

GROUND THREE (3) INDEX

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GROUND THREE (3) INDEX

			(2) Agreement between KRA & County Executive	Refer to Ground 1
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			(2) Letter from Kathenge to NMS	Refer to Ground 1 ✓ Pg. 339



LAWS OF KENYA

COUNTY GOVERNMENTS ACT

No. 17 of 2012

Revised Edition 2012

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PART V – COUNTY EXECUTIVE

30. Functions and responsibilities of a county governor

(1) The governor shall take and subscribe to the oath or affirmation as set out in the Schedule to this Act before assuming office.

(2) Subject to the Constitution, the governor shall—

- (a) diligently execute the functions and exercise the authority provided for in the Constitution and legislation;
- (b) perform such State functions within the county as the President may from time to time assign on the basis of mutual consultations;
- (c) represent the county in national and international fora and events;
- (d) appoint, with the approval of the county assembly, the county executive committee in accordance with Article 179(2)(b) of the Constitution;
- (e) constitute the county executive committee portfolio structure to respond to the functions and competencies assigned to and transferred to each county;
- (f) submit the county plans and policies to the county assembly for approval;
- (g) consider, approve and assent to bills passed by the county assembly;
- (h) chair meetings of the county executive committee;
- (i) by a decision notified in the county *gazette*, assign to every member of the county executive committee, responsibility to ensure the discharge of any function within the county and the provision of related services to the people;
- (j) submit to the county assembly an annual report on the implementation status of the county policies and plans;
- (k) deliver annual state of the county address containing such matters as may be specified in county legislation; and
- (l) sign and cause to be published in the county *Gazette*, notice of all important formal decisions made by the governor or by the county executive committee.

(3) In performing the functions under subsection (2), the governor shall—

- (a) provide leadership in the county's governance and development;
- (b) provide leadership to the county executive committee and administration based on the county policies and plans;
- (c) promote democracy, good governance, unity and cohesion within the county;
- (d) promote peace and order within the county;
- (e) promote the competitiveness of the county;
- (f) be accountable for the management and use of the county resources; and

**THE KENYA POLICE
CHARGE SHEET**

Police case No. 148/24/2019
Date to Court 9/12/2019
Court file No. ACC 32/2019

OB No. 8/16/2/2019

Christian names in full or Name	Surname or Fathers Name	Identity Certificate No.	Sex	Nationality or tribe	Apparent Age	Address-District
1. Kioko Mike Sonko Mbuvi Gidion Alias Mbuvi Gidion Kioko Mike Sonko Alias Mbuvi Gidion Kioko Alias Mike Sonko Mbuvi Gidion Kioko Alias Mbuvi Gidion Kioko		12903104	M	Kenyan		
2. Peter Mbugua	Kariuki	12500115	M	//	//	
3. Patrick	Mwangangi	0273849	M	//	//	
4. Wambua	Ndaka	9364543	M	//	//	
5. Andrew	Nyasiego	4822829	M	//	//	
6. Samuel Mwangi	Ndungu	11309236	M	//	//	
7. Edwin Kariuki	Mukuru	23605286	M	//	//	
8. Lawrence Mwangi	Muritu	23932504	M	//	//	
9. Preston Mwandiki	Muritu	26643233	M	//	//	
10. Hard Enterprises Limited	-	-	-	-	-	
11. Toddy Civil Engineering Limited	-	-	-	-	-	
12. Anthony Mweura	Nganga	9915798	M	//	//	
13. Rose Njeri	Nganga	8341119	F	//	//	
14. Arbab Auto Limited						
15. ROG Security Limited						
16. High Energy Petroleum Limited						
17. Antony Obeno Ombok ALIAS Jamal		21960058	M	//	//	

CHARGE
COUNTY CONSPIRACY TO COMMIT AN OFFENCE OF CORRUPTION CONTRARY TO SECTION 47A (3) AS READ WITH SECTION 48 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, ACT NO. 3 OF 2003

PARTICULARS OF OFFENCE
(See Second Schedule of CPC.) 1. KIOKO MIKE SONKO MBUVI GIDION ALIAS MBUVI GIDION KIOKO MIKE SONKO ALIAS MBUVI GIDION KIOKO ALIAS MIKE SONKO MBUVI GIDION KIOKO ALIAS MBUVI GIDION KIOKO SONKO; 2. PETER MBUGUA KARIUKI; 3. PATRICK MWANGANGI; 4. WAMBUA NDAKA; 5. ANDREW NYASIEGO 6. SAMUEL MWANGI NDUNGU; 7. EDWIN KARIUKI MUKURU; 8. LAWRENCE MWANGI MUKURU; 9. PRESTON MWANDIKI


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09 DEC 2019
OFFICE OF CHARGE


MIRITI; 10.HARDI ENTERPRISES LIMITED; 11. TODDY CIVIL ENGINEERING LIMITED 12. ANTHONY MWAURA NGANGA; 13. ROSE NJERI NGANGA 14.ARBAB AUTO LIMITED 15.ROG SECURITY LIMITED 16.HIGH ENERGY PETROLEUM LIMITED 17.ANTONY OTIENO OMBOK ALIAS JAMAL:

Between 24th May 2018 and 28th March 2019, in Nairobi City County within the Republic of Kenya, being the Governor, County Secretary, Head of Supply Chain Management, Senior Clerical Officers, Tender Negotiation, Opening and Evaluation Committee members of Nairobi City County Government, private limited liability companies and directors of the said companies thereof, jointly and knowingly conspired to commit an offence of corruption, namely embezzlement of public funds in the sum of Kshs. 357,390,229.95 from Nairobi City County Government.

(FOR OTHER COUNTS SEE ATTACHED SHEET)

If Accused Arrested	Date of Arrest	Without or with warrant	Date Apprehension Report to Court	Bond or Bail And Amount	Is Application made for Summons to issue
yes		w/o	//////		////////
Remanded or Adjudged to					
Complainant and Address	Republic of Kenya through Ethics and Anti-Corruption Commission				
Witnesses					
Sentence, Court and date	Chief magistrate's court if fine paid:				





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COUNT 2
STATEMENT OF OFFENCE

ACTING WITHOUT AUTHORIZATION CONTRARY TO SECTION 196 (7) (b) OF THE PUBLIC FINANCE MANAGEMENT ACT NO. 18 OF 2012

PARTICULARS:

2. **PETER KARIUKI:** Between 24th May 2018 and 8th June 2018 at Nairobi City County Government offices, within Nairobi City County in the Republic of Kenya, being the County Secretary of Nairobi City County Government, you performed duties of an Accounting Officer without the authorization prescribed under Section 148 (1) and (2) of the Public Finance Management Act as read with Regulation 12 (2) of the Public Finance Management Regulations 2015 by awarding tender no. NCC/WEF&NR/276/2017-2018 Hire of Heavy Equipment and Vehicles.

COUNT 3

STATEMENT OF OFFENCE

ABUSE OF OFFICE CONTRARY TO SECTION 46 AS READ WITH SECTION 48 OF ANTI-CORRUPTION AND ECONOMIC CRIMES ACT NO. 3 OF 2003

PARTICULARS:

2. **PETER MBUGUA KARIUKI:** On or about 8th June 2018 at Nairobi City County Government offices within the Republic of Kenya, being a person employed in Nairobi City County Government, to wit, the County Secretary, you used your office to improperly confer a benefit to Hardi Enterprises Limited for tender no. NCC/WEF&NR/276/2017-2018 for Hire of Heavy Equipment and Vehicles, by unlawfully awarding a contract for the said tender without authority.



COUNT 4

STATEMENT OF OFFENCE

CONFLICT OF INTEREST CONTRARY TO SECTION 42(3) AS READ WITH SECTION 48 OF THE ANTI-CORRUPTION AND ECONOMIC CRIME ACT, 2003

PARTICULARS

1. KIOKO MIKE SONKO MBUVI GIDION ALIAS MBUVI GIDION KIOKO MIKE SONKO ALIAS MBUVI GIDION KIOKO ALIAS MIKE SONKO MBUVI GIDION KIOKO ALIAS MBUVI GIDION KIOKO SONKO: On 17th December 2018 at Equity Bank Ltd in the Republic of Kenya, as an agent of a public body, to wit the Governor of Nairobi City County, you knowingly acquired an indirect private interest in a contract connected with a public body, to wit a contract for tender no. NCC/WEFE&NR/276/2017-2018 for Hire of Heavy Equipment and Vehicles issued by Nairobi City County Government, by receiving a sum of Kshs. 3,000,000/- from Hardi Enterprises Limited through Toddy Civil Engineering Limited.

