



THE ETHICS AND ANTI-CORRUPTION COMMISSION

**SECOND QUARTERLY REPORT COVERING THE PERIOD
1ST APRIL, 2023 TO 30TH JUNE, 2023**

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PREAMBLE

The Ethics and Anti-Corruption Commission (Commission) is required under section 36 of the Anti-Corruption and Economic Crimes Act, 2003, to prepare quarterly reports setting out the number of reports made to the Director of Public Prosecutions (DPP) under Section 35 of the Anti-Corruption and Economic Crimes Act, 2003 as read with Section 11(1) (d) of the Ethics and Anti-Corruption Commission Act, 2011.

Section 36 provides that;

- 1. The Commission shall prepare quarterly reports setting out the number of reports made to the Director of Public Prosecutions under section 35 and such other statistical information relating to those reports, as the Commission considers appropriate.*
- 2. A quarterly report shall indicate if a recommendation of the Commission to prosecute a person for corruption or economic crime was accepted or not accepted.*
- 3. The Commission shall give a copy of each quarterly report to the Attorney General.*
- 4. The Attorney General shall lay a copy of each quarterly report before the National Assembly.*
- 5. The Commission shall cause each quarterly report to be published in the Gazette.*

This report is therefore made pursuant to section 36 of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003(ACECA). The report covers the Second Quarter and is for the period commencing 1st April, 2023 to 30th June, 2023.

INVESTIGATION REPORTS COVERING THE PERIOD FROM 1ST APRIL, 2023 TO 30TH JUNE, 2023

1. EACC/FI/INQ/31/2022.

INQUIRY INTO ALLEGATIONS OF IRREGULAR AWARD OF CONTRACTS FOR THE IMPLEMENTATION OF THE LAKE TURKANA WIND POWER PROJECT AND SUBSEQUENT PAYMENT OF KES. 18,499,082,672.00 TO M/S. LAKE TURKANA WIND POWER LTD BY VARIOUS GOVERNMENT AGENCIES BETWEEN THE YEARS 2005 AND 2019.

The Commission received a report from the Public Investment Committee (PIC) of the National Assembly on procurement irregularities, contract mismanagement and fraudulent payments touching on the contract for the construction of 400KV Transmission Interconnector power line from Loiyangalani to Suswa and related works.

Investigations established that the contract between Kenya Power and Lighting Co. Ltd (KPLC) and Isolux Ingegneria S.A. (Isolux), resulted in a loss of Kshs. 18 Billion and increased electricity tariffs.

Investigations further revealed that in 2005, Lake Turkana Wind Power (LTWP) Ltd, leased 150,000 acres of land in Marsabit, Northern Horr Area to put up a wind power generation plant. In 2006, LTWP Ltd carried out a feasibility study in Loiyangalani Area and established that the area had a potential for production of renewable energy. LTWP Ltd then proposed a wind power generation plant to the Government of Kenya (GOK), who took up the said proposal. KPLC entered into a Power Purchase Agreement (PPA) with LTWP Ltd on 29th January 2010 for the development of the Wind Power Plant (the LTWP Project). Among the terms of the PPA were that LTWP Ltd would generate 300MW of electricity, and that KPLC would be the sole off taker (consumer) of that power. However, a 400 KV Transmission Inter-Connector Line (T.I. Line) needed to be constructed from Loiyangalani to Suswa Sub-Stations, so that this generated power could be



transported to the National Grid in Suswa Sub-Station. Further that, if LTWP Ltd finished developing the Power Plant and started generating power, they would start charging for the power, whether KPLC were evacuating that power or not, from the date of commissioning. The T.I. Line was to be constructed by Kenya Transmission Company (KETRACO) and LTWP Ltd.

Investigations reveals that, the construction of the T.I. Line was incomplete, and as a result, LTWP Ltd charged GOK Kshs. 18,499,082,672/- for the Deemed Generated Energy. Further investigations revealed that public officers were involved in contractual fraud and money laundering.

A report was compiled and forwarded to the DPP on 5th June 2023 recommending that the suspects be charged with conspiracy to commit an offence of economic crime contrary to Section 47A(3), fifteen counts of abuse of office contrary to Section 46, conflict of interest Contrary to Section 42(3), two counts of wilful failure to comply with the law relating to procurement Contrary to Section 45(2)(b), deceiving Principal contrary to Section 41 (2), fraudulent acquisition Contrary to Section 45(1)(a) all as read with Section 48 of ACECA, three counts of Money Laundering contrary to Section 3, six counts of Acquisition of Proceeds of Crime contrary to Section 4 both as read with Section 16 of the Proceeds of Crime and Anti-Money Laundering Act 2009 and Neglect of official duty contrary to Section 128 as read with Section 36 of the Penal Code,

Awaiting DPP's response.

