

NO	GROUND	PARTICULARS	DOCUMENT	PAGE
1.	<b>CRIMES UNDER NATIONAL LAW</b>	(a) Charged for Anti-corruption Court	(1) Anti-Corruption and Economic Crimes, Act	
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**THE KENYA POLICE  
CHARGE SHEET**

Police case No. 48/26/2019  
Date to Court 7/12/2019  
Court file No. ACC 22-72019

OB No. 8/6/2019

Christian names in full or Name	Surname or Fathers Name	Identity Certificate No.	Sex	Nationality or tribe	Apparent Age	Address-District
1. Kiko Mike Sonko Mbuvi Gideon Alias Mbuvi Gideon Kiko Mike Sonko Alias Mbuvi Gideon Kiko Alias Mike Sonko Mbuvi Gideon Kiko Alias Mbuvi Gideon Kiko Sonko		12903104	M	Kisumu		
2. Peter Mburu	Kariuki	12500115	M			
3. Patrick	Mwangangi	0273849	M			
4. Wambua	Ndaka	9364543	M			
5. Andrew	Nyasi	4822829	M			
6. Samuel Mwangi	Murimi	11379236	M			
7. Edwin Kariuki	Murimi	23605286	M			
8. Lawrence Mwangi	Murimi	3932504	M			
9. Preston Mwandiki	Murimi	20643213	M			
10. Hardi Enterprises Limited						
11. Toddy Civil Engineering Limited						
12. Anthony Masura	Nganga	9611799	M			
13. Rose Njeri	Nganga	8341119	F			
14. Arabab Auto Limited						
15. ROG Security Limited						
16. High Energy Petroleum Limited						
17. Antony Otieno Ombek ALIAS Jomal		21950058	M			

**CHARGE COUNT** 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. KIKO MIKE SONKO MBUVI GIDION ALIAS MBUVI GIDION KIKO MIKE SONKO ALIAS MBUVI GIDION KIKO ALIAS MIKE SONKO MBUVI GIDION KIKO ALIAS MBUVI GIDION KIKO SONKO; 2. PETER MBUGUA KARIUKI; 3. PATRICK MWANGANGI; 4. WAMBUA NDAKA; 5. ANDREW NYASIEGO 6. SAMUEL MWANGI NDUNGU; 7. EDWIN KARIUKI MURIMI; 8. LAWRENCE MWANGI MUKURU; 9. PRESTON MWANDIKI

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09 DEC 2019  
OFFICE OF THE CHIEF OF POLICE

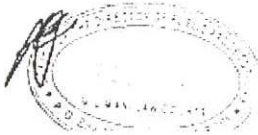
<p>MIRITI; 10.HARDI ENTERPRISES LIMITED; 11. TODDY CIVIL ENGINEERING LIMITED 12. ANTHONY MWAURA NGANGA; 13. ROSE NJERI NGANGA 14.ARBAB AUTO LIMITED 15.ROG SECURITY LIMITED 16.HIGH ENERGY PETROLEUM LIMITED 17.ANTONY OTIENO OMBOK ALTAS JAMAL:</p> <p>Between 24<sup>th</sup> May 2018 and 28<sup>th</sup> 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.</p> <p>(FOR OTHER COUNTS SEE ATTACHED SHEET)</p>					
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			//////		////////
Remanded or Adjudged to	Republic of Kenya Ethics and Anti-Corruption Commission				
Complainant and Address					
Witnesses					
Sentence, Court and date	Chief magistrate's court				



INVESTIGATORS ACTION	Date	Time	Initials of recording Officer
Accused informed of Charge.			
Fingerprints Taken by			
Fingerprints to Bureau			
Fingerprints from Bureau			
Completed certificate of previous convictions to Bureau			
First Information and progress Report to CEO, EACC			
Final report to Director CEO, EACC			
Charge Register Completed and case closed			
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2. ANTECEDENTS OF ACCUSED (As known to Investigating Officer)

BRIEF CIRCUMSTANCES OF CASE (Evidence of Arrest, etc.)



**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/WEFEBNR/276/2017-2018 Hire of Heavy Equipment and Vehicles.

**COUNT 3**

**STATEMENT OF OFFENCE**

**ABUSE OF OFFICE CONTRARY TO SECTION 16 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/WEFEBNR/276/2017-2018 for Hire of Heavy Equipment and Vehicles, by unlawfully awarding a contract for the said tender without authority.



