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THE ETHICS AND ANTI-CORRUPTION COMMISSION

THE 1st QUARTERLY REPORT COVERING THE PERIOD FROM
1st JANUARY 2024 TO 31st MARCH 2024

 THE NATIONAL ASSEMBLY PAPERS LAID	
MARCH 2024	
DATE:	05 JUN 2024
	DAY: <u>WEDNESDAY</u>
TABLED BY:	CHAIRPERSON, BAC Hon. NDINDI NYORO, MP
CLERK AT THE TABLE:	J. Lemerelle

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 1st Quarter and is for the period commencing 1st January 2024 to 31st March, 2024.

1. EACC/FI/INQ/35/2021

INVESTIGATIONS INTO CORRUPTION ALLEGATIONS IN THE TENDERING PROCESS FOR THE DESIGN, SUPPLY, TESTING, COMMISSIONING AND SUPERVISION OF SECURITY ACCESS CONTROL COMMUNICATIONS, AUDIO VISUAL AND PITCH LIGHTING SYSTEMS FOR FIVE STADIA IN PREPARATION FOR AFRICA NATIONS CHAMPIONSHIPS, 2018 AT KSHS. 1.5 BILLION BY THE STATE DEPARTMENT FOR SPORTS CULTURE AND THE ARTS

The Ethics and Anti- Corruption Commission (EACC) received a complaint of embezzlement of public funds and irregular procurement process by public officials during the intended 2018 African Nations Championships 2018. The Ministry of Sports, Culture and Arts (MoSCA) and Sports Kenya, a parastatal within MoSCA was tasked to organize the above mentioned event.

Investigations established that Auditel Kenya was awarded the tender irregularly since they attached false documents to their bid document.

Investigations established that Auditel Kenya did not render any services in the five stadia as per the contract. As such, the Permanent Secretary, the Director Administration, the Principal Accountant and the Chief Finance Officer of MoSCA who were involved in the procurement process and approving the payment, abused their office by conferring a benefit of Kshs. 330,537,997.00 to Auditel Kenya for services not rendered.

Investigations established that Auditel Kenya fraudulently received public property to wit Kshs. 330,537,997.00 for services not rendered.

Financial investigations established that after Auditel Kenya was paid, Kshs. 25, 682,893.56 was transferred to Restea Enterprises (Restea). Restea transferred money to persons associated with the Football Federation Kenya (FKF) President, Leasepath Ltd and Leasetrade Ltd. The Directors of Restea, Leasepath Ltd, Leasetrade Ltd and the FKF President therefore knowingly engaged in an arrangement to receive money from Auditel Kenya with the intent to conceal the

source of the said amount yet they knew that the said monies were obtained for services not rendered.

On 8th January, 2024 a report was compiled and forwarded to the DPP with recommendations to charge the then Permanent Secretary, MoSCA, the then Chief Finance Officer MoSCA, the then Principal Accountant, MoSCA, the FKF President, the Senior Superintendent Engineer MoSCA, Mechanical Engineer at Sports Kenya, the then Director of Administration MosCA, Auditel Kenya Ltd and its Director, Restea Enterprises Ltd and its Director, Leasepride Ltd and its Director, Leasepath Ltd and its Director, Leasepride Ltd and its Director with the following offences:-

- i. Conspiracy to commit an offence of corruption contrary to Section 47A(3) as read with Section 48(1) of the Anti -Corruption and Economic Crimes Act No. 3 of 2003.
- i. Three counts of Abuse of Office contrary to Section 46 as read with Section 48 of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- ii. Three counts of financial misconduct contrary to Section 197(1)(i) as read with Section 199 of the Public Finance Management Act, 2012.
- iii. One count of wilful failure to comply with the law relating to procurement contrary to Section 45(2) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003.
- iv. One count of Money laundering contrary to Section 3(a) as read with Section 16 of the Proceeds of Crime and Anti- Money Laundering Act 2009.
- v. Three counts of Acquisition of Proceeds of Crime contrary to Section 4 as read with Section 16 of the Proceeds of Crime and Anti-Money Laundering Act, 2009.
- vi. One count of unlawful acquisition of public property contrary to Section 45(10(a) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

On 27th March, 2024 the DPP returned the Inquiry file with recommendations for further investigations.

