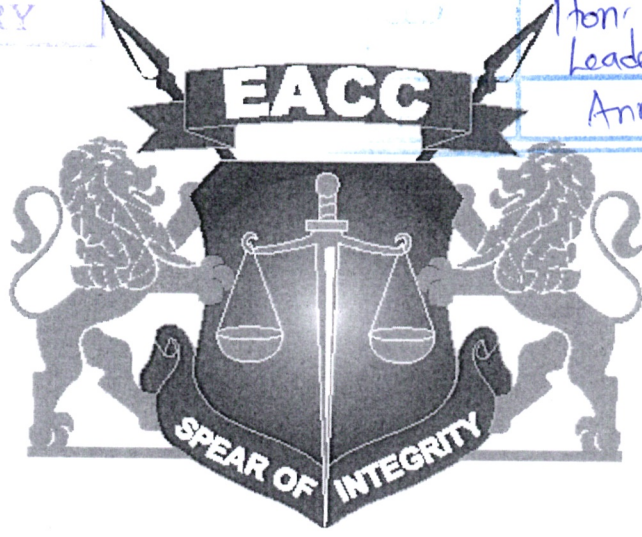


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THE NATIONAL ASSEMBLY
MEMBERS LAUNDRY
DATE: 19 FEB 2020 WED
Hon. Aden Duale, MP
Leader of Majority Party
Anne Shikuku



THE ETHICS AND ANTI-CORRUPTION COMMISSION

THE 3RD QUARTERLY REPORT COVERING THE PERIOD FROM 1ST JULY 2019 TO 30TH
SEPTEMBER 2019

SEPTEMBER 2019

PREAMBLE

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

Section 36 of ACECA provides that:

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

This report is therefore made pursuant to section 36 of ACECA. The report covers the Third Quarter and is for the period commencing 1st July, 2019 to 30th September, 2019.

INVESTIGATION REPORT COVERING THE PERIOD 1ST JULY 2019 TO 30TH SEPTEMBER 2019

1. EACC/KSM/FI/INQ/48/2015

INVESTIGATIONS INTO ALLEGATIONS THAT THE CONSTRUCTION COST OF THE PROPOSED SHOPPING MALL FOR THE LAKE BASIN DEVELOPMENT AUTHORITY (LBDA) WAS INFLATED TO KSHS. 2.5 BILLION.

The Commission received a complaint that the construction cost for the Lake Basin Development Authority Mall (LBDA) had been inflated up to Kshs. 2.5 billion.

Evidence on record established that various procurement laws were breached in that; an approval for the Lake Basin Mall Project was sought after the procurement of the said project had commenced, there was no prior approved budget, unresponsive bids were evaluated and awarded contracts and there was variation of the project without requisite approvals among other breaches.

On 1st July, 2019, a report was compiled and forwarded to the DPP with recommendations that the Evaluation Committee Members, the Tender Committee Members, the Accounting Officer, the Ag. Head of Procurement members of the Board, Directors of Quantech, Symbion, Feradon, the Consultant and Directors of Erdemann Property Limited be charged with the following offences; conspiracy to commit an economic crime contrary to section 41(1), deceiving the principal contrary to section 41(1), engaging in a project without prior planning contrary to section 45(2)(c), willful failure to comply with applicable to procurement contrary to section 45 (2) (b), abuse of power contrary to section 46, failure to disclose a private interest to one's principal contrary to section 42(1), unlawful acquisition of public property contrary to section 42(1) and unlawful disposal of public property contrary to section 42(1) with section 48 of ACECA. Neglect of official duty by a public officer

EACC
Commissioner
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section 128 of the Penal Code, financial misconduct contrary to section 197(1)(e) as read with section 199 of the Public Finance Management Act.

On 6th September 2019, the DPP concurred with the Commission's recommendations for prosecution.

2. EACC/INQ/38/2018

INQUIRY INTO AN ALLEGATION OF MISAPPROPRIATION/ EMBEZZLEMENT OF PUBLIC FUNDS BY COUNTY GOVERNMENT OF NANDI IN THE AWARD OF TENDER TO KORSO ENTERPRISES LIMITED A COMPANY ALLEGED TO BE ASSOCIATED TO THE FORMER GOVERNOR AT A COST OF KSHS. 103,383,420.

The Commission commenced investigation following a complaint received that the former Governor of Nandi County Government, owns properties registered under Korso Enterprise Company Limited by Nandi County. It was further alleged that there was misappropriation and or embezzlement of public funds by County Government of Nandi in the award of tenders to Korso Enterprises Limited at a cost of Kshs. 102,383,420.

Investigations conducted established that Korso Enterprises Company Limited was awarded tender no. NDCG/TA/12/2013-2014 for the proposed construction of the Governor's office block and paid a total of Kshs. 96,350,911 by Nandi County Government. It was further established that the county officials engaged in a project without prior planning by constructing an additional floor without an approval from the tender committee.

On 3rd July 2019, a report was compiled and forwarded to the DPP with recommendations that the former Governor of Nandi County, County Secretary, County Works Officers, County Executive Committee Member; Finance and Economic Planning, Ag. Chief Officer; Transport and Infrastructure, Tender Committee Members and Director of Korso Enterprises Company Limited be charged with the following offences; engaging in a project without prior planning

contrary to section 45 (2)(c), willful failure to comply with the law relating to procurement contrary to section 45(2)(b), abuse of office contrary to section 46, unlawful acquisition of public property contrary to section 45(1) (a) all as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003. Neglect of official duty by a public officer contrary to section 128 of the Penal Code and incurring wasteful expenditure contrary to section 197(1) (i) as read with section 99 of the Public Finance Management Act.

On 2nd August 2019, the DPP recommended further investigations.

3. EACC/FI/INQ/19/2019

INQUIRY INTO ALLEGATIONS OF UNLAWFUL ACQUISITION OF PUBLIC FUNDS BY HOMABAY COUNTY GOVERNMENT EMPLOYEES AND THEIR PROXIES BETWEEN 2016 AND 2018.

The Commission commenced investigation following a complaint received that the Homa Bay County Government employees and their proxies were involved in suspected fraud of Kshs. 99,354,746.54.

Investigations established that the employees of the County Assembly unlawfully acquired Kshs.99, 354,746.54/= from the County Assembly directly and indirectly through use of proxies and companies registered in their names. This was done through fraudulent payments of money for no services rendered or goods delivered to the County Assembly of Homa Bay.

On 3rd July 2019, a report was compiled and forwarded to the DPP with recommendations that the Clerk of the County Assembly, Chief Finance Officer, Senior Accounts Controller, Administrative Officer and Bank Manager; Equity Bank Homa Bay Branch be charged with conspiracy to commit an offence of corruption contrary to section 47 A (3), unlawful acquisition of public property contrary to section 45 (1) (a) all as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003 and money laundering contrary to section 3 (b) (iii)

as read with section 16 (1) (a) of the Proceeds of Crime and Anti- Money Laundering Act.

On 4th September 2019, the DPP recommended further investigations be carried out.

4. EACC/FI/INQ/54/2018

INQUIRY INTO ALLEGATIONS OF IRREGULAR AWARD OF TENDER FOR CONSTRUCTION OF HOMABAY COUNTY ASSEMBLY WINGS TO THREE DIFFERENT CONTRACTORS FOR KSHS. 17,316,044/= DURING THE FINANCIAL YEAR 2015/2016.

