




**THE ETHICS AND ANTI-CORRUPTION COMMISSION**

**THE 3<sup>RD</sup> QUARTERLY REPORT COVERING THE PERIOD FROM  
1<sup>ST</sup> JULY 2021 TO 30<sup>TH</sup> SEPTEMBER 2021**

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE:</b> 01 FEB 2022	
<b>DAY:</b> Tues	
<b>TABLED BY:</b>	L. Omon
<b>CLERK-AT THE-TABLE:</b>	Chebet

**SEPTEMBER 2021**

## **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 1<sup>st</sup> July 2021 to 30<sup>th</sup> September, 2021.

**1. EACC/MSA/FI/INQ/18/2018**

**INQUIRY INTO ALLEGATIONS OF IRREGULAR AND FRAUDULENT PAYMENTS MADE BY KENYA PORTS AUTHORITY (KPA) TO SAMNIX ENTERPRISES, MOMBASA FRESH WATER SUPPLY COMPANY, PINCHO TRADERS, SMECH ENTERPRISES NYAVU TRADERS AND AQUISANA LIMITED DURING THE FINANCIAL YEAR 2017/2018 LEADING TO A LOSS OF KSHS. 137.6 MILLION.**

The Commission initiated investigations following a complaint received on 19th September, 2018; that during the financial year 2017/2018 KPA had unlawfully procured fresh water from six firms without following the procurement procedures leading to the loss of Kshs. 137,600,000/=.

Investigations established that indeed KPA irregularly engaged the six firms namely: Samnix Enterprises, Mombasa Fresh Water Supply Company, Pincho Traders, Smech Enterprises, Nyavu Traders and Aquisana Ltd in disregard of procurement procedures leading to the loss of public money amounting to Kshs. 137,600,000/=.

Further investigations established that some of the suppliers were paid for goods not delivered.

On 7<sup>th</sup> September, 2021 a report was compiled and forwarded to the DPP with recommendations to charge; officials of KPA, Mombasa fresh water supply Company, Pincho Traders, Smech Enterprises, Nyavu Traders, Aquisana Ltd and all their Directors with the following offences; 6 counts of deceiving principal contrary to section 41 (2), 12 counts of abuse of office contrary to section, 10 counts of willful failure to comply with the law applicable, regulations and guidelines relating to procurement contrary to section 45 (2)(b), 4 counts of fraudulent acquisition of public property contrary to section 45(1)(a) all as read with section 48 of ACECA and 1 count of wilful failure to perform official duty contrary to section 128 as read with section 36 of the Penal Code.

Awaiting DPP's response.

## **2. EACC/FI/INQ/12/2020**

### **INVESTIGATIONS OF IRREGULAR PAYMENTS OF KSHS. 13,989,450.00 TO BOYSE VENTURES LIMITED BY THE COUNTY GOVERNMENT OF VIHIGA.**

The Commission commenced investigations following a report that Boyse Ventures Limited associated with employees of the County Government of Vihiga (CGV) was trading with the County Government of Vihiga.

Investigations established that Boyse Ventures Limited had three directors two of whom were employees of the CGV. That Kshs. 7,657,950.000/= was paid to Boyce Ventures Limited for conducting Capacity Building and Formulating Risk Management Policy while Kshs. 6,331,500/= was for the alleged payment for supply and delivery of tonners totalling to Kshs. 13,989,450.00/=

Further investigations established that the County Government of Vihiga paid Boyce Ventures Limited Kshs. 13,989,450.00/= for goods not supplied or services not rendered.

On 6<sup>th</sup> September, 2021, a report was compiled and forwarded to the DPP with recommendations to charge Boyse Ventures Ltd, the directors of Boyse Ventures Ltd and the officials of the County Government of Vihiga with the following offences; 2 counts of conspiracy to commit an offence of corruption contrary to section 47A (3), 2 counts of abuse of office contrary to section 46, 2 counts of unlawful acquisition of public property contrary to section 45(1)(a), 2 counts of conflict of interest contrary to section 42(3) all as read with section 48(1) of ACECA.

On 29<sup>th</sup> October 2021, 2021 the DPP returned the inquiry file recommending further investigations. The Commission carried out further investigations and resubmitted the file to ODPP on 10<sup>th</sup> November 2021.

## **3. EACC/PI/INQ/050B/2021**

### **INVESTIGATION INTO AN ALLEGATION OF EMBEZZLEMENT OF KSHS. 19.2 MILLION FROM LAIKIPIA EAST NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT**



**FUND(NG-CDF) SPENT ON A GHOST PROJECT (THE CONSTRUCTION OF THOME-THARUA ROAD PROJECT WHICH IS NON-EXISTENT) IN THE FINANCIAL YEAR 2016-2017.**

The Commission commenced investigation upon receipt of allegations of embezzlement of public funds against officials of the Laikipia East Constituency Development Fund (CDF).

