



THE ETHICS AND ANTI-CORRUPTION COMMISSION

THE 2<sup>ND</sup> QUARTERLY REPORT COVERING THE PERIOD FROM  
1<sup>ST</sup> APRIL 2021 TO 30<sup>TH</sup> JUNE 2021

JUNE 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 Second Quarter and is for the period commencing 1<sup>st</sup> April 2021 to 30<sup>th</sup> June, 2021.

**1. EACC.NKR/FI/INQ/15/2019**

**INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST, EMBEZZLEMENT OF FUNDS, MONEY LAUNDERING AND ACQUISITION OF PUBLIC PROPERTY AMOUNTING TO KSHS.2.3 BILLION AGAINST A FORMER REGIONAL MANAGER FOR KENYA RURAL ROADS AUTHORITY(KeRRA).**

The Commission commenced investigations following a report that a former regional manager for KeRRA had received payments amounting to Kshs. 2.3 Billion from several public entities through companies associated with him.

Investigations established that during his tenure as the regional manager of KeRRA he awarded 40 contracts worth Kshs. 147,539,489.60 to his companies and those associated with his relatives.

On 25<sup>th</sup> May 2021 a report was compiled and forwarded to the DPP with recommendations to charge the said former regional manager, his relatives and related companies with the following offences; abuse of office contrary to Section 46 as read with Section 48 (1) of ACECA, conflict of interest contrary to Section 42(3) as read with Section 48 of ACECA, 7 counts of fraudulent practice in procurement proceedings contrary to Section 66(1) as read with section 177 of the Public Procurement and Asset Disposal Act , 2015 , 7 counts of fraudulent acquisition of public property contrary to section 45(1)(a) as read with section 48 (1)(a) of the ACECA, wilful failure to comply with the law relating to procurement contrary to Section 45(2) (b) as read with section 48(1) of the ACECA.

The Commission is awaiting the DPP'S response.

**2. EACC/FI/INQ/10/2021**

**INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT OF AN ULTRA MODERN FISH HUB AT LIWATONI FISHERIES COMPLEX IN MOMBASA COUNTY THROUGH TENDER NUMBER MOALF&C/SDFA&BE/07/2020-2021.**

The Commission commenced investigations following reports of irregular procurement of an ultra-modern fish hub at Liwatoni Fisheries Complex in Mombasa County through Tender Number MOALF&C/SDFA&BE/07/2020-2021.

Investigations revealed that the Principal Secretary of the State Department of Fisheries, Aquaculture & the Blue Economy (PS SDFA&BE) commenced the tendering process of Phase II of the project without the approved budget and procurement plan.

Investigations further revealed that the State Department of Fisheries Aquaculture & the Blue Economy (SDFA&BE) used the International Federation of Consulting Engineers (FIDIC) (acronym for its French name *Fédération Internationale Des Ingénieurs-Conseils*) tender documents instead of the standard tender documents prepared by the Public Procurement Regulatory Authority thereby contravening the provisions of the Public Procurement and Asset Disposal Act, 2015 (PPADA, 2015).

Further investigations revealed that the evaluation committee failed to carry out the evaluation in accordance with PPADA, 2015 and recommended the award of the tender to an unresponsive bidder, who also submitted false documents in its bid.

On 4<sup>th</sup> May 2021, a report was compiled and forwarded to the DPP with recommendations to charge the PS SDFA&BE, the Evaluation Committee, Head of Procurement, the winning bidder and its proxies with the following offences; 1 count of engaging in a project without prior planning contrary to section 45(2)(c) as read with Section 48 of ACECA; 2 counts of wilful failure to comply with the law relating to procurement contrary to Section 45(2) (b) as read with Section 48 of ACECA, 1 count of abuse of office contrary to Section 42 as read with Section 48 of ACECA, 1 count of neglect of official duty by a public officer contrary to Section 128 of the Penal Code, 1 count of fraudulent practice in procurement proceedings contrary to Section 176(1)(i) as read with section 176(2) of the PPADA, 2015, 1 count of making documents without authority contrary to section 357(a) of the Penal Code, 1 count of uttering false documents contrary to section 353(a) of

the Penal Code and 1 count of conspiracy to commit an offence of corruption contrary to Section 47A (3) of ACECA.

The Commission is awaiting the DPP'S response.

### **3. EACC/NKR/FI/INQ/24/2018**

#### **INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES IN THE AWARD OF TENDER FOR THE REHABILITATION/UPGRADING OF KERENGA AIRSTRIP IN KERICHO WHICH WAS ALLOCATED KSHS.100 MILLION BY THE COUNTY GOVERNMENT OF KERICHO**

The Commission commenced investigations following allegations that the requirements for the tender for the rehabilitation of Kerenga Airstrip were altered to include a condition that bidders were to have National Construction Authority 2 and National Construction Authority 3 (NCA 2&3) registration certificates, which was a ploy to favor a particular bidder and lock out the rest.

Investigations established that it was a requirement that bidders were to include NCA 3 certificate only and not NCA 2 certificate. Investigations revealed that the winning bidder submitted fake documents in its bid thereby breaching the procurement law and that all the Evaluation Committee members failed to undertake a proper due diligence and therefore providing misleading information to the procuring entity.