The Commission commenced investigation following a complaint received on allegations of embezzlement and or misappropriation of public funds amounting to Kshs. 97 million by Homabay County Assembly.

Investigations established that the County Assembly had misappropriated funds through irregular awards of several tenders. Various procurement laws were breached; the tender opening and evaluation were not done according to the laws. Forged minutes for tender opening and evaluation were prepared and payments for various contracts awarded were effected without Inspection and Acceptance Committee issuing the requisite certificates

On 3rd July 2019, a report was compiled and forwarded to the DPP with recommendations that the Accounting Officer, Principal Procurement Officer, Chief Finance Officer, Chairperson of the Tender Committee, Chairperson Of The Evaluation Committee, Directors and Agents of Oduru Enterprises, Oxygen Transport & Construction and Sconan Trading Limited be charged with conspiracy to commit an offence of corruption contrary to section 47 (A) (3), willful failure to comply with the law relating to procurement contrary to section 45(2) (b), abuse of office contrary to section 46 and knowingly using a false/misleading document to one's principal contrary to section 41(2) all as read with section 48 of ACECA .

On 8th November 2019, the DPP recommended further investigations to be carried out.

5. EACC/FI/INQ/22/2019

INQUIRY INTO ALLEGATIONS OF IRREGULAR AWARDING OF TENDER FOR UPGRADING OF ROADS AND EMBEZZLEMENT OF PUBLIC FUNDS BY OFFICIALS OF THE COUNTY GOVERNMENT OF KIAMBU.

The Commission commenced investigation following a complaint received that the County Government of Kiambu had irregularly awarded a contract for upgrading of various gravel roads to bituminous in Thika, Limuru, Gatundu North, Juja and Ruiru Sub Counties to Testimony Enterprises Limited at a contract sum of Kshs. 588 million during the financial year 2017/2018.

Evidence on record established that various procurement laws were breached in that there was no budget, pre-requisite tender documents and that the company awarded the tender was not qualified among other breaches. The contractor was paid a total of Kshs. 221,490,499.80 from the Kiambu County Government for substandard work.

On 9th July, 2019, a report was compiled and forwarded to the DPP and an amended report prepared on 17th July, 2019 with recommendations to charge the Governor, Chief Officer; Roads, Transport, Public Works and Utilities, Members of the Tender Evaluation Committee, Directors of Testimony Enterprises Limited, Directors of Saika Two Estate Developers Ltd, Proprietors of Bienvenue Delta Hotel with the following offences; conflict of interest contrary to section 42(3), two counts of dealing with suspect property contrary to section 47(1) as read with section 47(2)(a), abuse of office contrary to section 46, wilful failure to comply with the law relating to procurement contrary to section 45(2)(b) all as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003. Two counts of engaging in a fraudulent practice in a procurement contrary to section 66(1) as read with section 177 of the Public Procurement and Asset Disposal Act, 2015 and

three counts of money laundering contrary to sections 3(b)(i) as read with section 16 of the Proceeds of Crime and Anti-Money Laundering Act.

On 26th September, 2019, the DPP concurred with the Commission's recommendations for prosecution.

6. EACC/KIS/FI/INQ/05/2016

INQUIRY INTO ALLEGATION OF FAILURE TO COMPLY WITH PROCUREMENT LAWS AND REGULATIONS, MISAPPROPRIATION OF PUBLIC FUND, CONFLICT OF INTEREST AND ABUSE OF OFFICE AGAINST OFFICIALS OF KABONDO KASIPUL NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND IN THE IMPLEMENTATION PROJECT OF PUNDO SPORTS GROUND PROJECT.

The Commission commenced this investigations following information received on 25th July, 2016; from the Kabondo Kasipul Integrity watch that Kabondo Kasipul Constituency Development Fund misappropriated public funds during the 2014/2015 financial year.

Evidence on record has established that various procurement laws were breached in that; the project commenced and was completed before tender award, there was no issuance of notification of a letter of award and payments were effected for works not done among other breaches.

On 3rd July, 2019, a report was compiled and forwarded to the DPP with recommendations to charge the Fund Manager, Clerk of Works, Chairperson and Secretary of Tender Sub-Committee, District Accountant and District Treasury Accounts Clerk of Rachuonyo South District, Chairperson and Secretary of Pudo Sports Ground Project Management Committee and Director of County Tops Enterprises with the following offences; failure to comply with procurement laws and regulation/procedures applicable to management of public funds contrary to section 45(2) (b), deceiving principal contrary to section 41(2), fraudulent

acquisition of public property contrary to section 45(1)(a), conspiracy to commit an offence of corruption contrary to section 47a (3), fraudulently making payment contrary to section 45(2)(a)(iii) all as read with section 48(1) of the ACECA, forgery contrary to section 349 and abuse of office contrary to section 101 as read with section 102 all of the Penal code.

Awaiting DPP's response.

7. EACC/FI/INQ/100/2016

AN INQUIRY INTO ALLEGATION THAT A BUSINESS MAN THROUGH HIS THREE BUSINESS COMPANIES AND M/S HORIZON LIMITED ENGAGED IN TAX EVASION.

The Commission commenced investigation following a complaint received from the Director of Public Prosecution that the suspect through his three companies and M/s Horizon Limited had evaded paying tax for the years between 2014 and 2015.

Investigations established that; the suspect had registered three business firms which had transacted with the Ministry of Devolution and Planning. The suspect and his companies had not registered for VAT and had not declared the true income which made the suspect evade paying tax.

A report was compiled and forwarded to the DPP on 3rd July, 2019 recommending the suspect be charged with the following offences; unlawful failure to pay taxes contrary to section 45(1)(6) of ACECA and unlawful failure to register for VAT contrary to section 34 of VAT Act.

Awaiting DPP's decision.

8. EACC/FI/INQ/54/2017

AN INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF PUBLIC FUNDS BY THE DISTRICT EDUCATION OFFICER OF SAMBURU EAST SUB COUNTY IN THE FINANCIAL YEARS 2015-2016 AND 2016-2017.

The Commission received a complaint that the District Education Officer (DEO), Samburu East had embezzled money allocated to him as the AIE holder. The funds were meant to settle expenses incurred in the distribution of food to various schools under the school feeding program in his district during the 2015/2016 and 2016/2017 financial years

Investigations established that the DEO received Kshs 1,426,962/= for 1st and 2nd half of the financial year. However, most persons who were purportedly paid the money denied receiving it. The total amount purportedly paid to the said persons was Kshs 720,000/=. The companies which were paid to transport the food never offered transport services as had been indicated by the DEO.

On 15th August 2019, a report was compiled and forwarded to DPP with recommendations of administrative action being undertaken and that the suspects be charged with the following offences; abuse of office contrary to section 46, fraudulent acquisition of public property contrary to section 45 (1) (a), deceiving principal contrary to section 41, conspiracy to commit a corruption offence contrary to section 47 A (3) all as read with section 48 of ACECA, giving false information contrary to section 197 (1) (n) as read with section 199 of the Public Finance Management Act forgery contrary to section 345 as read together with section 351 and uttering false documents contrary to section 353 all of Penal Code .