Investigations established that the Laikipia East CDF initiated, re-allocated and transferred a total of Kshs. 20, 391,000/= from the main Laikipia East NG-CDF account to Thome-Tharua Project Management Committee Account. The money was allegedly for the construction of Thome-Tharua Road which had not been approved by the NG-CDF Board, a mandatory requirement before any project is initiated.

Investigations further revealed that there was no procurement conducted at all for the alleged construction and the money meant for the project was transferred into individuals' and business enterprises accounts totaling to Kshs. 20,384, 900.00/=. The said road had in fact been improved by KeRRA and the County Government of Laikipia and was never constructed by the Laikipia East-CDF.

On 1<sup>st</sup> September, 2021, a report was compiled and forwarded to the DPP with recommendations to charge the officials of Thome-Tharua Project Committee, Laikipia East-CDF officials, NG-CDF Committee members and former District Accountants with the following offences; 1 count of conspiracy to commit an offence of corruption contrary to Section 47(A) (3) , 3 counts of fraudulent acquisition of public property contrary to section 45(1)(a), 3 counts of fraudulently making payments from public revenue for a service not rendered contrary to section 45 (2) (a)(iii), and 2 counts of willful failure to comply with the Law relating to management of funds contrary to Section 45(2) (b) all as read with section 48 of ACECA and 1 count of financial misconduct contrary to section 197(1)(h) as read with section 199 of the PFMA

Awaiting DPP's response.

#### **4. EACC/PI/INQ/50A/2018**

#### **INVESTIGATION INTO AN ALLEGATION OF EMBEZZLEMENT OF CDF FUNDS AMOUNTING TO KSHS. 14,988,000/= AT LAIKIPIA EAST CONSTITUENCY WHICH WAS MEANT FOR CONSTRUCTION OF THINGITHU PHASE II ROAD**

The Commission commenced the investigation upon receipt of allegations of embezzlement of Laikipia East Constituency Development Funds (CDF) amounting to 14,988,000/= in ghost projects. Thingithu Phase ii Road was alleged to be one of the ghost projects.

Investigations established that the Laikipia East CDF initiated the construction of Thingithu Phase II Road Project without the approval of the NG-CDF Board which is a mandatory requirement before any project is initiated. They later transferred money from the main CDF account to Thingithu Phase II Road Project Management Committee Account.

Investigations further revealed that no procurement was conducted at all for the project. The money for the construction of Thingithu Phase ii Road was however transferred into individuals' accounts yet no construction of the alleged road took place.

On 1<sup>st</sup> September, 2021, a report was compiled and forwarded to the DPP with recommendations to charge the officials of the Thingithu Phase II Road Project Management Committee, Former Fund Account Manager-Laikipia CDF, Chairman-CDF Committee, 2 members of NG-CDF Committee and 2 former District Accountants with the following offences; 1 count of conspiracy to commit an offence of corruption contrary to Section 47(A) (3), 1 count of fraudulent acquisition of public property contrary to section 45(1)(a) , 1 count of fraudulently making payments from public revenue for a service not rendered contrary to section 45 (2) (a)(iii), and 1 Count of willful failure to comply with the Law relating to management of funds contrary to Section 45(2) (b) all as read with section 48 of ACECA and 1 count of financial misconduct contrary to section 197(1)(h) as read with section 199 of the PFMA

Awaiting DPP's response.

## 5. EACC/PI/INQ/50C/2018

### **INVESTIGATION INTO AN ALLEGATION OF EMBEZZLEMENT OF CDF FUNDS AMOUNTING TO KSHS. 24,800,000/= AT LAIKIPIA EAST CONSTITUENCY WHICH WAS MEANT FOR CONSTRUCTION OF KAHURUKO-KIJABBE ROAD**

The Commission commenced investigations after receiving a report of an allegation of embezzlement of Constituency Development Funds (CDF) amounting to 24,800,000/= at the Laikipia East Constituency that were meant for the construction of Kahuruko-Kijabbe Road.

Investigations established that the Laikipia East CDF initiated the construction of Kahuruko-Kijabbe Road project without the approval of the NG-CDF Board which is a mandatory requirement. They later transferred funds amounting to Kshs. 22,050,000/= from the main CDF account to Kahuruko-Kijabbe Road Project Management Committee Account.

