



THE ETHICS AND ANTI-CORRUPTION COMMISSION

THE FIRST QUARTERLY REPORT FOR THE YEAR 2015

COVERING THE PERIOD

1ST JANUARY, 2015 TO 31ST MARCH, 2015

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 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 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 First Quarter of the year 2015 and is for the period commencing 1st January, 2015 to 31st March, 2015.

INVESTIGATION REPORTS COVERING THE PERIOD
1ST JANUARY TO 31ST MARCH, 2015

1. EACC/AT/INQ/3/2015

Inquiry into allegations of embezzlement of Kshs.19 million by Nairobi City County Officials

Investigations established that on various dates between February 2014 and December, 2014, the Nairobi County Chief Finance Officer and the County Secretary approved the withdrawal of a sum of Kshs. 19 million from the County's account. The investigations established that the money was withdrawn by an officer from the office of the Chief Finance Officer. Investigations further established that the withdrawals were purported to be for payment for various goods supplied to the County and services rendered arising from several procurements as well as allowances.

The investigations further revealed that most of the payments were not supported by any Payment Vouchers as required and that the purported procurement for various goods and services did not in fact take place. It was further established that the suspects used the said procurements and payment for overtime and meal allowances as a cover up to embezzle money from the Nairobi County. The purported suppliers of the goods for which the alleged payments were being made confirmed that they did not supply any goods to the County nor provide any services.

The investigations established massive embezzlement of public funds and unaccounted for payments by the suspects using fictitious payees, who the Commission was of the opinion were culpable.

A Report was compiled and forwarded to the Director of Public Prosecutions on 31st March, 2015 with recommendations that the suspects, namely the County Secretary, Chief Finance Officer, Principal Accountant, Auditor and Secretary be charged with various offences namely; Conspiracy to commit an offence of economic crime contrary to section 47A (3), of Abuse of office contrary to section 46, Fraudulent acquisition of public property contrary to section 45(1)(a) and Fraudulent making payment from public revenue for goods not supplied contrary to section 45 (2) (a) (ii) of the Anti-Corruption and Economic Crimes Act, 2003 and Uttering false documents contrary to section 353 of the Penal Code.

On 1st April, 2015, the DPP accepted the recommendation for prosecution.

2. EACC/FI/INQ/46/2014

Inquiry into allegations that Machakos County Government single sourced services for construction of perimeter wall around the County Assembly offices at an exaggerated amount of Kshs.29 million.

The investigation revealed that the Machakos County Assembly identified the need to fence off the County Assembly premises by putting up a perimeter wall. The County Assembly approved the budget for this construction at Kshs. 5 million, and purportedly approved the use of direct procurement for the subject contract for reason that the financial year was about to come to an end.

Investigation further revealed that the County Tender Committee (CTC) approved the use of direct procurement and floating of Quotations to pre-qualified bidders. The bids were evaluated and the tender awarded to the lowest evaluated bidder. The investigations further established that the successful bidder embarked on the works and implemented the project.

Investigations established that the decision by the Tender Committee and the County Assembly Board to approve direct procurement for this particular contract was in breach of the Public Procurement and Disposal Act and Regulations since the reason for the selection of the said method was not justifiable. It was not also the jurisdiction of the Assembly Board to perform the functions of the Tender Committee.

A Report was compiled and forwarded to the Director of Public Prosecutions on 21st January, 2015 recommending prosecution of the officials who were culpable for the breaches of procurement processes; with the offences of Careless 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.

On 6th May, 2015, the DPP returned the-file for further investigations.

3. EACC/MSA/FI/INQ/14/14

Inquiry into allegations that the Moi International Airport Manager, misappropriated Kshs.11 million meant for construction of a Police shelter at the Airport's toll station gate.

Investigations established that the Moi International Airport Security Committee identified the need for a police shelter at the toll station gate to shield the officers manning the gate from the sun, create a rest room and a search area.

Contrary to the allegations made, the investigations established that a sum of Kshs. 4 million was expended for the construction of a temporary shelter since there were no

available funds to cater for the construction of a larger and permanent structure. The project for the larger shelter was shelved until such time when the Kenya Airports Authority would provide and approve sufficient funds for the project. The investigations further established that the Kshs. 4 million was properly accounted for.

