OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

ANNUAL REPORT

CONSOLIDATED REPORT FOR THE FINANCIAL YEARS
2017/2018, 2018/2019 AND 2019/2020



THE NATIONAL ASSEMBLY
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CLERK-AT THE-TABLE: Finlay Muniuki

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MANDATE



To exercise State powers of prosecution

VISION



A just, fair, independent and responsive prosecution service

MISSION



To provide an impartial, effective and efficient prosecution service to all

CLARION CALL



Mashtaka Yenye Haki na Usawa

CORE VALUES



Transparency, Integrity, Accountability, Professionalism, Independence, Team spirit and innovativeness



“Under the Re-Casting strategy, the ODPP engages in collaboration, co-operation, and co-ordination with both internal and external stakeholders in the criminal justice sector.

STATEMENT OF THE DIRECTOR OF PUBLIC PROSECUTIONS

I am pleased to present to His Excellency, the President and Parliament, the consolidated Report of the Office of the Director of Public Prosecutions (ODPP) for the Financial Years 2017/2018, 2018/2019 and 2019/2020, on the performance and overall fulfilment of the object and purpose of the Office.

This report highlights the performance, achievements, challenges, current status and forecast for the future. The report also gives an overview of the Office's reinvigorated efforts towards the fight against corruption.

The ODPP is carrying out its mandate in the context of a complex and rapidly evolving crimes such as terrorism, drug trafficking, human trafficking, cybercrime, financial and economic crimes. We must be ready for this reality which calls for

a paradigm shift in the delivery of prosecution services. It requires strategies that ensure utmost efficiency and effectiveness in our operations.

In this regard, and in our overall quest to enhance service delivery to Kenyans, the ODPP continues to be guided by a three-pronged strategic approach of *Re-Casting, Re-Tooling, and Re-Learning*.

Under the *Re-Casting strategy*, the ODPP engages in collaboration, co-operation, and co-ordination with both internal and external stakeholders in the criminal justice sector. This is aimed at creating synergies to bring about efficiency, effectiveness and accountability in the criminal justice system.

The *Re-Tooling* strategy focuses on strengthening and growing the existing criminal justice infrastructure. As part of re-tooling, we have championed a Case Management System that is holistic and integrated. The system will link the whole criminal justice chain which includes investigative agencies, prosecution, the Judiciary, the Correctional Services among others.

The ODPP's organisational structure has been reviewed to make it more responsive to the emerging criminal trends and the expanding needs of the Office. Towards this end, we have established the following:

- nine Regional offices for ease of co-ordination of the 47 county offices and one hundred and 123 court stations;
- the *internal compliance department* to ensure highest standards of integrity and accountability by the ODPP staff;
- the *Victim and Witness Facilitation Unit* to ensure that witnesses are informed and prepared for criminal trials; and
- the *Proceeds of Crime Recovery Unit* whose role is to trace, confiscate and recover proceeds of crime.

With regard to infrastructure, we have leased a stand-alone office building in Upper Hill, Nairobi to enhance coordination of office activities and create a conducive work environment.

We have also improved the terms and conditions of service of our staff to attract and retain highly skilled professionals.

The *Re-Learning* strategy focuses on equipping staff with requisite skills and capabilities necessary to deliver the ODPP's mandate. In achieving this objective, we have established and operationalized the Prosecution Training Institute (PTI) at Loresho, Nairobi. This Institute provides continuous professional development to ODPP staff and officers from other criminal justice agencies and stakeholders both in Kenya and the region.

Further, the ODPP has been keen on the enhancement of the quality of prosecution services during the reporting period. To lay a strong foundation for this, the Office has developed a number of policies and

prosecution tools to build capacity and enhance transparency and consistency in service delivery. These include: *the Guidelines on Decision to Charge, 2019*, aimed at ensuring standard procedures and consistency in making of decisions to charge; *Plea Bargaining Guidelines* and *Deferred Prosecutions Guidelines* to ensure speedy resolution of cases and help reduce case backlog; *Diversion Policy and Guidelines* to guide the diversion of cases from the formal trial process; *Guidelines for the Administration and Management of the Prosecution Fund* to operationalize and ensure transparent, and effective, management of the Prosecution Fund established by the ODPP Act; *Practice Directions on the Delegation of Prosecution Powers* to ensure accountability and transparency in the handling of cases by authorized government ministries, departments and agencies (MDAs), and the *ODPP Excellence Charter* to guide the transformation of the ODPP into a prosecution service that is responsive to the needs of *Mwananchi*.

In addition, innovative strategies such as the multi-agency co-operation and co-ordination of the criminal justice actors through Multi-Agency Team (MAT) and National Council on the Administration of Justice (NCAJ), *"All for Justice"* and community outreach programmes have enabled the ODPP to enhance its service delivery.

Finally, the Office prioritized the fight against corruption during the reporting period. Corruption remains the most resilient and destructive crime in our society and thus presents the greatest threat to our survival as a viable nation and threatens to rob our future generations of their right to a prosperous society. Corruption is systemic and inhibits our socio-economic development, distorts justice delivery and erodes confidence in, and expectations on, public services.

In order to fight corruption, we have adopted the following strategies: *strategic focus on high profile and high impact cases; establishment of specialized thematic divisions, units and teams; recovery of proceeds of crime; follow the money approach; use of experts in various fields such as financial analysts and development of an anti-corruption strategy.*

Even as the ODPP valiantly plays its role, it is still important to state that slaying the dragon of corruption will require all Kenyans to resolutely denounce corruption and all its manifestations. On this path, we shall not dither nor waver.

We are indeed grateful for the support and goodwill we have received from H.E the President, Parliament, the ODPP Advisory Board, the ODPP fraternity, development partners, and all Kenyans for the co-operation accorded to us.

Noordin M. Haji CBS, OGW
Director of Public Prosecutions

Acknowledgements



During the reporting period, the ODPP registered a consistent and upward trajectory in the fulfilment of its mandate. This was largely due to the support that we have received from the Government of Kenya, development partners and other external stakeholders for which we are grateful.

The ODPP Advisory Board has been instrumental in offering guidance with regards to recruitment, promotions and discipline of staff. We are thankful for their continued guidance.

In addition, we are grateful to the entire ODPP family for their professionalism, dedication and commitment to duty and we look forward to their continued input as we work towards transforming the ODPP into a more efficient, effective and accountable quality prosecution service delivery institution.

Dorcas Oduor, EBS, OGW
Secretary, Public Prosecutions

The Department of Conventional and Related Crimes is charged with the mandate of prosecuting Penal Code offences and other offences against the person.

The functions of the department include:

(i) Handling prosecutions in respect of offences against persons such as murder, armed robbery, assault, rape, defilement, criminal defamation and public order offences such as treason and terrorism;

(ii) Supervising the handling of prosecutions in respect of offences against persons and public order by county prosecution offices, including ensuring that these offices adhere to approved policies and guidelines and that they do submit periodic returns.



Jacob Ondari, OGW

Deputy Director of Public Prosecutions

DEPARTMENT OF CONVENTIONAL & RELATED CRIMES

The department has been instrumental in developing the Diversion Policy and Guidelines, Plea Bargaining Rules, Guidelines and Explanatory Notes and the Minimum Requirements for Decision to Charge in Traffic Cases.

Prosecutors in the department have been trained on alternatives to custodial sentences.

Gratitude is due to the ODPP family and particularly the officers working under my department for the team spirit, dedication and creation of synergies for effective inter and intra departmental collaboration.

The Department of County Affairs and Prosecution Services is mandated to advise the Director of Public Prosecutions on all matters relating to the 47 counties; supervise ODPP County Offices and ensure that all policies and guidelines are adhered to; propose policies and guidelines including making proposals; strategies and policies for better functioning of all ODPP County and Regional offices; carry out county visits and assess the operations and working environment of ODPP county and sub-county offices, and to supervise the 18 agencies exercising delegated prosecutorial powers.

During the reporting period, the Department undertook, among other activities, visits to county offices to evaluate their suitability to set up model county offices. During these visits, the Department assessed the available office space, staffing levels, office equipment, security, and mobile courts, after which they made recommendations to the Director of Public Prosecutions.



Nicholas K. Mutuku, OGW

Deputy Director of Public Prosecutions

DEPARTMENT OF COUNTY AFFAIRS & PROSECUTION SERVICES

The decentralisation of prosecution services to the 47 counties has ensured access to justice to the mwananchi. This has been made possible by the dedication of all staff working in different parts of this country, some of which are hardship areas, for their sacrifice and commitment to ensuring justice for all. This is in line with our clarion call *"Mashtaka Yenye Haki Na Usawa."*

The Department of Economic, Organized and International Crimes is divided into four (4) thematic divisions namely: Anti-Corruption and Economic Crimes; Narcotics, Organized Crimes and Cyber-Crimes; Banking and Anti-Money Laundering; and Land and Environment divisions.

The mandate of the Department is to prosecute cases relating to economic, international and emerging crimes such as corruption, bribery, money laundering, tax evasion, cyber-crime, fraud, land and environment, trade in small arms and light weapons and trafficking of persons, among other offences.

The Department has contributed to the development and review of key legislation and policies that have enabled the effective prosecution of corruption, economic and organized crimes. These include: The Bribery Act No. 47 of 2016, Public Procurement & Asset Disposal Act No. 33 of 2015, Computer Misuse & Cybercrimes Act, 2018, Whistleblowers Protection Bill and the ODP Prosecution of Corruption and Economic Crime Guidelines.



Emily Kamau, OGW

Deputy Director of Public Prosecutions

DEPARTMENT OF ECONOMIC, ORGANIZED & INTERNATIONAL CRIMES

The Department has also developed and implemented strategies pertaining to the fight against corruption. These strategies focus on high impact cases (involving senior State/public officials and large amounts of money), financial investigations and tracing of proceeds of crime (follow the money approach) and recovery of corruptly acquired assets, among others.

We are committed to effective and efficient prosecution of corruption, economic, organized and emerging crimes. Finally, I wish to register my gratitude to all the staff in the department who burn the midnight oil to ensure that the objectives of the department are achieved.

The Department of Corporate Affairs is tasked with overseeing the administrative function of the various ODPP departments for efficient and effective delivery on the ODPP mandate.

During the reporting period, the department was instrumental in the recruitment, promotion and rationalization of staff, procurement of goods and services, ICT infrastructure, and provision of prudent utilization of financial resources.



Kennedy K. Kimuyu,

Deputy Director Corporate Affairs

DEPARTMENT OF CORPORATE AFFAIRS

The focus of the department is to provide efficient facilitation and support that will ensure seamless operations within the ODPP.

Prosecution Training Institute (PTI)

Towards achieving its mandate, the Office of DPP established the Prosecution Training Institute (PTI) in October 2018. The Institute is set to become a centre of excellence in the execution of quality prosecutorial and related capacity building programs within the criminal justice sector across the Eastern Africa Region.

It is envisioned that PTI will create a platform for prosecutors and criminal law practitioners to keep abreast of international standards and best practices that are required in the ever-changing criminal justice sector. This will contribute towards the enhancement of the quality of prosecutorial services locally and in the region.



Rodah Ogoma,

Acting Deputy Director PTI

PROSECUTION TRAINING INSTITUTE

The PTI, in collaboration with development partners and stakeholders is in the process of developing a training curriculum. This curriculum will aid in capacity building within the criminal justice sector.

Executive Office of the DPP

The Executive Office of the DPP oversees all the operations of the ODPP and makes reports on the same to the DPP. The Executive Office of the DPP performs the following functions:

(i) Serves as the primary point of contact for stakeholders and partners on matters pertaining to the affairs of the Office.

(ii) Co-ordinates the executive outreach and external relations between the ODPP and external stakeholders.

(iii) Spearheads accountability through the preparation of statutory and other reports.

(vii) Spearheads the standardization of procedures and processes.



Lillian Obuo, OGW

Chief of Staff

EXECUTIVE OFFICE OF THE DPP

The Executive Office is managed by a dedicated team committed to ensure the delivery of the ODPP's mandate and the efficient running of the ODPP. The office has developed key policies and operational guidelines.

Lastly, I wish to thank the team that compiled this report. The team includes Lilian Obuo, Beatrice Omari, Kennedy Ndwiga, Irene Maina, Gitonga Murang'a, Eddie Kaddebe, Gladys Kariuki, Samita Mang'oli, Musa Sere, Emily Kiu, Angela Okallo, Winnie Kabinga, John Njue, Trevor Chunga, Laila Daya, Jemimah Aluda, and Nelson Mwangi.

The ODPP Advisory Board



Front Row (L-R):
Mr. Allen Gichuhi, Mr. Noordin M. Haji, Ms. Ann Amadi

Back Row (L-R):
Mr. Bonface Simba, Mr. Simon Angote, Mr. Victor Kamau, Ms. Alice Ondieki, Ms. Dorcas Oduor, Mr. John Kariuki

Executive Summary

This Report covers the period July 1st 2017 to June 30th 2020, and is submitted to His Excellency the President, Parliament as required by Article 254 of the Constitution of Kenya and Section 7 of the ODPP Act, 2013.

The report presents the performance of the ODPP in the execution of its mandate, highlights the achievements, challenges and the current status of its undertakings. It also shares on the output of the various departments of the ODPP. The report also gives an overview of the Office's reinvigorated efforts towards the fight against corruption.

The report is presented in 9 chapters summarised as follows:

Chapter One introduces the Office of the Director of Public Prosecutions as established under Article 157 of the Constitution, its mandate, functional and administrative structure.

Chapter Two outlines the strategic focus adopted by the ODPP towards service delivery by utilizing its three pronged approach of Re-casting , Re-learning and Re-tooling.

Chapter Three gives an overview of the prosecution performance. It provides statistical analysis of cases handled and makes mention of noteworthy cases including those of significant jurisprudential value.

Additionally, the chapter considers the various thematic areas, conviction/success rates on matters handled and the general processing of cases.

Chapter Four discusses anti-corruption as a priority area during the period covered by this report and the strategies employed by the ODPP in the fight against corruption. Throught this initiative, 53 cases involving top government officials were registered, involving more than KShs. 224 B. Among those in court are seven Cabinet Secretaries/Permanent Secretaries, 11 Governors/Senior County officials, 22 Directors/CEOs and seven Members of Parliament.

Chapter Five discusses the response by the Office during the COVID-19 pandemic. The Office put in place measures to ensure that it continued uninterrupted with its mandate, while prioritising the safety of its staff across the country.

Chapter Six focuses on financial accountability, which entails budget allocation and utilisation, gap analysis and challenges.

Chapter Seven sets out what the Office was able to achieve during the period covered by this Report. These achievements include development of a Case Management System to enhance service delivery, development of Decision to Charge Guidelines to enhance professionalism and consistency in decision making, alternatives to prosecution policies and guidelines such as plea-bargaining, diversion and deferred prosecution to enhance access to justice and speedy resolution of cases. Through these measures, the Office recovered Kshs. 385 million from five banks in 'NYS 2' and Kshs. 24.5 million in 'NYS 1'. The Office also recovered public land. The Office further operationalised the Prosecution Fund under Section 45 of the ODPP Act out of which Kshs. 2 billion was transmitted to the Treasury to aid in the Government's fight against COVID-19. The Office has also established the Prosecution Training Institute to enable continuous capacity building in the criminal justice sector.

Chapter Eight discusses the challenges impacting on the Office's efforts in delivering on its mandate and makes recommends strategic actions to deal with them.

Chapter Nine discussess strategic interventions that the ODPP intends to adopt in addressing emerging crimes and criminal trends.

The ODPP hopes that this report will satisfy the expectations of His Excellency, the President and Parliament and that it will also enlighten the general public and other stakeholders in the criminal justice sector on steps being taken by the ODPP towards fulfilling its obligation to the Kenyan public in accordance with our clarion call ***"Mashtaka Yenye Haki Na Usawa."***

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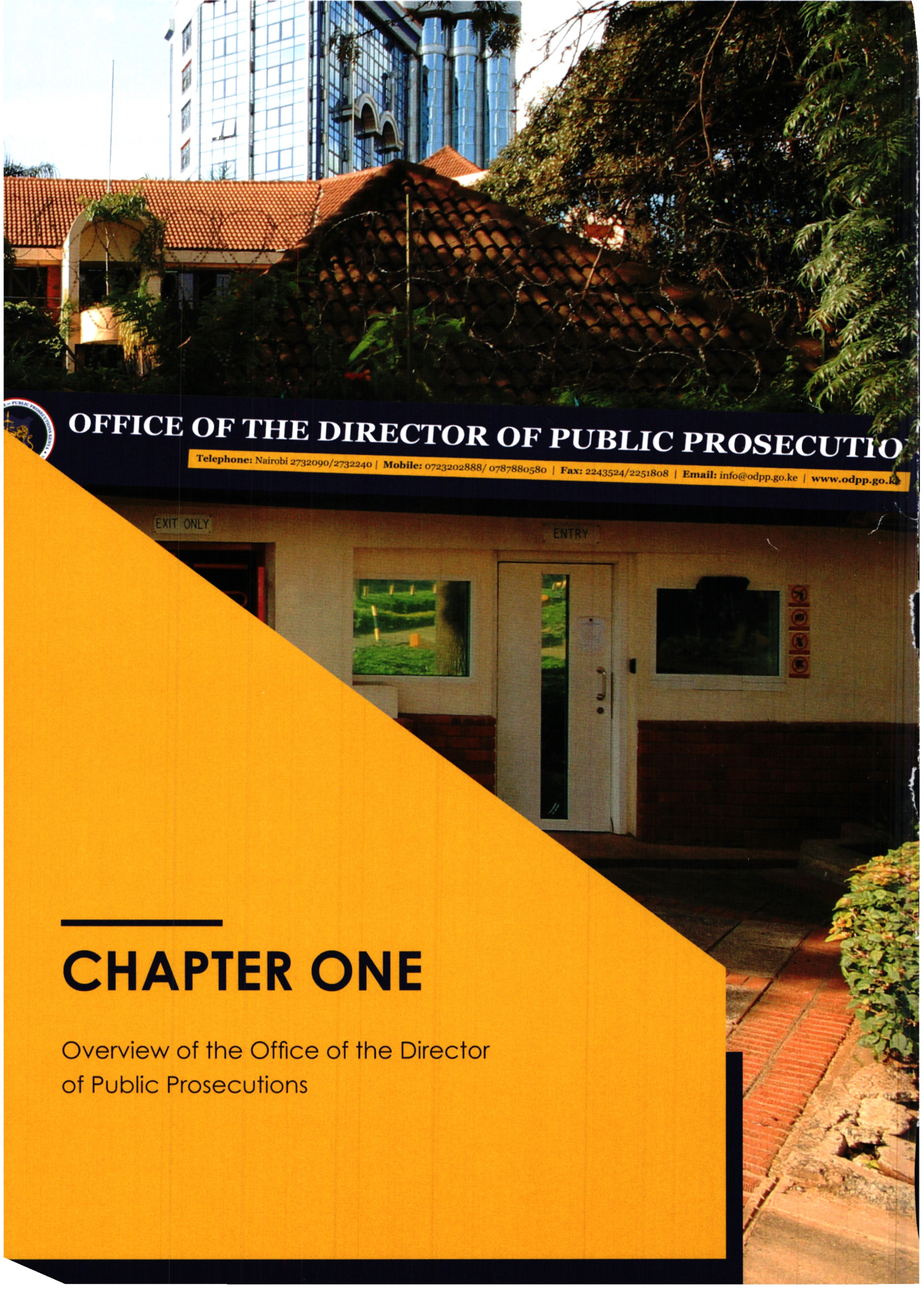
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Abbreviations

ACECA Anti-Corruption and Economic Crimes Act
ARIN Asset Recovery Inter-Agency Network for East Africa
AG Attorney General
AGA Attorney General Alliance
BHC British High Commission
CPC Criminal Procedure Code
CUC Court Users Committee
CWAG Conference of Western Attorneys General
DCI Directorate of Criminal Investigations
DPA Deferred Prosecution Agreements
DPP Director of Public Prosecutions
EACC Ethics and Anti-Corruption Commission
EAAP East Africa Association of Prosecutors
ESAAMLG Eastern and Southern Africa Anti-Money Laundering Group
EU European Union
FATF Financial Action Task Force
FRC Financial Reporting Centre
GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit (German Agency for International Co-operation)
GLJCN Great Lakes Judicial Co-operation Network
HRM Human Resource Management
IAP International Association of Prosecutors
ICPAK Institute of Certified Public Accountants of Kenya
ICJ International Court of Justice
ICU Internal Compliance Unit
ICT Information Communication Technology
IEBC Independent Electoral and Boundaries Commission
IEC Information, Education and Communication
IJM International Justice Mission
IPOA Independent Policing Oversight Authority
JLAC Justice and Legal Affairs Committee
KAA Kenya Airports Authority
KENASA Kenya National Secretaries Association
KEPSA Kenya Private Sector Alliance
KRA Kenya Revenue Authority
KWS Kenya Wildlife Service
LSK Law Society of Kenya
LWOB Lawyers Without Borders
MATT Multi-Agency Task Team
MAT Multi-Agency Team
MLA Mutual Legal Assistance
MoH Ministry of Health
MoU Memorandum of Understanding
NACP Network of Anti-Corruption Prosecutors
NCAJ National Council on the Administration of Justice
NCIC National Cohesion and Integration Commission
NEMA National Environment Management Authority
NITA National Institute of Trainers
NIS National Intelligence Service
NLC National Land Commission
NPS National Police Service
OAG Office of the Auditor General
ODPP Office of the Director of Public Prosecutions
OHCHR Office of the United Nations High Commissioner for Human Rights
PAC Public Accounts Committee
PLEAD Programme for Legal Empowerment and Aid Delivery in Kenya
POCAMLA Proceeds of Crime and Anti-Money Laundering Act
PTI Prosecution Training Institute
SGBV Sexual and Gender Based Violence
UNEP United Nations Environmental Programme
UNICEF United Nations Children's Fund
UNFPA United Nations Population Fund
UNODC United Nations Office on Drugs and Crime
USDOJ United States Department of Justice
WHO World Health Organisation
WPA Witness Protection Agency
YCTC Youth Correctional and Training Centre



CHAPTER ONE

Overview of the Office of the Director of Public Prosecutions

1.0 Introduction

The Office of the Director of Public Prosecutions (ODPP) is established under Article 157 of the Constitution of Kenya. The Office is mandated to exercise State powers of prosecution. It is empowered to institute and undertake criminal proceedings against any person before any court, other than a court martial, in respect of any offence alleged to have been committed.

The ODPP is an independent office and the DPP does not require consent from any person or authority in exercising his powers or functions as stipulated in Article 157 (10) of the Constitution.

The ODPP strives to provide quality, impartial, effective and efficient prosecution services in Kenya. In this regard, the Office has established Offices in all the 47 counties and presence in all the 123 court stations in Kenya with its headquarters in Nairobi City. The ODPP has set-up nine regional offices to provide oversight and co-ordinate prosecution services in the counties.

1.1 Mandate and Functions of the DPP

The mandate of the ODPP, as provided under Article 157 of the constitution of Kenya 2010, is to exercise State powers of prosecution and may:

- Institute and undertake criminal proceedings against any person before any court of law other than the court martial in respect to any offence alleged to have been committed by any person;
- Take over and continue with any criminal proceedings commenced in any court by any person or authority with the permission of the person or authority; and
- Discontinue, at any stage before judgment is delivered, any criminal proceedings with the permission of the court.

Further, the ODPP under Article 157 (6) has powers to direct the Inspector General of the National Police Service to investigate any information or allegation of criminal conduct and the Inspector General shall comply with any such direction.

functions and powers of the DPP include (Section 5(4) of the ODPP Act):

(a) promote appropriate standards of practice by public prosecutors, assistant prosecutors, and any other person exercising prosecutorial authority under this Act;

(b) implement an effective prosecution mechanism so as to maintain the rule of law and contribute to fair and equitable criminal justice and the effective protection of citizens against crime;

(c) cooperate with the National Police Service, investigative agencies, the courts, the legal profession and other Government agencies or institutions so as to ensure the fairness and effectiveness of public prosecutions;

(d) set the qualification for the appointment of prosecutors;

(e) review a decision to prosecute, or not to prosecute, any criminal offence;

(f) advise the State on all matters relating to the administration of criminal justice; and

(g) do all such other things as are necessary or incidental to the performance of its functions under the Constitution, this Act or any other written law.

In ensuring that the Office delivers on its mandate, the DPP has regard to the public interest, the interest of the administration of justice and the need to prevent and avoid abuse of the legal process as enshrined under Article 157 (11) of the Constitution.

1.2 Accountability and Reporting of the Office

Pursuant to Article 254(1) of the Constitution of Kenya and Section 7 of the ODPP Act, the DPP is accountable to the Kenyan public. It is required to present an annual report to H.E. the President and to Parliament on the performance of the ODPP and the overall fulfilment of the object and purpose of the Office under the Constitution, the Act and any other written law. The DPP may also be required, on a need basis, to present a report to National Assembly or the Senate on a matter of national or public interest.

1.3 Organisational Structure

The ODPP is organised into departments that take cognizance of thematic areas and staffing levels within the organisation. Prior to the reporting period 2018/2019, the Office was organised into four departments namely:
- Offences against the Person, County Affairs and Regulatory Prosecutions, Economic, International and Emerging Crimes, and Central Facilitations.

Periodic assessment of the Office performance identified gaps that necessitated a review of the Organisational Structure. This resulted in the establishment of the PTI, various units and regional offices.

Prosecution Training Institute (PTI):
The Office has established the Prosecution Training Institute with the mandate of equipping staff with the expertise and skills needed to effectively discharge their respective duties.

The review of the organisational structure also resulted in the renaming of the previous departments. The departments in the new organisational structure are Conventional and Related Crimes; County Affairs and Prosecution Services; Economic Organized and International Crimes; and Corporate Affairs. Each of the Departments is headed by a Deputy Director, who assists the DPP in day-to-day management of the Office.
The Executive Office of the DPP, was also established to offer the DPP with technical and general administrative support.

Lastly, in addition to the establishment of the PTI, the various units and the renaming of the previous departments, nine Regional Offices were also established to enhance access to justice by the public. These regions are:

Coast comprising Mombasa, Kwale, Kilifi, Tana River Lamu and Taita Taveta;

North Eastern comprising Garissa, Wajir, Mandera and Marsabit;

Lower Eastern comprising Isiolo, Meru, Tharaka Nithi, Embu and Kitui;

Central comprising Nyeri, Kirinyaga, Muranga and Laikipia;

South Rift comprising Nakuru, Nyandarua, Baringo, Narok, Kericho and Bomet;

North Rift comprising Uasin Gishu, Samburu, Turkana, West Pokot, Trans Nzoia, Elyeyo Marakwet and Nandi;

Western comprising Kakamega, Vihiga, Bungoma and Busia;

Nyanza comprising Kisumu, Siaya, Homa Bay, Migori, Kisii and Nyamira; and

Nairobi comprising Nairobi, Machakos, Makueni, Kiambu and Kajiado.

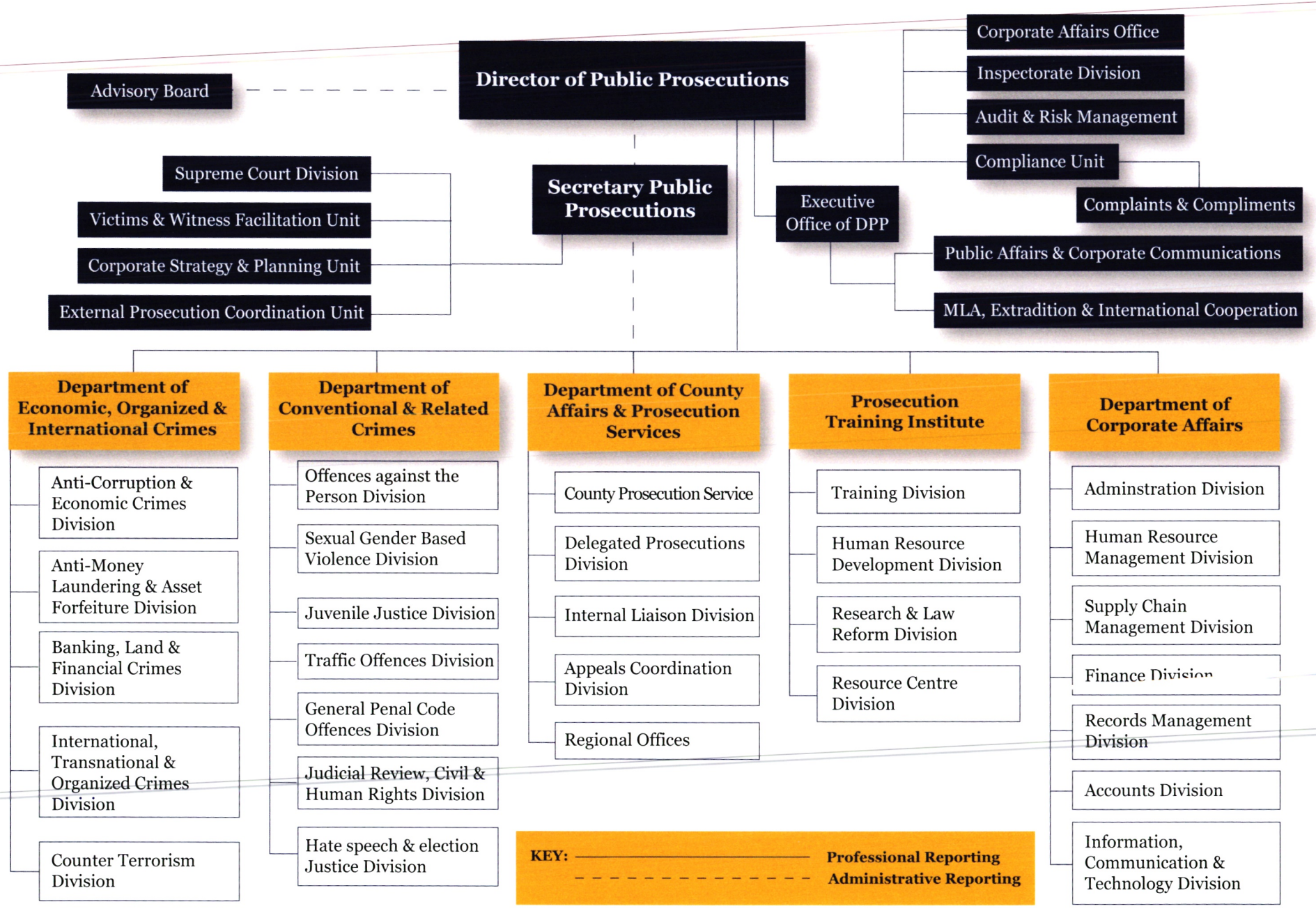


Figure 1.0: Current Organisation Structure

Below: Heads of regions



ALLOYS KEMO
HEAD, COAST REGION



CHARLES ORINDA
HEAD, NORTH EASTERN REGION



DANIEL KARURI
HEAD, SOUTH RIFT REGION



FREDAH MWANZA
HEAD, NORTH RIFT REGION



JACINTA NYAMOSI
HEAD, NAIROBI REGION



JOSEPH GIKONYO
HEAD, LOWER EASTERN REGION



PATRICK GUMO
HEAD, WESTERN REGION



PETER MAILANYI
HEAD, CENTRAL REGION

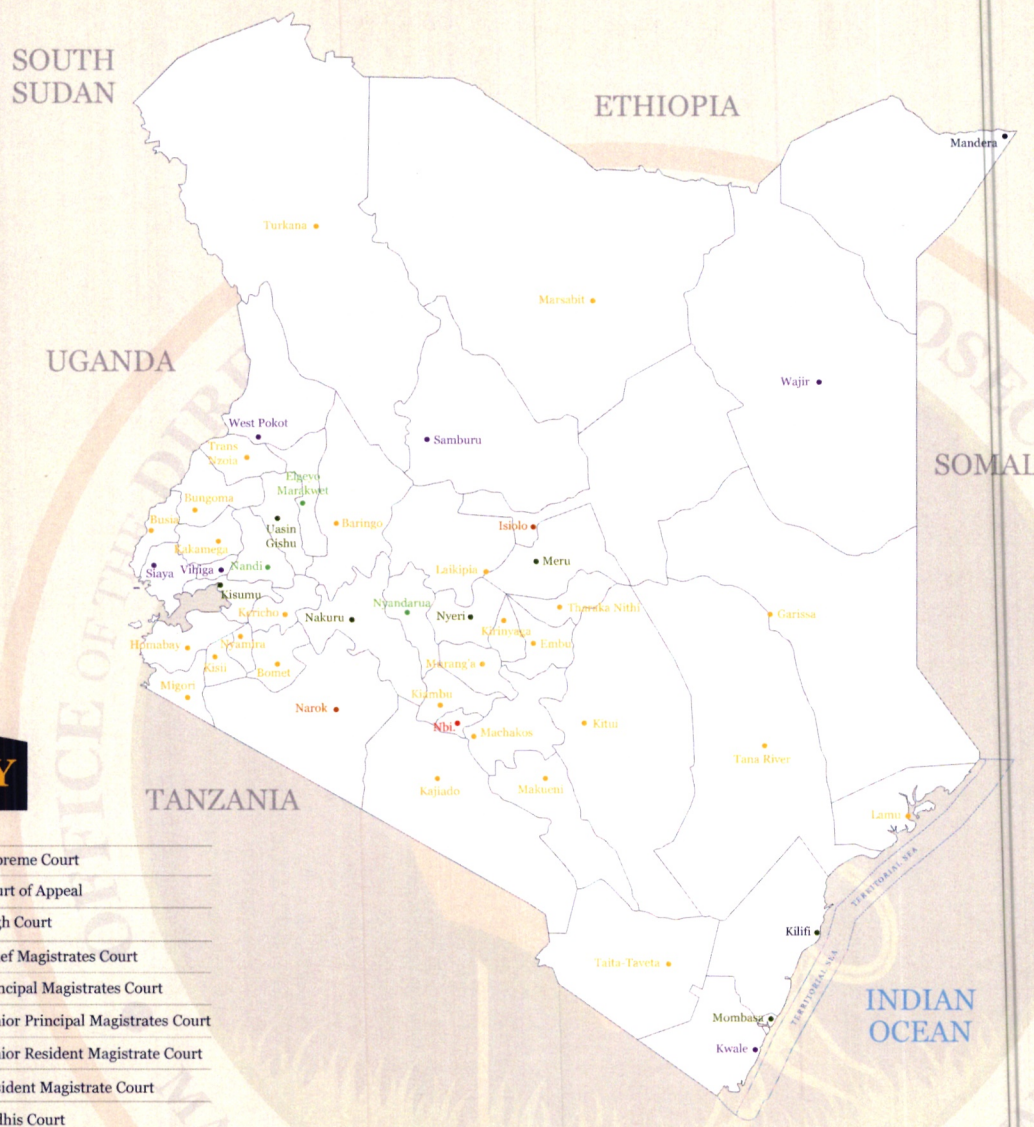


VICTOR MULE
HEAD, NYANZA REGION



The DPP, SPP, DDPP, Regional and County heads

ODPP COUNTY OFFICES



KEY

- Supreme Court
- Court of Appeal
- High Court
- Chief Magistrates Court
- Principal Magistrates Court
- Senior Principal Magistrates Court
- Senior Resident Magistrate Court
- Resident Magistrate Court
- Kadhis Court

REGIONAL OFFICE CONTACTS:

Coast Region: 041-2222011

North Eastern Region: 046-2102362

Lower Eastern Region: 068-2231227

Central Region: 061-2030698

South Rift Region: 053 – 8008373

North Rift Region: 053-2031781/053-2060110

Nyanza Region: 057 -2024620

Western Region: 056 – 31049

Nairobi Region: 020-2732090

01 **Mombasa**
Shanzu
Tononoka

02 **Kwale**
Msambweni

03 **Kilifi**
Malindi
Kaloleni
Mariakani

04 **Tana River**
Garsen
Hola

05 **Lamu**
Mpeketoni

06 **TaitaTaveta**
Voi
Taveta
Wundanyi

07 **Garissa**

08 **Wajir**

09 **Mandera**

10 **Marsabit**
Moyale

11 **Isiolo**

12 **Meru**
Maua
Nkubu
Tigania/Kianjai
Githongo

13 **Tharaka-Nithi**
Chuka
Marimanti

14 **Embu**
Runyenjes
Siakago

15 **Kitui**
Mwingi
Kyuso
Mutomo

16 **Machakos**
Kangundo
Mavoko
Kithimani

17 **Makueni**
Wote
Makindu
Makueni
Tawa
Kilungu

18 **Nyandarua**
Engineer
Ol-kalau

19 **Nyeri**
Othaya
Mukurwe-ini
Karatina

20 **Kirinyaga**
Kerugoya
Wang'uru
Baricho
Gichugu

21 **Murang'a**
Kangema
Kandara
Kigumo

22 **Kiambu**
Thika
Limuru
Gatundu
Ruiru
Kikuyu
Githunguri

23 **Turkana**
Lodwar
Kakuma

24 **West-Pokot**
Kapenguria

25 **Samburu**
Maralal
Wamba

26 **Trans-Nzoia**
Kitale

27 **Uasin-Gishu**
Eldoret

28 **Elgeyo-Marakwet**
Iten

29 **Nandi**
Kapsabet

30 **Baringo**
Kabarnet
Eldama Ravine

31 **Laikipia**
Nanyuki
Nyahururu

32 **Nakuru**
Naivasha
Molo

33 **Narok**
Kilgoris

34 **Kajiado**
Ngong
Oloitoktok

35 **Kericho**

36 **Bomet**
Sotik

37 **Kakamega**
Butali
Butere
Mumias

38 **Vihiga**
Hamisi

39 **Bungoma**
Webuye
Sirisia
Kimilili

40 **Busia**

41 **Siaya**
Ukwala
Bondo

42 **Kisumu**
Tamu
Maseno
Winam
Nyando

43 **Homabay**
Oyugis
Ndhiwa
Mbita

44 **Migori**
Kehancha
Rongo

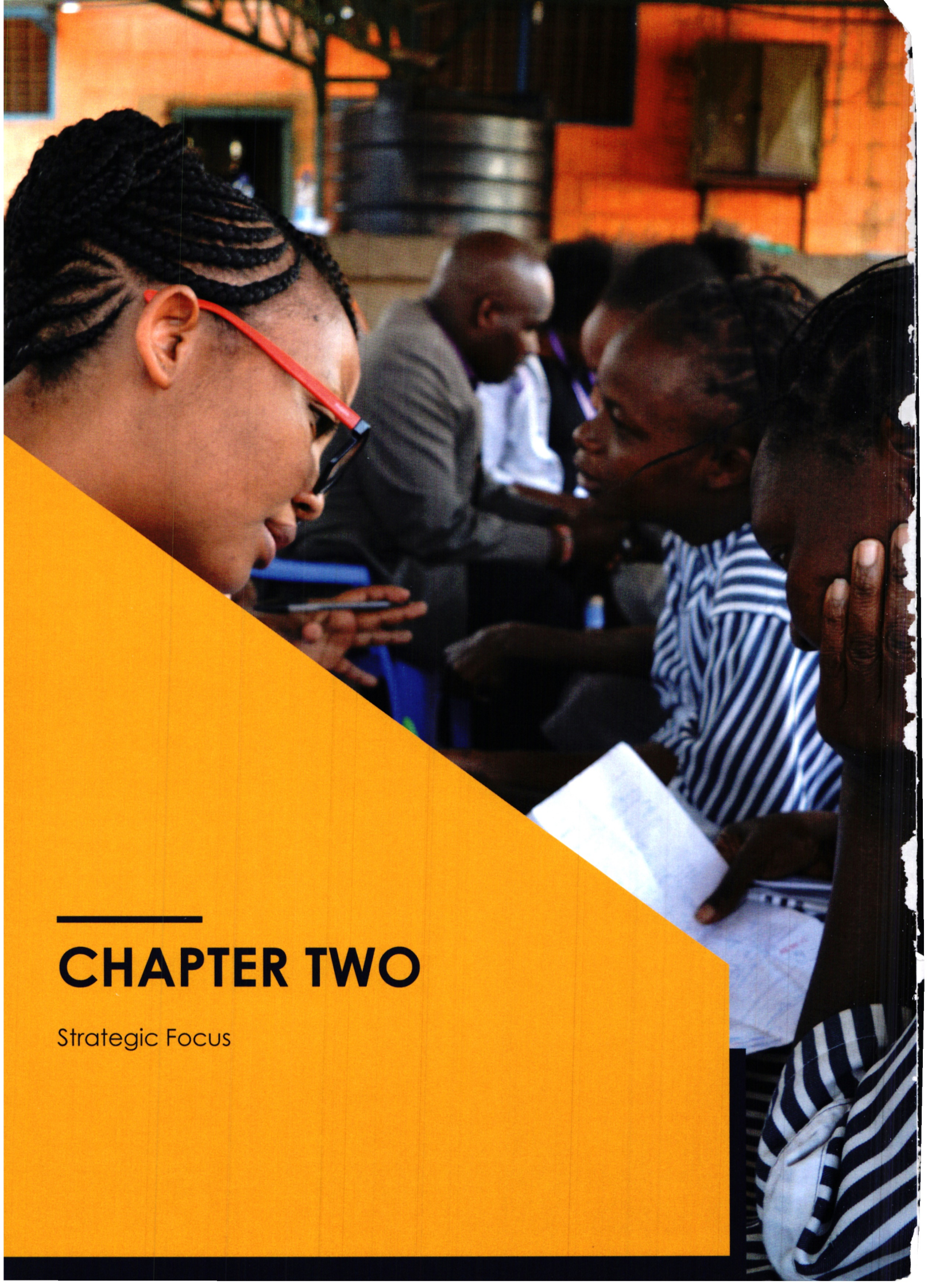
45 **Kisii**
Ogembo

46 **Nyamira**
Keroka

47 **Nairobi**
Milimani
Makadara
JKIA
Kibera
City Court

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CHAPTER TWO

Strategic Focus

2.0 Introduction

The strategic focus of the Office during the period covered by this report was guided by the Strategic Plan (SP) 2016-2021 which was inaugurated in 2017 under the then DPP, Keriako Tobiko CBS, SC. The Strategic Plan outlines five strategic objectives.

1. To deliver quality prosecution services;
2. To enhance the capacity of the ODPP to deliver its mandate;
3. To review policies and legal frameworks for public prosecutions;
4. To modernize ODPP processes and procedures; and
5. To strengthen partnerships and collaborations.

The 2016-2021 Strategic Plan objectives were realigned to fit into the current DPP's vision, which is aimed at enhancing accountability, transparency, public confidence and quality control.

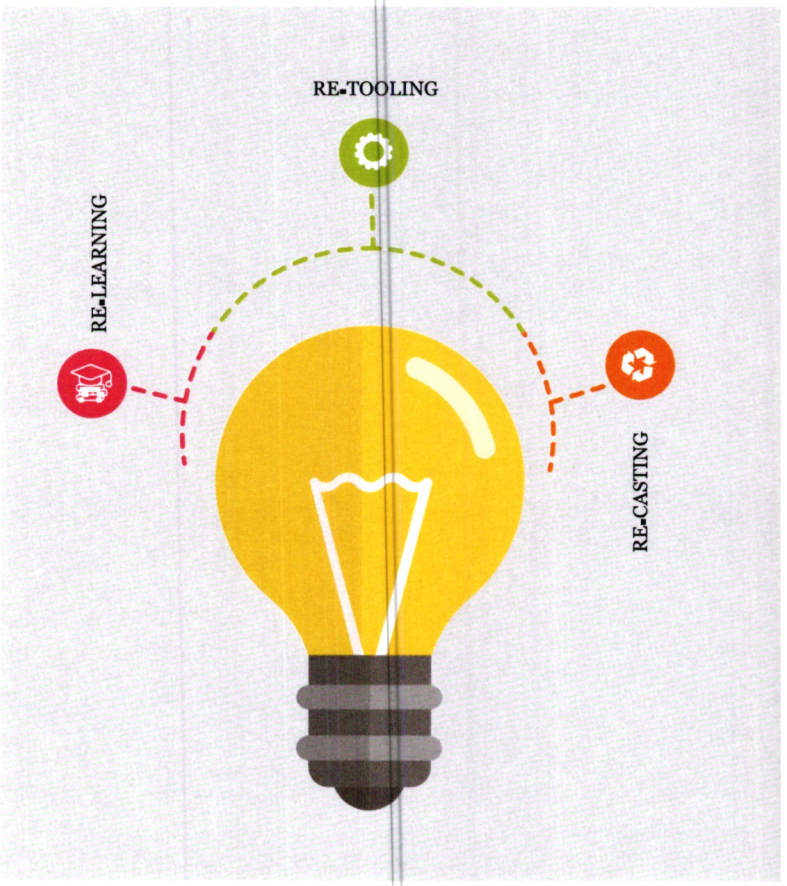
In seeking to achieve these objectives, the current DPP Noordin Haji, adopted three thematic approaches aimed at transforming the ODPP into a service that is more responsive to the citizen's needs. These are: **Re-Casting**, **Re- Tooling** and **Re-Learning**.

Under **Re-Casting**, the Office envisages a three C approach of collaboration, co-operation and co-ordination to reshape how the ODPP operates. The Office is working to create synergies that will work seamlessly to bring about an effective, efficient and accountable institution.

The ODPP is collaborating with local and international institutions and partners involved in the governance, justice, law and order sectors. The Office seeks to further strengthen and deepen these collaborations.

Under **Re-Tooling,** the Office made an effort to strengthen, enhance and grow the existing infrastructure by championing a case management system that is holistic and integrated. The end goal is to have a system that will link the whole criminal justice chain from Investigators, Prosecutors, the Judiciary and the Correctional Services.

Under **Re-Learning**, the Office seeks to equip its staff with the requisite skills and equipment necessary to deliver on its mandate within a global context.



2.1 STRATEGIC OBJECTIVE 1: To deliver quality prosecution services

2.1.1 Maintain high prosecution standards to achieve independent, fair and effective prosecutions

To ensure that prosecutions are successful, the ODPP has deployed several measures:

(a) Policies and guidelines for handling prosecutions

The ODPP has developed several policies and guidelines which it relies on to ensure that the prosecution services are effective, independent and fair.