Investigations further revealed that there was absolutely no procurement conducted. The money for the alleged construction of the Kahuruko-Kijabbe Road was later transferred into individuals' and business enterprises accounts yet no construction was done

On 1<sup>st</sup> September, 2021, a report was compiled and forwarded to the DPP with recommendations to charge the officials of the Kahuruko-Kijabbe Road Project Management Committee, Laikipia CDF, NG-CDF Committee and former District Accountants with the following offences; 1 count of conspiracy to commit an offence of corruption contrary to Section 47(A) (3), 2 Counts of dealing with suspect property contrary to section 47(1), 3 counts of fraudulent acquisition of public property contrary to section 45(1)(a), 3 counts of fraudulently making payments from public revenue for a service not rendered contrary to section 45 (2) (a)(iii), 2 Counts of willful failure to comply with the Law relating to management of funds contrary to section 45(2) (b) all as read with section 48 of ACECA and 1 count of financial misconduct contrary to section 197(1)(h) as read with section 199 of the PFMA and as read with section 48 of ACECA.

Awaiting DPP's response.

#### **6. EACC/MCKS/FI/INQ/15/2019**

#### **INQUIRY INTO ALLEGATIONS THAT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IN THE COUNTY GOVERNMENT OF KAJIADO MISAPPROPRIATED KSHS.20 MILLION MEANT FOR THE TAKATAKA NI MALI INITIATIVE.**

The Commission commenced investigations following a report received on 4<sup>th</sup> June, 2019 on allegations that the Department of Environment and Natural Resources in the County Government of Kajiado had misappropriated Kshs.20 million meant for Takataka Ni Mali Initiative.

Investigations established that a request was made by the user department on the need to properly put in place solid waste management. The approval was later issued by the cabinet and subsequently procurement procedures were adhered to. Investigations did not establish misappropriation of any public funds in the initiative.

On 8<sup>th</sup> July, 2021 a report was compiled and forwarded to the DPP with recommendations to close the inquiry file.

Awaiting DPP's response.

#### **7. EACC/MSA/PI/INQ/2/2019**

#### **INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT IN RESPECT OF TENDER FOR THE SUPPLY AND MAINTENANCE OF TWO COPCO COMPRESSORS LEADING TO AWARD BY KENYA PORTS AUTHORITY (KPA) TO M/S ALOOTEK SYSTEMS LIMITED AT INFLATED COST OF KSHS. 8,400,000/=.**

The Commission commenced investigations following a report received on 21<sup>st</sup> January, 2019 on allegations of irregular procurement by the Kenya Ports Authority (KPA) in respect to the award of tender for the supply and maintenance of two Copco Compressors to Alootek systems Ltd at a cost of Kshs. 8,405,050/= which was beyond the allocated Kshs.8 million budget.

Investigations established that in the 2017-2018 procurement plan, KPA had allocated Kshs.8 million for the two compressors. one being fixed and the other

mobile. Before the procurement process commenced, Alootek Systems Ltd wrote to KPA requesting to be considered for the supply of compressors, generators, demolition equipment, light towers and compaction equipment.

Investigations revealed that officials of KPA agreed to the request and recommended that Alootek be contracted for the supply of Atlas Copco Compressors. No procurement was done to allow other competent firms to bid.

Further investigations established that officials of Alootek Systems Ltd misrepresented to KPA that they were the sole distributor of Atlas Copco equipment in Kenya so as to influence the tender award to their company.

On 1<sup>st</sup> September, 2021 a report was compiled and forwarded to the DPP with recommendations that the officials of KPA, Directors of Alootek Systems Ltd and Alootek Systems Ltd be charged with the following offences: 2 counts of wilful failure to comply with the law applicable, regulations and guidelines relating to procurement contrary to section 45(2) (b), 1 count of abuse of office contrary to section 46 all as read with section 48 of ACECA, 1 count of fraudulent practice in procurement contrary to section 66(2)(b) as read with section 177 of the Public Procurement and Disposal Act, 2015 and 1 count of wilful failure to perform official duty contrary to section 128 as read with 36 of the Penal Code.

Awaiting DPP's response

#### **8. EACC/PI/INQ/29/2020**

##### **INQUIRY INTO ALLEGATIONS OF IRREGULAR PAYMENT OF KSHS. 1,862,687.65 BY THE NATIONAL YOUTH SERVICE(NYS) TO SUPPLY ZONE ENTERPRISES.**

The Commission commenced investigations upon receipt of a report that Supply Zone Enterprise's accounts had been credited with unexplained Kshs. 1,895,366.40/= by the NYS. The complainant had asked the bank to reverse the money which was done but the same was credited again on 20/2/2020. That despite being a prequalified supplier, Supply Zone Enterprise had not supplied any goods or rendered services to NYS to warrant payment.

