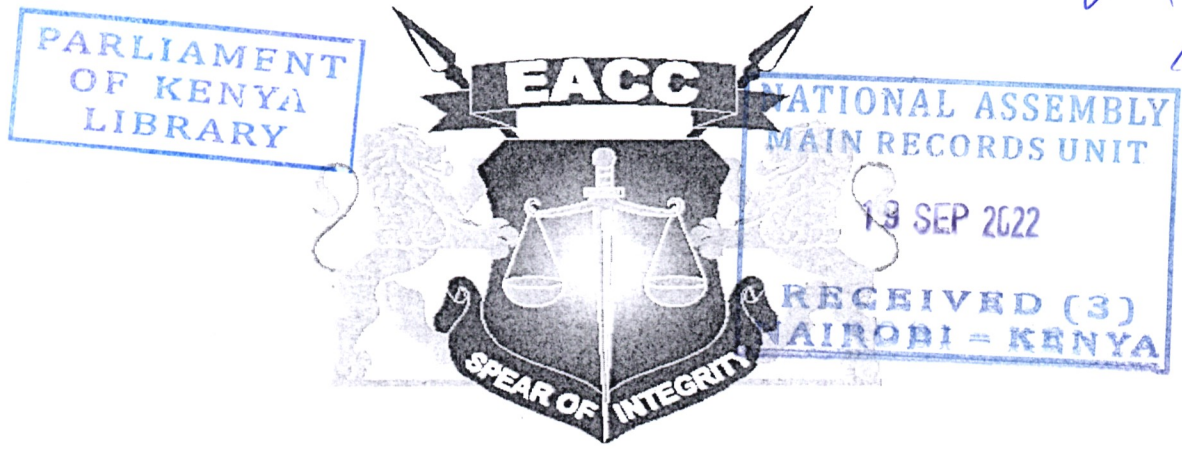


*Tabled on  
24/11/22  
Thursday*



**THE ETHICS AND ANTI-CORRUPTION COMMISSION**

**THE 2<sup>ND</sup> QUARTERLY REPORT COVERING THE PERIOD FROM  
1<sup>ST</sup> APRIL 2022 TO 30<sup>TH</sup> JUNE 2022**

**JUNE 2022**

## **PREAMBLE**

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

Section 36 of ACECA provides that:

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

This report is therefore made pursuant to section 36 of ACECA. The report covers the 2<sup>nd</sup> Quarter and is for the period commencing 1<sup>st</sup> April 2022 to 30<sup>th</sup> June, 2022.

**1. EACC/KSM/INQ/FI/04/2014**

**INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES BY THE COUNTY GOVERNMENT OF HOMA BAY IN THE PROCUREMENT OF WORKS FOR INTER ALIA THE RENOVATION OF THE GOVERNOR'S AND DEPUTY GOVERNOR'S RESIDENCE, CONSTRUCTION OF PRE-FAB OFFICES AND WORK STATIONS AT A COST OF KSHS. 21,456,422.85**

The Commission commenced investigations following a report that the County Government of Homa Bay had failed to comply with the Public Procurement and Disposal Act 2005 and Regulations 2006 in the procurement of works for the renovation of the Governor's residence, the Deputy Governor's residence and the construction of pre-fab offices and workstations within Homa Bay County. It was further alleged that the said renovations were not driven by a genuine demand for accommodation but by the need to raise funds to pay for the Governor's trip to the United States of America.

Investigations established that the procuring entity used restricted tendering process to procure renovation works for the Governor's residence, the Deputy Governor's residence, the construction of pre-fab offices and the installation of work stations. It was established that the reasons given for using restricted tender method for the aforesaid procurements did not satisfy the requirements of Section 73 (2) of the Public Procurement and Disposal Act 2005. The procurement process had been initiated long before Tender Committee's approval was obtained.

It was further established that the various works were procured through request for quotations contrary to Section 59 (2) (b) of the Public Procurement and Disposal Regulations 2006. The procuring entity failed to appoint a Committee to inspect the works done with respect to the aforesaid contracts for drainage, culvert cleaning, bush clearing, light grading and murraming contrary to the provisions of Regulation 17 of the Public Procurement and Disposal Regulations, 2006.

On 12<sup>th</sup> April 2022, a report was compiled and forwarded to the DPP with recommendations that the Tender Committee members, the Head of Procurement and the Accounting Officer be charged with Willful failure to comply with the law and regulations relating to procurement C/S 45(2)(b) of ACECA. It was also recommended that the Head of Procurement be charged with an additional charge of abuse of office C/S 46 as read with S.48 of ACECA and Knowingly deceiving Principal C/S 41 as read with S. 48 ACECA.

On 1st August 2022, the DPP returned the inquiry file recommending further investigations.

## **2.EACC/FI/INQ/31/2021**

### **INQUIRY INTO ALLEGATIONS THAT A SENIOR SUPPLY CHAIN MANAGEMENT OFFICER AT THE STATE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN DEVELOPMENT AND PUBLIC WORKS WAS INVOLVED IN VARIOUS PROCUREMENT IRREGULARITIES IN THE TENDERS AWARDED TO DAVINKA SUPPLIERS & GENERAL MERCHANTS LTD IN THE FY 2014/2015 – 2020/2021, AMOUNTING TO KSHS. 102,175,003/=**

The Commission commenced investigations following a report that the suspect, a Senior Supply Chain Management Officer at the State Department of Housing and Urban Development in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works was involved in various procurement irregularities in the tenders awarded to his company, Davinka Suppliers & General Merchants Ltd in the FY 2014/2015 – 2020/2021, amounting to kshs. 102,175,003/=.

Investigations established that the suspect, a Senior Deputy Director, Supply Chain Management together with a Senior Administrative Assistant working under him conspired to defraud the State Department for Urban Development, a sum of Kshs. 13,822,300/= through various tenders awarded to Davinka Suppliers & General Merchants Ltd.

It was further established that the suspect is a Director of the said company. Investigations revealed that procurement laws and Regulations were violated to



facilitate awards of various tenders to the said company. Evidence gathered further revealed that the said company fraudulently and irregularly received payments summing to Kshs.102,175,003/= from the State Department of Housing and Urban Development during the period under investigations.

