



THE ETHICS AND ANTI-CORRUPTION COMMISSION

**THE 1ST QUARTERLY REPORT COVERING THE PERIOD FROM 1ST JANUARY 2019 TO
31ST MARCH 2019**

APRIL 2019

PREAMBLE

The Ethics and Anti-Corruption Commission (the 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 ACECA, 2003 as read with Section 11(1) (d) of the Ethics and Anti-Corruption Commission Act, 2011, (EACCA).

Section 36 of ACECA provides that:

1. The Commission shall prepare quarterly reports setting out the number of reports made to the DPP 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 First Quarter and is for the period commencing 1st January, 2019 to 31st March, 2019.

INVESTIGATION REPORT COVERING THE PERIOD 1ST JANUARY 2019 TO 31ST MARCH 2019

1. EACC/MLD/FI/INQ/02/2017

INVESTIGATIONS INTO ALLEGATIONS THAT THE COUNTY GOVERNMENT OF KILIFI HAD IRREGULARLY PROCURED AND AWARDED A TENDER FOR THE SUPPLY AND DELIVERY OF A SEA RESCUE BOAT TO CAPITAL SOLUTIONS LIMITED AT A TENDER SUM OF KES 14,870,750/-

The Commission received a complaint that the County Government of Kilifi had procured and awarded a tender for the supply and delivery of a Sea Rescue Boat irregularly to Capital Solutions Limited at a tender sum of Kshs. 14,870,750/-

Investigations established that the procuring entity applied the wrong procurement procedure. The Committee did not undertake the technical evaluation before using the financial criteria to award the tender. This led to the award of the tender to an incompetent firm which had never dealt with marine equipment.

A report was compiled and forwarded to the DPP on 16th January, 2019 with a recommendation that members of the Tender Evaluation Committee and Directors of Capital Solutions Limited be charged with the following offences; willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of the ACECA; uttering false documents contrary to section 353 of the Penal Code; Conspiracy to commit an economic crime contrary to Section 47A(3) as read with Section 48 of the ACECA and abuse of office contrary to section 46 as read with section 48 of ACECA.

On 8th April, 2019 the DPP concurred with the Commission's recommendation for prosecution.

2. EACC/INQ/FI/14/2019

INQUIRY INTO ALLEGATIONS THAT THE GOVERNOR OF SAMBURU COUNTY TRADED WITH HIS COUNTY IN THE NAME OF ORYX SERVICE STATION BY SUPPLYING FUEL.

The Commission received a report indicating that there was gross financial malfeasance, conflict of interest and embezzlement of funds by Samburu County Officials.

Investigations established that Samburu County Officials registered companies which were awarded contracts to supply goods and services and once paid, the money would be shared out among various County employees as kickbacks.

Investigations also established that the Governor of Samburu County Government is the sole proprietor of Oryx Service Station, which business entity transacted with Samburu County Government for the supply of fuel. It was established that the Governor and a private person were signatories to the Oryx Service Station bank account.

Investigations also revealed that the said Governor did not declare to the said County Government about his private interest in Oryx Service Station.

A report was compiled and forwarded to the DPP on 29th March, 2019 with recommendations that the said Governor and his business partner, Deputy Governor, County Secretary, County Chief Officers Samburu County Government, Head of Supply Chain be charged with the following offences; conspiracy to commit an economic crime contrary to section 47A (3) as read with section 48 of ACECA; abuse of office contrary to section 46 as read with section 48(1) of ACECA; conflict of interest contrary to section 42(3) as read with section 48 of ACECA; unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of ACECA.

On 1st April 2019 the DPP concurred with the Commission's recommendation for prosecution.

3. EACC/MLD/FI/INQ/12/2018

INQUIRY INTO ALLEGATION OF SUSPECTED FRAUDULENT AWARD OF TENDER NO. KCG/HOSP/055/2016-2017 TO SKYWARDS AGENCIES LIMITED FOR

CONSTRUCTION OF DISPENSARY BLOCK AND 2 NO. CUBICLE PIT LATRINE AT VISHAKANI DISPENSARY KALOLENI WARD

The Commission commenced investigations following a complaint that the County Government of Kilifi had fraudulently awarded tender no. KCG/HOSP/055/2016-2017 to Skywards Agencies Limited for construction of dispensary block and two cubicle pit latrines at Vishakani Dispensary Kaloleni Ward.

Evidence obtained established that the winning bidder engaged in fraudulent practice by submitting false documents in support of its bid.

A report was compiled and forwarded to the DPP on 16th January, 2019 recommending to charge the Chief Officer and Directors of Skywards Agencies Limited with the following offences; willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of the ACECA; uttering false documents contrary to section 353 of the Penal Code and fraudulent acquisition of public property contrary to section 45(1) (a) as read with section 48 of ACECA.

On 8th April, 2019 the DPP concurred with the Commission's recommendation for prosecution

4. EACC/NYR/FI/INQ/32/2016

INVESTIGATIONS INTO ALLEGATIONS OF IRREGULAR EXPENDITURE ON SHOOTING OF A DOCUMENTARY FOR MAGICAL KENYA TRAVEL EXPO BY KIRINYAGA COUNTY GOVERNMENT

The Commission commenced investigations upon receiving a report of the Auditor General on financial operations of Kirinyaga County Government for the period of 1st July 2013 to 30th June 2014. According to the report, the County Government of Kirinyaga had allocated Kshs. 9,719,406/= for printing and publishing services in the County's approved budget for financial year 2013/2014. The same was also in County's procurement plan. The report

indicates that out of the budgeted amount, Kshs. 3,712,240/= was spent on shooting a documentary for Magical Kenya Travel Expo.

Investigations established that payment was made to Design IT Fashion Ltd without existence of completion Certificate as required by law and that the Director of Supply Chain failed to propose names of members of Inspection and Acceptance Committee to the Accounting Officer for appointment.

A report was compiled and forwarded to the DPP on 16th January, 2019 recommending to charge the Kirinyaga County Officials with the following offences; Abuse of office contrary to section 46 as read with section 48 of the ACECA and willful failure to comply with applicable procedures and guidelines relating to the management of public funds contrary to section 45(2) (b) as read with section 48(1) of the ACECA.

On 6th June 2019, the DPP recommended that further investigations be carried out.

5. EACC/FI/INQ/20/2017

INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES AGAINST THE ASSISTANT DIRECTOR, PROCUREMENT AT THE COMMUNICATIONS AUTHORITY DURING THE EVALUATION OF TENDER NO. CCK/PPO/RFQ/33/2014-2015 FOR RENOVATION OF THE AUTHORITY'S AGRICULTURAL SOCIETY OF KENYA SHOW STAND.

Investigations commenced following a complaint received on 2nd October, 2014 with allegations that the Assistant Director, Procurement at the Communications Authority of Kenya (the Authority) was involved in procurement irregularities during the evaluation of tender no. CCK/PRO/RFO/33/2014-2015 for the Renovation of the Nairobi Agricultural Show Stand. The report alleged that the said officer had invited contractors outside the prequalified list.

Investigations revealed, inter alia, that direct procurement of the contractor was done by the Tender Committee without due consideration of the provisions of the law. The Assistant Director Procurement failed to notify bidders as required by law. No report was given to Public Procurement Oversight Authority considering the value of the contract exceeded five hundred thousand shillings.

A report was compiled and forwarded to the DPP on 16th January, 2019 with recommendation that the Assistant Director Procurement and the Tender Committee be charged with the offence of willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of the ACECA.

On 6th May 2019, the DPP concurred with the Commission's recommendation for prosecution.

6. EACC/FI/INQ/110/2015

INQUIRY INTO ALLEGATIONS OF MISAPPROPRIATION OF FUNDS AT THE PRISONS SERVICE DEPARTMENT THROUGH NON-DELIVERY OF TYRES WORTH KSHS. 5,250,000/-

Investigations commenced following allegations of misappropriation of Government funds at the Prisons Service Department through tender number SDC/17/2013-2015 in which the Prisons Department entered into an agreement with Lolmuran Enterprises to supply and deliver tyres valued at Kshs. 5,250,000/- and that the same were never delivered. Pursuant to the said investigations a recommendation was made by EACC vide a letter of reference number EACC.6/27/2 VOL.XI (311) dated 13th July 2017 to charge the officer in charge of stores in Kenya Prisons Service and the Director of Multiprode Enterprises. The recommendation was allowed with some additional amendments.

Vide a letter from EACC of reference number EACC.6/27/2 VOL.XIII dated 16th July 2018, the Commission informed the Director of Public Prosecutions that critical evidence had been obtained in the period between May 2015 and

January 2016 and that the matter was affected by the Court of Appeal decision in Civil Appeal No. 102 of 2016 Eng. Michael Sistu Mwaura Kamau Vs. Ethics and Anti-Corruption Commission.

Whereas Lolmuran Enterprises was pre-qualified to bid for tender No. SDC/17/2013-2015 for supply and delivery of tyres, tubes and batteries by the Ministerial Tender Committee the firm neither supplied forty-nine (49) tyres and tubes of sizes 295/80 R22.5 for the sum of Kshs. 3,038,000/- in respect of LPO Number 224904 nor did they supply seventy (70) tyres and tubes of sizes 900 R20 for the sum of Kshs. 2,212,000/- in respect of LPO Number 224905.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the officer in charge of stores in Kenya Prisons Service and the Director of Multiprode Enterprises with the following charges; attempted fraud, Conspiracy to commit an economic crime contrary to Section 47A (3) as read with Section 48 of the ACECA; attempt to commit an economic crime contrary to section 47A as read with section 48(1) and (2) of ACECA and making a false document contrary to section 349 of the Penal Code.

On 21st June 2019, the DPP recommended further investigations be carried out.

7. EACC/MLD/INQ/05/2016

INQUIRY INTO ALLEGATIONS THAT THE COUNTY GOVERNMENT OF KILIFI IRREGULARLY PAID A SUM OF KSHS. 17,448,275.90 TO GRANDTOP SOLUTIONS FOR PROPOSED UPGRADING OF THE DATA CENTRE AND SECURITY UPGRADE OF CYBER ROOM CONFIGURATION DURING THE 2015/2016 FINANCIAL YEAR.

The Commission received an invitation letter guided by an audit report dated 1st February 2016 to conduct forensic investigation on a number of irregular payments from the County Government of Kilifi in regard to various tenders. One of the tenders identified for investigations is tender No. KCG/392/2014/2015 for upgrade of the data center and security of the cyber room.

Investigations revealed that the purported tender works to upgrade the data center and security upgrade of the cyber room never took place. Grandtop Solutions, the suspect company, was however paid in two installments of Kshs. 8, 724,137.94 each through the IFMIS. The Director of IFMIS ruled out password hacking.

On 16th January, 2019, a report was compiled and forwarded to DPP with the following recommendations;

1. The Chief Officer, ICT department be charged with the offence of willful failure to comply with the law relating to procurement contrary to Section 45 (2) (b) as read with Section 48 (1) of ACECA; abuse of office contrary to Section 46 as read with Section 48(1) of ACECA
2. The computer programmer be charged with abuse of office contrary to Section 46 as read with Section 48(1) of ACECA,
3. The Procurement Officer be charged with abuse of office contrary to Section 46 as read with Section 48(1) of ACECA,
4. The Chief Officer of Finance, the IFMIS liaison person and the Accountant be charged with the offence of abuse of office contrary to Section 46 as read with Section 48(1) of the ACECA,
5. The Proprietor of Grand Top Solution be charged with fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48(1) of the ACECA.

Awaiting DPP's decision.

8. EACC/FI/INQ/96/2015

ALLEGATIONS OF ABUSE OF OFFICE AND SOLICITING FOR A BENEFIT AGAINST THE FINANCE AND ADMINISTRATION MANAGER OF THE WATER RESOURCES MANAGEMENT AUTHORITY (WRMA).

Investigations commenced following a report made to the EACC by an anonymous person that the Finance and Administration Manager of Water Resources Management Authority (WRMA) solicited for benefits by issuing

instructions to members of staff within WRMA including Regional Managers throughout the country to send to him through Mpesa on his personal cell phone number an amount equivalent to between 10% and 20% of the amount disbursed as Government Water Development/Operations Funds.

Investigations revealed that between January, 2012 and February, 2014, the suspect received a total of Kshs. 14,833,945/- through Mpesa. He received the said amounts as an inducement so as to facilitate continuous disbursement of operation and development funds to various WRMA Regional Offices.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with six counts of soliciting and receiving a bribe from the public officers contrary to section 39(3) as read with section 48 of ACECA.

On 28th March 2019 the DPP concurred with the Commission's recommendations for prosecution.

9. EACC/MSA/FI/INQ/29/2015

INQUIRY INTO ALLEGATIONS OF IRREGULAR DISPOSAL OF PLOT NO. MOMBASA BLOCK XXV/169 BY TOURISM FINANCE CORPORATION

Investigations commenced following a complaint to the Commission alleging that the Tourism Finance Corporation was in the process of irregularly disposing of its land property no. Mombasa/ Block No. 169 / XXV situated at Mikindani Street within Mombasa County. It was further alleged that Tourism Finance Corporation had irregularly hired the services of Baseline Auctioneers to sell the said subject property without having a functional Board that would have sanctioned the sale.

It was established that the Managing Director of Tourism Finance Corporation failed to appoint a Tender Inspection and Acceptance Committee and approved payment to Trans Country Valuers Ltd which company had not been procedurally procured to carry out valuation on the property. Further that the

Managing Director and The Head of Legal Department at Tourism Finance Corporation failed to invite tenders from the list of pre-qualified suppliers for the disposal of the property..

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the Managing Director and Head of Legal Department with the offence of willful failure to comply with applicable law relating to procurement of goods contrary to section 45(2)(b) and abuse of office contrary to section 46, as read with section 48, of ACECA.

On 21st June 2019, the DPP recommended further investigations be carried out.

10. EACC/FI/INQ/69/2013

INQUIRY INTO ALLEGATION OF IRREGULAR AWARD OF TENDER FOR THE RENOVATION OF KENYATTA STADIUM AT A COST OF KSHS 87 MILLION BY THE COUNTY GOVERNMENT OF MACHAKOS

Investigations commenced following a complaint received on 4th November 2013 that the Machakos County Government irregularly single sourced a contractor for the Renovation and Construction of Kenyatta Stadium at a cost of Kshs. 87 million, using the County Public Funds with no budget allocation in the approved budget of the financial year 2013/2014.

It was established that there was no annual procurement plan and a budget allocation in the financial year 2013/2014 for the renovation of Kenyatta Stadium. It was further established that the procurement for the renovation of Kenyatta Stadium was not undertaken as per the law relating to procurement on restrictive tendering.

The Accounting Officer further conferred a benefit to the contractors irregularly and that the accounting procedures were not adhered to when making payments to the contractors.