Investigations established that during the financial year 2018/2019 NYS procured bread and other items in tender No. NYS/NHU/016/2018-2019 vide request for quotation. The procurement was factored in the financial year and planned under the food and ration and all the other procurement procedures adhered to. Supply Zone Limited successfully tendered for the supply of sliced white bread at a cost of Kshs. 1,998,750/=.

Investigations further revealed that during the payment of the suppliers, the IFMIS module picked the suppliers name as Supply Zone Enterprise instead of Supply Zone Limited which was an honest mistake prompting the reversal of the money from Supply Zone Enterprise.

On 8<sup>th</sup> July, 2021 a report was compiled and forwarded to the DPP with recommendations that the file be closed.

The DPP returned the file on 14<sup>th</sup> September, 2021 with recommendations for further investigations.

#### **9. EACC/BGM/INQ/EL/1/2018**

##### **INQUIRY INTO ALLEGATIONS OF FRAUDULENT PAYMENT OF KSHS. 510,000/= MADE TO JOVENTURE HOTEL LIMITED, KISUMU BY THE BUNGOMA COUNTY ASSEMBLY OFFICIALS DURING THE FINANCIAL YEAR 2017/2018 FOR SERVICES NOT RENDERED.**

The Commission commenced the investigation upon receipt of a report made on 22<sup>nd</sup> August, 2018 on allegations that the Bungoma County Assembly Clerk had sanctioned payment amounting to Kshs. 510,000/= to be paid to Joventure Hotel for the alleged seminar attended by 25 members of the County Assembly (MCAs). Investigations revealed that the Bungoma County Assembly Agriculture Committee vide a memo dated 6<sup>th</sup> December, 2017 expressed the need for a retreat at Joventure Hotel for three days from 8<sup>th</sup>-10<sup>th</sup> December, 2017.

Investigations established that MCAs did not attend the retreat. It was established that despite the non-attendance by the MCAs, the hotel charged the full amount of Kshs. 510,000/= that was paid by the County Assembly of Bungoma.

On 8<sup>th</sup> July, 2021, a report was compiled and forwarded to the DPP with recommendations for the officials of County Assembly of Bungoma, Joventure Hotel and the directors of Joventure Hotel be charged with the following offences; 1 count of conspiracy to commit an economic crime contrary to section 47 A (3) of ACECA, 1 count of Fraudulent acquisition of public property contrary to section 45(1)(a), 1 count of abuse of office contrary to section 46, 1 count of fraudulently making payments from public revenue for a service not rendered contrary to section 45 (2) (a)(iii) all as read with section 48 of ACECA and 1 count of forgery contrary to section 349 of the Penal Code.

Awaiting DPP's response

#### **10. EACC/ISL/EL/INQ/21/2019**

##### **INQUIRY INTO ALLEGATIONS OF IRREGULAR RECRUITMENT OF THE MARSABIT COUNTY PUBLIC SERVICE BOARD WHERE THE TOP SEVEN BEST PERFORMING CANDIDATES IN THE INTERVIEWS WERE RECOMMENDED FOR APPOINTMENT AND THAT ONE OF THE CANDIDATE WHO HAD NOT APPLIED AND INTERVIEWED WAS APPOINTED.**

The Commission commenced investigations upon receipt of a complaint on allegations of irregular recruitment of the members of the Marsabit County Public Service Board (CPSB).

Investigations established that Marsabit County required to appoint a new board after the term of the previous one expired prompting the Governor to appoint a selection panel to undertake the recruitment exercise.

Investigations conducted revealed that the selection panel procedurally recruited suitable candidates and prepared a report to the Governor recommending suitable candidates for nomination. That the Governor nominated six candidates and forwarded their names to the County Assembly for vetting and approval. The Marsabit County Assembly however approved 5 names and rejected one on the basis that he had not applied for the position he was nominated to.



Despite attending the induction, the appointee of the Governor did not take up the position as the secretary to the Board since the position was re-advertised and another member appointed in the acting capacity awaiting substantial appointment of the Secretary to the CPSB.

On 8<sup>th</sup> July, 2021, a report was compiled and forwarded to the DPP with recommendation that the file be closed with no further action.

On 16<sup>th</sup> November, 2021 the DPP returned the inquiry file recommending further investigations.

#### **11.EACC/EL/INQ/99/2015**

#### **ALLEGATIONS OF UNETHICAL CONDUCT BY A MAGISTRATE CONTRARY TO THE PROVISIONS OF CHAPTER SIX OF THE CONSTITUTION AND THE LEADERSHIP AND INTEGRITY ACT.**

The Commission commenced investigations upon receipt of a report vide a letter dated 12<sup>th</sup> February, 2012 from the Secretary, Commission of Administration of Justice. The complaint was that a judicial officer (magistrate) based at Kajjado Law Courts had submitted misleading information in his Declaration of Income Assets and Liabilities form, 2011-2013. The complaint indicated that the Judicial Officer had corruptly acquired several parcels of land and motor vehicles through human trafficking cartels.