COUNT 5

STATEMENT OF OFFENCE

WILFUL FAILURE TO COMPLY WITH LAW RELATING TO PROCUREMENT CONTRARY TO SECTION 45 (2) (b) AS READ WITH SECTION 48 OF ANTI-CORRUPTION AND ECONOMIC CRIMES ACT NO. 3 OF 2003

PARTICULARS:

2. PETER MBUGUA KARIUKI 3. PATRICK MWANGANGI 6.SAMUEL NDUNGU MWANGI; 7. EDWIN KARIUKI MURIMI; 8. LAWRENCE MWANGI MUKURU; 9. PRESTON MWANDIKI MIRITI: Between 24th May 2018 and 8th June 2018 at Nairobi City County Government offices, within Nairobi City County in the Republic of Kenya, being the County Secretary, Head of Supply Chain Management of Nairobi City County Government, and the Tender Negotiation Committee members, jointly and wilfully failed to comply with the law relating to procurement, to wit Section 80 of the Public Procurement and Asset Disposal Act 2015, by failing to comply with the procedures and criteria set out in the Tender Document.



COUNT 6

STATEMENT OF PARTICULARS

WILFUL FAILURE TO COMPLY WITH LAW RELATING TO PROCUREMENT CONTRARY TO SECTION 45 (2) (B) AS READ WITH SECTION 48 OF ANTI-CORRUPTION AND ECONOMIC CRIMES ACT NO. 3 OF 2003

PARTICULARS:

6. SAMUEL NDUNGU MWANGI; 7. EDWIN KARIUKI MURIMI; 8. LAWRENCE MWANGI MUKURU; 9. PRESTON MWANDIKI MIRITI

On or about 4th June 2018 at Nairobi City County Government offices, within Nairobi City County in the Republic of Kenya, being persons concerned with the use of public property to wit the appointed members of the Negotiation, Opening and Tender Evaluation Committee for tender no. NCC/WFF/ENR/276/2017-2018 for Hire of Heavy Equipment and Vehicles, jointly and wilfully failed to comply with the law relating to procurement, to wit Section 80 (2) of the Public Procurement and Asset Disposal Act 2015, by failing to follow the laid down criteria of evaluation of bid documents as well set out in clause 1.4 of the Bid Document, thereby irregularly recommending the award of the said tender to Hardi Enterprises Limited.

COUNT 7

STATEMENT OF OFFENCE

WILFUL FAILURE TO COMPLY WITH LAW RELATING TO PROCUREMENT CONTRARY TO SECTION 45 (2) (B) AS READ WITH SECTION 48 OF ANTI-CORRUPTION AND ECONOMIC CRIMES ACT NO. 3 OF 2003

PARTICULARS:

2. PETER MBUGUA KARIUKI: On or about 24th May 2018 at Nairobi City County Government offices, within Nairobi City County in the Republic of Kenya, being a person concerned with the use of public property, to wit the County Secretary, wilfully failed to comply with the law relating to procurement, to wit Section 104 (a) of the Public Procurement and Asset Disposal Act 2015, by commencing negotiations prior to issuing the tender document.

COUNT 8

STATEMENT OF OFFENCE

UNLAWFUL ACQUISITION OF PUBLIC PROPERTY CONTRARY TO SECTION 45(1)(a) AS READ WITH SECTIONS 48 (1) AND (2) OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, 2003.

PARTICULARS:

10. HARDI ENTERPRISES LTD; 12. ANTHONY NGANGA MWAURA; 13. ROSE NJERI NGANGA

Between 5th July 2018 and 28th March 2019, within Nairobi City County in the Republic of Kenya, being a limited liability company and directors of the said company, you unlawfully acquired public property to wit Kshs. 357,390,229.95 from Nairobi City County Government, in respect of tender no. NCC/WEFE&NR/276/2017-2018 for Hire of Heavy Equipment and Vehicles.

COUNT 9

STATEMENT OF OFFENCE

DECEIVING PRINCIPAL CONTRARY TO SECTION 41 (2) AS READ WITH SECTION 48 OF ANTI-CORRUPTION AND ECONOMIC CRIMES ACT NO. 3 OF 2003

PARTICULARS:

8. WAMBUA NDAKA; 9. ANDREW NYASIEGO

Between 5th July 2018 and 28th March 2019, at Dandora Dumpsite within Nairobi City County in the Republic of Kenya, being Senior Clerical Officers, you prepared falsified documents, namely dumpsite reports, to Nairobi City County Government, which you knew contained misleading information regarding the tonnage of the solid waste tonnage that was purportedly delivered to the said dumpsite by Hardi Enterprises Limited thereby occasioning a loss of Ksh. 2,069,865.36 by the Nairobi City County Government.



COUNT 10

STATEMENT OF OFFENCE

MONEY LAUNDERING CONTRARY TO SECTIONS 3(b)(i) AS READ WITH SECTION 16 OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING ACT.

PARTICULARS OF OFFENCE

10. HARDI ENTERPRISES LTD; 11. TODDY CIVIL ENGINEERING LIMITED; 12. ANTHONY NGANGA MWAURA; 13. ROSE NJERI NGANGA: On diverse dates between October 2018 and March 2019 within the Republic of Kenya, with intent to dispose of money unlawfully acquired, jointly engaged in a transaction to conceal an amount of Kshs. 55,800,000/= received from Nairobi City County Government whilst knowing or having reason to believe that the said monies were proceeds of crime.

COUNT 11

STATEMENT OF OFFENCE

MONEY LAUNDERING CONTRARY TO SECTIONS 3(b)(i) AS READ WITH SECTION 16 OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING ACT.

PARTICULARS OF OFFENCE

1. KIOKO MIKE SONKO MBUVI GIDION ALIAS MBUVI GIDION KIOKO MIKE SONKO ALIAS MBUVI GIDION KIOKO ALIAS MIKE SONKO MBUVI GIDION KIOKO ALIAS MBUVI GIDION KIOKO SONKO; 11. TODDY CIVIL ENGINEERING LIMITED; 12. ANTHONY NGANGA MWAURA; 13. ROSE NJERI NGANGA: On or about 17th December 2018, within the Republic of Kenya, being the Governor Nairobi City County Government, a private limited company and the directors of the said company thereof, with intent to dispose of a sum of Ksh.3,000,000 unlawfully acquired from Nairobi City County Government, whilst knowing or having reason to believe that the said monies were proceeds of crime, jointly engaged in an arrangement for the lease of land **L.R NO. KWALE/GOLINI/383.**



COUNT 12

STATEMENT OF OFFENCE

ACQUISITION OF PROCEEDS OF CRIME CONTRARY TO SECTION 4 OF PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING ACT NO. 9 OF 2009

PARTICULARS:

11. TODDY CIVIL ENGINEERING LIMITED. 12. ANTHONY MWAURA NGANGA 13. ROSE NJERI NGANGA: Between 16th October 2018 and 28th March 2019 at Equity Bank Limited within the Republic of Kenya, being a private limited liability company and directors of the said company thereof, received property namely, a sum of Kshs. 55,800,000/= from Hardi Enterprises Limited, being the property of Nairobi City County Government, whilst knowing that the said property formed part of proceeds of a crime.

COUNT 13

STATEMENT OF OFFENCE

ACQUISITION OF PROCEEDS OF CRIME CONTRARY TO SECTION 4 OF PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING ACT NO. 9 OF 2009

PARTICULARS:

1. KIOKO MIKE SONKO MBUVI GIDION ALIAS MBUVI GIDION KIOKO MIKE SONKO ALIAS MBUVI GIDION KIOKO ALIAS MIKE SONKO MBUVI GIDION KIOKO ALIAS MBUVI GIDION KIOKO SONKO: On 17th December 2018 at Equity Bank Limited within the Republic of Kenya, being the Governor of Nairobi City County, received a sum of Kshs. 3,000,000/= from Toddy Civil Engineering Company Limited, being the property of Nairobi City County Government, whilst knowing that the said property formed part of proceeds of a crime.



COUNT 14

STATEMENT OF OFFENCE

MONEY LAUNDERING CONTRARY TO SECTIONS 3(b)(i) AS READ WITH SECTION 16 OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING ACT.

PARTICULARS OF OFFENCE

10. HARDI ENTERPRISES LTD; 12. ANTHONY NGANGA MWAURA; 13. ROSE NJERI NGANGA; 14.ARBAB AUTO LIMITED; 17.ANTONY OTIENO OMBOK ALIAS JAMAL:

On or about 18th October 2018, within the Republic of Kenya, private limited companies and the directors of the said companies thereof, with intent to dispose of money unlawfully acquired, jointly engaged in a transaction to conceal an amount of Kshs. 6,000,000/= received from Nairobi City County Government whilst knowing or having reason to believe that the said monies were proceeds of crime.

COUNT 15

STATEMENT OF OFFENCE

ACQUISITION OF PROCEEDS OF CRIME CONTRARY TO SECTION 4 OF PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING ACT NO. 9 OF 2009

PARTICULARS:

14.ARBAB AUTO LIMITED; 17.ANTONY OTIENO OMBOK ALIAS JAMAL: On or about 18th October 2018 at Equity Bank Limited within the Republic of Kenya, being a private limited liability company and the director of the said company thereof, received property namely a sum of Kshs. 6,000,000/= from Hardi Enterprises Limited, being the property of Nairobi City County Government, whilst knowing that the said property formed part of proceeds of a crime.



**OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS' STATEMENT
ON ALLEGATIONS OF CORRUPTION IN NAIROBI COUNTY
GOVERNMENT**

Following a comprehensive investigation by the Ethics and Anti-Corruption Commission (EACC) and upon receiving and independently reviewing the investigation file I have found sufficient evidence to warrant prosecution and I have therefore ordered for the immediate arrest and arraignment in court of the Governor of Nairobi Hon. Mike Mbuvi Sonko and other persons for the crimes of conflict of interest arising from having received monies from the County of Nairobi whilst serving as Governor, unlawful acquisition of public property, money laundering and other economic crimes.

Investigations into these crimes have been challenging because of the repeated attempts by the accused to obstruct the course of the investigations by deploying intimidation tactics in addition to using goons to threaten law enforcement officials carrying out their constitutional mandates. The investigations by the Ethics and Anti-Corruption Commission uncovered numerous instances of criminal conduct and a general disregard of the law by the Governor and the others being charged. Put simply, the actions of the accused showed a blatant disregard for laws. The Accused persons placed their own interest ahead of the residents of Nairobi. This constitutes a clear and reprehensible abuse of the public trust.

Public Officials should be a role models for the citizens they serve- by adhering to the highest of standards; These individuals being charged today, chose to break laws, actions for which they must be held accountable in order to preserve the public trust and confidence.

Whenever public trust is betrayed by those in positions of authority, by misusing their privilege to conspire, connive and commit crimes against the people; our laws expressly mandate the law enforcement agencies and the Office of the Director of Public Prosecutions to step up and safeguard the public good and interest.

Today's decision to charge underscores the fact that the Office of the Director of Public Prosecutions remains firmly committed to safeguarding the citizens of Kenya and combating fraud and crime in all its forms. No One nor any entity is above the law and we will never tolerate activities like the criminal conduct at issue in these charges. That is why the Office of the Director of Public Prosecution will continue to direct investigative agencies to meticulously and deliberately investigate any such matters

brought to our attention using every tool, resource and legal authority at our disposal to ensure that justice is served to the Kenyan people.

At the Office of the Director of Public Prosecutions, we shall continue to use every available tactic to defeat those who misuse the public trust they are given and will do so within the letter and spirit of the Constitution. Adherence to the rule of law strengthens our society and our decisions to prosecute remain untainted by partisanship and will continue to be guided with by the threshold of meeting the evidential test and the safeguard of public interest.

We are committed to bringing to justice individuals who misuse their official positions and line their own pockets with millions of Shillings of taxpayer's funds for their own greed at the expense of the Kenyan taxpayers.

Having reviewed the inquiry file, I am satisfied that there is sufficient evidence establishing criminal culpability on the part of the following suspects and Consequently, I have today directed the DCI to effect the arrest and immediate arraignment before court, of the accused persons named herein below:

A. Officers from the Nairobi City County Government who facilitated and/or benefitted from the irregular procurement and payments amounting to Kshs. 357, 390,299 million:-

S/NO.	NAME	DESIGNATION
1.	Kioko Mike Sonko Mbuvi Gidion as gazetted vide Gazette Notice No. 7730 dated 15 th August 2017 <i>Alias</i> Mbuvi Gidion Kioko Mike Sonko <i>Alias</i> Mbuvi Gidion Kioko <i>Alias</i> Mike Sonko Mbuvi Gidion Kioko <i>Alias</i> Mbuvi Gidion Kioko Sonko;	Nairobi City County Governor
2.	Peter Mbugua Kariuki	County Secretary
3.	Patrick Mwangangi	Head Supply Chain Management
4.	Samuel Ndungu Mwangi	Member of the Negotiation, Tender Opening and Evaluation Committee
5.	Edwin Kariuki Murimi	Member of the Negotiation, Tender Opening and Evaluation Committee
6.	Lawrence Mwangi Mukuru	Member of the Negotiation, Tender Opening and Evaluation Committee
7.	Preston Mwandiki Miriti	Member of the Negotiation, Tender Opening and Evaluation Committee
8.	Wambua Ndaka	Senior Clerical Officers of NCC
9.	Andrew Nyasiego	Senior Clerical Officers of NCC

B. Private persons and business entities who benefitted from funds irregularly acquired from the Nairobi City County Government.

S/NO.	NAME	DESIGNATION
1.	Anthony Mwaura Ng'ang'a	Director, Hardi Enterprises Limited and Toddy Civil Engineering Limited
2.	Rose Njeri Ng'ang'a	Director, Hardi Enterprises Limited and Toddy Civil Engineering Limited
3.	Hardi Enterprises Limited	Limited Liability Company
4.	Toddy Civil Engineering Limited	Limited Liability Company

Upon further review, I also found that the following persons and business entities contracted by Nairobi City Council Government in delivery of various services to the county are criminally culpable for money laundering: -

S/NO.	NAME	DESIGNATION
1.	Web Tribe Limited	Limited Liability Company
2.	ROG Security Limited	Limited Liability Company
3.	Danson Muchemi Njunji	Director Web Tribe Limited
4.	Robert Muriithi Muna	Director Web Tribe Limited
5.	Zablon Onyango Ochomo	Agent, Web Tribe Limited
6.	Fredrick Odhiambo ALIAS Fred Oyugi	Partner T/A Yiro Enterprise
7.	Antony Otieno Ombok	Director, ROG Security Limited

In this regard, I direct that the above quoted persons and business entities be charged with the following offences:-

1. Conspiracy to commit an offence of corruption contrary to Section 47A (3) as read with Section 48 of the Anti-Corruption and Economic Crimes Act.
2. Willful failure to comply with law relating to procurement contrary to section 45 (2) (b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act.
3. Conflict of interest contrary to section 42(3) as read with Section 48 of the Anti-Corruption and Economic Crimes Act.
4. Abuse of office contrary to section 46 as read with Section 48 of the Anti-Corruption and Economic Crimes Act.
5. Unlawful acquisition of public property contrary to section 45(1)(a) as read with sections 48 (1) and (2) of the Anti-Corruption and Economic Crimes Act.
6. Deceiving principal contrary to section 41 (2) as read with Section 48 of the Anti-Corruption and Economic Crimes Act.
7. Money laundering contrary to Sections 3(b)(i) as read with section 16 of the Proceeds of Crime and Anti-Money Laundering Act No. 9 of 2009.
8. Acquisition of proceeds of crime contrary to Section 4 of Proceeds of Crime and Anti-Money Laundering Act No. 9 of 2009

In making this decision, the Director of Public Prosecutions is cognizant of the principle of innocence until proven guilty the determination of which can only be made by a court of law. The decision to charge is based on the evidence that is available to the DPP at the time the decision is made.

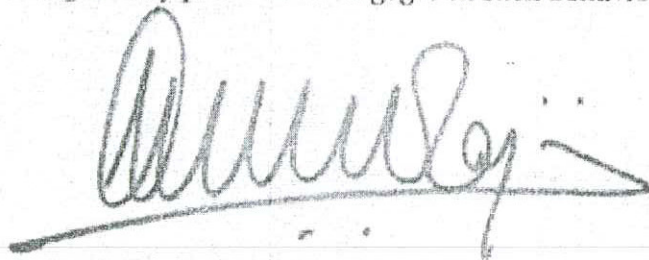
The Office of the Director of Public Prosecution makes note of the system of checks and balances in our Constitution which are designed to establish a healthy tension among the three branches of government by ensuring that each does not overstep its boundaries. The duties of the three branches are clearly set forth within the Constitutional Framework, the Executive mandate, the Legislative oversight and the Judicial reviews to create the healthy and necessary tension in our system of government.

But in recent times, we have seen that natural tension expressing itself in unhealthy hostility that ultimately obstructs the course of justice. A judiciary unwilling to subject itself to scrutiny including prosecution when its members are in err, a legislature disregarding judicial orders at its own whims and an executive unwilling to enforce provisions it disagrees with.

As an independent Constitutional Office, we have seen how these actions set dangerous precedence and ultimately serve to distract, delay, or defeat the course of justice. We cannot and should not allow the Kenyan people to lose faith in any branch of government and the Office of the Director of Public Prosecution will continue to serve as the last bastion in protecting and safeguarding the public interest in an independent manner devoid of the fleeting interests of any branch.

In recent times we have seen, that corruption fights back and there have been blatant, misguided attempts to intimidate, threaten and malign investigating officers and agencies. We shall not allow such dastardly acts to go on and I have directed the law enforcement agencies to investigate any such attempts and upon establishment of evidence additional charges shall be preferred against those perpetuating these acts.

In the same scope any attempts to instigate social unrest and incite the public will be countered with whole of government response. Members of the public are advised not to allow themselves to be used as human shields in the defence of these officials charged. Any person who engages in such behaviour will be held individually liable.