Further, it was established that a number of Evaluation Committee Members, Tender Committee Members and Directors of Companies awarded various tenders were involved in corrupt practice.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the Interim Head of the Supply Chain Management and members of the Tender Committee with the following offences; Engaging in a project without prior planning, willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of ACECA; abuse of office contrary to section 46 as read with section 48 of ACECA, Willful failure to comply with the law relating to the management of funds contrary to section 45 (2) (b) as read with section 48 of ACECA, Willful failure to comply with the applicable law relating to incurring of expenditure contrary to section 45(2)(b) of the ACECA and involving in a corrupt practice in a procurement proceeding contrary to section 40(1) as read with section 137 of the PPDA.

On 21st June 2019, the DPP recommended further investigations be carried out.

11. EACC/AT/FI/INQ/17/2014

INQUIRY INTO ALLEGATIONS OF CORRUPT ACQUISITION OF ASSETS, BRIBERY AND MONEY LAUNDERING BY A MANAGER AT KENYA REVENUE AUTHORITY (KRA) AND GICHE LTD.

Investigations commenced following a complaint received on 6th July, 2015 that a Principal Revenue Officer at the Kenya Revenue Authority (KRA) receives bribes after undervaluing import goods consequently denying the government the precise revenue due to it.

Investigations established that the suspect was employed by KRA and also operates a company known as Giche Limited where he is Co-Director with his spouse. Investigations further established that since the year 2009, the company

has not filed any returns and or paid taxes due and payable to the Government in the sum of Kshs. 38,692,694/= .

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the Directors of the said company with fraudulent failure to pay taxes payable to Kenya Revenue Authority contrary to Section 45(1)(d) as read with Section 48 of ACECA.

On 21st June 2019, the DPP recommended further investigations be carried out.

12.EACC/AT/INQ/17/2017

INQUIRY INTO ALLEGATIONS THAT CHALE ISLAND GAZETTED AS A MARINE NATIONAL RESERVE AND A SACRED GROOVE WAS IRREGULARLY ALIENATED AND TRANSFERRED TO INDIVIDUALS

Investigations commenced following a report on allegations of irregular alienation of Chale Island which land was gazetted as a Sacred Groove and Marine National Reserve.

Investigations revealed that Chale Island is gazetted as a Sacred Groove under the Monuments and Antiquities Act on 17th January, 1992 and as a Marine National Reserve vide Legal Notice No. 196 of 17th May, 1995. The said island was therefore not available for allocation; however, it was illegally allocated to individuals by public officers, namely the Director, Land Adjudication and Settlement, the District Surveyor, the District Commissioner, the District Land Registrar, the Cartographer and the Clerk Kwale County Council.

On 16th January, 2019, a report was compiled and forwarded to DPP with the following recommendations:

1. the Director, Land Adjudication and Settlement, the District Surveyor, the District Commissioner, the District Land Registrar, the Cartographer and the Clerk Kwale County Council be charged with conspiracy to defraud contrary to section 317 of the Penal Code; Abuse of office contrary to section 101(1)

as read with section 102A of the Penal Code and Breach of trust contrary to section 127 (1) and (2) of the Penal Code

2. the Land Registrar be charged with the offence of giving false certificate by a public officer contrary to section 102 as read with section 102A of the Penal Code.

On 29th April, 2019, the DPP advised that further investigations be carried out.

13. EACC/KSI/FI/INQ/6/2016

ALLEGATIONS THAT OFFICIALS OF THE COUNTY GOVERNMENT OF KISII ABUSED THEIR OFFICES AND FRAUDULENTLY ISSUED PARALLEL LICENCES TO UNSUSPECTING LIQUOR TRADERS OF KISII COUNTY DENYING THE COUNTY ITS REVENUE

Investigations commenced after a report was made to EACC on 29th September, 2016 that the officials of the Kisii County Government were fraudulently issuing parallel liquor licenses to unsuspecting traders and failing to remit money to the County Government of Kisii.

It was established that indeed, senior liquor licensing officer, an accountant, an inspector and a receptionist; all employees of the department of Trade Tourism and Industry at Kisii County issued parallel liquor licenses to unsuspecting traders. Investigations further revealed that the said County officials misappropriated all the money collected from either genuine or forged liquor licenses. The Weights and Measures Officer was also found to have falsely represented himself as the Chair-Liquor Court by signing license No. 1129.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations to charge all the above mentioned officers with the following offences; conspiracy to commit an offence of corruption contrary to section 47A (3) as read with section 48 of ACECA; abuse of office contrary to Section 101 as read with Section 102A of the Penal Code; Willful failure to comply with the law relating to the management of funds contrary to section 45 (2) (b) as read with section 48 of ACECA; uttering a false document contrary to Section 353 of the Penal Code and forgery contrary to section 349 of the Penal Code.

On 6th May 2019 the DPP concurred with the Commission's recommendation for prosecution.

14. EACC/FI/INQ/37/2016

INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF PUBLIC FUNDS (KSHS 75 MILLION) AT THE NATIONAL YOUTH SERVICE IN THE TENDER FOR THE SUPPLY OF FIRE FIGHTING EQUIPMENT BY M/S INTERNATIONAL PARTNERSHIP SERVICES EAST AFRICA LIMITED

The Commission commenced investigation following a complaint received on 11th May, 2016 through a letter from the then Principal Secretary Ministry of Public Service, Youth and Gender Affairs, State Department of Public Service and Youth to the effect that the National Youth Service (NYS) was about to lose Kshs 75 million to International Partnership Services East Africa (IPSEA) which had a supply branch contract agreement with the NYS. The company had been awarded a tender for the supply of firefighting equipment (AFFF concentrate cold fire).

The Investigations established that the procurement process that led to issuance of an LPO by NYS to IPSEA was irregular. The then Director General of the NYS, as the Accounting Officer approved the procurement of the subject items through the Supplies Branch without involvement of the Ministerial Tender Committee. The procurement was also beyond the available budget for the financial year 2014/2015.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the Director General and the Deputy Director General be charged with the offences of willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of ACECA and engaging in a project without planning contrary to section 45 of the ACECA; the Supply Chain Manager be charged with willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of the ACECA; NYS, Senior Deputy Director and members of the Inspection and Acceptance Committee be jointly and severally charged with

the following offenses: willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of the ACECA ; all the said public officials together with a businessman be charged with conspiracy to defraud contrary to section 317 of the Penal Code.

On 19th June 2019, the DPP recommended a joint meeting between EACC and ODPP to discuss the file with other related files already in court.

15. EACC/FI/INQ/98/2015

ALLEGATIONS OF MISAPPROPRIATION OF KSHS 6,315,100/= IN RESPECT OF PURCHASE OF LABORATORY CONSUMABLES BY THE KENYA PRISONS SERVICE

The Commission received a complaint on misappropriation of Kshs. 6,315,100/= at the Kenya Prisons Service (KPS) in the procurement of Laboratory consumables vide quotation No. KPS/Q/34/2014-2015.

Investigations further established that the process of procuring these items was marred with irregularities since the procurement process was not undertaken as required by law. This procurement was cancelled after the Ministerial Tender Committee had awarded the tender to some firms therefore no items were supplied and no money lost.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the members of the Ministerial Tender Committee, members of the Tender Opening Committee and the Accounting Officer be charged with offenses of failing to comply with the law relating to procurement contrary to section 45(2) (b) as read with section 48 of the ACECA; and a bidder be charged with forgery contrary to section 349 of the Penal Code.

On 13th March 2019 the DPP recommended further investigations.

16. EACC/FI/INQ/19/2015

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE BY KIAMBU LAND REGISTRY OFFICIALS

Investigations commenced following a complaint received on 30th September, 2014 that the Kiambu Land Registrar on diverse dates understated the stamp duty payable in respect of two properties; NACHU/MIKUYUINI/660 and NACHU/MIKUYUINI/57 respectively.

The owner realized the undervalued stamp duty when she received the title to NACHU/MIKUYUINI/57, to which she paid Kshs. 36,000/- but instead received a receipt of Kshs. 5000/- from Lands Office. Following the discovery, she counter checked the stamp duty payable in respect of the Title Number NACHU/MIKUYUINI/660 which had been registered two years earlier. She discovered that the same had been understated for a sum of Kshs. 2000/-.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the Senior Lands Registrar be charged with three counts of abuse of office contrary to Section 101 as read with Section 102A of the Penal Code and knowingly using a misleading document to principal contrary to Section 41(2) as read with Section 48 of the ACECA.

On 3rd May 2019 the DPP advised that administrative action be taken against the Senior Lands Registrar.

17.EACC/NKR/INQ/FI/2a/2017

INQUIRY INTO ALLEGATIONS OF PROCURMENT IRREGULARITIES BY SOME OFFICERS OF THE DEPARTMENT OF WATER SERVICES, BOMET COUNTY GOVERNMENT IN THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE KIPNGOSOS WATER PROJECT

The Commission received a complaint that the Ag. Chef Officer of Water in the County Government of Bomet had engaged in a false procurement process, yet the construction of the Kipngosos Water Project had been done up to 80%. Evidence established that the Kipngosos Water Project was initiated through a memo by the Chief Officer to the Supply Chain Management on 6th October, 2016.

Evidence established that the procurement process was not followed as required in that the Accounting Officer failed to issue notifications to the unsuccessful bidders. In addition, Goldenwood Logistics Company Limited which carried out the construction did not have a valid practising licence.

A report was compiled and forwarded to the DPP on 16th January, 2019 with recommendations that the file be closed as the accounting officer at the time is deceased, and an advisory opinion be made to the National Construction Authority (NCA) to carry out its own investigations against Goldenwood Logistics Company Limited and its Directors with regard to Bomet County Government construction activities.

On 1st April, 2019, the DPP recommended that further investigations be carried out.

18.EACC/GSA/FI/INQ/71/2017

INQUIRY INTO ALLEGATIONS OF THEFT OF RELIEF FOOD BELONGING TO TARBAJ SUB-COUNTY WITHIN WAJIR COUNTY GOVERNMENT

On 7th March 2017, the Commission received a report from an anonymous source that the Deputy County Commissioner, Tarbaj Sub County, Mr. Mwititi had sold 350 bags of rice meant for members of the public. The said County Commissioner had previously been arrested for selling relief food but was released under unclear circumstances.

Evidence on record established that the Deputy County Commissioner properly distributed the relief food as required. Evidence further revealed that the Deputy County Commissioner who was an AIE holder had applied for imprest of Kshs. 600,000/=. He surrendered the imprest together with the schedules showing how the money was paid out.

A report was prepared and forwarded to the DPP on 16th January, 2019 with recommendations to close the file with no further action.

Awaiting DPP's decision.

19.EACC/FI/INQ/5/2016

INQUIRY INTO ALLEGATION OF GRABBING OF LAND TITLE NUMBER NAKURU MUNICIPALITY BLOCK 23/108 BELONGING TO A PRIMARY SCHOOL BY ENSE LIMITED VALUED AT KSHS. THREE HUNDRED MILLION

The Commission received a report that land LR. No. Nakuru Municipality Block 23/108 valued at Kshs 300 million belonging to a primary school had been grabbed by Ense Limited.

Investigations established that the subject land was irregularly acquired by three individuals in the pretext of building a primary school and subsequently transferred to other persons. However, a High court judgment in Civil Suit No. 384 of 1999 determined that the procedures for the transfer of the subject land were within the law thus sanitized the irregularities in the entire process of registration and subsequent transfers. The National Land Commission had initially revoked the title but later overturned the decision stating that they were barred by the doctrine of res judicata from adjudicating on the matter already decided by the High Court.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

Awaiting DPP's decision.

20.EACC/MCKS/FI/INQ/69/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION IN KAJIADO LANDS REGISTRY

The Commission commenced this investigation following an anonymous report that cartels involving land brokers have infiltrated the office of the Lands Registrar in Kajiado blocking access to the said office. The report further stated that members of the public were not allowed to seek services in the Kajiado lands office unless they go through one of the brokers known to the employees of the lands office.

On 6th, 7th and 8th December, 2016 an undercover surveillance was conducted at Fast Digital Cyber Café to establish whether the allegation that the owner of the said cyber café colludes with the land officials to sell blank titles was factual. A search was subsequently conducted at the said Cyber Café on 23rd February, 2017 but no blank titles were found contrary to the allegation that the proprietor was selling blank titles at Kshs. 1,000/= each.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

On 19th March 2019, the DPP concurred with the Commission's recommendations that the file be closed.

21.EACC/MSA/FI/INQ/11/2017

INQUIRY INTO ALLEGATIONS THAT THE PRINCIPAL, MOI FORCES ACADEMY IN MOMBASA WAS CHARGING ILLEGAL FEES CONTRARY TO THE GUIDELINES ISSUED BY THE MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY

Investigations commenced following a complaint received from a parent in the school that after his two sons received admission to Moi Forces Academy Mombasa, he was issued with a fee structure of Kshs. 11,724/- for each student. That after paying the said fees and the students went to class, he was called by the school and compelled to pay provision fees of Kshs. 34,800/-, for each student.

He later received a letter informing him that the additional school levies were passed during the parents' AGM and were provisional awaiting the approval of the Ministry of Education. This was contrary to the Kenya Gazette dated 10th March, 2015, which stipulate the school fees payable to both boarding and day public secondary schools.

Evidence revealed that the school issued alternative fees structures different from the one proposed by the Government, without the approval of the Cabinet Secretary. As much as this contradicts the Kenya Gazette date 10th

March, 2015, the acts and omissions do not raise any ethical issues. The extra levies were meant to help with the running of the school which operates under a Commanders Standing Instruction Memorandum.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

On 6th May 2019 the DPP concurred with the Commission's recommendation for closure of the inquiry file.

22. EACC/NKR/INQ/FI/2b/2017

INQUIRY INTO ALLEGATIONS OF PROCURMENT IRREGULARITIES BY SOME OFFICERS OF THE DEPARTMENT OF WATER SERVICES, BOMET COUNTY GOVERNMENT IN THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE KAPSET-MURIASI WATER PROJECT

Investigations commenced following a Report that the Ag Chief Officer of the Department of Water in Bomet County Government, had engaged in a false procurement process in the construction of the Kapset-Muriasi Water Project.

Investigations revealed, inter alia, that the Water Services Department had budgeted for various water projects in the financial year 2016/2017. The said department at the tendering process, invited bids from four companies which were received, evaluated and the contract awarded to Koluu Engineering Company Limited who were found to have had the lowest bid.

However, although Koluu Engineering Company Limited was prequalified as a supplier by the County Government of Bomet, it did not qualify to engage in construction work.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

On 1st April 2019 the DPP recommended further investigations.

23.EACC/FI/INQ/4/2017

INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES BY THE STATE DEPARTMENT OF DEVOLUTION DURING PROCUREMENT OF A CONSULTANCY FOR KENYA DEVOLUTION SUPPORT PROGRAMME

The Commission commenced this investigation pursuant to allegations of procurement irregularities at the Ministry of Devolution and Planning, State Department of Devolution specifically touching on the Kenya Devolution Support Program (KSDP) in respect to Tender No. MODP/KSDP/01/2015-2016 for Consultancy Services for Annual Capacity and Performance Assessment.

It was alleged that there was a cartel within the Ministry that was engaging in procurement mal-practices.