On 17<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP recommending charges jointly and severally against the Senior Deputy Director, Supply Chain Management and a Director of Davinka Suppliers & General Merchants Ltd, a Senior Administrative Assistant at the said department and a Co-Director of Davinka Suppliers & General Merchants Ltd with the following offences:-

- i. Failure to disclose a private interest to one's principal C/S 42(1) as read with S. 48 ACECA,
- ii. Conflict of Interest C/S 42(3) as read with S, 48 ACECA;
- iii. Abuse of office C/S 46 as read with S. 48 of ACECA;
- iv. Fraudulent acquisition of public property C/S 45(1)(a) as read with S. 48 of ACECA;
- v. Conspiracy to commit an offence of corruption C/S 47A as read with S. 48 of ACECA; and
- vi. Conspiracy to defraud C/S 317 of the Penal Code;

The Commission awaits the response from the DPP.

### **3. EACC/ELD/FI/INQ/15/2020**

#### **INVESTIGATION INTO ALLEGATIONS OF IRREGULARITIES IN THE PROCUREMENT OF THE NATIONAL BANK BUILDING IN ELDORET BY THE COUNTY GOVERNMENT OF UASIN GISHU.**

The Commission commenced investigations following information on allegations of procurement irregularities in the acquisition of National Bank of Kenya property known as Eldoret Municipality Block 4/88 by the County Government of Uasin Gishu.

Investigations established that the County Government of Uasin Gishu used a direct procurement method to initiate the process of acquisition of the parcel of land owned by NBK.

The NBK advertised the sale and the County expressed interest to acquire the property due to an identified need. The County valued the property at **Kshs. 530,000,000/-** and carried out due diligence.

It was further established that the Procurement was planned and budgeted for in the 2018/2019 and 2019/2020 financial years at Kshs. 300,000,000/- and Kshs. 270,000,000/- respectively. Therefore, the County was in a position to meet its obligation under the Contract. Subsequent negotiations carried out settled at a purchase price of **Kshs. 570,000,000/-**.

It was established that NBK is a public entity and the engagement with the County Government of Uasin Gishu falls within Section 103(2) (e) of the PPADA which allows direct procurement between public entities. From the foregoing, it was concluded that the procedures for procurement under the PPADA, 2015 were followed.

On 12<sup>th</sup> April 2022, a report was compiled and forwarded to the DPP with recommendations that the file be closed.

On 12<sup>th</sup> July 2022, the DPP returned the inquiry file and accepted recommendation for closure.

#### **4. EACC/NKR/FI/INQ/03/2017**

#### **INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES IN THE AWARD OF TENDER FOR THE CONSTRUCTION OF THE DEPUTY COUNTY COMMISSIONER'S OFFICE IN MOGOTIO SUB COUNTY, BARINGO COUNTY. TENDER FOR KSH. 12 MILLION**

The Commission commenced investigations following a complaint that there were procurement irregularities in the award of contract for construction of the Deputy County Commissioner's Office in Mogotio-Sub County, Baringo County, amounting to Kshs. 12 Million.

The Accounting officer negotiated with the said contractor and agreed to lower the contract sum to Kshs. 8 Million. The Accounting Officer irregularly varied the scope of the works at an additional sum of Kshs. 2 Million without entering into a contract for the variation of the works.

The contractor was paid a sum of Kshs. 10 Million, following the said variation. An inspection conducted by officers from the Ministry of Works revealed that the structure was good and structurally sound.

It was concluded that the Accounting Officer was culpable for disregarding the recommendations of the Tender Evaluation Committee and for singly varying the ensuing contract in total disregard of the procurement laws. Further evidence revealed that the Accounting Officer, who was the only suspect, died in November 2016.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded the report to the DPP with recommendations that the inquiry file be closed following the death of the suspect.

On 22<sup>nd</sup> June 2022, the DPP returned the inquiry file recommending further investigations.

#### **5. EACC/NYR/FI/INQ/47/2016**

#### **INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AND FRAUD AGAINST AN EMPLOYEE OF THE MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT IN REVOKING A CERTIFICATE OF A GENUINE LEASE OVER LR. NO. NYERI MUNICIPALITY BLOCK 1/728 ISSUED TO NYALI BEACH CYCADS LTD**

The Commission commenced investigations following a report that an employee of the Ministry of Housing and Urban Development had abused his office and committed fraud in issuing a letter purporting to revoke the validity of the lease over land parcel number Nyeri Municipality Block 1/728.

Investigations established that the Principal Land Administration Officer at the Ministry of Lands, Housing and Urban Development acted within the powers conferred under Section 76(1) of the Land Registration Act, 2012 by requesting the Land Registrar Nyeri to place a restriction on the subject title since according to the records, the lease had been erroneously issued to the original holder and needed rectification.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP recommending that the inquiry file be closed with no further action.

On 5<sup>th</sup> August 2022, the DPP returned the inquiry file recommending further investigations.

#### **6. EACC/BGM/PI/INQ/6/2019**

#### **INQUIRY INTO ALLEGATIONS OF MISAPPROPRIATION OF PUBLIC FUNDS IN THE SUM OF KSHS. 8 MILLION BY THE COUNTY GOVERNMENT OF BUNGOMA IN RELATION TO A TENDER AWARDED TO THE ASSOCIATION OF PERSONS WITH PHYSICAL DISABILITY (APDK) IN THE TENDER FOR SUPPLY OF 280 FOLDABLE TRICYCLES AND 90 SPECIAL SEATS**

The Commission commenced investigations following a complaint on procurement irregularities in regard to tender number BGM/CTY/G&C/344/DT/2018-2019 for the supply of 280 foldable tricycles and 90 special seats awarded to the Association for the physically Disabled of Kenya (APDK) at a cost of Kshs. 8 Million. It was also alleged that no supply was made and that the supplier was associated with a Chief Officer, Bungoma County.

Investigations established that the County Government of Bungoma procured 190 tricycles against an assessed need of 60 tricycles. The Accounting Officer unlawfully authorized excessive procurement beyond the assessed need. There was also no justification for using a direct procurement in this case. The Chief Officer, Ministry of Gender, Culture, Youth was the Accounting Officer. She is culpable for failing to ensure that the provisions of the Act are complied with.



Evidence revealed that no tender opening exercise was conducted. Instead, tender opening minutes were falsified by the Assistant Supply Chain Management Officer to disguise as genuine minutes of the tender opening committee.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP recommending that the Chief Officer, Ministry of Gender, Culture, Youth and Sports and the Assistant Supply Chain Management Officer be charged with attempt to commit an offence involving corruption C/S 47A as read with S. 48 of ACECA, willful failure to comply with laws relating to procurement C/S 45(2)(b) as read with S. 48 of ACECA and forgery C/S 349 of the Penal code respectively.

