



ETHICS AND ANTI-CORRUPTION COMMISSION

**REPORT OF ACTIVITIES
AND FINANCIAL STATEMENTS FOR THE
FINANCIAL YEAR 2022/2023**

TABLE OF CONTENTS

LIST OF FIGURES	v
LIST OF TABLES	v
LIST OF ABBREVIATIONS AND ACRONYMS	vi
MISSION STATEMENT	viii
MEMBERS OF THE ETHICS & ANTI-CORRUPTION COMMISSION	ix
MESSAGE FROM THE CHAIRPERSON	x
MESSAGE BY SECRETARY/CHIEF EXECUTIVE OFFICER	xi
Chapter 1	1
BACKGROUND	1
1.0 Introduction.....	1
1.1 Mandate and Functions of the Commission.....	1
Chapter 2	2
LAW ENFORCEMENT	2
2.1 Introduction.....	2
2.2 Reports Received and Processed.....	2
2.2.1 Reports Relevant to Commission Mandate	3
2.3 Status of Investigations	3
2.3.1 Cases Under Investigation.....	4
2.3.2 Investigatory Applications	9
2.3.3 Completed Investigations on Corruption, Economic Crimes and Ethical Breaches	9
2.4 Proactive Investigations	13
2.4.1 Disruption of Corruption.....	13
2.4.2 Integrity Testing	14
2.4.3 Investigation into Allegations of Bribery	15
2.5 Reports to the Director of Public Prosecutions	15
2.6 Cases Pending before Court.....	15
2.7 Cases Finalized in Court	20
2.8 Illegally Acquired and Unexplained Assets Traced	30
2.9 Civil Proceedings	31
2.9.1 Applications for Preservation of Assets	31
2.9.2 Recovery Suits Filed	32
2.9.3 Cases filed against the Commission	37
2.10 Recovered Assets	40

2.11	Issuance of Advisories, Cautions and Notices	45
2.12	Integrity Verification.....	48
2.13	Review of Policy and Legal Framework.....	48
2.13.1	Amendment to Anti-Corruption and Economic Crimes Act, No. 3 of 2003.....	48
2.13.2	Amendment to Ethics and Anti-Corruption Commission Act, No.22 of 2011	49
2.13.3	Amendment to Leadership and Integrity Act, No. 19 of 2012	49
2.13.4	Development of Model Procedures for Prevention of Corruption and Bribery	49
Chapter 3		50
PREVENTION OF CORRUPTION AND UNETHICAL PRACTICES		50
3.0	Introduction.....	50
3.1	Systems Review	50
3.1.1	Examinations.....	50
3.1.2	Corruption Risk Assessments.....	51
3.2	Corruption Prevention Advisories	54
3.2.1	Advisories under the Public Service Performance Contracting Framework.....	54
3.2.2	Advisories on Prevention of Bribery and Corruption.....	54
3.3	Corruption Prevention Guidelines	54
3.4	Monitoring the Implementation of Prevention Interventions.....	54
3.4.1	Systems Review Recommendations.....	54
3.4.2	Advisories.....	55
3.4.3	Sectoral Corruption Prevention Fora.....	55
3.5	Implementation of Chapter Six of the Constitution and Related Laws.....	55
3.5.1	Development of Leadership and Integrity Codes for State Officers	55
3.5.2	Commitment to the Leadership and Integrity Codes.....	55
3.5.3	Development of Codes of Conduct and Ethics for Public Officers.....	56
3.5.4	Regulation of Bank Accounts Outside Kenya for State and Public Officers	56
3.5.5	Oversight in the management of Declaration of Income, Assets and Liabilities	56
3.5.6	Capacity Building on implementation of Chapter Six of the Constitution.....	57
3.6	Public Education and Awareness Programmes.....	57
3.6.1	Public Outreach Programmes to Targeted Community and Professional Networks.....	57
3.6.2	Corruption Prevention Committee Training.....	57
3.6.3	General Sensitization.....	57
3.6.4	Mainstreaming Integrity in Institutions of Learning	57
3.6.5	Media Education Programmes	60
3.6.6	Development and Dissemination of Information, Education and Communication Materials	60
3.7	National Integrity Academy.....	60

3.8	End Term Review of the Strategic Plan (2018-2023).....	61
3.9	Development of the Strategic Plan (2023-2028).....	62
Chapter 4		63
PARTNERSHIPS AND NETWORKS		63
4.0	Introduction.....	63
4.1	National Engagements	63
4.1.1	Kenya Leadership Integrity Forum	63
4.1.2	Partnership with Public Procurement Regulatory Authority (PPRA)	65
4.1.3	Partnership with Development Partners	65
4.2	Regional Engagements.....	65
4.3	International Engagements.....	66

LIST OF FIGURES

Figure 2.1: Trend of number of reports received and processed.....	2
Figure 2.2: Trend of reports relevant to the Commission’s mandate.....	3
Figure 2.3: Classification of reports received	3

LIST OF TABLES

Table 2.1: Action on Reports Received	2
Table 2.2: Highlights of Cases under Investigations	4
Table 2.3: Highlights of Completed Investigations	10
Table 2.4: Highlights of Cases where Loss was Averted through Disruption	13
Table 2.5: Reports to the Director of Public Prosecutions.....	15
Table 2.6: Highlights of Cases Pending Before Court.....	15
Table 2.7: Highlights of Cases Finalized in Court.....	20
Table 2.8: Highlights of Assets Traced.....	30
Table 2.9: Highlights of Applications for Preservation of Assets	31
Table 2.10: Recovery Suits Filed.....	33
Table 2.11: Highlights of Cases Filed against the Commission	37
Table 2.12: Recovered Public Assets.....	40
Table 2.13: Highlights of Advisories Issued.....	45
Table 2.14: Highlights of Cautions Issued.....	46
Table 2.15: Highlight of Notices issued.....	47
Table 3.1: Highlight of the Findings and Recommendations of Examinations	50
Table 3.2: Highlights of the Findings and Recommendations of Assessment Reports	51
Table 3.3: Signing of Leadership and Integrity Code by State Officers	55
Table 3.4: Courses offered by NIAca	61

LIST OF ABBREVIATIONS AND ACRONYMS

ACECA	Anti-Corruption and Economic Crimes Act
ADC	Agricultural Development Corporation
ASK	Agricultural Society of Kenya
CAJ	Commission on Administrative Justice
CASB	County Assembly Service Board
CDF	Constituency Development Fund
CE	County Executive
CEC	County Executive Committee
CECM	County Executive Committee Member
CEO	Chief Executive Officer
CPC Cap 75	Criminal Procedure Code
CPCs	Corruption Prevention Committees
CPSB	County Public Service Board
CRA	Corruption Risk Assessments
CS	Cabinet Secretary
CT	Computed Tomography
DIALs	Declaration of Income, Assets and Liabilities
DPP	Director of Public Prosecutions
EAAACA	Eastern Africa Association of Anti-Corruption Authorities
EACC	Ethics and Anti-Corruption Commission
EACCA	Ethics and Anti-Corruption Commission Act
ECDE	Early Childhood Development Education
FY	Financial Year
GDC	Geothermal Development Company
GoK	Government of Kenya
HC	High Court
HR	Human Resource
IACD	International Anti-Corruption Day
IAOs	Integrity Assurance Officers
IEBC	Independent Electoral and Boundaries Commission
IFMIS	Integrated Financial Management Information System
IHRM	Institute of Human Resource Management
JKUAT	Jomo Kenyatta University of Agriculture and Technology
KALRO	Kenya Agriculture and Livestock Research Organization
KEMRI	Kenya Medical Research Institute
KENHA	Kenya National Highways Authority
KEPHIS	Kenya Plant Health Inspectorate Services
KeRRA	Kenya Rural Roads Authority
KES/Kshs	Kenya Shillings
KETRACO	Kenya Electricity Transmission Company
KEWI	Kenya Water Institute
KHRC	Kenya Human Rights Commission
KICD	Kenya Institute of Curriculum Development
KIRDI	Kenya Industrial Research Development Institute
KISM	Kenya Institute of Supplies Management
KLIF	Kenya Leadership Integrity Forum
KMTC	Kenya Medical Training College
KPA	Kenya Ports Authority
KPLC	Kenya Power and Lighting Company
KRA	Kenya Revenue Authority
KTNAB	Kenya Trade Network Agency Board

KURA	Kenya Urban Roads Authority
KWS	Kenya Wildlife Service
LAPFUND	Local Authority Provident Fund
LIA	Leadership and Integrity Act
LoK	Laws of Kenya
LR	Land Reference
MCA	Member of County Assembly
MDAs	Ministries, Departments and Agencies
MoU	Memorandum of Understanding
MP	Member of Parliament
NCA	National Construction Authority
NFA	No Further Action
NGAO	National Government Administration Office
NG-CDF	National Government Constituency Development Fund
NHIF	National Health Insurance Fund
NPS	National Police Service
NYS	National Youth Service
OAG&DOJ	Office of the Attorney General & Department of Justice
PC	Performance Contracting
PFM–CG	Public Finance Management- County Government
PFM	Public Finance Management
PPADA	Public Procurement and Asset Disposal Act
PPDT	Political Parties Disputes Tribunal
PSB	Public Service Board
PSPMU	Public Service Performance Management Unit
PV	Payment Voucher
REREC	Rural Electrification and Renewable Energy Corporation
SRC	Salaries and Remuneration Commission
UHC	Universal Health Coverage
UNODC	United Nations Office on Drugs and Crime
POEA	Public Officer Ethics Act

MISSION STATEMENT

VISION

An Integrity and Values-Driven Kenyan Society

MISSION

To promote integrity and combat corruption through law enforcement, prevention and education

MANDATE

To combat and prevent corruption, economic crime and unethical conduct in Kenya through law enforcement, prevention, public education and promotion of standards and practices of integrity, ethics and anti-corruption

CORE VALUES

Fidelity to the Law

Integrity

Teamwork

Innovation

Professionalism

Courage

MEMBERS OF THE ETHICS & ANTI-CORRUPTION COMMISSION



David Oginde, PhD
Chairperson



Dr. Monica Wanjiru Muiru
Vice-Chairperson



Colonel (Rtd) Alfred Mshimba, MBS
Commissioner



Dr. Cecilia Mutuku CHRP, CPS-K
Commissioner



Mr. John Otieno Ogallo
Commissioner



Twalib Mbarak, CBS
Secretary/Chief Executive Officer

MESSAGE FROM THE CHAIRPERSON



The Constitution of Kenya, 2010 provided for the establishment of the Ethics and Anti-Corruption Commission pursuant to Article 79. The enactment of the EACC Act No.22 of 2011 gave powers to the EACC and the mandate to combat and prevent corruption, economic crime and unethical conduct in Kenya through law enforcement, prevention, public education, promotion of standards and practices of integrity, ethics and anti-corruption.

The Commission aligned its strategies to the national development priorities as set out in the Kenya Vision 2030, Medium Term Plan III 2018-2022 and the Big 4 Agenda, among other plans. The Commission undertook an end term review of its 2018-2023 Strategic Plan to assess the extent of implementation, relevance, efficiency, effectiveness, impact and sustainability of programmes and activities.

In the review, it was established that the conviction rate of cases on corruption and unethical conduct rose from 51.5 percent in 2018 to 53.7 percent in 2023, the value of corruptly acquired assets recovered by the Commission increased from KES 3.565 billion in 2018 to KES 28.0 billion in 2023, and the value of loss of public funds averted through proactive investigations rose from KES 19.7 billion in 2018 to KES 39.2 billion in 2023.

Based on these findings, the Commission embarked on formulation a new Strategic Plan for the period 2023-2028. Under the new Plan, the Vision, Mission, and Strategic Goal of the Commission are supported by Four Pillars, namely: Law Enforcement; Promotion of Ethics and Integrity; Prevention of Corruption and Unethical Practices; and Education, Training and Public Awareness. It is our hope and desire that the new Plan will support us to ultimately realize the vision of an Integrity and Values-driven Kenyan Society.

During the period under review, the Commission leveraged on strategic linkages and partnerships with national, regional and international organisations to provide technical support and capacity building programmes. In particular, the Commission signed a Memorandum of Understanding (MoU) with the Public Procurement Regulatory Authority (PPRA) and Oversight and Anti-Corruption Authority of the Kingdom of Saudi Arabia.

The Commission also partnered with the European Union/United Nations Office on Drugs and Crime (EU/UNODC) through the Programme for Legal Empowerment and Aid Delivery in Kenya, Phase II (PLEAD II) to enhance the capacity of the Commission to fight corruption. In addition, we explored new partners and hosted distinguished delegates including the Attorney General of the Republic of Mozambique and the Ambassador of Indonesia to Kenya to forge new alliances in the fight against corruption.

I am confident with the steps taken and the milestones realized during the year under review. I call upon all partners, stakeholders and Kenyans to unite with the Commission in the fight against corruption and unethical conduct in the country.

David Oginde, PhD
Chairperson
ETHICS AND ANTI-CORRUPTION COMMISSION

MESSAGE BY SECRETARY/CHIEF EXECUTIVE OFFICER



The Ethics and Anti-Corruption Commission presents its Annual Report for the Financial Year 2022-23, pursuant to section 27 of the Ethics and Anti-Corruption Commission Act, 2011 and Section 45 of the Leadership and Integrity Act, 2012. The Annual Report includes a description of activities and Financial Statements of the Commission.

During the year under review, the EACC pursuant to its law enforcement mandate, finalized and forwarded 97 investigation files on corruption and economic crimes to the Director of Public Prosecutions for review. A further 61 investigations files on violations of Chapter Six of the Constitution and Leadership and Integrity Act, 2012 were finalized with various recommendations.

In the same period, illegally acquired and unexplained assets with an estimated value of KES 6.63 billion were traced, while assets with an approximated value of KES 3.8 billion were recovered. The Commission also conducted proactive investigations, which averted a possible loss of public funds estimated at KES 4.7 billion.

In an effort to enhance institutional and personal integrity, the Commission undertook systems reviews and finalized examinations reports at the Moi University and Masinde Muliro University of Science and Technology. Similarly, EACC conducted Corruption Risk Assessments in Bomet County Executive, County Assembly of Siaya, Siaya County Executive, County Assembly of Bomet and Public Procurement Regulatory Authority (PPRA).

The Commission, in line with its mandate to educate and raise public awareness, foster public support and build capacity of several sectors in the fight against corruption, it conducted 97 Corruption Prevention Committee (CPC) trainings in Ministries, Departments, Agencies and County Governments reaching 1,787 participants and sensitized community and professional networks reaching 968 participants. Further, the Commission offered Integrity Assurance Officers Course, Leadership and Integrity Course for the Executives and Promoting integrity in Supply Chain Management Course.

In addition, the Commission implemented programmes to ensure compliance with ethical standards and practices as provided under Chapter Six of the Constitution and related laws. Towards this end, the Commission facilitated the signing and commitment to the Leadership and Integrity Code for 2,727 State Officers. The Commission also rolled out integrity compliance capacity-building programmes targeting State and Public Officers.

During the period under review, the Commission encountered a number of challenges that hampered effective implementation of its mandate key among them, the heightened political environment arising from the General Elections, inadequate budgetary allocation and delay in disbursement of the exchequer.

In spite of the challenges, the Commission remains steadfast in undertaking its mandate and in ensuring that timely action is taken on those found in violation of anti-corruption laws or in breach of ethical codes. I call upon every Kenyan to join us in combating corruption and promotion of ethical standards and practices.

**Twalib Mbarak, CBS
Secretary/Chief Executive Officer
ETHICS AND ANTI-CORRUPTION COMMISSION**

Chapter 1

BACKGROUND

1.0 Introduction

The Ethics and Anti-Corruption Commission (EACC) is a statutory body established under the Ethics and Anti-Corruption Commission Act (EACCA), No. 22 of 2011 pursuant to Article 79 of the Constitution. This Annual Report is prepared pursuant to the provisions of Article 254 (1) of the Constitution, Section 27 of EACCA, 2011 and Section 45(1) of the Leadership and Integrity Act (LIA), No. 19 of 2012. The Financial Year 2022/23 Annual Report provides details of anti-corruption activities undertaken and achievements realized; information relating to the enforcement of ethics and compliance with the provisions of LIA; relevant statistical information; challenges encountered; and audited financial statements of the Commission.

1.1 Mandate and Functions of the Commission

The Commission is mandated to combat and prevent corruption, economic crimes and unethical conduct through law enforcement, prevention, public education and promotion of ethical standards and practices. The mandate is derived from Articles 79 and 252 of the Constitution; the EACC Act, No. 22 of 2011; LIA, No. 19 of 2012; the Public Officer Ethics Act (POEA), No 4 of 2003; the Anti-Corruption and Economic Crimes Act (ACECA), No. 3 of 2003; and the Bribery Act, No. 47 of 2016, among other relevant laws. The functions of the Commission as derived from its mandate are to:

- a) Develop codes of ethics and promote standards and best practices in integrity and anti-corruption for State and Public Officers;
- b) Investigate and recommend to the Director of Public Prosecutions the prosecution of any acts of corruption, bribery, economic crimes or violation of codes of ethics;
- c) Oversee the enforcement of codes of ethics and recommend appropriate action to be taken against State Officers or Public Officers alleged to have engaged in unethical conduct;
- d) Advise, on its own initiative, any person on any matter within its functions;
- e) Raise public awareness on ethical issues and educate the public on the dangers of corruption and enlist and foster public support in combating corruption;
- f) Monitor practices and procedures of public bodies to detect corrupt practices and to secure the revision of methods of work or procedures that may be conducive to corrupt practices; and
- g) Institute and conduct proceedings in court for purposes of the recovery or protection of public property, or for the freezing or confiscation of proceeds of corruption or related to corruption, or the payment of compensation, or other punitive and disciplinary measures.

The subsequent chapters of the Report are organized as follows: Chapter Two outlines Law Enforcement activities; Chapter Three focuses on Prevention of Corruption and Unethical Practices; Chapter Four expounds on Partnerships and Networks while Chapter Five presents audited Financial Statements of the Commission.

Chapter 2

LAW ENFORCEMENT

2.1 Introduction

This chapter highlights achievements of the Commission under its enforcement mandate. The achievements are presented under various sections, namely: Reports received and processed; status of investigations; proactive investigations; reports to the Director of Public Prosecutions; cases pending before court; cases finalized in court; illegally acquired and unexplained assets traced; civil proceedings; recovered assets; issuance of advisories, cautions and notices; integrity verification; and review of policy and legal framework.

2.2 Reports Received and Processed

The Commission received and processed 5,252 reports out of which 1,968 reports were within the Commission's mandate. Figure 2.1 shows the trend of reports received and processed over the last five years.

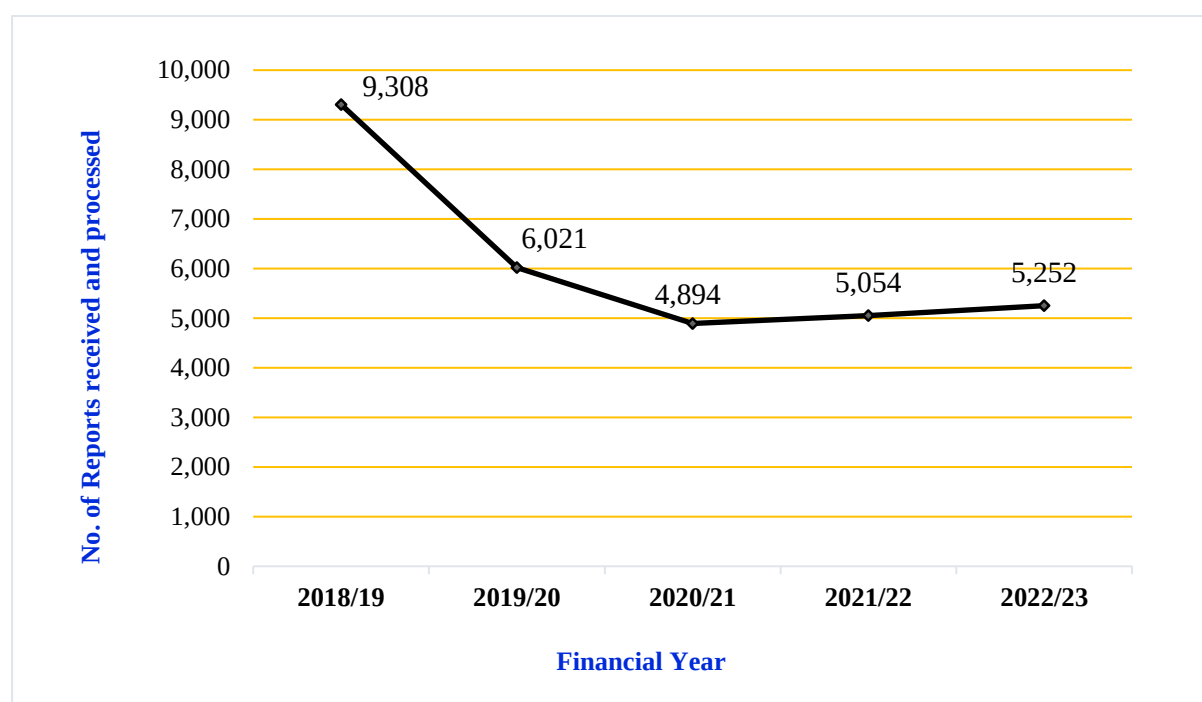


Figure 2.1: Trend of number of reports received and processed

The 5,252 reports were processed as illustrated in Table 2.1.