On 29<sup>th</sup> April, 2021 a report was compiled and forwarded to the DPP with recommendations to charge the Directors of the Company and the Company, as well as the members of the Tender Evaluation Committee with the following offences: 1 count of fraudulent practice in procurement proceedings contrary to Section 66(1) as read with section 177 of the Public Procurement and Asset Disposal Act, 2015 (PPADA, 2015), 4 counts of forgery contrary to section 345 as read with Section 349 of the Penal Code, 1 count of deceiving the principal contrary to Section 41(2) of ACECA and 1 count of collusive practices on evaluation contrary to Section 66(1) and (2) as read with section 177(a) of the PPADA, 2015.

On 21<sup>st</sup> June 2021, the DPP returned the inquiry file for further investigations.

#### **4. EACC/GSA/FI/INQ/11/2014**

##### **INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT AND AWARD OF TENDER FOR DRILLING OF GUNANA AND BURMAYO BOREHOLES IN WAJIR COUNTY IN THE FINANCIAL 2013/2014**

The Commission commenced this investigation pursuant to a complaint that certain Public Officers working in Wajir County Government were involved in irregular procurement of services and fraudulent payment for the drilling of boreholes in Wajir County.

Investigations established that during the FY 2012/2014, the procuring entity did not have a Procurement Plan as required under the Public Procurement and Disposal Act, 2005 and the Public Procurement and Asset Disposal Regulations; That the Procuring Entity did not constitute a Tender Processing Committee to undertake evaluations, negotiations, inspection and acceptance which is contrary to Public Procurement & Disposal Act and that the Director of Water Services of Wajir County therefore abused his office by deceitful conduct of overseeing the project whereas the user department did not provide evidence of the prior planning of the project as provided in section 45 (2) (c) of ACECA.

On 20<sup>th</sup> April, 2021 a report was compiled and forwarded to the DPP with recommendations to charge the Director of Water Services of Wajir County, with the following offences: 1 Count of Abuse of Office contrary to section 46 and 1 Count of Engaging in a project without prior planning contrary to section 45 (2) (c), as read with section 48 of ACECA and the Director of the Engineering Company with 1 Count of Fraudulent acquisition of public property contrary to section 45 (1) (a) as read together with section 48 of the ACECA

The Commission is awaiting DPP's response.

#### **5. EACC/ISL/FI/INQ/67/2015**

##### **INQUIRY INTO ALLEGATIONS OF MISAPPROPRIATION OF PUBLIC FUNDS OF KSHS. 4,800,000 MILLION ALLOCATED FOR PROCUCUREMENT OF SIX TRANSFORMERS BY IGBEMBE NORTH CONSTITUENCY IN MERU COUNTY.**

The Commission commenced investigations upon receipt of a report that the Constituency Development Fund Committee (CDFC) for Igembe North Constituency misappropriated funds allocated for the purchase of six transformers.

Investigations established that there were no contracts or any procurement documents indicating that the aforesaid constituency were involved in the procurement of any transformer with REA and KPLC and that there were no funds that were received by either KPLC or REA.

Further investigation established that Igembe North Constituency did not procure any transformers and that despite this the CDF Fund Manager authorised the Igembe North Project Management Committee(PMC) to withdraw the funds allocated for the procurement of the six transformers.

A report was prepared and forwarded to the DPP on 25<sup>th</sup> May 2021 with recommendation that the Igembe North CDF officers that were involved in the embezzlement of the money allocated for the procurement of the transformers be charged with the following offences; 7 counts of unlawful acquisition of public property contrary to section 45(1)(a) as read with section 48 of ACECA and 1 count of misappropriation of Constituency Development Fund contrary to section 48 of the Constituency Development Fund Act ,2013.

On 28<sup>th</sup> June 2021, the DPP returned the inquiry file for further investigations.

#### **6. EACC /FI/INQ/40/2018**

#### **INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF FUNDS TO A TUNE OF KSHS. 24,124,688 PAID TO TWO COMPANIES BY THE NANDI COUNTY GOVERNMENT BETWEEN APRIL 2013 AND AUGUST 2017.**

The Commission commenced investigations following a report that two Public Officers employed by the County Government of Nandi as a Speech writer and a Public Communication Officer were also Directors of two Private Limited Companies trading with the County Government of Nandi.

Investigations at the Company Registry established that the names of the two Public Officers appeared in the list of Directors of the Company which was awarded the tender and that the two Public Officers are signatories to the Company Bank Account and signed cheques for withdrawal of money which was paid by County Government of Nandi.

On 24<sup>th</sup> May 2021 a report was compiled and forwarded to the DPP with recommendation that the two county officers be charged with the following offences: 1 count of conflict of interest contrary to Section 42(3) as read with Section 48 ACECA and 2 counts of unlawful acquisition of public property contrary to section 45(1)(a) as read with section 48 of the ACECA.

The Commission is awaiting the DPP's response.

