



**THE ETHICS AND ANTI-CORRUPTION COMMISSION**

**THE 3<sup>RD</sup> QUARTERLY REPORT COVERING THE PERIOD FROM  
1<sup>ST</sup> JULY 2024 TO 30<sup>TH</sup> SEPTEMBER 2024**

**SEPTEMBER 2024**

## **PREAMBLE**

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

Section 36 of ACECA provides that:

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

This report is therefore made pursuant to section 36 of the ACECA. The report covers the 3<sup>rd</sup> Quarter and is for the period commencing 1<sup>st</sup> July 2024 to 30<sup>th</sup> September 2024.

## **INVESTIGATION REPORTS COVERING THE PERIOD FROM 1<sup>ST</sup> JULY 2024 TO 30<sup>TH</sup> SEPTEMBER 2024**

### **1. EACC/FI/INQ/14/2021**

#### **INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST AGAINST THE FORMER GOVERNOR OF WAJIR COUNTY, THROUGH PAYMENTS OF KES.902, 484, 199.58 MADE TO TWELVE COMPANIES ASSOCIATED TO HIM AND HIS IMMEDIATE FAMILY MEMBERS BY THE COUNTY GOVERNMENT OF WAJIR DURING THE FINANCIAL YEAR 2017/18-2020/2021.**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation following allegations of corruption against the former Governor of Wajir County Government, his daughter, his aide and directors of twelve (12) companies that obtained Kes. 1,162,151,297.74.

Investigation established that some payments made to the twelve (12) companies were not justified since they were made without any supporting documents. The County Government of Wajir failed to provide documents relating to transactions totaling to Kes. 513,098,621.03. Investigation also established that different Chief Officers made payments to the twelve (12) companies through IFMIS without documents.

Investigation further established that out of the twelve (12) companies, an Assistant Communication Officer employed by the County Government of Wajir owned five (5) companies.

Investigation established that upon receipt of the Kes. 513,098,621.03 by the twelve (12) companies, a total of Kes. 32,340,400.00 was transferred to the former Wajir Governor, his wife and daughter between the months of November 2017 and December 2020.

On 26<sup>th</sup> August 2024, a report was compiled and forwarded to the DPP with recommendations to charge the former Wajir County Governor, his wife and daughter as well as IFMIS approvers and the directors of the twelve (12) companies as follows: -

- i. Three counts of conflict of interest contrary to Section 42(3) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

- ii. Six counts of dealing with suspect property contrary to Section 47(2) (a) as read with Section 47(1) and Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- iii. Twenty-one counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- iv. Twelve counts of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

Awaiting the DPP's response.

## **2. EACC/FI/INQ/48/2021**

### **INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST AND PROCUREMENT IRREGULARITIES IN THE AWARD OF VARIOUS TENDERS AMOUNTING TO KES 54.3 MILLION TO BUILDINK CONSTRUCTION COMPANY LIMITED BY THE COUNTY GOVERNMENT OF WAJIR DURING THE PERIOD AUGUST 2017 AND DECEMBER 2020**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a complaint on allegation that the former Governor of Wajir County Government, his daughter and his family aide used directors of sixteen (16) companies to obtain Kes. 1,162,151,297.74 from the County Government of Wajir between August 2016 and December 2020. One of the companies identified was Buildlink Construction Company, which was alleged to be owned by an employee of the County Government of Wajir.

Investigation established that the County Government of Wajir awarded several contracts to Buildlink Construction Company during the financial year 2017/2018 to 2019/2020. Investigation established that Buildlink Construction Company was registered by a director who is a brother to a former employee of the County Government of Wajir in the Department of Roads, Transport and Public Works. The former employee of the County Government of Wajir had been transacting on the company's bank account as an agent.



Investigation identified eighteen (18) transactions made by the County to the company out of which fourteen (14) were supported while four (4) were unsupported, all totaling to Kes. 54, 302,992.85.

Investigation established that the former employee of the County Government of Wajir benefitted directly from the county contrary to the law.

On 13<sup>th</sup> September 2024, a report was compiled and forwarded to the DPP with recommendations to charge the former employee of the County Government of Wajir in the Department of Roads, Transport and Public Works, Director of Buildlink Construction Company and two Chief Officers in the Department of County Executive and Department of Water Resources at the County Government of Wajir as follows;

- i. One count of conspiracy to commit an offence of economic crime contrary to Section 47A (3) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- ii. One count of conflict of interest contrary to Section 42(3) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- iii. One count of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- iv. Two counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti- Corruption & Economic Crimes Act No. 3 of 2003.

Awaiting the DPP's response.

### **3. EACC/FI/INQ/49/2022**

#### **INQUIRY INTO ALLEGATION OF CONFLICT OF INTEREST, ABUSE OF OFFICE AND EMBEZZLEMENT OF PUBLIC FUNDS AMOUNTING TO KES 108,501,993.00 BY A SENIOR ACCOUNTANT AT THE KENYA RURAL ROADS AUTHORITY (KERRA) TURKANA OFFICE**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation following receipt of a complaint of conflict of interest and embezzlement of public funds against a Senior Accountant at Kenya Rural Roads Authority (KeRRA) Turkana Regional Office. The complaint was that tenders were awarded to companies related to the Senior Accountant at KeRRA. The

companies alluded to in the complaint were Felia Company Limited, Trinam Company Limited, Joekin Company Limited and Kife Company Limited.

Investigation established that the Senior Accountant reported to KeRRA, Turkana on 8<sup>th</sup> June 2020. This is around the time the companies were registered and begun trading with KeRRA. Kife Company Limited was registered on 3<sup>rd</sup> July 2020. Felia Company Limited and Trinam Company Limited were registered on 19<sup>th</sup> October 2020. Joekin Company Limited was registered on 28<sup>th</sup> May 2021.

Investigation established that KeRRA Turkana Region awarded thirty-one (31) tenders to the four companies from the financial year 2019/2020 to the financial year 2022/2023 and cumulatively paid the companies Kes. 216,938,688.00.

Investigation further established that none of the directors of the four companies were related to the Senior Accountant, KeRRA. Investigation however established that the director of Kife Company Limited, Trinam Company Limited and Joekin Company Limited on diverse dates transferred Kes. 2,916,000.00 from his mobile phone to the Senior Accountant's two mobile phones. The Senior Accountant, KeRRA also received Kes. 3,341,580.00 from the director of Felia Company Limited.

Investigation further established that the director of Kife Company Limited, Trinam Company Limited and Joekin Company Limited sent Kes. 1,100,000.00 to the KeRRA Turkana Regional Manager. Both the Senior Accountant, KeRRA and the KeRRA Turkana Regional Manager did not justify why they were receiving money from the directors of the four companies.

Investigation further established that Felia Company Limited and Joekin Company Limited made payments to Jureli Enterprises Limited. The Director of Jureli Enterprises Limited confirmed that the payment was for construction materials delivered to Mutomo High way Cottages, a hotel owned by the Senior Accountant, KeRRA.

On 10<sup>th</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations that the KeRRA Turkana Regional Manager, the Senior Accountant, KeRRA and the directors of Kife Company Limited, Joekin Company Limited, Felia Company Limited and Trinam Company Limited be charged as follows:-

- i. Four counts of conflict of interest contrary to Section 42(1) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- ii. Two counts of abuse of office contrary to Section 46 as read with section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- iii. Three counts of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti- Corruption & Economic Crimes Act No. 3 of 2003.
- iv. One count of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti- Corruption & Economic Crimes Act No.3 of 2003.
- v. Three counts of money laundering contrary to Section 3(a)(i) as read with Section 16 of the Proceeds of Crime and Anti- Money Laundering Act.

On 16<sup>th</sup> September 2024, the DPP returned the inquiry file with recommendations for further investigation.

#### **4. EACC/FI/INQ/28/2023**

##### **INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST AGAINST A SENIOR ACCOUNTANT AT THE KENYA RURAL ROADS AUTHORITY (KERRA), THROUGH AWARD OF TENDERS AMOUNTING TO KES 146 MILLION TO ANTICO INVESTMENT LIMITED A COMPANY ASSOCIATED WITH HIM DURING THE FY 2018/2019 – 2022/2023**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a complaint that a Senior Accountant, at the Kenya Rural Roads Authority (KeRRA) Nyanza and Western regional offices was involved in irregular procurements through award of tenders amounting to Kes. 146 Million to his company Antco Investment Limited (the Company) by KeRRA during the financial year 2018/2019 to financial year 2022/2023.

Investigation established that KeRRA had lists of registered contractors in the financial year 2018/2019 and 2020/2021 2021/2022 and that Antco Investment Limited was among the registered contractors across the constituencies in five (5) regions. Investigation further established that Antco Investment Limited was registered on 17<sup>th</sup> November 2006 and that a Senior Accountant, at the Kenya Rural Roads Authority (KeRRA) Nyanza and Western regional offices and his wife

were directors of Antco Investment Limited and signatories to the company's bank account.

Investigation established that during the financial years 2018/2019, 2019/2020, 2020/2021 and 2021/2022, Antco investment limited was awarded twenty- seven (27) contracts for road works by five KeRRA regional offices namely; Busia, Vihiga, Kakamega Siaya and Trans Nzoia.

Investigation further established that the Senior Accountant, KeRRA participated in four tenders amounting to Kes. 33,836,028.72 where Antco Investment Limited had submitted bids and further signed payment vouchers of Kes. 9,513,554.40 in favour of Antco Investment Limited.

On 13<sup>th</sup> September 2024, a report was compiled and forwarded to the DPP with recommendations to charge the Senior Accountant, KeRRA and Directors of Antco Investment Limited as follows;

- i. One count of failure to disclose a private interest to one's principal contrary to Section 42(1)(a) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- ii. Eight counts of conflict of interest contrary to Section 42(3) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- iii. Two counts of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.

On 30<sup>th</sup> October 2024, the DPP returned the Inquiry file with recommendations for further investigation.

## **5. EACC/IS/FI/INQ/08A/2020**

### **INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF PUBLIC FUNDS BY FISH NETS ENTERPRISES LTD AND CONFLICT OF INTEREST AGAINST EMPLOYEES OF ISIOLO COUNTY GOVERNMENT.**

The Ethics and Anti- Corruption Commission (the Commission) received a complaint of embezzlement of funds and conflict of interest against employees of

Isiolo County Government through various companies, among them, Fish Nets Enterprises Limited.

Investigation established that no goods were ever supplied by Fish Nets Enterprises Ltd to Isiolo County Government and no procurement processes were ever done to identify or contract Fish Nets Enterprises Ltd as a supplier.

Investigation established that Fish Nets Enterprises Ltd was paid a sum of Kes. 7,220,000/= by Isiolo County Government in various instalments made between 14<sup>th</sup> February 2020 and 14<sup>th</sup> August 2020, as payment for goods allegedly supplied to Isiolo County Government in the year 2014.

Investigation further established that Fish Nets Enterprises has three Directors and that one of the Directors is an employee of the County Government.

