

**THE ETHICS AND ANTI-CORRUPTION COMMISSION**

**THE 4<sup>TH</sup> QUARTERLY REPORT COVERING THE PERIOD FROM  
1<sup>ST</sup> OCTOBER 2024 TO 31<sup>ST</sup> DECEMBER 2024**

**DECEMBER 2024**

## **PREAMBLE**

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

Section 36 of ACECA provides that:

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

This report is therefore made pursuant to section 36 of the ACECA. The report covers the 4<sup>th</sup> Quarter and is for the period commencing 1<sup>st</sup> October 2024 to 31<sup>st</sup> December 2024.

**1. EACC/FI/INQ/30/2023**

**INVESTIGATION INTO ALLEGATIONS OF EMBEZZLEMENT OF PUBLIC FUNDS THROUGH PAYMENT OF FRAUDULENT CLAIMS AMOUNTING TO KSHS. 199 MILLION TO BEIRUT PHARMACY & MEDICAL CENTRE BY THE NATIONAL HOSPITAL INSURANCE FUND BETWEEN 2021 AND 2023.**

The Ethics and Anti-Corruption Commission (the Commission) received a report on allegations of embezzlement of funds amounting to Kshs. 199,685,920/= from the National Health Insurance Fund (NHIF).

Investigations established that the CEO, Manager Quality Assurance, and other public officials at NHIF irregularly awarded a contract to Beirut Pharmacy and Medical Centre before the institution had been gazetted as a health facility. Further, that the directors and employees of Beirut Pharmacy and Medical Centre and registered doctors colluded to embezzle public funds totalling to Kshs. 199,685,920/= from NHIF through raising fictitious medical claims. The investigations also established that the directors of the said institution submitted false documents to the NHIF and the Kenya Medical Practitioners and Dentists Council.

On 4<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the CEO, directors and employees of Beirut Pharmacy, as well as the doctors involved with the following counts;

- i. Seventeen counts of wilful failure to comply with the law relating to public funds management contrary to Section 42(3) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act (ACECA);
- ii. Two counts of uttering a false document contrary to Section 357(b) of the Penal Code, Cap 63 Laws of Kenya;
- iii. Three counts of deceiving principal contrary to Section 41 (2) as read with Section 48(1) of ACECA;
- iv. Eight counts of abuse of office contrary to Section 46 as read with Section 48(1) of ACECA;
- v. One count of conspiracy to commit an offence of corruption contrary to section 47(A) (3) as read with Section 48(1) of ACECA;
- vi. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48(1) of ACECA;

- vii. One count of breach of trust contrary to Section 127 of the Penal Code, Cap 63 Laws of Kenya.

The Commission is awaiting the DPP's response.

## **2. EACC/FI/INQ/21/2023**

### **INQUIRY INTO ALLEGATIONS OF IRREGULAR AWARD OF TENDER NO. CRVWWDA/LVS/AFD/KTSWSSP/W/BOMET/2019/2020 FOR THE CONSTRUCTION OF WATER SUPPLY AND SANITATION SYSTEMS FOR BOMET-LONGISA-MULOT TOWNS; AND IRREGULAR CONTRACT VARIATION TO CHANGE THE PIPE MATERIAL FROM STEEL TO GLASS REINFORCED PLASTIC (GRP).**

The Commission received a report on allegations of the irregular award of Tender No. CRVWWDA/LVS/AFD/KTSWSSP/W/BOMET/2019/2020 for the construction of Water Supply and Sanitation Systems for Bomet-Longisa-Mulot Towns valued at Kshs. 1,83,260,806/=; and the irregular contract variation on quality of pipe material from steel to Glass Reinforced Plastic (GRP) valued at Kshs. 573,468,970.40, a project funded by the African Development Bank (AfDB).

Investigations established that the contract was awarded by the Central Rift Valley Water Works Development Agency (CRVWWDA) to China Railways no. 10 Engineering Group in accordance with the AfDB Procurement Guidelines. However, further investigations established that the CEO of CRVWWDA irregularly varied the contract by changing the pipe material to be used in the project from steel to GRP, contrary to the Public Procurement and Asset Disposal Act, 2015 (PPADA), and the Financing Agreement between Kenya and AfDB. Investigations established that the CEO irregularly approved the variation of the pipe material from steel to GRP without following stipulated procedures contained in the Public Procurement and Asset Disposal Act, 2015 (PPADA), and the Financing Agreement.

On 7<sup>th</sup> October 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the former CEO CRVWWDA and the contractor with the following counts;

- i. Conspiracy to commit an offence involving corruption contrary to section 47A (3) as read with Section 48(1) of ACECA;
- ii. Abuse of office contrary to section 46 as read with Section 48(1) of ACECA; and
- iii. Wilful failure to adhere to applicable procedures and guidelines relating to procurement contrary to Section 45(2) (b) as read with Section 48(1) of ACECA.

On 16<sup>th</sup> January 2025, the DPP returned the inquiry file with recommendations for further investigations.

### **3. EACC. BGM/FI/INQ/22/2020-A**

#### **INQUIRY INTO ALLEGATION OF EMBEZZLEMENT OF PUBLIC FUNDS THROUGH THE OFFICE OF THE FIRST LADY OF THE COUNTY GOVERNMENT OF KAKAMEGA DURING INTERNATIONAL AND LOCAL TRAVELS.**

The Commission received a report on allegations of corruption against the spouse of the former Governor of the County Government of Kakamega (CGK), who irregularly received payments from the said County as imprests for a trip to Dallas, United States of America, which did not take place.

Investigations established that the said spouse of the former CGK governor received a total of Kshs. 5,951,645/= which was claimed through the Office of the County First Lady, which was not a legally established office. Further investigations established that money paid to the spouse of the former CGK governor through her Mpesa and bank accounts was indicated to be for allowances and other payments. Investigations also established that the PA to the wife of the former CGK governor generated the irregular requisitions, which were approved by the County Secretary and paid by the Finance Department.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the wife of the former governor of the CGK, the County Secretary, the Deputy County Secretary and the Ag. Chief Officer, Health Services with the following counts;

- i. One count of unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 (1) of ACECA;
- ii. Three counts of abuse of office contrary to Section 46 as read with Section 48(1) of ACECA; and
- iii. One count of financial misconduct contrary to Section 197(1) (h) as read with Section 199 of the Public Finance Management Act (PFMA).

The Commission is awaiting the DPP's response.

### **4. EACC/KIS/FI/INQ/3/2016**

#### **INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF KSHS. 63 MILLION BY OFFICIALS OF MIGORI COUNTY ASSEMBLY.**

The Commission received a report on allegations of embezzlement of public funds amounting to **Kshs. 63,000,000/=** from the Migori County Assembly between June 2014 and March 2015 which had been irregularly withdrawn from the Assembly's bank account without justification.

Investigations established that the then Clerk of the Migori County Assembly (MCA) and the senior accountant irregularly signed cheques and approved fraudulent withdrawals totalling to Kshs. 13,983,514/= from the County Assembly's bank account. Further investigations established that the Clerk, senior accountant and other County Assembly officials irregularly prepared and approved payment vouchers relating to these fraudulent withdrawals. Investigations established that the allowances allegedly paid using the withdrawals related to trainings that did not take place.