2. EACC/FI/INQ/46/2019

INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST IN THE AWARD OF TENDERS AMOUNTING TO KSHS. 50 MILLION TO COMPANIES OWNED BY FAMILY MEMBERS OF FORMER KIAMBU COUNTY GOVERNOR; FERDINARD WAITITU NDUNG'U IN THE FINANCIAL YEAR 2017/2018 AND 2018/2019.

The Commission received a report that in the financial year 2017/2018 and 2018/2019, the Kiambu County Government Irregularly awarded tenders amounting to Kshs. 50,000,000/- to Bins Management Services Limited, Connex Logistics Africa Limited, Beedee Management Services Limited, Mudrex Enterprises Limited and other companies owned by the former Governor, Kiambu County Government.

Investigations established that Bins Management Services Limited, Connex Logistics Africa Limited, Beedee Management Services Limited, Mudrex Enterprises Limited and other Companies were owned by the then Governor; Ferdinand Waititu , his spouse and daughter. Additionally, no Conflict of Interest register was maintained by the Kiambu County Government and neither did Ferdinand Waititu declare any conflict of interest during the period.

Investigations further revealed that in the financial years 2017 /2018 and 2018/2019, the various Chief Officers, heading the Kiambu County Government departments irregularly raised Local Purchase Orders.

A report was compiled and forwarded to the DPP on 3rd May 2023 recommending that the suspects be charged with five counts of conflict of interest Contrary to Section 42(3), fifteen counts of abuse of office contrary to Section 46 and five counts of unlawful acquisition of public property contrary to Section 45(1)(a) all as read with Section 48 of ACECA.

Awaiting DPP's response.

3. EACC/FI/INQ/40/2021

INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES AND LOSS OF PUBLIC FUNDS THROUGH PAYMENT FOR NON EXISTING WORKS IN THE CONSTRUCTION OF A BLOOD TRANSFUSION CENTER BY THE COUNTY GOVERNMENT OF VIHIGA.



The Commission received information that the Vihiga County Government had advertised and irregularly awarded tender for construction of a blood transfusion center vide tender No. VCG/HLT/702190/2018/2019 in the Financial Year 2018/2019, resulting in loss of public funds.

Investigations established that the tender was for the sum of Kshs. 17 Million while the appropriated amount in the approved budget was Kshs. 9 Million. Five bids were opened in the tender. Investigations established that, the Director Ediettrium Consultants Services Limited prepared two bid documents while the other three were prepared by the Principal Quantity Surveyor, Transport and Infrastructure Department of Vihiga County Government. Further investigations established that none of the five bidders met the evaluation criteria as set out in the bid document.

A report was compiled and forwarded to the DPP on 3rd May 2023 recommending that the suspects be charged with conspiracy to commit an offence of economic crime contrary to Section 47A(3), abuse of office contrary to Section 46, two counts of wilful failure to comply with the law relating to procurement Contrary to Section 45(2)(b), fraudulent acquisition of public property Contrary to Section 45(1)(a) all as read with Section 48 of ACECA and Uttering a False Document Contrary to Section 353 of the Penal Code.

Awaiting DPP's response.

4. EACC/FI/INQ/40/2021

INQUIRY INTO ALLEGATION OF FRAUDULENT ACQUISITION OF PUBLIC FUNDS BY OFFICIALS OF THE NATIONAL MUSEUMS OF KENYA THROUGH SALARIES AND GRATUITY PAID TO GHOST WORKERS

The Commission commenced investigations following a report received that officers at the National Museums of Kenya (NMK) had added ghost workers in the payroll between May 2016 and April 2022.

Investigations established that the NMK payroll had 105 ghost worker included between the years 2016 and 2022. The ghost workers were paid gross salary ranging between Kshs. 88,000/- and Kshs. 95,000/- and gratuity at the rate of 31% of the annual basic pay.

Investigations further established that the ghost workers would retain a percentage of the salaries received and remit the balance to officers at the NMK. The 105 ghost workers were paid cumulative totals of Kshs. 491,405,413/- as salaries for the period. Additionally, the ghost workers were made to obtain loan facilities at a specified KCB bank branch and later submit the loan amounts to the NMK officials. The ghost workers would be given a token of appreciation of between Kshs. 100,000.00 and Kshs. 200,000.00 from the loan money.