The Commission awaits the response from the DPP.

## **7. EACC/ISL/EL/INQ/05/2021**

### **AN INVESTIGATION INTO ALLEGATIONS OF ABUSE OF OFFICE AGAINST THE GOVERNOR, MARSABIT COUNTY.**

The Commission commenced investigations following a complaint that the Governor of Marsabit County had irregularly appointed two individuals as Acting Chief Officer Finance and Acting Chief Officer Economic Planning and Delivery Unit respectively. It was alleged that the Governor unilaterally appointed the said two officers without following the procedure provided under the County Governments Act. It was also alleged that Governor should have involved the County Public Service Board and obtained an approval from the County Assembly.

Investigations revealed that the Governor abused his office and usurped the powers of the County Public Service Board in creating the office of "Advisor Youth Affairs" and in appointing an officer into that office. The Governor also abused his office in appointing two Acting Chief Officers for Economic Planning and Delivery Unit and Department of Finance respectively. The Governor contravened the provisions of the of the County Government Act that relate to the hiring of officers in the Counties.

On 12<sup>th</sup> April 2022 the Commission compiled and forwarded a report to the DPP with recommendations that the Governor, Marsabit County be charged with three counts of abuse of office contrary to Section 46 as read with Section 48 of ACECA.

On 7<sup>th</sup> June, 2022 the DPP returned the inquiry file recommending further investigations.

#### **8. EACC/BGM/EL/INQ/02/2021**

#### **INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF IMPREST BY OFFICIALS OF THE COUNTY GOVERNMENT OF BUNGOMA DURING THE FY 2019/2020.**

The Commission commenced investigations following a report that officials of Bungoma County Government embezzled imprest amounting to Kshs. 3,500,000/= in fictitious trips to the USA in the FY 2019/2020.

Investigations established the County Executive Committee (CEC) Member for Gender, Culture, Youth and Sports was nominated alongside three other officers to attend the 64<sup>th</sup> session of the Status of Women was scheduled to take place in USA between 9<sup>th</sup> and 20<sup>th</sup> March 2020. She was paid a sum of Kshs. 886,156/= as per diem and airport transfer allowances on 25<sup>th</sup> February 2020. The event never took place following the Covid-19 pandemic. It was until the Commission commenced investigations that she surrendered the imprest together with interest by depositing the sum of Kshs. 1,132,000/= into the Commission's revenue account. The evidence gathered revealed that Regulation 93 of the Public Finance Management (National Government) Regulations, 2015 were violated.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP recommending that administrative action be taken against the suspect in accordance with Regulation 91 (10) of the Public Finance Management (National Government) Regulations, 2015 since the imprest owing against the suspect was restituted.

On 23<sup>rd</sup> August, 2022 the DPP returned the inquiry file accepting recommendation for administrative action.



#### **9. EACC/EL/INQ/04/2019**

#### **INVESTIGATIONS INTO ALLEGATIONS THAT THE NATIONAL LAND COMMISSION IMPROPERLY REINSTATED A CLERICAL OFFICER BASED AT NAROK COUNTY DESPITE HAVING BEEN TERMINATED FOR SUBMITTING A FAKE ACADEMIC CERTIFICATE**

Investigations commenced following a report that the suspect, a Clerical officer at the National Land Commission (NLC), was improperly receiving a salary notwithstanding the fact that she had been terminated from employment for submitting fake academic documents.

Investigations established that the suspect was previously employed by NLC on 2<sup>nd</sup> September 2015 as a Clerical Officer. An inquiry conducted by the NLC established that she had submitted a fake degree certificate subsequent to her appointment. Consequently, she was terminated from employment and removed from the payroll. She appealed the termination and her appeal was allowed on the ground that she had not used the fake certificate to secure employment. At the time of recording her statement, she had not yet been reinstated as alleged. The investigations concluded that the termination by NLC was justified and in accordance with the law. It was also observed that the suspect did not use the degree certificate to secure her employment.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP recommending that the inquiry file be closed.

The Commission awaits the response from the DPP.

#### **10. EACC/NYR/OPS/INQ/13/2020**

#### **BRIBERY ALLEGATIONS AGAINST OCS KIMANJO POLICE STATION AS AN INDUCEMENT TO RELEASE MOTOR CYCLE REGISTRATION NUMBER KMFD 377Y HE HAD DETAINED.**

The Commission commenced investigations following a report that the OCS Kimanjo Police Station, within Laikipia County arrested the rider of motor cycle registration No. KMFD 377Y on the ground that he had flouted curfew orders. The

motor cycle was also impounded. It was further alleged that the OCS later ordered for the release of the rider but demanded for a bribe of Kshs. 20,000/= from the complainant, the owner of the motor cycle as an inducement for the release of the motor cycle.

Investigations established that the OCS Kimanjo Police Station arrested and detained the rider of the said motor cycle before ordering his release the following day. The evidence gathered revealed that the pages containing the relevant entries in the occurrence Book (OB) were plucked after the Commission began investigations into the subject matter.

Investigations also established that the OCS Kimanjo Police Station requested for a bribe from the Complainant as an inducement in order to release the detained motor cycle.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the OCS be charged with two counts of bribery C/S 6(1)(b) as read with S. 18 of the Bribery Act and one count of concealing evidence C/S 66(1)(c) of ACECA. It was further recommended that administrative action be taken against the said officer for violation of the Leadership and Integrity Act.

On 5<sup>th</sup> August 2022, the DPP returned the inquiry file accepting the Commission's recommendation for prosecution.

#### **11. EACC/MCKS/OPS/INQ/14/2020**

#### **INQUIRY INTO ALLEGATIONS THAT TRAFFIC POLICE OFFICERS ALONG THE KITUI-MUTOMO-KIBWEZI ROAD WERE COLLECTING BRIBES FROM MOTORISTS AND MOTOR BIKE RIDERS, SO AS TO FOREBEAR CHARGING THEM WITH VARIOUS UNSPECIFIED TRAFFIC OFFENCES**

The Commission commenced this investigation following a complaint from members of the public that traffic officers along Kitui-Mutyomo- Kibwezi road were collecting bribes from motorists as an inducement to forebear charging them with traffic offences.

Investigations established that the traffic police officers along the said road were routinely collecting bribes from motorists. Surveillance footage taken at the scene showed two police officers, receiving bribes from the motorists. The officers were arrested in a sting operation conducted by EACC.

