



THE ETHICS AND ANTI-CORRUPTION COMMISSION

THE SECOND QUARTERLY REPORT COVERING THE PERIOD FROM
1ST APRIL, 2017 TO 30TH JUNE, 2017

PREAMBLE

The Ethics and Anti-Corruption 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 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 of ACECA 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 ACECA. The report covers the Second Quarter and is for the period commencing 1st April, 2017 to 30th June, 2017.

INVESTIGATION REPORT COVERING THE PERIOD 1ST APRIL, 2017 TO 30TH JUNE, 2017

1. EACC/ELD/FI/INQ/10/2014

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE BY JUDICIAL OFFICERS REGARDING FRAUDULENT SUCCESSION PROCEEDINGS IN RESPECT OF UASIN GISHU/KIPTAGAT/173 A PRIVATE PROPERTY

The Commission commenced the investigation following a complaint that an employee of the Judiciary had used his proximity to the then Judge of the High Court in Eldoret to fraudulently obtain a grant for the estate known as Uasin Gishu/Kiptagat/173 and thereby disinheriting the rightful beneficiaries to the said estate.

Investigations established that the available evidence was not sufficient to sustain any charges against the Judge who issued the grant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 20th April, 2017 recommending that the inquiry file be closed with no further action.

On 23rd May, 2017, the DPP accepted the recommendation for closure of the inquiry file.

2. EACC/INQ/FI/87/2015

INQUIRY INTO ALLEGATIONS THAT THE ACCOUNTING OFFICER IN THE MINISTRY OF INTERNAL SECURITY AND PROVINCIAL ADMINISTRATION MISAPPROPRIATED KSHS. 2.853 BILLION IN FY2012/2013

The Commission commenced the investigation following a recommendation by the Public Accounts Committee 2012/2013 report to National Assembly that the Accounting Officer of the then Ministry of Internal Security and Provincial Administration (Ministry) be investigated over allegations of misappropriation of Kshs. 2,853,300,000/= in the security vote 101 for the 2012/2013 financial year.

Evidence established that the mode of accounting for monies under confidential expenditure is guided by Regulation 93(18) of the Government Financial Regulations and Procedures (now known as the Public Finance Management (National Government) Regulations, 2015). The Accounting Officer was found to have adhered to the above regulation.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the inquiry file be closed for lack of evidence to prove that the money was misappropriated.

On 3rd July, 2017, the DPP directed that further investigations be conducted.

3. EACC/FI/INQ/67/2015

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AND FLOUTING OF PROCUREMENT REGULATIONS BY THE EXECUTIVE COMMITTEE MEMBER OF THE NAIROBI CITY COUNTY GOVERNMENT

The Commission commenced the investigations following a complaint that the Executive Committee Member for the Roads, Transport and Public Works Committee of Nairobi City County Government (NCCG), entered into a Memorandum of Understanding (MOU) between M/S Diamond Coach limited and NCCG for a partnership in provision of transport services without following the due process.

Investigations established that the suspect had not flouted any procurement procedures and neither had he abused his office. Nonetheless, the interest and intentions in the matter coupled with his unethical conduct in approaching a dealer, contravened Section 13(1) (d) of the Leadership and Integrity Act 19 of 2012 and warranted administrative action against him. However, the suspect has since left the Nairobi City County Government and as such no administrative action can ensue against him.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the inquiry file be closed for lack of evidence.

On 3rd July, 2017, the DPP accepted the recommendation for closure of the inquiry file.

4. EACC/NYR/EL/INQ/23/2015

INQUIRY INTO ALLEGATIONS OF IRREGULAR APPOINTMENT OF TWO CHIEF OFFICERS BY THE GOVERNOR NYANDARUA COUNTY

The Commission commenced the investigation following a complaint that the Governor of Nyandarua County irregularly appointed two Chief Officers.

Investigations revealed that the appointment of the two Chief Officers by the Governor was not in breach of any law. However, the Secretary of the County Public Service Board (CPSB) was found to have failed to maintain minutes contrary to section 24(2) (h) of the Certified Public Secretaries of Kenya Act, Cap 534.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the inquiry file be closed and that the Secretary to the CPSB be subjected to disciplinary action as per the above Act.

On 3rd July, 2017, the DPP accepted the recommendation for closure of the inquiry file.