The Investigations established that the procurement process that led to signing of a contract between the Ministry and the Consortium of Matengo & Githae, Zurich University for Applied Science and Kenya College of Accountancy was properly conducted. There is no evidence on record to suggest that there were any irregularities committed by the Ministry officials in the procurement process.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations that the file be closed.

On 11th April 2019 the DPP concurred with the Commission's recommendations that the file be closed.

24.EACC/FI/INQ/143/2014

INQUIRY INTO ALLEGATION OF ABUSE OF OFFICE AND FRAUDULENT ACQUISITION OF PROPERTY BY SIX MEMBERS OF THE MAKUENI COUNTY ASSEMBLY AND COUNTY ASSEMBLY OFFICIALS

Investigations commenced following a report made to the Commission that six (6) Members of the Makueni County Assembly (MCAs), and the Clerk to the County Assembly were reimbursed subsistence allowance in respect to a trip to Dubai yet the trip had been fully sponsored by the area Member of Parliament.

Investigations revealed that the said six MCAs indeed went for a Dubai trip from the 15th April, 2014 to 21st April, 2014 fully sponsored by the MP. Upon return, the MCAs claimed for reimbursement of subsistence allowance.

From the evidence it was established that the six MCAs are culpable of the offence of fraudulent acquisition of public funds having applied and subsequently received mileage allowance and per diem in respect to a Dubai trip which had been fully facilitated. The County Assembly Clerk being a person entrusted with prudent management of County Assembly resources has also been found culpable of the offence of abuse of office.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendations that the six MCAs be charged with fraudulent acquisition of public funds contrary to section 45(1) (a) as read with section 48 of the ACECA. It is further recommended that the County Clerk being the County Assembly AIE holder be charged with abuse of office to section 46 as read with section 48 of the ACECA.

On 15th April 2019 the DPP concurred with the Commission's recommendation for prosecution.

25. EACC/F1/INQ/97/2015

INQUIRY INTO ALLEGATIONS OF FRAUDULENT ACQUISITION OF USD 534,650/- BY PRINCIPAL UTALII COLLEGE ON THE PRETEXT OF FOREIGN TRAVEL ALLOWANCE TO ARUSHA & SWITZERLAND AND IRREGULAR EXTENSION OF HIS CONTRACT TWICE BY THE CABINET SECRETARY FOR THE MINISTRY OF TOURISM

The Commission commenced investigation following allegations that the Principal, Kenya Utalii College was involved in fraudulent application and accounting of imprest for trips that did not take off. The Cabinet Secretary, Ministry of Tourism irregularly/illegally extended the Principal's contract without regard to the law and that there was fraud in the disposal of 5 Land Rovers belonging to Kenya Utalii College.

Investigations established that the Personal Assistant to the Principal, fraudulently applied for imprest on behalf of the Principal for trips not taken leading to a total loss of Kshs 1,343,074.33/=. Further, the suspect forged taxi receipts and other documents in order to defraud Kenya Utalii College by making fraudulent payment to non-existent entities for services not rendered. It was further, established that the Cabinet Secretary's decision to extend the contract of the Principal for six months was regular and within her powers and duties. In addition, evidence revealed that the Principal and the Disposal Committee (KUC) did not know that the auctioned vehicles were bought by two employees of Kenya Utalii College.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendations that the Head of Quality Assurance and Personal Assistant to the Principal be charged with ten counts of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of ACECA, abuse of office contrary to section 46 as read with section 48 of ACECA, forgery contrary to Section 345 as read with Section 349 of the Penal Code and uttering a false document contrary to Section 353 of the Penal Code.

On 6th June 2019, the DPP accepted recommendations for prosecution.

26. EACC/NKR/INQ/FI/89/2016

AN INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE, CONFLICT OF INTEREST AND PROCUREMENT IRREGULARITIES IN THE AWARD OF CONTRACT IN THE CONSTRUCTION OF BAE-KAPSIMOTWET-KIBARAA ROAD BY THE COUNTY GOVERNMENT OF KERICHO

Investigations commenced following a report alleging conflict of interest and procurement irregularities by public officials of the County Government of Kericho. The allegations were in respect of a contract awarded for the construction of a road in Belgut Sub County, Kericho County known as the Bae-Kapsimotwet- Kibaraa road.

Investigations revealed that the contract was awarded to a company known as Jawlink Logistics Ltd which was not in the prequalified list and had no genuine National Construction Authority certificate. The said company is registered and partly owned by a Roads Inspector employed by the County Government of Kericho. She was also the supervisor of the project and as a Director of the company, received payment amounting to Kshs. 3,807,899.90 from the County government of Kericho.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendations that the Chief Officer be charged with two counts of willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of ACECA; abuse of office contrary to section 46 as read with section 48 of ACECA. The Road inspector to be charged with failure to disclose a private interest to one's principal contrary to section 42(1)(a) and (b) as read with section 48 of the ACECA and conflict of interest contrary to section 42(3) as read with section 48 of the ACECA. Jawlinks Limited and its Directors be charged with carrying out business without being registered as a contractor contrary to section 15(1) as read with section 15(3) of the National Construction Authority Act, 2011; fraudulent practice in procurement proceedings contrary to section 66(1) as read with section 177 of the PPADA and uttering false documents contrary to section 353 of the Penal Code. The Evaluation committee be charged with willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of the ACECA.

On 9th May 2019 the DPP returned the file with advice that further investigations be conducted.

27. EACC/MKS/FI/08/2015

INQUIRY INTO ALLEGATION OF CONFLICT OF INTEREST AND BID RIGGING IN THE PROCUREMENT OF ATHI KILAWA IRRIGATION PROJECT IN KITUI COUNTY

The Commission commenced investigations following a report that a former Chief Officer at Kitui County Government was involved in procurement

malpractices. It was further alleged that companies namely Mukavi Waves Ltd and Kimasha Ltd which were associated with her were undertaking an irrigation project at Athi Kilawa in Kitui County.

Investigations established that the companies mentioned in the allegation namely Mukavi Waves Ltd and Kimasha Ltd were not associated with the chief officer. Evidence further established that the Tender Committee irregularly awarded the tender to M/s Sami Construction Limited.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendations the Tender Committee Members be charged with willful failure to comply with the law relating to procurement contrary to section 45(2) (b) as read with section 48 of ACECA and abuse of office, contrary to section 46 as read with section 48 of ACECA.

On 6th June 2019, the DPP recommended that further investigations be conducted.

28. EACC/FI/INQ/063/2015

ALLEGATIONS THAT THE THEN CABINET SECRETARY FOR AGRICULTURE, LIVESTOCK AND FISHERIES THROUGH HIS PERSONAL ASSISTANT HAD IRREGULARLY LEASED LAND BELONGING TO KENYA INSTITUTE OF VETERINARY VACCINES PRODUCTION INSTITUTE SITUATED IN LIMURU (KEVEVAPI)

This matter was investigated by the Commission and a Statutory Report pursuant under section 35 of ACECA was prepared and forwarded to the DPP with recommendations to charge the Managing Director of KEVEVAPI and another who is now deceased. The said suspects were arraigned in court on 2nd June, 2015 in Milimani ACC No. 10 of 2015.

Vide a letter from the DPP dated 5th January, 2018, EACC was advised that the matter had been withdrawn under Section 87 (a) of the CPC due to the fact that the matter was affected by the Court of Appeal decision in Civil Appeal

No. 102 of 2016 Eng. Michael Sistu Mwaura Kamau Vs. Ethics and Anti-Corruption Commission

The Commission complied with the said Court of Appeal decision by conducting fresh investigations. On 7th February, 2019 a report was compiled and forwarded to DPP with recommendations that the Managing Director of KEVEVAPI be charged with the offences of willful failure to comply with the law relating to procurement, contrary to section 45 (2) (b) as read with section 48 of ACECA, 2003 and abuse of office contrary to section 46 of ACECA, 2003.

On the 17th May, 2019 the DPP returned the file with advice that further investigations be conducted.

29.EACC/FI/INQ/09/2013

ALLEGATIONS OF MISAPPROPRIATION OF KSHS. 18,547,965/= BY MCCORMACK PARTNERSHIP AFRICA (MPA) OFFICIALS THROUGH THE COMMISSION OF HIGHER EDUCATION (CHE) IN THE IMPLEMENTATION OF UNIVERSITY CONSORTIUM TO COMBAT AIDS- KENYA (UCCA-K) PROJECT

Investigations commenced when the Commission received a report stating that funds that were released by the Commission of Higher Education (CHE) to the McCormack Partnership Africa (MPA) were not utilized for the intended purpose.

Investigations established that MPA received Kshs. 22,000,000/= from CHE for the implementation of the UCCA-K project. It was further established that the suspects were the Board Members of MPA and they misappropriated the funds.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendations the Director and Board Member of MPA be charged with the offences of fraudulent acquisition of public property contrary to section 45(1) of ACECA and the Assistant Commission Secretary and Chief Accountant of the CHE for abuse of office contrary to section 46 of ACECA.

On 4th April 2019 the DPP recommended further investigations.

30. EACC/MSA/FI/INQ/12/2014

INQUIRY INTO ALLEGATIONS THAT TAITA TAVETA COUNTY GOVERNMENT FAILED TO FOLLOW PROCUREMENT PROCEDURES IN THE TENDER FOR CHUMVINI WATER PROJECT BY DISQUALIFYING THE LOWEST BIDDERS

Investigations commenced following an Article in the Daily Nation newspaper of 9th May, 2014 that there was irregular award of tenders for Water Projects in the Taita Taveta County Government. The then County Executive Committee Member in charge of water and Irrigation had ordered for re-evaluation of seven tenders amounting to Kshs. 20 million. He alleged that the tender award was irregular as the Tender Award Committee had failed to adhere to the tendering procedures.

Investigations established that the tender for Chumvini Water Project was awarded to Arc Civil Construction Ltd in the sum of Kshs. 6,943,734.90/- disqualifying Abori Stores which had bid for Kshs. 5,056,643 /- for reasons that they did not comply with the mandatory tendering requirement of pre-site visit. Investigations further established that the irregularity in the tendering process was instigated by the then County Executive Committee Member for Water and Irrigation who has since passed on.

On 7th February, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

On 7th May 2019 the DPP concurred with the Commission's recommendation for closure of the inquiry file.

31. EACC/MSA/FI/INQ/35/2016

ALLEGATIONS OF DIVERSION OF A TRANSIT VEHICLE MAKE MARK X, CHASSIS NO. GRX120-0045295 ENGINE NO. BF487309 CC.2490 DESTINED FOR SOUTH SUDAN THROUGH MALABA BORDER

Investigations revealed that the above transit vehicle was cleared by KRA and as a measure to ensure that it exits the country it was fitted with an Electronic Seal by Borderless Tracking Company Ltd to help in tracking its movement from

Mombasa to Malaba border. The vehicle was then released to the clearing agent Lambval Logistics Ltd who parked it at Coast Car Park in Mombasa in readiness for the said transit. The tracking company detected a tamper alert on the seal and upon checking it was confirmed that the said vehicle was still parked at the Coast Car Park yet according to the tracking system the seal that had been fitted on the said vehicle was in Malaba.

KRA was informed of the anomaly and a check on their records systems indicated that their officer had purported to have cleared the said vehicle at the Malaba Border yet the vehicle remained parked in Mombasa.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendations that the Clearing Agent and the KRA Officer be charged with the offences of conspiring to commit an offence of Economic Crime, to wit, tax evasion contrary to section 47A (3) of ACECA, and the offence of attempting to commit an economic crime, to wit, tax evasion contrary to section 47A (1) of ACECA. In addition, the KRA Officer be charged with the offence of deceiving principal contrary to section 41 (2) of ACECA.

On 4th June 2019, the DPP accepted recommendation for prosecution.

32.EACC/MSA/FI/INQ/01/2014

INQUIRY INTO ALLEGATIONS THAT THE COUNTY GOVERNMENT OF KILIFI IRREGULARLY AWARDED THE TENDER TO UPGRADE AND OPERATE UWANJA WA NDEGE SLAUGHTERHOUSE TO TENACIOUS AGENCIES, A COMPANY THAT DID NOT PARTICIPATE IN THE TENDER PROCESS.

The Commission commenced investigation following a report that the County Government of Kilifi had irregularly awarded the tender for the upgrading and operation of the slaughterhouse at Uwanja wa Ndege in Rabai Sub county to a Company known as Tenacious Agencies which did not participate in the tender process.

Investigations established that the tender opening committee engaged in a fraudulent practice by allowing Tenacious Agencies bid after other bids had been opened.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that members of the Tender Opening Committee, the Head of Supply Chain Management and the owners of Tenacious Agencies be charged jointly and severally with knowingly giving a misleading document to one's Principal contrary to section 41(2) as read with section 48(1) of the ACECA and fraudulent practice contrary to section 41(1) as read with section 41(4) of the Public Procurement and Disposal Act, 2005.

Awaiting DPP's decision.

33. EACC/FI/INQ/01/2014

INQUIRY INTO ALLEGATIONS OF USE OF IRREGULAR PROCUREMENT IN THE TENDER FOR THE CONSTRUCTION OF THE LIBRARY AND ICT RESOURCE CENTRE AT THE KIAMBU INSTITUTE OF SCIENCE AND TECHNOLOGY (KIST) FOR KSHS. 65 MILLION.

The Commission commenced investigations following an audit conducted by the Kenya National Audit on the Kiambu Institute of Science and Technology (KIST) for the financial year 2011/2012 where several irregularities regarding payments and incomplete works were noted.

Notably, this inquiry was affected by the Court of Appeal decision in Civil Appeal no. 102 of 2016, Eng. Michael Sistu Mwaura Kamau Vs EACC. The Commission complied with the aforementioned Court of Appeal decision and carried out fresh investigations.

The file was initially submitted to the DPP with recommendations that the Principal/Chief Executive Officer and County Works Officer be charged with various offences. The Commission later, vide a letter dated 1st February, 2016 recommended that there was no sufficient evidence to sustain the charges and that the file be closed. However, the DPP recommended that the prosecution

of the two should ensue considering that the evidence was sufficient as per the initial recommendation. This prompted a re-evaluation of the evidence which established that it would be a challenge sustaining the prosecution case.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that the file be closed for lack of sufficient evidence against the suspects.

On 11th June 2019, the DPP accepted the Commission's recommendation for closure of inquiry file.

34. EACC/FI/INQ/119/2015

INQUIRY INTO ALLEGATIONS OF IRREGULAR LAND ALLOCATION AND COMPENSATION FOR THE STANDARD GAUGE RAILWAY IN EMBAKASI

The Commission commenced investigations following a complaint by Yuster Mwamburi on 6th October, 2015, that her land, reference number 209/12060 had been fraudulently allocated to Modern Coast Builders and Contractors Ltd. She alleged that the land had been presented to the National Land Commission for compensation in the Standard Gauge Railway Project, even though she believed that it was way outside the SGR line plan.

Evidence established that Modern Coast Builders and Contractors Limited purchased LR No. 209/12060 from an individual after carrying out due diligence. The land had been allocated to the said individual in the year 1990 after approval by the then President in accordance with section 12 of Government Land Act.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that the file be closed with no further action.

