



ETHICS AND ANTI-CORRUPTION COMMISSION

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PRESS RELEASE

MINISTRY OF STATE FOR SPECIAL PROGRAMMES OFFICIALS TO BE TAKEN TO COURT BY EACC TO FACE CORRUPTION CHARGES.

Dear News Editors,

The Ethics and Anti-Corruption Commission (EACC) kindly requests for media coverage in regards to Ministry of State for Special Programmes officials who will be taken to the **anti-corruption Milimani courts, tomorrow, Friday 7th October 2011 at 9am** to face corruption charges..

The Commission arrested the following Ministry of State for Special Programmes Officials:

- 1) **MOSES GITARI** – Senior Deputy Secretary.
- 2) **BENJAMIN SHIDZUGANE ISINDU** – Senior Procurement Officer.
- 3) **MICHAEL MUCHEMI NDUGUYA** – Procurement Officer.

They were arrested early today Thursday 6th October 2011 at 8am in the morning by the Ethics and Anti-Corruption Commission (EACC) investigators who processed them by taking their finger prints, recorded their final statements and bonded them to appear at the anti-corruption Milimani court on Friday 7th October 2011 at 9am. They are to be charged with four counts of willful failure to comply with the law relating to the procurement of property contrary to Section 45 (2) (b) as read with Section 48 (1) of the Anti-Corruption Economic Crimes Act, No. 3 of 2003 and Abuse of Office contrary to Section 46 as read with Section 48 (1) of the Anti-Corruption and Economic crimes Act, 2003.

It is alleged that on diverse dates between the 7th January 2009 and 16th January 2009 at the Ministry of State for Special Programmes, being public officer, jointly and willfully failed to comply with the law relating to the procurement of goods as required under Section 29 (1) and part V of the Public Procurement and Disposal Act 2005 as read with Regulation 35 of the Public Procurement and Disposal Regulations, 2006 by procuring building materials for resettlement of Internally Displaced Persons (IDP).

It is also alleged that on or about 4th April 2009, Mr. Moses Gitari and Benjamin Shidzugane Isindu used their offices to improperly confer a benefit on Agenda Hardware Ltd by approving payment of Ksh.7.2million for the supply and delivery of building materials to National Cereals and Produce Board depots in Mai Mahiu, Nakuru, Molo and Eldoret while knowing that the delivery was partially done. It is also alleged that the two officials also used their office on or about 12th May 2009 to improperly confer a benefit to Transafric Timber Ltd by approving payment of Ksh.5.3million for supply and delivery of building materials to National Cereals and Produce Board depots in Mai Mahiu, Nakuru, Molo and Eldoret while knowing that the delivery was partially done. It is again alleged that the Senior Deputy Secretary and Senior Procurement Officer respectively in the Ministry of State for Special Programmes on or about 20th May 2009 improperly conferred a benefit on Klique Business Machines by approving payment of Ksh.2.4million for supply and delivery of building materials to National Cereals and Produce Board depots in Mai Mahiu, Nakuru, Molo and Eldoret while knowing that the delivery was partially done. All totaling to Ksh.14.8million.

The Director of Public Prosecution agreed with the Commission's recommendations that the officers be charged with corruption and economic crimes. The Ethics and Anti-Corruption Commission (EACC) in the last quarter (July – September) has submitted 29 files to the Director of Public Prosecution of which 25 files EACC recommended for prosecution. To date the DPP has agreed with some of the recommendations where others he has made specific recommendations which EACC is following-up. Once the quarterly report is finalized and gazette it will be circulated for public consumption.

Kindly publicize and broadcast this information to the public in your respective media.

With your support we shall win the fight against corruption.



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

6th October 2011