A search was conducted on the officers and a sum of Kshs. 7,650/= recovered, which is reasonably suspected to be bribes received by the officers. Out of the said amount, a sum of Kshs. 400/= of the trap money was recovered from the two officers.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the two police officers be charged with the offence of dealing with suspect property C/S 47(2)(a) as read with S 48 of ACECA.

On 27<sup>th</sup> June 2022, the DPP returned the inquiry file recommending further investigations.

## **12. EACC/MCKS/OPS/INQ/37/2018**

### **INQUIRY INTO ALLEGATIONS THAT TRAFFIC POLICE OFFICERS MANNING A ROAD BLOCK AT NGOLIBA AREA ALONG THE THIKA - GARISSA ROAD WERE DEMANDING FOR BRIBES FROM MOTORISTS SO AS TO FOREBEAR CHARGING THEM WITH VARIOUS UNSPECIFIED TRAFFIC OFFENCES**

The Commission commenced investigations following complaints from motorists plying Thika- Garissa road that traffic police officers along the said road were routinely harassing and demanding for bribes from them.

Investigations established that the traffic police officers were carrying out duties along the said road. The two officers collected bribes from motorists plying the route. A sting operation conducted led to the arrest of the officers and a sum of Kshs.17,400/= in various denominations recovered from them. Out of the recovered money, a sum of Kshs. 300/= was the trap money.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the two police officers be charged with the offence of dealing with suspect property C/S 47(2)(a) as read with S 48 of ACECA.

On 27<sup>th</sup> July, 2022 the DPP returned the inquiry file recommending that the inquiry file be closed in lieu of prosecution.

### **13. EACC/OPS/INQ/83/2021**

#### **INQUIRY INTO INVESTIGATION ON ALLEGATIONS AGAINST A PRIVATE PERSON FOR REQUESTING A FINANCIAL ADVANTAGE OF KSHS. 50,000/= ON 7<sup>TH</sup> SEPTEMBER 2021**

The Commission commenced investigations following a complaint that the suspect, who alleged to be a Police Officer, requested for a financial advantage of Kshs. 50,000/= from him, in order to exclude him from being adversely involved in an alleged fraud case.

Investigations established the suspect requested and received a financial benefit of Kshs. 25,000/= from the Complainant.

The Commission conducted a trap operation leading to the arrest of the suspect. A sum of Kshs. 15,000/= genuine trap money and Kshs. 10,000/- fake trap money was recovered from the suspect. Investigations also established that the suspect was impersonating an officer from EACC and DCI.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP recommending that the suspect, be charged with five counts of bribery C/S 6(1) as read with S. 18 of the Bribery Act, one count of personation contrary to Section 105(b) of the Penal Code and another count of impersonating an EACC officer C/S 34 (1) as read with S. 34(2) of ACECA.

The Commission is awaiting the DPP's response.

### **14. EACC/OPS/INQ/106/2021**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF EACC HAD CONDUCTED HIMSELF UNETHICALLY AND ALSO DEMANDED A BRIBE OF KSHS. 30,000/= AND RECEIVED KSHS. 15,000/=**



The Commission commenced investigations following a report from the Complainant that while being investigated by EACC, one of the officers contacted her and demanded for a bribe of Kshs. 30,000/=, promising to assist her in the case that she was facing. Consequently, she sent him Kshs. 15,000/=.

Investigations established that, the suspect, an EACC Officer, requested for a financial advantage of Kshs. 15,000/= from the Complainant so that he could influence the outcome of the ongoing investigation against the Complainant. The evidence was however not sufficient to prove that the suspect received the requested bribe from the complainant.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP recommending that the suspect, be charged with one count of bribery contrary to Section 6(1)(a) as read with Section 18 of the Bribery Act. It was also recommended that the ongoing disciplinary proceedings against the suspect be continued.

On 14<sup>th</sup> June, 2022 the DPP returned the inquiry file recommending that administrative action be taken against the suspect in lieu of prosecution.

#### **15. EACC/OPS/INQ/97/2021**

#### **INQUIRY INTO AN INVESTIGATION ON BRIBERY ALLEGATIONS AGAINST AN OFFICER FROM EACC.**

The Commission commenced investigations following a complaint that an employee of EACC had been demanding and receiving bribes from the Complainant who was a suspect in an investigation being conducted by EACC.

Investigations established that the suspect, an Investigating Officer at EACC received a financial advantage of Kshs. 25,000/= from the Complainant in order to influence the outcome of an ongoing investigation.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP recommending that the suspect be charged with two counts of bribery contrary to Section 6(1)(b) as read with Section 18 of the Bribery Act.

The Commission is awaiting the DPP's response.

**16. EACC/NKR/OPS/INQ/01/2020**

**INQUIRY INTO BRIBERY ALLEGATIONS AGAINST AN EMPLOYEE OF NAKURU RURAL WATER AND SEWERAGE COMPANY-GILGIL OFFICE (NARUWASCO).**

The Commission commenced investigations following a report that an employee of Nakuru Rural Water and Sewerage Company-Gilgil Office (NARUWASCO) had requested for a financial advantage of Kshs. 20,000/= from the Complainant as an inducement to reconnect water to his premises which he had disconnected due to an alleged illegal water connection and unpaid water bill.

Investigations established that the suspect, an employee of Nakuru Rural Water and Sanitation Company Ltd requested for and received a financial advantage of Kshs. 20,000/= from the Complainant.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP recommending that the suspect be charged with three counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

On 14<sup>th</sup> June, 2022 the DPP returned the inquiry file recommending further investigations.

**17. EACC/ISL/OPS/INQ/21/2020**

**INVESTIGATION INTO BRIBERY ALLEGATIONS AGAINST TWO POLICE OFFICERS BASED AT MERTI SUB-COUNTY POLICE COMMAND AND MERTI POLICE STATION RESPECTIVELY**

The Commission commenced investigations following a complaint that the Complainant was stopped by two police officers in Merti who alleged that he was an Al-shabab member because he could not produce his identification card when ordered to do so. The officers demanded for a bribe of Kshs. 50,000/= failure to which they threatened to arrest him. The Complainant was forced to send a



sum of Kshs. 15,000/= through Mpesa to one of the officers. He was searched by the officers and robbed of his Kshs. 57,000/= before being released.