On 6th September 2019, the DPP returned the inquiry file for further investigations.

9. EACC/MLD/INQ/FI/01/15

INQUIRY INTO ALLEGATIONS THAT THE CURRENT MOKOWE WARD ADMINISTRATOR ILLEGALLY ADDED NAMES OF HIS CRONIES TO THE LIST OF PROJECT AFFECTED PERSONS TO BENEFIT FROM THE LAPSSET COMPENSATION FUNDS.

The Commission received a complaint that the current Mokowe Ward Administrator irregularly added names of his family members and friends to the list of Project Affected Persons for monetary compensation under the LAPSSET Project.

Investigations established that some of the family members of the Mokowe Ward Administrator were compensated. However, the Ward Administrator had no role in profiling of the LAPSSET beneficiaries. The National Land Commission did the beneficiary profiling and compiled the list for compensation.

On 2nd September, 2019, a report was compiled and forwarded to DPP with recommendations for closure of the inquiry file.

On 7th October 2019, the DPP recommended further investigations.

10.EACC/GSA/FI/INQ/28/2017

INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF FUNDS SET ASIDE FOR REHABILITATION OF TWO BOREHOLES AT MADOGO BY OFFICERS WORKING AT TANA RIVER COUNTY GOVERNMENT

The Commission commenced investigations following allegations that the Chief Officer Water, the Technical Manager and the Managing Director were using Davis and Shirliff Company to siphon money from the Tana Water and Sanitation Company.

Investigations established that the County Government of Tana River did not follow procurement laws and procedures to engage Davis and Shirliff Ltd.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations that the suspects be charged with the following offences; abuse of office contrary to section 46, wilful failure to comply with the law relating to procurement contrary to section 45(2)(b) all as read with section 48(1) of ACECA and financial misconduct contrary to section 197(1)(h) as read with section 199 of the Public Finance Management Act Cap. 412c.

Awaiting DPP's response.

11. EACC/MSA/FI/8/2014

INQUIRY INTO ALLEGATIONS OF MISAPPROPRIATION OF KSHS 4.2 MILLION AT MOMBASA COUNTY ASSEMBLY

The Commission received information through Star Newspaper that in January, 2014, a Ward Representative from Mombasa County obtained Kshs 4.2 Million from the County Government of Mombasa unlawfully. The Kshs 4.2 Million was for training seventeen (17) members of the Town Planning Committee of Mombasa County which was alleged to have taken place in Kisumu County.

Investigations conducted revealed that there was no procurement plan for the supply of training services for the Town Planning Committee. The procurement thresholds provided for Request for Quotations method were not adhered to. Therefore, the payment of Kshs.4.2 million made to the service providers was unlawful.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations that the suspects be charged with the offences as follows; willful failure to comply with the applicable law relating to procurement contrary to section 45(2) (b), engaging in a procurement without prior planning contrary to section 45(2) (c), unlawful acquisition of public property contrary to section 45(1) (a), failure to disclose a private interest to one's principal contrary to section 42(3) all as read with section 48 of ACECA.

On 21st November 2019, the DPP concurred with the Commission's recommendation for prosecution.

12. EACC/KSI/FI/INQ/01/2019

INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST AND ABUSE OF OFFICE BY OFFICIALS OF THE COUNTY GOVERNMENT OF HOMABAY

Investigations commenced following a report received at the Commission that there were companies owned by some Homabay County officials that traded with the County Government of Homabay.

Investigations revealed that some companies were registered under Homabay County Officials while other were registered using proxies and either traded with the County or received money for no services offered. A total of Kshs. 217,79,038 was fraudulently paid to the said companies by the County Government of Homabay.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations that the suspects be charged with offences as follows; conflict of interest, abuse of office, unlawful acquisition of public property, carrying on the business of a contractor without being registered and fraudulent acquisition of public property.

On 11th November 2019, the DPP concurred with the Commission's recommendations for prosecution.

13. EACC/PI/INQ/043/2018

INQUIRY INTO ALLEGATIONS OF IRREGULAR AWARD OF TENDER NO. NCB/MOTIH&UD/DOU&MED/NAMSIP/WKS-02/2018-2019 FOR THE PROPOSED CONSTRUCTION OF NGONG MARKET IN KAJIADO COUNTY BY THE MINISTRY OF TRANSPORT, INFRASTRUCTURE, URBAN DEVELOPMENT AND PUBLIC WORKS UNDER THE STATE DEPARTMENT OF HOUSNG AND URBAN DEVELOPMENT WORTH KSHS. 705,000,000.

The Commission commenced investigations following complaints received that there was an irregular award of tender no. NCB/ MOTIH& UD/ SDOH&UD/ DOU&MED/ NAMSIP/ WKS-02/2018-2019 for the proposed construction of Ngong market in Kajiado County by the Ministry of Transport, Infrastructure, Urban Development and Public Works under the State Department of Housing and Urban Development. It was alleged that the Tender Evaluation Committee had recommended that a tender of Kshs. 705,000,000 be awarded to the lowest evaluated bidder, M/S Concordia Building & Civil Engineering Co. Ltd. However, the Principal Secretary issued instructions to the Tender Evaluation Committee to change the award to another firm, M/s China Tiancheng Engineering East Africa Ltd.

Investigations established that there was an irregular award of the tender for the construction of Ngong market, Kajiado County to M/s China Tiancheng Engineering East Africa Ltd. The said company submitted documents filled in pencil contrary to the requirements set out in the bid documents. The Principal Secretary instructed the evaluation committee to re-evaluate the said company which had already been marked as non-responsive. Ms. Wardy Communications Limited submitted forged letters to influence the award of the said tender.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations that the suspects be charged with the offences as follows; abuse of office contrary to section 46, willful failure to comply with applicable procedures and guidelines relating to procurement contrary to section 45 (2) (b) all as read with section 48 of ACECA, forgery contrary to section 349, section 350 and uttering documents without authority contrary to section 357 (b) all of Penal Code.

Awaiting DPP's response.

14.EACC/MSA/AT/INQ/5/2016

INQUIRY INTO ALLEGATIONS OF IRREGULAR ACQUISITION OF PLOT NO.3 NEW NYALI BY THE FORMER MEMBER OF MOMBASA COUNTY ASSEMBLY.

The Commission commenced investigations following reports received that the former Member of County Assembly (MCA), irregularly acquired property known as Plot No.3 new Nyali Mombasa through forgery of documents in 2005.

Investigations established that the MCA irregularly acquired the said plot through forgery of the letter of allotment, the letter of acceptance and part Development Plan. The property was a road reserve and therefore incapable of being allocated to private individuals.

On 3rd July, 2019, a report was compiled and forwarded to the DPP with recommendations that the Commission to support DCI's case since the MCA had been charged by DCI in Criminal Case No. 9 of 2017 for the following offences: - forgery contrary to section 349, uttering false documents contrary to section 353 and making documents without the author contrary to section 357 all of the Penal Code.

Further, the Commission to pursue ELC no. 145 of 2018 EACC vs. Ann Wanjiku, Mtamwini Enterprise Limited and Ocean view Plaza Limited to recover the subject property.

Awaiting DPP's response.