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**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 17<sup>th</sup> 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, who knowingly acquired an indirect private interest in a contract connected with a public body, to wit a contract for tender no. NCC/WCFE&NR/276/2017-2018 for Hire of Heavy Equipment and Vehicles made by Nairobi City County Government, by receiving a sum of Kshs. 3,000,000/- from Heral 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 24<sup>th</sup> May 2018 and 31<sup>st</sup> 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 orders 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 4<sup>th</sup> 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/2017/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 60 (2) of the Public Procurement and Asset Disposal Act 2015, by failing to follow the laid down criteria of evaluation of bid documents as 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 24<sup>th</sup> 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.

09 DEC 2019

**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 5<sup>th</sup> July 2018 and 28<sup>th</sup> 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/VEFE&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 5<sup>th</sup> July 2018 and 28<sup>th</sup> 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 reports 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. 2,069,855.36 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 17<sup>th</sup> December 2016, 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 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 16<sup>th</sup> October 2018 and 28<sup>th</sup> 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 17<sup>th</sup> 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)(1) 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 18<sup>th</sup> 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 the 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 16<sup>th</sup> 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 proceeds amounting to a sum of Kshs. 6,000,000/= from Hardi Enterprises Limited, being the property of the 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**

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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 goods 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 <sup>th</sup> 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 Ylro 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.

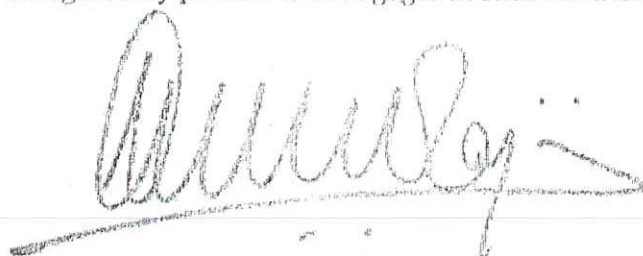
The Office of the Director of Public Prosecution makes note of the system of checks and balances in our Constitution which are designed to establish a healthy tension among the three branches of government by ensuring that each does not overstep its boundaries. The duties of the three branches are clearly 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 precedences 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**

6<sup>th</sup> December, 2019

1216



IN THE NAME OF THE

ACCOUNT NUMBER

ACCOUNT NUMBER

- \* BANK OF AMERICA ...
- \* BANK OF AMERICA ...

BANK OF AMERICA ...

BANK OF AMERICA ...

BANK OF AMERICA ...

BANK OF AMERICA ...

MBUVI GIDEON KIOKO HELD AT DIAMOND TRUST BANK LIMITED

- KESHS 161, 889.79 HELD IN ACCOUNT NUMBER 01449927300 IN THE NAME OF HON. MBUVI GIDEON KIOKO HELD AT CO-OPERATIVE BANK LIMITED.
- USD 7, 573.03 HELD IN ACCOUNT NUMBER 051649002 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 503881001 IN THE NAME OF MIKE SONKO MBUVI GIDEON KIOKO HELD AT DIAMOND TRUST BANK LIMITED, NAIROBI BRANCH.

BETWEEN

ASSETS RECOVERY AGENCY ..... APPLICANT

VERSUS

MIKE SONKO MBUVI GIDEON KIOKO ..... RESPONDENT

IN CHAMBERS ON THE 6<sup>TH</sup> FEBRUARY 2020 BEFORE THE HONOURABLE JUSTICE

L. KEMARU

ORDER

**UPON READING** the Originating Motion dated 5<sup>TH</sup> 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 C.P.L. Samuel Jeremith 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 account:

i. Kshs 4, 249, 785.90 held in Account number 0020264389109 in the name of Mike Sonko Mbuvi Gideon Kioke held at Equity Bank Limited.



- vi. Kshs 1, 465,576.80 held in account number 1359126233 bank in the name of Mike Sanku Mbuya Gideon Kibuka held at Equity Bank Limited.
- vii. Kshs 2,906, 213.90 held in Account number 1560261402365 in the name of Mike Sanku Mbuya Gideon Kibuka held at Equity Bank Limited.
- viii. Kshs 2,692, 704.50 held in Account number 0350299495767 in the name of Mike Sanku Mbuya Gideon Kibuka held at Equity Bank Limited.
- ix. Kshs 1, 296, 033.07 held in account number 1620762539367 in the name of Mike Sanku Mbuya Gideon Kibuka held at Equity Bank Limited.
- x. USD 20, 906.90 held in Account number 1350762533653 in the name of Mike Sanku Mbuya Gideon Kibuka held at Equity Bank Limited.
- xi. Kshs 2,235,015.27 held in account number 08161900001 in the name of Mike Sanku Mbuya Gideon Kibuka held at Diamond Trust Bank Limited.
- xii. Kshs 1, 161, 589.29 held in Account number 01133192727300 in the name of Hon. Mike Sanku Mbuya Gideon Kibuka held at Cooperative Bank Limited.
- xiii. USD 7, 573.03 held in Account number 08161900012 in the name of Mike Sanku Mbuya Gideon Kibuka held at Diamond Trust Bank Limited, Capital Centre Branch Nairobi.
- xiv. USD 39,426.50 held in account number 5048843001 in the name of Mike Sanku Mbuya Gideon Kibuka held at Diamond Trust Bank Limited, Nyeri Branch.

