



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

ANNUAL ANTI-CORRUPTION REPORT

BY

THE DIRECTOR OF PUBLIC PROSECUTIONS

**IN RESPECT OF PROSECUTION OF ANTI-CORRUPTION AND ECONOMIC CRIME
RELATED CASES PURSUANT TO THE PROVISIONS OF SECTION 37 OF THE ANTI-
CORRUPTION AND ECONOMIC CRIMES ACT NO. 3 OF 2003 (ACECA)**

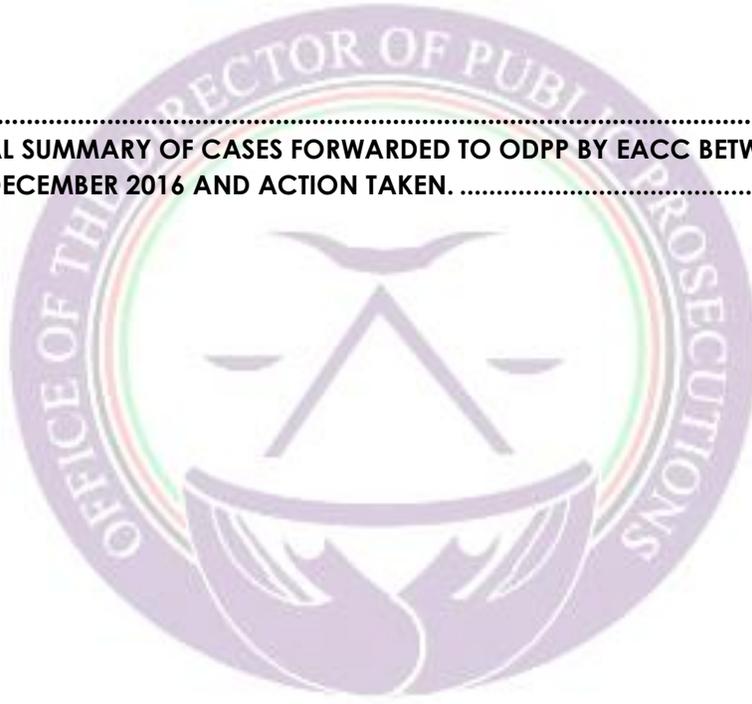
FOR THE PERIOD

1ST JANUARY 2016 TO 31ST DECEMBER 2016

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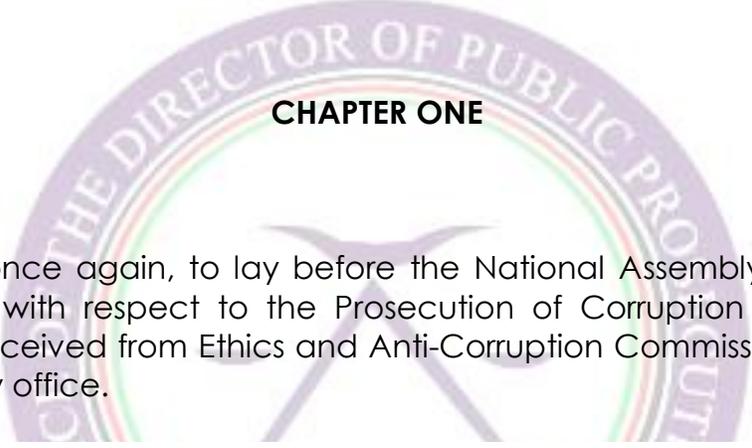
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ABBREVIATIONS AND ACRONYMS

ACC	-	Anti-Corruption Court
ACECA	-	Anti-Corruption and Economics Crimes Act No. 3 of 3 of 2003
AML	-	Anti-Money Laundering
ARA	-	Assets Recovery Agencies
BFIU	-	Banking Fraud investigative Unit
CBK	-	Central Bank of Kenya
CDF	-	Constituency Development Fund
CF	-	Court File
CR	-	Criminal
CFT	-	Combating of Financing of Terrorism
DCI	-	Directorate of Criminal Investigations
CPC	-	Criminal Procedure Code
DPP	-	Director of Public Prosecutions
EACC	-	Ethics and Anti-Corruption Commission
FATF	-	Financial Action Task Force
GJLOS	-	Governance Justice Law and Order
GOK	-	Government of Kenya
IJM	-	International Justice Mission
IPOA	-	Independent Police Oversight Authority
KIP	-	Kenya Integrity Plan
KLIF	-	Kenya Leadership Integrity Forum
KRA	-	Kenya Revenue Authority
MAT	-	Multi-Agency Task Team
NACP	-	National Anti-Corruption Plan
NCC	-	Nairobi City County
NIS	-	National Intelligence Service
NOCK	-	National Olympics Committee of Kenya
NYS	-	National Youth Service
ODPP	-	Office of the Director of Public Prosecutions
PC	-	Penal Code
UNCAC	-	United Nations Convention against Corruption
UNODC	-	United nations Office on Drugs and Crime
USDOJ	-	United States Department of Justice
VAT	-	Value Added Tax



CHAPTER ONE

1.0 PREAMBLE

I am pleased once again, to lay before the National Assembly (NA), the sixth Annual Report with respect to the Prosecution of Corruption and Economic Crimes cases received from Ethics and Anti-Corruption Commission (EACC) and reviewed by my office.

This report covers the period from 1st January 2016 to 31st December 2016 and is prepared in compliance with Section 37 (1) of the Anti-Corruption and Economic Crimes Act (ACECA), which came into operation on 2nd May 2003. Section 37 (2) of the Act enjoins the Director of Public Prosecutions (DPP) to prepare an Annual Report with respect to Prosecution of Corruption and Economic Crimes for the period ending 31st December, of the preceding year.

Pursuant to Section 37 (3) of the Act, the report is to include a summary of the steps taken by the DPP in respect to each matter forwarded to him by EACC and the **Status** of each case dealt with during that period. Further, Section 37 (4) of the Act requires that the report shall indicate if any recommendation of the Commission to prosecute a person for Corruption or Economic Crime was not accepted and shall set out succinctly the reasons for not accepting the recommendation.

The Act further requires that, as provided for under Section 37 (6) that the Annual Report must be laid annually before the National Assembly within the first ten (10) sitting days of the National Assembly following the end of the year to which the report relates. Since the commencement of the Act in 2003, twelve (12) such reports have been laid before the National Assembly.

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Pursuant to the DPP's mandate in the prosecution of Corruption and Economic Crimes cases in the year under review, the Office was involved in the following:

- 1.1** The review of one hundred and twenty eight (128) corruption cases inquiry files submitted by EACC.

1.2 The review of other economic and financial crimes submitted by other investigative agencies such as the Directorate of Criminal Investigations (DCI) and Banking Fraud Investigation Unit (BFIU).

1.3 Multi Agency collaboration with stakeholders.

1.4 Full operationalization of the Anti-Corruption Specialized Division.

1.1 The review of one hundred and twenty one (121) corruption cases inquiry files submitted by EACC.

In the year under review, ODPP received 121 inquiry files from the EACC submitted under Section 35 of the ACECA. The inquiry files were reviewed and directives communicated to EACC.

1.2 The review of other economic and financial crimes submitted by other investigative agencies such as the Directorate of Criminal Investigations and Banking Fraud Investigation Unit

In the year under review, ODPP received files from other investigative Agencies relating to Economic and Financial crimes. Only the major cases are highlighted, as this Report is exclusive to cases investigated under ACECA by EACC. The notable case under this category includes the following:-

The RIO Cases

The two (2) Inquiry Files arising from the same **Police Case File No.121/248/16** were submitted to the DPP relating to the alleged mismanagement of Team Kenya, who participated in the Rio Summer Olympic Games 2016, and alleged misappropriation of public funds for the games.

The Inquiry was conducted by the Directorate of Criminal Investigations (DCI) and upon perusal; the DPP found that some of the offences under that inquiry touched on allegations of corruption relating to the offences of stealing and money laundering.

In the **First Inquiry File**, the suspects were therefore charged in the following cases, which are ongoing before Court:

- a) Milimani CMCR Case No. 1373 of 2016, **Republic vs. Ainsworth Maragara Kithinji** (Vice Chairman, Athletics Kenya)
- b) Milimani CMCR Case No. 1483 of 2016. **Republic vs. Francis Kanyili Paul** (Secretary General NOCK), **Pius Ochieng** (2nd Vice-Chairman NOCK, **Stephen Kiptanui SOi** (Deputy Treasurer NOCK) and **Chef de Mission** (CDM)) and **Benard Kaburi Ekumbo** (Deputy Chairman of NOCK).

In the **Second Inquiry File**, the DPP found evidence to prosecute the Cabinet Secretary, the Principal Secretary and the Director of Administration in the Department of Sports at the Ministry of Sports, Culture and the Arts for the misappropriation of public funds amounting to **US\$ 151500** (equivalent to **Kshs. 15,907,500/-**) and recommended the following offences:-

- i. Abuse of Office;
- ii. Breach of trust by Persons employed in the Public Service;
- iii. Neglect of official duty.

However to strengthen the prosecution's case, the DPP directed that there was need to cover certain crucial areas.

1.3 Multi Agency collaboration with stakeholders

Inter-Agency collaboration has for a long time been acknowledged as one of the main ways of achieving success in the investigation and prosecution of corruption cases.

Among the inter Agency collaboration programs that we took part in were the following:-

- a) The Multi-Agency Task Team;
- b) Joint trainings;
- c) Commemoration of the Annual International Anti-Corruption Day 2016;
- d) Participation in the Anti-Corruption Court Users Committee;
- e) Participation at the State of the Nation Anti-Corruption Summit 2016;
- f) The Operationalization of the Anti-Corruption Judiciary Division; and
- g) Preparation and Implementation of the draft National Anti-Corruption Policy and the Kenya Integrity Plan.

a) The Multi-Agency Task Team (MAT)

Multi-Agency Task Team (MAT) was established in November 2015 with the aim of enhancing the investigation and prosecution of corruption and economic crime in Kenya through coordination and cooperation by the players in the Criminal Justice System in the performance of their mandates.

Areas of Focus for MAT include the following:-

- i. Corruption and Economic Crimes: to address loss of Government revenue;
- ii. Other Organized Crimes: this includes terrorism, trafficking, smuggling, poaching, money-laundering etc.; and
- iii. Cartels/Syndicates: includes Criminal Public Private Partnerships on which crime thrives.

Some of the key players in the MAT include-

- i. Office of Director of Public Prosecutions (ODPP);
- ii. Ethics and Anti-Corruption Commission (EACC);
- iii. National Intelligence Services (NIS);
- iv. Kenya Revenue Authority (KRA);
- v. Directorate of Criminal Investigations (DCI);
- vi. Assets Recovery Agency (ARA), among others.

The Office of the Director of Public Prosecutions is one of the Principal Members of MAT and plays a vital role in promoting the key objectives of MAT.

In the year under review, ODPP has contributed to the achievements of MAT through a number of activities:

- i. Prosecution guided investigations, whereby the ODPP provides legal and advisory support to the investigative agencies to enhance investigations. Some cases where this model has been applied include; the National Youth Services (NYS), Imperial Bank, and Eurobond investigations;
- ii. The Team has also undertaken joint sting operations through which contraband cargo being smuggled through the Port of Mombasa, has been seized;
- iii. The ODPP participates in joint MAT meetings to discuss strategies in carrying out the mandate of the team;
- iv. MAT has carried out joint trainings to increase the capacities of the officers handling corruption related cases;
- v. MAT also recommended the vetting of officers concerned with investigation and prosecution of corruption cases to ensure integrity and transparency in their works; ODPP officers were vetted;

- 
- vi. Through MAT, Counsel at ODPP have received Local and International training making them better equipped to prosecute corruption related cases.

b) Joint Trainings and Workshops

In 2016, there were various initiatives aimed at building the capacity of prosecution counsel as well as our stakeholders in the fight against corruption. Examples of the notable initiatives include:

- i. Facilitation of Counsel handling day to day hearings of the corruption cases enabled, through provision of transport for counsel, facilitation of counsel in their committee meetings and provision of extra office space, stationery and equipment
- ii. A Joint EACC/ODPP Workshop on prosecution of bribery cases held in June 2016 at the Jumuiya Guest House in Nakuru. This particularly addressed the challenges encountered in the investigation and prosecution of Bribery cases.
- iii. The ODPP also held a practical forum on Anti-Money Laundering laws and Assets forfeiture in Naivasha from 29th October 2016 to 2nd September 2016.
- iv. EACC with the support of GIZ held a workshop on challenges in prosecution and Adjudication of corruption and money laundering cases in Nyeri from 7th to 11th November 2016. The ODPP sent a representative to attend the workshop.
- v. The Kenya School of Law, Continuing Professional Development, Projects and Research (CPD) department held training for Prosecution counsel on Public Procurement & Assets Disposal Act, 2015 from 5th to 8th September 2016.
- vi. The EACC held a workshop on corruption in the devolved government, experiences in investigation, prosecution and adjudication, which were held in Mombasa from 15th to 18th November 2016.

The Facilitation of Anti-Corruption trainings at other Institutions

The ODPP Officers were involved as resources persons in various training workshops by our stakeholders. These include the following:-

- 
- i. Training of Magistrates by the Judiciary Training Institute in Corruption and Money laundering and asset recovery;
 - ii. EACC training for County Officers on Ethics and Integrity (Kenya School of Monetary Studies);
 - iii. EACC training of Kajiado County elected and county officers. (December 2016).

With MAT funding, a number of ODPP officers handling complex corruption cases acquired international training at:-

- i. Anti-Corruption Summer Academy between 1st to 8th July 2016 at Luxemburg, Austria. This was a program designed to reinforce knowledge and sharpen practical skills of Anti-Corruption and Compliance professional and the ODPP was represented by three-prosecution counsel.
- ii. The International Law Institute in Washington DC, USA on the Effective prosecution of financial crimes between 2nd and 12th June 2016. The ODPP was represented by a team of six-prosecution counsel.
- iii. The CEELI Institute, Czech Republic on the prosecution of official corruption between 25th to 29th April 2016.

c) Commemoration of the Annual International Anti-Corruption Day 2016.

In marking the International Anti-Corruption Day, 2016 the ODPP collaborated with the Kenya Leadership and Integrity Forum (KLIF), under EACC and other agencies in organizing and taking part in the celebrations held at selected regions in the country to mark the Day.

The Agencies used the opportunity to achieve the following:-

- i. To sensitize members of the public on our mandate;
- ii. To raise public awareness on corruption and the need for reporting all incidences of corruption;
- iii. To foster public support in the fight against corruption and
- iv. To promote ethical values in society.

In all the selected regions/counties, the ODPP joined the other stakeholders from the point of assembly, took part in road shows and presented short speeches on ODPP's mandate in fighting corruption.

During the commemoration, the ODPP had an exhibition showcasing its work, engaged members of the public and informed them of their role versus DPP's role in reducing corruption and the channels available for making reports.

d) Participation in the Anti-Corruption Court Users Committee

In the year under review, the ODPP actively participated in Court Users Committees in all the 47 Counties, particularly the Anti-Corruption Court users Committee that was launched on 29th January, 2016. Through this committee, the ODPP was able to successfully articulate issues that negatively impacted the prosecution of corruption cases, thus enabling the Day-to-Day hearing of Corruption cases.

e) Participation at the State of the Nation Anti-Corruption Summit 2016

ODPP was invited and participated in the Annual Anti-Corruption Summit, 2016 that was hosted and presided over by His Excellency the President at the State House. The DPP got an opportunity to give a detailed report of some of the achievements that were realized at the Office of the Director of Public Prosecutions. The DPP was also able to answer some of the issues raised in regard to prosecution of corruption cases.

ODPP was also able to share some of the challenges encountered during the year under review and highlighted a number of mitigation measures had employed to address the challenges faced by Prosecution Counsel handling Corruption cases and Economic Crimes. It was appreciated that a number of high-level corruption cases had been filed in court and at advanced stages of hearing.

f) The Operationalization of the Anti-Corruption Judiciary Division

The ODPP was a key player in the negotiations that led to the operationalization of the Anti-Corruption Division of the Judiciary. The Division is expeditiously dealing with cases.

Notably, Judicial Review and Constitutional Petitions are being dealt with expeditiously and there is uniformity in decisions coming out of these courts. There are also fewer stays of cases in the Anti-Corruption Magistrates Courts.

g) Preparation and Implementation of the draft National Anti-Corruption Policy and the Kenya Integrity Plan

In the year under review, The ODPP was an active participant in the preparation of the draft National Policy on Anti-Corruption. The same is aimed at



mainstreaming the fight against corruption and recognizes the role played by various sectors within the Country.

1.4 Full operationalization of the anti-corruption specialized division

To cope with the complex nature of Corruption and Economic Crimes the Director of Public Prosecutions has operationalized the Anti-Corruption Division, comprising of a specialized unit of prosecution counsel to handle Anti-Corruption cases.

In the year under review, all counsel deployed to the Division went through:-

- a) Vetting – to ensure integrity;
- b) Capacity building;
- c) Provided with space, equipment and other utilities.

This was to enhance their performance.

CHAPTER TWO

2.0 THE ORGANIZATION

2.1 Mission

The mission of the Office of the Director of Public Prosecutions is '**To serve the Government and the public in providing professional, effective and efficient prosecution services**'.

2.2 Vision

The vision of the Office of the Director of Public Prosecutions is '**To be a highly professional, effective and efficient prosecuting body in Kenya**'.

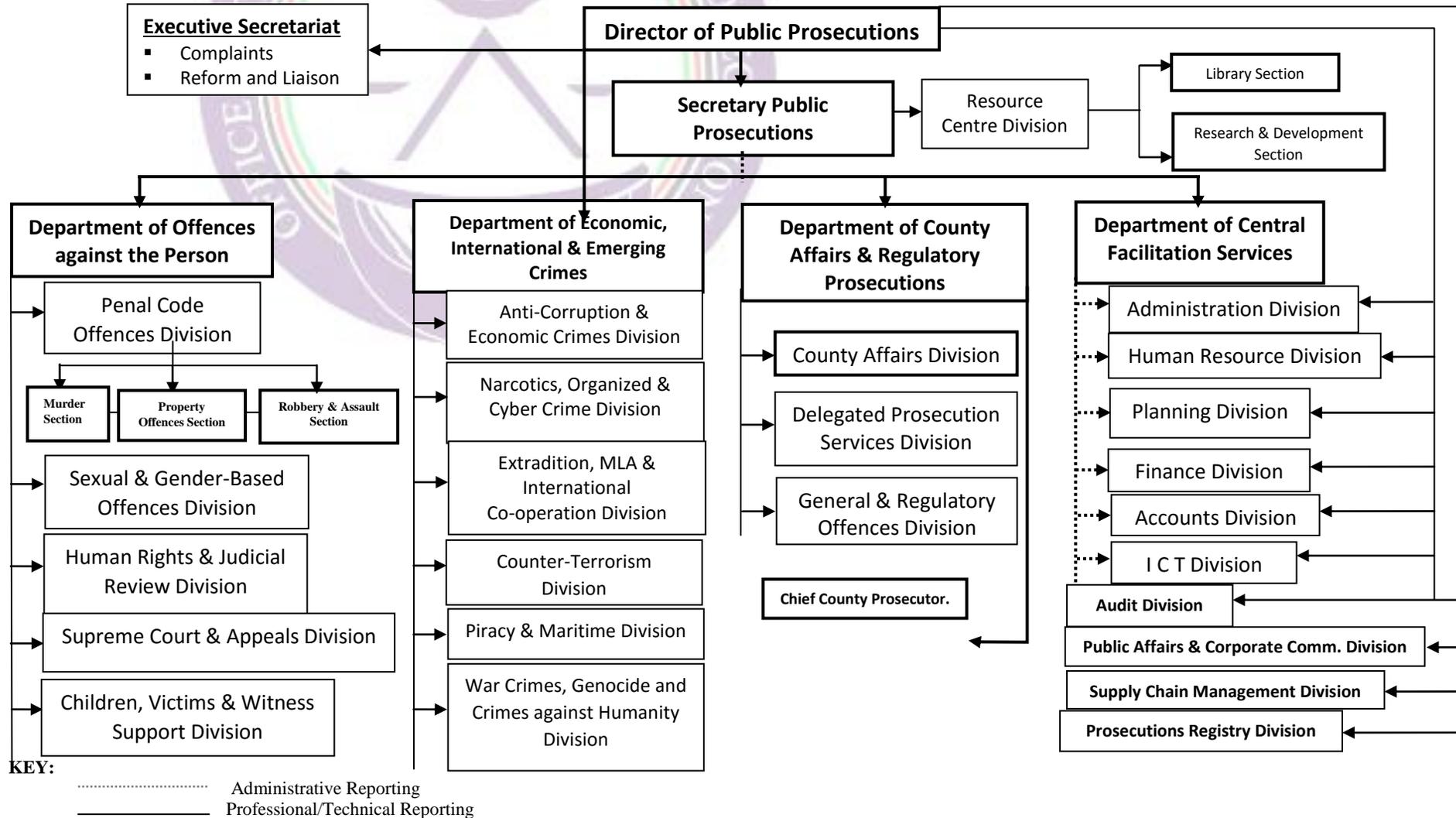
2.3 Core Values

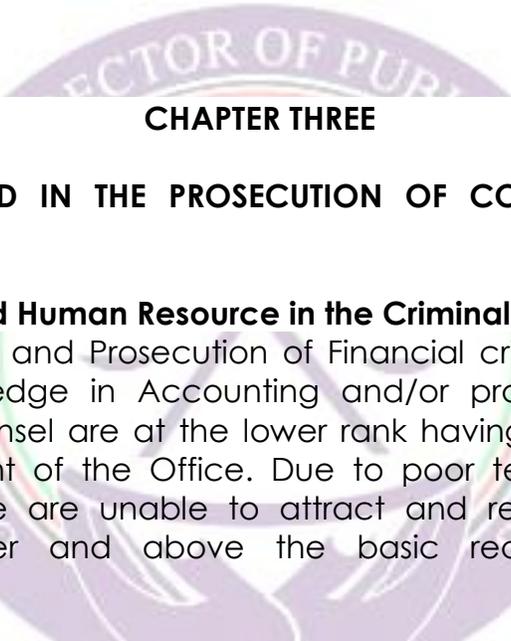
In pursuit of excellence in delivery of service, the Office of the Director of Public Prosecutions' staff will be guided by the following values:-

- a) The principles of integrity, transparency and accountability;
- b) Team spirit, discipline, respect and courtesy among staff;
- c) Commitment and dedication to duty;
- d) Professionalism in service delivery;
- e) Impartiality and fairness.

2.4 ODPP Organizational Structure

ORGANIZATIONAL STRUCTURE FOR THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS.





CHAPTER THREE

3.0 CHALLENGES FACED IN THE PROSECUTION OF CORRUPTION CASES AND MITIGATIONS

3.1 Lack of skilled Human Resource in the Criminal justice System

The Investigation and Prosecution of Financial crimes sometimes call for specialist knowledge in Accounting and/or procurement procedures. Most of the Counsel are at the lower rank having been employed after the establishment of the Office. Due to poor terms and conditions of employment, we are unable to attract and retain officers with such experience, over and above the basic requirement required of prosecutors.