15.EACC/AT/INQ/89/2017

INQUIRY INTO ALLEGATIONS OF IRREGULAR PAYMENT OF KSHS.28 MILLION BY THE NAIROBI CITY COUNTY GOVERNMENT TO M/S SCHINDLER LIMITED FOR THE REHABILITATION OF CITY HALL ANNEX

Investigations commenced following a complaint received that an irregular payment of Kshs. 28,000,000 was made by the Nairobi City County Government to Schindler Limited for rehabilitation of the lifts at City Hall Annex.

The investigations established that the award of tender to the Contractor was improperly given since due procedure for the use of direct procurement method was not followed. There was non-disclosure on conflict of interests. The contract was signed one year after acceptance of the award thus the first payment of Kshs. 14,481,990/= was made without a valid contract. Further Kshs. 15,939,978 was irregularly paid to the contractor from the imprest account.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations that the suspects including a former Governor of Nairobi City County be charged with various offences as follows; wilful failure to comply with procurement laws contrary to section 45 (2) (b), abuse of office contrary to section 46, conspiracy to commit an economic crime contrary to section 47A (3), wilful failure to comply with laws relating to management of funds contrary to section 45 (2) (b) as read with section 48 of ACECA and conflict of interest contrary to section 43 (1) (a) and (8) as read with section 137 (a) of the Public Procurement and Disposal Act.

Awaiting DPP's response.

16.EACC/EL/INQ/6A/2018

INQUIRY INTO ALLEGATIONS OF FORGERY OF ACADEMIC CERTIFICATES BY A PUBLIC OFFICER AT THARAKA NITHI COUNTY GOVERNMENT.

Investigations commenced following a complaint received at the Commission that a Procurement Officer at Tharaka Nithi County Government used fake academic certificate to secure employment in the said County.

Investigations revealed that the suspect presented herself as being a degree holder of Bachelors of Commerce in Procurement and Logistics Option. The suspect also presented a forged degree certificate to Tharaka Nithi's Public Service Board purporting it to be a genuine degree certificate from Kenya Polytechnic University College.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations that the suspect be charged with the following offences; knowingly using a misleading document to one's principal contrary to section 41 (1), knowingly making a misleading statement to one's principal contrary to section 41 (1) all as read with section 48 of ACECA, providing false information contrary to section 46 (1) (d) as read with section 46(2) of LIA and uttering a false document contrary to section 353 of the Penal Code.

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

17.EACC.NKR/EL/INQ/06/2018

INQUIRY INTO ALLEGATIONS OF IRREGULAR PROMOTION OF AN EMPLOYEE OF NAKURU COUNTY GOVERNMENT, FROM JOB GROUP 'L' TO JOB GROUP 'R' CONTRARY TO THE CONSTITUTION AND PROVISIONS OF THE LEADERSHIP AND INTEGRITY ACT.

Investigations commenced following a complaint received by the Commission that a public officer had been promoted from the position of Senior Superintendent (Water Engineering) Job group 'L' to the Director, Administration position at Job Group 'R', without following the laid down procedures.

Investigations revealed, inter alia, that the public officer received a letter of confirmation of appointment to the post of Director of Water Job Group R from the former County Secretary Nakuru County Government. The said appointment was irregular since the provision of the County Governments Act, 2012 were not adhered to.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations that the suspect be charged with the offence of abuse of office contrary to section 46 as read with section 48(1) of ACECA

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

18. EACC/EL/INQ/6/2017

INQUIRY INTO ALLEGATIONS OF IRREGULAR ACQUISITION OF PUBLIC LAND LR. NO. MOMBASA/BLOCK XLVII/73 BELONGING TO KENYA PORTS AUTHORITY BY DIRECTORS OF JOHN GROSSERT COMPANY LIMITED

The Commission commenced investigations following a complaint received that the Directors of M/S John Grossert & Company Ltd, forged documents purporting to be Directors of the said company that holds a lease agreement with Kenya Ports Authority (KPA) on Land Number Mombasa Block XLVII/73. It is also alleged that the two suspects were assisted by an official from the Registrar of Companies. It was further claimed that the said Company continues to pay Kshs 2,464/= when it is supposed to pay Kshs. 600,000/= as rent, and that the land was charged to Barclays Bank for a loan of Kshs. 16 million.

Investigations established that there was a lease agreement between KPA and M/S John Grossert & Company Ltd for the land number Mombasa/Block XLVII/73. The lease agreement commenced in the year 1949 and the company has been paying varied amounts of money in terms of annual rent contrary to the legal provisions. The lease was used to secure a loan of Kshs 16 million from Barclays Bank of Kenya Limited for African Marine and General Engineering Company Ltd (AMGECO), in the year 2002 but the loan has since been paid in full.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations that an advisory be issued to the KPA officials on the need to guard the entity's property.

DPP's response.

E&L/INQ/6/2017

**INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST THE HUMAN RESOURCE
MANAGER, GARISSA WATER AND SANITATION COMPANY**

The Commission received a complaint that, the Human Resource Manager, Garissa Water and Sewerage Company (GAWASCO) was earning two salaries, as an employee of GAWASCO and also an employee of the County Government of Garissa where he was working as the Deputy Director Administration, Ministry of Water.

Investigations established that the suspect was employed at GAWASCO and County Government of Garissa. The suspect earned two salaries in the month of April, 2017. In the months of May, June and July 2017, the suspect earned full salary from the County Government of Garissa and an allowance of Kshs. 40,000/= per month from GAWASCO.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations that an advisory on recruitment of staff be issued to the County Government of Garissa and Kshs. 198,847 be recovered from the suspect.

On 11th December 2019, the DPP concurred with the Commission's recommendation for refund of money irregularly paid and an advisory to be issued.

20.EACC/MSA/EL/INQ/11/2018

**AN INQUIRY INTO ALLEGATIONS OF INTIMIDATION OF A POLICE OFFICER BY THE
OFFICER COMMANDING MOMBASA TERMINUS POLICE DIVISION IN RESPECT TO
INVESTIGATION VIDE OB/8/7/4/2018 OVER THEFT OF TWO CONTAINERS BELONGING
TO THE KENYA RAILWAYS CORPORATION.**

The Commission, received a complaint from a police officer attached at the Kenya Railways Police Station that he was being harassed and intimidated by Senior Police Officers and the Officer Commanding Mombasa Terminus Police

Division in respect to investigation vide OB/8/7/4/2018 over theft of two containers belonging to the Kenya Railways Corporation.

Investigations conducted established that there was no evidence of criminal culpability of any offence of corruption, economic crime, bribery or unethical conduct, against the said senior police officers.

On 15th August 2019, a report was compiled and forwarded to DPP with recommendations for an advisory to the National Police Service Commission and the Inspector General of Police, pursuant to section 18(2) of the Leadership and Integrity Act, 2012 and closure of the inquiry file.

Awaiting DPP's response.

21. EACC/EL/INQ/81/2017

INQUIRY INTO ALLEGATIONS OF FORGERY OF ACADEMIC CERTIFICATES BY A SERGEANT AT KENYA FOREST SERVICE

The investigations by the Commission commenced upon the suspect being arrested at Moi University, Eldoret campus on 4th May 2017 after he presented fake academic certificates for purposes of authentication, which he intended to submit at Kenya Forest Services (KFS) in order to gain promotion.