On 9th May 2019 the DPP accepted the Commission's recommendation for closure.

35.EACC/FI/INQ/2/2019

INQUIRY INTO ALLEGED PROCUREMENT IRREGULARITIES IN THE AWARD OF TENDERS AMOUNTING TO KSHS. 4.8 BILLION AT THE STATE DEPARTMENT FOR CORRECTIONAL SERVICES.

The Commission commenced investigations following an anonymous complaint that the State Department for Correctional Services was in gross violation of the Public Procurement and Disposal Act, 2015 and the Public Finance Management Act, 2012 by irregularly awarding ten classified tenders worth Kshs. 4,809,445,000/= to ten companies as listed below:

1. Tender no. SDC/CP/4/2017-2018 for supply of bullet proof vests and plastic helmets amounting to Kshs. 2.2 billion awarded to Firetruss systems
2. Tender No. SDC/CP/2/2017-2018 for supply of standard G3-A3 amounting to KSHS. 597 million awarded to Pakistan Ordinance
3. Tender to supply assorted security items amounting to Kshs. 570 million awarded to Delta Entreprises
4. Tender no. SDC/CP/5/2017-2018 for supply of submachine guns amounting to 478.5 million awarded to Pakistaan Ordinance
5. Tender no. SDC/Cp/3/2017-2018-M4 for supply of rifles and full bore target rifles amounting to Kshs. 342.72 million awarded to Mildat SP.ZO. O(LLC)
6. Tender for supply of G3 rifles slings amounting to Kshs. 200 million awarded to Milways enterprises
7. Tender no. SDC/CP/6.2017-2018 for supply of pistols amounting to Kshs. 158.75 million awarded to Sumsun Yurt Savunma San
8. Tender no. SDC/RT/4/2017-2018 for supply fo special stores amounting to Kshs. 119 million awarded to Wold One Agencies
9. Tender for supply of assorted security items amounting to Kshs. 98.75 million awarded to Rapecc General Supplies
- 10.Tender for supply of assorted security items amounting to Kshs. 44.6 million awarded to Auto Links Systems.

Evidence on record has established that various procurement laws were breached in that there was no budget and there was also no approval from the relevant Cabinet Secretary among other breaches.

On 28th February, 2019, a report was compiled and forwarded to the ODPP with the following recommendations:

1. The Permanent Secretary and Head of Supply Chain Management be jointly charged with willful failure to comply with applicable procedures and guidelines relating to procurement of goods contrary to section 45(2)(b) as read with section 48 of the ACECA.
2. Members of the Tender Committee be charged with willful failure to comply with applicable procedures and guidelines relating to procurement of goods contrary to section 45(2)(b) as read with section 48 of the ACECA.
3. The Head of Supply Chain Management be charged with knowingly using a misleading document to one's principal contrary to section 41(1) as read with section 48 of the ACECA and willful failure to comply with applicable procedures and guidelines relating to procurement of goods contrary to section 45(2)(b) as read with section 48 of the ACECA.
4. The Permanent Secretary/State Department, Correctional Services to be charged with willful failure to comply with applicable procedures and guidelines relating to procurement of goods contrary to section 45(2)(b) as read with section 48 of the ACECA and abuse of office contrary to section 46 as read with section 48 of the ACECA.
5. Principal Secretary to be charged with engaging in a project without prior planning contrary to section 45(2) (c) as read with section 48 of the ACECA.
6. Members of the tender committee be charged with willful failure to comply with applicable procedures and guidelines relating to procurement of goods contrary to section 45(2)(b) as read with section 48 of the ACECA.

On the 16th May, 2019 the DPP returned the file with advice that further investigations be conducted.

36. EACC/FI/INQ/62/2015

INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT OF AUDIT VAULT SOFTWARE BY OFFICE OF THE AUDITOR GENERAL

The Commission commenced investigations following a letter from the Principal Secretary, Treasury over allegations of corruption in the office of the Auditor General; that the office of the Auditor General irregularly purchased an audit vault software at a cost of Kshs. 100 million against the estimated cost of Kshs. 18 million. It was further alleged that the software was purchased through direct procurement and the supplier of the software was paid without adequate documentation.

The investigation of this matter was affected by the Court of Appeal decision **Civil Appeal no. 102 of 2016, Eng. Michael Sistu Mwaura Kamau Vs EACC**. The Commission complied with the said decision and re-investigated this matter. Evidence obtained established that there was breach of procurement laws, and made recommendations as follows:

1. The Deputy Auditor General, Corporate Services, Manager- Information Technology Audit, Director-Information Communication Technology, Directors of OSI Kenya Limited, a sales Executive ORACLE Systems kenya Limited and director of Mars Technology; all jointly be charged with conspiracy to commit an economic crime contrary to section 47A(3) as read with section 48 of the ACECA
2. The Deputy Auditor General-Corporate Services in the Office of the Auditor General be charged with abuse of office contrary to section 46 s read with section 48 of the ACECA; willful failure to comply with the law relating to procurement contrary to section 45(2)(b) as read with section 48 of the ACECA; dealing with suspect property contrary to section 47(1) as read with section 48 of the ACECA; acquisition of proceeds of crime contrary to section 4 as read with section 16(1)(a) of the Proceeds of Crime and Anti-money Laundering Act and knowingly deceiving one's Principal contrary to section 41(2) as read with section 48 of the ACECA.

3. The Sales Executive for ORACLE Systems be charged with two counts of acquisition of proceeds of crime contrary to section 4 as read with section 16(1)(a) of the Proceeds of Crime and Anti-Money Laundering Act.
4. Both the Manager-IT Audit and Director of IT be charged with knowingly deceiving one's Principal contrary to section 41 (2) as read with section 48 of the ACECA and fraudulent practice in a procurement contrary to section 41 (1) – (4) as read with section 137 (1)(a) and 137(2) of the PPDA, 2005
5. The Director of Mars Technology and Associates Limited be charged with acquisition of proceeds of crime contrary to section 4 as read with section 16(1)(a) of the Proceeds of Crime and Anti-Money Laundering Act

Awaiting DPP's decision.

37.EACC/MSA/FI/20/2014

ALLEGATIONS AGAINST KENYA NATIONAL HIGHWAY AUTHORITY OFFICIALS FOR IRREGULARLY TERMINATING CONTRACT OF KSHS. 341 MILLION AWARDED TO TALEWA ROADS CONTRACTORS LIMITED FOR THE PERIODIC MAINTENANCE OF MOMBASA-MIRITINI.

The complaint was by the Managing Director of Talewa Contractors Limited concerning illegal termination of the contract number KeNHA/rd/m/625/2012 Mombasa Mirititni road by KeNHA due to failure to complete the work on time. He alleged that KeNHA sent armed policemen to forcefully evict them from the yard. The complainant further alleged that one Eng. Samuel Nyabuto solicited for a bribe of Kshs. 25 million.

Investigations established that the termination of the contract with Talewa Contractors Limited was justified but that the Director General and Procurement Manager of KeNHA failed to adhere to the law in the subsequent award of the subject contract to S.S Mehta and Sons Limited.

On 13th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspects be charged with engaging in a

procurement without prior planning contrary to section 45(2) (c) as read with section 48 of ACECA.

On 19th June 2019, the DPP recommended further investigations be carried out.

38.EACC/MSA/INQ/13/2016

ALLEGATIONS THAT THE MANAGING DIRECTOR, COAST DEVELOPMENT AUTHORITY, (CDA) CLAIMED DOUBLE IMPREST IN THE MONTHS OF OCTOBER AND DECEMBER, 2016

The Commission commenced investigation following a report made on 28th December, 2016, that the Managing Director Coast Development Authority, (CDA), claimed double imprest in the months of October and December, 2016.

Investigations revealed that the suspect received imprest of Kshs. 91,000/= as per diem for five night outs in Lamu. He however was in Lamu for four nights only, that is 20th to 23rd October, 2016. He therefore ought to have surrendered Kshs 18, 200/= as per diem for the one night out not expended.

On 16th January, 2019, a report was compiled and forwarded to DPP with a recommendation for closure of the inquiry file and in addition, CDA recovers from the Managing Director's salary, Kshs. 18, 200/= plus interest from the date the surrender was due to when the said amount is paid in full.

On 19th March, 2019 the DPP concurred with the Commission's recommendation for closure.

39.EACC/NKR/INQ/FI/67/2016

INVESTIGATIONS INTO ALLEGATIONS THAT OFFICIALS OF THE COUNTY GOVERNMENT OF BARINGO INFLATED THE PRICE AND INCREASED ACREAGE IN THE PROCUREMENT OF LAND PLOT NO. BARINGO/KEWAMOI 'B'/209 AT KABARNET TOWN.

The Commission commenced investigation following a complaint that the County Government of Baringo inflated the price and increased acreage of

land plot number BARINGO/KEWAMOI 'B'/209 which it purchased for housing purposes. It was alleged that the land was initially measured by the public valuer from Eldoret and County Surveyor from Kabarnet at 7.8 acres and not 10 acres as indicated in the title deed. It was further alleged that the said land was initially valued at Kshs. 8 million and not Kshs. 24 million as valued by the Ministry of Lands officials in Baringo, and that the owner of the land was paid Kshs. 12,150,000/=.

Investigations revealed that the acreage of the land was not increased as alleged. However, the price for the land was inflated and that the process of procurement was irregular.

On 13th March, 2019, a report was compiled and forwarded to the ODPP with the following recommendations:

1. the Chief Officer, Department of lands Housing and Urban Development, Baringo County be charged with two counts of willful failure to comply with the applicable law relating to procurement contrary to section 45(2)(b) of ACECA, deceiving principal contrary to section 41(2) as read with section 48(1) of ACECA
2. the Registered valuer prequalified by the County Government of Baringo be charged with deceiving one's Principal contrary to section 41(2) as read with section 48 of the ACECA; making a misleading document contrary to section 24(c) of the Valuers Act, Cap 523
3. the Director, Supply Chain Management, Baringo County Government be charged with willful failure to comply with the applicable law relating to procurement contrary to section 45(2)(b) of ACECA, deceiving principal contrary to section 41(2) as read with section 48(1) of ACECA.

On 31st May 2019 the DPP recommended further investigations.

40. EACC/FI/INQ/65/2017

INQUIRY INTO ALLEGATIONS OF FRAUDULENT ACQUISITION AND SUB-DIVISION OF PARCELS OF LAND BEING MAVOKO TOWN BLOCK 3 WITHIN LUKENYA, MAVOKO MUNICIPALITY BY SOME OFFICIALS OF THE NATIONAL LAND COMMISSION,

MINISTRY OF LANDS AND PHYSICAL PLANNING, COUNTY GOVERNMENT OF MACHAKOS AND KIVAE RESIDENTS ORGANIZATION WHICH LED TO THE ISSUANCE OF TITLES.

The Commission commenced investigations following a complaint that there were fake titles to land being issued by Government officials to individuals arising from irregular and illegal subdivisions of land lawfully owned by third parties within Lukenya Ranching and Farming Cooperative Society Ltd, located at Mavoko, Machakos County.

Investigations established that some government officers and or their relatives benefited from the said land allocations. Further investigations established that some public officials received money from the secretary of Kivae Residents Organization or his close business associates. There were also suspicious financial transactions involving some officials at the Ministry of Lands and Physical Planning and the National Land Commission.

On 28th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that officials of National Land Commission and officials of Ministry of Lands, Housing and Urban Development together with the two officials of KIVAE Residents be charged with various offences including conspiracy to defraud contrary to section 317 of the Penal Code, abuse of office contrary to section 101 as read with section 102A of the Penal Code, receiving a benefit contrary to section 39 (3) (a) as read with section 48(1) of the ACECA and giving a bribe contrary to section 5 (1) and (2) as read with section 18 (1) of the Bribery Act, 2016.

On the 16th May, 2019 the DPP returned the file concurring with the Commission's recommendation to charge the suspects.

41.EACC/PI/INQ/324/2016

THIS IS AN INQUIRY INTO THE ALLEGATIONS OF IRREGULAR PROCUREMENT AT THE MINISTRY OF HEALTH IN THE SUPPLY OF VECTOR CONTROL CHEMICALS BY ESAKI LIMITED.

The Commission received a complaint alleging that the officials at the Ministry of Health procured vector control chemicals without adhering to the applicable provisions of both the Public Procurement and Disposal Act, 2015 and the Public Finance Management Act, 2012.

Investigations revealed that the vector control chemicals were supplied by Esaki Limited without a contract as required by law and Money was paid.

Investigations further established that in the quest of sanitizing the procurement process, a contract purporting to bind the Ministry and the supplier was forged. The forgery of the contact document was committed by the Supply Chain Management Officer 1 and the director of Esaki Limited.

On 13th February, 2019 a report was compiled and forwarded to DPP with recommendations that the Supply Chain Management Officer be charged with failing to comply with the law relating to the management of public funds contrary to section 45 (2) (b) as read with section 48 of the ACECA and the Director of Esaki Limited be charged with forgery contrary to section 349 of the Penal Code.

Awaiting DPP's decision.

42. EACC/FI/INQ/29/2016

INQUIRY INTO ALLEGATIONS OF IRREGULAR LEASING OF OFFICE SPACE FOR THE COUNCIL OF LEGAL EDUCATION ALONG KAREN ROAD AT A COST OF KSHS. 7.6 MILLION PER ANNUM

The Commission commenced investigations following an audit report from the Efficiency and Monitoring Unit in the office of the Deputy President with allegations that the leasing and partitioning of Council of Legal Education offices at Karen Office Park along Karen Road was irregular as there was no approval from the Council and there was no procurement plan.

Evidence obtained established that the CLE and Kenya School of Law (KSL) which had hitherto operated as one institution under the Council of Legal

Education Act Cap 16A, had been statutorily separated into two entities pursuant to the promulgation of the Legal Education Act no. 27 of 2012 and the Kenya School of Law Act No. 26 of 2012. As a result, it became necessary for the CLE to obtain premises from where it would operate.

While procuring office space for CLE the Procurement Manager failed to follow the due process as required in procurement laws and procedures.

On 28th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the Procurement Manager be charged with failure to comply with the applicable procedures and guidelines relating to procurement contrary to section 45(2)(b) as read with section 48 of the ACECA.

On 31st May 2019, the DPP recommended that administrative action be taken against the Procurement Manager.

43.EACC/FI/INQ/84/2017

INQUIRY INTO ALLEGATIONS OF IRREGULARITIES IN PROCUREMENT OF UNIFORM DRESS NO. 1 MATERIALS WORTH KSHS. 11,500,000/- BY THE SENIOR OFFICERS AT KENYA WILDLIFE SERVICES (KWS) IN THE FINANCIAL YEAR 2013/2014

The investigations commenced following a complaint that senior officers at the Kenya Wildlife Services based at the Headquarters were involved in procurement irregularities and other malpractices in regard to the Procurement of uniform materials.

Investigations established that KWS officials approved the purchase of extra uniform materials whereas there was no justification and based on misleading information in the said purchase.