NOORDIN M. HAJI, CBS, OGW
DIRECTOR OF PUBLIC PROSECUTIONS

6th December, 2019

1167

MBUVI GIDEON KIOKO HELD AT DIAMOND TRUST BANK LIMITED

- KSHS1, 161, 889.29 HELD IN ACCOUNT NUMBER 01143199727309 IN THE NAME OF HON. MBUVI GIDEON KIOKO HELD AT CO-OPERATIVE BANK LIMITED.
- USD 7, 573.03 HELD IN ACCOUNT NUMBER 0816496012 IN THE NAME OF MIKE SONKO MBUVI GIDEON KIOKO HELD AT DIAMOND TRUST BANK LIMITED, CAPITAL CENTRE BRANCH NAIROBI.
- USD 39,426.50 HELD IN ACCOUNT NUMBER 5048843001 IN THE NAME OF MIKE SONKO MBUVI GIDEON KIOKO HELD AT DIAMOND TRUST BANK LIMITED, NYALI BRANCH.

BETWEEN

ASSETS RECOVERY AGENCY.....APPLICANT

VERSUS

MIKE SONKO MBUVI GIDEON KIOKO.....RESPONDENT

IN CHAMBERS ON THE 6TH FEBRUARY 2020 BEFORE THE HONOURABLE JUSTICE

L. KIMARU

ORDER

UPON READING the Originating Motion dated 5TH February 2020 and presented to court by Counsel for the Applicant Under Sections 81 and 82 of the Proceeds of Crime and Anti-Money Laundering Act as read together with Order 51 of the Civil Procedure Rules AND UPON READING the supporting affidavit sworn by CPL. Sautet Jeremiah in support of the application thereof;

IT IS HEREBY ORDERED: -

1. THAT the Application is hereby certified urgent.
2. THAT a preservation order is hereby granted prohibiting the Respondent and/ or his agents or representatives from transacting, withdrawing, transferring, using and any other dealings in respect of funds held in the following accounts:

- i. Kshs4, 249, 785.90 held in Account number 0020264389109 in the name of Mike Sonko Mbuvi Gideon Kioko held at Equity Bank Limited.

- ii. Kshs 1,465,576.80 held in account number 1380262333653 in the name of Mike Sonko Mburu Gidion Kioko held at Equity Bank Limited.
- iii. Kshs 2,906,213.90 held in Account number 1580261402765 in the name of Mike Sonko Mburu Gidion Kioko held at Equity Bank Limited.
- iv. Kshs 2,692,704.50 held in Account number 0350299195757 in the name of Mike Sonko Mburu Gidion Kioko held at Equity Bank Limited.
- v. Kshs 1,296,033.07 held in Account number 1620262539567 in the name of Mike Sonko Mburu Gidion Kioko held at Equity Bank Limited.
- vi. USD 20,906.90 held in Account number 1380262333653 in the name of Mike Sonko Mburu Gidion Kioko held at Equity Bank Limited.
- vii. Kshs. 2,235,015.27 held in account number 0816490001 in the name of Mike Sonko Mburu Gidion Kioko held at Diamond Trust Bank Limited.
- viii. Kshs 1,161,889.29 held in Account number 01143199727300 in the name of Hon. Mburu Gidion Kioko held at Co-operative Bank Limited.
- ix. USD 7,573.03 held in Account number 0816490012 in the name of Mike Sonko Mburu Gidion Kioko held at Diamond Trust Bank Limited, Capital Centre Branch Nairobi.
- x. USD 39,426.50 held in account number 5048843001 in the name of Mike Sonko Mburu Gidion Kioko held at Diamond Trust Bank Limited, Nyali Branch.

3. THAT the Respondent to be served with the appropriate application and orders.

4. THAT hearing to be fixed at the Registry.

GIVEN UNDER my hand and the seal of the Honourable court this 6th day of February, 2020.
 ISSUED at Nairobi this 6th day of February, 2020.

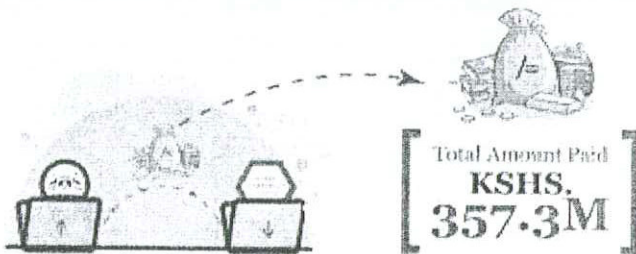
AAA
 DEPUTY REGISTRAR
 HIGH COURT OF KENYA NAIROBI

I CERTIFY THIS IS TRUE COPY OF
 THE ORIGINAL
 DATED: 6/02/2020
AAA
 DEPUTY REGISTRAR
 HIGH COURT - NAIROBI
 ANTI-CORRUPTION AND E.C. DIVISION

1170

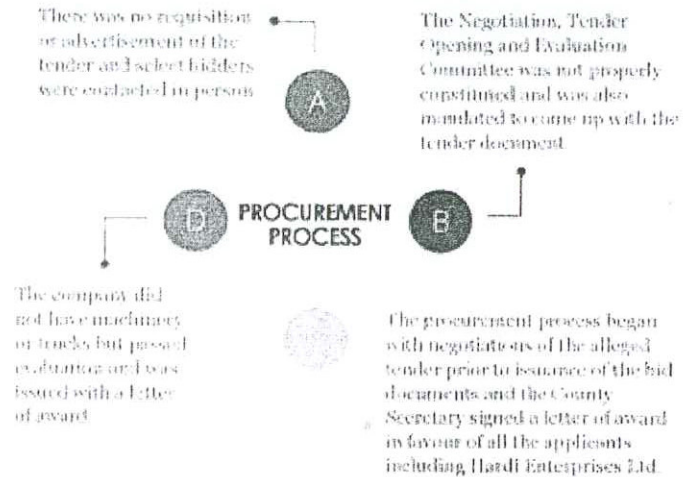


Anatomy of Investigations & Prosecution of Officers From Nairobi City County Government & Hardi Enterprises Limited

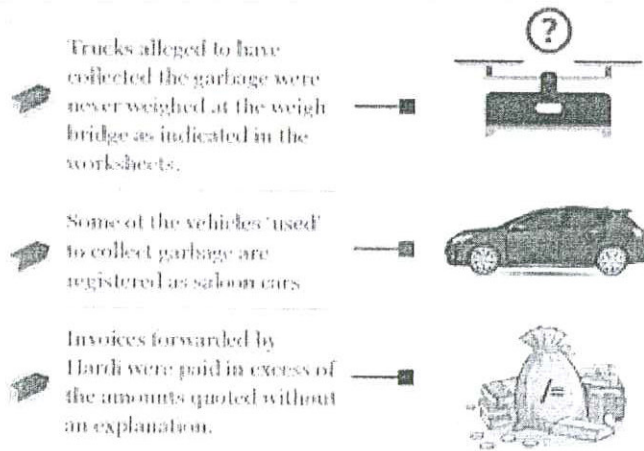


The ODPP received an inquiry file from EACC on suspected breach of procurement laws and misappropriation of funds at the Nairobi City County (NCC) Government where a tender was awarded to Hardi Enterprises Limited.

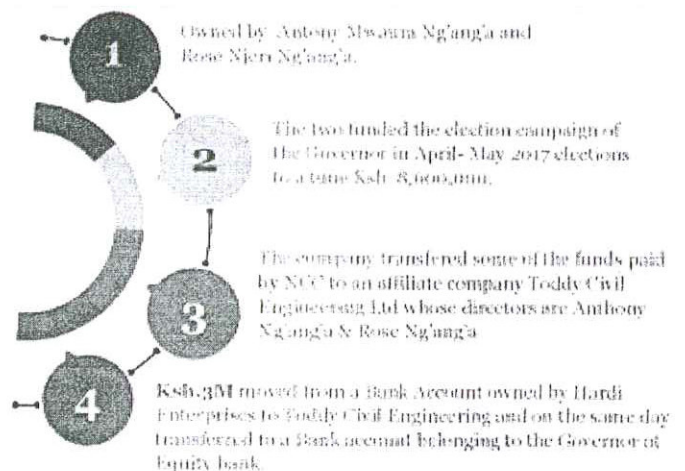
The procurement process was conducted in breach of the Public Procurement and Assets Disposal Act in particular:-



TENDER IMPLEMENTATION



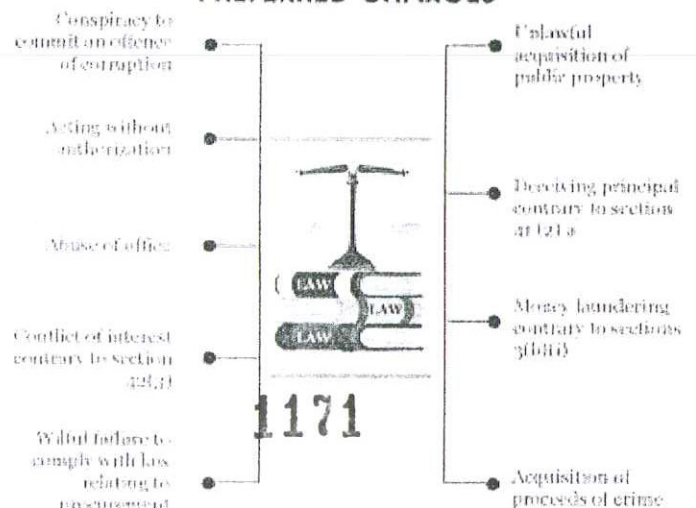
ABOUT HARDI ENTERPRISES LIMITED



ACCUSED PERSONS

- Mburu Gideon Mike Kioko Sonko
- Peter Mbugua Kariuki
- Patrick Mwangangi
- Wambua Ndaka
- Andrew Nyasiege
- Samuel Ndungu Mwangi
- Edwin Kariuki Murimi
- Lawrence Mwangi Mukuru
- Preston Mwandiki Miriti
- Hardi Enterprises Ltd
- Toddy Civil Engineering Ltd
- Anthony Nganga Mwanza
- Rose Njeri Nganga
- Arbab Auto Limited
- ROC Security Limited
- High Energy Petroleum Ltd
- Antony Otiemo Ombok alias Jamal

PREFERRED CHARGES





THE REPUBLIC OF KENYA

LAWS OF KENYA

LEADERSHIP AND INTEGRITY ACT

NO. 19 OF 2012

Revised Edition 2015 [2012]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

1172

4. Implementation of the Act

(1) Every person has the responsibility of implementing the provisions of this Act to the extent required by this Act.