3.2 Evolving and Emerging Crimes

In the recent past, the legal and policy framework for the prosecution of Corruption and Economic crimes has undergone tremendous growth. In view of the changing dynamics, Counsel need to continue being sensitized on the same, to keep up with the developments in the legal framework and emerging jurisprudence in the field.

To date, ODPP has embarked on massive training and sensitization on:-

- i. The Amendments to the Anti-Corruption and Economic Crimes Act;
- ii. The Procurement and Disposal Act, 2015;
- iii. The Proceeds of Crime and Money Laundering Act, 2012;
- iv. The Bribery Act;
- v. The Whistleblowers Act.

3.3 Use of outdated technology both in investigations and Prosecutions

Sufficiency of evidence is the primary consideration during collection of evidence. Overreliance on old technology leads to inadmissibility or loss of crucial evidence. ODPP is employing ways to embrace new technologies including wiretaps, covert surveillance, control Delivery, and video conferencing by witnesses where applicable.

3.4 An Unfavorable Corruption Perception Index

Lack of awareness by members of the public on the roles of various stakeholders and the channels available for reporting incidences of

corruption affects the length of time taken in addressing and determining complaints on corruption.

3.5 Human Rights Issues

The Constitution is the supreme law of the land. However, if abused, the rights guaranteed under the constitution lead to delays in the determination of cases due to several constitutional and judicial reviews. It is therefore important to have the right balance between what is acceptable and what is not, in the interest of justice.

3.6 High Turnover of Counsel

While it is acknowledged that a number of initiatives including MATT have been put in place to enhance the quality of prosecutions, the said initiatives are not structured leading to a lack of certainty of the programmes initiated to motivate prosecution counsel. The ODPP therefore continues to suffer capacity constraints due to the high turnover of Prosecution Counsel.

3.7 Way Forward

- i.** Continuous capacity building of all players in the criminal justice sector to expeditious and successful corruption cases.
- ii.** Adoption of modern technologies for reporting, investigation and prosecution of corruption and Economic crimes. These include receiving evidence through video conferencing, surveillance techniques, Control Delivery and Wiretaps in investigations.
- iii.** Promoting Awareness campaigns in the Media on the roles of every stakeholder.
- iv.** Creation of formal structures on collaboration and to promote information sharing

4.0 FILES SUBMITTED BY ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) TO ODPP

The files submitted by EACC were divided into four (4) quarters as follows:-

- 4.1** The First (1st) Quarter of the year - Investigation files submitted by EACC to ODPP for the period -1st January 2016 to 31st March 2016.
- 4.2** The Second (2nd) Quarter of the year - Investigation files submitted by EACC to ODPP for the period 1st April 2016 to 30th June 2016.
- 4.3** The Third (3rd) Quarter of the year - Investigation files submitted by EACC to ODPP for the period 1st July 2016 to 30th September 2016.
- 4.4** The Fourth (4th) Quarter of the year - Investigation files submitted by EACC to ODPP for the period 1st October 2016 to 31st December 2016.

4.1. THE FIRST (1ST) QUARTER PERIOD OF THE YEAR - INVESTIGATION FILES SUBMITTED BY ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) TO ODPP FOR THE PERIOD -1ST JANUARY 2016 TO 31ST MARCH 2016.

**1. EACC CR. 021/48/2015: CF: MOMBASA ACC. 11/2015
ODPP/CAM/016/5/487**

This was an inquiry into allegations of corruption against a supervisor in charge of Dockers at the Kenya Ports Authority.

EACC conducted investigations into the allegations which revealed that the suspect was an officer employed by a public body to wit, Kenya Ports Authority (KPA) as a foreman in charge of Dockers corruptly solicited and received a benefit of Kshs. 80,000/= from the complainant as an inducement to facilitate him get employment at KPA, a matter relating to the affairs of the said public body.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 4th January, 2016 with a recommendation to prosecute the suspect for offences of corruptly soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti-Corruption and Economic Crimes Act. The suspect was arrested and arraigned in court and charged with the above offence.

Upon perusal of file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the preferred charges of the case in court.

STATUS

The file was returned to EACC with directions that case in court proceed to its logical conclusion. Further hearing on 6th April, 2017.

**2. EACC CR.148/28/2015: THIKA ACC. NO.6696/2015
ODPP/CAM/016/5/486**

This is an inquiry into allegations of corruption against Askaris of the Kiambu County Government

EACC conducted investigations into the allegations which revealed that the suspects who were employees of Kiambu County Government corruptly solicited and received a benefit of Kshs. 2,000/= from the complainant as an inducement not to tow his lorry and to forbear charging him with the offence of transporting goods without a delivery license. The suspects were arrested and charged with the offence of soliciting and receiving a benefit under Section 39 (3) of ACECA.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 5th January, 2016, recommending prosecution of the suspects with the offences of corruptly soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the DPP found that there was sufficient evidence to sustain the charges before court and directed that the gaps identified be covered to strengthen the prosecution case.

STATUS

The file was returned to EACC with directions to cover the identified gaps to strengthen the prosecution case and that the case in court to proceed to its logical conclusions. The case is part heard and coming for further hearing on 22nd May, 2016.

3. CR. 343/342/2015: CF: No.ACC.15/2015 ODPP/CAM/016/5/488

This is an inquiry into allegations of corruption against a Senior Probation Officer based at Mariakani

EACC carried out investigations into the allegations which revealed that the suspect who is a Probation Officer based at Mariakani solicited and received a benefit of Kshs. 16,000/= from the complainant as an inducement to prepare a favorable report in a case where the complainant was convicted of the charge of stealing by servant in a matter before Mariakani Law Courts. The suspect was arrested and arraigned in court to face the charges.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 5th February, 2016 recommending prosecution of the suspect with the offences of corruptly soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti-corruption and Economic Crimes Act.

Upon perusal of file, the Director of Public Prosecutions was satisfied that there is sufficient evidence to sustain the case in court and directed that the case to proceed to its logical conclusion.

STATUS

The file was returned to EACC with directions that the case to proceed to its logical conclusion. The case is part heard before court.

4. EACC/FI/INQ/124/2015 ODPP/CON/015/5/461

This is an inquiry into allegations of misappropriation of Kshs 25 billion proceeds of the sale of the Sovereign Bond (Eurobond) by the national

EACC conducted investigations into the allegations, which revealed that the Medium Term Debt Management Strategy 2013 - 2016 that was approved by the Cabinet laid the foundation on Government burrowing. It is based on Medium Term Debt Management Strategy 2013 - 2016 that Eurobond was floated. Among the needs to be addressed by the Eurobond finances was to cover the Budget deficit that the Government was experiencing.

The National Treasury issued instructions to the Central bank of Kenya to open off shore collection accounts for the Proceeds. The CBK opened an Account number 60314995 known as 'Sovereign Bond Proceeds Account' held at JP Morgan Chase Bank, New York for the Original Sale of US \$ 2 billion. On 27th November 2014, CBK, under the instructions from the National Treasury, opened another Account number 36341018 known as 'GOK/CBK Sovereign Bond Tap Proceeds Account' held at Citibank New York tap sale of US \$ 750 million.

The Government eventually raised a total of US \$2.815 Billion in the year 2014. This was US \$billions of original sale- Received in JP Morgan Account on 24th June 2015 and US \$815 million in tap sales-Received in the Citibank New York account on 3rd December 2014.

On 3rd July 2015 the Government paid a syndicated loan of US\$ 604,560,737.50 off from the JP Morgan Chase Bank.

After the payment of the Syndicated Loan the balance of Ksh.196,916,669,316.00 were surrendered to the National Exchequer Account on diverse dates.

Eurobond proceeds were utilized as part of the National budget with withdrawals being approved by the Controller of Budget. The National Treasury in the financial year 2013/2014 & FY 2014/2015 distributed funds to the various ministries and state departments. Investigations did not reveal that there was any misappropriation of the proceeds of Eurobond.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 8th February, 2016 recommending that the file be closed and be referral to the Office of the Auditor General being an independent body with the mandate to audit accounts under **Article 229 of the Constitution of Kenya, 2010**, so as to carry out a Special Audit on the Development Projects that were

implemented by Ministries, Departments and Agencies (MDA's) in the Financial Year 2013/2014 and Financial Year 2014/2015 to ascertain the utilization and value for money.

DPP's findings and directions

Upon perusal of the file the DPP found several gaps and deficiencies in the investigations namely;

Accordingly on 25th January 2016, the DPP directed that further Investigations be conducted.

EACC resubmitted the file on 12th May, 2016 and upon review of the resubmitted file alongside the issues raised, the DPP found the following;

- I. The issues raised about issuance, administration and utilization of the sovereign bond be directed to the National Treasury and or forwarded to the office of the Attorney General for his legal opinion or advice, who being the principal legal advisor to the Government rendered his opinion on the same.
- II. A regards the allegation on the misappropriation of Kshs. 250 Billion, the DPP, concurring with EACC found that there was no evidence disclosing criminality on the part of any government official(s).

The DPP therefore directed that the matter be referred to the Auditor General to carry out a special audit on the development projects that were implemented by the Ministries, Departments and Agencies to ascertain if there was prudent utilization of the Eurobond and if the government got value for money.

5. CR. 764/601/2015 CF. NAIVASHA NO.1/2015 ODPP/CAM/016/5/494

This was an inquiry into allegations of corruption against KRA officers in Naivasha

Investigations by EACC upon receipt of the allegations revealed that the suspects who are KRA officers solicited and received Kshs. 50,000/= from the complainant to forbear charging him for not having complied with the provisions of section 69 of Legal Notice No. 110 of Value Added Tax Act (VAT) Cap 476, Laws of Kenya. The two officers were arrested and charged.

EACC compiled a report and forwarded to the Director of Public Prosecution on 13th January, 2016 with recommendation for the prosecution of the two (2) KRA suspects with the offences of corruptly soliciting for and receiving under Section 39 (3) (a) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the preferred charges and further directed that one Peter Obae should be enjoined in the case to face the two counts.

STATUS

The case is part heard.

6. EACC/FI/OPS/INQ.NO.39/2015 ODPP/CAM/016/5/495

This was an inquiry into allegation of bribery against Nairobi City County parking attendants.

EACC carried out investigations upon receipt of anonymous reports from members of the public and the Nairobi City County (NCC) that parking attendants from specific parking areas were collecting fees from motorists and that they were not remitting the money to NCC.

EACC carried out an Integrity Testing on the concerned Nairobi City Parking Attendants and they failed the tests. However, the nature of the tests carried out did not meet the required evidence threshold for prosecution.

Thereafter, EACC compiled a report and forwarded the same to the Director of Public Prosecutions on 13th January 2016 with recommendation of administrative action against the Parking Attendants and improvements of revenue collection systems of NCC.

Upon perusal of the file, the Director of Public Prosecutions found that there was no sufficient evidence on which to base the criminal charges against the suspects and concurred with EACC that administrative action be taken against the suspects.

STATUS

The file was returned to EACC with directions that administrative action be taken against the officers involved.

7. CR.148/31/2015 CF. NO. ACC 25/2015, MILIMANI ODPP/CAM/015/5/295

This was an inquiry into allegation of corruption against an intern based at the Ministry of Lands

EACC carried out investigations into the allegations which revealed that the suspect, an officer attached to the Ministry of Lands based at Ardhi House

solicited for and received a benefit of Kshs. 1,500/= from the complainant so as to retrieve a file which was due for Title Deed processing.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 26th January, 2016 recommending prosecution of the suspect with the offences of corruptly soliciting for and receiving a benefit under section 39(3) (a) of the Anti-corruption and Economic Crimes Act. The suspect was arrested and charged.

Upon perusal of file, the Director of Public Prosecutions found that there was sufficient evidence to sustain the charges preferred against the suspects and directed that the case proceed to its logical conclusion.

STATUS

The file was returned to EACC with directions that the case proceeds to its logical conclusion.

8. EACC/MSA/FI/INQ/13/2013 ODPP/CAM/016/5/493

This was an inquiry into allegations that the former Magarini CDF Fund Manager, Rashid Iregi Kariuki, abused his office by awarding bursaries to himself and another.

Investigations by EACC into allegations revealed that the CDF manager awarded bursaries to himself and another person as students of Kenyatta University by Magarini Constituency Development Fund yet the two did not qualify.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 11th January, 2016 recommending prosecution of the suspect with the offences of Abuse of Office contrary to Section 46, Fraudulent Acquisition of public property Contrary to Section 45 (1) (a) of the Anti-corruption and Economic Crimes Act and Uttering a false document contrary to Section 353 of the Penal Code.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was sufficient to support the proposed charges against the suspects and directed that prosecution ensue.

Further, the Director of Public Prosecutions directed that an additional charge of Conspiracy to commit an economic crime contrary to section 47A be preferred against the suspects.

STATUS

The file was returned to EACC with directions to institute criminal charges against the suspects. The case is part heard before court.

9. EACC/PI/INQ/124/14 ODPP/CAM/016/5/496

This was an inquiry into allegations against the Director General of the National Youth Service for servicing and maintaining a privately owned vehicle registration number KBS 475S at the expense of NYS at the cost of 497,335.

Investigations by EACC into the allegations established that Motor Vehicle registration number KBS 475S Land Rover Discovery is privately owned by the former Director General of National Youth Service (NYS) Dr. Nelson Githinji, and that the Motor Vehicle registration GK Z185 Land Rover Discovery belongs to NYS. Motor Vehicle registration KBS 475S was delivered for service at RMA Motors Limited but the vehicle that was registered for service was GK Z185. KBS 475S was serviced at a cost of Kshs. 497,335/= and the same was paid by NYS.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 13th January, 2016 recommending prosecution of the concerned NYS officials with the offences of Abuse of Office contrary to Section 46, Fraudulent Acquisition of public property Contrary to Section 45 (1) (a) of the Anti-corruption and Economic Crimes Act and Conspiracy to defraud contrary to Section 63 of the Penal Code.

Upon perusal of the file, the Director of Public Prosecutions found that there is a prima facie case but directed that further investigations be carried out in the outlined areas before the suspects could be arraigned in court.

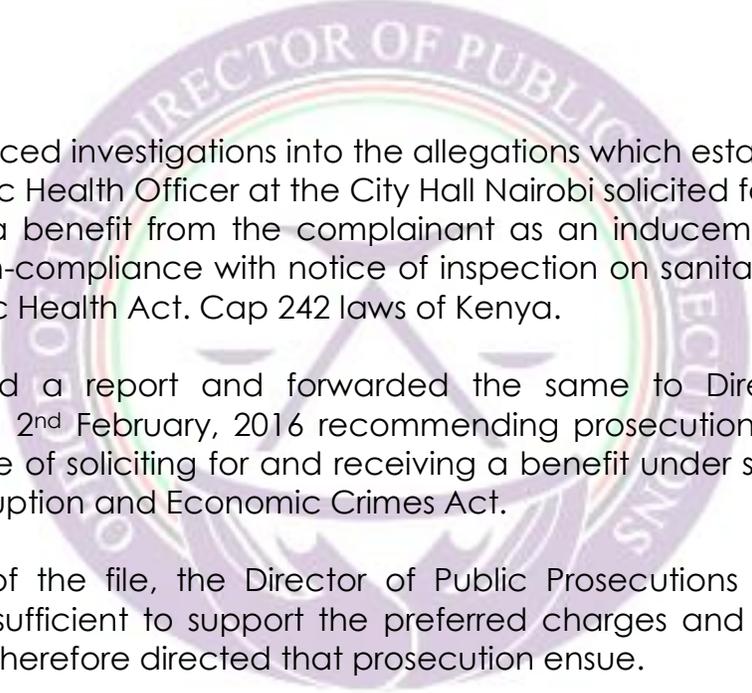
The file was resubmitted on 3rd February 2016 to which the DPP after perusal found that the evidence is sufficient to support the proposed charges and directed that suspects be arraigned in court.

STATUS

The suspects, i.e. the Director General of NYS, the *Aide de Camp* to the Director General and the Senior Superintendent Mechanic at the NYS took plea on 10th February 2016. 12 witnesses have so far testified.

10. EACC CR.148/29/2015: CF NO.ACC.23/2015 MILIMANI ODPP/CAM/016/5/480

This was an inquiry into allegations of corruption against a public health officer at the city hall Nairobi.



EACC commenced investigations into the allegations which established that the suspect, a Public Health Officer at the City Hall Nairobi solicited for and received Kshs. 40,000/= a benefit from the complainant as an inducement to forebear charges for non-compliance with notice of inspection on sanitation of premises under the Public Health Act. Cap 242 laws of Kenya.

EACC compiled a report and forwarded the same to Director of Public Prosecutions on 2nd February, 2016 recommending prosecution of the suspect with the offence of soliciting for and receiving a benefit under section 39(3) (a) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was sufficient to support the preferred charges and concurred with the EACC and therefore directed that prosecution ensue.

STATUS

The file was returned to EACC with directions that the case in court proceeds to its logical end. The case is part heard before court.

11. EACC/MSA/ACC/14/2015 ODPP/CAM/016/5/507

This was an inquiry into allegations of corruption against a Survey Assistant with the Ministry of Lands, Mombasa

EACC carried out investigation into the allegations which revealed that the suspect, a Survey Assistant at the Ministry of Lands Mombasa solicited and received Kshs. 5,000/= from the complainant in order to release a sketch map to him.

EACC prepared a report and forwarded to the Director of Public Prosecutions on 10th February, 2016 recommending prosecution of the suspect with the offence of corruptly soliciting and receiving a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to sustain the preferred charges and therefore directed that the matter proceed to its logical end.

STATUS

The file was returned to EACC with directions that the case in court proceeds. The case is part heard before court.

**12. EACC/KSM/CF/930/185/2015
ODPP/CAM/016/5/504**

This was an inquiry into allegation of corruption against a prosecution counsel based in Busia Law Court

EACC carried out investigation into the allegations which revealed that the suspect, a Prosecution Counsel based in Busia solicited for and received a benefit of Kshs. 7,000/= from the complainant so as to facilitate the release of a motorcycle which had been confiscated by Police Officers and retained at Busia Police Station.

EACC prepared a report and forwarded to the Director of Public Prosecutions on 11th February, 2016 recommending prosecution of the suspect with the offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003. The suspect was arrested and charged with the above mentioned offences.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to sustain charges before court and directed that the case proceed to its logical conclusion.

STATUS

Five witnesses have so far testified. The matter is scheduled for further hearing on 10th April 2017.

**13. CR.421/142/2015: MERU AC. NO. 6/2015
ODPP/CAM/016/5/505**

This was an inquiry into allegations of corruption against a Meru Paralegal Community Organization Coordinator

EACC carried out investigations into the allegations which established that the suspect who is a Coordinator Meru Paralegal Community Organization solicited for and received a benefit of Kshs. 10,000/= from the complainant as an inducement to make a favourable recommendation for the complainant who had a misunderstanding with the wife on the maintenance of their child.

EACC compiled a report and forwarded to Director of Prosecutions on 15th February, 2016 recommending prosecution of the suspect with the offences of soliciting and receiving a benefit contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003. The suspect was arrested and charged with the above-mentioned offences.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to warrant prosecution of the suspect and directed that the case proceed to its logical conclusion.

STATUS

The file was returned to EACC with directions that the case precedes to its logical conclusion. The case is part heard before court.

14.CR.421/174/2015 MERU ACC.7/2015 ODPP/CAM/016/5/508

This was an inquiry into allegations of corruption against a police officer serving at Archers Post Police Station

Investigations on the allegations were carried out by EACC which revealed that a Police Officer at Archers Post Police Station solicited for and received a benefit of Kshs. 2000/= as an inducement to release the complainant from police custody who had been arrested after committing an offence of obstruction.

EACC compiled a report and forwarded to Director of Public Prosecutions on 15th February, 2016 recommending prosecution of the suspect with the offence of soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that there is a prima facie case and identified a number of gaps that needed to be addressed to strengthen the prosecution case.

STATUS

The file was returned to EACC with directions to cover the identified gaps and thereafter the matter to be prosecuted to its logical conclusion.

15.EACC/OPS/INQ.NO.41/2015 ODPP/CAM/016/5/506

This was an inquiry into allegation of bribery against Nairobi City County parking attendants in Westland.

EACC carried out investigations on the allegations upon receipt of anonymous reports from members of the public and the Nairobi City County (NCC) that parking Attendants from specific parking areas were collecting fees from motorists and that they were not remitting the money to NCC.

EACC carried out an Integrity Testing on the concerned Nairobi City Parking attendants and they failed the tests. However, the nature of the tests carried out did not meet the required evidence threshold for prosecution.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 16 February 2016 with recommendation for closure.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to support any criminal charge and concurred with EACC's recommendation for closure.

STATUS

The file was returned to EACC with directions that the file be closed.

16. EACC/INQ/OPS/08/2016 ODPP/CAM/016/5/509

This was an inquiry into allegations that the Governor of Murang'a County obstructed EACC officers from executing a search warrant

EACC carried out investigations into the allegations that its officers were obstructed from executing an order to search the Governor's office, residence and business premises. It was alleged that the EACC officers proceeded to the above premises to carry out the search and as they were carrying out the search, the Governor indicated to them that they would not carry away some of his documents. Shortly a group of supporters of the Governor appeared and snatched the documents that had been recovered by EACC officers and took off with them.

Upon completion of the investigations, EACC compiled a report and forwarded to the Director of Public Prosecutions on 18th February, 2016 with recommendation for the charge of Obstruction contrary to Section 66 (1) (a) of Anti-Corruption and Economic Crimes Act, 2003 and that the findings be forwarded to the Senate so as to take appropriate action as per provisions of Article 181 of the Constitution.

Upon perusal of the file and consideration to the evidence therein, the Director of Public Prosecutions was satisfied that there was sufficient evidence to support the recommended charge and directed that the prosecution ensue.

STATUS

The charges were deferred after a Petition Number 2 of 2016 was filed in Murang'a High Court staying the prosecution in lower court criminal case until

the petition has been heard determined. Ruling of the petition on 17th February 2017,

**17.CR.148/2/2016 MILIMANI ACC.2/2016
ODPP/CAM/016/5/500**

This was an inquiry into allegations of corruption against a draughtsman, Nairobi City County

EACC carried out investigations into the allegations which revealed that the suspect, an employee of the Nairobi City County working as a Draughtsman solicited for Kshs. 30,000/= from the complainant as an inducement to allow him to continue with the construction of house at lucky Summer Area.

EACC compiled a report on 22nd February, 2016 and forwarded to the Director of Public Prosecutions recommending prosecution of the suspect with the offence of soliciting for a benefit contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003. The suspect was arrested and charged with the above-mentioned offences.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to sustain the case in court. He therefore concurred with the EACC recommendations that the case be prosecuted to its logical conclusion.

STATUS

The file was returned to the EACC with directions that the case to proceed to its logical conclusion. The matter is part heard before court.