Such policies and guidelines include: -

(i) Decision to Charge Guidelines;

(ii) Diversion policy;

(iii) Plea Bargaining Rules and Guidelines; and

(iv) Traffic Offences Guidelines.

(b) Adequately prepare and effectively prosecute criminal cases in court

In order to ensure effective preparation and prosecution of cases, the ODPP has come up with the following strategies:

(i) Courtroom disclosures

Disclosure is a legal obligation placed on the prosecution to reveal the evidence it intends to rely on during the prosecution of its case. To ensure that the ODPP meets this obligation in a manner that expedites hearings, the ODPP in collaboration with the courts, has adopted pre-trial conferences.

(ii) Prosecution guided investigations

The ODPP has adopted prosecution guided investigations that involve the prosecution counsel and the investigators working together in a consultative manner when it comes to investigations and drafting of the final charges to be preferred. This method ensures accountability and the proper framing of charges.

(iii) Use of experts in prosecutions

Due to the increasing complexity and evolving nature of crime, it has become necessary to involve experts in both investigations and prosecutions. These include: financial analysts, medical and forensic experts amongst others who would ensure that the prosecution counsel handling the case gets a good understanding of the technical aspects of the cases they handle.

(c) Facilitation of victims of crime and witness support

The Office has established the Victims of Crime and Witnesses Support Unit to ensure that witnesses and victims are facilitated during criminal trials.

It is for this reason that the ODPP established a Witness and Victim Facilitation Fund to facilitate attendance of witnesses in court and in pre-trial sessions. Witness pre-trial sessions are a requirement for effective prosecution because the prosecution counsel gets to meet the witnesses before the trial to discuss any issues before presentation of evidence during trial.

(d) Alternatives to prosecution

Article 159 of the Constitution provides for dispute resolution mechanisms that include mediation, reconciliation and negotiation. These mechanisms are largely used during prosecution to shorten the trial process and reduce the backlog of cases.

The Office has adopted the following strategies as alternatives to prosecution:

(i) Diversion

Diversion is a means of resolving criminal cases without resorting to the full judicial proceedings. The programme seeks to rehabilitate individuals rather than punish them, especially when it comes to petty offences. The Office has developed a diversion policy in line with the national prosecution policy and the general prosecution guidelines. The policy establishes a national standard for diversion to ensure that it is implemented in a consistent and fair manner.

(ii) Plea Bargaining

The Office drafted and operationalised Plea Bargaining Rules, guidelines and explanatory notes. Plea Bargaining is a negotiation towards an agreed settlement of a criminal case between the prosecution and the accused person.

This mechanism will ensure the speedy conclusion of cases and reduce backlog of cases. It will encourage co-operating accused persons to become witnesses, and facilitate in the investigations and prosecution of crimes. It applies to all criminal cases except sexual offences,

genocide offences, war crimes and crimes against humanity.

The UNODC/PLEAD facilitated the development of policy guidelines and IEC material for Diversion and Plea Bargaining.

(iii) Traditional justice mechanisms

Traditional justice mechanisms are mainly used in specific regions where community leaders resolve the disputes and conflicts within the community, including disputes involving criminal acts.

(iv) Warnings/cautions

These are mainly applicable in petty offences like traffic offences and in matters related to juveniles. The offender has to acknowledge that he/she has committed an offence and should be remorseful.

(v) Deferred prosecution agreements

This is a voluntary alternative to adjudication in which the prosecutor agrees to defer prosecution in exchange of the accused person/ suspect agreeing to fulfil certain requirements.

For example, a case of corporate fraud would be settled by the defendant agreeing to pay fines, implement corporate reforms and fully co-operate with the investigations. During the period covered by this report, the Office entered into out of court settlements with five banks that had been accused of failure to report suspicious transactions.

2.1.2 To enhance the capacity of the ODPP to deliver on its mandate.

ODPP staff have been exposed to opportunities that are aimed at improving professional skills across all job cadres. Teamwork has also been enhanced to aid seamless operations in the Office.

The Office adopted the following strategies in enhancing the capacity of its staff:

(a) Continued comprehensive training for staff

During the period covered by this report, trainings and professional development opportunities were offered on a wide range of topics such as senior management and secretarial courses and strategic leadership development programs, amongst others.

The ODPP staff also took part in other trainings that involved other partner agencies, including the National Police Service (NPS), Kenya Wildlife Service (KWS), Kenya Revenue Authority (KRA), Kenya Airports Authority (KAA), National Environment Management Authority (NEMA) and the Judiciary, amongst others.

(b) Establishment of the Prosecution Training Institute (PTI)

During the period under review, the Office operationalised the PTI as a department with staff and trained facilitators in thematic areas. The Office further negotiated and acquired a parcel of land for the construction of the PTI campus. The campus will have adequate space to establish adequate facilities that will aid in offering quality training programs.

The PTI is the first of its kind in the Eastern Africa Region, being an institute that specializes in matters that are unique to prosecution service and capacity building in the criminal justice sector. The Institute has a unique opportunity to improve the quality of prosecutions and service delivery through the provision of world class continuous trainings to prosecutors and other officers in the criminal justice system. It is envisioned that PTI will be a hub for initiating, planning and executing competitive prosecutorial and related capacity building programmes.

The Prosecution Training Institute shall specifically:

(i) Offer quality prosecution programmes for prosecutors and stakeholders in the criminal justice system both locally and regionally;

(ii) Undertake research, monitors crime trends and recommends law reforms in areas of prosecutions;

(iii) Maintain a functional resource centre for prosecutors and criminal justice stakeholders; and



An artistic impression of the Prosecution Training Institute

(iv) Have in place requisite infrastructural facilities for specialized training of ODPP staff and stakeholders in the criminal justice sector.

(c) Curriculum for training prosecutors

The Institute is in the process of developing a curriculum framework which will guide in the training of prosecutors and other staff/workers within within the criminal justice system. So far the Institute has trained 104 officers during their induction. UNODC supported the development of the training curriculum through facilitation of a Training Needs Assessment (TNA) across the country.

(d) Specialised training in thematic areas

The Office put in place measures to equip prosecutors with the requisite skills required to handle specialised prosecution especially in areas of emerging crimes and trends. These trainings covered the following thematic areas; Wildlife Crimes, Economic Crimes, Organized Crimes, Human Trafficking Crimes, International Crimes, Counter-terrorism and Transnational Crimes.

(e) Mentorship programme

The Office is in the process of implementing mentorship guidelines to support newly recruited staff and deployed staff.



DPP with ODPP Pupils during their induction

During the period covered by this report, the ODPP undertook placement of pupils and interns with 62 students being placed on attachment for a period of six months. 22 interns were placed on internship for a period of three months.

The internship program enables unemployed graduates to gain hands-on skills and experience needed to enhance their prospects of employment. The program is in accordance with the Constitution of Kenya which requires the State to take measures that ensure the youth gain access to relevant training and employment.

(f) Collaboration with other training institutes

The ODPP signed an MoU with the Brazil Institute of Higher Learning (ESMPU) on the 13th of September 2019. The objective of the MoU is to establish a partnership of mutual interest in training and research areas.

Additionally, the ODPP visited the National Institute of Trainers (NITA-USA) to learn best practices for the management and running of the PTI.

2.1.3 Enhance capacity to handle new and emerging crimes

(a) Initiate legislation on new and emerging crimes

Trends in crime are ever changing. This means that new laws have to be developed in order to tackle new crimes. The ODPP has a standing Law Reform Committee that identifies various legislative gaps and makes proposals for ammendments.

(b) Capacity building

Capacity building attracted a lot of support from ODPP partners, and the Office was able to reasonably equip its officers despite budgetary constraints experienced. Newly recruited prosecutors underwent trial advocacy training to equip them with basic skills for the performance of their duties.

(c) Library and Information Resource Centre

The Library and Information Resource Centre supports the prosecution and general administrative work of the office by selecting, acquiring, processing, storing and disseminating relevant information resources to all members of staff. The Library and Information Resource Centre is resourced with the following;

i) Law Reports;

ii) Text books on different fields and disciplines;

iii) Government and ODPP policy documents; and

iv) Reprographic services, among others.

The Centre periodically carries out review on its stock and undertakes research on the most current material on all thematic areas to ensure that the ODPP staff keep abreast of emerging issues in criminal justice, crime and trends.

During the period covered by this Report, the Centre managed to decentralize to the regions with Mombasa, Nakuru, Kakamega, Eldoret and Embu offices having functional facilities. At the headquarters, the facility was revamped with additional computers and a functional network system that enabled an e-library thereby facilitating user access to resources online.

2.1.4 Quality assurance of prosecution services

The Office has taken the following steps to enhance the quality of prosecution services:

(a) Case audits to monitor compliance levels with policies and guidelines

The ODPP is involved in the continuous screening of case processes at all levels to guarantee that prosecutors are applying the National Prosecution Policy and various guidelines in place. This is to ensure that there is consistency in the execution of duties. The prosecutor is further obliged to review the evidence from time to time to ensure that the case before the court is one that is merited.

(b) Integrity and Quality Assurance

The Office has established the Complaints and Compliments Division to handle complaints lodged by members of the public against the conduct of ODPP staff. The Division is mandated with ensuring that the Code of Conduct is observed and that integrity standards are maintained at all times by the ODPP staff. The Division

has standard operating procedures and guidelines that advise on action to be taken in the determination of cases before it.

The Complaints and Compliments Division also enforces compliance by ensuring that the conduct of staff is in conformity with Chapter Six of the Constitution.

The Office has also established an Internal Compliance Unit which is mandated to evaluate the performance of the Office's operations and provide recommendations and guidelines towards performance enhancement. The Internal Compliance Unit and the Complaint and Compliments Division work hand in hand to ensure accountability, transparency, legitimacy and quality within the Office.

2.2 STRATEGIC OBJECTIVE 2: To strengthen partnerships and collaborations

The ODPP has promoted and advocated for collaboration with agencies in the criminal justice system. This has led to exchange of ideas, sharing of information and adoption of best practices.

2.2.1 Strategies in collaborations

The Office has collaborated with partners and stakeholders through prosecution guided investigations and establishment of multi-agency teams, among others as discussed below:

(a) Enhance local, regional and international collaborative frameworks

(i) Prosecution-guided investigations

Prosecution-guided investigations were adopted by the Office as a means of ensuring that investigations are carried out efficiently. It involves collaboration between ODPP prosecutors and the investigative bodies during the investigations. In this regard, prosecutors are tasked to provide technical guidance during investigations.

(ii) Establishment of Multi-Agency Teams

During the period covered by this Report, the Office spearheaded the establishment of multi-agency teams in a bid to enhance effective investigations and prosecutions.

These multi-agency teams consist of officers from the Ethics and Anti-corruption Commission, Directorate of Criminal Investigation, Kenya Revenue Authority, and other relevant agencies within the criminal justice system involved in the investigations and prosecutions of high profile organized crimes like anti-corruption, terrorism and drug trafficking. The multi-agency teams are co-ordinated from the regional level by the regional co-ordinators in Western Region, Central Region, Lower Eastern Region, Nyanza Region, Coast Region, Nairobi Region, North Rift Region, North Eastern Region and South Rift Region.

(iii) Multi-Agency Task Team (MATT) on Corruption

The MATT was established in response to the need to have a multi-pronged and co-ordinated approach in the fight against corruption and economic crimes. The MATT is headed by the Attorney General who reports directly to the President. The membership of MATT is drawn from the Office of the Director of Public Prosecutions, Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI) and National Intelligence Service (NIS).

(iv) National Council on the Administration of Justice (NCAJ)

The NCAJ is established under section 34 of the Judicial Service Act (No. 1 of 2011) with the following state agencies consituting its membership: the Judiciary, the State Law Office, the Office of the Director of Public Prosecutions, the National Police Service, Kenya Prison Service, the Ministry of Gender, Children and Social Development, Ministry of Labour, Environment and Land, Witness Protection Agency, and the Probation and Aftercare Services. Other members have been co-opted into the NCAJ in its deliberations in order to further enhance co-operation among the various actors within the justice sector and include, the Legal Resources Foundation, Ministry of Defence, Kenya Law Reform Commission, the Commission on Administrative Justice,

the Kenya National Commission of Human Rights, the National Council for Law Reporting and the Independent Electoral and Boundaries Commission.

Through the NCAJ, the ODPP has been able to raise pertinent issues that are resolved at the high level thereby quickening response time by other State agencies. The framework of NCAJ has become a useful tool for the development of strategic interventions through policy and legislation.

The Director of Public Prosecutions was appointed, at the 20th Session of the NCAJ Council Meeting, as the Chairperson of the *ad hoc* sub-committee on Corruption. This sub-committee has a mandate to identify bottlenecks and challenges in the fight against corruption and to make recommendations to the NCAJ on how to address them. This provided an opportunity for the ODPP to analyse the policy framework and legislation on corruption and recommend areas for review that would enhance the fight against corruption.

(v) Court User Committees

Court User Committees bring together State and non-State actors who utilise the courts to resolve problems that may arise in the administration of justice. Court User Committees are chaired by the head of the judicial station where the courts are located and draw participants from the Office of the Director of Public Prosecutions, Law Society of Kenya, Kenya Prison Service, National Police Service, Ethics and Anti-Corruption Commission, Civil Society Organisations and Business Community leaders, among others. The ODPP utilizes this platform to address any concerns that may be raised on criminal matters pertaining to prosecution by providing accurate, timely and responsive information to court users.

(b) Enhance local and regional meetings

The ODPP has undertaken stakeholder mapping of key partners that the Office works with in various programs and thematic divisions. This entailed identification of the key development partners and the areas of focus that each agency supports. The stakeholders include the OHCHR, USDOJ, BHC, UNODC, GIZ, IJM, UNFPA, UNICEF and LWOB. During the period covered by this report, the DPP held a meeting with all the stakeholders and shared the vision of the Office and requested for support for the new and existing projects that the Office was undertaking.

(c) Existing partnerships, collaborations and networks

The Office continues to collaborate with key players and stakeholders as follows:



The DPP meeting with Ambassadors and Heads of Delegations from the EU, led by the EU Ambassodor to Kenya H.E. Amb. Simon Mordue

Government Agencies & Departments:
The Office collaborates with Government Ministries, Departments and Agencies. These include agencies such as the NPS, EACC, DCI, Kenya Wildlife Service (KWS), KRA, Department of Immigration, and IPOA among others. Collaboration with these agencies has ensured effective, timely and comprehensive service delivery.

The Judiciary
The Office works closely with the Judiciary to ensure efficient determination and administration of justice by participating in law reforms. It also engages the Judiciary through the NCAJ and Court Users Committee (CUC).

Witness Protection Agency (WPA)
The aim of collaboration and partnership with the WPA is to ensure vulnerable and threatened witnesses are protected, counselled and facilitated to attend court. During the reporting period, the ODPP and WPA signed an MoU. The objective of the MoU is to enhance collaboration, co-operation and co-ordination on the respective mandate. In addition, the MoU is expected to address the referral and processing of the witness protection requests, continuous sensitization of the prosecutors on legal principles and strategies of ensuring the safety and security of witnesses. Further, the parties appointed liaison persons to enhance efficiency in the implementation of the MoU.

The Independent Electoral and Boundaries Commission (IEBC) and the National Cohesion and Integration Commission (NCIC)
The ODPP, IEBC and NCIC agreed on an election preparedness framework to ensure free, fair and credible 2017 elections.

The collaboration established an election preparedness team of 105 officers to handle election-related offences, hate speech and incitement to violence cases. The three agencies developed standard operating procedures with the aim of securing effective detection, investigation and timely prosecution of election and related offences.

Prisons and Probation Department
The Prisons and Probation Department liaise with the ODPP in expediting the judicial process and decongesting the prisons by participating in recommendations for non-custodial sentences in adherence to Article 49(2) of the Constitution.

The Prisons and Probation Department also provides advisory reports to the Office for determination of bail and bond applications in court, sentencing hearings and victim impact assessment reports thus ensuring fairness in the criminal justice procedure.

The Office also monitors reports from the Mathare National Teaching and Referral Hospital on persons who are mentally challenged or accused persons with the aim of making recommendations on prosecution of the suspects.

Parliament
The Office participates in the amendment of legislation and policies through the ODPP standing committee on law reform. For instance, the ODPP made recommendations on the Children's Bill, Sexual Offences Act and Cyber Crime Bill, among others. In addition, the Office has engaged various parliamentary committees like the Public Accounts Committee (PAC) and the Justice and Legal Affairs Committee (JLAC).

Professional bodies
The ODPP has collaborated with professional bodies such as; LSK, ICPAK, KEPSA, KENASA and HRM to name a few, for the continuous training, provision of technical support and development of professional standards for ODPP staff. This has been done to maintain high standards in the delivery of services by ensuring that professional ethics and the integrity of the legal profession is upheld. One of our staff, ***Mr. Andrew Osundwa*** was awarded the Personal Assistant of the Year Award (PAYA) in 2018 by the Chief Justice of Lesotho.

Research Institutions
Research institutions provide data and information that is used by the ODPP to identify reform needs. Collaboration with institutions such as the National Crime Research Centre provides information on crime trends in the country which is crucial to the delivery of the Office's mandate.

Academia

Academic institutions work with the ODPP by providing scholarships and progressive training on areas in need of improvement. Further, the ODPP has also collaborated with Strathmore University to develop a draft curriculum on Environmental and Land Matters.

Media

Print and electronic media play a very important role in providing timely and accurate information to the public through its reporting. It also plays an important role in sensitizing the public on the mandate of the ODPP.

Development Partners

Development partners such as the World Bank, IJM, United Nations Office on Drugs and Crime (UNODC), The United States Department of Justice (USDOJ), British High Commission, Attorney General Alliance (AGA), United Nations Population Fund (UNFPA) and GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit), and the Programme for Legal Empowerment and Aid Delivery (PLEAD) among others collaborate with the Office for purposes of capacity building, public participation and specialized training. Thematic training areas include cybercrime, counter-terrorism, organized crime, anti-corruption and wildlife related crimes among others. These trainings, workshops and conferences are held locally, regionally or internationally.

(d) Develop prosecutors networks

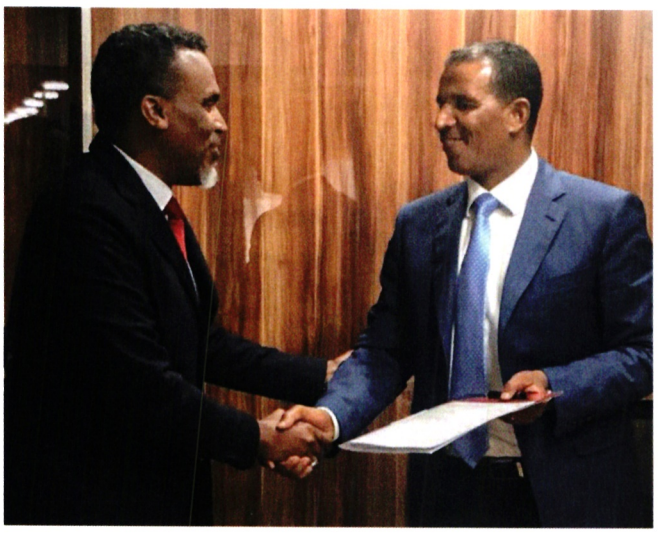
East African Association of Prosecutors

The ODPP is a member of the EAAP and the DPP is the current General Secretary. The EAAP's mandate includes promotion and facilitation of co-operation among member states on issues of detection, investigations and prosecution of crimes in the region. The EAAP also offers legal assistance to member prosecuting authorities and also facilitates extradition and joint training for officials of member states. Through the EAAP membership, the ODPP has been able to benefit from both informal and formal requests for Mutual Legal Assistance and co-operation on matters of investigation and prosecution. An example is the co-operation between Kenya and Tanzania that led to the extradition of a suspect, Mr. Baraka Chaulo, and surrendered illegal assets confiscated during his arrest which included KShs. 351 million in different currencies and 35 kgs of gold worth KShs. 2 billion. Through the EAAP, in addition to the co-operation between the ODPP and the prosecuting authorities from Burundi, Rwanda, South Sudan, Tanzania and Uganda forming the membership of EAAP, the ODPP has also signed a memorandum of understanding with the Ethiopian prosecution authority of Ethiopia to strengthen co-operation between the two prosecution authorities.

In addition, the ODPP signed MoU with the Attorney General of Ethiopia to strengthen regional co-operation in the investigation and prosecution of complex transnational organized crimes including corruption and terrorism matters.



EAAP members, Mr. Yahye Mohamoud Said - Deputy AG/Public Prosecutor, Somalia (seated L), Justice Mike Chibita - DPP UG (2nd Left), Mr. Biswalo Mghanga - DPP, TZ and DPP, Noordin Haji



The DPP with the AG of Ethiopia having signed a Memorandum of Understanding on cooperation.

The Asset Recovery Inter-Agency Network for East Africa (ARIN - EA) and The Asset Recovery Inter-Agency Network for Southern Africa. (ARIN - SA)

The ODPP has participated in meetings with the ARIN-EA and ARIN-SA. The objectives of these meetings were to support the investigation and prosecution of corruption and economic crimes through international co-operation and informal assistance (assistance given prior and subsequent to the submission of formal requests for mutual legal assistance) in order to trace, identify, freeze and ultimately recover the proceeds of corruption and economic crime.

Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG)

ESAAMLG provides a platform in which the ODPP is able to work with other agencies within the region in sharing best practices on Mutual Legal Assistance on matters pertaining to money laundering. In a bid to combat money laundering, the ODPP partnered with the Eastern and Southern Africa Anti-Money Laundering Group implementing the Financial Action Task Force (FATF) recommendations. This effort included co-ordinating with other international organisations concerned with combating money laundering, studying of emerging regional typologies, developing institutional and human resource capacities so as to deal with these issues and co-ordinating technical assistance where necessary.

The Great Lakes Judicial Co-operation Network (GLJCN)

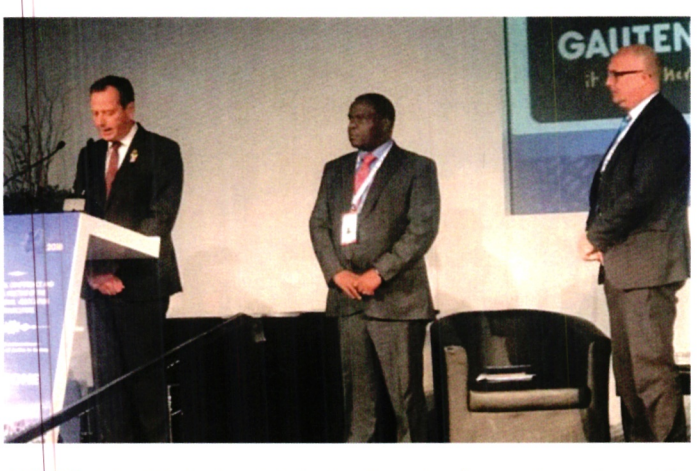
The ODPP partnered with the International Conference on the Great Lakes Region (ICGLR) to strengthen regional and international co-operation on transnational organized crimes. The GLJCN is intended to act as a regional co-operation tool for criminal matters which can be used by judicial actors from the 12 International Conference on the Great Lakes Region (ICGLR) Member States and other countries in the region. The GLJCN has been pivotal towards enhancing co-operation within the Great Lakes Region on criminal matters on wildlife and transnational organized crimes.



DPP Noordin Haji (left), AG Justice Kihara Kariuki (2nd left) and Foreign Affairs Cabinet Secretary Monica Juma handing over cash and gold seized by Kenyan police in 2017 to DPP Tanzania, Mr. Biswalo Mghanga (far right)

International Association of Prosecutors (IAP)

The ODPP is an active member of the International Association of Prosecutors and participates in its Annual



DDPP, Mr. Nicholas Mutuku (centre) receives the IAP Prosecutor of the Year Award (2018) in South Africa.

General Meeting. The ODPP is also an active member of the IAP affiliated Network of Anti-Corruption Prosecutors (NACP). The IAP provides global access to prosecuting authorities and is beneficial in building networks and contacts that become crucial during cases in which informal mutual legal assistance is applied. The exchange of ideas and expertise is valuable in identifying solutions that can be domesticated to address challenges within our national criminal justice system. During the International Association of Prosecutors (IAP) in 2018, ***Mr. Nicholas Mutuku (DDPP)*** was recognised as the Prosecutor of the year.

Lawyers without Borders (LWOB)

The ODPP, through the Prosecution Training Institute, received technical support and equipment from LWOB.



LWOB routine technical meetings with PTI staff

Through their programs, LWOB trained 117 prosecutors on counter terrorism matters and 73 prosecutors on wildlife crimes. LWOB continues to offer support towards



Training of Trainers sessions for senior prosecutors



Participants at the Induction trial advocacy session

building a pool of highly skilled trainers within the ODPP and the Eastern African region.

The areas of training and consultation focused on trial advocacy skills, advanced evidentiary issues, examining expert witnesses, prosecutorial case management and identifying red flags in relation to money laundering and custom processes.

LWOB also hosted five ODPP prosecutors and corporate staff in Washington, D.C. for a case management and prosecutor training study tour in May 2019 in preparation for a pilot case management with the ODPP.

(e) ODPP advocacy initiatives to address capacity gaps in the criminal justice system

The ODPP has undertaken a number of initiatives to address any capacity gaps that are within the criminal justice system. These initiatives include:

PLEAD *'All for Justice'* Initiative

The ODPP in collaboration with the Judiciary and the Kenya Prisons Services participated in a project dubbed the *'All for Justice'* initiative. The ultimate goal of the initiative was to decongest the prisons through expeditious disposal of cases by reducing the number of petty offenders in remand. Further, the initiative was also aimed at informing policy and legal reforms within the criminal justice system. The remand review team interviewed 10,140 remandees within six months (January to June 2018) from sixty-five prisons with the target population being persons held in remand custody.

Lamu service week

The service week was the second phase of the *'All for Justice'* initiative and was dubbed *'All for Justice, Closing the Justice Gap'*. During the program, the Office implemented the Plea Bargaining Rules and Diversion Policy as alternatives to the trial process which saw the decongestion of Hindi prison population and clearance of backlog of cases in the courts.

A total of 135 files that were pending were handled, 32 of which were concluded, 21 withdrawn, 5 concluded through plea bargaining and 6 High Court matters finalized. 103 cases were handled at the ODPP service desk and dates were set for further directions.

Nyanza community dialogue

The Office visited Nyanza region between the 22nd to the 24th of October 2019. The Office carried out two Community Dialogues in Manyatta and Obunga, wherein over 200 written complaints were received from members of the public. These complaints touched on issues of police brutality, land injustices and sexual and gender-based violence. The prosecution counsels were tasked with analysing and handling the complaints received.

In addition, in Homa Bay issues of corruption and misappropriation of public funds were raised by the community.

Organisation of consultative forums and meetings

The Office held meetings with religious leaders and development partners in addition to participating in public forums organized by other stakeholders, in a bid to enhance its accessibility to the public. The engagements informed policy development and formation of committees to spearhead future consultative meetings.

Public engagement through community outreach

Public engagement is a form of dialogue that allows for the exchange of information face-to-face, the sharing of personal stories and experiences, the honest expression of one's perspectives and clarification of viewpoints. This is in accordance with Article 10 of the Constitution which requires public participation as a prerequisite for good governance.

The objective of the community dialogue is to engage the public with the aim identifying gaps in the criminal justice system to enable the Office to develop informed policies that are responsive to current issues. These fora



The SPP, Dorcas Oduor engages a prisoner during a service day at Hindi prison in Lamu

are intended to build public confidence, sensitize the public on topical issues, enhance access to justice and promote awareness of the ODPP mandate.

The Office has participated in public engagement through the Kayole and Lamu Community Dialogues, Annual Legal Service Week, Children Service Week, the Annual Anti-Corruption day and the Nairobi International Trade Fair, among others. The objective of this program was to take ODPP services closer to the citizens and to engage them in dialogue. These engagements have enabled the office to sensitize the public on the ODPP mandate, address public concerns and complaints, educate the public on the criminal procedure, inform the public on the ODPP decision making processes and engage with the public on alternative dispute resolution mechanisms.

Kayole community dialogue

As part of the ODPP initiative to increase engagement and interaction with the public, the Office, in partnership with other stakeholders, organized a community dialogue forum in Kayole. Kayole was chosen due to reports of increased criminal activities in the area. The forum brought together the community, civil societies and government agencies with the aim of reaching a common understanding and giving a workable solution on the prevalent issues with regards to criminal justice.

The pertinent issues discussed in the forum included insecurity in the area, increased drugs and drug trafficking, weapons in the hands of criminals, land grabbing and impunity by some law enforcement officers. In a show of commitment to support the initiative of the ODPP and other government agencies, the residents presented the DPP with what they called the Kayole Declaration: *'The change should start with us. We are the leaders they want to see. We should stand up as youth and respect ourselves.'* During the forum, 30 individual complaints were recorded and six cases reviewed.

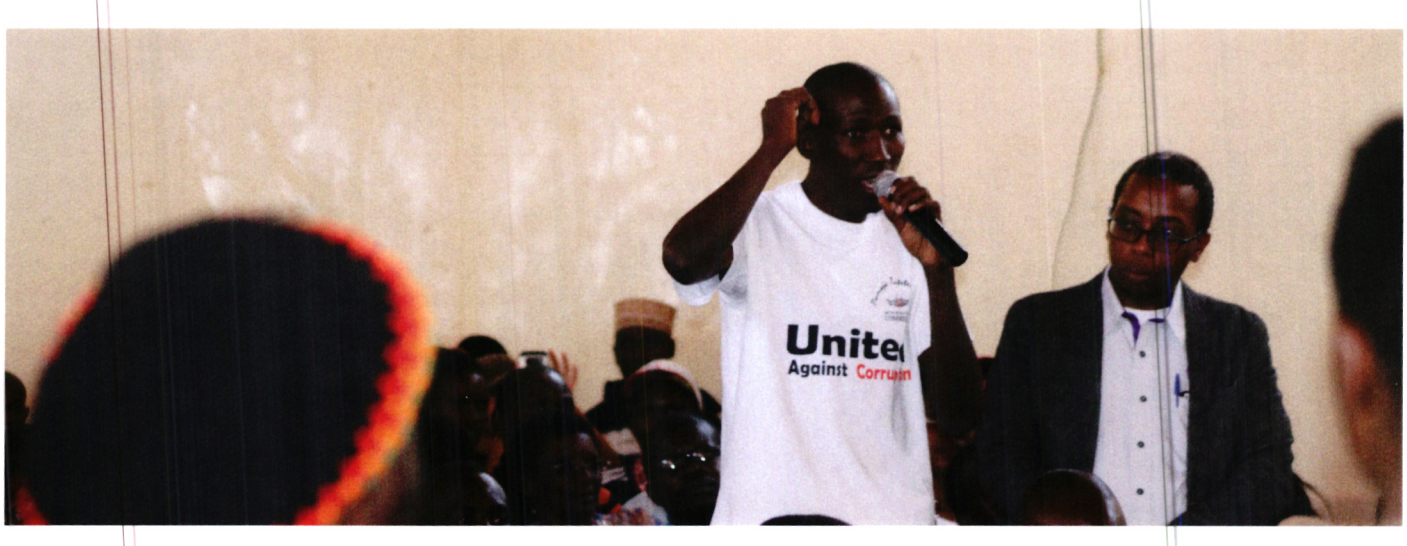
The Office had an opportunity to document challenges such as lack of access to justice, police brutality, land grabbing, drug trafficking and smuggling of weapons.

Lamu community dialogue

The Office engaged with citizens in Faza, Pate, Ndau, Kiwayu, Kizingitini, Hindi, Mpeketoni and Lamu Island. The residents were able to air grievances prevalent in their respective areas. These issues included drug abuse, radicalization, sexual and gender-based violence, land matters and the mangroves harvesting ban. A total of 88 complaints were recorded.

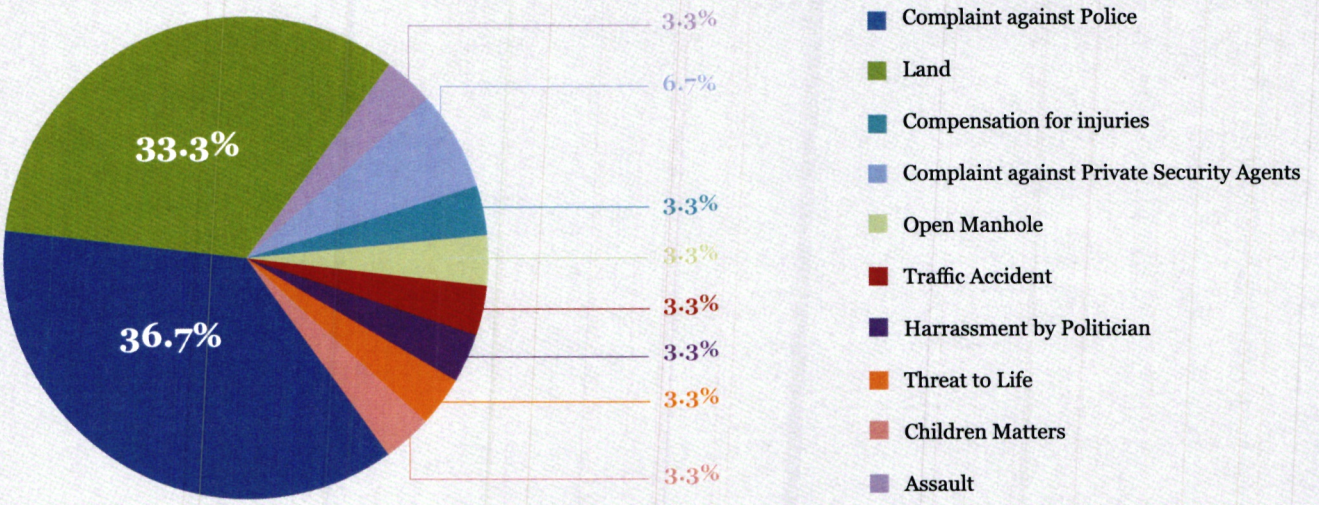
The DPP presided over the opening of the Lamu Rehabilitation Centre by Red Cross and urged security agencies and the Office in Lamu to incorporate Diversion Guidelines for small offences and drug users who may be in need of rehabilitation rather than prison terms.

The DPP engaged with residents where he said that his office would follow up and address the issues raised. The DPP, who was accompanied by the DCI and county security teams, pledged to ensure that citizens' rights are upheld in accordance with the law.



A participant makes a contribution during the Kayole Dialogue Forum

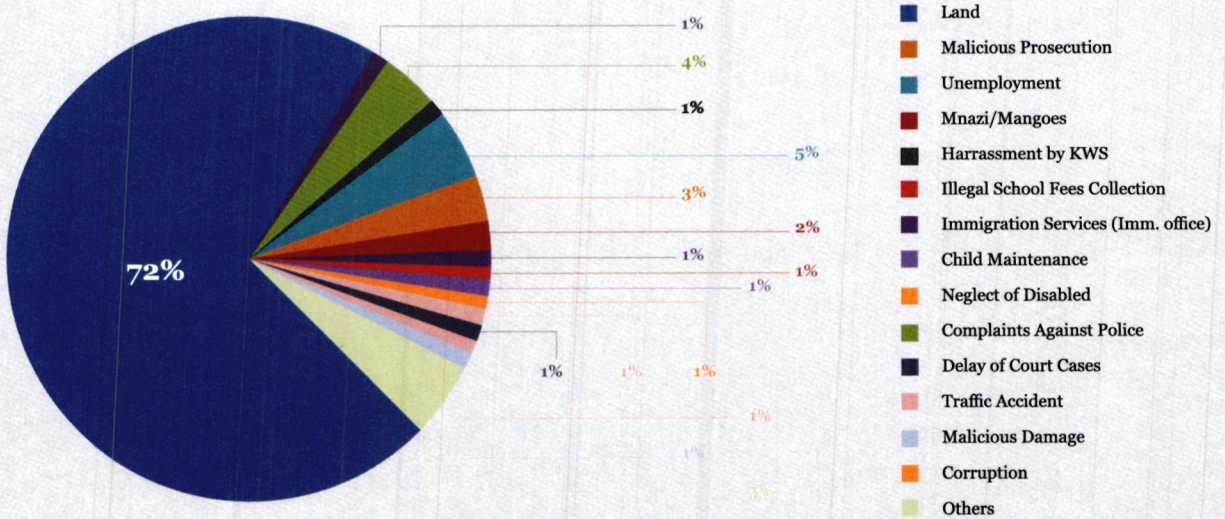
Figure 2.1: Recorded Complaints during the Kayole community dialogue





Members of the public raising their issues during the Nyanza Dialogue Forum

Figure 2.2: Recorded Complaints during the Lamu community dialogue





Cabinet Secretary for Interior, Dr. Fred Matiang'i (Right), DPP and other stakeholders listening to members of the public during the Lamu community dialogue



Haki Africa CEO, Hussein Khalid (Left), the Attorney General Hon. Justice Paul Kihara (Centre) and the DPP during the Lamu community dialogue



Participants during the Lamu community dialogue



ODPP Team during the Isiolo community dialogue

Isiolo community dialogue

The Isiolo Community Dialogue Forum was held on 13th December, 2019 in Isiolo County. The Dialogue was organized by the ODPP in Collaboration with IJM and Missing Voices.

The Forum drew a large number of participants and representatives from Isiolo County and other various institutions. The Forum entailed an interactive, participatory discussion and sharing of information between the Public and ODPP. The Forum was aimed at providing workable solutions to issues that are prevalent in the County.

Several issues/concerns were raised by the residents in respect to the criminal justice system, key among them were; police brutality, land adjudication, extra judicial killings, corruption, Northern Rangelands Trust (NRT) among others.

The DPP promised to follow up on each individual complaint/grievance and address them accordingly.

(f) Development partners round table

The Office organised a round table meeting with the development partners to discuss and review the priority areas of partnership and streamline the framework of engagement in order to build synergy in Office operations.

The meeting entailed an interactive information sharing forum regarding ODPP programmes and projects being implemented with the support of the development partners and a review on the same so as to enhance transparency and accountability.

The meeting was attended by:

(a) The European Union
(b) The British High Commission
(c) USDOJ
(d) The German Embassy
(e) GIZ
(f) United Nations Office on Drugs and Crime (UNODC)
(g) International Justice Mission (IJM)
(h) Lawyers without Boarders (LWOB)
(i) Transparency International
(j) Space for Giants
(k) African Wildlife Foundation
(l) World Vision
(m) HAKI AFRICA
(n) Wildlife Crime Programme
(o) Office of the High Commissioner for Human Rights (OHCHR)
(p) United Nations Children's fund (UNICEF)
(q) Conference of Western Attorneys General (CWAG)
(r) United Nations Environmental Programme (UNEP)

The respective development partners promised to honour their pledges and work with the Office towards achieving its mandate. It was agreed that there will be a periodic review on the same in order to ensure that there is synergy and co-operation for the betterment of the ODPP.

(g) Meeting between the ODPP and religious leaders.

The Office held a meeting with religious leaders on 29th May 2019. This was in recognition of the fact that religion plays a great role in shaping the society's norms and beliefs. The DPP called on the religious leaders to be at the forefront in fighting criminal elements within the society with an emphasis on the fight against corruption. He stated that corruption is a vice that threatens national and global security, results in resource wastage, and hampers fair competition in business. There is need, therefore, for every Kenyan to rebuke corruption and corrupt individuals.

The religious leaders present, ODPP, EACC, DCI and NCIC signed a joint statement as an undertaking in the fight against corruption.



Religious leaders in a breakfast meeting with the DPP

(h) Best practices and experience sharing

Government of Jersey Law Officers visit to the ODPP

The Office hosted a team from the Government of Jersey law officers from the 7th to 9th October, 2019. The team from Jersey was taken through the ODPP mode of operations, and a visited the Milimani Law Courts. Discussions were held on strategies that the ODPP has adopted in combating corruption. The team from Jersey shared their strategies on dealing with money laundering and corruption. Lessons were identified on how to leverage on the co-operation between ODPP Kenya and the Government of Jersey.

The Inspectorate of the Government of Uganda Visit to ODPP

The Inspectorate of the Government of Uganda made a courtesy call on 15th October, 2019 at the ODPP. They were interested to learn about asset recovery and plea bargaining.

Nigerian Delegation Visit to the ODPP

Representatives from the Transparency International –Nigeria also referred to as the Civil Society Legislative Advocacy Centre, Nigeria Federal High Court, Nigerian Police Complaints Response Unit and Nigeria Drug Law Enforcement Agency made a courtesy call on the 29th November, 2019.

The purpose of the visit was to share experiences and best practices on how to implement and enforce laws on narcotics.

Courtesy Call by the Attorney General of Qatar to the ODPP

The Attorney General of the State of Qatar, paid a courtesy call to the Office of the Director of Public Prosecutions, Kenya on the 13th November, 2019. The DPP and the Qatari Attorney General discussed ways in which co-operation could be strengthened and deepened between the Republic of Kenya and the State of Qatar. The co-operation and collaborarion would include:

1. Mutual Legal Assistance;
2. Anti-corruption training;
3. Consulting on anti-corruption and related matters;
4. Joint research; and
5. Visits by and exchange of scholars, academics and other staff.



The DPP hosts the DCI and EACC C.E.O and the Attorney General of Qatar

ODPP Benchmarking visits on Central Case Intake

The ODPP undertook a benchmarking visit on central case intake to Scotland and the USA that took place on the 13th -22nd November 2019. The Central Case Intake process is a system where police files are centrally submitted to the prosecution office for screening before they are registered in court for plea taking. In the Central Case Intake process, the prosecution authority takes into consideration all the elements required for successful prosecutions.

Central Case Intake is an integral part of the prosecutorial process that safeguards and ensures the integrity of matters that the prosecution registers in court. It also enables the prosecution to have a comprehensive record of all matters registered. The delegation visited the Office of the Chief Sherriff (a judicial officer equivalent to a Judge) and was taken through Scotland Procedures on bail and bond.

The system is fully electronic with strict trial deadlines to ensure efficient and effective prosecution services.

ODPP study tour to the Office of the Prosecutor General National Council of the Federal Prosecution Service, Brazil, from 11th to 13th September, 2019

One of the issues that was discussed during this visit was the investigation and prosecution of environmental crimes. Discussions centred around preservation of natural water springs using technology, institutional mechanisms and monitoring systems.

The ODPP was able to draw parallels between Brazil's and Kenya's environmental degradation. This is because Kenya's main rivers have been polluted by effluent. Drawing from the best practices in Brazil, the Office was able to integrate certain strategies and considerations into its own Land and Environment Division.

The ODPP and Brazil's Global Institute of Prosecutors for the Environment signed an MoU, with the following objectives:

(a) Supporting the preservation and recovery of essential ecological processes;

(b) Contributing to environmental protection by enforcing national and international environmental legislation;

(c) Promoting the exchange of information and experiences in the implementation of environmental legislation and environmental crime prosecution; and

(d) Identifying and developing best practices for the development of guidelines, tools, common standards and approaches to address environmental crime.

2.3 STRATEGIC OBJECTIVE 3: To review policies and legal framework for public prosecutions

2.3.1 Comprehensive review of criminal substantive, procedural, and evidentiary laws

The ODPP has participated in the review of various criminal laws including Section 296 of the Penal Code, the proposed Children's Bill and the Sexual Offences Act, 2001.

This reviews are geared towards aligning the provisions of the law with the international standards.

2.3.2 Policy formulation and implementation

(a) Review and revise public prosecution policies

The ODPP has undertaken to review and revise policy and guidelines relating to prosecution. This review and revision is geared towards enhancing the quality of prosecution services. Towards this end, the ODPP formed multi-agency teams tasked with carrying out these reviews. The taskforce successfully discharged its mandate and drafted the following instruments and tools:

i. Guidelines on Alternatives to Prosecution;

ii. ODPP Standard Guidelines on the Preparation of a Prosecution Case File;

iii. DPP Practice Directions on Central Case Intake;

iv. Guidelines on the Review of the Decision to Charge;

v. ODPP charge sheet formats; and

vi. ODPP forms
   a. *The decision to charge form*
   b. *The decision to charge continuing review form*
   c. *Evidence disclosure form*
   d. *ODPP file cover format*

(b) Engage the relevant stakeholders

Engagement with referral partners on issues of complaint handling continued in support of an effective complaint mechanism process at the ODPP. A proposal is being considered for an MoU between different agencies and organisations that support the referral complaint mechanism system. The MoU is being spearheaded by the Kenya National Commission on Human Rights.

Previously stalled projects were revived with renewed funding during the period covered by this Report.

(c) Develop Legal Policies on Victims of Crime and Witnesses

The Office drafted the Victim Protection (General) Regulations, 2018 and the Victim Protection (Amendment) Bill which were submitted to stakeholders for their imput and thereafter to the Attorney General and Department of Justice.

The Office adopted a policy of colour coding of all files for ease of reference and identification. It is also now a policy to use a separate register for all children matters at the ODPP offices across the country. It is anticipated that priority shall be given to children matters and that the following will be achieved:

(a) increased visibility of the child;

(b) promotion of decision making based on the principle of 'best interest of the child';

(c) ensuring of a readily available database of children cases; and

(d) improvement of storage and retrieval of case files on children. The colour coding process will apply to all other departments of the Office.

The Office, through the National Council on the Administration of Justice, also adopted a Children's Special Working group, which seeks to implement the Victims' Protection Act, 2014 in relation to children's matters.

2.3.3 Prosecution fund guidelines

The Office established the Prosecution Fund Guidelines which were aimed at providing a transparent and accountable framework for the management and operations of the Prosecution Fund. The Fund is established under section 45 of the ODPP Act, 2013 with the objective of enhancing the operational capacity of the Office and welfare of staff.