5. EACC/FI/INQ/86/2014

INQUIRY INTO ALLEGATIONS OF IRREGULAR PAYMENTS MADE BY KENYA NATIONAL HIGHWAYS AUTHORITY FOR MAINTAINANCE OF JUNCTION A104 – NAKURU – NYAHURURU ROAD

The Commission commenced investigations after receiving complaints that the periodic maintenance of junction A104 Nakuru - Nyahururu Road awarded by Kenya National Highways Authority (KeNHA) to a Construction Company at a cost of Kshs. 576,328,000/= had stalled.

Investigations revealed that the work was substantially completed by the contractor and KeNHA had issued Taking Over Certificate dated 17th December, 2015. The contractor had also addressed the issues that were raised in the snag list by KeNHA. The evidence available therefore established no offence against any of the public officers, consultants and or the contractor in the subject matter.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the file be closed without any further action.

On 3rd July, 2017, the DPP accepted the recommendation for closure of the inquiry file.

6. EACC/MSA/FI/INQ/17/2014

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A FORMER CHIEF INSPECTOR OF PRISONS

The Commission commenced the investigation after receiving a complaint that a former Chief Inspector of prisons made fictitious supplies of various items to the Shimo la Tewa Prison.

Investigations revealed that the suspects, two employees of Kenya Prisons Service, supplied dry foodstuff, fruits and vegetables to Shimo la Tewa Prison using their five companies without disclosing their private interests to their Principal.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 22nd June, 2017 recommending that the suspects be charged with the offences of failure to disclose a private interest to one's principal contrary to section 42(3) as read with section 48(1) of the Anti- Corruption and Economic Crimes Act, 2003 and for supplying goods to a Prison contrary to section 19 of the Prisons Act, Cap 90.

On 7th July, 2017, the DPP accepted with the recommendation for prosecution.

7. EACC/FI/INQ/22/2015

INQUIRY INTO ALLEGATIONS OF GRABBING OF LR NO. 1/55 (1/514) BELONGING TO THE UNIVERSITY OF NAIROBI BY A PRIVATE COMPANY

The Commission commenced the investigation after receiving a complaint that a public land situated in the Nairobi Kilimani area belonging to the University of Nairobi had been grabbed by a private company.

Investigations revealed that the private company used forged documents to fraudulently acquire the said public land.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspects be charged with the offences of making a false document contrary to section 347 (a) of the Penal Code Cap 63 and fraudulent acquisition of public property contrary to section 45(1) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 3rd July, 2017, the DPP accepted the recommendation for prosecution.

8. EACC/EL/INQ/64/2015

INQUIRY INTO ALLEGATIONS OF FAILURE TO PAY RENT BY AN EMPLOYEE OF NSSF

The Commission commenced the investigation following a report that the suspect, an employee at NSSF had failed to pay rent for a house belonging to the complainant.

Investigations revealed that the complainant and the suspect entered into an agreement and the outstanding rent was paid. However, it was recommended that NSSF cautions the suspect against any future conduct that is contrary to that required of a public officer by law.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the inquiry file be closed with no further action.

On 28th June, 2017, the DPP accepted the recommendation for closure of the inquiry file.

9. EACC/NYR/EL/INQ/04/2015

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AND OTHER UNETHICAL PRACTICES BY THE PROJECT MANAGER OF RICE BASED AND MARKET ORIENTED AGRICULTURE PROMOTION PROJECT (RICEMAPP)

The Commission commenced the investigation following a report of abuse of office and other unethical practices against the Project Manager of RICEMAPP.

Investigations revealed that the evidence available pointed towards internal wrangles between officials of the Ministry of Agriculture, Livestock and Fisheries and should be subjected to the internal dispute resolution structures /mechanisms within the said Ministry.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 22nd June, 2017 recommending that the inquiry file be closed with no further action.

On 5th July, 2017, the DPP accepted the recommendation for closure of the inquiry file.

10. CR.148/34/2016 CF. NO. 27/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A SENIOR ACCOUNTANT AT THE NAIROBI CITY COUNCIL RATES SECTION FOR DEMANDING A SUM OF KSHS. 6,000,000/= TO FACILITATE CHANGE OF NAME FOR A LAND PARCEL KNOWN AS LR. NO. 20273

The Commission commenced investigations after receiving a report by the complainant that an employee of the Nairobi City Council working in the Rates Section, solicited for a bribe as an inducement to facilitate changes on land parcel no. 20272.