The said Clerk of the County Assembly and Senior accountant are now deceased.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the Accountant and other County Assembly of Migori officials with the following Counts;

- i. One count of conspiracy to commit an offense of corruption contrary to Section 47A(3) as read with Section 48(1) of ACECA;
- ii. One count of abuse of office contrary to Section 46 as read with Section 48(1) of ACECA;
- iii. One count of wilful failure to comply with applicable law relating to the expenditure of public funds contrary to Section 45(2)(b) of as read with Section 48(1) ACECA; and
- iv. One count of false accounting by a public officer contrary to Section 331 of the Penal Code.

The Commission is awaiting the DPP's response.

#### **5. EACC/FI/INQ/39/2022**

#### **INQUIRY INTO ALLEGATION OF CONFLICT OF INTEREST AND ABUSE OF OFFICE AGAINST A PROCUREMENT OFFICER WORKING AT NAIROBI CITY COUNTY GOVERNMENT FOR RECEIVING KSHS. 40,847,000/= FROM FOURTEEN COMPANIES THAT TRADED WITH NAIROBI CITY COUNTY GOVERNMENT BETWEEN FY 2017/2018 AND 2021/2022.**

The Commission received a report on allegations of gross financial malfeasance, conflict of interest and abuse of office against a procurement officer at Nairobi City County Government (NCCG) for receiving Kshs. 40,847,000/= from fourteen (14) companies that traded with the said County Government between 2017/2018 and 2021/2022 FYs.

The investigations established that NCCG made thirty-six (36) payments totalling Kshs. 414,526,040.45 to fourteen (14) companies over the specified financial years. Of these payments, thirty-two (32) lacked supporting documents, while the remaining four (4) had payment vouchers containing falsified supporting documents. Further investigations established that the Chief Officer Environment

& Water, the Director Supply Chain management, head of county treasury and other county officials facilitated these fraudulent payments to the said companies. Further, it was established that after the payments were made, kickbacks totalling to Kshs. 66,867,000/= were made to the procurement officer and other public officers involved in the procurement and payment process. It was established that the proceeds were used to purchase property, including motor vehicles for the said public officials.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the Chief Officer Environment, Procurement officer, and other public officials, as well as the companies that received the fraudulent payments from NCCG and the directors thereof with the following counts:

- i. Five counts of fraudulently making payments from public revenue contrary to section 45(2)(a)(ii) as read with Section 48(1) of ACECA;
- ii. Ten counts of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48(1) of ACECA;
- iii. Three counts of dealing with suspect property contrary to Section 47(2)(a) as read with Section 48(1) of ACECA; and
- iv. Money Laundering contrary to Section 3 of the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA).

The Commission is awaiting the DPP's response.

#### **6. EACC.NKR/INQ/FI/03/2022**

#### **INVESTIGATION INTO ALLEGATIONS OF EMBEZZLEMENT OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND (NG-CDF) BY ELDAMA RAVINE CONSTITUENCY OFFICIALS.**

The Commission received a report on allegations of misappropriation of public funds amounting to Kshs. 48,532,196/= from Eldama Ravine Constituency National Government Constituency Development Fund (NG – CDF).

Investigations established that between Financial Years 2018/2019 and 2020/2021, a total of Kshs. 48,532,196/= was fraudulently withdrawn from the Eldama Ravine Constituency Account, for alleged project monitoring and evaluation activities. Further investigations established that the Fund Account Manager, Sub-County Treasury Office staff and the Constituency Development Fund Committee (CDFC) members colluded to embezzle the public funds from the said account by cashing cheques that had been raised without supporting documents.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge thirteen (13) officials from Eldama Ravine Constituency, including the Fund Account Manager, Sub-County Treasury Office staff, CDFC members and clerical officers with the following counts;

- i. One count of conspiracy to commit an economic crime contrary to Section 47A(3) as read with Section 48 of ACECA;
- ii. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of ACECA;
- iii. One count of abuse of office contrary to Section 46 as read with Section 48 of ACECA;
- iv. One count of false accounting by a public officer contrary to Section 331(1) and (2) of the Penal Code;
- v. One count of wilful failure to comply with the law relating to public funds management contrary to Section 42(3) as read with Section 48 of ACECA; and
- vi. One count of financial misconduct contrary to Section 197 of the Public Finance Management Act (PFMA).

The Commission is awaiting the DPP's response.

#### **7. EACC/MCKS/FI/INQ/07/2016**

#### **INQUIRY INTO ALLEGATIONS OF EMBEZZLEMENT OF PUBLIC FUNDS AND ABUSE OF OFFICE BY THE THEN CHIEF OF STAFF COUNTY GOVERNMENT OF KITUI, AMOUNTING TO KSHS. 23 MILLION MEANT FOR PUBLIC PARTICIPATION.**

The Commission received a report on allegations of embezzlement of public funds and abuse of office by the Chief of Staff of the County Government of Kitui (CGK) totaling to Kshs. 23,000,000/=.

Investigations established that a total of Kshs. 12,600,000/- was issued to the Office of the Governor of the County Government of Kitui, as a standing imprest meant for public participation forums within Kitui County. Out of this amount, Kshs. 8,439,200/= was misappropriated by the said Chief of Staff and other public officials by surrendering imprest using falsified supporting documents. Further investigations established that the purported public participation forums never took place.

On 18<sup>th</sup> December, 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the Chief of Staff with the following offences;

- i. Nine (9) counts of fraudulent acquisition of public property contrary to section 45 (1) of the Anti- Corruption and Economic Crimes Act, 2003;
- ii. Five (5) counts of deceiving principal contrary to section 41 of the Anti- Corruption and Economic Crimes Act, 2003.

The Commission is awaiting the DPP's response.

#### **8. EACC/FI/INQ/44/2014**

#### **INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES AND CONFLICT OF INTEREST AGAINST THE PRINCIPAL OF MATUNGULU BOYS HIGH SCHOOL.**

This Commission received a report on allegations of procurement irregularities and conflict of interest against the Principal of Matungulu Boys Secondary School when the school was procuring goods and services in 2011 and 2012.

Investigations established that the suspect, who is the principal of Matungulu Boys Secondary School, engaged in business transactions with the school through M/s Muwatech Enterprises, without disclosing personal interest in the said business name. The suspect was a co-owner and bank account signatory for the business name while serving as principal. The business name received a total of Kshs. 4,718,622/= between 2011 and 2012 from the school. Financial investigations showed that after receiving payments from the school, the money was withdrawn and deposited into the principal's personal bank account.

On 18<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the school principal and the other proprietors of the company with the following counts;

- i. Unlawful acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act;
- ii. Conflict of interest contrary to Section 42(3) as read with Section 48 of ACECA.

The Commission is awaiting the DPP's response.