**18.EACC/FI/INQ/104/2015
ODPP/CAM/016/5/503**

This was an inquiry into allegations of irregular procurement of accommodation and conference facilities by the National Youth Service (NYS)

EACC commenced investigations upon receipt of allegations which revealed that NYS officials secured M/S Narumoro River Lodge for conference facilities at a cost of Kshs. 4,114,255/= without adhering to laid down procurement procedures.

EACC compiled a report on 15th February 2016 and forwarded the same to the Director of Public Prosecutions recommending surcharging of the Acting Director General and a charge of Abuse of Office contrary to Section 46 of Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was sufficient to support the charges, concurred with the EACC, and directed that the suspect be charged with the previously mentioned offences.

STATUS

The suspect was arraigned in court and the case is part heard.

19. EACC/ISL/FI/INQ.7/2014 ODPP/CAM/016/5/502

This was an inquiry into allegations of irregular awarding of tender for erection of perimeter fence for proposed site for County Government offices and misappropriation of funds in Marsabit County

Investigations into the allegations by EACC revealed that Marsabit County Government Tender Committee used Restricted Tendering without meeting the prescribed conditions in an attempt to regularize a flawed procurement process used to award a tender to undertake the erection of a perimeter fence on a land proposed to house County Headquarters.

EACC compiled a report on 15th February, 2016 and forwarded the same to Director of Public Prosecutions recommending several charges among them willful failure to comply with applicable Procurement procedures contrary to Section 45 (2) (b), Abuse of Office contrary to Section 46 of prosecution Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was sufficient to support the charges proposed by EACC and directed that the prosecution ensue.

STATUS

The file was returned to the EACC with directions that the prosecutions ensue. The case is part heard before court.

20. EACC/KSM/INQ/FI/06/2014 ODPP/CAM/016/5/510

This was an inquiry into allegations of corrupt conduct against the Chief Manager, Finance in the payment of salaries to persons who are not employees of the Lake Victoria South water service board

Investigations were commenced by EACC on the allegations which revealed that Chief Manager, Finance used to insert the names of his wife and a Mason who was constructing his residential house, persons who were not employees of

the Board in the Pay Roll of Board employees and a total of Kshs. 12,009,590/= was irregularly paid out.

EACC compiled a report on 15th February 2016 and forwarded to Director of Public Prosecutions recommending several charges among them, Fraudulent Disposal of Public Property contrary to Section 45 (1) (b) and Abuse of Office contrary to Section 46 of prosecution Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to support the charges proposed by EACC and therefore directed that prosecution to ensue.

STATUS

The file was returned to EACC with directions that prosecution to ensue. The case is part heard before court.

21.CR.148/35/2015 CF. ACC. NO. 30/2015 ODPP/CAM/016/5/482

This was an inquiry into allegation of corruption against a police officer attached to Tassia Police Patrol Base and another.

EACC carried out investigation into the allegations, which revealed that the suspect who is a Police Officer solicited for and received a bribe of kshs. 5,000/= from the complainant as an inducement to release the complainant's brother from custody after having been arrested by officials from the Music Copyright Society of Kenya for playing music in a public place without a licence. The suspect was arrested and arraigned in court on 4th March 2016.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 23rd February, 2016 recommending prosecution of the suspect for an offence of corruptly soliciting for and receiving a benefit under section 39 (3) (a) and (b) of Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of file, the Director of Public Prosecutions found that there was sufficient evidence to sustain the charges in court and directed that the case proceed to its logical conclusion.

STATUS

The file was returned to EACC with directions that the case in court to proceed to its logical conclusions. The case is part heard before court.

**22. CR. EACC/916/INQ/426/2015
ODPP/CAM/016/5/514**

This was an inquiry into allegations of corruption against police officers attached to the Webuye weighbridge

EACC conducted investigations into allegations, which revealed that police officers who are employees of National Police Service failed to discharge their duty of diverting all trucks for weighing, and taking action against those that disobeyed their orders to divert.

EACC compiled a report and forwarded to Director of Public Prosecutions on 24 February, 2016 recommending that the suspects be charged with the offence of abuse of office contrary to section 46 as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of file, the Director of Public Prosecutions found that there was sufficient evidence to warrant prosecution of the suspects and directed that the prosecution ensue.

STATUS

The file was returned to EACC with directions that the suspects be charged with the above-mentioned offences. The case is part heard before court.

**23. CR.148/33/2015 CF. NO.ACC.27/2015 MILIMANI
ODPP/CAM/016/5/517**

This was an inquiry into allegations of corruption against police officers attached to Jogoo house police station

Investigations carried out by EACC established that the suspects who were police officers and employees of National Police Services, solicited and received Kshs. 300,000/= from the complainant as an inducement to forebear the charges of possessing fake bank currency.

A report was prepared and forwarded to Director of Public Prosecutions on 10th March, 2016 recommending prosecution of the suspects with an offence of soliciting and receiving a benefit under section 39 (3) (a) and (b) of Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was sufficient to support the charges recommended by the EACC.

STATUS

The file returned to EACC with directions that prosecutions should ensue. The case is part heard before court.

24.EACC: MOMBASA RP/INQ.022/2015 CF. CR. 1091/2015 ODPP/CAM/016/5/515

This was an inquiry into allegation of corruption against an employee of Kenya Power and Lighting Company Limited

EACC carried out investigations and established that the suspects who are employees of Kenya Power and Lighting Company corruptly solicited and received Kshs.15, 000/= from the complainant as an inducement to forbear charging him for an illegal connection of a meter box. The suspect was arrested and charged.

EACC compiled a report and forwarded to Director of Public Prosecutions on 23rd February, 2016 recommending prosecution of the suspects with the offence of soliciting and receiving a benefit contrary to section 39(3) (a) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges and the case should therefore proceed to its logical conclusion.

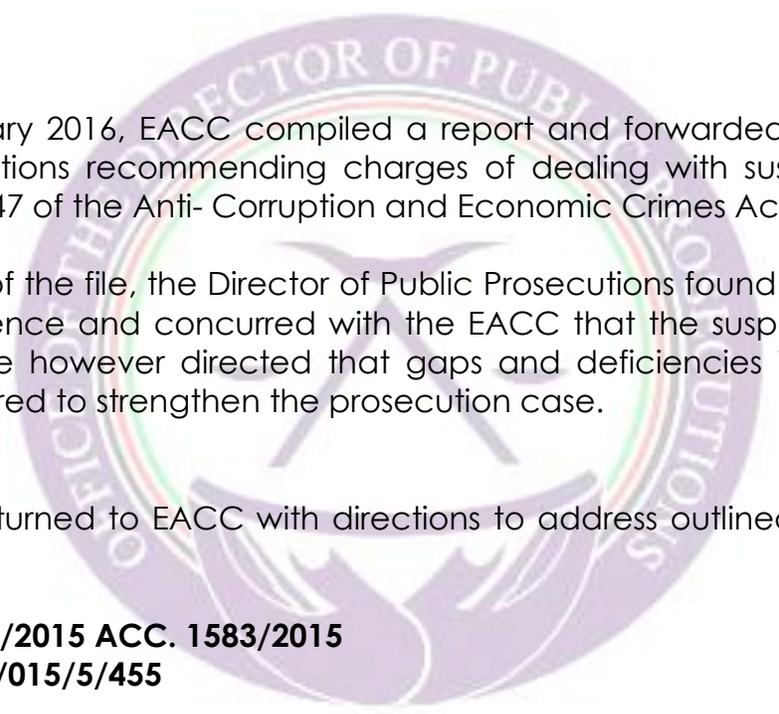
STATUS

The file was returned to EACC with directions that the case should proceed to its logical conclusion. The case is part heard before court.

25.CR. 148/23/2015 CF THIKA ACC. 6005/2015 ODPP/CAM/016/5/512

This was an inquiry into allegations of dealing with suspect property against two police officers attached to Kabete police station

EACC commenced investigations following complaints from members of the public that Traffic Police Officers along Waiyaki Way at Kabete Police Station were taking bribes from motorists without conducting traffic inspections. The Commission conducted surveillance on the Traffic Police Officers along the Waiyaki Way. Two police officers were captured receiving bribes from motorists. In addition, thereafter the vehicles would be allowed to pass without a traffic inspection.



On 25th February 2016, EACC compiled a report and forwarded to Director of Public Prosecutions recommending charges of dealing with suspect property under section 47 of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence and concurred with the EACC that the suspects should be prosecuted. He however directed that gaps and deficiencies in the outlined areas be covered to strengthen the prosecution case.

STATUS

The file was returned to EACC with directions to address outlined areas before hearing date.

26.CR. 781/574/2015 ACC. 1583/2015 ODPP/CAM/015/5/455

This was an inquiry into allegations of corruption during KDF recruitment exercise at Narok County

EACC commenced investigations on the allegations which established that at the recruitment exercise of KDF officers in Olololunga Stadium in Narok South Sub-County the suspects offered to give Kshs.100,000/= to the KDF officers conducting the interviews in order to secure slots in the recruitment. Investigations further revealed that the suspects were taken to DCI Narok where they were interrogated for bribing KDF officers. DPP directed that the matter be taken over by EACC.

EACC compiled a report and forwarded the same to Director of Public Prosecutions on 25th February, 2016 recommending that the suspects be charged with offences of corruptly offering a benefit contrary to section 39(3) (b) of Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was sufficient to support the proposed charges and therefore directed that the suspects be prosecuted accordingly.

STATUS

The file was returned to EACC with directions that the prosecution to ensue. The case is part heard before court.

27.CR. 421/180/2015: MERU ACC. NO. 8/2015
ODPP/CAM/016/5/513

This was an inquiry into allegation of corruption against a chief adjudication and settlement officer Tigania East Sub-County, Meru County

EACC commenced investigations on receipt of the allegations which revealed that the suspect who is a Chief Land Adjudication and Settlement Officer, Tigania East Sub-County, Meru County corruptly solicited for a benefit of and received Kshs. 30,000/= as an inducement to make a ruling in favor of the complainant in a land dispute.

EACC prepared a report and forwarded to Director of Public Prosecutions on 25th February, 2016 recommending prosecution of the suspects for soliciting and receiving a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act. The suspect was arrested and charged with the above offences.

Upon perusal of the file, the Director of Public Prosecutions found that there was a prima facie case and concurred with EACC that the case should be prosecuted to its logical conclusion. However, he directed that gaps and deficiencies outlined be covered to strengthen the prosecution case.

STATUS

The file was returned to EACC with directions that the case to proceed to its logical conclusion. The case is part heard before court.

28.EACC/FI/OPS/INQ.NO.39/2015
ODPP/CAM/016/5/495

This was an inquiry into allegation of bribery against Nairobi City County parking attendants within Ngara area and Kijabe Street

Investigations commenced after EACC received anonymous reports from members of the public and the Nairobi City County (NCC) that parking Attendants from specific parking areas were collecting fees from motorists and that they were not remitting the money to NCC.

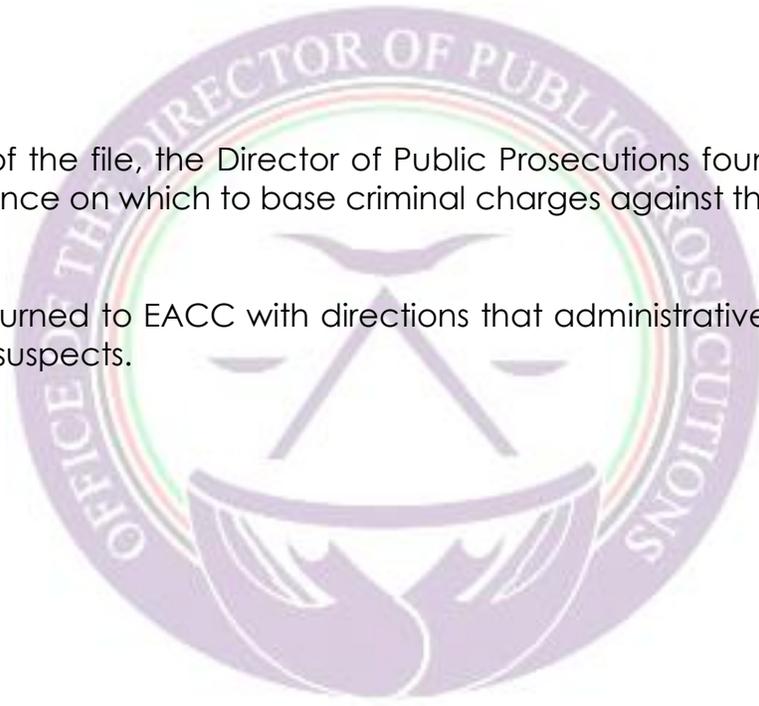
EACC carried out an Integrity Testing on the concerned Nairobi City Parking attendants and they failed the tests. However, the nature of the tests carried out did not meet the threshold evidence required for a Criminal matter.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 1st March 2016, with recommendation for closure.

Upon perusal of the file, the Director of Public Prosecutions found there was no sufficient evidence on which to base criminal charges against the suspects.

STATUS

The file was returned to EACC with directions that administrative action is taken against all the suspects.



4.2. THE SECOND (2ND) QUARTER PERIOD OF THE YEAR - INVESTIGATION FILES SUBMITTED BY ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) TO ODPP FOR THE PERIOD -1ST APRIL 2016 TO 31ST JUNE 2016.

29. EACC/EL/25/2015 ODPP/CAM/016/5/528

This was an inquiry into allegations of Corruption against Officers of the Technical and Vocational Education and Training Authority (TVETA)

EACC conducted investigations into allegations that the officials of TVETA had extorted bribes from North Pole Education Centre in order to frustrate the college's competitors by failing to register and issue them with relevant licenses. Investigations established that the officials of TVETA did not solicit, nor receive bribes from North Pole Education Centre. Further financial investigations found no suspicious financial transactions on the part of the officials.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 recommending that the file be closed, as the evidence obtained was not sufficient to sustain any offences or any criminal charges against the officers of TVETA.

Upon perusal of the file, the Director of Public Prosecutions found no criminal culpability on the part of the officers involved and concurred with EACC that the file be closed.

STATUS

The inquiry file was returned to EACC on 14th June 2016 with directions to close.

30. EACC/FI/INQ/03/2013 ODPP/CAM/016/5/538

This was an inquiry into alleged Embezzlement of Kshs. 20 Million from Tigania CDF Funds meant for Tigania Water Supply Augmentation Project

EACC conducted investigations, which established that in the financial year 2008/2009 the Tigania CDF was allocated Kshs. 10 million for Tigania Water Project. That however, this project was taken over by the Government for implementation at a cost of Kshs. 80 million and that part of the sum allocated, Kshs. 9 million was properly reallocated to other projects within the Constituency. Investigations however established that the Fund Manager and Office Manager at the CDF reallocated Kshs. 1 million to Baingeru Water Project without the relevant approval from the National Constituencies Development Fund Board.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 recommending that the Fund Manager and the Office manager be charged for willful failure to comply with the law relating to incurring of expenditure contrary to section 45(2) (b) as read with section 48(1) of ACECA 2003.

Upon perusal of the file, the Director of Public Prosecutions found no criminal culpability on the part of the Officers at the CDF, as they did not convert the water pipes to their personal use and directed that the inquiry file be closed. The DPP declined a recommendation by EACC to prosecute. However, he directed that appropriate disciplinary/ administrative action be taken against the officers.

STATUS

The inquiry file was returned to EACC on 15th July 2016 with directions to close and administrative action be taken against the officers at the Tigania CDF offices.

31. EACC/ISL/FI/INQ 15/2015 ODPP/CAM/016/5/529

This was an inquiry into allegations of irregular recruitment of the Chief Officer, Finance, Meru County

EACC commenced investigations into the above allegations, which revealed that the position of Chief Officer Finance (COF) became vacant at Meru County Government following the transfer of the previous office holder. That the County Public Service Board (CPSB) then advertised for the post and six applicants applied. The Board shortlisted four of the applicants and invited them for interview. Only three turned up for interview and the Board accordingly interviewed them.

The investigations further established that on conclusion of the interview, some of the Board members convened another interview panel that interviewed the person who finally got the job as COF. In the process of doing this the Panel came up with minutes ostensibly to show that proper interview had taken place, which were presented to the CPS Board County Assembly for appointment of the latest interviewee into the position of COF.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 with recommendations that the Chairperson and Member of the Meru County Public Service Board and County Executive Committee Member who interviewed and recommended the employment of the said interviewee as the Chief Officer Finance, together with the interviewee

(Chief Finance Officer) himself, to be charged variously for the offences of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003, conspiracy to commit an offence of corruption contrary to 47A (3) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and deceiving principal contrary to section 41 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

It was further recommended that the members of the Meru County Assembly to be sensitized on the need to adhere to the law when carrying out their public duties as investigations established that they flouted Part II of Leadership and Integrity Act.

Upon perusal of the inquiry file, the DPP found sufficient evidence to sustain the proposed charges and concurred with the EACC recommendation for prosecution and as such, directed prosecution to ensue and those members of Meru County Assembly be sensitized on the need to adhere to the law when carrying out when carrying out their public duties.

STATUS

The inquiry file returned on 14th June 2016 with directive that the Chairperson of the Meru County Public Service Board, the County Executive Committee Member and the Chief Finance Officer himself be charged with the offences of abuse of office contrary to section 46 as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003, conspiracy to commit an offence of corruption contrary to section 47A (3) as read with section 48(1) of the Anti-Corruption and economic Crimes Act, 2003 and deceiving principal contrary to section 41 as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

32. EACC/FI/INQ/35/2015 ODPP/CAM/016/5/523

This was an inquiry into allegations that members of the Public Accounts Committee (PAC) received Kshs. 1.5 Million from the former Interior Permanent Secretary to expunge his name from the Committee's report on unexplained expenditure at the Office of the President.

EACC conducted investigations on allegations that the former Permanent Secretary gave bribes to members of the PAC in order to expunge his name from the committee's report on unexplained expenditure at the office of the President. Investigations revealed that the former Interior Permanent Secretary did not give any bribe to members of PAC and that no officer at the Office of the President gave the PAC Chairman bribe of Kshs. 5 million so as to allegedly influence them to come up with a favourable report regarding the allegation on

unexplained expenditure at the Office of the President during the Financial Year 2012/2013.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 recommending closure of the file with no further action.

Upon perusal of the inquiry file, the DPP found that there was no sufficient evidence to warrant prosecution and concurred with the recommendation by EACC that the file be closed with no further action.

STATUS

The inquiry file was returned to EACC on 31st May 2016 with directions to close.

33. EACC/MSA/EL/INQ/6/2015 ODPP/CAM/016/5/527

This was an Inquiry into allegations of irregularities in employment by the Taita Taveta County Public Service Board.

EACC conducted investigations, which established that the Taita Taveta County Government had the need to recruit Medical Social Workers. The County Public Service Board (the Board) then initiated this recruitment by advertising for the posts that attracted a number of applicants including the complainant. The Board then shortlisted and interviewed the applicants. The Board however at the end settled on other applicants, leaving out the complainant who had emerged as the best, on considerations based on Article 10 the Constitution of Kenya, 2010 and Section 65 (2) of the County Government Act. The best candidate complained.

Investigations established that the Board was right in law to overlook the best candidate in recommending other applicants for the vacant positions based on the legal considerations such as regional balance, gender, ethnicity, amongst others.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 recommending closure of the file with no further action.

Upon perusal of the inquiry file, the DPP found that there was no sufficient evidence to form the basis of a prosecution and concurred with the recommendation by EACC that the file be closed with no further action.

STATUS

The inquiry file was returned to EACC ON MTH June 2016 with directions that the same be closed with no further action.

34. EACC/EL/INQ. 41/2015 ODPP/CAM/016/5/531

This was an inquiry into allegations of unethical conduct by a member of County Assembly (MCA) Central Gem Ward, Siaya County.

EACC conducted investigations, which established that the Member of County Assembly, Central Gem Ward stripped himself naked as he addressed members of the Press within the precincts of the Siaya County Assembly. This incident was reported to the Committee of Privileges of the Siaya County Assembly. This Committee deliberated on this conduct and meted out the relevant sanction as per the law.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions 4th April 2016 recommending that EACC issues a warning letter to the MCA against further violation of the Constitution of Kenya, 2010, Leadership, and Integrity Act, 2012 and that the MCA tenders a public apology regarding that conduct.

Upon perusal of the inquiry file, the DPP concurred with the recommendation by EACC that a caution letter be issued to the MCA and the need for him to make a public apology.

STATUS

The inquiry file was returned to EACC on 11th July 2016 with directions that a caution letter is issued to the MCA and to make a public apology.

35. EACC/CR. 148/30/2015: ACC NO. 26/2015 ODPP/CAM/015/5/474

This was an inquiry into allegations of corruptly soliciting and receiving a benefit against a volunteer children's officer based at Westland Nairobi

EACC conducted investigations which established that the suspect, a volunteer officer at a children's office in Westland, Nairobi solicited for a benefit of Kshs. 10,000/= from the complainant but received a benefit of Kshs. 6,000/= as an inducement to compile a favourable evaluation report to the complainant's son.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 recommending that the suspect be charged with offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the DPP found that there was sufficient evidence to support the recommended charges and directed that prosecution ensue against the volunteer children's officer.

STATUS

The file was returned to EACC with directive that the suspect be charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39(3) (b) as read with section 48(1) of the Anti-Corruption and Economic Crimes Act, 2003. However the accused was at large and there was a warrant of arrest in force. The case is pending in court.

36. EACC/CR: 314/302/2015: CF: NO. ACC 20/2015 ODPP/CAM/016/5/532

This was an inquiry into allegations of corruption against an employee of SAGS Limited based at Mariakani weighbridge in Kilifi County

EACC conducted investigations into the above allegations which revealed that the suspect who at the time was working for SAGS Ltd in the company of a police officer had stopped the complainant's wife's truck for allegedly overloading and removed the registration number plate from that truck. He then solicited for a benefit of Kshs. 50,000/= which he later on reduced to Kshs. 30,000/= but received a benefit of Kshs. 10,000/= as an inducement to return the number plate.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 recommending that the suspect be charged with offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file the DPP found that there was sufficient evidence to support the preferred charges recommended by EACC and directed that prosecution proceed to its logical conclusion.

STATUS

The file was returned with directives that the suspect be charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39

(3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard.

**37. EACC/MSA/FI/INQ/12/2015
ODPP/CAM/016/5/534**

This was an inquiry into allegations that Technical University of Mombasa Irregularly Procured Smart TVs.

EACC conducted investigations which established that the suspects, the Deputy Vice Chancellor, Administration, Finance and Planning and the Chairperson and members of the Tender Committee for Technical University of Mombasa, procured Smart TV sets worth Kshs. 4.75 million, yet the said procurement was not in the procurement plan or budget for the University's financial year 2014/2015, thereby flouting several provisions of the Public Procurement and Disposal Act, 2005.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 recommending that the Deputy Vice Chancellor, Administration, Finance and Planning and the Chairperson and members of the Tender Committee for Technical University of Mombasa be charged with one count of engaging in a project without prior planning contrary to section 45 (2) (c) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; four counts of willful failure to comply with the law relating to procurement contrary to section 45 (2) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; and one count of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found that there was sufficient evidence to support the proposed charges and directed that the suspects be charged with the offences recommended.