Investigations revealed that the suspect, solicited from the complainant a benefit of Kshs. 6,000,000/= as an inducement so as to facilitate changes on land parcel No. 20272 from Sigma Company Ltd to Taj Mall Ltd. The suspect further required the complainant to pay Kshs. 500,000/= as deposit and the balance after the

changes were effected. Investigations established further that the suspect received Kshs. 100,000/= and was arrested.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the suspect be charged with the offences of corruptly soliciting and receiving a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 3rd July, 2017, the DPP accepted the recommendation for prosecution.

11. EACC/MSA/OPS/INQ/30/2016

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST AN EMPLOYEE OF THE MOMBASA COUNTY ASSEMBLY

The Commission commenced the investigation following a report that, an employee of the Mombasa County Assembly arrested the complainant for causing obstruction along Digo road in Mombasa. The suspect seized the complainant's Driving License and demanded for a bribe of Kshs. 500/= as an inducement so as not to recommend charges for the alleged traffic offence.

Investigations revealed that the suspect was arrested upon receiving a bribe of Kshs. 300/= from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the suspect be charged with the offences of corruptly soliciting and receiving a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 26th May, 2017, the DPP accepted the recommendation for prosecution.

12. CR.148/2/2017 CF.NO.1/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A LECTURER AT THE UNIVERSITY OF NAIROBI, UPPER KABETE CAMPUS

The Commission commenced investigations upon receipt of allegations that a Lecturer, at the University of Nairobi had requested for a financial advantage as a condition to allow the complainant to re-sit an examination.

Investigations established that the suspect solicited and received a financial advantage of Kshs. 3,100 /= from the complainant. The suspect was arrested upon receiving Kshs. 3,100/= from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the suspect be charged with the offences

of requesting for and receiving a bribe contrary to section 6 (1) (a) of the Bribery Act No. 47 of 2016.

On 3rd July, 2017, the DPP accepted the recommendation for prosecution

13. EACC/ISL/OPS/33/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A POLICE OFFICER

The Commission commenced the investigation following a report that the suspect, a Police Officer at Meru Police Station, solicited Kshs. 5,000/= from the complainant as an inducement to release his vehicle that had been detained at the said station.

Investigations established that the recorded conversation between the complainant and suspect could not be used as evidence as it was corrupted. Therefore, the available evidence was not sufficient to charge the suspect with the offence of soliciting and receiving a bribe contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be subjected to administrative action pursuant to section 41 of the Leadership and Integrity Act, 2012 for detaining a vehicle without recording it in the Occurrence Book as procedurally required.

On 4th July, 2017, the DPP accepted the recommendation for administrative action.

14. CR. 148/25/2016 CF. ACC16/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN OFFICER AT THE NATIONAL REGISTRATION BUREAU

The Commission commenced the investigations following a report by the complainant that a Clerical Officer solicited for a bribe of Kshs. 1, 000/= as an inducement so as assist him obtain an identification card.

Investigations revealed that the suspect was arrested upon receiving a bribe of Kshs. 700/= from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offences of corruptly soliciting and receiving a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003

On 30th June, 2017, the DPP accepted the recommendation for prosecution.

15. EACC/MSA/OPS/INQ/38/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST ENFORCEMENT OFFICERS AT THE MOMBASA COUNTY PUBLIC SERVICE BOARD.

The Commission commenced the investigation following a report by the complainant that enforcement officers solicited for Kshs. 3000/= as an inducement so as to release his sisters who had been arrested for disobeying traffic rules.

Investigations established that the suspects were arrested upon receiving the said bribe from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspects be charged with the offences of corruptly soliciting and receiving a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003

On 30th June, 2017, the DPP accepted the recommendation for prosecution

16. CR. 627/737/201OPS/INQ/205/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A CUSTOMER CARE OFFICER AT THE KISUMU LAW COURTS

The Commission commenced the investigation following a report by the complainant that, a customer care officer solicited for Kshs. 17, 000/= as an inducement so as to file and process a succession cause at Kisumu Law Courts for a parcel of land number EAST KISUMU/NYAHERA/222 belonging to his grandfather.