Table 2.1: Action on Reports Received

Action Taken	No. of Reports
Reports recommended for investigation	1,968
Complainants advised on where to report	1,745
Reports referred to other agencies	523
Complainants requested to provide additional information	122
Recommended for No Further Action (NFA)	894
Total No. of Reports	5,252

2.2.1 Reports Relevant to Commission Mandate

Out of 5,252 reports received, 1,968 were relevant to the Commission's mandate and were recommended for investigation. This represented 37 percent of reports received. Figure 2.2 illustrates the trend of reports relevant to the Commission's mandate over the last five years.

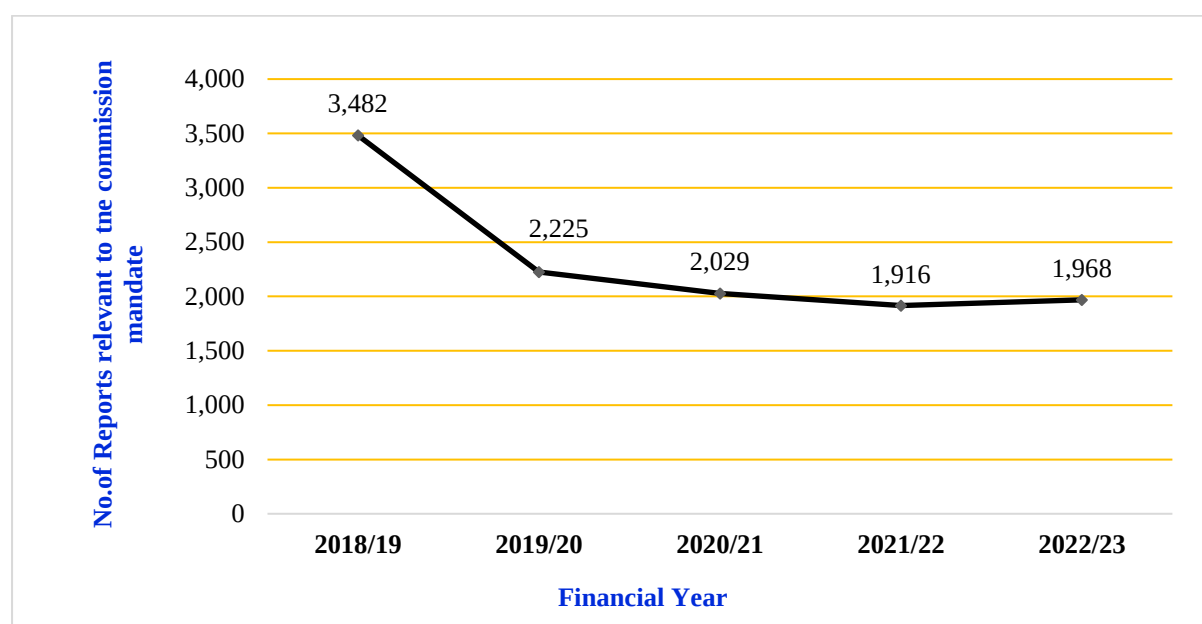


Figure 2.2: Trend of reports relevant to the Commission's mandate

The 1,968 reports recommended for investigation were classified as follows: 31 percent were related to bribery; 19 percent to embezzlement of public funds; 12 percent to fraudulent acquisition and disposal of public property; 10 percent to unethical conduct and 28 percent to other offenses as illustrated in Figure 2.3.

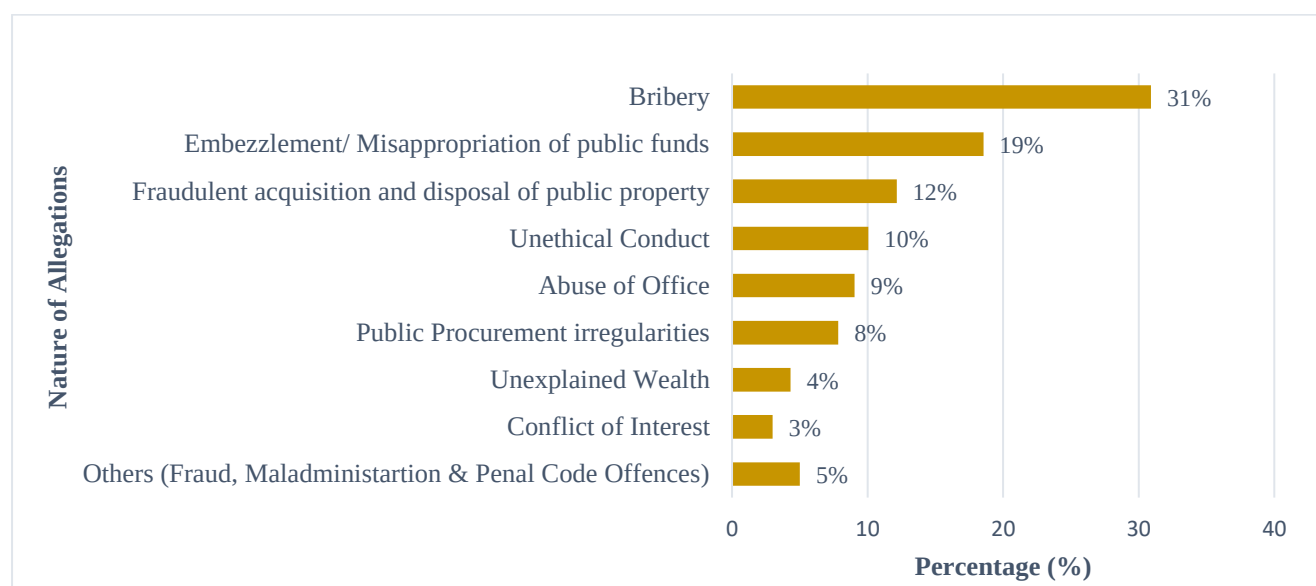


Figure 2.3: Classification of reports received

2.3 Status of Investigations

This section highlights cases under investigation, investigatory applications in courts and completed investigations during the reporting period.

2.3.1 Cases Under Investigation

During the reporting period, 512 cases were under investigation for corruption, economic crimes, bribery and unethical conduct. Some of the cases investigated are highlighted in Table 2.2.

Table 2.2: Highlights of Cases under Investigations

S No	Inquiry Number	Allegation	Institution	Amount (KES)
1.	EACC/FI/INQ/20/2023	Inquiry into allegation of irregular award of tenders for Ruiru II Water Project, Karimenu Water Project and Kitui Matuu Water Project.	Tana Athi Water Works Development Agency and Athi Water Works Development Agency	26,720,000,000
2.	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 to M/S. Lake Turkana Wind Power Ltd between the years 2005 and 2019.	Kenya Electricity Transmission Company (KETRACO)	18,499,082,672
3.	EACC/FI/INQ/5/2023	Inquiry into allegations of procurement irregularities in the tender for procurement of 37 CT Scanners awarded to M/S Megascop Healthcare (K) Ltd in the FY 2017/2018.	Ministry of Health	10,200,000,000
4.	EACC/MLD/FI/INQ/4/2021	Inquiry into allegations of irregular payments in the acquisition of Kenya Utalii College, Coast Branch.	Tourism Fund	8,500,000,000
5.	EACC/FI/INQ/23/2023	Inquiry into allegations of irregular disposal of Land L.R No. 209/6829, measuring 139 acres in Makongeni, Nairobi by the CEO, KRSRBS in FYs 2021/2022 and 2022/2023.	Kenya Railways Staff Retirement Benefits Scheme (KRSRBS)	8,000,000,000
6.	EACC/FI/INQ/6/2023	Inquiry into allegations of irregular acquisition of Telkom Kenya shares from Helios Investors LLP by the Government of Kenya (GoK) in FY 2022/2023.	Telkom Kenya	6,000,000,000
7.	EACC/FI/INQ/13/2023	Inquiry into allegations of procurement irregularities in Tender No. KEWI/RFP/004/2019 for consultancy services awarded to M/S Arprim Consultants Limited in the FY 2019/2020.	Kenya Water Institute (KeWI)	5,300,000,000
8.	EACC/FI/INQ/2/2023	Inquiry into allegations of irregular award of Tender No. KWS/USAID/RFP/ICT/48/2020-2021 for Design, Supply, Testing and Commissioning of new Revenue Collection System to PesaPass Company Ltd in FYs 2020/2021 and 2021/2022.	Kenya Wildlife Services (KWS)	5,000,000,000
9.	EACC/MSA/AT/INQ/26/2023	Inquiry into allegations of irregular extension of lease for L.R. Nos. 4637 and 28683 known as Voi Sisal without the approval of the defunct County Council of Taita Taveta.	County Government of Taita Taveta	4,100,000,000
10.	EACC/FI/INQ/19/	Inquiry into allegations of irregular	Kenya Medical	3,700,000,000

S No	Inquiry Number	Allegation	Institution	Amount (KES)
	2023	award of Tender No. GF ATM MAL NFM 2022/2023 OIT-02 for the supply of Long Lasting Insecticidal Nets (LLINS) in FY 2022/2023.	Supplies Agency	
11.	EACC/FI/INQ/30/2023	Inquiry into allegations of fraudulent acquisition of NHIF funds by; Afya Bora Hospital Annex, Joy Nursing and Maternity, St. Peters Orthopedics and Surgical Speciality, Jekim Hospital Nkubu and Jekim Medical Center during the period 2019 to 2023.	National Health Insurance Fund (NHIF)	3,200,000,000
12.	EACC/PI/INQ/7/2023	Inquiry into allegations of irregular award of a contract for provision of Drilling Services to M/S Lantech (Africa) Limited in FY 2013/2014.	Geothermal Development Company (GDC)	3,000,000,000
13.	EACC/MSA/PI/INQ/05/2020	Inquiry into allegations of irregular alienation Kaya Tiwi forest land.	County Government of Kwale	2,000,000,000
14.	EACC/BGM/INQ/PI/03/2022	Inquiry into allegations of procurement irregularities in award of Tender No LVNWWDA/W-S/MOI-MTD/2022-23 for construction works for water supply and sewerage for Moi's Bridge and Matunda towns.	Lake Victoria North Water Works Development Agency	1,921,422,451
15.	EACC/MSA/FI/INQ/08/2023	Inquiry into allegations of misappropriation of public funds on the compensation of fisher men affected by the LAPSET project.	Kenya Ports Authority	1,700,000,000
16.	EACC/NKR/FI/01/2023	Inquiry into allegations of fraudulent acquisition of public property LR. No. 528 measuring 459.7 Ha by a private individual.	Egerton University	1,600,000,000
17.	EACC/PI/INQ/4/2023	Inquiry into allegations of procurement irregularities in the award of a tender to Hexing Electrical Co. Limited for the supply of single phase and three phase meters in FY 2022/2023.	Kenya Power and Lighting Company (KPLC)	1,500,000,000
18.	EACC/FI/INQ/33/2023	Inquiry into allegations of irregular compensation of Persons Affected by Project during the resettlement and compensation of 1,759 squatters in FY 2022/2023.	Kenya Ports Authority (KPA)	1,400,000,000
19.	EACC/MCKS/FI/INQ/8/2020	Inquiry into allegations of irregular contract variation in Tender No. EPZA/08/2018-2019 for construction of industrial sheds infrastructure-civil works.	Export Processing Zone (EPZ)	1,200,000,000
20.	EACC/ELD/AT/INQ/12/2023	Inquiry into allegations of fraudulent acquisition of public land measuring 10.40 acres with six un-surveyed parcels numbers 25 to 30 and sub divided into 18 parcels.	County Government of Uasin Gishu	1,000,000,000
21.	EACC/GSA/FI/INQ/01/2022	Inquiry into allegations of embezzlement of public funds and procurement irregularities in FY 2019/2020.	County Government of Mandera	871,800,000

S No	Inquiry Number	Allegation	Institution	Amount (KES)
22.	EACC/FI/INQ/34/2022	Inquiry into allegations of conflict of interest, abuse of office and procurement irregularities by a Senior Accountant at Kenya Rural Roads Authority (KeRRA) and Member of Parliament for Ikolomani Constituency in award of various tenders in public institutions between FYs 2018/19 and 2022/23.	Kenya Rural Roads Authority (KeRRA), Kenya Wildlife Service (KWS), Kenya Urban Roads Authority (KURA), Kenya National Highways Authority (KENHA) and County Governments of Siaya and Homabay	817,335,960
23.	EACC/FI/INQ/45/2022	Inquiry into allegations of abuse of office and unexplained wealth by Meshak Rono, Joshua Lelei, Joel Ruto and Joseph Maritim, officials of County Government of Uasin Gishu and signatories of Uasin Gishu Overseas Education Trust bank account for scholarships in Finland between the year 2019 and 2022.	County Government of Uasin Gishu/ Uasin Gishu Overseas Education Trust	800,000,000
24.	EACC/MSA/AT/INQ/27/2023	Inquiry into allegations of irregular alienation of public land reserved for Kenya Coast National Polytechnic formerly Mombasa Technical Training Institute in Shanzu - LR. No. MN/I/2932.	Kenya Coast National Polytechnic	700,000,000
25.	EACC/BGM/FI/INQ/7/2019	Inquiry into allegations of procurement irregularities during the award of tender for Malaba Water and Sanitation Project - Water Supply Works LOT 1 contract to Mactebac Contractor Limited in FY 2018/2019.	Rift Valley Water Services Board (RVWSB)	686,000,000
26.	EACC/GSA/FI/INQ/03/2023	Inquiry into allegations of procurement irregularities, fraud, tax evasion, conflict of interest and abuse of office by MCA Dandu Ward and a county employee between September 2014 and December 2022.	County Government of Mandera	514,750,002
27.	EACC/KSM/FI/INQ/05/2022	Inquiry into allegations of procurement irregularities and embezzlement of public funds in Tender No. CGS/SCM/EDU/OT/21-22/23 for Roof Works Sub-Contract and Main works for the proposed stadium between FY 2018/2019 and FY 2021/2022.	County Government of Siaya	400,000,000
28.	EACC/MCKS/PI/INQ/13/2022	Inquiry into allegations of abuse of office by county officials in harvesting and transporting sand.	County Government of Kitui	400,000,000
29.	EACC/ISL/FI/INQ/7/2016	Inquiry into allegations of procurement irregularities in the tender for the proposed construction of the county assembly in the FY 2013/2014.	County Assembly of Tharaka Nithi	369,642,688

S No	Inquiry Number	Allegation	Institution	Amount (KES)
30.	EACC/KSI/FI/INQ/8/2018	Inquiry into allegations of irregular procurement in the award of tender for construction of county assembly office block in FY 2017/2018.	County Assembly of Nyamira	367,000,000
31.	EACC/NYR/FI/INQ/08/2022	Inquiry into allegations of embezzlement of funds in the construction of Murang'a County Milk Processing Plant in FY 2013/14.	County Government of Muranga	300,000,000
32.	EACC/ELD/FI/INQ/7/2023	Inquiry into allegations of misappropriation of funds meant for car loans and mortgage scheme between the year 2017 and 2021.	County Assembly of Turkana	280,000,000
33.	EACC/PI/INQ/6/2023	Inquiry into allegations procurement irregularities in a tender for development of ASK Show Grounds in the FY 2012/2013 by Alice Kalya, former Chairperson ASK and Ken Kiplagat of Okoth & Kiplagat Advocates.	Agricultural Society of Kenya (ASK)	250,000,000
34.	EACC/PI/INQ/16/2023	Inquiry into allegations of corruption and money laundering of public funds against Lwanzi Ventures Limited, Zac Jabali, James Stainpatricks, Triwam Investments and Tapururu Limited in FYs 2020/2021 and 2021/2022.	County Government of Kiambu	227,959,430
35.	EACC/FI/INQ/29/2022	Inquiry into allegations conflict of interest against James Mumali Oyukah, an employee of the County Government through various tenders awarded to his company Hartland Enterprises Limited between September 2014 and February 2022.	County Government of Homa Bay	205,618,338
36.	EACC/GSA/FI/INQ/12/2023	Inquiry into allegations of conflict of interest and embezzlement of public funds by Governor Ahmed Abdullahi and his associates in the supply of food rations to communities in the FY 2022/2023.	County Government of Wajir	150,000,000
37.	EACC/KSM/FI/INQ/41/16	Inquiry into allegations of procurement irregularities for the award of tender for county spatial planning in FY 2015/16.	County Government of Kisumu	150,000,000
38.	EACC/NKR/FI/INQ/02/2022	Inquiry into allegations of embezzlement of public funds by KERRA officials through companies associated with the staff members between January and August 2021.	KERRA	118,677,661
39.	EACC/MCKS/AT/INQ/1/2022	Inquiry into allegations irregular allocation of public lands Machakos Municipality Block 1/32 measuring about 4.08 Acres to private developers.	County Government of Machakos	110,000,000
40.	EACC/BGM/FI/INQ/22(A-)/2020	Inquiry into allegations of embezzlement of public funds through imprest paid to the Office of the First Lady Priscilla Ambetsa Oparanya, during international and local travels.	County Government of Kakamega	100,000,000
41.	EACC/ELD/EL/INQ/18/2020	Inquiry into allegations of abuse of office by the Vice Chancellor through	University of Eldoret	86,397,002

S No	Inquiry Number	Allegation	Institution	Amount (KES)
		payment of legal fees to M/S Gumbo & Associates from September 2015 to April 2020.		
42.	EACC/PI/INQ/12/2022	Inquiry into allegations of irregular award of Tender No. BOK/RA/01/2021 for rehabilitation of the auditorium at the Bomas of Kenya to Eleventh Construction Limited during the FY 2020/2021.	Bomas of Kenya Limited	86,000,000
43.	EACC/ISL/FI/INQ/12/2020	Inquiry into allegations of procurement irregularities and conflict of interest in tender for management of contract for Akaiga Irrigation Project awarded to M/S Tamata Supplies Limited in the FY 2015/2016.	National Irrigation Board and NG-CDF Tigania East Constituency	78,000,000
44.	EACC/MLD/FI/INQ/13/2023	Inquiry into allegations of irregular procurement of staff medical insurance cover against the Deputy Vice Chancellor Prof Hellen Monda between FYs 2019/2020 and 2022/2023.	Pwani University	58,000,000
45.	EACC/ISL/AT/INQ/9/2022	Inquiry into allegations of embezzlement of public funds by county officials through irregular payments to Stephen Muthomi M'Anampiu's personal account between 2018 and 2022.	County Government of Isiolo	55,090,860
46.	EACC/GSA/FI/AT/10/2022	Inquiry into allegations of irregular award of tender for construction of a water pan at Shimbrey Location vide Tender No. WCG/T/393/2017-2018 to M/S Fatco Construction & Transporters Limited.	County Government of Wajir	31,907,427
47.	EACC/FI/INQ/39/2022	Inquiry into allegations of abuse of office against Michael Auka Ajwang, a county employee for receiving benefits from various suppliers contracted by the county between the period 2016 to 2022.	Nairobi City County	40,847,000
48.	EACC//ISL/PI/INQ/6/2020	Inquiry into allegations of embezzlement of public funds meant for the acquisition of intensive care and high dependency equipment at Isiolo County Referral Hospital in the FY 2019/2020 and 2020/2021.	County Government of Isiolo	40,000,000
49.	EACC/PI/INQ/8/2023	Inquiry into allegation of irregular award of tender for acquisition of two go-downs to Purple Dot Limited during FY 2020/2021.	Anti – Counterfeit Agency	74,000,000
50.	EACC/GSA/AT/INQ/03/2021	Inquiry into allegation on unexplained wealth against the Chief Officer Finance County Government of Garissa. It is alleged that the said officer bought a residential property in Pangani, Nairobi on 14th June 2021.	County Government of Garissa	35,000,000
51.	EACC/BGM/PI/INQ/02/2022	Inquiry into allegations that The First Lady Busia County, Judith Ojaamong irregularly received imprest from the	County Government of Busia	22,000,000

S No	Inquiry Number	Allegation	Institution	Amount (KES)
		Busia County Government through her personal assistant Betty Achieng Owino.		
52.	EACC/BGM/EL/I NQ/7/2020	Inquiry into allegations of misappropriation of public funds by Bungoma County Woman Member of Parliament to pay for personal life insurance premiums at Britam Insurance Company.	Nationa Government Affirmative Action Fund (NGAAF)	20,000,000
53.	EACC/MCKS/FI/I NQ/17/2022	Inquiry into allegations of irregular alieanation of public land L.R. No. KAJIADO/PURKO/311 measuring 5.2 ha in Kumpar, Kajiado County by the Lutheran Church.	County Government of Kajiado	20,000,000
54.	EACC/NYR/EL/IN Q/05/2022	Inquiry into allegations of double employment against Monicah Njeri an employee of Dedan Kimathi Univesity of Technology and Counry Assembly Service Board of Nyeri.	County Assembly of Nyeri	11,000,000
55.	EACC/KSI/FI/INQ /1/2022	Inquiry into allegations of excess payment of salary to Nyamira County Governor Amos Kimwomi Nyaribo in 2021.	County Government of Nyamira	5,647,060
56.	EACC/OPS/INQ/1 26/2022	Inquiry into allegations of bribery against staff of National Industrial Training Authority (NITA) and National Employment Authority (NEA) for issuance of training transcripts and approvals of contracts to home care givers.	NITA/NEA	5,000,000
57.	EACC/ISL/EL/IN Q/4/2021	Inquiry into allegations of abuse of office against members of County Assembly Service Board of Meru in the promotion of Directors and Assistant Directors at the County Assembly without a clear scheme of service in FY 2021/2022.	County Assembly Service Board of Meru	N/A
58.	EACC/KSI/EL/IN Q/ 23 /2023	Inquiry into allegations of forgery of academic certificates against George Ochola the Chief Officer for Fisheries.	County Government of Migori	N/A
59.	EACC/MLD/EL/I NQ/6/2022	Inquiry into allegations of irregular promotions and nepotism against Prof Mondoh Hellen, the Vice Chancellor.	Pwani University	N/A
60.	EACC/EL/INQ/18/ 2023	Inquiry into allegations of forgery of identification documents against Mr. Juma Kiprono Kandie, Director of Human Resource and Administration.	Communications Authority	N/A

2.3.2 Investigatory Applications

The Commission filed applications and obtained **1,185** warrants for inspecting or searching bank and mobile phone money transfer accounts, premises, vessels and vehicles in respect of persons or associates suspected of engaging in corruption, economic crimes or related offences.