Investigations established that the Judicial Officer sufficiently gave an explanation of his wealth and monies in his bank accounts. Some of the vehicles reported to belong to the judicial officer were found to belong to a different person. The amount the judicial Officer had failed to declare was Kshs. 106,644/= which was insignificant and he explained to have inadvertently forgotten to declare the same.

Investigations further revealed that the complaint was unfounded and away of settling grudges between the author of the letter/complaint and the Judicial Officer.

On 8<sup>th</sup> July, 2021, a report was compiled and forwarded to the DPP with recommendation that the file be closed for lack of sufficient evidence.

Awaiting DPP's response.

#### **12. EACC/KIS/EL/ INQ/16/2017**

##### **AN INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE BY THE PRINCIPAL OF KISII POLYTECHNIC IN THE RECRUITMENT OF A STAFF.**

The Commission commenced investigations after receiving a complaint that the Principal of Gusii Institute currently Kisii Polytechnic had recruited the Human Resource Officer without the approval of the Board of Governors (BOG).

Investigations revealed that the then Human Resource Officer had resigned from Kisii Polytechnic within a year after recruitment. This prompted the Principal who is also the secretary to the board to go back to the interview results and pick the second best candidate who had gone through the interview process and issued her with a letter of offer. The Principal alleged to have communicated to the Chair of the Board but the same could not be confirmed.

On 8<sup>th</sup> July, 2021, a report was compiled and forwarded to the DPP with recommendation for administrative action against the Principal of Kisii Polytechnic by the Board of Governors for issuing a letter of offer to the Human Resource Officer without the approval of the board.

On 16<sup>th</sup> November, 2021 the DPP returned the inquiry file accepting recommendation for administrative action.

#### **13. EACC/MLD/EL/INQ/3/2019**

##### **INQUIRY INTO ALLEGATIONS THAT THE GOVERNOR, LAMU COUNTY IRREGULARLY EMPLOYED COUNTY STAFF WITHOUT FOLLOWING LAID DOWN PROCEDURES.**

The Commission commenced investigations upon receipt of a report that the Governor of Lamu County had irregularly employed 13 county staff without following the appropriate recruitment procedures.

Investigations established that the Governor, County Secretary and Head of Public Service on various occasions irregularly issued appointment letters to 12 individuals appointing them to different positions in Lamu County.

Investigations further revealed that the 12 individuals appointed either lacked the necessary academic qualifications or were appointed without the involvement of the County Public Service Board which is the body charged with employing County Government staff.

On 20<sup>th</sup> August, 2021 a report was prepared and forwarded to the DPP with recommendation that the Governor and the officials of the County Government of Lamu be charged with 12 counts of abuse of office contrary to section 46 as read with section 48 of ACECA.

Awaiting DPP's response.

#### **14. EACC/GSA/EL/INQ/01/2019**

##### **INQUIRY INTO ALLEGATIONS THAT A CLERICAL OFFICER AT GARISSA UNIVERSITY COLLEGE HOLDS A FAKE DEGREE CERTIFICATE.**

The Commission commenced investigations upon receipt of a report that an employee at Garissa University had used a forged degree certificate in order to get a promotion to the position of a Computer Technologist II.

Investigations established that the suspect who was an employee at Garissa University in the position of Clerical Officer on temporary basis requested for grade review on the basis that he had graduated from Mount Kenya University (MKU) with a Bachelor's Degree in Business Information Technology. His promotion to a Computer Technologist II position was made on the basis of the alleged degree.

Further investigations revealed that the employee was not a student at MKU and the alleged Bachelor's Degree Certificate from the said Institution was not genuine.

On 4th August, 2021 a report was prepared and forwarded to the DPP with recommendation that the suspect be charged with 4 counts of forgery contrary to section 349 of the Penal Code, 2 counts of uttering false documents contrary to section 353 of the penal code and 1 count of deceiving one's principal contrary to section 41(2) as read with section 48 of ACECA.

Awaiting DPP's response

#### **15. EACC/EL/INQ/14/2019**

#### **INQUIRY INTO ALLEGATIONS THAT THE KENYA LADIES GOLF UNION MISAPPROPRIATED FUNDS THAT HAD BEEN ALLOCATED TO THEM BY THE MINISTRY OF SPORTS TO PARTICIPATE IN A TOURNAMENT IN GHANA IN 2018.**

The Commission commenced investigations after receipt of a complaint that the Chairperson of the Kenya Ladies Golf Union(KLGU) misappropriated monies allocated by the Ministry of Sports to participate in a golf tournament in Ghana in 2018.