2. EACC/FI/INQ/01/2023

INVESTIGATIONS INTO ALLEGATIONS OF FRAUDULENT PAYMENT OF KSHS. 250,000,000/= MADE BY THE NAIROBI CITY COUNTY GOVERNMENT IN FAVOUR OF KUZA FARM AND ALLIED LIMITED AS COMPENSATION FOR THE ACQUISITION OF LAND PARCEL NO. LR 209/11887 I.R 58301 LOCATED IN INDUSTRIAL AREA NAIROBI DURING THE FY 2019/2020

The Ethics and Anti-Corruption Commission (EACC) commenced investigation after receiving an allegation that there was conspiracy to defraud the Nairobi City County Government of Kshs. 250,000,000/= in irregular compensation to Kuza Farm and Allied Ltd for land parcel LR. No. 209/11887 I.R No. 58301 (the land) located in Industrial Area- Nairobi during the FY 2019/2020.

Investigations established that in 1993 Kuza Farm acquired the land regularly. The parcel of land is currently developed with public utilities including A. E. F Reuben Primary School, Nursery School, Health Centre, Vocational Training Centre, Maternity Centre, Congregation of Christian Brothers offices and buildings for social work. Investigations established that in the year 2014 Kuza Farm filed a civil suit seeking orders for compensation and vacation of the land by the Nairobi City County Government (NCCG) since public utilities were developed on the land by the NCCG.

Investigations established that the NCCCG entered into a consent with Kuza Farm. The consent was adopted by the Court and a decree was thereafter issued. One of the conditions of the decree was that Kuza Farm was to be paid Kshs. 250,000,000/= upon clearing all encumbrances registered against the title of the land.

Investigations have established that on 17th July, 2020 the NCCCG paid Kuza Farm Kshs. 250,000,000/=. The payment to Kuza Farm was irregular since the title of the Land in question had been charged to Post Bank Credit Ltd for a sum of Kshs. 1,650,000,000=.

This meant that Kuza Farm was paid yet the land was charged.

Investigations also established that Kuza Farm and its Director who actively participated in the meeting that brought forth the compensation were culpable for unlawfully acquiring public property because they were paid Kshs. 250,000,000/= yet the title of the land had been charged to Post Bank Credit Ltd.

Investigations established that the County employees at the NCCG Legal Department who were in charge of enforcing the Court Decree together with other officers who were involved in processing the payment in favour of Kuza Farm supported the irregular payment of Kshs. 250,000,000/= and were culpable of abuse of office.

On 13th February, 2024 a report was compiled and forwarded to the DPP with recommendations to charge the Director Kuza Farm Ltd, the Company, the County Attorney NCCG, the Director Legal Affairs, NCCG and the Chief Officer NCCG with the following offences:-

- i. One count of conspiracy to commit an offense of corruption contrary to Section 47A as read with Section 48 of the Anti- Corruption and Economic Crimes Act, 2003.
- ii. One count of unlawful acquisition of public property contrary to Section 45(a) as read with Section 48 of the Anti- Corruption and Economic Crimes Act, 2003.
- iii. Two counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti- Corruption and Economic Crimes Act, 2003.

Awaiting the DPP's response.

3. EACC/FI/INQ/38/2017

INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES IN TENDER NUMBER NITA/12/2017-2018 FOR THE SUPPLY, DELIVERY, INSTALLATION, COMMISSIONING, TRAINING, SERVICING, MAINTENANCE AND REPAIR OF SEWING AND TRAINING MACHINES BY NATIONAL INDUSTRIAL TRAINING AUTHORITY (NITA) TO M/S XPONICS LIMITED

The Ethics and Anti-Corruption Commission (EACC) commenced investigations following allegations of procurement irregularities in tender number NITA/12/2017-2018, tender for the supply, delivery, installation, commissioning, training, servicing, maintenance and repair of sewing and training machines by National Industrial Training Authority (NITA) to M/S Xponics Limited (Xponics).