On 7th February, 2019, a report was compiled and forwarded to the ODPP with the following recommendations:

1. Members of the Tender Committee meeting be charged with conspiracy to commit an offence of corruption contrary to section 47A as read with section 48 of the ACECA

2. The Deputy Director, Finance and Administration at KWS be charged with abuse of office contrary to section 46 as read with section 48 (1) of ACECA.
3. Acting Head of Supply Chain Management be charged with willful failure to comply with the applicable procedure and guidelines relating to procurement contrary to section 45(2)(b) of ACECA, deceiving principal contrary to section 41(2) as read with section 48(1) of ACECA.
4. Officers of the KWS be charged with deceiving one's Principal contrary to section 41(2) as read with section 48 of the ACECA.

On 31st May 2019, the DPP accepted recommendations for prosecution.

44. EACC/FI/INQ/03/2018

ALLEGATION OF PROCUREMENT IRREGULARITIES BY WEST POKOT COUNTY IN THE ACQUISITION OF 5000 BAGS OF DRY WHOLE WHITE MAIZE WORTH KSHS. 18 MILLION

Investigations commenced on receipt of a report that the County Governor of West Pokot County Government mysteriously stocked Kacheliba NCPB depot with thousands of 90 Kgs bags of maize without following provisions of the Public Procurement and Disposal Act, 2015.

Investigations established that the West Pokot County Government did not follow the procurement procedures and laws and further that the West Pokot County branded gunny bags were not budgeted for.

The investigations further established that the tender/bid documents were created by a county official without knowledge and or authority of the company Directors. The officer further presented the forged bid documents for the award of tender.

On 7th February, 2019, a report was compiled and forwarded to the ODPP with the following recommendation:

1. The County Secretary, West Pokot County be charged with five counts of willful failure to comply with the applicable law relating to procurement contrary to section 45(2)(b) of ACECA,
2. The Tender Evaluation Committee be charged with two counts of willful failure to comply with the applicable procedure and guidelines relating to procurement contrary to section 45(2)(b) of ACECA, deceiving principal contrary to section 41(2) as read with section 48(1) of ACECA
3. The Supply Chain Management Officer be charged with willful failure to comply with the applicable procedure and guidelines relating to procurement contrary to section 45(2)(b) of ACECA, deceiving principal contrary to section 41(2) as read with section 48(1) of ACECA; eight counts of deceiving one's Principal contrary to section 41(2) as read with section 48 of the ACECA; uttering a false document contrary to section 353 of the Penal Code and eight counts of making a false document contrary to section 346 of the as read with section 349 of the Penal Code.

On 21st June 2019, the DPP accepted the Commission's recommendation for prosecution.

45.EACC/EL/INQ/64/2017

INQUIRY INTO BRIBERY ALLEGATIONS THAT MEMBER OF KIAMBU COUNTY ASSEMBLY REPRESENTING KIAMWANGI WARD USED A FORGED KSCE CERTIFICATE TO ENROLL FOR A DIPLOMA CERTIFICATE AT JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY

Investigations commenced following an anonymous report that the suspect, a Member of Kiambu County Assembly representing Kiamwangi Ward used a forged KSCE certificate to enroll for a Diploma Certificate at Jomo Kenyatta University of Agriculture and Technology.

Investigations revealed that the suspect applied for and was admitted to study for a Diploma in Governance and Leadership using a 1997 KSCE Certificate from Murera Secondary School and subsequently graduated on 25/11/2016. Kenya National Examination Council confirmed that the KSCE Certificate was fake and

the University Senate on 24/5/2017 withdrew the Diploma Certificate issued to him.

Investigations also established that the suspect had submitted Self-Declaration Forms (A1) to EACC pursuant to Section 13 of Leadership and Integrity Act in which he declared that he was a Diploma Holder.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the MCA with the offences of Deceiving the Ethics and Anti-Corruption Commission contrary to Section 12 A as read with Section 46(1) (b) and Section 46 (2) of the Leadership and Integrity Act, making a false document contrary to Section 347 (a) as read together with Section 349 of the Penal Code and Uttering a false document contrary to Section 353 of the Penal Code.

On 29th April 2019 the DPP concurred with the Commission's recommendation for prosecution.

46.EACC/GSA/EL/INQ/3/2016

INQUIRY INTO ALLEGATIONS OF IRREGULAR RECRUITMENT OF PUBLIC HEALTH STAFF AND OTHER PERSONNEL BY COUNTY GOVERNMENT OF GARISSA

The Commission commenced investigations following an anonymous complaint it received on 3rd August, 2016. The complaint was that the Chief Officer Health, the County Public Health Officer and the County Public Service Board (the Board) had employed fourteen Public Health Officers who did not have the relevant professional registration documents and licenses contrary to circular REF: No. MOH/ADM/1/1/VOL.1 issued by the Permanent Secretary, Ministry of Health.

Evidence established that the Public Health Officers who were hired had no licenses at the time though they qualified as health officers. They just did not have licenses but were given time to get the licenses which they did.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations that the Commission should render an advisory to County Public Service Board of Garissa to ensure that the process of recruitment is streamlined to comply with the law on professional requirements and for closure of the inquiry file.

On 17th June 2019, the DPP accepted the Commission's recommendation that the matter be dealt with administratively.

47. EACC/KSM/EL/INQ/12/2018

ALLEGATIONS THAT A PROSECUTION COUNSEL BASED IN KAKAMEGA, DEMANDED FOR A BRIBE OF KSHS. 500,000/- FROM A COMPLAINANT IN ORDER TO GIVE A FAVOURABLE OPINION IN A MATTER THAT WAS REFERRED TO HIM BY THE DCI KAKAMEGA UNDER THE KAKAMEGA INQUIRY FILE NUMBER 1 OF 2017

The Commission received a complaint from the Director of Public Prosecutions on 21st May 2018, that a Prosecution Counsel based at Kakamega demanded for a financial benefit of Kshs. 500,000/- from a complainant in a bid to give official direction in his favour.

The complainant declined to talk to the Commission's investigators to substantiate his claim. The DCI officers who compiled the inquiry file no. 1 of 2017 also declined to record statements.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file and in addition the Commission recommended that the Directorate of Criminal Investigations in Kakamega be directed to complete investigations on the reported threat to the Prosecution Counsel by a Police Constable.

On 13th March, 2019 the DPP concurred with the Commission's recommendation for closure.

48. EACC/ISL/EL/INQ 6/2016

INVESTIGATION INTO ALLEGATIONS OF ABUSE OF OFFICE AGAINST MERU CENTRAL LANDS REGISTRAR

The complainants alleged that they registered a caution over plot number Kiirua/Nkando 4374 to restrict dealing with the property and lamented that the Land Registrar Meru Central Lands Office, in collaboration with the registered proprietor of the property unprocedurally removed the caution and transferred the property to a third party without involving them.

Investigations revealed that the complainants had presented a caution at the land office for registration but owing to some omission/inaction on the part of the officers of the lands office, Meru Central Lands Registry, the caution was not registered. Investigations further established that owing to none registration of the caution, an application for transfer of the property to a third party was effected without involvement of the complainants.

There was no evidence pointing out any wrong doing on the part of the suspect per se but a case of negligence on the part of the officers who failed to take the appropriate steps to ensure that the complainants' interest in the parcel of land in question was protected.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file and in addition the Commission to issue an advisory to officers and staff of Meru Central Lands office on the need to carry out their duties professionally and in accordance with the law.

On 12th April 2019 the DPP concurred with the Commission's recommendations that the file be closed and an advisory be issued to Meru Lands Office.

49. EACC/GSA/EL/INQ/9/2015

INVESTIGATION INTO ALLEGATIONS OF ABUSE OF OFFICE BY THE OCS GARISSA POLICE STATION

Investigation commenced following a report that the Officer in Charge of Garissa Police station had released a foreigner who had been charged for being unlawfully present in Kenya to go back to Somali without following the repatriation process through the Immigration Department as ordered by the court.

Investigations revealed that on 11th September, 2015 the driver was allegedly escorted to the Somali border together with the impounded lorry by a Police Officer under the instructions of the OCS Garissa. Being a Public officer, the OCS was found to have breached the provisions of the Leadership and Integrity Act as well as the Public Officers Ethics Act for failure to comply with the court order.

It was also established that on 29th September, 2015, the Court gave another order which conflicted with the one it issued on 10th September, 2015 conflicting order.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the Judicial Service Commission should take administrative action against the Magistrate and National Police Service Commission to also take administrative action against the OCS.

On 25th April, 2019, the DPP concurred with the Commission's recommendation for administrative action.

50. EACC/GSA/EL/INQ/13/2015

INQUIRY INTO ALLEGATIONS THAT NORTH EASTERN REGIONAL COORDINATOR FOR REGISTRATION OF PERSONS SOLICITED AND RECEIVED KSHS 1.2 MILLION TO ASSIST IN ISSUANCE OF IDENTITY CARDS.

Investigations commenced following a report made to the Commission on 6th August 2015 on allegations that the North Eastern Regional Coordinator for registration of persons received Kshs 1.2 Million as an inducement to assist in issuance of National Identification Cards.

It was established that there was no sufficient evidence to show that the Regional Coordinator received Kshs. 1.2 million from the complainant.

Investigations further revealed that the complainant was a person well known to the Regional Coordinator as a broker and that the Regional Coordinator being a person in charge of registration of persons used the complainant in the course of his official duties. The Regional Coordinator's conduct was therefore unprofessional and in breach of the provisions of the Leadership and Integrity Act, 2012 and the Public Officers Ethics Act, 2003.

On 7th February, 2019, a report was compiled and forwarded to DPP with recommendations that appropriate administrative action be taken against the suspect as his conduct was in breach of the provisions of Sections 9 (a) and (c) of the Public Officers Ethics Act, 2003.

Awaiting DPP's decision.

51. EACC/EL/INQ/40/2017

ALLEGATION OF ISSUANCE OF BAD CHEQUES AGAINST THE FORMER CHAIRMAN OF NATIONAL POLICE SERVICE (NPS)

Investigations commenced following a report on allegation of unethical conduct against the former Chairperson of National Police Service Commission who allegedly issued 16 bad cheques amounting to Kshs. 931,735/= between August 2013 and February 2016 to be debited from his account held at Standard Chartered Bank, Harambee Avenue Branch. It was further alleged that during the same period he received credits amounting to Kshs. 31,206,681/= in the said account which he promptly transferred through Mpesa, cash and ATM withdrawals.

Investigations established that the then NPS Chairman's issued cheques to some of his creditors knowing too well that he had insufficient funds in his account.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the former Chairman of NPS be charged with six counts

of issuing a bad cheque contrary to Section 316A (1) (a) as read with section 314A (4) of the Penal Code.

On 29th May 2019, the DPP recommended further investigations.

52. EACC/EL/INQ/58/2016

INQUIRY INTO ALLEGATIONS OF UNETHICAL CONDUCT AGAINST STAFF OF KENYA UNIVERSITIES AND COLLEGES CENTRAL PLACEMENT SERVICES (KUCCPS) ON ONLINE DATA MANIPULATION FOR ONLINE PLACEMENT OF APPLICANTS.

The Commission commenced investigations following a complaint received on 21st March, 2016 from the chairman of the KUCCPS Board. The allegation was that the KUCCPS data system was being manipulated leading to wrongful placement of the students contrary to the institution's placement policy and procedure.

Evidence established that indeed there was a manipulation of the system. As a result, the ICT consultant was relieved of his duties.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that the ICT consultant and ICT Manager be issued with caution on their conduct.

On 7th May 2019 the DPP concurred with the Commission's recommendation to issue a caution.

53. EACC/MSA/EL/INQ/2/2016

INQUIRY INTO ALLEGATIONS OF UNETHICAL CONDUCT AGAINST THE ACTING DIRECTOR GENERAL AND MEMBERS OF THE BOARD OF DIRECTORS OF KENYA MARITIME AUTHORITY (KMA) IN RESPECT TO AN ADVERTISEMENT OF VACANCIES AT KMA MADE ON 9TH FEBRUARY, 2016 AND SELECTION OF KMA PARTICIPANTS TO THE KECOSO GAMES

The Commission commenced investigations following allegations that the acting Director General and Board of Directors of KMA were not conducting the affairs of KMA in a fair, ethical and transparent manner. It was alleged that the

vacancies advertised on 9th February, 2016 were tailor made for certain preferred persons who were related to Board members, and that the participants selected to represent KMA in KECOSO games came from the same region as the Chairperson of KMA's Board of Directors.

Evidence obtained failed to establish an element of unfairness unethical conduct or lack of transparency against the Ag. Director General and Board of Directors of KMA.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that the file be closed for lack of sufficient evidence to support the allegations against the Ag. Director General.

On 29th April, 2019, the DPP concurred with the Commission's recommendations for closure.

54.EACC/NKR/INQ/EL/08/2017

INQUIRY INTO ALLEGATIONS THAT EGERTON UNIVERSITY RETIREMENT BENEFIT SCHEME OFFICIALS DEFRAUDED SCHEME MEMBERS IN THE PURCHASE OF LAND PARCEL NAKURU MUNICIPALITY BLOCK 7/7 AT INFLATED COST.

The allegations were members of the Investment Committee of the Egerton University Retirement Benefits Scheme, conducted themselves in an unethical manner with regards to the purchase of a property title no. Nakuru Municipality Block 7/7 at a cost of Kshs. 210 million. It was alleged that the cost of the property was exaggerated by Kshs. 30 million.

Investigations established that member funds were prudently applied in the purchase of the property and was done in accordance with the law.

On 13th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the file be close with no further action.

On 23rd April 2019 the DPP concurred with the Commission's recommendation for closure.

55.EACC/MCKS/EL/INQ/15/2017

INQUIRY INTO ALLEGATION THAT A MEDICAL LAB TECHNOLOGIST AT MAKUENI COUNTY GOVERNMENT EARNED A DOUBLE SALARY FROM BOTH THE COUNTY GOVERNMENTS OF MAKUENI AND MACHAKOS

Evidence established that indeed the suspect had received double employment as alleged, which payment begun in January, 2016 to August 2017 during which period the suspect drew a salary from both Governments.

On 13th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect be charged with deceiving a Principal contrary to section 41 as read with section 48 of ACECA. It was also recommended that administrative action be taken against the suspect by the Makueni County Public Service Board

On 6th June, 2019 the DPP recommended further investigations be carried out.

56.EACC/NKR/EL/INQ/12/2018

INQUIRY INTO ALLEGATIONS OF UNETHICAL CONDUCT BY THE MANAGING DIRECTOR OF PYRETHRUM PROCESSING COMPANY OF KENYA

The allegations were that the Managing Director abused his office by recruiting his relatives in the company, failing to pay the rent for a house owned by Pyrethrum Processing Company of Kenya (PPCK) and failing to pay back salary advanced to him by PPCK.

Evidence established that the Managing Director indeed abused his office by taking salary advances unlawfully and was aided in doing so by another. It was also established that he owed PPCK Kshs. 275,000/= in rent arrears.