Investigations established the Ministry of Sports Culture and Arts gave financial support to the tune of Kshs. 2,696,640/= to the KLGU team to facilitate their participation in the All Africa Games Challenge that was held in Ghana between 28/8/2018 to 3/9/2018.

Further investigation revealed KLGU submitted a summary expenditure to the Ministry of Sports accounting how the money was utilised. KLGU too requested that the balance of Kshs. 614,959.80/= be utilised for training the elite team, a request which was accepted by the Ministry. There was therefore no money that was misappropriated as alleged.

On 4<sup>th</sup> August, 2021 a report was prepared and forwarded to the DPP with recommendation that the inquiry file be closed.

On 17<sup>th</sup> November, 2021 the DPP returned the inquiry file accepting recommendation for closure.

## **16. EACC/OPS/INQ/118/2018**

### **INQUIRY INTO ALLEGATIONS OF BRIBERY AGAINST A FORMER STAFF OF VIVO KENYA.**

The Commission commenced investigations following a report that a former employee of Vivo Kenya gave a bribe to a Government Agency so that Vivo could supply the Government Agency with fuel.

Investigations conducted did not establish that a bribe was issued by the Vivo employee to the alleged Government Agency.

On 8<sup>th</sup> July, 2021, a report was prepared and forwarded to the DPP with recommendation that the inquiry file be closed.

Awaiting DPP's response.

## **17. EACC/OPS/INQ/215/2016**

### **INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AGAINST TWO ADMINISTRATION POLICE OFFICERS.**

The Commission commenced investigations following a complaint received that an Administration Police Officer based at the Administration Police Training College (ATPC) stole solar panels and batteries from ATPC. It was alleged that the said items were delivered to a driver attached to the State House Comptroller. In exchange, the officer who stole the items was given five desktop computers which were delivered to him by another Administration Police Officer attached at Embakasi APTC signal department.

Investigations conducted did not establish abuse of office against the two Administration Police Officers. Investigations established that all the alleged stolen batteries and solar panels were delivered, received and accounted for by officers manning different Administration Police stations in Marsabit Central Sub-County, Laisamis Sub-County, Moyale, Korr and Koya Posts.

On 8<sup>th</sup> July, 2021, a report was prepared and forwarded to the DPP with recommendation that the inquiry file be closed.

On 22<sup>nd</sup> September, 2021 the DPP concurred with the recommendation for closure.

**18.EACC/OPS/INQ/24/2020**

**INQUIRY INTO ALLEGATIONS OF RECEIVING A BRIBE BY A BOARD MEMBER AT THE KENYA PLANTS HEALTH INSPECTORATE SERVICES.**

The Commission commenced investigations upon receipt of a report that the Chairman Human Resource and Administration Committee at the Kenya Plants Health Inspectorate Services (KEPHIS) requested for Kshs. 50,000/= bribe. The bribe was for facilitation for renewal of a contract for one of the Managers at KEPHIS.

Investigation was conducted and established that the Chairman Human Resource and Administration Committee at (KEPHIS) requested for and received Kshs. 50,000/= financial advantage.

On 8<sup>th</sup> July 2021, a report was prepared and forwarded to the DPP with recommendation that the suspect be charged with two counts of receiving a bribe contrary to Section 6(1) as read with Section 18(1) & (2) of the Bribery Act No. 47 of 2016.

Awaiting DPP's response.

**19.EACC/OPS/1NQ/122/2017**

**INQUIRY INTO ALLEGATIONS THAT TRAFFIC POLICE OFFICERS BASED AT MASENO COLLECT BRIBES FROM MOTORISTS WHO PLY ALONG THE KISUMU BUSIA ROAD.**

The Commission commenced investigations upon receipt of a report indicating numerous complaints from members of the public that traffic police officers were demanding and receiving bribes from motorists.

Investigation was conducted and established that there was no sufficient evidence to warrant prosecution of the Traffic Police Officers.

On 8<sup>th</sup> July, 2021 a report was prepared and forwarded to the DPP with recommendation that the file be closed for lack of evidence.

On 16<sup>th</sup> November, 2021 the DPP returned the inquiry file accepting recommendation for closure.

**20.EACC/ OPS/INQ/28/2018**

**INQUIRY INTO ALLEGATIONS THAT POLICE OFFICERS BASED AT KIWANZANI POLICE POST REQUESTED FOR A BRIBE OF KSHS. 15,000/= IN ORDER TO RELEASE A MOTORIST WHO WAS DRIVING A VEHICLE SUSPECTED TO HAVE BEEN STOLEN.**

The Commission commenced investigations following a report received from the complainant who alleged that his son had been arrested by police officers from Kiwanzani Police Post on suspicion of driving a motor vehicle suspected to have been stolen. He alleged that the police officers demanded Kshs. 15,000/= so as to release his son.