Investigations established that Xponics and its Directors used false documents that were attached to their tender document and therefore fraudulently acquired public property to wit Kshs. 5,388,410/=.

Investigations established that the Tender Evaluation Committee failed to use the criteria that was set in the tender document and irregularly recommended the award of the tender to Xponics.

The former Director General, NITA improperly conferred a benefit on Xponics by authorizing a payment of Kshs. 5,388,410.69 to Xponics despite being notified of the procurement irregularities in the subject tender by the Public Procurement Regulatory Authority and without a valid contract.

On 18th January 2024, a report was compiled and forwarded to the DPP with recommendations to charge Xponics, the Directors of Xponics, the former Managing Director of NITA and the members of the Tender Evaluation Committee with the following offences:-

- i. One count of conspiracy to commit an offence of corruption contrary to section 47(a)(3) as read with sections 48(1) of the Anti-Corruption and Economic Crimes Act, 2003.
- ii. One count of willful failure to comply with the law relating to procurement contrary to Section 45(2) (b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- iii. Two counts of abuse of office contrary to Section 46 as read with Section 48 of the Anti-Corruption and Economic Crimes Act, 2003.
- iv. One Count of fraudulent acquisition of public property contrary to Section 45(1) a as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.
- v. One count of fraudulent procurement practice contrary to section 66(1) and (2) of the Public Procurement and Asset Disposal Act, 2015.

On 27th March 2024, the DPP returned the inquiry file with recommendations for further investigations.

4. EACC/MCKS/FI/INQ/40/2017

INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF FUNDS AND SHODDY WORKS IN THE CONSTRUCTION OF KATIKOMU DRIFT IN MAKUENI COUNTY.

The Ethics and Anti-Corruption Commission (EACC) commenced investigations into allegations that the works for the construction of the Katikomu Drift in Makueni County, which links Kilala and Kaiti locations across River Kaiti, were shoddy. That the said drift collapsed despite having been supervised by the Makueni County Works Engineers. There were also allegations of embezzlement of funds.

Investigations established that the Tender for the construction of the Katikomu Drift was awarded to Fortis Kenya Limited and they did the work but the slab for the drift collapsed on 17th March 2017.

Investigations established that there was no inspection and acceptance of the works as required by the law.

Financial investigations established that the Contractor had not been paid for the said works thus the allegation of embezzlement of public funds has not been established.

On 14th December 2023 a report was compiled and forwarded to the DPP with recommendations that this file be closed since no public funds were lost as the Contractor has not been paid. It was further recommended that an advisory letter be issued to Makueni County Government regarding the need to engage a qualified Engineer from KeRRA to conduct a geotechnical inspection/survey and to come up with adequate designs for the drift to prevent the drift from collapsing.

On 27th March, 2024 the DPP returned the inquiry file with recommendations for further investigations.

5. EACC/ELD/FI/INQ/21/2018

INVESTIGATIONS INTO ALLEGATIONS OF IRREGULAR ACQUISITION AND DISPOSAL OF GOVERNMENT SUBSIDIZED FERTILIZER FROM NCPB, ELDORET DEPOT BY OFFICIALS

AND SIX PERSONS PURPORTING TO BE FARMERS IN KESSES SUB COUNTY, UASIN GISHU COUNTY DURING THE 2017/2018 CROP SEASON

The Ethics and Anti-Corruption Commission (EACC) commenced investigations after receiving allegations that a Farmer with 2 acres of land in Shiyabo and also leases land in Bungoma (Shiyabo Farmer) was in the process of procuring subsidized Government fertilizer at the National Cereals and Produce Board (NCPB) Eldoret Silo, for purposes of repackaging and selling at a profit. It was further alleged that unscrupulous businesspersons were using names of persons disguising to be farmers, to access Government subsidized fertilizer thus denying legitimate farmers access to the fertilizer. In addition, it was alleged that there were irregularities in the issuance of Government subsidized fertilizer at the NCPB Eldoret Silo and that the Manager at the mentioned Silo was colluding with cartels and relying on forged documents to issue fertilizer to persons who were not farmers. It was also alleged that the Chiefs who were involved in the vetting process of farmers had been compromised to generate a list of persons who were not farmers to benefit from the Government subsidized fertilizer.