Investigations established that the two police officers demanded for a bribe of Kshs. 50,000/= and received a sum of Kshs. 15,000/- which they shared. It was further established that the suspects robbed the Complainant of cash in the sum of Kshs. 57,000/= which he had just withdrawn from an Mpesa agent at Merti before releasing him.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the two police officers be charged with two counts of receiving a bribe C/S 6(1) (a) as read with S. 18 of the Bribery Act, 2016 and one count of robbery with violence C/S 296(2) of the Penal Code.

On 29<sup>th</sup> July, 2022 the DPP returned the inquiry file recommending further investigations.

#### **18. EACC/MCKS/OPS/INQ/21/2019**

#### **INVESTIGATION INTO BRIBERY ALLEGATIONS AGAINST AN OFFICER AT THE LANDS OFFICE IN MAKUENI LANDS REGISTRY**

The Commission commenced investigations following a complaint from the Complainant that the suspect, an Officer at the Lands Adjudication and Settlement Office in Makueni requested for a financial benefit of Kshs. 3,000/= as an inducement to facilitate provision of copies of the proceedings and judgement in respect to parcel No.1414 to the complainant.

Investigations established that the suspect requested and received a financial advantage of Kshs. 3,000/= from the Complainant.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the suspect be charged with three counts of receiving a bribe C/S 6(1) (a) as read with S. 18 of the Bribery Act, 2016.

The DPP responded on 4<sup>th</sup> July 2022 recommending further investigations.

#### **19. EACC/OPS/INQ/42/2021**

#### **INVESTIGATION INTO BRIBERY ALLEGATIONS AGAINST A POLICE OFFICER ATTACHED TO THE DIRECTORATE OF CRIMINAL INVESTIGATIONS OFFICE AT THE KAMUKUNJI POLICE STATION**

The Commission commenced investigations following a complaint that the suspect, a Police Officer attached to DCI, Kamukunji was demanding for a bribe of Kshs. 3,000/= from the Complainant as an inducement in order to close a case reported at the police station against him.

Investigations established that the suspect requested for a bribe of Kshs. 5,000/= from the Complainant to forego taking adverse action against him with respect to a matter that he was investigating.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP recommending that the suspect be charged with bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

On 14<sup>th</sup> June, 2022 the DPP returned the inquiry file recommending further investigations.

#### **20. EACC/OPS/INQ/23/2021**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A CLINICAL OFFICER WHO WAS ILLEGALLY ADMINISTERING COVID 19 VACCINE TO MEMBERS OF THE PUBLIC AT HIS PRIVATE CLINIC FOR A FEE OF KSHS. 1000/=**

The Commission commenced investigations following a report that a private medical clinic located in Kayole along Spine Road within Nairobi City County was administering Covid-19 vaccination at a fee of Kshs. 1000/=.

Investigations established that the suspect is a Clinical Officer running a private clinic at Kayole. Investigations further established that the suspect was illegally administering a substance that he alleged to be a covid vaccine at a cost of kshs. 1,000/=. It was also revealed that the substance that he was administering to

patients was not approved by the Pharmacy and Poisons Board. His private clinic was also not licensed.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the suspect be charged with one count of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act , one count of engaging in the distribution of medical substances C/S 50A(1)(e) as read with S.51 of the Pharmacy and Poisons Act and another count of engaging in a private practice as a Clinical Officer without a valid practice certificate C/S 20(1) as read with S. 20(4) of the Clinical Officers (Training, Registration and Licensing) Act.

On 28<sup>th</sup> July 2022, 2022 the DPP returned the inquiry file recommending further investigations.

#### **21. EACC/KSM/OPS/INQ/1/2019**

#### **INVESTIGATIONS INTO ALLEGATIONS OF CORRUPTION AGAINST A LICENCING OFFICER AT KISUMU COUNTY GOVERNMENT BASED IN MUHORONI SUB COUNTY**

The Commission commenced investigations following a complaint that a Liquor Licensing Officer was requesting for a bribe of Kshs. 22,000/= from the Complainant as an inducement not to charge her with the offence of operating a bar and restaurant without a license, yet she had a valid license.

Investigations established that the suspect, a Liquor licensing officer requested for a financial advantage of Kshs. 72,000/= from the complainant and received a sum of Kshs. 15,000/=.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the suspect be charged with three counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

On 22<sup>nd</sup> June, 2022 the DPP returned the inquiry file recommending further investigations.



## **22. EACC/KSM/OPS/INQ/10/2019**

### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A CLERICAL OFFICER AT KISUMU RENT RESTRICTION TRIBUNAL DEPARTMENT**

The Commission commenced investigations following a complaint that, a Clerical Officer at Kisumu Rent Restriction Tribunal Department was requesting for a financial advantage of Kshs. 1,000/= from the Complainant in order to assist him in obtaining an order against his landlord.

Investigations established that the suspect requested and received a bribe of Kshs. 1,000/- in consequence that she could assist the Complainant obtain a restriction order against his landlord.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the suspect be charged with two counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

On 24<sup>th</sup> June 2022, the DPP returned the inquiry file recommending further investigations.

## **23. EACC/GSA/OPS/INQ/03/2020**

### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST TWO POLICE OFFICERS ATTACHED AT MADOGO POLICE STATION**

The Commission commenced investigations following a complaint that two police officers based at Madogo Police Station were demanding for a bribe of Kshs. 20,000/= in order to release three suspects in custody.

Investigations established that the two suspects were police officers attached at Madogo Police station and that they had requested for a bribe of Kshs. 18,000/= from the complainant as alleged. Evidence further revealed that the two officers received a bribe of Kshs. 10,000/= from the Complainant.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the two police officers be charged with two counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

On 29<sup>th</sup> June 2022, the DPP returned the inquiry file and recommended further investigations.

#### **24. EACC/OPS/INQ/135/2021**

##### **BRIBERY ALLEGATIONS AGAINST A POLICE OFFICER ATTACHED TO WILSON AIRPORT POLICE STATION**

The Commission commenced investigations following a report that a police officer attached to Wilson Airport Police Station had demanded for a bribe of Kshs. 3,000/= from the complainant as an inducement so as to help him in an investigation touching on a matter that the complainant had reported at the station.

Investigations established that the suspect is a police officer attached to Wilson Airport police station. The evidence further established that the suspect requested for a bribe of Kshs. 3,000/= and received a bribe of Kshs. 1,600/= from the Complainant as an inducement to facilitate the recording of his statement in relation to a case under investigation at the said police station.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the suspect be charged with three counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

On 28<sup>th</sup> July, 2022 the DPP returned the inquiry file recommending further investigations.

