



ETHICS AND ANTI-CORRUPTION COMMISSION

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PRESS STATEMENT

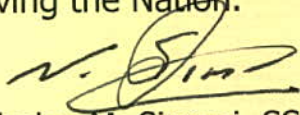
The Ethics and Anti-Corruption Commission (EACC) is issuing this statement in accordance with Article 35 (3) of the Constitution of Kenya which entitles Kenyans to be informed on important matters affecting the Nation especially regarding cases which the Commission is investigating. It is not the practice of the Commission to respond or react to every comment made but the manner it has been adversely mentioned as an institution that conducts its investigations through political witch-hunt requires a response.

The Ethics and Anti-Corruption Commission (EACC) would like to inform the public as follows:

1. Recently, the Commission forwarded to the Director of Public Prosecution two crucial files involving the Ministry of Water and Irrigation on irregular procurement of services regarding the equipping of boreholes in Machakos and Makueni Districts under the Emergency Drought Programme on 19th August 2011. The Commission submitted these files with appropriate recommendations. Further investigations are on-going in the same Ministry.
2. On 29th August 2011 the Officer – in- charge of the investigations into the Ministry of Water and Irrigation received a telephone call from the Minister for Water and Irrigation Hon. Charity Ngilu who threatened the officer for summoning officers of the Ministry of Water and Irrigation to present themselves at Integrity Centre to record statements regarding the on-going investigations. Following the threats and accusations, the Officer informed the superiors. The officer recorded a statement and an inquiry was opened in this regard.

3. Initial inquiries regarding the allegations have been done and the Hon. Minister has defied two summons on 5th and 12th October 2011 to present herself at Integrity Centre to provide information regarding the threats. A final summons was issued on 17th October requesting her to report on 19th October 2011. Failure to honour the summons will force the Commission to take other appropriate measures.
4. Section 66 (1) (a) of the Anti-Corruption and Economic Crimes Act 2003 states "No person shall (a) without justification or lawful excuse, obstruct or hinder, or assault or threaten, a person acting under this Act;" Section 66 (2) states: "A person who contravenes subsection (1) is guilty of an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years or to both." It is noteworthy that the CID have no jurisdiction to enforce the Anti-Corruption and Economic Crimes Act, (ACECA). Reporting to the CID is not honouring the summons to report to EACC who is the primary institution conducting the inquiry.
5. It is the mandate of the Ethics and Anti-Corruption Commission to investigate threats or hindrance of investigations under Section 66 of ACECA which is still in force and has not been repealed.

The Ethics and Anti-Corruption Commission (EACC) is an independent body that discharges its duties and responsibility in a professional and meticulous manner in accordance with the EACC Act, 2011 and ACECA Act, 2003. Pursuant to Part IV 28 of EACC "...the Commission shall, in the performance of its functions, not be subject to the direction or control of any person or authority." The Commission Officers are committed to serve at the Commission do so with pride, dedication and professionalism, fidelity to the law and with integrity without practicing Political witch-hunt when discharging their duties. The Political elite are requested to stop politicizing the fight against corruption and uphold the oath they took to serve and not to be served. The Commission will continue to perform its mandate without fear or favour and will not succumb to threats or intimidations while serving the Nation.



Nicholas M. Simani, SS.
Principal Public Relation and Protocol Officer
For: SECRETARY/CHIEF EXECUTIVE OFFICER

18th October 2011