Investigations established that the Shiyabo Farmer was not involved in a business that was conducted by buying subsidized fertilizer and selling the same at a profit.

Investigations established that there were persons who were registered as farmers entitled to benefit from the subsidized fertilizer but they were not genuine farmers and they benefited by purchasing the subsidized fertilizer. The Agricultural Officer and the Senior Chief (Chair of the Farmers Vetting Committee) Tarakwa Ward did not comply with the guidelines of the registration and vetting process of the farmers. They also failed to confirm that the persons were not farmers within Tarakwa Ward and should not have issued them with the Application Forms for purchasing the fertilizer.

On 25th March, 2024, a report was compiled and forwarded to the DPP with recommendations to close the inquiry file as no criminal offence was disclosed. It was further recommended that administrative action be taken against the Chair of the Farmers Vetting Committee and the Agricultural Officer, Tarakwa Ward for not complying with the guidelines of the registration and vetting process of the farmers.

On 26th April, 2024 the DPP returned the Inquiry file with recommendations for administrative action.

6. EACC/NYR/FI/INQ/17/2021

INVESTIGATIONS INTO ALLEGATIONS OF CONFLICT OF INTEREST AND ABUSE OF OFFICE IN THE AWARD OF TENDER NO. CGK/TR&PW/OT/011/2017-2018 IN RESPECT OF THE SPOT IMPROVEMENT OF C74 KANG'URU-KAITHERI PRY-MACHERE ROAD KERUGOYA WARD IN THE FINANCIAL YEAR 2017/2018 AGAINST THE DEPUTY GOVERNOR, COUNTY GOVERNMENT OF KIRINYAGA.

The Ethics and Anti-Corruption Commission (EACC) commenced investigations following allegations that, there were probable irregularities in the award of the contract for spot improvement of C74 Kang'uru-Kaitheri Pry-Machere road Kerugoya Ward by the County Government of Kirinyaga. It was reported that the tender was awarded to Songa General Enterprises (Songa) a Company that was associated with the Deputy Governor, Kirinyaga County.

Investigations established that Songa used false documents including a Bid Bond, Purchase Orders, Audit Reports, National Construction Authority Certificate, Audited Account Statement and Proof of previous works in support of their bid document thereby influencing the award of the tender to the said company, which was non responsive.

Investigations also established that the subject tender was awarded to Songa, whose directors were the wife and children of the former Deputy Governor respectively. This amounted to conflict of interest on the part of the former Deputy Governor, Kirinyaga County.

On 26th January, 2024, a report was compiled and forwarded to the DPP with recommendations that the Proprietors of Songa and the former Deputy Governor of Kirinyaga County be charged as follows:-

- i. Two counts of fraudulent acquisition of public property contrary to section 45(1)(a) as read with section 48(1) of the Anti-Corruption & Economic Crimes Act.

- ii. One count of knowingly holding a private interest in a contract connected with a public body Contrary to section 42(3) as read with Section 48(1) of the ACECA

On 2nd May, 2024 the DPP returned the inquiry file with recommendations with recommendation for closure.

7. EACC/PI/INQ/33/2020

INVESTIGATIONS INTO ALLEGATIONS OF IRREGULARITIES IN THE AWARD OF TENDER NO. NWSHA/ONP/007/2019-2020 FOR THE PROPOSED CONSTRUCTION OF NAKU'ETUM PEACE DAM IN TURKANA COUNTY AT A COST OF KSHS. 231 MILLION TO J&K INVESTMENTS KENYA LIMITED BY THE NATIONAL WATER & STORAGE AUTHORITY

The Ethics and Anti-Corruption Commission (EACC) commenced investigations after receiving an allegation that J&K Investment Kenya Limited had been awarded a Kshs. 231 million in tender No. NWSHA/ONP/007/2019-2020 for the proposed construction of Naku'etum Peace Dam in Turkana County by the National Water Harvesting and Storage Authority (NWSHA) when it had not met the mandatory requirements for the tender evaluation criteria.