No culpability was established either on the part of the Airport Manager or any other officer involved in the project for the alleged misappropriation of public funds.

A Report was compiled and forwarded to the Director of Public Prosecutions on 5th February, 2015 with recommendations that the file be closed.

On 8th April, 2015, the DPP accepted the recommendation for closure of the inquiry file.

4. EACC/FI/INQ/50/2013

Inquiry into allegations that the Eldoret South Constituency Tender Committee irregularly awarded a Tender for the Construction of Kaptumo-Kapkoiga Road Project at Kshs.2,500,000/= during Financial year 2010/2011

Investigations established that the aforementioned projects was one of the CDF funded projects for which Kshs. 2.5 million was set aside. The investigations further established that due procurement procedures were followed in identifying the contractor and in the award of the contract and the project was completed.

However, before payment was made to the contractor, a report of alleged irregularities was made to the Commission. The Commission was of the opinion that the only pending issue in the matter was the Inspection of the road project and certification of the work done to determine whether it met the tender requirements and ascertain how much money should be paid to the contractor thereof. No culpability was established in regard to any of the officials involved in the said road project.

A Report was compiled and forwarded to the Director of Public Prosecutions on 12th February, 2015 with recommendations that the inquiry file be closed.

On 19th March, 2015, the DPP accepted the recommendation for closure of the Inquiry file.

5. EACC/FI/INQ/78/2014

Inquiry into bribery allegations and abuse of office in the Department of Immigration; in the case of a Chinese National

The investigations established that officers from the Immigration Department arrested a Chinese national for living and working in Kenya without a valid work permit. The

Chinese national was also charged with contravention of the immigration laws. Investigations further established that after the said national was charged, it was alleged that the immigration officers involved in the case had solicited for a benefit, and the case against the Chinese national was withdrawn.

The investigations did not reveal any evidence of bribery or abuse of office against the Immigration Department officers to warrant their prosecution. However, the investigations revealed that there were several challenges in the implementation of the Citizens and Foreign Nationals Management Service Act; and specifically with regard to the issuance of work permits to foreigners.

A Report was compiled and forwarded to the Director of Public Prosecutions on 16th January, 2015 recommending closure of the file due to insufficient evidence to prove the allegations made. The Commission further recommended that the Cabinet Secretary (CS), Ministry of Interior and Co-ordination of National Government promptly facilitate the implementation of section 3 of the Kenya Citizens and Foreign Nationals Management Services Act so that the Department of Immigration Services (DOIS) may through the CS formulate new policies, review the existing policies and guidelines for better running of the affairs of the DOIS.

On 15th April, 2015, the DPP accepted the recommendation for closure of the inquiry file.

6. EACC/FI/INQ/04/2013

Inquiry into allegations of irregular procurement of broadcast equipment at the Kenya Institute of Education (KIE) now Kenya Institute of Curriculum Development (KICD)

The investigations established that the Kenya Institute of Curriculum Development (KICD) through its user department identified the need to modernise its printing equipment and broadcast equipment. The institute's management approved these needs and funds were accordingly allocated for to commence procurement. KICD correctly applied both methods of tendering of the Public Procurement and Disposal Act, 2005 and Public Procurement and Disposal Regulations, 2006 in procuring the goods, and finally executed the relevant written contracts with the successful bidder.

The investigation did not establish any culpability on the part of any of the officers or bidders involved in the procurement to warrant any prosecution or other action.

A Report was compiled and forwarded to the Director of Public Prosecutions on 16th February, 2015 recommending closure of the inquiry file.

On 2nd March, 2015, the DPP accepted the recommendation for closure of the inquiry file.

7. EACC//FI/INQ/53/2014

Inquiry into allegations of misrepresentation to the National Social Security Fund Board of Trustees by a representative of the Central Organisation of Trade Unions Kenya [COTU – (K)]

The investigations commenced after an allegation was made to the effect that a representative of Central Organization of Trade Unions (K) (COTU) misrepresented himself as a Trustee of the NSSF Board of Trustees while in reality he was not.