#### **9. EACC/FI/INQ/46/2016**

#### **INVESTIGATION INTO ALLEGATIONS OF LOSS OF PUBLIC FUNDS AMOUNTING TO KSHS. 32 MILLION DURING THE CONSTRUCTION OF ISIOLO AIRPORT PASSENGER TERMINAL BUILDING THROUGH OVERPAYMENTS OF SITE OFFICE, STORAGE SHADE AND BOREHOLE BY KENYA AIRPORT AUTHORITY OFFICIALS TO M/S NORTHERN CONSTRUCTION COMPANY BETWEEN 2012 AND 2016.**

The Commission received a report on allegations that the Kenya Airport Authority (KAA) Management had overpaid for works done during the construction of Isiolo Airport –Development Project Phase II, leading to a loss of Kshs. 32 Million.

Investigations established that the contracts in the construction of Isiolo Airport – Development Project Phase II were regularly awarded to the contractor and two subcontractors. The contract for the main works was regularly awarded to M/S Northern Construction Ltd at a contract sum of Kshs. 963,051,933.02; M/S Central Electrical International Ltd awarded contract for electrical works at Kshs. 107,256,031.44; and M/S Cemtec Engineering Ltd was awarded mechanical works contract at Kshs. 159,821,137.30. Further investigations established that the three contractors had completed works as per the practical completion certificates, and that they had been partially paid. Further, investigations established that there was no overpayment to the contractors based on the contracts and the Bills of Quantities, and therefore the allegations could not be proved.

On 18<sup>th</sup> December, 2024 a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations for closure of the inquiry file.

The Commission is awaiting the DPP's response.

#### **10. EACC/NKR/INQ/FI/01/2023**

#### **INQUIRY INTO ALLEGATIONS OF FRAUDULENT ACQUISITION OF LR. NO. 528 (NGONGOGERI FARM) MEASURING 459.7 HECTARES BELONGING TO EGERTON UNIVERSITY BY A PRIVATE INDIVIDUAL.**

The Commission received a report on allegations that land occupied by Egerton University (LR. No. 528 measuring 459.7 hectares, located at Njoro) was being claimed by a private individual who also alleged to have title to the said property issued by the Ministry of Lands.

Investigations established that at the Ministry of Lands offices, there were three (3) different files relating to the subject land - each indicating that a different person/entity owned the said land that is occupied by Egerton University. Further investigations established that from the historical records, the land rightfully belongs to Egerton University, who had a certificate of Lease issued on 1<sup>st</sup> January 2005, the land having been donated by Lord Egerton of Tatton. Investigations also established that the documents contained in the other two files were forgeries that had been generated and inserted into the Ministry of Land files to purport that the land was owned by the a Kenyan civilian and a business name respectively.

However, due to the age of the documents which dated back to the colonial era and the lapse of time, it was difficult to identify the persons who perpetrated the forgery at the Ministry of Land and Survey of Kenya Offices. Consequently, there

was insufficient evidence to prove a case of forgery. However, the Commission filed a civil suit seeking declaratory orders that LR. No. 528 is public land belonging to Egerton University as well as seeking cancellation of any other title to the said land.

On 12th November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations for closure of the inquiry file due to insufficiency of evidence.

The Commission is awaiting the DPP's response.

#### **11. EACC/EL/INQ/56(XII)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION USED FORGED KENYA CERTIFICATE OF SECONDARY EDUCATION AND DEGREE CERTIFICATES TO SECURE EMPLOYMENT AS A CLERICAL OFFICER.**

The Commission received a report on allegations that an employee of the Independent Electoral and Boundaries Commission (IEBC) had forged a Kenya Certificate of Secondary Education (KCSE) Certificate from Namboboto Secondary School and a degree certificate from Egerton University to secure employment as a clerical officer.

Investigations established that the suspect had submitted forged academic certificates from Namboboto Secondary School and Egerton University while seeking employment as a Clerical Officer at the IEBC. Investigations established that according to the Kenya National Examinations Council (KNEC) and Egerton University the said suspect had not attended the said institutions, nor sat for the examinations as purported. Further, that the suspect also deceived his employer on his academic qualifications through the information he submitted in his personal records form. During his employment he fraudulently earned a salary of Kshs. 13,022,402/=.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with section 48 of the ACECA;
- ii. Two counts of deceiving principal contrary to Section 41 (2) as read with Section 48 of the ACECA;
- iii. One count of uttering a false document contrary to Section 357(b) of the Penal Code;

- iv. Five counts of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- v. One count of presenting a forged certificate contrary to Section 34(a) of the Kenya National Examination Council Act (KNEC Act).

The Commission also recommended the filing of a civil suit to recover Kshs. 13,022,402/= as salaries fraudulently earned by the suspect.

On 18<sup>th</sup> December 2024, the DPP returned the inquiry file with recommendations for prosecution.

## **12. EACC/EL/INQ/007(XII)/2024**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS MARKETING ASSISTANT.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) had forged a Kenya Certificate of Secondary Education (KCSE) Certificate from Immaculate Conception Secondary School to secure employment at the NCWSC. The minimum requirement for the position was a valid KCSE certificate.

Investigations established that the suspect, who was hired by NCWSC in March 2010 as an Artisan, used a forged KCSE certificate from the said school to secure employment at NCWSC. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate was not genuine. Further, that the suspect deceived his employer on his academic qualifications through the information he submitted in his personal records form. During his employment he fraudulently earned a salary of Kshs. 9,080,267.01.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and

- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

The Commission is awaiting the DPP's response.

### **13.EACC/EL/INQ/007(XVIII)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A DRIVER.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a Kenya Certificate of Secondary Education (KCSE) certificate from St. Peters Secondary School, to secure employment from NCWSC as a driver. The minimum requirement for the position was a valid KCSE certificate.

Investigations established that the suspect submitted a forged KCSE certificate from St. Peters Secondary School to secure employment at NCWSC as a driver. He also gave false information on his academic qualifications in a personal records form which he submitted to his employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate was not genuine. During his employment he fraudulently earned a salary of Kshs. 5,765,205.50.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

On 20<sup>th</sup> December 2024, the DPP returned the inquiry file with recommendations for prosecution.

#### 14. EACC/EL/INQ/007(LVII)/2024

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A DRIVER.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a KCSE certificate from Muhuri Muchiri Secondary School, to secure employment from NCWSC as a driver. The minimum requirement for the position was a valid Kenya Certificate of Secondary Education (KCSE).

Investigations established that the suspect submitted a forged KCSE certificate from Muhuri Muchiri Secondary School to secure employment at NCWSC. He also gave false information on his academic qualifications in a personal records form which he submitted to his employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate was not genuine. During his employment he fraudulently earned a salary of Kshs. 6,742,673/=.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

The Commission also recommended the filing of a civil suit to recover Kshs. 6,742,673/= as salaries fraudulently earned by the suspect.

On 23<sup>rd</sup> December 2024, the DPP returned the inquiry file with recommendations for prosecution.

## **15. EACC/EL/INQ/007(LVIII)/2024**

### **INQUIRY INTO ALLEGATION THAT AN EMPLOYEE OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS AN ARTISAN AND MARKETTING ASSISTANT.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a KCSE certificate from Embakasi High School, to secure employment from NCWSC as an artisan, and later as a Marketing Assistant.