Investigations established that the documents that were attached by J&K Investment Limited in support of their bid document were not genuine.

Investigations established that the members of the Tender Evaluation Committee failed to follow the evaluation criteria set out in the bid document and recommended award of the tender to J&K Investments Limited who had not met the stipulated requirements in the bid document.

Investigations established that the Procurement Officer prepared a Professional Opinion to the CEO, upholding the Tender Evaluation Committee recommendation of award to J&K Investment Limited. She failed to point out that the Tender Evaluation Committee failed to follow the criteria in the evaluation process. The material non-disclosure by the Procurement Officer knowingly misled the CEO who relied on the Professional Opinion to award the Tender to J&K Investment Limited.

On 26th January, 2024 a report was compiled and forwarded to the DPP with recommendations to charge the Tender Evaluation Committee Members, J&K Investments Limited and its Directors with the following offences:-

- i. Wilful failure to comply with applicable procedures and guidelines relating to procurement contrary to Section 45(2) B as read with Section 48 of the Anti- Corruption & Economic Crimes Act, 2003.
- ii. Fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti- Corruption & Economic Crimes Act, 2003.
- iii. Engaging in fraudulent procurement practice contrary to Section 66(1) & (2) of the Public Procurement & Asset Disposal Act, 2015.
- iv. Forgery contrary to Section 349 as read with Section 345-348 of the Penal Code.
- v. Uttering a false document contrary to Section 353 as read with Section 349 of the penal code.
- vi. Knowingly misleading a person carrying out a duty contrary to Section 176(1)(b) as read with Section 176(2) of the Public Procurement & Asset Disposal Act, 2015.

On 2nd May, 2024 the DPP returned the inquiry file with recommendations for administrative action.

8. EACC/NYR/PI/INQ/11/2022

INVESTIGATIONS INTO ALLEGATIONS OF ABUSE OF OFFICE AND CONFLICT OF INTEREST AGAINST THE FORMER SPEAKER OF THE COUNTY ASSEMBLY OF NYERI

The Ethics and Anti- Corruption Commission (EACC) commenced investigations after receiving reports of abuse of office and conflict of interest against the former speaker Nyeri County Assembly. It is alleged that the Speaker used Companies that were associated with him, namely Intellipus Consultancy, Royalle Training and Win Africa Media, to receive money as payment for foreign training.

Investigations established that the mentioned companies were prequalified for provision of training and consultation services. The trainings were conducted and the Companies that provided the services were paid.

Investigations also established that according to the records from the Registrar of Companies no Member of the Assembly or Staff of the Assembly including the Speaker was connected to the Companies that were awarded tender to provide training services in the County. Investigations also established that the payments were supported by their respective documentation.

On 26th January, 2024, a report was compiled and forwarded to the DPP with recommendations to close the file as there was no breach of any law, procedures or regulations.

On 27th March, 2024 the DPP returned the Inquiry file with recommendations for further investigations.

9. EACC/NKR/PI/INQ/03/2022

INVESTIGATIONS INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES IN THE CONSTRUCTION OF SAMAREK WATER PAN, A PROJECT FUNDED BY THE WORLD BANK THROUGH KENYA CLIMATE SMART PROJECTS (KCSAP) AT A COST OF 17 MILLION AT BOMET COUNTY VIDE TENDER NO. CGB/AGRI/KCSAP/RFQ/001/2021

The Ethics and Anti- Corruption Commission (EACC) commenced investigations in this matter following a complaint alleging that Tender No. CGB/AGRI/KCSAP/RFQ/001/2021, for the rehabilitation works for Samarek Water PAN Project at Bomet County, at the cost of 20 million was irregularly cancelled.

Investigations established that Counternine Holding Limited (Counternine) was awarded the subject tender by the then Chief Officer, Agriculture, Livestock and Fisheries. The Governor reshuffled the Chief Officers and the Chief Officer, Agriculture, Livestock & Fisheries failed to execute the contract with Counternine despite them receiving an award letter. The validity period of the Tender lapsed and Chief Officer informed Counternine that the tender had been terminated because of expiry of the tender period and afterwards the tender was advertised afresh.