Investigations carried out revealed that there was no evidence of such alleged misrepresentation and that the said Trustee was properly appointed as such. There was no culpability established to warrant any action against the said trustee.

A Report was compiled and forwarded to the Director of Public Prosecutions on recommending closure of the inquiry file.

On 25th March, 2015, the DPP accepted the recommendation for closure of the inquiry file.

8. EACC/FI/INQ/77/2014

Inquiry into allegations of mismanagement, misapplication and misappropriation of Constituency Development Fund by Budalangi Constituency Development Committee

The report made to the Commission was that Khajulu Dispensary which had been constructed using funds from the CDF, was converted into a Special School.

Investigations established that after the construction of the Khajulu dispensary; it was not handed over to the Ministry of Health. An arrangement was thereafter arrived that the said dispensary be used to house a special school pending allocation of land for the same.

Investigations further revealed that, there was consensus between all the stakeholders that the Khajulu Dispensary temporary be used to accommodate a special school. No culpability was established in this matter.

A Report was compiled and forwarded to the Director of Public Prosecutions on 5th February, 2015 recommending for the closure of the file.

On 9th March, 2015, the DPP accepted the recommendation for closure of the inquiry file.

9. EACC/MSA/FI/INQ/11/2014

Inquiry into allegations of corruption against the County Director of Environment, Mombasa County and the Director General, National Environment Management Authority for allegedly demanding for a bribe of Kshs.2,000,000/=

Investigations revealed that the NEMA County Director of Environment declined to issue an operation licence to some companies operating plants in Mombasa. The complainant alleged that even after meeting the conditions given by NEMA in order for the permit to be issued, no permit was issued and instead the County Director solicited from him a benefit of Kshs. 2,000,000 which he was to give to the Director General NEMA.

However, owing to the lapse of time from the time of the alleged solicitation in August, 2013 and December, 2013 when the complaint was made, the Commission was not able to ascertain the veracity of the complaint of solicitation.

The evidence obtained however raised internal issues regarding inspections and issuance of permits issues which needed to be addressed internally by NEMA.

A report was compiled and forwarded to the Director of Public Prosecutions on 28th January, 2015 recommending closure of the inquiry file with a caution and or advisory to the National environmental Management Authority to ensure conformity with the policies and administrative manuals that they develop in implementation of their mandate.

On 20th March, 2015, the DPP accepted the recommendation for closure of the inquiry file.

10. EACC/MSA/FI/INQ/015/2014

Inquiry into allegations of irregular disposal of auction goods and abuse of office against the Kenya Revenue Authority Customs Officer who conducted the Public Auction.

The investigations established that the suspect was an employee of the Kenya Revenue Authority stationed at the Customs Warehouse in Kilindini. The investigation revealed whereas the successful bidders at the auction which realized a sum of Kshs. 20 million were required to pay a 25% cash deposit at the fall of the hammer, the suspect did not adhere to this requirement. Instead he allowed some bidders to pay the requisite deposit later giving them undue advantage and in breach of the rules of auction set by KRA.

The investigations established that the suspect failed to comply with the applicable procedures and guidelines relating to sale and/or disposal of property.

A Report was compiled and forwarded to the Director of Public Prosecution on 25th February, 2015 recommending that the suspect be charged to comply with the offence of wilful failure to comply with applicable procedures and guidelines relating to sale and/or disposal of public property contrary to section 45 (2) (b) of the Anti- Corruption and Economic Crimes Act, 2003.

On 25th March, 2015, the DPP accepted the recommendation for prosecution.

11. EACC/MSA/INQ/FI/19/2014

Inquiry into allegations of obstruction of EACC officers by Police Officers at Mariakani Weigh Bridge from conducting under cover surveillance and intelligence gathering

Investigations commenced after the Commission received complaints from the stakeholders regarding rampant corruption perpetuated by the Weighbridge Traffic Police officers' and SGS employees. It was reported that they colluded to demand heavy bribes from overloaded truck drivers with excess axle load in order to allow them pass through the Mariakani Weighbridge contrary to the Axle Load Control rules and regulations that are strictly enforced by the Kenya National Highways Authority (KenHa).