#### **7. EACC/MLD/FI/INQ/06/2016**

#### **INQUIRY INTO ALLEGATIONS OF IRREGULAR AWARD OF TENDER LMU/MOPW/GP/191/24 FOR CONSTRUCTION OF NAGELE AUCTION YARD BY OFFICERS OF THE COUNTY GOVERNMENT OF LAMU**

The Commission commenced investigations pursuant to a report pertaining to irregularities of award of tender number LMU/MOPW/LCG/GP/191/24 for construction of Nagele Auction Yard by officers of the County Government of Lamu.

Investigations established that during the financial year of 2015/2016, the Fisheries, Livestock and Co-operative Development Department of the County Government of Lamu had planned to construct the Nagele Auction Yard at a budget of Kshs. 15,000,000.00.

However, investigations revealed that the tender was awarded at Kshs.18 Million to a bidder who did not qualify.

Investigation further disclosed that two payment certificates were forged so as to facilitate payment of Kshs. 7,862,820.95 to the Company which was awarded the contract irregularly.



On 29<sup>th</sup> April, 2021 a report was compiled and forwarded to the DPP with recommendations to charge all the Lamu County Government officers who participated in the irregular procurement process that resulted in loss of Kshs. 7,862,820.95; and the Company and its directors with the following offences: 2 counts of willful failure to comply with laws relating to procurement contrary to section 45 (2) (b) of the ACECA; 1 count of Abuse of Office contrary to section 46, 3 counts of fraudulent practice in procurement proceeding contrary to section 41 as read together with section 137 of the PPADA, 2015; 2 Count of Fraudulent acquisition of public property contrary to section 45 (i) (a) of the ACECA; 3 counts of uttering false documents contrary to section 353 of the Penal Code; 1 count of failure to disclose a private interest to one's Principal contrary to section 42 (1) (b) of the ACECA and 1 count of conspiracy to commit an economic crime contrary to section 47A (3) of the ACECA.

The Commission is awaiting the DPP's response.

#### **8. EACC/ELD/FI/INQ/38/2017**

#### **INQUIRY INTO ALLEGATIONS THAT A PLOT FOR CONSTRUCTING NANDI COUNTY ASSEMBLY SPEAKER'S RESIDENCE WHICH TITLE HAS NEVER BEEN TRANSFERRED TO THE ASSEMBLY WAS BOUGHT AT AN EXAGGERATED PRICE**

The Commission commenced this investigation following a complaint that the County Assembly of Nandi had bought the plot for constructing the Speaker's residence at an exaggerated price.

Investigations established that the Nandi County Assembly proposed to purchase a prime land to build their Speaker's Residence in the 2014/2015 financial year.

The procurement process was conducted with diligent observance of the provisions of the Public Procurement & Asset Disposal Act, 2015(PPADA).

Investigations established that the Commission on Revenue Allocation advised Counties that major capital projects were not a priority in the first five years of devolution and that where there was justification, such projects should be funded using long term finance of between five to ten years.

This communication therefore brought the remittance of the funds to the vendor's account to a halt and the Nandi County Assembly did not acquire any land during the period of 1/7/2013 to 1/11/2017.

On 29<sup>th</sup> April, 2021 a report was compiled and forwarded to the DPP with recommendations that the file be closed since no offences were committed by the Officials of the Nandi County Assembly.

On 7<sup>th</sup> June 2021, the DPP returned the inquiry file for further investigations.

#### **9. EACC/FI/INQ/13/2017**

#### **INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF FUNDS FOR CO-CURRICULAR ACTIVITIES FOR PRIMARY SCHOOLS BY THE DISTRICT EDUCATION OFFICER, SAMBURU EAST.**

The Commission commenced investigations following a report that the District Education Officer (DEO) Samburu East Sub County was involved in the embezzlement of funds for the co-curricular activities for primary schools in Samburu East Sub-county.

Investigations revealed that the DEO received an imprest amounting to Kshs. 500,000 through use of fake documents and that the imprest was not used for the co-curricular activities as intended.

Investigations further revealed that DEO also received additional imprest of kshs. 80,000 and 45,000 on 3<sup>rd</sup> March,2016 and 1<sup>st</sup> April 2016 respectively and that the money was not used for the co-curricular activities as intended.

On 25<sup>th</sup> May 2021, a report was compiled and forwarded to the DPP with recommendations that the DEO be charged with the following offences: 3 counts of deceiving principal contrary to section 41(2) as read with Section 48 of ACECA; 2 counts of wilful failure to comply with the law relating to procurement contrary to Section 45(2) (b) as read with Section 48 of ACECA; 3 counts of abuse of office contrary to Section 42(3) as read with Section 48 ACECA and 3 counts of unlawful

acquisition of public property contrary to section 45(1)(a) as read with section 48 of the ACECA.

The Commission is awaiting the DPP'S response.

#### **10. EACC/BGM/FI/INQ/09/2019**

##### **ALLEGATIONS OF TAX EVASION AT MALABA OSBP BY TIMBER IMPORTERS USING RECYCLED KRA ENTRY NUMBERS.**

The Commission commenced investigations following a report of suspected smuggling of timber among other dutiable goods through Malaba Customs Border Station.