2.3.3 Completed Investigations on Corruption, Economic Crimes and Ethical Breaches

The Commission completed 97 investigation files on corruption and economic crimes, which were forwarded to the Director of Public Prosecutions (DPP) for review and direction. Further, 61

investigations on violations of Chapter Six of the Constitution and Leadership and Integrity Act, 2012 were completed. Some of the completed investigations are highlighted in Table 2.3.

Table 2.3: Highlights of Completed Investigations

S No	Inquiry Number	Nature of Allegation	Institution	Amount (KES)
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 to M/S. Lake Turkana Wind Power Ltd between the years 2005 and 2019.	Kenya Electricity Transmission Company (KETRACO)	18,499,082,672
2.	EACC/ELD/FI/INQ/22/2020	Inquiry into allegations of procurement irregularities and inflation of price in the acquisition of land and premises by Turkana University from Mt. Kenya University during FY 2015/2016 and 2016/2017.	Masinde Muliro University of Science and Technology (MMUST)	1,150,000,000
3.	EACC/FI/INQ/3/2021	Inquiry into allegations of procurement irregularities and tax evasion against directors of KIRI Consult Ltd and Itch Engineering Ltd in tender issued for consultancy for road construction by Kenya Roads Board (KRB) awarded between 2016 and 2020.	Kenya Roads Board (KRB)	565,462,198
4.	EACC/FI/INQ/41/2021	Inquiry into allegation of embezzlement of funds in a scheme involving payments to ghost workers between August 2015 to February 2022.	National Museums of Kenya (NMK)	491,405,413
5.	EACC/MSA/FI/INQ/16/2017	Inquiry into allegations of procurement irregularities in the Tender No. CGK/064/2014/2015 for construction of Kwale County Headquarters in the FY 2014/2015.	County Government of Kwale	462,197,055
6.	EACC/KSI/FI/INQ/8/2018	Inquiry into allegation of procurement irregularities in a tender for construction of County Assembly office block awarded to Jetta Construction Company Ltd in the FY 2017/2018.	County Assembly of Nyamira	379,000,000
7.	EACC/PI/INQ/11/2021	Inquiry into allegations of procurement irregularities in Tender No. GDC/ICT/RT/010/2014-2015 for provision for design, supply and commissioning of an information management system to Tekno International Limited during FY 2014/2015.	Geothermal Development Company	344,523,712
8.	EACC/GSA/FI/INQ/27/2018	Inquiry into allegations of irregular payment to a contractor for incomplete construction works of the County Headquarters in the F/Y 2013/2014.	County Government of Mandera	107,481,060
9.	EACC/MCKS/FI/INQ/04/2016	Inquiry into allegations of irregular award of Tender No. GMC/68/2015-2016 for desilting of Maruba Dam to Waki Clearing and Forwarding Agents Limited.	County Government of Machakos	89,001,000

S No	Inquiry Number	Nature of Allegation	Institution	Amount (KES)
10.	EACC/MCKS/INQ/FI/2/2019	Inquiry into allegations of irregular payment to Lokaki Investment Limited in a Tender No. CGOKTI/127/2017-2018 for supply and delivery and commissioning of a CT scan and its accessories.	County Government of Kitui	80,000,000
11.	EACC/MCKS/FI/INQ/26/2019	Inquiry into allegation of procurement irregularities in the supply of 10 digital and mobile X-Ray machines.	County Government of Kitui	56,000,000
12.	EACC/MSA/FI/INQ/04/2021-A	Inquiry into allegations of conflict of interest Vincent Chirimo Mbitto, a county staff for trading with the County through Chilogola Holdings and Rome Investments Company Limited that he owns between FY 2017/18 and 2020/21.	County Government of Kwale	22,850,891
13.	EACC/MCKS/FI/INQ/10/2018	Inquiry into allegations of embezzlement of public funds through irregular imprest payment to county officials in the FY 2018/2019.	County Government of Machakos	14,800,000
14.	EACC/MSA/FI/INQ/04/2020	Inquiry into allegations of embezzlement of public funds through irregular imprest payment for fictitious events to Mr. Geoffrey Kimonge Mbogho, a county government employee between the years 2016 and 2017.	County Government of Taita Taveta	12,458,990
15.	EACC/EL/INQ/026/2022	Inquiry into allegations of forgery of a degree certificate by Mrs. Farhiya Muse Abdullahi to gain employment as a Deputy Director.	County Government of Garissa	7,151,703
16.	EACC/NYR/FI/INQ/18/2021	Inquiry into allegations of conflict of interest and irregular procurement against the Deputy Governor in the award of Tender No CGK/TR&PW/OT/007/2017-2018 for spot improvement of Gatuto-Karii Market Road awarded to Kanja General Merchants Limited.	County Government of Kirinyaga	7,084,294
17.	EACC/MLD/FI/INQ/03/2018	Inquiry into allegations of irregular procurement in Tender No TRCG/030/2016-2017 for fencing the KWS compound and staff quarters in Tana River County to Al-Karim General Construction Company Limited.	Kenya Wildlife Service (KWS)	5,976,181
18.	EACC/OPS/INQ/111/2020	Inquiry into allegations of bribery and impersonation against John Obura Dimo, an auctioneer contracted by KRA for presenting himself as a KRA staff to the Managing Director Jenga Mabati Mills Ltd.	Keysian Auctioneers	2,000,000
19.	EACC/BGM/PI/INQ/1/2019	Inquiry into allegations of irregular procurement in Tender No TPS/TN/1/2018 for the construction of a dormitory in Toroso Primary School by CDF officials during FY 2017/18.	CDF - Mt. Elgon Constituency	3,500,000

S No	Inquiry Number	Nature of Allegation	Institution	Amount (KES)
20.	EACC/MSA/OPS/INQ/11/2021	Inquiry into allegations of bribery against Philip Muigai Nduati, Boniface Aggrey Ouma and Isaac Wanaloba Kenyari for offering of a financial advantage to a DCI officer investigating allegations of tax evasion at the Port of Mombasa.	Various Merchants	1,700,000
21.	EACC/OPS/INQ/67/2021	Inquiry into allegation of soliciting for a bribe against a legal officer who was facilitating payment of legal fees in the FY 2021/2022.	Kenya Medical Supplies Authority (KEMSA)	1,500,000
22.	EACC/NYR/OPS/INQ/12/2019	Inquiry into allegations of bribery against Stephen Wameyo Okello, George Gaguchia Kimani and Duncan Oringo Bwire, who are KRA Officers requested for a bribe from proprietors of Mwea Medical Centre as an inducement to reduce a tax debt.	Kenya Revenue Authority (KRA)	1,000,000
23.	EACC/EL/INQ/23/2021	Inquiry into allegations of forgery of a diploma certificate against Juma Mwadama Zinje the Assistant Inspector II in Sustainable Agriculture & Rural Development from Baraka Agricultural College to gain employment.	Kenya Plant Health Inspectorate Services	N/A
24.	EACC/EL/INQ/29/2021	Inquiry into allegation of forgery of academic certificate by the Member of Parliament, Kimilili Constituency.	Parliamentary Service Commission	N/A
25.	EACC/EL/INQ/31/2018	Inquiry into allegations of forgery of academic, disability and tax exemption certificates by Mr. David Mogire Nyabuti.	KENGEN	N/A
26.	EACC/EL/INQ/57/2018	Inquiry into allegations of failure to renounce dual citizenship against Sofia Sheikh Adan, Woman Representative Marsabit County upon election as a state officer.	Parliamentary Service Commission	N/A
27.	EACC/EL/ISL/INQ/11/2017	Investigations into allegations of irregular employment of Samburu County Assembly staff by the County Assembly Service Board	County Assembly of Samburu	N/A
28.	EACC/MCKS/EL/INQ/03/2018	Inquiry into allegations of irregular recruitment of officers to Manifesto Implementation Unit during FY 2017/2018.	County Public Service Board of Kitui	N/A
29.	EACC/MSA/EL/INQ/01/2020	Inquiry into allegations of conflict of interest and procurement irregularities in Tender No. KPA/114/2016-17/ADM for provision of house keeping services.	Kenya Ports Authority	N/A
30.	EACC/NKR/EL/INQ/8/2019	Inquiry into allegations of irregular recruitment and forgery of academic certificates to secure employment.	County Public Service Board of Bomet	N/A
31.	EACC/EL/INQ/5/2020	Inquiry into allegations of forgery of academic certificates against Fayza Sadick Hilowle, the Deputy Chief Protocol Officer to gain employment.	County Government of Garissa	6,119,402

S No	Inquiry Number	Nature of Allegation	Institution	Amount (KES)
32.	EACC/EL/INQ/15/2020	Inquiry into allegations of forgery of academic certificates against Mohammed Aden Karbat, the Director Social Services to gain employment.	County Government of Garissa	6,640,991

2.4 Proactive Investigations

The Commission undertakes proactive measures to forestall possible loss of public resources. The status of proactive investigations conducted during the reporting period are detailed in this section.

2.4.1 Disruption of Corruption

During the reporting period, the Commission carried out 16 proactive investigations which resulted in averting possible loss of public funds of approximately KES 4.74 Billion as indicated in Table 2.4.

Table 2.4: Highlights of Cases where Loss was Averted through Disruption

S No	Description	Institution	Action Taken	Value of Loss Averted (KES)
1.	Inquiry into allegations of embezzlement of funds by Senior Officials through payment of salaries to 105 ghost workers between years 2016 to 2022.	National Museums of Kenya	Payments stopped	2,500,000,000
2.	Inquiry into allegations of irregular compensation to fishermen whose economic livelihood was affected by the establishment of Lamu Port.	Kenya Ports Authority	Payments stopped	1,760,424,000
3.	Inquiry into allegations of misappropriation of World Bank funds from a grant through the Department of Livestock, Fisheries, Agriculture & Environment meant to assist registered community groups in FY 2021/2022.	County Government of Kilifi	Payments stopped	98,818,252
4.	Inquiry into allegations of procurement irregularities in Tender Nos. CES/SMC/AGRIC/OT/2022-2023/04 for the supply and delivery of fertilizers and CES/SMC/AGRIC/OT/2022-2023/05 for the supply and delivery of certified maize seeds in FY 2022/2023.	County Government of Siaya	Tender Stopped	80,000,000
5.	Inquiry into allegations of procurement irregularities and fraudulent payments by public officers for 18 tenders in FYs 2020/2021 and 2021/2022.	County Government of Kisumu	Payments stopped	61,545,939
6.	Inquiry into allegations of procurement irregularities and fraudulent payments in Tender Nos. 1188636, 1188635, 1187701, 1187631, 1188628, 1188642, 1188645, 1188646, 1188643, 1188637 and 1187660 for routine maintenance of 11 roads for FY 2021/2022.	County Government of Bomet.	Payments stopped	47,323,025
7.	Inquiry into irregular allocation of public land L.R. No. Garissa Municipality/Block3/519 to private developers.	Ministry of Water, Sanitation and Irrigation	Development on land parcel stopped	40,000,000

S No	Description	Institution	Action Taken	Value of Loss Averted (KES)
8.	Inquiry into allegations of procurement irregularities in 18 tenders for construction of schools in FYs 2013/14 and 2014/15.	CDF - Seme Constituency	Tenders Stopped	35,000,000
9.	Inquiry into allegations of irregular award of tender for the procurement, supply, installation, customization, configuration and training of e-Assembly System Phase 1 vide Tender No. BSC/CA/05/2022/2023 and Tender No. BSC/CA/06/2022/2023.	County Assembly of Busia	Payment stopped	28,965,200
10.	Inquiry into allegations of irregular payment of emoluments through the county payroll to Rose Bosibori Guto ECD Teacher in 2023.	County Government of Nyamira	Payment stopped	25,018,853
11.	Inquiry into allegations of irregular payments for fictitious contract through Invoice Number 0001 SEPAGRIC2022 in favour of Sosa Building and Construction Company in FY 2022/2023.	County Government of Busia	Payment stopped	20,000,000
12.	Inquiry into allegations of irregular lease of National Cereals & Produce Board – Garissa Depot Land L.R. No. Garissa Township Block 2/102 to a private developer.	National Cereals & Produce Board	Construction works suspended	20,000,000
13.	Inquiry into allegations of irregular procurement of Supply, Installation, Commissioning and Training of 10 Digital Mobile X-ray machines vide Tender No. CGOKTI/128/2017-2018 awarded to M/S Marmut Supplies.	County Government of Kitui	Payment stopped	16,000,000
14.	Inquiry into allegations of fraudulent payments to M/S Shabsal Company in a fictitious Tender No. BSA/CG/785/2021.	County Government of Busia	Payment stopped	11,993,520
15.	Inquiry into allegations of irregular recruitment of staff vide Internal Adverts Nos. 23/2021 to 36/2021 and through Vacancies Nos 1/2022 to 33/2022 contrary to the Approved Staff Establishment.	County Government of Busia	Recruitment cancelled	N/A
16.	Inquiry into allegations of irregular recruitment of senior staff contrary to the Approved Staff Establishment.	Kenya Export Promotion & Branding Agency	Recruitment cancelled	N/A

2.4.2 Integrity Testing

During the review period, the Commission carried out 155 random and targeted integrity tests within public institutions, namely National Police Service (NPS), Nairobi City County Government, National Registration Bureau, Kenya Revenue Authority (KRA), Ministry of Lands & Physical Planning, National Government Administrative Offices (NGAO), County Government of Kiambu, Department of Survey, County Government of Kajiado among others. Out of the 155 tests, 134 failed, 14 passed and seven were inconclusive. For the officers who failed, the Commission recommended administrative actions to the respective institutions.

2.4.3 Investigation into Allegations of Bribery

The Commission carries out bribery investigations pursuant to the Bribery Act, 2016. In the period under review, 44 cases were completed out of which 32 were taken to court, 11 were closed, and one was referred to the relevant institution. In addition, 122 bribery cases were under investigation.

2.5 Reports to the Director of Public Prosecutions

Under Section 35 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003, the Commission is required to report the results of its investigations to the Director of Public Prosecutions (DPP). In the period under review, 97 case files on corruption, economic crimes and unethical conduct were submitted to the Office of the Director of Public Prosecutions (ODPP). Out of these, the Commission recommended 74 case files for prosecution, one for administrative action and 22 for closure. Table 2.5 details the number of reports to ODPP and corresponding recommendation.

Table 2.5: Reports to the Director of Public Prosecutions

	Action	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
1.	No. of files recommended for prosecution	19	20	18	17	74
2.	No. of files recommended for administrative or other action	1	0	0	0	1
3.	No. of files recommended for closure	10	2	5	5	22
4.	Total No. of files forwarded to the Director of Public Prosecutions	30	22	23	22	97

2.6 Cases Pending before Court

During the period under review, the Commission had 214 cases on corruption, economic crimes and unethical conduct pending before court as highlighted in Table 2.6.

Table 2.6: Highlights of Cases Pending Before Court

SNo.	Courts File No.	Accused Person(s)	Particulars of the Offence	Amount (KES)
1.	ACC 2/2015 Milimani Law Courts	Deepak Chamanlal Kamani & Others	Unlawful acquisition of public property contrary to Section 45 (1) (a) as read with Section 48 (1) of ACECA, 2003.	3,736,326,664
2.	ACC 26/2019 Milimani Law Courts	Peter Aguko Abok & Others	Abuse of office contrary to Section 46 as read with Section 48 (1) of ACECA, 2003.	2,500,000,000
3.	ACC 3/2010 Milimani Law Courts	Shem Ochuodho & Others	Conspiracy to defraud contrary to Section 317 of the Penal Code.	2,000,000,000
4.	AC 3/2020 Mombasa Law Courts	Joel Kiprono Bii & 11 others	Willful failure to comply with the applicable law relating to procurement contrary to section 45(2) (b) as read with sec. 48 (1) (a) of ACECA.	1,800,000,000
5.	ACC 2/2017 Milimani Law Courts	James Humphrey Oswago & Others	Wilful failure to comply with law relating to procurement contrary to Section 45 (2) (b) as read with Section 48 of ACECA, 2003.	1,397,724,925

SNo.	Courts File No.	Accused Person(s)	Particulars of the Offence	Amount (KES)
6.	MCAC E003/2023 Bungoma Law Courts	John Opala & Others	Conspiracy to defraud contrary to Section 317 of the Penal Code.	600,000,000
7.	ACC 32/2019 Milimani Law Courts	Mike Sonko & Others	Conflict of interest contrary to Section 42 (3) as read with Section 48 of ACECA, 2003.	357,000,000
8.	ACC 33/2018 Milimani Law Courts	Mohammed Swazuri & Others	Conspiracy to commit an economic crime contrary to Section 47A (3) as read with Section 48 of ACECA, 2003. Unlawful acquisition of public property contrary to Section 45 (1) (a) as read with Section 48 of ACECA, 2003.	221,375,000
9.	ACC 2/2020 Mombasa Law Courts	Patrick Nyoike	Failure to disclose a private interest to one's Principal contrary to Section 42(3) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.	214,548,342
10.	ACC 11/2020 Milimani	Amos Kabue Mwangi & 11 Others	Fraudulently making payments from public revenue for goods supplied contrary to Section 45(2) (a) (ii) as read with section 48(1) of ACECA 2003. Unlawful acquisition of public property contrary to Section 45(1) (a) as read with Section 48(1) of the ACECA 2003.	201,073,711
11.	ACC 2/2019 Meru Law Courts	Miriam Nkatha Riungu & Others	Abuse of office contrary to Section 46 as read with Section 48(1) (a) of ACECA, 2003.	180,421,781
12.	ACC E005/2021 Milimani Law Courts	Nofatos Ng'ang'a Munyu & 8 Others	Conspiracy to commit an offence of corruption contrary to section 47 (A) as read with section 48(1) of the ACECA No. 3 OF 2003. Wilful failure to comply with the law applicable to procurement contrary to section 45 (2) (b) as read with section 48 of the ACECA 2003.	103,391,910
13.	ACC 1/2022 Kericho Law Courts	Joash Chirchir & Others	Wilful failure to follow the law contrary to Section 45 (1) as read with Section 48 of ACECA, 2003.	100,000,000
14.	ACC 3/2019 Milimani Law Courts	Moses Kasaine & Others	Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003. Conflict of interest contrary to Section 42 (3) as read with Section 48 of ACECA, 2003.	84,695,996

SNo.	Courts File No.	Accused Person(s)	Particulars of the Offence	Amount (KES)
15.	ACC 4/2015 Milimani Law Courts	Dave Mwangi & Others	Conspiracy to commit an offence of corruption contrary to Section 47A (3) as read with Section 48 of ACECA, 2003.	59,688,250
16.	ACC 4/2019 Malindi Law Courts	Danson Mungatana & Others	Conspiracy to commit an economic crime contrary to Section 47A (3) as read with Section 48 of ACECA, 2003.	51,569,775
17.	ACC 1/2018 Nyahururu Law Courts	Daniel Waithaka Mwangi & Others	Wilful failure to comply with the law relating to procurement contrary to Section 45 (2) (b) as read with Section 48 of ACECA, 2003. Fraudulent acquisition of public property contrary to Section 45 (1) (a) as read with Section 48 of ACECA, 2003.	50,000,000
18.	ACC 35/2018 Milimani Law Courts	James Gakuya & Others	Conflict of interest contrary to Section 42 (3) as read with Section 48 of ACECA, 2003. Wilful failure to comply with law relating to procurement contrary to Section 45 (2) (b) as read with Section 48 of ACECA, 2003.	39,858,049
19.	ACC No. E002/2021 Embu Law Courts (Formerly ACC 37/2021)	Muthomi Njuki & Others	Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003.	34,998,500
20.	ACC 22/2019 Milimani Law Courts	Ferdinand Ndung'u Waititu & Others	Conflict of interest contrary to Section 42 (3) as read with Section 48 of ACECA, 2003. Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003.	25,624,500
21.	E001/2023 Kabarnet Law Courts	Dorcas Kandie & Dominic Ouma	Wilful failure to comply with the law relating to procurement contrary to Section 45(2) (B) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.	24,300,000
22.	E001/2022 Kakamega Law Courts	Wilberforce Ndula & Others	Conspiracy to commit an economic crime contrary to Section 47A (3) as read with Section 48 of ACECA, 2003. Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003. Conflict of interest contrary to Section 45 (1) (a) as read with Section 48 of ACECA, 2003.	21,000,000

