

## **THE ETHICS AND ANTI-CORRUPTION COMMISSION**

### **THE FOURTH QUARTERLY REPORT COVERING THE PERIOD 1<sup>ST</sup> OCTOBER TO 31<sup>ST</sup> DECEMBER, 2016**



## **PREAMBLE**

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

Section 36 provides that:

1. The Commission shall prepare quarterly reports setting out the number of reports made to the Director of Public Prosecutions 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 the Anti-Corruption and Economic Crimes Act, 2003. The report covers the fourth Quarter and is for the period commencing 1<sup>st</sup> October, 2016 to 31<sup>st</sup> December, 2016.



**INVESTIGATION REPORTS COVERING THE PERIOD 1<sup>ST</sup> OCTOBER TO 31<sup>ST</sup> DECEMBER, 2016**

**1. EACC/AT/INQ/03/2013**

**INQUIRY INTO ALLEGATIONS OF FRAUDULENT CLAIMS AMOUNTING TO KSHS. 577,000,000/= BY ERAD SUPPLIES AND GENERAL CONTRACTORS LIMITED AGAINST NATIONAL CEREALS AND PRODUCE BOARD IN REGARD TO THE CONTRACT FOR IMPORTATION OF 40,000 METRIC TONNES OF MAIZE.**

Investigations revealed that in July 2004, the Ministry of Agriculture communicated to the National Cereals and Produce Board (NCPB) the decision by the Government to import two million bags of maize through restricted tendering. Erad Supplies and General Contracts Limited was among the firms that won the floated tenders. In the contract signed, the bond submitted by the company was to be valid after NCPB had issued the letter of Credit. Owing to the alleged contract signed between NCPB and Erad Supplies and General Contracts Limited, the company allegedly secured the maize and had it stored at a cost. The letter of credit was not issued by NCPB and the supplier did not release the maize; consequently the maize was not imported. Due to the alleged storage costs, there arose a dispute which was presented for arbitration. A decision was made in favour of Erad and was awarded USD 3,106,000 together with an interest of 12% per annum. The High Court confirmed the award but set aside the interest of costs. NCPB has so far paid Kshs. 312,842,536.70/= while Kshs. 264,864,285/= is pending awaiting an appeal lodged by NCPB in the Court of Appeal. However the investigations established that to get a favourable outcome at the Arbitration, some officials of Erad Supplies and General Contracts Limited had used false documents.

A report was prepared and forwarded to Director of Public Prosecution (DPP) on 14<sup>th</sup> October, 2016 with a recommendation to prosecute the suspects with the offences of uttering false document contrary to Section 353 of the penal code, perjury contrary to section 108(1) of the penal Code and fraudulent acquisition contrary to section 45(1)(a) 46 as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 23<sup>rd</sup> December, 2016 the DPP concurred with the recommendation for prosecution save for directions that further investigations with a view to strengthening the case be done before suspects are charged in court.

## **2. EACC/GSA/FI/INQ/08/2014**

### **INQUIRY INTO ALLEGATIONS OF IRREGULAR RECRUITMENT OF THE MANAGING DIRECTOR FOR GARISSA WATER AND SEWERAGE COMPANY**

Investigations revealed that in the recruitment process, there was an irregularity in the recommendation that was made by Board of Garissa Water and Sewerage Company in the appointment of the managing Director.

A report was prepared and forwarded to the Director of Public Prosecution on 16<sup>th</sup> December, 2016 recommending prosecution with the offence of abuse of office contrary to Section 46 of the Anti-corruption and Economic Crimes Act as read with Section 48(1) of the Anti-corruption and Economic Crimes Act

On 30<sup>th</sup> December, 2016 the Director of Public Prosecutions concurred with the recommendation for prosecution.

## **3. EACC/NYR/FI/INQ/25/2015**

### **INQUIRY INTO ALLEGATIONS OF IRREGULARITIES IN THE PROCUREMENT PROCESS REGARDING TENDER NO.JPIP/NCB/04/2013-2014 (PROPOSED EXTENSION OF KANGEMA LAW COURTS-PHASE II).**

Investigations revealed that the procurement of the works for the extension of Kangema Law Courts was done in accordance with the Public Procurement and Disposal Act and the Regulations thereto and no culpability was established.

