspect to secure his release.

A trap operation was carried out which culminated in arrest of the suspect after she received Kshs.10,000/= trap money from the complainant but returned it to her upon realizing that it was trap money.

On 10th July 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with three counts of receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery Act no. 47 of 2016.

On 16th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

32.EACC/OPS/INQ/108/2022

INVESTIGATION INTO BRIBERY ALLEGATIONS AGAINST A KRA CUSTOMS OFFICER BASED AT THE JKIA, DHL SHED.

The Commission commenced investigation following a complaint that DHL and KRA officials were colluding to defraud unsuspecting Kenyans in a scheme where taxes were inflated to pave way for negotiations of bribes before imported goods are released.

Investigations established that the complainant's cousin sent him a laptop via DHL from the USA. Upon the arrival of the consignment, complainant was instructed to pay import duty amounting to Kshs. 100,974/=.

The complainant later met the KRA officer- Customs & Border Control Department, who requested for a bribe of Kshs. 40,000 so as to review the amount of tax payable for the imported laptop downwards.

The Commission's officers carried out a trap operation that culminated in the arrest of the suspect after receiving trap money. Kshs. 22,000/= trap money recovered from her.

On 10th July 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with two counts of receiving a bribe contrary to Section 6(1)(a) as read with Section 18 of the Bribery Act.

On 22nd November 2023, the DPP returned the inquiry file with recommendation for administrative action in lieu of prosecution.

33. EACC/OPS/INQ/94/2021

INVESTIGATION INTO BRIBERY ALLEGATIONS AGAINST AN ASSISTANT DIRECTOR FOR FISHERIES DEVELOPMENT AT MARSABIT COUNTY GOVERNMENT

The Commission received a complaint that three officers working with the County Government of Marsabit demanded for a bribe of Kshs. 600,000/= so as to award his company Nooncom General Supplies Limited tender NO. MBT/COU/EU/FISHERIES /69/2020-2021 for design, manufacture, supply and delivery of 20 motorized 15HP fishing boats.

Investigations established that the tender was advertised by the County Government of Marsabit in the Standard Newspaper on 1st July 2021 and that the complainant's company namely Nooncom General Supplies Ltd was amongst the eight bidders and that after evaluation of the tender it was awarded the tender.

Investigations established that between 15th July 2021 and 16th August 2021, the complainant sent to the suspect a total of Kshs. 325,000/= which according to him was an inducement for the suspect to facilitate award of the tender to his company. Between 24th and 26th September 2021 the suspect refunded the complainant Kshs 270,000/=. There was no sufficient evidence to support any charges against the suspect.

On 10th July 2023 a report was compiled and forwarded to the DPP with recommendations that disciplinary action be taken against the suspects and the inquiry file be closed.

On 22nd November 2023, the DPP returned the inquiry file with recommendation for administrative action.

34. EACC/MCKS/OPS/INQ/1/2021

INQUIRY INTO ALLEGATIONS THAT AN OFFICER AT MUTOMO LANDS OFFICE REQUESTED FOR A FINANCIAL BENEFIT OF KSHS. 5,000/=.

The Commission received a report from the complainant stating that an Officer at Mutomo Lands Office requested for a bribe of Kshs. 10,000/= so as to issue one the complainant with a status quo letter for his parcel of land, as the complainant awaited the Land Adjudication Committee to investigate a complaint touching on adjudication of the said parcel of land.

A trap operation was conducted in which it was established that the suspect demanded for a bribe of Kshs. 10,000/= from the complainant which was negotiated downwards to Kshs. 5,000/=. The suspect was later arrested after receiving Kshs. 5, 000/= trap money from the complainant.

On 10th July 2023 a report was compiled and forwarded to the DPP with recommendations to charge the suspect with four counts of receiving a bribe contrary to section 6 (1) (a) as read with section 18 of the Bribery Act no. 47 of 2016.

Awaiting DPP's response.

35. EACC/NKR/OPS/INQ/2/2022

INQUIRY INTO ALLEGATION OF RECEIVING A BENEFIT BY A MAGISTRATE, AND HIS SECRETARY WHO ARE BOTH EMPLOYED BY THE JUDICIARY AND A PRIVATE PERSON.