Investigations revealed that the suspect was arrested upon receiving a bribe of Kshs. 15,000/= from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspects be charged with the offences of corruptly soliciting and receiving a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003

On 30th June, 2017, the DPP accepted the recommendation for prosecution

17. CR. 651/246/2016 ACC. 888/2016

INQUIRY INTO ALLEGATIONS CORRUPTION AGAINST A CID OFFICER ATTACHED TO THE FLYING SQUAD IN KISII

The Commission commenced the investigation following a report by the complainant that a police officer solicited for a bribe of Kshs. 20, 000/= as an inducement so as not to charge him for failing to register a foreign motor vehicle.

Investigations revealed that the suspect was arrested upon receiving a bribe of Kshs. 5,000/= from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offences of corruptly soliciting and receiving a benefit contrary to section 39(3) (a) as read with section 48 (1), obstruction contrary to section 66(1) (a) as read with section 66(2) of the Anti-Corruption and Economic Crimes Act, 2003, and attempted murder contrary to section 220(b) of the Penal Code Cap 63.

On 29th June, 2017, the DPP accepted the recommendation for prosecution.

18. CR. 021/6/2017 CF. 124/2017

INQUIRY INTO ALLEGATIONS CORRUPTION AGAINST AN AREA CHIEF, CHAANI LOCATION

The Commission commenced the investigation following a report by the complainant that the Area Chief of Chaani Location demanded for a bribe of Kshs 20, 000/= as an inducement to allow him continue operating a bar business he had set up at a public land earmarked for the construction of an Administration Police camp and a Chief's Office.

Investigations revealed that suspect was arrested upon receiving a bribe of Kshs. 10,000/= from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the case already in court be terminated since the suspect is deceased.

On 22nd June, 2017, the DPP accepted the recommendation to close the inquiry file.

19. CR.313/612/2016 CF.

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A COUNTY OFFICIAL IN KILIFI COUNTY

The Commission commenced the investigation after receiving a complaint that, a county official solicited for a bribe of Kshs. 2, 300/= from the complainant as an inducement so as to facilitate collection of garbage from a plot situated in Malindi township.

Investigations revealed that the suspect solicited for the said bribe and was arrested.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offence of corruptly soliciting for a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. In addition, the suspect be subjected to disciplinary action for failing to carry out his duties in a way that maintains public confidence in the integrity of his office contrary to section 9 of the Public Officer Ethics Act, 2003.

On 29th June, 2017, the DPP accepted the recommendation for prosecution.

20. CR.021/69/2015 CF.NO. MBSA. ACC. 8/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN EMPLOYEE OF THE ANTI-COUNTERFEIT AGENCY BASED IN MOMBASA COUNTY

The Commission commenced the investigation following a report that an employee of the Anti-Counterfeit agency solicited for a bribe of Kshs. 200, 000/= from the complainant as an inducement so as to release his employee and confiscated goods.

The investigation revealed that the suspect solicited for the said bribe and was arrested.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 9th June, 2017 recommending that the suspect be charged with the offences of corruptly soliciting for a benefit contrary to section 39(3) (a) and attempt to commit an offence involving corruption contrary to section 47A (1) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 4th July, 2017, the DPP accepted the recommendation for prosecution.

21. CR. 148/9/2017 CF. ACC. NO. 6/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A CASUAL LABOURER ATTACHED TO THE REGISTRAR OF PERSONS

The Commission commenced the investigation following a report that a Casual Labourer at the Registrar of Persons Office solicited for a bribe of Kshs. 3,000/= from the complainant as an inducement to process Birth Certificates for his children.

Investigations revealed that the suspect was arrested upon receiving the said bribe from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 22nd June, 2017 recommending that the suspect be charged with the offences of corruptly soliciting and receiving a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 3rd July, 2017, the DPP accepted the recommendation for prosecution.

22. EACC/OPS/INQ/NYR/1/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST THE CHIEF OF KIMATHI LOCATION IN NYERI COUNTY

The Commission commenced the investigation following a report by the complainant that the Chief of Kimathi Location in Nyeri County solicited for a bribe of Kshs. 20,000/= as an inducement to facilitate the removal of a restriction that he had registered on the complainant's property known as Land Parcel No. TETU/THATHA/435.

Investigations revealed that the suspect with the help of Land Officers at the Lands Office in Nyeri registered a restriction on the complainant's title without following the due process. The suspect was arrested upon receiving a bribe of Kshs. 7,000/= from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the suspect be charged with the offences of corruptly soliciting and receiving a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and with abuse of office for arbitrarily registering a restriction on the complainants property contrary to section 46 as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003. In addition, the Land Officers be charged with the offence of abuse of office contrary to section 46 as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.