Investigations established that the suspect submitted a forged KCSE certificate from Embakasi High School to secure employment at NCWSC as an artisan, and later a promotion as a marketing assistant. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate was not genuine. During his employment he fraudulently earned a salary of Kshs. 8,657,766.55.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

The Commission also recommended the filing of a civil suit to recover Kshs. 8,657,766.55 as salaries fraudulently earned by the suspect.

The Commission is awaiting the DPP's response.

## **16. EACC/EL/INQ/07(V)/2024**

### **INQUIRY INTO ALLEGATION THAT AN EMPLOYEE OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A DATA ENTRY CLERK.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a KCSE certificate from

Alwala Mixed Secondary School, to secure employment from NCWSC as a Data Entry Clerk.

Investigations established that the suspect submitted a forged KCSE certificate from Alwala Mixed Secondary School to secure employment at NCWSC. He also gave false information on his academic qualifications in a personal records form which he submitted to his employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate was not genuine. During his employment he fraudulently earned a salary of Kshs. 8,390,566.75.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

The Commission also recommended the filing of a civil suit to recover Kshs. 8,390,566.75 as salaries fraudulently earned by the suspect.

The Commission is awaiting the DPP's response.

#### **17. EACC/EL/INQ/007(XV)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS AN ARTISAN.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a KCSE certificate from Mukumu Girls Secondary School, to secure employment from NCWSC as an Artisan.

Investigations established that the suspect submitted a forged KCSE certificate from Mukumu Girls Secondary School, to secure employment at NCWSC. She also gave false information on her academic qualifications in a personal records form

which she submitted to her employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate was not genuine. During her employment she fraudulently earned a salary of Kshs. 7,270,330.55.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

The Commission also recommended the filing of a civil suit to recover Kshs. 7,270,330.55 as salaries fraudulently earned by the suspect.

The Commission is awaiting the DPP's response.

#### **18. EACC/EL/INQ/007(xxii)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A SEWER OPERATOR.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a KCSE certificate from Njenga Karume Secondary School, to secure employment from NCWSC as a Sewer Operator.

Investigations established that the suspect submitted a forged KCSE certificate from Njenga Karume Secondary School to secure employment at NCWSC as a sewer operator, a position whose minimum requirement is a KCSE certificate. He also gave false information on his academic qualifications in a personal records form which he submitted to NCWSC. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate was not genuine. During his employment he fraudulently earned a salary of Kshs. 6,697,822.30.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

The Commission also recommended the filing of a civil suit to recover Kshs. 6,697,822.30 as salaries fraudulently earned by the suspect.

The Commission is awaiting the DPP's response.

#### **19. EACC/EL/INQ/007(LIX)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE FROM KITENGELA HIGH SCHOOL TO SECURE EMPLOYMENT AS AN ICT ASSISTANT.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a KCSE certificate from Kitengela High School, to secure employment from NCWSC as an ICT Assistant.

Investigations established that the suspect submitted a forged KCSE certificate from Kitengela High School, and a forged Kenya Secondary School Leaving Certificate from Kitengela Secondary School, to secure employment at NCWSC. She also gave false information on her academic qualifications in a personal records form which she submitted to her employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) as well as and the two schools (Kitengela High and Kitengela Secondary), the KCSE certificate and the school leaving certificate are not genuine. During her employment she fraudulently earned a salary of Kshs. 7,557,362.75.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;

- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

The Commission also recommended the filing of a civil suit to recover Kshs. 7,557,362.75 as salaries fraudulently earned by the suspect.

On 16th December 2024, the DPP returned the inquiry file with recommendations for prosecution.

## **20. EACC/EL/INQ/007(xvi)/2024**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE AT THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A DRIVER.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a KCSE certificate from Sirisia Secondary School, to secure employment from NCWSC as a driver.

Investigations established that the suspect submitted a forged KCSE certificate from Sirisia Secondary School to secure employment at NCWSC, whose minimum requirement was a KCSE certificate. He also gave false information on his academic qualifications in a personal records form which he submitted to his employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 10,329,967.30.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and

- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

The Commission also recommended the filing of a civil suit to recover Kshs. 10,329,967.30 as salaries fraudulently earned by the suspect.

The Commission is awaiting the DPP's response.

## **21. EACC/EL/INQ/007(XVII)/2024**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS AN ARTISAN.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a KCSE certificate from Kimilili Secondary School, to secure employment from NCWSC as an Artisan.

Investigations established that the suspect submitted a forged KCSE certificate from Kimilili Secondary School to secure employment at NCWSC as an Artisan, whose minimum requirement was a KCSE certificate. He also gave false information on his academic qualifications in a personal records form which he submitted to his employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 8,577,560.30.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act

The Commission also recommended the filing of a civil suit to recover Kshs. 8,577,560.30 as salaries fraudulently earned by the suspect.

On 18<sup>th</sup> December 2024, the DPP returned the inquiry file with recommendations for further investigations.

## 22. EACC/EL/INQ/007(LXI)/2024

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE AT THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS AN OPERATOR WASTE WATER.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged KCSE certificate from Kamukunji Secondary School, to secure employment from NCWSC as an operator-waste water.

Investigations established that the suspect submitted a forged KCSE certificate from Kamukunji Secondary School to secure employment at NCWSC as an operator-waste water, whose minimum requirement was a KCSE certificate. He also gave false information on his academic qualifications in a personal records form which he submitted to his employer. Further, investigations established that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 6,091,738/=.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act

The Commission also recommended the filing of a civil suit to recover Kshs. 6,091,738/= as salaries fraudulently earned by the suspect.

The Commission is awaiting the DPP's response.

### **23. EACC/EL/INQ/12(II)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE AT KAIMOSI FRIENDS UNIVERSITY (KAFU) USED A FORGED BACHELOR OF EDUCATION DEGREE CERTIFICATE TO SECURE EMPLOYMENT AS AN ADMINISTRATIVE ASSISTANT.**

The Commission received a report on allegations that an employee of Kaimosi Friends University (KAFU) used a forged Bachelor of Education degree certificate from Masinde Muliro University of Science and Technology (MMUST), to secure employment at KAFU as an administrative assistant.

Investigations established that the suspect submitted a forged Bachelor of Education degree certificate from MMUST to secure employment at KAFU as an administrative assistant, which had a minimum requirement of a University Degree. Investigations also confirmed that according to MMUST the degree certificate is not authentic, as it did not originate from the said university. During his employment he fraudulently earned a salary of Kshs. 5,486,651/=.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of providing false information to a public entity Contrary to Section 46 (1) (d) of the Leadership and Integrity Act, 2012;
- ii. One count of fraudulent acquisition of public property contrary to Section 45(1) as read with Section 48 of ACECA;
- iii. One count of forgery contrary to Section 349 Penal Code; and
- iv. One count of uttering a false document contrary to Section 357(b) Penal Code.