2.3.4 Policy documents

(a) Decision to Charge

Vide Gazette Notice No. 8902 issued on 31st August 2018, the DPP appointed a taskforce on the Decision to Charge. The membership of the Taskforce comprised the Office of the Director Public Prosecutions; the Law Society of Kenya; the National Police Service; the Directorate of Criminal Investigation; the Ethics and Anti-corruption Commission; the Office of the Attorney General; the Independent Policing Oversight Authority and the Kenya National Commission on Human Rights.

The terms of reference of the Taskforce included the review of the National Prosecution Policy (NPP) and other prosecutorial guidelines to develop a standardised policy document setting out the following: minimum standard on the decision to charge; providing for the alternatives to prosecution; outlining the standard guidelines on preparation of case files; develop guidelines on the operationalization of central intake of cases; develop guidelines on the review of prosecutorial decisions; and develop ODPP charge sheet formats and information.

The Taskforce developed the Decision to Charge Policy, 2019, which was accepted by the DPP.

(b) Plea Bargaining Rules and Guidelines

On 13th October, 2019 the ODPP Standing Committee on Law Reform with assistance from UNODC and USDOJ embarked on a countrywide sensitization of plea bargaining and diversion policy documents having developed IEC materials. The Coastal region being the pilot region held its sensitisation workshop in Mombasa.

The five day workshop was organised into segments whereby the first two days were allocated to the prosecutors representing Kwale, Kilifi, Mombasa and Taita Taveta County.

The third and fourth days were allocated to the sensitization of criminal justice actors and support structures including but not limited to Judiciary, DCI, EACC, KRA, Law Society of Kenya, Muslims for Human Rights (MUHURI) and Haki Afrika. While the 5th day was allocated to visiting and sensitizing remandees in various prisons. The exercise was followed by a sensitization in Wajir County.

(c) Rewards and Recognition Policy

The Office recognizes that its staff encounter challenges while performing their duties. The Office is also alive to the requirements of Section 4 of the ODPP Act mandating it to uphold the principles of justice, fairness and impartiality as it strives to deliver justice to all.



DPP Noordin Haji & Decision to Charge Task Force members

For that reason, the Office has developed the Rewards and Recognition policy which is aimed at recognizing and rewarding exemplary service by ODPP staff who go beyond their call of duty to ensure that justice is served.

The policy provides clear guidelines on how employees will be identified and recognized based on their performance. The process will actively involve ODPP members of staff in the selection process to ensure that the same is transparent, fair and meritorious.

(d) Guidelines for the Administration and Management of the Prosecutions Fund

The Prosecution Fund is established under Section 45 of the ODPP Act, 2013. The objective of the fund is to enhance the operational capacity of the Office and welfare of the staff. In addition, the Fund may be utilized for the restitution and compensation of victims of crime.

(e) Diversion Policy Guidelines

The Diversion Policy Guidelines and Explanatory Notes have been developed pursuant to the Diversion Policy, National Prosecution Policy, Article 159 of the Constitution of Kenya and International Legal Framework that emphasizes the use of diversion as an alternative to prosecution.

Through diversion, ODPP is better able to deal with the case backlog in Kenya's judicial system, reduce overcrowding in the prisons and enhance reconciliation by allowing victims and offenders to settle cases out of Court.

(f) Deployment and Transfer Policy

The Deployment and Transfer Policy has been developed with the objective of ensuring smooth, predictable and equitable deployment and transfer of staff to minimize disruption to service delivery. The Office ensures that there is consistency in the implementation of the policy and that the principles highlighted are adhered to.

(g) Deferred Prosecutions as an Alternative to Prosecution

Deferred Prosecutions Agreement is an agreement between the ODPP and any corporate organisation or individual that is due for prosecution of an offence. Deferred prosecutions are mainly used for economic crimes. The Office of the Director of Public Prosecutions introduced Deferred Prosecution Agreements as part of its key strategies in Re-Learning, Re-Tooling and Re-casting operations within the Office. Deferred Prosecution Agreements provide an alternative to prosecution pursuant to Articles 157 and 159 of the Constitution of Kenya and Diversion Guidelines, 2019.

2.4 STRATEGIC OBJECTIVE 4: To enhance the capacity of the ODPP to deliver on its mandate

2.4.1 Human resource capacity

(i) Review and Revise the Organisational Structure and staffing Levels

The Office reviewed its organisational structure to include nine regional offices in order to enhance the accessibility of its services and co-ordination within the regions and counties.

The new organisation structure also introduced new staff cadres, units and re-organised the ODPP organogram and departmental functions.

(ii) Development and Review of Policies Relating to Human Resource

During the period covered by this Report, the ODPP embarked on reviewing and developing several policies on human resource.

These include a:

(a) Deployment and Transfer Policy;

(b) Draft Recruitment and Retention Policy to address the terms and conditions of service and the high turnover of staff; and

(c) Rewards and Recognition to acknowledge exemplary performance of staff.

(iii) Improved Staff Remuneration and benefits by engaging relevant institutions

The Office is committed to attracting, developing

and retaining highly skilled and motivated officers to implement its mandate. The Salaries and Remuneration Commission has approved the revised job evaluation and new salary structure for the ODPP.

(iv) Develop and Implement ODPP staff welfare
The ODPP staff welfare association was registered for purposes of providing an opportunity for staff to pool their resources together and use their collective resources to support each other during times of bereavement and during the birth of a child.

2.4.2 Development of the Excellence Charter

The Office in an effort to improve provision of prosecution services and enhance access to justice sought to restructure the strategic focus in a way that would reshape prosecution service delivery. As a result, the Office came up with an Excellence Charter that identifies six strategic commitments, namely: Independence and Integrity, Lifelong Learning, Reshaping Prosecutions, Leadership, Organisational Effectiveness and Inter-Agency Networks.

The objective of the commitments is to facilitate the realisation of our strategic focus by injecting accountability, transparency, public confidence and quality control in all our operations. The overall aim is to transform the ODPP into a prosecution service which is more responsive to *mwananchi's* needs.

The realisation of the Excellence Charter will be guided by a three-pronged approach of Re-Casting, Re-Tooling and Re-Learning. The Excellence Charter is expected to be the vehicle that will steer the ODPP and transform it to a trusted and vibrant 21st Century Prosecution Service.

2.4.3 Improve public confidence and enhance public awareness of ODPP

(a) Establish and sustain the Corporate Image
The ODPP has enhanced its corporate image and visibility through the review of its logo and corporate image. Branding is important not only because it makes a memorable impression on clients but also because it allows them to know what to expect from the organisation.

ODPP new logo

(i) Symbolism:
The symbols used in this logo include a map of Kenya, a shield, a spear, a lion and the scales of justice.

- The use of the shield and spear is inspired by the National emblem where justice shall be our shield and defender.
- The scales of justice further reinforce this message by communicating transparency, fairness and impartiality as core values of the ODPP.
- The lion symbolizes power and the specific mandate of the ODPP as stipulated under Article 157 of the Constitution of Kenyan.
- The grass and map concept communicate the identity of the Kenyan people through our environment and natural wealth.



(ii) Brand Colors
The logo design uses six colours; red, green, blue, gold, white and black, with blue and gold as the main colours. These colours have been chosen with reference to the national flag and the coat of arms to bring out the desired message of courage, integrity and responsibility as the core values of the ODPP.

The color representations are as below;

Red:	Courage, Strength and Power.
Green:	Renewal and Growth.
Blue:	Trust, Integrity and Responsibility.
Gold:	Compassion, Courage, Passion and Wisdom.
White	Independence, Fairness and Impartiality.
Black	Authority and Power.

(b) Access to Information

Under the constitution of Kenya and particularly in Article 35 (1) and the Access to Information Act no 31 of 2016, all Kenyan citizens have the right to access information held by the state and proactively disclose information that they hold. It obligates all public agencies to explain their actions, policies or decisions to citizens. Public entities make information available to the public by posting information on the websites and social media platforms.

The Office of the DPP in compliance with this section, makes information available to the public by holding press briefings and press releases outlining the facts of cases, progress and decisions made on all matters of public interest.

In addition, the Office posts on its website and social media platforms, policies, guidelines, briefs that are of public interest and reports of matters handled and office activities in furtherance of its objectives. Info-graphics are developed to break down legal issues so that they can be easily understood by the members of the public and weekly videos of case highlights.

Radio and TV shows

The ODPP regularly participates in radio and TV shows to sensitize and educate the public on its mandate, achievements, challenges and emerging issues.

Social media

There is an increase of official information that is being transmitted across social media in this day and age. During the reporting period, the ODPP has adopted the use of social media to convey official communication. In line with this, the Office has a Twitter handle @ODPP_KE, a Facebook page @ODPPKenya and a Youtube channel Office of the Director of Public Prosecutions Kenya.

ODPP Website

The Office has enhanced its website to make it more accessible and informative for the *mwananchi* by ensuring that;

1. The layout is easy to navigate;
2. It provides more information about the organisation, its structure, its current performance and who its partner agencies are; and
3. The annual reports, strategic plans and policies and guidelines are accessible and downloadable.

Media Sensitisation Workshops

The Office has held sensitisation workshops with various media agencies to sensitise them on the ODPP mandate, court processe, terms used in court and various guidelines and policies that are related to the criminal justice system. This is meant to build media capacity for accurate reporting.

(c) Strengthen public feedback mechanism

One of the major issues that the Office has to deal with is sensational and inaccurate media coverage of criminal cases. It has been noted with concern the high levels of inaccurate reporting by the media on criminal cases. This negatively impacts public perception of the Office and undermines the course of justice.

2.4.4 Cross-cutting issues

Draft policies have been developed on drug and substance abuse, and HIV and AIDS.

The Office has embraced gender mainstreaming and the mainstreaming of people abled differently issues in its recruitment and deployment process. Below is the staff distribution as at June 2020.

Table 2.1: Staff Establishment as at June 2020

Description	Establishment	Current in-post
Legal	1340	609
Corporate Staff	816	387
Total	**2156**	**996**

Table 2.2: Staff Distribution by Gender as at June 2020

Description	No. of Staff In-Post		
	Male	Female	Total
Legal	253	356	**609**
Corporate Staff	193	194	**387**
Total	**446**	**550**	**996**

Table 2.3: Staff Distribution by Cadre (Job Group) as at June 2020

Description	Legal	Corporate Staff	Total
S-T	4	1	**5**
P-R	77	12	**89**
M-N	149	21	**170**
K-L	379	76	**455**
D-J	0	277	**277**
Total	**609**	**387**	**996**

Table 2.4: Staff Abled Differently as at June 2020

	Male	Female	Total
Legal	2	4	**6**
Corporate Staff	4	3	**7**
Total	**6**	7	**13**

Table 2.5: Staff Distribution by Age as at June 2020

Description	No. of Staff In-Post		
	Legal	Corporate Staff	Total
Below 25 years	0	0	**0**
25 - 29	25	39	**64**
30 - 34	262	89	**351**
35 - 39	194	91	**285**
40 - 44	54	74	**128**
45 - 49	32	22	**54**
50 - 54	35	40	**75**
55 & above	7	32	**39**
Total	**609**	**387**	**996**

Table 2.6: Staff Distribution by attrition as at June 2020

Type of attrition	Prosecutors		CFS staff		Total
	Male	Female	Male	Female	
Death	1	0	2	0	3
Resignation	2	4	0	0	6
Retirement	0	0	1	2	3
Transfer of service	0	0	3	1	4
Total	**3**	**4**	**6**	**3**	**16**

2.5 STRATEGIC OBJECTIVE 5
To modernise ODPP processes and procedures

2.5.1 Deploy information communication technology in prosecution

(a) Upgrade and establish reliable, high speed network infrastructures

The ODPP is in the process of installing a high-speed network infrastructure that will enable officers access fast, reliable and stable internet connectivity. This will enhance Office operations.

(b) Hire and train necessary staff to run ICT systems, procedures and processes

The ODPP has hired a number of staff and interns in the ICT department. This recruitment was done in line with the Office's bid to move towards automation of its processes like case file management and disclosure.

(c) Adoption of e-platforms in Office operations

During the reporting period, the Office was able to adopt and implement the use of e-platforms in its processes.

2.5.2 Streamline Case File Management and disposal systems and procedures

Standardise Registry Operations and Processes

The ODPP has developed a standardised registry for easy storage and retrieval of files and other records. Plans are underway to automate the registry. The Office has further decentralised registry services for various divisions such as Accounts, Complaints, HR, Supply Chain Management and Nairobi County in a bid to ease access to information.

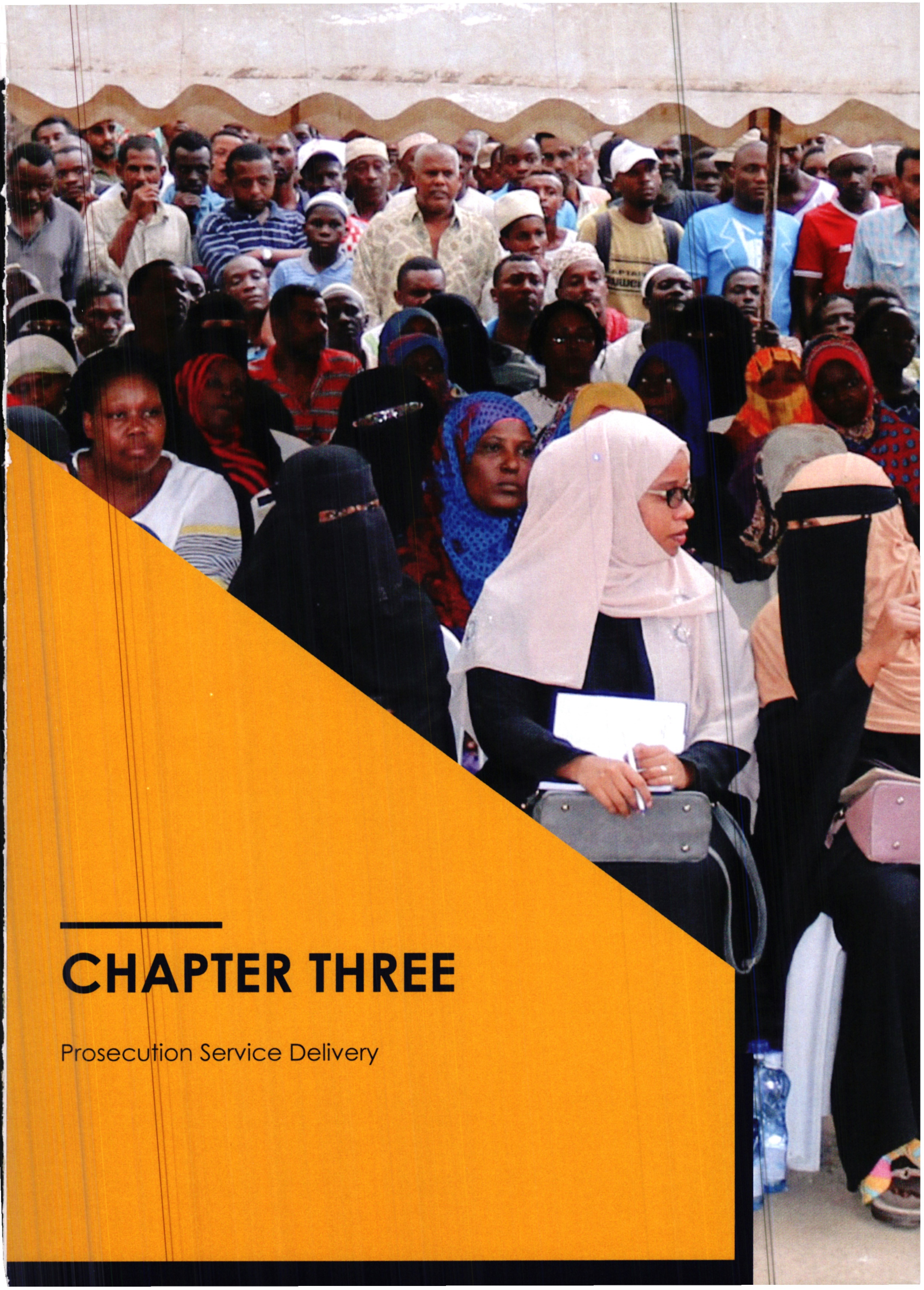
2.5.3 Institutionalize a Performance Management System

Develop and implement a Performance Management System

Review of the performance management structure was carried out to enhance the quality of services offered by the Office.

2.5.4 Streamline procurement processes within the ODPP

Staff in the ODPP have undergone training on the use of Integrated Financial Management Information System (IFMIS) in procurement of goods and services. This has has enabled seamless procurement processes.



CHAPTER THREE

Prosecution Service Delivery

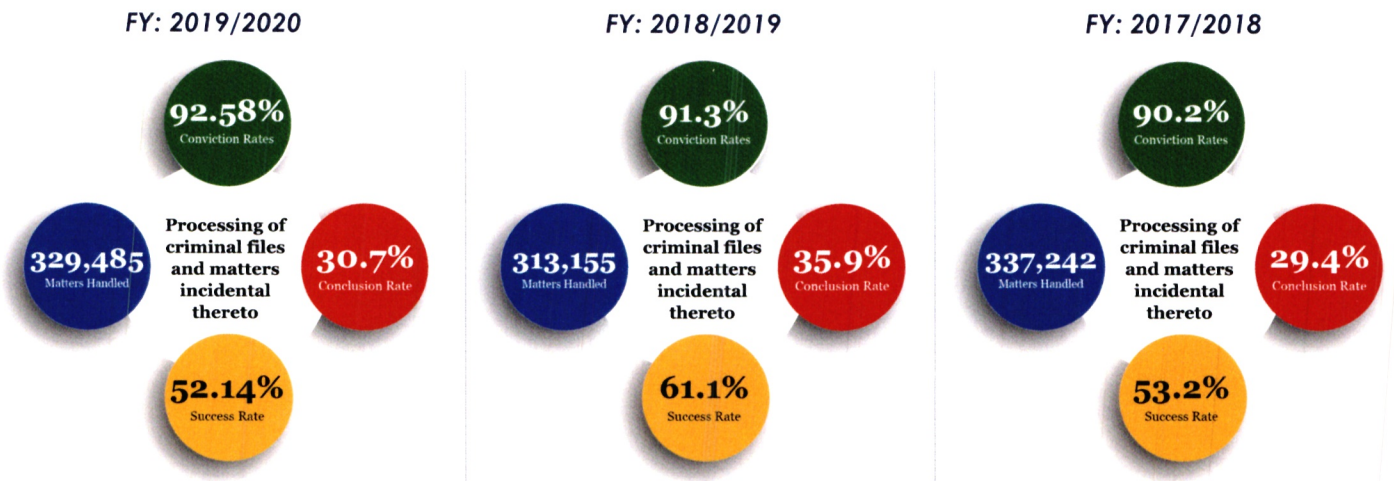
3.0 Introduction

To effectively execute its mandate, the Office has organized its prosecutorial functions into five broad thematic areas: criminal litigation, appeals & applications proceedings, extraditions & MLA processing, advice files briefing, and complaints processing. Interagency co-operation, collaboration and co-ordination are a key considerations while undertaking the above role. The performance of the Office is assessed on six major parameters: caseload[1], conviction rate[2], success rate[3], conclusion rate[4], jurisprudential development and prosecution of high impact cases.

3.1 Prosecution Summary Statistics

In the reporting period 2019/2020, 2018/2019 and 2017/2018, the total numbers of matters handled (caseload) were 329,485; 313,155; and 337,242 respectively. The conviction rates for the reporting period was 92.58%, 91.03% and 90.2% respectively. Figure 3.1 illustrates the performance outlook on four parameters: caseload, conviction rate, conclusion rate and success rates for the reporting period. Figure 3.1 presents the total number of criminal cases and other matters incidental thereto handled during the reporting period.

Figure 3.1: Performance outlook during the reporting period



3.1.1 Caseload

During the period 2019/2020, there was an increase in matters handled from 313,155 in 2018/2019 to 329,485 in 2019/2020. This represented a 5.2% increase in matters handled. The criminal trials increased by 6.62% from 291,053 in 2018/2019 to 310,313 in 2019/2020.

Matters handled in 2018/2019 declined by 7.1% from 337,242 in 2017/2018 to 313,224 in 2018/2019. The matters handled in 2017/2018 had increased by 3.3% from 326,585 in 2016/2017. The decline in the 2018/2019 is attributed to

[1]Total number of criminal cases and incidental thereto handled during a particular reporting period.

[2]Percentage of criminal cases concluded with a verdict in which a guilty verdict was obtained during a reporting period.

[3]Percentage of appeals and applications concluded with a ruling in favour of the prosecution.

[4] Percentage of criminal cases finalised during the reporting period by verdict, withdrawal, or through the use of alternatives to prosecution, irrespective of the date of enrolment.

strategies the Office has put in place including diversion and decriminalization of petty traffic offences.
In the period 2018/19, the number of criminal trials declined by 6.3% from 310,591 in 2017/18 to 291,053 in 2018/19 whereas appeals declined by 22.0% from 13,562 in 2017/18 to 10,575 in 2018/19. The decline is attributed to strategies the Office has adopted including diversion of cases and decriminalization of petty traffic offences.

In the period 2017/2018, the number of criminal trials increased by 20,462 from 290,129 in 2016/17 to 310,591 representing 7.1% whereas appeals rose by 1,013 from 12,549 in 2016/17 to 13,562 in 2017/18. This increase could be attributed to increase in political activities in the build up to general election 2017, the increase in number of Courts as well as crack down on traffic violation that was intensified during the period.

Table 3.1 illustrates a breakdown of matters handled during the reporting periods 2019/20, 2018/19 and 2017/18.

Table 3.1: Caseload during the reporting period

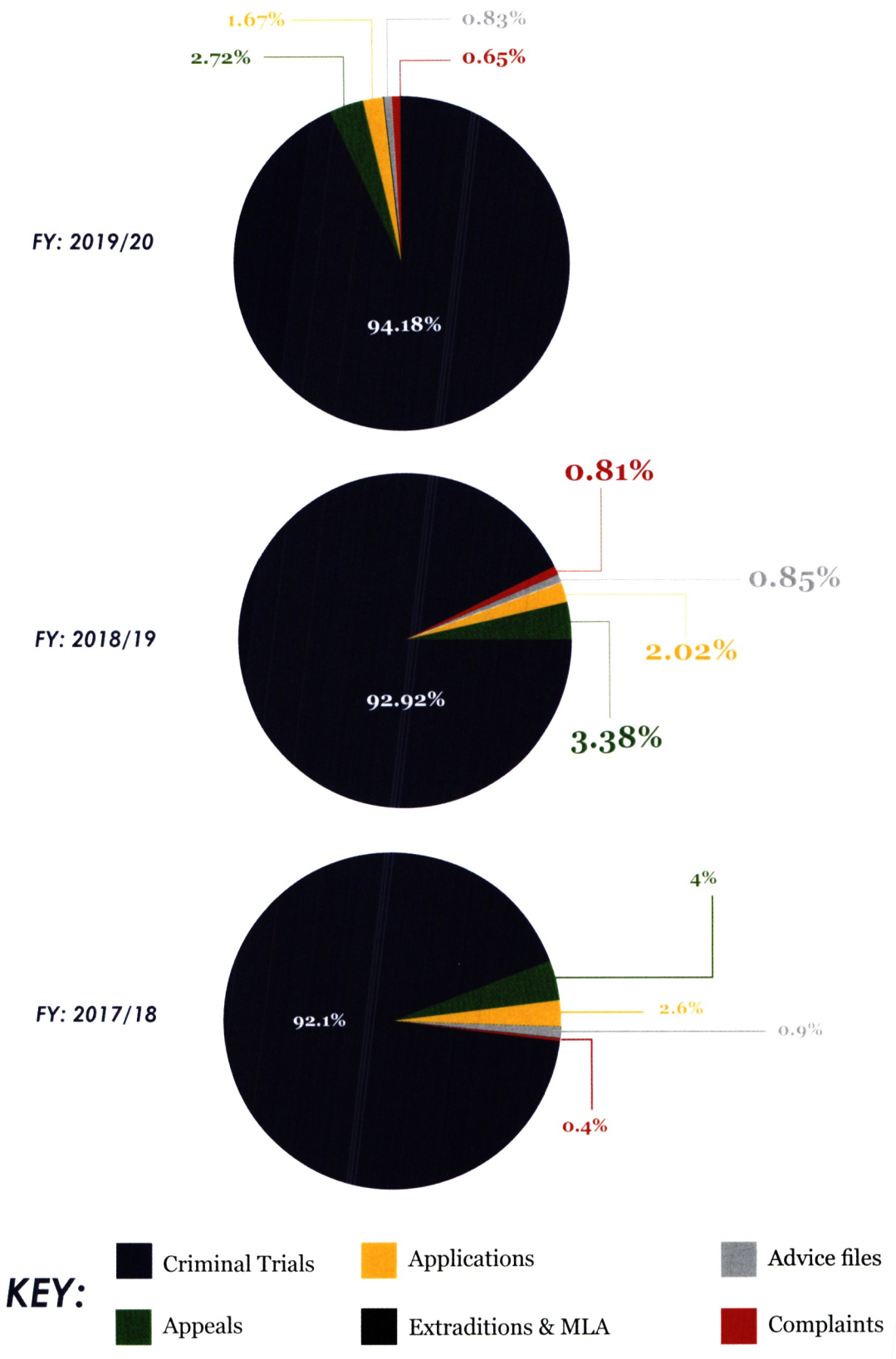
Description	2019/2020		2018/2019		2017/2018	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Criminal Trial	310,313	94.18%	291,053	92.92%	310,591	92.1%
Appeals	8,957	2.72%	10,575	3.38%	13,562	4.0%
Applications	5,329	1.62%	6,342	2.02%	8,761	2.6%
Extraditions & Mutual Legal Assistance	**28**	**0.01%**	*	0.0%	*	0.0%
Advice Files	2,730	0.83%	2,658	0.85%	2,911	0.9%
Complaints	2,128	0.65%	2,527	0.81%	1,417	0.4%
TOTAL	**329,485**	**100%**	**313,155**	**100%**	**337,242**	**100%**

Source: ODPP Records

Note: The data presented in Table 3.1 above captures all matters handled, i.e. new cases filed during respective periods as well as cases that were pending in the system at the beginning of each period.

Criminal trials accounted for 94.18% in 2019/2020; 92.9% in 2018/2019 and 92.1% in 2017/2018. Appeals constituted 2.72% in 2019/2020; 3.4% in 2018/2019 and 4% in 2017/2018. Applications consisted 1.67% in 2019/2020, 2% in 2018/2019 and 2.6% in 2017/2018. Extraditions and Mutual Legal Assistance, advise files and complaints cumulatively accounted for 1.38% in 2019/2020, 1.7% in 2018/2019 and 1.3% 2017/2018. Figure 3.2 presents the graphical proportions of matters handled in the reporting period.

Figure 3.2: Proportion of Matters Handled during the reporting period



In the last six years, caseload increased from 173,161 in 2014/2015 to 329,485 in 2019/2020. Criminal trials increased from 142,516 to 329,485 in 2019/2020. The proportion of criminal trials handled in 2014/2015 was 82.3% and increased to 94% in 2019/2020.

Figure 3.3 The trends in caseload for a period of six years



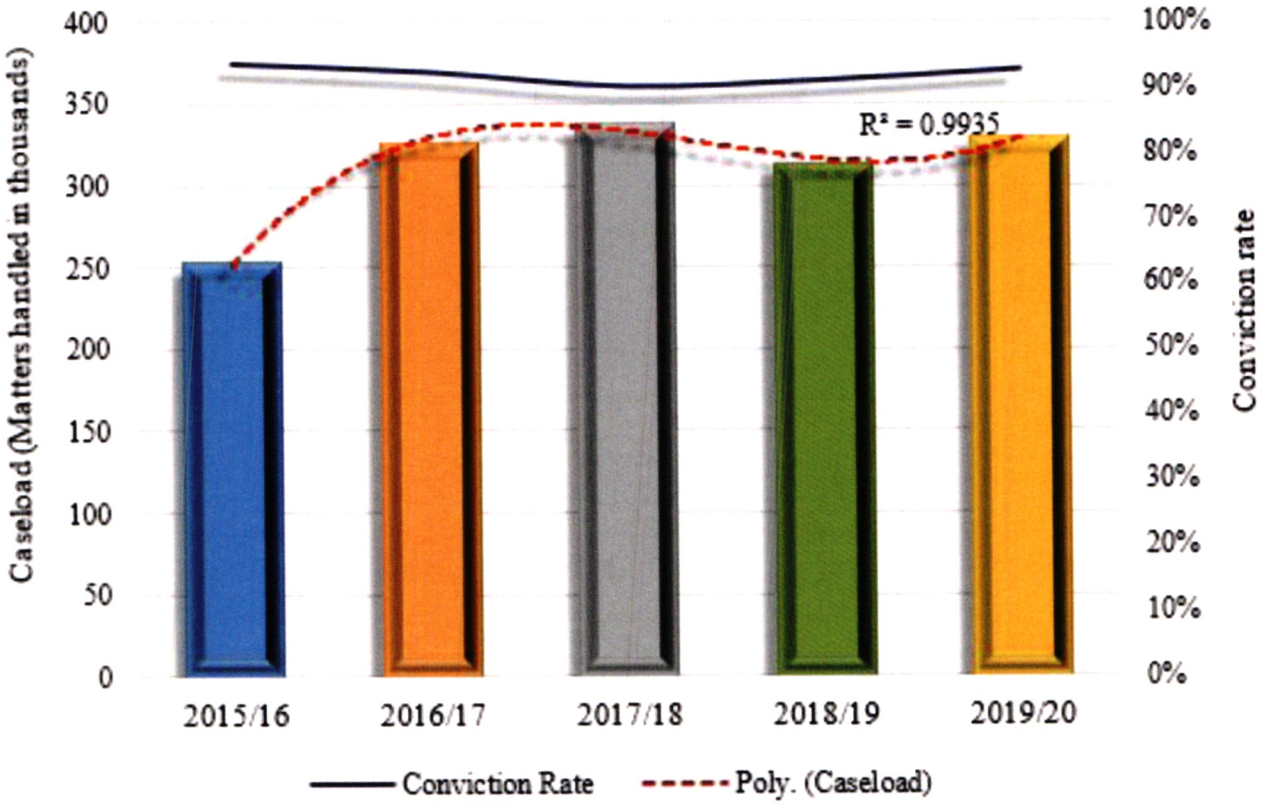
Note: The data presented in Figure 3.3 above captures all matters handled, i.e. new cases filed during respective periods as well as cases that were pending in the system at the beginning of each period.

3.1.2 Overall conviction rate

The Office has continued with attainment of impressive overall conviction rate of above the 90% during the three periods. A remarkable overall conviction rate of 92.58% was achieved during the period 2019/2020. This was a 1.55% increase from the 91.03% in 2018/2019 and 2.38% from the 90.2% attained in the period 2017/2018.

The overall conviction rate attained during the period 2018/2019 was 91.03%. This was an increase of 0.83% from the 90.2% achieved in the period 2017/2018. The conviction rate in the period 2017/2018 registered a 2.1% decline from a 92.3% achieved in the period 2016/2017.

Figure 3.4 illustrates trends in annual caseload and conviction rates for the periods 2015/2016 to 2019/2020



Note: In Figure 3.4, the bar graph illustrates matters handled during the respective years whereas the line graph represents conviction rate and a generated polynomial coefficient of caseload for the five year period.

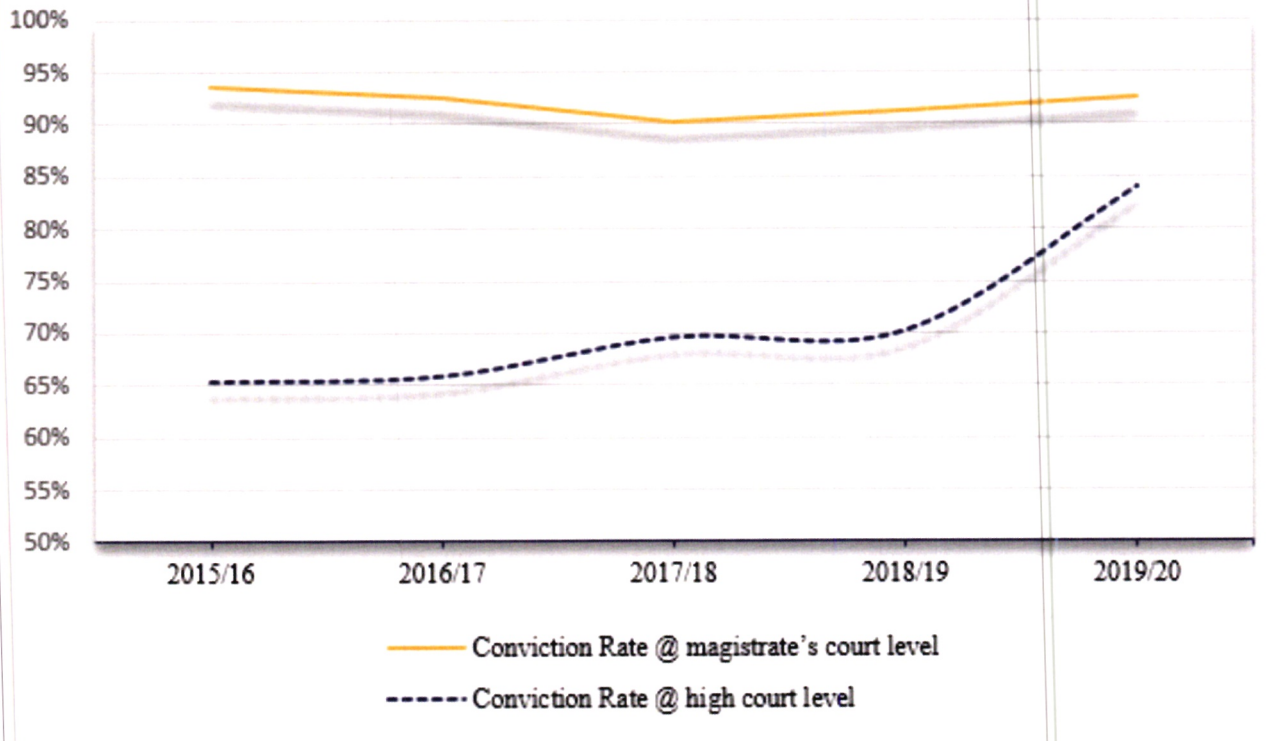
The conviction rate at magistrates' court level and high court level in the period 2019/2020 were 92.65% and 83.94% respectively. The conviction rate improved from the period 2018/2019. The improvement was reflective of constant effort the Office had put to ensure better screening of cases as well as desirable charging decision being made.

During 2018/2019, the conviction rate for magistrate court was 91.18% and the High Court 70.22% . This was remarkable attainment as they surpassed the set target of 90% for conviction at magistrate and 70% at high court. The improving conviction rate are indicative of improved decision to charge and better screening of cases before admission.

Table 3.2 and Figure 3.5 show trends in conviction rates both at the High Court and the Magistrates Courts for a period of five years

Description	2015/2016	2016/2017	2017/2018	2018/2019	2019/20
Conviction Rate @ Magistrate's Court level	93.7%	92.5%	90.3%	91.18%	92.65%
Conviction Rate @ High Court level	65.4%	65.9%	69.6%	70.22%	83.94%
Overall Conviction Rates	93.5%	92.3%	90.2%	91.03%	92.58%

Figure 3.5: Trends in Conviction Rates at the Magistrates' and High Courts for the Periods 2015/2016 to 2019/2020



3.1.3 Overall case conclusion rate

In the period 2019/2020, an overall conclusion rate of 30.7% was attained. This was a 5.2% decline from the 35.9% attained in 2018/2019. Conclusion rate at the magistrate court level declined by 6.09% whereas the high court level saw an increase by 2.69% from the period 2018/2019 which was the highest conclusion rate recorded in over five years. The overall drop in conclusion rate in the magistrate court is attributed to the impact of covid-19 which brought court activities to a standstill for months.

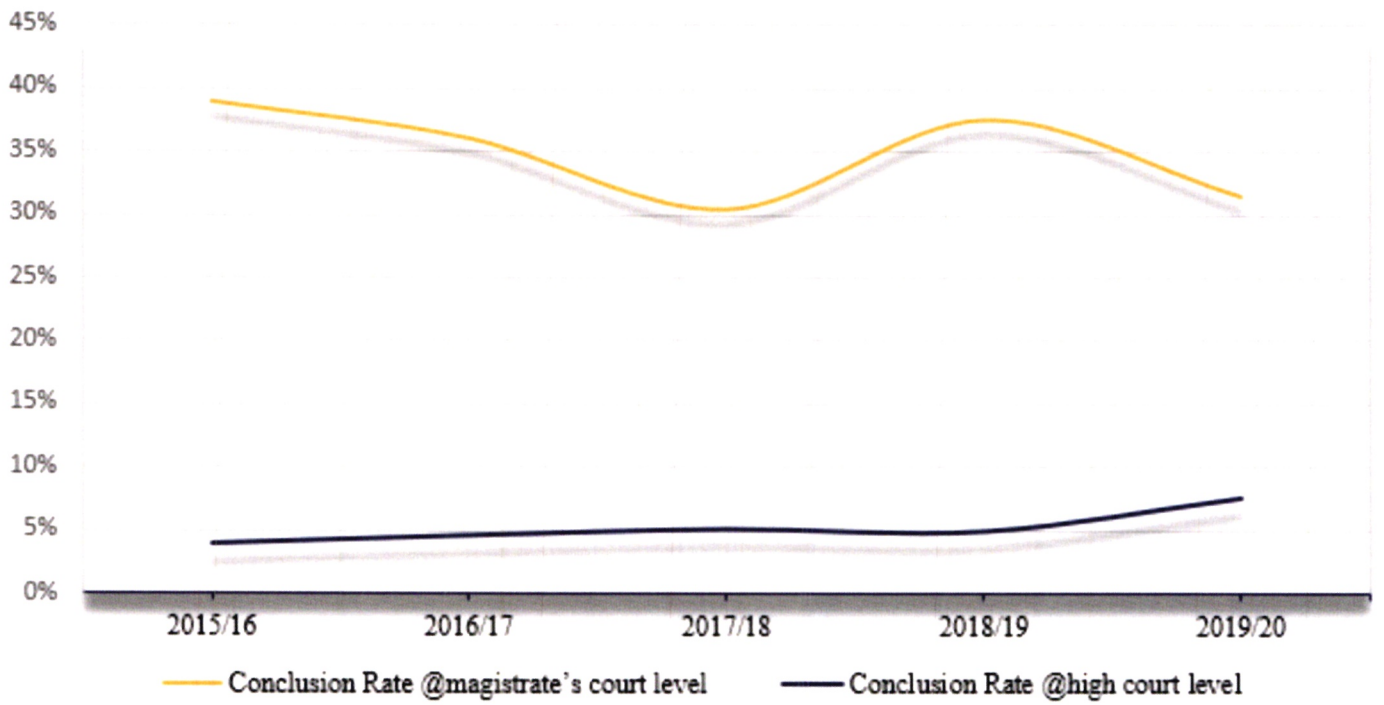
In the period 2018/2019, an overall conclusion rate of 35.92% was attained. This was an increase of 6.5% from 29.4% attained in 2017/2018. Conclusion rate at the Magistrate and High courts improved. This improvement is attributed to concerted effort put by the Office to fast-track access to justice. For instance, the "All for Justice" project where cases involving accused persons held in various remands across the country were reviewed as well as increased collaborative activities among criminal justice actors.

Overall, the conclusion rates continue to remain low owing to the lengthy process of case determination. Table 3.3 presents trends in annual conclusion rates at the Magistrate and High court levels.

Table 3.3: Trends in Conclusion Rates at the Magistrates and High Courts Level for the Period 2015/16 to 2019/20

Description	2015/16	2016/17	2017/18	2018/19	2019/20
Conclusion Rate @magistrate's court level	39.0%	36.12%	30.5%	37.62%	31.53%
Conclusion Rate @high court level	3.9%	4.58%	5.1%	4.93%	7.62%
Overall Conclusion Rate	**39.00%**	**34.70%**	**29.4%**	**35.92%**	**30.70%**

Figure 3.6: Trends in Conclusion Rates at the Magistrates' and High Courts for the Periods 2015/16 to 2019/20



3.2 Statistical Analysis of Criminal Trials

3.2.0 Criminal trials statistical highlights

During the period 2019/2020, a total of 123,810 criminal matters were registered in various courts across the country. This was a 21.8% increase compared to 101,631 new criminal matters in 2018/2019. A total of 77,303 cases were concluded as convictions, acquittals, withdrawals or diversion. There were 2,036 cases resolved through diversion and 1,106 resolved through plea bargain agreements. There was a drop in matters concluded by 26.06%. This was attributed to the disruptive effects of COVID-19 pandemic. At the High Court level, 1,003 new criminal cases were registered and 691 concluded in the period 2019/20.

During the period 2018/2019, a total of 101,631 criminal trial cases were registered. This was a 16.12% decrease compared to 121,169 criminal cases registered in 2017/2018. A total of 104,550 were concluded as convictions, acquittals or withdrawals. The number concluded was an increase from the 91,199 concluded in 2017/2018. The number of cases withdrawn declined whereas the number of acquittals marginally increased. The number of cases concluded as conviction significantly increased from 72,057 in 2017/2018 to 85,421 in 2018/2019. These included cases in which there were convictions after full trial, plea bargains as well as pleas of guilty.

At the High Court level, 1,154 new criminal cases were registered and 746 concluded in the period 2018/2019. There was a 23% increase in trial cases registered from 938 in 2017/2018. There was also an increase of 666 cases concluded in 2017/2018. At the Magistrates' court level, 100,477 new trial cases were filed in courts and 103,813 were concluded as either convictions, acquittals or withdrawals. There was decline in the new cases filed and increase in cases concluded.

At the Magistrates' court level, 100,477 new trial case files were registered in courts and 103,813 were concluded and closed as convictions, acquittals and/or withdrawals. There was a general decline in the new case files registered as well as case files finalized.

Table 3.4 shows number of criminal case files registered as well as cases concluded whereas figure 3.7 highlights the proportion of new cases registered and cases concluded during the periods 2017/2018 to 2019/2020.

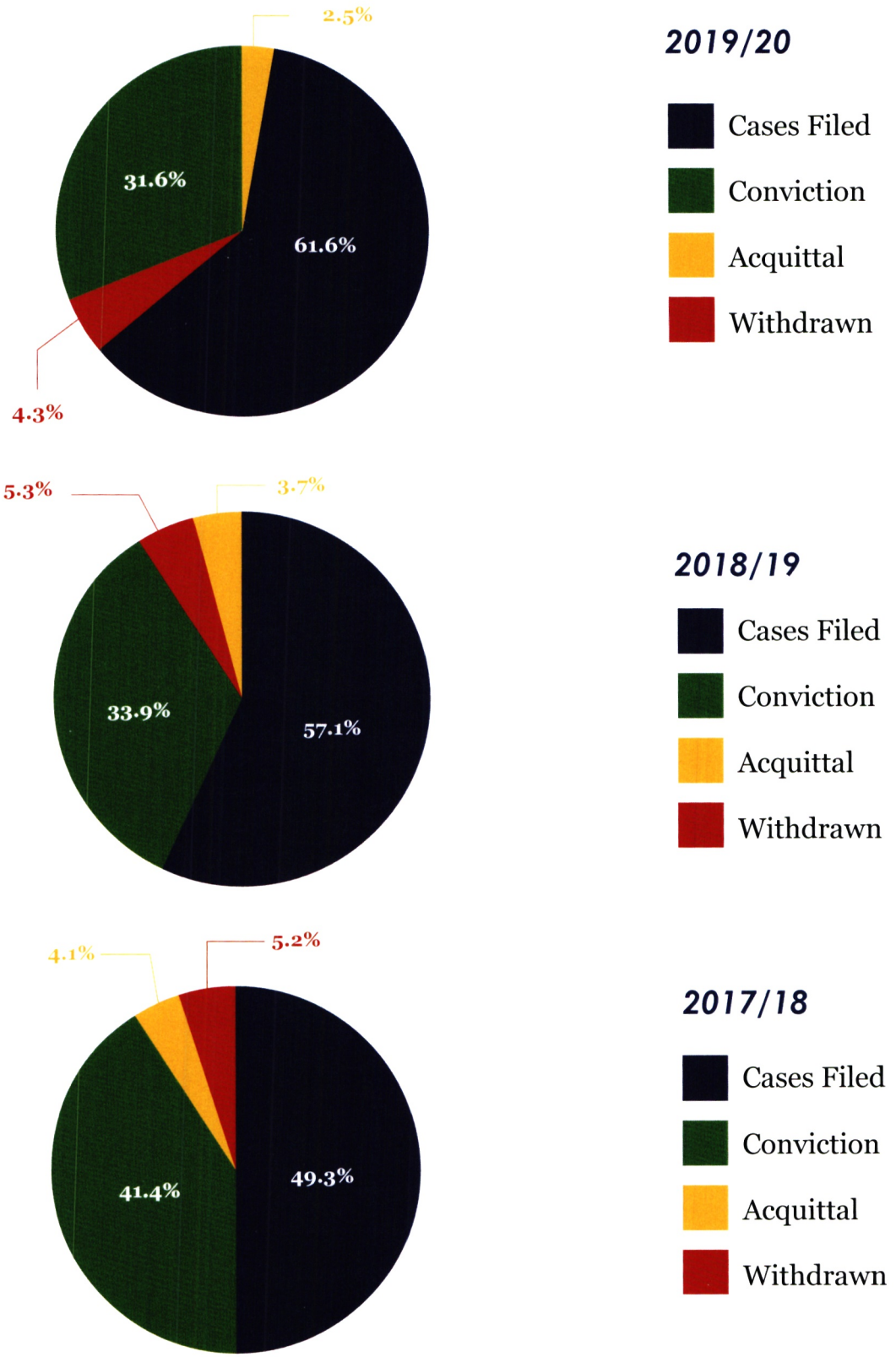
Table 3.4: Criminal Trials Filed and Concluded from 2017/2018 to 2019/2020

Court Level	Cases Filed	Withdrawn	Conviction	Acquittal
		2019/20		
High Court	1,003	37	549	105
Magistrate	122,807	8,609	63,008	4,904
TOTAL	**123,810**	**8,646**	**63,557**	**5,100**
		2018/19		
High Court	1,154	62	474	201
Magistrate	100,477	10,645	84,947	8,221
TOTAL	**101,631**	**10,707**	**85,421**	**8,422**
		2017/18		
High Court	938	77	410	179
Magistrate	120,231	11,188	71,647	7,698
TOTAL	**121,169**	**11,265**	**72,057**	**7,877**

Note: i. Cases filed refer to new cases registered in court in the respective financial years.
ii. Withdrawn, convictions and acquittals capture cases finalised during the respective financial year regardless of date registered in court

346,610 Total new cases filed in court during the years 2017/2018, 2018/2019 and 2019/2020

Figure 3.7: Proportion of Criminal Trial Cases Registered and Concluded During the Periods 2017/18, 2018/19 and 2019/20



Note: i. Cases filed refer to proportion of new cases registered in court to cases finalised.
ii. Cases finalised (withdrawn, conviction and acquittal) depict proportion of concluded cases during the period (regardless of date registered in court) to new cases registered.