Investigations revealed that the various importers did not follow the due procedure in clearing of the goods(timber)as the clearing documents possessed were either fake or recycled. However further investigation established that all the suspects mentioned were charged and individually penalised and fined for the outstanding taxes by Kenya Revenue authority. The Commission therefore did not recommend any charges since this would amount to double jeopardy.

On 25<sup>th</sup> May 2021, a report was compiled and forwarded to the DPP with recommendation that the inquiry file be closed and the subject matter be handled by KRA, in regard to the officers who facilitated the irregular clearance of taxable goods.

The Commission is awaiting the DPP's response.

#### **11. EACC/MCKS/PI/INQ/08/2015**

##### **AN INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AND SOLICITING FOR A BENEFIT IN ORDER TO PROCESS A PAYMENT TO KILIMANJARO AGSA ENTERPRISES FOR WORKS DONE IN MACHAKOS COUNTY**

The Commission commenced investigations following a report from a Director of Kilimanjaro AGSA Enterprises Ltd (the contractor) who alleged that officials of the

County Government of Machakos, had requested for a benefit from the contractor to facilitate the processing of payments due to him.

Investigations disclosed that the Director of Kilimanjaro AGSA Enterprises Ltd had awarded a contract to construct an Early Child Development Education at Kiaini within Machakos County during the Financial Year of 2015/2016

Investigations further established that the company was awarded another contract to build toilets at Yathui Youth Polytechnic and that the project was yet to be inspected by the Physical and Planning Verification and Pending Bills Committee as certain documents relating to the project were not availed since it was alleged that the previous County Secretary and Head of Supply Chain had been suspended and that they had vacated office without doing a proper handing over.

On 20<sup>th</sup> April 2021 a report was compiled and forwarded to the DPP with recommendations that the file be closed.

The Commission is awaiting the DPP's response.

## **12. EACC/GSA/EL/INQ/06/2016**

### **ALLEGATIONS OF CONFLICT OF INTEREST AND EMBEZZLEMENT OF PUBLIC FUNDS AGAINST THE HEAD OF PUBLIC HEALTH AT GARISSA COUNTY REFERRAL HOSPITAL THROUGH THE AWARDING OF SUSPICIOUS TENDERS TO A COMPANY IN WHICH HE IS A SIGNATORY TO ITS BANK ACCOUNT.**

The Commission investigated the subject allegation and established that the Head of Public Health at Garissa County Referral Hospital unlawfully participated in the procurement process including in the requisition, procurement committee meetings, inspection and acceptance committee meetings and execution of procurement documents that led to the award of tenders to a company in which he is a signatory to its bank account.

Investigations established that there was a conflict of interest by the Head of Public Health at Garissa County Referral Hospital through the irregular awarding of tenders to a company related to the said officer.

On 25<sup>th</sup> May 2021, a report was compiled and forwarded to the DPP with recommendation that the Head of Public Health at Garissa County Referral Hospital be charged with 3 counts of conflict of interest contrary to Section 42(3) as read with Section 48 ACECA.

The Commission is awaiting the DPP'S response.

### **13. EACC/EL/INQ/2/2015**

#### **ALLEGATIONS THAT FAFI CONSTITUENCY MP SQUANDERED KSHS. 13 MILION RAISED THROUGH A HARAMBEE BY THE PARENTS AND THE SOCIETY OF BURA HIGH SCHOOL.**

The Commission commenced investigations upon receipt of a report on 2<sup>nd</sup> June,2015 that the member of Parliament (MP) of Fafi Constituency embezzled Kshs. 13 milion which had been raised through a harambee for the purposes of refurbishing the school infrastructure.

Investigations established that the actual amount that was raised through the Harambee was Kshs. 5,145,000 and that the CDF had also allocated Khs. 6,800,000 for the purposes of refurbishing the school infrastructures.

Investigations further established the actual amount of funds that were available to fund the project were Kshs. 11,945,000 and that funds were spent appropriately.

On 25<sup>th</sup> May 2021, a report was compiled and forwarded to the DPP with recommendation that the inquiry file be closed for insufficient evidence.

On 14<sup>th</sup> June 2021, the DPP returned the inquiry file for further investigations.

### **14. EACC/MCKS/EL/INQ/10/2018**

#### **ALLEGATIONS OF CONFLICT OF INTEREST AND CHARGING OF UNAPPROVED/UNLAWFUL FEES BY THE CHAIRPERSON AND THE MACHAKOS PRIMARY SCHOOL BOARD OF MANAGEMENT.**

The Commission commenced investigations upon receipt of a report that the Management of Machakos Primary School had been running unlawful bank accounts where they deposit fees collected. It was also alleged that the Chairman of the Board was supplying books to the school.

Investigations established that a similar complaint about the School running an unlawful bank account had also been made to the Ministry of Education (MOE) and that there was a report made to the MOE by the Director for Quality Assurance and Standards giving several recommendation including Disciplinary Action but the report is yet to be acted upon.

Investigations also established that there was a conflict of interest on the part of the Chairman of the Machakos Primary School Board of Management through awarding of suspicious tenders to a company related to him. Investigations also established that the Chairman aforesaid was now deceased.