The Commission also recommended the filing of a civil suit to recover Kshs. 5,486,651/= as salaries fraudulently earned by the suspect

On 23<sup>rd</sup> December 2024, the DPP returned the inquiry file with recommendations for further investigations.

### **24. EACC/EL/INQ/007 (XXXVI)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE AT THE NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A DATA CLERK.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged a KCSE certificate from

Kirwara High School, to secure employment from NCWSC as an operator-waste water.

Investigations established that the suspect submitted a forged KCSE certificate and secondary school leaving certificate from Kirwara High School and kirwara secondary school respectively, to secure employment at NCWSC as a data clerk, whose minimum requirement was a KCSE certificate. He also gave false information on his academic qualifications in a personal records form which he submitted to his employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 8,352,703.99.

On 21<sup>st</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act

The Commission also recommended filing a civil suit for recovery of Kshs. 8,352,703.99 as salaries fraudulently earned during his employment.

On 16<sup>th</sup> December 2024, the DPP returned the inquiry file with recommendations for prosecution.

#### **25.EACC/EL/INQ/014/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE AT THE KENYA LAW REFORM COMMISSION (KLRC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A SUPPLY CHAIN MANAGEMENT ASSISTANT II OFFICER.**

The Commission received a report on allegations that an employee of Kenya Law Reform Commission (KLRC) used a forged a KCSE certificate from Mwala Girls High School, to secure employment from KLRC as a Supply Chain Management Assistant II Officer.

Investigations established that the suspect submitted a forged KCSE certificate from Mwala Girls High School to secure employment at KLRC as a Supply Chain

Management Assistant II Officer, whose minimum requirement was a KCSE certificate. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 1,101,842/=.

On 21<sup>st</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the ACECA;
- ii. One count of deceiving principal contrary to Section 41(2) as read with Section 48 of the ACECA;
- iii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iv. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.

On 27<sup>th</sup> January 2025, the DPP returned the inquiry file with recommendations for further investigations.

## **26. EACC/EL/INQ/007(XL)/2024**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI WATER AND SEWERAGE COMPANY LIMITED USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A DATA CLEAN UP CLERK**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used a forged KCSE certificate from Bishop Ndingi High School, to secure employment from NCWSC as a data clean up clerk.

Investigations established that the suspect submitted a forged KCSE certificate from Bishop Ndingi High School to secure employment at NCWSC as a data clean-up clerk, whose minimum requirement was a KCSE certificate. He also gave false information on his academic qualifications in a personal records form which he submitted to his employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine.

On 21<sup>st</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of deceiving principal contrary to Section 41 (2) as read with Section 48 of the ACECA;
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- iii. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.
- v. One count of uttering a false document c/s 357(b) Penal Code.

The Commission is awaiting the DPP's response.

### **27. EACC/EL/INQ/50/2023**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF MATHIOYA CONSTITUENCY OFFICE USED A FORGED DIPLOMA CERTIFICATE IN LABORATORY SERVICES FROM LAIKIPIA UNIVERSITY TO SECURE EMPLOYMENT AT THE MATHIOYA CONSTITUENCY OFFICE AS AN OFFICE MANAGER.**

The Commission commenced this investigation following a report that the Mathioya Constituency Office Manager used a forged certificate in Laboratory Services from Laikipia University to secure employment at the Mathioya Constituency Office.

Investigation established that the suspect used a forged diploma certificate from Laikipia University to secure employment. The university, equally, confirmed that the suspect was never enrolled as a student, and further that no graduation ceremony ever took place on the date indicated on the certificate. During her employment, she fraudulently earned a salary of Kshs. 432,003.90.

On 21<sup>st</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to section 45(1)(a) as read with section 48 of the ACECA;
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code;
- iii. One count of uttering a false document contrary to Section 357(b) Penal Code.

The Commission is awaiting the DPP's response.

## **28. EACC/MSA/EL/INQ/02/2022**

### **INQUIRY INTO ALLEGATIONS OF ABUSE OF OFFICE AGAINST THE GENERAL MANAGER- HUMAN RESOURCES & ADMINISTRATION AT MOMBASA WATER SUPPLY AND SANITATION COMPANY LIMITED (MOWASSCO).**

The Commission received a report on allegations that the General Manager- Human Resource & Administration at Mombasa Water supply and Sanitation Company Limited (MOWASSCO) solicited for a bribe totalling to Kshs. 130,000/= from two complainants as an inducement to secure jobs for them at MOWASSCO.

Investigations established that the General Manager- Human Resource & Administration at MOWASSCO demanded for a bribe of Kshs. 100,000/= and Kshs. 30,000/= from the 1<sup>st</sup> and 2<sup>nd</sup> complainants respectively, as an inducement to secure jobs for them and their children. Investigations established that from the total demanded, the suspect received Kshs. 90,000/= through his company named M/s Blue Point Trading Company Limited, Kshs. 10,000/= through cash, and Kshs. 30,000/= through his Mpesa account from the two complainants.

On 21<sup>st</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. Four counts of receiving a bribe contrary to section 6(1) as read with section 18 of the Anti-Bribery Act; and
- ii. Two counts of abuse of office contrary to Section 46 as read with Section 48 of ACECA

The Commission is awaiting the DPP's response.

## **29. EACC/EL/INQ/56 (XIII)/2023**

### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION USED A FORGED KENYA CERTIFICATE OF SECONDARY EDUCATION CERTIFICATE TO SECURE EMPLOYMENT AS AN ASSISTANT ELECTION OFFICER.**

The Commission received a report on allegations that an employee of Independent Electoral and Boundaries Commission (IEBC) used a forged KCSE certificate from NEP Girls Secondary School, to secure employment from IEBC as an assistant election officer.

Investigations established that the suspect submitted a forged KCSE certificate from NEP Girls Secondary School to secure employment at IEBC as an assistant election officer, whose minimum requirement was a KCSE certificate.

Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During her employment, she fraudulently earned a salary of Kshs. 12,032,810/=.

On 21<sup>st</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code; and
- ii. One count of presenting a forged certificate contrary to Section 34(a) of the KNEC Act.
- vi. One count of uttering a false document contrary to Section 357(b) Penal Code.
- vii. One count of fraudulent acquisition of public property contrary to section 45(1)(a) as read with section 48 of the ACECA;

On 16<sup>th</sup> December 2024, the DPP returned the inquiry file with recommendations for prosecution.

### **30. EACC/EL/INQ/45/2022**

#### **ALLEGATIONS THAT THE CEO OF HIGHER EDUCATION LOANS BOARD IRREGULARLY AWARDED INCREMENTAL CREDITS TO THE HEAD OF INTERNAL AUDIT, RISK MANAGEMENT AND COMPLIANCE.**

The Commission received a report on allegations that the Chief Executive Officer (CEO) of the Higher Education Loans Board (HELB) had irregularly awarded incremental credits totalling to Kshs. 1,806,936.55 to the Head of the Internal Audit, Risk Management and Compliance at HELB as a salary increment between November 2019 and December 2023.