SNo.	Courts File No.	Accused Person(s)	Particulars of the Offence	Amount (KES)
23.	ACC 2/2021 Eldoret Law Courts	Joseph Namuar & 10 Others	Fraudulent acquisition of public property contrary to Section 45 (a) of ACECA.	20,000,000
24.	ACC 1/2021 Nakuru Law Courts	James Nganga & Others	Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003.	16,000,000
25.	ACC 01/2021 Mombasa Law Courts	Said Kajambo	Failure to disclose a private interest to one's Principal contrary to Section 42(3) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.	14,893,000
26.	ACC 882/2023 Nanyuki Law Courts	Arnold Karani Njiru & 5 Others	Conspiracy to commit an offence of corruption contrary to section 47A (3) as read with section 48 of ACECA, 2003. Wilful failure to comply with the law relating to management of public funds contrary to Section 45(2) (b) as read together with Section 48 of the ACECA, 2003.	14,866,000
27.	ACC 5/2020 Eldoret Law Courts	Henry Maritim Koech & 5 Others	Conspiracy to commit an offence of corruption contrary to Section 47A (3) as read with Section 48 of the Anti-Corruption and Economic Crimes Act of 2003. Conflict of interest contrary to Section 42 (3) as read with Section 48 of the ACECA, 2003.	12,156,162
28.	ACC 40/2007 Makadara Law Courts	Johnson Jackson Githaka & John Faustin Kinyua	Fraudulent Acquisition of public property contrary to section 45(1) (a) as read with section 48 (1) of ACECA, 2003.	12,100,000
29.	ACC 36/2020 Milimani	John Mburu Mwangi & 8 Others	Conspiracy to commit an offence of corruption contrary to Section 47A (3) as read with Section 48 of ACECA, 2003. Willful failure to comply with the law in relation to procurement contrary to Section 45 (2) (b) as read with Section 48 of ACECA, 2003.	10,106,000
30.	E041/2020 Milimani Law Courts	Gabriel Bukachi Chapia	Fraudulent acquisition of public property contrary to section 45(1) (a) as read with section 48 (1) of ACECA, 2003. Forgery contrary to Section 349 of the Penal Code.	9,790,695

SNo.	Courts File No.	Accused Person(s)	Particulars of the Offence	Amount (KES)
			Uttering a false document contrary to Section 353 of the Penal Code.	
31.	E001/2022 Kericho Law Courts	Willy Kipkoech Langat & Willy Kipkemboi Keter	Willful failure to follow the law contrary to Section 45 (1) as read with Section 48 of ACECA, 2003.	9,500,000
32.	ACC 18/2020 Milimani	Zacharia Okoth Obado &15 Others	Conspiracy to commit an economic crime contrary to Section 47 A (3) as read with Section 48 of ACECA, 2003. Unlawful acquisition of public property contrary to Section 45(1) (A) as read with section 48 of ACECA, 2003.	8,200,000
33.	ACC 23/2018 Milimani Law Courts	Sospeter Ojamoong & Others	Wilful failure to comply with the law relating to procurement contrary to Section 45 (2) (b) as read with Section 48 of ACECA, 2003. Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003. Conspiracy to commit an offence of corruption contrary to Section 47A (3) as read with Section 48 of ACECA, 2003.	8,000,000
34.	MCAC E001/2023 Nakuru Law Courts	Eliezer Ngarari & Others	Wilful failure to comply with the law and regulations relating to procurement contrary to Section 45(2)(B) as read with Section 48 (1) of ACECA, 2003. Fraudulent acquisition of public property contrary to Section 45(1)(A) as read with Section 48(1) ACECA, 2003.	8,000,000
35.	ACC 1/2022 Lodwar Law Courts	Benson Logiel Lokwang	Fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 (1) of ACECA, 2003.	6,741,955
36.	ACC 1/2020 Eldoret Law Courts	Hosea Kanda	Fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 (1) of ACECA, 2003.	5,521,596
37.	ACC E007/2021 Milimani Law Court	Ahmed Ngaira Rashid	Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act No. 47 of 2016.	3,500,000
38.	E002/2022 Mombasa Law Courts	Mohamed Maalim Edin	Fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 (1) of ACECA, 2003.	2,956,400

SNo.	Courts File No.	Accused Person(s)	Particulars of the Offence	Amount (KES)
			Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003.	
39.	ACC 14/2016 Milimani Law Courts	Oscar Kipchumba Sudi	Forgery contrary to Section 349 of the Penal Code. Uttering a false document contrary to Section 353 as read with Section 349 of the Penal Code. False declaration contrary to Section 11 of the Oaths and Statutory Declarations Act, 2012.	N/A
40.	ACC 742/2015 Naivasha Law Courts	Alfred Keter & Sunjeev Kaur Birdi	Causing disturbance/unbecoming behaviour contrary to Section 95 (1) (b) of the Penal Code.	N/A
41.	1223/2017 Kitui Law Courts	Nelson Kivali Musyoka	Uttering a false document contrary to Section 353 of the Penal Code. Making a document without authority contrary to Section 357 (a) of the Penal Code.	N/A
42.	CF 1/2019 Kisumu Law Courts	Pamela Akinyi & Alfred Otieno	Forgery contrary to Section 349 of the Penal Code. Uttering a false document contrary to Section 353 of the Penal Code.	N/A
43.	ACC 5/2020 Mombasa Law Courts	Alexander Kubo Mwangeka	Providing false information to a public entity contrary to Section 46 (1) (d) and (2) of LIA, 2012. Making a false document contrary to Section 347 (a) as read with Section 349 of the Penal Code.	N/A

2.7 Cases Finalized in Court

During the year under review, 62 cases on corruption, economic crimes and unethical conduct were finalised in court out of which 27 were convictions, 27 acquittals and 8 withdrawals. Table 2.7 lists the cases finalised in court during the year.

Table 2.7: Highlights of Cases Finalized in Court

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
	Convictions			
1.	E006/2022 Milimani Law Court	George Nyasimi Onsumu Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016.	400,000	Convicted on both counts and sentenced to pay fine of KES 100,000 in default to serve two years' imprisonment.

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
2.	E010/2022 Milimani Law Court	Martin Njoroge Wathiru Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016.	10,000	Convicted on his own plea of guilty and fined KES 40,000 in default to serve 12 months imprisonment
3.	ACC 1378/2016 Muranga Law Court	Joseph Muinde Kilee Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016.	10,000	Convicted and sentenced to pay a total fine of KES 300,000 in default to serve one-year imprisonment. In addition sentenced to an additional mandatory fine of KES 14,000.
4.	ACC 8/2020 Milimani Law court	Peter Ndichu Njuguna Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016.	500,000	Convicted and sentenced to pay a total fine of KES 300,000 in default to serve two years' imprisonment.
5.	ACC 3/2014 Eldoret Law Courts	Joseph Kiplagat Kurgat Francis Kiplimo Ng'etich Wilful failure to follow procurement procedures contrary to Section 45(2)(b) of ACECA, 2003. Fraudulent acquisition of public property of Public Property contrary to Section 45(1)(a) as read with Section 48 of ACECA, 2003.	4,000,200	Both convicted and fined on each count, KES 20,000 in default to serve six months imprisonment.
6.	ACC 10/2010 ACC 1 Milimani Law Courts	1. Christine Chacha 2. Concelia Ondieki 3. Thomas Omuga 4. Fred Ochanda 5. Francis Imbo Awuor Fraudulent acquisition of public property contrary Section 45(1)(a) as read with Section 48 of ACECA, 2003. False accounting by a public officer contrary Section 331(1) and (2) of the Penal Code Cap 63.	3,354,000	Christine Chacha, convicted for fraudulent acquisition of public property and fined KES 300,000 or in default to serve one year in prison and a mandatory fine of KES 108,000 as fine or in default to serve one year in prison. Christine Chacha, convicted for false accounting and fined KES 1,000,000 in default to serve two years' imprisonment. Concelia Ondieki, Thomas Omuga, Fred Ochanda and

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
				Francis Imbo Awuor were acquitted under Section 215 of Criminal Procedure Code (CPC) Cap 75.
7.	ACC E0011/2022 Milimani Law Courts	Metrine Nabwele Elima Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016.	10,000	Convicted and sentenced to pay a total fine of KES 30,000 in default to serve one year imprisonment.
8.	MCAC/E001/2022 Milimani law Courts	Fridah Ondimo Nyanduko Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016	30,000	Convicted and sentenced to pay a total fine of KES 150,000 in default to serve one year and six months imprisonment.
9.	ACC 16/2013 Milimani law Courts	James Humprey Oswago Wilson Kiprotich Shollei Abuse of office contrary to Section 46 of ACECA, 2003. Wilful failure to comply with the law relating to procurement contrary to Section 45(2) b of ACECA, 2003.	50,000,000	Both convicted and sentenced to pay a fine of KES 5,000,000 each in default to serve three years' imprisonment.
10.	ACC E001/2021 Milimani Law Courts	Pavel Robert Oimeke Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016.	500,000	Convicted and sentenced to pay a fine of KES 1,000,000 in default to serve three years' imprisonment.
11.	ACC 7/2020 Milimani Law court	Rodgers Mwololo Mutisa Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016.	250,000	Convicted and sentenced to pay a total fine of KES 250,000 in default to serve two years' imprisonment.
12.	MCAC 001/2023 Milimani Law court	Raphael Gichuru Gathigi Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016.	20,000	Convicted and sentenced to pay a total fine of KES 100,000 in default to serve two years' imprisonment.
13.	ACC 19/2014 Nairobi Milimani Law court	1. David Ndolo Ngilai 2. James Kituku Munguti 3. Julius Mbau Nzyuko Conspiracy to defraud contrary to Section 317 of the Penal Code. Stealing contrary to Section 268(1) as read with Section 275 of the Penal Code.	553,831,731	All convicted in count one and sentenced to pay a fine of KES 5,000,000 in default serve two years' imprisonment. All were acquitted in subsequent counts.

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
		Breach of trust against public contrary to Section 127 of the Penal Code.		
14.	E007/2022 Milimani Law Courts	Grace Wangare John Karuma Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016	5,000	Both convicted and sentenced to pay a total fine of KES 650,000 in default to serve seven years' imprisonment.
15.	ACC 1441/2017 Mombasa Law Court	Dishon Mwakesi Mwakati Requesting and receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act, 2016.	1,000	Convicted and sentenced to pay a total fine of KES 40,000 in default to serve six months' imprisonment. The convict was sentenced to an additional mandatory fine of KES 2,000.
16.	ACC 27/2019 Milimani Law Courts	Robert Githongo Kibe Making a false document contrary to Section 347(a) as read with Section 349 of the Penal Code Uttering a false document contrary to Section 353 of the Penal Code	N/A	Convicted and fined KES 500,000 in default to serve two years' imprisonment.
17.	MCAC/E001/2020 Eldoret Law courts	Boniface Mulei Kamami Receiving a bribe contrary to section 6 (1) as read with section 18(1) & (2) of the Bribery Act, 2016.	30,000	Convicted and sentenced to pay a fine of KES 100,000 in default to serve 12 months imprisonment.
18.	ACC 4/2016 Kakamega Law Courts	Vitalis Injehu Musoka, Corruptly soliciting and receiving a benefit contrary to Section 39(3)(a) as read with Section 48(1) of ACECA, 2003.	3,000	Convicted and sentenced to a fine of KES 45,000 in default to serve one year imprisonment.
19.	ACC 416/2016 Kakamega Law Courts	Wilfred Ocharo Maonga, Corruptly soliciting and receiving a benefit contrary to Section 39(3)(a) as read with Section 48(1) of ACECA, 2003.	15,000	Convicted and sentenced to a fine of KES 60,000 in default to serve one year imprisonment.
20.	ACC 1/2018 Kakamega Law Courts	Chrispinus Otieno Phinias Isaho Mutinjikani Receiving a bribe contrary to Section 6 (1) (a) as read with	5,000	Phinias Isaho Mutinjikani convicted and sentenced to a fine of KES 90,000 in default to serve one year imprisonment.

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
		Section 18 (1) (2) of the Bribery Act, 2016.		Chrispinus Otieno acquitted under Section 215 of the CPC, Cap 75.
21.	ACC 1/2018 Machakos Law Courts	Ferdinand Mbevo Receiving a bribe contrary to Section 6(1)(b) as read with Section 18 of Bribery Act, 2016. Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003.	1,000	Convicted and sentenced to pay a fine of KES 45,000.
22.	E001/2022 Makueni Law Courts	Innocent Munyao Christopher Kioko Personation of a person employed in Public Service contrary to Section 382 of the Penal Code.	50,000	Both convicted and sentenced to pay a fine of KES 20,000 each.
23.	ACC 1/2016 Mombasa Law Courts	Albert Ochengo Kereri Corruptly soliciting for a benefit contrary to Section 39 as read with Section 48 (1) of ACECA, 2003.	100,000	Convicted and sentenced to pay a fine of KES 120,000.
24.	CF No. 2/2016 Naivasha Law Courts	Norah Cheronoh William Osewe Corruptly soliciting for a benefit contrary to Section 39 as read with Section 48 (1) of ACECA, 2003. Corruptly receiving a benefit contrary to Section 39 as read with Section 48 (1) of ACECA, 2003. Conspiracy to commit a corruption offense contrary to Section 47A(3) as read with Section 48 of ACECA, 2003.	15,000	Norah Cheronoh convicted and fined KES 36,000 in default to serve 12 Months imprisonment. Both fined KES 34,000 in default to serve 12 Months imprisonment. Norah Cheronoh fined KES 30,000 in default to serve six Months imprisonment. Both fined KES 30,000 each in default to serve six Months imprisonment.
25.	ACC 1/2019 Meru Law Courts	James Lewis Kimathi Receiving a bribe contrary to Section 6 (1)b as read with Section 18 of Bribery Act, 2016.	10,000	Convicted and sentenced to pay a fine of KES 120,000 in default to serve one year and six months imprisonment.
26.	ACC 6/2017 Mombasa Law Courts	Maingi Matheka Mbatha Requesting and receiving a financial advantage contrary to Section 6 (1) as read with	3,000	Accused person convicted and discharged under Section 35(1) of the Penal Code with the condition that he

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
		Section 18 (1) (2) and (3) of the Bribery Act, 2016.		commits no offence during such period, not exceeding 12 months from the date of the Order.
27.	CF No. 450/2019 Kitale Law Courts	1. Samuel Kimani Njihiah 2. Francis Rotich Suter 3. Cleophas Kipyego Ngetich 4. Joseph Kiprop Kiroitich 5. Simon Kimutai Kipngetich Conspiracy to Commit an Economic Crime Contrary to Section 47A (3) of ACECA, 2003. Conspiracy to defraud contrary to Section 317 of the Penal Code (Cap 63).	80,000	All accused convicted and sentenced to two years' probation and ordered to refund KES 80,000.
	Withdrawals			
28.	ACC 1/2010 Milimani Law Courts	1. Davy Koech 2. Dustun Magu Ngumo 3. Afriac Medical services 4. Renison kiplangat Arap kirui 5. Joel Achiba Duda 6. Battan Mecca Khaemba 7. KEMRI 8. Africa Medical Services Abuse of Office contrary to section 46 as read with Section 48 of ACECA, 2003.	536,986,493	Withdrawn under Section 87(a) of the Criminal Procedure Code (CPC) Cap 75.
29.	ACC 39/2018 Milimani Law Court	Richard Leresian Lesiyampe & 15 Others Conspiracy to commit an offence of economic crime contrary to Section 47(a)(3) as read with Section 48 (1) of ACECA, 2003.	468,950,294	Withdrawn under Section 87(a) of the Criminal Procedure Code (CPC) Cap 75.
30.	ACC 05/2018 Kisumu Law Courts	Renson Kibet Korir & 10 Others Conspiracy to commit an economic crime contrary to Section 47a (3) as read with Section 48 (1) of ACECA, 2003.	748,099,669	Withdrawn under section 87(a) of the CPC, Cap 75
31.	E001/2022 Isiolo Law Courts	1. Joseph Gatama 2. Salad Boru 3. Mohamed Tubi Bidu 4. Waqo Gufu Boru 5. Malka Contractors Ltd Conflict of interest contrary to section 42(3) as read with section 48 of ACECA, 2003.	28,000,000	Withdrawn under section 87(a) of the CPC (Cap 75).

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
		Abuse of office contrary to section 46 as read with section 48 of ACECA, 2003.		
32.	ACC 4/2018 Mombasa Law Courts	Pascal Mataza Requesting and receiving a financial advantage contrary to Section 6 (1) as read with Section 18 (1) (2) and (3) of the Bribery Act, 2016.	5,000	Withdrawn under Section 87(a) of the Criminal Procedure Code (Cap 75).
33.	ACC 8/2018 Mombasa Law Courts	Japheth Bengo Requesting and receiving a financial advantage contrary to Section 6 (1) as read with Section 18 (1) (2) and (3) of the Bribery Act, 2016.	10,000	Withdrawn under Section 87(a) of the CPC (Cap 75).
34.	ACC 3/2016 Nakuru Law Courts	David Mutunga Kyalo Receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 (1) (2) of the Bribery Act, 2016.	3,000	Withdrawn under Section 87 (a) of the CPC (Cap 75).
35.	ACC 23/2016 Nakuru Law Courts	1. George Owino, 2. Florence Mbithe 3. Mwangangi Antony 4. Mwit Muguna Corruptly soliciting and receiving a benefit contrary to Section 39(3)(a) as read with Section 48(1) of ACECA, 2003.	30,000	Withdrawn under Section 87 (a) of CPC.
Acquittals				
36.	ACC 1/2016 Kericho Law Court	Joseph Maingi Kariuki Corruptly soliciting for a benefit contrary to Section 39 as read with Section 48 (1) of ACECA, 2003. Corruptly receiving a benefit contrary to Section 39 as read with Section 48 (1) of ACECA, 2003.	10,000	Acquitted under 215 of CPC (Cap 75).
37.	ACC 10/2018 Mombasa Law Courts	Praful Kumar Giving a bribe contrary to Section 5 (1) as read with Section 18 (1) & (2) of the Bribery Act, 2016.	1,000,000	Acquitted under Section 202 of the CPC (Cap 75).
38.	ACC 4/2012 Mombasa Law Courts	Salome Yatich Concelia A. Ondiek Conspiracy to commit an offence of corruption contrary to	2,900,000	Both accused persons were acquitted under Section 215 of CPC (Cap 75).

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
		Section 47A as read with Section 48 of ACECA, 2003. Fraudulent acquisition of public property contrary to Section 45(1) as read with Section 48(1) of ACECA, 2003.		
39.	ACC 6/2019 ACC 1 Mombasa Law Courts	George Ngugi Njeri Offering a financial advantage contrary to section 5(1) of the Bribery Act, 2016	3,000	Acquitted under section 215 of the CPC (Cap 75).
40.	ACC 2/2017 Eldoret Law Courts	David Kinisu Sifuna & 38 Others Abuse of office contrary to Section 46 as read with Section 48(1) of ACECA, 2003.	1,786,000	All 39 accused persons acquitted under Section 215 of the CPC (Cap 75).
41.	ACC 44/2018 Milimani	1.Eng Michael Kamau 2.Eng. Mwangi Maingi 3.Philip Onyango Sika 4.Gilbert Mongare Arasa 5.Raphael Weche Okubo 6.Sylus Wichira Gitau 7.Charles Oike Mubweka 8.Kata Matemu Kithyo 9.Kenneth N. Mwangi Engaging in a project without prior planning contrary to Section 45 (2) C as read with Section 48 (1) of ACECA, 2003. Wilful failure to comply with the law in relation to procurement contrary to Section 45 (2) (B) as read with Section 48 (1) of ACECA, 2003.	33,000,000	All nine accused persons acquitted under Section 215 of CPC (Cap 75).
42.	ACC 1/2020 Milimani Law Courts	Mike Mbuvi Sonko & 2 Others Conflict of Interest contrary to Section 42 (3) as read with Section 48 of ACECA, 2003.	20,000,000	Acquitted under section 210 of CPC (Cap 75).
43.	ACC E005/2022 Milimani Law Courts	1. Paul Mburu Muiruri 2. Erastus Irungu Njomo 3. Eston Sabali Kiyai Receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 (1) (2) of the Bribery Act, 2016.	17,000	All acquitted under section 210 of CPC (Cap 75).
44.	ACC 10/2016 ACC 1 Milimani Law Court	1. William Nyabola Okedi 2. John Muturi 3. Florina Mwikali 4. Anthony Munyui 5. George Murimi	99,000,000	All acquitted under section 210 of CPC (Cap 75).