Investigations conducted did not disclose any request or receipt of a bribe by the Police Officers to release the son of the complainant, as alleged.

On 8<sup>th</sup> July, 2021, a report was prepared and forwarded to the DPP with recommendation that administrative action be taken against the two police officers involved.

The DPP on 8<sup>th</sup> September returned the file with recommendations for further investigations.

**21.EACC/ISL/OPS/INQ/13/2018**

**INVESTIGATIONS INTO BRIBERY ALLEGATIONS AGAINST A POLICE OFFICER BASED AT MAUA POLICE STATION**

The Commission commenced investigations following a complaint received that a police officer attached to Maua Police Station was demanding a bribe of Kshs. 3,000/= in order to release a driving licence he had confiscated from a motorist for an alleged traffic offence.

Investigations conducted established the request and receipt of a bribe by the Police Officer. However due to uncooperative nature of the complainant, the Commission forwarded a report to the DPP on 8<sup>th</sup> July 2021 with recommendation



that the matter be referred to the National Police Service for Administration action against the Police Officer.

On 8<sup>th</sup> July 2021, a report was prepared and forwarded to the DPP with recommendation that the matter be referred to the National Police Service for Administration action against the Police Officer.

On 16<sup>th</sup> November, 2021 the DPP returned the inquiry file declining administrative action and recommending for closure of the inquiry file.

## **22. EACC/OPS/INQ/67/2020**

**INQUIRY INTO ALLEGATIONS THAT THREE ENFORCEMENT OFFICERS FROM NAIROBI CITY COUNTY GOVERNMENT REQUESTED FOR A BRIBE OF KSHS. 65,000/= IN ORDER TO ASSIST THE COMPLAINANT OBTAIN A RENOVATION PERMIT FROM NAIROBI CITY COUNTY GOVERNMENT.**

The Commission commenced investigations after receiving a complaint that three Enforcement Officers working with Nairobi City County Government had requested for a bribe of Kshs. 65,000/= as an inducement to assist the complainant obtain a renovation permit from the City County.

Investigations established a demand and receipt of a bribe by the Enforcement Officers. Further investigations established that the Enforcement Officers issued a fake renovation permit allegedly signed by the Principal Planner of the Nairobi Metropolitan Services (NMS).

On 8<sup>th</sup> July, 2021 a report was prepared and forwarded to the DPP with recommendation that the three Enforcement Officers be charged with; 3 counts of receiving a bribe contrary to section 6(1) as read with Section 18(1) & (2) of the Bribery Act No. 47 of 2016, 1 count of personating a person employed in the public service contrary to section 105 of the Penal Code, 1 count of uttering a false document contrary to section 353 as read with section 349 of the penal code and 1 count of making a false document contrary to section 345(a) and 347 as read with section 348 and 349 of the Penal Code.

On 25<sup>th</sup> October 2021, the DPP returned the inquiry file recommending further investigations.

### **23. EACC/MCKS/OPS/INQ/46/2017**

**INQUIRY INTO ALLEGATIONS THAT A POLICE OFFICER ATTACHED TO MACHAKOS TRAFFIC BASE REQUESTED FOR A FINANCIAL BENEFIT OF KSHS. 20,000/= SO AS TO PREPARE AN ABSTRACT FOR THE COMPLAINANT'S BROTHER WHO WAS INVOLVED IN AN ACCIDENT ALONG MOMBASA ROAD.**

The Commission commenced investigations upon receipt of a report from the complainant that a Police Officer attached to Machakos Traffic Base had demanded for a bribe of Kshs. 20,000/= so as to prepare an abstract for the complainant's brother who was involved in a road accident along Mombasa Road.

Investigations were conducted and it was established that the police officer had requested for a bribe in order to prepare the police abstract.

On 8<sup>th</sup> July, 2021, a report was compiled and forwarded to DPP with recommendations that the Police Officer be charged with two counts of receiving a bribe.

The DPP returned the file on 14<sup>th</sup> September, 2021 with recommendations for further investigations.

### **24. EACC/ISL/OPS/INQ/2/2018**

**INQUIRY INTO ALLEGATIONS THAT THE CHAIRMAN OF MUTUATI COMMUNITY POLICING REQUESTED FOR A BRIBE.**

The Commission commenced investigations following a report that the suspect who is a Community Policing Chairman at Mutuati Location in Igembe North Sub-County, Meru County demanded for a bribe of Kshs. 5,000/= as an inducement to facilitate the release of the complainant's motorcycle detained at Mutuati D. O's office.