Investigations further revealed that there were reports made by the school management to the Directorate of Criminal Investigations and the Department of Public Works and Housing, County Government of Machakos about a fire incidence that led to the loss of crucial documents hence making it impossible to audit the school financial records.

On 22<sup>nd</sup> April 2021, a report was compiled and forwarded to the DPP with recommendation that administrative action be taken against the School Auditor who had failed to audit the school records prior to the fire incidence.

The Commission is awaiting the DPP'S response.

#### **15. EACC/MCKS/EL/INQ/9/2016**

#### **AN INQUIRY INTO ALLEGATIONS OF NEPOTISM AND FAVORITISM IN THE RECRUITMENT OF STAFF BY THE COUNTY GOVERNMENT OF MACHAKOS DURING THE PERIOD BETWEEN APRIL/MAY 2013**

The Commission commenced investigations after receiving a complaint that the recruitment of employees in Machakos County Government conducted during the period of April/May 2013 was marred with favouritism and nepotism.

The allegations elaborated that in particular, the Chief of Staff and the Chief Officer in charge of Decentralized Units of Machakos County Government had influenced the employment of their wives.

Investigations revealed that indeed during the months of April/May 2013, several employees were offered jobs by the County Government of Machakos on a four months' contract.

Investigations established that, the Chief Officer in the Office of the Governor Executive and Support Service, who was employed in 2013 and later deployed as Ag. Chief Officer, Decentralized Unit Urban Areas and Municipalities is the husband of a Senior Administrative Officer at the County Government of Machakos who was employed in May, 2013 as a Civic Education Officer.

Investigations disclosed that the Ag. Chief Officer Decentralized Unit and County Administration who was employed during the period under Investigation is the husband of the Deputy Director, ICT in Machakos County Government.

Investigations further disclosed that the ICT Director of Machakos County Government employed during the period under Investigation is the husband of a Human Resource Assistant 1 who is attached to the Decentralized Unit and Administration.

Investigations revealed that the Interim County Secretary for Transitional Authority of Machakos County Government had issued an advisory to members to wait for the establishment of the Public Service Board so as to procedurally recruit members of staff.

On 22<sup>nd</sup> April 2021, a report was compiled and forwarded to the DPP with recommendation for closure of the inquiry file.

On 3<sup>rd</sup> August 2021, the DPP accepted the Commission's recommendation for closure.

**16. EACC/OPS/INQ/120/2019**

**INQUIRY INTO ALLEGATIONS THAT THE ASSISTANT CHIEF, KANGEMI CENTRAL HAD REQUESTED FOR A BRIBE OF KSHS. 8000 FROM A BODABODA RIDER**

The Commission commenced investigations following a report received on 25<sup>th</sup> July 2019 that the Assistant Chief, Kangemi Central had requested for a bribe of Kshs. 8,000.00 from a boda boda rider so that he could release his motorcycle that had been confiscated by him.

Investigations conducted did not establish that the Assistant Chief had requested for a bribe.

A report was prepared and forwarded to the DPP on 25<sup>th</sup> May 2021 with recommendation that the file be closed as there was no evidence to prove bribery allegations.

On 5<sup>th</sup> August 2021, the DPP returned the inquiry file and concurred with the Commission's recommendation for closure.

**17. EACC/MLD/OPS/INQ/8/2016**

**INQUIRY INTO ALLEGATIONS THAT A CID OFFICER SOLICITED FOR A BRIBE OF KSHS. 20,000 AS AN INDUCEMENT TO WITHDRAW CHARGES AGAINST THE COMPLAINANT IN A CASE THAT HE WAS THE INVESTIGATION OFFICER.**

The Commission commenced investigations following a complaint that three Criminal Investigations Directorate officers based at Kilifi, including the suspect, had requested for a bribe of Kshs. 30,000/= from the complainant, as an inducement to withdraw charges against the complainant who had been charged with an offence of being in possession of six stamps that were suspicious.

Investigations established that there was no demand for a bribe by the suspects and that the complainant had made a false accusation in a bid to implicate the CID officers for a crime they did not commit.



A report was prepared and forwarded to the DPP on 22<sup>nd</sup> April 2021 with recommendation that the court Assistant be charged with one count of making false accusation contrary to Section 66(1) as read with Section 66 (2) of ACECA. The Commission is awaiting the DPP's response.

**18. EACC/OPS/INQ/64/2020**

**INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST AN INSPECTOR OF POLICE (IP) ATTACHED AT KARIBARIDI POLICE POST IN THIKA WEST**

The Commission commenced investigations upon receipt of a report on 6<sup>th</sup> July 2020 from two complainants, businessmen operating tuktuk transport services at Thika town that an Inspector of Police was soliciting Kshs. 30,000/= bribe from them so as to secure release of their tuktuks which had been detained for the alleged offence of dropping passengers at an undesignated place.

investigation was conducted and established that the Inspector of Police demanded for and received Kshs. 1,000/= financial advantage.

A report was prepared and forwarded to the DPP on 22<sup>nd</sup> April 2021 with recommendation that the officer be charged with four 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.