A report was compiled and forwarded to the DPP on 5th May 2023 recommending that the suspects be charged with six counts of unlawful acquisition of public property Contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, two counts of conspiracy to commit an offence of economic crime contrary to Section 47A(3) as read with Section 48 of Anti-Corruption and Economic Crimes Act No.3 Of 2003, two counts of abuse of office contrary to Section 46 all as read with Section 48 of ACECA, two counts of acquisition of proceeds of crime contrary to Section 4 as read with Section 16 of the Proceeds Of Crime and Anti-Money Laundering Act 2009, one count of money laundering contrary to Section 3 (a) as read with Section 16 of the Proceeds of Crime and Anti-Money Laundering Act 2009, and two counts of Financial Misconduct contrary to Section 197(1)(i) as read with Section 199 of the Public Finance Management Act, 2012.

Awaiting DPP's response.



5. EACC/MLD/FI/INQ/03/2018

INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT PROCESS IN THE AWARD OF TENDER NO TRCG/030/2016-2017 FOR FENCING THE KENYA WILDLIFE COMPOUND AND STAFF QUARTERS IN TANA RIVER COUNTY TO AL-KARIM GENERAL CONSTRUCTION COMPANY LIMITED

The Commission commenced investigations following a report of irregular procurement process in the award of tender number TRCC/30/2016-2017 for fencing the Kenya Wildlife compound and Staff Quarters in Garsen, Tana River County and award to Al-Karim General Construction Company Limited for the sum of Kshs. 5,976,180.80.

Investigations established that the procurement had not been budgeted for and was not captured in the Procurement Plan. Investigations further reveals that all bidders were non responsive, however, the evaluation Committee awarded the tender to Alkarim General Constructions. The documents used by Alkarim General Constructions to bid were forgeries.

An inspection audit of the project revealed that the project was valued at Kshs. 4,117,027.46/- against the tender sum of Kshs. 5,908,088.00.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the suspects be charged with four counts of wilful failure to comply with the law relating to procurement contrary to Section 45(2)(b), engaging in a project without prior planning contrary to Section 45(2)(C), conspiracy to commit an offence of economic crime contrary to Section 47A(3) all as read with Section 48 of ACECA, engaging in fraudulent practice contrary to Section 66(2) as read with Section 177 of the Public Procurement and Asset Disposal Act, 2015, forgery contrary to Section 345 as read with Section 349 of the Penal Code.

Awaiting DPP's response.

6. EACC/MSA/FI/INQ/10/2021

INQUIRY INTO ALLEGATIONS OF CORRUPTION AND IRREGULAR PAYMENT OF KSHS. 6.9 MILLION MADE BY TECHNICAL UNIVERSITY OF MOMBASA FOR FENCING OF GOTANI LAND IN KALOLENI DURING THE FY 2014/2015.

The Commission commenced investigations following a complaint that the Technical University of Mombasa irregularly paid Kshs. 6.9 million to M/S Ifata Engineering Services Limited for fencing of Gotani Land in Kaloleni in the Financial Year 2014/2015.

Investigations established that the Technical University of Mombasa was approached by the Kaloleni Constituency Development Committee to construct a University College at Kaloleni on condition that the Kaloleni Community donates land to the University. Subsequently, the Kaloleni District Development Committee approved the proposal to have a university around Gotani area. Land, aprox. 55.8 acres was identified and the Project Committee agreed to purchase the land at Kshs 90,000 per acre.

Investigations further established that the Kaloleni Constituency Development Fund Committee (KCDFC) held a meeting on the 15th October 2012 and authorized payment of Kshs. 5,022,000/- to the Kaloleni District Commissioner, who was the chair of the Land Control Board and was best placed to know the rightful owners of the said community land. The Kshs 5,022,000.00 payment was effected through the Kaloleni District Commissioner's Office vide payment voucher No. 290946 and receipt No.0167584.

After payment, the Vice Chancellor instructed the Project Manager to follow up on the issue of fencing and securing the title for the plot. The investigation reveals that the same was not done.

Investigations further reveals that procurement for fencing works commenced. The tender was advertised as an open tender in the Daily Nation dated 11th February 2015 and later awarded to Ifata Engineering Services Ltd at a total cost



of Kshs 16,806,238.05. However, the 13th Council meeting resolved that the land issue be abandoned as the process of getting the title was lengthy and expensive. The fencing contract was terminated. At the time of termination, two payments certificates had been paid to the contractor for the work and materials delivered of Kshs. 6,930,750 and Kshs. 4,476,723.40 respectively.

Further investigations established that the Project Management Office led by Prof. Awadh Binhazim and the Project Manager the late Dr. Waziri Sudi were tasked to secure the title for the said land. The Contract Management responsibility was on the User Department in this case the Project Management Office headed by Prof, Awadh Binhazim and the Project Manager Dr. Waziri Sudi.