On 14<sup>th</sup> October 2016, a report was prepared and forwarded to Director of Public Prosecution recommending closure of the inquiry file.

On 23<sup>rd</sup> December, 2016 the Director of Public Prosecution concurred with our recommendations for closure.

## **4. EACC/MSA/EL/INQ/001/2015**

### **INQUIRY INTO ALLEGATIONS OF UNETHICAL CONDUCT BY MEMBERS OF KILIFI COUNTY ASSEMBLY ON 31<sup>ST</sup> MARCH, 2015.**

Investigations established that the Members of the County Assembly disrupted a session by forcefully entering the Assembly and wanting to remove the maze because their motion of removing the County Secretary could not proceed.



A report was prepared and forwarded to the Director of Public Prosecution on 14<sup>th</sup> October, 2016 with a recommendation to caution the members against the conduct and an advisory to be issued to the County Assembly Members regarding adherence to the leadership code of the County Assembly.

On 29<sup>th</sup> December 2016, the DPP concurred with the recommendation for administrative action.

## **5. EACC/FI/INQ/50/2015**

### **INQUIRY INTO ALLEGATIONS THAT MUMIAS SUGAR COMPANY IRREGULARLY AWARDED TENDERS FOR PROCUREMENT OF FERTILIZER TO SHAH KANJI LALJI & SONS LIMITED AND ELDORET PACKERS LTD AT KSHS. 203.4 MILLION WITHOUT THE APPROVAL OF THE BOARD TENDER COMMITTEE (BTC)**

Investigations revealed that Mumias Sugar Company Limited is a private company and the Government holds only 20% of the shares; which means that the Government does not have the controlling shares of the company. On this basis of the shares percentage, the company does not fall within the ambit of Public Procurement and Disposal Act and Anti-corruption and Economic Crimes Act.

A report was prepared and forwarded to the Director of Public Prosecution on 26<sup>th</sup> October, 2016 recommending closure of the inquiry file.

On 28<sup>th</sup> December, 2016 the Director of Public Prosecution recommended that further Investigations be conducted.

## **6. KACC/FI/INQ/19/2011**

### **INQUIRY INTO ALLEGATIONS THAT MAKUENI COUNTY COUNCIL CLERK AND SOME COUNCILLORS COLLUDED TO UNLAWFULLY SELL TREES IN KITUNDU B FOREST TO LOGGERS**

Investigations established various contradictions in the evidence gathered and that the available evidence was not sufficient to sustain any charges against the suspects.

A report was prepared and forwarded to the Director of Public Prosecution on 17<sup>th</sup> November, 2016 with a recommendation to close the inquiry file

On 29<sup>th</sup> December, 2016 the DPP concurred with the recommendation for closure.

## **7. EACC/KSM/INQ/FI/83/2015**

**INQUIRY INTO ALLEGATIONS AGAINST OFFICERS OF THE COUNTY GOVERNMENT OF BUNGOMA FOR IRREGULAR PURCHASE OF NINE WHEELBARROWS AT AN INFLATED COST OF KSHS. 109,320/= ALL AMOUNTING TO KSHS. 993,880/=.**

Investigation revealed that the relevant Department raised a requisition of nine steel wheelbarrows to the Procurement Department. The procurement was carried out and the tender awarded at a unit cost of Kshs. 109,320/= per unit, a price which was in excess of the market value. It was established that some County Officials were liable for excessive payments of the nine wheelbarrows, that they failed to ensure that the expenditure incurred was in accordance with the law and that the concerned should be held liable for refund of the excess monies paid.

A report was prepared and forwarded to the Director of Public Prosecution on 17<sup>th</sup> November, 2016 recommending prosecution of the County Officials with the several offences which include wilful failure to comply with the law relating to procurement contrary to Section 45(2) (b), abuse of office contrary to Section 46 and fraudulent acquisition of public property contrary to Section as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 4<sup>th</sup> January, 2017, the DPP concurred with the recommendation for prosecution.