On 22<sup>nd</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations to charge two Chief Officers at the Governor's Office in Isiolo County; Clerical Officer, Fisheries Department in Isiolo County; Directors of Fish Nets Enterprises; Former Personal Assistant to the Former Governor, Isiolo County; Head of Accounts, Isiolo County; Procurement Officer at the Tourism Department, Isiolo County; Store Keeper at Isiolo County and Teaching Referral Hospital; Secretary, Department of Agriculture, Isiolo County; Acting Director, ICT and former Chief Officer Finance, Isiolo County as follows:-

- i. One count of 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 No. 3 of 2003.
- ii. One count of wilful failure to comply with the law relating to procurement contrary to Section 45(2)(b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- iii. Two counts of Abuse of Office contrary to Section 46 as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- iv. Two counts of unlawfully making a payment from public revenue contrary to Section 45(2)(a)(ii) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.



- v. Two counts of unlawful disposal of public property contrary Section 45(1)(B) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- vi. One count of conflict of interest contrary to Section 42(3) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- vii. One count of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- viii. Two counts of making a false document contrary to Section 347(A) as read with Section 349 of the Kenya Penal Code (CAP 63) of the laws of Kenya.

On 17<sup>th</sup> September 2024, the DPP returned the Inquiry file with recommendations for further investigation.

## **6. EACC/GSA/FI/INQ/28/2018**

### **INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES AND MISAPPROPRIATION OF PUBLIC FUNDS BY OFFICIALS OF MANDERA COUNTY GOVERNMENT THROUGH CONSTRUCTION OF REGIONAL LIVESTOCK MARKET**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving an allegation that the County Government of Mandera through its Ministry of Agriculture, Livestock and Fisheries misappropriated public funds amounting to Kes.120,000,000/=. The County Government had planned for the construction of a regional livestock market within the County in its County Integrated Development Plan during the financial year 2013/2014. It was alleged that the money had been released during the subsequent financial years yet the project had never been completed.

Investigation established that Mandera County Government had planned for the said construction in its CIPD 2013-2017 and in the County estimates for the financial year 2013-2014. The County had also advertised for the tender No. MCG/228/2013-2014 for construction of the regional market in the standard daily newspaper.

Investigation established that the contract was awarded at a cost of Kes. 169,922,855/= which was higher than what had been provided for in the budget. Investigation revealed that there were procurement irregularities in the evaluation



of the tenders. The County later terminated the contract with the contractor who had been awarded owing to a fundamental breach of the contract.

Investigation further established that the Tender Committee in awarding the tender adopted the recommendations by the evaluation committee without satisfying itself that there was a budget for the construction of the works in contravention of the procurement law.

On 26<sup>th</sup> August 2024, a report was compiled and forwarded to the DPP with recommendations to charge the County Secretary, Mandera County Government and members of the Tender Committee as follows:-

- i. Two counts of willful failure to comply with the law relating to procurement contrary to Section 45(2)(b) as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of abuse of office contrary to Section 46 as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.

Awaiting the DPP's response.

## **7. EACC/ISL/FI/INQ/44/2015**

### **INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES AGAINST THE MERU COUNTY ASSEMBLY IN THE PROCUREMENT OF COMPUTERS AND ITS ACCESSORIES IN THE FY 2013/2014 AT A COST OF KES 15, 097, 375/=.**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation following receipt of a complaint received concerning several allegations of corruption against officials of Meru County Assembly. It was alleged that the said officials were involved in procurement irregularities in the procurement of computers and printers awarded to Eduna East Africa Limited in the financial year 2013/2014.

Investigation established that Meru County Assembly had a budget allocation of Kes.15,097,375 for the purchase of computers, its accessories and other IT equipment. However, the annual procurement plan was prepared eight months after the beginning of the FY 2013/2014.

Investigation established that Eduna East Africa Limited was issued with a Request For Quotation (RFQ) for tender no. MCA/ONT/009/2013-2014 yet it was not in the prequalified list of suppliers. The Clerk of the County Assembly further appointed the same members who participated in the tender opening, evaluation, award, negotiation, inspection and acceptance committee meetings contrary to the requirements of the Public Procurement and Disposal Act, 2005.

Investigation established that Eduna East Africa Limited was awarded the tender despite not being the lowest evaluated bidder. The company was also requested to supply additional computer accessories that were not captured in the RFQ. The accounting officer failed to ensure that the procurement plan was in place, that letters to successful and unsuccessful bidders were issued and that accounting procedures were followed while processing payments to various suppliers.

Investigation established that the Head of Procurement and a Procurement Assistant failed to ensure that RFQs were only issued to prequalified suppliers and that the procurement was done as per the threshold matrix. Investigation also established that the Principal Accountant authorized payments as an AIE holder without being appointed to the said position. The Principal Finance Officer authorized payments without ensuring that the AIE holder had signed all the payment vouchers.

Investigation further established that a Senior Public Communications Officer at Meru County Assembly participated in a procurement proceeding where her company was awarded a tender for a contract sum of Kes. 675,000.00.

On 26<sup>th</sup> August 2024 a report was compiled and forwarded to the DPP with recommendations to charge the Clerk of Meru County Assembly, the Principal Accountant, the Principal Finance Officer, the Senior Public Communications Officer, Head of Procurement, Procurement Assistant and Store Keeper of Meru County Assembly as follows: -

- i. One count of conspiracy to commit an economic crime contrary to Section 47A as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

- ii. One count of wilful failure to comply with applicable procedures and guidelines relating to procurement of goods contrary to Section 45(2)(b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- iii. One count of conflict of interest contrary to Section 42(3) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- iv. One count of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, No. 3 of 2003.

Awaiting the DPP's response.

#### **8. EACC/ISL/FI/INQ/14/2020**

##### **INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF PUBLIC FUNDS AMOUNTING TO KES. 163, 377, 754/= BY THE COUNTY GOVERNMENT OF ISIOLO IN IRREGULAR AWARD OF TENDER FOR SUPPLY OF FOOD ITEMS AND HIRE OF TRANSPORT TO DABASITI CONTRACTORS LIMITED**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving allegations that the County Government of Isiolo was in the process of making a fraudulent payment of approximately Kes.163,377, 754/= to various suppliers for goods not delivered. It was further alleged that the said suppliers had filed a civil case against the County in Isiolo Chief Magistrate Court in which they had obtained a favourable Judgment/Ruling for the payment.

Investigation established that the County Government of Isiolo contracted Dabasiti Contractors and Suppliers Limited for the supply of food items and hire of transport services. The two procurements were commenced without a procurement plan and budget.

Investigation also established that the requisition for hire of transport services was made after the County Government of Isiolo had executed the contract between itself and the Contractor. The County did not employ any procurement method in the procurement for supply of relief food. Nonetheless, the food was delivered, received and distributed to County residents.

Further investigation established that the County failed to pay the Contractor Kes. 8.4m for the transport services and Kes. 17,062,000/- for relief food despite several demands for the same. The Contractor sued the County for the outstanding amounts. Subsequently, the Contractor sought for and obtained summary judgment for the amounts owed on grounds that the County had not refuted owing the same.

Investigation established that the County engaged the Office of the Auditor General (OAG) and the Pending Bills Verification Task Force Committee (PBVC) to validate the bills owed by the County. The OAG and PBVC in their respective reports classified the contractor's debts as an eligible pending bill and recommended the same for payment. The County and the contractor entered into a consent for payment of the outstanding sums. The County has since settled the bills.

On 22<sup>nd</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations to charge two Chief Officers in the Governor's office as follows:-

- i. Eight counts of wilful failure to comply with the procurement law contrary to Section 45(2)(b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. Four counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

Awaiting the DPP's response.

## **9. EACC/NYR/FI/INQ/38/2018**

### **INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT AND EXORBITANT PAYMENT FOR THE CONSTRUCTION OF 32 5-UNIT PIT LATRINES IN ECD CENTRES WITHIN LAIKIPIA COUNTY AT A TOTAL COST OF APPROXIMATELY KES. 25 MILLION**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving an allegation that the County Government of Laikipia engaged in the construction of toilets at various sites in the County at a cost of over Kes. 700,000 per facility totalling Kes. 25 million in the FY 2017/2018. It was alleged that the said construction cost was inflated, the procurement process was

not conducted in accordance with the laid down laws and regulations and that the said works may not have been provided for in the annual procurement plan.

Investigation established that the said project was in the approved procurement plan and budget for the financial year 2017/2018. The pending payments made in the financial year 2021/2022 were provided for in the approved budget under pending bills.

Investigation established that a requisition for construction of thirty-two (32) 5-unit pit latrines in thirty-two (32) ECD Centres was done on 8<sup>th</sup> March 2018. Quotations were floated to pre-qualified suppliers in each Ward. The procurement process was conducted in accordance with the Public Procurement and Asset Disposal Act.

Investigation further established that thirty-two (32) LSOs were issued to the winning bidders and the sites duly handed over to the said bidders in the month of June. The Ministry of Infrastructure supervised the construction projects and prepared site reports and later issued certificates of practical completion on diverse dates between June 2018 and September 2019. Inspection and Acceptance Committees were appointed and reports made accepting the works. Payment amounting to Kes. 19,271,425 were later made to twenty-nine (29) contractors.

Investigation further established that some contractors had fake NCA certificates and others had expired NCA Certificates and that one of the directors of one company contracted to carry out the works was the Chief Officer Department of Health Services in Laikipia County Government. The company of the said Chief Officer Department of Health Services was awarded a contract for the construction of latrines within Wathituga ECD Centre.

On 22<sup>nd</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations to charge the Supply Chain Officer, County Government of Laikipia and the Directors of fourteen (14) companies with forged documents as follows;

- i. One count of knowingly making a misleading statement to one's principal contrary to Section 41(1) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No.3 of 2003.



- ii. Thirteen (13) counts of Carrying on the business of a contractor without a valid registration from the National Construction Authority Board contrary to Section 15 (1) as read with Section 15 (3) of the National Construction Authority Act No. 41 of 2011.
- iii. Twelve (12) counts of Fraudulent Practice in a Procurement Process contrary to Section 66(1) as read with Section 177 of the Public Procurement and Asset Disposal Act.
- iv. One count of conflict of interest contrary to Section 42(3) as read with Section 48 of the Anti- Corruption & Economic Crimes Act No.3 of 2003.

On 17<sup>th</sup> September 2024, the DPP returned the inquiry file with recommendations for administration action to ensue against the Ag. Chief Officer Department of Health Services.

#### **10. EACC/MCKS/FI/INQ/14/2021**

##### **INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST AGAINST AN EMPLOYEE AT KERRA OFFICE IN KAJIADO COUNTY**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation following a report received on 21<sup>st</sup> January 2022, on allegations of conflict of interest against an employee at the Kenya Rural Roads Authority (KeRRA) office in Kajiado County. It was alleged that the said officer was trading with her employer KeRRA using her company known as Reswan Enterprises Limited.

Investigation established that between May 2018 and February 2022 Reswan Enterprises Limited, Reswans Holdings Limited and Kaydtech Enterprises limited, companies associated with the KeRRA Officer and a businessman participated in five (5) tenders that were floated by KeRRA offices in Kilifi and Kajiado Regions.