Investigation established that Ifata Engineering Ltd is yet to be paid the termination claim of Kshs. 2,728,032.90. Investigations further established that the Project Manager is since deceased and that that Prof Awadh Binhazim could not be traced.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the file be closed and an advisory be issued to the Technical University of Mombasa to fast track the acquisition of the title of the land.

Awaiting DPP's response.

7. EACC/F1/1NQ/14/2016

INQUIRY INTO ALLEGATIONS OF FORGERY BY BID BOND BY OSANO & ASSOCIATES (O&A) IN REGARDS TO CONTRACT NO. ICTA/KTCIP/RFP/24/2014-2015 FOR THE STRATEGIC INFORMATION AND COMMUNICATION TECHNOLOGY PARTNER.

The Commission commenced investigations following a letter dated 2nd February 2016 from the DPP. The matter was previously investigated by the Directorate of Criminal Investigations (DCI) who recommended closure of the inquiry file. The Office of the Director of Public Prosecutions (ODPP), was of the view that the

matter concerned allegations of corruption and fraudulent procurement practices and requested the Commission to investigate further.

Investigations established the procurement resulted in a contract between the Information and Communication Technology Authority (ICTA) and Osano and Associates (O&A). The contract had special conditions which required that O&A provided ICTA with an Advance Payment Guarantee (APG) before payment of 20% advance payment.

Investigations established further that the procurement process was fraudulent and it involved submission of fraudulent APGs. The award letter was prepared and signed before the tender committee held a meeting that awarded the contract to O&A. Investigations reveal that there was frequent communication amongst members of the Tender Evaluation Committee and O&A.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the file be closed for reasons that the the original documents initially in the custody of the DCI could not be obtained.

Awaiting DPP's response.

8. EACC/PI/INQ/16/2021

INQUIRY INTO ALLEGATIONS OF IRREGULAR AWARD OF TENDER FOR CONSTRUCTION OF LANGATA PHASE IV & V RESIDENTIAL UNITS AT KSH. 1.1 BILLION BY NATIONAL HOUSING CORPORATION TO LEMNA INTERNATIONAL INC. LIMITED DURING THE FINANCIAL YEAR 2009/2010 WHOSE COST WAS EXAGGERATED BY KSH. 100 MILLION

The Commission commenced investigations following a report made that the National Housing Corporation (NHC) had made double payment of Kshs. 100,000,000/- to Lemna International Inc. Limited. The Company was allegedly incorporated in the USA, and subsequently registered in Kenya. On 19th October 2009, the NHC commenced procurement for construction of 230 3 bedroom units



via Tender Number: NHC/TECH/275/2/2010-Proposed Infill Flats at Langata IV & V. The NHC opted for the Request for Proposals Method and on 15th April 2010, the Tender Committee recommended 19 firms, among them, Lemna International Inc. Limited, to be invited to submit their proposals under three options; conventional (Option 1), contractor financed (Option 2) and contractor financed-technology (Option 3). Lemna International Inc. Limited submitted their bid under the contractor financed (option 2).

Investigations established that the evaluation process was flawed as all bidders were non-responsive but the Tender Evaluation Committee nonetheless recommended the contract award to N.K. Brothers Limited. On 3rd June 2010, the Tender Committee considered and disagreed with the recommendations of the Tender Evaluation Committee, they instead awarded the tender to Lemna International Inc. Limited at a contract sum of Kshs. 902,142,259.80.

Investigations further established that the contract was signed on 31st December 2010, between the Corporation and Lemna International Inc. Limited. Terms of the contract was that Lemna International Inc. Limited would receive 20% of the contract amount upon submission of an Advance Payment Guarantee (APG) and the balance on completion. Lemna International Inc. Limited subcontracted EPCO Builders Limited to implement the contract.

Investigations further revealed that, subsequently, the parties varied the terms of contract from contractor financed to conventional through execution of an addendum. The variation required the NHC to pay Lemna International Inc. Limited for works done based on the payment certificates raised. Investigation established that Certificates Nos. 1-4 were prepared for the sole purpose of measuring the works done while certificates 5-9 were raised for purposes of payment. However, a dispute arose in Payment of Certificate No. 10, the issue was referred to arbitration. The arbitrator found in favour of both the Contractor and the Corporation. Investigations further established that as the result of the dispute, the Corporation overpaid the Contractor by Kshs. 1,075,895,612.42.

A report was compiled and forwarded to the DPP on 20th June 2023 recommending that the suspects be charged with three counts of abuse of office contrary to Section 46, four counts of wilful failure to comply with the procurement laws Contrary to Section 45(2)(b), unlawful acquisition of public property Contrary to Section 45(1)(a) and conspiracy to commit an offence of economic crime contrary to Section 47A (3) all as read with Section 48 of ACECA.