#### **25. EACC/OPS/INQ/179/2019**

##### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST THE ASSISTANT CHIEF, MUGENDI SUB-LOCATION, WITHIN KAYOLE ESTATE, IN NAIROBI CITY COUNTY**

The Commission commenced investigations following a report that the suspect, an Assistant Chief, Mugendi Sub-location demanded for a bribe of Kshs. 10,000/= from the complainant as an inducement to allow him illegally brew and sell alcoholic drinks without taking any adverse action against him.

Investigations established that the suspect did request for a bribe of Kshs. 10,000/= from the Complainant as alleged. However, he did not receive the bribe.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the suspect be charged with one count of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

The Commission awaits the response from the DPP.

## **26. EACC/GSA/OPS/INQ/01/2021**

### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST AN EMPLOYEE OF KENYA WILDLIFE SERVICE AT GARISSA STATION**

The Commission commenced investigations following a complaint that an Officer employed by the Kenya Wildlife Service, Garissa station, had requested for a bribe of Kshs. 100,000/= from the complainant as an inducement to facilitate the filling of a claim form that the said complainant had presented for compensation by the Kenya Wildlife Service.

Investigations established that the suspect, an Assistant Warden at Kenya Wildlife Service, requested for a bribe of Kshs. 100,000/=. Evidence gathered also revealed that the suspect received a bribe of Kshs. 40,000/= from the Complainant.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP recommending that the suspect be charged with three counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

The Commission awaits the response from the DPP.

## **27. EACC/OPS/INQ/136/2021**

### **INVESTIGATION INTO BRIBERY ALLEGATIONS AGAINST THE SENIOR ASSISTANT CHIEF, LOWER MATASIA SUB-LOCATION, KAJIADO COUNTY**

The Commission commenced investigations following a complaint that a Senior Assistant Chief, Matasia Sub-location had requested for a bribe of Kshs. 15,000/=



from the Complainant as an inducement so that he could lift a restriction that had been lodged against the title over land parcel number Ngong/Ngong/45305.

Investigations established that the suspect requested and received a financial advantage of Kshs. 12,000/= from the complainant.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP recommending that the suspect be charged with two counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

The Commission awaits the response from the DPP.

## **28. EACC/OPS/INQ/94/2018**

### **INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AND MISAPPROPRIATION OF BURSARY FUNDS BY THE OFFICIALS OF THE NAIROBI CITY COUNTY GOVERNMENT FINANCE AND EDUCATION DEPARTMENTS.**

The Commission commenced investigations following a complaint that officers of the Nairobi City County drawn from the Finance and Education departments in collusion with the Member of County Assembly for Kitusuru ward were involved in irregular disbursement of bursary funds. It was alleged that a sum of Kshs. 380,000/= was paid to a private company owned by the spouse to the MCA for Kitusuru Ward.

Investigations established that the said company improperly received a sum of Kshs. 380,000/= from Nairobi City County from funds set aside for the needy students in the FY 2017/2018. It was also established that the allocation of the said funds was made possible through falsification of various letters by the Acting Head of the Accounting Examination. It was further noted that the critical original documents in the matter were obtained by officers from the Directorate of Criminal Investigations who were conducting related investigations.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP indicating that the evidence disclosed offences of Abuse of Office and forgery

against the Acting Head of Accounting Examination, and the offence of unlawful acquisition of public property against the private company and its director(s).

Owing to the absence of the original documents, it was recommended that the inquiry file be forwarded to the Directorate of Criminal Investigations (DCI) with a view of consolidating this investigation with the other related inquiries conducted by DCI.

On 5th August 2022, the DPP returned the inquiry file recommending further investigations.

#### **29. EACC/OPS/INQ/12/2019**

#### **INQUIRY INTO ALLEGATIONS TOUCHING ON BRIBERY AND IMPERSONATION AGAINST A PRIVATE CITIZEN.**

The Commission commenced investigations following a report that the suspect had impersonated officers from the Kenya Publishers Association and requested for a bribe of Kshs. 100,000/= from the complainant as an inducement not to take adverse action against him for allegedly selling counterfeit books.

Investigations established that the suspect demanded and received bribe of Kshs. 30,000/- from the complainant as an inducement so as not to charge the Complainant with offences relating to sale of counterfeit books. It was further established that at the time of arrest, the suspect destroyed some of the money that he had received. It was further established that the suspect forged an identity card that was found in his possession.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the suspect be charged with two counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery, a charge of Mutilating Currency C/S 367A of the penal code and one count of forgery C/S 345 of the Penal Code.

The Commission awaits the response from the DPP.

### **30. EACC/MLD/OPS/INQ/10/2020**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST COUNTY ENFORCEMENT OFFICERS FROM KILIFI COUNTY GOVERNMENT**

The Commission commenced investigations following a report that two County Enforcement Officers employed by the County Government of Kilifi were demanding for a bribe of Kshs. 7,000/= as an inducement to forbear taking adverse action against the Complainant who was carrying out construction works on her parcel of land without necessary approvals from the County Government.

Investigations established that the suspects requested and received a bribe of Kshs. 7,000/= from the Complainant as an inducement to forebear taking adverse action against her for carrying out construction works without necessary county approvals.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the suspects be charged with one count of conspiracy to commit a corruption offence C/S 47A (3) as read with S. 48 of ACECA and two counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

The Commission awaits the response from the DPP.

### **31. EACC/ISL.OPS/INQ/33/2019**

#### **INVESTIGATION INTO BRIBERY ALLEGATIONS AGAINST KENYA FOREST SERVICE OFFICERS ATTACHED TO MERU FOREST STATION**

The Commission commenced investigations following a report that officers drawn from the Kenya Forest Service, Meru Forest Station had impounded the complainant's 17 heads of cattle and demanded a bribe of Kshs. 17,000/= as an inducement so as to release the impounded animals.

Investigations established that the suspect, an officer-in-Charge, Meru Forest Station ordered his junior officers to impound 17 heads of cattle belonging to the Complainant and demanded for a bribe of Kshs. 17,000/= before they could be

released. Evidence revealed that the suspect constructively received a bribe of Kshs. 10,000/= through a junior officer.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the suspect be charged with two counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

On 29<sup>th</sup> July, 2022 the DPP returned the inquiry file recommending further investigations.