Investigation established that the suspects are all Police Officers stationed at Mariakani Weigh Bridge. The investigation established that after the surveillance a sting operation was conducted by EACC. However, during the operation, the police officers at the Weigh bribed obstructed the EACC officers and some shot at them.

A Report was compiled and forwarded to the Director of Public Prosecutions on 4th March, 2015 with recommendations that the suspects be charged with the offences of obstruction contrary to section 66(1) (a) and Concealing evidence contrary to section 66(2) of the Anti- Corruption and Economic Crimes Act, 2003.

On 8th April, 2015, the DPP accepted the recommendation for prosecution.

12. EACC/ELD/FI/INQ/6/2014

Inquiry into allegations that a land parcel in Eldoret along Ronald Ngala Street within Eldoret Township, Uasin Gishu County which is public land, was grabbed by private individuals using fake documents

The investigations established that the subject parcel was initially un-alienated government land which was alienated twice to different individuals. The first alienation was done in 1998, registration done and certificate of lease issued in the names of individuals. A second alienation was done over the same parcel and registration done in 2002 to trustees of a political organisation. A dispute over ownership arose which

ended up in the High Court of Eldoret but before it was determined, the concerned parties agreed to settle the matter out of court. They agreed to sell the property and share the proceeds.

Investigations revealed the land in question though originally public land was available for alienation and thus the allocation done. It however appears that two allotments were made in respect of the same land giving rise to the dispute. The investigations did not establish that the land in question was irregularly/unlawfully acquired to warrant any action against the persons concerned.

A Report was compiled and forwarded to the Director of Public Prosecutions on 13th March, 2015 with recommendation for closure of the inquiry file.

On 2nd April, 2015, the DPP accepted the recommendation for closure of the inquiry file.

13. EACC/FI/INQ/57/2006

Inquiry into allegations of procurement irregularities in the award of the tender for building of Ngei Road shopping Centre in Machakos to a bidder in the year 2006

The investigations established that a tender was advertised by the Municipal Council of Machakos in 2006 for the construction of a shopping centre. Upon receipt of bids, the same were evaluated and the award of the tender was made to the lowest evaluated bidder. The investigations did not establish any breaches in the procurement process. No culpability found in regard to any of the officers involved in the procurement to warrant any action against them.

A Report was compiled and forwarded to the Director of Public Prosecutions on 30th March, 2015 recommending closure of the inquiry file.

On 8th May, 2015, the DPP accepted the recommendation for closure

14. EACC/AT/INQ/101/2014

Inquiry into allegations of misappropriation of public funds at County Assembly of Machakos

Investigations established that eight Members of Machakos County Assembly (MCAs) drew imprest for foreign travel but they did not travel as required. At the time the investigations commenced, the MCAs had not refunded the money, but later refunded it.

The Commission was of the opinion that since the MCAs were paying back the imprest received, their prosecution was not tenable.

A Report was compiled and forwarded to the Director of Public Prosecutions on 30th March, 2015 recommending the closure of the inquiry file.

On 6th May, 2015, the DPP accepted the recommendation for closure.

15. EACC/INQ/12/2014

Inquiry into allegations of corruption against Traffic Police officers based at Kabete Police Station

The investigations revealed that the suspects are all police officers, employees of National Police Service (NPS) based at Kabete Police Station, Traffic Section. Investigations established that whereas some Public Service Vehicle operators were alleged to have given money to the suspects, they declined to record their statements as witnesses. It would therefore be difficult to prove that the suspects received any benefit from them.

The Commission was of the considered opinion that the evidence obtained would not support a prosecution of the suspects. However the conduct of the suspects who are traffic police officers was wanting and they failed to carry out their duties in a way that maintained public confidence in the integrity of their office as required under the Public Officer Ethics Act.

A Report was compiled and forwarded to the Director of Public Prosecutions on 30th January, 2015 with recommendations that the National Police Service Commission take administrative action against the suspects.

On 16th March, 2015, the DPP accepted the recommendation for administrative action.

16. EACC/INQ/13/2014

Inquiry into allegations of corruption against Traffic Police officers attached to Ruiru Police Station.