3.2.1 Statistical analysis of select categories of trial cases

The Office undertakes prosecution of various categories of cases which include homicide, corruption and economic crimes, counter-terrorism, sexual and gender-based violence, wildlife crimes and children matters.

(a) Homicide cases

This category includes offences of murder, manslaughter, infanticide, procuring abortion, concealing birth, aiding suicide and causing death by dangerous driving. During the period 2019/2020, a total 2,586 new homicide cases were registered in various courts across the country. A total of 1,640 cases finalized with a conviction rate of 81.96% for the category. The number of concluded cases as well as conviction rate attained was an improvement from an annual average of 1,179 cases concluded and 73.45% conviction rate in the years 2017/2018 and 2018/2019. Considering the high threshold of proof required in this category of cases, it can be deduced that the effort by the Office to admit only properly screened cases is bearing fruits.

Table 3.5 presents homicide cases processed during the period 2019/20.

Table 3.5: Homicide cases Registered and Concluded during FY 2019/2020

Offence	Cases filed	Reduced to Manslaughter	Conviction on Plea of Guilty	Plea Bargain Agreements	Conviction after full Trial	Acquittal	Withdrawn
Murder	1,003	152	26	88	283	105	37
Manslaughter	208		30	4	74	16	24
Attempted Murder	154		6	-	71	18	27
Threat to kill	968		59	2	210	84	140
Conspiracy to Murder	11		-	-	2	1	3
Infanticide	12		1	-	3	2	5
Procuring Abortion	18		2	-	3	0	3
Concealing Birth	42		7	-	8	3	4
Aiding Suicide	17		-	-	-	-	-
Attempted suicide	66		9	3	19	11	12
Causing Death by Dangerous Driving	87		6	-	72	11	16
Sub-Total	**2,586**	**152**	**146**	**97**	**745**	**251**	**271**

Note: i. Cases filed refer to new cases registered in court in the respective financial years.
ii. Cases finalised captures number of cases concluded during the financial year regardless of date registered in court

(b) Counter-terrorism cases

Counter-terrorism cases include offence of commission of a terrorist act, recruitment of members to terrorist groups, collection or provision of property and services for commission of terrorist acts, and possession of property for commission of terrorist acts. During the period 2019/2020, 8 cases were registered and 4 concluded. During the years 2018/2019 to 2019/2020, there was a huge drop in cases registered. This points to successes of the strategies put by the government in the fight against terrorism. Table 3.6 illustrates terrorism cases handled during the period 2019/2020.

Table 3.6: Counter-Terrorism cases processed during FY 2019/2020

Offence	Cases filed	Cases Diverted	Conviction on Plea of Guilty	Conviction on Plea Bargain	Conviction after full trial	Acquit-tal	With-drawn
Commission of terrorist Act	-	-	-	-	-	-	-
Recruitment of members of a terrorist group	-	-	-	-	-	-	-
Collection or provision of property and services for commission of terrorist groups	-	-	-	-	-	-	1
Possession of property for commission	-	-	-	-	-	-	2
Terrorist acts	4	-	-	-	-	-	-
Other related offences	4	-	-	-	-	-	1
Sub-total	**8**	**-**	**-**	**-**	**-**	**-**	**4**

Note: i. Cases filed refer to new cases registered in court in the respective financial years.
ii. Cases finalised captures number of cases concluded during the financial year regardless of date registered in court

c) Sexual and gender-based violence cases

There were 4,088 new cases registered and 1,985 cases concluded during the period 2019/2020. A conviction rate of 78.5% was attained, a 9.8% increase from an average of 69% conviction rate in the years 2017/2018 and 2018/2019. The conviction rate was slightly below the target of 80% set for this category of cases. Defilement and attempted defilement accounted for 65% of the cases under this category, rape accounted for 13.72% and indecent act with the child 7.8%. Table 3.7 illustrates the cases registered and cases concluded during the period 2019/2020.

Table 3.7: Prosecution of Cases of Sexual Nature 2019/2020

Offence	Cases filed	Cases Diverted	Conviction on Plea of Guilty	Conviction on Plea Bargain	Conviction after full trial	Acquit-tal	With-drawn
Rape	388	-	12	5	126	43	57
Attempted Rape	173	-	1	0	84	25	47
Defilement	2,313	9	110	48	434	162	191
Attempted Defilement	345	4	14	1	133	40	43
Gang Rape	120	-	1	2	24	13	12
Incest	208	-	21	6	42	14	11
Sexual assault	84	-	12	-	12	10	6
Bestiality	4	-	1	-	2	-	-
Bigamy	10	-	-	-	-	-	-
Deliberate HIV Transmission	5	-	-	-	-	-	-
Trafficking for Sexual Exploitation	8	-	-	-	2	-	1
Child Prostitution/ Tourism/ Pornography	14	-	-	-	-	-	3
Indecent act with child	320	-	8	-	101	28	47
Unnatural offences	75	-	2	-	10	1	4
Other Offences related to mortality	21	-	-	-	-	-	-
Sub-total	**4,088**	**13**	**182**	**62**	**970**	**336**	**422**
Child neglect, Cruelty, child labour, child abuse	547	26	116	17	96	41	58
Total	**4,635**	**39**	**298**	**79**	**1,066**	**377**	**480**

Note: i. Cases filed refer to new cases registered in court in the respective financial years.

ii. Cases finalised captures number of cases concluded during the financial year regardless of date registered in court

(d) Human trafficking cases

A total of 174 cases were registered. There was a total of 88 cases concluded with a conviction rate of 97.33%. The number of cases concluded as well as conviction rate has improved from the average of 78 cases concluded and 92.86% conviction rate attained in the years 2017/2018 and 2018/2019.

Table 3.8 shows the prosecution of human trafficking cases during the periods 2019/2020

Table 3.8: Prosecution of Human Trafficking Cases in 2019/2020

Offence	Cases filed	Conviction on Plea of Guilty	Conviction after full trial	Acquittal	Withdrawn
Trafficking in persons	18	0	1	1	4
Child trafficking	9	0	1	1	2
Promotion of trafficking in persons	0	0	0	0	1
Acquisition of travel documents, fraud or misrepresentation	13	5	0	0	0
Facilitating entry into or exit out of country	109	7	47	0	5
Interfering with travel documents and personal effects	1	0	0	0	0
Trafficking in persons for organized crime	1	1	3	0	0
Other offences related to human trafficking	23	5	3	0	1
Sub-total	**174**	**18**	**55**	**2**	**13**

Note: i. Cases filed refer to new cases registered in court in the respective financial years.
ii. Cases finalised captures number of cases concluded during the financial year regardless of date registered in court

e) Wildlife crimes

203 cases were registered in courts during the period 2019/2020. A total of 195 cases were concluded with a conviction rate of 88.81%. The cases registered declined compared to 2017/2018 and 2018/2019. Table 3.9 shows prosecution of wildlife crime cases during the period 2019/2020.

Table 3.9: Prosecution of Wildlife Crimes in 2019/2020

Offence	Cases filed	Cases Diverted	Conviction on Plea of Guilty	Conviction on Plea Bargain	Conviction after full trial	Acquit-tal	With-drawn
Possession/ dealing/ manufacturing a wildlife trophy	79	0	13	3	11	4	9
Other offences related to wildlife	124	4	57	7	32	12	43
Sub-total	**203**	**4**	**70**	**10**	**43**	**16**	**52**

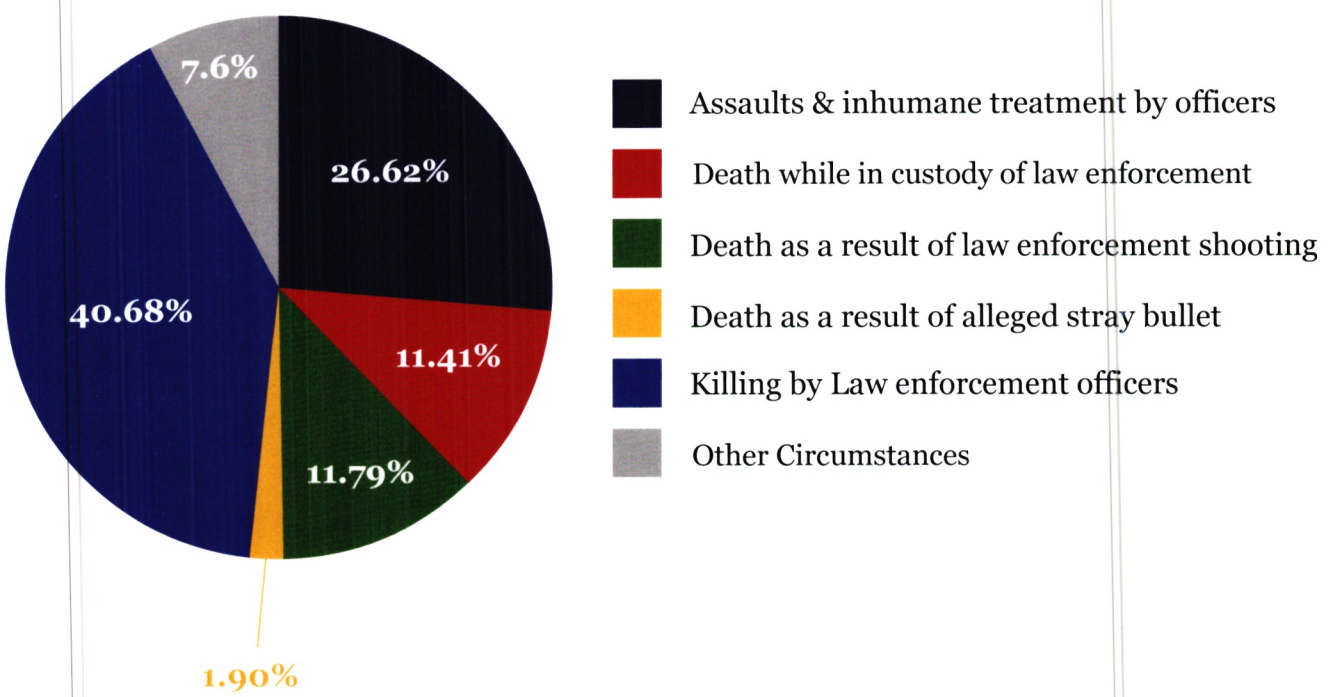
Note: i. Cases filed refer to new cases registered in court in the respective financial years.
ii. Cases finalised captures number of cases concluded during the financial year regardless of date registered in court

3.3 Criminal Justice Accountability

There were enhanced efforts to ensure criminal justice accountability during the period of this report. A total of 263 cases relating to infringement of civil rights were handled including incidents committed prior to 2017/2018 period.

Figure 3.8 illustrates proportion of offences relating to law enforcement officers.

Figure 3.8: Cases on criminal justice accountability



In order to address the violations and excesses by the law enforcement agencies, the Office has undertaken the following:

(i) Establishment of the Civil Rights Division

The objective of the Division is to enhance the promotion of human rights and address cases that relate to inaction or action by law enforcers that results in criminal violations of the rights of the people living in Kenya whether citizens or non-citizens. The division is also mandated to ensure that acts constituting criminal and civil rights violations are sufficiently remedied, whether through prosecution or through recommendation of administrative actions by the National Police Service. The Division is part of a Tri-Partite Task Force on Civil and Human Rights.

Through the Division, the Office works with the civil society :

- Conduct outreach programs involving law enforcers,
- Conduct sensitization on human rights and laws to the public, and
- Engage in community meetings with local leaders.

(ii) Collaboration with IPOA

The ODPP works closely with IPOA to deal with the police excesses by law enforcement officers. Towards this end, the Office:

(a) is negotiating a Memorandum of Understanding with IPOA

The objective of the MOU is to create rules of engagement on matters of mutual concern in furtherance of each others' mandates.

(b) Is Developing Standard Operating Procedures with IPOA

The standard operating procedures are intended to guide the investigators and prosecutors on matters relating to IPOA. This will enhance efficiency and build the capacity of officers dealing with the aforesaid matters.

(c) Establishment of an IPOA Desk

The ODPP has established an IPOA desk. Officers at the desk have been designated to follow up on all cases that come to the attention of the ODPP on police excesses. The ODPP officers act as contact persons between the two institutions.

(iii) Collaboration with OHCHR

The ODPP and Office of the High Commissioner for Human Rights (OHCHR) carried out an evaluation of the capacity, structure, and made recommendations on how to strengthen the ODPP Civil Right Divisiom.

(iv) Freedom of Assembly

Article 37 of the Constitution of Kenya guarantees for freedom of peaceful assembly to all. In line with this the Office has established a civil society liaison team to formulate regulations to give effect to the Article.

(v) Freedom of Speech

The Office is committed to safeguarding freedom of expression as guaranteed by Article 33 of the Constitution of Kenya. However, this freedom is not an absolute right and where people resort to propaganda for war, hate speech and incitement to violence they are liable to prosecution. The Office has established a division to deal with such abuses.

3.4 '*All for Justice*' Initiative Summary Statistics

The ODPP during the period 2017/2018 spearheaded an initiative dubbed *"All for Justice"* Programme which sought to review cases of remandees in the various remands facilities across the country. The initiative is in line with the government of Kenya agenda to decongest prisons and was, therefore, undertaken in conjunction with the Kenya Prison Service and the United States Embassy through the United States Department of Justice (USDOJ). A team of prosecutors visited 65 facilities with 14,329 remandees and reviewed over 10,000 cases of accused persons held awaiting processing of their cases. Table 3.10 presents cases reviewed with offences.

Table 3.10: Cases reviewed during the '*All for Justice*' Programme

Offence	Frequency	Proportion
Homicides and related offences	2,078	20.5%
Sexual and gender based and related offences	1,683	16.6%
Theft and stealing	1,437	14.2%
Robbery and extortions	1,247	12.3%
Assaults	1,041	10.3%
Breakings and property related offences	620	6.1%
Drugs related offences	327	3.2%
Preparation to commit felony	249	2.5%
Wildlife and Forestry crimes	203	2.0%
Malicious damage to property	193	1.9%
Unclassified crimes	160	1.6%
Economic and corruption related offences	136	1.3%
Alcohol Related Offences	118	1.2%
Forgery fraud and false pretences	115	1.1%
Traffic offences	89	0.9%
Environmental crimes	39	0.4%
Offences against liberty	33	0.3%
Child neglect, labour, abuse, etc	30	0.3%
Immigration and extradition related offences	29	0.3%
Incitement To Violence and Hate Speech Crimes	26	0.3%
Human trafficking	25	0.2%
Land Crimes	14	0.1%
Money laundering	10	0.1%

Offence	Frequency	Proportion
Terrorism	8	0.1%
Other petty Offences	230	2.3%
Total	**10,140**	**100.0%**

Homicide constituted the largest single category of cases reviewed at 20.5%. Felonies constituted 75% of the cases reviewed and less serious cases constituted 25%. There was a 74.1% of the cases reviewed being less than one year old and 25.9% over one year old. 68.5% of those interviewed were 34 years and below. Of the cases reviewed 2% consituted cases involving minors (less than 18 years old).



ODPP prosecutors during court proceedings

3.5 Jurisprudential Highlights and Noteworthy Cases

(i) Independence of the Director of Public Prosecutions

(a) In Joseph Lendrix Waswa & Republic [Petition No 23 of 2019] the Supreme Court, in determining the extent of victim participation in criminal proceedings, Supreme Court Justices **Maraga CJ & P, Ibrahim J, Wanjala J, Njoki J and Lenaola J,** observed that the State's prosecutorial powers are vested in the DPP under Article 157 of the Constitution. In addition, the DPP neither requires the consent of any person to institute criminal proceedings. Further, the Court stated that the victim has no active role in the decision to prosecute, or the determination of the charge upon which the accused will finally be tried. This responsibility is the sole duty and mandate of the DPP. A victim and/or his legal representative do not have the mandate to prosecute crimes on behalf of the DPP.

(b) In **Eng. Geoffrey K. Sang vs. The Director of Public Prosecutions & 4 Others, Petition No. 19 of 2020, Justice Odunga G.V.** held, *inter alia*: "... **A Declaration that the 2nd Respondent, the Director of Criminal Investigations has no power and authority to institute criminal proceedings before a Court of law without the prior consent of the Director of Public Prosecutions and any proceedings so commenced are unconstitutional, illegal, unlawful, null and void ab *initio*...** " Consequently, an attempt by the DCI or any other investigative body, which falls under the mandate of the Inspector General, to charge a person with a criminal offence without the consent of the Director of Public Prosecutions is ultra vires the power and authority of the investigative body. In order to avoid embarrassment before court or by the criminal justice actors, it would be prudent that all actors did their roles and functions as per the law and that no agency usurped their powers.

(c) Charles Okello Mwanda vs. Ethics and Anti-Corruption Commission & 3 Others (2014) eKLR in which the Petitioner in this case sought to stop his prosecution. His claim was that the EACC had, by a letter, indicated that it had absolved him from criminal responsibility with regard to alleged abuse of office. On this basis, he argued that the subsequent charge preferred against him was an abuse of the Court process and a violation of his constitutional rights.

Mumbi Ngugi J, held that: *"I would also agree with the 4th respondent (DPP). The Court agreed with the 4th respondent stating that the Constitutional mandate under 2010 Constitution with respect to prosecution lies with the 4th Respondent, and that the 1st Respondent has no power to 'absolve' a party and thereby stop the 4th Respondent from carrying out his constitutional mandate. Article 157 (10) is clear..."*

In dismissing the petitioner's case, the Court held that the discretion to be exercised by the DPP is not to be based on recommendations made by the investigative bodies. Therefore, the mere fact that the DPP's decision differs from the opinion formed by the investigators is not a reason for interfering with the constitutional and statutory mandate of the DPP.

Similarly, in **Thuita Mwangi & Anor vs. The Ethics and Anti-Corruption Commission & 3 Others Petition No. 153 & 369 of 2013** where Majanja J held that: *"The decision to institute criminal proceedings by the DPP is discretionary. Such exercise of power is not subject to the direction or control by any authority..."*

(ii) Plea Bargaining

(a) Republic vs Family Bank Ltd and 7 Others, Case No. 304 of 2016

Family Bank and its senior managers were charged under the Proceeds of Crime and Anti-Money Laundering Act No. 9 of 2009, with several counts of failing to report suspicious transactions and abetting money laundering involving the National Youth Service transactions. The Court recorded the plea agreement, convicted them and fined Family Bank a total of Kshs. 64.5 Million.

(b) Republic vs Jackson Mbute Mbugua and 5 Others Acc. No. 3 of 2012 (Racecourse Primary School Case)

The accused persons were jointly charged with conspiracy

to defraud the Government of L.R. No. 209/16441 which was allocated to the then City Council of Nairobi for use by Racecourse Primary School.

Before the hearing of the matter, the accused persons initiated a plea agreement negotiation with the Prosecution. This resulted in an agreement to restore the parcel of land to the Government. At the time of conclusion of this case, the parcel of land was valued at KShs. 700 Million .

(iii)Illegal acquisition of public land - Ruaraka Land Case

(a) ELC No. 1 of 2018 National Land Commission (NLC) vs Afrison Export Import Limited & 10 Others

The Applicant (NLC) purported to have compulsorily acquired a part of L.R. No. 7879/4 measuring 5.727 hectares (ha) or 13.77 acres for Drive-In Primary School and Ruaraka High School from the purported owners and awarded them Kshs. 3,269,040,600/= in compensation. Subsequently, the Applicant paid a sum of Kshs. 1,500,000,000/= to Afrison Export Import Limited and Huelands Limited as partial compensation leaving a balance of KShs. 1,769,040,600/=.

The Court in reaching its decision stated that the process of compulsory acquisition in the case was not in accordance with Article 40 (3) of the Constitution and Sections 107 to 133 of the Land Act 2012.

(iv) Trial of minors

P O O (A Minor) vs Director of Public Prosecutions and another [2017] eKLR

The petitioner (minor) had been charged with the offence of defilement contrary to Section 8(1) as read with 8(4) of the Sexual Offences Act. He faced an alternative charge of committing an indecent act with a child contrary to Section 11(1) of the same Act in Criminal Case No. 7 of 2016.

The Petitioner filed an application in the High Court for the termination of the matter before the Magistrate's Court stating that his prosecution was discriminatory and had denied him the equal right and protection of the law as a minor. The application also stated that he had not been afforded the services of an advocate at the onset of his trial and that he was being held/remanded in an adult facility.

The Court held, *inter alia,* that the Petitioner was discriminated against on the basis of sex in that he was charged alone but in reality, the petitioner and the victim could not give consent. They both needed care and equal protection of the law.

(v) Terrorism cases

(a) Republic vs Rashid Charles Mberesero, Hassan Edin and Mohamed Abdi CR 993/18

The accused persons were charged with 150 counts of terrorism-related offences for facilitating Somali Islamist militants to carry out at an attack on Garissa University where 148 lives of innocent students were lost.

The Court found the accused persons guilty on 3 counts, namely; conspiracy to commit a terrorist attack, committing a terrorist attack and being a member of a terrorist group. Two accused persons, Mr. Hassan and Mr. Mohammed, were sentenced to 41 years whilst the third accused Mr. Rashid was convicted and sentenced to life imprisonment. This has been a success for the prosecution since this is the first case of its kind in Kenya.

(b) Republic vs Jermaine Grant (unreported)

This case involved Jermaine Grant, a British national, who was arrested in Mombasa in 2011 and subsequently charged with multiple counts of attempting to illegally obtain Kenyan citizenship by forging documents. He was convicted and sentenced to 9 years imprisonment for the offence.

Further, Grant was charged with the offence of conspiring to improvise an explosive device. He is associated with Samantha Lewthwaite, also known as (the "white widow") who remains at large in relation to terrorist activity.

In a related matter in April 2019, Grant was found guilty of possessing bomb-making materials and in

May 2019, he was sentenced to a further 4 years, making it a cumulative 13 years imprisonment.

(c) Republic vs Ahamad Abolfathi Mohammed and another SC Petition 39/2018

The accused persons were charged with three counts; committing an act intended to cause grievous harm contrary to Section 231 of the Penal Code, preparation to commit a felony contrary to Section 308(1) of the Penal Code and being in possession of explosives contrary to Section 29 of the Explosives Act.

After trial, they were convicted on the three counts and sentenced to life imprisonment by the Magistrate's Court. On first appeal to the High Court, their sentence was reduced to 15 years imprisonment. The accused further appealed to the Court of Appeal where their conviction was quashed. The State moved to the Supreme Court where the court reversed the acquittal and directed that the accused serves the rest of the sentence.

Significant in the case was the fact that the Court allowed the State to hold the accused persons in custody pending the determination of the appeal due to the seriousness of the risk that they posed to public safety and security.

(vi) Corruption cases

(a)Republic vs Justina Malela [2018] eKLR

The accused person in this case was charged with the offences of abuse of office, corruptly soliciting and corruptly receiving a benefit contrary to the provisions of the Anti- Corruption and Economic Crimes Act, 2003.

Tthe complainant in this case sought the accused person's service in obtaining a Birth Certificate for her niece where the accused received KShs. 2,500/= as facilitation fees. The accused was convicted on all counts and sentenced to pay a fine of KShs. 500,000/- and in default 2 years imprisonment.

Although the matter involved a relatively small amount, the sentenced passed was hefty to serve as a deterrence to public servants.

(b) Republic vs Josephat Koech Sirma and 5 others, Revision No. 3 of 2016: [2017] eKLR

The State in this case sought a revision in the High Court ruling by Hon. Kombo, PM in which the State had been ordered to supply the 2nd Respondent /accused (Charles Tanui) with an investigation report prepared by EACC and forwarded to the DPP under Section 35 of ACECA.

Lady Justice Achode, ruled that the said report did not form part of the adequate facilities to prepare for a defence as envisaged under Article 50(2) (c) and (j) of the Constitution.

(c) Republic vs Boniface Okerosi Misera, Cephas Kamande Mwaura and 2 others, ACC 44 of 2010 (Cemetery Case)

The accused persons were charged with various offences including conspiracy to commit an offence of corruption, resulting in the loss of KShs. 283,200,000 belonging to the then City Council of Nairobi, in a transaction involving the sale of L.R. No. 14759/2 cemetery land. The 1st and 2nd accused persons were acquitted under Section 210 of the Criminal Procedure Code while the 3rd and 4th accused persons were acquitted under Section 215 of the Criminal Procedure Code on the 1st Count but convicted on the 5th and 6th counts of Fraudulent Acquisition of Public Property.

The 3rd and 4th accused persons were both sentenced to serve 2 years mandatory imprisonment and directed to pay KShs. 40 million for the 3rd accused and KShs. 37,200,000 for the 4th accused or 1 year imprisonment in default. The accused persons appealed to the High Court against the conviction and the sentence. However, Lady Justice Hedwig Ong'udi upheld the Lower Court's decision.

(d) Ethics and Anti-Corruption Commission vs Tom Ojienda, SC t/a Prof Tom Ojienda & Associates Advocates and 2 Others; Law Society of Kenya *(Amicus curiae)*

The EACC had obtained an *ex parte* order to investigate the Respondent's bank accounts. The Respondent challenged that order arguing that EACC had abused his right to privacy.

The High Court held that the warrant to investigate a bank account breached the rights and fundamental freedoms of the Respondent. EACC and the DPP were dissatisfied with the decision and filed a Civil appeal. The Court of Appeal while dismissing this application stated that EACC should always comply with provisions of Sections 26, 27 and 28 of ACECA by giving notice to suspects.

The DPP appealed against this decision at the Supreme Court. The Supreme Court allowed this application and directed that the order of the High Court and Court of Appeal be stayed. The Court stated that the fight against corruption and economic crimes is a matter of great public importance.

(e) Moses Kasaine Lenolkulal vs Republic Crim. App. No. 109 of 2019 [2019] eKLR

The Applicant (the Governor Samburu County) had been charged together with 13 others with the offence of abuse of office, among others under ACECA, among other offences. The trial Court banned the Applicant from accessing the Samburu County Government offices without prior authorisation of the EACC.

The Applicant being aggrieved by the Trial Court's ruling, applied to the High Court for revision of the orders. The High Court upheld the Trial Court's orders resulting in this Application being filed before the Court of Appeal. The Court of Appeal in dismissing the Application held that the bail terms granted did not remove the appellant from office, but merely required compliance with constitutionally sanctioned terms that of necessity limited his access to the County offices until determination of the trial.

(vii) Composition of EACC during investigations

Michael Sistu Mwaura Kamau vs Ethics and Anti-Corruption Commission and 4 Others [2017] eKLR

The Appellant had been arraigned before the Anti-Corruption Court following the conclusion of investigation that had been conducted by the EACC. Prior to his arraignment, the EACC had recommended the charges preferred in compliance with Section 35 of the ACECA. However, the Appellant challenged the arraignment arguing that the process of investigating, recommending charges against him emanated from an unlawful process. In particular, he argued that the EACC was improperly constituted at the time, since the Chair, Vice Chair and the Commissioners had resigned from the Commission. On first appeal, the High Court had directed that the parties were at liberty to proceed as they deemed necessary, on the basis of a properly constituted EACC within the dictates of the Constitution and the law.

On second appeal, the Court of Appeal held that investigations and a recommendation to the DPP from the EACC must be authorised and sanctioned by the Commissioners who are required to exercise oversight over the Secretariat. An improperly constituted commission could not give a recommendation as had been given in this case.

Subsequently, the prosecution withdrew the case against Eng. Kamau under section 87a of the CPC and the DPP directed the EACC to comply with the Court of Appeal's decision.

This case is significant, since it highlights the importance of compliance with Section 35 of ACECA including the composition of the commission.

(viii) Electronic disclosure of evidence

Director of Public Prosecutions vs Simeon Ole Kirgotty and Another Revision No. 9 of 2019: [2019] eKLR

In the course of the hearing of the ACEC 48 of 2019, the Magistrate dismissed an application by the prosecution in which it sought to be allowed to supply electronic versions of evidence and directed the prosecution to serve all the evidence in hard copies. The Prosecution, being aggrieved sought a revision of the decision in the High Court.

Lady Justice Mumbi Ngugi held that service of documents in electronic form was reasonable access for purpose of Article 50 (2) (j) of the Constitution. This has since made it easier for the prosecution to serve

documents that are bulky and seem to take a lot of resources to prepare and further made accessibility to documents easier.

(ix) Dismissal of defective charges Section 89 (5) of the Criminal Procedure Code

Republic vs. Kuidip Madan & Another (Misc. Criminal Appeal, No. 809 of 2018: [2019] eKLR
The High Court in this case held that courts should no longer interpret Section 89 (5) of the CPC to dismiss or reject charges as defective, without having regard to the intention and purpose of the entire section 89 of the CPC. The Court also directed that Section 134 of the CPC should be considered before charges are dismissed.

(x) Mandatory death sentence - Section 204 of the Penal Code

Francis Karioko Muruatetu & Another vs Republic & Others SC Petition, No 15 & 16/2015
This was a consolidated appeal from a judgement of the Court of Appeal No. 93 of 2014 where the Petitioners were charged with murder, found guilty and sentenced to death under Section 204 of the Penal Code. The Supreme Court in hearing the petition raised the legal issue on whether or not the mandatory death penalty is unconstitutional.

The Supreme Court observed and directed as follows:

(a) The mandatory nature of the death sentence as provided for under Section 204 of the Penal Code is hereby declared unconstitutional. It clarified that the order did not disturb the validity of the death sentence as contemplated under Article 26(3) of the Constitution.

(b) The Attorney General, the Director of Public Prosecutions and and other relevant agencies to prepare a detailed professional review in the context of the Judgment and Order made with a view to setting up a framework to deal with sentence re-hearing cases similar to that of the petitioners herein. The Attorney General was granted twelve (12) months from the date of the Judgment to give a progress report to the Court on the same.

(c) That the Judgment be placed before the Speakers of the National Assembly and the Senate, the Attorney-General, and the Kenya Law Reform Commission, attended with a signal of the utmost urgency, for any necessary amendments, formulation and enactment of statute law, to give effect to the judgment on the mandatory nature of the death sentence and the parameters of what ought constitute life imprisonment.

(xi) Court's jurisdiction to handle criminal cases

Republic vs Karisa Chengo & 2 Others [2017] eKLR
This Appeal raised fundamental issues as to whether or not the judges of the High Court, judges of the Environment and Land Court (ELC) and judges of Employment and Labour Relations Court (ELRC) have jurisdiction to sit in any and/or all of the three courts. The Appeal was filed against a directive by the then Chief Justice, Dr. Willy Mutunga requiring judges of the three courts to sit on criminal appeals emanating from convictions from the Magistrate's Court. In its ruling, the Supreme Court declared that both the Environment and Land Courts and the Employment and Labour Relations Courts have no jurisdiction to hear criminal cases.

(xii) Conviction based recovery of assets

John Faustin Kinyua vs Republic [2020] eKLR
The accused person was convicted in two (2) counts for the offence of abuse of office and fraudulent disposal of public property.

In addition to imprisonment, the accussed person was ordered to surrender the property (house number 70 at Villa Franca) to Kenya Re, who was the complainant in this case. On appeal by the accussed person, the High Court affirmed the conviction, and ordered that the Appellant surrenders the Villa Franca property that he had irregularly disposed off.

(xiii) Corporations

Republic vs Henry Rotich and 2 others [2019] eKLR

The court was invited to determine whether an advocate can take plea on behalf of a corporation. While the Court agreed that it was possible for a legal representative to take plea on behalf of an accused person, there were peculiar circumstances to be considered. In this instance, the Court was of the view that there was another reason, related to public interest that would require the particular and peculiar circumstances of the country to be taken into consideration when determining whether to allow an advocate to take plea on behalf of a corporation.

The Court further stated that, in the circumstances of Kenya it was necessary to have corporations appear and plead by their Directors. This is because the commission of economic crimes has impoverished the country and left many citizens poor. As such, it could not be in the interests of fighting corruption for the alleged corporate accomplices and individual perpetrators of economic crimes to remain in the shadows and hide behind legal representatives when such matters come to trial.

(xiv) Public Interest Principle as a consideration of bail and bond

Muhammad Abdalla Swazuri and 23 Others vs Republic Criminal Revision No. 13 of 2019 [2019] eKLR

The Applicants had been charged, in ACEC No. 6 of 2019, with the offence of abuse of office among other offences under the ACECA. They pleaded not guilty and were released on bail and bond.

The Applicants, beng dissatisfied with the bail and bond terms, filed an application to have the decision of the Trial Court revised or set aside, claiming that the Trial Court had imposed unjust and unreasonable bail and bond terms that contravene Article 49 of the Constitution. In considering the application, the High Court affirmed that public interest principle was properly considered as a factor in determining whether to grant bail and bond and the amount thereof and therefore the bail and bond terms remained as set by the Trial Court.

(xv) The right to disclose by Prosecution as a continuous process.

Director of Public Prosecution vs David Mwiraria (Dec) & 6 Others [2020] eKLR

This application arose from the main trial Acc No.4/2015 (Anglo-leasing) wherein Mr. David Mwiraria (Deceased) and six others were charged with conspiracy to defraud the Government of Kenya 59 Million Euros among other counts.

The trial Court dismissed the prosecutions' application to call and adduce additional evidence which had not been disclosed before the commencement of the trial on the grounds that the application was an afterthought and would amount to filling evidential gaps.

The prosecution, being aggrieved by the ruling, filed a Revision before the High Court. The High Court ruled that disclosure is continuous throughout the trial and set aside the Trial Court's ruling and allowed the prosecution to call additional evidence.



ODPP prosecutors during court proceedings



CHAPTER FOUR

The Fight Against Corruption

4.0 Introduction

The Office identified the fight against corruption as one of its key strategic focus areas during the period covered by this Report.

Corruption is a threat to the country's economic, social and political well-being. The ODPP, in collaboration with stakeholders in the justice system, is determined to effectively prosecute corruption and recover stolen funds and public assets for the benefit of Kenyans.

4.1 Effects of Corruption

i) Effects of corruption on the Kenyan economy

The following are some of the negative impacts of corruption on the economy:

- High prices for consumers and a generally high cost of living;
- Less investment due to high business costs;
- Donor agencies relax their commitment to funding economic projects;
- Reduced foreign direct investments;
- Tax evasion; and
- Inferior public infrastructure.

ii) Effects of corruption on society

Corruption affects our society in a number of ways:

- Backroom deals hinder public service delivery;
- Lack of faith in institutions;
- Promotes tribalism and ethnic division; and
- Lack of trust in the government.

iii) Effects of corruption on democracy

Corruption undermines democracy and governance. There is need to develop a set of standards, measures and rules to strengthen legal and regulatory regimes to fight corruption.

iv) Effects of corruption on security

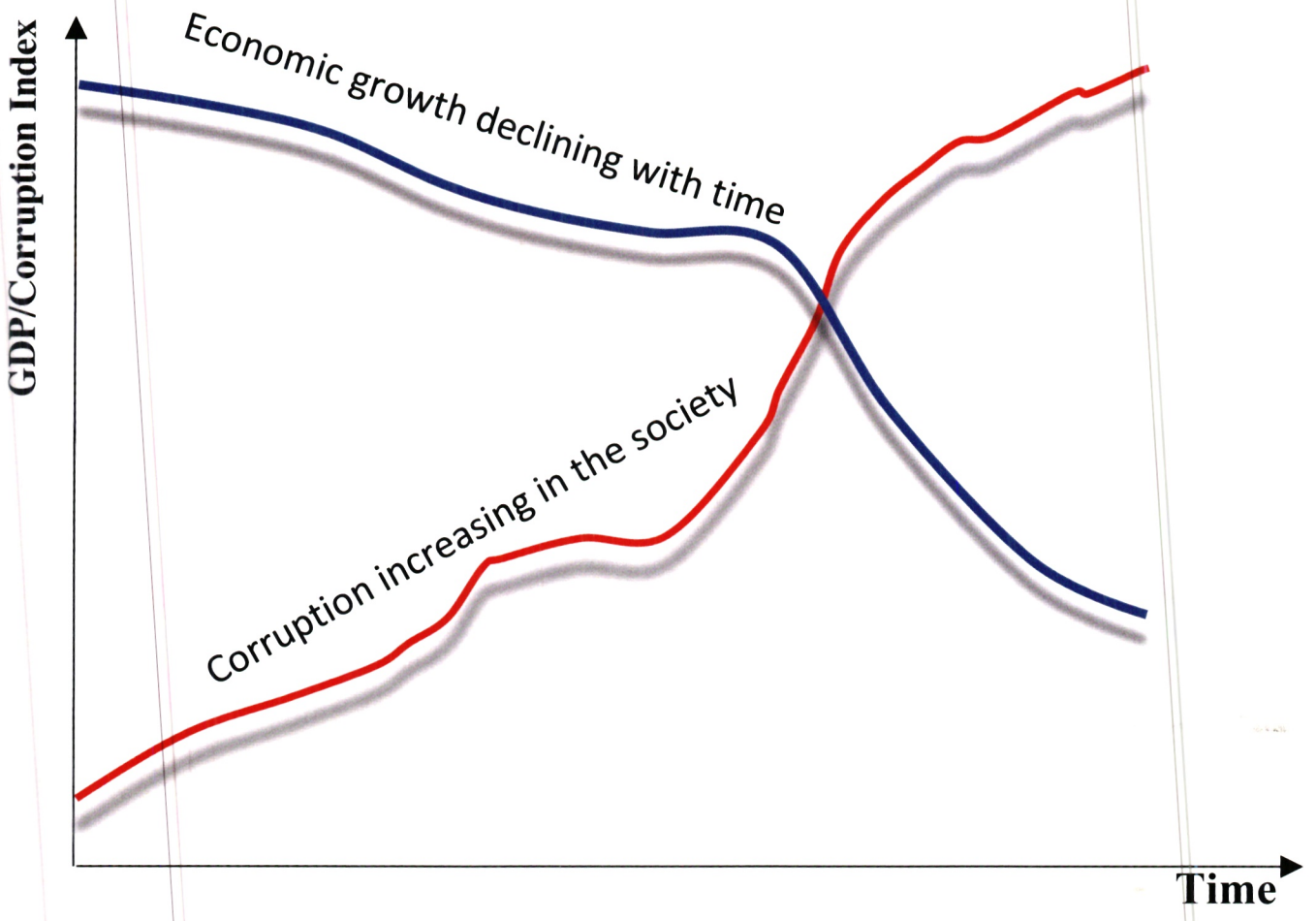
Corruption plays a major role in crime development and success by facilitating transnational organised crimes like smuggling of weapons, wildlife trafficking, illegal trade in timber and forest products, drug trafficking, terrorism, human trafficking and money laundering.

4.2 ODPP's Strategies in Prosecution of Corruption and Economic Crimes Cases

The ODPP has adopted a holistic approach in the prosecution of corruption and economic crimes cases. These include:

- Establishment of a specialized Division to handle Anti- Corruption cases.
- Strategic focus on high impact cases.
- Establishment of the Proceeds of Crime Recovery Unit.
- Establishment of the Proceeds of Crime Recovery Unit to identify and recover proceeds of crime.
- Recovery of assets that have been corruptly acquired and restitution of the same to the Government.
- Use of experts in various fields such as financial analysts, forensic experts, and procurement experts among others.

- Adoption of prosecution guided investigations where prosecutors give technical guidance to investigators during investigations.
- Capacity building that includes training prosecutors in thematic areas involving corruption and economic crimes.
- Appointment of special prosecutors to provide expertise in complex cases.
- Adoption of the 'Follow the money approach,' which is aimed at disrupting the flow and distribution of proceeds of crime.
- Adoption of team-based prosecution approach to ensure that cases are speedily resolved.
- Provision of witness support, which facilitates witness attendance to court.
- Adoption of alternatives to prosecutions such as Plea Bargaining and Deferred Prosecutions Agreements for speedy disposal of cases.
- Making of applications for commensurate bond terms during the plea taking stage.
- Engagement with the investigation agencies in joint analysis of current and emerging trends in economic crimes and anti-corruption as well as adoption of measures to combat the commission of offences.



4.3 Statistical Summary of Corruption Cases Handled from January 2018 to June 2020

The fight against corruption continued to be a key focus area from January 2018 to June 2020. During this period a total of 220 cases were registered in court and prosecution ensued. A total of 26 cases were registered as at 30th June 2020, 78 cases in 2019 and 116 cases in 2018.

A total of 238 cases were concluded, 20 as at 30th June 2020, 103 in 2019, and 115 in 2018. This record of conclusion of corruption cases is attributed to the strategies employed by ODPP in the fight against corruption. Table 4.1 illustrates corruption cases filed as well as cases concluded as convictions, acquittals or withdrawals.[1]

Table 4.1: Corruption Cases Filed and Concluded from January 2018 to 30 June 2020

Period	Cases Filed	Conviction	Acquittal	Withdrawal
2020 (first half)	26	12	7	1
2019	78	45	50	8
2018	116	43	48	24
Total	**220**	**100**	**105**	**33**

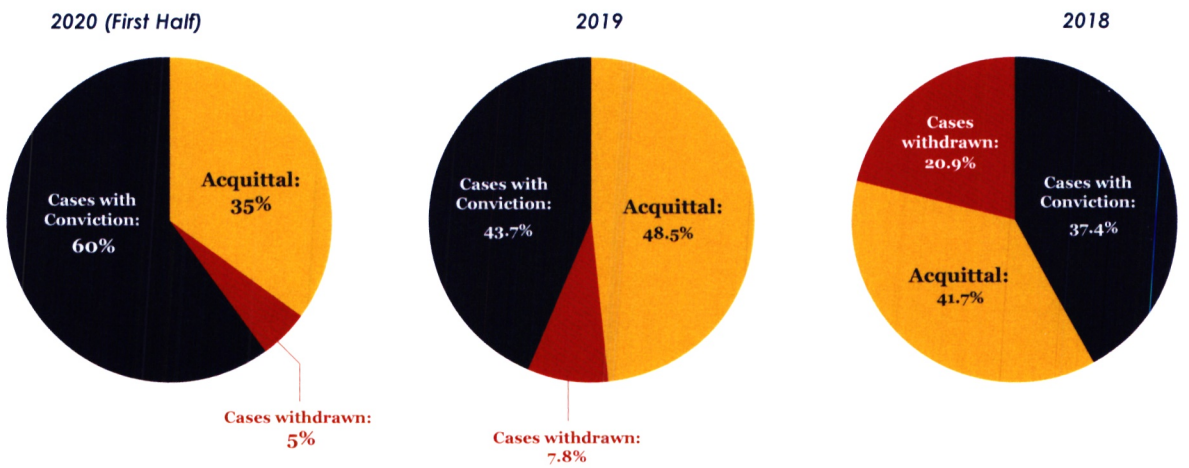
Note: i. Cases filed refer to new cases registered in court in the respective financial years.

ii. Cases finalised captures number of cases concluded during the financial year regardless of date registered in court

During the half year period up to June 2020, 26 cases were registered in court with 20 cases concluded. This is despite the slowdown brought about by the COVID-19 pandemic containment measures.

Overall, from January 2018 to June 2020, cases with conviction accounted for 42.0% of cases concluded, acquittal accounted for 44.1% and withdrawal accounted for 13.9%. Despite acquittal accounting for higher proportion compared to convictions, the value involved in the cases acquitted is a fraction of the amount involved in cases concluded with conviction. Figure 4.1 illustrates the proportions of outcome of cases concluded from January 2018 to June 2020.

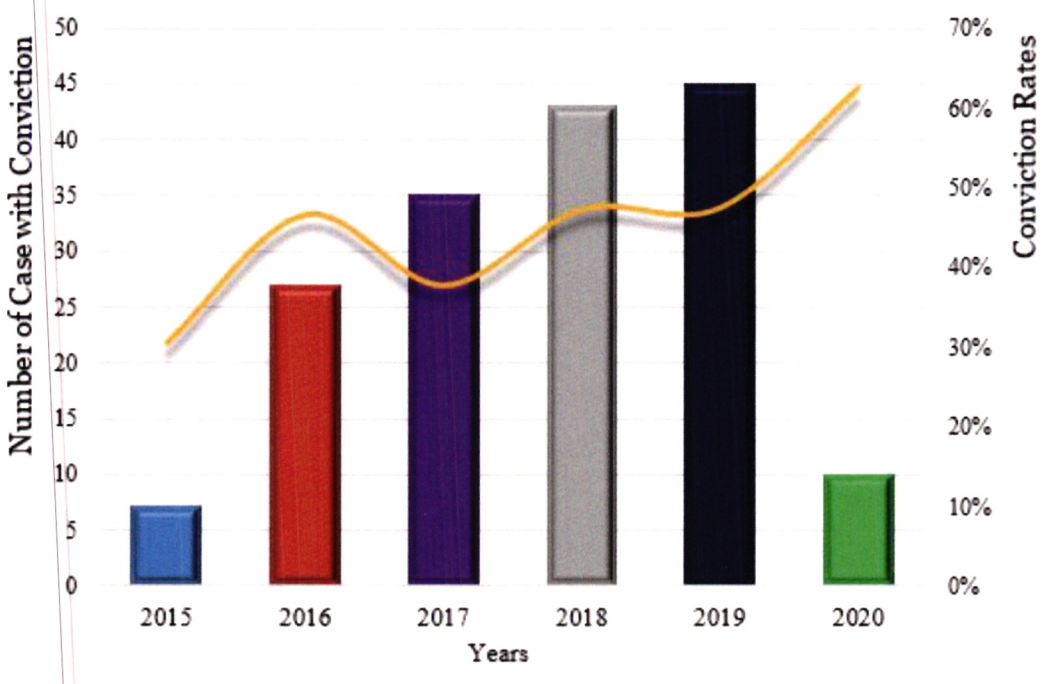
Figure 4.1: Proportions of case outcomes from January 2018 to June 2020



The conviction rate is one of the parameters used to measure performance in the fight against corruption. The Office saw a progressive increase in conviction rate obtained during the above mentioned years to a remarkable rate of 63.16% in the first half of 2020.