### **32. EACC/ISL/OPS/INQ/3/2019**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST TWO ADMINISTRATION POLICE OFFICERS BASED AT LIMORO ADMINISTRATION POLICE POST.**

The Commission commenced investigations following a report that the suspects who are Administration Police (AP) Officers at Limoro AP Post had requested for a bribe of Kshs. 3,000/= and received Kshs. 1,000/= in this regard from the Complainant as an inducement to release him from custody.

Investigations established that the suspects had arrested the complainant on 23<sup>rd</sup> December 2018 and detained him at Limoro AP Post for allegedly failing to give access to premises in which the said officers suspected an offence was being committed.

It was also established that the suspects jointly requested for a bribe of Kshs. 3,000/= from the Complainant as an inducement so as to release him from custody. It was further revealed that one of the suspects, received a bribe of Kshs. 1,000/= from the complainant.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP recommending that the suspects be charged with two counts of bribery C/S 6(1)(a) as read with S. 18 of the Bribery Act.

The Commission awaits the response from the DPP.



### **33. EACC/KSM/OPS/INQ/18/2019**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST THREE POLICE OFFICERS ATTACHED TO KISUMU CENTRAL TRAFFIC POLICE DIVISION.**

The Commission commenced investigations following a complaint that some traffic police officers were requesting and collecting money from road users. The areas noted were; along Kisumu-Kakamega Road at the Mambo Leo Fly Over, along Kisumu-Bondo Road; Kisumu-Ahero Road; Ahero-Homabay Road and Kisumu-Siaya Road.

A surveillance operation was conducted which showed the traffic police officers carrying out traffic duties while collecting what was suspected to be bribes from motorists. A sting operation was conducted whereby three Police Officers were arrested while one officer escaped. During the operation, Kshs. 1,150/= was recovered from one of the officers.

Upon review of the evidence gathered, the Commission was of the opinion that the same does not meet the threshold to sustain a criminal prosecution against the arrested officers since the alleged bribes collected by the officers were not visible in the video footages.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP recommending that administrative action be taken against the three police officers captured in the surveillance video clips for unethical conduct and violating the provisions of the Leadership and Integrity Act.

On 30<sup>th</sup> June 2022, the DPP returned the Inquiry file concurring with the Commission's recommendations for administrative action against the suspects.

### **34. EACC/OPS/INQ/15/2020**

#### **BRIBERY ALLEGATIONS AGAINST TWO POLICE OFFICERS ATTACHED TO NAIROBI CENTRAL POLICE STATION**

The Commission commenced investigations following a complaint that the suspects, who are police officers at Nairobi Central Police Stations were demanding for a bribe of Kshs. 20,000/= and had earlier received Kshs. 5,000/= from the Complainant as an inducement to terminate an assault case that had been reported at the station against him.

Investigations established that there was no sufficient evidence to prove that the suspects requested or received a financial advantage from the Complainant as alleged. The evidence however demonstrates that one of the suspects had improperly issued a notice pursuant to Section 52 of the National Police Service Act, against the complainant yet the criminal case that had been reported against him at the station had been withdrawn.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP with recommendations that administrative action be taken against the suspect for violation of the provisions of the Leadership and Integrity Act.

The Commission awaits the response from the DPP.

### **35. EACC/OPS/INQ/25/2021**

#### **ALLEGATIONS OF BID RIGGING AGAINST A STAFF OF IEBC IN THE PROCUREMENT OF MEDICAL COVER BY IEBC FOR ITS STAFF.**

The Commission commenced investigations upon receipt of a complaint from Acting Chief Executive Officer (CEO) of the Independent Electoral and Boundaries Commission (IEBC), that a staff from IEBC had met a First Assurance Insurance staff to help in the preparation of tender documents for the advertised provision of medical tender by IEBC.

Investigations established that there was no meeting between the suspect and the agent from First Assurance Ltd as alleged. CCTV footage obtained showed that the suspect was at a garage within Nairobi city where he had taken his car for repair on the alleged date and time of the meeting.



On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the inquiry file be closed since the evidence did not establish the allegations.

The DPP responded on 4<sup>th</sup> July 2022 recommending further investigations.

**36. EACC/OPS/INQ/181/2019**

**INQUIRY INTO ALLEGATIONS OF BRIBERY ALLEGATIONS AGAINST AN OFFICER ATTACHED AT THE DIRECTORATE OF CRIMINAL INVESTIGATIONS (DCI) HEADQUARTERS.**

The Commission commenced investigations following a report that an officer attached to DCI Headquarters requested for a bribe of Kshs. 100,000/- to secure the release of the Complainant who had been arrested on allegations of involvement of sale of stolen motorcycles.

Investigations established that the Complainant had been arrested by officers from Kigumo Police Station on allegations of involvement of sale of stolen motorcycles and subsequently handed over to the DCI, Old Nairobi Area Police Station. The suspect, a police officer from DCI, was involved in the initial interrogation of the complainant. The complainant was however released from custody before the investigations could be completed. The evidence gathered did not therefore establish the bribery allegations.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the Inquiry file be closed for lack of evidence.

On 29<sup>th</sup> June 2022, the DPP returned the Inquiry file and concurred with our recommendations to close the file.

**37. EACC/OPS/INQ/149/2021**

**INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A TRAFFIC POLICE OFFICER ATTACHED TOURIST POLICE UNIT HEADQUARTERS**

The Commission commenced investigations following a report that the suspect, a Police Officer attached to Tourist Police Unit Headquarters, was receiving a bribe from a motorist.

The said police officer was spotted by EACC officers who were walking nearby, while having an engagement with the motorist. The officers saw the motorist give some money to the police officer and immediately intercepted and arrested the two. A sum of Kshs. 600/= alleged to have been received by the police officer was recovered by the EACC officers from the ground. The Commission was of the view that the evidence gathered was not sufficient to satisfy the required threshold of sustaining a bribery charge against the police officer.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP recommending that the inquiry file be closed for insufficiency of evidence.

The DPP responded on 4<sup>th</sup> July 2022 concurring with the Commission's recommendations.

### **38. EACC/OPS/INQ/39/2020**

#### **INQUIRY INTO ALLEGATIONS OF IMPERSONATION BY A PERSON WHO IDENTIFIED HIMSELF AS CORPORAL MACHARIA OF INDUSTRIAL AREA POLICE STATION**

The Commission received a report from the Complainant that he had lodged a complaint at Industrial Area Police Station against his landlord, seeking a refund of his rent. In the process, he was called by a person who alleged to be Cpl. Macharia, a Police Officer at the said station. The said person demanded for a bribe of Kshs. 1,500/= from him as an inducement to help in the investigations regarding his complaint.