The investigations revealed that the suspects are all police officers, employees of National Police Service (NPS) as Traffic Police Officers attached to Ruiru Police Station.

Investigations revealed that the suspects in course of their duties were found in possession of suspect money which serial number matched with the notes given to various public service vehicle operators by EACC. Whereas, the said operators were not willing to record statements as witnesses, the investigations established that the money recovered from the suspects was acquired in the course of corrupt conduct in terms of Section 47(1) of the Anti-corruption and Economic Crimes Act.

A Report was compiled and forwarded to the Director of Public Prosecutions on 30th January, 2015 with recommendations that the suspects be charged with the offence of

dealing with suspect property contrary to section 47 of the Anti- Corruption and Economic Crimes Act, 2003.

On 26th March, 2015, the DPP accepted the recommendation for prosecution.

17. EACC/CR.021/67/2014, CF Mombasa ACC. No.9/2014

Inquiry into allegations of corruption against a Traffic Police Officer attached to Changamwe Traffic Base.

The investigations revealed that the suspect, a police officer, an employee of National Police Service (NPS) corruptly solicited from the complainant, for a benefit of Kshs.3000/= as an inducement for release of his motor cycle which had been detained at the police post/booth on allegation that he was riding it without a valid insurance cover. The investigations established the solicitation and receipt of a benefit.

A report was compiled and forwarded to the Director of Public Prosecutions on 5th February 2015 with recommendations that the suspect be charged with the offence of soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

On 27th February, 2015, the DPP accepted the recommendation for prosecution.

18. EACC/NYR/INQ/OPS/03/2014

Inquiry into allegations of corruption against Police Officers attached to Rumuruti Police station.

The investigations established that the suspects were police officers attached to Rumuruti Police station. It was alleged by the complainant that they detained a motor cycle belonging to the complainant and when he sought its release, they corruptly solicited for a benefit of Kshs.5000/=. The investigations however did not establish the alleged solicitation of a benefit.

Nonetheless, the Commission was of the considered opinion that whereas the evidence obtained would not support a prosecution of the suspects, their conduct as public officers was in breach of the requirements of sections 3(2)(a) and (b) and 7 of the Leadership and Integrity Act, 2012

A Report was compiled and forwarded to the Director of Public Prosecutions on 6th February, 2015 with recommendations that the National Police Service Commission take administrative action against the suspects.

On 24th March, 2015, the DPP accepted the recommendation for administrative action.

19. CR.440/602/2014 CF. MACHAKOS ACC. NO.4/2014

Inquiry into allegations of corruption against an employee of the Judiciary, Machakos High Court

The investigations established that the suspect, who is a Subordinate officer at the Machakos High Court corruptly solicited for a benefit of Kshs.4000/= from the complainant as an inducement to facilitate the fixing of a hearing date in a case pending at the Machakos High Court in which the complainant was the appellant. The suspect also corruptly received a benefit.

A Report was compiled and forwarded to the Director of Public Prosecutions on 13th February 2015, with the recommendation that the suspect be charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

On 10th March, 2015, the DPP accepted the recommendation for prosecution.

20. CR.021/83/2014 MOMBASA ACC. NO. 10/2014

Inquiry into allegations of corruption against an employee of the Kenya Revenue Authority and an employee of an Accountant's Firm.

The investigations established that one of the suspects, a Kenya Revenue Authority employee corruptly solicited for a benefit of Kshs. 500,000 as an inducement to reduce domestic tax levied against the complainant. Investigations also established that the employee of the Accountant's firm acted as the agent of the Kenya Revenue Authority's employee. The suspects also received a benefit.

A Report was compiled and forwarded to the Director of Public Prosecutions on 16th February, 2015 with recommendations that the suspects be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

On 9th March, 2015, the DPP accepted the recommendation for prosecution.

21. CR.021/20/669/2014 NYERI COURT FILE ACC. NO. 27/2014

Inquiry into allegations of corruption against a Secretary at Thika District Education Office.

The investigations established that the suspect, who is a Secretary at Thika District Education office within Kiambu County, solicited from the complainant a benefit of Kshs.1000/- as an inducement so as to release the complainant's daughter's Birth Certificate.