(2) The Commission is responsible for overseeing and enforcing the implementation of this Act.

(3) In undertaking its mandate, the Commission may request a State organ to assist it in ensuring compliance with and enforcing Chapter Six of the Constitution and this Act.

(4) The Commission may require any public entity to carry out such functions and exercise such powers as may be necessary under this Act.

(5) Where a public entity has failed to comply with the requirements under subsection (3), the Commission may make an application before a High Court judge for appropriate orders requiring the public entity to comply.

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The Commission may, by notice in the *Gazette*, delegate to a public entity or an authorised officer any of its powers and functions under this Act.

PART II – GENERAL LEADERSHIP AND INTEGRITY CODE**6. General Code**

(1) This Part prescribes a general Leadership and Integrity Code for State officers.

(2) The provisions of Chapter Six of the Constitution shall form part of this Code.

(3) Unless otherwise provided in this Act, the provisions of the Public Officer Ethics Act (No. 4 of 2003) shall form part of this Code.

(4) If any provision of this Act is in conflict with the Public Officer Ethics Act, 2003 this Act shall prevail.

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(1) A State officer shall respect and abide by the Constitution and the law.

(2) A State officer shall carry out the duties of the office in accordance with the law.

(3) In carrying out the duties of the office, a State officer shall not violate the rights and fundamental freedoms of any person unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution.

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A State office is a position of public trust and the authority and responsibility vested in a State officer shall be exercised by the State officer in the best interest of the people of Kenya.

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Subject to the Constitution and any other law, a State officer shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office.

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A State officer shall, to the best of their ability—

- (a) carry out the duties of the office efficiently and honestly;

- (b) carry out the duties in a transparent and accountable manner;
- (c) keep accurate records and documents relating to the functions of the office; and
- (d) report truthfully on all matters of the organization which they represent.

11. Professionalism

A State officer shall—

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- (b) treat members of the public and other public officers with courtesy and respect;
- (c) not discriminate against any person, except as is expressly provided by the law;
- (d) to the extent appropriate to the office, maintain high standards of performance and level of professionalism within the organisation; and
- (e) if the State officer is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body in so far as the requirements do not contravene the Constitution or this Act.

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(2) Subject to Article 76(2)(b) of the Constitution, a State officer shall not accept a personal loan or benefit which may compromise the State officer in carrying out the duties.

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Any person intending to be appointed to a State office shall submit to the Commission a self-declaration form in the form set out in the First Schedule.

[Act No. 18 of 2014, Sch.]

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(1) For the purposes of Articles 99(1)(b) and 193(1)(b) of the Constitution, a person shall observe and maintain the following ethical and moral requirements—

- (a) demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act (No. 4 of 2003);
- (b) not to engage in activities that amount to abuse of office;
- (c) accurately and honestly represent information to the public;
- (d) not engage in wrongful conduct in furtherance of personal benefit;
- (e) not misuse public resources;
- (f) not discriminate against any person, except as expressly provided for under the law;
- (g) not falsify any records;
- (h) not engage in actions which would lead to the State officer's removal from the membership of a professional body in accordance with the law; and



NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – SECOND SESSION

NINTH REPORT OF THE SELECT COMMITTEE ON FINANCE, BUDGET AND
APPROPRIATIONS

ON

THE IRREGULAR TRANSFER OF FUNDS MEANT FOR EDUCATION BURSARY TO
MARYLAND UNIVERSITY HEALTH SERVICES FUND ACCOUNT

NOVEMBER 2018

- 14. Hon. Herman Azangu, MCA
- 15. Hon. Nancy Muthami, MCA
- 16. Hon. Elias Okumu, MCA
- 17. Hon. Peter Imwatok, MCA
- 18. Hon. Jane Muasya, MCA
- 19. Hon. Fredrick Okeyo, MCA


Examination on the irregular transfer of Bursary Funds for the FY 2017-18

The Committee held five sittings to review and discuss on the irregular transfer of bursary funds to the Maryland Health Services Fund account. In that meeting, the Committee heard submissions from the County Executive Committee Member for Education, the Branch Manager of Cooperative Bank, City Hall Branch and other key officers from the County Executive and the Cooperative Bank. The Committee also received written submissions from the interested parties on the operations of the Funds. The Committee hence wishes to confirm without a sheer of doubt that all stakeholders involved have been accorded right of reply before the finalization of this report.

Acknowledgment

Hon. Speaker, I would like to thank Members of the Committee; the Office of the Speaker and Office of the Clerk for their specific contribution and support towards the successful completion of the scrutiny of irregular transfer of bursary funds to Maryland Health Service Account.

Hon. Speaker, it is therefore my utmost privilege and distinct honor on behalf of the Committee to table this report and recommend it to the Assembly for adoption.

Signed.......... Date.....04/12/2018.....

Hon. Robert Mbatia, MCA

Chairman: Finance, Budget and Appropriations Committee

report on the irregular transfer of funds from the Maryland University Health Services 17 Account. In summary the Chairperson informed the Assembly as follows:

- a) That on 24th April 2018 and 28th March 2018 the County Treasury opened two accounts namely Nairobi City County Bursary Fund account (Account Number 011412323966112) and Nairobi City County /University of Maryland Health Services Account (Account Number 011412323966111) both at Cooperative bank of Kenya City Hall branch. She submitted that the bursary fund account was opened pursuant to the Public Finance Management (Nairobi City County Bursary and Scholarship Fund) Regulation of 2016 while the Nairobi City County/University of Maryland account was an account for donor funded projects managed by Nairobi City County Health Services Sector and University of Maryland.
- b) That the funds were transferred from Nairobi City County recurrent account at Central Bank of Kenya on 21st May 2018 to Nairobi City County /University of Maryland Health services account.
- c) That the payments were processed via the IFMIS in which the only the name of the payee appears;
- d) That the accountant preparing the payment erroneously picked the health donor fund account instead of the bursary fund account;
- e) That once payment has been invoiced in IFMIS neither the first approval nor the second approval can see the bank account number to which the funds are being transferred to it. She hence submitted that it was thus not possible to know at this time that the funds had been transferred to Nairobi City County/Maryland University account;
- f) That on 29th May 2018 Cooperative Bank notified the County Government that bursary funds had been transferred to Nairobi City County/Maryland University Health Services Fund Account;
- g) That on 29th May 2018 the County Government directed Cooperative Bank of Kenya to transfer the money to the bursary fund account and the instructions were effected the same day;

2.2. SUBMISSIONS FROM THE CO-OPERATIVE BANK OF KENYA, CITY HALL BRANCH

7. Hon. Speaker, on Wednesday 1st August 2018, the Branch Manager and Head of Corporate Banking of the Cooperative Bank appeared before the Finance, Budget and appropriation Committee to shed light into the irregular transfer of funds for bursaries to Maryland University Health Services Account. The following were the summary of their oral and written submissions;
- a) That on 28th March 2018 and 24th April 2018 the County Treasury opened two accounts namely Nairobi City County Bursary Fund account (Account Number 011412323966112) and Nairobi City County /University of Maryland Health Services Account (Account Number 011412323966111) both at Cooperative Bank of Kenya, City Hall Branch.
 - b) That on the 24th day of April 2018 the County Government of Nairobi City entered an agreement with the Cooperative Bank of Kenya and the following were agreed;
 - Printing of bursary cheques to the County government of Nairobi, and
 - Any additional services as may be requested and agreed upon between the Bank and the Nairobi County.
 - c) That the fee and cost payable to the Bank was Kshs. 50 per cheques and the Bank charged a sum of Kshs. 3,008,775 for the services rendered in writing the cheques and as per the terms of the contract;
 - d) That the amount was charged from the bursary fund Account No. 011412323966112;
 - e) That on 21st May 2018 the Co-operative Bank of Kenya, City Hall Branch received amounts in two tranches of Kshs. 60,000,000 and Kshs. 297,000,000 from the Central Bank of Kenya;
 - f) That the total amount of Kshs. 357,000,000 was wired to Account No. 011412323966111 in the name of Nairobi City County & University of Maryland;
 - g) That having noticed that the amounts were sent to the wrong account the Bank officials immediately notified the County Treasury of the anomaly through a telephone conversation;

- Total no. of the cheques issued per ward; and
- Amount held as balances from the bursary kitty allocation.