Investigations by the Commission could not establish the identity of the suspect nor yield evidence to support the allegations.

On 12<sup>th</sup> April 2022, the Commission compiled and forwarded a report to the DPP recommending that the Inquiry file be closed for insufficiency of evidence. It was

further recommended that the allegations of impersonation be pursued by the National Police Service.

The DPP responded on 29<sup>th</sup> June 2022 recommending further investigations.

**39. EACC/KSM/OPS/INQ/05/2019**

**INVESTIGATIONS INTO BRIBERY ALLEGATIONS AGAINST THE ASSISTANT CHIEF, NYAWITA SUB-LOCATION AND A POLICE OFFICER AT OBUNGA POLICE POST RESPECTIVELY.**

The Commission commenced investigations following a complaint that the Assistant Chief, Nyawita Sub-location and a police officer attached at Obunga Police Post were demanding for a bribe of Kshs. 10,000/= from the Complainant, as an inducement to withdraw a case that had been lodged by the said Assistant Chief against the Complainant's husband at Obunga Police Post.

Investigations established that there was no sufficient evidence to prove that the suspects requested for a financial advantage from the Complainant as alleged.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the case be closed for insufficiency of evidence.

The Commission awaits the response from the DPP.

**40. EACC/PI/INQ/277/2016**

**INQUIRY INTO ALLEGATIONS OF IRREGULARITIES IN THE TENDER NO. NYS/28/2014-2015 FOR THE SUPPLY OF SWING FOGS, KNAPSACK SPRAYERS AND FOGGING MATERIALS AT THE NATIONAL YOUTH SERVICE (NYS)**

The Commission commenced investigations following a report that various firms were fraudulently contracted and paid by NYS for goods, services or works that were never delivered or done.

Investigations established that NYS commenced the procurement of supply of swing fogs, knapsack sprayers and fogging materials using restricted method of

procurement which was not justified in the circumstances. It was further established that three firms were selected and awarded the tender. There was no budgetary allocation to satisfy the said procurement. The Accounting Officer and the Ministerial Tender Committee failed to ensure that funds were available before commencing the procurement. It was further established that all the participating bidders did not have capacity and were improperly awarded the tenders. There was no evidence that evaluation of the tenders was conducted. Although the Commission was of the view that the Principal Secretary and officers in the Procurement Department were culpable for the violation of the procurement laws, critical procurement documents went missing and could not thus be availed to support any charges. The Commission was therefore of the view that the evidence is not sufficient to sustain any charges.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the inquiry file be closed for insufficiency of evidence.

The Commission awaits the response from the DPP.

#### **41.EACC/MSA/PI/INQ/25/2016**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A CLINICAL OFFICER ATTACHED AT THE COAST GENERAL HOSPITAL, MOMBASA AND A POLICE OFFICER ATTACHED AT BAMBURI POLICE STATION**

The Commission commenced investigations following a complaint that a Clinical Officer attached at the Coast General Hospital, Mombasa and a Police Officer from Bamburi Police Station had received a financial benefit of Kshs. 2,050/= and Kshs. 40,200/= respectively as an inducement to improperly influence the outcome of a defilement case against the complainant.

Investigations established that there was evidence that the Clinical Officer received a sum of Kshs. 40,200/= from Mpesa number belonging to a person suspected to be linked to the Complainant's spouse, and that the Police Officer also received a sum of Kshs. 2,050/= from the same Mpesa number. The owner of the number used to send the money could not be traced for purposes of giving her evidence. The Commission was of the view that the evidence available is not



sufficient to sustain bribery charges against the suspects owing to the unavailability of the owner of the Mpesa number used to transfer the money to the suspects.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP recommending that the inquiry file be closed for insufficiency of evidence.

On 29<sup>th</sup> July, 2022 the DPP returned the inquiry file recommending further investigations.

#### **42. EACC/GSA/FI/INQ/03/2011**

#### **INQUIRY INTO ALEGATIONS OF ABUSE OF OFFICE AND FICTITIOUS CLAIMS AMOUNTING TO KSHS. 276,370/= BY THE DISTRICT AGRICULTURAL OFFICER, IJARA DISTRICT, THE ACCOUNTS ASSISTANT, MASALANI-IJARA AND THE DISTRICT LIVESTOCK PRODUCTION OFFICER FOR IJARA DISTRICT**

The Commission commenced investigations following a report that the District Agricultural Officer, Ijara District, the Accounts Assistant, Masalani-Ijara and the District Livestock Production Officer for Ijara District had embezzled public funds amounting to Kshs. 276,370/= through falsified claims.

Investigations revealed that the District Agricultural Officer, Ijara District was the Accounting Officer during the material time. A sum of Kshs. 276,370/= was embezzled through falsified documents. It was established that the three suspects were jointly responsible for the falsification of the surrender documents. In the course of the investigations, some schedules of alleged payments could not be verified since the alleged participants who happen to be pastoralists, could not be located for verification. While the inquiry was ongoing, the District Agricultural Officer reimbursed the embezzled funds by depositing the sum Kshs. 276,370/=.

On 10<sup>th</sup> June 2022, the Commission compiled and forwarded a report to the DPP with recommendations that the inquiry file be closed in view of the inability to verify some schedules of payments and the fact that the key suspect had reimbursed the amount embezzled.

The Commission awaits the response from the DPP.

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

1.	Total No. of files forwarded to the Director of Public Prosecutions	42
2.	No. of files recommended for prosecution	27
3.	No. of files recommended for administrative or other action	2
4.	No. of files recommended for closure	13
5.	No. of files recommended for prosecution and the cases are already lodged before Court	0
6.	No. of files where recommendation to prosecute accepted	1
7.	No. of files where recommendation for administrative or other action accepted	3
8.	No. of files where recommendation for closure accepted	3
9.	No. of files returned for further investigations	19
10.	No. of files where recommendation to prosecute not accepted	1
11.	No. of files where recommendation for administrative or other action not accepted	0
12.	No. of files where closure not accepted	0
13.	No. of files where prosecution declined but administrative action recommended	1
14.	No. of files awaiting the DPP's advice	14

DATED AT NAIROBI THIS

30<sup>th</sup>

DAY OF

August

2022

  
**ARCHBISHOP (RTD) ELIUD WABUKALA, EBS**  
CHAIRPERSON

/jkm

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