On 4th July, 2017, the DPP accepted the recommendation for prosecution.

23. EACC/OPS/INQ/NYR/8/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A CLINICAL OFFICER AT J.M KARIUKI (OL KALAU) COUNTY HOSPITAL IN NYANDARUA COUNTY

The Commission commenced the investigation following a report by the complainant that a Clinical Officer solicited for Kshs. 1500/= as an inducement so as to fill out a Medical Examination Report Form for him.

Investigations revealed that the suspect was arrested upon receiving a bribe of Kshs. 1,000/= from the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspects be charged with the offences of corruptly soliciting and receiving a benefit contrary to section 39(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003

On 30th June, 2017, the DPP accepted the recommendation for prosecution.

24. CR. 148/05/2017 CF. ACC. 5/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TWO POLICE OFFICERS ATTACHED TO MAKUYU POLICE STATION

The Commission commenced the investigation following numerous complaints by motorists that the traffic police officers along the Thika – Kenol – Makuyu were collecting bribes and harassing motorists.

Investigations revealed that the suspects were arrested following an undercover surveillance for receiving bribes from motorists as an inducement so as not to inspect the vehicles. Kshs. 20, 500/= was recovered from the suspects.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspects be charged with the offences of dealing with suspect property contrary to section 47(2) (a) and Abuse of Office Contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003, and being in possession of unlawfully obtained property contrary to section 323 of the Penal Code, Cap 63

On 30th June, 2017, the DPP directed that further investigations be conducted

25. EACC/OPS/INQ/195/2016

INQUIRY INTO ALLEGATIONS THAT A PRIVATE PERSON OFFERED AN INDUCEMENT TO A NATIONAL TRANSPORT AND SAFETY AUTHORITY OFFICER TO FORBEAR BEING CHARGED FOR A TRAFFIC OFFENCE

Investigations reveal that the suspect, a driver of a passenger service vehicle was apprehended for the offence of carrying excess passengers contrary to section 204 of the Traffic Act. The suspect was asked to pay a cash bail of Kshs. 10,000/- but instead he offered NTSA officer a bribe of Kshs. 2, 000/= to forbear being charged in court. The suspect was arrested upon giving the Kshs. 2,000/- to the officers.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003

On 12th June, 2017, the DPP accepted the recommendation for prosecution.

26. EACC/OPS/INQ/209/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a passenger service vehicle offered and gave a bribe of Kshs. 3000/= to NTSA Officers as an inducement to forbear being charged for carrying excess passengers contrary to the Traffic Act.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 24th May, 2017, the DPP accepted the recommendation for prosecution.

27. EACC/OPS/INQ/176/2016

INQUIRY INTO ALLEGATIONS THAT A PRIVATE PERSON OFFERED A BENEFIT OF KSHS 200/= TO A NATIONAL TRANSPORT AND SAFETY AUTHORITY OFFICER SO AS NOT TO BE CHARGED WITH A TRAFFIC OFFENCE

Investigations revealed that the suspect, a driver of a private vehicle offered and gave a benefit of Kshs. 200/= to NTSA officials as an inducement so as not to be charged for failing to produce a driving license on demand by the said officials.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 22nd May, 2017, the DPP accepted the recommendation for prosecution.

28. EACC/OPS/INQ/200/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTLY OFFERING AND GIVING A BENEFIT AGAINST A DRIVER

Investigations revealed that the suspect, a driver of a private vehicle was stopped by NTSA officers and was required to be subjected to an alcohol test which was being administered to suspected drunk drivers. He declined to be tested and instead he offered and gave a bribe of Kshs. 5000/= to the NTSA officers. The suspect was arrested.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th May, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 12th June, 2017, the DPP's declined the recommendation to prosecute and directed that the file be closed for lack of sufficient evidence.

29. EACC/OPS/INQ/187/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a conductor of a passenger service vehicle offered and gave NTSA officers a bribe of Kshs. 1, 000/= as an inducement so as to forbear being charged together with his driver for committing a traffic offence. The suspect was arrested upon giving the bribe.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspects be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 28th June, 2017, the DPP accepted the recommendation for prosecution.