Investigations established that the suspect presented fake academic certificates to KFS.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations that; the CEO of Kenya Forest Services to put in place a verification system of academic certificates presented by staff of KFS and the suspect be charged with the offence of presenting fake certificate.

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

22. EACC/ELD/EL/INQ/07/2018

AN INQUIRY INTO ALLEGATIONS OF SELECTIVE PAYMENT OF SCHOOL FEES TO STAFF OF NANDI COUNTY ASSEMBLY

The Commission conducted investigations into allegations that the Clerk and Head of Human Resources at the Nandi County Assembly irregularly paid for their tuition fees for Doctorate of Philosophy (PHD) studies.

It was established that while serving as the Clerk and Head of Human Resources Officer of the Nandi County Assembly, the two officials used their positions to recommend and approve payments of tuition fees of Kshs. 160,000/= for a PHD Programme in Business Administration at Jomo Kenyatta University of Agriculture and Technology and Kshs. 160,000/= for a PHD programme in Human Resource Development without requisite approval from the County Assembly Service Board Training Committee at the Nandi County Assembly.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations that Nandi County Assembly Service Board to take administrative action against the said officers and recovers the amount paid irregularly to the said officers and the suspects be charged with the following offences; abuse of office contrary to section 46 and unlawful acquisition of public benefit contrary to section 45 (1) (a) all as read with section 48 ACECA.

On 30th September 2019 the DPP recommended further investigations.

23.EACC/KIS/EL/INQ/13/2017

INQUIRY INTO ALLEGATIONS OF UNETHICAL CONDUCT AGAINST A FORMER ASPIRANT FOR MEMBER OF COUNTY ASSEMBLY FOR KEMERA WARD WITHIN NYAMIRA COUNTY

The Commission received a report that a former MCA aspirant for Kemera Ward within Nyamira County, was a class four drop out. It was also alleged that he had used a fake certificate belonging to an ex-Air Force officer to achieve political ambitions and that he adopted the name as his own.

Investigations established that the suspect submitted a self-declaration form to EACC indicating that his level of education was a Diploma, despite being a primary school dropout. Further, he used a forged stamp purported to belong to an advocate and forged the signature of the said advocate.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations that the suspect be charged with the offence of; providing false information contrary to section 46 (1) (d) as read with section 46 (2) of the Leadership and Integrity Act, two (2) counts of forgery contrary to section 345 as read with section 349, uttering a false document contrary to section 353 and making a document without authority contrary to Section 357 (a) all under the Penal Code.

On 6th December 2019, the DPP recommended further investigations.

24. EACC/KIS/EL/INQ/4/2018

INQUIRY INTO ALLEGATIONS OF UNETHICAL CONDUCT AGAINST AN ASSISTANT CHIEF WINJO SUB-LOCATION MUHURU EAST LOCATION IN MIGORI

Investigations commenced following a report made to the Commission on allegations that the Assistant Chief of Winjo Sub-Location, Muhuru Bay in Migori County used and is in possession of a forged/ fake Kenya Certificate of Secondary Education (KCSE) Certificate.

Investigations established that the suspect used fake names in order to secure employment as the Assistant Chief and presented a forged KNEC certificate to the Office of the President Department of Provincial Administration.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations that the suspect be charged with forgery contrary to section 345 as read with section 349 and uttering a false document contrary to section 353 all under the Penal Code.

On 25th November 2019, the DPP concurred with the Commission's recommendation for prosecution.

25.EACC/NYR/E&L/INQ/23/2016

AN INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE LEVELLED AGAINST THE LAIKIPIA EAST CONSTITUENCY DEVELOPMENT FUND ACCOUNT MANAGER.

Investigations commenced following a complaint received by the Commission against the Fund Account Manager of Laikipia East Constituency Development Fund that he conferred upon himself an undeserving benefit of approximately Kshs. 236,000 from the bursary kitty of the Laikipia East Constituency Development Fund.

The investigations conducted established that officials from CDF misappropriated and mismanaged the funds allocated to the Laikipia East Constituency Development Fund.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with various offences as follows : –willful failure to comply with the law relating to the management of funds, contrary to Section 45(2)(b), abuse of office, contrary to section 46, attempting to commit an offence involving corruption contrary to section 47A(1) as read together with section 47A(2) and all as read together with section 48 of the ACECA and misappropriating funds from the Constituencies Development Fund contrary to section 48 of the (now repealed) Constituencies Development Fund Act, 2013.

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

26.EACC/OPS/INQ/84/2018

INQUIRY INTO ALLEGATIONS THAT AN UNIDENTIFIED KENYA CIVIL AVIATION AUTHORITY (KCAA) OFFICER DEMANDED FOR UNSPECIFIED AMOUNT OF BRIBE FROM BIDDERS OF TENDER NO. KCAA/072/2017-2018

The Commission commenced investigations following a report by an anonymous person purporting that an unidentified member of the KCAA evaluation committee was requesting for unspecified amount of bribe so as to award tender no. KCAA/072/2017-2018.

Investigations revealed that none of the successful bidders was requested for a bribe by any member of the KCAA evaluation committee for the said tender.

On 3rd July 2019, a report was compiled and forwarded to DPP with recommendations of closure of file.

On 29th November 2019, the DPP recommended further investigations to be carried out.

27. EACC/OPS/INQ/11/2018

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST AN EMPLOYEE OF KENYA POWER AND LIGHTING COMPANY (KPLC) TOGETHER WITH OTHER PERSONS PURPORTING TO BE KPLC OFFICIALS REQUESTED FOR FINANCIAL ADVANTAGE SO AS TO RECONNECT ELECTRICITY POWER THAT THEY HAD DISCONNECTED

Investigations commenced following a report made by the complainant that some Kenya Power officials had requested for a benefit of Kshs. 135,000/= as an inducement to reinstall electricity in his premises. The Complainant had sent Kshs. 15,000/= through his electrician to the said officials so as to secure the release of the said electrician whom the Kenya Power Officials had arrested.

The Commission carried out a trap operation that led to the arrest of the electrician for receiving Kshs. 100,000/=. However, it was established that the electrician was only acting on instructions from the complainant and had not conspired with the purported Kenya Power officials who had requested for a bribe. Efforts to trace the purported Kenya Power Officials bore no fruits

On 3rd July 2019, a report was compiled and forwarded to DPP with recommendations of closure of file for lack of evidence.

On 13th December 2019, the DPP concurred with the Commission's recommendation for closure of the inquiry file.

28.EACC/OPS/INQ/65/2018

INQUIRY INTO ALLEGATIONS OF DEALING WITH SUSPECT PROPERTY AGAINST A POLICE OFFICER ATTACHED TO NAIVASHA POLICE STATION

The Commission received anonymous complaints that traffic police officers manning the Nakuru-Nairobi highway, around Naivasha junction, were demanding bribes and harassing motorists. The Commission officers undertook an undercover surveillance between 22nd and 26th of May 2018 to establish the veracity of the allegations.