On 13th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the Managing Director and the Acting Finance Manager be charged jointly and severally with abuse of office contrary to section 46 as read with section 48 of the ACECA, unlawfully failing to pay rent to

a public body contrary to section 45(1)(a) as read with section 48 of ACECA and willful failure to comply with the applicable procedures and guidelines relating to the management of funds contrary to section 45(2) (b) as read with section 48 of ACECA.

Awaiting DPP's decision.

57.EACC/KIS/EL/INQ/9/2017

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE BY THE COUNTY SECRETARY, MIGORI COUNTY.

The Commission commenced investigation following a report that the above mentioned official appointed another to the position of Acting Director, Supply Chain Manager (DSCM) while the substantive recruited candidate, was denied to take over the office.

The evidence obtained established that the County Secretary solely extended the period for the interim County Supply Chain Manager and irregularly issued a letter appointing him in the acting capacity of DSCM while the legally appointed person for the position was ordered to work at the County Public Service Board.

On 28th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect be charged with abuse of office contrary to section 46 as read with section 48 of the ACECA.

On 23rd April 2019 the DPP concurred with the Commission's recommendation for prosecution.

58.EACC/OPS/INQ/106/2018

INQUIRY INTO ALLEGATIONS THAT A MEMBER OF COUNTY ASSEMBLY FOR PARKLANDS WARD REQUESTED FOR A FINANCIAL BENEFIT OF KSHS 5.7 MILLION AS AN INDUCEMENT TO FACILITATE PROTECTION OF DEMOLITION OF CONCORD HOTEL.

Investigations commenced following a report made by a member of the public that a Member of the County Assembly representing Parklands Ward was requesting for financial benefit of Kshs 5.7 million from Concord Hotel and Suites Management. It is further alleged that the money was to be shared amongst 19 Members of the Legal and Justice Committee in order to influence the Nairobi County Governor not to demolish part of the Concord Hotel which is allegedly built on grabbed land.

On 24th August 2018, a trap operation was conducted that led to the arrest of the MCA.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the MCA with attempt to commit a corruption offence contrary to section 47A (2) as read with section 48 of the ACECA

Awaiting DPP's decision.

59. EACC/INQ/OPS/90/2018

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A PHYSICAL PLANNER WITH THE MINISTRY OF LANDS AND SETTLEMENT AT THE KAJIADO OFFICE

Investigations commenced following a report on 10/8/2018 by a complainant that the suspect, an employee of Ministry of Lands and Settlement, Kajiado had solicited from him a Kshs. 50,000/= as an inducement so as to issue him with a change of user report for LR. No. NGONG/NGONG/9321.

On 22/8/2018 EACC organized a trap operation that resulted to the arrest of the suspect. EACC officers conducted a search on the suspects and recovered Kshs. 20,000/= treated trap money.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the said Ministry of Lands and Settlement, Kajiado County with offences of requesting and receiving a bribe contrary to Section 5(1) as read with Section 18 (1)(2) of the Bribery Act.

On 14th March 2019 the DPP concurred with the Commission's recommendations for prosecution.

60.EACC/OPS/INQ/73/2018

INQUIRY INTO ALLEGATION THAT DCI OFFICERS ATTACHED TO DCI OFFICES IN KITENGELA REQUESTED AND RECEIVED A BRIBE OF KSHS 20,000/= IN ORDER TO FORBEAR CHARGING A PERSON WITH THE OFFENCE OF STEALING.

The Commission received a complaint on 09/07/2018 from a complainant alleging that, a police woman attached to Kitengela Directorate of Criminal Investigation (DCI) office had requested for Kshs. 20,000/= as a bribe to completely close a criminal case which the complainant had already settled out of court.

Investigations established that the suspect, requested for and received Kshs 20,000/=. Further, the police woman and another police officer, conspired to receive a financial advantage of Kshs 20,000/= from the complainant to close his criminal case.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with offences of conspiracy to commit an offence of corruption contrary to section 47 (A) (3) as read with section 48 of the ACECA and with two counts of receiving a bribe contrary to Section 6 (1) (a) as read with section 18 of the Bribery Act, 2016.

on 19th March 2019 the DPP recommended further investigations.

61.EACC/OPS/INQ/33/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A POLICE OFFICER ATTACHED TO KISERIAN TRAFFIC POLICE STATION

Investigations commenced when the Commission received a report from a complainant stating that a Police Officer based at Kiserian Traffic Base Commander, was requesting for a bribe of Kshs. 5,000/= from the conductor of his PSV matatu, so that he could facilitate the release of his motor vehicle that

had been detained for the offence of failing to stop after ordered by a uniformed Police Officer to do so.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with two counts of receiving a bribe contrary to section 6(1)(b) as read with section 18(1) of the Bribery Act, 2016 and abuse of office contrary to section 46 as read with section 48 (1) of the ACECA.

On 23rd April 2019 the DPP concurred with the Commission's recommendation for prosecution.

62.EACC/OPS/INQ/119/2018

INQUIRY INTO ALLEGATIONS OF BRIBERY AND IMPERSONATION AGAINST A PRIVATE PERSON MISQUERADING AS EMPLOYEE OF KENYA POWER AND LIGHTING COMPANY

Investigations commenced when the Commission received a complaint that an employee of Kenya Power and Lighting Company, was requesting for a bribe of Kshs. 200,000/= in order not to charge the complainant for tampering with the a KPLC meter. The Commission organized a trap operation that resulted to the arrest of the suspect.

Investigations revealed that the suspect requested for a bribe of Kshs. 500,000/=. The said bribe was received by another person on behalf of the suspect. It was also established that the two suspects were masquerading as employees of Kenya Power and Lighting Company.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with the offence of bribery contrary to Section 6 of the Bribery Act, 2016, impersonation and forgery contrary to sections 105 (b) and 345 of the Penal Code, Cap 63.

On 7th May 2019 the DPP concurred with the Commission's recommendation for prosecution.

63. EACC/OPS/INQ/95/2018

INQUIRY INTO ALLEGATION OF BRIBERY AGAINST A CLINICAL OFFICER AT KERICHO DISTRICT HOSPITAL

Investigations commenced following a complaint that a clinical officer at Kericho District Hospital had requested for a financial advantage for Kshs. 9,000/= to improperly change a medical examination report (P3 form) to give a negative result in the complainant's favour.

Investigations established that the suspect, did request for a financial advantage of Kshs 9,000/= and received Kshs 2,040/= and Kshs 6,000/= respectively in order to improperly change a medical examination report (P3 form) from a positive result to a negative result in complainant's favour in a defilement case in Kericho Chief Magistrate's Court Criminal Case No. 50/2018.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with three counts of receiving a bribe contrary to Section 6 (1) (a) as read with section 18 of the Bribery Act.

On 19th March 2019 the DPP concurred with the Commission's recommendations for prosecution.

64. EACC/ISL/OPS/2/2016

INVESTIGATIONS INTO ALLEGATIONS OF REQUESTING AND RECEIVING A BRIBE AGAINST TRAFFIC POLICE OFFICERS AT ISIOLO POLICE STATION

The allegations were that two Traffic Officers stationed at Isiolo Police Station requested and received a bribe of Kshs. 10,000/= from the complainant as an inducement in order to release him from Police custody after they arrested and detained him for allegedly having committed some traffic offences.

The investigations revealed that when the officers learnt that the complainant had reported them to the Commission, they converted the amount received into a cash bail and arraigned the complainant in court whereby the cash bail

was forfeited to the state and a warrant of arrest issued against the complainant.

The complainant was later on arrested and arraigned in court in connection with the offences he had allegedly committed.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the two officers with soliciting for a bribe contrary to section 39(1) as read with section 48(1) of the ACECA and section 27 of the Bribery Act, 2016, receiving a bribe contrary to section 39(1) as read with section 48 of the ACECA and conspiracy to commit an offence of corruption contrary to section 47 (a) (3) as read with section 48 of the ACECA.

On 14th May 2019 the DPP recommended administrative action to be taken against the suspects.

65.EACC/OPS/INQ/02/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST POLICE OFFICERS MANNING MALAKISI-KIMAHUTI-MALABA ROAD

The Commission received a report from the Kenya Police Service that Traffic Police Officers were engaging in corrupt practices along the roads. The Kenya Police Service, through the Inspector General requested the Commission to arrest officers who were involved.

The Commission organized a surveillance operation which led to the arrest of various officers operating in Malakisi area in Bungoma County. However, the Commission did not obtain evidence sufficient enough to support charges against the suspects.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations that National Police Service should prefer disciplinary action against them.

On 19th March, 2019, the DPP concurred with the Commission's recommendation for administrative action.

66.EACC/OPS/1NQ/19/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST POLICE OFFICER AT KIAMBU TRAFFIC BASE

The Commission commenced investigations following an anonymous report that the Traffic Base Commander- Kiambu, solicits for and receives bribes from traffic offenders as an inducement so as not to charge them with traffic offences.

The Commission contacted the informants who explained that vehicles were usually booked in a Detained Vehicle Register (DVR) and thereafter, the officer would ask for bribes from the drivers of those vehicles. From the evidence obtained, the suspect had the reputation of booking traffic offenders in a register known as a DVR and later asking for bribes from them. However, there was no concrete evidence to prefer criminal charges against the officer.

On 16th January, 2019, a report was compiled and forwarded to DPP recommending disciplinary action against the suspect.

On 25th March, 2019 the DPP advised that further investigations be carried out.

67.EACC/MSA/OPS/INQ/32/2018

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST AN EMPLOYEE OF KENYA REVENUE AUTHORITY (KRA) MOMBASA WHO IS UNDER SECONDMENT

The Commission received a complaint that the suspect who was seconded to Kenya Revenue Authority (KRA) Mombasa was requesting for a financial advantage of Kshs 25,000/= in order to tamper with the evidence in Criminal case number 495/2018 in which the complainant had been charged.

Investigations established that indeed the suspect had asked for a bribe.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations that the suspect be charged with the offence of receiving a bribe contrary to section 6(1) (a) of the Bribery Act, 2016.

On 11th April 2019 the DPP concurred with the Commission's recommendation for prosecution.

68.EACC/MSA/OPS/INQ/48/2018

INQUIRY INTO ALLEGATION OF OFFERING A FINANCIAL ADVANTAGE OF KSHS. 500,000/- AGAINST THREE CHINESE NATIONALS, EMPLOYEES OF THE STANDARD GAUGE RAILWAY MOMBASA TERMINUS.

The Commission received a report on 23rd November 2018 from an Inspector of Police Working with the Directorate of Criminal Investigation Railways, Mombasa, that three Chinese nationals working with China Roads and Bridge Corporation (CRBC) at the Standard Gauge Railways (SGR) Miritini had offered him and his fellow Investigating Officers a financial advantage of Kshs. 500,000/-. The bribe was intended to influence the outcome of the ongoing investigations on Theft by Servant at the SGR Miritini Terminus in their favour.

Subsequently a trap operation was organized by the Commission and the suspects were apprehended upon offering a bribe of Kshs. 200,000/=. On 26th November 2018, pursuant to the directions of the Office of Director of Public Prosecutions, they were charged before the Mombasa Anti-Corruption Court.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendation that the evidence obtained is sufficient to sustain the charge of bribery contrary to Section 5(1) of the Bribery Act and the case may be pursued to its logical conclusion.

On 4th April 2019 the DPP accepted that the case pending before court proceed to its logical conclusion.

69.EACC/OPS/INQ/91/2018

INVESTIGATION INTO ALLEGATIONS OF CORRUPTION AGAINST A POLICE OFFICER BASED AT THIKA POLICE STATION

The Commission commenced investigations following numerous complaints from members of the public against a Traffic Police Officer from Thika Police Station manning the Southern Bypass at Kiangombe along Thika- Garissa road, allegedly requested for bribes from road users.

The Commission conducted undercover surveillance between 22nd May 2018 to 14th August 2018 along Thika- Garissa road at Kiangombe junction.

Informed by the recorded video clips of surveillance, the Commission planned a sting operation on 14th August, 2018 along Thika – Garissa road at Kiangombe junction and arrested the Traffic Police Officer. A search was conducted on him and Kshs. 5,500/=, in various denominations was recovered.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with the offence of abuse of Office contrary to Section 46 as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

On 19th April, 2019 the DPP advised that administrative action should be taken against the suspect.

70.EACC/OPS/INQ/ 89/2016

INQUIRY INTO ALLEGATIONS OF CONSPIRACY TO DEFRAUD AND AN ATTEMPT TO OBTAIN MONEY BY FALSE PRETENCE THROUGH A TENDER TO SUPPLY COMPUTERS AT STATE HOUSE

The Commission commenced investigations following a complaint that the suspects had on diverse dates in the month of July, 2016 solicited for a benefit of Kshs. 100,000/= from the complainants as an inducement to link them with some State House officials so as to help them obtain tender documents for alleged supply of laptops and installation of software worth Kshs. 89. 5 million to

the State House. The complainants stated that they were expected to give a kick back of Kshs. 3,000,000/= if they won the tender.

A successful sting operation was carried out by the Commission where the evidence obtained confirmed the allegations.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with the offences of conspiracy to defraud contrary to Section 317 of the Penal Code and obtaining by false pretense contrary to Section 313 as read with Section 389 of the Penal Code.

On 29th April, 2019, the DPP concurred with the Commission's recommendations for prosecution.

71.EACC/MSA/OPS/INQ/8/2018

INQUIRY INTO ALLEGATIONS THAT EMPLOYEES OF KWALE WATER AND SEWERAGE COMPANY LIMITED WERE DEMANDING A BRIBE OF KSHS. 50,000/= FROM THE COMPLAINANT IN ORDER TO FACILITATE RECONNECTION OF WATER AT HER PREMISES AT UKUNDA IN KWALE COUNTY

The Commission received a complaint from a resident of Ukunda in Kwale County, that employees of Kwale Water and Sewerage Company Limited, were demanding for a bribe of Kshs. 50,000/= from her in order to facilitate reconnection of water at her premises which water had been disconnected on account that the same had been illegally connected.

Investigations did not disclose any criminal culpability against the officers.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

On 29th April, 2019 the DPP concurred with the Commission's recommendation that the file be closed.

72.CR. 531/344/2018

ALLEGATIONS OF CORRUPTION AGAINST AN EMPLOYEE OF THE COUNTY GOVERNMENT OF GARISSA BASED AT GARISSA TOWN AS A REVENUE CLERK

The Commission commenced the subject investigations following a complaint that a Revenue Clerk at the Garissa County Government solicited for a benefit amounting to Kshs. 4,000/= from the complainant, as an inducement to allow him to continue with the construction of his house without the requisite statutory documents from the County.

The Commission organized a sting operation that resulted in the arrest of the suspect and recovery of the trap money but he was released on Kshs 20,000 police bond.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the suspect be charged with the offence of receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) (2) of the Bribery Act, 2016.

On 25th March 2019 the DPP recommended further investigations.