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
		Wilful failure to follow procurement procedures contrary to Section 45(2)(b) of ACECA, 2003. Abuse of office contrary to Section 46 as read with Section 48(1) of ACECA, 2003.		
45.	ACC 3/2017 Mombasa Law Court	Said Omar Salim Receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 (1) (2) of the Bribery Act, 2016.	300	Acquitted under Section 215 of the CPC (Cap75).
46.	ACC 3/2019 Kisii Law Courts	1. John Ndege 2. Douglas Nyairo 3. Jasper Morara 4. George Otieno 5. Mogeni Sikare 6. Obare Omwoyo Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003.	2,100,000	All acquitted under Section 215 of the CPC (Cap75).
47.	E017/2021 Milimani Law Courts	Michael Njogu Mburu Receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) (2) of the Bribery Act, 2016.	200,000	Acquitted under Section 215 of the CPC (Cap75).
48.	ACC 3/2020 Eldoret Law Courts	David Ogaro Hezron Motindu Receiving a bribe contrary to Section 6 (1) as read with Section 18(1) & (2) of the Bribery Act, 2016.	9,000	Both acquitted under Section 202 of the CPC (Cap 75).
49.	ACC 2/2019 Meru Law Courts	1. Miriam Nkatha 2. Jephitha Kirimi 3. Sharon Koskei 4. Isaiah Thiane 5. Dennis Mworira 6. Acquilino Thilange 7. Kenneth Mwirigi 8. Joel Imitira Wilful failure to follow procurement procedures contrary to Section 45(2)(b) of ACECA, 2003.	180,421,781	All acquitted under section 215 of the CPC (Cap 75).
50.	ACC No. 2/2018 Isiolo Law Courts	Samson Akotha Receiving a financial advantage contrary to Section 6(1) of the Bribery Act, 2016.	1,500	Acquitted under Section 215 of the CPC (Cap 75).

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
51.	ACC No. 1/2016 Isiolo Law Courts	Francis Mjawasi Mwangemi Martin Ndemaki Wekesa Corruptly soliciting and receiving a benefit contrary to Section 39(1) as read with Section 48 of ACECA, 2003.	35,000	Acquitted under Section 215 of CPC (Cap75).
52.	ACC 4/2018 Meru Law Courts	William Mutwiri Muraa Abuse of office contrary to Section 46 as read with Section 48 of ACECA, 2003.	N/A	Acquitted under Section 215 of the CPC (Cap75).
53.	ACC 1/2021 Migori Law Courts	Simon Mumu Mutinda John Bosco Okotchi Receiving a financial advantage contrary to Section 6(1) of the Bribery Act, 2016.	30,000	Acquitted under Section 215 of the CPC (Cap75).
54.	ACC 2/2020 Kitui Law Courts	Francis Kea Joshua Munyaka Deceiving principal contrary to Section 41 (2) as read with Section 48 of the ACECA, 2003.	98,000,000	Both acquitted under Section 210 of the CPC (Cap 75).
55.	ACC 9/2017 Machakos Law Courts	1.Moses Bungei 2.Samson Momanyi 3.Grace Njenga Receiving a financial advantage contrary to Section 6(1) of the Bribery Act, 2016.	7,050	All acquitted under Section 215 of the CPC (Cap 75).
56.	ACC 14/2011 Mombasa Law Courts	Timothy Waweru Incurring expenditure contrary to Section 45(2)(b) of the Anti-Corruption and Economic Crimes Act, 2003.	300,000	Acquitted under Section 215 of the CPC (Cap 75).
57.	CF E003/2022 Mombasa Law Courts	1.Jabu Salim Mohamed, 2.Zablon Agwata Mabea 3.Wilson Gachanja Abuse of office contrary to Section 101 as read with Section 102A of the Penal Code.	N/A	All acquitted under Section 210 of the CPC (Cap 75).
58.	ACC 1/2016 Nakuru Law Courts	James Kiili Corruptly soliciting and receiving a benefit contrary to Section 39(1) as read with Section 48 of ACECA, 2003.	5,000	Acquitted under Section 215 of the CPC (Cap 75).
59.	CF 2/2013 Nakuru Law Court	Lydia Lubanga Corruptly soliciting and receiving a benefit contrary to Section 39(1) as read with Section 48 of ACECA, 2003.	30,000	Acquitted under Section 215 of the CPC (Cap 75).

S/No	Court File No	Accused and Charges	Amount Involved (KES)	Judgement Details
60.	ACC 1/2019 Narok Law Courts	1.Reuben Njoroge Mungai, 2.Maurice Oloo 3.George Bahati Receiving a financial advantage contrary to Section 6(1) of the Bribery Act, 2016.	10,000	Acquitted under Section 210 of CPC (Cap 75).
61.	ACC 1/2019 Kericho Law Courts	1.Martin Luther 2.Robert Chirchir 3.Effie Aluoch Receiving a financial advantage contrary to Section 6(1) of the Bribery Act, 2016	280,000	All acquitted under Section 215 of CPC (Cap 75).
62.	ACC 2/2018 Kakamega Law Court	1.Chiuli Murumba 2.Danstan Wafula 3.Ben Avenico 4.Yahya Mutali 5.Carolyne Malangachi 6.Mathias Ochuna Wanyela 7.Fredrick Mukwana Conspiracy to commit an offence of corruption contrary to Section 47 (A)(3) as read with Section 48 of ACECA, 2003. Unlawful Disposal of public Property C/s 45(B) as read with Sec 48 of ACECA, 2003. Fraudulent acquisition of public property C/S 45(1)(A) as read with S.48(1) of ACECA, 2003.	2,360,000	All acquitted under Section 215 CPC (Cap 75).

2.8 Illegally Acquired and Unexplained Assets Traced

The Commission completed 40 asset-tracing inquiries in respect of illegally acquired and unexplained assets. The total estimated value of the assets traced was KES 6.63 billion. Some of the assets traced are highlighted in Table 2.8.

Table 2.8: Highlights of Assets Traced

	Nature of Allegation	Institution traced for	Amount (KES)
1.	Allegation of irregular review of grants of parcel no, MN/VI/3854, MN/VI/3856, MN/VI/3857, MN/VI/3858, MN/VI/3859, MN/VI/3860 MN/VI/3861, MN/VI/3862, MN/VI/3904, MN/VI/05, MN/VI/3906 excised from Moi International Airport, Mombasa to East African Gas Company Limited.	Kenya Airports Authority	2,324,000,000
2.	Allegation of fraudulent acquisition of public property L.R. No. 528 in Nakuru.	Egerton University	1,600,000,000
3.	Allegation of irregular acquisition of public land L.R. Nos. 22611, 22613, 22618/7385/2 & 7385/3	Agricultural Training Centre (County Government of Nakuru)	1,200,000,000

	Nature of Allegation	Institution traced for	Amount (KES)
	belonging to Agricultural Training Centre in Nakuru by private developers.		
4.	Allegation of irregular alienation of public property L.R. No. 19128 to Red Bridge Farm Limited.	County Government of Kwale	370,000,000
5.	Allegation of unexplained wealth against Alphanus Osoro Mokaya, former Chief Officer in the County Government of Kisii.	The National Treasury	320,000,000
6.	Allegation of illegal demarcation/alienation of public land belonging to Marine National Reserve, Kenya Wildlife Service and issuance of titles no. Kwale/Shimoni/493, Kwale/Shimoni/494, Kwale/Shimoni/495 and Kwale/Shimoni/496 to private entities.	Kenya Wildlife Service (KWS)	305,000,000
7.	Allegation of unlawful alienation of Kenya Revenue Authority staff quarters on a parcel No. MSA/XXVI/1082 situated in Kizingo Area in Mombasa County.	Kenya Revenue Authority	143,000,000
8.	Allegation into irregular acquisition of public land in Machakos County, Ngei Estate Block	County Government of Machakos	110,000,000
9.	Allegations of payment of multiple salaries to former and current employees of County Government of Homa Bay.	The National Treasury/County Government of Homa Bay	104,000,000
10.	Allegations of embezzlement of public funds by officials of the County Government of Isiolo through irregular payments to Stephen Muthomi M'Anampiu's personal account over the period 2018 to 2022.	County Government of Isiolo	55,090,860
11.	Allegation of irregular acquisition of public property Kitale Municipality Block 12/236 by Nathaniel Tum, former Chairman of the School Board.	Kitale Academy Trans Nzoia County	50,000,000
12.	Allegation into irregular acquisition of public utility land by Lutheran Church in Kajiado, Kumpar Area.	County Government of Kajiado	50,000,000
13.			

2.9 Civil Proceedings

In the period under review, the Commission instituted suits for preservation and recovery of illegally acquired and unexplained assets. There were also Petitions and Judicial Review applications filed against the Commission.

2.9.1 Applications for Preservation of Assets

The Commission filed 23 applications for preservation of assets valued at approximately KES 886 million. Preservation and injunctive orders were granted for the applications. Table 2.9 highlights applications for preservation of assets during the year.

Table 2.9: Highlights of Applications for Preservation of Assets

	Asset	Preserved From	Related Institution	Value (KES)
1.	ACEC Misc. No. 1 of 2022; EACC vs Michael Auka Ajwang & Another Application for Preservation prohibiting the transfer and/or disposal of 11 motor vehicles, three motor cycles and nine parcels of land against	The Hydeout Riviera Limited and Michael Auka Ajwang	Nairobi City County Government	537,000,000

	Asset	Preserved From	Related Institution	Value (KES)
	the respondents pending conclusion of investigations.			
2.	Kisii H.C Misc. Application No. E02 & 44 of 2023; EACC vs Alphanus Mokaya Osoro Application for Preservation of monies held at KCB, National Bank and motor vehicles registered to entities associated with the Respondent.	Alphanus Mokaya Osoro	County Government of Kisii	50,045,133
3.	ACEC Misc. Application No. E059 of 2022; EACC vs Wilson Kanani, Wilman Auto Invests, Willy Walla International Limited and Wilcoreg Limited. Application for Preservation of monies held at Equity Bank Limited, I&M Bank Limited, National Bank and motor vehicles.	Wilson Kanani, Wilman Auto Invests, Willy Walla International Limited and Wilcoreg Limited	Nairobi City County Government	48,003,527
4.	Nanyuki Misc. Application E012/2022 Application for Preservation of landed properties associated with the Respondent.	Danstar Holding Limited	State Department for Housing	40,000,000
5.	ACEC Misc. Application No E045 of 2022: EACC vs Tracy Njoki King'e Application for preservation of landed properties on allegations of embezzlement of public funds.	Tracy Njoki King'e	The National Treasury and Economic Planning	36,018,978
6.	ELC E049 of 2023; EACC vs Ezekiel Luyali & Others Application for Preservation of landed properties Block/XIX/234	Ezekiel Luyali	The University of Nairobi	21,000,000
7.	Kakamega ELC E17/2022 Application for Preservation of land associated with the Respondent.	Jacqueline Musalia	State Department of Housing	20,000,000
8.	Bungoma ELC E079/2022; EACC vs Georgina N. Mutave, Ronald M. Omwoma & Wilson Gachanja Application for Preservation of land associated with the Respondents.	Ronald M. Omwoma	State Department of Housing	10,000,000

2.9.2 Recovery Suits Filed

The Commission filed 62 recovery suits with an estimated value of KES 8.73 billion in the period under review, as shown in Table 2.10.

Table 2.10: Recovery Suits Filed

	Case No.	Parties	Case Summary	Amount (KES)
1.	ELC No. 4 of 2023	EACC vs Cantie HA Ltd & 3 Others	Suit for recovery of illegally acquired public land belonging to Egerton University.	1,500,000,000
2.	ELC No. 11 of 2023	EACC vs Pineapples Edge Limited & 5 Others	Suit for recovery of irregular alienation of Naivasha Municipality Block 5/285.	1,400,000,000
3.	ELC 111 of 2022 Mombasa	EACC vs Parkmansions & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3862 Moi International Airport Mombasa.	600,000,000
4.	ELC No. E162 of 2023	EACC vs Peter Eliud Mutua Maundu & Others	Suit for recovery of Land L.R. No. 209/12118 (IR No. 65477) located along Elgon Road, Upper-Hill Area Nairobi City County.	410,000,000
5.	ELC Suit No. E089 of 2023	EACC vs Daniel Kipkemoi, M. W. Mbogo, Whitehart Investments Limited & Wilson Gachanja	Suit for recovery of LR No. 209/12303 (I.R No. 63566) on behalf of KALRO.	400,000,000
6.	ELC 113 of 2022 Mombasa	EACC vs Spelling International & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3856 Moi International Airport Mombasa.	360,000,000
7.	HC ACEC Civil Suit No. E012 of 2023	EACC vs Michael Auka Ajwang & the Hydeout Riviera Limited	Suit for recovery of unexplained wealth against an employee of the Nairobi City County Government.	342,857,859
8.	ELC 115 of 2022 Mombasa	EACC vs Bush Veld Limited & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3906 Moi International Airport Mombasa.	325,000,000
9.	ELC 118 of 2022 Mombasa	EACC vs Kokog Investment & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3904 Moi International Airport Mombasa.	265,000,000
10.	ACEC Suit No. E043 of 2022	EACC vs Eric Kipkurui Mutai & 4 Others	Suit for recovery of payment for non-supply of food rations to the State Department of Correctional Services.	257,000,000
11.	ACEC Suit No. E027 of 2022	EACC vs David Kinyae Isika, Joyce Wairimu, Urbanus Kioko Mbithi, Wanga-Tech General Enterprises Limited, Davinka Suppliers and General Merchants Limited & Bruce Isika Kinyae T/A Brycen Smart Innovations	Suit for forfeiture of unexplained wealth against the 1st Defendant, who is a public officer at the Nairobi Metropolitan Development within the Ministry of Lands, Housing & Urban Development and other Defendants who were his relatives, associates, directors and proprietors of his companies.	233,486,768
12.	ACEC Suit No. E033 of 2022	EACC vs Peter Maina Njehia & Another	Suit for forfeiture of unexplained wealth acquired as a result of corrupt conduct by the Respondent, former Senior Supply Chain Manager at KETRACO.	216,374,182

	Case No.	Parties	Case Summary	Amount (KES)
13.	ELC 117 of 2022 Mombasa	EACC vs Frankway Link & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3905 Moi International Airport Mombasa.	205,000,000
14.	ACEC Suit No. E046 of 2022	EACC vs Bruce Isika Kinyae T/A Brycen Smart Innovations & Others	Suit for forfeiture of unexplained wealth by an employee of Nairobi Metropolitan Development within the Ministry of Lands, Housing & Urban Development.	186,123,958
15.	ACEC Suit No. E041 of 2022	EACC vs Steven Kisonzo Mulwa T/A Almahir Suppliers & Others	Suit for recovery of unexplained assets occasioned by irregular procurement from the State Department of Correctional Services on account of food rations not supplied in FYs 2016/2017, 2017/2018 and 2018/2019.	165,735,000
16.	Kitui ELC NO. E005/2022	EACC vs Bishop Gideon Muneni Nzoka & The Church Commissioners for Kenya	Suit for recovery of land reserved for Kitui Integrated Programme for the Visually Impaired against the Anglican Church of Kenya (ACK) of land	159,000,000
17.	ELC E025 of 2023 Mombasa	EACC vs William Kabogo Gitau & Others	Suit for recovery of land L.R. No. MSA/XVI/1082 for Kenya Revenue Authority.	143,000,000
18.	ELC E022 of 2023 Mombasa	EACC vs Maxtowers Limited & Others	Suit for recovery of land L.R. No. MSA/XVI/1081 for Kenya Revenue Authority.	132,000,000
19.	ELC 109 of 2022 Mombasa	EACC vs George P. Gomu & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3859 Moi International Airport Mombasa.	125,000,000
20.	ELC 116 of 2022 Mombasa	EACC vs Jeewi Limited & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3861 Moi International Airport Mombasa.	104,000,000
21.	ELC NO E066 of 2022	EACC vs Sammy Mwaita & Others	Suit for recovery of irregular alienation of Nakuru Municipality Block No. 20/232.	100,000,000
22.	ELC No. 10 of 2023 Nakuru	EACC vs Pinneapple Edge Limited & 2 Others	Suit for recovery of irregular alienation of Naivasha Municipality Block 5/290.	80,000,000
23.	HCC E085 of 2022 Mombasa	EACC vs Mukitek Investments & 4 Others	Suit for recovery of public funds.	78,000,000
24.	ACEC Suit No. E003 of 2023	EACC vs Faith Jematia Kiptis	Suit for recovery of irregular payment and embezzlement of public funds from the National Treasury and Economic Planning paid as allowances purported as official duties without the approval of the Salaries and Remuneration Commission (SRC).	67,664,975
25.	ELC Suit No. E051 of 2023 Mombasa	EACC vs Kensko Agro-Produce Limited & Others	Suit for recovery of two (2) parcels of land Mombasa Municipality/Block XXI/583 and Mombasa Municipality/Block XXI/584.	60,000,000

	Case No.	Parties	Case Summary	Amount (KES)
26.	EACC.KTL/LS/28-D KTL ELC 18/2021	Zuhura Night Sakwa, Alice Maina Maruguti, Francis Lilechi vs National Housing Corporation, National Land Commission, County Director National Housing Trans Nzoia, The Hon. Attorney General, EACC	Suit for recovery of Kitale Municipality Block 11/18.	60,000,000
27.	ELC 112 of 2022 Mombasa	EACC vs Marachi A. Ooro & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3857 Moi International Airport Mombasa.	60,000,000
28.	ELC 114 of 2022 Mombasa	EACC vs Peninsula Agencies & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3858 Moi International Airport Mombasa.	60,000,000
29.	ELC 110 of 2022 Mombasa	EACC vs Jay & Kay Enterprises & Others	Suit for recovery of illegal excision of Plot No. MN/VI/3855 Moi International Airport Mombasa.	60,000,000
30.	ELC Civil Suit No. E182 of 2023	EACC vs Japheth Kimutai Chepkeres & Others	Suit for recovery of land L.R. No. 209/12492 (IR. No. 71419) belonging to Kenya Railways Corporation in Nairobi.	46,934,762
31.	ACEC E030 of 2022 Nairobi	EACC vs Hartland Enterprises Limited, James Mumali Oyuka & 4 Others	Suit for recovery of cash irregularly paid the Homa Bay County Assembly Service Board to M/S Hartland.	36,270,033
32.	ELC No. 23 of 2022 Nyahururu	EACC vs Robert Kimemia Maina & 6 Others	Suit for recovery of public land Nyahururu Municipality Block VI/582, 585, 588, 590 and 591.	35,000,000
33.	ACEC Suit No. E004 of 2023	EACC vs Esther Wangechi Ngeru	Suit for recovery of public funds from the National Treasury and Economic Planning as allowances for purported official duties without the approval of SRC.	34,095,200
34.	ACEC No. E047 of 2022	EACC vs Tracy Njoki Kinge	Suit for recovery of irregular and fraudulent receipt of public funds from the National Treasury and Economic Planning paid within the period between February 2020 and June 2022, disguised as extraneous, taskforce/committee facilitation and other undefined allowances.	33,152,000
35.	EACC.ELD/LS/87-D ACEC E025/2022	EACC vs Amailo Investment Company Limited & Others	Suit for recovery cash for restitution to the County Government of Turkana.	24,999,600

	Case No.	Parties	Case Summary	Amount (KES)
36.	ELC NO E012/2022	EACC vs Daniel Ngetich & 2 Others	Suit for recovery of irregular alienation of Kericho Kabatega Block 1222 and 1328.	24,000,000
37.	ACEC Suit No. E034 of 2022	EACC vs Mulwa Farm Limited & Others	Suit for recovery of money from State Department of Correctional Services on account of food rations not supplied in FYs 2016/2017, 2017/2018 and 2018/2019.	21,697,500
38.	ELC E002/2023 Kakamega	EACC vs Lucas Nandih Shamala & Wilson Gachanja	Suit for recovery of Parcel No. Kakamega Municipality Block III/241.	21,000,000
39.	ELC E020 of 2023 Mombasa	EACC vs Mohamed Awadh & Others	Suit for recovery of land L.R. MSA/XVI/685 for Kenya Revenue Authority.	21,000,000
40.	ELC E049 of 2023	EACC vs Ezekiel Luyali & Others	Suit for recovery of land L.R. Block/XIX/234 for University of Nairobi.	21,000,000
41.	ACEC Suit No. E001 of 2023	EACC vs Robert Theuri Murage	Suit for recovery of irregular payment and embezzled public funds from the National Treasury and Economic Planning paid as allowances for purported official duties without the approval of SRC.	20,318,000
42.	ELC E023 of 2023 Mombasa	EACC vs Dorbang Limited & Others	Suit for recovery suit of land L.R. No. MSA/XVI/693 for Kenya Revenue Authority.	20,000,000
43.	ACEC Suit No. E002 of 2023	EACC vs Doris Nafula Simiyu	Suit for recovery of irregular payment and embezzled public funds by National Treasury and Economic Planning paid as wrong allowance without the approval of SRC.	18,862,000
44.	Nyeri ELC No.28B of 2023	EACC vs Gervas O. Oketch	Suit for recovery of Nyeri Municipality Block 1/1082.	18,800,000
45.	ELD HCCC NO. 92/09 & ELC NO. 458/13	EACC vs Job Kipnandi Chebon & 2 Others	Suit for recovery of Eldoret Municipality Block 15/1750.	18,000,000
46.	ELC E026 of 2023 Mombasa	EACC vs Gikoma Enterprises & Others	Suit for recovery of land L.R. No.MSA/XVI/779 belonging to Kenya Revenue Authority.	16,500,000
47.	ELC E024 of 2023 Mombasa	EACC vs Ramadhan Ali & Others	Suit for recovery of land L.R. No. MSA/XVI/1037 for Kenya Revenue Authority.	16,000,000
48.	HC ACEC Civil Suit No. E017 of 2023	EACC vs Nathaniel Manyenye Ahaza and Others.	Suit for recovery of cash against Boyse Ventures Limited, a company associated with Nathaniel Ahanza.	13,989,450
49.	CMCC 131 of 2022 (Voi)	EACC vs Geoffrey Kimonge Mbogho	Suit for recovery of fraudulent per diem paid to Defendant.	13,000,000
50.	ACEC Suit No. E038 of 2022	EACC vs Joseph Kariuki Mwangi T/A Joslil General Supplies & Others	Suit for recovery of money against the Respondent for non-supply of food rations to State Department of Correctional Services in FYs	12,000,000