The Commission received a complaint on 8th September 2022, that an Administrative Secretary at Nakuru Law Courts and a private person were requesting Kshs. 500,000/= on behalf of a Principal Magistrate who presides over Nakuru Chief Magistrates Court No. 4 so that the court could rule in favour of the complainant in a land matter.

Investigations established that the Administrative Secretary and the private person who is a retired school principal, were involved in the subject bribery, in collusion with, the presiding magistrate of Court 4.

Investigations also revealed that on 8th September, 2022 the secretary met with the complainant and initially requested for Kshs. 1,000,000/=. On 15th September 2022,

she reduced bribe amount to Kshs. 500,000/= as an initial deposit, with the balance payable on finalization of the case. On the same day, she received 180,000/= trap money and was arrested and the private person was also arrested on receiving the balance of 20,000/= trap money.

The forensic evidence established that there was communication between the three in their WhatsApp chats and the call data regarding the subject bribe demand and receipt in respect of land case NAKURU CMELC E210 OF 2021.

On 16th August 2023 a report was compiled and forwarded to the DPP with recommendations that the suspects be charged with the following offences;

- i. Two counts of receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act no. 47 of 2016.
- ii. One count of requesting for a bribe and another count of receiving a bribe contrary to Section 6(1)(a) as read with Section 18 of the Bribery Act.
- iii. One count of conspiracy to commit an offence of corruption/an economic crime contrary to section 47(a)(3) as read with sections 48(1) of the anti-corruption and economic crimes act, 2003.

The Commission also recommends issuance of an advisory to the Judicial Service Commission to undertake disciplinary action against the suspects, as per the Judiciary Human Resource Policies and Procedures Manual, 2017.

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

36. EACC/ISL/OPS/INQ/8/2020

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A CARTOGRAPHER BASED AT MERU LANDS DEPARTMENT

Investigations were commenced following a report that a Cartographer based at Ministry of Lands and Physical Planning, Meru Office in Meru County had requested for a financial benefit of Kshs. 20,000/- from the complainant in order to ensure a favourable outcome in a land boundary dispute.

On 17th February, 2020, the Commission's Officers organized a trap operation that resulted in the arrest of the suspect after he received Kshs. 10,000/= as a bribe.

On 16th August 2023 a report was compiled and forwarded to the DPP with recommendations that the suspect be charged with two counts of receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act no. 47 of 2016.

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

37. EACC/OPS/INQ/58/2021

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST A PERSON WHO PURPORTED TO BE A SENIOR OFFICER IN THE HUMAN RESOURCE DEPARTMENT AT THE MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT.

The Commission received a complaint that a suspect was calling Chiefs and Assistant Chiefs informing them that he is a Senior Officer in the Human Resource Department at the Ministry of Interior and Coordination of National Government and that he was part of the team working on their promotions. The suspect would then request for bribes of varied amounts as an inducement to assist them get job promotions.

Investigations established that on various dates between the months of June 2020 and July 2021, made several phone calls to various County Administrators alleging that he was a Senior Officer under the Ministry of Interior and Coordination of National Government at the Head Office and that he was part of a team making decisions in regards to their promotions.

Investigations further established that the suspect used the information that he had unlawfully obtained from the County Commissioners to demand and receive bribes from the administrators drawn from various Counties, promising them of promotions and other benefits.

On 16th August 2023 a report was compiled and forwarded to the DPP with recommendations that the suspect be charged with the following offences;

- i. Twenty-seven (27) counts of the offence of receiving a bribe C/S S6(a) as read with S. 18 of the Bribery Act.
- ii. Twelve (12) Alternative counts of the offence of obtaining by false pretences C/S 313 of the Penal Code.

- iii. One (1) count of the offence of forgery contrary to section 349 of the Penal Code.
- iv. One (1) count of the offence of uttering a false document contrary to section 353 as read with S. 349 of the Penal Code
- v. One (1) count of the offence of Phishing contrary to section 30 of the Computer Misuse and Cyber Crime Act No. 5 of 2018.

On 20th November 2023, the DPP returned the inquiry file with recommendation for further investigations.