73.EACC/MKS/OPS/INQ/72/2017

ALLEGATIONS OF REQUESTING FOR A BRIBE BY POLICE OFFICERS FROM SULTAN HAMUD TRAFFIC BASE

The Commission received numerous complaints from motorists against traffic police officers from Sultan Hamud Traffic Base, along Nairobi – Mombasa Highway. The motorists alleged that the officers normally stop vehicles within Sultan Hamud town and demand bribes from them which range from Kshs. 50/= to Kshs. 2000/=. The motorists further alleged that failure to part with bribes would result in the officers harassing and detaining their vehicles at the station. The Commission organized a sting operation that resulted to the arrest of the three officers.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the suspect be charged with the offence of Abuse of Office contrary to Section 46 as read with Section 48(1) of the ACECA.

On 23rd April 2019 the DPP concurred with the Commission's recommendations for prosecution.

74. EACC/OPS/INQ/86/2017

ALLEGATIONS OF CORRUPTION AGAINST POLICE OFFICERS ATTACHED TO KAYOLE AND RUIRU POLICE STATION

Investigations commenced following a complaint received on 4th March, 2016 from motorists that Traffic Police Officers from Ruai Traffic Sub-Base Manning Eastern Bypass are notorious in collecting bribes and harassing motorists.

On 18th July, 2017 the Commission carried out sting operation along the Eastern Bypass based on the surveillance report that was carried out on diverse dates. At Ruai Flyover, two Traffic Police Officers were seen taking benefits from the Motorists. The Commission officers managed to arrest one Police Officer and Kshs 6000/= was recovered while the other Police Officer escaped in a motor vehicle.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the National Police Service Commission should take appropriate administrative action against the officers for behaving unethically, negligently and dishonestly.

On 23rd April 2019 the DPP concurred with the Commission's recommendations that administrative action be taken against the suspect.

75. EACC/OPS/INQ/101/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON WHO WAS IN POSSESSION OF A STOLEN VEHICLE WHICH HAD NO LEGAL DOCUMENTS

The Commission received a report from a CID Officer that a person found in possession of a stolen motor vehicle was offering a financial advantage of Kshs

100,000/= as an inducement for him not to be charged with the offence of being in possession of a stolen vehicle, which had no legal documents.

The Commission organized a sting operation which led to arrest of the person who was alleged to be offering the bribe to the CID Officer. However, no sufficient evidence was obtained to prove bribery allegations.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

On 13th March 2019 the DPP concurred with the Commission's recommendations for closure of file.

76.EACC/NYR/OPS/INQ/272/222/2018

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST KIGUMO LAND CONTROL BOARD MEMBERS INVOLVING KSHS. 107,000/=

The Commission received a report from a complainant that Kigumo Sub-County Land Control Board Members had requested for a financial advantage for Kshs. 2,000/= as an inducement in order to approve his application for Land Control Board consent to enable him transfer their Father's land to his siblings.

Investigations were carried out where the Commission's officers recovered Kshs. 107,000/= that the Board members had been receiving from members of the public seeking approval of consent application for various land transactions.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the suspect be charged with the offence of receiving a bribe contrary to Section 6 (1) (b) as read with section 18 of the Bribery Act.

On 29th April, 2019, the DPP concurred with the Commission's recommendations for prosecution.

77.EACC/OPS/INQ/63/2016

INQUIRY INTO ALLEGATIONS OF ATTEMPTING TO EXTORT A BRIBE AND PERSONATION OF EACC OFFICERS

Investigations commenced following a report by the Governor of Kilifi County that some private persons had attempted to extort a bribe from him pretending to be EACC officers.

A trap operation was organized on 20/6/2018 where the Governor and his Personal Assistant met the four suspects at Gracia Hotel who again presented themselves as EACC officers and demanded a Kshs. 30 million bribe so that they could assist the Governor.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the suspect be charged with the offences of impersonating an investigator contrary to Section 34 (1) as read with Section 34 (2) of the ACECA and Conspiracy to commit an offence involving corruption contrary to Section 47(a) (1) as read with Section 48(1) of the ACECA.

On 14th March 2019 the DPP concurred with the Commission's recommendations for prosecution.

78.EACC/OPS/INQ/56/2017

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST TWO EACC EMPLOYEES

Investigations commenced following allegations that EACC officers and two other officers were demanding for a bribe of Kshs. 15,000, 000/- to compromise a Kshs. 280 Million tax evasion investigation against Mwananchi Credit Ltd, a company belonging to the complainant.

Investigations revealed that on 27th April, 2017, the two officers summoned an advocate of the High Court of Kenya acting for Mwananchi Credit Ltd to EACC offices. They informed him that investigations against Mwananchi Credit Ltd tax evasion were at an advanced stage. The suspects on the same day met the said advocate outside Uganda House and requested for a demand of Kshs.

15,000,000/- to compromise the purported tax evasion investigation against Mwananchi Credit Ltd.

It was established that although there was no direct evidence showing that the suspects requested for a bribe, there was circumstantial evidence in support of the same.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the suspects be charged with offences of receiving a bribe contrary to section 6(1) (a) of the Bribery Act, as read with section 18 (1) and (2) and conspiracy to commit a corruption offence contrary to section 47(a)(3) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

On 19th March 2019, the DPP concurred with the recommendation of the Commission that there is sufficient evidence to sustain charges against the two former EACC officers.

79. EACC/OPS/INQ/129/2018

ALLEGATIONS OF BRIBERY AGAINST AN EMPLOYEE OF THE NATIONAL TREASURY, PENSION DEPARTMENT

On 24th September 2018, EACC Integrity Centre Office received a complaint from a resident of Nairobi City County, alleging that, a person allegedly working at the National Treasury-Pensions Department, was demanding for a financial benefit of Kshs. 10,000 from his cousin, a resident of Kisii County, in order to facilitate the processing and release of her late husband's pension and gratuity; which pension payment had been pending for about 3 years.

Consequently, the Commission organized a sting operation which led to arrest of the suspect.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the suspects be charged with offences of receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 (1) and (3) of the

Bribery Act, 2016, for receiving the bribe, demanding property by written threats contrary to Section 299 the Penal Code, Cap 63, personating persons employed in the public service contrary to Section 105 (b) the Penal Code Cap 63.

On 19th March 2019 the DPP concurred with the Commission's recommendations for prosecution.

80.EACC/OPS/INQ/85/2018

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST OFFICIALS OF THE NAIROBI CITY COUNTY GOVERNMENT

Investigations commenced following a report by a complainant that three officials of the Nairobi City County Government had demanded for a bribe of Kshs. 30,000/= so that they would not issue a demolition notice.

The Commission carried out a successful trap operation where the suspects received Kshs. 17,000/=. Evidence further established that the suspects had on various occasions prior to the operation demanded bribes from the complainant.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations that the suspects be charged with offences of receiving a bribe contrary to section 6(1) (a) of the Bribery Act, 2016

On 23rd April, 2019 the DPP concurred with the Commission's recommendations for prosecution.

81.EACC/OPS/163/2017

INQUIRY INTO ALLEGATIONS OF OFFERING A BRIBE TO A PUBLIC OFFICER BY A DRIVER OF A PSV OWNED BY KUKENA SACCO

Investigations commenced after a driver of Public Service Vehicle allegedly offered a bribe to an Officer attached to National Transport Road Authority who was part of a team carrying out a joint operation with Officers of EACC, along

Kenol – Sagana Road. The said driver did not have a valid Public Service Badge, which is a requirement for drivers of Public Service Vehicles.

However, the evidence obtained could not establish the element of offering a bribe.

On 23rd January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

On 15th March 2019 the DPP concurred with the Commission's recommendations for closure.

82. EACC/MSA/OPS/INQ/40/2018

INQUIRY INTO ALLEGATIONS OF SOLICITING AND RECEIVING A BRIBE BY A POLICE OFFICER AT BAMBA POLICE STATION KILIFI COUNTY

The Commission commenced investigations following a complaint that the suspect had requested a financial advantage of Kshs. 5,000/= so as to release the complainant's daughter from custody.

Evidence established the suspect's intention to receive a bribe and the actual receiving of the bribe.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect be charged with two counts of receiving a bribe contrary to section 6 (1) (a) of the Bribery Act, 2016

On 29th April 2019 the DPP concurred with the Commission's recommendations for prosecution.

83. EACC/OPS/INQ/09/2018

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST A CHIEF IN MLOLONGO LOCATION

The Commission commenced investigation following a report made on 23rd January, 2018 that a chief at Mlolongo location requested a bribe of Kshs.

30,000/= as an inducement to forbear charging the complainant with the offence of handling stolen goods.

Evidence established that when the complainant was caught with the stolen goods, he pleaded not to be arrested and offered to pay the owner of the stolen property. The owner of the property requested the chief to receive the money on her behalf and a committal agreement was made in that regard. The suspect chief was therefore acting as a mediator between the complainant herein and the owner of the stolen goods. The evidence on record did not therefore establish beyond any reasonable doubt that the chief had requested and or received a bribe.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that the file be closed with no other action.

On 29th April, 2019, the DPP concurred with the Commission's recommendation for closure of the file.

84.EACC/OPS/INQ/157/2018

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST A COMPLIANCE OFFICER AT KRA.

The Commission commenced investigation following a complaint that a compliance officer at the Kenya Revenue Authority (KRA) requested for a benefit of Kshs. 10,000/= so as to assist the complainant obtain a tax compliance certificate.

Investigation established that the suspect had requested for a bribe and received the same through his mobile phone.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect be charged with two counts of receiving a bribe contrary to section 6(1) (a) of the Bribery Act, 2016.

On 29th April, 2019, the DPP concurred with the Commission's recommendation for prosecution.

85. EACC/MSA/OPS/INQ/17/18

INQUIRY INTO ALLEGATIONS THAT A PROSECUTION COUNSEL BASED AT TAVETA LAW COURTS IN TAITA TAVETA COUNTY REQUESTED FOR A BRIBE OF KSHS. 40,000/= AS TO IMPROPERLY INFLUENCE CRIMINAL PROCEEDINGS IN CRIMINAL CASE NO. 272 OF 2018 AT TAVETA LAW COURTS.

The Commission commenced investigations on receipt of a complaint on 28th May, 2018 that a Prosecution Counsel at Taita Taveta Law Courts had requested for a bribe of Kshs. 40,000/= from the complainant so as to facilitate a favorable court fine of Kshs. 20,000/= in respect of Cr. Case No. 272 of 2018.

A successful trap operation was carried out and it was established that the suspect requested for and received a bribe.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect be charged with two counts of receiving a bribe contrary to section 6(1) (a) as read with section 18 (10 and (2) of the Bribery Act, 2016.

On 29th March 2019 the DPP concurred with the Commission's recommendation for prosecution.

86. EACC/OPS/45/2015

INQUIRY INTO ALLEGATIONS OF OBTAINING MONEY BY FALSE PRETENSE, FORGERY AND MAKING FALSE DOCUMENTS AGAINST THE DIRECTOR AND EMPLOYEE OF TROPICAL WINGS TOURS AND TRAVEL CO. LTD.

The Commission commenced investigations following information that the suspects were operating a criminal syndicate where they facilitated processing of registration, travel documents and visas. The suspect illegally processed and acquired birth certificates, National Identity Cards, marriage certificates, bank statements and visa application.

Investigations established that indeed there was such a syndicate. However the evidence obtained was not sufficient to sustain a case in court on a beyond reasonable doubt basis.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that the file be closed.

Awaiting DPP's decision.

87. EACC/OPS/INQ/57/2018

INQUIRY INTO ALLEGATIONS OF RECEIVING A BRIBE AND POSING AS CUSTOMER CARE OFFICER WITH THE KENYA POWER AND LIGHTING COMPANY(KPLC)

The allegations were that a private person solicited for Kshs. 20,000/= in order to forbear reporting to the purported employer, KPLC, the issue of a faulty meter on the complainant's rental property.

A successful operation was carried out by the Commission and the evidence obtained established that the suspect indeed requested and received the bribe.

On 13th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect be charged with receiving a bribe contrary to section 6(1)(a) of the Bribery Act, 2016 and personating a person employed in the public service contrary to section 105(b) of the Penal Code.

On 29th April, 2019 the DPP concurred with the Commission's recommendation for prosecution.

88. EACC/OPS/INQ/28/2017

ALLEGATIONS OF CORRUPTION AGAINST A POLICE OFFICER ATTACHED TO THE SAVANNAH POLICE STATION

The Commission commenced investigations following a complaint that the officer demanded from him Kshs. 70,000/= so as to facilitate the withdrawal of his case from court.

From the evidence obtained it was not possible to verify the allegations. On 13th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the file be close with no further action.

On 23rd April 2019 the DPP concurred with the Commission's recommendation for closure of the file.

89. EACC/OPS/INQ/56/2016

ALLEGATION OF BRIBERY AGAINST AGENTS OF TALENT WORKS AND RIGHTS ENFORCEMENT LIMITED

The Commission commenced investigations following a complaint that persons purporting to be Anti-Counterfeit Agency officers had gone to his shop and confiscated his equipment alleging that his computers contained pirated music. The purported officers then asked the shop attendant for a bribe of Kshs. 60,000/= for the complainant to secure release of his office equipment.

The evidence established that the suspects indeed requested for and received a bribe. On 13th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that since the suspects are not public officers, the file be referred to the Director of Criminal Investigations to consider pursuing charges of obtaining money through false pretense contrary to section 313 of the Penal Code.

On 3rd May 2019 the DPP concurred with the Commission's recommendation that the file be referred to the Director of Criminal Investigations to finalize investigations.

90. EACC/OPS/INQ/32/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST PERSONS PURPORTING TO BE ARMY OFFICERS.

The Commission commenced investigations following a complaint that a person who purported to be an Army officer solicited for Kshs. 900,000/= from the complainant so that he would employ the complainant's relatives.

Evidence established that indeed the suspect requested for a bribe and actually received a bribe amounting to Kshs. 600,000/=.

On 28th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect and his counterpart be charged jointly and severally with receiving a bribe contrary to section 6(1)(a) of the Bribery Act, 2016 and personating a public officer contrary to section 105(b) of the Penal Code.

On 29th April, 2019, the DPP recommended that further investigations be carried out.

91.EACC/MCKS/OPS/INQ/29/2018

INQUIRY INTO ALLEGATIONS OF DEALING WITH SUSPECT PROPERTY AGAINST MACHAKOS TRAFFIC POLICE OFFICERS

The Commission received numerous complaints against Machakos Traffic Police Officers that they normally stop motor vehicles and demand bribes from motorists. The bribes allegedly ranged from Kshs. 50/= to Kshs. 200/=.

Investigation established that instead of the officers inspecting the motor vehicles as they are mandated to do, they would stop the said vehicles and collect money from motorists. A search conducted on the suspects turned up a total of Kshs. 3,900/= which was suspected to be bribe money.

On 28th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect be charged with the offences of abuse of office and dealing with suspect property contrary to section 47(2) (a) of ACECA.

On 13th May 2019 the DPP concurred with the Commission's recommendation for prosecution.

92.EACC/OPS/INQ/148/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A SENIOR SECRETARY AT RUAKA LOCATION KASARANI SUB COUNTY.