On 21st June 2018, a trap operation was conducted along the Nairobi-Nakuru-Naivasha junction that led to the arrest of the suspects and recovery of a total of Kshs. 3,250. However, the suspects arrested were not the same persons captured in the video during surveillance

On 3rd July 2019, a report was compiled and forwarded to DPP with recommendations of closure of file with no further action.

On 10th December 2019, the DPP concurred with the Commission's recommendation for closure of file with no further action.

29.EACC/OPS/INQ/23/2018

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A POLICE OFFICER ATTACHED TO MLOLONGO WEIGH BRIDGE.

Investigations commenced following a complaint received that a police officer attached to Mlolongo Weigh Bridge, was requesting for a financial advantage of Kshs. 80,000/- so as not to charge the complainant with the offence of overloading.

A sting operation was planned, however, the police officer took off thus the operation aborted.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendation of closure of the file with no further action.

On 29th August 2019, the DPP advised that administrative action be taken against the police officer.

30. EACC/OPS/INQ/55/2018

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST A BUSINESS MAN AND THE DIRECTOR AT THE ATHI WATER SERVICES BOARD

The Commission received a complaint on 13th August 2018 from a Chinese national that a Businessman and a Director at the Athi Water Service Board had requested for a financial advantage of Kshs. 5,000,000/= which was later reduced to Kshs 3,000,000/= as facilitation fee so that the counterfeit building materials from the suspect's go down could not be seized.

The evidence gathered revealed that the suspects had requested for and agreed to receive a financial benefit of Kshs 3,000,000/=. However, although there was evidence to prove the offence of receiving a bribe, the complainant had returned to China and was unwilling to further pursue the case. Efforts to bring her to testify in this case would be as such challenging.

The Commission was of the opinion that administrative action be taken against the Director. However, his term as the Director of Athi Water Services Board expired in October 2018 and he no longer holds the said position.

On 3rd July 2019, a report was compiled and forwarded to DPP with recommendations that the inquiry file be closed with no further action.

On 22nd October 2019, the DPP concurred with the Commission's recommendation for closure of file with no further action.

31. EACC/OPS/INQ/73/2019

AN INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST AN OFFICER OF THE NAIROBI CITY COUNTY GOVERNMENT AND THREE OTHERS.

The Commission commenced investigation following a complaint received that various persons purporting to be from Nairobi City County Government Offices had demanded for a bribe of Kshs. 40,000 from the Complainant. The persons alleged that the complainant was operating a business without requisite license and that he had purportedly tampered with the water meter at his home.

Investigations revealed that the suspects requested and received bribe from the complainant. That the three suspects were not employees of the County Government as they had indicated to the complainant.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations of administrative action against the Planning Department Officer at Nairobi City County Government and to charge the suspects with the offence of requesting for a bribe contrary to section 6 (1) of the Bribery Act, 2016.

On 17th December 2019, the DPP concurred with the Commission's recommendation for prosecution.

32. EACC/BGM/OPS/INQ/6/2019

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST A PRIVATE PERSON.

Investigations commenced following a report received on 5th March 2019 by the Commission that the suspect had requested for a financial benefit of Kshs. 120,000/= in order to forbear instituting a court case against the current Member of Parliament and Committee Members of Kimilili Constituency Development Fund for abuse of office, misappropriation of fund and abuse of the rule of law

Investigations revealed that the suspect requested for a benefit of Kshs. 120,000/= from the Member of Parliament and received Kshs. 75,100 so as to to forebear instituting a court case.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with five counts for the offence of receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) and (3) of the Bribery Act, 2016

On 13th September 2019, the DPP concurred with the Commission's recommendations for prosecution.

33. EACC/OPS/INQ/82/2018

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST AN OFFICER AT EACC.

The Investigation commenced when the Commission received a complaint that an Investigator with EACC had requested for a benefit from traffic police officers who he had been assigned to investigate so as to terminate the investigations.

Investigations revealed that the suspect requested for a benefit of Kshs. 120,000/= and received Kshs. 110,000 from the said traffic officers so as to assist in terminating the said investigations.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with the offence of receiving a bribe contrary to section 6(1) (b) as read with section 18 (1) of the Bribery Act, 2016 Laws of Kenya.

On 17th September 2019, the DPP concurred with the Commission's recommendations for prosecution.

34. EACC/OPS/INQ/78/2018

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST TWO POLICE OFFICERS STATIONED AT THE KASARANI POLICE STATION WHO HAD BEEN DEPLOYED TO CONTROL BODABODA FROM ACCESSING CENTRAL BUSINESS DISTRICT, NAIROBI

The Commission received a complaint on 13th July 2018 against two police officers stationed at the Kasarani Police Station in Nairobi that they had detained a motor bike and were demanding a bribe of Kshs. 5,000/= in order to release it.

Investigations conducted established that there was no evidence documenting the arrest of the complainant or detention of his motor bike. Further, there was no record of demand or issuance of the bribe. However, the presence of APQ powder in one of the suspect's hands gave a clear indication that his conduct was wanting.

On 3rd July 2019, a report was compiled and forwarded to DPP with recommendations that the National Police Service Commission takes appropriate administrative action against the suspects pursuant to sections 4, 42, 43(5) of the Leadership and Integrity Act, 2012, and Regulation 4 of the Leadership and Integrity Regulations, 2015.

On 29th October 2019, the DPP recommended further investigations to be carried out.

35. EACC/OPS/INQ/34/2019

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST TWO EMPLOYEES OF MATHARI MENTAL HOSPITAL FOR REQUESTING FOR KSHS. 5000 FROM PRIVATE FIREARM HOLDERS SEEKING PSYCHIATRIC EVALUATION REPORTS AS PART OF THE FIREARMS VETTING EXERCISE

In February 2019, the Commission received complaints that employees of Mathari National Teaching and Referral Hospital- Private Firearms Psychiatric Department were soliciting for financial benefits from clients who were seeking psychological evaluation reports from the said department, which is a requirement for applying for licenses to be private firearm holders.

Investigations conducted established that the suspects requested a public officer to pay an additional Kshs. 5,000/= which would not have a receipt in order to be

issued with an evaluation report. The Commission organized a sting operation which did not take place since the services offered by the said Department were suspended. However, the two suspects were arrested for requesting for a bribe.

On 3rd July 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with the offence of receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) and (3) of the Bribery Act.

On 17th September 2019, the DPP recommended that the matter should be dealt with administratively by the Kenya Medical and Dentists Council Board.

36.EACC/NKR/ INQ /OPS/4/2019

INQUIRY INTO ALLEGATION OF OFFERING A BRIBE AGAINST A BUSINESSMAN IN THE MATATU INDUSTRY

EACC together with National Police Service Commission officers conducted an operation on 22nd December 2018 geared towards the arrest of motorists who offer bribes to traffic police officers when they were found to have committed traffic offences. The operation was conducted along the highways in the South Rift Region.

The operation led to the arrest of the suspect for offering a bribe of Kshs. 3000 to a police officer in order to stop detention of a public service motor vehicle registration no. KCJ 032T which was operating without a road service license.

On 3rd July 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with the offence of giving a bribe, contrary to section 5(1) as read with section 18(1) and (2) of the Bribery Act No. 47 of 2016.

On 4th September 2019, the DPP recommended further investigations be carried out.