Investigations established that in regard to the second tender, the Tender Evaluation Committee recommended that the tender be awarded to Willer Technical Agency Company Ltd. The Professional Opinion by the Director of Supply Chain had reservations on the award of the tender to Willer Technical Agency Company Ltd because the Tender Evaluation Committee Report showed due diligence was carried on the company and it was found that there was poor workmanship on projects that were previously done by the mentioned company.

Investigations established that the Chief Officer failed to act by either awarding or declining to award the tender to Willer Technical Agency Company Ltd as required by the law.

On 26th January 2024 a report was compiled and forwarded to the DPP with recommendations to charge the Chief Finance Officer, Department of Agriculture, Livestock and Fisheries, Bomet County with two counts of wilful failure to comply with the law and regulations relating to procurement contrary to Section 45(2) (b) as read with Section 48 of the Anti- Corruption and Economic Crimes Act, 2003.

On 16th April, 2024 the DPP returned the inquiry file with recommendations for closure.

10. EACC/EL/INQ/15/2023

INVESTIGATIONS INTO ALLEGATIONS THAT, THE SENIOR ANALYST /PERSONAL ASSISTANT TO THE CHAIRPERSON OF THE COMMISSION OF REVENUE ALLOCATION USED FORGED ACADEMIC DOCUMENTS TO SECURE EMPLOYMENT

The Ethics and Anti-Corruption Commission (EACC) commenced investigation after receiving an allegation that an employee of the Commission on Revenue Allocation (CRA) had used forged academic documents to secure employment as a Senior Analyst/Personal Assistant to the Chairperson of the mentioned Commission.

Investigations established that the employee used a forged Master of Arts Certificate and a forged Bachelor of Arts (Sociology) Degree Certificate to secure employment as the Senior Analyst/Personal Assistant to the Chairperson of the CRA.

Investigations established that the employee worked with CRA from August 2017 to July 2023 and during this period, she fraudulently earned a gross salary of Kshs. 15, 224,522/=.

On 12th February, 2024 a report was compiled and forwarded to the DPP with recommendations to charge the employee as follows:-

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)A as read with Section 48 of the Anti- Corruption and Economic Crimes Act, 2003.
- ii. Two counts of forgery contrary to Section 349 of the Penal Code.
- iii. One count of uttering a false document contrary to Section 353 of the Penal Code.
- iv. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the Anti- Corruption and Economic Crimes Act.
- v. One Count of giving false information to a person employed in the public service contrary to Section 129 of the Penal Code.

On 8th March, 2024 the DPP returned the Inquiry file and concurred with the recommendation to prosecute.

11. EACC/EL/INQ/29(iv)2022

INQUIRY INTO ALLEGATIONS THAT THE HUMAN RESOURCE ASSISTANT AT RURAL ELECTRIFICATION AND RENEWABLE ENERGY CORPORATION USED FORGED ACADEMIC DOCUMENTS TO SECURE EMPLOYMENT

The Ethics and Anti-Corruption Commission (EACC) commenced investigation after receiving an allegation that an employee of the Rural Electrification and Renewable Energy Corporation (REREC) used forged academic documents to secure employment as a Human Resource Assistant.

Investigations established that the Human Resource Assistant, REREC used a forged Diploma in Human Resource Certificate from Kenya Institute of Management purportedly awarded on 19th September, 2013 during the interviews that were conducted by REREC.

Investigations established that the Human Resource Assistant, REREC worked for two months (June and July 2022) and during the mentioned period she fraudulently earned a salary of Kshs. 149,537/= .

On 22nd February, 2024 a report was forwarded to the DPP with recommendations to charge the Human Resource Assistant ,REREC as follows:-

- i. Two counts of fraudulent acquisition of public property contrary to Section 45(1)A as read with Section 48 of the Anti- Corruption and Economic Crimes Act, 2003.
- ii. Two counts of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. Two counts of uttering a false document contrary to Section 353 of the Penal Code.
- iv. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the Anti- Corruption and Economic Crimes Act, 2003.