Awaiting DPP's response.

9. EACC/FI/INQ/46/2021

INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES AT KENYA NATIONAL EXAMINATION COUNCIL (KNEC) IN THE AWARD OF TENDER FOR PRINTING OF CERTIFICATES FOR KENYA CERTIFICATE OF SECONDARY EDUCATION (KCSE) AND KENYA CERTIFICATE OF PRIMARY EDUCATION (KCPE) TO TALL SECURITY PRINT LIMITED, A UNITED KINGDOM (UK)-BASED COMPANY FOR THE FY 2019/2020 AND 2020/2021

The Commission commenced investigations following a report on procurement irregularities at KNEC in regards to tender for printing certificates for KCSE and KCPE awarded to Tall Security Print Ltd, a foreign company in the FY 2019/2020 and 2020/2021.

Investigations established that in the FY 2019/2020-2020/2021, KNEC budgeted for the printing of KCSE and KCPE certificates. Accordingly, in FY 2019/2020 direct procurement was used and the tender awarded to Tall Security Print Ltd . in FY 2020/2021, restricted tendering was used and the tender awarded to Tall Security Print Ltd.

Investigations established that for the FY 2019/2020 and FY2020/2021, Tall Security Print delivered the 2019 and 2020 KCPE and KCSE certificates. The certificates were inspected and KNEC paid for the contracts. Investigations established further that the procurement processes were not flouted



A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the file be closed.

Awaiting DPP's response.

10. EACC/ISL/FI/INQ/19/2016

INQUIRY INTO AN ALLEGATION OF MISAPPROPRIATION OF KSHS. 9, 000, 000/- ALLOCATED FOR CONSTRUCTION OF THIITI DISPENSARY IN THARAKA NITHI COUNTY BY THE COUNTY DEPARTMENT OF HEALTH DURING THE FINANCIAL YEAR 2014/2015.

The Commission commenced these investigations following allegations that the Ministry of Health, Tharaka Nithi County Government had misappropriated Kshs. 9, 000, 000/- allocated for the construction of Thiiti Dispensary in the Financial year 2014/2015.

Investigations revealed that the project was allocated Kshs. 2, 000, 000/- in the supplementary budget and not the alleged Kshs. 9, 000, 000/-. Further investigations confirmed that the procurement processes were adhered to. Additionally, the project was completed and inspected.

A report was compiled and forwarded to the DPP on 11th April, 2023, recommending that the file be closed for lack of sufficient evidence.

On 15th May, 2023, the DPP concurred with the recommendation to close the file

11. EACC/NYR/EL/INQ/05/2022

INQUIRY INTO ALLEGATIONS OF DOUBLE EMPLOYMENT AGAINST MONICA NJERI KIBUI WHO IS EMPLOYED BY DEDAN KIMATHI UNIVERSITY OF TECHNOLOGY AND IS AT THE SAME TIME AN EMPLOYEE OF NYERI COUNTY ASSEMBLY AS A MEMBER OF THE COUNTY ASSEMBLY SERVICE BOARD

The Commission received a complaint that; Monica Njeri Kibui, an Assistant Registrar with Dedan Kimathi University of Technology (DeKUT) was employed by the Nyeri County Assembly Service Board (CASB) as an external member.

Investigations revealed that Monica Kibui was employed at DeKUT in 2011 as an Administrative Secretary and later appointed as the Assistant Registrar on 18th June 2021. On 27th March 2018, she was appointed as an external member of the CASB and gazetted as such on 6th April 2018. Investigations further revealed that Monica Kibui was receiving double remunerations and benefits from both institutions.

A report was compiled and forwarded to the DPP on 11th April, 2023 recommending that Monica Kibui, the Assistant Registrar, Dedan Kimathi University of Technology be charged with one unlawful acquisition of public property contrary to Section 45 (1) (a) of ACECA.

On 8th June, 2023, the DPP returned the file with instructions of administrative action and civil recovery against the suspect in lieu of prosecution.

12. EACC/MCKS/EL/INQ/03/2018

INQUIRY INTO ALLEGATIONS THAT KITUI COUNTY PUBLIC SERVICE BOARD UNDER INSTRUCTIONS FROM GOVERNOR HON. CHARITY NGILU IRREGULARLY RECRUITED AND SUBSEQUENTLY APPOINTED OFFICERS TO MANIFESTO IMPLEMENTATION UNIT DURING FINANCIAL YEAR 2017/2018.

The Commission commenced investigations following a complaint that the Kitui County Public Service Board (KCPSB) under the instructions of the Governor; Hon. Charity Ngilu irregularly recruited and subsequently appointed officers to the Manifesto Implementation Unit(MIU) during the Financial year 2017/2018.