[1]These figures are not necessarily a total of all matters that were filed in any one particular year since some cases take more than one year to conclude

Figure 4.2 Trends in the conviction rates from 2015 to June 2020



Note: In Figure 4.2, the bar graph illustrates the number of cases finalised with conviction during the respective years whereas the line graph represents conviction rate for corruption cases.

The number of cases with convictions were 7, 27, 35, 43 and 45 in 2015, 2016, 2017, 2018 and 2019 respectively. The conviction rates were 30.4%, 46.55%, 37.63%, 47.25% and 47.27% in 2015, 2016, 2017, 2018 and 2019 respectively.

4.4 Monetary Value involved in Corruption Cases Handled

4.4.1 Amounts involved in cases registered between January 2018 and June 2020

The monetary value involved in the cases registered in court from 2018 to June 2020 totals to Ksh 163.1 Billion. Figure 4.3 shows proportions of amounts involved in corruption per year.

Figure 4.3: Cases registered between 2018 and June 2020 and Amounts Involved

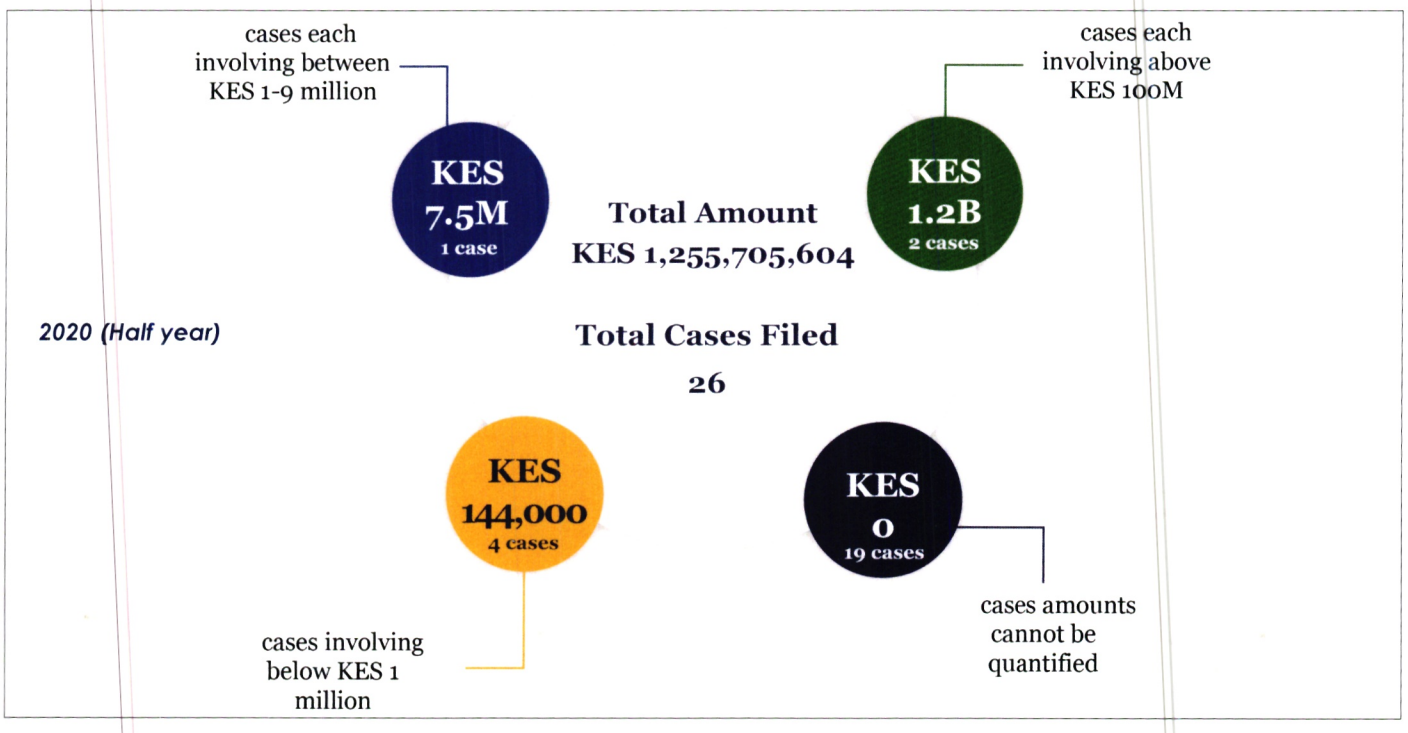


Figure 4.3 (Contd.)

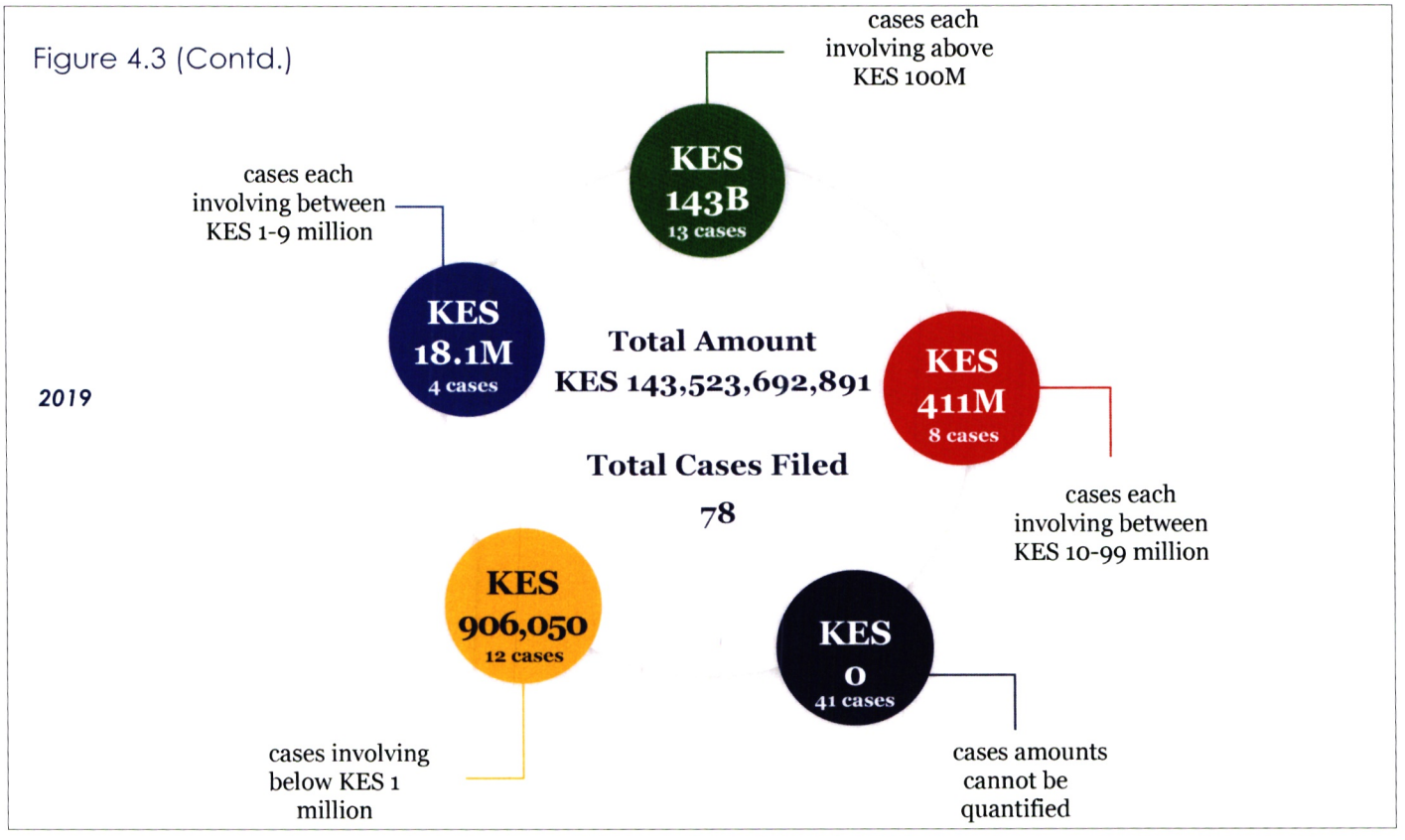
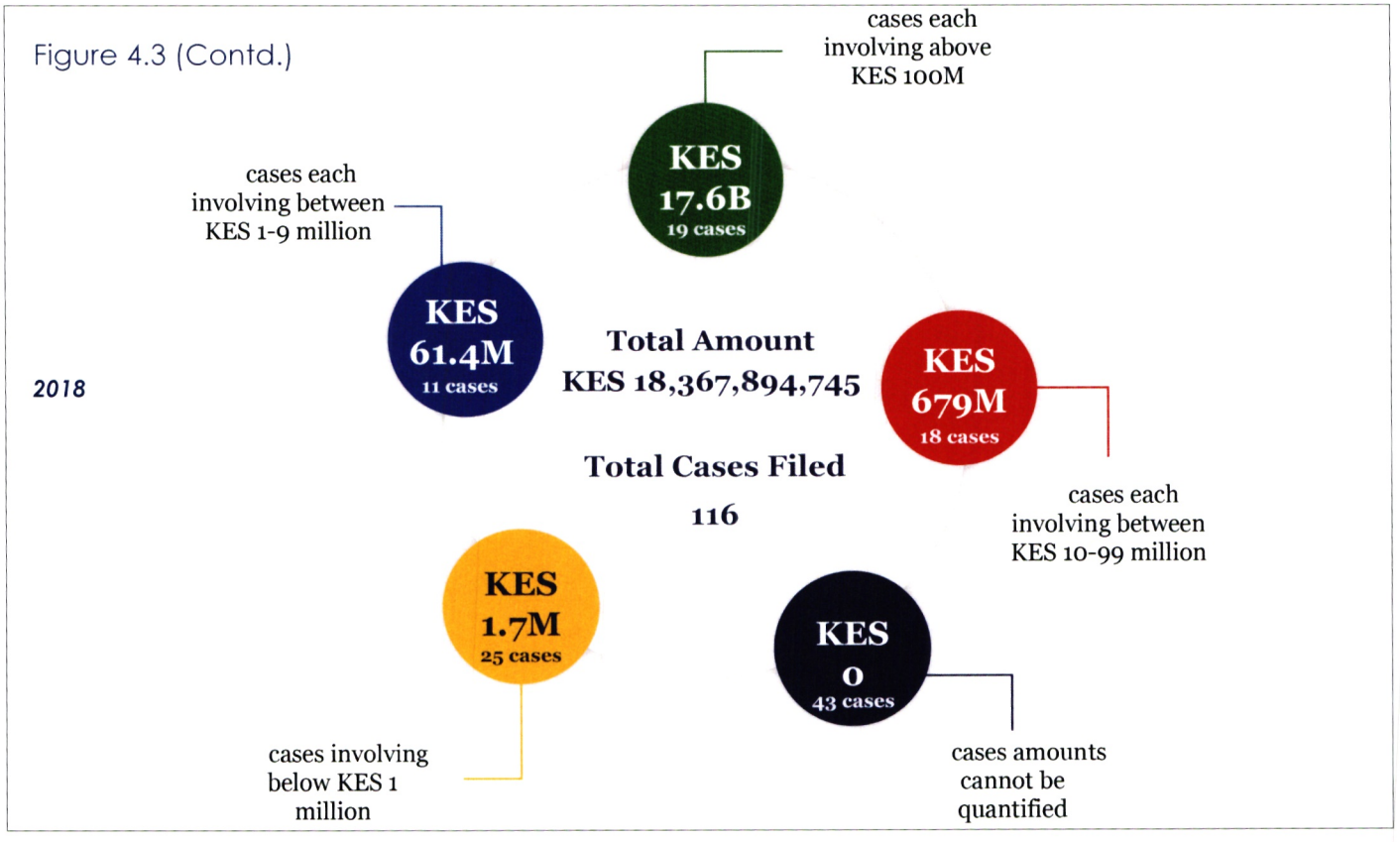


Figure 4.3 (Contd.)



In the first half of 2020, cases involving over KShs. 1 billion were registered in court. Out of these, there were two cases involving over KShs. 100 million. In the year 2019, cases registered involved an amount of over KShs. 143 billion. 13 cases each involving over KShs. 100 million were registered. These included the 'Arror and Kimwarer' cases which involved approximately KShs. 63 billion. In the year 2018, a total of 116 cases involving KShs. 18 billion were registered in court. There were 19 cases each involving over KShs. 100 million.

4.4.2 Amounts involved in cases concluded between January 2018 and June 2020

Cases involving Ksh 3.9 billion were concluded between January 2018 and June 2020. Cases concluded with convictions accounted for 91.9% of the amount, acquittal accounted for 5.4% and withdrawal 2.7%. Figure 4.4 presents amounts involved in cases concluded.

Figure 4.4: Amounts involved in Cases concluded per year

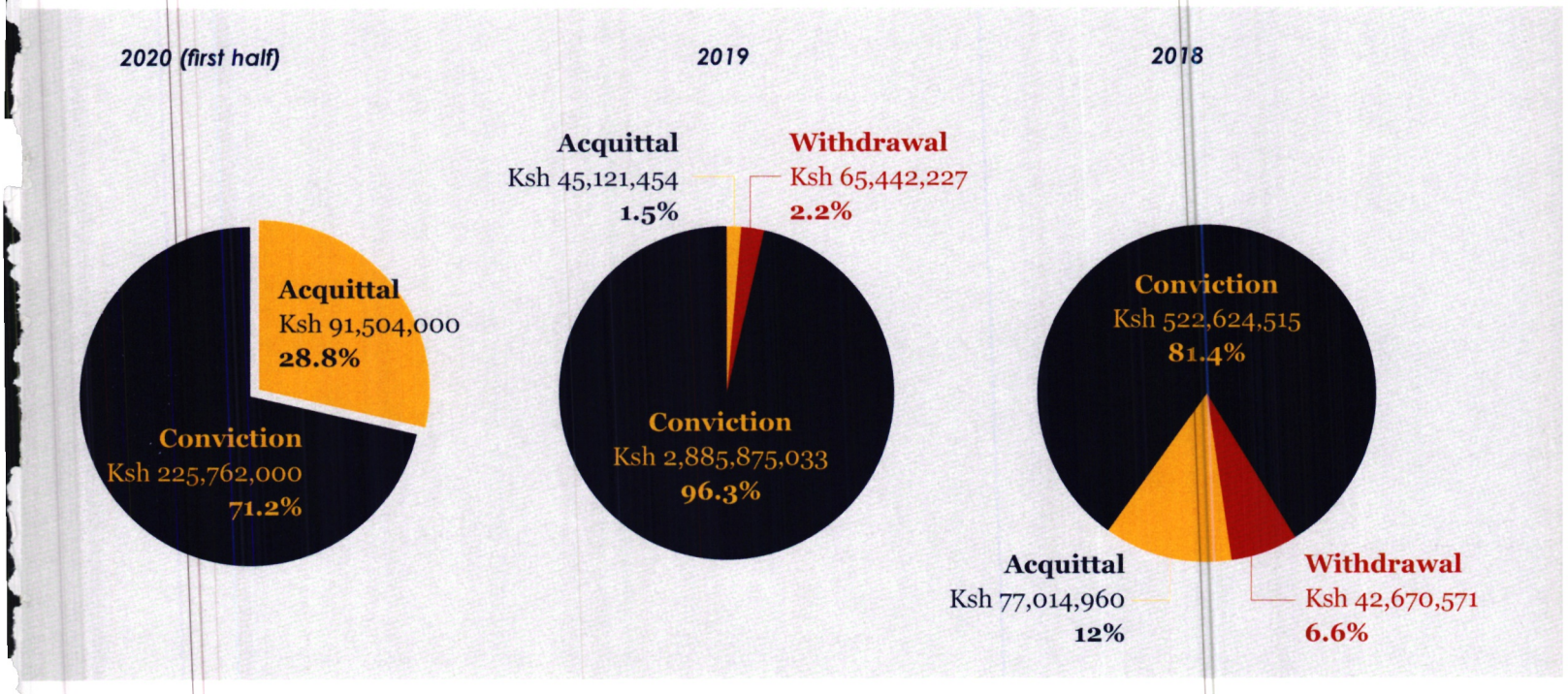


Table 4.2: Amounts involved in cases concluded by Outcome

Outcome	2020 (Half Year)		2019		2018	
	Cases	Amount	Cases	Amount	Cases	Amount
Conviction	12	225,762,000	45	2,885,875,033	43	522,624,515
Acquittal	7	91,504,000	50	45,121,454	48	77,014,960
Withdrawal	1	-	8	65,442,227	24	42,670,571
Total	**20**	**317,266,000**	**103**	**2,996,438,715**	**115**	**642,310,046**

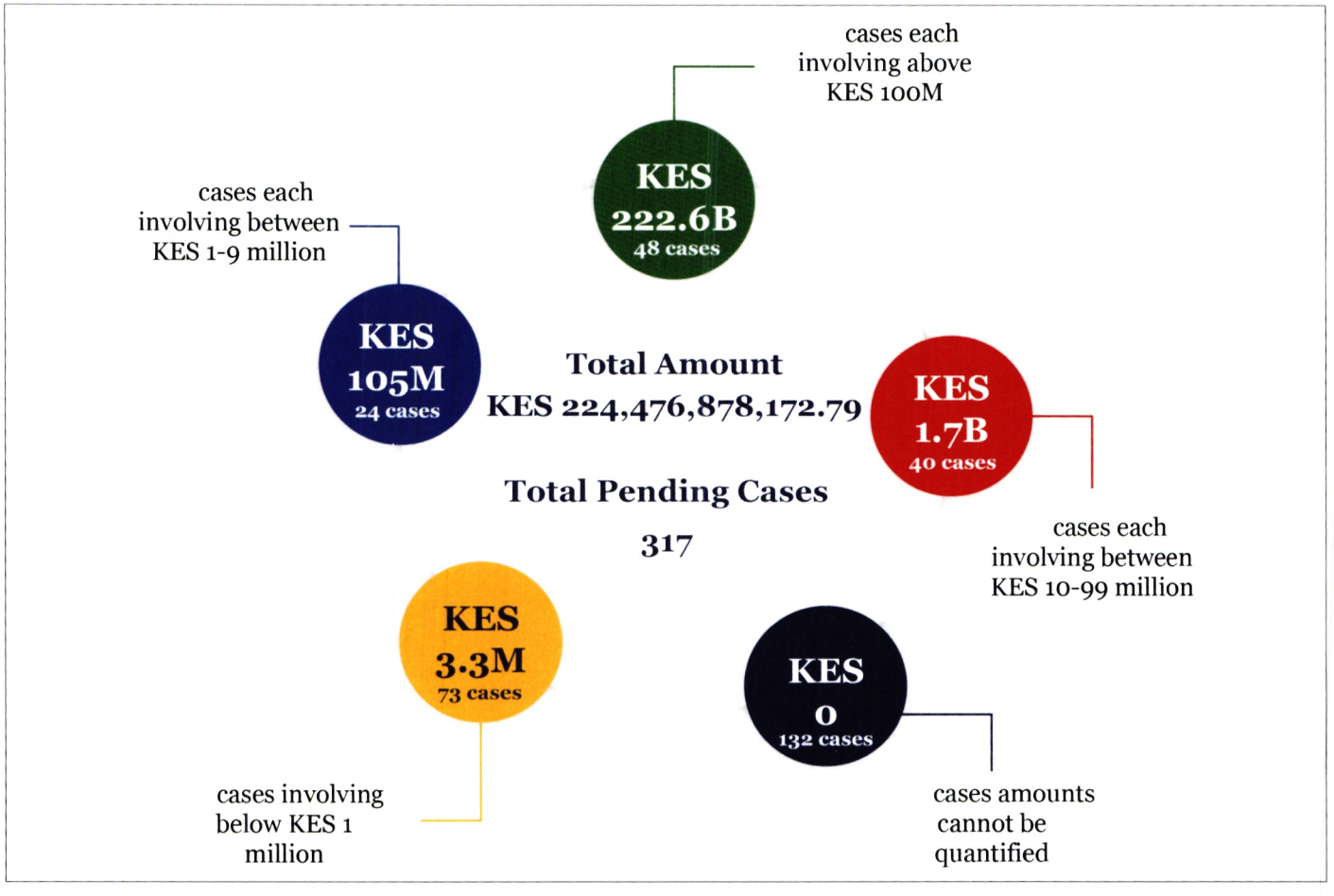
4.4.3 Amounts involved in cases pending before court as at 30th June 2020

Cases pending before court as at 30th June 2020, involved an amount totalling to Ksh 224 billion. There are 48 cases each involving amounts above KShs. 100 million. The 'Arror and Kimwarer' cases involved an amount totalling to KSh 63 billion. Table 4.3 illustrates amounts involved in pending cases as at 30th June 2020.

Table 4.3: Monetary value in corruption cases pending before court as at 30 June 2020

Description	No. of Cases	Total Amount
Cases with 100 million & above	48	222,658,577,955
Cases with 10 million to 99 million	40	1,709,008,936
Cases with 1 million to 9 million	24	105,921,231
Cases with amount below 1 million	73	3,370,050
Amount cannot be quantified	132	-
Total	**317**	**224,476,878,172.79**

Figure 4.5: Amounts involved in Cases Pending before court



4.4.4 Amounts involved in high impact cases pending before court as at 30th June 2020.

High impact cases are cases involving large sums of money, senior government officials (State and public officers) and/or cases of significant public interest.

There was a total of 135 high impact cases involving more than KShs. 224 Billion pending before court as at 30th of June 2020. Atleast 57% of these cases were registered in court between January 2018 and June 2020 while 43% were registered before 2018.

Cases registered from 2018 to June 2020 involved amounts totalling to over KSh. 157 Billion whereas cases registered in 2017 and before involved amounts totalling to KShs. 67 Billion. This is a clear illustration of the concerted effort put by the Office in collaboration with stakeholders in the three years in the fight against graft. Figure 4.4 illustrates the amounts involved in high impact cases.

Table 4.4: High Impact Cases Pending Before Court & Cumulative Monetary value

Year	Cases Registered	Amount(Kshs)
2020	2	1,248,039,308
2019	26	140,206,729,183
2018	49	16,203,785,465
2017 & Previous years	58	67,106,235,183
SUM. TOTAL	**135**	**224,474,789,139**

4.4.5 Cases involving top government officials

During the period covered by this report, 53 cases involving top government officials were registered. These are as follows:

1. Cabinet Secretaries, Principal Secretaries - (7)
2. Governors & Senior County Officials - (11)
3. Directors, CEOs - (22)
4. Members of Parliament - (7)
5. Deputy County Commissioner & Senior Officials - (1)
6. Members of County Assembly (MCA) - (5)

4.5 Recovery of Assets

The ODPP is committed to the recovery of public assets that have been corruptly acquired.

In collaboration with other agencies, the Office was able to recover land worth **Kshs. 2 billion belonging to the University of Nairobi in January, 2019 and land belonging to Racecourse Primary School valued at Kshs. 700 million.** Both parcels of land were recovered through plea negotiations.

4.6 Summary of Achievements in Implementing Strategies in the Fight against Corruption

Effective and efficient prosecution of corruption and economic crimes cases is a result of the strengthened inter-agency collaboration and co-operation, application of prosecution guided investigations, capacity building and sensitization of prosecutors and investigators. These strategies have led to the following achievements:

(i) Significance success in Prosecution of high impact cases;

(ii) Cases involving State officers and senior public officers in both National and County Governments;

(iii) Adoption of alternatives to prosecution such as diversion and plea bargaining that has expedited the trial process; and

(iv) Improved Multi-Agency Team (ODPP, AG, DCI, EACC, KRA, FRC and ARA) thus ensuring that each agency involved effectively executes its mandate.

Currently, the ODPP chairs the NCAJ Sub-Committee on Anti-Corruption whose mandate is, among other things, to identify challenges in the fight against corruption and recommend remedial measures.

4.7 Challenges in prosecution of corruption and economic crimes

(i) State officials remaining in office after being charged;

(ii) Limited Capacity both in expertise and resources;

(iii) Inadequate Sensitization on Corruption laws, Guidelines and Policies;

(iv) Inadequate utilization of modern technology;

(v) Inadequate witness facilitation;

(vi) Legislative gaps; and

(vii) Slow judicial processes;

vi) Benefits to Kenyan of a public service free of corruption

An effective fight against corruption and its elimination will lead to:

- Increased public revenues;
- Job creation;
- Funding of our social services;
- Improved infrastructure;
- Provision of better health care;
- Alleviation of poverty.
- Improved living standards;
- Better utilization of resources for development of the country;
- Reduction in crime rates and improved security;
- Production of quality products at affordable prices;
- Increased investor confidence in our country;
- Peace and stability in our country; and
- An improved democratic space.



Sirisia MP John Waluke and co-accused Grace Wakhungu in Court during their judgement where they were found guilty


ZERO CORRUPTION
100
100% DEVELOPMENT

4.8 Matrix of Cases Concluded with Convictions from 2018 - 2020

CASES CONCLUDED WITH CONVICTIONS AND RULINGS FROM 2018 TO JUNE 2020



CASES CONCLUDED WITH CONVICTIONS FROM 2018 TO JUNE 2020

Sn. No	Case Reference	Case Description	Outcome
1.	Milimani ACC 31/2018: John Koyi Waluke - Sirisia MP (Director), Grace Sarapay Wakhungu (Co-Director) & Erad Supplies and General Contracts Ltd.	The accused persons were charged with three counts of fraudulent acquisition of public properties, Uttering a false document and forgery.	Judgment delivered on 16th June 2020 and accused found culpable and sentenced as follows: *1st Accused sentenced as follows:* Count 1: Fined Kshs 100,000/= in default 1 year imprisonment. Count 2: Fined Kshs 100,000/= in default 1 year imprisonment, Count 3: fined Kshs 500,000/= in default 3 years imprisonment, Kshs 594,175,000/= in default 7 years imprisonment, count 4: Kshs 500,000/= in default 3 years imprisonment, Kshs 26,729,342/= in default seven years imprisonment, Count 5: Fined Kshs 500,0000/= in default 3 years imprisonment, Kshs 5,121,219.20/= in default 7 years imprisonment, Kshs 100,000,000/= in default seven years imprisonment. *2nd Accused sentenced as follows:* Count 1: Fined Kshs 100,000/= in default 1 year imprisonment, Count 2: Fined Kshs 100,000/=in default 1 year imprisonment, Count 3: fined Kshs 500,000/= in default 3 years imprisonment, Kshs 594,175,000/= in default 7 years imprisonment, Count 4: Kshs 500,000/= in default 3 years imprisonment, Kshs. 26,729,342/= in default seven years imprisonment, Count 5: Fined Kshs 500,0000/= in default 3 years imprisonment Kshs 5,121,219.20/= in default 7 years imprisonment, Kshs 80,000,000/= in default seven years imprisonment.
2.	Milimani ACC 16/2019 Caroline Wanjiku Njoroge	3 Counts of Requesting and receiving a bribe of Kshs. 7,000/= contrary to Section 6 (1) (a) as read with Section 18 of Bribery Act No. 47 Of 2016;	Judgment was delivered on 9th January 2020. Accused convicted in all the three counts to pay a fine of Kshs. 100,000/= on each count or in default 1 year imprisonment.
3.	Milimani ACC 8/2015: Juma Mwangala Mwatata (CEO)	Count I: Wilful failure to comply with the laws relating to management of funds contrary to Section 45(2) (B)as read with Section 48(1) of the ACECA; Count II: Abuse of office contrary to Section 46 as read with Section 48(1) of the ACECA; Count III: Engaging in a project without prior planning contrary to Section 45(2) as read with Section 48(1) of the ACECA	Accused convicted and sentenced to a fine of 1 million in default 1-year imprisonment. Acquitted on count 1 of failure to comply with law relating to management of public funds and count 3.

Sn. No	Case Reference	Case Description	Outcome
4.	Milimani -CR/1454 & 1457/2013 : Henry Joseph Achoka; Fredrick Tsofa Mwenii; & 11 others	Count 1: Conspiracy to commit a felony contrary to Section 393 of Penal Code; Count 2: Attempt to steal contrary to Section 268(1) as read with Section 389 of Penal Code. Count 3-4, 9-12: Stealing contrary to Section 268(1) as read with section 275 of the Penal Code; Count 5: Forgery contrary to Section 345 as read with 349 of Penal Code; Uttering false document contrary to Section 353 of Penal Code; Alt. 11-12: Handling stolen goods contrary to Section 322(2) of the Penal Code	Judgement was delivered on 15th January 2020. All accused were acquitted for offense of conspiracy on count 1. Accused Number 4-8 were acquitted facing only one count of conspiracy. Accused 3 sentenced 1-year imprisonment on 9 counts to run concurrently. Accused No. 9 Martin Murathe Muriria fined Kshs 300,000/= in default 1-year imprisonment. 10th accused Reuben Kirongothi sentenced in absentia to 1 year imprisonment on count 12. monies which had been frozen in various accused persons accounts are to be pre-returned to judiciary.
5.	Milimani ACC4/2019 Francis Awino Onyango	Count 1-3: Receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 of Bribery Act No. 47 of 2016; Count 4: Personating a person employed in the public service contrary to Section 105 (B) of the Penal Code; Count 5: Obtaining by false pretences contrary to Section 313 of the Penal Code	Judgment 20th January 2020. Accused found guilty on counts 1, 2 & 3. Fined Kshs. 50,000/= in default one (1) Year Imprisonment for each count. Accused acquitted on counts 4 & 5
6.	Kisii ACC2/2017 Pamela Zipporah Moriasi	Receiving a bribe contrary to section 6 (1) (a) as read with section 18 (1) & (2) of the Bribery Act.	Judgment was delivered on 27th January 2020. Accused fined Kshs 60,000/= in default to serve one-year imprisonment.
7.	Milimani ACC10/2019: Anthony Juma Opondo & Martin Paul Sao	Count 1: Receiving a bribe contrary to Section 6(1) (A) of the Bribery Act; Count 2: Conspiracy to commit a corruption offence contrary to Section 47 (A) (3) as read with Section 48 (1) of ACECA.	Judgment was delivered on 27th January 2020. Accused persons convicted of conspiracy to commit corruption offense, receiving a bribe and abuse of office. Sentenced to pay a fine of Kshs. 1 million in default 10 years imprisonment.
8.	Milimani ACC6/2012: Millicent Weruma Muigai; Sophie Wanja Mugwe; & 2 others	Fraudulent Acquisition of public property contrary to Section 45(1); Abuse of Office c/section 46 of the ACECA	Judgment delivered on 9th April 2020. Accused persons convicted on all counts as follows: 1st accused found guilty on counts 1, 4, 7 & 10. Fined Kshs. 100,000/= per count in default 8 months imprisonment on each count. 2nd accused found guilty in counts 2, 5, 8 & 11. Fined Kshs. 100,000/= on each count in default 8 months imprisonment for each count. 3rd accused found guilty in counts 6, 9 & 12. Fined Kshs. 100,000/= in default 8 months imprisonment for each count. 4th accused found guilty in counts 6, 9 & 12. Fined Kshs. 250,000/= per count in default 1 year imprisonment for each count.

9.	Milimani ACC16/2017: Benedict Kivuva Munyao & Lucy Wanjiru Mbugua	Count 1: Conspiracy to Commit an Offence of Corruption; Counts 2-4: Corruptly Receiving a Benefit	Judgement delivered on 8th May 2019. Accused Convicted of all Counts. Fined Kshs.800,000/= in count one and in default 18 months imprisonment. Fined Kshs. 400,000 in count 2 in default 12 months imprisonment.
10.	Milimani ACC5/2014: Robert Maina Ngumi	Counts 1-4: Corruptly Soliciting for A Benefit C/S 39(3) (A) as read with 48(1) of the ACEC	Judgement on 26th May 2020. Accused found guilty in Counts 1& 4 of Corruptly Soliciting and receipt of the alleged amount in and convicted accordingly. The accused was acquitted in Counts 2 and 3 under Section 215 of the Criminal Procedure Code.
11.	Kisii ACC1/2018: Jane Gesare Omundi	Receiving A Bribe Contrary to Section 6 (1) (A) as read with Section 18 (1) & (2) of the Bribery Act.	Judgement delivered on 28th May 2020 where the accused was convicted and fined Kshs. 100,000/= in default 1 year Imprisonment.
12.	Milimani ACC 5/2013 : Hon John Njoroge Chege, Mp Kasarani	Counts 1-2: Soliciting for Benefit; Count 3 Receiving a Benefit	Judgement delivered on 29th May 2020. Accused convicted on two (2) Counts: Count 1: Fined Kshs. 650,000/= in default 1 year imprisonment. Count 3: Fined Kshs. 650,000/= in default 1 year imprisonment.
13.	Milimani ACC16/2014 : Felix Nzomo Mutinda; Fredrick O. Marembo	Count 1: Soliciting for a Benefit Contrary to Section 39 (3) (A) as read with Section 48(1) of ACECA; Count 2: Soliciting for a Benefit Contrary to Section 39 (3) (A) as read with Section 48(1) of ACECA; Count 3: Receiving a Benefit Contrary to Section 39 (3) (A) as read with Section 48(1) Of ACECA; Count 4: Receiving a Benefit Contrary to Section 39 (3) (A) as read with Section 48(1) Of ACECA	Judgement delivered on 8th January 2019, 1st and 2nd Accused Convicted. Ist Accused Convicted in Count 1 & 2 - Fined Kshs. 250,000/= for each Count in default 1 year imprisonment. 2nd Accused Convicted in Count 4 - Fined Kshs 300,000/= in default 1 year imprisonment.
14.	Milimani - ACC/26/2016 : Peter Mangiti & 28 Others (Eng. Peter Oganga Mangiti (Ps); Adan Gedow Harakhe (SDDG); Hendrick Nyongesa Pilisi; & 25 others	Count 1: Conspiracy To Commit An Offence Of Economic Crime C/S 47 (A) (3) Of ACECA. Counts 2-3: Abuse Of Office C/S 46 Arw S. 48 ACECA; Counts 4-5: Wilful Failure To Comply With The Law Relating To Procurement C/S 45 (2) (B) Arw S. 48 Of ACECA. Count 4: Fraudulent Acquisition Of Public Property C/S 45 (1) (A) Arw S. 48 Of ACECA.	Accused Convicted On 17th January 2019 In Nys 1 Scandal Over Procurement Fraud. Fined Kshs. 4 Million In Default 4 Years Imprisonment.
15.	Nakuru ACC/3/2013: Antony Karisa Maitha	Corruptly soliciting and receiving a benefit c/sec 39(3) (a) as read with section 48(1) of the ACECA	Judgement on 18th January 2019. Accused convicted and fined Kshs. 100,000/= in each count in default one year imprisonment on 18th January 2019.

Sn. No	Case Reference	Case Description	Outcome
16.	Milimani ACC 6/2004 Kenneth Kipkemboi Settim; Jossy Mwikali Kioko	Count 1: Corruption in Office C/S 3 (1) of the Prevention of Corruption Act (Now Repealed); Count 2: Soliciting for & Receiving A Benefit C/Section 39(3) (a) as read with Section 48(1) ACECA	Judgement on 1st February 2019. Accused persons were convicted on both counts sentenced to pay a fine of Kshs. 800,000/= In default two Years imprisonment in count 1 and Kshs 500,000/= in default one year imprisonment in count 2.
17.	Kimilili ACC 2/2017 : Brenda Indiakha Wafula	Counts 1-3: Receiving a bribe contrary to section 6(1) as read with section 18(1) (2) of The Bribery Act, 2016.	Judgement on 12th February 2019. Accused fined Kshs. 15,000/= or in default six months imprisonment on count 1, 2, 3 and Kshs. 20,000/= or in default 8 months imprisonment on Count 4.
18.	Milimani ACC 15/2012: Perminus Njoroge Kamau	Unlawful acquisition of public property of Kshs. 12,980,000; Unlawful acquisition of public property C/S 45(1) (A) As read with S. 48(1) ACECA; Stealing by a person employed in the public service C/S 268 (1) As read with S. 280 Pc.	Judgment on 18th February 2019. Accused convicted and sentenced to pay Kshs. 600,000/= in default to serve one year imprisonment.
19.	Milimani ACC 7/2016: Mathew Omondi Nyandiga	Corruptly soliciting and receiving benefit Contrary to Section 39(3)(a) as read with section 48(1) of the ACECA	Judgement on 25th February 2019. He was convicted and sentenced to pay Kshs. 800,000/= in default one year imprisonment in count 1 and Kshs. 700,000/= in default one year imprisonment in count II.
20.	Milimani ACC 30/2010 : Patrick Lumumba Aghan	Count 1: Fraudulent acquisition of public property C/S 45 (1) (A) as read together with S. 48 (1) ACECA; Count 2: false accounting by a public officer C/S 331 (1) (2) Pc; Counts 3-10: Uttering false documents C/S 353 Pc.	Plea bargaining entered. Accused discharged unconditionally on 27th February 2019 after all final payments.
21.	Milimani ACC 18/2014 - FORMERLY ACC/32/2007 : Stephen Ouma Ambogo	Counts 1-3: corruptly soliciting for benefit contrary to section 39(3)(a) as read with section 48(1) Of ACECA; of Kshs. 100,000	Judgment delivered on 28th February 2019. Accused person acquitted on count one of corruptly soliciting for a benefit and convicted on 2nd count of corruptly receiving Kshs. 40,000/=. Sentenced to pay a fine of Kshs. 300,000/= or in default to serve six months imprisonment.
22.	Milimani ACC 29/2011 : James Odhiambo	Count 1: Knowingly giving a false document to one's principal C/S 41(2) as read with section 48(1) Of ACECA; Alt: false accounting by a public officer C/S 331(1) as read with 331(2) pc; count 2: uttering false document C/S 353 of penal code.	Judgment delivered on 28th February 2019 and accused convicted and sentenced to pay a fine of Kshs. 500,000/= In default one (1) year imprisonment.

23.	Milimani ACC 4/2018 : Samuel Munguti Masavu	Counts 1 -3 : abuse of office; Counts 4 - 8: Obtaining by False pretences;	Judgment was delivered on 20th March 2019 and accused convicted on counts 1 - 3 relating to abuse of office and sentenced to pay a fine Kshs. 400,000 each count or in default 1 year imprisonment to run consecutively. Accused was discharged on counts 4 - 8.
24.	Milimani ACC 4/2016: Pius Kundu Makari; David Odour Oketch as read with	Corruptly soliciting and receiving a benefit C/Section 39(3)(A) as read with section 48(1) of the ACECA; conspiracy to commit an offence of corruption	Judgment on 21st & 22nd March 2019. Accused found guilty of three out of four counts and sentenced to pay a fine of fined Kshs. 80,000 or nine months imprisonment on the 2nd Count, 3rd Count fined Kshs. 80,000 or nine months imprisonment and 4th count fined Kshs. 50,000 or six months imprisonment 1st Count acquitted according to Section 215 of the Penal Code.
25.	Kajiado CR 1522/2016: Davis Edewa Chele	Counts 1 – 3, corruptly soliciting and receiving benefit C/ Section 39(3)(A) as read with section 48(1) of the ACECA	Judgment was delivered on 29th March 2019. Accused was convicted and sentenced to pay a fine of Kshs. 500,000/= in Default two (2) Years Imprisonment on each Counts
26.	Malindi ACC 1/2016 Nahashon Joseph Charo Dzombo	Count 1: offering a benefit contrary to section 39(3)(b) 48(1) Of ACECA	Judgment was delivered on 29th March 2019. Accused sentenced to pay a fine of Kshs. 500,000/= in default to serve eight (8) years imprisonment.
27.	Voi ACC 2/2017: Juma Kalume Kalama	Corruptly offering a benefit to a public officer C/Section 39(B) as read with Section 48(1) Of ACECA.	Judgment delivered on 29th March 2019. Accused person convicted on Count 1 Kshs. 50,000/= In default 6 months imprisonment, Count 2 Kshs. 50,000 In default 6 months imprisonment.
28.	Milimani ACC 6/2018 : Joshua Olunga Amokola	Requesting and Receiving a bribe contrary to section 6(1) as read with section 18(1) (2) of The Bribery Act, 2016.	Judgement delivered on 3rd April 2019, accused person convicted on all the five (5) Counts and sentenced to a fine of Kshs. 150,000/= on each Count in default one (1) year imprisonment
29.	Milimani ACC 6/2009 : John Jackson Githaka	Fraudulent acquisition of public property C/S 45(1)(A) and 48 Of ACECA; fraudulent making payment from public revenue for services not rendered C/S 45(2)(A) and 48(1)&(2) of ACECA; Failure to comply with the law relating to disposal of Public property C/S 45(2) as read with Section. 48 of ACECA	Judgment on 8th April 2019. Accused convicted and sentenced to pay a fine of Kshs. 750,000/= in default one year imprisonment. Mandatory fine of Kshs. 14,520,000/=
30.	Milimani ACC 20/2016 Jacinta Kiguru Mugure & Joan Kariuki Wanjiru	Counts 1-4: Corruptly offering a benefit of Kshs. 300,000/= C/S 39(3)(B) as read with S.48 (1) of ACECA.	Accused convicted on 12th April 2019 on all 5 counts each to pay a fine of Kshs. 60,000/= in default 8 months imprisonment on every count.

Sn. No	Case Reference	Case Description	Outcome
31.	Milimani ACC 8/2017: Teresa Nakhungu Barasa	Count 1: Uttering a false document; Count 2: Making a document without authority; Count 3: Deceiving EACC; Count 4: Deceiving Bungoma County Government; Soliciting for a benefit C/S 39(3) as read with section 48 ACECA	Judgment was delivered on 12th April 2019. Accused acquitted on Count 1-2; Convicted on Counts 3-4. Count 3: Fined Kshs. 1 Million in default 1 year imprisonment, Count 4: Fined Kshs. 1 Million in default 1 year imprisonment. Count 4: Court held that it should have been alternative count.
32.	Milimani ACC 13/2010 : Francis Kimosop	Count 1: False accounting by a public officer C/S 331(1) as read with Section 331(2) of Penal Code; Alt: Knowingly making a false statement to one's principal C/S 41(1) as read with Section 48(1) ACECA; Count 2-3: Fraud by a person employed in public service C/S 127(1) as read with Section 127(2) of abuse of office contrary to Section 46 of ACECA	Judgement delivered on 26th April 2019. Count 1: False accounting C/S 331 Penal Code; Counts 2-3: Declared duplicate of Count 1 and prejudicial to accused. Accused sentenced to pay a fine of Kshs. 500,000/= in default one (1) year imprisonment.
33.	Milimani CR/2041/2016 Peter Munyiri (CEO); Robert Oscar Nyagah; Charles Kamau Thiongo & 5 others	Count 1: Failure to report suspicion regarding proceeds of crime C/S 5 as read with Sec.44 (2) and 16 (2) Anti-Money Laundering Act; Count 7: Abetting money laundering C/S 3 (b) (iii) as read with S 16 (1) (A) of Money Laundering Act.	The Court accepted the plea agreement on 2nd May 2019, convicted accused persons and sentenced Family Bank to pay a total of Kshs. 64.5 Million. They were instructed to deposit Kshs. 24.5 Million into the NYS account and the balance of Kshs. 40 Million as court fine after it was convicted of money-laundering in the Kshs. 1.6 billion case.
34.	Garissa ACC 14/2016: Carey Francis Andayi	Corruptly soliciting for a benefit contrary to Section 39(3) & 48(1) of the Anti-Corruption And Economic Crimes Act No. 3 Of 2003.	Judgement was delivered on 3rd May 2019. Accused was sentenced to pay a fine of Kshs. 100,000/= In default 12 months imprisonment.
35.	Milimani ACC 2/2014 : John Faustine Kinyua; Charles Kinuthia Gichane & 4 Others	Count 1: Abuse of office C/S 46 & 48 of ACECA; Count 2: Fraudulent disposal of public property C/S 45 & 48 of ACECA	Judgment delivered on 13th May 2019. Accused convicted on Count 1 fined Kshs 1 Million in default 1 year imprisonment, with mandatory fine of Kshs 6,393, 792/= in default 3 years imprisonment, Count 2 fined Kshs 1 Million in default 1 year imprisonment, with mandatory fine of Kshs 6,393, 792 in default 3 years imprisonment.
36.	Malindi ACC 3/2016 : David Mwamutsi Mwangawe	Count 1: Corruptly soliciting and receiving a benefit C/ Section 39(3)(A) as read with 48(1) of ACECA	Judgement on 20th May 2019. Accused found guilty on count 1(1) and convicted. Count two (2) acquitted U/S 215 CPC for lack of sufficient evidence.
37.	Milimani ACC 34 /2018 Scolastica Waithera Kuria	Count s 1 & 2: Requesting and receiving a bribe C/S 6 (1) as read with Sec 18 (1) (2) of Bribery Act.	Plea agreement adopted by Court on 20th May 2019. Accused faced convicted and sentenced to pay a fine of Kshs. 50,000/= in each Count or in default one (1) year imprisonment.