On 15th April, 2024 the DPP returned the Inquiry file with recommendations for further instigations.

12. EACC/MSA/EL/INQ/06/2022

INVESTIGATIONS INTO ALLEGATIONS OF ABUSE OF OFFICE AGAINST AN EMPLOYEE OF THE KENYA PORTS AUTHORITY (KPA).

The Ethics and Anti- Corruption Commission (EACC) commenced investigations after receiving a report that an employee of the Kenya Ports Authority (KPA) demanded and received Kshs. 36,030/= from the complainant with the promise of securing employment of her two daughters at KPA.

Investigations established that the KPA employee demanded for and received Kshs. 36,030/= from the complainant intending that in consequence he would recruit the complainant's two daughters to work for KPA.

Financial investigations were conducted and they showed that the KPA employee received a sum of Kshs. 436,630/= from the complainant.

On 26th January 2024 a report was compiled and forwarded to the DPP with recommendations to close the file as the complainant had written to EACC indicating that the KPA employee had refunded all her money and did not wish to proceed with the matter.

On 15th April, 2024 the DPP returned the inquiry file with recommendations for administrative action.

13. EACC/OPS/INQ/69/2022

INQUIRY INTO BRIBERY ALLEGATIONS AGAINST TRAFFIC OFFICERS ATTACHED TO KERUGOYA POLICE STATION.

The Ethics and Anti-Corruption Commission (EACC) commenced investigation after receiving an allegation that traffic Police Officers attached to the Kerugoya Police Station were demanding for bribes from motorists along a road that enjoins Kirinyaga and Embu County.

Investigations established that a Traffic Police Officer was conducting his duties at a junction near Kirinyaga University and a search was conducted on him but he was not found with money. Another search was conducted in his car that was parked nearby and Kshs. 3,400/= that was placed under the mat of the car was recovered. Investigations established there was no evidence indicating that the Kshs. 3,400/= was suspect property, to warrant any action.

On 26th January, 2024 a report was compiled and forwarded to the DPP with recommendation of closure of the inquiry file.

On 26th March 2024, the DPP returned the Inquiry file with recommendations for closure.

14. EACC/MSA/OPS/INQ/20/2022

INVESTIGATIONS INTO ALLEGATIONS OF CORRUPTION AGAINST A POLICE CONSTABLE BASED AT JOMVU POLICE STATION, MOMBASA

The Ethics and Anti- Corruption Commission (EACC) received a report indicating that a Police Officer attached to Jomvu Police Station had asked for a financial advantage of Kshs. 30,000/= from the Complainant who he had arrested so that he could forego taking him to Court.

Investigations established that the Suspect solicited for and received a bribe of Kshs. 30,000/= from the Complainant who he had arrested for being in possession of fake money so that he could forego taking him to Court.

On 26th January, 2024, a report was compiled and forwarded to the DPP with recommendations to charge the Police Officer with two counts of the offence of

receiving a bribe contrary to Section 6(1) as read with Section 18 of the Bribery Act 2016.

On 2nd May, 2024 the DPP returned the Inquiry file with recommendations for further investigations.

15. EACC/OPS/INQ/102/2022

INVESTIGATIONS INTO ALLEGATIONS OF BRIBERY AGAINST, A FORMER HUMAN RESOURCE MANAGER, PUBLIC SECTOR ACCOUNTING, STANDARD BOARD WHO REQUESTED FOR A BRIBE OF KSHS. 125,000/= FROM A COMPLAINANT AS AN INDUCEMENT TO ASSIST HER SECURE EMPLOYMENT AS AN OFFICE ADMINISTRATOR

The Ethics and Anti-Corruption Commission (EACC) commenced investigations after receiving an allegation that the Human Resource Manager, Public Sector of Accounting and Standard Board (PSASB) requested for Kshs. 125,000/= from the Complainant as an inducement to assist her secure the position of an Office Administrator at PSASB.

Investigations established that the Human Resource Manager, PSASB was employed by PSASB until 10th March 2022 when he was dismissed from employment. Investigations have also confirmed that between 12th May 2023 and 27th July 2023 he presented himself to the Complainant as the Human Resource Manager, PSASB and promised that he would secure employment for her.