9. Hon. Speaker, the following were the summary of their oral and written submissions:
- a) That the County Department of Education is a user department and that their role entailed processing the bursary forms and forwarding the names of beneficiaries and relevant information to the Finance and Economic Planning Sector;
 - b) That the role of Sector ended once the forms had been forwarded to the Finance Sector;
 - c) That the Education Sector Accountant initiated the disbursement and consequently manual payment vouchers were prepared and invoiced into the IFMIS system authorizing the Central Bank to release the funds to the Bursary fund account in Cooperative Bank;
 - d) That the error on the transfer of the bursary funds to the Maryland Health Services Account was committed on the IFMIS when the Chief Officer for Finance clicked on the wrong/Maryland account instead of the Bursary account;
 - e) That the IFMIS invoicing had seven step processes and the system does not show the account numbers rather it shows only the account names;
 - f) That the funds were wired in two disbursements because there was an allocation for the Executive Section bursaries of Kshs. 60,000,000 and Ward bursaries of Kshs. 297,000,000;
 - g) That the County Department for Education had no control over the bursary fund since out of the two signatories for the Bursary Fund Account neither of them came from the Education Department. The two signatories were;
 - Ag. Chief Finance Officer
 - Head of County Treasury (Accounting)
 - h) That the writing involved a huge number of cheques that might have been an overwhelming job hence errors were inevitable;
 - i) That no money was lost and that money placed in the Maryland Health Services Account were transferred back to the Nairobi City Bursary Fund Account as had been requisitioned from the Central Bank of Kenya

- e) That the Ag. Chief Officer for Health Services Dr. Thomas Ogaro wrote to the CECM Finance and Economic Planning on 20th February, 2018 requesting to open a Bank Account for the University of Maryland Baltimore;
- f) That on 26th March, 2018 the then CECM Finance and Economic Planning Dr. Danvas Makori wrote to Cooperative Bank of Kenya City Hall Branch requesting that the Bank opens Maryland Health Services Account. In his letter he appointed Dr. Thomas Ogaro the Acting Chief Officer for Health Services as a mandatory signatory, Mr. Ekaya Alumasi the Acting Chief Officer for Finance as second signatory and Mr. Stephen Mutua the Acting Head of County Treasury (Accounting) as the third signatory;
- g) That a Memorandum of Understanding on strengthening Health system in Nairobi City County dated 20th September, 2017 which came into force on 14th February 2018 was signed by Nairobi City County Public Service Board, Nairobi County Health Services and the University of Maryland, Baltimore, USA. The MOU was meant for the purpose of promoting collaboration in areas of infectious diseases including but not limited to HIV/AIDS and TB;
- h) That Nairobi City County Health Services Sector and University of Maryland had been in collaboration since 2016; and
- i) That the university funded several health related programs depending on availability of funds expected to run for a period not exceeding five years.

3.0. OBSERVATIONS OF THE FINANCE, BUDGET AND APPROPRIATIONS COMMITTEE ON OPERATIONS OF THE BURSARY FUND AND MARYLAND UNIVERSITY HEALTH SERVICES ACCOUNT

1. Hon. Speaker, the Finance Committee reviewed the various submissions which were presented before it both in oral and printed form and noted that there were a number of discrepancies that it would wish to highlight to this house. The Committee wishes to assure the house that all persons who had a role in the transfer of the amounts meant for the bursaries to the Maryland health services account were given an opportunity to state their side of the story.

bursary scheme for the provisions of financial assistance to indigent students. The amounts appropriated to the Fund are voted equally across the wards implying that any deduction from the Fund would reduce amounts due to a specific ward. The Committee therefore observed that the imposition of a charge on the Fund did not only go against the objects of the established regulations but also against rationale for the setting up of the bursary scheme itself.

16. The provision of Section 109 of the Public Finance Management Act 2012 has abhorred the expenditure of public resources at the point of collection unless there is an existing legislation permitting the same. In this case the Bank received the amounts due for disbursement as bursaries and deducted the same without reference to the County for invoicing and approval process. The Committee is alive to the fact that the Bank in doing this relied on the existing contract as a basis for the charge imposed and the payment method chosen. However, it is the considered view of the Finance Committee that the law should at all-time be our shield and defender in utilization of public funds.

17. Hon Speaker, the Committee heard during these investigations that the role of the Education Accountant in the process of the disbursement of the bursary funds started with the preparation of the manual vouchers which were consequently invoiced into the IFMIS system authorizing the Central Bank to release the funds to the bursary fund account in Cooperative Bank. The Committee was informed that the error on the transfer of the bursary funds to the Maryland Health Service Account was committed on IFMIS when the Acting Chief Officer for Finance clicked on the wrong/Maryland account instead of the Bursary account. The Committee did not buy into narrative that it was immediately not possible to establish the account numbers to which the amounts were being paid. The Committee observes that if it was possible to establish the account name at the point of invoicing then the Acting Chief Officer for Finance to needed to immediately notice that the account was Maryland Health Services Account and the Bursary Fund account.

18. Hon Speaker, the Cooperative Bank informed the Committee that the amounts meant for bursaries were deposited on the Maryland Health Services Account on the 21st May 2018.

whereas the provisions of Section 139 of the PFM Act 2012 require the County Assembly to approve regulations on the administration, control and management of grants the same has not yet been done leaving a lot of room for guess work and ambiguity on donor engagements.


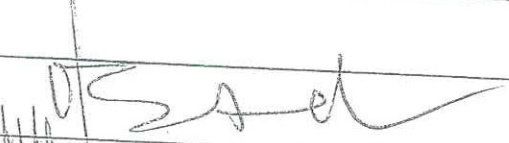



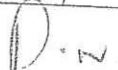
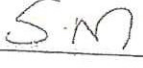


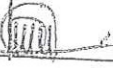


20. Hon. Speaker, the provisions of the Public Finance Management (County Government) Regulations, 2015 have set a high threshold for management and reporting on all grants and donations received on behalf of the County Government. Of specific focus is that the regulations require that the County Executive Committee Member for Finance (CECM-F) prepares regulations for approval by the County Assembly. It is further required that all proceeds from grants and donations are budgeted for, appropriated by the County Assembly, used in line with approved County plans and all receipts paid into the County Revenue Fund. The Committee observed that there has been lethargy in compliance with the provisions of the law.

4.0. RECOMMENDATIONS

21. Hon. Speaker, the Finance, Budget and Appropriations Committee having reviewed the information submitted to it on the circumstances that led to the transfer of the amounts meant for bursaries to the Maryland University Health Services Account wishes to make the following recommendations to the County Assembly for adoption: -

- a) That, pursuant to the provisions of Section 148 of the Public Finance Management Act 2012 and Regulation 6 (1) of the Public Finance Management (Nairobi City County Bursary and Scholarship Fund) Regulations, 2016 the County Executive Committee Member for Finance immediately, and not later than 7 days after approval of this report, designates the Chief Officer for matters related to education as the administrator of the Bursary Fund;
- b) That the County shall budget for all projected bank charges and no bank fees shall be paid contrary to the provisions of the Public Finance Management Act 2012;
- c) That going forward the County shall NOT engage external entities in writing of cheques for issuance as bursaries;

We the undersigned Members of the Finance, Budget and Appropriations Committee affirm that this is the approved report of the Committee on the Irregular Transfer of Funds Meant for Education Bursary to the Maryland Health Services Fund Account as adopted by the Committee on the 4th day of December 2018

NAME	SIGNATURE
1. Hon. Robert Mbatia, MCA	
2. Hon. Patrick Karani, MCA	
3. Hon. Michael Ogada, MCA	
4. Hon. Osman Adow, MCA	
5. Hon. Daniel Ngengi, MCA	
6. Hon. Anthony Ngaruiya, MCA	
7. Hon. Kariuki Wanjiru, MCA	
8. Hon. J.M Komu, MCA	
9. Hon. Paul Ndungu, MCA	
10. Hon. James Kariuki, MCA	
11. Hon. Susan Makungu, MCA	
12. Hon. Catherine Okoth, MCA	
13. Hon. Emily Oduor, MCA	
14. Hon. Paul Shilaho, MCA	
15. Hon. Nancy Muthami, MCA	
16. Hon. Elias Okumu, MCA	
17. Hon. Nimo Hajji, MCA	
18. Hon. Jane Muasya, MCA	
19. Hon. Fredrick Okeyo, MCA	



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-

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[Act No. 18 of 2014, Sch.]

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- (f) not discriminate against any person, except as expressly provided for under the law;
- (g) not falsify any records;
- (h) not engage in actions which would lead to the State officer's removal from the membership of a professional body in accordance with the law; and



Mike Sonko.