Investigations commenced following a complaint that a senior secretary at the office of Ruaraka location, Kasarani Sub County solicited for a benefit of Kshs. 1000/= from the complainant in order to facilitate registration of a self-help group known as Mathare Widows Self-help.

Upon investigations, it was established that the suspect had requested the bribe as alleged.

On 28th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect be charged with requesting for a bribe contrary to section 6(1)(a) of the Bribery Act, 2016.

On 23rd April 2019 the DPP disagreed with the Commission's recommendation to charge and recommended administrative action against the suspect.

93.EACC/GSA/OPS/INQ/69/2017

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AND BRIBERY AGAINST CHIEF INSPECTOR AT DADAAB POLICE STATION.

The allegations were that the suspect released a refugee who was meant to be escorted back to the camp in Dadaab as ordered by Court.

Evidence established that the suspect disobeyed the court order by failing to surrender the refugee at the camp. Bribery allegations were not proved.

On 28th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspect be charged with abuse of office contrary to section 46 as read with section 48 (1) of ACECA, disobedience of lawful orders contrary to section 131 of the Penal Code Cap 63 and undermining the authority of a public officer contrary to section 131 of the Penal Code, Cap 63.

On 23rd April 2019 the DPP concurred with the Commission's recommendation for prosecution.

94.EACC/KIS/OPS/INQ/7/2018

INQUIRY INTO ALLEGATIONS OF RECEIVING A BRIBE AGAINST OFFICERS OF KENYA FOREST SERVICE BASED AT NYAMIRA

The Commission commenced investigations following a complaint that officials of the Kenya Forest Service requested for a bribe of Kshs. 5,000/= to facilitate the purchase of fuel for their vehicle to visit the site where there was a dispute.

Evidence on record established that indeed the suspects had requested for a bribe. On 13th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the suspects be charged with receiving a bribe contrary to section 6(1)(a) as read with section 18 of the Bribery Act, 2016.

On 7th May 2019 the DPP concurred with the Commission's recommendations for prosecution.

95.EACC/KSM/OPS/INQ/3/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A POLICE OFFICER ATTACHED TO KOMBWA POLICE STATION.

A complaint was received at the Western Regional Office in Kisumu on the 27th August 2018 from a complainant who claimed that a police officer unknown to him at that moment attached at Kombewa Police Station was improperly requesting a financial advantage of Kshs. 30,000 in order to withdraw defilement charges against his brother.

On 27th August 2018 the investigating team proceeded to Rata Police Post but was unable to meet the Investigating Officer who was handling the case who alleged the matter had been forwarded to Kombewa Police Station. The team proceeded to Kombewa Police Station and fitted the complainant with an audio visual recording and a conversation was recorded where the suspect requested for a bribe of Kshs. 30,000 which he reduced to Kshs. 20,000.

A trap operation was mounted where the suspect was arrested and then escorted to Kisumu Railways Police Station. He was released on a cash bail of Kshs. 5,000/=.

On 7th February, 2019, a report was compiled and forwarded to DPP with recommendation of prosecution of the suspect with three (3) counts of requesting for a financial advantage of Kshs. 30,000/= and Kshs. 20,000/= and receiving a financial advantage of Kshs. 10,000/=.

On 29th April, 2019, the DPP concurred with the Commission's recommendation for prosecution.

96.EACC/MKS/OPS/INQ/45/2017

INQUIRY INTO ALLEGATIONS OF REQUESTING AND RECEIVING A BRIBE AGAINST A PROBATION OFFICER IN MACHAKOS PROBATION OFFICE, MACHAKOS COUNTY

On 15th March 2017 the Commission, received a complaint alleging that a Probation Officer based in Machakos town requested for a bribe of Kshs. 5,000 (Five thousand) in order to facilitate her to file a civil case.

The Commission organized a sting operation that resulted in the arrest of the probation officer after he received Kshs. 5000/= treated money.

The suspect was then arraigned in court for requesting for a bribe contrary to section 6 (1) (b) as read with section 18 of The Bribery Act 2016.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendation that there is sufficient evidence to support the charges and the case against the suspect be pursued to its logical conclusion.

On 7th May 2019 the DPP concurred with the Commission's recommendations for prosecution.

97.EACC/MSA/OPS/INQ. 20/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A POLICE OFFICER ATTACHED TO BAMBURI POLICE STATION, MOMBASA COUNTY

The Commission received a complaint from a businessman residing in Bamburi – Kiembeni within Mombasa City County, that a police officer attached to Bamburi Police Station had demanded a financial advantage of Kshs. 6,000/=

so as to facilitate the release of motor vehicle which had been impounded for violating traffic rules.

A successful trap operation was carried out and the suspect was arrested.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendation to charge the suspect for receiving a bribe contrary to section 6(1) of the Bribery Act.

On 23rd April 2019 the DPP concurred with the Commission's recommendation for prosecution.

98.EACC/NKR/OPS/INQ/13/2017

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST A PUBLIC OFFICER AT KENYA PRISON SERVICE IN NAKURU COUNTY.

Investigations commenced after the Commission received a complaint alleging that the Kenya prison wardens guarding prisoners within Nakuru Law Courts basement cells were demanding bribes in order for them to allow friends and relatives to see prisoners. Investigations revealed that indeed suspect requested for bribes as alleged.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendation to charge the suspect with the offence of receiving a bribe contrary to Section 6(1) (a) as read with Section 18 of the Bribery Act.

On 23rd April 2019 the DPP advised that administrative action be taken against the suspect in lieu of prosecution as recommended by the Commission.

99.EACC/OPS/INQ/144/2018

INQUIRY INTO ALLEGATIONS THAT TRAFFIC POLICE OFFICERS MANNING THE THIKA-GARISSA HIGHWAY WERE DEMANDING BRIBES FROM MOTORISTS FOR UNSPECIFIED OFFENCES

On 12th October, 2018, the Commission carried out a sting operation along the Thika- Garissa Highway based on the Surveillance Report that was carried out on diverse dates.

The said operation led to the arrest of a Traffic Police Officer. However, there was no sufficient evidence to charge the officer with a criminal offence.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendation that the National Police Service Commission should take appropriate administrative action against the suspects.

On 18th April, 2019 the DPP concurred with the Commission's recommendation for administrative action.

100. EACC/OPS/INQ/40/2015

INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AGAINST EMPLOYEES OF SOCIETY GENERAL SURVEILLANCE (SGS) EMPLOYEES

The Commission commenced investigations following intelligence reports that employees of Society General Surveillance (SGS) manning the Webuye and Malava Weighbridges were collecting bribes from some road transport companies so that their trucks do not undergo the due weighing procedures.

Investigations revealed that SGS employees worked in cahoots with some truck owners by receiving bribes as an inducement to allow trucks bypass the weighbridge without being weighed. The bribe would be sent to the SGS employees through an Mpesa dealer whose shop was next to the weighbridge at Webuye.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendation to charge the SGS employees for the offence of dealing with suspect property contrary to section 47(1) as read with section 48(1) of the ACECA.

On 3rd June 2019, the DPP recommended further investigations to be carried out.

101. EACC/OPS/INQ/23/2017

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN EMPLOYEE OF THE PUBLIC TRUSTEE, SHERIA HOUSE

The Commission commenced this investigation following a report from the complainant who is a widow, that a clerical officer at the Public Trustee, Sheria House was requesting for a bribe of Kshs 5000/- in order to facilitate signing of consent forms and processing of payment of her late husband's savings at Equity Bank.

A successful trap operation was carried out which led to the arrest of the suspect.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendation to charge the suspect with the offence of receiving a benefit contrary to Section 6(1) (a) as read with Section 18 of the Bribery Act No. 47 of 2016.

On 22nd March 2019 the DPP concurred with Commission's recommendation for prosecution.

102. EACC/OPS/INQ/145/2017

AN INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST A BUSINESS LADY AT KARIOKOR MARKET

The Commission received a complaint from a complainant on 25th September, 2017 that Nairobi City Council Officials were soliciting for a benefit of Kshs 30,000/= from him in order to allow him apply for the renewal of a liquor license.

Investigations established that indeed the suspect had asked for a bribe but the evidence obtained was not enough to sustain bribery charges.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendation that the inquiry file be closed.

On 23rd April 2019 the DPP concurred with the Commission's recommendation for closure.

103. EACC/MCKS/OPS/INQ/04/2016

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A FOREST RANGER AT KENYA FOREST SERVICES ATTACHED TO MACHAKOS COUNTY

The Commission commenced investigations following a complaint that on 2nd August, 2016 a Forest Ranger attached to Machakos had requested for a benefit of Kshs. 100,000/= from a complainant as an inducement to release a Lorry registration number KBJ 318J and issue a permit to ferry farm produce. The amount was later negotiated downwards to Kshs 50,000.

Investigations established that indeed the Officer requested for the bribe from the complainant and insisted on being given Kshs 100,000 and later Kshs 50,000 in order to release the lorry and issue a permit to ferry farm produce. Evidence further established that after financial analysis the Officer had filed false wealth declaration forms in December 2015 and November, 2017.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendation that the inquiry file be closed since the suspect has since passed on.

On 19th March 2019 the DPP concurred with the Commission's recommendation for closure of file.

104. EACC/OPS/INQ/184/2018

AN INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST OWNER OF A PRIVATE MOTOR VEHICLE REG. NO. KCH 019K

On 18th December, 2018 Commission and Traffic Police conducted a joint operation to arrest motorists who flout traffic laws and offer bribes to officers on duty so as to avoid being charged.

On this day the officers carried out an operation wherein the owner of a private motor vehicle Reg. No. KCH 019K was arrested after he allegedly gave a benefit to a Traffic Police Officer in order to forbear charging his driver with a traffic offence of exceeding speed limit contrary to Section 42(3) of the Traffic Act.

Upon analysis of the evidence, it was established that the evidence was not enough to prefer charges against the suspect.

On 7th February, 2019 a report was compiled and forwarded to DPP with recommendation that the inquiry file be closed.

On 16th April 2019 the DPP concurred with the Commission's recommendation for closure of the file.

105. ACC/MSA/PI/INQ/1/2017

INQUIRY INTO ALLEGATIONS THAT OFFICIALS OF BANDARI FOOTBALL CLUB FRAUDULENTLY RECEIVED IMPREST FOR AWAY AND HOME MATCHES PLAYED ON 14TH FEBRUARY 2016 AND 28TH FEBRUARY, 2016 RESPECTIVELY AMOUNTING TO KSHS. 2,528,800/=

The Commission commenced investigations following a complaint that certain officials of Bandari Football Club had fraudulently obtained temporary imprest from the Kenya Ports Authority (KPA) towards meeting the cost of away and home matches against St. Eloi Lupopo of the Democratic Republic of Congo during the CAF Confederation Cup matches played on 14th February, 2016 and 28th February, 2016 respectively. It was further alleged that the imprest of Kshs. 808,800.00 and Kshs. 1,720,000.00 for the away match and home match respectively were obtained using a forged letter from Football Kenya Federation(FKF), and that the cost would be met by FKF and not KPA.

Evidence established that the suspects were issued with temporary imprests in respect of official duties of Bandari Football Club, and therefore were not fraudulently obtained as alleged.

On 20th February, 2019, a report was compiled and forwarded to the ODPP with recommendations that appropriate disciplinary action be meted on the two suspects in respect of accrued interest on the temporary imprest issued to them pursuant to the provisions of Regulation 93 of the Public Finance Management (National Government) Regulations, 2015.

On 11th April, 2019 the DPP concurred with the Commission's recommendation that administrative action be taken against the officials of Bandari Football Club.

106. EACC/PI/INQ/344/2016

INQUIRY INTO ALLEGATIONS OF IRREGULARITIES REGARDING RECRUITMENT OF THE PRINCIPAL ACCOUNTANT-RECEIVABLES AND BRIBERY AT THE AIDS CONTROL COUNCIL (NACC)

The Commission commenced investigations following a complaint regarding irregularities in recruitment and bribery allegations against the National Aids Control Council. It was alleged that the NACC in the process of hiring a Principal Accountant-Receivables, on a three-year contract, picked on a person who allegedly was not a fully qualified CPA(K) and did not possess a Masters degree at the time she attended the Board's interview. It was further alleged that the person bribed the officials with Kshs. 1 million in order to secure the contract.

Evidence established that the process followed while recruiting the candidate was proper and therefore the suspect was duly appointed. There was also no evidence to substantiate the allegation that the said person bribed the officials with Kshs. 1 million.

On 28th March, 2019, a report was compiled and forwarded to the ODPP with recommendations that the file be closed with no further action.

On 8th May 2019 the DPP accepted the Commission's recommendation for closure.

107. EACC/PI/INQ/408/2017

INQUIRY INTO ALLEGATION THAT IN FY 2014/2015, THE GOVERNOR OF SIAYA COUNTY GOVERNMENT SPENT MORE THAN KSH. 70 MILLION ABOVE THE ALLOCATED AMOUNT FOR PURCHASE OF VEHICLES AND AMBULANCES WITHOUT APPROVAL OF THE COUNTY ASSEMBLY

The Commission commenced investigations following allegations that the Governor of Siaya County Government had spent Kshs. 70 million more than was allocated for purchase of cars and ambulances in the Financial Year 2014/2015. It is alleged that the Governor spent Kshs. 159 million instead of the planned expenditure of Kshs. 89 million without approval of the County Assembly. It was

further alleged that the vehicles were procured from a company which was not in the list of those recommended by the Public Works Department.

Following an analysis of the evidence, it was established that purchase of the six vehicles for the County Government of Siaya was planned and budgeted for in the Financial Year 2014/2015. Investigations established that there was no irregularity in the procurement process of purchase of the six vehicles for Siaya County Government in the Financial Year 2014/2015.

On 16th January, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

On 12th March 2019 the DPP concurred with the Commission's recommendation for closure of file.

STATISTICAL SUMMARY OF FILES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

1.	Total No. of files forwarded to the Director of Public Prosecutions	107
2.	No. of files recommended for prosecution	71
3.	No. of files recommended for administrative or other action	12
4.	No. of files recommended for closure	24
5.	No. of files recommended for prosecution and the cases are already lodged before Court	3
6.	No. of files where recommendation to prosecute accepted	39
7.	No. of files where recommendation for administrative or other action accepted	7
8.	No. of files where recommendation for closure accepted	21
9.	No. of files returned for further investigations	24
10.	No. of files where recommendation to prosecute not accepted	0
11.	No. of files where recommendation for administrative or other action not accepted	0
12.	No. of files where closure not accepted	0
13.	No. of files where prosecution declined but administrative action recommended	6
14.	No. of files awaiting the DPP's advice	10

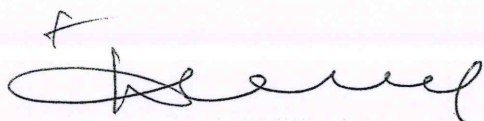
DATED AT NAIROBI THIS

22nd

DAY OF

July

2019



ARCHBISHOP (RTD) ELIUD WABUKALA, EBS
CHAIRMAN

/jrl/gon



TWALIB MBARAK
SECRETARY/CHIEF EXECUTIVE OFFICER