STATUS

The file was returned with the directives that the Deputy Vice Chancellor, Administration, Finance and Planning and the Chairperson and members of the Tender Committee for Technical University of Mombasa be charged with one count of engaging in a project without prior planning contrary to section 45 (2) (c) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; four counts of willful failure to comply with the law relating to procurement contrary to section 45 (2) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; and one count of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic

Crimes Act, 2003. The case is part heard and the hearing date is fixed on 4th-5th May 2017.

**38. EACC/FI/INQ/118/2014
ODPP/CAM/016/5/537**

This was an inquiry into allegations that Turkana County Awarded Kabarait Builders and Contractors a contract to rehabilitate Kalokol-Lobolo-Eliye Springs Road at an inflated amount

EACC conducted investigations, which established that the County Government of Turkana in the FY 2013/2014 had allocated Kshs. 350 million, in the Supplementary Budget Estimates of 14th March 2014 for the construction and upgrading of feeder roads. Thereafter the County Government advertised for the prequalification for the supply and provision of works, goods and services leading to compilation of a prequalified list.

Investigations revealed that the County Government then used the restrictive tendering method in awarding M/s Kabarait Builders and Contractors the tender for the construction of Kalikow – Lobule - Elide Springs at Kshs. 10,544,400/=. The Contractor embarked on the construction and finally received payment in the sum of Kshs. 10,122,623.60 less VAT, withholding tax and supervision fees.

Investigations further revealed the works done were worth Kshs. 8, 178,000/= meaning that the Contractors were overpaid by Kshs. 2,366,400/=. It was also established that an employee of the County Government, who was also in the employment of Kenya Rural Roads Authority as Roads Superintendent, was paid Kshs. 1,630,686/= allegedly as supervision fees which he was not entitled to.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 recommending that the Head of Supply Chain, Chief Finance Officer at the Ministry of Transport, Roads, Housing and Public Works in the Turkana County Government, the Roads Superintendent at Kenya Rural Roads Authority, County Executive Member in charge of Ministry of Transport, Roads, Housing and Public Works in the Turkana County Government and the proprietor of Kabarait Builders and Contractors Ltd, be charged variously with four counts of willful failure to comply with the law relating to procurement contrary to section 45 (2) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; two counts of unlawful acquisition of public property contrary to section 45 (1) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; and three counts of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found there was sufficient evidence to warrant prosecution of the suspects and directed that prosecution ensue.

STATUS

The file was returned to EACC with directives that the Head of Supply Chain, Chief Finance Officer at the Ministry of Transport, Roads, Housing and Public Works in the Turkana County Government, the Roads Superintendent at Kenya Rural Roads Authority, County Executive Member in charge of Ministry of Transport, Roads, Housing and Public Works in the Turkana County Government and the proprietor of Kabarait Builders and Contractors Ltd, were charged respectively with four counts of willful failure to comply with the law relating to procurement contrary to section 45 (2) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; two counts of unlawful acquisition of public property contrary to section 45 (1) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; and three counts of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard.

39. EACC/MSA/FI/INQ/12/2015 ODPP/CAM/016/5/533

This was an inquiry into allegations of corruption against former Chief Planning Officer-Carissa County

EACC conducted investigations which revealed that the Complainant visited the offices of Ministry of Lands, Roads, Housing Development and Public Works at Garissa County with a view to processing a title document to her farm when she was introduced to the suspect, Chief Planning Officer of the said Ministry. That the suspect asked the complainant for Kshs. 100,000/= as facilitation fees for that process and the complainant later on paid that amount.

Investigations further established that finally the suspect did not process the title as he had undertaken, causing the complainant to report the matter to EACC offices at Garissa County.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th April 2016 recommending that the suspect be charged with the offence of obtaining money by false pretense contrary to section 313 of the Penal Code.

Upon perusal of the inquiry file, the DPP found there was sufficient evidence to warrant prosecution of the suspect and directed that prosecution ensue.

STATUS

The file was returned to EACC with directives that the suspect be charged with the offence of Obtaining Money by false pretense contrary to section 313 of the Penal Code. The case is part heard.

40. EACC/MGKS/FI/INQ/01/2015 ODPP/CAM/016/5/524

This was an inquiry into allegations of embezzlement of Public Funds and Abuse of Office by Owego Fund Chairman in Mwala Sub-County in Machakos County

EACC conducted investigations which established that some members of Constituency Uwezo Fund Management Committee in Mwala Sub-county, Machakos County, irregularly allocated public funds to a number of youth groups and one member of the Fund allocated himself the Fund money without disclosing his interest to the Fund.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 5th April 2016 recommending that the suspect be charged with one count of willful failure to comply with the guidelines relating to issuance of Uwezo Funds contrary to section 45 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; five counts of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; one count of fraudulent acquisition of public property contrary to section 45 (1) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; and failure to disclose a private interest to one's principal contrary to section 42 (1) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found there was sufficient evidence to warrant prosecution of the suspect for the above offenses and directed that prosecution ensue.

STATUS

The file was returned to EACC with directives that the suspect be charged with one count of willful failure to comply with the guidelines relating to issuance of Uwezo Funds contrary to section 45 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; one count of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; one count of fraudulent acquisition of public property contrary to section 45 (1) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; and failure to disclose a private interest to one's principal contrary to section 42 (1) as read with section 48 (1) of

the Anti-Corruption and Economic Crimes Act, 2003 and one count of forgery contrary to section 345 of the Penal Code. The case is part heard before court.

41. EACC/CR.760/17/2016: ACC.1/2016
ODPP/CAM/016/5/536

This was an inquiry into allegations of corruption against a Police Officer at Busia Police Station

EACC conducted investigations which established that the suspect, a police officer attached at Busia Police Station, solicited from the two complainants a benefit Kshs. 300,000/= but only received Kshs. 100,000/= as an inducement to release to them their gold product which he had confiscated from them at a road block along Busia-Kisumu Highway. The suspect was arrested and charged with offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 5th April 2016 recommending that the suspect be charged with the above offense.

Upon perusal of the inquiry file, the DPP found sufficient evidence to support the charges preferred against the suspect and directed that the case in court to proceed to its logical conclusion.

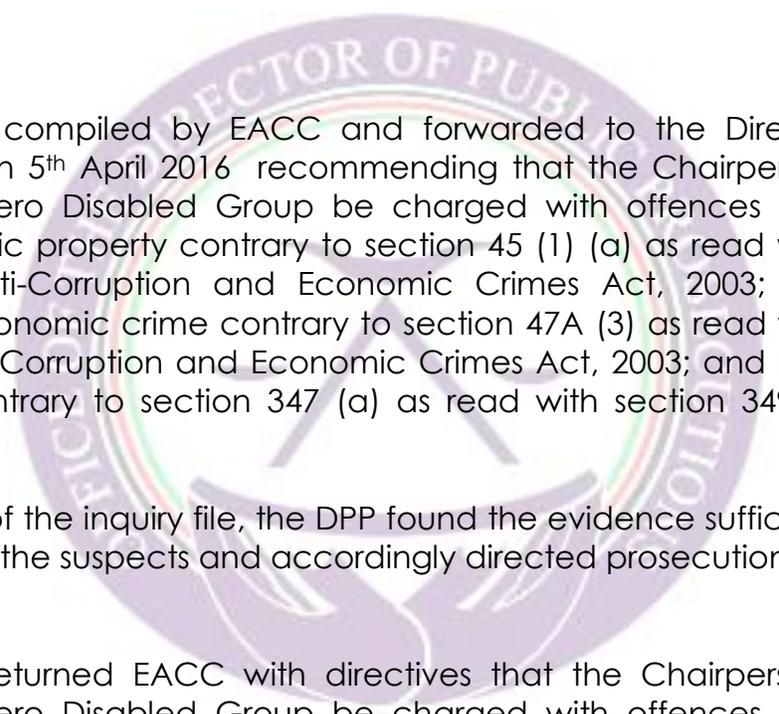
STATUS

The file was returned to EACC with directives that the suspect be charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

42. EACC/FI/INQ/62/2013
ODPP/CAM/016/5/535

This was an inquiry into allegations of embezzlement of a Grant from National Council for Persons with Disabilities by Officials of Ahero Disabled Group

EACC conducted investigations which established that the National Council for Persons with Disabilities under the Ministry of Labour, Social Security and Services gave a grant of Kshs. 500,000/= to Ahero Disabled Group that was to be applied for starting up a micro enterprise scheme. Investigations revealed that the suspects who are officials of the Group however misappropriated that money.



A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 5th April 2016 recommending that the Chairperson and other officials of Ahero Disabled Group be charged with offences of fraudulently acquiring public property contrary to section 45 (1) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; conspiracy to commit an economic crime contrary to section 47A (3) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; and making a false document contrary to section 347 (a) as read with section 349 of the Penal Code.

Upon perusal of the inquiry file, the DPP found the evidence sufficient to warrant prosecution of the suspects and accordingly directed prosecution to ensue.

STATUS

The file was returned EACC with directives that the Chairperson and other officials of Ahero Disabled Group be charged with offences of fraudulently acquiring public property contrary to section 45 (1) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; conspiracy to commit an economic crime contrary to section 47A (3) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; and making a false document contrary to section 347 (a) as read with section 349 of the Penal Code. The case is part heard before court.

43. EACC/FI/INQ/05/2015 ODPP/CAM/016/5/559

This was an inquiry into allegations of biased issuance of AIE to Western and Nyanza Regions in the Financial Year 2012/2013 and Bribery in Award of Contracts for building Water Pans/Dams in Tarda against Officers of the Ministry of Water

EACC conducted investigations on allegations that the Principal Accounts Controller, Chief Finance Officer and Permanent Secretary of the Ministry of Water and Irrigation and District Water Officers of the formerly Nyanza and Western Provinces had conspired to misappropriate public money in respect of Authority to Incur Expenditure of Kshs. 10 million.

Investigations revealed that there was no evidence to suggest conspiracy between the Principal Accounts Controller, Chief Finance Officer and Permanent Secretary (who served the Ministry from 2008 to 2013) of the then Ministry of Water and Irrigation and District Water Officers within formerly Nyanza and Western Provinces to misappropriate alleged public money in respect of Authority to Incur Expenses of Kshs. 10 million. The investigations also established

no evidence of bribery on the part of the officials mentioned in regard to misuse of Authority to Incur Expenses.

Further investigations established that the former Principal Secretary in the State Department of Water and Regional Authorities and Senior Assistant Director in the Land Reclamation and Water Storage both of the Ministry of Environment, Water and Natural Resources, and Engineering Services Manager, Civil Engineering Department at Tana-Athi River Development Authority (TARDA) did not solicit for bribes prior to awarding contracts to construct dams and water pans within the TARDA areas.

However the investigations established that these three officials were operating businesses and earning substantial amount of income and it was not clear if they were disclosing this income to Kenya Revenue Authority for purposes of tax payment.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 19th April 2016 recommending that the file be closed save for referral to Kenya Revenue Authority for investigations regarding the tax issues.

Upon perusal of the inquiry file, the DPP found no sufficient evidence to warrant prosecution of the officers concerned and concurred with recommendation by EACC that the file be closed and the concerned business interests of the officers be referred to Kenya Revenue Authority for investigations regarding tax issues.

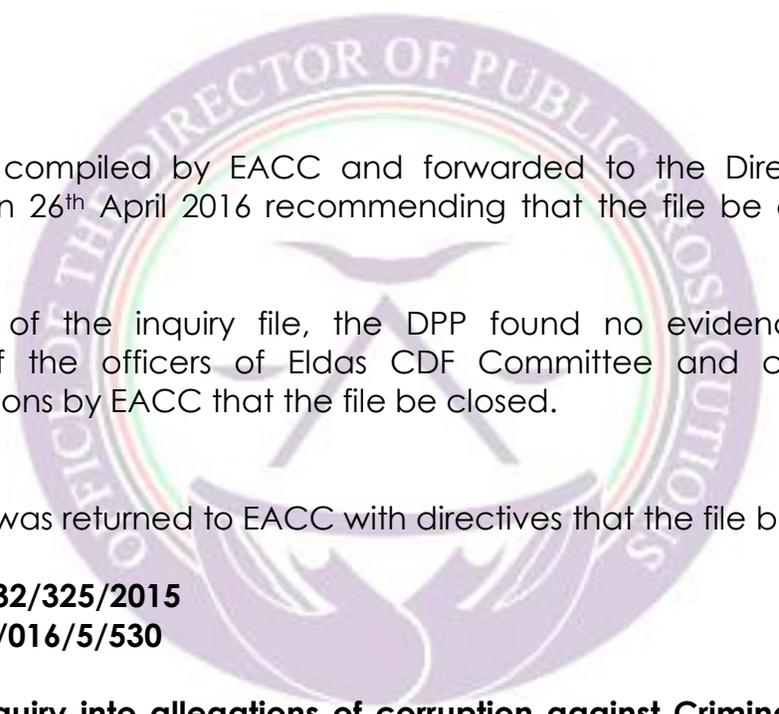
STATUS

The inquiry file was returned to EACC with directives for closure and directions of a referral to Kenya Revenue Authority for investigations into tax issues.

44. EACC/GSA/FI/INQ/24/2015 ODPP/CAM/016/5/545

This was an inquiry into allegations of alleged embezzlement and misappropriation of public funds by Eldas CDF Manager and Committee

EACC conducted investigations which established that Eldas CDF Committee, in the financial year 2013/2014, allocated funds for street lighting and fresh produce market within Wajir County. However the Wajir County Government took over the implementation of the said projects. Eldas CDF Committee therefore applied to the National CDF Board for the reallocation of those funds for other projects, namely purchase of desks and drilling of a borehole, which application was allowed and the funds used for the said projects. There was therefore no wrongdoing on the part of the Eldas CDF Manager and Committee.



A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 26th April 2016 recommending that the file be closed with no further action.

Upon perusal of the inquiry file, the DPP found no evidence to warrant prosecution of the officers of Eldas CDF Committee and concurred with recommendations by EACC that the file be closed.

STATUS

The inquiry file was returned to EACC with directives that the file be closed.

45. EACC/CR.832/325/2015 ODPP/CAM/016/5/530

This was an inquiry into allegations of corruption against Criminal Investigation Officers, based at Kitale Police Station

EACC conducted investigations which revealed that the suspects, both police officers attached at Kitale Police Station, solicited from the complainant a sum of Kshs. 200,000/= which they later on reduced to Kshs. 100,000/=, as an inducement so to withdraw a criminal case the complainant was facing at Kitale Law Court. Investigations further established that the suspects however did not to receive the benefit as the suspects kept on changing the meeting points and therefore the complainant was unable to meet the suspects. Investigations therefore only established the aspect of soliciting for a benefit.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions 21st April 2016 recommending that the suspects be charged with offences of corruptly soliciting for a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found sufficient evidence to sustain the proposed charges preferred against the suspect as recommended by EACC. Accordingly, directed that prosecution to ensue.

STATUS

The file was returned to EACC with directives that the suspects be charged with offence of corruptly soliciting for a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

**46. EACC/FI/INQ/90/2015
ODPP/CAM/016/5/544**

This was an inquiry into allegations of irregularities in the award of the Tender for Clearing, Repair and Repainting of Tank 14-tk-301 at Kipevu Oil Storage Facility (KOSF) in Mombasa by Kenya Pipeline Company

EACC conducted investigations into allegations of irregular award of tender for Clearing, repair and repainting of tank 14-tk-301 at Kipevu Oil Storage Facility in Mombasa by Kenya Pipeline Company.

Investigations established that Kenya Pipeline Company followed the law in the procurement process that eventually resulted to the award of the Tender for Clearing, Repair and Repainting of Tank 14-tk-301 at Kipevu Oil Storage Facility (KOSF) in Mombasa.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 22nd April 2016 recommending the closure of the file.

Upon perusal of the inquiry file, the DPP found no evidence to warrant prosecution of the officers of Eldas CDF Committee and concurred with recommendation by EACC that the file be closed.

STATUS

The inquiry file was returned to EACC with directives for closure.

**47. EACC/JKIA/FI/INQ/04/2015
ODPP/CAM/016/5/563**

This was an inquiry into irregularities in the Tender KAA/193/2013-2014 Procurement of Single Master Licensee for the development and management of Duty Free shops at Jomo Kenyatta International Airport Terminal 1A

EACC conducted investigations which established that the procurement process for the tender of procurement of single master licensee for the development and management of duty free shops at Jomo Kenyatta International Airport Terminal 1A, was above board. Investigations further established that the KAA officials received no bribe in the said procurement process.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions 4th May 2016 recommending the closure of the file with no further action.

Upon perusal of the inquiry file the DPP found that the evidence was insufficient to sustain any criminal charges against officials of KAA and concurred with recommendation by EACC that the file be closed.

STATUS

The inquiry file was returned to EACC with directives for closure.

48. EACC/CR.148/4/2016: ACC. 4/2016 ODPP/CAM/016/5/543

This was an inquiry into allegations of corruption against employees of Nairobi City County

EACC conducted investigations which established that the suspects, both employees of Nairobi City County, solicited from the complainant a benefit of Kshs. 165,000/= but received a benefit of Kshs. 80,000/=, as an inducement so as not to inflate the water bill and disconnect the sewer line for the complainant.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th May 2016 recommending the suspects be charged with offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the Nairobi City county Officials and concurred with the recommendation by EACC that the suspect be prosecuted.

STATUS

The file was returned to EACC with directives that Nairobi City County Officials be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

49. EACC/CR. 313/22/2016: ACC. 1/2016 ODPP/CAM/016/5/549

This was an inquiry into allegations of corruption against a Private Citizen

EACC conducted investigations which established that the suspect, a private citizen offered and gave a benefit of Kshs. 2,000/= to officers from Kenya Police Service and Kenya Defence Forces manning a road block along Mombasa - Malindi Highway as an inducement so as not to be arrested for unlawful possession of suspected narcotic drugs.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 4th May 2016 recommending the suspects be charged with offences of corruptly offering and giving a benefit contrary to section 39 (3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the suspect and concurred with a recommendation by EACC that the suspect be prosecuted.

STATUS

The file was returned to EACC with directive that the suspect be charged with offence of corruptly offering and giving a benefit contrary to section 39 (3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard.

50. EACC CR.449/40/2016: MKS ACC. CF 2/2016 ODPP/CAM/016/5/548

This was an inquiry into allegations of corruption against Traffic Police Officers at the Kamburu Road Block along Embu-Mwingi Road

EACC conducted investigations which revealed that the suspects, all police officers from Masinga Police Post, were in the practice of soliciting and receiving bribes from drivers of motor vehicles at Kamburu Road Block, along Embu - Mwingi Road. Investigations further established that one suspect received a benefit from some of the drivers along that road apparently as an inducement to forbear applying the traffic law.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 6th May 2016 recommending that one of the suspects be charged with the offence of dealing with suspect property contrary to section 47 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003, and that administrative action be taken against the other suspects.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the suspect and directed prosecution to ensue. He further directed that administrative action be taken against the other officers under relevant provisions of the National Police Service Act and regulations.

STATUS

The file was returned to EACC with directive that the suspect be charged with the offence of dealing with suspect property contrary to section 47 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard.

51.EACC/CR.313/393/2015 ODPP/CAM/016/5/556

This was an inquiry into allegations of corruption against Revenue Officers within the Kilifi County Government

EACC conducted investigations which established that the suspects, all employees of Kilifi County Government as Revenue Officers, solicited and received from the complainant a benefit of Kshs. 1,500/= as an inducement so as to allow him continue operating his butchery business without paying for another license. The suspect were arrested and charged with an offense of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003, and a further offence of conspiracy to commit an offence of corruption contrary to section 47A (3) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 6th May 2016 recommending that the suspects be charged with the above offences.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the Kilifi County Revenue Officers and concurred with a recommendation by EACC that the case in court to proceed to its logical conclusion.

STATUS

The file was returned to EACC with directive that the suspects be charged with offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003, and a further offence of conspiracy to commit an offence of corruption contrary to section 47A (3) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard.

**52. EACC/CR/21/53/2015: ACC. MSA 13/2015
ODPP/CAM/016/5/546**

This was an inquiry into allegations of corruption against an Administration Police Officer based at Mikindani

EACC conducted investigations which established that the suspect, an Administration Police Officer employed by the National Police Service based at Mikindani, solicited from the complainant a benefit of Kshs. 2,000/= as an inducement so as to release to him a motorcycle he had impounded ostensibly for the reason that it had no registration number plates. Investigations further established that the suspect later on decline to receive the benefit. Investigations however established the aspect of soliciting for a benefit. The suspect was arrested and arraigned in court and charged with the offence of corruptly soliciting for a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions 9th May 2016 recommending that the suspect be charged with the above offenses and DPP concurred with a recommendation by EACC that the suspect be prosecuted.

Upon perusal of the inquiry file, the DPP found sufficient evidence to support the charges preferred against Administration Police Officer and directed that the case in court to proceed to its logical conclusion.

STATUS

The file was returned to EACC with directive that the suspect be charged with the offence of corruptly soliciting for a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

**53. EACC/442/43/16
ODPP/CAM/016/5/547**

This was an inquiry into allegations of impersonating an EACC Investigator

EACC conducted investigations which revealed that two of the three suspects, impersonating themselves as employees of Ethics and Anti-Corruption Commission made calls to Mlolongo Directorate of Criminal Investigations within Athi-River Police Division asking for the release of a Chinese national who had been detained in police custody for the offence of being in unlawful possession of wildlife trophies. The suspects were found in possession of employment cards

from Ethics and Anti-Corruption Commission, Kenya Bureau of Standards and Kenya Revenue Authority yet they were not employees of the said entities.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions 9th May 2016 recommending that the two suspects be charged with the offence of impersonating an investigator contrary to section 34 (1) as read with section 34 (2) of the Anti-Corruption and Economic Crimes Act, 2003, and in the alternative, the offence of acting as an investigator contrary to section 34 (1) as read with section 34 (2) of the Anti-Corruption and Economic Crimes Act, 2003; and one of the two suspects be charged with two counts of making a document without authority contrary to section 357 (A) of the Penal Code. The third suspect has been proposed to be a prosecution witness since the evidence did not establish culpability on his part.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the suspects as recommended and directed that prosecution ensue.

STATUS

The file was returned to EACC with directive that the two suspects be charged with the offences of impersonating an investigator contrary to section 34 (1) as read with section 34 (2) of the Anti-Corruption and Economic Crimes Act, 2003, and in the alternative, the offence of acting as an investigator contrary to section 34 (1) as read with section 34 (2) of the Anti-Corruption and Economic Crimes Act, 2003; and one of the two suspects was charged with two counts of making a document without authority contrary to section 357 (A) of the Penal Code. The case is part heard before court.