Investigation established that the KeRRA Officer working with KeRRA Kajiado Office as an Accountant used companies closely associated to her to trade with her employer (KeRRA) directly and indirectly through proxies who included her spouse and brother. The KeRRA Officer further participated in the procurement of works in relation the five (5) tenders awarded to companies associated with her. She also participated in inspection of works awarded to companies associated to



her. The KeRRA Officer further participated in the payment process relating to the companies under investigation.

On 30<sup>th</sup> September 2024, a report was compiled and forwarded to the DPP with recommendations to charge the Accountant- KeRRA and a directors of Reswans Enterprises Limited, Reswans Holdings Limited and Kaydtech Enterprises Limited as follows;

- i. Four counts of conflict of interest contrary to Section 42(3) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- ii. Four counts of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.

Awaiting the DPP's response.

#### **11.EACC/KIS/FI/INQ/12/2017**

#### **INQUIRY INTO ALLEGATION OF FINANCIAL IMPROPRIETY AGAINST OFFICIALS OF MIGORI COUNTY ASSEMBLY FOR IRREGULARLY PAYING SUPPLIERS CASH EXPENDITURES OF KES. 2,863,086/= FROM PUBLIC FUNDS OF MIGORI COUNTY ASSEMBLY**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation of financial impropriety against officials of Migori County Assembly, for irregularly paying suppliers cash expenditures of Kes. 2,863,086/= from public funds of Migori County Assembly on 24<sup>th</sup> December 2014, without having supportive documents.

Investigation established that on 24<sup>th</sup> December 2014, the Clerk of the Migori County Assembly and an accountant working for Migori County Assembly drew a cheque of Kes. 12,127,000/= for encashment by the accountant. The accountant working for Migori County Assembly cashed the cheque from the Migori County Assembly KCB account. The Clerk of the Migori County Assembly who is the suspect herein is now deceased.

Investigation established that the Kes. 12,127,000/= was intended for use as petty cash. Investigation however established that out of the Kes. 12,127,000/= that was

withdrawn, Kes. 2,863,086/= was allegedly paid to six (6) suppliers in cash. Five (5) suppliers denied receiving payments from Migori County Assembly.

Investigation further established that two accountants working for the Migori County Assembly irregularly prepared payment vouchers for the payment of five (5) suppliers without any supporting documents.

Investigation established that the payment to suppliers in cash was irregular, since the threshold for paying suppliers in cash is Kes. 50,000/=.

On 26<sup>th</sup> August 2024, a report was compiled and forwarded to the DPP with recommendations to charge one accountant and two clerical officers working for Migori County Assembly with the following offences:-

- i. One count of conspiracy to commit an offence involving corruption contrary to Section 47A (3) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of abuse of office contrary to Section 46 as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- iii. Two counts of willful failure to comply with the applicable law relating to expenditure of public funds contrary to Section 45(2)(b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- iv. False Accounting contrary to Section 331 of the Penal Code.

On 17<sup>th</sup> October 2024, the DPP returned the Inquiry file with recommendations for further investigation.

## **12. EACC/GSA/FI/INQ/54/2016**

### **INQUIRY INTO ALLEGATION OF IRREGULAR PROCUREMENT OF MOTOR VEHICLE INSURANCE SERVICES BY THE COUNTY GOVERNMENT OF WAJIR.**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation following receipt of a complaint on irregular procurement of motor vehicle insurance services by the County Government of Wajir. It was further alleged that Takaful Insurance of Africa Limited (Takaful) was awarded an insurance contract without competitive bidding which led to a loss of over Kes.20 million.

Investigation established that Wajir County Government engaged the services of Takaful Insurance of Africa Limited to provide motor vehicle insurance services. Only one supplier, Takaful, was contacted to submit Request for Quotation, yet there were other prequalified service providers. There was therefore no equal and fair rotation in procurement of insurance services.

Investigation established that a Procurement Officer and an Underwriting Officer at Takaful colluded to have Takaful Insurance as the only service provider participating in the procurement. The Procurement Officer only notified Takaful Insurance of Africa Limited to submit the RFQ, while the Underwriting Officer forged documents from CIC Group purporting that they were genuine documents issued by CIC group. Investigation established that the RFQ purported to have been submitted by Kenya Orient and CIC Group did not originate from the said companies hence forged.

Investigation further established that in some instances, invoicing and payment was done before the award of the tender. There were also irregular payments due to typing errors resulting to double payments to Takaful Insurance of Africa Limited.

It was further established through investigation that a Procurement Officer at the County signed the letters of notification of award despite knowing that the procurement process had not been adhered to. The County Secretary, the Chief Office Finance & Planning and the Director Accounting Services approved payments in tender no. WJR/QT/0228/2013-2014 even before the tender was awarded.

On 22<sup>nd</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations that the County Secretary, County Government of Wajir; Chief Officer Finance & Economic Planning; the Director Accounting Services; a Procurement Officer from Wajir County Government and an Underwriting Officer from Takaful Insurance of Africa Limited be charged as follows:-

- i. One count of Conspiracy to commit an economic crime contrary to Section 47A (3) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No.3 of 2003.

- ii. One count of wilful failure to comply with the applicable law relating to management of funds contrary to Section 45(2)(b) as read with section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- iii. One count of forgery contrary to Section 349 of the Penal Code.

On 18<sup>th</sup> October 2024, the DPP returned the Inquiry file with recommendations for further investigation.

### **13. EACC/NYR/FI/INQ/29/2016**

#### **INQUIRY INTO ALLEGATIONS OF CORRUPTION, BRIBERY AND ABUSE OF OFFICE BY A MEMBER OF THE COUNTY ASSEMBLY (MCA) FOR GATURI WARD, MURANGÁ COUNTY**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving an allegation that the Member of County Assembly (MCA) for Gaturi Ward, Murangá County received Kes. 7,700,500/= into her bank account from Salkibiru Enterprises. The allegation further stated that Salkibiru Enterprises had been awarded several civil and roads works contracts by the County Government of Murangá.

Investigation established that Salkibiru Enterprises was paid a total of Kes. 43, 687, 496 by the County Government of Murangá between March 2015 and September 2016. Investigation further established that upon receipt of the funds from the County Government of Murangá, Salkibiru Enterprises paid the MCA, Gaturi Ward, Murangá County a total of Kes. 8,200,000.00 between 21<sup>st</sup> January 2016 and 16<sup>th</sup> January 2017. The proprietor of Salkibiru Enterprises confirmed making cash withdrawals and handing over money to the MCA, Gaturi Ward, Murangá County.

Investigation established that Salkibiru Enterprises was prequalified by the County Government of Murangá for civil and road works. Investigation further established that the MCA, Gaturi Ward, Murangá County was the Deputy Leader of Majority in the County Assembly of Murangá. The MCA, Gaturi Ward, Murangá County was also a member of the Budget, Finance & Planning, Education & Information Technology and Water, Environment, Energy, Natural Resources and Co-operatives committees.

Investigation also established that Salkibiru Enterprises has two signatories for its Co-operative bank account. One of the signatories is the son of the MCA, Gaturi Ward, Murangá County and an accountant at Murangá County Government.

Investigation further established that Salkibiru Enterprises was not registered with the National Construction Authority (NCA).

On 3<sup>rd</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations to charge the MCA, Gaturi Ward, Murangá County and the proprietor of Salkibiru Enterprises as follows;

- i. One count of knowingly holding an indirect private interest in a contract connected with a public body contrary to Section 42(3) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- ii. One count of Carrying on the business of a contractor without a valid registration from the National Construction Authority Board contrary to Section 15 (1) as read with Section 15 (3) of the National Construction Authority Act No. 41 of 2011.
- iii. One count of uttering false documents contrary to Section 353 of the Penal Code.

On 7<sup>th</sup> October 2024, the DPP returned the inquiry file with recommendations for administrative action.

#### **14. EACC/ELD/FI/INQ/10/2019**

#### **INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST AND PROCUREMENT IRREGULARITIES BY THE COUNTY GOVERNMENT OF ELGEYO MARAKWET IN THE AWARD OF TENDER NO. IDH/MED/12/2013-2014 FOR SUPPLY AND DELIVERY OF PETROLEUM PRODUCTS TO KOBKOM PETROLEUM**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving allegations of conflict of interest and procurement irregularities by the County Government of Elgeyo Marakwet in the procurement of petroleum products from Kobcom Petroleum Limited (KPL) a company associated with the Governor.

Investigation established that the Governor together with his partner who works with Elgeyo Marakwet County Government as a Political Advisor to the Governor incorporated KPL on 19th August 2011. Investigation further established that KPL supplied the County Government of Elgeyo Marakwet with petroleum, oil and lubricants during the financial years 2013/2014, 2014/2015 and 2015/2016.

Investigation established that in the financial year 2014/2015 the Elgeyo Marakwet County Government prequalified various service providers to supply petroleum products to the County. KPL was not amongst the entities that was prequalified. KPL was only included in the list of prequalified suppliers for the financial year 2015/2016 and 2016/2017. Investigation further established that KPL did not apply for prequalification to supply petroleum products to the County Government for the financial year 2015/2016 and 2016/2017 despite the inclusion in the prequalification list.

Investigation also established that the company made supplies to various health facilities within Elgeyo Marakwet County in the financial years 2013/2014, 2014/2015 and 2015/2016 and was paid Kes. 1,759,170.00.

Investigation also established that despite the change of directorship, the Governor and his Political Advisor remain signatories to the KPL bank account. Although the Governor and his Political Advisor may not have played a direct role in the irregular supply of petroleum products they are culpable for the offence of conflict of interest since they were the ultimate beneficiaries of the payments made in respect of the supplies.

On 26<sup>th</sup> August 2024, a report was compiled and forwarded to the DPP with recommendations to charge the Governor of Elgeyo Marakwet County, the Political Advisor to the Governor Elgeyo Marakwet County, the County Procurement Manager, the Chief Officer for Health, County Government of Elgeyo Marakwet, the Director Supply Chain Management, County Government of Elgeyo Marakwet and a Procurement Officer at the County Government of Elgeyo Marakwet as follows;

- i. One count of conflict of interest contrary to Section 42(3) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.



- ii. One count of unlawful acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of the Anti- Corruption & Economic Crimes Act No. 3 of 2003.
- iii. Three counts of careless failure to comply with the applicable procedures and guidelines relating to procurement contrary to Section 45 (2) (b) as read with Section 48 of the Anti- Corruption & Economic Crimes Act No. 3 of 2003.

Awaiting the DPP's response.

#### **15. EACC/FI/INQ/06/2014**

#### **INQUIRY INTO AN ALLEGATION OF IRREGULAR PROCUREMENT OF A FULLY FURNISHED RESIDENTIAL PROPERTY FOR THE HON. CHIEF JUSTICE/PRESIDENT OF THE SUPREME COURT**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation following a report made that there were irregularities in the procurement of the residence for the Honourable Chief Justice by the judiciary.

Pursuant to the said investigation, a Section 35 report dated 15<sup>th</sup> July 2015 was prepared and submitted to the DPP with recommendations to charge seven (7) suspects. The suspects were arraigned before court on 5<sup>th</sup> August 2015 in Milimani ACC No. 15 of 2015.