Investigations conducted established demand and receipt of Kshs. 5,000/= by the Community Policing Chairman of Mutuati Location to facilitate release of the complainant's motorcycle

On the 8<sup>th</sup> of August, 2021, a report was prepared and forwarded to the DPP with recommendations that the suspect be charged with four counts of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act No. 47 of 2016.

The DPP on 14<sup>th</sup> September, 2021 returned the file with recommendations for further investigations.

#### **25. EACC/BGM/OPS/INQ/10/2019**

#### **INQUIRY INTO AN ALLEGATIONS THAT THE PRINCIPAL OF NAMBOBOTO BOYS SECONDARY SCHOOL IN BUSIA COUNTY REQUESTED FOR A BRIBE OF KSHS. 15,000/= IN ORDER TO RELEASE A CHEQUE.**

The Commission commenced this investigation after it received a report that the Principal of Namboboto Secondary School demanded for a bribe of Kshs. 15,000/= in order to release a cheque due to the proprietor of Spot Entertainment Kenya for the repairs and installation of anti-virus to the computers in the school.

Investigations were conducted which established a demand and receipt of Kshs. 15,000/= by the Principal before releasing the cheque to the complainant.

On 4<sup>th</sup> August, 2021 a report was prepared and forwarded to the DPP with recommendation that the Principal be charged with two counts of receiving a bribe contrary to Section 6(1) as read with Section 18(1) & (2) of the Bribery Act No. 47 of 2016.

The DPP on 7<sup>th</sup> September, 2021 returned the file with recommendations for further investigations.

#### **26. EACC/BGM/OPS/INQ/2/2020**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A REVENUE ADMINISTRATOR AT THE COUNTY GOVERNMENT OF BUNGOMA.**

The Commission commenced investigations following a complaint on 29<sup>th</sup> June, 2020 that a Revenue Administrator working with Bungoma County had demanded for a bribe from his junior officer so as to forestall an impending disciplinary case against the junior officer.

Investigation was conducted and established that the officer requested for a financial advantage of Kshs. 20,000/= and received Ksh. 6,000/= that was meant to yield a favourable outcome in the complainant's disciplinary case.

On 4<sup>th</sup> August, 2021 the report was prepared and forwarded to the DPP with recommendation that the revenue administrator be charged with two counts of receiving a bribe contrary to Section 6(1) as read with Section 18(1) & (2) of the Bribery Act No. 47 of 2016.

The DPP on the 14<sup>th</sup> October, 2021 returned the file with recommendations for further investigations.

#### **27. EACC/OPS/INQ/115/2018**

#### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST EMPLOYEES OF NAIROBI CITY COUNTY, PARKING DEPARTMENT.**

The Commission commenced investigations following a complaint received on 29<sup>th</sup> August, 2018 that Nairobi City County Attendants attached at Industrial Area demanded for a bribe ranging between Kshs. 30,000/= and Kshs. 1,000,000/= so as to facilitate issuance of parking space to motorists.

Investigation was conducted and did not establish any corrupt conduct on the part of the parking attendants nor was any bribe money received.

On 4<sup>th</sup> August, 2021 a report was compiled and forwarded to the DPP with recommendation that the file be closed for lack of sufficient evidence to establish bribe allegations.

The DPP on 14<sup>th</sup> September, 2021 returned the file and concurred with recommendations to close the file for lack of sufficient evidence.

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

1.	Total No. of files forwarded to the Director of Public Prosecutions	27
2.	No. of files recommended for prosecution	15
3.	No. of files recommended for administrative or other action	3
4.	No. of files recommended for closure	9
5.	No. of files recommended for prosecution and the cases are already lodged before Court	0
6.	No. of files where recommendation to prosecute accepted	0
7.	No. of files where recommendation for administrative or other action accepted	1
8.	No. of files where recommendation for closure accepted	3
9.	No. of files returned for further investigations	9
10.	No. of files where recommendation to prosecute not accepted	0
11.	No. of files where recommendation for administrative or other action not accepted	1
12.	No. of files where closure not accepted	1
13.	No. of files where prosecution declined but administrative action recommended	0
14.	No. of files awaiting the DPP's advice	12

DATED AT NAIROBI THIS

*23rd*

DAY OF

*November* 2021

*[Signature]*  
**ARCHBISHOP (RTD) ELIUD WABUKALA, EBS**  
**CHAIRPERSON**

/ma

*[Signature]*  
**TWALIB MBARAK, CBS**  
**SECRETARY/CHIEF EXECUTIVE OFFICER**