	Case No.	Parties	Case Summary	Amount (KES)
			2016/2017, 2017/2018 and 2018/2019.	
51.	ELC 44 of 2022	EACC vs Milly Glassworks & Another	Suit for recovery of land L.R. No. MSA/Block/XLVII/156 for Kenya Ports Authority.	12,000,000
52.	ACEC Suit No. E035 of 2022	EACC vs White Unicorn Limited & Others	Suit for recovery of cash occasioned by irregular procurement at the State Department of Correctional Services.	10,075,000
53.	MCELC E079/2022 Bungoma	EACC vs Georgina N. Mutave, Ronald M. Omwoma & Wilson Gachanja	Suit for recovery of Parcel No. Bungoma Municipality/791.	10,000,000
54.	ELC E021 of 2023 Mombasa	EACC vs E.M. Mbasu & Others	Recovery suit of land L.R. No. MSA/XVI/1015 for Kenya Revenue Authority.	10,000,000
55.	MCELC E079/2022 Bungoma	EACC vs Anna Mwikali, Asha Hersi & Sammy Mwaita	Suit for recovery of Parcel No. Bungoma Municipality/213.	9,000,000
56.	CMELC No. 4 of 2023 Nakuru	EACC vs Pauline Maiyo	Suit for recovery of irregular alienation of Kabarnet Municipality Block No. 161.	8,000,000
57.	ELC No. 25 of 2022 Nyeri	EACC vs Chris M. Macharia	Suit for recovery of Nyeri Municipality Block 1/1371.	7,000,000
58.	ELC No.9 of 2023 Nyeri	EACC vs Raphael Muturi Njogu	Suit for recovery of Nyeri Municipal Block 1/1403.	7,000,000
59.	ELC No. 13 of 2023 Nyeri	EACC vs Mary Wairimu Waiganjo	Suit for recovery of Nyeri Municipality Block 1/1256.	7,000,000
60.	ACEC Suit No. E036 of 2022	EACC vs Maureen Ndungwa Mwikya T/A Reen East Africa Company & Others	Suit for recovery of cash occasioned by irregular procurement at the State Department of Correctional Services between 2016 to 2018.	4,780,000
61.	CMELC No. 3 of 2023 Nakuru	EACC vs Catherine Mbugua & Others	Suit for recovery of illegally acquired land Nakuru Block 12/45 belonging to Moi Primary School-Nakuru.	4,500,000

2.9.3 Cases filed against the Commission

There were 88 Petitions and Judicial Review Applications filed against the Commission as highlighted in Table 2.11.

Table 2.11: Highlights of Cases Filed against the Commission

	Case No.	Parties	Subject Matter
1.	Petition No. 11 of 2022 (Formerly Nairobi Const. Pet. No. E323 of 2022) Mombasa High Court	Jeremiah Kiwoi vs Granton Graham Samboja, IEBC, EACC & Others	Petition against the Candidature of the 1st Respondent to vie as Governor for Taita Taveta County in the General Elections of 9 th August 2022.

	Case No.	Parties	Subject Matter
2.	IEBC/DRC/136/2022	Wiper Democratic Party vs Mombasa County Returning Officer & Others	A complaint to the IEBC Dispute Resolution Committee by Wiper Democratic Movement Party seeking to set aside the decision of the Mombasa County Returning Officer of declining to clear Hon. Mike Sonko.
3.	Malindi Constitutional Petition No. 4B of 2022	Kibibi Bakari Ali vs Hon Maitha Gideon Mung'aro, IEBC, EACC & Others	Petition seeking declaratory orders among others that the 1st Respondent is not eligible for election as a Governor Kilifi County in the General Elections of 9th August 2022.
4.	Mombasa JR No. E022 of 2022	Gideon Mbuvi Mike Sonko vs IEBC, EACC & Others	Application seeking to quash the decision of IEBC revoking the registration of the Applicant as a Candidate for Mombasa County Gubernatorial Election.
5.	Kiambu Constitutional Petition No. 150 of 2022 (Formerly HC Const. Petition No. E380 of 2022)	Charles Maina Kariuki & Another vs Paul Karungo Thang'wa	Application seeking certification and empanelment of a three-judge bench to hear a Petition seeking to disqualify Paul Karungo Thang'wa from vying for the senatorial seat in Kiambu County.
6.	Petition No. 19 of 2022	Transparency International vs Registrar of Political Parties	Petition seeking a declaration that the nominations conducted by the Respondent and clearance of Independent Candidates without vetting is unconstitutional.
7.	Constitutional Petition No. E370 of 2022	Catherine Nyakoboke Nyang'au vs Inspector-General of NPS, DPP, EACC and the CMC at Milimani Law Courts.	Application to stop and quash the entire charge sheet and criminal proceedings at Milimani Criminal Case No. E3070 Ayoo of 2020.
8.	ELRC No. E552 of 2022	Dr. Agnes Wanjiru Njeru Gatama vs EACC	Petition challenging EACC advisory to County Assembly Service Board of Kirinyaga to cease payment of the Claimant's remuneration on grounds that she received similar benefits from Jomo Kenyatta University of Agriculture and Technology.
9.	Petition No. E398 of 2022	John Wangai & Others vs Eng, John Tanui & Others	Notice of Motion seeking mandatory orders of injunction pending any fiduciary activities of the 1st and 2nd Respondents citing breach of the Constitution by the Konza Technopolis Development Authority.
10.	HC Petition No. E035 of 2022	Nesco Services Limited vs EACC, AG & Others	Petition seeking the protection of the Petitioner's property rights as per Article 40 of the Constitution.
11.	Eldoret Misc. Application No. E164 of 2022	Jeremiah Ekamais Lomorukai Napotikan vs EACC & Others	Application by the Governor Turkana County for anticipatory bail.
12.	Kajiado ELC Civil Case No. E113 of 2022	Bernard Onguso vs EACC, (Interested Parties - Land Registrar Kajiado and the Hon. AG)	Suit lodged at the Environment and Land Court seeking for orders that the caution registered over plot Nos. Kajiado/Kaputei North 50062 and Kajiado/Kaputei North 50063 be lifted.
13.	COA Civil Application No. E437 of 2022	Kuria Gathoni vs EACC & Others	Application for orders of stay of execution of the Ruling delivered by the Environment and Land Court of Kenya at

	Case No.	Parties	Subject Matter
			Nairobi on 24th May 2022 and stay of proceedings in ELC No. E315 of 2021.
14.	Nyeri JR No. E001 of 2022	Republic vs Land Registrar & EACC; Ex-parte Applicants – Charles W. Wamae and Paul W. Wamae	Application for Judicial Review seeking removal of caution placed on L.R. No. Nyeri Municipality Block 1/1082.
15.	Const. Petition No. E022 of 2023	Law Society of Kenya & Transparency International vs Ferdinand Ndung'u Waititu Babayao, AG, EACC, Nairobi Rivers Commission (Interested Party – Katiba Institute)	Petition seeking an Order of <i>Certiorari</i> to quash the appointment of Ferdinand Ndung'u Waititu to the Nairobi Rivers Commission conveyed in Gazette Notice Volume No. CXXIV – 258 dated 2nd Dec. 2022.
16.	Const. Petition No. E111 of 2023	Eng. Antony Tawayi Wamukota, Alice Nafula, Rachel Emitekwa, Chrispus Wamoyo, George Lala Indakwa, Patrick Wasike vs EACC	Petition seeking Conservatory Order restraining EACC from arresting and charging the Petitioner in relation to the activities of KETRACO Loinyangalani – Suswa Transmission Project.
17.	ACEC Misc. No. E007 of 2023	Zhang Jing, Zeyan Yang & Erdermann Properties Limited vs EACC	Application seeking for orders that a mandatory injunction be issued to compel the Respondent to release to the Applicants all the documents seized from the Applicants' premises that are not the subject of criminal proceedings in ACC No. 26 of 2019.
18.	HC Misc. Criminal Application No. E146 of 2023	John Ngumi vs EACC & DPP	Application seeking an order for anticipatory bail or bond and further, a conservatory order restraining the Respondents, their servants, agents, officers and/ or anybody acting under their authority from effecting and/or arresting, detaining in custody, charging, harassing or otherwise however interfering with the liberty and fundamental freedoms of the Applicant.
19.	Civil Application No. E208 of 2023	Joseph Chege Gikonyo & 2 Others vs EACC & Francis Irungu	Civil application filed at the Court of Appeal seeking leave to appeal to the Supreme Court against the Judgment delivered in CA No. 464 of 2018.
20.	ACEC Petition No. E004 of 2023	Nicholas Ochiel vs EACC & AG (Interested Parties – Waterfront Outlets Limited & 4 Others)	Petition seeking to quash Notices to explain the disproportion of the Defendants assets and known legitimate sources of income issued by the Commission on 30th October 2019 and a further order to strike out Nairobi ACEC Suit No. E024 of 2022.
21.	NKR ELC Petition No. 8/2021	Hillary Mwaita vs KENHA & EACC	The Petitioner seeks declaration orders that he is the owner of the subject property Nakuru/Municipality Block 20/232.
22.	Kisii Petition No. E010 of 2022	Okiya Omtatah Okiiti vs EACC	The Petitioner seeks declaratory orders to compel EACC to investigate alleged fraudulent privatisation of Rioma/Nyakongo Market Borehole which was funded by public funds belonging to

	Case No.	Parties	Subject Matter
			Kisii County and allegation of money laundering by the former Kisii County Governor.
23.	Kisii Petition No. 10 of 2022	Nahashon Mogonchi vs EACC & 5 Others	Petion seeking that EACC jointly with other bodies be ordered to investigate alleged forged academic documents by Simba Arati, Kisii County Governor.
24.	Bungoma HCT JR Misc E002/2023	Rachael Makokha & 5 Others vs ODPP & EACC	Judicial Review seeking to avert matter on Fraudulent award of tender for the Construction of the Malaba Water and Sanitation Project amounting to KES 600 million.
25.	Machakos ELC Petition No. 4 of 2022	Monica Paul Muthoka vs Commissioner General of Prisons & 2 Others	Petitioners are defendant in ELC 33/2008 suit for recovery of prisons land. They have filed petitions seeking to restrain the respondents from denying them access to the suit property.
26.	Petition E004 of 2022	Musa Ahmedurmaji vs EACC & KALRO	Petition seeking Temporary injunction to restrain EACC, KALRO and Registrar of Lands from implementing the Statutory Invitation Notice by EACC in respect of properties Kwale Makinon Road Phase II/1070-1942 excised from Parcel L.R. No. 28731 belonging to KALRO.

2.10 Recovered Assets

Illegally acquired and unexplained assets valued at approximately KES 3.8 billion were recovered through court proceedings and out-of-court settlements, as shown in Table 2.12.

Table 2.12: Recovered Public Assets

	Institution Recovered For	Recovered From	Asset	Estimated Value (KES)
1.	Kenya National Highway Authority (KENHA)	Hillary Kipkorir Mwaita	Nakuru/Municipality Block 20/32	2,010,000,000
2.	Lands Limited, a subsidiary of ADC	Major Gen (Rtd) Dedan Njuguna Gichuru	L.R. No. 14703 in Tigoni (30 Acres)	440,000,000
3.	State Department for Roads, Ministry of Roads and Transport	Wak Limited, Redwood Properties	L.R No. 209/6337 I.R No. 85631 (Nairobi)	430,000,000
4.	Nairobi City County Government	Harun Osoro Nyambuki	L.R. No. 209/13557 Nairobi West	140,000,000
5.	Kenya Meat Commission	Safeways Limited	L.R. No. Mombasa MI/1/258	100,000,000
6.	National Housing Corporation	Omar Faraj	L.R. No. Mombasa Municipality Block 72/2935	80,000,000
7.	Kenya Civil Aviation	Bernsoft Limited & Others	L.R. No. Mombasa Municipality	61,000,000

			Block MN/1/2396	
8.	Kenya Civil Aviation	Romli Agencies & Others	L.R. No. Mombasa Municipality Block N/1/2400	49,000,000
9.	Kenya Civil Aviation	Luka Chemutai Cheptoo	L.R. No. Mombasa Municipality MN/1/2414	48,000,000
10.	Nairobi City County Government	Taylor Adforce E.A. Ltd, Antonie Gerad Jemeau & Disma Arori	L.R. No.2250/71 Mukoma Road, Karen	45,000,000
11.	County Government of Homabay	Bob Kephass Otieno and Eveline Awino Gouty T/A Nyangume Enterprise	Cash	26,272,460
12.	Sang'alo Institute of Science and Technology	Amin Mohammed	L.R. No. Bungoma Municipality/570	22,000,000
13.	Ministry of Transport	Harith Swaleh	L.R. No. Mombasa Island/Block XI/950	18,000,000
14.	County Government of Nakuru	Maurice Mesa	Nakuru L.R. No. 26611	17,000,000
15.	State Department of Housing and Urban Development, Ministry of Lands	Asha Hersi Moghe	L.R. No. Bungoma Municipality/792	14,500,000
16.	State Department of Housing and Urban Development, Ministry of Lands	Japheth Gesage Gekonge	L.R. No. Bungoma Municipality/840	14,000,000
17.	State Department of Housing and Urban Development, Ministry of Lands	John Musambayi Katumanga, Lucy Kendi & Sammy K. Mwaita	L.R. Nos. Kakamega Municipality Block III/261 & Kakamega Municipality Block III/262	13,000,000
18.	State Department for Housing, Ministry of Lands	John Gakure Njire	L.R. No. Nyeri Municipality Block 1/1256	7,000,000
19.	County Government of Laikipia	Joseph Karanja Kaguru	L.R. No. Nyahururu Municipality Block VI/590	7,000,000
20.	County Government of Laikipia	Martin Murutu	L.R. No. Nyahururu Municipality Block VI/588	7,000,000
21.	County Government of Laikipia	Monica Njoki Njuguna	L.R. No. Nyahururu Municipality Block VI/585	7,000,000
22.	County Government of Laikipia	Robert Kimemia Maina	L.R. No. Nyahururu	7,000,000

			Municipality Block VI/582	
23.	State Department of Housing and Urban Development, Ministry of Lands	Roselidah Joyce Otieno	L.R. No. Bungoma Municipality/833	7,000,000
24.	State Department of Housing and Urban Development, Ministry of Lands	Francis Odhiambo	L.R. No. Bungoma Municipality/792	6,500,000
25.	State Department of Housing and Urban Development, Ministry of Lands	Fridah Asambah	L.R. No. Kakamega Municipality Block III/276	5,000,000
26.	State Department of Housing and Urban Development, Ministry of Lands	Michael Omusula	L.R. No. Kakamega Municipality Block III/239	5,000,000
27.	County Government of Nyamira	Amos Kimwomi Nyaribo	L.R. No. Kisii Municipality Block III/423	4,540,927
28.	County Government of Nyamira	Amos Kimwomi Nyaribo	Cash	1,587,275
29.	Kenya Reinsurance Corporation Limited	Irene Muthoni & John Faustine Kinyua	L.R No. 209/10611/173 I.R No. 77586 Nairobi	17,000,000
30.	Kenya Ports Authority	Mukitek Investments	Cash	78,161,858
31.	Ministry of Environment and Forestry	Samuel Kariuki Njoroge	Cash	30,754,705
32.	Kenya Medical Research Institute (KEMRI)	Davy Koech	Cash	26,375,000
33.	The National Treasury	Charles Mutiso	Cash	24,000,000
34.	Ministry of Environment and Forestry	Samuel Kariuki	Cash	20,000,000
35.	Chebororwa Agricultural Training Centre	Nicholas Kaino and Rose Kaino	Cash	11,493,000
36.	County Assembly of Homabay	Several employees of County Assembly of Homabay	Cash	8,391,500
37.	Rural Electrification and Renewable Energy Corporation (REREC)	Penina Wambui Karomo	Cash	3,843,417
38.	County Government of Kisii	Evans Rambeka Nyaoga	Cash	3,162,453
39.	Ministry of Education	Joel Kaunda	Cash	1,498,900
40.	County Assembly of Trans Nzoia	Alfred Weswa & Ben Matete	Cash	1,000,000
41.	Office of the Auditor General	Stephen Ndungu Kinuthia & Desmond Irungu	Cash	1,000,000
42.	Export Processing Zone Authority	Richard Mutule	Cash	1,000,000
43.	Karachuonyo CDF	James Rege	Cash	909,398

44.	County Government of Bungoma	Vincent Ngeiywo	Cash	801,000
45.	County Government of Bungoma	Bungoma County Government employees	Cash	800,000
46.	County Assembly of Uasin Gishu	1. Leah Malot 2. Eileen Kendagor 3. Joel Rugut 4. Hosea Lamai 5. Kirwa Kemboi 6. Patrick Bundotich 7. Julius Sang	Cash	786,679
47.	County Government of Kisii	1. Caroline Ooro Atieno 2. Alex Buigut 3. Raymond Oduma 4. Dotrine Okech	Cash	682,400
48.	County Government of Isiolo	Daniel Wambugu	Cash	550,000
49.	County Assembly of Meru	Maore Ngore	Cash	540,000
50.	Ministry of Education	Ian Kaundi	Cash	500,000
51.	Ministry of Education	Joel Kaunda	Cash	386,000
52.	County Government of Bungoma	Catherine Nanja Wambilianga	Cash	562,000
53.	Ministry of Interior & Coordination of National Government	Alphonse N. Mulinge	Cash	295,000
54.	The National Treasury	Michael Gituto	Cash	250,000
55.	County Government of Homabay	Caroline Muga & Joel Nyakundi	Cash	220,000
56.	County Government of Nyeri	Michael Kibuchi Gitutu	Cash	150,000
57.	County Government of Homabay	Vincent Ngeiywo & Beatrice Akoth Ouma	Cash	150,000
58.	County Assembly of Homa Bay	Owaka Nicholas	Cash	150,000
59.	County Assembly of Homa Bay	Maureen Aoko	Cash	130,000
60.	JKUAT/ East African School of Aviation	Jackson Chau Kagiri	Cash	120,000
61.	County Assembly of Kisii	Charles G. Kamau	Cash	100,000
62.	Igembe North CDF	Daniel Wambugu T/A Water Link	Cash	100,000
63.	County Government of Bungoma	Emelda Adhiambo & Kingo Emmanuel Kiboi	Cash	96,000
64.	County Government of Bungoma	Alex Buigut	Cash	625,000
65.	Kenya Industrial Research and Development Institute (KIRDI)	Jonathan Lati Lelelit	Cash	94,329
66.	County Government of Homabay	Tabitha Zackayo	Cash	90,000

67.	Samburu East Sub-County Education officer	Joel Kaunda	Cash	89,000
68.	County Government of Kisii	1.Julius Gaya 2.Vincent Nyamache 3.Effie Onyango 4.Thomas Opere 5.Winnie Wendy	Cash	72,800
69.	County Government of Homabay	Anthony Komen	Cash	70,000
70.	The National Treasury	Samuel Apo	Cash	70,000
71.	County Government of Bungoma	1. Abonyo Fred, 2. Andrew Cheruiyot 3. Enock Otieno Obiero	Cash	65,000
72.	County Assembly of Meru	Several members of staff of County Assembly	Cash	60,100
73.	County Government of Bungoma	Lilian Elizabeth	Cash	56,000
74.	County Government of Bungoma	Charles Guandaru Kamau & David Lusweti Makokha	Cash	52,000
75.	County Government of Bungoma	Charles G. Kamau	Cash	50,000
76.	Karachuonyo CDF	George Songok	Cash	50,000
77.	County Government of Homabay	Teresa Awuor	Cash	40,000
78.	County Government of Homabay	Nyamula Washington	Cash	30,000
79.	County Government of Homabay	Carolyne Muga	Cash	30,000
80.	County Government of Bomet	Andrew Kipyegon Cheruiyot	Cash	30,000
81.	County Government of Homa Bay	Beatrice Akoth Ouma	Cash	25,000
82.	County Government of Bungoma	Fred Obonyo	Cash	20,000
83.	County Assembly of Meru	Paul Anampiu	Cash	19,600
84.	County Assembly of Meru	Domiciano Maranya	cash	14,500
85.	County Assembly of Kisii	1. Robert Omenda 2. Cornelia Atieno 3. Antony Komen	Cash	11,700
86.	County Government of Bungoma	Renson Lusenaka	Cash	10,950
87.	County Government of Homa Bay	John Onyango Wachara	Cash	10,000
88.	County Government of Homa Bay	Abonyo Fredrick	Cash	10,000
89.	County Government of Homa Bay	Amos Mbewa	Cash	10,000
90.	County Government of Homabay	Caroline Atieno	Cash	10,000
91.	County Government of Homabay	Maureen Omata	Cash	10,000
92.	County Government of	Bernard Amira	Cash	10,000

	Homabay			
93.	County Government of Homabay	Hillary Kunga	Cash	10,000
94.	County Assembly of Meru	Sussy Kiambi	Cash	10,000
95.	County Government of Homa Bay	Caroline Akinyi	Cash	10,000
96.	County Assembly of Meru	Rose Mary Kagendo	Cash	8,000
97.	County Government of Homabay	Dotrine Atieno	Cash	5,000
98.	County Government of Homabay	Cornelia Atieno Otunga	Cash	5,000
99.	County Government of Homabay	Dotrine Atieno Okech	Cash	5,000
100.	County Assembly of Kisii	Eve Goga	Cash	5,000
101.	Local Authorities Provident Fund (LAPFUND)	Maore Ngore	Cash	5,000
102.	County Government of Bungoma	Rose Nicholus Bulitia	Cash	4,000
103.	County Government of Bungoma	Fred Wanjala Mukhwana	Cash	3,500
104.	County Assembly of Meru	Faith Mwenda	Cash	3000
105.	County Government of Bungoma	Nolyne Masafe	Cash	1,000
106.	County Government of Bungoma	Chebusirit Mike	Cash	1,000
107.	County Government of Bungoma	Sarah Nangila	Cash	1,000

2.11 Issuance of Advisories, Cautions and Notices

The Commission, in enforcing Chapter Six of the Constitution issued 253 advisories, 22 cautions and 41 notices to public entities and persons for violation of Chapter Six and LIA, 2012 during the reporting period. Highlights of Advisories, Cautions and Notices issued are presented in Tables 2.13, 2.14 and 2.15 respectively.