Vide a letter from the Director of Public Prosecutions of reference number Ref. No. **ODPP/CAM/015/5/360** dated 6<sup>th</sup> November 2017, the Commission was advised that the matter had been withdrawn under Section 87 of the CPC due to the fact that it was affected by the Court of Appeal decision in **Civil Appeal no. 102 of 2016 Eng. Michael Sistu Mwaura Kamau Vs. Ethics and Anti- Corruption Commission**.

Upon perusal of the file, the Commission established that all the documents and witness statements in this case were obtained when the Commission was fully constituted. It was only the Section 35 report that was submitted in the period when the Commission was not fully constituted.

On 8<sup>th</sup> July 2024, a report was compiled and forwarded to the DPP in compliance with the Engineer Kamau Ruling with recommendations to charge the former Chief

Registrar of the Judiciary, acting Chief Registrar of the Judiciary, former Director of Supply Chain Management at the Judiciary, former Director of Finance at the Judiciary and three members of the Judiciary Tender Committee as follows;

- i. Two counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- ii. One count of engaging in a project without prior planning contrary to Section 45(3) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- iii. Three counts of wilful failure to comply with the law and applicable procedures relating to tendering of contracts contrary to Section 45(2)(b) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.

Awaiting the DPP's response.

#### **16.EACC/FI/INQ/80/2014**

#### **INQUIRY INTO ALLEGATIONS OF IRREGULAR PAYMENTS FOR CONSTRUCTION OF PRE-FABRICATED COURTS BY THE JUDICIAL SERVICE COMMISSION**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation following a report from the Office of the Auditor General with allegations that the Judiciary had made an irregular payment of Kes. 46,458, 069.00 to Ms. Timsales to build Mavoko Law Courts for work not done. The report indicated that that the Judiciary had made an advance payment of Kes. 126,703, 827.00 out of which Kes. 46,458, 069.00 was in respect of the Mavoko Law Courts while the works had not commenced.

Pursuant to the said investigation, a recommendation was made by the Commission to charge eight suspects who were arraigned in court on 29<sup>th</sup> December 2015 in Milimani ACC No. 28 of 2015.

Vide a letter from the Director of Public Prosecutions of reference number Ref. No. **ODPP/CAM/015/5/456** dated 3<sup>rd</sup> November 2017, the Commission was advised that the matter had been withdrawn under Section 87 of the CPC due to the fact that it was affected by the Court of Appeal decision in **Civil Appeal no. 102 of 2016 Eng. Michael Sistu Mwaura Kamau Vs. Ethics and Anti- Corruption Commission**.

The Commission completed the process of ensuring that the matter complies with the said Court of Appeal decision by recording new statements of witnesses whose statements were recorded when the Commission was not properly constituted. The Commission collected afresh four (4) exhibits and obtained bank statements.

On 8<sup>th</sup> July 2024, a report was compiled and forwarded to the DPP in compliance with the Engineer Kamau Ruling with recommendations to charge the former Chief Registrar of the Judiciary, former Deputy Chief Registrar of the Judiciary, former Director of Supply Chain Management at the Judiciary, former Director of Finance at the Judiciary and four members of the Judiciary Tender Committee as follows;

- i. Four counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.
- ii. Four counts of willful failure to comply with the law relating to procurement tendering contrary to Section 45(2)(b) as read with Section 48 of the Anti-Corruption & Economic Crimes Act No. 3 of 2003.

Awaiting the DPP's response.

#### **17. EACC/NKR/FI/INQ/08/2023**

#### **INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST AGAINST AN EMPLOYEE OF THE COUNTY GOVERNMENT OF KERICHO**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a confidential report against the Chief Officer, Department of Finance and Economic Planning at the County Government of Kericho. It was alleged that the Chief Officer, Department of Finance and Economic Planning at the County Government of Kericho used his company M/S Chebitet and Sons Company Ltd to trade with the County Government of Kericho in the financial year 2017/2018 and 2022/2023.

Investigation established that the Chief Officer, Department of Finance and Economic Planning was one of the directors of Chebitet and Sons Company Ltd since its incorporation on 24<sup>th</sup> August 2017. The County Government of Kericho employed the Chief Officer on 7<sup>th</sup> December 2020, as a Chief Officer, Department of Trade, Industrialization, Tourism and Wildlife and was later transferred to the Department of Finance.

Investigation further established that on 14<sup>th</sup> April 2023, the said Chief Officer, Department of Finance and Economic Planning resigned from the directorship of Chebitet and Sons Company Ltd.

Investigation established that Chebitet and Sons Company Ltd traded with the County Government of Kericho before the Chief Officer, Department of Finance and Economic Planning became an employee of the County Government of Kericho. All the monies paid to Chebitet and Sons Company Ltd after the Chief Officer, Department of Finance and Economic Planning was employed to the County Government of Kericho were for contracts entered into with the County before he was employed.

On 3<sup>rd</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations that the file be closed for lack of sufficient evidence to prove the offence of conflict of interest or any other corrupt related conduct.

On 30<sup>th</sup> July 2024, the DPP returned the inquiry file with recommendations for further investigation.

#### **18. EACC/BGM/EL/INQ/7/2020**

#### **INQUIRY INTO ALLEGATIONS THAT THE BUNGOMA COUNTY WOMAN MEMBER OF PARLIAMENT MISAPPROPRIATED FUNDS MEANT FOR THE OFFICE OF THE BUNGOMA COUNTY WOMAN MEMBER OF PARLIAMENT TO PAY HER PERSONAL LIFE INSURANCE PREMIUMS AT BRITAM INSURANCE COMPANY AND THAT OF HER TWO CHILDREN**

The Ethics and Anti-Corruption Commission (the Commission) received a report on the allegation that the Bungoma County Woman Member of Parliament misappropriated funds meant for the office of the Bungoma County Woman Member of Parliament (the MP's office) expenses to pay her personal Life Insurance Premiums at Britam Insurance Company and that of her two children at a cost of Kes. 329,578/- every month.

The M.P's office receives money from the Parliamentary Service Commission (PSC) every quarter to pay staff salaries and office expenses. Investigation established that M.P's office did not properly utilize this money as intended and instead it was misappropriated.

Investigation established that the Woman County Member of the National Assembly representing Bungoma County was elected on 8<sup>th</sup> August, 2017 to the National Assembly and gazetted on 18<sup>th</sup> August, 2017. The PSC provides such services as are necessary for the effective and efficient functioning of Parliament, which includes providing Members of Parliament with Constituency Offices.

Investigation established that the M.P's office operates on an approved budget by PSC. The Woman Member of Parliament employs a Constituency Office Manager who runs the office together with other staff comprising of a Personal Assistant, a driver and a secretary who are paid by the Member of Parliament on approval by the PSC,

Investigation further established that the M. P's office runs on a standing imprest with a ceiling of Kes. 3.36Million. The Office Manager submits all the supporting documents for expenditure incurred by the M. P's office to the office of the Clerk of the National Assembly for reimbursement. Funds are reimbursed on quarterly basis depending on the amount that the office manager has accounted for.

Investigation established that during the period under investigation (2017/2018, 2018/2019, and 2019/2020) the M.P's office received a total of Kes. 37,300,900.85/- out of which Kes. 20,966,608.05/- was used to pay salaries and Kes. 16,334,292.80/- utilized for office operating expenses.

Investigation further established that the Bungoma County Woman Member of Parliament, the County Office Manager, the Acting Manager at the M.P's Office and the Personal Assistant to the Bungoma County Woman Member of Parliament conspired to pilfer public funds of Kes. 20,116,271/=.

Investigation established that the Bungoma County Woman Member of Parliament had insurance policies for herself and her two children at Britam Life Assurance Limited. She used her office to unlawfully acquire Kes. 5,498,893/- from the Bungoma County Woman Rep Office Account held at Equity Bank, Bungoma Branch to pay for four Personal Insurance policies at Britam Life Assurance Limited.

On 31<sup>st</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the employee, IEBC as follows:-

- i. One count of conspiracy to commit a corruption offence contrary to Section 47A (3) as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.
- ii. Seven counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti- Corruption and Economic Crimes Act No.3 of 2003.
- iii. Four counts of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.
- iv. One count of money laundering contrary to Section 3(a)(i) as read with Section 16 of the Proceeds of Crime and Anti-Money Laundering Act.
- v. Two counts of fraudulently making payments from public revenues for goods not supplied contrary to Section 45(2)(a)(iii) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- vi. Two counts of false accounting by a public officer contrary to Section 331(1) and (2) of the Penal Code.

Awaiting the DPP's response.

#### **19. EACC/EL/INQ/025B/2021**

#### **INQUIRY INTO ALLEGATIONS OF IRREGULAR APPOINTMENT OF STAFF AT THE NATIONAL HOSPITAL INSURANCE FUND (NHIF) AGAINST THE CHIEF EXECUTIVE OFFICER**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation following the recommendations of the Health Financing Reforms Expert Panel (HEREP), which was tasked with transforming, and repositioning of the National Hospital Insurance Fund as a strategic purchaser of health services for the attainment Of Universal Health Coverage by 2022. The transformation entailed the reorganization of the structure of the NHIF by reviewing its human resource capacity to align it to the new structure and align the right skills to the right positions for optimal efficiency and effectiveness in service delivery. It is in the process of the realignment of its human resources that allegations of irregular recruitment or placement of persons emerged.



Investigation established that the NHIF Policy and Procedures Manual 2019 stipulated the procedures to be followed to fill vacancies in Job Grade HF1 and Job Grade HF4. The provisions of the NHIF Policy and Procedures Manual 2019 state that appointments in grade HF1 and HF4 are to be made by the Board. The NHIF Procedures Manual 2019 further stipulates the procedures to be taken to fill vacancies in Job Grade HF1 and HF4.

Investigation established that the Board revoked the appointment of four (4) employees appointed as Manager, Human Capital Development, Deputy Director/Head of Administrative Services, Head of Beneficiary Management and Director Beneficiary & Provider Management. The Chief Executive Officer, NHIF, however used his position to reinstate the said officers without the approval of the Board or following the laid down recruitment procedures for the positions as laid down in the NHIF Act and NHIF Human Resource Policy and Procedures Manual 2019.

On 21<sup>st</sup> August, 2024 a report was forwarded to the DPP with recommendations to charge the Chief Executive Officer, NHIF, as follows:-

- i. Four counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.

On 25<sup>th</sup> October 2024, the DPP returned the inquiry file with recommendations for further investigation.

## **20. EACC/EL/INQ/56(x)/2023**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC) PRESENTED A FORGED BACHELOR'S DEGREE CERTIFICATE FROM THE UNIVERSITY OF NAIROBI TO BE UPGRADED**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving an allegation that an employee of the Independent Electoral and Boundaries Commission (IEBC) possessed forged academic documents.

The employee of the Independent Electoral and Boundaries Commission (IEBC) had used forged academic documents to secure an upgrade from scale 8 to scale 7 under the designation of Assistant Election Officer.

Investigation established that the employee used a forged Bachelor of Arts (Political Science and Public Administration) degree Certificate to secure an upgrade from scale 8 to scale 7 at IEBC.