## **8. EACC/KSM/FI/INQ/28/20165**

**INQUIRY INTO ALLEGATIONS AGAINST OFFICERS OF THE COUNTY GOVERNMENT OF MIGORI FOR MAKING IRREGULAR PAYMENTS OF KSHS. 15,323,386/= TO M/S TOYOTA KERICHO FOR MOTOR VEHICLES NOT DELIVERED.**

Investigations revealed that Kericho Director of Health made a requisition of two ambulances. The procurement was initiated and tender awarded to Toyota Kericho. The Vehicles were delivered but it was established that the payment was in excess of the amount approved in the County Budget and that a false Inspection and Acceptance Report had been made.

A report was prepared and forwarded to the Director of Public Prosecution on 28<sup>th</sup> November, 2016 recommending prosecution of the County Officials with the several offences 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 and making a false document contrary to section 37 (d) (1) of the penal code.

On 4<sup>th</sup> January, 2017, the DPP concurred with the recommendation for prosecution.



## **9. CR. 342/349/2015 CF NO.ACC MSA 2346/2015**

### **INQUIRY INTO ALLEGATIONS OF IMPERSONATION WITHIN MOMBASA COUNTY**

Investigations established that at the time the suspect was renting a house within Mombasa County and he introduced himself as an officer of EACC which was not true. He then went ahead and issued a cheque of Kshs. 42,000/= that later bounced. He was later traced and arrested. There was no sufficient evidence for the offence of impersonation.

A report was prepared and forwarded to the Director of Public Prosecution on 7<sup>th</sup> December, 2016 recommending prosecution of the suspects by the Director of Criminal Investigations with the offence of issuing a bad Cheque contrary to Section 316A (1) (a) (4) of the penal code.

On 5<sup>th</sup> January, 2017 the Director of Public Prosecutions concurred with the recommendation for prosecution.

## **10. EACC/MLBA/FI/INQ/02/2016**

### **INQUIRY INTO ALLEGATIONS OF FRAUDULENT ACQUISITION OF PUBLIC FUNDS BY OFFICIALS OF NZOIA SUGAR COMPANY LIMITED**

Investigations revealed that between 2014 and 2015 there was a well orchestrated scheme to syphon money from Nzoia Sugar Company by making false claims through payments made using petty cash kitty. The claims were made on false and none existent meals and entertainment and the supporting documents like receipts alleged to be from Hotels had been forged. Despite several glaring discrepancies, the vouchers were processed and honoured leading to loss of public funds. The scheme involved officials of the Sugar Company.

A report was prepared and forwarded to the Director of Public Prosecution on 7<sup>th</sup> December, 2016 recommending several offences which include wilful failure to comply with the law relating to management of public funds Section 45(2) (b), fraudulently making payments from public revenue contrary to Section 45 (2)(a), fraudulent acquisition of public property contrary to Section 45(1) (a), conspiracy to commit an offence of corruption contrary to section 47 A (3) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act and making a false document without authority contrary to Section 357 (a) of the Penal Code.

On 3<sup>rd</sup> January, 2017 the Director of Public Prosecutions concurred with the recommendation for prosecution.

## **11. EACC/FI/INQ/43/2015**

### **INQUIRY INTO ALLEGATIONS THAT THE FORMER PERMANENT SECRETARY AND HEAD OF PUBLIC SERVICE WAS INFLUENCING THE TENDER EVALUATION COMMITTEE TO RECOMMEND AN AWARD OF TENDER NO. OOP/APHQS/06/2014 FOR THE SUPPLY OF PARA-MILITARY EQUIPMENT TO CERTAIN COMPANIES WHOSE OWNERS ARE LINKED TO HIM**

Investigations revealed that in 2014, the Administration Police Service advertised various tenders for the supply of different items. The procurement was done in accordance with the Public Procurement and Disposal Act and the Regulations thereto and there is no evidence to show that any Company was favoured in the process. Head of Public Service did not have any relationship with the companies mentioned that were alleged to have been favoured.