Table 2.13: Highlights of Advisories Issued

S/No.	Nature of Advisory	Receipient(s) of Advisory
1.	Advisory issued on management of the existing staff, new recruitments and pending bills in County Governments following the new administrations that were ushered in after the August 2022 General Elections.	All County Governors, County Secretaries and Chairpersons of the County Public Service Boards
2.	Advisory issued on adherence to Parliamentary Service (Constituency Offices) Regulations, 2005 on opening of Constituency/County Offices and recruitment of staff.	Clerk of the Senate/Secretary to the Parliamentary Service Commission
3.	Advisory on rampant falsification and forgery of academic certificates.	All Chancellors, Vice-Chancellors, all Chairpersons of University Councils, all Academic Registrars, Chief Executive Officers of Commission for University Education, Kenya National

S/No.	Nature of Advisory	Receipient(s) of Advisory
		Qualifications Authority and Kenya National Examinations Council
4.	Advisory on conflict of interest, failure to protect public resources and nepotism.	Governor, Meru County
5.	Advisory on irregular recruitment of staff and breaching established staff cappings.	Governor, Homa Bay County
6.	Advisory on integrity verification and clearance prior to making appointments as County Executive Committee Members.	All County Governors, Speakers of County Assemblies and Clerks of County Assemblies
7.	An advisory issued to the IG to take appropriate administrative action against Police Constable Shadrack Muendo.	Inspector-General of Police
8.	Advisory on compliance with the requirement of submitting a self-declaration form to the Commission as provided under Section 12A of the LIA, 2012.	Hon. Basil Criticos appointee as Chairperson Kenya Trade Network Agency Board
9.	Advisory issued to review and enhance the guidelines governing the management of the NG-CDF funds to address the various emerging malpractices.	CEO, NG-CDF Board
10.	Advisory on submission of initial and final declarations of income, assets and liabilities.	1. Clerk of the Senate 2. Clerk of the National Assembly 3. Secretary/ Chief Executive Officer, Public Service Commission (PSC) 4. All County Assembly Clerks 5. All Secretaries/Chief Executive Officers, County Public Service Boards
11.	Advisory on signing and commitment to the Leadership and Integrity Code by Governors, Deputy Governors, Members of the County Assembly, County Executive Committee Members.	All County Secretaries and Clerks of County Assemblies
12.	Advisory issued to the effect that a member of County Assembly Service Board is a Public Officer within the bounds of article 260 of the Constitution.	Speaker of the County Assembly of Bungoma
13.	Advisory issued to conduct an audit, keep proper records and closely monitor payroll data.	Commissioner General for Prisons

Table 2.14: Highlights of Cautions Issued

S/No.	Person(s) Cautioned	Position	Nature of the Caution
1.	1. Rashid Omar Ijema 2. Milka Hankola Karhayu 3. Adhan Nuri Berhe 4. Alii Abass Alii 5. Rehanna Gobu Bute	Board Members of Tana River County Public Service Board	Failure to declare conflict of interest in the shortlisting and appointment of Mr. Issac Hajir Abdi as Assistant Director for Sports.
2.	Emily Mwikali Sila	Senior Assistant Director at the Kenya Institute of Curriculum Development (KICD)	Providing misleading information on her academic qualifications during recruitment.
3.	1. Hon. Gideon Gachara Gitau 2. Hon. Daniel Ngugi 3. Hon. Simon Kuria Wakarema	Former Members of County Assembly, Kiambu County	Assaulting the former Speaker of the County Assembly Hon. Stephen Ndichu.

4.	Antony Stephen Wachira Kalu Kitaba Fitte	Deputy Director Finance and Deputy Director, Supply Chain Management at KEMRI	Breach of Public Procurement and Public Finance Management laws in the procurement of staff medical cover.
5.	Everline Bunusu Kakai	County Executive Committee Member (CECM), County Government of Bungoma	Failure to comply with Public Finance Management Regulations in respect to timely surrender of imprest.
6.	Korinko Ole Koisamou	CECM of Lands, County Government of Narok	Failure to honour legal and financial obligations in a land transaction.
7.	Michael Okoba	Member of Vihiga County Assembly	Failure to resign as a public officer from the Vihiga County Government before contesting in the elections of August 2022.
8.	Florence Sitawa	Vihiga Deputy County Commissioner	Failure to declare conflict of interest in the bursary issuance process.
9.	Nerry Otieno Achar	Former CECM, County Government of Kisumu	Earning a salary despite impeachment by the County Assembly of Kisumu.

Table 2.15: Highlight of Notices issued

S/No.	Organization/ Individuals Notified	Nature of the Notice
1.	Felix Kipkorir Langat, Kenya Prisons Service	Demand notice for recovery of KES 1,109,870 being salary irregularly earned from Kenya Prisons Service between April 2018 and June 2019 during which period he was also an employee of the County Government of Bomet.
2.	Ancent Kituku Nzioka, former advisor to the Governor of County Government of Machakos	Demand notice for recovery of KES 1,517,875 being salary irregularly earned from the County Government of Machakos following an allegation of double employment at County Government of Machakos and Mount Kenya University.
3.	Johana Cheptoo Kiprotich, State Department of Livestock, Disease Surveillance	Demand notice for recovery of KES 10,737,166 being salary irregularly earned from the County Government of Elgeyo Marakwet following an allegation of double employment at the State Department for Livestock and the County Government of Elgeyo Marakwet.
4.	Justa Wawira Kiura Mwangi, former County Executive Committee Member, County Government of Embu	Demand notice for recovery of KES 2,843,033 being salary irregularly earned from Embu County Government between December 2021 and October 2022 during which period she was also an employee of the Kenya Vision 2030 Delivery Secretariat.
5.	Rachelle Rael Khisa Nekesa, former Member of Bungoma County Assembly Service Board	Demand notice for recovery of KES 892,767 being salary irregularly earned from the County Assembly of Bungoma when she vied for a political seat without resigning.

S/No.	Organization/ Individuals Notified	Nature of the Notice
6.	Speaker, Members and Staff of County Assembly of Taita Taveta namely: 1. Hon. Wisdom Mwamburi 2. Hon. Anselim Mwadime 3. Mr. Gadiel Maghanga 4. Hon. Anthony Warighe 5. Hon. Newton Kifuso 6. Hon. Lilian Kidali 7. Hon. Nancy Mghoi Mwakio 8. Hon. Amos Mjomba Makalo 9. Hon. Azhar Zahid Din 10. Hon. Brayson Masha Mwambi 11. Hon. Genard Maghanga 12. Hon. Jimmy Mwamidi 13. Hon. Joseph Mwalegha 14. Hon. Joseph Mabishi 15. Hon. Josephat Peter Shambi 16. Hon. Kusania Sakina Nabighi 17. Hon. Lawrence Mzugha 18. Hon. Lilian Mwangoi 19. Hon. Patricia Mwashighadi 20. Hon. Stephen Mkala 21. Hon. Jones Solomon 22. Hon. Dorcas Mghoi Mlughu 23. Mr. Joseph Waduu 24. Ms. Zuhura Rehema 25. Ms. Mary Ambi 26. Mr. James Mwang'ombe	Twenty-six demand notices for recovery of double payment of Daily Subsistence Allowances.

2.12 Integrity Verification

The Commission received and processed 7,908 integrity verification requests from different institutions and individuals. Out of these, 3,563 were requests from National Government, 4,332 from County Governments and 13 from private institutions. Out of the 7,908 individuals, the Commission provided information on 60 individuals who were found to have contravened Chapter Six of the Constitution. In addition, the Commission received 64,003 self-declaration forms in line with Section 12A of LIA, 2012.

2.13 Review of Policy and Legal Framework

The Commission contributed to the development and strengthening of policy and legal anti-corruption framework in the country. The Commission made recommendations for formulation and amendments of the following laws and regulations:

2.13.1 Amendment to Anti-Corruption and Economic Crimes Act, No. 3 of 2003

The Commission continued to support the Office of the Attorney General and Department of Justice (AOG&DOJ) in the proposed Bill for amendment of the Anti-Corruption and Economic Crimes Act before Parliament. The Bill seeks to harmonise its provisions with the functions of the Director of Public Prosecution under Article 157(2) of the Constitution. It also proposes to amend the Act to allow the Commission to seek for a court order for a State Officer under investigation or charged with corruption or economic crimes to be barred from accessing their office or exercising powers of that office where the public officer is likely to interfere with investigations in any way.

2.13.2 Amendment to Ethics and Anti-Corruption Commission Act, No.22 of 2011

The Commission continued to support the Office of the Attorney General and Department of Justice (AOG&DOJ) in the proposed Bill seeking to amend the Ethics and Anti-Corruption Commission Act to require the presentation of its annual report within six months to the end of the year to which it relates.

2.13.3 Amendment to Leadership and Integrity Act, No. 19 of 2012

The Commission in collaboration with OAG&DOJ proposed to the 12th Parliament amendment of the Leadership and Integrity Act. The proposed amendment seeks to allow EACC to verify and make recommendation on the suitability of candidates intending to apply to be appointed to a public entity. It additionally proposes to allow the High Court on application by any person, to declare the assumption of office by a state officer to be invalid for want of executing a commitment to the specific Leadership and Integrity Code. The term of the 12th Parliament expired on 9th June, 2022 necessitating reintroduction of the proposed amendment to the 13th Parliament.

2.13.4 Development of Model Procedures for Prevention of Corruption and Bribery

The Commission embarked on the development of the Model Procedures for Prevention of Corruption and Bribery in public and private sector, pursuant to Section 9 of the Bribery Act, 2016. The document has been approved by the Commission Corruption Prevention Committee and awaiting stakeholder sensitization on implementation of the Model Procedures.

Chapter 3

PREVENTION OF CORRUPTION AND UNETHICAL PRACTICES

3.0 Introduction

This Chapter presents programmes implemented by the Commission during the Financial Year 2022-2023 pursuant to its preventive mandate. The programmes include: systems reviews; corruption prevention advisories; monitoring the implementation of prevention intervention; sectoral corruption fora; implementation of Chapter Six of the Constitution and related laws; public education and awareness; and strategic planning.

3.1 Systems Review

Systems Review aims to reveal weaknesses, opportunities for corruption and unethical practices in order to strengthen institutional systems and minimize opportunities for corruption. The Commission reviews organizational systems through Examinations and Corruption Risk Assessments (CRAs).

3.1.1 Examinations

The Commission examined systems, policies, procedures and practices of Moi University and Masinde Muliro University of Science and Technology. Two reports were finalized and disseminated. Table 3.1 presents some of the findings and recommendations as provided in the examination reports.

Table 3.16: Highlight of the Findings and Recommendations of Examinations

Focus Area	Finding	Recommendation
1. Systems, Policies, Procedures and Practices at Moi University		
University Masterplan	The University Masterplan had not been reviewed for 35 years and some developments undertaken were not in conformity with the masterplan.	Ensure the University Masterplan is periodically reviewed and complied with.
Public Finance Management Standing Committee	Failure to establish Public Finance Management Standing Committee	Establish the Public Finance Management Standing Committee to provide strategic guidance on public finance management matters in accordance with Regulation 18 and 19 of the PFM (National Government) Regulations 2015.
Variation of Contracts	Irregular variation of contracts.	Ensure adherence to Section 139 of Public Procurement and Asset Disposal Act, 2015 (PPADA) on contract variations.
Payment of salary arrears for contracted staff	Failure to pay contracted staff for a prolonged period.	Ensure timely payments of all staff engaged by the University.
Management of Information Systems	Lack of a framework to guide on procurement, hosting, management and maintenance of the Information Systems.	Develop a framework to guide on acquisition, development and management of Information Systems.

Rules and regulations governing examinations	Failure to adhere to the Rules and Regulations Governing Undergraduate Examinations, Graduation and Certification.	Ensure that all administrators of examination adhere to the University <i>Common Rules and Regulations Governing Undergraduate Examinations, Graduation and Certification</i> and <i>Rules and Regulations Governing the Conduct and Discipline of Students</i> , 7th Edition.
2. Systems, Policies, Procedures and Practices at MMUST		
Financial Accounting System	Failure to fully automate the accounting system.	Ensure full automation of the financial management function.
Students' Fees Debtors	Failure to collect students' fees before exams, graduation and issuance of certificates. The University had students' debtor totaling to KES. 1,130,646,569 as at 30 th September, 2022.	The Vice Chancellor should ensure adherence to the University's Policies, Regulations and Manuals and that all outstanding fees is collected. Further, the process should be fully automated to allow flagging of unpaid fees.
Surrender of Imprests	Failure to surrender imprests within the stipulated timeline. For instance, ABNO UNISOL's imprest ledgers indicated KES. 35,640,819.45 of un-surrendered imprests as at 1 st November, 2022.	The Vice Chancellor should ensure that all imprests are surrendered within 7 working days after returning to the duty station and any overdue outstanding imprest are fully recovered from employees' salary in line with Regulation 92(5) of PFM (National Government) Regulations 2015.
Transport Policy	Lack of Transport and Fleet Management Policy.	The Vice Chancellor should ensure that a Transport and Fleet Management Policy is developed and implemented.
Payment of Salary	Irregularities in payments of salary, for instance, one officer who had travelled to the United States of America on study leave was paid a total sum of over KES. 10,000,000 irregularly due to late communication between the Human Resource Department and the Finance Department.	The Vice Chancellor should ensure full recovery of all irregular salary payment with interest at the prevailing Central Bank of Kenya Rate.
Stalled Projects	The University had projects which had stalled beyond the contract implementation period.	The Vice Chancellor should ensure that proper planning, adequate funding, awarding contracts to capable and responsive contractors and effective monitoring during implementation of projects.

3.1.2 Corruption Risk Assessments

The Commission conducted Corruption Risk Assessments (CRAs) in Bomet County Executive, County Assembly of Siaya, Siaya County Executive, County Assembly of Bomet and Public Procurement Regulatory Authority (PPRA). Highlights of the findings and recommendations of the CRA Reports are presented in Table 3.2.

Table 3.17: Highlights of the Findings and Recommendations of Assessment Reports

Focus Area	Finding	Recommendation
Bomet County Executive		

Focus Area	Finding	Recommendation
Trader Databases	The County Executive maintained manual and incomplete database of it's traders and businesses.	Automate and periodically update the database of traders operating within the County.
Bank Accounts	The County Executive did not maintain accurate and comprehensive records of all their bank accounts.	Maintain a register of all bank accounts operated by the County Executive as per Regulation 87 (1) of the Public Finance Management (County Government) Regulations, 2015.
Creditors' Payment Policy	The County Executive did not have a Creditors' Payment Policy and failed to maintain a Creditors' Aging Summary.	Develop and implement a Creditors' Payment Policy and maintain a Creditors' Aging Summary.
Annual Procurement Plan	The County Executive did not have a consolidated and approved Annual Procurement Plan.	Develop and use a consolidated Approved Procurement Plan.
Building Plans Approvals	County Executive lacked an active Development Control Committee.	Constitute and operationalize a Development Control Committee.
Skills Inventory	The County Executive did not maintain a Staff Skills Inventory.	Develop and maintain a comprehensive Staff Skills Inventory.
Integration of automated systems	The County Executive's automated systems were not integrated.	Integrate the automated systems at the County Executive.
Siaya County Executive		
Enforcement of County Laws	Failure to enforce County Laws in implementation of the 4 th Schedule of the Constitution.	Ensure County Laws are enforced.
Public Finance Management Standing Committee	The County Executive had not established and operationalized the Public Finance Management Standing Committee.	Establish the Public Finance Management Standing Committee pursuant to Regulations 18 and 19 of the PFM (CG) Regulations, 2015.
County Budget and Economic Forum	The County Executive had not established the County Budget and Economic Forum.	Establish the County Budget and Economic Forum to participate in planning, budgeting, and financial management as envisioned in Section 137 of the PFM Act, 2012.
Contracted staff in Revenue Collection	The County Executive had 324 revenue employees whose contracts had expired but were still in service.	Ensure adherence to Section 2 of PFM Act, 2012 when engaging employees on revenue collection.
Abandoned Projects	Incomplete and abandoned projects due to inadequate funding, lack of close supervision, lack of prompt resolution of disputes	The County Executive should ensure proper planning of projects before execution.
County Assembly of Siaya		
Security for Car loans and Mortgages	Failure to jointly register security for the loans in the names of the beneficiaries and the County Assembly.	Collateral for securing loans should be valued, charged and registered in the joint names of the beneficiary and the County Assembly before approval of loan facilities.
Vote Book Control	Payments by the County Assembly were processed and paid without being committed in the vote book.	Ensure the approved budget allocations are entered in the vote book in adherence to Regulation 51(b) of the PFM (CG) Regulations, 2015.

Focus Area	Finding	Recommendation
Ownership of Assets	Lack of ownership documents for some assets such as the County Assembly Complex and the Speaker's Residence.	Obtain ownership documents for County Assembly assets.
Tender Specifications	The County Assembly occasionally uses brand names and models when specifying goods in their tender documents contrary to Section 60 of PPADA, 2015	Adhere to the provision of Section 60 of PPADA, 2015.
Payroll Reconciliation	The County Assembly did not undertake monthly payroll reconciliation to identify any errors, discrepancies or omissions in payroll records.	Monthly payroll reconciliation to be undertaken for accuracy and integrity in payroll management.
County Assembly of Bomet		
ICT Masterplan	The County Assembly had not reviewed the ICT Master Plan (2014 - 2018).	Review the ICT Master Plan.
Vote Book Control	The County Assembly did not commit payments in the vote book leading to inadequate budget monitoring and control.	Adhere to vote book control procedures for adequate budget monitoring and control.
Cash Books	The County Assembly did not maintain and update cash books for its bank accounts.	Maintain and update cash books for its bank accounts.
Evaluation Criteria	Inadequate evaluation criteria in some County Assembly bid documents.	Provide comprehensive evaluation criteria in bid documents.
Registration of Contractors	Engaging contractors who were not registered with the National Construction Authority (NCA)	Engage contractors registered and licenced with NCA.
Server Rooms	Unrestricted access to County Assembly server rooms.	Restrict access to server rooms to authorized personnel.
Committee Meeting Registers	Inconsistent signatures in the manual attendance registers for committee meetings.	Ensure genuine meeting attendees sign and consider having a biometric attendance register.
Public Procurement Regulatory Authority		
Suspension and Debarment of bidders	The repository maintained for entities debarred from participating in tenders excludes the entities suspended/debarred by other Regulatory Agencies.	Include details of all debarred and suspended entities in the repository.
Monitoring and Evaluation of Procuring Entities	Lack of monitoring and evaluations of some functions such as classified procurements, diplomatic missions and public schools.	Establish a mechanism to ensure all sectors are monitored and evaluated.
Public Procurement and Asset Disposal Function	The Authority had not undertaken a review on the overall performance of the public procurement and asset disposal function.	Undertake a review of the procurement and asset disposal function.
Market Price Index	Failure to undertake and publish periodic review of common user items	Undertake periodic reviews and update market price index of common user items.
Public Procurement and Assets Disposal Manuals	Lack of specific guidelines for procurement and asset disposal process undertaken by the Kenya Diplomatic Missions.	Develop procurement and asset disposal guidelines for the Kenya Diplomatic Missions.