On 3<sup>rd</sup> September 2024 a report was compiled and forwarded to the DPP with recommendations to charge the employee as follows:-

- i. Two counts of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- ii. Two counts of uttering a false document contrary to Section 353 of the Penal Code.

On 18<sup>th</sup> October 2024, the DPP returned the inquiry file with recommendations for further investigation.

## **21. EACC/EL/INQ/56(xxi)/2023**

### **INQUIRY INTO ALLEGATIONS OF FORGERY OF A KENYA CERTIFICATE OF SECONDARY EDUCATION (KCSE) AGAINST A DRIVER AT THE INDEPENDENT ELECTORAL AND COMMISSION (IEBC)**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation following a report from the Commission Secretary of the Independent Electoral and Boundaries Commission (IEBC) on staff found to have forged academic papers following a verification exercise conducted pursuant to the Public Service Commission directive for all public entities to verify academic qualifications for their staff.

Investigation established that the driver begun working with the defunct IEBC on 23<sup>rd</sup> December 2009. At the time of his recruitment, the only requirements for appointment was a copy of ID card, driving license and thereafter a contract of service. Investigation further established that there was a decision to upgrade drivers with O-level qualifications from Grade III to Grade II and the driver was considered for upgrading since he submitted a KCSE Certificate and filed a personal records form dated 25<sup>th</sup> January 2010.

Investigation established that the driver used a forged KCSE Certificate to secure an upgrade from Grade III to Grade II. Investigation further established that the

driver had earned a cumulative net salary of Kes. 9,281,665.00 from May 2011 to March 2024.

On 3<sup>rd</sup> September 2024, a report was compiled and forwarded to the DPP with recommendations to charge the driver as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iv. One count of uttering a false document contrary to Section 353 of the Penal Code.

On 4<sup>th</sup> October 2024, the DPP returned the Inquiry file and concurred with the recommendation to prosecute.

## **22. EACC/EL/INQ/005(ii)/2024**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NATIONAL SYNDemic DISEASES CONTROL COUNCIL (NSDCC) FORGED A KENYA CERTIFICATE OF SECONDARY EDUCATION (KCSE)**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a report from the Chief Executive Officer of the National Syndemic Diseases Control Council (NSDCC) on staff found to have forged academic papers following a verification exercise conducted pursuant to the Public Service Commission directive for all public entities to verify academic qualifications for all their staff.

Investigation established that a driver at the National Syndemic Diseases Control Council (NSDCC) used a forged KCSE certificate to secure employment as a driver at the NSDCC.

Investigation established that the driver, NSDCC worked for the council between 22<sup>nd</sup> January 2016 and January 2023. During the mentioned period, he fraudulently earned a salary of Kes. 5,631,192.29.

On 10<sup>th</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the driver, NSDCC as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. One count of uttering a false document contrary to Section 353 of the Penal Code.

On 26<sup>th</sup> September 2024, the DPP returned the inquiry file with recommendations for further investigation.

### **23. EACC/EL/INQ/56(vi)/2023**

#### **INQUIRY INTO ALLEGATIONS THAT AN ASSISTANT ELECTION OFFICER AT INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION, IS IN POSSESSION OF A FORGED ACADEMIC DOCUMENT**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a report from the Commission Secretary of the Independent Electoral and Boundaries Commission (IEBC) that several IEBC officers were in possession of fake academic certificates and among them was an Assistant Election Officer at IEBC.

Investigation established that the suspect was employed at the IEBC as a Constituency Office Clerk vide a letter dated 22<sup>nd</sup> June 2012 on permanent and pensionable terms. IEBC later reviewed its organization structure and some job titles were reviewed to align with responsibilities. Investigation further established that the CEO for IEBC appointed an upgrading committee whose responsibility was to review and analyse the qualification of all Assistant Officers at IEBC Grade 8 for eligibility for upgrading. The Committee resolved that one of the requirement for officers to be upgraded from Grade 8 to Grade 7 was possession of a bachelor's degree.

Investigation established that the suspect submitted a forged Bachelor of Business Information and Management degree certificate from Egerton University in support of her upgrade from Grade 8 to Grade 7.

On 5<sup>th</sup> August 2024, a report was forwarded to the DPP with recommendations to charge the employee, IEBC as follows:-

- i. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- ii. One count of uttering a false document contrary to Section 353 of the Penal Code.
- iii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the Anti- Corruption and Economic Crimes Act No.3 of 2003.

On 1<sup>st</sup> October 2024, the DPP returned the Inquiry file and concurred with the recommendation to prosecute.

#### **24. EACC/EL/INQ/56(xvii)/2023**

#### **INQUIRY INTO ALLEGATIONS THAT AN ASSISTANT ELECTION OFFICER AT INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION, IS IN POSSESSION OF A FORGED ACADEMIC DOCUMENT**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a report from the Commission Secretary of the Independent Electoral and Boundaries Commission (IEBC) that several IEBC officers were in possession of fake academic certificates and among them was an Assistant Election Officer at IEBC. It was alleged that the Assistant Election Officer was in possession of a fake Kenya Certificate of Secondary Education (KCSE) certificate.

Investigation established that the suspect was employed at the IEBC as a Constituency Office Clerk scale 8 vide a letter dated 26<sup>th</sup> October 2012. The minimum academic requirement for this appointment was KCSE mean grade C- or Division III as per the Constituency Support Clerks job summary. After the appointment, the suspect filled out the Personal Records Form and attached a KCSE certificate with a mean grade of a C- (Minus) from Chogoria Girls High School.

Investigation further established that the IEBC later reviewed its organizational structure and changed the job title of Constituency Office Clerk to Assistant

Election Officer. The suspect was re-designated as an Assistant Election Officer vide letter dated 6<sup>th</sup> December 2021.

Investigation established that the suspect used a forged KCSE certificate to seek employment and receive remuneration from IEBC.

On 30<sup>th</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the employee, IEBC as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iv. One count of presentation of a forged certificate contrary to Section 34(A) of the Kenya National Examination Council Act.

Awaiting the DPP's response.

## **25. EACC/EL/INQ/57(iii)/2023**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI CITY COUNTY USED A FORGED BACHELOR OF COMMERCE (ACCOUNTING OPTION) DEGREE FROM THE UNIVERSITY OF NAIROBI TO SECURE EMPLOYMENT AT THE NAIROBI CITY AND SEWERAGE COMPANY LIMITED (NCWSC) AS REVENUE COLLECTION ASSISTANT**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a complaint that an employee of Nairobi City County had used a forged Degree Certificate in Bachelor of Commerce (Accounting Option) to seek and obtain employment at Nairobi City Water and Sewerage Company Ltd as Revenue Collection Assistant.

Investigation established that the employee joined Nairobi City Water and Sewerage Company on 3<sup>rd</sup> August 2016 as a Revenue Collection Assistant. As a requirement for new employees, he attached a copy of a Bachelor of Commerce (Accounting Option) degree from the University of Nairobi.



Investigation further established that the Bachelor of Commerce (Accounting Option) degree certificate submitted by the employee to Nairobi City County was not authentic. Investigation further established that the employee had earned a total of Kes. 4,749,597.00 between 3<sup>rd</sup> August 2016 and November 2023.

On 3<sup>rd</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the employee, NCWSC as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti- Corruption and Economic Crimes Act No.3 of 2003.
- ii. One count of deceiving principal contrary to Section 41 as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iv. One count of uttering a false document contrary to Section 353 of the Penal Code.

On 3<sup>rd</sup> October 2024, the DPP returned the inquiry file with recommendations for further investigation.

## **26. EACC/EL/INQ/57/2023**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI CITY COUNTY USED A FORGED BACHELOR OF COMMERCE DEGREE FROM THE UNIVERSITY OF NAIROBI TO SECURE EMPLOYMENT AT THE NAIROBI CITY WATER AND SEWERAGE COMPANY LIMITED (NCWSC) AS A DATA CLEAN UP**

The Ethics and Anti-Corruption Commission (EACC) commenced investigation after receiving a complaint that an employee of Nairobi City County had used a forged Degree Certificate in Bachelor of Commerce to seek and obtain employment at Nairobi City Water and Sewerage Company Ltd as a Data Clean Up Officer.

Investigation established that the employee joined Nairobi City Water and Sewerage Company on 3<sup>rd</sup> April 2013 as a Data Clean Up. As a requirement for

new employees, she attached a copy of a Bachelor of Commerce degree from the University of Nairobi.

Investigation established that the Bachelor of Commerce degree certificate submitted by the employee to Nairobi City County was not authentic. Investigation further established that the employee had earned a total of Kes. 7, 806,747.65 between July 2013 and December 2023.

On 3<sup>rd</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the employee, NCWSC as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.
- ii. Two counts of deceiving principal contrary to Section 41 as read with Section 48 of the Anti- Corruption and Economic Crimes Act No.3 of 2003.
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iv. One count of uttering a false document contrary to Section 353 of the Penal Code.

On 17<sup>th</sup> October 2024, the DPP returned the inquiry file with recommendations for further investigation.

## **27. EACC/EL/INQ/07(xiii)/2024**

### **INQUIRY INTO ALLEGATIONS THAT A MARKETING ASSISTANT AT THE NAIROBI CITY WATER AND SEWERAGE COMPANY LIMITED (NCWSC) IS IN POSSESSION OF A FORGED ACADEMIC DOCUMENT**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a report that several officers from Nairobi City Water and Sewerage Company (NCWSC) were in possession of fake academic certificates and among them was a Marketing Assistant at NCWSC. It was alleged that the Marketing Assistant was in possession of a fake Kenya Certificate of Secondary Education (KCSE).

Investigation established that the suspect was offered four months employment contract at NCWSC as a Driver. On 27<sup>th</sup> February 2012, he was issued with a letter of appointment offering him employment on permanent contract as a Revenue Collection Assistant. His designation was later changed from Revenue Collection Assistant to Marketing Assistant (grade 8).

Investigation established that the suspect filled and signed a Personal Records Form indicating that he was a holder of a KCSE certificate from Vihiga High School with a mean grade of C (Plain).

Investigation established that the KCSE certificate submitted by the suspect to NCWSC was not authentic. Investigation further established that the employee had earned a total of Kes. 8,243,562.20 between November 2013 and March 2024.

On 30<sup>th</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the employee, NCWSC as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti- Corruption and Economic Crimes Act No.3 of 2003.
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iv. One count of presentation of a forged certificate contrary to Section 34(A) of the Kenya National Examination Council Act.

Awaiting the DPP's response.

## **28. EACC/EL/INQ/56(iii)/2023**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC) PRESENTED A FORGED BACHELOR'S DEGREE CERTIFICATE FROM MASINDE MULIRO UNIVERSITY TO BE UPGRADED**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a complaint that an Assistant Elections Officer at the

Independent Electoral and Boundaries Commission (IEBC) possessed forged academic documents. This was following an exercise of authentication of academic certificates by IEBC in compliance with the directives from the Public Service Commission.

Investigation established that the Bachelor of Science (Human Resource Management Option) degree certificate submitted by the employee to support her job upgrade was forged. Investigation further established that Masinde Muliro University where the degree certificate was purported to have originated from never offered a degree program called Bachelor of Science (Human Resource Management Option).