38. EACC/OPS/INQ/137/2021

ALLEGATIONS OF BRIBERY AGAINST A PROSECUTION COUNSEL BASED AT LIMURU LAW COURTS.

The Commission commenced investigations following a report made at the commission on 2nd December 2021, by a complainant who alleged that the suspect, a prosecutor at Limuru Law Courts demanded for a bribe of Kshs. 30,000/= so that he would not lodge an appeal in a Case No. 412/2017, in which he was acquitted under Section 210 of the CPC in Limuru Law Courts on 29th November, 2021 for an offense of obtaining money by false pretense.

On 16th August 2023 a report was compiled and forwarded to the DPP with recommendations that the suspect be charged with three (3) counts of receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) and (2) of the bribery act.

On 23rd November 2023, the DPP returned the inquiry file with recommendation for administrative action in lieu of prosecution.

39. EACC/OPS/INQ/118/2022

INQUIRY INTO ALLEGATIONS OF IMPERSONATING AN EACC INVESTIGATOR AND THAT HE WAS INVESTIGATING A MATTER TOUCHING ON SUPPLY OF SUBSIDIZED MAIZE FLOOR, A CONTRACT AWARDED BY THE MINISTRY OF AGRICULTURE.

The Commission commenced investigations following a complaint on 25th November, 2022 by a complainant who alleged that on 22nd November, 2022 he had received a phone call from a person who claimed to be an EACC investigator

and that he was undertaking an investigation touching on the complainant regarding payment requests that he made to the Ministry of Agriculture for subsidies.

Investigations established the suspect's real identity and that the suspect was not an investigator employed at the EACC. He also personated himself as an investigating officer of EACC to the complainant in order to request for a bribe of Ksh 1 million under the pretext that he would ensure a favorable report is generated by their investigations team.

On 25th November, 2022 , the Commission's Officers organized a trap operation that resulted to the arrest of the suspect.

On 3rd July 2023 a report was compiled and forwarded to the DPP with recommendations that the suspect be charged with the following offences;

- i. Two counts of impersonating an investigator contrary to section 34(1) as read with section 34(2) of the Anti –Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) and (2) of the Bribery Act.

On 15th November 2023, the DPP returned the inquiry file accepting the Commission's recommendation for prosecution.

40.EACC/OPS/INQ/115/2022

INVESTIGATIONS IN RESPECT TO ALLEGATIONS THAT A TRAFFIC POLICE OFFICER ATTACHED TO WILSON AIRPORT POLICE STATION REQUESTED AND RECEIVED A BRIBE OF KSHS. 5,000/= SO AS TO RELEASE A MOTOR VEHICLE WHICH WAS DETAINED AT THE STATION FOR THE OFFENCE OF OBSTRUCTION.

The Commission received a complaint from the complainant that a Traffic Police Officer stationed at Wilson Airport demanded a bribe of Kshs. 5,000/= from him so that he could release his vehicle which the said Police Officer had impounded and detained on that morning at the police Station for an alleged offence of obstruction.

Investigations established that the suspect is a Traffic Police Officer attached to Wilson Airport Police Station and he confirmed receipt of Kshs. 2,000/= from the complainant as cash bail. However, he was arrested before he issued a receipt for cash bail.

The recorded conversation between the complainant and the suspect revealed that the complainant was asked by the suspect to look for money to pay cash bail and not a bribe, therefore the suspect did not request for a bribe.

On 16th August 2023 a report was compiled and forwarded to the DPP with recommendations that the inquiry file be closed with no further action.

On 22nd November 2023, the DPP returned the inquiry file with recommendation for closure.

41. EACC/OPS/INQ/95/2022

INQUIRY IN RESPECT OF BRIBERY ALLEGATIONS AGAINST NAIROBI CITY COUNTY OFFICERS WHO REQUESTED FOR A BRIBE OF KSHS. 400, 000/= IN ORDER TO FACILITATE THE APPROVAL OF AN APPLICATION FOR A FOOD HANDLING CERTIFICATE.

The Commission commenced investigations following a report received on 7th September, 2022 from a complainant alleging that an official from the Nairobi City County was demanding for a bribe of Kshs. 400,000/= from him so as to facilitate the issuance of a food handling certificate.