A report was prepared and forwarded to the Director of Public Prosecution on 7<sup>th</sup> December, 2016 recommending closure of the inquiry file.

On 4<sup>th</sup> January, 2017 the Director of Public Prosecution concurred with the recommendation for closure.

## **12. EACC/FI/INQ/02/2013**

### **INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF OVER KSHS 70 MILLION OUT OF KSHS 153,639,843 DISBURSED BY THE NATIONAL CDF BOARD TO TIGANIA WEST CDF BY THE FORMER MEMBER OF PARLIAMENT DURING THE FINANCIAL YEAR 2007/2008, 2008/2009 AND 2009/2010**

Investigations established that the Member of Parliament did not embezzle any funds and that he never initiated any ghost project within the constituency with the intention to defraud the CDF Funds. There was evidence that the area constituents initiated some genuine projects but there was no evidence of any interference by the Member of Parliament.

A report was prepared and forwarded to the Director of Public Prosecution on 30<sup>th</sup> September, 2016 recommending closure of the file with no further action.

On 29<sup>th</sup> December, 2016 the Director of Public Prosecutions concurred with the recommendation for Closure.



### **13. EACC/EL/INQ/13/2016**

#### **INQUIRY INTO CORRUPTION ALLEGATIONS THAT THE CEO-NGO COORDINATION BOARD USED FORGED CERTIFICATE TO SECURE EMPLOYMENT TO THE SAID BOARD**

Investigations revealed that by the time the CEO was being appointed, he did not have a Degree Certificate which was a basic requirement for the said position. Without the Degree Certificate, it meant that he was not qualified for the position during the time of his appointment.

During investigations the Commission sought to obtain the forged degree certificate that the CEO had presented purporting to have graduated but the same was not traced. It was suspected that the same may have been removed from his personal file and concealed. In the absence of the said forged certificate, a prosecution against him could not be sustained.

A report was prepared and forwarded to the Director of Public Prosecution on 16<sup>th</sup> December, 2016 recommending Administrative action against the CEO on account that he was not qualified for the position as at the time of the appointment.

On 4<sup>th</sup> January, 2017 the Director of Public Prosecutions recommended that further investigations be conducted.

### **14. CR 781/574/2016 CF. NO. ACC. 10771/2016**

#### **INQUIRY INTO ALLEGATIONS THAT A PROSECUTION COUNSEL CORRUPTLY OFFERED A BENEFIT AS AN INDUCEMENT TO STOP INVESTIGATIONS AGAINST A SUSPECT.**

Investigations established that a prosecution counsel and a suspect offered a benefit of Kshs. 50,000/= as an inducement to stop investigations against the suspect.

A report was prepared and forwarded to the Director of Public Prosecution on 14<sup>th</sup> October, 2016 with a recommendation for the prosecution of the suspects with the offences of conspiracy to commit an offence of corruption contrary to section 47 A (3) and corruptly offering a benefit contrary to Section 39(3) (b) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 11<sup>th</sup> January, 2017, the DPP rejected the recommendation for prosecution and instead directed that Administrative Action be taken against the Prosecution Counsel.

#### **15. CR 421/226/2016 ISIOLO ACC. 1/2016**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST ASSISTANT LEVY INSPECTOR AND LEVY REPORTING OFFICER OF TOURISM FUND BASED IN NYERI**

Investigations established that the suspects, solicited for a benefit of Kshs. 35,000/= as an inducement to forbear surcharging a hotel based in Isiolo for levy arrears. The suspects received a benefit of Kshs. 33,000/= and were arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 7<sup>th</sup> December, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003 as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 3<sup>rd</sup> January, 2017 the Director of Public Prosecutions concurred with the recommendation for prosecution.

#### **16. EACC/KSM/OPS/INQ/.1 /2015**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TRAFFIC POLICE OFFICERS ATTACHED TO MIGORI POLICE STATION**

Investigations established the available evidence was not sufficient to sustain any charges against the suspects, however misconduct on the part of the suspects was established.

A report was prepared and forwarded to the Director of Public Prosecution On 26<sup>th</sup> October, 2016 recommending disciplinary action.