The Commission commenced investigations following a complaint that the KCPSB, under the instructions of the Governor; Hon. Charity Ngilu irregularly recruited and subsequently appointed officers to the MIU during the Financial year 2017/2018.

Investigations established that on 13th November 2017, the Kitui County Cabinet approved the establishment of the MIU. Investigations further established that on 17th November 2017, the Kitui Governor wrote a letter to KCPSB seeking appointment of persons to the MIU.

Investigations revealed that on 24th November 2017, 3 members of the KCPSB directed the KCPSB Secretary to issue appointment letters to appointees nominated by the Governor to work within the MIU.

Investigations further revealed that the KCPSB neither advertised nor conducted interviews for the positions, hence contravening the Constitution and the County Governments Act, 2012.

A report was compiled and forwarded to the DPP on 11th April, 2023 recommending that the former Kitui Governor and 3 members of the KCPSB be charged with two counts of abuse of office contrary to Section 46 as read with Section 48 of ACECA.

On 14th June, 2023, the DPP returned the file for further investigations

13. EACC/EL/ISL/INQ/11/2017

INQUIRY INTO ALLEGATIONS OF IRREGULAR EMPLOYMENT OF SAMBURU COUNTY ASSEMBLY (SCA) STAFF BY THE COUNTY ASSEMBLY SERVICE BOARD (CASB)

The Commission received a report that the Speaker of the Samburu County Assembly and the Chairperson of the Samburu County Service Board were involved in skewed recruitment in the County, based on favouritism since 2013. That the speaker of the Samburu County Assembly and the Chairperson of the Samburu County Service Board (SCASB) hired their clansmen and close relatives who had no relevant qualifications.

Investigations established that the SCASB advertised for several vacancies between 2014 and 2017. Investigations further established that the Chairperson,

the Secretary and the members of the SCASB who were in office between the year 2014 to the year 2016, jointly made decisions to irregularly recruit David Lmasintae Lerno, Wiklife Loseaku Lesaare, and David Leakono Matano without considering the qualification set out in the advertment. Further that David Lmasintae Lerno, was employed as a Senior Accountant without advertising or setting out the academic qualifications for the position.

A report was compiled and forwarded to the DPP on 11th April, 2023 recommending that the SCASB be charged with four counts of abuse of office contrary to Section 46 and unlawful acquisition of public property contrary to section 45(1)(a) as read with section 48 all of ACECA.

On 8th June, 2023, the DPP returned the file for further investigations

14. EACC.NKR/OPS/INQ/1/2021

INQUIRY INTO ALLEGATION OF RECEIVING A BENEFIT BY SAMUEL BOR AND LAWRENCE KOOME, WHO ARE EMPLOYEES OF KENYA POWER –KABARNET OFFICE.

The Commission commenced investigations following a complaint that a Revenue Assistant, Kenya Power –Kabarnet Office (KPLC), had requested for a financial advantage of Kshs. 6,000/- as an inducement to reconnect power to Joel Kimuge's premises, on which it had been disconnected for unpaid power bill.

Investigations established that on 18th January 2021, the Revenue Assistant visited Joel Kimuge's premises in Kasoiyo Village within Kabarnet to disconnect the power and also confiscated the post-paid metre box and the Prepaid Token Metre Serial No: 14250925436 on grounds of outstanding power bill.

Investigations further established that the Revenue Assistant together with a Senior Technical officer, made a bribe request of Kshs. 6,000/ -. The EACC organized an operation on 21st January 2021, where the Revenue Assistant was arrested for

receiving Kshs. 6,000/- operation money at Kabarnet town. Further investigations established that the Kshs. 6,000 treated trap money, was recovered from the Revenue Assistant.

A report was compiled and forwarded to the DPP on 11th April 2023 recommending that the suspects be charged with three counts of receiving a bribe, contrary to Section 6(1) (a) as read with Section 18 (1), (2) of the Bribery Act No. 47 of 2016.

On 5th June, 2023, the DPP returned the file for further investigations.

15.EACC/NYR/OPS/INQ/07/2022

INQUIRY INTO BRIBERY ALLEGATION AGAINST JOHN NDIRANGU GITHIMI AND DAVID MAINA GITHAIGA; THE CHIEF GITHIMA LOCATION NYERI COUNTY AND THE NYERI COUNTY LAND COORDINATOR, RESPECTIVELY.

The Commission commenced investigations following a report received through an informant that the the Chief Githima Location and the Nyeri County Land Coordinator had requested a financial advantage of Kshs. 800,000/- as an inducement in order to facilitate the processing of the title deed to land parcel No. Gakawa/Githima/507.