On 11<sup>th</sup> June 2021, the DPP returned the inquiry file for further investigations.

**19. EACC/NYR/OPS/INQ/42/2019**

**INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TWO POLICE OFFICERS ATTACHED TO ITABUA POLICE STATION, EMBU COUNTY**

The Commission commenced investigations upon receipt of a complaint from a motorcycle rider that his motorcycle had been impounded by police officers from Itabua Police Station and that the police were soliciting for Kshs. 5,000/= bribe from him so as to secure release of the motorcycle.

Investigation was conducted and established that the officers demanded for and received Kshs. 3,000/= financial advantage.

A report was prepared and forwarded to the DPP on 22<sup>nd</sup> April 2021 with recommendation that the officer 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.

On 31<sup>st</sup> May 2021, the DPP returned the inquiry file for further investigations.

#### **20. EACC/ OPS/INQ/17/2020**

##### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST POLICE OFFICER AT KAWAIDA POLICE POST WITHIN KARURI POLICE STATION AND EIGHT ASSISTANT CHIEFS IN KIAMBAA SUB-COUNTY**

The Commission commenced investigations upon receipt of complaint that Assistant Chiefs in Kawaida Location and police officers were soliciting Kshs. 20,000/= bribe from the complainant to secure the release of his wife who they had arrested for being in possession of bhang. The complainant further alleged that one of the police officers had taken his wrist watch as part of the bargain to facilitate the release of his wife.

A series of recorded conversations between the complainant and the suspects were analysed and investigation established there was insufficient evidence to sustain bribery charges against the officers.

A report was prepared and forwarded to the DPP on 22<sup>nd</sup> April 2021 with recommendation that administrative action be taken against one of the police officers involved.

On 3<sup>rd</sup> August 2021, the DPP returned the inquiry file accepting the recommendation for administrative action.

#### **21. EACC/OPS/INQ/24/2019**

##### **INVESTIGATIONS INTO ALLEGATIONS OF BRIBERY AGAINST A POLICE OFFICER ATTACHED TO KIKUYU POLICE STATION.**

The Commission commenced investigations following a complaint that a police officer attached to Kikuyu Police Station had requested for a financial benefit of Kshs. 50 and Kshs. 100 from public service vehicle plying Naivasha-Nairobi road, Naivasha-Mombasa Road through Southern bypass, Kikuyu- Gikambura road and Kikuyu Gitaru junction.

Investigations were conducted by way of surveillance at Zambezi and Kiambaa area where video clips captured unidentified persons in police uniform who appeared to be inspecting vehicle and collecting bribes.

A report was prepared and forwarded to the DPP on 25<sup>th</sup> May 2021 with recommendation that the file be closed as there was no sufficient evidence to prove bribery allegations.

On 2<sup>nd</sup> August 2021, the DPP returned the inquiry file accepting the Commission's recommendation for closure.

## **22. EACC/OPS/INQ/85/2019**

### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST THREE TRAFFIC POLICE OFFICERS WHO WERE ON DUTY MANNING RIRUTA SATELLITE PRIMARY SCHOOL ROAD ALONG KABIRIA**

The Commission commenced Investigations after receiving several complaints from motorists that Traffic Officers manning Riruta Satellite Primary School along Kabiria Road, were notorious for collecting bribes and harassing the motorists without performing their traffic duties.

Investigations were conducted by carrying surveillance which established that three traffic police officers were receiving bribes from conductors of public service vehicles.

Further investigations were conducted whereby suspected bribe money of Kshs. 3,100/= was recovered from one traffic police officer while Kshs. 5,100/= was recovered from the other traffic police officers.

On 20<sup>th</sup> April, 2021 a report was compiled and forwarded to DPP with recommendations that the National Police Service takes appropriate administrative disciplinary action against the traffic police officers who were on duty on the diverse dates of 2<sup>nd</sup> to 6<sup>th</sup> December, 2019 at Riruta Satellite area.

On 7<sup>th</sup> June 2021, the DPP returned the inquiry file accepting the recommendations for administrative action.

### **23. EACC/OPS/INQ/NO.44/2020**

#### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TWO TRAFFIC POLICE OFFICERS WHO WERE ON DUTY WITHIN NAIROBI METROPOLITAN AREA**

The Commission received several Complaints from motorists that Traffic Police Officers who were on duty along Kamiti Road Githurai 44 at Jacaranda area were notorious for demanding bribes and harassing the motorists.

Investigations were conducted through surveillance and three police officers were captured taking bribes from motorists along Kamiti road, Eastern by-pass, Kangundo road at Kayole Junction.

On 22<sup>nd</sup> April, 2020 a report was compiled and forwarded to DPP with recommendations that the National Police Service to take administrative action against the concerned traffic police officers.

On 11<sup>th</sup> June 2021, the DPP returned the inquiry file with recommendations for closure for want of evidence.

### **24. EACC/OPS/INQ/66/2020**

#### **INQUIRY INTO ALLEGATIONS OF RECEIVING A BRIBE AND IMPERSONATION OF AN EACC OFFICER.**

The Commission commenced investigations following a report that the suspect had purported to be an EACC investigator and demanded a bribe of kshs. 50,000 from the complainant so as to forebear investigations by EACC in a case in which the complainant had adversely been mentioned.