On 21<sup>st</sup> November, 2016 the Director of Public Prosecution concurred with the recommendation for administrative action.

#### **17. CR 110/2016 KWALE ACC.322/12/2016**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A MEMBER OF THE LAND VERIFICATION COMMITTEE IN KWALE COUNTY**

Investigations established that the suspect, solicited for a benefit of Kshs. 40,000/= as an inducement to influence fellow members of the Land Verification Committee to make a favourable decision towards a certain individual. The suspects received a benefit of Kshs. 10,000/= and were arrested.



A report was prepared and forwarded to the Director of Public Prosecution on 7<sup>th</sup> December, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 30<sup>th</sup> December, 2016 the Director of Public Prosecutions concurred with the recommendation for prosecution.

#### **18. CR/771/462/2016 COURT FILE NUMBER 1/2016**

##### **INQUIRY INTO ALLEGATIONS THAT A CLINICAL OFFICER AT KAPSABET DISTRICT HOSPITAL WAS SOLICITING FOR A BENEFIT AS A CONDITION TO FILL A P3 FORM**

Investigations established that the suspect, solicited for a benefit of Kshs. 1500/= as an inducement to fill a P3 form. The suspect received a benefit of Kshs. 500/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 7<sup>th</sup> November, 2016 recommending prosecution of the suspect with the offence of soliciting for a benefit contrary to section 39 (3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 4<sup>th</sup> January, 2017 the Director of Public Prosecutions concurred with the recommendation for prosecution.

#### **19. CR. 4 A1/123/2015 MERU ACC. 10 OF 2015**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN IMMIGRATION OFFICER SERVING AT MOYALE BORDER POST**

Investigations established that the suspect, solicited for a benefit of Kshs. 15,000/= as an inducement to prepare travel documents. The suspect received a benefit of Kshs. 15,000/= and was arrested. There were discrepancies in the available evidence and this could not sustain an offence.

A report was prepared and forwarded to the Director of Public Prosecution on 19<sup>th</sup> December, 2016 recommending that an administrative action be taken against the suspect.

On 4<sup>th</sup> January, 2017 the Director of Public Prosecutions concurred with the recommendation for administrative action.

## **20. CR. 148/13/2016**

### **A REPORT ON THE RESULTS OF INVESTIGATIONS OF CORRUPTION AGAINST KAJIADO COUNTY OFFICIALS**

Investigations established that the suspects, solicited for a benefit of Kshs. 50,000/= as an inducement to forbear framing charges of wrongful storage of construction materials and lack construction gear while undertaking construction work. The suspects received a benefit of Kshs. 30,000= and were arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 7<sup>th</sup> December, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a), corruptly receiving a benefit contrary to Section 39(3) (a) and conspiracy to commit an offence of corruption contrary to Section 47 A (3) of the Anti- Corruption and Economic Crimes Act, 2003 as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 30<sup>th</sup> December, 2016 the Director of Public Prosecutions concurred with the recommendation for prosecution.

## **21. EACC/KSM/FI/INQ/26/2015**

### **INQUIRY INTO CORRUPTION ALLEGATIONS AGAINST OFFICERS OF THE COUNTY GOVERNMENT OF MIGORI FOR IRREGULARITIES IN THE PROCUREMENT OF MOTOR VEHICLE INSURANCE COVER WORTH KSHS. 7,986,750.75/=.**

Investigations revealed that in 2013, the County Government of Migori floated a tender for supply of Motor Vehicle Insurance covers. The procurement was conducted, tender won by the firms that submitted bids and the motor vehicle insurance covers supplied. However the procurement process was marred with irregularities and flouting of the relevant provisions of the Law.

A report was prepared and forwarded to the Director of Public Prosecution on 16<sup>th</sup> December, 2016 recommending several offences which include wilful failure to comply with the law relating to management of public funds Section 45(2) (b), wilful failure to comply with the law relating to procurement contrary to Section 45(2) (b), engaging in a project without prior planning contrary to section 45(2) (c) of the Anti-corruption and Economic Crimes Act as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.