On 10<sup>th</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the employee, IEBC as follows:-

- i. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- ii. One count of uttering a false document contrary to Section 353 of the Penal Code.

On 28<sup>th</sup> October 2024, the DPP returned the inquiry file with directions that the proper report and inquiry file be forwarded for directions.

## **29. EACC/EL/INQ/007(xxxvii)/2024**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE AT THE NAIROBI CITY WATER AND SEWERAGE COMPANY LIMITED (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A WASTE WATER OPERATOR**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a complaint that a Nairobi City Water and Sewerage Company Limited (NCWSC) used a forged KCSE Certificate to secure employment as a Waste Water Operator.

Investigation established that the employee sat for KCSE examination in the year 1997, where she scored a mean grade of D (Plain). Investigation further established that the employee altered the grades in all the seven subjects and further altered the mean grade to a C (Plain). The Kenya National Examinations Council

confirmed that the altered KCSE certificate with a mean grade of C (Plain) was not authentic.

Investigation established that the employee attached the forged K.C.S.E certificate as proof that she met the minimum requirement to be a Sewer Operator, a fact she knew to be false. The employee used the forged K.C.S.E certificate to get employment at Nairobi Water and Sewerage Company Limited. The employee worked with Nairobi City Water and Sewerage Company Limited from September 2012 to December 2023 thus earning a cumulative net monthly salary of Kes. 9,036,449.85.

On 3<sup>rd</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the employee, NCWSC as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. Two counts of deceiving principal contrary to Section 41 as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iv. One count of uttering a false document contrary to Section 353 of the Penal Code.
- v. One count of presentation of forged certificate contrary to Section 34(a) of the Kenya National Examination Council Act.

On 17<sup>th</sup> October 2024, the DPP returned the inquiry file with recommendations for further investigation.

### **30.EACC/EL/INQ/56(xxxiv)/2023**

#### **INQUIRY INTO ALLEGATIONS OF FORGERY OF A BACHELOR OF SCIENCE IN INFORMATION TECHNOLOGY FROM JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY (JKUAT) AGAINST THE REGIONAL ICT OFFICER LOWER EASTERN AT THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)**

The Ethics and Anti- Corruption Commission (the Commission) commenced investigation following a report from the Commission Secretary of the Independent Electoral and Boundaries Commission (IEBC) on staff found to have forged academic papers following a verification exercise conducted pursuant to the Public Service Commission directive for all public entities to verify academic qualifications for all their staff. It was reported that the Regional ICT officer Scale 6 -Lower Eastern Region at the IEBC used a forged Bachelor of Science Information Technology degree certificate for employment to the said position.

Investigation established that the IEBC Career guidelines provided that the academic qualifications for the position of regional ICT officer included a degree certificate in Computer Science, ICT or any other relevant qualifications, full certification in networks CCNA, CCNP, Microsoft certification and three years relevant experience in a busy organisation.

Investigation further established that IEBC in an advertisement sometime in 2016 advertised for various positions among them Regional ICT Officer Lower Eastern 3 posts and in Grade 6. The advert required a candidate to possess a Degree in Computer Science or an equivalent. In response to the advert, the Regional ICT Officer filled an IEBC application form dated 29<sup>th</sup> September 2016. Attached to the application was a copy of a degree certificate number 04 -0966 that is Bachelor of Science in Information Technology Second Class Honours (Lower Division) attained on 28<sup>th</sup> July 2004. The Regional ICT Officer was successful in his application and was offered employment in a letter dated 24<sup>th</sup> January 2017.

Investigation established that the Regional ICT Officer forged and uttered a Bachelor of Science Information Technology from Jomo Kenyatta University of Agriculture and Technology (JKUAT) certificate No 04 0966 Second Class Honours (Lower Division) attained on 28<sup>th</sup> July 2004 and presented it to IEBC his employer.

Investigation further established that the Regional ICT Officer earned a net salary less statutory deductions of Kes. 8,734,648/= between 1<sup>st</sup> February 2017 and 30<sup>th</sup> November 2024.

On 3<sup>rd</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the employee, IEBC as follows:-



- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. Two counts of deceiving principal contrary to Section 41(2) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iv. One count of uttering a false document contrary to Section 353 of the Penal Code.

On 27<sup>th</sup> September 2024, the DPP returned the Inquiry file and concurred with the recommendation to prosecute.

### **31. EACC/EL/INQ/6/2024**

#### **INQUIRY INTO ALLEGATIONS THAT A MANAGER DELIMITATION OF BOUNDARIES AT THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION IS IN POSSESSION OF A FORGED ACADEMIC DOCUMENT**

The Ethics and Anti- Corruption Commission (EACC) commenced investigation following a report from the Commission Secretary of the Independent Electoral and Boundaries Commission (IEBC) that a Manager at IEBC used a fake Masters of Arts (Population Studies) certificate to secure employment at IEBC.

Investigation established that the Interim Independent Boundaries Review Commission (IIBRC) in a letter of appointment dated 8<sup>th</sup> March 2010 first appointed the suspect as Deputy Director, Research and Analysis (DD/RA). On 22<sup>nd</sup> March 2012 an internal advertisement was placed for various positions and among them was the position of Manager Delimitations. One of the requirements for this appointment was a Master degree or postgraduate degree in a related field. The suspect was subsequently issued with an offer of employment letter as Manager Delimitation of Boundaries.

Investigation further established that the suspect filled out the staff personal records form on 7<sup>th</sup> May 2012 where she indicated that she was a holder of a Master of Arts Degree from the University of Nairobi.

Investigation established that the Master of Arts (Population Studies) submitted by the suspect was not genuine and that it was never issued by the University of Nairobi. Investigation further established that from 1<sup>st</sup> May 2012 to 2<sup>nd</sup> May 2024 the suspect had earned a net salary of Kes. 37,741,472.59

On 3<sup>rd</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the Manager Delimitation of Boundaries at IEBC as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. Four counts of deceiving principal contrary to Section 41(2) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- iv. Three counts of uttering a false document contrary to Section 353 of the Penal Code.
- v. Two counts of giving false information to a person employed in public service contrary to Section 129(A) of the Penal Code.

On 16<sup>th</sup> September 2024, the DPP returned the Inquiry file with recommendations to prosecute on offences of forgery, uttering a false document and giving false information to a person employed in public service.

### **32. EACC/EL/INQ/85/2017**

#### **INQUIRY INTO ALLEGATIONS THAT THE IMMEDIATE FORMER MCA FOR HURUMA WARD, MATHARE CONSTITUENCY IN NAIROBI COUNTY HAS FORGED ACADEMIC CERTIFICATES, WHICH HE ATTACHED ALONGSIDE HIS SELF- DECLARATION FORM SUBMITTED TO EACC**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a complaint that the immediate former MCA Huruma Ward, Mathare Constituency Nairobi County used a fake KCPE and Diploma certificate, which he attached alongside his self- declaration form submitted to the Commission.

Investigation established that in the year 2012, the former MCA submitted to the Commission his self-declaration form dated 20<sup>th</sup> December 2012. On 24<sup>th</sup> February 2017, he submitted his self-declaration form dated 23<sup>rd</sup> February 2017 to the Commission while seeking re-election as Member of the County Assembly (MCA) for Huruma ward in Nairobi City County during the 2017 general elections. In the same year, 2017, he submitted to the Commission another set of his self-declaration form dated 26<sup>th</sup> May 2017. The said declaration was allegedly sworn before a Commissioner for Oaths on 26<sup>th</sup> May 2017. The Commissioner for Oaths denied commissioning the form.

Investigation further established that the former MCA was never a student of Technical University of Kenya (TUK) in accordance with the University admission records as well as the examination records of Kenya Polytechnic, Kenya Polytechnic University College or the Technical University of Kenya.

Investigation established that the former MCA provided false information to the Commission by stating that he held a Diploma from Kenya Polytechnic which information he filled in his Self-declaration form as provided for in the First Schedule of the Leadership and Integrity Act 2012.

On 3<sup>rd</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the immediate former MCA Huruma Ward, Mathare Constituency Nairobi County, as follows:-

- i. One count of providing false information to the Ethics and Anti-Corruption Commission contrary to Section 46(1)(d) as read with Section 46(2) of the Leadership and Integrity Act no. 12 of 2012.
- ii. Six counts of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. One count of false declaration contrary to Section 11 of the Oaths and Statutory Declarations Act Cap 15 laws of Kenya.

Awaiting the DPP's response.

### **33. EACC/EL/INQ/57(iv)/2023**

#### **INQUIRY INTO ALLEGATIONS THAT THE AG. ICT SUPERVISOR AT NAIROBI WATER & SEWERAGE COMPANY LIMITED USED A FORGED BACHELOR OF INFORMATION**

## **TECHNOLOGY CERTIFICATE FROM JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY TO OBTAIN EMPLOYMENT AT NAIROBI CITY WATER & SEWERAGE COMPANY LIMITED (NCWSC)**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a complaint that the Ag. ICT Supervisor at Nairobi Water & Sewerage Company (NCWSC) Limited used a forged Bachelor of Information and Technology degree certificate from Jomo Kenyatta University of Agriculture & Technology (JKUAT) to seek and obtain employment at NCWSC. It was further reported that during a verification exercise undertaken by NCWSC, JKUAT confirmed that the Degree certificate was not genuine.

Investigation established that the certificate submitted by the Ag. ICT Supervisor to NCWSC was not authentic and was never issued by JKUAT. Investigation further established that the suspect filled a personal information data form dated 22<sup>nd</sup> December 2016 where she indicated in the education level section that she was a holder of a Bachelor of Science degree in Information Technology awarded by JKUAT.

Investigation established that the Ag. ICT Supervisor used a forged degree certificate to get employment and thus had not obtained the appointment on merit. She earned a net salary of Kes. 4,615,664.75 from February 2017 to August 2023 when she was appointed in acting capacity as the ICT supervisor.

On 16<sup>th</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the employee, NCWSC as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. One count of uttering a false document contrary to Section 353 of the Penal Code.
- iv. One count of deceiving principal contrary to Section 41 as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

On 14<sup>th</sup> August 2024, the DPP returned the inquiry file with recommendations for further investigation.

#### **34. EACC/EL/INQ/08/2022**

##### **INQUIRY INTO ALLEGATIONS OF IRREGULAR PROMOTION OF A PROCUREMENT OFFICER FROM JOB GROUP L TO ACTING DIRECTOR JOB GROUP R WITHOUT THE CONSENT OF THE BARINGO COUNTY PUBLIC SERVICE BOARD AGAINST THE COUNTY SECRETARY BARINGO COUNTY GOVERNMENT**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a complaint that the County Secretary Baringo County Government irregularly promoted a procurement officer from Job Group L to Acting Director Job Group R without the consent of the County Public Service Board (Board) and that he had irregularly promoted a junior officer deployed as Sub County Administrator to Director without the consent of the Baringo County Public Service Board.