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

4. THAT hearing to be fixed at the Registry.

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

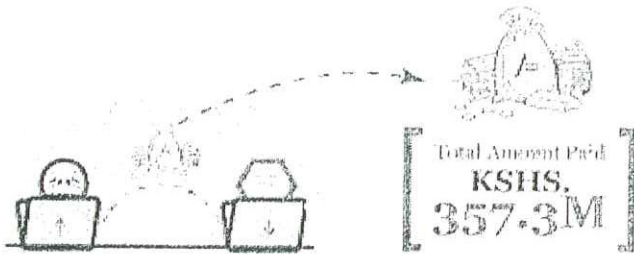
*Adithi*  
 DEPUTY REGISTRAR  
 HIGH COURT OF KENYA NAIROBI

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





# 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:-

There was no requisition or advertisement of the tender as tender holders were contacted in person.

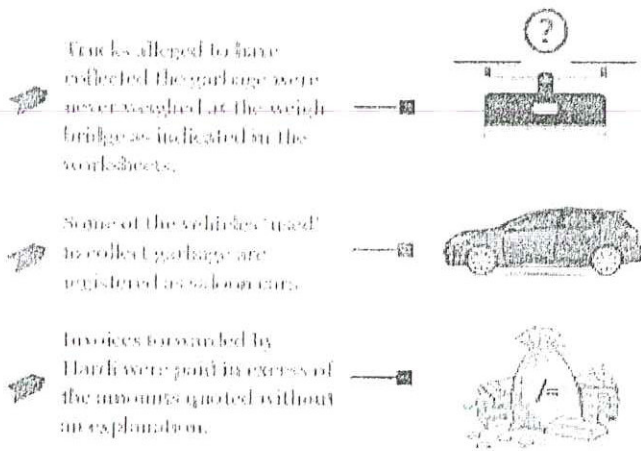
The Negotiation, Tender Opening and Evaluation Committee was not properly constituted and was also manipulated to come up with the tender document.



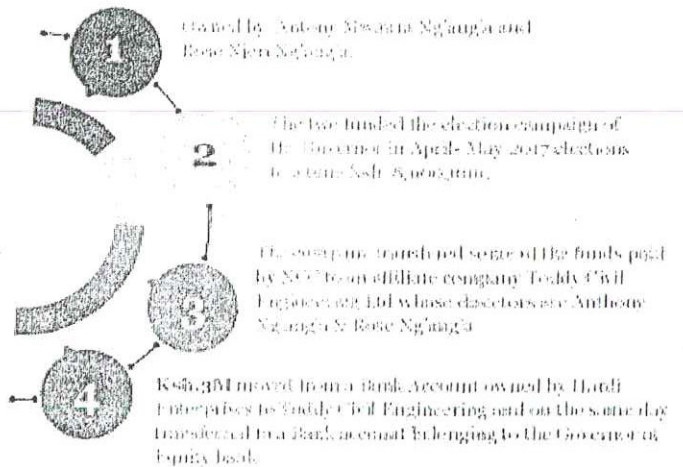
The company did not have cashflow or funds but passed evidence of loans issued with a letter of award.

The procurement process began with negotiations of the alleged tender prior to issuance of the bid documents and the County Secretary signed a letter of award in favour of all the applicants including Hardi Enterprises Ltd.

## TENDER IMPLEMENTATION



## ABOUT HARDI ENTERPRISES LIMITED



## ACCUSED PERSONS

- Mbuni Gideon Mike - Kioko Senka
- Peter Mbugua Karuki
- Patrick Mwangi
- Wambua Ndaka
- Andrew Nvasiego
- Samuel Ndungu Mwangi
- Edwin Karuki Muriuki
- Lawrence Mwangi Mburu
- Preston Mwangi Mburu
- Hardi Enterprises Ltd
- Taddy Civil Engineering Ltd
- Anthony Ngunjiri Mwangi
- Rose Njeri Ngunjiri
- Arbab Auto Limited
- BOG Security Limited
- High Energy Petroleum Ltd
- Antony Othman Ombok - alias Jamal

## PREFERRED CHARGES