37. CR. NO. 755/398/2018

INVESTIGATION INTO ALLEGATIONS OF REQUESTING AND RECEIVING A BRIBE BY AN EMPLOYEE OF WATER RESOURCES MANAGEMENT AUTHORITY

The Commission received a report that an employee of Water Resources Management Authority requested for a financial advantage of Kshs. 150,000/- from the officials of Mutitu B Water Project as an inducement in order to reduce the Projects' Water Bill from Kshs. 1,200,000 to Kshs. 317, 000/-

A trap operation was carried out by Commission officers that led to the arrest of the suspect after she received Kshs.75, 000/= from an official of the Project. However, it was not clear as to the reason why the trap money was received.

On 3rd July 2019, a report was compiled and forwarded to the DPP with recommendations that an administrative action be taken against the suspect who had breached a number of duties and obligations imposed on a public officer by the Constitution of Kenya, 2010; the Public Officer Ethics Act No.4 of 2003 (POEA) and the Leadership and Integrity Act, 2012 (LIA).

On 14th October 2019, the DPP accepted the Commission's recommendation that the matter be dealt with administratively.

38. EACC/OPS/INQ/1/2019.

INQUIRY INTO ALLEGATIONS THAT A PRIVATE PERSON GAVE AN INSPECTOR (IP) KSHS. 1000/= FOR HIM TO FOREBEAR CHARGING HIS FRIEND WITH A TRAFFIC OFFENCE OF DRIVING WHILE EXCEEDING SPEED LIMIT.

The Commission and the National Police Service on 31st December 2018 undertook a joint operation along Nairobi Mombasa Highway with the main aim of arresting those offenders that were offering and or giving bribes to public officers.

The operation led to the arrest of the suspect for offering and giving a bribe of Kshs.1000/= to a police officer, so as to forebear charging his friend with an offence of driving while exceeding the speed limit.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with two counts of the offence of giving a bribe contrary to Section 5 (1) (a) as read with Section 18 (1) and (3) of the Bribery Act, 2016.

On 26th September 2019, the DPP advised that the matter be disposed by way of alternate dispute resolution.

39. EACC/NKR/ INQ /OPS/2/2019

INQUIRY INTO ALLEGATION OF OFFERING A BRIBE AGAINST MOTORISTS WHO OFFERED BRIBES TO TRAFFIC POLICES OFFICERS WHEN THEY WERE FOUND TO HAVE COMMITTED TRAFFIC OFFENCES

The Commission and the National Police Service on 21st December 2019 undertook a joint operation along the highways in the South Rift Region with an aim of arresting motorists who offered and gave bribes to traffic officers so as not to be arrested for various traffic offences

The operation led to the arrest of the suspect for offering a bribe of Kshs. 1,000/= to a public officer so as not to be charged for the offence of exceeding the 50 kilometers per hour speed limit set for Chepseon Trading Centre.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with the offence of giving a bribe contrary to section 5 (1) (a) as read with section 18 (1) and (2) of the Bribery Act, 2016.

On 7th August 2019, the DPP advised that the CD/DVD containing recorded conversation be forwarded to the DPP.

40. EACC/INQ/OPS/48/2019

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A MEMBER OF THE NAIROBI CITY COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD

The Commission commenced investigations upon receipt of a report that a member of the Nairobi City County Alcoholic Drinks Control and Licensing Board was soliciting for a bribe of Kshs. 20,000/= as an inducement so as to fast track issuance of a Liquor licence to the Complainant's bar located along Langata Road.

EACC organized a trap operation that resulted to the arrest of the suspect who received Kshs. 10,000/= treated trap money.

On 3rd July, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with the offence of receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) and (2) of the Bribery Act, 2016.

On 11th December 2019, the DPP recommended that further investigations be carried out.

41. EACC/OPS/INQ/14/2019

AN INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TWO OFFICERS ATTACHED TO THE ANTI-CRIME OFFICE

The Commission received a complaint that two police officers attached to the Anti-crime Office had requested for a bribe of Kshs 5,000/= so as to help the complainant recover a debt owed to him by a motor vehicle spare parts broker.

EACC organized a trap operation that led to the arrest of the two suspects for requesting and receiving bribe money.

On 15th August, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with the offence of receiving a bribe

contrary to section 6 (1) (a) as read with section 18 (1) and (2) of the Bribery Act, 2016 and conspiracy to commit an offence of corruption contrary to section 47A (3) of ACECA

On 25th September 2019, the DPP returned the file accepting the recommendation for prosecution.

42. EACC/OPS/INQ/64/2019

AN INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST OFFICERS FROM NAIROBI CITY COUNTY STATIONED AT EMBAKASI WEST

On 23rd January 2019, the Commission commenced investigations upon receipt of a complaint that officials from Nairobi City County stationed at Embakasi West Offices were soliciting for a bribe of Kshs. 40,000/= as an inducement so as to allow the complainant to continue building her house.

EACC organized a trap operation that resulted to the arrest of the suspects who requested for Kshs. 40,000/= and received Kshs. 20,000/= treated trap money.

On 15th August, 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with the offence of receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) and (2) of the Bribery Act, 2016 and conspiracy to commit an offence of corruption contrary to section 47 A (3) of ACECA.

Awaiting DPP's response.

43. EACC/NKR/ INQ /OPS/3/2019

INQUIRY INTO ALLEGATION OF OFFERING A BRIBE AGAINST A BUSINESSMAN BASED IN NAIROBI

The Commission and the National Police Service on 24th December 2019 undertook a joint operation along the highways in the South Rift Region with an

aim of arresting motorists who offered and gave bribes to traffic officers so as not to be arrested for various traffic offences

The operation led to the arrest of the suspect for offering a bribe of Kshs. 1,500/= to a public officer so as not to be charged for the offence of exceeding the 50 kilometre per hour speed limit set for Chepseon Trading Centre.

On 15th August 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with two counts for the offence of giving a bribe contrary to section 5 (1) (a) as read with section 18 (1) and (2) of the Bribery Act no. 47 of 2016.

Awaiting DPP's response.

44.EACC/OPS/INQ/53/2019

INQUIRY INTO ALLEGATIONS OF BRIBE DEMAND AND PERSONATION BY A PRIVATE PERSON IMPERSONATING A CITY COUNTY GOVERNMENT EMPLOYEE

Investigations commenced following a report received at the Commission that an employee of Nairobi City County solicited for Kshs. 5000/- as facilitation fee to assist the complainant recover his motorcycle registration number KMDT 071C which had been confiscated by the Nairobi City County Enforcement Officers.

A trap operation was conducted that led to the arrest of the suspect who solicited for Kshs. 5,000 and received Kshs. 4,000.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with two counts for receiving a bribe, contrary to section 6(1) (a) as read with section 18 (1), (2) of the Bribery Act no. 47 of 2016 and personating a person employed in the public service contrary to section 105 (b) of the Penal Code.

On 18th September 2019 the DPP concurred with the Commission's recommendation for prosecution.

45. EACC/OPS/INQ/3/2019

AN INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TWO EMPLOYEES OF NAIROBI WATER AND SEWERAGE COMPANY.

Investigations commenced following a complaint received by the Commission that employees of Nairobi Water and Sewerage Company had demanded Kshs. 300,000/= in order to forebear charging the complainants for illegal water connection.