24

32 minutes ago · 

My sister Millie Mabona Odhiambo. In as much as I fight for the rights of the silent majority women who are always major victims in such cases, my response to you is simple. You just said you love sex and whoever you have it with is none of my business! But you miss my point. Just the way you have opened your mouth wide in this picture, I am longing for the day you shall open wide your legs to give birth to a child so that you experience the pain that the mothers I am defending go through. You must respect those single mothers who struggle with their kids as men go missing.



← Tweet



Mike Sonko ✓
@MikeSonko

KUMANINA ZENU GAZETI NI ZA KUFUNGA NYAMA. Instead of using taxpayers money to give free masks and sanitizers to the public during this COVID-19 period you are busy buying headlines against me. SHAME ON YOU KUMANYOKO NYINYI SIKU YENU ITAFIKA.

@StandardKenya



Uhuru, Raila take BBI numbers war to Ruto

Reform. Handshake leaders start referendum protocol with launch of signature collection tomorrow; allies say they're targeting five million Kenyans to endorse their bid in a fresh wave of supremacy battle with Deputy President. **Page 6**



Nation2, P.2 Kenya tops techies' roll in Africa

Trends. Nairobi among the countries in Africa with the most software developers, a new report by Google and ITC shows. The country has about 60,000 developers, out of the continent's 690,000.



Nation2, P.3 Teachers asked to work from home over Covid-19

Kenya's Bold Newspaper

The Standard

FORUM: 020 222 2222 | 020 222 2222 | 020 222 2222 | 020 222 2222

The wailing governor

Epic fall. A year ago, Nairobi County boss Mike Sonko was the baddest man in town. Flaunting bling and billions with the machismo of a godfather. He boasted a direct line to the President and City Hall was his trademark for

Tweet your reply





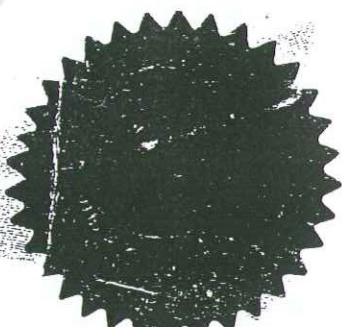
Author

Mike Sonko. ✓ Aloo Denish I was not sobber. Hawa watu wa statehouse waliconfuse na pombe kwanza by the time I was meeting the President for the signing I was just seeing zigzag. However even if I was drunk, I had to sign coz of the respect I have for the President and also both of us meant well for you the Great people of Nairobi but huyu jeshi akiendelea by not complying with the law then they better impeach me just like Waititu but I will not entertain his intimidation anymore. He's forgetting this is just a contract and it can be terminated at any stage. I think he now wants to apply the tactics of how the 82 airforce was attempting to overthrow the late President Moi's Govt.

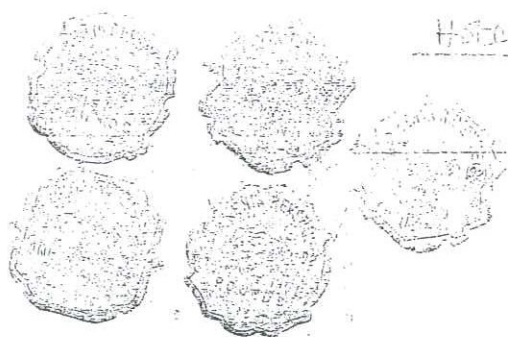
Like · Reply · 5h · Edited



89



FORM 7 (Business-cum-residential)



Hotel



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

S.A.S 177
J.K. 18/12



GRANT: Number I.R. 57355
ANNUAL RENT: SHS. 176,600/- (REVISABLE)
TERM: 99 YEARS FROM 1.9.1992

KNOW ALL MEN BY THESE PRESENTS that in pursuance of a Surrender registered in Nairobi Land Titles Registry as Entry No. I.R. 56534/2 THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto PELICAN ENGINEERING AND CONSTRUCTION COMPANY LIMITED a limited liability company having its registered office at NAIROBI (Post Office Box Number 18755)

(hereinafter called "the Grantee ") ALL that piece of land situate in the City of Nairobi in Nairobi Area District containing by measurement nought decimal nought five five seven (0.0557) of a hectares/acres or thereabouts that is to say L.R. No. 809/11843

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 159793 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of Ninety nine (99) years from the First day of September One thousand nine hundred and Ninety two SUBJECT to (a) the payment in advance on the first day of January in each year of the annual rent of Shillings One hundred and seventy six thousand six hundred (Shs. 176,600/-) (REVISABLE) (b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):—

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.

3. The Grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee give notice in writing to the Commissioner of Lands that it is unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
- Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee 50 per centum of the stand premium paid in respect of the land, or
 - at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for shops, offices ^{and} ~~and/or flats~~ (excluding the sale of petrol or motor oils).
6. The buildings shall not cover more than ^{seventy five} per centum of the area of land if used for shops and/or office purposes or such lesser area as may be laid down by the Local Authority in its by-laws ~~and not more than per centum of the area of the land if used for the combined purposes of shops, offices and flats or such lesser area as may be laid down by the Local Authority in its by-laws.~~
7. The land shall not be used for any purposes which the Commissioner of Lands considers to be dangerous or offensive.
8. The Grantee shall not subdivide the land, without prior consent of the Commissioner of Lands.
9. The Grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed PROVIDED that such consent shall not be required for the letting of individual shops offices or flats.
10. The Grantee shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 7 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
11. The Grantee shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
12. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.
13. The Grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
14. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
- ~~15. The Commissioner of Lands reserves the right to revise the annual ground rental payable hereunder after the expiration of the thirty-third and sixty-sixth year of the term hereby granted. Such rental will be at the rate of ~~xxx~~ per cent of the unimproved freehold value of land as assessed by the Commissioner of Lands.~~
15. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end ~~of every~~ tenth year of the term.

REPUBLIC OF KENYA

DISTRICT OF *NAIROBI AREA*

Locality *City of Nairobi*

Reference Map *South A. 37 / G. 11. d*

Land Reference No. *209/11843*

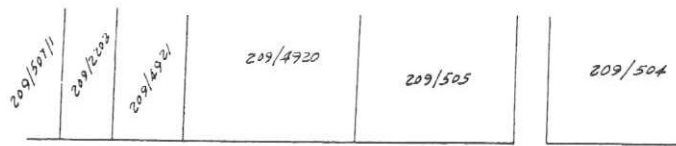
(Orig No. _____)

Sub division No. (Orig No. _____)

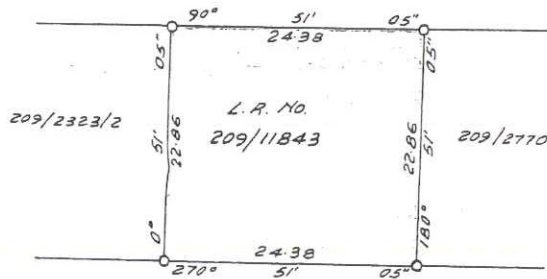
of Section No. _____

Area = *0.0557 Ha. (Approx)*

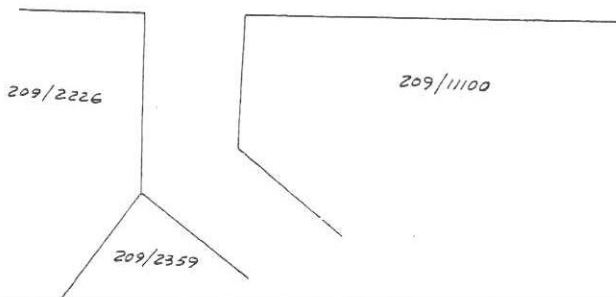
Bearings	Distances Metres



ROAD



ROAD



B. M. Okumu
Licensed Surveyor

J. G. NJOROGE

for Director of Surveys

Scale 1 in 500

1192

Nairobi 16th DECEMBER 1992

Traced by
Compared by

DEED PLAN No. 168788

IN WITNESS WHEREOF I, WILSON GADANJA
the Commissioner of Lands have by order
of the President hereunto set my hand
this 15th day of December
One thousand nine hundred and ninety two
in the presence of:

[Handwritten signature]

[Handwritten signature]
REGISTRAR GENERAL

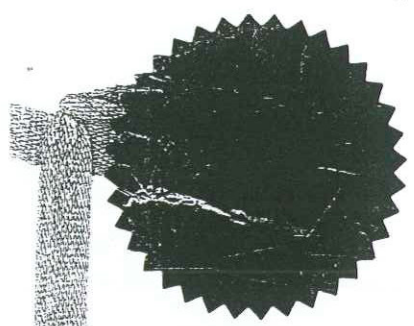
LAND TITLE REGISTRY - NATIONAL BUREAU
REGISTRATION OF TITLE
REGISTERED AS No. 12 5735/11
Produced 24 Dec 92
Date 14/12/92 *[Signature]*
Registrar of Titles