Investigations established that the CEO of HELB irregularly approved salary increments totalling to Kshs. 1,806,936.55 to be paid to the Head of the Internal Audit, Risk Management and Compliance between November 2019 and December 2023. Investigations also established that the irregular approval was facilitated by the said CEO, the Ag. Head of Human Resource and the Ag. Chief Strategy & Customer Experience Officer.

On 4<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the Chief Executive Officer, the Head of the Internal Audit, Risk Management and Compliance and the Chief Strategy & Customer Experience Officer with the following counts;

- i. One count of abuse of office contrary to Section 46 as read with Section 48 of ACECA; and
- ii. One count of conspiracy to commit an offence of corruption contrary to Section 47A (3) as read with Section 48(1) of ACECA.

On 22<sup>nd</sup> January 2025, the DPP returned the inquiry file with recommendations for prosecution.

### **31. EACC/EL/INQ/56(XXII)/2023**

#### **ALLEGATIONS THAT AN ASSISTANT ELECTION OFFICER AT INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION USED FORGED ACADEMIC CERTIFICATES TO SECURE EMPLOYMENT AT THE IEBC**

The Commission received a report on allegations that an employee of Independent Electoral and Boundaries Commission (IEBC) used a forged KCSE certificate from St. Claire Girls Secondary school to secure employment as an assistant election officer.

Investigations established that the suspect submitted a forged KCSE certificate and secondary school leaving certificate from St. Claire Girls Secondary school to secure employment at IEBC as an assistant elections officer, whose minimum requirement was a KCSE certificate. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During her employment she fraudulently earned a salary of Kshs. 11,650,056/=.

On 7<sup>th</sup> October 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of ACECA.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. One count of presentation of forged certificate contrary to Section 34(a) of the KNEC Act.
- iv. One count of deceiving principal contrary to section 41 (2) as read with section 48 of the ACECA.

On 12<sup>th</sup> November 2024, the DPP returned the inquiry file with recommendations for prosecution.

### **32. EACC/EL/INQ/56(xxviii)/2023**

#### **INQUIRY INTO ALLEGATIONS THAT AN ASSISTANT ELECTION OFFICER AT IEBC USED FORGED ACADEMIC CERTIFICATES TO SECURE EMPLOYMENT AT THE IEBC**

The Commission received a report that an employee of the Independent Electoral and Boundaries Commission (IEBC) used a forged Kenya Certificate of Secondary Education (KCSE) certificate from Naari Secondary School to secure employment as an assistant election officer.

Investigations established that the suspect submitted a forged KCSE certificate from Naari Secondary School to secure employment at IEBC as an assistant elections officer, whose minimum requirement was a KCSE certificate. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 11,166,582/=.

On 7<sup>th</sup> October 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of ACECA.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. One count of presentation of forged certificate contrary to Section 34(a) of the KNEC Act.
- iv. One count of deceiving principal contrary to section 41 (2) as read with section 48 of the ACECA.

On 28<sup>th</sup> November 2024, the DPP returned the inquiry file with recommendations for prosecution.

### **33. EACC/EL/INQ/07(II)/2024**

#### **INVESTIGATION INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI CITY WATER AND SEWERAGE COMPANY LTD (NCWSC) USED A FORGED KENYA CERTIFICATE OF SECONDARY EDUCATION (KCSE) TO SECURE EMPLOYMENT AS AN ARTISAN.**

The Commission received a report that an employee of the Nairobi City Water and Sewerage Company (NCWSC) used a forged Kenya Certificate of Secondary Education (KCSE) certificate from Bonyunyu Secondary School to secure employment as an artisan.

Investigations established that the suspect submitted a forged KCSE certificate from Bonyunyu Secondary School to secure employment at NCWSC as an artisan, whose minimum requirement was a KCSE certificate. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE

certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 8,953,310.60.

On 5<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of ACECA.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. One count of presentation of forged certificate contrary to Section 34(a) of the KNEC Act.
- iv. One count of deceiving principal contrary to section 41 (2) as read with section 48 of the ACECA.

The Commission also recommended filing a civil suit for recovery of Kshs. 8,953,310.60 fraudulently earned during his employment.

The Commission is awaiting the DPP's response.

#### **34. EACC/EL/1NQ/007(XIV)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI CITY WATER AND SANITATION COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS AN ICT ASSISTANT.**

The Commission received a report that an employee of the Nairobi City Water and Sewerage Company (NCWSC) used a forged Kenya Certificate of Secondary Education (KCSE) certificate from Makunda Secondary School to secure employment as an ICT Assistant.

Investigations established that the suspect submitted a forged KCSE certificate from Makunda Secondary School with altered grades, to secure employment at NCWSC as an artisan, whose minimum requirement was a KCSE certificate. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 6,236,053/=.

On 5<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of ACECA.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.

- iii. One count of presentation of forged certificate contrary to Section 34(a) of the KNEC Act.
- iv. One count of deceiving principal contrary to section 41 (2) as read with section 48 of the ACECA.

The Commission also recommended filing a civil suit for recovery of Kshs. 6,236,053/= fraudulently earned during his employment.

The Commission is awaiting the DPP's response.

### **35. EACC/EL/INQ/007(LX)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI CITY WATER AND SEWERAGE COMPANY LIMITED (NCWSC) USED A FORGED KENYA CERTIFICATE OF SECONDARY EDUCATION (KCSE) TO SECURE EMPLOYMENT.**

The Commission received a report on allegations that an employee of the Nairobi City Water and Sewerage Company (NCWSC) used a forged Kenya Certificate of Secondary Education (KCSE) certificate from Lang'ata High School to secure employment.

Investigations established that the suspect submitted a forged KCSE certificate from Lang'ata High School to secure employment at NCWSC, whose minimum qualifications was a KCSE certificate. He also gave false information on his academic qualifications in a personal records form which he submitted to his employer. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 8,078,929/=.

On 5<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. One count of presentation of forged certificate contrary to Section 34(a) of the Kenya National Examination Council Act.
- iv. One count of deceiving principal contrary to section 41 (2) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

The Commission also recommended filing a civil suit for recovery of Kshs. 8,078,929/= fraudulently earned during his employment.

The Commission is awaiting the DPP's response

### **36. EACC/EL/INQ/12 (i)/2024**

#### **INQUIRY INTO AN ALLEGATION THAT AN EMPLOYEE OF KAIMOSI FRIENDS UNIVERSITY (KAFU) USED A FORGED A DEGREE CERTIFICATE FROM MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MMUST) TO SECURE EMPLOYMENT AT AS A SECURITY OFFICER.**

The Commission received a report on allegations that a Security Officer at Kaimosi Friends University (KAFU) used a forged degree certificate purported to have been issued by Masinde Muliro University of Science and Technology (MMUST) to secure employment as a security officer.

Investigation established that the suspect submitted a forged degree certificate to KAFU when seeking employment. Further investigations from MMUST established that the suspect did not graduate from MMUST with the said degree. During the period of his employment the suspect fraudulently earned a salary of Kshs. 3,441,796/=.

On 5<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of providing false information to a public entity Contrary to Section 46 (1) (d) of the Leadership and Integrity Act, 2012;
- ii. One count of fraudulent acquisition of public property contrary to Section 45(1) as read with Section 48 of ACECA;
- iii. One count of forgery contrary to Section 349 Penal Code; and
- iv. One count of uttering a false document contrary to Section 357(b) Penal Code.