Investigation established that the Board is the only institution with authority to appoint an officer to act in a position above job Group Q. Investigation further established that on 23<sup>rd</sup> March 2021, the Board resolved to revoke any unratified previously delegated authority to the County Secretary and other officers under section 86 (1) of the County Governments Act . The Board communicated their resolution to the County Secretary through an internal memo dated 13<sup>th</sup> May 2022. Investigation however established that on 14<sup>th</sup> June 2021 the County Secretary appointed a Procurement Officer to act as the Director Procurement, yet he did not have any delegated authority from the Board.

On 10<sup>th</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the County Secretary of the County Government of Baringo as follows:-

- i. One count of abuse of office contrary to Section 46 as read with Section 48 of the Anti- Corruption and Economic Crimes Act No. 3 of 2003.

On 23<sup>rd</sup> October 2024, the DPP returned the inquiry file with directions that the proper report and inquiry file be forwarded for directions.

### **35. EACC/NKR/EL/INQ/05/2017**

#### **INQUIRY INTO ALLEGATIONS OF IRREGULAR RECRUITMENT AGAINST THE SECRETARY TO THE KERICHO COUNTY PUBLIC SERVICE BOARD AND THE CHIEF OFFICER EDUCATION, YOUTH AFFAIRS, CULTURE AND SOCIAL SERVICES KERICHO COUNTY GOVERNMENT**

The Ethics and Anti-Corruption Commission (the Commission) received an initial complaint on 1<sup>st</sup> April 2016 alleging that an employee of Kericho County Government was holding two jobs therefore earning double salary from the County Government of Kericho and an NGO. It was alleged that in the twenty-three (23) months prior to the complaint the suspect had earned Kes. 195,500/= from the NGO and Kes. 218,500.00 from the County Government of Kericho. The matter was referred to the Kericho County Public Service Board (CPSB) for action.

On 27<sup>th</sup> January 2017, a second complaint was made because of the inaction by the Kericho CPSB. The Board Chair transferred the suspect to a different department. It was further alleged that the said employee was using academic documents belonging to a deceased person.

Investigation established that the employee was issued with an appointment letter on 1<sup>st</sup> March 2014 by the Chief Officer of Education, appointing her as an ECDE teacher, and was posted to Kerego Primary School. However, she did not teach at Kerego Primary School where she had been initially posted, and continued working for Kids Home International from May 2014 to 31<sup>st</sup> December 2014. She received salaries from both the Home and the County Government of Kericho.

Investigation established that the employee was illegally appointed as an ECDE teacher by the County Government of Kericho since she was not interviewed and the Board did not appoint her.

Investigation further established that after receipt of complaints against the employee, both Board and the CEC Education, Youth Affairs Culture and Social Services conducted investigation and prepared respective reports on the matter. However, both the Board and the CEC Education, Youth Affairs Culture and Social Services took no action against the employee.



On 5<sup>th</sup> August 2024, a report was forwarded to the DPP with recommendations to charge the Secretary to the Kericho County Public Service Board and the Chief Officer in the Department of Education, Culture, Youths, Sports and Social Services as follows:-

- i. Two counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti- Corruption and Economic Crimes Act No.3 of 2003.

Awaiting the DPP's response.

### **36. EACC/ELD/OPS/INQ/10/2022**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST AN EMPLOYEE OF THE NATIONAL POLICE SERVICE.**

The Ethics and Anti-Corruption Commission (the Commission), North Rift Regional Office, commenced investigation after receiving an allegation that an employee of the National Police Service attached to Vigilance House requested and received a bribe of Kes. 600,000/= to facilitate the recruitment of the complainant's daughter to the National Police Service.

Investigation established that the suspect is a Sergeant employed by the National Police Service, requested for a bribe of Kes. 600,000/- on 14<sup>th</sup> March 2021 from the complainant in order to enlist the Complainant's daughter in the National Police Service.

Investigation established that the suspect received a bribe of Kes. 600,000/- on 15<sup>th</sup> March 2021 from the complainant through his KCB bank account for purposes of facilitating the complainant's daughter recruitment to the National Police Service.

On 22<sup>nd</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the Police Officer with two counts of the offence of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act 2016.

On 4<sup>th</sup> October 2024, the DPP returned the Inquiry file with recommendations for closure.

**INQUIRY INTO ALLEGATIONS THAT DCI OFFICERS BASED AT THE ILLASIT POLICE STATION IN LOITOKTOK, KAJIADO COUNTY, HAD REQUESTED FOR A FINANCIAL BENEFIT OF KES 100,000/= SO AS TO RELEASE A MOTOR VEHICLE WHICH HAD BEEN DETAINED AT THE POLICE STATION**

The Ethics and Anti-Corruption Commission (the Commission), commenced investigation after receiving an allegation that police officers based at the Illasit Police Station in Loitoktok, Kajiado County had requested for a financial benefit of Kes.100,000/= from the complainant (a Tanzanian) so as to release the complainant's motor vehicle which had been detained at the police station.

Investigation established that on 12<sup>th</sup> January 2024, police officers from the Directorate of Criminal Investigation (DCI) drove into his home and interrogated him about his motor vehicle and whether he had the requisite permits to practice as a herbalist in Kenya. The complainant's motor vehicle was then driven to Illasit Police Station. At the Police Station, the complainant was informed that he had committed two offences that is; practicing as a herbalist without a permit and being in possession of a foreign motor vehicle contrary to custom regulations as required by the East African Community.

Investigation further established that one of the police officers requested for a bribe of Kes. 100,000/- which was negotiated downwards to Kes. 50,000/= and later to Kes. 40,000/=.

Investigation established that the second police officer received a bribe of Kes. 30,000/- from the complainant. EACC investigators arrested both police officers.

On 13<sup>th</sup> September 2024, a report was compiled and forwarded to the DPP with recommendations to charge the Police Officers as follows:-

- I. Four counts of the offence of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act 2016.
- II. One count of assisting in bribery contrary to Section 13(1)(a) as read with Section 18 of the Bribery Act 2016.

- III. One count of concealing evidence contrary to Section 66(1)(c) as read with Section 66(2) of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

On 24<sup>th</sup> October 2024, the DPP returned the inquiry file with recommendations for further investigation.

### **38. EACC/KSI/OPS/INQ/4/2023**

#### **INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST THE DIRECTOR OF ROMAN MATERNITY AND NURSING HOME AND ROMAN ANNEX MEDICAL CENTER, KEMERA AND A MEMBER OF THE COUNTY POLICING AUTHORITY, NYAMIRA COUNTY GOVERNMENT**

The Ethics and Anti-Corruption Commission (the Commission), South Nyanza Regional Office, reported a case of bribery in its office. It was alleged that the Director of Roman Annex Medical Center and Roman Maternity & Nursing Home, Nyamira County together with a member of the County Policing Authority, Nyamira County Government attempted to bribe the EACC Deputy Director and Regional Manager for South Nyanza at the EACC Kisii office.

Investigation established that the two suspects walked into the EACC offices at the South Nyanza Regional Office, Kisii and offered Kes. 11,000/= to the EACC Deputy Director and Regional Manager for South Nyanza in the pretext of buying him lunch after a meeting where the Director of Roman Maternity and Nursing Home sought assistance in an investigation on allegations of fraud, maladministration and embezzlement of public funds by the EACC.

On 3<sup>rd</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations to charge the suspects with one count of the offence of giving a bribe contrary to Section 5 as read with Section 18 of the Bribery Act 2016.

On 19<sup>th</sup> September 2024, the DPP returned the Inquiry file with recommendation for closure.

### **39. EACC/OPS/INQ/107/2022**

#### **INQUIRY INTO BRIBERY ALLEGATION OF CORRUPT CONDUCT AGAINST A POLICE OFFICER ATTACHED TO JUDICIARY POLICE UNIT**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation upon receipt of a complaint that a Police Officer based at Milimani Law Courts was requesting for a bribe of Kes. 25,000/= from the complainant in order to carry out verification of bond documents in Kakamega.

Investigation established that the suspect requested the complainant to facilitate his travel and subsistence allowance amounting to Kes. 25,000 in order for him to carry out verification of bond documents in Kakamega. Investigation established that the act of requesting for travel and subsistence allowance did not amount to an offence as captured under Section 6(1)(a) of the Bribery Act. The suspect was lawfully assigned the duty to verify documents. The request of Kes. 25,000 was in line with the official function that required the suspect to be facilitated by the complainant in undertaking verification of documents. The money was an allowance for transport and subsistence.

On 3<sup>rd</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations to close the file and that an advisory be issued to the Judiciary to convene a stakeholder's meeting to discuss and develop standard rates to be adopted on the issue of verification of bond documents.

On 14<sup>th</sup> August 2024, the DPP returned the Inquiry file and concurred with the recommendation that the Judiciary through the Court Users' Committee be advised to come up with clear guidelines on how to conduct a verification process and thereafter the inquiry file be closed.

#### **40. EACC/MLD/OPS/INQ/05/2020**

#### **INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST OFFICERS OF THE KENYA REVENUE AUTHORITY**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation upon receipt of a complaint that officers of Kenya Revenue Authority (KRA) were requesting for a bribe of Kes. 10,000/= from the complainant and her husband in order to secure the release of her detained motor vehicle.

Investigation established that the complainant, a Tanzanian citizen, was driving her motor vehicle within Kilifi town when KRA officers sought to inspect the paperwork/documentation authorizing her to use her motor vehicle on Kenyan

roads. Investigation established that the complainant gave one of the officers all relevant documentation, which included her passport, permit and Declaration of Importation.

Investigation established that one of the KRA officers requested for a financial advantage of Kes. 20,000 in order to release the seized motor vehicle and received Kes. 10,000 treated money.

On 13<sup>th</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the two KRA officers with the offence of 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 No. 3 of 2003 and three counts of receiving a bribe contrary to Section 6(1)(a) as read with Section 18 of the Bribery Act, 2016.

On 22<sup>nd</sup> October 2024, the DPP returned the Inquiry file with recommendation for closure.

#### **41. EACC/OPS/INQ/158/2023**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPT CONDUCT AGAINST A TRAFFIC POLICE OFFICER BASED AT SHAURI MOYO TRAFFIC BASE NAIROBI COUNTY**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation upon receipt of a complaint that a police officer stationed at Shauri Moyo Police Station- traffic section, was requesting for a bribe of Kes. 2,000/= from the complainant so as to release his motor vehicle which was detained at the police station.

Investigation established that the complainant was arrested and escorted to Shauri Moyo Police Station on allegation that his insurance sticker was invalid. The Complainant's motor vehicle was detained and the ignition keys taken by the traffic police officer.

Investigation established that the traffic police officer requested for a financial advantage of Kes. 2,000 and received Kes. 2,000 treated money in order to release the detained motor vehicle.

On 30<sup>th</sup> September 2024, a report was forwarded to the DPP with recommendations to charge the traffic police officer with two counts of receiving a bribe contrary to Section 6(1)(a) as read with Section 18 of the Anti-Bribery Act No. 19 of 2023.

Awaiting the DPP's response.