38.	Nakuru ACC 3/2017: Dennis Munyoki Mukungi	Corruptly soliciting and receiving benefit C/S section 39(3) (A) as read with Section 48(1) of the ACECA	Accused convicted on 20th May 2019 and fined Kshs. 50,000/= in default 12 months imprisonment.
39.	Nakuru ACC 7/2017: Samuel Mwangi Kinyanjui	Corruptly soliciting and receiving benefit C/Section 39(3) (A) as read with Section 48(1) of the ACECA	Judgment delivered on 20th May 2019. Accused convicted and sentenced to pay a fine of Kshs. 50,000/= in default 12 months imprisonment and Kshs.50, 000/= in default 12 months imprisonment in count 2.
40.	Kisumu CR 472/2016: Edward Obonyo Babu	Corruptly offering a benefit C/S 39(3) b as read with Section 48(1) of the ACECA	Judgement on 27th May 2019. Accused convicted and sentenced to a fine of Kshs.500, 000/= in default 2 years imprisonment.
41.	Nyeri ACC 6/2018	Bribery Contrary to section C/S 6 of The Bribery Act.	Judgement on 30th May 2019. Accused was convicted and fined Kshs 100,000/= or Serve 1 year in prison On 30/5/19.
42.	Machakos ACC 1/2013: Edward Musyoki Maleve (Chief); Peter Muia Masaa (Chairman CDF); & Peter Musili Nzioka (Secretary)	Count 1: Abuse of office; Count 2: Making document without authority; Count 3: Wilful failure to comply with the law relating to the tendering of CDF.	Judgment was delivered on 6th June, 2019. Accused acquitted on count 1, accused found guilty on count 2 & 3 and fine KShs.50,000/= each count in default 1 year imprisonment.
43.	Eldoret ACC 6/2014: James Waburuka Sichangi	Corruptly soliciting & receiving a benefit C/Section 39(3) (A) as read with section 48(1) of the ACECA No.3 of 2003	Judgment delivered on 6th June 2019; Count 1 - Kshs. 100,000/= in default 12 Months imprisonment; Count 4 - Kshs. 100,000/= to run consecutively; Count 2 & 3 - acquitted under Section 215 of the C.P.C.
44.	Milimani ACC 35/2008 Johnson Jackson Githaka; Jane Florence Otieno; & 3 others	Count 1: Fraudulent disposal of public property C/S 45(1) (b) as read with Section 48(1) of ACECA; Count 2, 4: fraudulent acquisition of public property C/S 45(1) (B) as read with Section 48(1) of ACECA; Count 3: Conflict of interest C/S 42(3) as read with Section 48(1) of ACECA.	Judgement delivered on 14th June 2019. 2nd, 3rd & 4th accused convicted to serve 3 years each to run concurrently, 4th accused given non-custodial sentence and to 1 M in Count 2 and 500,000/= Count 4 in default 12 and 6 months respectively. 5th accused company fine 1 M and director 4th accused to pay a 3rd of 1m each in default 6 months imprisonment.
45.	Nyeri ACC 2/2016: Robert Maina Marichu	Count 1 & 2: Corruptly soliciting for a benefit C/S 39 (3) (a) as read with sec 48 (1) ACECA.	Judgement delivered on 19th June 2019. Accused convicted on all Counts. Count 1 – Kshs. 100,000 or 1 year's imprisonment. Count 2 Kshs. 100, 000/= or 1 year imprisonment. Count 3 Kshs. 100,000/= or 6 months imprisonment.
46.	Webuye CR/57/2017: Edwin Otieno Odour and George Moset	Count 1: Receiving a bribe contrary to Section 6(1) (A) as read with Section 18(1) and (3) of the Bribery Act 2016.	Judgment on 21st June 2019. Accused convicted on all counts and fined Kshs. 50,000/= Or In default 12 months imprisonment. DPP filed Criminal Appeal No. 97 & 98 of 2019. Pending in Court.

Sn. No	Case Reference	Case Description	Outcome
47.	Kisumu ACC 6/2014 & ACC/4/2015: Remigius Ngaanyi Waiteri	Count 1: Conspiracy to commit an offence of corruption C/S 47a (3) of the ACECA. Count 2: Fraudulent disposal of public property (Land worth 6M).	Judgement delivered on 25th June 2019. Accused discharged in Count 1 and convicted in Count 2: Fined to pay Kshs. 500,000/= in default 2 year's imprisonment. In addition mandatory fine of Kshs 12,000,000/=twice the value of land the County Government lost in the process in default 4 years imprisonment. Land to be reverted back to Kisumu County Government. The land to be reverted back to the County Government Of Kisumu.
48.	Meru ACC 7/2018: Erastus Kiogora & Erick Mwaniki	Count 1: Corruptly soliciting for a benefit C/S 39(3) as read with section 48(1)(a) of ACECA. Count 2: Corruptly receiving a benefit C/S 39(3)(a) as read with section 48(1) () of ACECA. Count 3: Obstructing a person employed by a public body c/s 66(1) of ACECA.	Judgment delivered on 30th July 2019 Accused convicted as follows:- Count 1: 1st accused person convicted and 2nd accused person acquitted under section 215 CPC. Count 2: 1ST accused person convicted and 2nd accused person acquitted under section 215 CPC. Both accused persons acquitted in count 3 and 4 under section 215 CPC. Sentence: 1ST accused person sentenced to a fine of kshs200,000 each count in default to serve 3 years imprisonment one each count. Sentence to run consecutively.
49.	Kisumu ACC 5/2014: Andrew Oriwa Sakari; Luke Mitamba; & 5 Others		Judgement delivered on 27th August 2019. 6 accused persons acquitted under section 215. Accused 6 fined Kshs 200,000/=
50.	Nyeri ACC 6/2017: Godfrey Nyingi & 6 Others	Wilful Failure to Comply with the Laws And Procedures Applicable to Procurement	All accused persons convicted on 12th September 2019 and each sentenced to pay a fine of Kshs 200,000/= in default to serve 1 year imprisonment.
51.	Milimani ACC 30/2018: Esther Nyambura Thongori, Bonny Stephen Otieno Oduor & George Githuri Karume.	Count 1: Conspiracy to commit an economic crime C/S 47 (a) (3) and section 48 of ACECA. Count 2: Conspiracy to defraud C/S 317 of Penal Code; Count 3: Obtaining money by false pretences C/S 313 of Penal Code. Count 4: Making a false document C/S 347 as read with 349 Penal Code; Count 6: making a false document C/S 349 of the Penal Code. Count 7: uttering a false document. a false document C/S 353 of the Penal Code	Judgment delivered on 2nd October 2019. Count. I: All accused fined to pay Kshs. 700,000/= in default 12 months imprisonment, further mandatory fine of Kshs. 10,155,100 for 1st accused, Kshs. 280,000/= 2nd accused, Kshs. 17,783,886/= for 3rd accused in default to serve 3 years imprisonment. Count 2: all accused sentenced to pay Kshs. 50,000/= in default 6 months imprisonment. Counts 3, 4, 5, 6 & 7: sentenced to pay Kshs 50,000/= per count in default 6 months imprisonment for every count.

52.	Milimani ACC 2/2018 Bernard Kasyoka Munyao & Francis Kyalo Mulonzi	Counts 1-5: Abuse of Office C/S 46 as read with Section. 48(1) of the ACECA. Alternative count: Receiving a Bribe C/S 6 (1) (a) as read with Sec. 18 & 27 Of Bribery Act. No. 47 Of 2016.	Judgment on 9th October 2019. Accused 2 acquitted in all counts. Accused 1 convicted in count 1 abuse of office, count 4 receiving a bribe, count 5 receiving a bribe. Sentence KShs 700,000/= each count total of KShs 2,100,000 /= in default 2 years imprisonment.
53.	Eldoret ACC 3/2017: James Nyamari Osoro	Soliciting and receiving a Bribe C/S 6 (1) (a) as read with Sec. 18 & 27 of the Bribery Act. No. 47 Of 2016.	Judgment on 11th October 2019. Accused convicted on Counts 1 & 3: Fined Kshs. 200,000/= each in default 12 Months Imprisonment.
54.	Milimani - ACC/33/2011 : George Otieno Odhiambo	Count 1: Knowingly Giving False Statement to one's Principal C/S 41(2) as read with Section 48(1) of ACECA; Count 2: False Accounting by a Public Officer C/S 331(1) as read with Section 332(2) of the Penal Code	Judgement on 5th November 2019. Accused convicted in Count 1 and fined Kshs. 6,369, 200/= or in default 2 Years Imprisonment.
55.	Milimani ACC 43/2018 : John Chacha Nyamohanga alias Moses Marandwi	Count 1: Personation of a Person Named in a Certificate C/S 384 as read with Sec. 349 Of Penal Code	Judgement on 6th November 2019. Accused convicted and sentenced to pay a fine of Kshs.500,000/= in default 2 Years Imprisonment.
56.	Kisii ACC 2/2018 : Evans Nyaoga Rambeka	1) Two Counts of Forgery 2) One Count of Giving False Information 3) Two Counts of Uttering False Documents C/S 353 as read with Sec. 349 of the Penal Code	Judgment On 7th November 2019. Accused convicted on all counts. Fined on Count 1, 2, 3, 4 & 5 Kshs. 100,000/= Each and Count 6 Kshs. 50,000/=
57.	Milimani - ACC/40/2018 : William Ashael Osoro	Count I: Abuse Of Office C/S 101 (1)as read with Sec. 102 of Penal Code; Count II: Stealing by a Person Employed in the Public Service C/S 280 of Penal Code	Case concluded and Accused Convicted in Count 1 for Abuse of Office. Fined Kshs 600,000/= and in default 4 Years Imprisonment. Accused Convicted on 12th November 2019
58.	Milimani ACC 5/2016 : Caleb Kiprono Kibet	Count 1-3: Corruptly Soliciting and Receiving Benefit C/ Section 39(3)(a) as read with Section 48(1) of the ACECA	Judgment was delivered on 26th January 2018. Accused Person was convicted on Count 3 fined Kshs. 40,000/= In Default 6 Months Imprisonment. Acquitted on Count 1 & 2.
59.	Milimani ACC 17/2015 : Paul Kariuki Maina	Count 1-2: Offering a Benefit C/S 39(3)(b) as read with 48(1) of the ACECA.	Judgment was delivered on 31st January 2018 Accused was convicted on Count II and sentenced to pay a fine of Kshs 120,000/= in Default 1 Year Imprisonment. Count I Acquitted under section 215.

Sn. No	Case Reference	Case Description	Outcome
60.	Milimani ACC 8/2015 : Juma Mwangala Mwatata (CEO)	Count 1: Wilful Failure to Comply with the Laws Relating to Management funds contrary to Section 45(2)(b) as read with Section 48(1) of the ACECA; Count II: Abuse of Office contrary to Section 46 as Read with Section 48(1) of the ACECA; Count III: Engaging in a project without prior planning contrary to Section 45(2)(b) as read with Section 48(1) of the ACECA	Accused convicted In Count ii of Abuse of Office and sentenced to a Fine of 1 Million In Default 1 Year Imprisonment. Acquitted on Count 1 of Failure to Comply with Laws Relating to Management of Public Funds and Count 3.
61.	Milimani ACC 6/2015 : Mary Wanjiku Maina	Corruptly Soliciting for a Benefit Contrary to Section 39(3) (a)as read with Section 48(1) of the ACECA; Corruptly Receiving a Benefit Contrary to Section 39(3) (a)as read with section 48(1) of the ACECA	Judgement delivered On 2nd February 2018; Accused Convicted In Count 2 And Fined Kshs. 50,000/= In Default 6 Months Imprisonment. Acquitted On Count One.
62.	Milimani ACC/6/2011 : Charles Kizito Wanjala Masinde; Yobesh Amoro	Abuse of Office Contrary to Section 46 as Read with Section 48(1) of ACECA	Judgement was delivered on 8th February 2018 Where 1st accused Was found guilty of Abuse of Office and fined Kshs 500,000/=. Fine to be paid in instalments under section 336 CPC. 2ND accused acquitted on both Counts of Abuse of Office.
63.	Voi ACC 1/2017 : Anthony Katakana Charo	Corruptly Soliciting and Receiving a Benefit.	Judgement was delivered on 23rd February 2018 and Accused was convicted and sentenced to pay a fine of Kshs. 50,000/= in default to Serve 6 Months Imprisonment.
63.	Milimani ACC 67/2007 : Richard Loisa Sekengei	Count 1: Soliciting For A Benefit Contrary To Section 39 (3)(a) as read with section 48 (1) of the ACECA; Count 2: Receiving A Benefit Contrary To Section 39 (3)(a) as read with Section 48 (1) of the ACECA; alternative for Count 1 & 2: Abuse of Office contrary to Section 46 as read with Section 48(1) of the ACECA	Judgement delivered On 27th February 2018, Accused convicted on both counts of Soliciting and Receiving a Benefit. Sentenced to pay a fine of Kshs. 100,000/= in default 6 Months Imprisonment and Kshs. 75,000/= in default 6 Months Imprisonment for Counts 1 & 2 Respectively.
64.	Milimani ACC 28/2014 : Christopher Kamau Njenga	Corruptly Soliciting & Receiving A Benefit C/Section 39(3) (A) As Read With section 48(1) of the ACECA No.3 Of 2003	Judgement was Delivered On 2nd March 2018 and accused person was Acquitted on Count 1 & 2; Convicted on Count 3 of soliciting Kshs. 15,000/=; Count 4 Of Soliciting Of Kshs 17,000/= and Count 5 of receiving Kshs 5,000/=. Sentenced to pay a fine of Kshs. 70,000/= and in Default 1 Year Imprisonment In Count 3; Pay Kshs. 80,000/= and in default 1 Year In Count 4; Pay Kshs. 50,000/= Or In Default 1 Year In Count 5.

65.	Kitale ACC 1035/2012: Ignatius Katasi Maina; Charles Maina Wafula; & 2 Others	Fraudulent Acquisition of Public Property C/S 45(A)(1) of the ACECA	Judgement was delivered on 13th March 2018, Accused Persons Convicted and sentenced, Count 1-2nd 1122accused alone found guilty and fined 300,000/= and in default to serve 1.5 Years Imprisonment. Count 2 - All 3 accused persons found guilty and fined 1.9 Million each and in default to serve 5 Years imprisonment. Count 3 - 3 Accused Persons found guilty as charged and fined Kshs. 200,000/= each and in default to Serve 3 Years Imprisonment.
66.	Milimani ACC 44/2010 : Geoffrey Odhiambo Majiwa (Mayor), Boniface Okerosi Misera & Cephas Kamande Mwaura	Conspiracy to Commit an Offence of Corruption C/S section. 47 a (3) as read with 48(1) of ACECA; Fraudulent Acquisition of Public Property Contrary to Section 45(1) Of ACECA.	Judgement on 23rd March 2018. 1st and 2nd accused acquitted under section of CPC. 3rd & 4th accused convicted to serve 2 Years mandatory Sentence. 3rd accused to pay Kshs 40 Million in default to serve 1 Year Imprisonment. 4th Accused to pay 37.2 million in default 1 Year Imprisonment.
67.	Milimani – ACC 3/2011: Samuel Ondigo Michira	Count 1: Knowingly Deceiving the Principal c/section 41 as read with Section 48(1) of ACECA	Ruling On 27th March 2018. Accused convicted and imprisoned for one (1) year.
68.	Milimani – ACC 26/2014: Jared Ondieki Nyauma	Corruptly soliciting and receiving a benefit c/section 39(3) (a) as read with Section 48(1) Of The ACECA	Judgement on 3rd April 2018. Accused person convicted for count one & two of soliciting Kshs 800,000/=. Count one fined Kshs. 200,000/= in default one (1) year imprisonment. Count two fined 1 million in default two years imprisonment.
69.	Mombasa – ACC 10/2015: Said Yahsin Nyerere	Corruptly Soliciting and Receiving a Benefit contrary to Section 39(3)(A) as read with Section 48(1) of ACECA	Convicted under Section 215 CPC on 11th April 2018. Fined Kshs. 30,000/= in both counts in default to serve four (4) months imprisonment for each count consecutively.
70.	Machakos – ACC 7/2017: Bonifcae Muthiani Kamuya	Corruptly Offering A Benefit of Kshs 2000/= to A Public Officer C/Sec 39(B) As Read with Section 48(1) of ACECA.	Convicted on 20th April 2018. Fined Kshs 50,000/= in default 6 months imprisonment for count one. Fined Kshs 20,000/= in default 7 months imprisonment.
71.	Milimani – ACC 12/2012: Wycliffe Mirega Mitema	Unlawful Acquisition of Public Property contrary to Section 45(1) of ACECA; Wilful Failure to Comply with Applicable Procedure and Guideline Relating to Management of Public Funds contrary to Section 45 (2) (b) of The ACECA; Abuse of Office contrary to Section 46 ACECA	Judgement delivered on 11th May 2018. Accused was convicted on count I and general sentence fined Kshs. 1, 000,000/=, mandatory fine of Kshs 15, 219, 724/= in default 4 years imprisonment. Count 2 fined Kshs 500,000/= in default 1-year imprisonment. Count 3 - Was Discharged Unconditionally By Hon. Mugambi.

Sn. No	Case Reference	Case Description	Outcome
72.	Milimani – ACC 20/2010: Samuel Kipngetich Kirui (PS); John Gakuo (Town Clerk); Mary Ngethe (Director Legal)	Abuse of Office C/Section. 46 as read with Section 48 of the ACECA; Wilful Failure to Comply with Law Relating to Procurement; Uttering False Document to Principal	Judgement on 15th May 2018. 1st & 2nd Accused to Serve 3 years and mandatory fine of 1 Million. 3rd Accused in Count 3 & 4 to Serve 3 years and mandatory fine of 52 Million and 32 Million respectively in default 1-year Imprisonment. Count 4 - Accused 3 to serve 3 years imprisonment. Sentence for 3rd Accused to run concurrently with that in Count 3.
73.	Milimani – ACC 15/2016: Robert Kiarago	Count 1: Soliciting for a Benefit Contrary to Section 48(1) (A) ACECA; Count 2: Receiving a Benefit Contrary to Section 39(3)(A)	Judgement Delivered on 18th May 2018. Accused convicted on Count 1 of Corruptly soliciting Kshs. 140,000/= fined 150,000/= in Default 1-year Imprisonment. Count 2 of Corruptly receiving Kshs 90,000/= . Given a fine of 100,000/= in default 1 year imprisonment. Mandatory Fine Of Kshs 180,000/=.
74.	Milimani – ACC 18/2017: Malela Syonzua Justinah	Abuse of Office C/S 46 of ACECA; Receiving a Bribe C/S 6 (1) (A) Of Bribery Act.	Judgement delivered on 24th May 2018. Accused convicted on both Alternative Count 1 and 2 and fined Kshs 250,000/= each in default 2 years imprisonment on each count.
75.	Eldoret – ACC 2/2013 : Nelson Kibet Metto; Sylvon Kiprotich Bett; David Maritime; Hellen Jepchirchir Saina	Misappropriation/Embezzlement of Money Allocated for the Construction of Sayoiyot Bridge in Eldoret by CDF Executives. Amount involved. (Kshs 490,000/=)	Judgement was delivered on 24th May 2018 and accused convicted and sentenced as follows; all fined Kshs. 200,000 in default 2 years on count 1. Counts 2 and 3 fined Kshs. 63,334 in default 1yr imprisonment. All accused were acquitted on count 4 and 5.
76.	Eldoret – ACC 4/2014: Justus Rono Kibet; Susan Wanjiku George; Wycliffe Shipwakula Mutanyi	Corruptly Soliciting and Receiving A Benefit C/Section 39(3)(A) as read with Section 48(1) of ACECA No.3 Of 2003	Judgement Was Delivered On 25th May 2018. the Accused Persons Were Acquitted on Count 1. Count 2 1st Accused Convicted and Sentenced to a Fine of Kshs. 100,000/= in Default 1year In Prison, Count 3 1stand 2nd Accused Convicted and Sentenced to a Fine of Kshs. 200,000/= in Default 2years Imprisonment. The sentence for the 1st Accused to run concurrently.
77.	Mombasa – CR 212/2012: Dennis Nyangweso Omari; Zainab Nagib Shurity; Joseph Mabuta Njiru	Conspiracy to Defraud Contrary to Section 317 of the Penal Code; Obtaining by False Pretences Contrary to Section 313 of the Penal Code.	Judgment delivered on the 31st May 2018. 3rd Accused convicted and sentenced to serve 12 Months Non –Custodial Sentence.

78.	Machakos – ACC 1/2014: Paul Nduve Sila	Corruptly Soliciting & Receiving A Benefit C/Section 39(3) As Read With Section.48(1) Of The ACECA No.3 Of 2003	Judgement delivered on 5th June 2018. the Accused convicted on the 1st and 2nd counts and sentenced to 6 years imprisonment without an option of a fine on account of him being a public officer, that is, being a principal of a school, he corruptly solicited for a benefit of Kshs. 10,000/= to facilitate release of a cheque in respect of payments for supply of computers and accessories. Count 3 - Corruptly Receiving a benefit of Kshs. 10,000/=.
79.	Migori – ACC 1/2016: Godwin Musungu Kitui	Corruptly Soliciting and Receiving a Benefit Contrary to Section 39(3) (A) as read with Section 48(1) (A) of the ACECA.	The accused was found guilty and convicted to pay a fine of Kshs. 60,000/= on default to serve six (6) months imprisonment.
80.	Kakamega – ACC 2/2017: John Juma Matsanza (County Secretary), Ayub Tuvaka China, Howard Lugadilu, & 5 others	Counts 1 & 2: - Wilful failure to Comply with the Law Relating to the Management of Funds and Incurring of Expenditures contrary to Section 45(2) (B) as Read with Section 48 (1) of the ACECA. Counts 3, 4 & 5: Wilful Failure to Comply with the Applicable Procedures and Guidelines Relating to Procurement and Tendering of Contracts C/S 45 (2) (B) as read with Section 48 (1) of ACECA.	Judgement on 7th June 2018. Accused found guilty and sentenced on the 11th June 2018 as follows: John Juma Matsanza - Accounting Officer, was convicted on two Counts. And fined Kshs. 400,000/= in default to serve 2 years imprisonment. The other accused persons: Ayub Tuvuka China, Howard Lukadilu, Oscar Onyango Ojwang', Arlington Shikuku Omusieni, Jacqueline Nanjala Namukati and Reuben Rutto were each convicted on two Counts and each fined Kshs. 300,000/= in default serve one and a half years in prison for each of the count.
81.	Machakos – ACC 5/2014: Richard Mwanzia Mwenga; Titus Mbai Muia	Count 1: Conspiracy to Commit an Offence of Corruption; Count 2: Abuse of Office; Count 3, 4, 5 & 6: Corruptly Soliciting and Receiving a Benefit; Count 7: Dealing with Suspect Property.	Judgment delivered on 12th June 2018. Accused persons convicted of all seven counts of Corruption Offences and fined as Follows: Count 1 - 100,000/=; Count 2: Kshs. 200,000; Count 3: Kshs. 20,000; Count 4: Kshs. 20,000; Count 5: Kshs. 20,000; Count 6: Kshs. 20,000; Count 7: Kshs. 50,000.
82.	Milimani – ACC 12/2016: Francis Kingori Githaiga	Conflict of Interest C/S 42(3) ACECA; Failure to Disclose Private Interest to One's Principal	Judgement on 25th June 2018. Accused Convicted. Charged With 12 Counts, Count 1 Conflict of Interest. Accused Acquitted U/S 210 CPC. Count 2,5,7,12 Failure to Disclose a Private Interest with an Alternative Count of Conflict of Interest. Accused found guilty and convicted and Sentenced to pay Kshs. 300,000/= for each of the 10 Counts in default to serve 6 months imprisonment for each count. The sentence To Run Consecutively. Accused Acquitted On Count 6.
83.	Milimani ACC 6/2016 Geoffrey Oyalo Alias Wanda; Victoria Nduku Mathias	Count 1-4: Corruptly Soliciting for a Benefit C/S 39(3) (a) as read with Sec 48(1) of the ACECA; Count 6-7: Conspiracy to Commit an Offence of Corruption C/S 47a (3) as read With Section 48(1) of the ACECA;	Sentencing on 11th July 2018. A plea agreement was formally adopted by the court. The accused persons pleaded guilty to all seven counts of Soliciting, Receiving a benefit Of Kshs. 5,000 and Conspiracy to commit an act of corruption. They were fined Kshs. 30,000 for each count and in default to serve 6 Months imprisonment for each count.

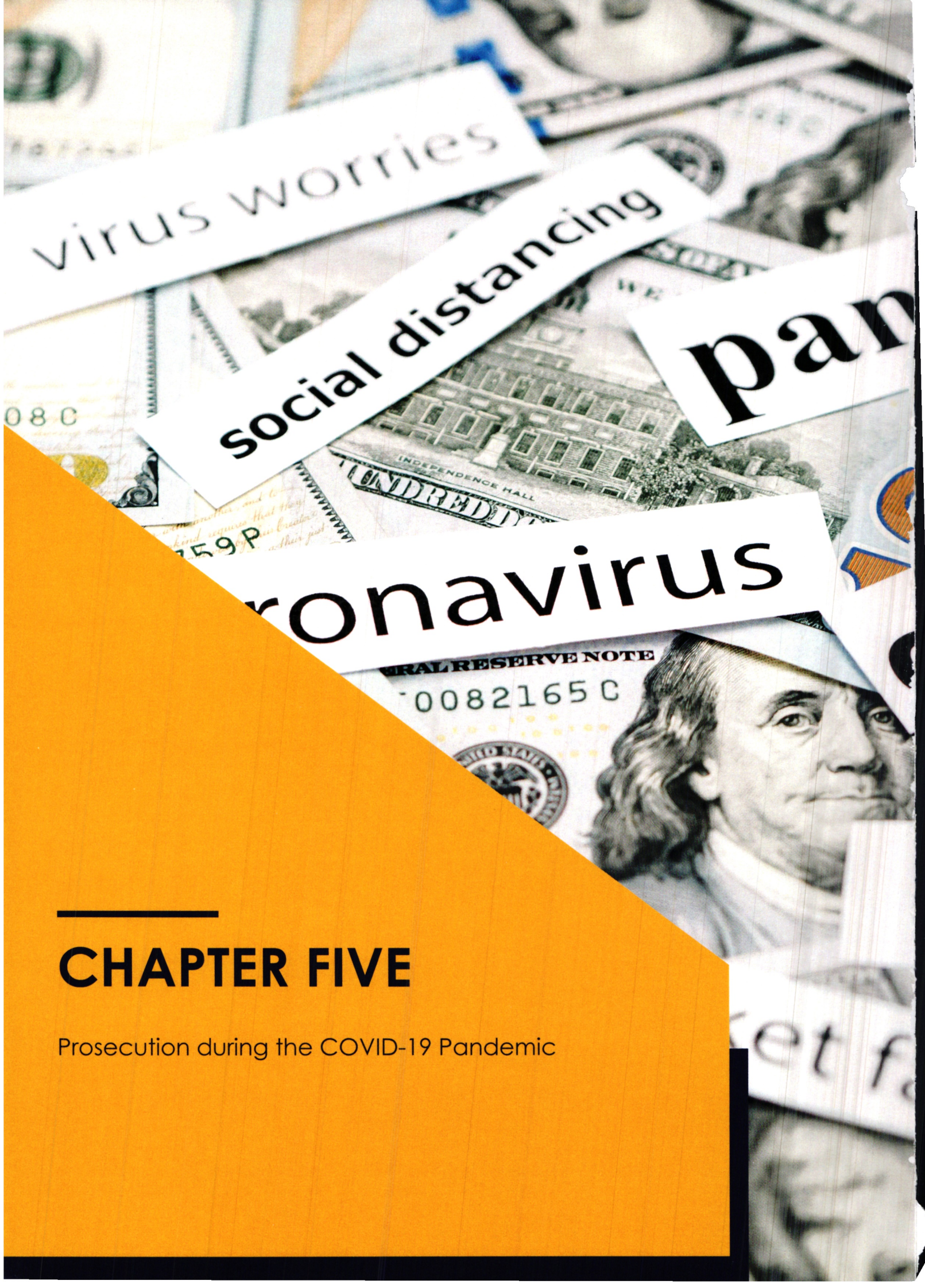
Sn. No	Case Reference	Case Description	Outcome
84.	Milimani ACC 7550/2007 Francis Emmanuel Oyugi	Wilful Failure to Comply with Procurement Laws C/S 45 (2) (a) as read with Sec. 48 (1) of the ACECA	Accused convicted on the alternative charge of Wilful failure to comply with procurement procedures. Accused sentenced to pay a fine of Kshs. 800,000 or in default one year imprisonment.
85.	Milimani ACC 11/2014: Paul Suppet Kanume (MCA)	Count 1: Corruptly soliciting for a benefit contrary to Section 39 (3) (A) as read with Section 48(1) of ACECA; Count 2: Soliciting for a benefit contrary to Section 39 (3) (A) as read with Section 48(1) of the ACECA.	Judgment on 27th July 2018. Accused was convicted on all counts 1 to 3 of soliciting for Kshs. 40,000, 30,000 And Kshs 38,000. He was sentenced to pay a fine of Kshs. 200,000 of each count or in default to serve 8 months imprisonment on each count. The sentence to run consecutively.
86.	Milimani ACC 25/2017: Dan Kanga'ra Mburu	Dealing with suspect property contrary to Section 47(1) (2)(a) as read with Section. 48 (1) of the ACECA No. 3 Of 2003	Judgement was delivered on 1st August 2018 and the accused person convicted on both counts. Count 1: Dealing with suspect property. Count 2: Abuse of office: Fined Kshs. 500,000 each count or in default to serve one (1) year imprisonment for each count. The terms to run concurrently.
87.	Nyeri ACC 4/2013: Tom Dulla Odeny	Corruptly soliciting and receiving for a benefit Contrary to Section 39(3)(a) as read with Section 48(1) of the ACECA.	Judgment on 28th August 2018. Accused convicted on count one and fined Kshs. 1 Million or in default to serve one year imprisonment. Count two acquitted under Section 215 CPC.
88.	Milimani ACC 1/2018: Joy Adhiambo Gwendo	Count 1: Stealing Contrary to S. 268 (1) (2) (e) as read with S. 275 of the Penal Code; Count 2: Forgery contrary to Sec. 350 of the Penal Code; Counts 3 & 4: Issuing a bad cheque contrary to S. 316 A (1) (A) (4) of the Penal Code; Count 5: Abuse of office contrary to S. 46 as read with S. 48 (1) (A) of ACECA.	Judgement on 7th September 2018. Accused sentenced to two years for abuse of office and fraud; On Count 3 and 4 Charged with issuing two bad cheques of Kshs. 300,000.
89.	Milimani ACC 10/2017: Charles Ng'umbau Mbiti, Ismael Kimosop, Samuel Mutunga & Michael Odiwuor	Conspiracy to commit an offence an offence of corruption and economic crimes C/S 47 (a) (3) as read with Section. 48(1) of the ACECA.	Judgement delivered on 20th September 2018. Accused person convicted for the offence of conspiracy and sentenced to pay a fine of Kshs. 700,000 or in default thereof to serve two (2) years imprisonment.
90.	Kisumu ACC 3/2014: Stephen Omoro Ouma	Corruptly soliciting and receiving a benefit contrary to Section 39(3)(a) as read with Section 48(1) of the ACECA	Judgment Delivered On 9th October 2018. Accused was fined Kshs 100,000 for each Count or in default to serve 1 year imprisonment.
91.	Milimani ACC 21/2017: Faith Naome Kabeso	Counts 1-4: Receiving a bribe contrary to Section 6 (1) (A) as read with Section 18 of The Bribery Act No. 47 of 2016	Judgment Delivered On 17th October 2018 - She was charged with three counts for the offence of Requesting and Receiving a bribe Kshs 7000. She was convicted on three counts and fined Kshs 300,000 for each count or in default to serve two years imprisonment. Sentence to run concurrently.

92.	Milimani ACC 11/2017: Gideon Makori Abere & Pauline Wangechi Wanjau	Soliciting and receiving a benefit contrary to S. 39(3) as read with S. 48 of the ACECA	Judgement on 19th October 2018, 1st accused was convicted on counts 1 & 2 of Receiving a bribe of Kshs, 3000.He was sentenced to pay a fine of Kshs 100,000 or in default to serve 2 years imprisonment. The 2nd accused was discharged.
93.	Milimani ACC 7/2012: Grace Omollo Aoko	Abuse of office Contrary to Section 46 as read with Section 48 of the ACECA;	Judgement Delivered On 21st November 2018. The accused person was convicted on two counts of Abuse of office. Accused fined Kshs. 1.5 Million for Count 1 and Kshs 750,000 for Count 2 - In default to serve one (1) year imprisonment for each count. The sentence to run concurrently.
94.	Milimani ACC 48/2010 Duncan Bunduki Bundi	Count 1: Impersonating an EACC investigator contrary to Section 34(1) as read with Section 34(2) of the ACECA; Count 2: Attempt at extortion contrary to Section 300 (1) (a) of the Penal Code.	Judgement delivered on 5th December 2018, and accused convicted and sentenced on Count one to serve one Year, Count two to serve 18 months, Count three to serve one year and Count four to serve 18 months without the option of a fine.
95.	Milimani ACC 1/2017: Vincent Mbindo Kathumo	Requesting for a bribe contrary to Section 6 (1) (a) as read with Section 18 of the Bribery Act No .47 of 2016	Judgement on 7th December 2018. Accused convicted on three (3) Counts of Requesting and receiving a Bribe contrary to Section 6 (1) as read with S. 18 of Bribery Act. 2016. Sentenced on Count 1 to pay a fine of Kshs. 150,000 or in default to serve one year imprisonment. Count 2 to pay a fine of Kshs. 150,000 or in default one year imprisonment. Count 3 to pay a fine of Kshs. 150, 000/= or in default to serve one year imprisonment. The sentence to run consecutively.
96.	Milimani CR 537/2005: Peter Athanasius Fernandez (Deceased); Isaack Kagiri Njagi Kagwi; Jason Mutuma; Rikki Kiman	Destruction of Evidence contrary to Section. 116 of the Penal Code	Judgement Delivered on 7th December 2018. Accused sentenced to one year imprisonment with no option of a fine.
97.	Milimani ACC 14/2011 Robert Maina Kinyua,	Fraudulent acquisition of public property contrary to Section 45(1) of the ACECA and fraudulent false accounting contrary to S. 331 (1) of the Penal Code.	Judgement on 10th December 2018. Accused convicted of the offence of Deceiving principal and Fraudulent false accounting. He was sentenced to pay a fine of Kshs. 200,000.
98.	Milimani ACC 18/2010 Francis Kimosop	Count 1: False accounting by a Public Servant contrary to Section 331 as read with S. 331(2) of the Penal Code; Count 2: Knowingly giving a false document to Principal contrary to S. 41(2) as read with 48(1) of the ACECA	Judgement on 11th December 2018. Accused person convicted and sentenced on Count 1 to Pay Kshs. 500,000; Count 2 was held in abeyance since the facts for proving it were the same as Count 1

B. RULINGS

Sn. No	Case Details	Content of Appeal/Application
1.	Supreme Court Civil Application No. 21 of 2019: EACC vs Tom Ojienda, SC, T/A Prof. Tom Ojienda & Associates & 2 others	The Supreme court stayed both the Court of Appeal and the High Court decisions on the question of whether a suspect should be notified before search warrants are executed.
2.	Anti-Corruption & Economic Crimes Judicial Review No. 25 of 2019: Republic vs Stephen Ogaga Osiro	The application questioned whether the order for search, bank opening documents and bank exhibits were properly admitted as exhibits before the trial court. The High Court declined the Applicant's application seeking to expunge these records stating that allowing the same would be to micro manage the trial courts thus encouraging unnecessary litigation and found that admissibility of exhibits should be left to the ambit of the trial court to determine.
3.	High Court Criminal Revision No. 4 of 2020: DPP vs Perry Mansukh Kansagara & 7 others	It is on the expanded scope of supervisory jurisdiction by the High Court under Article 165 of the Constitution. The High Court can revise an acquittal.
4.	Court of Appeal at Nairobi-Civil Appeal No. 413 of 2018: Dr. Evans Odhiambo Kidero vs DPP & 6 Others	A stay order was granted to avoid the Court of Appeal exercising jurisdiction over a matter that is under consideration by the Supreme Court i.e the need to give notice to suspects before execution of search warrants. The Supreme Court allowed the application and directed that the order of the High Court of Appeal be stayed.
5.	High Court Anti-Corruption & Economic Miscellaneous Application 3 of 2020 Phyllis Njeri Ngirita vs Republic & 3 others	The applicant had filed an application before Hon. Mumbi Ngugi seeking to access an account that hadbeen frozen by Hon. Justice Onyiego in the High Court Anti-Corruption Division. The application was disallowed and the court found that there were proceedings already before court that the Applicant had not disclosed nor had the applicant served the Respondents.
6.	High Court Anti-Corruption & Economic Revision Application No. 8 of 2020 DPP vs Mike Mbuvi Sonko & others	There was an order dated 19th May, 2020 directing all investigating agencies and the Director of Public Prosecutions in the Anti-Corruption and Economic Crimes cases to ensure disclosure/ exhibits in each charge sheet to be done prior to the registration of plea pending the hearing and determination of the application in the High Court.
7.	High Court Anti-Corruption & Economic Appeal. No.17/19: Sospeter Ojamong vs the Republic	The prosecution made an application at the trial court for disclosure of four documents that had not been disclosed during pre-trial. This application was allowed. The applicant being aggrieved by this decision sought for revision orders at the High court which however disallowed this application stating that it was premature as it was an issue of the trial court to determine during the hearing.

8.	High Court Anti-Corruption & Economic Appeal. No.24/19 James Ambuso vs the Republic	Applicant wanted the court to grant an order of stay of proceedings that evidence or the documents relating to his Safaricom Mpesa account and Kenya Commercial Bank (KCB) should not be referred to and produced in the hearing of Anti-Corruption Case No. 5 of 2019 pending at the Chief Magistrate's Court. He stated that the EACC in obtaining these evidence had infringed on his rights. The High Court found that the said proposed exhibits were properly before the trial court as the EACC had obtained warrants to investigate the accounts in question.
9.	High Court Anti-Corruption & Economic Appeal. No.22/19 John Faustin Kinyua VS the Republic	The Appellant appealed against against his conviction and sentence. Appeal on conviction disallowed. But sentences amended as follows: a. Pay a fine of Kshs. 1 million in default serve three years imprisonment in respect of each of the 3 counts (Counts II, III and IV). b. The sentences in (a) above to run concurrently commencing from the date of sentence before the trial court. c. The Deputy Registrar to cause and draw an amended committal warrant to reflect the stated sentence above. d. L.R. No. 1160/613 Karen house be surrendered to the Kenya Re-insurance by the Chief Land Registrar cancelling the title deed (grant) currently held in the name Rockhound Properties Limited as per the directions of the trial court. e. The sum of Kshs.132, 504 held by the law firm of Muriu, Mungai & Company Advocates on behalf of Rockhound be refunded to Kenya Re as directed by the trial court.



CHAPTER FIVE

Prosecution during the COVID-19 Pandemic

5.0 The COVID-19 pandemic

On 30th January, 2020, the World Health Organisation (WHO) declared the outbreak of the Coronavirus disease (COVID-19) a Public Health Emergency of International Concern. Thereafter, it was declared a pandemic on the 11th of March, 2020 due to the rapid spread of the virus.

On the 13th of March 2020, the President and the Ministry of Health (MoH) issued Directives and Guidelines (containment measures) regarding COVID-19, following the first case of COVID-19 being reported in Kenya. Some of the measures introduced included banning of all public gatherings, people working from home, a nationwide curfew restricting movement and the cessation of movement into and out of areas marked as high risk zones.

In line with the COVID-19 containment measures, the ODPP came up with strategies to ensure effective and efficient service delivery to Kenyan citizens in line with the Office's mandate.
These included:

1. Operational guidelines for the Office.
2. Guidelines on the prosecution of cases during the pandemic period.
3. Embracing of technology as a service delivery tool.
4. Preventive measures to be taken by the Office.

(i) Guidelines on the prosecution of cases during the pandemic period

To ensure that the Office was still able to execute its mandate during the COVID-19 pandemic, guidelines were formulated to guide prosecutors in making the decision to charge on new matters arising during the period. This was done taking into account the directives issued by the NCAJ regarding the conduct of criminal proceedings, and measures taken by other stakeholders in the criminal justice sector including the Judiciary, the National Police Service and the Kenya Prisons Service.

In light of the disruptions that COVID-19 and its containment measures have put on the criminal justice system, special consideration is required when deciding which cases are to be prosecuted and which ones could be suspended in the interim. To assist in this, the Office classified and defined what constitutes a serious offence.

Matters that were not considered serious offences were referred back to the police stations for police bonds. The police were directed to give reasonable bail/ bond to suspects charged with such offences. Where the suspects could not afford the bail/bond, they were given a free bond. This was done in a bid to avoid congestion in the prisons and police cells during the pandemic period.

The Office endeavoured to minimise case backlog during the pandemic period by requiring that regional heads work closely with their respective police stations.

(ii) Kasarani COVID-19 court

A Court to deal with offences during the COVID-19 pandemic, was established at Kasarani Stadium. This Court strictly dealt with COVID-19 containment measures related offences. The Court operated in strict adherence to the measures issued and advised by the Government.

(iii) embracing technology as a tool in prosecution services

The ODPP empowered its staff to work virtually, through the acquisition of video conferencing solutions. This has been useful in facilitating meetings and training sessions whilst ensuring social distancing and stay-at-home directives were adhered to. The ODPP's success at utilizing these platforms is evident by the numerous meetings and training sessions using applications like Zoom and Cisco WebEx.

Further, the acquisition of video conferencing solutions has enabled continuous communication with other criminal justice actors, thus ensuring minimal interruption in prosecution services during the COVID-19 pandemic.



The Kasarani COVID-19 Court in session

(iv) Other preventive/containtment measures taken by the Office

The Office took other preventive measures to ensure that the staff's wellbeing was protected even as they worked towards quality service delivery during the COVID-19 pandemic. This was done in line with the directives from the Ministry of Health concerning making the work environment safe for all members of staff:

- A work plan was formulated by the departmental deads and the regional heads that assigned staff to office duties on a 14 days' rotational basis, with the rest of the officers working from home. The Office further provided transport for the staff on duty so as to minimize exposure to the virus.

- Sensitization of staff on the need to follow set directives and guidelines whilst at work and at home.

- Acquisition of infrared thermometers at the security desks and thermal sensing CCTV at the points of entry. These measures are meant to curb access to the office of any person with a temperature of 37.5 degrees or above.

- Cleaning of the Office using a steam machine and wiping/sanitising of surfaces to ensure that the highest standard of hygiene is maintained.

- Stationed water points at each point of entry and and sanitising stations along office corridors.

- All ODPP offices across the country were supplied with gloves, sanitisers, masks, Vitamin C and antihistamine tablets to complement their individual efforts to stay safe.

- Revision of the official working hours from **8 am to 5 pm** to **8 am to 3 pm** so as to allow members of staff to comply with curfew directives.

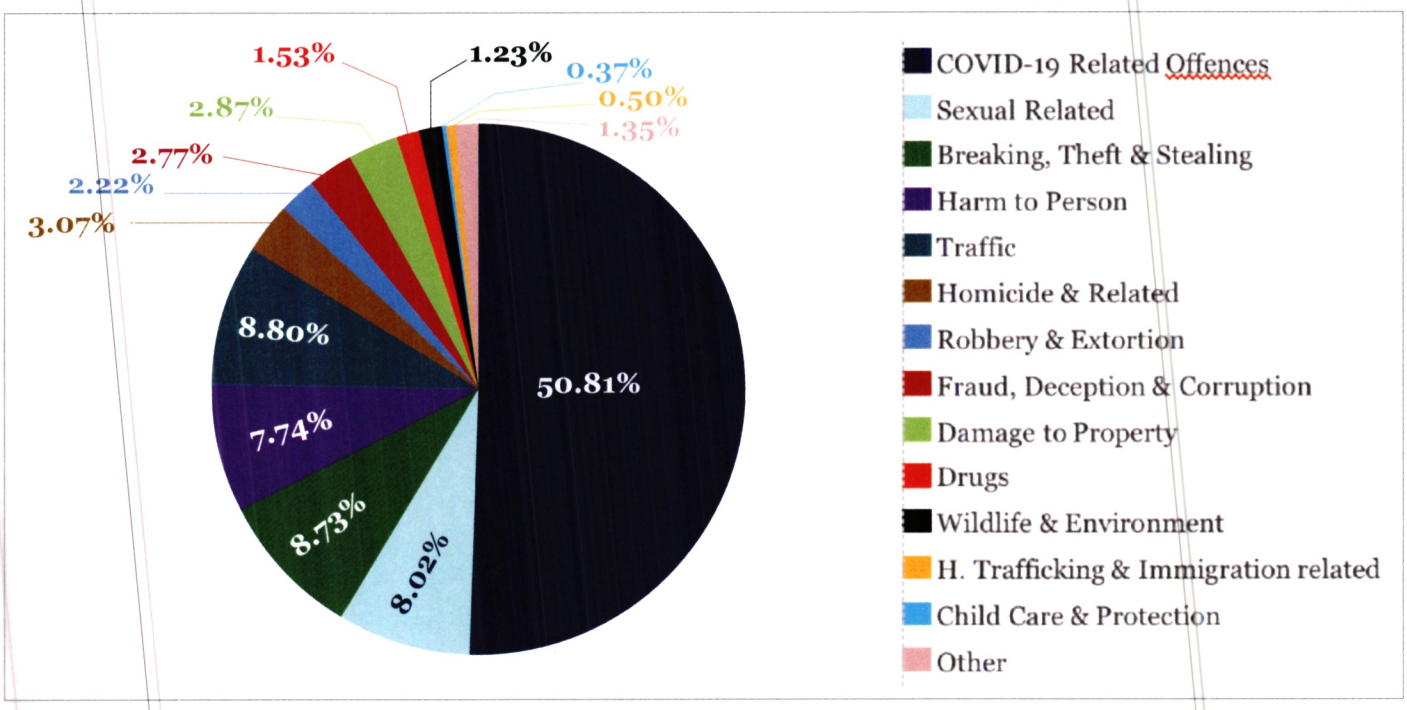
Other than internal measures, the ODPP was able to contribute **KShs. 2 billion** from the operationalized prosecution fund to the Treasury to aid in the fight against the COVID-19 pandemic.