The Commission also recommended filing a civil suit for recovery of Kshs. 3,441,796/= fraudulently earned during his employment.

On 22<sup>nd</sup> January 2025, the DPP returned the inquiry file with recommendations for prosecution.

### **37. EACC/EL/INQ/007(XII)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI CITY WATER AND SEWERAGE COMPANY USED A FORGED KCSE CERTIFICATE FROM BORON SECONDARY SCHOOL TO SECURE EMPLOYMENT AS A DRIVER.**

The Commission received a report on allegations that an employee at Nairobi City Water and Sewerage Company (NCWSC) used a forged Kenya Certificate of Secondary Education (KCSE) purported to have been issued by Boron Secondary School to secure employment as a driver.

Investigations established that the suspect submitted a forged KCSE certificate from Boron Secondary School to NCWSC to obtain employment. Investigations also confirmed that according to the Kenya National Examinations Council (KNEC) the KCSE certificate is not genuine. During his employment he fraudulently earned a salary of Kshs. 7,590,872/=.

On 5<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. One count of presentation of forged certificate contrary to Section 34(a) of the Kenya National Examination Council Act.
- iv. One count of deceiving principal contrary to section 41 (2) as read with section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

The Commission is awaiting the DPP's response.

### **38. EACC/KSI/EL/INQ/3/2024**

#### **INQUIRY INTO AN ALLEGATION THAT THE SPEAKER COUNTY ASSEMBLY OF MIGORI FORGED A TAX COMPLIANCE CERTIFICATE AND POLICE CLEARANCE CERTIFICATE DURING ELECTION OF SPEAKER IN THE YEAR 2022.**

The Commission received a report on an allegation that the speaker of the County Assembly of Migori had presented a forged tax compliance certificate and police clearance certificate during his vetting process as the Speaker of Migori County Assembly.

Investigations established that the said suspect had submitted a police clearance certificate and a tax compliance certificate that were not issued by the Directorate of Criminal Investigations (DCI) and Kenya Revenue Authority (KRA) respectively.

On 4<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. Three counts of uttering a false document contrary to section 357(b) of the Penal Code
- ii. Three counts of forgery contrary to Section 345 as read with Section 349 of the Penal Code.

The Commission is awaiting the DPP's response.

### **39. EACC/EL/INQ/20/2024**

#### **INQUIRY INTO AN ALLEGATION THAT THE CHIEF OF RIBA LOCATION ALTERED THE YEAR OF BIRTH IN HIS IDENTIFICATION CARD TO SECURE EMPLOYMENT AS AN AREA CHIEF RIBA LOCATION AND DID A DOUBLE REGISTRATION OF BIRTH CERTIFICATE.**

The Commission received a report on allegations that the Riba Location area chief in Wajir County, altered his birth year on his Kenya National Identification Card (ID card) from 1997 to 1987 to secure employment as the area Chief.

Investigations established that the suspect submitted an application for a duplicate ID card at Huduma Center City Square for a lost ID card, wherein he altered his year of birth from 1997 to 1987 in order to attain the age requirement for the position of a chief. Investigations also established that the suspect was assisted by the Principal Clerical Officer in making these irregular alterations.

On 4th December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the Chief and the Principal Clerical Officer with the following counts;

- i. One count of abuse of office contrary to Section 46 as read with Section 48 of ACECA.
- ii. One count of being in possession of identity card containing alteration contrary to Section 14(1)(h)(2) of the Registration of Persons Act
- iii. One count of giving false information for purposes of registration contrary to Section 22 of Births and Deaths Registration Act.
- iv. One count of unlawful alteration on identity card contrary to Section 14(1)(d)(2) of the Registration of Persons Act

The Commission is awaiting the DPP's response.

### **40. EACC/EL/1NQ/007(LXII)/2024**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI CITY WATER AND SANITATION COMPANY (NCWSC) USED A FORGED KCSE CERTIFICATE TO SECURE EMPLOYMENT AS A SECURITY OFFICER.**

The Commission received a report on an allegation that an employee at Nairobi City Water and Sewerage Company (NCWSC) used a forged Certificate in Security Management, a Diploma in Security Management and a Higher Diploma

in Security Management from the Kenya Institute of Security and Criminal Justice, to secure a promotion at the NCWSC.

Investigations from the said institution confirmed that these certificates were not genuine. Further investigations established that the suspect gave false information in his personal information data form containing the above false academic qualifications during promotion at the NCWSC. The employee fraudulently earned a salary of Kshs. 3,741,715.45 after his promotion from NCWSC.

On 18<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.
- iii. One count of deceiving principal contrary to section 41 (2) as read with section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

On 22<sup>nd</sup> January 2025, the DPP returned the inquiry file with recommendations for prosecution.

#### **41. EACC/EL/INQ/57(xii)/2023**

#### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF NAIROBI WATER AND SEWERAGE COMPANY LIMITED (NCWSC) USED A FORGED DIPLOMA CERTIFICATE IN PLUMBING FROM NAIROBI TECHNICAL TRAINING INSTITUTE TO SECURE EMPLOYMENT AS AN ARTISAN.**

The Commission received a report on allegations that an employee of Nairobi City Water and Sewerage Company (NCWSC) used forged diploma certificate in plumbing from Nairobi Technical Training Institute to secure employment at the said institution as an artisan.

Investigations established that the suspect submitted a forged diploma certificate in plumbing from Nairobi Technical Training Institute to secure employment at NCWSC. Investigations from Nairobi Technical Training Institute (NTTI) established that the said certificate was not genuine. Further investigations established that he submitted a personal data records form falsely indicating that he had the said certificate from the above institution when applying for employment. During his employment, he fraudulently earned a salary of Kshs. 17,774,630.49.

On 19<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003;
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code;
- iii. One count of uttering a false document contrary to section 357(b) of the Penal Code;
- iv. One count of deceiving principal contrary to Section 41 as read as Section 48 of ACECA.

The Commission also recommended the filing of a civil suit to recover Kshs. 17,774,630.49 fraudulently earned as salary by the suspect.

The Commission is awaiting the DPP's response.

#### **42. EACC/EL/INQ/57(VI)/2023**

#### **INQUIRY INTO ALLEGATION THAT AN EMPLOYEE OF NAIROBI CITY WATER & SEWERAGE COMPANY USED FORGED ACADEMIC CERTIFICATES FROM GRAFFINS COLLEGE TO SECURE EMPLOYMENT AS A SWITCH BOARD OPERATOR.**

The Commission received a report on an allegation that an employee of Nairobi City Water and Sewerage Company (NCWSC) used forged academic certificates From Graffins College to Secure Employment as a Switch Board Operator.

Investigation established that the suspect submitted a forged Certificate in Telephone Receptionist and Communication purportedly awarded by Graffins College on 30<sup>th</sup> September 1993. Further investigations from the institution established that the certificate is not genuine. Investigations also established that she submitted a personal records form indicating the false academic records, when applying for employment. During her employment, she fraudulently earned a salary of Kshs. Kshs. 14,611,198/=.