Investigations established that the suspect, who is an Administrative Officer at the Nairobi City County Public Service Board had requested for a bribe of Kshs. 400, 000/= and received a bribe of Kshs. 200,000/= from the complainant so as to facilitate the approval of food handlers' applications that were pending in the portal in favour of the Complainant's company.

The suspect was arrested after having received the trap money of Kshs. 200,000/= from the complainant.

On 27th September 2023 a report was compiled and forwarded to the DPP with recommendations that the suspect be charged with 2 counts of receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act No. 47 of 2016.

On 17th November 2023, the DPP returned the inquiry file accepting the Commission's recommendation for prosecution.

42. EACC/OPS/INQ/35/2023

INVESTIGATION INTO BRIBERY ALLEGATIONS AGAINST POLICE OFFICERS OF THE NATIONAL POLICE SERVICE.

The Commission received a complaint on 16th May 2023 that 1st suspect, a Police Officer attached to the Nairobi Area Traffic Patrol was demanding for a bribe of Kshs. 3,000/= from the complainant so as to release his motor vehicle which had been impounded and detained at Kamukunji Police Station.

Investigation established that the 1st suspect demanded the bribe Kshs. 3,000/= bribe from the complainant.

The Commission organized a trap operation which led to the arrest of 2nd suspect, who is also a police officer stationed at Kamukunji Police station.

Investigations revealed that the 1st suspect had instructed the second suspect to receive the bribe from the complainant and release the motor vehicle upon compliance.

On 27th September 2023 a report was compiled and forwarded to the DPP with recommendations that the suspects be charged as follows;

- i. The 1st suspect be charged with 2 counts of receiving a bribe, contrary to Section 6(1) (a) and Section 6(2) (a) as read with Section 18 (1), (2) of the Bribery Act no. 47 of 2016.
- ii. The 2nd suspect be charged with 1 count of receiving a bribe, contrary to Section 6(1) (a) and Section 6(2) (b) as read with Section 18 (1), (2) of the Bribery Act no. 47 of 2016 and one count of concealing evidence C/S 66(1)(a) as read with S. 66(2) of ACECA

On 17th November 2023, the DPP returned the inquiry file accepting the Commission's recommendation for prosecution.

43. EACC/MLD/OPS/INQ/01/2021

INQUIRY IN RESPECT OF BRIBERY ALLEGATIONS AGAINST A SENIOR CHIEF ZIANI LOCATION CHONYI DIVISION.

Investigations commenced following a report on 8th March 2021, by the complainant who alleged that the Senior Chief Ziani Location in Chonyi Division requested for a bribe of Kshs. 15,000 from him in order to write a letter to access their disputed land in Ziani location.

Investigations established that the suspect who is a public officer employed by the Ministry of Interior and Co-ordination of National Government as a Senior Chief was arrested after he had received a bribe of Kshs 10,000/=.

On 27th September 2023 a report was compiled and forwarded to the DPP with recommendations that the suspects be charged as follows;

- i. Two counts of receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act No. 47 of 2016.
- ii. One count of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

On 20th November 2023, the DPP returned the inquiry file with recommendations for further investigations.

STATISTICAL SUMMARY OF FILES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

1.	Total No. of files forwarded to the Director of Public Prosecutions	43
2.	No. of files recommended for prosecution	39
3.	No. of files recommended for administrative or other action	2
4.	No. of files recommended for closure	2
5.	No. of files recommended for prosecution and the cases are already lodged before Court	-
6.	No. of files where recommendation to prosecute accepted	8
7.	No. of files where recommendation for administrative or other action accepted	2
8.	No. of files where recommendation for closure accepted	2
9.	No. of files returned for further investigations	21
10.	No. of files where recommendation to prosecute not accepted	-
11.	No. of files where recommendation for administrative or other action not accepted	-
12.	No. of files where closure not accepted	-
13.	No. of files where prosecution declined but administrative action recommended	2
14.	No. of files awaiting the DPP's advice	8


DATED AT NAIROBI THIS


28th

DAY OF

November

2023


DAVID OGINDE, PhD
CHAIRPERSON


TWALIB MBARAK, CBS
SECRETARY/CHIEF EXECUTIVE OFFICER