3.2 Corruption Prevention Advisories

The Commission provides advisories to institutions and individuals on prevention of bribery and corruption pursuant to Section 11 (1) (g) of the EACC Act, 2011 and Section 9 of the Bribery Act, 2016. During the period under review, the Commission provided advisories on the Public Service Performance Contracting Framework, on prevention of bribery and corruption under the Bribery Act, 2016 and the formulation of Corruption Prevention Guidelines and Procedures.

3.2.1 Advisories under the Public Service Performance Contracting Framework

Under Performance Contracting, the Commission partnered with the Public Service Performance Management Unit (PSPMU) to oversee the implementation of corruption prevention indicator activities in Ministries, Departments and Agencies (MDAs) signed with the National Government.

Based on the guidelines provided, the Commission analyzed and reviewed 1,121 quarterly reports submitted by MDAs under the Corruption Prevention Criteria in the Performance Contract and feedback on progress made sent to respective MDAs. The Commission also evaluated performance of each of the MDAs that signed Performance Contracts during the financial year 2022/2023, and submitted a report to the PSPMU.

3.2.2 Advisories on Prevention of Bribery and Corruption

Section 9 (1) of the Bribery Act, 2016 makes it mandatory for public and private entities to put in place procedures proportionate to their size and scale of operation for the prevention of bribery and corruption. The Act also requires the Commission to assist private and public entities, and any interested person, to develop and put in place procedures for prevention of bribery and corruption.

The Commission advised 172 MDAs on the Bribery Act. Some of the MDAs advised included: Kenya Medical Practitioners and Dentists Council; Railways Corporation Ltd; Kenya National Commission for UNESCO; Kibabii University; Ministry of Defense; Shanzu Teachers Training College; National Research Fund; Webuye Technical and Vocational College (TVC); Kenya Forestry Research Institute; University of Eldoret; Kenya Institute for Public Policy Research and Analysis (KIPPRA); Ekerubo Gietai TVC; Business Registration Service; Pwani University; The National Treasury; Kenya Revenue Authority; National Environment Trust (NET) Fund; Kenya Literature Bureau; Ministry of Interior and National Administration; Kenya Space Agency; Lake Victoria South Water Works Development Agency; Kenya Plant Health Inspectorate Service; Unclaimed Financial Assets Authority and Ebukanga TVC.

3.3 Corruption Prevention Guidelines

The Commission developed and disseminated guidelines on the implementation of the Corruption Prevention Indicator in the Performance Contract during the 19th Cycle (FY 2022/2023).

3.4 Monitoring the Implementation of Prevention Interventions

The Commission monitored the implementation of systems review recommendations and advisories issued to various institutions.

3.4.1 Systems Review Recommendations

The Commission monitored the implementation of systems review recommendations at the National Registration Bureau, Kisumu County Executive, Kisii County Executive, County Assembly of Kisii, Makueni County Executive, County Assembly of Kisumu and County Assembly of Makueni. The implementation status of the recommendations is at different levels.

3.4.2 Advisories

The Commission monitored the implementation of the Corruption Prevention Indicator under the PC framework in 12 MDAs. The monitoring revealed that the implementation of the indicator is affected by lack of budgetary provision for corruption prevention activities; lack of trained Integrity Assurance Officers (IAOs); poorly constituted Corruption Prevention Committees (CPCs); and delegating the entire responsibility for implementing the indicator to an individual officer within an institution. The MDAs were advised to strengthen their corruption prevention framework.

3.4.3 Sectoral Corruption Prevention Fora

The Commission held a corruption prevention forum on the implementation of the Corruption Prevention Indicator during the 19th Cycle (FY 2022/2023) Performance Contracting period. The Commission also held three fora on the formulation of the procedures for the prevention of bribery and corruption, required under the Bribery Act, 2016. The total participants in the fora were 453.

3.5 Implementation of Chapter Six of the Constitution and Related Laws

In the spirit of promoting leadership and integrity, the Commission undertook several initiatives. These include: Development of Leadership and Integrity Codes for State Officers; publication of specific leadership and integrity codes, commitment to the Leadership and Integrity Codes; development of Codes of Conduct and Ethics for Public Officers; regulation of bank accounts outside Kenya; oversight in the management of Declaration of Income, Assets and Liabilities (DIALs); automation of processes for compliance with Chapter Six of the Constitution, LIA and POEA, capacity building on implementation of Chapter Six of the Constitution; and issuance of technical advisories on Chapter Six and other related integrity laws.

3.5.1 Development of Leadership and Integrity Codes for State Officers

Section 37 of the Leadership and Integrity Act, 2012 requires each public entity with State Officers to develop a Specific Leadership and Integrity Code (SLIC) for the State Officers serving in that entity. The specific codes developed are to be submitted to the Commission for approval, in accordance with Section 39 of LIA. The Commission approved Leadership and Integrity Code for County Executive of Kwale. The Commission has so far reviewed all the Codes from 137 entities with State Officers.

3.5.2 Commitment to the Leadership and Integrity Codes

Section 40 of the LIA, provides that a newly appointed or elected State Officer is, at the time of taking oath of office or within seven days of assuming State Office, to sign and commit to the Specific Leadership and Integrity Code. The Commission facilitated the signing and commitment to the Leadership and Integrity Code for 2,727 State Officers as summarized in the Table 3.3.

Table 3.18: Signing of Leadership and Integrity Code by State Officers

Institution	Designation of State Officer	No. of Officers
Presidency	President	1
	Deputy President	1
	Prime Cabinet Secretary	1
The Judiciary	Judges of the Court of Appeal	7
	Judges of the High Court	20
State Law Office	Attorney General	1
Ethics and Anti-Corruption Commission	EACC Chairperson	1
	Commissioners	2
National Police Service Commission	Member	1
National Police Service	Deputy Inspector General	1
Salaries and Remuneration Commission	Member	1
Commission on Revenue Allocation	Members	8

County Government	Governor	47
	Deputy Governor	47
	Speaker	47
	Members of County Assembly	2,235
	County Executive Committee Members	301
	County Attorney	5
Total		2,727



Baringo Governor H.E. Benjamin Chesire Cheboi signing Specific Leadership and Integrity Code on assumption of office

3.5.3 Development of Codes of Conduct and Ethics for Public Officers

The Commission provided technical support to various public entities in developing and implementing Codes of Conduct and Ethics for their respective Public Officers. This was aimed at aligning the Codes to Section 52 of the LIA, 2012. During the period under review, the Commission supported seven public entities to develop Codes. These include; Kenya Industrial Research and Property Institute, Kenya Forest Service, National Land Commission, National Cereals and Produce Board, Salaries and Remuneration Commission, Lake Victoria North Water Works Development Agency and the Universities Fund.

3.5.4 Regulation of Bank Accounts Outside Kenya for State and Public Officers

The Commission is mandated to oversee and enforce implementation of Section 19 of LIA, 2012 as read with Rule 14 of the Leadership and Integrity Regulations, 2015. The Commission approved 137 applications to open and operate bank accounts outside Kenya, processed 158 bank statements and 24 notifications for closure of approved bank accounts.

3.5.5 Oversight in the management of Declaration of Income, Assets and Liabilities

The Commission has the oversight mandate in the implementation of Part IV of Public Officer Ethics Act, 2003 (POEA) on Declaration of Income, Assets and Liabilities (DIALs). Section 33 (1), (2) of POEA requires each Responsible Commission to develop and subsequently publish the administrative

procedures in the Kenya Gazette. The Commission facilitated the development and subsequent publication of administrative procedures on DIALs for Kitui and Nyeri County Assembly Powers and Privilege Committees.

3.5.6 Capacity Building on implementation of Chapter Six of the Constitution

The Commission implemented integrity compliance capacity-building programme on Chapter Six of the Constitution and related integrity laws targeting State and Public Officers. A total of 13,003 Public Officers were trained in 62 capacity building fora.

3.6 Public Education and Awareness Programmes

The Commission is mandated to conduct public education, training and awareness creation on matters ethics, integrity and anti-corruption to enlist public support in the fight against corruption. This is achieved through public outreach programmes; mainstreaming of integrity in institutions of learning; media education; development and dissemination of Information, Education and Communication materials; general sensitization; and training of Corruption Prevention Committees.

3.6.1 Public Outreach Programmes to Targeted Community and Professional Networks

During the year under review, the Commission sensitized networks such as Boda Boda Safety Association of Kenya (BAK); Community Based Organizations; Non-Governmental Organisations; Community Opinion Leaders; Faith-Based Organizations; Marketing Cooperative Societies; Professionals from the Board of Registration of Architects and Quantity Surveyors from Narok, Laikipia, Trans-Nzoia Kitui Meru, Kakamega, Machakos, Embu, Kirinyaga, Nakuru and Marsabit. The Commission also sensitized the legal Managers of the Association of Kenya Insurers and staff of Blue Consulting from the private sector. The total participants sensitized were 968.

3.6.2 Corruption Prevention Committee Training

The Commission implemented 97 Corruption Prevention Committee (CPC) trainings in Ministries, Departments, Agencies and County Governments and 1,787 CPC members were trained.

3.6.3 General Sensitization

The Commission conducted hot spot sensitization in Open Air Markets in Marsabit, Moyale, Narok, Kitui, Laikipia, Kajiado, Trans-Nzoia and Moyale border point reaching approximately 64,000 persons. In addition, the Commission conducted 154 general sensitization programmes for MDAs, children and youth from Seventh Day Adventist churches in 15 counties. Under these programmes 311,776 persons were sensitized.

3.6.4 Mainstreaming Integrity in Institutions of Learning

To enhance integrity in learning institutions, the Commission carries out several programmes such as school/institution outreach programme and establishment and monitoring of integrity clubs.

i) Outreach in institutions of learning

During the year under review, the Commission implemented School Outreach Programmes aimed at nurturing character, patriotism and empowering the learners to advocate and practice good governance. The activities were carried out in 18 Counties. In total, the Commission visited 350 Primary and Secondary schools reaching 129,712 learners. Further, 4,940 teachers, non-teaching staff and 350 parents were sensitized in the various schools.



A Commission Officer during a school outreach programme in Kiambu County

The Commission also hosted 51 members of Mwasere Girls' High School's Integrity Club who learnt the successes of the Commission and their roles in the fight against corruption.



Integrity Club Members from Mwasere Girls High School during an educational visit to the Commission

The Commission also implemented outreach programmes in 48 Universities, Tertiary Institutions such as Vocational Colleges, Teachers' and Medical Training Colleges in 15 Counties. A total of 4,164 students and staff were equipped with relevant knowledge, skills and attitude in good governance.

ii) Integrity Club Forum and Conference

The Commission convened an Integrity Club forum in Kisii High School where approximately one thousand students from 22 schools participated. The forum aimed at sharing experiences on preventing unethical practices through building a culture of integrity.

The Commission held the first Integrity Club Conference at Tom Mboya University in Homa Bay County. The theme of the conference was *Modelling Leaders of Integrity through University Integrity Clubs*. This Conference brought together 82 students and 15 lecturers drawn from Tom Mboya University, Maseno University, Rongo University, Jaramogi Oginga Odinga University of Science and Technology, Kisii University and Great Lakes University of Kisumu.



Participants following proceedings of the first Integrity Club Conference at Tom Mboya University in Homa Bay County

iii) Awareness creation programmes for Education Managers and Integrity Club Patrons

The Commission undertook virtual trainings for 47 Sub-County Directors of Education and 18 Sub-County Quality Assurance Officers drawn from six Counties namely: Machakos, Nyeri, Muranga, Kiambu, Nakuru and Nairobi.

Further, an awareness creation program for Integrity Club Patrons was undertaken on the best club management practices. During the workshop, the patrons developed an Integrity Club Annual Work plan to be implemented in their respective schools. The workshop brought together 35 patrons drawn from Nairobi and Kiambu Counties.



A Commissioner being interviewed by the press during the Integrity Club Patrons' Training at Machakos University

3.6.5 Media Education Programmes

During the year under review, the Commission produced 27 print articles on ethics and anti-corruption. In addition, the Commission participated in five televised programmes and 13 radio talk shows. Through these, the Commission reached approximately 11 million persons.

3.6.6 Development and Dissemination of Information, Education and Communication Materials

During the year under review, the Commission developed 10 types of IEC materials and reviewed two types namely; *Maswali yanayoulizwa mara kwa mara kuhusu tume ya maadili na kupambana na ufisadi* and *Jihusishe! Elewa jukumu lako dhidi ya ufisadi na utovu wa maadili*. Further, the Commission printed 8,332 assorted IEC materials and disseminated 7,174.

3.7 National Integrity Academy

The National Integrity Academy (NIAca) offered three courses namely Integrity Assurance Officers Course, Leadership and Integrity Course for the Executives and Promoting Integrity in Supply Chain Management. A total of 468 Participants drawn from different public institutions were trained. Table 3.4 gives a summary of the courses offered.

Table 3.19: Courses offered by NIAca

Course offered	Name of institution	Number of officers trained and issued with certificates
Integrity Assurance Officers Course	Kenyatta National Hospital, Retirement Benefits Authority, Content Aggregation Limited, Witness Protection Agency, Nuclear Power and Energy Agency, Lake Victoria Water Service Board, University of Kabianga, Eldoret Water Company, Kenya Literature Bureau, Ministry of Tourism - Department of Wildlife, Maasai Mara Technical Training Institute, Egerton University, KIPPRA, Kenya National Trading Corporation, Nairobi Technical Training Institute, Chemelil Sugar Company, Baringo Technical Training Institute, Siaya Institute of Technology, Kenya Veterinary Board, Kenya Industrial Research Development Institute, Universities Fund, National Cereals and Produce Board and Kenya Development Corporation.	355
Leadership and Integrity Course for Executives	National Industrial Training Authority and National Hospital Insurance Fund	23
Promoting Integrity in Supply Chain Management	38 public institutions	78
	Turkana University Council and Management	12

In addition, NIAca in collaboration with the Kenya Institute of Curriculum Development (KICD), reviewed and harmonized training content and developed new curricula for new programmes.

3.8 End Term Review of the Strategic Plan (2018-2023)

An End-Term review was undertaken to assess the extent of implementation, relevance, efficiency, effectiveness, impact and sustainability of programmes and activities in the Strategic Plan (2018-2023). The findings of the review were used to refine and redesign new strategies, programmes and activities to be implemented in the new strategic planning period (2023-2028). Some of the key findings of the review were that:

- The conviction rate of cases on corruption and unethical conduct rose from 51.5 percent in 2018 to 53.7 percent in 2023;
- The concurrence rate by ODPP on recommendations made by EACC increased from 90.2 percent in 2018 to 92.0 percent in 2023;
- The value of corruptly acquired assets recovered by the Commission increased from KES 3.565 billion in 2018 to KES 28.0 billion in 2023;
- The value of loss of public funds averted through proactive investigations rose from KES 19.7 billion in 2018 to KES 39.2 billion in 2023;
- The Commission undertook 398 electronic and print media education and awareness programmes reaching out to an average of 46.6 million people per year;
- The Commission finalized 65 system reviews to identify systematic weakness or loopholes to prevent corruption in public institutions and one private institution; and,
- In enforcing compliance with Chapter Six of the Constitution, the Commission issued 1,333 advisories, 432 notices and 288 cautions.

3.9 Development of the Strategic Plan (2023-2028)

In line with its mandate to combat and prevent corruption and unethical conduct, the Commission developed a new Strategic Plan for the period 2023-2028. The Vision of the Commission in the Strategic Plan is *An integrity and values-driven Kenyan society* and the goal is to *Eradicate corruption and enhance ethical conduct*. The Commission's Vision, Mission and Strategic Goal are supported by Four Pillars, which are Law Enforcement; Promotion of Ethics and Integrity; Prevention of Corruption and Unethical Practices; and Education, Training and Public Awareness. During the new planning period the Commission aims to achieve six strategic objectives, namely:

- To effectively deter and punish corruption and unethical practices;
- To promote ethics and integrity;
- To improve institutional accountability in public and private sectors;
- To increase public involvement in the fight against corruption and unethical practices;
- To enhance cooperation, collaboration and coordination in the fight against corruption and unethical practices; and,
- To improve organizational efficiency and effectiveness.

Chapter 4

PARTNERSHIPS AND NETWORKS

4.0 Introduction

The Commission established and maintained strategic linkages and partnerships with national, regional and international organizations as provided for in Section 11(3) of EACC Act, 2011 to enhance the fight against corruption and to optimize on their respective capabilities and strengths. This chapter presents national, regional and international engagements that were pursued by the Commission in the year under review.

4.1 National Engagements

The Commission supported the Kenya Leadership and Integrity Forum (KLIF) and partnered with Public Procurement Regulatory Authority (PPRA), development partners, media and civil society.

4.1.1 Kenya Leadership Integrity Forum

Kenya Leadership Integrity Forum (KLIF) is a platform that brings together stakeholders to provide a collective and collaborative framework for a multisectoral and citizen-driven initiative against corruption. KLIF comprises state and non-state actors categorized in 20 sectors, namely: Executive; Legislature; Judiciary; County Governments; Labour; Anti-Corruption Agencies; Enforcement; Watchdog Agencies; Media Sector; Private Sector; Professional Bodies; Education; Civil Society; Religious Organizations; Constitutional Commissions; Development Partners; Transport Sector; Regional and Sub-Regional Bodies; Regulatory Boards; and Financial Services Sector. The Commission provides human, financial and technical support to the forum and in the year under review supported implementation of the following programmes:

- i) Implementation and Monitoring of Kenya Integrity Plan 2019-2023 by stakeholders.



Multi-sectoral Technical Committee during the End Term Review of Kenya Integrity Plan 2019-2023 and Development of KIP 2023-2028 retreat in Nakuru County from 8th - 14th May, 2023

- ii) Commemoration of the sixth edition African Anti-Corruption Day 2022 on 12th July 2022 under the theme *Elect Leaders of Integrity to Enhance Transparency and Accountability*.



Representatives from Transparency International Kenya (TI-Kenya) Ethics and Anti-Corruption Commission; United States International University, Africa; Strathmore University; and, Media Council of Kenya at the Television discussion panel during the AACD 2022 Commemoration at Strathmore University Business School

- iii) Commemoration of International Anti-Corruption Day (IACD) 2022 in Nairobi County on 9th December 2022 under the theme *UNCAC at 20: Uniting the World Against Corruption*.



The Chief Guest, Hon. Justin Muturi, EGH, the Attorney General of the Republic of Kenya and Archbishop (Emeritus) Dr. Eliud Wabukala, EBS, Chairperson of EACC with Stakeholders at the Commemoration of International Anti-Corruption Day held at the Kenya School of Government

4.1.2 Partnership with Public Procurement Regulatory Authority (PPRA)

The Commission signed a Memorandum of Understanding (MoU) with the Public Procurement Regulatory Authority (PPRA) whose objective is to strengthen and formalize a technical framework of cooperation between EACC and PPRA in the discharge of respective mandates in investigations.



The Secretary/CEO EACC and the Director General of Public Procurement Regulatory Authority during the signing of MOU between the two institutions

4.1.3 Partnership with Development Partners

The Commission partnered with the European Union/United Nations Office on Drugs and Crime (EU/UNODC) under the Programme for Legal Empowerment and Aid Delivery in Kenya, Phase II (PLEAD II) to enhance the capacity of key agencies in the fight against corruption. During the period under review, UNODC, through PLEAD II supported the development of the EACC Strategic Plan (2023-2028), Commemoration of the IACD, 2022 and launch of a Report on the study of Corruption and Unethical Conduct in Kenyan Health Care Projects.

The Commission hosted delegations from the Federal Bureau of Investigation (FBI) and the United States Department of Justice (USDOJ) to enhance technical capacities of the Commission's investigations. In addition, UNODC Coordinator for the Corruption and Economic Crime Branch Africa, paid a courtesy visit to the Commission where partnership engagements in automation of investigation processes, public awareness initiatives, capacity building programmes, acquisition of modern investigation tools and change management programmes were discussed and agreed upon.

4.2 Regional Engagements

The Commission hosted a delegation from the Office of the Attorney General of the Republic of Mozambique who visited the Commission to benchmark on best practices in prosecution and investigation of economic crimes. The Commission also hosted the African Parliamentarian Network Against Corruption (APNAC) Kenya Chapter where focus on fostering national, regional and international cooperation in the fight against corruption was discussed.

4.3 International Engagements

The Commission hosted the Ambassador of Indonesia to Kenya and discussed areas of collaboration and support in strengthening the Commission's capacity to fight corruption and recover illicitly acquired assets.

The Commission was represented at the following international fora:

- i) Thirteenth Commonwealth Regional Conference of Heads of Anti-Corruption Agencies in Africa in May, 2023, Seychelles;
- ii) Senior Level Leadership and Management Programme for Heads of Anti-Corruption Agencies in November 2022, Mauritius;
- iii) African Association of Anti-Corruption Authorities Regional Conference in September, 2022, Ivory Coast;
- iv) International Anti-Corruption Conference in December 2022, Washington DC;
- v) Signing of MOU with Oversight and Anti-Corruption Authority of Saudi in May 2023, Saudi Arabia; and,
- vi) Fourth Exco Meeting of International Association of Anti-Corruption Authorities (IAACA) in April 2023, Hong Kong.



The Secretary/CEO EACC and the President of the Oversight and Anti-Corruption Authority "Nazaha," signing an MOU to strengthen mutual cooperation between the two agencies in the quest to combat corruption in their countries.