Transfer to Multi-Thai Investments
Company Limited

164 3-9-93 *[Signature]*

1 125070

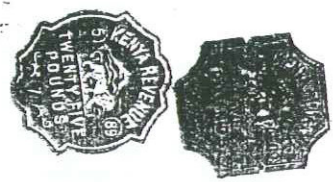
224
44.41



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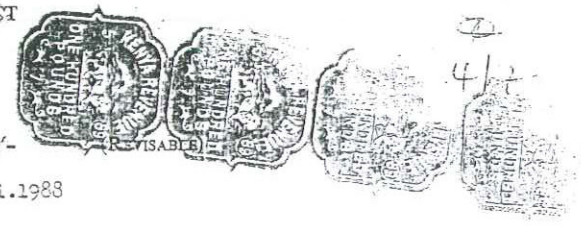


REPUBLIC OF KENYA



THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT: NUMBER I.R. 47666
ANNUAL RENT: SHS. 430,000/-
TERM: 99 YEARS FROM 1.11.1988



SD ± 430

2

4/2

KNOW ALL MEN BY THESE PRESENTS that THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto PETER MBURU WAWERU, MUNGAI THUKU, EDWARD KIHARA NJOROGE, JAMES MWANGI MURIKA, TITUS KARUGA GATHU and GIDEON KABUTHI as trustees of Kenya Taxi Cabs and Hand Cart Owners Association all of NAIROBI (Post Office Box Number 12491)

(hereinafter called "the Grantee") ALL that piece of land situate in the City of Nairobi in the Nairobi Area District containing by measurement nought decimal one three nought four (0.1304) of a

hectares or thereabouts that is to say L.R. No. 209/11100

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 136123 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of Ninety nine (99) years from the First day of November One thousand nine hundred and Eighty eight SUBJECT to (a) the payment in advance on the first day of January in each year of the annual rent of shillings four hundred thirty (Shs.430,000/-) (REVISABLE) (b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):—

(P.T.O)

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee s shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of the buildings the Grantee s proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of a condition herein contained.
3. The Grantee s shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee s give notice in writing to the Commissioner of Lands that they are unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
 - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantees 50 per centum of the stand premium paid in respect of the land, or
 - (ii) At any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee s 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for shops office and Petrol Service Station.
6. The buildings shall not cover a greater area of the land than that prescribed by the Local Authority in its by-laws.
7. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
8. The Grantee s shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
9. The Grantee s shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until special condition No. 2 has been performed.
10. The Grantee s shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
11. The Grantee s shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
12. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee s shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.
13. The Grantee s shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
14. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee s shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
15. ~~The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder after the expiration of the thirty third and sixty sixth year of the term hereby granted. Such rental will be at the rate of 2 per cent of the unimproved freehold value of land as assessed by the Commissioner of Lands.~~
The Grantee s shall construct at his own expense all internal infrastructure to the standard approved by the Local Authority and the Commissioner of Lands.
16. ~~The Commissioner of Lands reserves the right to revise the annual ground rent payable on the 1st January, 1989 and thereafter at the expiration of every ten years of the term. The rental will be at the rate of 2 per centum of the unimproved freehold value of the land on the 31st December, 1988 as assessed by the Commissioner of Lands or at the rate in force on the 31st December, 1983 whichever is the greater.~~

125896

REPUBLIC OF KENYA

DISTRICT OF NAIROBI AREA

Locality City of Nairobi

Reference Map. South A. 37 / G. II. 5

Land Reference No. 209/11100

(Orig No. 209/2560/1)

Sub division No. _____ (Orig No. _____)

of Section No. _____

Area = 0.1304 Ha. (Approx.)

	Bearings			Distances
A-B	303	42	30	3.05

209/7353

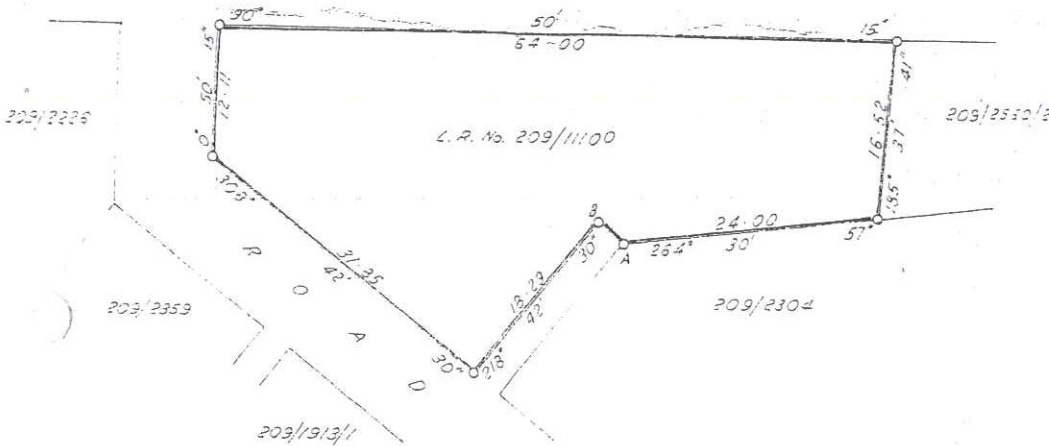
209/2770

209/4876

209/6552

209/6531

R O A D



[Signature]
 for Director of Surveys

30.8.11

209/11100

DEED PLAN No. 125896

1195



1197





1199

NAIROBI CITY COUNCIL



FOR ENQUIRIES ASK FOR:

TEL: No. 224281

EXT:
AND QUOTE

REF No. CP&ARCH/DC/209/11843/LSN

DATE 8.3.93

CITY PLANNING AND ARCHITECTURE DEPARTMENT

CITY HALL

P.O. BOX 30075,

NAIROBI, KENYA

TO: Pelican Eng. & Const. Co. Ltd., C/o Gatuma Consultancy, Box 51031, NAIROBI.

Dear Sir/Sirs/Madam,

LOCAL GOVERNMENT (ADOPTIVE BY BY-LAWS) order 1988 L.N. 15/1969 City of Nairobi (Building) By-Law 1948 G.N. 313

Your plan registered No. CR 710 for the proposed Domestic Building - Hotel Development

to be erected on plot L.R. NO. 209/11843 was

approved at a meeting of the Nairobi City Commission on the

18th day of January, 1993. Subject to:

- a) Submission of satisfactory structural details including lintols and trusses
- b) All debris and excavated material to be dumped on sites approved by the City Engineer.

The passing of this plan operates as an approval thereof, only for the purposes of the requirements of the Local Government (Adoptive By-Laws) (Building) Order 1968 L.N. 15/1969, the City of Nairobi (Building By-Law 1948 G.N. 313/1949), the Public Health Act (Cap.242) and any rules made thereunder.

If the proposals shown thereon have not been commenced within twelve months of the date of this approval or are not completed within two years of the date of this approval, this approval will be null and void and the carrying out of any work thereunder after such lapse of approval will be constitute a contravention of the Building By-Laws.

Stamped copies of your plan are returned herewith. Two sets of plans have been forwarded to Commissioner of Lands for approval and you are therefore advised to clear with him before Commencement of work.

Yours faithfully,

DIRECTOR OF CITY PLANNING AND ARCHITECTURE

Commissioner of Lands, Box 30089, NAIROBI.
Kenya Railways, Box 30079, NAIROBI.

1200



THE REPUBLIC OF KENYA

LAWS OF KENYA

LEADERSHIP AND INTEGRITY ACT

NO. 19 OF 2012

Revised Edition 2015 [2012]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

- (b) carry out the duties in a transparent and accountable manner;
- (c) keep accurate records and documents relating to the functions of the office; and
- (d) report truthfully on all matters of the organization which they represent.

11. Professionalism

A State officer shall—

- (a) carry out duties of the office in a manner that maintains public confidence in the integrity of the office;
- (b) treat members of the public and other public officers with courtesy and respect;
- (c) not discriminate against any person, except as is expressly provided by the law;
- (d) to the extent appropriate to the office, maintain high standards of performance and level of professionalism within the organisation; and
- (e) if the State officer is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body in so far as the requirements do not contravene the Constitution or this Act.

12. Financial integrity

(1) A State officer shall not use the office to unlawfully or wrongfully enrich himself or herself or any other person.

(2) Subject to Article 76(2)(b) of the Constitution, a State officer shall not accept a personal loan or benefit which may compromise the State officer in carrying out the duties.

12A. Self-declaration

Any person intending to be appointed to a State office shall submit to the Commission a self-declaration form in the form set out in the First Schedule.

[Act No. 18 of 2014, Sch.]

13. Moral and ethical requirements

(1) For the purposes of Articles 99(1)(b) and 193(1)(b) of the Constitution, a person shall observe and maintain the following ethical and moral requirements—

- (a) demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act (No. 4 of 2003);
 - (b) not to engage in activities that amount to abuse of office;
 - (c) accurately and honestly represent information to the public;
 - (d) not engage in wrongful conduct in furtherance of personal benefit;
 - (e) not misuse public resources;
 - (f) not discriminate against any person, except as expressly provided for under the law;
 - (g) not falsify any records;
 - (h) not engage in actions which would lead to the State officer's removal from the membership of a professional body in accordance with the law; and
-