#### **42. EACC/OPS/INQ/119/2023**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TWO POLICE OFFICERS STATIONED AT EASTLEIGH NORTH POLICE STATION WHO REQUESTED FOR A FINANCIAL BENEFIT OF KES. 50,000/-**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation upon receipt of a complaint that a Police Officer stationed at Eastleigh North Police Station was requesting for a benefit of Kes. 100,000/= as an inducement to release back mobile phones taken from the complainant's shop during a raid.

Investigation established that on 10<sup>th</sup> October 2023, the complainant's employee was arrested while at work at IPHONE Care SHOP situated at Bazaar Plaza in Nairobi on claims that the complainant's shop had sold a stolen mobile phone. The police officers confiscated the shop's mobile phones and the shop records. On 14<sup>th</sup> October 2023, the complainant went to Eastleigh Police Station to collect the mobile phones and one of the police officers requested for a bribe of Kes. 100,000/= so that he could release the mobile phones and the shop records. The complainant reported the financial request to EACC.

Investigation established that Suspects conspired to solicit for and agreed to receive Kes. 30,000 from the complainant in order to release the mobile phones and shop records confiscated from the complainant's shop.

On 3<sup>rd</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the two police officers with one count of 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 No.3 of 2003 and four counts of receiving a



bribe contrary to Section 6(1) (a) as read with Section 18 of the Bribery Act no. 47 of 2016.

On 19<sup>th</sup> September 2024, the DPP returned the Inquiry file with recommendation for further investigation.

#### **43. EACC/OPS/INQ/117/2023**

##### **INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST A PROSECUTOR AT MAKADARA LAW COURTS**

The Ethics and Anti- Corruption Commission (the Commission) received a report indicating that a Prosecution Counsel at Makadara Law Courts requested for a bribe of Kes. 30,000 from the complainant with the intent that in consequence he would withdraw a criminal case filed against the complainant which was pending at the Makadara Law Courts.

Investigation established that the suspect requested for a bribe of Kes. 30,000/= and received a bribe of Kes. 20,000/= from the complainant.

On 26<sup>th</sup> August 2024, a report was compiled and forwarded to the DPP with recommendations to charge the Prosecution Counsel with three counts of the offence of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act 2016.

On 27<sup>th</sup> September 2024, the DPP returned the Inquiry file with recommendations for further investigation.

#### **44. EACC/ISL/OPS/INQ/11/2020**

##### **INQUIRY INTO ALLEGATIONS OF RECEIVING A BRIBE BY A POLICE OFFICER AT ARCHER'S POST POLICE STATION**

The Ethics and Anti- Corruption Commission (the Commission) commenced investigation upon receipt of a complaint that a Police Officer based at Archer's Post Police Station had requested for a bribe of Kes. 10,000/= from the complainant so that he would not charge her with the offence of assault.

Investigation revealed that the police officer indeed requested and received Kes 5000/= from the complainant which was delivered to him by the complainant's

friend. Investigation further established that the suspect forged a withdrawal statement, which he claimed was signed by the complainant.

On 3<sup>rd</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the Police Officer at Archer's Post Police Station with two counts of the offence of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act 2016 and one count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.

On 3<sup>rd</sup> September 2024, the DPP returned the Inquiry file with recommendations for further investigation.

#### **45. EACC/OPS/INQ/103/2020**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST THE CHAIRPERSON, EMBAKASI EAST SUB-COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING COMMITTEE**

The Ethics and Anti- Corruption Commission (the Commission) commenced investigation following a complaint received on 19<sup>th</sup> November 2020 from the complainant that the Chairperson, Embakasi East Sub-County Alcoholic Drinks Control Board was demanding for a bribe of Kes. 300,000/= which was later reduced to Kes. 250,000/- so as to facilitate the issuance of a liquor license to her.

Investigation established that at the material time, the suspect was the Chairperson, Embakasi East Sub-County Alcoholic Drinks Control Board and that indeed she requested for a bribe and received Kes. 30,000/= from the complainant.

On 3<sup>rd</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the Chairperson, Embakasi East Sub-County Alcoholic Drinks Control Board with two counts of the offence of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act 2016.

On 13<sup>th</sup> August 2024, the DPP returned the Inquiry file with recommendation for further investigation.

#### **46. EACC/OPS/INQ/48/2023**

##### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A CUSTOMER SERVICE OFFICER AT DONHOLM SUBSTATION WORKING AT KENYA POWER & LIGHTING COMPANY (KPLC).**

The Ethics and Anti-Corruption Commission (EACC) commenced investigation after receiving an allegation that an Officer at KPLC based in Donholm Depot was demanding for a financial benefit of Kes. 10,000/= so as to activate his electricity meter to tally with the records held at KPLC Offices or on the alternative facilitate replacement of a meter.

Investigation established that although the suspect received Kes. 10,000 from the complainant, there was no evidence of a demand by the suspect and that the evidence could not sustain criminal culpability.

On 26<sup>th</sup> August 2024, a report was compiled and forwarded to the DPP with recommendations to close the file with no further action.

On 24<sup>th</sup> September 2024, the DPP returned the Inquiry file and concurred with the recommendation for closure.

#### **47. EACC/NYR/OPS/INQ/13/2023**

##### **INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST THE OFFICER COMMANDING STATION (OCS) KINANGOP POLICE STATION WHO ALLEGEDLY DEMANDED KES. 100,000/- TO ALLOW COMPLAINANT TO RUN HIS BUSINESS UNDISTURBED**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving an allegation that the OCS Kinangop Police Station was requesting for a bribe of Kes. 100,000/=-, in order to allow a businessman to operate his businesses without harassment from police officers. The businessman who is the complainant herein had all the necessary licenses for his businesses so he did not give in to the said demand. As a result, he faced constant harassment by police resulting in his giving in and giving the OCS Kes. 30,000/- through his proxy.

Investigation established that on 3<sup>rd</sup> July 2023, the OCS requested payment of the balance of Kes. 70,000/- prompting the complainant to report the matter to the Commission.

Investigation further established that the OCS made contact with the complainant on 3<sup>rd</sup> and 8<sup>th</sup> August 2023 and requested for a bribe of Kes. 70,000/- out of which Kes. 60,000 was received on his behalf by another police officer working with him at Kinangop Police Station.

On 22<sup>nd</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the OCS and a Police Officer stationed at Kinangop Police Station with three (3) counts of receiving a bribe contrary to Section 6(1) (a) as read with Section 18 of the Anti- Bribery Act, 2016 and one count of abuse of office contrary to Section 46 as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

On 17<sup>th</sup> October 2024, the DPP returned the Inquiry file with recommendation for closure.

#### **48. EACC/OPS/INQ/94/2023**

#### **INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST NATIONAL POLICE SERVICE OFFICERS BASED AT IKINU POLICE STATION**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving an allegation that National Police Service officers based at Ikinu Police Station were demanding for a bribe of Kes. 50,000/= from the complainant in order to release his motor vehicle and gas cylinders from Ikinu Police Station.

Investigation established that on 26<sup>th</sup> July 2023 the complainant was arrested, arraigned in court and charged for transporting gas cylinders in a private motor vehicle without a license. The complainant pleaded not guilty and was released on a cash bail of Kes 70,000/=. The complainant's motor vehicle and the gas cylinders were detained at Ikinu Police Station.

Investigation established that on 23<sup>rd</sup> August 2023, the complainant met the suspects, who requested for Kes. 50,000/= to facilitate the release of the complainant's motor vehicle which was later reduced to Kes 30,000/=.

Investigation revealed that the suspects, conspired to receive a bribe of Kes 30,000/= from the complainant.

On 3<sup>rd</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the two National Police Service Officers based at Ikinu Police Station with one count of conspiracy to commit an offence of corruption contrary to Section 47(A) (3) and three counts of receiving a bribe contrary to Section 6(1) (a) as read with Section 18 of the Anti- Bribery Act, 2016.

On 5<sup>th</sup> August 2024, the DPP returned the Inquiry file with recommendations for further investigation.

#### **49. EACC/OPS/INQ/95/2023**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST AN EMPLOYEE OF NAIROBI CITY WATER AND SEWERAGE COMPANY LIMITED**

The Ethics and Anti-Corruption Commission (the Commission) commenced investigation after receiving a report from the complainant on an allegation against an employee of Nairobi City Water and Sewerage Company Ltd. The specific allegation is that on 13<sup>th</sup> September 2023 the employee of Nairobi City Water and Sewerage Company Ltd requested for a bribe of Kes. 200,000 from the complainant as an inducement to reconnect water meters at Kamirembe Place apartments located along Ring Road/Kindaruma Road in Kilimani area, which had earlier been disconnected.

Investigation established that the suspect initially requested a bribe of Kes. 200,000/= from the complainant which was negotiated downwards to Kes. 80,000/=.

Investigation established that the suspect requested and agreed to receive a financial advantage of Kes. 80,000/= to improperly facilitate the reconnection of a water metre that had been disconnected at the complainant's premises.

On 3<sup>rd</sup> July 2024, a report was forwarded to the DPP with recommendations to charge the employee of Nairobi City Water and Sewerage Company Ltd with three counts of receiving a bribe contrary to Section 6(1)(a) as read with Section 18 of the Bribery Act no. 47 of 2016.

On 13<sup>th</sup> August 2024, the DPP returned the Inquiry file with recommendation for further investigation.

**INQUIRY INTO ALLEGATIONS THAT A PRIVATE CITIZEN OFFERED A BRIBE OF KES 4,000/= TO ASSISTANT CHIEF KOBODO DIVISION AS AN INDUCEMENT TO RULE IN HIS FAVOUR IN A LAND DISPUTE CASE**

The Ethics and Anti-Corruption Commission (EACC) commenced investigation after receiving an allegation that a private citizen (suspect) offered the Assistant Chief Kobodo Division a bribe of Kes. 4,000/= so as to rule in his favour in a land dispute involving him and another resident of Kobodo Division.

Investigation established that indeed the suspect had offered a bribe of Kes. 4,000/= to the Assistant Chief, Kobodo Division, so that he could determine the case in his favour.

On 22<sup>nd</sup> July 2024, a report was compiled and forwarded to the DPP with recommendations to charge the suspect with two counts of giving a bribe contrary to Section 5(1) as read with Section 18 of the Bribery Act No. 47 of 2016.

Awaiting the DPP's response



## STATISTICAL SUMMARY OF FILES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

1.	Total No. of files forwarded to the Director of Public Prosecutions	50
2.	No. of files recommended for prosecution	47
3.	No. of files recommended for administrative or other action	1
4.	No. of files recommended for closure	2
5.	No. of files recommended for prosecution and the cases are already lodged before Court	0
6.	No. of files where recommendation to prosecute accepted	4
7.	No. of files where recommendation for administrative or other action accepted	1
8.	No. of files where recommendation for closure accepted	1
9.	No. of files returned for further investigation	22
10.	No. of files where recommendation to prosecute not accepted	4
11.	No. of files where recommendation for administrative or other action not accepted	0
12.	No. of files where closure not accepted	0
13.	No. of files where prosecution declined but administrative action recommended	2
14.	No. of files awaiting the DPP's advice	16

DATED AT NAIROBI THIS

6<sup>th</sup>

DAY OF

June

2024

  
**DAVID OGINDE, PhD**  
**CHAIRPERSON**

*/mao*

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