On 4<sup>th</sup> January, 2017 the Director of Public Prosecutions concurred with the recommendation for prosecution.

## **22. CR 421/129/2016 MERU ACC 4/2016**

### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A LANDS DEMARCATION OFFICER AT ANTU-A-MBURI LAND ADJUDICATION SECTION WITHIN MERU COUNTY.**

Investigations established that the Lands Demarcation Officer in Meru County solicited for a benefit of Kshs. 4,000/= as an inducement to search, retrieve and process proceedings relating to a land case. The suspect received a benefit of Kshs. 4,000/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 14<sup>th</sup> October, 2016 with a recommendation for prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 28<sup>th</sup> December 2016, the DPP concurred with the recommendation for prosecution.

## **23. EACC/313/333/2016**

### **INQUIRY INTO ALLEGATIONS OF SOLICITING AND RECEIVING A BRIBE OF KSHS. 15,000/= BY AN EXECUTIVE ASSISTANT KALOLENI LAW COURTS**

Investigations established that the Executive Assistant Kaloleni Law Courts solicited for a benefit of Kshs. 15,000/= as an inducement to facilitate the review of bail and bond granted by the Court. The suspect received a benefit of Kshs. 13,000/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 14<sup>th</sup> October, 2016 with a recommendation for prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 2<sup>nd</sup> November, 2016 the DPP concurred with the recommendation for prosecution.

#### **24. CR. 400/309/2016 ACC.CF.3/2016**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN ASSISTANT CHIEF ATTACHED TO TUNGUTU SUB LOCATION TUNGUTU DIVISION IN KITUI COUNTY**

Investigations established that the Assistant Chief of Tungutu Sub-location in Kitui County solicited for a benefit of Kshs. 1,000/= as an inducement to register a person in the list of Old Aged Pension Scheme. The suspect received a benefit of Kshs. 1,000/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 14<sup>th</sup> October, 2016 with a recommendation for prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 26<sup>th</sup> October 2016, the DPP concurred with the recommendation for prosecution.

#### **25. CR 353/81/2016 CF NO.ACC. MSA 330/2016**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN ADMINISTRATION POLICE CORPORAL ATTACHED TO CID OFFICE, VOI**

Investigations established that an administration police officer solicited for a benefit of Kshs. 50,000/= as an inducement to fast track investigations in a case of malicious damage. The suspect received a benefit of Kshs. 25,000/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 14<sup>th</sup> October, 2016 with a recommendation for prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 31<sup>st</sup> October 2016, the DPP concurred with the recommendation for prosecution.

#### **26. CR. 148/14/2016**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN EMPLOYEE OF KENYA POWER.**

Investigations established that the suspect who is an employee of Kenya Power, solicited for a benefit of Kshs. 400,000/= in order to facilitate the installation of a



transformer within Joska area. The suspect received a benefit of Kshs. 200,000/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 14<sup>th</sup> October, 2016, recommending prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 8<sup>th</sup> November, 2016, the Director of Public Prosecution concurred with the recommendation for prosecution.

## **27. CR. 641/238/2016/ACC/18881/2016**

### **INQUIRY INTO CORRUPTION ALLEGATIONS AGAINST AN ARCHIVES OFFICER AT MURANGA LAW COURTS**

Investigations established that the suspect, solicited for a benefit of Kshs. 10,000/= as an inducement to assist in tracing a court file in Muranga Law Courts. The suspect received a benefit of Kshs. 5,000/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 16<sup>th</sup> December, 2016 recommending prosecution of the suspect with the offence of soliciting for a benefit contrary to section 39 (3) (a) and and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 4<sup>th</sup> January, 2017 the Director of Public Prosecutions concurred with the recommendation for prosecution.

## **28. CR. 148/20/2016 CF ACC. 1522/2016**

### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN EMPLOYEE AT EXPORT PROCESSING ZONE AUTHORITY (EPZA) IN ATHI RIVER.**

Investigations established that the suspects, solicited for a benefit of Kshs. 160,000/= as an inducement to assist in winning a tender that had been advertised at Export Processing Zone Authority in Athi River. The suspect received a benefit of Kshs. 100,000/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 28<sup>th</sup> November, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a) of the Anti- Corruption and

Economic Crimes Act, 2003.