54. EACC/FI/INQ/99/2015 ODPP/CAM/015/5/408

This was an inquiry into allegations that the National Campaign against Alcohol and Drug Abuse (NACADA) irregularly procured Ernest and Young as the Fund Manager to disburse money to Civil Society Organizations

EACC conducted investigations which revealed that there was need for NACADA to procure the services of a Fund Management Agency to manage and disburse the sum of Kshs. 99 million that NACADA had set aside for Civil Society Organizations. Further investigations revealed that the suspects who are employees of NACADA breached procurement law in the procurement process of the said fund management agency.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions 23rd May 2016 recommending that the Accounting Officer

together with members of the Tender Committee be charged with two counts of willful failure to comply with the law relating to procurement contrary to section 45 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003, and one count of abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, 2003 and the members of the tender committee be charged with two counts of willful failure to comply with the law relating to procurement contrary to section 45 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found that there was sufficient evidence to warrant prosecution of the suspects and concurred with the recommendation by EACC that the suspects be prosecuted.

STATUS

The file was returned to EACC with directive that the Accounting Officer together with members of the Tender Committee were charged with two counts of willful failure to comply with the law relating to procurement contrary to section 45 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003, and one count of abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, 2003 and the members of the tender committee be charged with two counts of willful failure to comply with the law relating to procurement contrary to section 45 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

55. EACC/OPS/INQ/NYR/5/2015 ODPP/CAM/016/5/553

This was an inquiry into allegations of corruption against a Senior Support Staff at Mukurweni Law Courts

EACC conducted investigations which revealed that the suspect, a senior Support Staff at Mukurweni Law Courts solicited for and received from the complainant a benefit of Kshs. 1,500/= as an inducement so as to facilitate the release of court proceedings in Mukurweni Principal Magistrate's Court, Criminal Case number 30/2015. The suspect was arrested and charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. A report was compiled by EACC and forwarded to the Director of Public Prosecutions recommending that the suspect be charged with the above offenses.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the suspect and concurred with the recommendation by EACC that the suspects be prosecuted.

STATUS

The file was returned to EACC with directive that the suspect charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

56. EACC/CR.313/367/2015 ODPP/CAM/016/5/554

This was an inquiry into allegations of soliciting and receiving a bribe of Kshs. 10,000/= by an Enforcement Officer in the rank of a Constable in Kilifi County Government

EACC conducted investigations which revealed that the suspect, an Enforcement Officer in the rank of a constable in Kilifi County Government solicited for and received from the complainant a benefit of Kshs. 10,000/= as an inducement so as not to stop the complainant from constructing his house.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 19th May 2016 recommending that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found sufficient evidence to support the charges preferred against the suspects and concurred with a recommendation by EACC that the case in court to proceed to its logical conclusion.

STATUS

The file was returned to EACC with directives that the suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

57. EACC/CR. 313/262/2015 ODPP/CAM/016/5/556

This was an inquiry into allegations of corruptly soliciting and receiving a bribe by employees of Kilifi County Assembly in the Malindi Town Ward Representative's Office

EACC conducted investigations which revealed that the suspects, both employees of the Kilifi County Government Assembly solicited for and received from the complainant a benefit of Kshs. 3,000/= as an inducement so as to release to him a bursary cheque of Kshs. 3,000/=.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions 19th May 2016 recommending that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the suspect and accordingly directed that prosecution ensue.

STATUS

The file was returned to EACC with directives that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

58. EACC/NKR/INQ/71/29/2015 ODPP/CAM/016/5/555

This was an inquiry into allegations of corruption against Bomet County Government Officials in the Procurement for the supply of Building Materials and Renovation of Governor's Residence

EACC conducted investigations into allegations that there were irregularities in the procurement for works in renovating a building that was to serve as the Governor's residence. Investigations revealed that there were irregularities in the procurement for works in renovating the said building. Investigations further revealed that there was no budget neither a plan for this procurement in the financial year 2013/2014.

Investigations also revealed that the officials of the County Government, despite these procurement irregularities, procured the services of a private limited company that finally carried out the subject renovation works. The County Government finally paid the company for the works done.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 23rd May 2016 recommending that the Chief Officer Administration be charged with the offence of engaging in a project without prior planning contrary to section 45 (2) (c) as read with section 48 (1) of the

Anti-Corruption and Economic Crimes Act, 2003; Head of Accounts be charged with the offence of abuse of office contrary to section 46 of the Anti-Corruption and Economic Crimes Act, 2003; Chief officer Administration and Chief Finance Officer be charge with the offence of careless failure to comply with applicable procedures and guidelines relating to procurement contrary to section 45 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; Head of Accounts be charged with the offences of deceiving EACC investigator contrary to section 66 (1) (b) as read with section 66 (2) of the Anti-Corruption and Economic Crimes Act, 2003 and making a false document contrary to section 347 (a) of the Penal Code; members of the Tender Committee be charged with the offence of careless failure to comply with applicable procedures and guidelines relating to procurement contrary to section 45 (2) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003; the limited liability company and its proprietor be charged with the offence of carrying on business of a contractor without registration contrary to section 15 (1) as read with section 15 (3) of the National Construction Authority Act, No: 41 of 2011.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the suspect and accordingly directed that prosecution ensue.

STATUS

The file was returned to EACC with directive that the suspect be charged with the above offenses. The case is part heard before court.

59. EACC/CR. 671/20/2016: ACC. 1/2016 MIGORI ODPP/CAM/016/5/552

This was an inquiry into allegations of corruption against Police Officers based at Ntitaru Police Station

EACC conducted investigations which revealed that the suspects, an Officer Commanding Police Station and a police officer attached at Ntitaru Police Station, solicited for and received a benefit of Kshs. 20,000/= from the complainant as an inducement so as not to charge him for impersonating a medical practitioner.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions 2nd June 2016 recommending that the suspects be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of one of the suspects and accordingly directed that prosecution ensue.

STATUS

The file was returned to EACC with directive that the suspects be charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

60.EACC/FI/INQ/92/2015 ODPP/CAM/016/5/572

This was an inquiry into allegations of Procurement Irregularities at Kenya Pipeline Company in awarding Tender No: SU/GT/3068F/12 for purchase of three complete Spinning Rotors for Sulzer Dalian Vertical Pump

EACC conducted investigations which revealed that the Kenya Pipeline Corporation (KPC) had the need to procure three complete spinning rotors and that the Tender Committee approved the direct procurement be used in the procurement process. Investigations established that the KPC finally awarded this tender to the supplier and forwarded to it the relevant contract document for execution. The supplier however failed to execute the contract document neither did it supply the rotors.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 17th June 2016 recommending that the file be closed and KPC to liquidate the performance bond issued in this contract.

Upon perusal of the inquiry file the DPP found no evidence to sustain any criminal charges against officials of Kenya Pipeline and concurred with a recommendation by EACC that the inquiry file be closed.

STATUS

The inquiry file was returned to EACC with directives that the same be closed.

61.EACC/CR.148/1/2016: CF. ACC. 1/2016 MILIMANI ODPP/CAM/016/5/486

This was an inquiry into allegations against employees of the Nairobi County Government for corruptly offering a benefit

EACC conducted investigations which revealed that the suspects, both employees of the Nairobi County Government offered and gave a bribe of Kshs.

1 million to the Senator of the Nairobi County as an inducement so that the Senator does not expose to the public issues of corruption involving misappropriation of public funds and grabbing of public land by officials of the Nairobi City County.

A report was compiled by EACC and forwarded to the DPP on 17th June, 2016 recommending that the suspects be charged with the offences of corruptly offering and giving a benefit contrary to section 39 (3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and conspiracy to commit an offence of corruption contrary to section 47A (3) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the Nairobi County Officials with the offences recommended.

STATUS:

The file was returned to EACC with directive that the suspects be charged with the above offences. The hearing is yet to commence. The accused persons filed a judicial review challenging their prosecution. The prosecution is stayed pending the judgment in the application.

**62. EACC/CR. 148/10/2016: CF: ACC. MILIMANI NO. 06/2016
ODPP/CAM/016/5/539**

This was an inquiry into allegations of corruption against Committee Members for Ngei Ward Development Fund.

EACC conducted investigations which revealed that the suspects, both employees of Ngei Ward Development Fund under the Nairobi County Government solicited for and received a benefit of Kshs. 5,000/= from the complainant as an inducement to forbear charging him with failing to display a licence for his clinic.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions on 14th June 2016 recommending that the suspects be charged with the offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the suspects and accordingly directed that prosecution ensue.

STATUS

The file was returned to EACC with directive that the suspects be charged with the above offenses. The case is part heard before court.

63.EACC/FI/INQ/92/2015 ODPP/CAM/016/5/566

This was an inquiry into allegations that a Member of Parliament for Kapseret Constituency did not possess the requisite academic qualifications and was suspected to have forged certificates or submitted a false declaration during the 2013 General Elections

EACC conducted investigations which revealed that the suspect who is a Member of Parliament for Kapseret Constituency presented forged Diploma Certificate in Business Management and Kenya Certificate of Secondary Education to Independent Electoral and Boundaries Commission (IEBC) as he sought nomination for election as a Member of Parliament.

Investigations further revealed that the suspect made a false declaration under oath through a self-declaration form to IEBC. That the suspect also uttered the said forged documents to IEBC and Ethics and Anti-Corruption Commission (EACC) with intention to deceive these Commissions.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions recommending that the Member of Parliament be charged with three counts of forgery contrary to section 349 as read with section 345 of the Penal Code; three counts of uttering of false documents contrary to section 353 of the Penal Code; two counts of providing false information contrary to section 46 (1) (d) as read with section 46 (2) of the Leadership and Integrity Act; and making a false statutory declaration contrary to section 11 of the Oaths and Statutory Declarations Act .

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the suspect and accordingly directed that prosecution ensue.

STATUS

The Member of Parliament was charged with three counts of forgery contrary to section 349 as read with section 345 of the Penal Code; three counts of uttering of false documents contrary to section 353 of the Penal Code; two counts of providing false information contrary to section 46 (1) (d) as read with section 46 (2) of the Leadership and Integrity Act; and making a false statutory declaration contrary to section 11 of the Oaths and Statutory Declarations Act. The case is part heard. Further hearing on 19th April 2016.

**64. EACC/EL/INQ/33/2015
ODPP/CAM/016/5/565**

This was an inquiry into allegations of conflict of interest and influencing Award of Tenders by an employee of Sports Stadia Management Board to his Magazine, The East African Business Times

EACC conducted investigations which revealed that the suspect, an employee of Sports Stadia Management Board (the Board) at the same time was a co-director at the private company The East African Business Times Ltd, holding 50% shareholding. Investigations further revealed that the suspect held positions in both Tender Committee and Integrity Assurance Committee at the Board.

Investigations also revealed that the Board between December, 2012 and June, 2015 awarded this company contracts worth Kshs. 3,797,000/= yet the suspect failed to declare his interest or conflict of interest in these contracts as between his company and his employer, the Board.

A report was compiled by EACC and forwarded to the Director of Public Prosecutions recommending that the suspect be charged with counts of failure to disclose a private interest to one's principal contrary to section 42 (1) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and counts of conflict of interest contrary to section 42 (1) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the DPP found sufficient evidence to warrant prosecution of the suspects and directed that prosecution ensues.

STATUS

The suspect was charged with eleven (11) counts of failure to disclose a private interest to one's principal contrary to section 42 (1) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and twelve (12) counts of conflict of interest contrary to section 42 (1) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

4.3. THE THIRD (3RD) QUARTER PERIOD OF THE YEAR - INVESTIGATION FILES SUBMITTED BY ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) TO ODPP FOR THE PERIOD -1ST JULY 2016 TO 30TH SEPTEMBER 2016.

**65.EACC/ISL/FI/INQ/1B/2015
ODPP/ CAM/016/5/575**

This was an inquiry into allegations of Irregular Employment of Staff in the Office of the Governor, Isiolo County

The EACC commenced investigations on receipt of allegations of irregular employment of staff in the office of the Governor, Isiolo County.

Investigations revealed that the Governor, the acting and substantive County Secretaries of the Isiolo County Government employed eleven persons to the County without involving the County Public Service Board in terms of section 74 of the County Government Act, No: 17 of 2012.

A report was compiled and forwarded to the Director of Public Prosecutions (DPP) on 1st July, 2016 recommending that the Governor, the then acting and substantive County Secretaries of the County Government be charged separately with the offence of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found gaps and deficiencies in the investigations and directed further investigations to be carried out along the identified areas.

STATUS

The file was returned to EACC with directions that further investigations be carried out along the identified areas and the file be resubmitted.

**66.EACC/FI/INQ/11/2014
ODPP/CAM/016/5/574**

This was an inquiry into allegations of Bribery against Members of the Parliamentary Departmental Committee on Agriculture, Livestock and Co-Operatives

EACC commenced investigations on receipt of a report alleging the former Managing Director of Mumias Sugar Company Ltd had bribed members of Parliamentary Departmental Committee on Agriculture, Livestock and Co-operatives that had been assigned the task to investigate the cause(s) of

problems bedeviling the sugar industry with a view to compiling a favourable report.

Investigations revealed no evidence to support the said claim against the former Managing Director.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to warrant prosecution of the suspects and directed that the investigation file be closed with no further action.

STATUS

The file was returned to EACC with directions to close.

67. EACC/MSA/FI/INQ/04/2014 ODPP/CAM/014/5/246

This was an inquiry into allegations of Irregular Procurement of KPA Tender No. 117/ 2013-14/TE for Design, Manufacturing, Commissioning and Supply of three (3) Ships to Shore Gantry cranes.

EACC commenced investigations upon receipt of a complaint that Kenya Ports Authority (KPA) irregularly awarded the tender for design, manufacturing, installation, supply and commissioning of three (3) ships to shore gantry cranes to a company that was allegedly not the most responsive bidder.

Investigations established that KPA followed the law in the procurement process and resultantly awarded this tender to the successful bidder. Investigations further established that one dissatisfied bidder unsuccessfully challenged the subject award both at the Public Procurement Administrative Review Board and the High Court of Kenya.

A report was compiled and forwarded to the Director of Public Prosecutions on 8th July, 2016 recommending that the inquiry file be closed with no further action for lack of collator evidence.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to warrant prosecution of the suspects and directed that the investigation file be closed with no further action.

STATUS

The file was returned to EACC with directions to close.

**68.EACC/FI/INQ/59/2015
ODPP/CAM/015/5/434**

This was an inquiry into allegations that the Chief Executive Officer of Youth Enterprise Development Fund in Collusion with Board Members Schemed to Defraud the Fund of Kshs. 180.9 Million between February, 2015 and April, 2015

EACC commenced investigations into the above allegations which revealed that the acting Chief Executive Officer (CEO) of Youth Enterprise Development Fund (Fund), the Chairman of the Fund Board and Quorandum Ltd together with its two Directors, colluded to misappropriate the Fund's money totaling to Kshs. 180.9 million purporting to be payment for services rendered by Quorandum Ltd to the Fund; Quorandum Ltd paid some of this money to acting CEO of the Fund and Chairman of the Fund Board; and both the acting CEO of the Fund and one of the Directors of Quorandum Ltd forged contract documents purporting to show that Quorandum Ltd and the Fund had entered into such contracts.

Investigations further established that the company rendered no services to the Fund to warrant payment of Kshs. 180.9 million.

The EACC compiled a report which was forwarded to DPP on 8th July, 2016 recommending that the acting CEO of the Fund be charged with two counts of abuse of office contrary to section 46 as read with section 48 of the Anti-Corruption and Economic Crimes Act (ACECA), two counts of fraudulent making payment contrary to section 45 (2) (a)(iii) as read with section 48 of ACECA, dealing with suspect property contrary to section 47 (1) as read with section 48 of ACECA, acquisition of proceeds of crime contrary to section 4 as read with section 16 (1)(a) of Proceeds of Crime and Anti-Money Laundering Act (POCAMLA); the Chairman of the Fund Board be charged with two counts of abuse of office contrary to section 46 as read with section 48 of ACECA, two counts of dealing with suspect property contrary to section 47 (1) as read with section 48 of ACECA, two counts of acquisition of proceeds of crime contrary to section 4 as read with section 16 (1)(a) of POCAMLA; Quorandum Ltd and its two directors be charged with unlawful acquisition of public property contrary to section 45 (1) (a) as read with section 48 of ACECA, one of the Directors of Quorandum Ltd and the acting CEO of the Fund with two counts of making a false document contrary to section 347(a) as read with section 349 of the Penal Code and all the above mentioned suspects be charged with conspiracy to commit an economic crime contrary to section 47A as read with section 48 of ACECA.

Upon perusal of the file, the Director of Public Prosecutions found sufficient evidence to warrant prosecution of the suspects and directed prosecution to ensue.

STATUS

The suspects were charged with the above named offences. Hearing of the case will commence on 11th to 12th May, 2017.

69. EACC/ISL/FI/INQ. 31/2015 ODPP/CAM/015/5/585

This was an inquiry into allegations of alteration of Appropriation Bill, 2013 of the County Government of Marsabit

EACC commenced investigations on receipt of allegations that the Governor, County Government of Marsabit altered, distorted and doctored the Appropriation Bill for the financial year 2013- 2014

Investigations revealed that the County Assembly of Marsabit County Government on 26/6/2013 received from the County Executive for Finance and Planning the budget estimates for the Financial Year, 2013/2014; that the County Assembly forwarded these estimate to its Budget and Appropriation Committee for scrutiny and the Committee proposed some amendments that were finally adopted by the Assembly after which the estimates were submitted to the Governor for assent and thereafter to the Government Printer for publication.

Investigations established that the Executive, including the Governor, was not notified of the changes in the said estimates and there was no evidence that the Governor altered the said budget estimates in terms of Appropriation Bill, 2013 as alleged.

The EACC compiled a report which was forwarded to the Director of Public Prosecutions on 8th July, 2016 recommending that there was insufficient to warrant prosecution of the suspects.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to warrant prosecution of the suspects and directed that the investigation file be closed with no further action.

STATUS

The file was returned to EACC with directions to close.

**70. EACC/FI/INQ/64/2015
ODPP/CAM/015/5/586**

This was an inquiry into allegations of irregular payment of Kshs. 50 million for the Purchase of a VIP Lift at the office of the Deputy President.

EACC commenced investigations on receipt of allegation of irregular payment of Kshs. 50 Million for purchasing a new VIP lift in the Prime Minister's office (currently the Deputy President Office).

Investigations established that the former Office of the Prime Minister which subsequently transformed into the Office of the Deputy President, tendered for the supply and installation of VIP lift in the building housing the subject office; that the accounting officer in that office however issued a notification of award letter way past the validity period; that the head of procurement failed to maintain and securely safeguard procurement records in respect of this tender; that the head of procurement received payment of Kshs. 193,426/= as travel allowance and per diem for a trip to the manufacturer's factory in China which he never undertook.

The EACC compiled a report which was forwarded to the Director of Public Prosecutions on 8th July, 2016 recommending that both the then Accounting Officer and the Head of Procurement be charged separately with the offence of willful failure to comply with the law relating to procurement contrary to section 45 (2) (b) as read with section 48 (1) of ACECA and the Head of Procurement be additionally charged with the offence of abuse of office contrary to section 46 as read with section 48 (1) of ACECA.

Upon perusal of the file, the Director of Public Prosecutions found gaps and deficiencies in the investigations and directed further investigations to be carried out along the identified areas.

STATUS

The file was returned to EACC with directions that further investigations be carried out and the file be resubmitted for further directions.

**71. EACC/FI/INQ/121/2015
ODPP/CAM/015/5/588**

This was an inquiry into allegations of misappropriation of a Government Grant of Kshs. 700 Million initially meant for carrying out Feasibility Studies of the Standard Gauge Railway (SRG) project between Mombasa- Malaba and Kisumu

EACC commenced investigations upon receipt of allegations that a sum of Kshs. 700 million set aside for carrying out feasibility study for SGR Project had been misappropriated.

Investigations revealed that there was no misappropriation of funds. That part of that money, in the sum of Kshs. 4,257,948/=, was spent for advertisement for international tenders, bidders' conference and evaluation. This is before the Government of Kenya and that of the People's Republic of China entered into a Memorandum of Understanding, whereby the latter government offered to carry out the feasibility study ex gratia, through one its state companies.

Investigations further established that part of the allocated money, Kshs. 415,958,560.80/=, was used to pay off claims submitted by the Concessionaire in respect of damage caused to the railway line as per the concession agreement; that Kenya Railways Corporation holds the balance of Kshs. 279,875,283.65/= in its pool account.

The EACC compiled a report which was forwarded to the Director of Public Prosecutions on 14th July, 2016 recommending that the file be closed but advisory be issued to the KRC and National Treasury to come up with watertight systems that would ensure safety of the public funds.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to warrant prosecution of the suspects and directed that the investigation file be closed with no further action.

STATUS

The file was returned to EACC with directions to close.

72. EACC/FI/INQ/90/2014 ODPP/CAM/016/5/582

This was an inquiry into allegations that the Directors of Smith and Ouzman Ltd. (S &O), a firm incorporated in the UK corruptly agreed to make payments amounting to approximately Kshs. 46 Million to Public Officials at the then Interim Independent Electoral Commission (IIEC) through their local agent so as to influence Award of Printing Contracts to their firm in the period Running from May 2009 to 31st August 2014

EACC commenced investigations on receipt of allegations of corruption against the Directors of Smith and Ouzman (S&O) Ltd., so as to influence Award of printing contracts to their firm.

Investigations revealed the IIEC contracted S&O to supply election materials to be used in electoral processes during the period 2009 to 2010. That S&O supplied the said materials at an inflated costs after paying some corrupt benefit (so-called "chicken") through its local agent, a private citizen, to some of the IIEC officials to facilitate the said procurement. That the method of procurement used was direct procurement which was not the applicable procurement method in the said procurement processes. That there was no evidence implicating the IIEC Commissioners in the award of these tenders to S&O; that out of these benefits paid out the S&O and its two directors were charged and convicted at South Wark Crown Court, UK of corruptly agreeing to make payments amounting to 0.5 million pounds with a view to influencing the award of contracts both in Kenya and Mauritania. The evidence further established that the private citizen and a number of public officials were engaged in a number of corrupt dealings.

A report was compiled and forwarded to the Director of Public Prosecutions on 19th July, 2016 recommending that the private citizen be charged with twelve counts of corruptly soliciting for and corruptly receiving a benefit contrary to section 39 (3)(a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 (ACECA); the then Chief Executive Officer of IIEC be charged with two counts of willful failure to comply with the law relating to procurement contrary to section 45 (2) (b) as read with section 48 (1) of ACECA and one count of corruptly receiving a benefit contrary to section 39 (3)(a) as read with section 48 (1) of ACECA with an alternative count of dealing with suspect property contrary to section 47 (2) (b) as read with section 48 (1) of ACECA; a person known to the then CEO with corruptly soliciting for and corruptly receiving a benefit contrary to section 39 (3)(a) as read with section 48 (1) of ACECA with an alternative count of dealing with suspect property contrary to section 47 (2) (b) as read with section 48 (1) of ACECA and the then Senior Procurement Officer at IIEC be charged, in the alternative, with the offence of corruptly soliciting for and corruptly receiving a benefit contrary to section 39 (3)(a) as read with section 48 (1) of ACECA. It was also recommended that there is need to apply for Mutual Legal Assistance (MLA) with a view to establishing if the other public officials of IIEC (the Commissioners) who travelled to UK to proof read and approve printing of referendum ballot papers were compromised in any way.