Investigations established that the two Officers requested and received Kshs. 200,000/- through Mpesa, from Alex Njaramba Kagwai. The two officers further requested for Kshs. 800,000/- or an acre of land from Gakawa/Githima/507.

A report was compiled and forwarded to the DPP on 11th April 2023 recommending that the Chief Githima Location be charged with two counts of receiving a bribe, contrary to Section 6(1) (a) as read with Section 18 (1), (2) of the Bribery Act No. 47 of 2016.

Awaiting DPP's response.

16. EACC/OPS/INQ/67/2021

INQUIRY INTO BRIBERY ALLEGATION AGAINST EVANS KIPRONO CHERUIYOT; A LEGAL OFFICER WORKING WITH KENYA MEDICAL SUPPLIES AUTHORITY (KEMSA)

The Commission commenced investigations following a complaint received on 19th July 2021 from Titus Barasa Makhanu that a Legal Officer, KEMSA was demanding for a financial benefit of Kshs. 1.5 million to facilitate payment of Kshs. 33 million legal fees due in relation to instructions issued to his law firm by KEMSA.

Investigations established that KEMSA engaged the firm of Titus Makhanu and Associates Advocates for legal services. The firm executed the instructions and part payment was approved for payment on 24th September 2020. The complainant visited KEMSA in December 2020 to discuss the pending fees. During the visit, the legal officer requested for a bribe of Kshs. 1.5 million to facilitate retracting of an adverse memo that advised KEMSA CEO not to pay the pending fee notes.

The Commission organized for an operation where the legal office, KEMSA was arrested for requesting for a bribe of Kshs. 1,000,000/ -.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the suspect be charged with two counts of receiving a bribe, contrary to Section 6(1) (a) as read with Section 18 (1), (2) of the Bribery Act No. 47 of 2016.

Awaiting DPP's response.

17. EACC/ISL/OPS/INQ/15/2020

BRIBERY ALLEGATIONS AGAINST AYUB FREDRICK MAKAPILA, OCS, MULIKA POLICE STATION

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The Commission commenced investigations following a report that on 14th May 2020, the OCS, Mulika Police Station, Meru County, demanded for a bribe of Kshs. 5,000/- so as to release two remandees held in his custody.

Investigations established that Joseph Nthangi and David Kinyua were arrested for violating the curfew directives on 13th May 2020. Investigations established further that the suspect requested for a bribe of Kshs. 5,000/- from the complainant and his nephew.

The Commission organized for an operation and a Police Officer was arrested for receiving a bribe of Kshs. 4,500/- on behalf of the OCS, Mulika Police Station.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the suspect be charged with two counts of receiving a bribe, contrary to Section 6(1) (a) as read with Section 18 (1), (2) of the Bribery Act No. 47 of 2016.

Awaiting DPP's response.

18.EACC/OPS/INQ/82/2022

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST CPL ANTHONY KINYANJUI WAIRIMU, A POLICE OFFICER ATTACHED TO THE DCI SPECIAL SERVICE UNIT.

The Commission commenced investigations following a complaint that a Police Corporal attached to DCI, requested for a bribe of Kshs. 30,000/- in order to issue Daniel Nyamu with a favourable report to be presented to Interpol.

Investigations established that Daniel Nyamu started the de-registration process at National Transport and Safety Authority(NTSA) after disposing his motor vehicle. To finalize the de-registration process, NTSA required that Daniel Nyamu avail a tape lift report and another report from Interpol.

Investigations revealed that on 21st July 2022, Daniel Nyamu met the Police Corporal who requested for a bribe of Kshs. 30,000 so as to issue him with a

favourable report. The Commission organized for an operation and established a bribe demand of Kshs. 15,000/-.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the suspect be charged with two counts of receiving a bribe, contrary to Section 6(1) (a) as read with Section 18 (1), (2) of the Bribery Act No. 47 of 2016.

Awaiting DPP's response.

19. EACC/NYR/OPS/INQ/12/2020

INQUIRY INTO ALLEGATION THAT JOE MBUITU CHOMBA; A CLERICAL OFFICER, MINISTRY OF INTERIOR, BARICHO KIRINYAGA COUNTY REQUESTED FOR A BRIBE OF KSHS.3, 000/-

The Commission commenced investigations following a complaint that a Clerical Officer, Ministry of Interior Baricho Kirinyaga, requested for a bribe of Kshs. 3,000/- in order to facilitate processing and issuance of an Identity Card.