On 4<sup>th</sup> January, 2017 the Director of Public Prosecutions concurred with the recommendation for prosecution.

## **29. CR. 831/587/2016/ACC NO.6/2016**

### **INQUIRY INTO ALLEGATION OF CORRUPTLY SOLICITING FOR A BENEFIT BY AN EMPLOYEE OF MOI TEACHING AND REFERRAL HOSPITAL**

Investigations established that the suspect, solicited for a benefit of Kshs. 70,000/= as an inducement to facilitate recruitment of a person to the Department of Procurement in Moi Teaching and Referral Hospital. The suspect received a benefit of Kshs. 20,000/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 22<sup>nd</sup> December, 2016 recommending prosecution of the suspect with the offence of soliciting for a benefit contrary to section 39 (3) (a) and and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 30<sup>th</sup> December, 2017 the Director of Public Prosecutions concurred with the recommendation for prosecution.

## **30. CF MSA/ACC. 1/2016**

### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A MANAGING AGENT AND EMPLOYEE OF GIMCO LIMITED, ACOMPANY CONTRACTED BY KENYA PORTS AUTHORITY TO COLLECT RENT**

Investigations established that the suspect, solicited for a benefit of Kshs. 60,000/= in order to facilitate the renewal of a lease agreement which was due to expire. The suspect received a benefit of Kshs. 60,000/= and was arrested.

A report was prepared and forwarded to the Director of Public Prosecution on 26<sup>th</sup> October, 2016 recommending prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

On 5<sup>th</sup> January, 2017, the Director of Public Prosecution concurred with the recommendation for prosecution.



**31. CR. 148/15/2016 ACC. CF. NO. 8/2016**

**INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST POLICE OFFICERS  
ATTACHED TO PARKLANDS POLICE STATION**

Investigations established that the suspects, solicited for a benefit of Kshs. 100,000/= as an inducement to release an Indian national who had been arrested for working in Kenya without a permit.

A report was prepared and forwarded to the Director of Public Prosecution on 3<sup>rd</sup> November, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

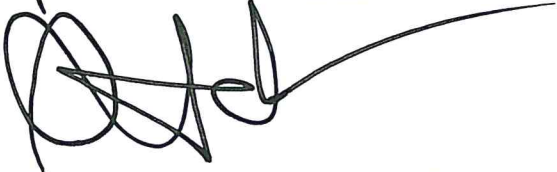
On 23<sup>rd</sup> December, 2016 the Director of Public Prosecutions concurred with the recommendation for prosecution.

**STATISTICAL SUMMARY OF FILES FORWARDED TO  
THE DIRECTOR OF PUBLIC PROSECUTIONS**

Total No. of files forwarded to the Director of Public Prosecutions	<b>31</b>
No. of files recommended for prosecution	<b>21</b>
No. of files recommended for administrative or other action	<b>5</b>
No. of files recommended for closure	<b>5</b>
No. of files recommended for prosecution and the cases are already lodged before Court	<b>17</b>
No. of files where recommendation to prosecute accepted	<b>21</b>
No. of files where recommendation for administrative or other action accepted	<b>4</b>
No. of files where recommendation for closure accepted	<b>3</b>
No. of files returned for further investigations	<b>2</b>
No. of files where recommendation to prosecute not accepted	<b>1</b>
No. of files where recommendation for administrative or other action not accepted	<b>0</b>
No. of files where closure not accepted	<b>0</b>
No. of files awaiting Director of Public Prosecution's action	<b>0</b>

**DATED AT NAIROBI THIS 15<sup>th</sup> DAY OF March 2017**

  
**ARCHBISHOP (RTD) ELIUD WABUKALA**  
**CHAIRPERSON**

  
**HALAKHE D. WAQO, CBS, MCI Arb**  
**SECRETARY/CHIEF EXECUTIVE OFFICER**