Investigations established that through various telephone conversations the suspect, alleging to be an EACC officer, demanded a bribe of Ksh. 30,000 but received Kshs. 1,000 from the complainant.

A report was prepared and forwarded to the DPP on 25<sup>th</sup> May 2021 recommending 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 and one count of impersonation contrary to section 34(1) as read with Section 34(2) of ACECA.

The Commission is awaiting the DPP's response.

#### **25. EACC/OPS/INQ/14/2020**

#### **INQUIRY INTO AN ALLEGATION OF CORRUPTION AGAINST AN IMPOSTOR OF NATIONAL INTELLIGENCE SERVICE (NIS)**

The Commission commenced this Investigation after it received a report that an impostor who introduced himself as a (NIS) Officer to a job seeker had requested for a financial advantage of Kshs 200,000/= so as to facilitate the job seeker to secure a job at Kenya Revenue Authority (KRA).

Investigations established that the suspect was not an employee of the National Intelligence Service (NIS).

Investigations was conducted whereupon the suspect was arrested while receiving the bribe money of Kshs 150,000/= from the job seeker.

On 20<sup>th</sup> April, 2020 a report was compiled and forwarded to DPP with recommendations that the suspect be charged with receiving a bribe contrary to section 6(1)(a) as read with section 18(1) and (2) of the Bribery Act.

On 24<sup>th</sup> May 2021, the DPP returned the inquiry file for further investigations.

#### **26. EACC/ISL/OPS/INQ/42/2019**

**INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A COURT ASSISTANT AT MARIMATI LAW COURTS IN THARAKA SOUTH.**

The Commission commenced investigations following a complaint that a Court Assistant based at Marimati Law Court in Tharaka South had requested for a bribe of Kshs. 150,000/= from the complainant, so as to ensure a favourable outcome in favour of the complainant's brother in a court case.

Investigation was conducted and established that the officer requested for a financial advantage and received Ksh. 50,000/=.

A report was prepared and forwarded to the DPP on 25<sup>th</sup> May 2021 with recommendation that the Court Assistant 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.

On 5<sup>th</sup> August 2021, the DPP returned the inquiry file for further investigations.

**27.EACC/MCKS/OPS/INQ/24/2019**

**INQUIRY INTO BRIBERY ALLEGATIONS AGAINST AN OFFICER AT THE CIVIL REGISTRATION OFFICE IN KAJIADO COUNTY.**

The Commission commenced investigations following a complaint that an employee at the Civil Registry in Kajiado County requested for a bribe of Kshs. 2,000/= from the complainant, in order for him to process birth certificates for his children.

Investigation was conducted and established that the suspect did not request for bribe.

A report was prepared and forwarded to the DPP on 22<sup>nd</sup> April 2021 with recommendation that the file be closed for lack of sufficient evidence to establish bribe allegations.

On 24<sup>th</sup> May 2021, the DPP returned the inquiry file accepting the recommendations for the file to be closed.

#### **28. EACC/NYR/OPS/INQ/45/2019**

##### **INVESTIGATIONS INTO ALLEGATIONS OF RECEIVING A BRIBE AGAINST AN EMPLOYEE OF TEACHERS' SERVICE COMMISSION (TSC) DEPLOYED TO NYANDARUA COUNTY AS A HUMAN RESOURCES OFFICER**

The Commission commenced investigations following a complaint that a TSC employee in her capacity as a Human Resources Officer had requested for a Kshs. 30,000/= bribe and had received Kshs. 20,000 as an inducement in order to facilitate the Complainant to get employment with TSC.

Investigations established that the officer demanded for and received a financial advantage of Kshs. 20,000/=.

A report was prepared and forwarded to the DPP on 25<sup>th</sup> May 2021 with recommendation that the Human Resources Officer be charged with three 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. It was also recommended that an administrative action be taken against the officer for breaching her obligation under Leadership and Integrity Act, 2012.

The Commission is awaiting the DPP's response.

#### **29. EACC/OPS/INQ/154/2019**

##### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST THE CHAIRMAN OF KITENGELA SACCO FOR OFFERING A BRIBE OF KSHS 20,000/= TO THE DEPUTY DIRECTOR IN CHARGE OF COMPLIANCE AND LICENCING AT THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (NTSA)**

The Commission commenced this Investigation after it received a report that the Chairman of Kitengela Sacco had offered a bribe of Kshs 20,000/= to the Deputy Director in Charge of Compliance and Licencing at the NTSA as an inducement for the Passenger Service Vehicles operating within Kitengela route to operate business contrary to Rule 5(1) of The Public Service Vehicles Regulations, 2013.

Investigations established that in furtherance of its mandate NTSA wrote a letter to the Chairman of the Kitengela Sacco which was based on an audit which had been carried out by NTSA and which revealed that Kitengela Sacco had listed in their Sacco portal Ten (10) Lorries in their fleet as a disguise to meet the threshold of a bare minimum of Thirty (30) serviceable Passenger Service Vehicles

Investigations were conducted whereupon the Chairman of Kitengela Sacco was arrested while giving a bribe of Kshs 20,000/= to the Deputy Director and Head of Licensing at NTSA.