Investigations further revealed that the suspect received a benefit.

A Report was compiled and forwarded to the Director of Public Prosecutions on 19th February, 2015 with recommendations that the suspect be charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003.

On 20th March, 2015, the DPP accepted the recommendation for prosecution.

22. CR.145/221/2014 COURT FILE NAIROBI ACC. 22/2014

Inquiry into allegations of corruption against a Police Constable attached at Capitol Hill Police Station.

The investigations established that the suspect a Police Officer based at Capitol Hill Police Station, Kilimani Division, corruptly solicited a benefit of Kshs.25,000/= from the complainant as an inducement so as not to charge him with the offence of stealing. The investigation also established that the suspect corruptly received a benefit.

A report was compiled and forwarded to the Director of Public Prosecutions on 24th February, 2015 with recommendations that the suspect be charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti Corruption and Economic Crimes Act, 2003.

On 7th April, 2015, the DPP accepted the recommendation for prosecution.

23. CR.145/226/2014 NAIROBI ACC. NO. 25/2014

Inquiry into allegations of corruption against a Senior Chief Huruma Location and an Elder Huruma Chief's camp respectively

Investigations established that the 1st suspect who is a Senior Chief, Huruma Location and an employee of the Ministry of Interior and Coordination of National Government, used the village elder as an agent to solicit for and receive a benefit on his behalf. The solicitation was as an inducement to release the tools which the Chief had impounded from the complainant on allegations that he was operating a business without his authority. The investigations also established that the suspects received a benefit.

A Report was compiled and forwarded to the Director of Public Prosecution on 23rd February, 2015 with recommendations that the suspects be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

On 20th March, 2015, the DPP accepted the recommendation for prosecution.

24. CR.145/215/2014 MILIMANI ACC. NO. 23/2014

Inquiry into allegations of corruption against a Senior Chief, East Leigh North Location

Investigation established that the suspect is a Senior Chief, employee of Ministry of Interior and Coordination of National Government, corruptly solicited for a benefit of Kshs. 20,000 from the complainant as an inducement to write introduction letters the Registrar of Births in favour of the complainant's cousins who needed to register as Kenyan citizens.

The investigations further established that the suspect received a benefit.

A Report was compiled and forwarded to the Director of Public Prosecutions on 27th February, 2015 with recommendations that the suspect be charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 200

On 25th March, 2015, the DPP accepted the recommendation for prosecution.

25. CR.440/603/2014 NAIROBI ACC. NO. 5/2014

Inquiry into allegations of corruption against two officers of the Land Adjudication office, Kyamuoso section in Makueni County.

Investigation established that the suspects were a Land Adjudication Assistant Officer and a Chairman of the Kyamuoso Land adjudication Committee who were collecting an unlawful fee of Kshs.50 shillings from 1300 land owners in order to sign land adjudication records.

The investigation further established that the suspects used their positions in a public office to solicit for a benefit from the land owners.

A Report was compiled and forwarded to the Director of Public Prosecutions on 10th March, 2015 with recommendations that the suspects be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (b) of the Anti-Corruption and Economic Crimes Act, 2003.

On 2nd April, 2015, the DPP accepted the recommendation for prosecution.

26. CR.790/280/2014 NAKURU ACC. NO. 10/2014

Inquiry into allegations of corruption against a Driver in Baringo County

The Commission commenced investigations upon receipt of a report that a driver with the Baringo County was using a GK water booster to supply water for other purposes other than what he was authorized. It was further alleged the vehicle movement was not authorized in the work ticket and the suspect was also selling water for a Kshs.5000/- fee and issuing receipts for a Kshs.1000/= lesser amount than what he received.

Since the persons involved in the sting operation were all EACC officers, there would be challenges in proving the charges of corruptly soliciting for a benefit against the suspect who would raise the defence of entrapment.

Nonetheless, the investigations revealed that the suspect carried out his duties in a manner that brought disrepute to his integrity which is against Section 9 of the Public Officer Ethics Act.

A Report was compiled and forwarded to the Director of Public Prosecutions on 10th March, 2015 with recommendations that administrative action be taken against the suspect.