Upon perusal of the file, the Director of Public Prosecutions found gaps and deficiencies in the investigations and directed further investigations to be carried out along the identified areas and the file be resubmitted for further directions.

STATUS

The file was returned to EACC on 5th September, 2016 with directions that further investigations be carried out along the identified areas and the file be resubmitted to DPP for further directions.

On 22nd September, 2016. EACC resubmitted the file with outstanding areas having been covered and the following suspects were charged.

Chief Executive Officer (IEBC), Chief Electoral Officer and Local Agent Smith & Ouzman Ltd were charged with Willful failure to comply with applicable procedures and guidelines relating to procurement of goods contrary to section 45(2) (b) as read with Section 48 of ACECA; soliciting for a benefit contrary to Section 39(3) (a) as read with Section 48 of ACECA and receiving a benefit contrary to section 39(3) (a) of ACECA.

Plea was taken on 8th February, 2017 all the accused pleaded not guilty. Hearing of the case will commence on 28th June 2017.

73. EACC/MCKS/FI/INQ/13/2015 ODPP/CAM/016/5/589

This was an inquiry into allegations of irregular procurement of mobile phones by the County Government of Kajiado

EACC commenced investigations on receipt of allegations that the County Government of Kajiado bought mobile phones worth Kshs. 80,000/= and Kshs. 90,000/= against the presidential circular that provided for a maximum of Kshs. 30,000/=.

Investigations established that the County Government of Kajiado procured mobile phone handsets in the financial year 2013/2014 for its County Executive Committee Members, Chief Officers and County Public Service Board members, as per the relevant procurement laws. The investigations further established that the prices for handsets however were over and above the cap of maximum value of Kshs. 30,000/= per handset, in terms of a Presidential Circular Ref number OP/CAB/15 issued on 5/3/2010. That the beneficiaries however on being notified of this circular refunded the extra money. The investigations also established that the Circular was issued prior to the devolved government coming into being and that it was not Gazetted or in any way brought to the attention of the County Government.

A report was compiled and forwarded to the Director of Public Prosecutions on 2nd August, 2016 recommending that the file be closed with no further action as there was no breach of any law.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to warrant prosecution of the suspects and directed that the investigation file be closed with no further action.

STATUS

The file was returned to EACC with directions to close.

74. EACC/FI/INQ/05/2015 ODPP/CAM/016/5/595

This was an inquiry into allegations of misappropriation of Kshs. 3 Million allocated to the County Assembly of Trans Nzoia by the Treasury

EACC commenced investigations on receipt of allegations of misappropriation of Kshs. 3 Million allocated to the County Assembly of Trans Nzoia.

Investigations revealed that thirty eight Members of the County Assembly, a driver and the County Clerk, all of Trans Nzoia County Government with the connivance of the Speaker of the County Assembly fraudulently misappropriated public money on the guise of being paid money as per diem for attending funeral service in Nairobi for a colleague who had passed on.

Investigations further revealed that the MCAs did not travel to Nairobi and failed to surrender the money.

A report was compiled and forwarded to the Director of Public Prosecutions on 2nd August, 2016 recommending that the suspects, the Speaker of the County Assembly and the thirty eight MCAs be individually charged with a count of abuse of office contrary to section 46 as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 (ACECA); the driver and County Clerk be jointly charged with fraudulent acquisition of public property contrary to section 45 as read with section 48 (1) of ACECA.

Upon perusal of the file, the Director of public prosecutions found the evidence sufficient to warrant prosecution and directed prosecution to ensue against the suspects.

STATUS

The suspects were charged with Abuse of office contrary to section 46 and fraudulent acquisition of public property contrary to section 45 of Anti-Corruption and Economic Crimes Act, 2003. The case is pending before court.

75.EACC/JKIA/FI/INQ/02/2015
ODPP/CAM/016/5/597

This was an inquiry into allegations of excessive monthly service charge payments pursuant to Procurement of Passenger Transfer Services (Apron Bus Service) at Jomo Kenyatta International Airport

EACC commenced investigations in to the procurement of passenger Transfer Services (Apron Bus Service) at JKIA following allegations that the monthly payment of US \$ 120,000 (approximately 11,000,000) by the authority to the concessionaire' was excessive.

Investigations established that Kenya Airport Authority had the need to procure Apron Buses Service and conducted the subject procurement process within the applicable law, the repealed Public Procurement and Disposal Act, 2005 and there was no evidence of excessive monthly service charge as alleged.

A report was compiled and forwarded to the Director of Public Prosecutions on 15th August, 2016 recommending that the file be closed with no further action.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to warrant prosecution of the suspects and directed that the investigation file be closed with no further action.

STATUS

The file was returned to EACC with directions to close.

76.EACC/FI/INQ/24/2015
ODPP/CAM/016/5/598

This was an inquiry into allegations of Procurement Irregularities in respect of Top Holing Services at the Menengai Geothermal Wells by the Geothermal Development Company (GDC)

EACC commenced investigations on receipt of allegations that Silas Simiyu, the managing Director of the Geothermal Development Company (GDC) single sourced the services of M/S Cluff Geothermal Renewable Energy Limited to provide top holing drilling services at Kshs. 4,023,811/=.

Investigations established that Geothermal Development Company (GDC) identified the need for top holing services in the process of well drilling. That GDC budgeted for this need in the two financial years 2012/2013 and 2013/2014 and fully followed the law namely the repealed Public Procurement and Disposal Act, 2005 in the procurement process that eventually resulted to the

award of the Tender to the resultant successful bidder. The investigations therefore established no breach of any law

A report was compiled and forwarded to the Director of Public Prosecutions on 15th August, 2016 recommending that the Inquiry file be closed with no further action.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to warrant prosecution of the suspects and directed that the investigation file be closed with no further action.

STATUS

The file was returned to EACC with directions to close.

77. EACC/KSM/INQ/FI/10/2014 ODPP/CAM/016/5/606

This was an inquiry into allegations against officers of the County Government of Migori in Irregular Procuring Furniture for the Governor's Residence from a Private Limited Company at Kshs. 20,973,230/=.

EACC commenced investigations on receipt of allegations that officers from the county Government of Migori irregularly procured furniture for the Governors' residence from M/S Arryan Limited at Kshs. 20,973,230/=.

Investigations revealed that the County Government of Migori in the year 2014 set out to procure furniture for the Governor's residence but that the Tender Committee contrary to the applicable procurement laws irregularly awarded the contract to company that had not been prequalified. The investigations further revealed that the company duly supplied the furniture but the County Government officials in charge of processing payment declined to approve any payment; that resultantly the Governor took possession of the furniture and entered into a private arrangement with the company to pay up for the cost of the furniture.

A report was compiled and forwarded to the Director of Public Prosecutions on 22nd September, 2016 recommending that the County Head of Supply Chain Management and the Tender Committee membership involved in this procurement be charged respectively with a count of willful failure to comply with the law of procurement contrary to section 45 (2) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of public prosecutions found the evidence sufficient to warrant prosecution and directed prosecution to ensue against the

suspects. However, a number of gaps were identified and DPP directed that the same be covered before the suspects were charged.

STATUS

The suspects are yet to be charged as the identified gaps are yet to be covered.

**EACC/FI/INQ/120/2015
ODPP/CAM/016/5/608**

This was an inquiry into allegations of Procurement Irregularities in the Supply and Delivery of Training Materials vide Automotive Engineering Contract No. NYS/RT/29/2014 – 2015 (4) by Private Enterprise at a cost of Kshs. 46,600,000/=

EACC commenced investigations upon receipt of allegations of procurement irregularities by the National Youth Service in the supply and delivery of training materials vide an Automotive Engineering Contract No. NYS/RT/29/2014/2015 (4), at a cost of Kshs. 47,600,000 by Blue Star Enterprises.

Investigations established that there were a number of breaches of law in the procurement process that led to the award of contract to supply of training materials to Blue Star and other companies namely: there was no budget factored in the relevant financial year for this procurement; there was no requisite market survey done to ensure that NYS received value for money spent on the materials supplied; the private enterprise was not properly qualified for the award of this tender; the user department did not issue any requisition for this procurement; the use of restricted tendering method was not the applicable one in the subject procurement.

Investigations further established that one of the firms that was awarded the contract to supply the training materials was not one of those approved for the said procurement.

A report was compiled and forwarded to the Director of Public Prosecutions on 22nd September, 2016 recommending that the Accounting Officer of NYS be charged with two counts, one of engaging in a project without prior planning contrary to section 45 (2)(c) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 (ACECA), and another of willful failure to comply with the law relating to procurement contrary to section 45 (2)(b) as read with section 48 (1) of ACECA; the Head of Supply Chain Department with two counts of willful failure to comply with the law relating to procurement contrary to section 45 (2)(b) as read with section 48 (1) of ACECA; the members of Ministerial Tender Committee, Ministry of Devolution and Planning to be charged jointly with two counts of willful failure to comply with the law relating to

procurement contrary to section 45 (2)(b) as read with section 48 (1) of ACECA; the NYS Supply Chain Assistant to be charged with the count of fraudulent practice in a procurement contrary to section 40 of the Public Procurement and Disposal Act, 2005 (Repealed).

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to warrant prosecution of the suspects and directed prosecution to ensue.

STATUS

The suspects were charged with the following offences; Accounting officer of NYS two counts, one of engaging in a project without prior planning contrary to section 45 (2)(c) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 (ACECA) and another of willful failure to comply with the law relating to procurement contrary to section 45 (2)(b) as read with section 48 (1) of ACECA; the Head of Supply Chain Department with two counts of willful failure to comply with the law relating to procurement contrary to section 45 (2)(b) as read with section 48 (1) of ACECA; the members of Ministerial Tender Committee, Ministry of Devolution and Planning charged jointly with two counts of willful failure to comply with the law relating to procurement contrary to section 45 (2)(b) as read with section 48 (1) of ACECA; the NYS Supply Chain Assistant charged with the count of fraudulent practice in a procurement contrary to section 40 of the Public Procurement and Disposal Act, 2005 (Repealed). The case is pending in Court and will be heard on 22nd to 26th May 2017.

78. EACC/MKS/OPS/INQ/05/2015 ODPP/CAM/016/5/573

This was an inquiry into allegations of offering a benefit to a Police Officer by a private citizen on 28th October, 2014 along Mombasa road

EACC commenced investigations on receipt of allegation that Sammy Mutua Mutuku, corruptly offered a benefit to a public officer in order not to undergo a Breathalyzer test and/or not to be charged if found drunk.

Investigations revealed that the suspect corruptly offered a benefit of Kshs. 1,000/= to an officer attached to the National Transport and Safety Authority who together with police officers were manning a road block along Mombasa Road at Makutano Junction as an inducement so as not to be subjected to a Breathalyzer test to gauge the alcohol level in his body.

Upon perusal of the file, the Director of Public Prosecutions found sufficient evidence to support the recommended charges and directed that the suspect

be charged with the offence of corruptly offering a benefit contrary to section 39 (3) (b) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

STATUS

The suspect was charged with the offence of corruptly offering a benefit contrary to section 39(3) (b) of the Anti- Corruption and Economic Crimes Act, 2003. The case is part heard before court.

79.EACC/INQ/OPS/23/2016 ODPP/CAM/016/5/571

This was an inquiry into allegation of corruption against a police officer attached to Ruaraka Police station.

EACC commenced investigation on receipt of allegation that Boniface Otieno had solicited a benefit of Kshs. 1,000/= as an inducement to facilitate the release of employee John Mutiso Nyerere from Police custody.

Investigations revealed that the suspect, a Police Corporal at Ruaraka Police Station corruptly solicited for a benefit of Kshs. 2,000/= but later on reduced the demand to Kshs. 1,000/= as an inducement so as to facilitate the release of an employee of the complainant held in custody at the Ruaraka Police Station. Investigations further established that the suspect did not receive the bribe, directing that the bribe be given to another person.

A report was compiled and forwarded to the Director of Public Prosecutions on 1st July, 2016 recommending that the suspect be charged with two counts of corruptly soliciting for a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found sufficient evidence to support the recommended charges and directed that the suspect be charged with two counts of corruptly soliciting for a benefit contrary to section 39(3) (a) as read of the Anti- Corruption and Economic Crimes Act, 2003.

STATUS

The suspect was charged with the offence of corruptly soliciting a benefit contrary to section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003. The case is part heard before court.

80.CR.148/8/2016: CF. 5/2016
ODDP/CAM/016/5/522

This was an inquiry into allegations of corruption against a Police Officer Based at Kikuyu Police station

EACC commenced investigations on receipt of allegation that a Police Officer, Caleb Kiprono Bett stationed at Kikuyu Police Station had solicited for a benefit of Kshs. 10,000/= so as to fastback an investigation into a land forgery case.

Investigations revealed that the suspect, a police officer stationed at Kikuyu Police Station, solicited from the Complainant for a benefit of Kshs. 10,000/= but later on reduced the demand to Kshs. 8,000/= as an inducement so as to fast track investigation of a case of forgery involving land.

Investigations further established that the suspect received the bribe in the sum of Kshs. 8,000/= which the investigators recovered on his arrest.

A report was compiled and forwarded to the Director of Public Prosecutions on 1st July, 2016 recommending that the suspect be charged with two counts of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to support the charges preferred and directed that the case in court proceed to the logical conclusion.

STATUS

The suspect was charged with two counts of corruptly soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

81.EACC/INQ/OPS/22/2016
ODPP/CAM/016/5/587

This was an inquiry into allegations of corruption against an Assistant Chief and the Chief of Lekkuruki location for corruptly soliciting a benefit.

EACC commenced investigations on receipt of allegation that an Assistant Chief, Paul Tunkei Kapaito stationed at upper Matasia solicited for a benefit of Kshs. 20,000/= as an inducement so as to forbear closing the Complainant's bar business.

Investigations revealed that an Assistant Chief stationed at Upper Matasia within Lekkuruki Location corruptly solicited for a benefit of Kshs. 20,000/= from the complainant as an inducement so as not to close down the complainant's bar business. That later on a different day the Assistant Chief in the company of the Chief of Lekkuruki Location met the complainant, and the Chief at the behest of the Assistant Chief solicited for a reduced benefit of Kshs. 10,000/=. The bribe was however not paid.

A report was compiled and forwarded to the Director of Public Prosecutions on 14th July, 2016 recommending that the suspects be charged with offences of corruptly soliciting for a benefit contrary to section 39 (3) (a) as read with section 48 (1) of ACECA and conspiracy to commit an offence of corruption contrary to section 47A (3) as read with section 48 (1) of ACECA.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to support the preferred charges and directed that the case in court proceed to the logical end

STATUS

The suspects were charged in court with the offences of corruptly soliciting for a benefit contrary to section 39(3) (a) and conspiracy to commit an offence contrary to section 47 A (3) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

82. EACC/INQ/38/2015 ODPP/CAM/016/5/590

This was an inquiry into allegations of corruption against four parking attendants at the Nairobi City County Government

EACC commenced investigations on receipt of allegations that Nairobi city County Parking attendants were extorting bribes of Kshs. 100/= from motorists so as to allow them park their vehicles without paying the required fees of Kshs. 300/=.

Investigation established that the four suspects, all employees of the Nairobi City County Government, on 14/8/2015 received money from undercover EACC officers as parking fees but failed to issue receipt for the same. Investigations revealed that this action on the part of the said officers did not amount to criminal offence, but raised issues regarding their integrity at work place.

A report was compiled and forwarded to the Director of Public Prosecutions on 2nd August, 2016 recommending that administrative action be taken against the suspects.

Upon perusal of the file, the Director of public Prosecutions found that the evidence was insufficient support the charges against the suspects and directed that administrative action be taken against them.

STATUS

The file was returned to EACC with directions that administrative action be taken against the suspect.

83.EACC/OPS/INQ/24/2015 ODPP/CAM/016/5/596

This was an inquiry into allegations that a former Principal Magistrate Kibera Law Courts failed to declare her wealth and received a benefit of Kshs. 2.4 Million as an Inducement to Reward a favourable Judgment to suspects facing Drug Trafficking charges at Kibera Law Courts.

EACC commenced investigations on receipt of allegations that Fridah Moraa Nyakundi, the former Senior Resident Magistrate at Kibera Law Courts frustrated efforts by the Anti- Narcotics Police to prosecute suspected drug traffickers after being bribed with Kshs. 2.4 Million by some media personalities.

Investigations revealed that the suspect, a former Principal Magistrate at Kibera Law Courts, handled a criminal case involving three accused persons charged with the offences of drug trafficking. The investigations further established that the Magistrate concluded the matter by discharging all the accused persons for lack of evidence. The investigation also established no evidence of the alleged bribe money having being given to the Magistrate and further that the Magistrate actually filed the relevant wealth declarations as required.

A report was compiled and forwarded to the Director of Public Prosecutions on 2nd August, 2016 recommending that the inquiry file be closed with no further action.

Upon perusal of the file, the Director of Public Prosecutions found no criminal culpability on the part of the suspect and concurred with EACC recommendation that the inquiry file be closed.

STATUS

The file was returned to EACC with directions to close.

84.CR. 212/409/2015
ODPP/CAM/016/5/591

This was an inquiry into allegations of corruptly offering a benefit against a driver of Utawala Sacco

EACC commenced investigations on receipt of allegations that Abraham Auka Oyieko, the driver of motor vehicle reg. no. KBT 952Z was operating the aforementioned vehicle with an extended by one day Road Safety License.

Investigations established the an officer with the National Transport and Safety Authority in collaboration with the Traffic Police Officers arrested the suspect for driving a public service vehicle KBT 952Z along Nairobi Mai-Mahiu Road without a valid Short Road Service License. Although it was alleged that the driver had offered a benefit to the arresting personnel, there was no cogent evidence in support thereof.

A report was compiled and forwarded to the Director of Public Prosecutions on 15th August, 2016 recommending that the inquiry file be closed.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to warrant prosecution of the suspects and directed that the investigation file be closed with no further action.

STATUS

The file was returned to EACC with directions to close.

85.CR. 374/28/2016
ODPP/CAM/016/5/592

This was an inquiry into allegations of soliciting and receiving a bribe of Kshs. 1,000/= by a member of Kenya Police Reservist in Mpeketoni in Lamu County

EACC commenced investigations on receipt of allegations of corruption against a member of Kenya Police Reservist in Mpeketoni in Lamu County.

Investigations revealed that the suspect, a Kenya Police Reservist attached to Mpeketoni Police Station arrested the complainant who was said to be felling trees on government land and thereafter solicited for and Kshs. 1,000/= as an inducement to release the timber to the complainant.

A report was compiled and forwarded to the Director of Public Prosecutions on 15th August, 2016 recommending that the suspect be charged with offences of

corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found sufficient evidence to support the charges filed but a number issues to be covered in order to strengthen the prosecution case.

STATUS

The file was returned to EACC with directions that the case in court proceed to the logical conclusion and the identified areas be covered in order to strengthen the prosecution case.

86.CR. 313/436/2015 ODPP/CAM/016/5/593

This was an inquiry into allegations of corruption against an employee of Magarini Sand Sacco and a Kilifi County Revenue Officer.

EACC commenced investigations on receipt of allegations that Kilifi County Revenue Officers had solicited for Kshs. 8,500/=.

Investigations revealed that the complainant failed to pay relevant cess due to the Kilifi County Government. That the complainant then left his national identity card as a security as he left to look for money to pay. That on the complainant's return, the suspects solicited for Kshs. 8,500/= which later on they reduced to Kshs. 2,000/= with an additional Kshs. 500/= as fare, so as they could return to the complainant his identity card.

A report was compiled and forwarded to the Director of Public Prosecutions on 15th August, 2016 recommending that the suspects be charged with offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to support the preferred charges and directed that case in court proceed to the logical end.

STATUS

The suspects were charged with the offence of corruptly soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

**87. CR.030/08/2015: CF. NAKURU ACC. 2/2015
ODPP/CAM/016/5/594**

This was an inquiry into allegations of demand and receipt of bribes from motorists by Traffic Police Officers along the Nairobi Nakuru Highway

EACC commenced investigations on receipt of allegations that traffic officers were demanding and receiving bribes from motorists along the Nairobi- Nakuru highway.

Investigations established four police officers attached to Salgaa Traffic Base were covertly videotaped receiving money from a number of motorists plying the Nakuru-Salgaa Highway and letting them drive on. Upon search they were found in possession of money totaling to Kshs. 1,000/=.

A report was compiled and forwarded to the Director of Public Prosecutions on 15th August, 2016 recommending the prosecution of the four police officers on the basis of charges of dealing with suspect property contrary to section 47 (1) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 proceeds to the very logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to support the preferred charges and directed that the case in court proceed to the logical end.

STATUS

The suspects were charged with the offence of dealing with suspect property contrary to section 47 (1) (a) of the Anti- Corruption and Economic Crimes Act, 2003. The case is part heard before court.

**88. EACC/OPS/INQ/NYR/1/2016
ODPP/CAM/016/5/604**

This was an inquiry into allegations of corruption against a Police Officer attached to Kerugoya Police Station along Kerugoya- Kutus Road

EACC commenced investigations on receipt of allegations that Traffic Police officers based at Kerugoya Traffic Police Base manning Kerugoya – Kirinyaga University College and kagio/ kutus/ Gichugu/ Embu roads were harassing and collecting bribes from the motorists along the said roads.

Investigations established that the suspect, a police officer, amongst other police officers attached to Kerugoya Police Station was arrested as he received bribes from motorists along Kagio/Kutus/Gichugu/Embu road. Upon search he

was found in possession of Kshs. 7,500/=. Investigations further revealed that the suspect assaulted one of the EACC officers in course of his arrest.

A report was compiled and forwarded to the Director of Public Prosecutions on 9th September, 2016 recommending that the police officer be charged with one count of dealing with suspect property contrary to section 47 (1) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and assaulting a person acting under the Anti-Corruption and Economic Crimes Act, 2003 (ACECA) contrary to section 66 (1) (a) as read with section 66 (2) of (ACECA).

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to support the proposed charges and directed prosecution to ensue.

STATUS

The suspects were charged with one count of dealing with suspect property contrary to section 47 (1) (a) and assaulting a person acting under the Anti-Corruption and Economic Crimes Act, 2003 (ACECA) contrary to section 66 (1) (a) of the Anti- Corruption and Economic Crimes Act, 2003. The case is part heard before court.

89.CR. 148/12/2016: ACC. MILIMANI 7/2016 ODPP/CAM/016/5/551

This was an inquiry into allegations of Corruption against a Legal Assistant, University of Nairobi

EACC commenced investigations on receipt of allegation of irregular employment of staff in the Office of the Governor, Isiolo County.

Investigations revealed that the suspect corruptly solicited for a benefit of Kshs. 150,000/= and received Kshs. 90,000/= from the two complainants as an inducement so as to expedite their swearing in as University of Nairobi Campus Representatives, KNH/Medical School and Finance Secretary.

A report was compiled and forwarded to the Director of Public Prosecutions on 9th September, 2016 recommending the suspect be charged with offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to support the preferred charges and directed that the case in court proceed to its logical conclusion.