Investigations revealed that the Clerical Officer requested for a bribe of Kshs. 3,000/- so as to fast track the processing of a National Identity Card. The Commission organized for an operation where the Clerical Officer was arrested for receiving a bribe of Kshs. 2,000/-.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the suspect be charged with three counts of receiving a bribe, contrary to Section 6(1) (a) as read with Section 18 (1), (2) of the Bribery Act No. 47 of 2016 and administrative action against the suspect.

Awaiting DPP's response.



20. EACC/KSI/OPS/INQ/2/2023

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST KENNEDY OKOTH AGWANDA

The Commission commenced investigations following a report by the Commanding Officer, Othoro Police Station that a son to one of their remandees' one Fred Agwanda, was offering a bribe of Kshs. 10,000/- in order to facilitate the release of the said remandee.

Investigations revealed that the Commanding Officer was offered a bribe of Kshs. 15,000/- in order not to charge Fred Agwanda alias 'Okungu' for the offence of selling illicit brew. The Commission organized for an operation whereby Kennedy Agwanda was arrested for offering a bribe of Kshs. 15,000/- to the Commanding Officer; Othoro Police Station.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the suspect be charged with giving a bribe, contrary to Section 5(1) (a) as read with Section 18 (1), (2) of the Bribery Act No. 47 of 2016.

Awaiting DPP's response.

21. EACC/OPS/INQ/89/2020

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST PHILIP MUTUA KILONZO A CLEARING AND FORWARDING AGENT BASED AT BUSIA COUNTY.

The Commission received a complaint from Joseph Makosi Ndambuki; an official member of United Africa Evangelical Ministries (UAEM) that a clearing and forwarding agent based at Busia County requested for a benefit of Kshs. 5.8 million as an inducement to assist UAEM obtain tax clearance from Kenya Revenue Authority (KRA) for a consignment that UAEM had imported on behalf of Grace Children Home.

Investigations established that between 30th September 2020 and 5th November 2020, the Complainant and other members of the UAEM received demand

notices from KRA Domestic Tax Department demanding unspecified amount of taxes, on the relief goods imported by UEAM on behalf of Grace Children's Home. Investigations further established that the demand notices were fake and did not originate from KRA.

Investigations revealed that Philip Mutua Kilonzo and other unidentified persons impersonated KRA officials and demanded a bribe of Kshs. 2.9 million from members of the UAEM.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that the suspect be charged with two counts of receiving a bribe, contrary to Section 6(1) (a) as read with Section 18 (1), (2) of the Bribery Act No. 47 of 2016, Obtaining money by false pretenses Contrary to Section 313 and conspiracy to defraud contrary to Section 317 both of the Penal Code,

Awaiting DPP's response.

22. EACC/OPS/INQ/144/2020

INQUIRY INTO ALLEGATIONS THAT ENG. MICHAEL MWAURA KAMAU, A FORMER CABINET SECRETARY FOR TRANSPORT AND INFRASTRUCTURE RECEIVED BRIBES FROM SBI OFFICIALS.

The Commission commenced investigations following a report that between 2008 and 2016, Kenyan government officials received bribes amounting to USD 10 million from Israeli Nationals in exchange for contracts worth USD 400 million funded by the World Bank in the Republic of Kenya. Eng. Michael Kamau was among the government officials alleged to have received Kshs. 2 million in bribe.

Investigations established that the bribes allegedly paid by an Israeli Company known as Shikun & Binui (SBI) with the aim of promoting its business interests in Kenya did not extent to Eng. Michael Kamau. Investigations further revealed that the suspect interacted with the SBI company when he was Chief Engineer for Roads in the year 2006 to 2007. Investigations further confirms that the Kshs. 2

million received from an SBI official was contribution towards the demise of the suspect's mother on 1st June, 2015 and not a bribe.

A report was compiled and forwarded to the DPP on 12th June 2023 recommending that file be closed with no further action.

Awaiting DPP's response.

STATISTICAL SUMMARY OF FILES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

1.	Total No. of files forwarded to the Director of Public Prosecutions	22
2.	No. of files recommended for prosecution	17
3.	No. of files recommended for administrative or other action	0
4.	No. of files recommended for closure	5
5.	No. of files recommended for prosecution and the cases are already lodged before Court	0
6.	No. of files where recommendation to prosecute accepted	0
7.	No. of files where recommendation for administrative or other action accepted	0
8.	No. of files where recommendation for closure accepted	1
9.	No. of files returned for further investigations	3
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	1
14.	No. of files awaiting the DPP's advice	17

Dated at Nairobi this *2nd* Day of *August* 2023



DAVID OGINDE, PhD
CHAIRPERSON

/sn



for **TWALIB MBARAK, CBS**
SECRETARY/CHIEF EXECUTIVE OFFICER