(v) Cases handled during the COVID -19 period

During the pandemic period, the Office was still able to deliver on its mandate. A total of **18,642** cases were registered in courts during the period with COVID-19 related cases accounting for over 50%. Traffic cases accounted for 8.8%, breakings, theft & stealing accounted for **8.7%** and sexual related offences accounted for 8.02%. Offences relating to harm to person were **7.74%** of the cases. Figure 8.1 illustrates the proportions of cases registered.

The number of COVID-19 related offences, such as failure to use protective masks when in public, failure to observe

Figure 5.1: Cases Handled per Category of Offences



curfew hours and infringement of the order on cessation of movement into or out of certain counties, among others rose to over 3,000 between week 4 and week 9.

The traffic cases, house breaking, theft and stealing offences curves rose steeply from week 6. Sexual offences curves rose at decreasing from week 9 to week 10.

There were about 569 children who were in contact and in conflict with the law for the cases registered from 16th March 2020. Figure 8.2 and 8.3 illustrate the offences registered curves from 16th March 2020 to 30th June 2020.

Figure 5.2: Offences curve for all offences registered in court by category

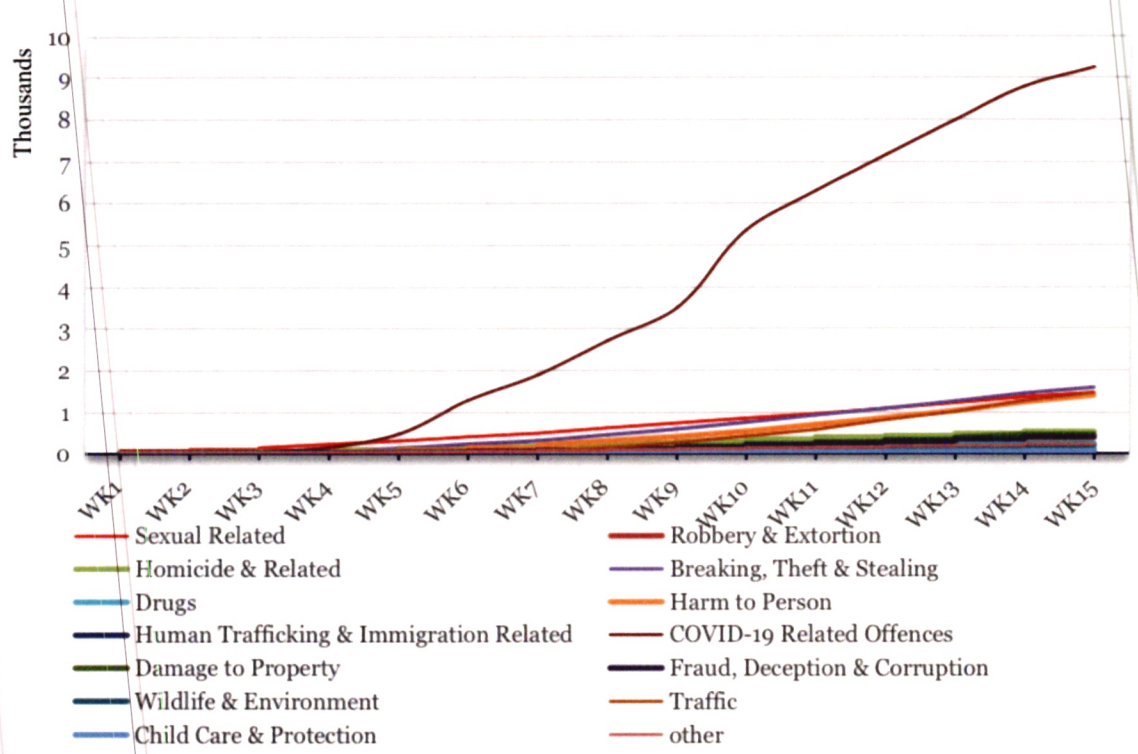
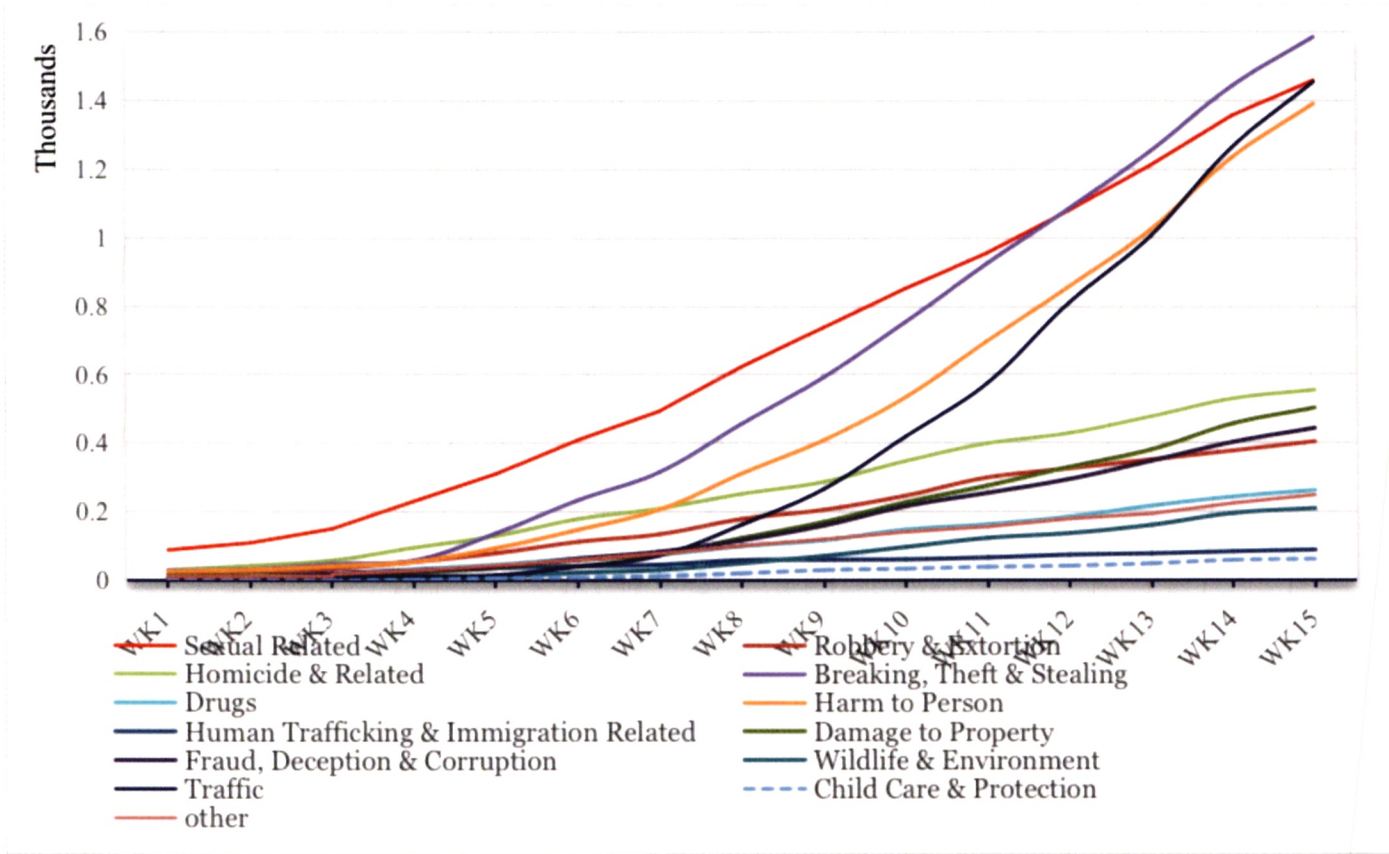
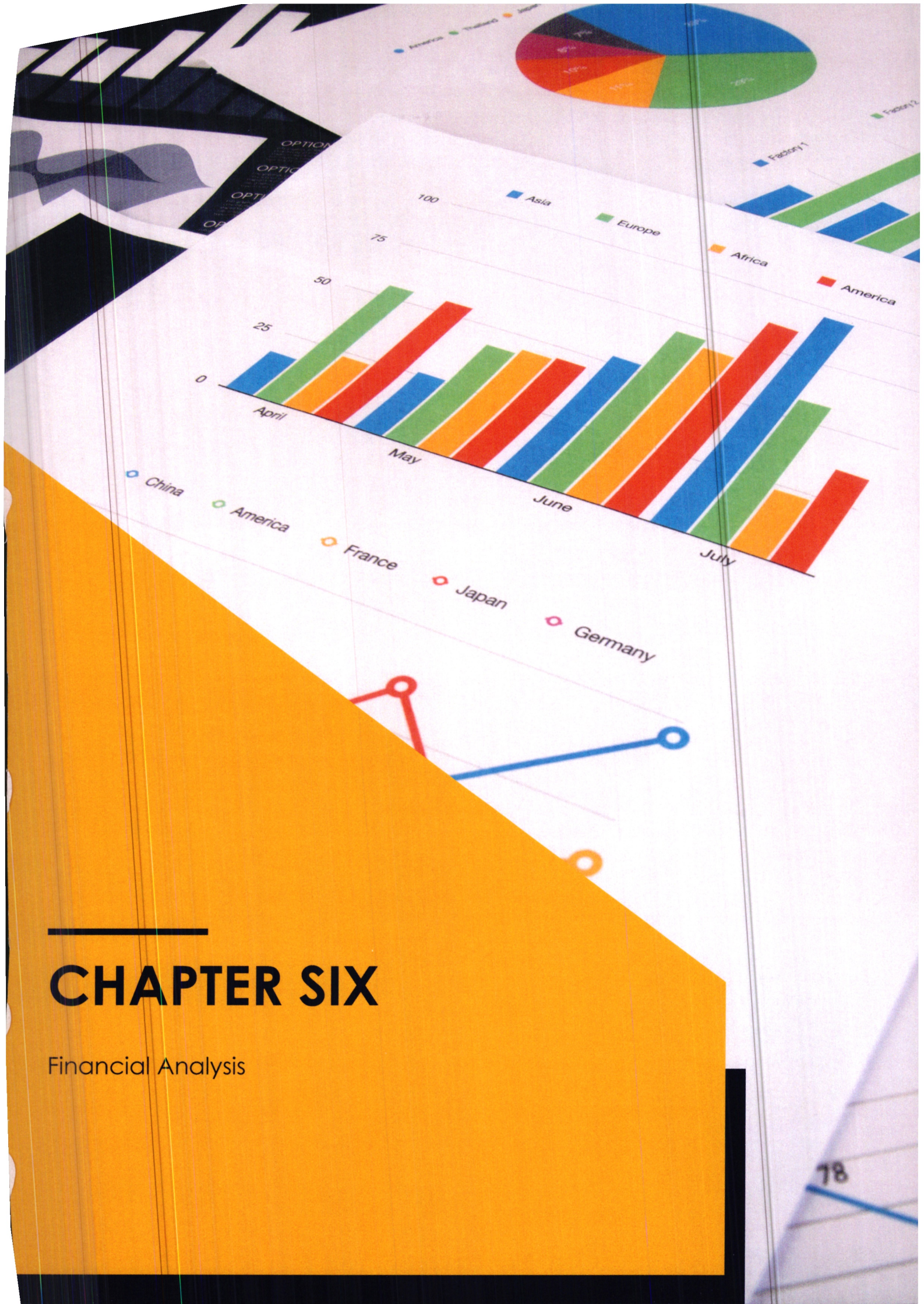


Figure 5.3: Offences curve excluding COVID-19 related offences Category





CHAPTER SIX

Financial Analysis

6.0. Introduction

The main source of revenue for ODPP is through appropriation in the annual national budget. Allocations are made for both recurrent expenditures including personnel emoluments, operational costs and long-term development expenditures. The Government has consistently provided the Office with the requisite budgetary resources to carry out its mandate.

In the Financial Year 2019/2020, the Office secured an allocation of KShs. 3.284 billion. The total expenditure was KShs. 3.106 billion. The allocation for 2019/2020 benefited from an increase of KShs. 317 million from the previous allocation of KShs. 2.966 billion in the Financial Year 2018/2019. Table 4.1 presents the analysis of budgetary allocation and expenditure for three financial years.

Table 6.1: Analysis of Budgetary Allocation & Expenditure for three Financial Years

Financial Year	Budgetary Allocation (KShs in Millions)	Expenditure (KShs in Millions)	Absorption Rate (%)
2019/20	3,284	3,106	94.57%
2018/19	2,966	2,220	74.85%
2017/18	2,001	1,875	93.70%

Utilization of the budgetary allocation for the period 2019/20 was 94.57%, a 19.7% improvement from the 74.85% attained in the financial year 2018/2019.

6.1 Recurrent Expenditure

During the period 2019/2020, a total of KShs. 3.267 billion was allocated to recurrent expenditure out of which KShs. 3.094 billion spent. The recurrent budget utilization for the 2019/2020 was 94.7%. Both budgetary allocation and budget utilization improved from the financial year 2018/2019. Table 4.2 presents an analysis of recurrent budgetary allocation and expenditure for the three financial years.

Table 6.2: Analysis of Recurrent Allocation & Expenditure FY 2017/2018, 2018/2019 & 2019/2020

Financial Year	Budgetary Allocation (KShs in Millions)	Expenditure (KShs in Millions)	Absorption Rate (%)
2019/20	3,267	3,094	94.71
2018/19	2,966	2,220	74.85
2017/18	1,994	1,868	93.68

The recurrent budget increased during the three financial years from KShs. 1.994 billion in 2017/18 to KShs. 3.267 billion. The expenditure also continuously increased from KShs. 1.868 billion in 2017/18 to KShs. 3.094 billion in 2019/2020. This is indicative of the need for more resources for the Office.

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OFFICE OF THE AUDITOR-GENERAL

REPORT OF THE AUDITOR-GENERAL ON THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FOR THE YEAR ENDED 30 JUNE 2018

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of the Office of the Director of Public Prosecutions set out on pages 39 to 71, which comprise the statement of assets and liabilities as at 30 June 2018, and the statement of receipts and payments, statement of cash flows and summary statement of appropriation: recurrent and development combined for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Office of the Director of Public Prosecutions as at 30 June 2018, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Office of the Director of Public Prosecutions Act No.2 of 2013, and the Public Finance Management Act, 2012.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the Office of the Director of Public Prosecutions in accordance with ISSAI 30 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. I have determined that there are no key audit matters to communicate in my report.

Other Matters

Budget and Budgetary Performance

1. Receipts

The Office of the Director of Public Prosecutions had budgeted for Kshs.1,999,002,962 but actual receipts realized amounted to Kshs.1,882,527,355 which is a shortfall of Kshs.116,475,607 or 6%.

Item	Budget Kshs.	Actual Kshs.	Excess/ (Shortfall) Kshs.	Variance %
Transfers from National Treasury	1,999,002,962	1,875,851,255	(123,151,707)	(6)
Proceeds from Domestic and Foreign Grants	-	6,676,100	6,676,100	100
Total	**1,999,002,962**	**1,882,527,355**	**(116,475,607)**	**6**

2. Payments

The Office had budget for expenditure totalling Kshs.1,999,002,962 but total payments amounted to Kshs.1,875,322,985 resulting to an under expenditure of Kshs.123,679,977 or 6% as follows:

Item	Budget Kshs.	Actual Kshs.	(Excess)/Shortfall Kshs.	Variance %
Compensation of employees	1,297,280,000	1,256,083,062	41,196,938	3%
Use of goods and services	579,625,958	530,738,652	48,887,306	8%
Transfers to other Government Entities	100,000,000	75,000,000	25,000,000	25%
Social Security Benefits	6,860,538	6,860,538	0	-
Acquisition of assets	15,236,466	6,640,733	8,595,733	56%
Total	**1,999,002,962**	**1,875,322,985**	**123,679,977**	**6%**

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON INTERNAL CONTROLS EFFECTIVENESS, GOVERNANCE AND RISK MANAGEMENT SYSTEMS

Conclusion

As required by Section 7 (1) (a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and overall governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 1315 and ISSAI 1330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal control, risk management and governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and Those Charged with Governance

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control, risk management and governance.

In preparing the financial statements, management is responsible for assessing the Office of the Director of Public Prosecutions ability to sustain services, disclosing, as applicable, matters related to sustainability of services and using the going concern basis of accounting unless the National Government either intends to liquidate the Office of the Director of Public Prosecutions or to cease operations, or have no realistic alternative but to do so. Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the entity monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7 (1) (a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the set policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the management.

- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Office ability to continue as a going concern or to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Office to cease to continue as a going concern or to sustain its services.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

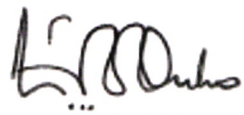
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Office to express an opinion on the financial statements.

- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and

other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.



FCPA Edward R. O. Ouko, CBS
AUDITOR-GENERAL

Nairobi

28 December 2018

REPUBLIC OF KENYA

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OFFICE OF THE AUDITOR-GENERAL

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REPORT OF THE AUDITOR-GENERAL ON OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FOR THE YEAR ENDED 30 JUNE, 2019

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of Office of the Director of Public Prosecutions set out on pages 3 to 25, which comprise the statement of assets and liabilities as at 30 June, 2019, and the statement of receipts and payments, the statement of cash flows and the statement of comparison of budget and actual amounts for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of Office of the Director of Public Prosecutions as at 30 June, 2019, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Public Finance Management Act, 2012 and the Office of the Director of Public Prosecutions Act, 2013.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of Office of the Director of Public Prosecutions in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. I have determined that there are no key audit matters to communicate in my report.

Other Matter

1. Budgetary Performance

The Office received exchequer receipts totalling Kshs.2,222,421,558 against an approved budget of Kshs.2,966,776,00 resulting to a shortfall of Kshs.744,354,442 or 25%. Similarly, the Office incurred a total actual expenditure of Kshs.2,220,497,090 against the approved budget of Kshs.2,966,776,000 resulting to an under expenditure of Kshs.746,278,910 or 25%. The budget underfunding may have negatively affected the ability of the Office to effectively deliver on its mandate.

2. Pending Bills

Note 14 to the financial statements reflects pending bills totalling to Kshs.279,888,313. The bills were not paid during the year but were instead carried forward to 2019/2020 financial year. Failure to settle bills in the year to which they relate adversely affects the subsequent year's provisions since the bills form the first charge to that year's budget provisions.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, except for the matter described in the Basis for Conclusion on Effectiveness of Internal Controls, Risk Management and Overall Governance section of my report, I confirm that, nothing else has come to my attention to cause me to believe that internal controls, risk management and overall governance were not effective.

Basis for Conclusion

IT Service Continuity and IT Governance

The Office did not have a disaster recovery plan. It was also noted that the IT Steering Committee did not hold any meeting during the financial year 2018/2019. In the absence of a disaster recovery plan and an active IT Steering Committee, the adequacy of the IT governance and ability of the Office to resume operations effectively after an emergency or disaster could not be confirmed.

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal control, risk management and overall governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and those Charged with Governance

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control, risk management and governance.

In preparing the financial statements, Management is responsible for assessing the ability to continue to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of intention to terminate the Office or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the Office monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from

fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.

- Conclude on the appropriateness of the Management's use of the applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Office's ability to continue to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Office of the Director of Public Prosecution to cease to continue to sustain its services.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Office of the Director of Public Prosecution to express an opinion on the financial statements.

- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.

Nancy Gathungu
AUDITOR-GENERAL

Nairobi

06 October, 2020



ODPP staff receive an award for 'The Most Improved Public Sector Entity 2017' during the Financial Reporting (FIRE) Awards.

6.2 Development Expenditure

Capital expenditure in the period 2019/2020 was KShs. 11 million. This is 67.36% utilization of the KShs. 17.5 million allocated to this vote. Table 6.3 presents analysis of development resource allocation and expenditure for three years.

Table 6.3: Analysis of capital budgetary allocation and expenditure for FY 2017/2018, 2018/2019 & 2019/2020

Financial Year	Budgetary Allocation (KShs in Millions)	Expenditure (KShs in Millions)	Absorption Rate (%)
2019/20	17.5	11.78	67.36%
2018/19	25	-	-
2017/18	7	7	100.00%

There was a capital grant of KShs 3.5 million in the financial year 2019/2020 and KShs. 7 million grant in 2017/2018 from UNFPA.

6.3 Expenditure by Economic Classification

The expenditure for the period under review is further analysed by economic classes which are: - compensation of employees, use of goods and services, acquisition of non- financial assets among others.

Table 6.3: Expenditure Analysis by Economic Classification (KShs. Millions)

Description	Budgetary Allocation			Expenditure		
	2017/18	2018/19	2019/20*	2018/19	2018/19	2019/20*
Recurrent Expenditure						
Compensation of employees	1,297	1,503	1,747.85	1,256	1,335	1,695
Use of goods & services	575	979	1,133.50	530	762	1,016
Other recurrent	122	459	385.66	82	123	383.56
Total Recurrent Exp.	1994	2,941	3267.01	1,868	2,220	3094.26
Capital Expenditure						
Acquisition of Non-Financial Assets		25	10.4	-	-	8.58
Other Development Exp.	7	-	7.1	7	-	3.2
Total Development Exp	7	25	17.5	7	-	11.78
Total Vote	**2,001**	**2,966**	**3,284.51**	**1,875**	**2,220**	**3,106.05**

** Unaudited Financial Result*

6.4 Auditor-General's Report

Financial statements of the ODPP are subject to audit by Office of the Auditor General (OAG). The Office received an unqualified opinion on its financial statement for the financial years 2017/2018 and 2018/2019. The financial statements for the year 2019/2020 have been submitted to the OAG for audit and opinion. The Auditor's opinions are shown below:

7.0 Introduction

This Chapter consolidates and highlights the Office's valued achievements during the reporting period. The Office set out clearly defined goals and objectives, which are outlined in a number of documents and declarations. These documents and declarations provide the benchmark against which we have assessed our milestones. These include:

1. Article 157 of the Constitution on the mandate of the Office and Article 232 of the Constitution on the values and principles of Public Service;
2. The ODPP Act;
3. The ODPP Strategic Plan, 2016-2021; and
4. Emerging realities such as COVID-19 that has informed actions on various issues.

In addition, to the above, the DPP made pledges to Kenyans during the vetting for his appointment. These pledges have been aligned to the vision of the Office and have largely been achieved as discussed herein below:

7.1 Quality Prosecution Service

During the reporting period, the conviction rates increased from 90.2% in 2017/18 to 92.5% in 2019/2020 for general cases. In corruption cases the conviction rate increased from 37.4% in 2018 to 60% as of the first half of 2020. The increase in the conviction rate is as a result of strategies employed by the Office, such as prosecution guided investigations, the use of experts and analysts, the establishment of joint teams, adoption of research, enhanced witness facilitation and protection, utilisation of modern technology, capacity building and improved co-operation and collaboration between agencies.

7.2 Enhanced capacity of the ODPP to deliver on its mandate

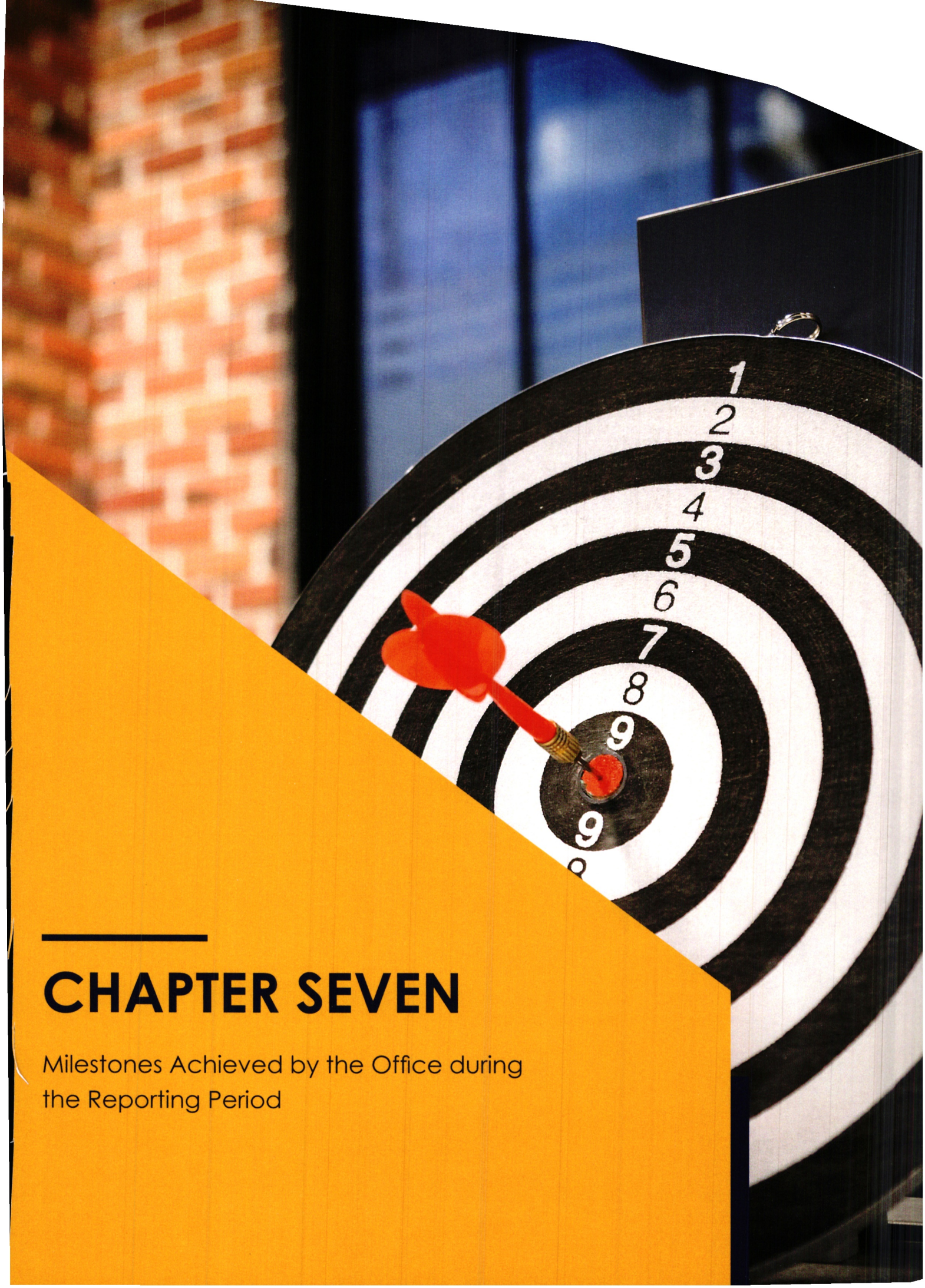
(i) Prosecution Training Institute

In order to train and better equip prosecutors and other justice sector actors, the Office established a Prosecution Training Institute (PTI). The Office acquired land in Loresho for the PTI.

The PTI is in the process of acquiring the resources that it needs to be fully operational., This will entail the setting up of an e-library. The e-library is a comprehensive online research tool, that will allow prosecutors to keep pace with emerging and complex crimes and facilitate the research-oriented approach that the Office has adopted in its operations. The Institute has also overseen the successful implementation of various mentorship programmes.



The DPP alongside the IG of the National Police Service signing a handing over agreement for the PTI Loresho campus



CHAPTER SEVEN

Milestones Achieved by the Office during the Reporting Period

7.3 Review of the Organisational Structure

The Office has reviewed its organisational structure to improve its responsiveness to the emerging trends and also to enhance efficiency and effectiveness in delivery of its mandate. This includes establishment of the following offices and units:

(i) Regional offices

During the period covered by this Report, the Office successfully operationalised Regional Offices which were part of the new organisational structure. This has enhanced service delivery by having administrative power delegated to nine regions with appointed heads to manage and oversee operations.

(ii) Proceeds of Crime Recovery Unit

One of the strategies implemented by the Office in the fight against corruption is the "follow-the-money" strategy. The Office has operationalized the Proceeds of Crime Recovery Unit to facilitate this strategy.

(iii) Internal Compliance Unit

The Internal Compliance Unit was established to ensure the highest levels of integrity from ODPP members of staff.

(iv) Inspectorate Unit

The initial move to operationalise
Section 52 of the ODPP Act has been delayed by a Court injunction. The Office has since re-strategised and is at an advanced stage in establishing an internal department, that will ensure quality assurance, best practices and
monitoring and evaluation of prosecution services.

(v) Victim and Witness Facilitation Unit

The Unit was established to ensure that witnesses are traced, facilitated and prepared for criminal trials.

7.4 To modernise ODPP processes and procedures

The Office recognises that the use of technology can be a powerful tool in enhancing access to and delivery of justice. During this reporting period, the ODPP invested in technology to enhance effective delivery of prosecution services. This was done through the adoption of the following:

(i) Case Management System

During the period of this report the Office established a Case Management System. The system is envisaged to:

- Link the criminal justice chain actors
- Increase efficiency, save time and save costs.
- Allow for accurate data collection convictions, appeals and number of cases at a given time This data will also be useful in the short and long-term planning and resource allocation.
- Allow for easy retrieval of information and reduce the instances of lost files.
- Allow for effective and efficient remote working.

The case management system will consist of:

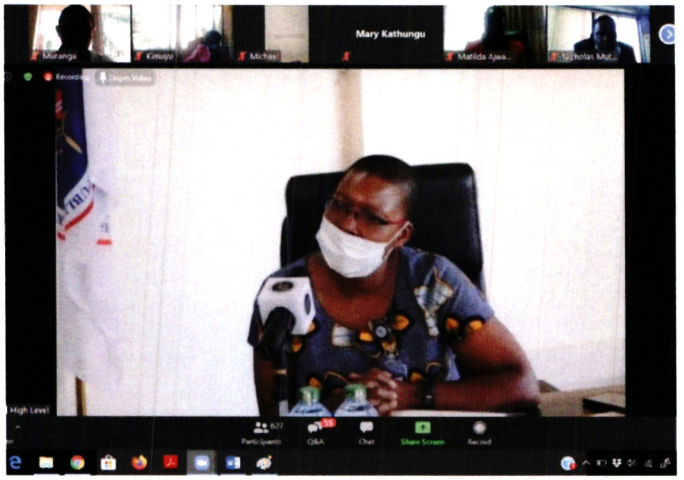
- A document tracking module - This will enable the Office to track all incoming documents whether from external parties or inter-office communication.
- A case management module – This will coordinate the documents, scheduling, conflicts, contacts, and reporting associated with the various cases that are being handled within the ODPP.

(ii) Uptake of virtual communication

With the onset of the COVID-19 pandemic and the coming into force of containment measures, the Office was quick to embrace and encourage the use of technology in its operations.

(iii) Improved ICT infrastructure

The Office has acquired ICT equipment during the period under review, in a bid to transform the Office into a prosecution service that is technologically enabled. The Office has also installed a LAN at the Nairobi Offices in order to support its ICT infrastructure and facilitate



The SPP (left) address staff during the first ever staff Webinar on 5th June, 2020



ODPP staff during an online training on Proceeds of Crime

access to information. Further, the Office is in the process of establishing a WAN that will link all ODPP Offices countrywide.

7.5 Policies and legal framework

During the period of this report, the Office developed a number of policy documents geared towards enhancing accountability, transparency and consistency in the operations of the Office, these include:

(i) The Excellence Charter, 2020-2023

The Office has developed an Excellence Charter which outlines the Office vision, mission, strategic commitments and activities that can help the Office realize its mandate and steer it into a vibrant 21st Century Prosecution Service.

The Excellence Charter identifies six strategic commitments, namely: Independence and Integrity, Lifelong Learning, Reshaping Prosecutions, Leadership, Organisational Effectiveness and Inter-Agency Networks. The objective of these commitments is to facilitate the realization of the Office's strategic focus by injecting accountability, transparency, public confidence and quality control in all its operations. The overall aim is to transform the ODPP into a prosecution service that is more responsive to the Mwananchis needs.

(ii) The Decision to Charge Guidelines, 2019

The Decision to Charge Guidelines, 2019 are intended to guide prosecutors on the standards expected of them, their duties in the administration of justice, and what factors should be considered in the exercise of prosecutorial discretion. The Guidelines are expected to ensure transparency and accountability and consequently, build public confidence and trust in the ODPP and the criminal justice system at large.

(iii) Practice Directions on the Delegation of Prosecutorial Powers

The Practice Directions on the Delegation of Prosecutorial Powers has been developed pursuant to Article 157 of the Constitution of Kenya and Section 22 of the ODPP Act, 2013 which allows the Director of Public Prosecutions to delegate any power and assign any duty conferred on him to a subordinate officer. The Directions play an important role in ensuring high quality prosecution services and reducing case backlog.

(iv) Diversion Policy and Guidelines

The Diversion Policy, launched in 2019, diverts offenders from the criminal justice system based on certain conditions. These conditions seek to address the harm caused by promoting restorative justice. Diversion can take the form of a simple caution or warning, an apology to the victim, payment for the damages caused or a referral to a structured diversion program.

Research has shown that public safety and community wellbeing are served best when people who commit low-level offences are kept out of the criminal justice system. This is especially important when it comes to young people since they are more likely to offend again if they go through the criminal system. Therefore, diversion

provides a means by which individuals who have broken the law to be held accountable without unduly, negatively impacting their lives.

(v) Plea Bargaining Guidelines and Explanatory Notes

The Plea Bargaining Guidelines and Explanatory Notes were developed pursuant to section 137(A-O) of the CPC, to guide prosecutors during plea negotiations and to maintain accountability and transparency in the process.

(vi) Deferred Prosecution Agreements

A Deferred Prosecution Agreement (DPA) is an agreement between the Office of the Director of Public Prosecutions and corporate organisations or individuals that are due for prosecution for an offence. Deferred Prosecution Agreements provide an alternative to prosecution pursuant to Articles 157 and 159 of the Constitution of Kenya, 2010 and Diversion Guidelines, 2019.

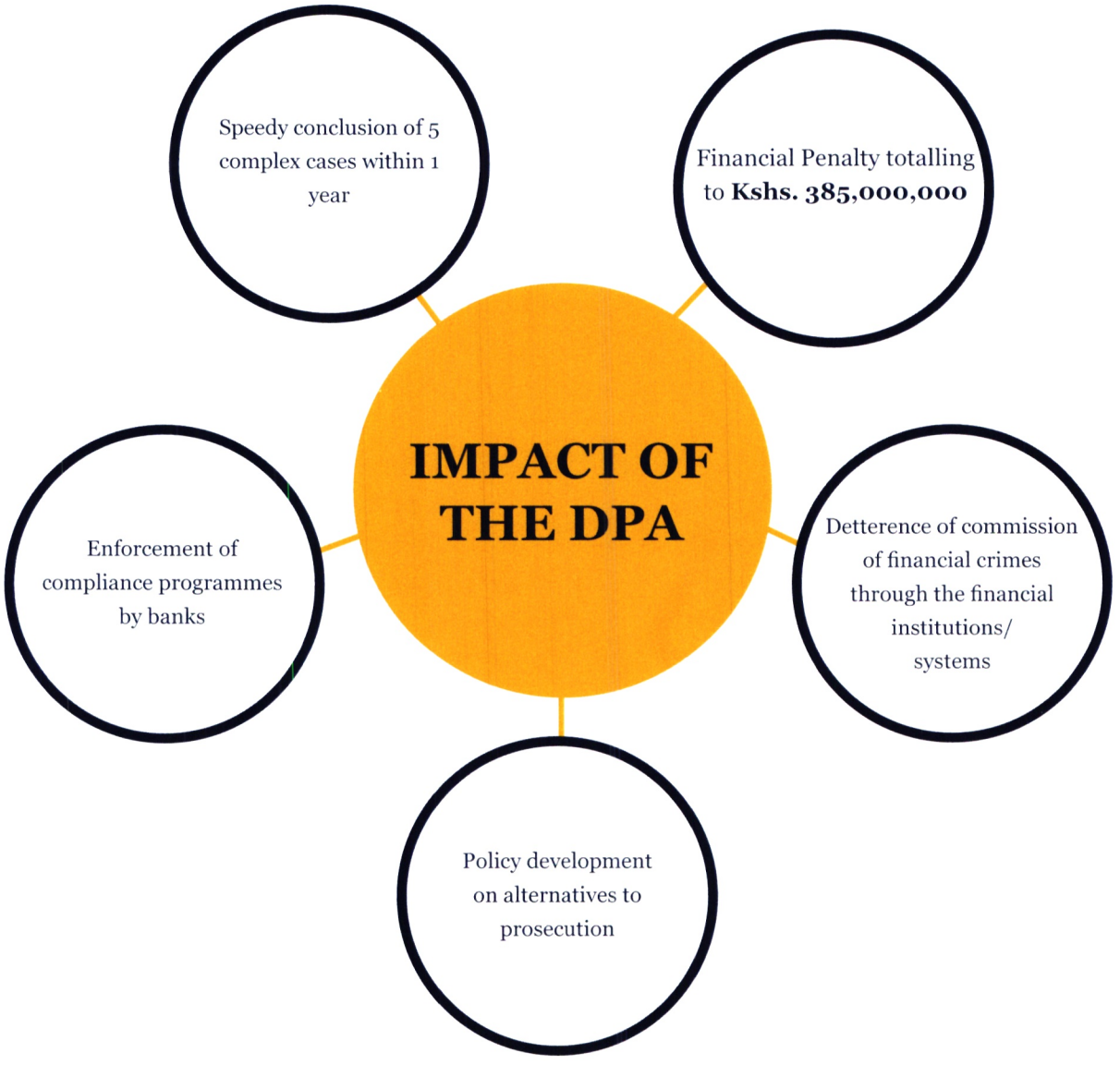
The DPA guides the DPP in deferring the criminal prosecution of a corporate entity or individual in favour of out of court penalties, victim compensation and compliance programmes. DPA's offer offenders an alternative to the court process, allowing matters to be settled out of court on merit and through agreed structures. Failure to comply with the terms and conditions provided by a DPA may lead to termination of the DPA.

During the reporting period, the Office entered into five deferred prosecution agreements with the following five Commercial Banks: Kenya Commercial Bank Limited, Equity Bank (Kenya) Limited, Co-operative Bank of Kenya Limited, Standard Chartered Bank Kenya Limited and Diamond Trust Bank Kenya Limited.

The charges against the banks were in respect to investigation and prosecution of matters related to the NYS 2 saga. Following a target inspection by the Central Bank of Kenya (CBK) on the five banks disclosing violations of the provisions of the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) including failure to report suspicious transactions, failure to maintain effective programmes against money laundering and failing to conduct sufficient due diligence on account holders.



The impact of Deferred Prosecutions is as follows:

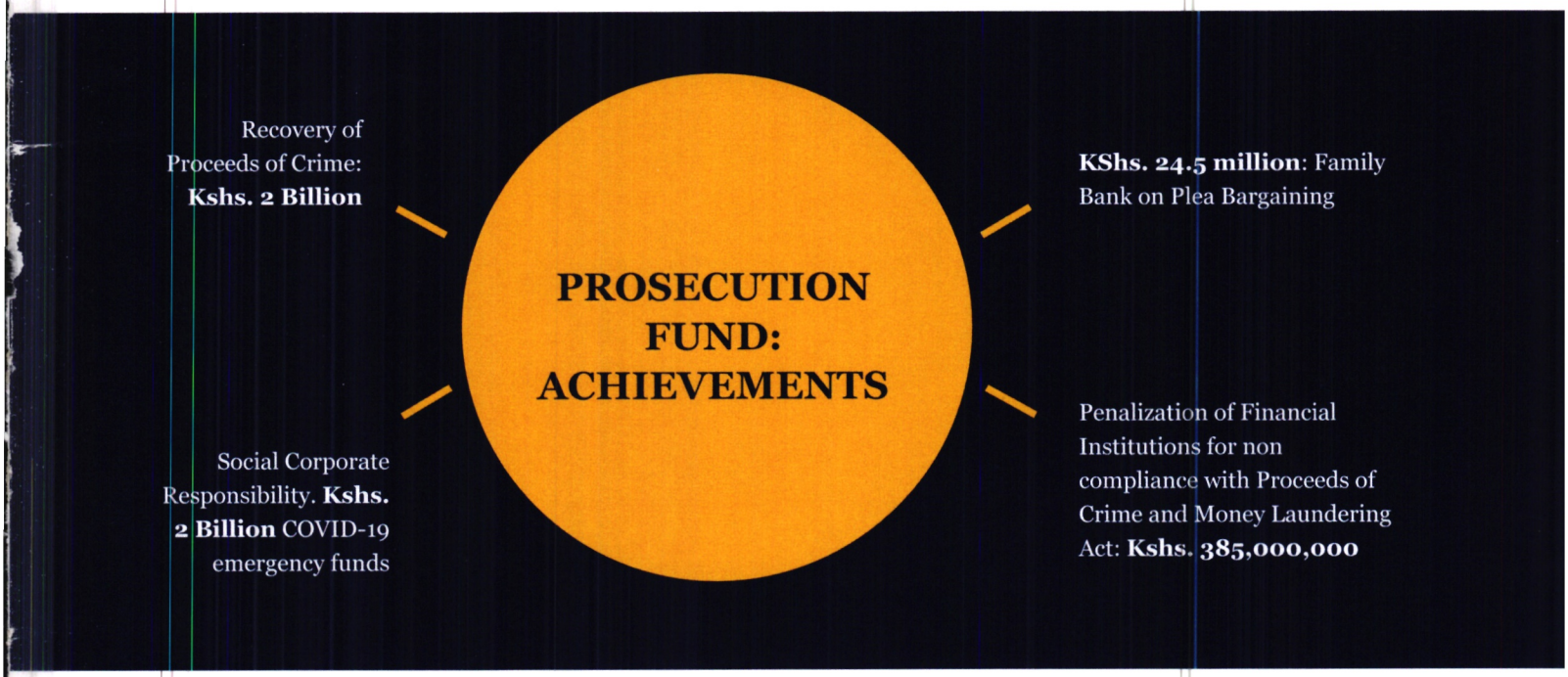




The DPP hands over a cheque of KShs. 2 Billion to Treasury CS, Amb. Ukur Yatani. The funds have been recovered from proceeds of crime and related matters.

7.6 Prosecution Fund

The Prosecution Fund is established under Section 45 of the Office of the Director of Public Prosecutions Act, 2013. The Office developed guidelines for the administration and management of the Fund in order to provide a transparent and accountable framework for the management and operations of the Fund.



7.7 Restructuring and Streamlining of Delegated Prosecutions

The Office restructured the operations of delegated prosecutions to reflect its mandate under Article 157 of the Constitution of Kenya. In May 2018, the Office commissioned an audit of all the Ministries, Departments and Agencies with delegated authority to prosecute and a report was submitted to the DPP. The audit established that:

(i) there were about 1000 prosecutors from other agencies;

(ii) some of these prosecutors had no legal training and, therefore, lacked the requisite prosecutorial expertise;

(iii) there were no set accountability and feedback mechanisms between the Office and the prosecutors in relevant agencies; and

(iv) there was no monitoring and evaluation systems on the operations of delegated prosecutors.

The Office consequently degazetted a total of 721 prosecutors from the other agencies through Gazette Notices dated 28th September 2018, 5th December 2018 and 27th December 2019 respectively.

The Office is in the process of developing Practice Directions on the Delegation of Prosecutorial Powers to ensure professionalism in the exercise of delegated prosecution. The prosecutors are further bound by the ODPP Code of Conduct and prosecution guidelines.

7.8 Improved Terms and Conditions of Service

During the reporting period, the Office successfully engaged the Salaries and Remuneration Commission on the improvement of staff salaries and terms of service. This entailed a job evaluation exercise, which was approved, resulting in an increase in the basic salary by at least 51.26%.

7.9 Improved Transport Facilities for Staff

During the reporting period, the ODPP acquired 36 vehicles to facilitate movement of officers attending mobile courts, thereby enhancing access to justice for the *mwananchi* in remote areas.

7.10 Acquisition of New Premises for the Headquarters

The ODPP was previously housed at the NSSF building which presented challenges in co-ordination of its operations and the security and wellbeing of the officers. The Office, therefore acquired a new stand-alone office at the ODPP Building in Upper Hill, Nairobi. The new premises now house all the key departments under one roof for efficient and effective operations.





Former ODPP offices at NSSF building



ODPP House

7.11 Community Engagements and Dialogues

The Office reached out to the public through community dialogues in different parts of the country like Lamu, Kayole, Mombasa etc. This has demystified the ODPP to the public and sensitized the public on vigilance against criminal conduct and on access to justice. In addition, the engagements have enabled the Office to identify existing gaps in the criminal justice system. This has informed the development of policies and guidelines that are more responsive to the needs of the mwananchi. These include the Plea-Bargaining Guidelines and Diversion Policy. Further, there has been enhanced co-operation with stakeholders and agencies who partnered with the Office to identify gaps and create synergies in realising enhanced access to justice.

The DPP also initiated a mentorship programme at the Kamiti Youth Correctional Training Centre. This programme is led by ODPP staff, with the aim of guiding, imparting life skills and supporting the youth, so as to get them back on the right track.



The DPP donating ICT equipment to the Kamiti Youth Correctional and Training Centre during a visit on the Day of the African Child, 2020

7.12 To Strengthen partnerships and Collaborations

The Office has endeavoured to improve on co-operation, collaboration and co-ordination with partner agencies in the criminal justice system in Kenya and globally.

7.13 Summary of Milestones

Below is a summary of achievements that is in line with the three pronged approach of Re-casting, Re-tooling and Re-learning.