STATUS

The suspect was charged with offences of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

90.CR. 760/322/2016: NAKURU ACC. CF 5/2016 ODPP/CAM/016/5/603

This was an inquiry into allegations of corruption against an employee of the National Land Commission Based in Nakuru as the Secretary to the Nakuru Land Management Board.

EACC commenced investigations on receipt of a report of corruption against Frank Ole Kibelekenya, an employee of the National Land Commission based in Nakuru as the Secretary to Nakuru County Land Management Board.

Investigations revealed that the suspect corruptly solicited for Kshs. 900,000/= from the complainant with a view to registering the names of to be beneficiaries in a land register for the National Land Commission to consider for allocation of land within Oljorai Farm in Nakuru County. Investigations further established that the suspect reduced this claim for a benefit to Kshs. 750,000/= and sent another person to collect the benefit for him. The investigations established that through this third party the suspect finally corruptly received a benefit of Kshs. 140,000/= for the foresaid reason.

Upon perusal, the Director of Public Prosecutions found the evidence sufficient to sustain prosecution and directed that the suspect be charged with two counts of corruptly soliciting for a benefit and one count of corruptly receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

STATUS

The suspect was charged with two counts of corruptly soliciting for a benefit and one count of corruptly receiving a benefit contrary to section 39 (3) (a). The case is part heard before court.

91.EACC/AT/INQ/11/2015 ODPP/CAM/016/5/602

This was an inquiry into allegations of Concealment of Documents/ evidence in an investigation by the County Secretary, the Chief Finance Officer, the Head of the Treasury and the Head of Budget, all of Nairobi City County Government

EACC commenced investigation on receipt of allegations that the County officials concealed documents/ evidence relevant to an investigation concerning allegations of embezzlement of Nairobi City County (NCC) funds by the said officials.

Investigations revealed that EACC officers sought in writing from the suspects, all employees of Nairobi City County Government, crucial documents that were required for purposes of another subsisting investigation relating to other top officials of the said County Government. Investigation established that the suspects endeavored to provide some of the documents, committing in writing to provide others that were not readily traceable on some later days as and when they are available. The investigations did not reveal that the suspects concealed the documents as alleged.

A report was compiled and forwarded to the Director of Public Prosecutions on 9th September, 2016 recommending that the inquiry file be closed with no further action for lack of evidence.

Upon perusal of the file, the Director of Public Prosecutions found that there was prima facie case and directed further investigations to strengthen the prosecution's case.

STATUS

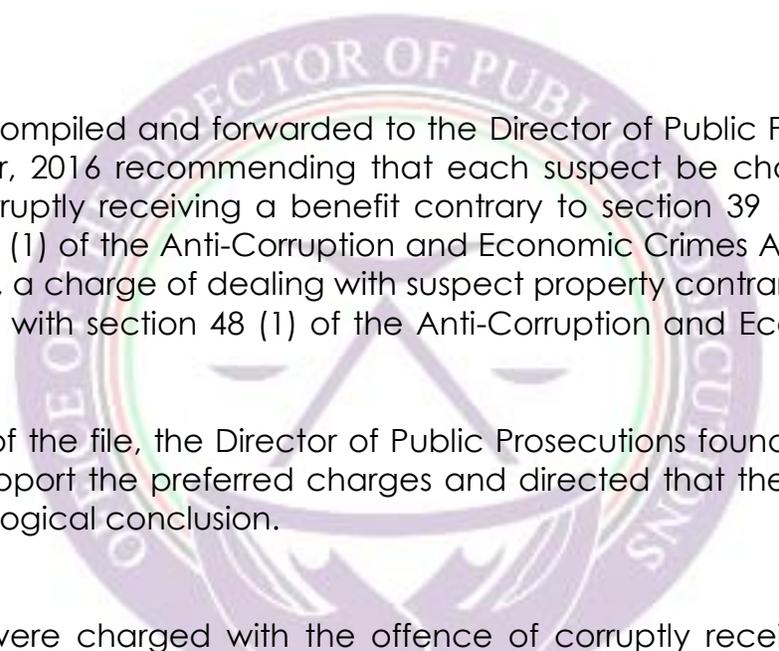
The file was returned to EACC for further investigations to be carried out and the file be resubmitted for further directions.

92. EACC/OPS/INQ/NYR/4/2015 ODPP/CAM/016/5/583

This was an inquiry into allegations of corruption against two Police Officers attached to Karatina Traffic Police Sub- Base along Karatina Sagana Road

EACC commenced investigations on receipt of allegations of corruption by traffic police officers within Nyeri and Embu Counties.

Investigations established that two police officers attached to Karatina Traffic Police Sub-Base were covertly videotaped receiving money from a number of motorists plying the Karatina-Sagana Road and letting them go without inspection. Upon arrest and search they were found in possession of money totaling to Kshs. 1,400/=. Investigations further established that the two suspects had transacted through their respective mobile phones Mpesa accounts; suspect colossal sums of money whose source they could not satisfactorily explain.



A report was compiled and forwarded to the Director of Public Prosecutions on 16th September, 2016 recommending that each suspect be charged with the offence of corruptly receiving a benefit contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 and in the alternative, a charge of dealing with suspect property contrary to section 47 (1) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the preferred charges and directed that the case in Court proceed to its logical conclusion.

STATUS

The suspects were charged with the offence of corruptly receiving a benefit contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003 and in the alternative, a charge of dealing with suspect property contrary to section 47 (1) (a) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

93. EACC/GSA/OPS/INQ/21/2016 ODPP/CAM/016/5/607

This was an inquiry into allegations of corruption against the Officer Commanding Dadaab Police Division

EACC commenced investigations on receipt of a report of corruption against Raphael Kimilu, officer commanding Daadab Police Division.

Investigations revealed that the suspect corruptly solicited for a benefit of Kshs. 20,000/= and corruptly received Kshs. 17,000/= from the complainant as an inducement so as not to cause arrest of public service vehicles operating within Haghadere area in Garissa County.

A report was compiled and forwarded to the Director of Public Prosecutions on 22nd September, 2016 recommending that the suspect be charged with two counts of corruptly soliciting for a benefit and one count of corruptly receiving a benefit, contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the preferred charges and directed that the case in court proceed to its logical conclusion.

STATUS

The suspect was charged with two counts of corruptly soliciting for a benefit and one count of corruptly receiving a benefit, contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

94.EACC/GSA/OPS/INQ/27/2016 ODPP/CAM/016/5/605

This was an inquiry into allegations of corruption against a Police Constable attached to Huduma Centre within Garissa Township

EACC commenced investigations on receipt of a report that a Police officer attached at Huduma Centre, within Garissa County, had solicited a benefit as an inducement so as to issue the Complainant with a duly filled police Abstract form to enable her process a new driving licence.

Investigations established that the suspect, while serving at the Huduma Centre at Garissa Town, corruptly solicited for Kshs. 200/= and corruptly received from the complainant a benefit of Kshs. 150/= as an inducement so as to issue the complainant with a police abstract which is normally issued for free.

A report was compiled and forwarded to the Director of Public Prosecutions on 22nd September, 2016 recommending that the suspect be charged with two counts of corruptly soliciting for a benefit and one count of corruptly receiving a benefit, contrary to section 39 (3) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the preferred charges and directed that the case in Court proceed to the logical end.

STATUS

The suspect was charged with two counts of corruptly soliciting for a benefit and one count of corruptly receiving a benefit, contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

95.CR.641/238/2016: ACC 1881/2016 KISII ODPP/CAM/016/5/610

This was an inquiry into allegations of corruption against Police Officers attached to Kisii Traffic Base

EACC commenced investigation on receipt of allegations that police officers were harassing motorists by soliciting and receiving bribes.

Investigations established that three police officers attached to Kisii Traffic Base were covertly videotaped receiving money from a number of motorists plying the Kisii Highway and letting them go without inspecting them. Upon arrest and search two of the suspects were found in possession of money totaling to Kshs. 25,000/=; no money was recovered from one of the suspects.

A report was compiled and forwarded to the Director of Public Prosecutions on 30th September, 2016 recommending that two of the suspects be charged with the offence of dealing with suspect property contrary to section 47 (1) (a) as read with section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 whereas administrative action be meted out against the other suspect.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient against two (2) accused persons and directed that the case against them proceed to logical conclusion. Further, the Director of Public Prosecutions found insufficient evidence to support the charges preferred against one accused person and directed that the charge against him be dropped.

STATUS

Two suspects were charged with the offence of dealing with suspect property contrary to section 47 (1) (a) of the Anti-Corruption and Economic Crimes Act, 2003. Administrative action was meted out against the other suspect. The case is part heard before court.

96.CR.911/99/2016
ODPP/CAM/016/5/576

This was inquiry into allegations of corruption against a Criminal Investigation Officer, attached to Bungoma Flying Squad.

EACC commenced investigations on receipt of allegations that Alfred Kimithi, a CID Police Officer was demanding a benefit of Kshs. 45,000/= as an inducement to release motor vehicle registration no. KAR 872B.

Investigations revealed that the suspect, a Criminal Investigating Officer attached at Bungoma Police Station, Flying Squad Division, corruptly solicited from the complainant a sum of Kshs. 45,000/= which he later on reduced to Kshs. 25,000/=, as an inducement so as to release the complainant's motor vehicle registration number KAR 872B which had been detained at the Police Station yard. Investigations further established that the matter was reported to the suspect's superior, the County Police Commander whereupon he was arrested.

Investigations therefore only established the aspect of corruptly soliciting for a benefit.

Upon perusal of the file, the Director of Public Prosecutions found sufficient evidence to support the recommended charges and directed that the suspect be charged with the offence of corruptly soliciting for a benefit contrary to section 39(3)(a) as read of the Anti-Corruption and Economic Crimes Act, 2003.

STATUS

The suspect was charged with the offence of corruptly soliciting a benefit contrary to section 39(3)(a) of the Anti-Corruption and Economic Crimes Act, 2003. The case is part heard before court.

4.4. THE FOURTH (4TH) QUARTER PERIOD OF THE YEAR - INVESTIGATION FILES SUBMITTED BY ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) TO ODPP FOR THE PERIOD -1ST OCTOBER 2016 TO 31ST DECEMBER 2016.

**97.EACC/AT/INQ/03/2013
ODPP/CAM/016/5/625**

This Was An Inquiry Into Allegations Of Fraudulent Claims Amounting To Kshs. 577,000,000/= By Erad Supplies And General Contractors Limited Against National Cereals And Produce Board In Regard To The Contract For Importation Of 40,000 Metric Tonnes Of Maize.

EACC conducted investigations into above which revealed that in July 2004, the Ministry of Agriculture communicated to the National Cereals and Produce Board (NCPB) the decision by the Government to import two million bags of maize through restricted tendering. Erad Supplies and General Contracts Limited was among the firms that won the floated tenders. In the contract signed, the bond submitted by the company was to be valid after NCPB had issued the letter of Credit. Owing to the alleged contract signed between NCPB and Erad Supplies and General Contracts Limited, the company allegedly secured the maize and had it stored at a cost. The letter of credit was not issued by NCPB and the supplier did not release the maize; consequently, the maize was not imported. Due to the alleged storage costs, there arose a dispute, which was presented for arbitration. A decision was made in favour of Erad and was awarded USD 3,106,000 together with an interest of 12% per annum. The High Court confirmed the award but set aside the interest of costs. NCPB has so far paid Kshs. 312, 842,536.70/= while Kshs. 264,864,285/= is pending awaiting an appeal lodged by NCPB in the Court of Appeal. However, the investigations established that to get a favourable outcome at the Arbitration, some officials of Erad Supplies and General Contracts Limited had used false documents.

The EACC compiled a report, which was forwarded to Director of Public Prosecutions on 14th October, 2016 with a recommendation to prosecute the suspects with the offences of;

- i. Uttering false document contrary to Section 353 of the penal code;
- ii. Perjury contrary to section 108(1) of the penal Code and;
- iii. Fraudulent acquisition contrary to section 45(1) (a) 46 as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, Director of Public Prosecutions found sufficient evidence to support the charges. However, crucial gaps were identified that required further investigations in order to strengthen the prosecution's case before suspects are charged in court.

STATUS

The file was returned to EACC on 23rd December, 2016 with directions that further investigations be conducted in identified areas before suspects are charged in court.

98.EACC/GSA/FI/INQ/08/2014 ODPP/CAM/016/5/628

This Was an Inquiry into Allegations of Irregular Recruitment of the Managing Director for Garissa Water and Sewerage Company

EACC conducted investigations into the above allegations, which revealed that in the recruitment process, there was an irregularity in the recommendation that was made by Board of Garissa Water and Sewerage Company in the appointment of the managing Director.

The EACC compiled a report, which was forwarded to the Director of Public Prosecution on 16th December 2016 recommending prosecution of Albert Ochengo Kereri with the offence of abuse of office contrary to Section 46 of the Anti-corruption and Economic Crimes Act as read with Section 48(1) of the Anti-corruption and Economic Crimes Act

Upon perusal of the inquiry file, the Director of Public Prosecutions found sufficient evidence to support the charges recommended by EACC and directed that prosecutions to ensue.

STATUS

The file was returned to EACC on 30th December, 2016 with directions that the matter to proceed to its logical conclusion. However the crucial gaps were identified that required further investigations in order to strengthen the prosecution case.

99.EACC/NYR/FI/INQ/25/2015 ODPP/CAM/016/5/617

This Was An Inquiry Into Allegations Of Irregularities In The Procurement Process Regarding Tender No.Jpip/Ncb/04/2013-2014 (Proposed Extension Of Kangema Law Courts-Phase Ii).

EACC conducted investigations into the above allegations, which revealed that the procurement of the works for the extension of Kangema Law Courts was done in accordance with the Public Procurement and Disposal Act and the Regulations thereto and no culpability was established.

The EACC compiled a report on 14th October 2016 and forwarded to Director of Public Prosecutions recommending closure of the inquiry file.

Upon perusal of the inquiry file, the Director of Public Prosecutions found that the evidence was insufficient evidence to warrant the prosecution of the suspects. The Director of Public Prosecutions concurred with the recommendations by EACC that the file be closed.

STATUS

The inquiry file was returned to EACC on 23rd December, 2016 with directive that the file be closed.

100. EACC/MSA/EL/INQ/001/2015 ODPP/CAM/016/5/621

This was an inquiry into allegations of unethical conduct by members of Kilifi county assembly on 31st march 2015.

EACC conducted investigations into the above allegations, which revealed that the Members of the County Assembly disrupted a session by forcefully entering the Assembly and wanting to remove the maze because their motion of removing the County Secretary could not proceed.

The EACC compiled a report, which was forwarded to the Director of Public Prosecutions on 14th October 2016 with a recommendation of caution to the members against the conduct and an advisory to be issued to the County Assembly Members regarding adherence to the leadership code of the County Assembly.

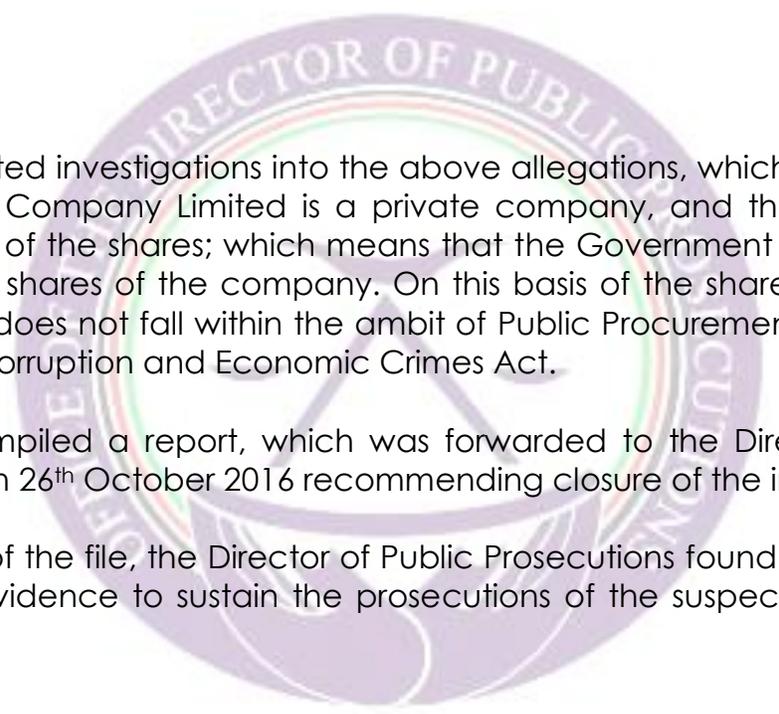
Upon perusal of the file, the Director of Public Prosecutions found that the evidence was insufficient to sustain prosecutions of the suspects and directed that administrative action be taken against the suspects.

STATUS

The file was returned to EACC on 29th December, 2016 with directive that an administrative action be taken against the suspects.

101. EACC/FI/INQ/50/2015 ODPP/CAM/016/5/625

This Was An Inquiry Into Allegations That Mumias Sugar Company Irregularly Awarded Tenders For Procurement Of Fertilizer To Shah Kanji Lalji & Sons Limited And Eldoret Packers Ltd At Kshs. 203.4 Million Without The Approval Of The Board Tender Committee (Btc)



EACC conducted investigations into the above allegations, which revealed that Mumias Sugar Company Limited is a private company, and the Government holds only 20% of the shares; which means that the Government does not have the controlling shares of the company. On this basis of the shares percentage, the company does not fall within the ambit of Public Procurement and Disposal Act and Anti-corruption and Economic Crimes Act.

The EACC compiled a report, which was forwarded to the Director of Public Prosecutions on 26th October 2016 recommending closure of the inquiry file.

Upon perusal of the file, the Director of Public Prosecutions found that there was no sufficient evidence to sustain the prosecutions of the suspects and that file be closed.

STATUS

The file was returned to EACC on 26th September 2016 with directive for closure.

102. KACC/FI/INQ/19/2011 ODPP/CAM/016/5/642

This Was an Inquiry into Allegations That Makueni County Council Clerk and Some Councillors Colluded To Unlawfully Sell Trees in Kitundu B Forest to Loggers

EACC conducted investigations into the above allegations which revealed that there were various contradictions in the evidence gathered and that the available evidence was not sufficient to sustain any charge against the suspects.

The EACC compiled a report which was forwarded to the Director of Public Prosecutions on 17th November 2016 with recommendation of closure of the inquiry file.

Upon perusal of the file, the Director of Public Prosecutions found that the evidence on record was insufficient to warrant prosecution of the suspects and directed that investigation file be closed with no further action.

STATUS

The file was returned to EACC with directive for closure.

103. EACC/KSM/INQ/FI/83/2015 ODPP/CAM/016/5/639

This Was An Inquiry Into Allegations Against Officers Of The County Government Of Bungoma For Irregular Purchase Of Nine Wheelbarrows At An Inflated Cost Of Kshs. 109,320/= All Amounting To Kshs. 993,880/=.

EACC conducted an investigation into the above allegation, which revealed that the relevant Department raised a requisition of nine steel wheelbarrows to the Procurement Department. The procurement was carried out and the tender awarded at a unit cost of Kshs. 109,320/= per unit, a price which was in excess of the market value. It was established;

- i. That some County Officials were liable for excessive payments for the nine wheelbarrows.
- ii. That they failed to ensure that the expenditure incurred was in accordance with the law.
- iii. That the concerned should be held liable for refund of the excess monies paid.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 17th November, 2016 recommending prosecution of the County Officials with the several offences which including;

- i. Willful failure to comply with the law relating to procurement contrary to Section 45(2) (b);
- ii. Abuse of office contrary to Section 46;
- iii. Fraudulent acquisition of public property contrary to Section as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found that there was sufficient evidence to sustain the charges recommended by EACC and directed on 4th January 2017 that the prosecution to ensue.

STATUS

The suspects were charged with offenses of; Willful failure to comply with the law relating to procurement contrary to Section 45(2) (b); abuse of office contrary to Section 46; fraudulent acquisition of public property contrary to Section as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

104. EACC/KSM/FI/INQ/28/20165 ODPP/CAM/016/5/646

This Was An Inquiry Into Allegations Against Officers Of The County Government Of Migori For Making Irregular Payments Of Kshs. 15,323,386/= To M/S Toyota Kericho For Motor Vehicles Not Delivered.

EACC conducted investigations into the above allegations, which revealed that the suspect to wit, Director of Health, Kericho County made a requisition of two ambulances. The procurement was initiated, the tender awarded to Toyota Kericho and the vehicles were delivered. However, it was established that the

payment was in excess of the amount approved in the County Budget and a false Inspection and Acceptance Report was made.

The EACC compiled a report and forwarded to the Director of Public Prosecutions on 28th November, 2016 recommending prosecution of the County Officials with the several offences of willful failure to comply with the law relating to procurement contrary to Section 45(2) (b) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act and making a false document contrary to section 37 (d) (1) of the penal code.

Upon perusal of the inquiry file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC and directed on 4 January 2017 that prosecution to ensue.

STATUS

The suspects were charged with offenses of; willful failure to comply with the law relating to procurement contrary to Section 45(2) (b) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act and making a false document contrary to section 37 (d) (1) of the penal code. The case is part –heard and hearing is fixed on 3rd April 2017.

105. CR.342/349/2015: CF NO.ACC MSA 2346/2015 ODPP/CAM/016/5/650

This Was An Inquiry Into Allegations Of Impersonation Within Mombasa County.

EACC conducted investigations into above allegations, which established that at the time, the suspect was renting a house within Mombasa County and he introduced himself as an officer of EACC, which was not true. He then went ahead and issued a cheque of Kshs. 42,000/= that later bounced. He was later traced and arrested. There was no sufficient evidence for the offence of impersonation.

The EACC compiled a report which was forwarded to the Director of Public Prosecutions on 7th December, 2016 recommending prosecution of the suspects by the Director of Criminal Investigations with the offence of issuing a bad Cheque contrary to Section 316A (1) (a) (4) of the penal code.

Upon perusal of the inquiry file, the Director of Public Prosecutions found that the evidence was sufficient to support the charges but the offence fell under the mandate of the CID and not EACC. Thus, he concurred with EACC to have the case referred to the CID.

STATUS

The case was referred to the CID to take over.

106. EACC/MLBA/FI/INQ/02/2016 ODPP/CAM/012/5/65

This Was an Inquiry into Allegations of Fraudulent Acquisition of Public Funds by Officials of Nzoia Sugar Company Limited

EACC conducted investigations into the above allegations, which revealed;

- i. That between 2014 and 2015, there was a well-orchestrated scheme to syphon money from Nzoia Sugar Company by making false claims through payments made using petty cash kitty.
- ii. That the claims made were false and as such, meals and entertainment were non-existent. In furtherance, the supporting documents such as receipts alleged to be from Hotels were forged.
- iii. That despite several glaring discrepancies, the vouchers were processed and honoured leading to a loss of public funds.
- iv. That the scheme involved officials of the Sugar Company.

The EACC compiled a report, which was forwarded to the Director of Public Prosecutions on 7th December 2016 recommending several offences, which include;

- i. Willful failure to comply with the law relating to management of public funds Section 45(2) (b),
- ii. Fraudulently making payments from public revenue contrary to Section 45 (2)(a),
- iii. Fraudulent acquisition of public property contrary to Section 45(1) (a),
- iv. Conspiracy to commit an offence of corruption contrary to section 47 A (3) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act and;
- v. Making a false document without authority contrary to Section 357 (a) of the Penal Code.