On 7th April, 2015, the DPP accepted the recommendation for administrative action.

27. CR.145/244/2014 CF MILIMANI ACC. NO. 28/2014

Inquiry into allegations of corruption against a City Constable, Nairobi City County

Investigation established that the suspect, a constable, City Inspectorate, Nairobi City County corruptly solicited for a benefit of Kshs.15,000/- as an inducement from the complainant to release a motor cycle which he had detained for being parked in a non-designated area.

Investigation carried out revealed that there was sufficient evidence to support the charges of solicitation for and receiving a benefit against the suspect.

A Report was compiled and forwarded to the Director of Public Prosecutions on 11th March, 2015 with recommendations that suspect be charged with the offences of corruptly soliciting for and receiving a benefit.

On 24th March, 2015, the DPP accepted the recommendation for prosecution.

28. CR.032/27/2014 ACC.MIGORI CF NO.60/2015

Inquiry into allegations of corruption against a Traffic Sub-Base Commander, Isebania

Investigation established that the suspect, the Isebania Traffic Sub Base Commander corruptly solicited for a benefit of Kshs.5000.00 from the complainant as an inducement to facilitate the release of a motor vehicle which had been detained for obstruction. The investigations also established that the suspect received a benefit.

A Report was compiled and forwarded to the Director of Public Prosecutions on 19th March, 2015 with recommendations that that the suspect be charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (b) of the Anti- Corruption and Economic Crimes Act, 2003.

On 7th April, 2015 the DPP accepted the recommendation for prosecution.

29. CR.831/387/2014 ELDORET COURT FILE ACC. NO.4/2014

Inquiry into allegations of corruption against a Constituency Development Fund Secretary and a Committee Member respectively

Investigation established that the suspects who are officials of CDF in Likuyani Constituency had corruptly solicited for a benefit of Kshs.20,000/= so as to sign three cheques amounting to kshs.231,796/=: meant to pay suppliers and contractor for a CDF funded dining hall project for a school.

Investigation revealed that there is sufficient evidence to support the charges of solicitation and agreeing to receive a benefit against the suspects.

A report was compiled and forwarded to the Director of Public Prosecutions on 19th March, 2015 with recommendations that the suspects be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (b) of the Anti-Corruption and Economic Crimes Act, 200.

On 2nd April, 2015, the DPP accepted the recommendation for prosecution.

30. CR.145/254/2014 MILIMANI COURT FILE ACC.NO 26/2014

Inquiry into allegations of corruption against a Personal Assistant to the Nairobi City County Government Executive Officer formerly in charge of the Transport Department

Investigation established that the suspect, a Personal Assistant to the Nairobi City County Government Executive Officer, formerly in charge of the Transport Department corruptly solicited for a benefit of Kshs.100,000/= as an inducement for facilitation in

resolving a parking/loading zone dispute involving two Matatu Saccos along Mwimbi Road in Nairobi.

Investigation established that the suspect used his position to influence as a Personal Assistant to corruptly solicit for a benefit as an inducement to resolve the parking zone dispute. The suspect however did not receive the benefit during the trap operation carried out by EACC, after he became suspicious of the operation.

A Report was compiled and forwarded to the Director of Public Prosecutions on 24th March, 2015 with recommendations that the suspect be charged with the offence of corruptly soliciting for a benefit contrary to section 39 (3) (b) of the Anti- Corruption and Economic Crimes Act, 2003.

On 8th April, 2015, 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	30
No. of files recommended for prosecution	17
No. of files recommended for administrative or other action	4
No. of files recommended for closure	9
No. of files recommended for prosecution and the cases are already lodged before Court	
No. of files where recommendation to prosecute accepted	16
No. of files where recommendation for administrative or other action accepted	4
No. of files where recommendation for closure accepted	9
No. of files returned for further investigations	1
No. of files where recommendation to prosecute not accepted	0
No. of files where recommendation for administrative or other action not accepted	0
No. of files where closure not accepted	0
No. of files awaiting Director of Public Prosecution's action	0

DATED AT NAIROBI THIS 11th DAY OF June 2015



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