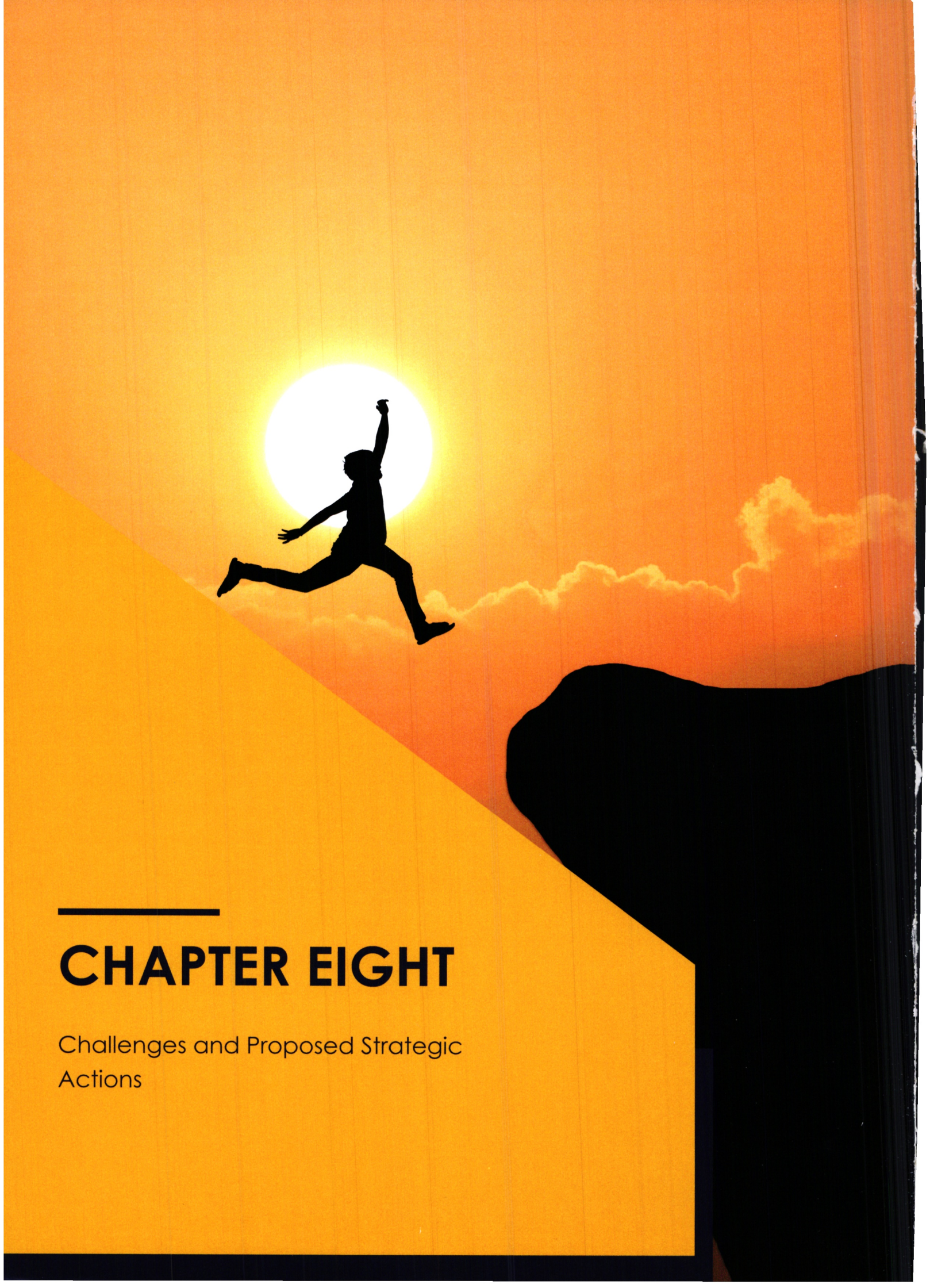
Table 7.1: Summary of achievements: 2018 - June 2020

Initiatives	Achievements	Status
Re-Casting Approach		
Build synergies with local actors in the criminal justice system: the NPS, DCI, EACC, LSK, among others	. The ODPP established nine Regional Offices to enhance co-ordination with criminal justice actors at the regional and county levels. . The ODPP is a member of the NCAJ and in particular chairs the NCAJ Committee on corruption. . The ODPP is a member of MATT. . The ODPP plays an active role in the Court Users Committees. . The ODPP works closely with investigators in accordance with Section 5 (3) of the ODPP Act.	Fully Achieved
Increase international co-operation	Membership of Regional and International Organisations . Member of International Association of Prosecutors . Executive Committee Member of APA . General Secretary for EAAP and hosts the EAAP Secretariat . Member of ESSAMLG	Fully Achieved
	Signing of Memoranda of Understanding (MoU) with agencies in other jurisdictions . Qatar: Co-operation and capacity building on corruption . Brazil: School collaboration with PTI and Global Environment . Brazil: Global Environment on prosecution of environmental crimes . Basel Institute: Tracing and recovery of proceeds of crime . Ethiopia: Capacity building on international co-operation and international crimes . AGA: Capacity building, protection of victims of human trafficking and gender-based violence. . Horn International Institute for Strategic Studies: To strengthen research capacity at the PTI	Fully Achieved In Progress

Initiatives	Achievements	Status
Increase co-operation with civil societies and development partners	. EU . USDOJ . LWOB . UNODC . BHC . GIZ . AGA . UNFP . IJM . Haki Africa . ICJ . Red Cross . Religious Leaders, among others	Achieved
Undertake public engagement	Community dialogue forums were held in different parts of the country; Lamu, Mombasa, Isiolo, Kayole, Kisumu and Homa Bay among others, to create awareness among members of the public on the roles of the ODPP. The dialogues also addressed concerns of the respective communities e.g. land injustices, police excesses and SGBV among others. Plans are underway to engage with communities, youth and students in higher learning institutions.	Achieved Significant Progress Made
Re-tooling Approach		
Automate the Office Case Management System to increase efficiency in information management and service delivery	The ODPP Case Management System was developed and will be integrated with other criminal justice actors including the Judiciary, EACC, IPOA, NPS and others.	System Developed (100%) Integration in Progress
Operationalise Section 52 of the ODPP Act and establish prosecution inspection teams	The initial approach of the Office to operationalise Section 52 of the ODPP Act has been delayed by a Court injunction. The Office has since re-strategised and is at an advanced stage of establishing an internal department, that will ensure quality assurance, best practices and monitoring and evaluation of prosecution services.	Work in progress

Initiatives	Achievements	Status
Establish Internal Compliance Unit (ICU)	The ICU was established to ensure the highest integrity standards from ODPP officers.	Fully Achieved
Enhance Quality Prosecutions	. Maintained conviction rate above 90% . Embraced alternatives to prosecutions . Adopted a research-oriented prosecution system . Utilisation of experts and analysts . Prosecution guided investigations	92.58% Achieved Achieved Adopted Adopted
Establish a Proceeds of Crime Recovery Unit	. The Proceeds of Crime Recovery Unit has been operationalized to trace, confiscate and recover proceeds of crime. . Recruitment of researchers, analysts and other experts.	Fully Achieved 75%
Operationalize Prosecution Fund under section 45 of the ODPP Act	Prosecution Fund operationalised	Fully Achieved
Develop policy documents to standardize Office operations and enhance effectiveness and efficiency in service delivery	The following policies and tools have been developed: . Guidelines on Decision to Charge, 2019 . Plea Bargaining Guidelines, . Diversion Policy and Guidelines . The Excellence Charter . Performance Management Framework . Deferred Prosecution Agreements . Internal Guidelines for the Administration and Management of the Prosecution Fund	Fully Achieved
Enhanced Terms of Service for Staff	. Increase in the basic staff salaries	51.26% increase
Modernise processes and procedures	. Improved ICT infrastructure such as installation of intranet within the HQ and establishment of a WAN to connect all ODPP Offices countrywide . Acquisition of ICT equipment	In Progress

Initiatives	Achievements	Status
Improvement of working environment	. Acquisition of standalone HQ Office, . Acquisition of Office Space for County Station (Kericho, Kakamega, Nyamira, Keroka, Mbita, Kibera, City court, Eldama ravine, Kiambu, Laikipia, Makadara) . Acquisition of 36 new vehicles to enhance access to justice . Establishment of a lactation center . Acquisition of furniture	100% In Progress Fully Achieved Fully Achieved In Progress
Increase Human Resource capacity	126 new staff recruited out of 341 projected	In progress
Increase budget utilization	The absorption rate increased from 75% in 2018/2019 to 94.5% in 2019/2020	94.5% absorption rate attained in 2019/2020
Re-learning Approach		
Establish the Prosecution Training Institute	. Institute established . Land acquired in Loresho . Architectural plan developed . Curriculum development and accreditation of the Institute . Infrastructure and equipment development	100% 100% Work in progress 75% Work in progress
Mentorship	. Mentorship programmes (six officers attended a six weeks programme in the Office of the Attorney General, Washington DC) . Best practices and experience sharing (UK, Scotland) . 3 months induction for newly employed prosecutors . Exchange programmes	Fully Achieved In Progress



CHAPTER EIGHT

Challenges and Proposed Strategic Actions

8.0 Introduction

Despite the Office endevouring to ensure efficient and effective delivery of justice to the *Mwananchi*, it still encounters a number of challenges as highlighted below:

8.1 Challenges and Proposed Strategic Actions

The following are some of the challenges experienced by the Office and proposed strategies put in place by the Office to address and/or mitigate these challenges:

(i) Management of Records

There is lack of standardisation in the management of records in the ODPP. This makes it difficult to collect data on newly registered cases, ongoing and concluded cases.

Strategic Action:

The Office is working on centralisation of case file intake and the use of a standardised form that is streamlined across the counties and between the different departments.

(ii) Automation of Records

Some of the challenges for manual record keeping includes; storage capacity, damage and misplacement of documents, lack of security and difficulties in data retrieval among others.

Strategic Action:

Automation of data management processes through the establishment of a Case Management System would allow for data to be easily collected, updated, analysed and disseminated. An automated system will also allow for the easy retrieval of information when needed.

(iii) Limited capacity to handle emerging crimes

The Office has a shortage of prosecutors with specialised skills to effectively handle the increasing number of complex cases especially in the area of transnational crimes.

Strategic Action:

The PTI and other relevant training institutions are expected to provide and enhance training in new and emerging areas of crime as well as new methods employed by criminals. This will equip prosecutors with the tools needed for efficient and effective prosecution of emerging crimes.

(iv) Prosecution of complex crimes

Most complex cases filed today entail voluminous materials of evidence. Further, these cases not only require a high level of expertise to prosecute but also demand input from disciplines other than law in order to prepare and prosecute cases effectively.

Strategic Action:

Adoption of digital disclosure of evidence in prosecution to ensure that accused persons are served with voluminous documents in a timely and cost-effective manner. In addition, there is need to recruit researchers and experts from various fields of expertise such as financial analysts, medical experts, forensic analysts, cyber security experts, procurement experts and technology experts among others.

(v) Enhancement of research capacity

The Office has inadequate research capacity which means that research needs are not effectively carried out. This affects the quality of prosecution as well as formulation of key policy documents.

Strategic Action:

Recruit more researchers and equip the PTI with the necessary facilities needed for research initiatives. The Office is considering collaborations with academic institutions in key areas of research that would enhance both the quality of knowledge and prosecution services in the Office.

(vi) Inadequate human resource capacity

The Office has 996 employees spread across the country which is way below the required optimum number of 2156 staff.

Strategic Action:
Recruitment of additional staff to increase the capacity of the office to handle its increasing workload.

(vii) Better terms and conditions of service

High staff turnover within the Office continues to be a challenge primarily due to the unattractive terms and conditions of service. This has forced the Office to carry out frequent recruitment which is not only costly but also time consuming and ultimately detracting from other strategic activities.

Strategic Action:
Revision, adoption and implementation of a competitive retention policy coupled with the negotiation of favourable terms and conditions of service in consultation with the Salaries and Remuneration Commission.

(viii) Inadequate infrastructural and operational capacity

As the capacity and staffing levels of the Office grows, the existing infrastructural capacity becomes stretched. This has led to insufficient office space, obsolete and poorly functioning equipment, making it difficult for members of staff to undertake their duties in a conducive and efficient environment.

Strategic Action:
Negotiate for an enhanced development and operational budgetary allocation from the Exchequer, as well as seek additional funding from development partners.

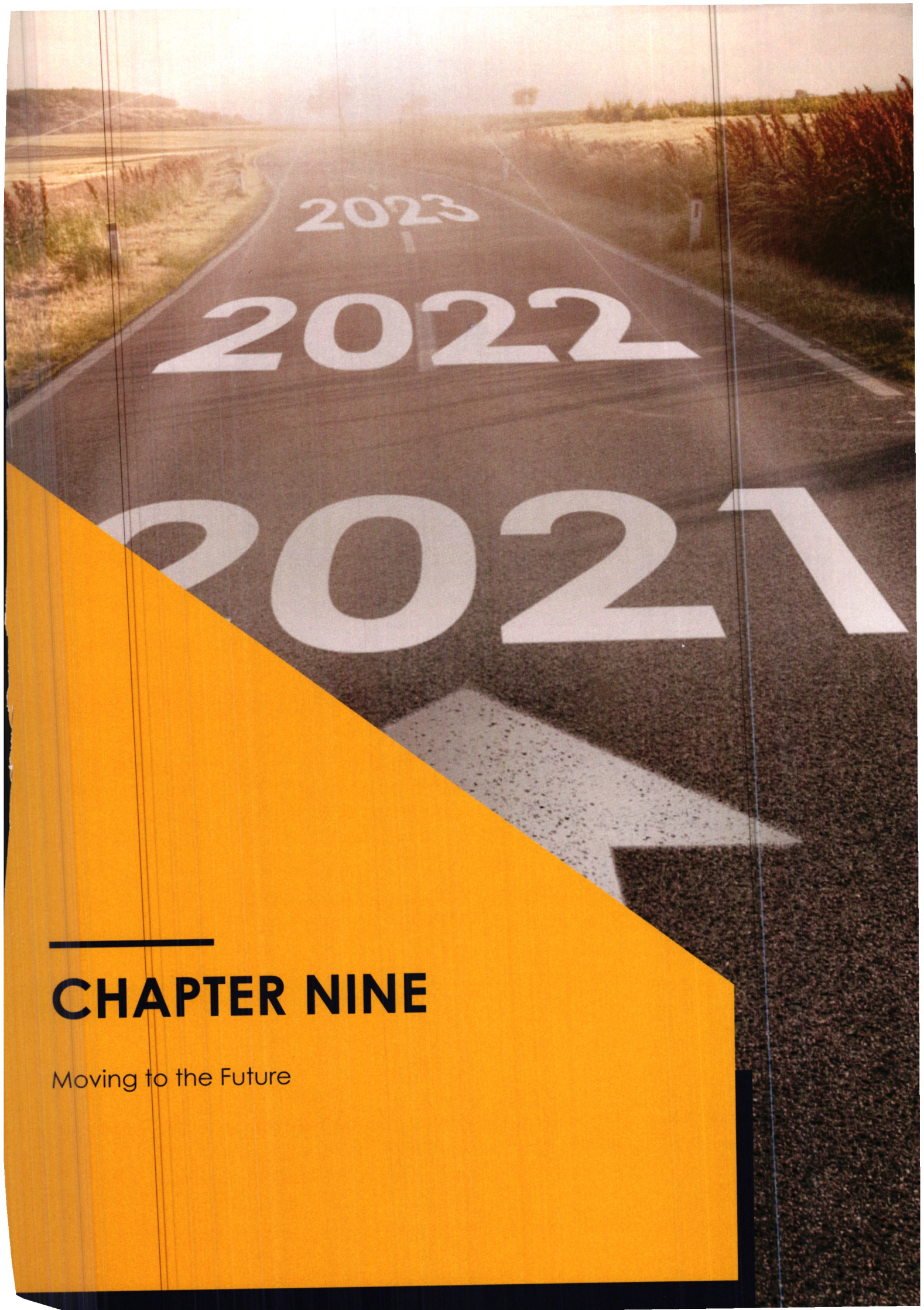
Prioritization of operational aspects to ensure that key activities can run while ensuring that any budgetary surplus can be channelled towards the lower priority areas.

(ix) Public perception

Due to the nature of its mandate, the Office is exposed to negative reviews from the media and the public.

Strategic Action:
Enhanced outreach programs to educate the public on ODPP's mandate and on related laws, guidelines and policies in the criminal justice system.





CHAPTER NINE

Moving to the Future

9.0 Introduction

Globalisation, emergent complex crimes, a rapidly changing technological and social environment, demand a paradigm shift in the delivery of services by the ODPP.

Moreover, Kenya is in the process of implementing two important development frameworks, namely the Vision 2030 and the Big Four Agenda. Kenya's Vision 2030 aims at transforming the country into a technologically advanced and industrialised country providing a high quality of life to all its citizens in a clean, secure and sustainable environment.

The Big Four Agenda seeks to enhance manufacturing, food security and nutrition, universal health coverage and affordable housing for Kenyans in the medium term.

In seeking to execute its mandate especially in light of the dynamic environment, and to contribute to the realisation of Vision 2030, and the Big Four Agenda, the ODPP has put in place the following strategies:

1. Implement the Excellence Charter
2. Adopt forecasting of crime trends
3. Research on futuristic crimes.
4. Work towards ISO Certification
5. Law reform

UNODC under PLEAD supported the ODPP's Strategic Planning committee with the drafting of the Excellence Charter.

(i) Implementation of the Excellence Charter

The Office has developed the Excellence Charter to guide its operations and processes in the period 2020-2023. The Charter which was developed through a consultative bottom-up approach, involved a gap analysis, collection and collation of the views of the ODPP staff.

This Charter outlines six strategic commitments namely;

Independence and Integrity underscores the ODPP core values to honour the constitutional independence with fidelity and courage and introduces amongst others, the Oath of Independence, the Ombudsman Office with its sub-units, policy directions and guidelines.

Lifelong Learning aims at equipping staff with requisite skills and capabilities necessary to deliver their mandate and to adopt international best practices within the country hence the establishment of the Prosecutions Training Institute (PTI) to provide continuous professional training and education to the members of staff in all aspects.

Reshaping Prosecutions aims at modernizing prosecution by focusing on the fight against corruption, inculcating professionalism, institutionalizing prosecution-guided investigations, achieving excellence in complex litigation and emerging crimes.

Leadership takes cognizance of the fact that leadership exists at all levels of the organisation.

The Office will adopt a Servant Leadership Philosophy, establish a Leadership Bureau, a Thought Leadership Program and Mentoring Initiatives.

Organisational Effectiveness focuses on strategic communication, a responsive organisational structure, robust processes, delivery of quality prosecutions and performance management.

Inter-Agency Networks focuses on reshaping our operations on collaboration with our external stakeholders. To this end, the Office shall focus on stakeholder management, donor co-ordination strategy, Mutual Legal Assistance, Leadership Networks and the Justice Sector Co-operation Network.

Key Activities 2020 - 2023

Over the next three years, the following are some of the key activities that have been identified for purposes of the implementation of the Charter:

(i) PTI

- Construction of the PTI
- Finalisation of the PTI curriculum
- Development of a leadership Mentoring action plan

(ii) Development of Case Management System

To mitigate the challenges faced in the collection and collation of data, the ODPP will streamline and operationalize an automated case file management

system through the centralization of case in-take in all counties. A centralized case in-take will ensure that the data collected between the different regions and departments is standardised.

Aspects of the Automated Case Management System

(a) The system will follow the core life cycle of a case and other aspects including:

- Categories of offences
- The status of a case
- Details of Investigative agencies
- Details of parties to the case
- Related applications such as extradition and MLA

(b) Records and Document Management

- Many records and documents are created and/or received during the pendency of a case. The system should allow for the receiving, storing, searching, accessing, and sending of case records and documents. The system should also track who created, accessed, and shared each record or document.

(c) Workflow Management

- Tasks can be assigned to staff on the system and tracked from there.
- Allows for the recording of events in and out of court and can send notices to case participants on upcoming events after an event has been added to each individual's calendar.

(d) Time Tracking

- Time tracking will allow the office to take an evidence-based approach when it comes to managing office resources.
- This is because it allows for users to record activities and the time spent on them. Allowing for averages to be calculated that will help supervisors understand the average time taken to complete activities or cases thereby allowing for resources to be allocated effectively.

(iii) Infrastructure

- Establishment of ODPP model offices in the 9 regional offices and 9 county offices
- Upgrading of the ICT Network in all ODPP offices
- Procurement of adequate equipment and vehicles
- Development of an ODPP Oath of Office

(iv) Policy Documents

- Development of a Perfomance Management Framework
- Development of policy documents
- Development of Risk Assurance Protocols, guidelines and SOPs
- Review of the communications strategy
- Review of the ODPP Human Resource Manual
- Development of a risk management strategy

(v) Inspectorate and Quality Assurance

- Establishment of an Inspectorate and Quality Assurance Department (S. 52 ODPP Act).

(ii) Forecasting

Forecasting involves the study of general crime trends and challenges, crime rates for different kinds of offences, the number of cases filed periodically by different prosecutors at different levels, the number of criminal cases resolved annually, the prevalence of different crimes and the special characteristics of offenders. Based on this information, a number of aspects of future crimes can be predicted hence providing an opportunity for the Office to have in place short-and long-term plans geared towards preventing, mitigating and/or handling crimes. This also allows the Office to allocate resources appropriately. Forecasting plays a pivotal role in decision-making and policy formulation in the criminal justice system.

However, in order to have effective and accurate forecasting, there is need for a multi-disciplinary approach. The Office will need to enlist multiple actors from different backgrounds and different skills. These include: statisticians, financial and forensic experts, criminologists and researchers.

9.2 Illustration of Case Trends from 2014/2015 up to 2018/2019

From our current Case Management System, the Office is able to extract the average outcome of the cases that have been submitted to court. These trends allow the Office to assess the efficacy of prosecution activities and may highlight what areas we may need to improve on. These include:

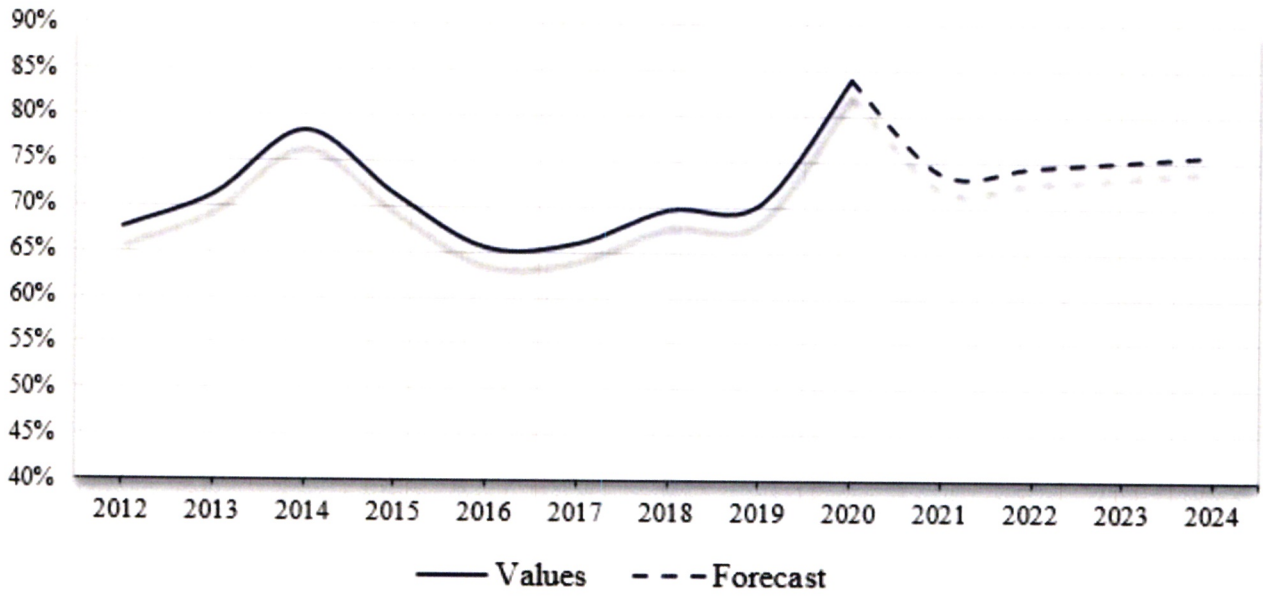
- Historical crime trends
- Historical judgement trends
- Statistical forecast of expected future crime trends
- Statistical forecast of expected judgements

Below is an of murder cases, anti-corruption cases and overall conviction rates.

9.2.1 Conviction Rate Forecast: Murder Cases

These cases are categorized as capital offences where maximum penalty is death. These offences have a significant impact on society and the Office has prioritized prosecution of the same. In order to ensure adequate measures and mechanisms are in place to prosecute such offences, the Office forecasted the conviction rates for murder cases in the next four years as shown in figure 9.1.

Figure 9.1: Forecasting of Conviction Rates for Murder for the Next Four Years

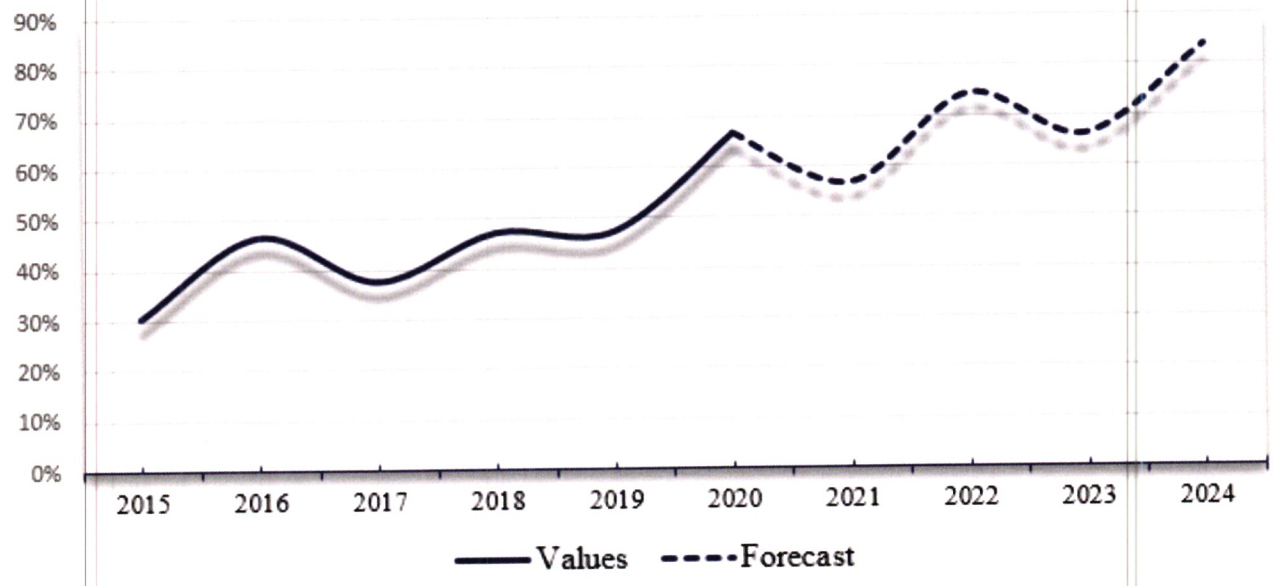


The conviction rate in murder cases is forecasted to peak in 2023/2024 at 75.68% with lower bound of 64.8% and upper bound of 86.56%. The forecasted conviction rate is expected to consistently rise from 73.64% in 2020/2021 to 74.32% in 2021/22 and to 75.00% in 2022/2023.

9.2.2 Conviction rate forecast: corruption cases

The fight against corruption continues to be a major area of focus for the foreseeable future. The Office forecasted the conviction rate for corruption cases in the next four years as illustrated in figure 9.2.

Figure 9.2: Conviction rate for Corruption in the Next Four Years

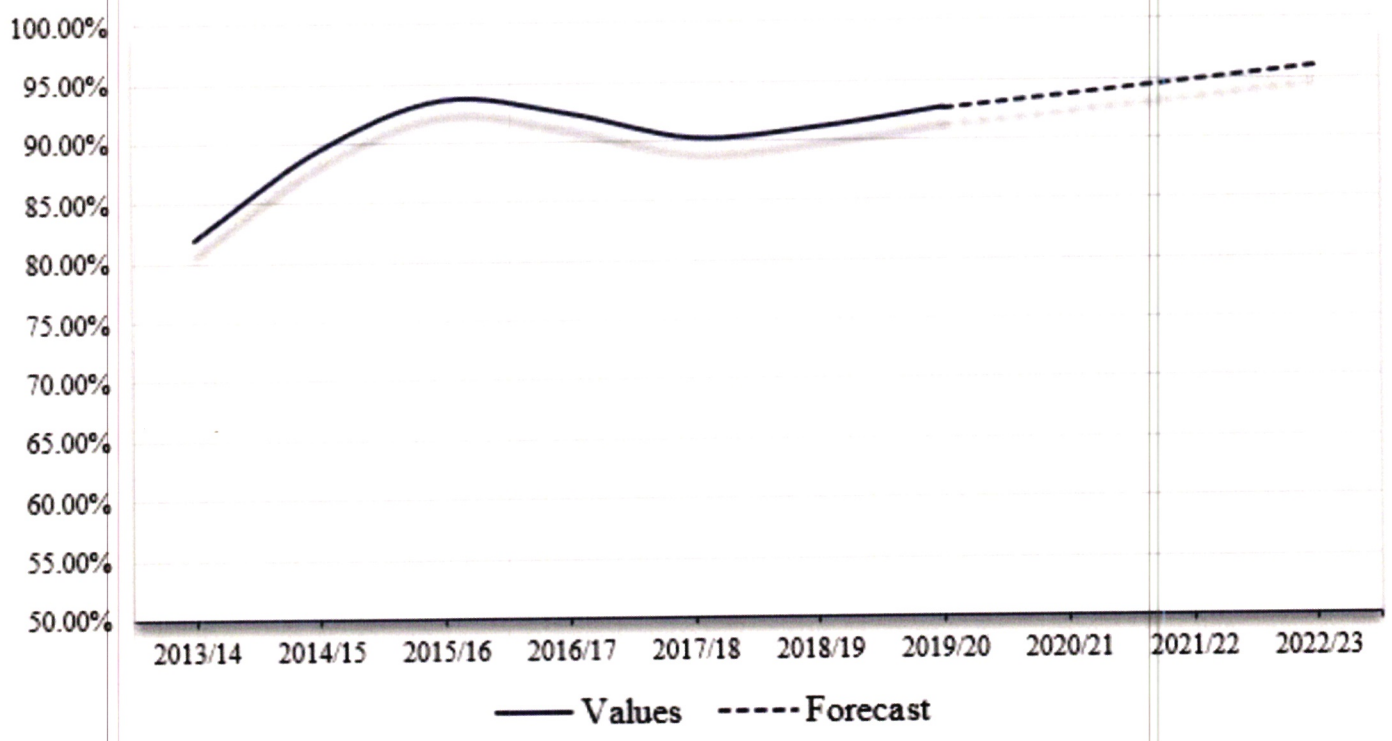


The conviction rate in corruption cases is forecasted to peak at 83.8% in the 2023/2024 fiscal year, with a lower bound of 74.88% and upper bound of 92.7%. It is forecasted to drop slightly in the next year (2020/2021) and rise to 74% in 2021/2022, 66% in 2022/2023 and 83% in 2023/2024.

9.2.3 Conviction rate forecast: overall conviction rate

The overall conviction rate has constantly been above the set target of 90% for the last four years. It is however important for the Office to continue forecasting on the overall conviction rate so as to continually improve service delivery. Figure 9.3 illustrates the projected overall conviction rate for the next three years.

Figure 9.3: Projection of overall conviction rates for 2020/2021, 2021/2022 and 2022/2023



The overall conviction rate is expected to peak in 2022/2023 at 95.95%. It is expected that the conviction rate will be 93.68% in 2020/2021 and 94.82% in 2021/2022. These are remarkable projections that will greatly improve delivery of prosecution services.

The Office is looking forward to fully adopting the International Classification of Crime for Statistical Purposes (ICCS) to its data collection methods. ICCS is the classification of criminal offences based on international concepts, definitions and principles. This classification helps enhance consistency in crime statistics produced by the various criminal justice agencies. The classification also ensures comparability of the statistics produced with the international community. International comparability will allow analysis of the crime statistics not only on a national level, but also on a global level; an important factor in an age of globalization where crimes committed are becoming increasingly transnational in nature. Consequently, being able to compare our statistics to other jurisdictions will give us the chance to estimate what kind of crimes to look out for, thus allowing us to focus our resource allocation, training and research more appropriately.

Moreover, the use of the ICCS allows the offences to be grouped in a meaningful and systematic way, this results in improving our capability to "produce, disseminate and analyse crime data accurately in order to inform the public and tailor policies and programmes in the areas of crime prevention, rule of law and criminal justice reform."

(iii) Futuristic crimes

The ODPP is aware that the nature of crime is changing and becoming more complex. The new kind of cases that the Office has to deal with or will possibly have to deal with in the future involve:

- Cyber crimes
- Remote terrorist crimes
- Impact of political destabilisation within the Eastern African Region
- Exclusive Economic Zone crimes
- Upsurge in Terrorism
- Increase of drug trafficking coming from Mozambique and Mogadishu using Kenya as a stable hub
- Increase in money laundering due to Kenya's position as a stable financial hub
- Increase in cyber crimes because of Kenya's tech hub status and an advanced tech infrastructure

Towards this end, there is a need to enhance the capacity of the PTI to enable it offer training and research in these areas which are not only new but also complex in nature.

(iv) International Organisation for Standardization (ISO) Certification

The ODPP is looking forward to being ISO certified. ISO certification is an international certificate that would aid the ODPP in developing and improving its performance. Attainment of the certification would demonstrate successful standardisation of the Office's processes, meeting of statutory and regulatory requirements and delivery of quality service. The establishment of an effective Case Management System should aid in bringing the ODPP's standards in line with that of the ISO.

(v) Role of Law Reform in Taking us to the Future

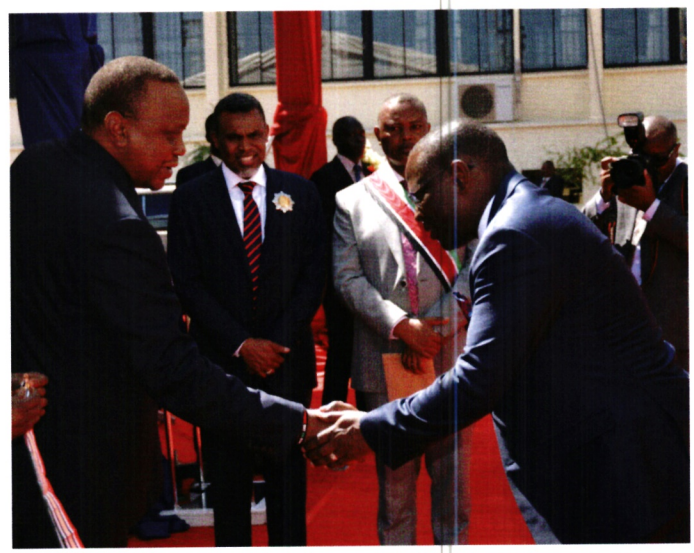
The ODPP will, as appropriate, recommend to Parliament new laws requiring enactment and areas of current law standing in need of change in order to address emergent challenges and facilitate enhanced service delivery.



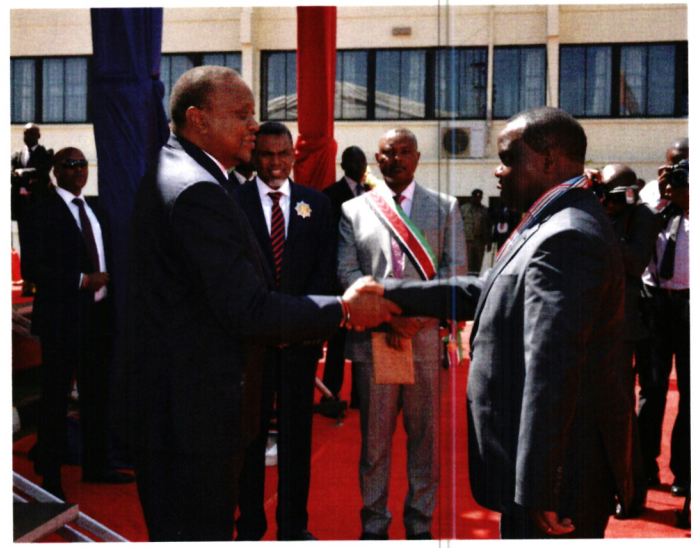
DPP & ODPP staff receiving State Awards



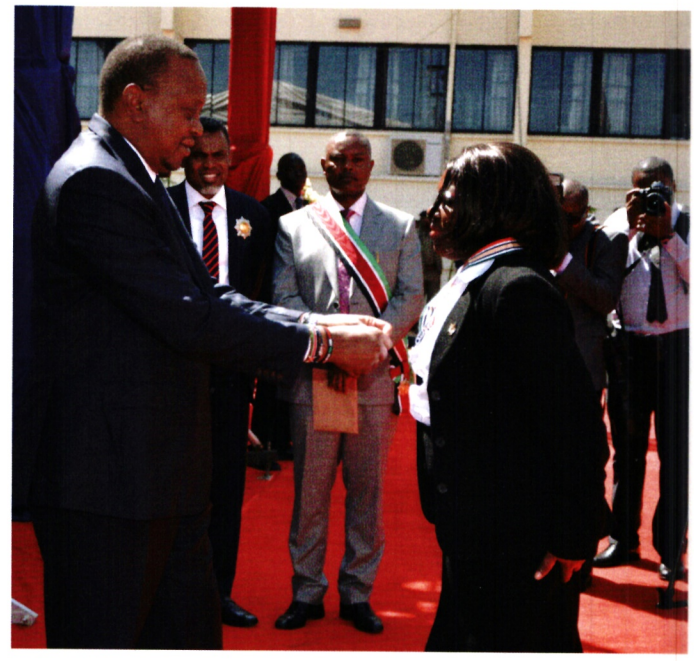


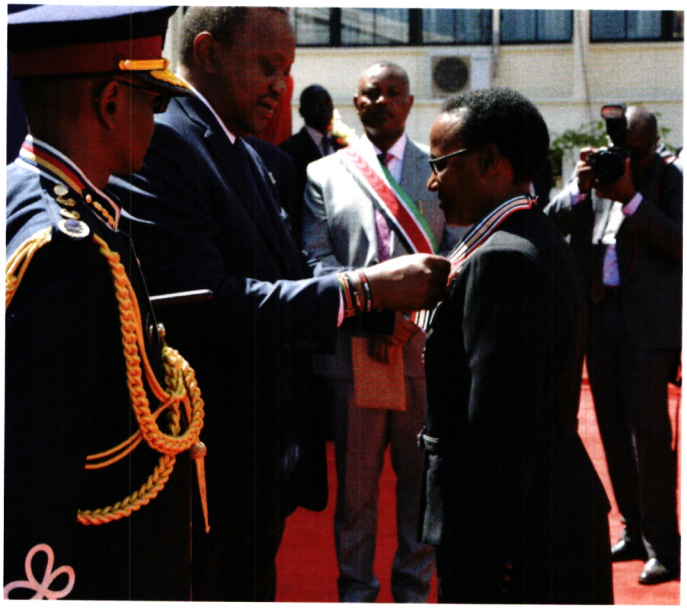




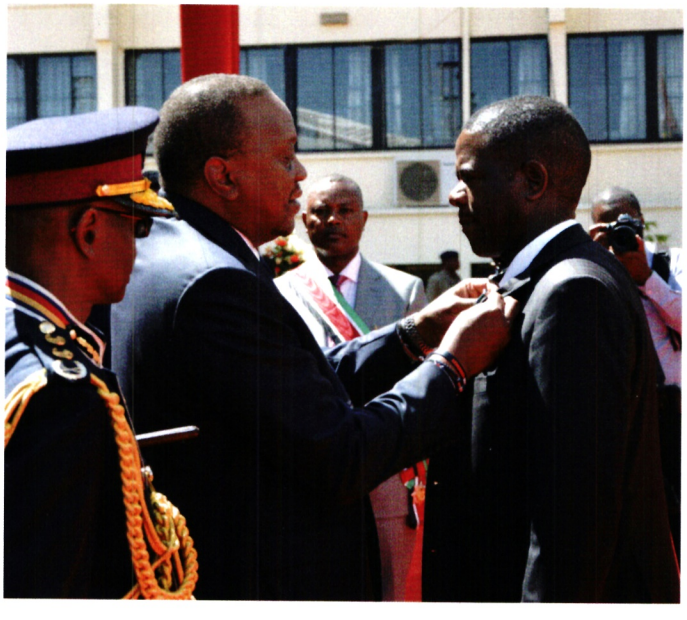


















The DPP, SPP and other ODPP staff during a consultative meeting supported by the UNODC/PLEAD in preparation for the development of the Excellence Charter 2020-2023





The DPP, EACC Chief Executive Officer, and Director of Criminal Investigations meeting Bank officials accompanied by their Lawyers at ODPP House, Nairobi.



Tanzanian President, H.E. Dr. John P. Magufuli, with DPP, Noordin Haji and Tanzanian DPP Mr. Biswalo Mghanga after handing over recovered gold in an effort to fight cross-border illicit trade



Former DPP Keriako Tobiko CBS, SC welcomes the current DPP Noordin Haji to ODPP during the handing over ceremony in 2018



The DPP with the United States Ambassador to Kenya, Mr. Kyle McCarter meeting to discuss areas of co-operation & collaboration.



Brazil's Prosecutor General Ms. Raquel Elias Ferreira Dodge during an Official visit to Kenya in 2019



The DPP, SPP , Deputy DPP and other stakeholders during a round table meeting on Plea Bargaining in Nairobi



DPP Noordin Haji hosting his counterpart for England and Wales Mr. Max Hill



DPP Uganda Justice Mike Chibita (left), PG Rwanda Mr. Jean Bosco Mutangana, PG DRC Mr. Flory Kabange and DPP Tanzania Mr. Biswalo Mganga



ODPP Staff/mentees with Judge Emmet G. Sullivan of the United States District Court - District of Columbia



An artist's impression of the proposed Prosecution Training Institute Campus in Loresho, Nairobi





Lactation Centre at the ODPP Headquarters





Youth from the YCTC Kamiti where the Office initiated a mentorship program to support them on the Day of African Child, 2020

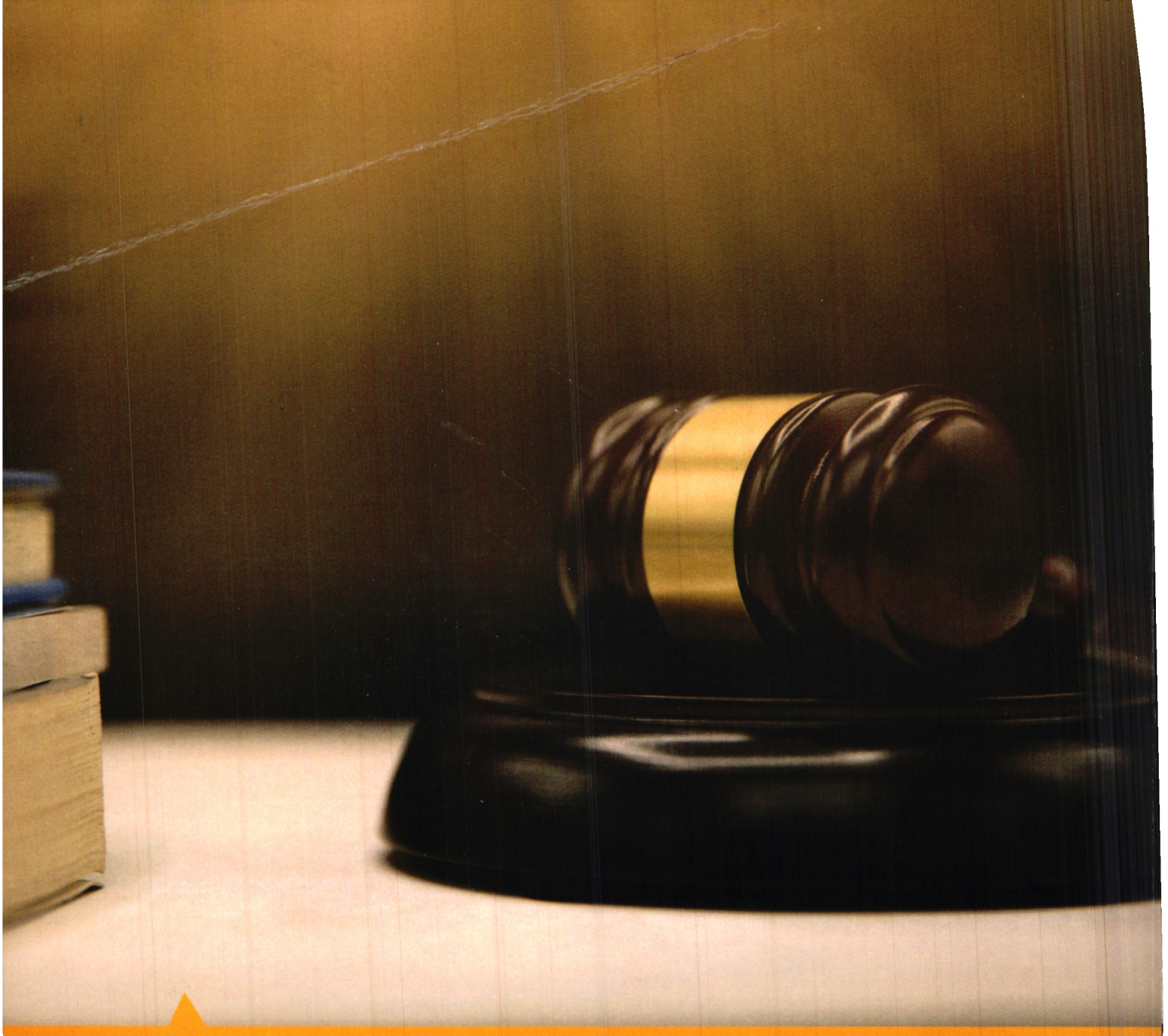


The DPP at the launch of Dox in Buruburu, Nairobi. DOx Nairobi is an organisation that aims to harness the energy, creativity and talent of young people to create social change through media, technology and arts





The Annual Report team of the 2017-2020 report



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