Upon perusal of the inquiry file, the Director of Public Prosecutions found that there was sufficient evidence to sustain the charges recommended by EACC and directed on 3rd January 2017 that the prosecution to ensue.

STATUS

The suspects were charged with offenses of; Willful failure to comply with the law relating to management of public funds Section 45(2) (b), Fraudulently making payments from public revenue contrary to Section 45 (2)(a), Fraudulent acquisition of public property contrary to Section 45(1) (a), Conspiracy to commit an offence of corruption contrary to section 47 A (3) as read with

Section 48(1) of the Anti-corruption and Economic Crimes Act and; Making a false document without authority contrary to Section 357 (a) of the Penal Code. The hearing of the case is fixed for 5th and 6th April 2017.

**107. EACC/FI/INQ/43/2015
ODPP/CAM/016/5/659**

This was an inquiry into allegations that the former Permanent Secretary and head of Public Service was influencing the Tender Evaluation Committee to recommend an award of Tender No. Oop/Aphqs/06/2014 for the Supply of Para-Military Equipment to certain companies whose owners are linked to him.

EACC conducted an investigation into the above allegations, which revealed that in 2014, the Administration Police Service advertised various tenders for the supply of different items.

The procurement was done in accordance with the Public Procurement and Disposal Act and the Regulations thereto and there is no evidence to show that any Company was favoured in the process. Head of Public Service did not have any relationship with the companies mentioned that were alleged to have been favoured.

The EACC compiled a report, which was forwarded to the Director of Public Prosecutions on 7th December 2016 recommending closure of the inquiry file.

Upon perusal of the inquiry file, the Director of Public Prosecutions found that no culpability on the part of the suspect and concurred with recommendations by EACC that the file be closed.

STATUS

The file was returned to EACC on 4th January 2017 with directive for closure.

**108. EACC/FI/INQ/02/2013
ODPP/CAM/016/5/610**

This was an inquiry into allegations of embezzlement of over Kshs. 70 Million out of Kshs. 153,639,843 disbursed by the National CDF board to Tigania West CDF by the former Member of Parliament during the Financial year 2007/2008, 2008/2009 and 2009/2010

EACC conducted investigations into the above allegations, which established that the Member of Parliament did not embezzle any funds, and that he never initiated any ghost project within the constituency with the intention to defraud the CDF Funds. There was evidence that the area constituents initiated some

genuine projects but there was no evidence of any interference by the Member of Parliament.

The EACC compiled a report, which was forwarded to the Director of Public Prosecutions on 30th September 2016 recommending closure of the file with no further action.

Upon perusal, the Director of Public Prosecutions found that there was no sufficient evidence in the file on which to base criminal charges and concurred with recommendations by EACC that the file be closed with no further action.

STATUS.

The file was returned to EACC on 29th December, 2016 with directive for closure.

109. EACC/EL/INQ/13/2016 ODPP/CAM/016/5/656

This was an inquiry into corruption allegations that the CEO NGO Co-ordination Board used forged certificate to secure employment to the said board.

EACC conducted investigations into the allegations, which revealed that by the time the CEO was being appointed, he did not have a Degree Certificate, which was a basic requirement for the said position. Without the Degree Certificate, it meant that he was not qualified for the position during the time of his appointment.

EACC sought to obtain the forged degree certificate that the CEO had presented purporting to have graduated but the same was not traced. It was suspected that the same may have been removed from his personal file and concealed. In the absence of the said forged certificate, a prosecution against him could not be sustained.

EACC compiled a report and was forwarded to the Director of Public Prosecutions on 16th December 2016 recommending Administrative action against the CEO because that he was not qualified for the position as at the time of the appointment.

Upon perusal of the inquiry file, the Director of Public Prosecutions found gaps and deficiencies in the investigation and returned the file on 4th January, 2017 with directions that further investigation be conducted on identified areas.

STATUS

Inquiry file was return to EACC with directions that further investigation be conducted in identified areas and the file be resubmitted.

**110. CR. 781/574/2016 CF. NO. ACC. 10771/2016
ODPP/CAM/016/5/623**

This was an inquiry into allegations that a Prosecution Counsel corruptly offered a benefit as an inducement to stop investigations against a suspect.

EACC conducted investigations into the allegations which revealed that a prosecution counsel and a suspect offered a benefit of Kshs. 50,000/= as an inducement to stop investigations.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 14th October, 2016 with a recommendation for the prosecution of the suspects with the offences of conspiracy to commit an offence of corruption contrary to section 47 A (3) and corruptly offering a benefit contrary to Section 39(3) (b) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act

Upon perusal of the inquiry file, the Director of Public Prosecutions found no sufficient evidence to warrant prosecution of the officer. There were however ethical breaches for which the DPP directed that administrative action be taken against the Prosecution Counsel.

STATUS

The EACC inquiry file was returned on 11th January 2017 with directive that the Administration action be taken against the prosecution counsel.

**111. CR 421/226/2016: ISIOLO ACC. 1/2016
ODPP/CAM/016/5/655**

This was an inquiry into allegations of corruption against Assistant Levy Inspector and Levy Reporting Officer of Tourism Fund based in Nyeri

EACC conducted investigations into the allegations which revealed that the suspects, solicited for a benefit of Kshs. 35,000/= as an inducement to forbear surcharging a hotel based in Isiolo for levy arrears.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 7th December, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti-Corruption and Economic Crimes Act, 2003 as read with Section 48(1) of the Anti-corruption and Economic Crimes Act. The investigation revealed that the suspects received a benefit of Kshs. 33,000/=, were arrested and charged.

Upon perusal of the inquiry file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges preferred and directed on 3rd January 2017 that prosecution to ensue.

STATUS

The suspects were charged with the offence of corruptly soliciting for a benefit contrary to section 39 (3) (a) and and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003 as read with Section 48(1) of the Anti-corruption and Economic Crimes Act. The case is part heard before court.

112. EACC/KSM/OPS/INQ/.1 /2015 ODPP/CAM/016/627

This was an inquiry into allegations of corruption against Traffic Police Officers attached to Migori Police Station

EACC conducted investigations into the allegation, which revealed that the available evidence was not sufficient to sustain any charges against the suspects; however, misconduct on the part of the suspects was established.

EACC compiled a report, which was forwarded to the Director of Public Prosecutions On 26th October 2016 recommending disciplinary action.

Upon the perusal of the inquiry file, the Director of Public Prosecutions on consideration of the evidence did not find any criminal culpability against the suspects however; he concurred with the EACC recommendations and directed that administrative action be taken against the officers.

STATUS

The EACC inquiry file was returned on 21st November 2016 with directive that the Administrative action be taken against the police officers.

113. CR.110/2016: KWALE ACC.322/12/2016 ODPP/CAM/016/5/651

This was an inquiry into allegations of corruption against a Member of the Land Verification Committee in Kwale County

EACC conducted Investigations into the allegations which revealed that the suspect, solicited for a benefit of Kshs. 40,000/= as an inducement to influence fellow members of the Land Verification Committee to make a favourable

decision towards a certain individual. The suspects received a benefit of Kshs. 10,000/= and were arrested.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 7th December, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a) and and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found that there was sufficient evidence to support preferred charges against the accused person and directed that prosecution to proceed to its logical conclusion.

STATUS

The file was returned to EACC on 30th December, 2016 with directive that count II to be amended and count III be added for the accused persons to be charged with the offence of soliciting for a benefit contrary to section 39 (3) (a) and and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti-Corruption and Economic Crimes Act, 2003 as read with Section 48(1) of the Anti-corruption and Economic Crimes Act. The matter is part heard in court and coming up for hearing on 4th April 2017.

114. CR/771/462/2016:CF. NO. 1/2016 ODPP/CAM/016/5/657

This Was an Inquiry into Allegations That A Clinical Officer at Kapsabet District Hospital Was Soliciting For A Benefit as A Condition to Fill A P3 Form

EACC conducted investigations into the allegations which revealed that the suspect, solicited for a benefit of Kshs. 1500/= as an inducement to fill a P3 form. The suspect received a benefit of Kshs. 500/= and was arrested.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 7th November, 2016 recommending prosecution of the suspect with the offence of soliciting for a benefit contrary to section 39 (3) (a) and and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found that there is sufficient evidence to sustain the charges preferred on 4th January 2017 and directed that prosecution should proceed to its logical conclusion.

STATUS

The suspects were charged with the offence of corruptly soliciting for a benefit contrary to section 39 (3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti-Corruption and Economic Crimes Act, 2003 as read with Section 48(1) of the Anti-corruption and Economic Crimes Act. The matter is part heard and further hearing is scheduled on 13th April 2016.

115. CR. 4 A1/123/2015: MERU ACC. 10 OF 2015 ODPP/CAM/016/5/653

This was an inquiry into allegations of corruption against an Immigration Officer serving at Moyale Border Post.

EACC conducted investigations into the allegations which revealed that the suspect, solicited for a benefit of Kshs. 15,000/= as an inducement to prepare travel documents. The suspect received a benefit of Kshs. 15,000/= and was arrested. However, there were discrepancies in the available evidence and this could not sustain an offence.

EACC compiled a report, which was forwarded to the Director of Public Prosecutions on 19th December 2016 recommending that administrative action be taken against the suspect.

Upon perusal of the inquiry file, the Director of Public Prosecutions found no criminal culpability on the part of the officers on 4th January, 2017 and directed that administrative action be taken against the Immigration Officers.

STATUS

The EACC inquiry file was returned on 4th January, 2017 with directive that the Administrative action be taken against the Immigration Officers.

116. CR.148/13/2016 ODPP/CAM/016/5/654

This was a report on the results of investigations of corruption against Kajiado County Officials

EACC conducted investigations into the allegations which revealed that the suspects, solicited for a benefit of Kshs. 50,000/= as an inducement to forbear framing charges of wrongful storage of construction materials and lack construction gear while undertaking construction work. The suspects received a benefit of Kshs. 30,000= and were arrested.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 7th December, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a), corruptly receiving a benefit contrary to Section 39(3) (a) and conspiracy to commit an offence of corruption contrary to Section 47 A (3) of the Anti- Corruption and Economic Crimes Act, 2003 as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found the evidence sufficient to sustain the charges and on 30th December, 2016 directed that prosecution ensue.

STATUS

The case is pending before court.

117. EACC/KSM/FI/INQ/26/2015 ODPP/CAM/016/5/652

This was an inquiry into corruption allegations against officers of the County Government of Migori for irregularities in the procurement of Motor Vehicle Insurance Cover worth Kshs. 7,986,750.75

EACC commenced investigations on receipt of allegations of irregularities in the procurement of motor vehicle worth Kshs. 7,986,750.76 by the County Government of Migori

Investigations revealed that in 2013, the County Government of Migori floated a tender for supply of Motor Vehicle Insurance covers. The procurement was conducted, tender won by the firms that submitted bids and the motor vehicle insurance covers supplied. However, the procurement process was marred with irregularities and flouting of the relevant provisions of the Law.

A report was prepared and forwarded to the Director of Public Prosecutions on 16th December, 2016 recommending several offences which include willful failure to comply with the law relating to management of public funds Section 45(2) (b), willful failure to comply with the law relating to procurement contrary to Section 45(2) (b), engaging in a project without prior planning contrary to section 45(2) (c) of the Anti-corruption and Economic Crimes Act as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to warrant prosecution of the suspects and directed prosecution to ensue.

STATUS

The suspects were charged with the offenses of; willful failure to comply with the law relating to management of public funds Section 45(2) (b), willful failure to comply with the law relating to procurement contrary to Section 45(2) (b), engaging in a project without prior planning contrary to section 45(2) (c) of the Anti-corruption and Economic Crimes Act as read with Section 48(1) of the Anti-corruption and Economic Crimes Act. The case is pending before court.

118. CR.421/129/2016: MERU ACC 4/2016 ODPP/CAM/016/5/616

This was an inquiry into allegations of corruption against a Lands Demarcation Officer at Antu-A-Mburi Land Adjudication Section within Meru County.

EACC commenced investigations upon receipt of the allegations which established that the Lands Demarcation Officer in Meru County solicited for a benefit of Kshs. 4,000/= as an inducement to search, retrieve and process proceedings relating to a land case. The suspect received a benefit of Kshs. 4,000/= and was arrested and arraigned in court.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 14th October, 2016 with a recommendation for prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to sustain the charges, concurred with the EACC recommendation and directed that the case be prosecuted to its logical conclusion.

STATUS

The file was returned to EACC on 28th December 2016, with directions that the case be prosecuted to its logical conclusion. The case is part heard before court.

119. EACC/313/333/2016 ODPP/CAM/016/5/615

This is an inquiry into allegations of soliciting and receiving a bribe of Kshs. 15,000/= by an Executive Assistant Kaloleni Law Courts

EACC commenced investigations upon receipt of allegations which established that the Executive Assistant Kaloleni Law Courts solicited for a benefit of Kshs.

15,000/= as an inducement to facilitate the review of bail and bond granted by the Court. The suspect received a benefit of Kshs. 13,000/= and was arrested and arraigned in court.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 14th October, 2016 with a recommendation for prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to sustain the charges. He concurred with the EACC and directed that the case proceed to its logical conclusion.

STATUS

The file was returned to EACC on 2nd November 2016 with directions that the case proceeds to its logical conclusion. The case is part heard before court.

120. CR. 400/309/2016: ACC. NO.3/2016 ODPP/CAM/O16/5/614

This was an inquiry into allegations of corruption against an Assistant Chief attached to Tungutu Sub-location, Tungutu Division in Kitui County

EACC conducted investigations into the allegations which revealed that the Assistant Chief of Tungutu Sub-location in Kitui County solicited for a benefit of Kshs. 1,000/= as an inducement to register a person in the list of Old Aged Pension Scheme. The suspect received a benefit of Kshs. 1,000/= and was arrested and arraigned in court.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 14th October, 2016 with a recommendation for prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found that there was sufficient evidence to sustain the charges and on 24th October 2016, he directed that prosecution proceed to logical conclusion.

STATUS

The EACC inquiry file was returned on 26th October 2016 with directive that the case in court proceeds to logical conclusion. The case is part heard before court.

**121. CR. 353/81/2016 CF NO.ACC. MSA 330/2016
ODPP/CAM/016/5/613**

This was an inquiry into allegations of corruption against an Administration Police Corporal attached to CID Office, Voi

EACC conducted investigations into the allegations which revealed that an administration police officer solicited for a benefit of Kshs. 50,000/= as an inducement to fast track investigations in a case of malicious damage. The suspect received a benefit of Kshs. 25,000/= and was arrested.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 14th October, 2016 with a recommendation for prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found sufficient evidence to sustain the charges preferred and on 28th October 2016, he directed that prosecution proceed to logical conclusion.

STATUS

The EACC inquiry file was returned on 31st October 2016 with directive that the case in court proceeds to logical conclusion. The matter is part heard before court.

**122. CR. 148/14/2016
ODPP/CAM/016/5/618**

This is an inquiry into allegations of corruption against an employee of Kenya Power.

EACC conducted investigations into the allegations which revealed that the suspect who is an employee of Kenya Power, solicited for a benefit of Kshs. 400,000/= in order to facilitate the installation of a transformer within Joska area. The suspect received a benefit of Kshs. 200,000/= and was arrested.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 14th October, 2016 recommending prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found there was sufficient evidence to sustain the charges preferred against the accused and on 2nd November 2016 directed that prosecution proceed to logical conclusion.

STATUS

The EACC inquiry file was returned on 8th November 2016 with directive that the case in court proceeds to logical conclusion. The matter is part heard before court.

**123. CR. 641/238/2016: CF. NO. 18881/2016
ODPP/CAM/016/5/649**

This was an inquiry into corruption allegations against an Archives Officer at Muranga Law Courts

EACC conducted investigations into the allegation which revealed that the suspect solicited for a benefit of Kshs. 10,000/= as an inducement to assist in tracing a court file in Muranga Law Courts. The suspect received a benefit of Kshs. 5,000/= and was arrested.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 16th December, 2016 recommending prosecution of the suspect with the offence of soliciting for a benefit contrary to section 39 (3) (a) and and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found sufficient evidence to sustain the charges preferred and on 4th January 2017, he directed that the case proceed to logical conclusion.

STATUS

The EACC inquiry file was returned on 4th January 2017 with directive that the case in court proceeds to logical conclusion. The matter is part heard before court.

**124. CR.148/20/2016: CF. NO. 1522/2016
ODPP/CAM/016/5/641**

This Was An Inquiry Into Allegations Of Corruption Against An Employee At Export Processing Zone Authority (Epza) In Athi River.

EACC conducted investigations into the allegations which revealed that the suspects, solicited for a benefit of Kshs. 160,000/= as an inducement to assist in winning a tender that had been advertised at Export Processing Zone Authority in Athi River. The suspect received a benefit of Kshs. 100,000/= and was arrested and charged.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 28th November, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the Director of Public Prosecutions found there was sufficient evidence to sustain the preferred charges and on 22nd December 2016, directed that the case proceed to logical conclusion.

STATUS

The EACC inquiry file was returned on 4th January 2017 with directive that the case in court proceeds to logical conclusion. The matter is part heard before court.

125. CR. 831/587/2016: ACC. NO.6/2016 ODPP/CAM/016/5/660

This was an inquiry into allegation of corruptly soliciting for a benefit by an employee of Moi Teaching and Referral Hospital

EACC conducted investigations into the allegations which revealed that the suspect solicited for a benefit of Kshs. 70,000/= as an inducement to facilitate recruitment of a person to the Department of Procurement in Moi Teaching and Referral Hospital. The suspect received a benefit of Kshs. 20,000/= and was arrested.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 22nd December, 2016 recommending prosecution of the suspect with the offence of soliciting for a benefit contrary to section 39 (3) (a) and and corruptly receiving a benefit contrary to Section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found sufficient evidence to support the charges and on 30th December, 2016 he directed that the case proceed to logical conclusion.

STATUS

The EACC inquiry file was returned on 30th December, 2016 with directive that the case in court proceeds to logical conclusion. The matter is part heard before court.

126. CF. MSA. ACC. 1/2016 ODPP/CAM/016/5/628

This was an inquiry into allegations of corruption against the Managing Agent and Employee of Gimco Limited, Accompany Contracted by Kenya Ports Authority to Collect Rent

EACC conducted investigations into the allegations which revealed that the suspect, solicited for a benefit of Kshs. 60,000/= in order to facilitate the renewal of a lease agreement which was due to expire. The suspect received a benefit of Kshs. 60,000/= and was arrested.

EACC compiled a report which was forwarded to the Director of Public Prosecutions on 26th October, 2016 recommending prosecution of the suspect with the offences of corruptly soliciting for a benefit contrary to Section 39(3) (a) and corruptly receiving a benefit contrary to Section 39(3) (a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act.

Upon perusal of the inquiry file, the Director of Public Prosecutions found sufficient evidence to sustain the charges and on 5th January, 2017 he directed that the case proceeds to logical conclusion.

STATUS

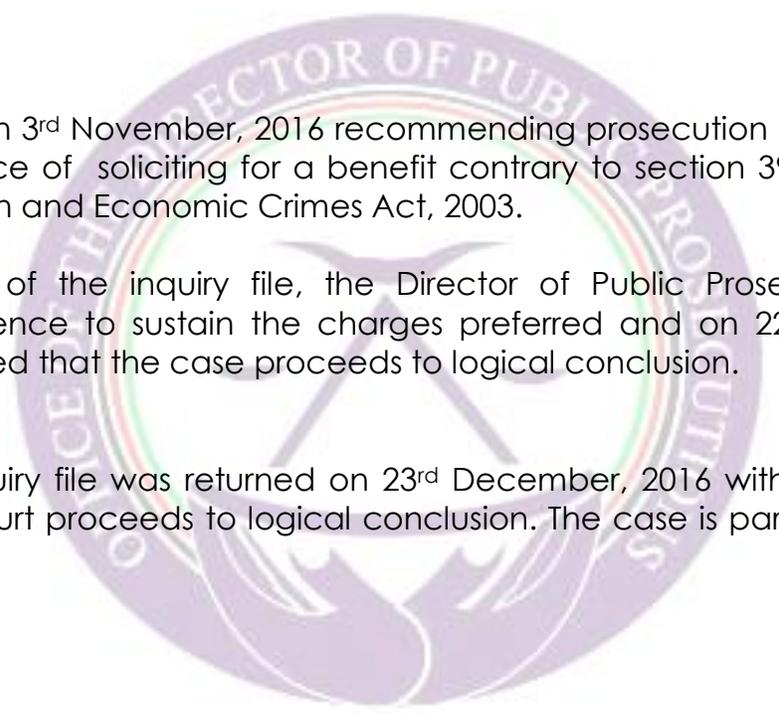
The EACC inquiry file was returned on 9th January, 2016 with directive that the case in court proceeds to logical conclusion. The matter is part heard before court.

127. CR.148/15/2016: ACC. CF. NO. 8/2016 ODPP/CAM/016/5/580

This Was an Inquiry into Allegations of Corruption against Police Officers Attached To Parklands Police Station

EACC conducted investigations into the allegations which revealed that the suspects, solicited for a benefit of Kshs. 100,000/= as an inducement to release an Indian National who had been arrested for working in Kenya without a permit.

EACC compiled a report which was forwarded to the Director of Public



Prosecutions on 3rd November, 2016 recommending prosecution of the suspects with the offence of soliciting for a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the inquiry file, the Director of Public Prosecutions found sufficient evidence to sustain the charges preferred and on 22nd December, 2016 he directed that the case proceeds to logical conclusion.

STATUS

The EACC inquiry file was returned on 23rd December, 2016 with directive that the case in court proceeds to logical conclusion. The case is part heard before court.

CHAPTER FIVE

5.0 STATISTICAL SUMMARY OF CASES FORWARDED TO ODPP BY EACC BETWEEN 1ST JANUARY 2016 TO 31ST DECEMBER 2016 AND ACTION TAKEN.

S/No.	PARTICULARS OF THE CASE	NUMBER
1.	INVESTIGATION FILES SUBMITTED BY EACC TO DPP	128
2.	FILES WHERE DPP DIRECTED PROSECUTION TO ENSUE	93
3.	FILES WHERE DPP DIRECTED FURTHER INVESTIGATIONS	3
4.	FILES WHERE DPP DIRECTED ADMINISTRATIVE ACTION & OTHER ACTIONS	15
5.	FILES WHERE DPP DIRECTED CLOSURE	17
6.	FILES AWAITING DPP'S DIRECTIONS	0
	TOTAL NUMBER OF FILES	128
FILES RECOMMENDED BY EACC FOR PROSECUTION AND DPP CONCURRED		
S/No.	EACC FOR PROSECUTION	DPP CONCURRED
1.	94	86
2.	8 (Administrative Action)	7
3.	26 (Closure)	22

DATED ON DAY OF 2017

HON. KERIAKO TOBIKO, CBS, CS
DIRECTOR OF PUBLIC PROSECUTIONS