A trap operation was conducted that led to the arrest of one of the suspects for requesting Kshs. 300,000/= and receiving the said amount.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with the offence of receiving a bribe, contrary to section 6(1) (a) as read with section 18 (1), (2) of the Bribery Act no. 47 of 2016.

Awaiting DPP's response.

46. CR.NO.411/28/2019

INQUIRY INTO ALLEGATIONS OF REQUESTING AND RECEIVING A BRIBE BY AN EMPLOYEE OF NATIONAL TRANSPORT AND SAFETY AUTHORITY

Investigations commenced following a complaint received that an employee of National Transport and Safety Authority requested for a financial advantage of Kshs. 150,000/- from the complainant as an inducement in order to fix the complainant's motor vehicle with an inspection sticker when the motor vehicle had faded colour and defective lights.

A trap operation was conducted that led to the arrest of the suspect after he received Kshs.4, 000/= trap money from the complainant.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with two counts of the offence of

receiving a bribe, contrary to section 6(1) (a) as read with section 18 (1), (2) of the Bribery Act no. 47 of 2016 and abuse of office.

On 11th October 2019, the DPP recommended that further investigations be carried out.

47. EACC/KIS/OPS/INQ/9/2018

INQUIRY INTO ALLEGATIONS OF RECEIVING A BRIBE BY AN OFFICIAL OF KENYA RURAL ROADS AUTHORITY (KeRRA) WITHIN MARANI SUB-COUNTY, KISII COUNTY

Investigations commenced following a complaint received at the Commission that an official working with Kenya Rural Roads Authority, (KeRRA) requested for a financial advantage of Kshs. 10,000/- from the complainant so as to facilitate alteration of the road map so as to spare the complainant's water tank allegedly on the road reserve

On 27th November 2018, a trap operation was conducted that led to the arrest of the suspect after he received Kshs. 10,000/= trap money from the complainant.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with requesting and receiving a bribe.

On 17th September 2019, the DPP concurred with the Commission's recommendation for prosecution.

48. EACC/ELD/OPS/ INQ/4/2019

INVESTIGATION INTO BRIBERY ALLEGATIONS AGAINST COUNTY ENFORCEMENT OFFICERS OF MOIBEN SUB-COUNTY, UASIN GISHU COUNTY

The Commission commenced investigations following a complaint made that the County Enforcement Officers demanded for a bribe of Kshs. 10,000/= from the complainant, in order to release an amplifier confiscated by the said officers during a raid at Kabato Night club in Moiben – Uasin Gishu County.

On 9th May 2019, a trap operation was conducted that led to the arrest of the suspects. One of the suspects received Kshs. 6,000/= from the complainant.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with receiving a bribe contrary to section 6(1) as read with section 18 of the Bribery Act, 2016.

On 28th November 2019, the DPP concurred with the Commission's recommendation for prosecution.

49. EACC/OPS/INQ/13/2019

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST A PERIMETER SECURITY MANAGER.

The Commission received a complaint on 7th December 2018 alleging that the Chief Operations Officer at Perimeter Protection Limited, had requested for a financial advantage for Kshs. 8,000/= to renew the complainant's employment contract with the said company.

On 7th December 2018, a trap operation was conducted that led to the arrest of the suspect who received Kshs. 2,000/= trap money from the complainant.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with receiving a bribe contrary to section 6(1) as read with section 18 of the Bribery Act, 2016

On 22nd September 2019, the DPP recommended that further investigations be carried out.

50. EACC/BGM/OPS/5/2019

INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST A POLICE OFFICER BASED AT BUSIA POLICE STATION.

The Commission received a complaint on 4th February 2019 alleging that the Deputy OCS Busia Police Station, had requested for a financial advantage for

Kshs. 200,000/= which was later reduced to Kshs 50,000/= to release motor vehicle UAQ 670K which was detained at Busia Police Station.

Investigations established that the suspect, requested and received a financial benefit of Kshs. 50,000/= from the complainant.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with two counts of receiving a bribe contrary to section 6(1) as read with section 18 of the Bribery Act, 2016

On 17th September 2019, the DPP concurred with the Commission's recommendation for prosecution.

51. EACC/OPS/INQ/57/2019

AN INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A NURSE BASED AT MATHARI NATIONAL TEACHING AND REFFERAL HOSPITAL REGARDING REQUESTING A BRIBE

Investigations commenced following a complaint received by the Commission that a Nurse based at Mathari National Teaching and Refferal Hospital was requesting for a financial benefit of Kshs. 100,000/= so as to facilitate the employment of the complainant as a Nurse to the Nairobi County Government. The suspect had already received Kshs. 70,000/= and was awaiting the balance of Kshs. 30,000/=.

A trap operation was organized where the suspect received the balance of Kshs. 30,000 trap money from the complainant.

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspect with two counts of receiving a bribe contrary to section 6(1) as read with section 18 of the Bribery Act, 2016

On 22nd October 2019, the DPP concurred with the Commission's recommendations for prosecution.

52. EACC/OPS/INQ/56/2019

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST THE CHIEF-LUKENYA LOCATION, OCS KBC POLICE STATION MATUNGULU AND A POLICE INSPECTOR – JOSKA POLICE POST MATUNGULU.

Investigations commenced following a complaint received by the Commission that Police Officers from KBC Police Station were requesting for a financial benefit of Kshs. 50,000/= from the complainant so as they could release his cattle detained at KBC police station.

The investigations established that the suspects requested for a bribe of Kshs. 50,000/= from the complainant and a trap operation was organized where the suspects received Kshs. 40,000 trap money from the complainant

On 2nd September 2019, a report was compiled and forwarded to DPP with recommendations to charge the suspects with three counts of receiving a bribe contrary to section 6(1) as read with section 18 of the Bribery Act, 2016 and abuse of office contrary to section 46 of ACECA.

On 10th December 2019, the DPP concurred with the Commission's recommendation for prosecution.

STATISTICAL SUMMARY OF FILES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

| | | |
|-----|--|----|
| 1. | Total No. of files forwarded to the Director of Public Prosecutions | 52 |
| 2. | No. of files recommended for prosecution | 41 |
| 3. | No. of files recommended for administrative or other action | 5 |
| 4. | No. of files recommended for closure | 6 |
| 5. | No. of files recommended for prosecution and the cases are already lodged before Court | 1 |
| 6. | No. of files where recommendation to prosecute accepted | 19 |
| 7. | No. of files where recommendation for administrative or other action accepted | 2 |
| 8. | No. of files where recommendation for closure accepted | 3 |
| 9. | No. of files returned for further investigations | 13 |
| 10. | No. of files where recommendation to prosecute not accepted | 1 |
| 11. | No. of files where recommendation for administrative or other action not accepted | 0 |
| 12. | No. of files where closure not accepted | 2 |
| 13. | No. of files where prosecution declined but administrative action recommended | 1 |
| 14. | No. of files awaiting the DPP's advice | 11 |


DATED AT NAIROBI THIS

6th

DAY OF

January

2020


 ARCHBISHOP (RTD) ELIUD WABUKALA, EBS
 CHAIRMAN

/loa


 TWALIB MBARAK
 SECRETARY/CHIEF EXECUTIVE OFFICER