On April, 2020 a report was compiled and forwarded to DPP with recommendations that the suspect be charged with giving a bribe contrary to section 5{1} as read with section 18 of the Bribery Act.

On 24<sup>th</sup> May 2021, the DPP returned the inquiry file accepting the recommendations for prosecution.

### **30. EACC/OPS/INQ/NO/48/2020**

#### **INQUIRY INTO AN ALLEGATION OF CORRUPTION AGAINST AN EMPLOYEE OF KIAMBU WATER & SEWERAGE COMPANY LTD**

The Commission commenced this Investigation pursuant to a report that an employee of Kiambu Water & Sewerage Company Ltd (KWCL), was requesting for a financial advantage of Kshs 10,000/= an amount which had been negotiated from Kshs 30,000/= in order for him to re-connect water at the complainant mother's home in Kiambu.

Investigation established that a Water Supply Assistant who is based at Gatundu Water and Sanitation Company which is under (KWCL), had demanded the said money.

Investigations were conducted whereupon the employee of Gatundu Water and Sanitation Company was arrested by the Commission's Officers while receiving the aforesaid amount.

On 20<sup>th</sup> April, 2021 a report was compiled and forwarded to DPP with recommendations that the suspect be charged with two counts of requesting for



a bribe contrary to section 6(1) (a) as read with section 18 (1) and (2) of the Bribery Act.

On 28<sup>th</sup> June 2021, the DPP returned the inquiry file accepting the recommendations for prosecution.

### **31.EACC /OPS/INQ/11/2020**

#### **INQUIRY INTO ALLEGATIONS OF RECEIVING A BRIBE BY AN EMPLOYEE OF NAIROBI CITY COUNTY**

The Commission commenced investigations following a complaint that an employee of Nairobi City County had requested for a Kshs. 70,000/= bribe from the complainant so as to forebear impounding his employer's company's lorry which was delivering goods in Nairobi CBD.

On 3<sup>rd</sup> February 2020 a trap operation was conducted and established that the Nairobi City County employee demanded for a financial advantage of Kshs. 60,000/=.

A report was prepared and forwarded to the DPP on 25<sup>th</sup> May 2021 with recommendation that the officer 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.

On 28<sup>th</sup> June 2021, the DPP returned the inquiry file for further investigations.

### **32.EACC/MCKS/OPS/INQ/54/2018**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST TWO EMPLOYEES OF TEACHERS' SERVICE COMMISSION (TSC).**

The Commission commenced investigations upon receipt of a Complaint that two TSC employee deployed at Kitui County requested for bribes from the members of the public and unemployed teachers including the complainant as an inducement in order to facilitate them and their relatives get employment with TSC.

Investigations established that one of the two suspects (now deceased) was not an employee of the TSC although the two were working jointly to request for bribes from the public.

Investigations further revealed one of the officers who was an employee of the TSC had used her office to obtain money from several members of the public.

A report was prepared and forwarded to the DPP on 22<sup>nd</sup> April 2021 with recommendation that the TSC officer be charged with four counts of abuse of office contrary to Section 42(3) as read with Section 48 ACECA.

On 18<sup>th</sup> May 2021, the DPP returned the inquiry file for further investigations.

### **33. EACC/OPS/INQ/170/2018**

#### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A PRIVATE PERSON WHO INTENDED TO RECEIVE FILES FROM MAKUENI COUNTY GOVERNMENT**

The Commission commenced this Investigation after receiving a complaint that a private person had offered a bribe of Kshs. 50,000/= to an Investigator of Ethics & Anti-Corruption Commission (EACC) so that the Investigator could release certain files belonging to Makueni County Government, which had been taken by EACC officers pursuant to a search conducted at the Makueni County Government offices.

Investigation established that the recording of the conversation between the suspect and the EACC officer did not indicate any offer of any bribe to the Commission's officer to facilitate the retrieval of files from the Commission's office.


On 22<sup>nd</sup> April, 2020 a report was compiled and forwarded to DPP with recommendations for closure of the file for insufficient evidence.

On 7<sup>th</sup> June 2021, the DPP returned the inquiry file accepting the recommendations for the file to be closed.

STATISTICAL SUMMARY OF FILES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

1.	Total No. of files forwarded to the Director of Public Prosecutions	33
2.	No. of files recommended for prosecution	20
3.	No. of files recommended for administrative or other action	5
4.	No. of files recommended for closure	8
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	2
7.	No. of files where recommendation for administrative or other action accepted	2
8.	No. of files where recommendation for closure accepted	5
9.	No. of files returned for further investigations	10
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	0
13.	No. of files where prosecution declined but administrative action recommended	0
14.	No. of files awaiting the DPP's advice	13

DATED AT NAIROBI THIS *23<sup>rd</sup>* DAY OF *August* 2021

  
**ARCHBISHOP (RTD) ELIUD WABUKALA, EBS**  
**CHAIRPERSON**  
 /mm & /can

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