Investigations further established that he received Kshs. 125,000/= from the Complainant with the intent that in consequence he would secure employment for her at PSASB.

On 17th January, 2024 a report was compiled and forwarded to the DPP with recommendations to charge the Suspect with the following offences:-

- i. Two counts of obtaining money by false pretences contrary to Section 313 of the penal code.
- ii. One count of receiving a bribe contrary to Section 6(1)a as read with Section 18 of the Bribery Act, 2016.

On 27th March 2024, the returned the Inquiry file with recommendations of further investigations.

16. EACC/MLD/OPS/INQ/1/2020

INVESTIGATIONS INTO ALLEGATIONS THAT THE KILIFI NORTH SUB- COUNTY EDUCATION OFFICER REQUESTED AND RECEIVED A BRIBE FROM A DIRECTOR OF A NURSERY SCHOOL IN ORDER FOR HER TO LET THE SCHOOL CONTINUE OPERATING DESPITE HAVING NOT CONFORMED TO THE MINISTRY OF EDUCATION STANDARDS.

The Ethics and Anti-Corruption Commission (EACC) commenced investigations after receiving an allegation that the Kilifi North Education Officer was demanding for a bribe of Kshs. 70,000/=, from the Director of Bright Beginning Kindergarten so that in consequence he would grant her a one month extension period to operate the school, before relocating it to other premises that conform with the Ministry of Education guidelines.

Investigations established that on two occasions, the Kilifi North Education Officer requested for Kshs. 70,000/= and Kshs. 30,000/= respectively from the Director, Bright Beginning Kindergarten with an intent that in consequence she would grant her extension to continue operating the school despite having not been registered with the Ministry of Education.

Investigations established that the Suspect received Kshs. 50,000/= from the Director, Bright Beginning Kindergarten with an intent that in consequence he would grant her extension to continue operating the school despite having not been registered with the Ministry of Education.

On 25th March, 2024 a report was compiled and forwarded to the DPP with recommendations to charge the Kilifi North Education Officer, with receiving a bribe contrary to Section 6(1) as read with Section 18(1) of the Bribery Act, 2016.

On 2nd May, 2024 the DPP returned the Inquiry file with recommendations for further investigations.

17. EACC/MLD/OPS/INQ/06/2021

INVESTIGATIONS INTO ALLEGATIONS THAT A POLICE OFFICER ATTACHED TO THE DIRECTORATE OF CRIMINAL INVESTIGATION IN KILIFI COUNTY REQUESTED AND RECEIVED A BRIBE FROM A SUSPECT IN A FRAUD CASE THAT HE WAS INVESTIGATING SO AS TO FORBEAR CHARGING HIM

The Ethics and Anti-Corruption Commission (EACC) commenced investigations after receiving an allegation that a Police Officer attached to the Directorate of Criminal Investigation (DCI) Kilifi County was demanding Kshs. 100,000/= from the Complainant who was a suspect of a fraud case so that he would influence the County Criminal Investigations Officer to close the Investigation file.

Investigations established that the Police Officer requested for and received a bribe of Kshs. 20,000/= from the suspect as an inducement to forbear charging him.

On 25th March, 2024 a report was compiled and forwarded to the DPP with recommendations to charge the Police Officer with two counts of requesting for a bribe contrary to Section 6(1) as read with Section 18(1) of the Bribery Act, 2016.

Awaiting the DPP's response

STATISTICAL SUMMARY OF FILES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

1.	Total No. of files forwarded to the Director of Public Prosecutions	17
2.	No. of files recommended for prosecution	12
3.	No. of files recommended for administrative or other action	2
4.	No. of files recommended for closure	4
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	2
8.	No. of files where recommendation for closure accepted	1
9.	No. of files returned for further investigations	8
10.	No. of files where recommendation to prosecute not accepted	2
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	2

DATED AT NAIROBI THIS

7th

DAY OF

May

2024



**DAVID OGINDE, PhD
CHAIRPERSON**

/dbm



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