30. CR. EACC/OPS/INQ/188/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, whose friend had been arrested for driving under the influence of alcohol, offered and gave NTSA officers a bribe of Kshs. 1, 000/= as an inducement to forbear his friend from being charged with a traffic offence.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspects be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 29th June, 2017, the DPP accepted the recommendation for prosecution.

31. EACC/OPS/INQ/203/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a private vehicle offered and gave NTSA officer a bribe of Kshs. 8, 000/= as an inducement so as not to be charged with a traffic offence. The suspect was arrested upon giving the bribe.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 27th June, 2017, the DPP accepted the recommendation for prosecution.

32. EACC/OPS/INQ/206/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a private vehicle offered and gave NTSA officer a bribe of Kshs. 4, 000/= as an inducement so as not to be charged with a traffic offence.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 27th June, 2017, the DPP declined the recommendation to prosecute and directed that further investigations be conducted.

33. EACC/OPS/INQ/205/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a public service vehicle offered and gave NTSA officer a bribe of Kshs. 1, 500/= as an inducement so as not to be charged with a traffic offence.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 27th June, 2017, the DPP declined the recommendation for prosecution and directed that the inquiry file be closed.

34. EACC/OPS/INQ/191/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a private vehicle offered and gave NTSA officer a bribe of Kshs. 2, 000/= as an inducement so as not to be charged with a traffic offence. The suspect was arrested upon giving the bribe.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 30th June, 2017, the DPP declined the recommendation for prosecution and directed that the inquiry file be closed.

35. EACC/OPS/INQ/210/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a private vehicle offered and gave NTSA officer a bribe of Kshs. 3, 000/= as an inducement so as not to be charged with a traffic offence. The suspect was arrested upon giving the bribe.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 30th June, 2017, the DPP declined the recommendation for prosecution and directed that the inquiry file be closed.

36. EACC/OPS/INQ/194/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a private vehicle offered and gave NTSA officer a bribe of Kshs. 1, 000/= as an inducement so as not to be charged with a traffic offence. The suspect was arrested upon giving the bribe.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 27th June, 2017, the DPP accepted the recommendation for prosecution.

37. EACC/OPS/INQ/182/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a private vehicle offered and gave NTSA officer a bribe of Kshs. 5, 000/= as an inducement so as not to be charged with a traffic offence. The suspect was arrested upon giving the bribe.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 27th June, 2017, the DPP accepted the recommendation for prosecution.

38. EACC/OPS/INQ/174/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, the fleet manager offered and gave a bribe of Kshs. 1,200/= as an inducement to forbear his driver from being charged with a traffic offence. The suspect was arrested upon giving the bribe.

The evidence available was not sufficient to charge the suspect with the offence of offering and giving a bribe contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the inquiry file be closed with no further action.

On 27th June, 2017, the DPP's accepted the recommendation to close the file for lack of sufficient evidence.

39. EACC/OPS/INQ/183/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a private vehicle offered and gave NTSA officer a bribe of Kshs. 1, 000/= as an inducement so as not to be charged with a traffic offence. The suspect was arrested upon giving the bribe.

The evidence available was not sufficient to charge the suspect with the offence of offering and giving a bribe contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 5th June, 2017 recommending that the inquiry file be closed with no further action.

On 30th June, 2017, the DPP accepted the recommendation for closure of the inquiry file.

40. EACC/OPS/199/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON

Investigations revealed that the suspect, a driver of a private vehicle offered and gave NTSA officers a bribe of Kshs. 3, 000/= as an inducement so as not to be charged with a traffic offence.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 22nd June, 2017 recommending that the suspect be charged with the offences of corruptly offering and giving a benefit contrary to section 39(3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 4th July, 2017, the DPP accepted 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	40
No. of files recommended for prosecution	29
No. of files recommended for administrative or other action	1
No. of files recommended for closure	10
No. of files recommended for prosecution and the cases are already lodged before Court	12
No. of files where recommendation to prosecute accepted	23
No. of files where recommendation for administrative or other action accepted	1
No. of files where recommendation for closure accepted	9
No. of files returned for further investigations	3
No. of files where recommendation to prosecute not accepted	4
No. of files where recommendation for administrative or other action not accepted	0
No. of files where closure not accepted	0
No. of files awaiting Director of Public Prosecutions' action	0

DATED AT NAIROBI THIS

7th

DAY OF

Sept

2017



ARCH. (RTD) ELIUD WABUKALA
CHAIRMAN



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