On 19<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the suspect with the following counts;

- i. One count of fraudulent acquisition of public property contrary to Section 45(1) (a) as read with Section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.
- ii. One count of forgery contrary to Section 345 as read with Section 349 of the Penal Code.

- iii. One count of uttering a false document contrary to section 357(b) of the Penal Code
- iv. One count of deceiving principal contrary to section 41 (2) as read with section 48 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003.

The Commission also recommended the filing of a civil suit to recover Kshs. 14,611,198/= fraudulently earned as salary by the suspect.

The Commission is awaiting the DPP's response.

#### **43. EACC/ELD/EL/INQ/07/2022**

#### **INQUIRY INTO ALLEGATIONS OF CONFLICT OF INTEREST IN THE AWARD OF A TENDER FOR MAMA KITS BY COUNTY EXECUTIVE COMMITTEE MEMBER FOR HEALTH, UASIN GISHU COUNTY.**

The Commission received a report on allegations that there were irregularities in the contract awarded for the tender for supply of maternity kits known as MAMA KITS in the Financial Year 2019/2020, and that the tender was awarded to a company associated with the County Executive Committee (CEC) of Health for Uasin Gishu County.

Investigations established that the Ag. Chief Officer Health awarded the contract for supply MAMA KITS to M/s Glamed Company Limited, without a signed Professional Opinion from the head of procurement contrary to the provisions of Section 84(3) of the Public Procurement and Asset Disposal Act 2015. Further investigations established that the CEC Health had no conflict of interest with M/s Glamed Company Limited, and had no established relationship with it.

On 19th December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the then Ag. Chief Officer Health with failure to comply with the law and guidelines relating to procurement contrary to section 45(2) (b) as read with section 48(1) (a) of the Anti-Corruption and Economic Crimes Act, 2003.

The Commission is awaiting the DPP's response.

#### **44. EACC/OPS/INQ/65/2024**

##### **INQUIRY INTO ALLEGATIONS THAT A TRAFFIC POLICE OFFICER REQUESTED AND RECEIVED A BRIBE OF KSHS. 10,000/= FROM A MOTOR VEHICLE DRIVER AROUND CITY MORTUARY ROUNDABOUT WITHIN NAIROBI COUNTY SO AS TO FOREGO CHARGING HIM WITH A TRAFFIC OFFENCE.**

The Commission received a report on an allegation that two police officers demanded for a bribe of Kshs. 20,000/= to forego charging the complainant with a traffic offence.

Investigations established that the two police officers requested for a bribe of Kshs. 10,000/- to forego charging him with the offence of making an illegal U-turn. Investigations also established that the police officers directed the complainant to send the said amount to an M-pesa agent, where they later withdrew the Kshs. 10,000/=. Further, that the police officer later collected the Kshs. 10,000/= from the said M-pesa agent.

On 12th November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the police officers with two counts of receiving a bribe contrary to Section 6(1) (a) as read with Section 18 of Anti-Bribery Act.

On 24<sup>th</sup> January 2025, the DPP returned the inquiry file with recommendations for prosecution.

#### **45. EACC/OPS/INQ/96/2024**

##### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST THE LAND REGISTRAR, THIKA, AND TWO PRIVATE PERSONS.**

The Commission received a report on allegations of bribery against the Land Registrar, Thika who requested for a financial advantage of Kshs. 400,000/= from the complainant as an inducement to facilitate the issuance of four (4) Certificates of Lease from the said land registry.

Investigations established that the said Land Registrar received a bribe of Kshs. 100,000/= from the complainant and thereafter transferred the said funds to another private person.

On 12th November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the Land Registrar and two civilians with four (4) counts of receiving a bribe contrary to Section 6 (1) as read with Section 18 of the Anti-Bribery Act.

On 16<sup>th</sup> January 2025, the DPP returned the inquiry file indicating that there is no sufficient evidence to charge the Land Registrar and one private person for bribery. He however recommended that there is sufficient evidence to charge one other private person with the offence of obtaining money by false pretense.

#### **46. EACC/OPS/1NQ/38/2024**

##### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST A POLICE OFFICER ATTACHED AT KITENGELA POLICE STATION.**

The Commission received a report on an allegation of bribery against a police officer attached to Kitengela Police Station who requested for and agreed to receive a bribe of Kshs. 40,000/= from a complainant to forego charging him with a criminal offence of impersonating a police officer.

Investigations established that the said police officer requested for and agreed to receive the Kshs. 40,000/= from the complainant as alleged.

On 12<sup>th</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the officer with two (2) counts of receiving a bribe contrary to section 6(1) as read with section 18 of the Anti-Bribery Act.

The Commission is awaiting the DPP's response.

#### **47. EACC/OPS/INQ/29/2023**

##### **INQUIRY INTO ALLEGATIONS THAT A SECURITY OFFICER AT KENYA RAILWAYS, VOI, REQUESTED FOR A FINANCIAL ADVANTAGE OF KSHS. 400,000/= FROM A PRIVATE CITIZEN IN ORDER TO ALLOW HIM PROCEED WITH CONSTRUCTION OF A ONE STOREY BUILDING ON KENYA RAILWAYS LAND LOCATED IN TAVETA TOWNSHIP.**

The Commission received a report on an allegation of bribery against a Kenya Railways Corporation (KRC) Officer and a police Officer attached to the Directorate of Criminal Investigation (DCI) who demanded for a bribe of Kshs. 400,000/= from the complainant for the purpose of allowing him to continue with the construction of a building on a Kenya Railways Corporation land at Taveta Township.

Investigations established that the said KRC and DCI Officers demanded for a bribe of Kshs. 400,000/=. Investigations also established that the KRC officer received Kshs. 200,000/= after negotiations, and the money was recovered from him.

On 12th November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the KRC and DCI officers with the following counts;

- i. One count of conspiracy to commit an offence of corruption contrary to section 47(A) (3) as read with Section 48(1) of the Anti-Corruption and Economic Crimes Act; and
- ii. Two (2) counts of receiving a bribe contrary to Section 6(1) as read with Section 18 of the Anti-Bribery Act.

The Commission is awaiting the DPP's response.

#### **48. EACC/OPS/INQ/10/2023**

##### **INQUIRY INTO ALLEGATIONS THAT AN EMPLOYEE OF THE NAIROBI CITY COUNTY GOVERNMENT REQUESTED FOR A BRIBE OF KSHS. 40,000 FROM A PRIVATE CITIZEN IN ORDER TO INFLUENCE A DECISION TO CHARGE ANOTHER PERSON, WHO HAD BEEN BOOKED AT SOWETO POLICE STATION FOR AN OFFENCE OF ILLEGAL DUMPING.**

The Commission received a report on allegations of bribery against an Enforcement Officer at the Nairobi City County Government (NCCG) who demanded for a bribe of Kshs. 40,000/= from a complainant who's employee had been reported for illegal dumping of waste, in order to influence the decision to charge for illegal dumping of waste.

Investigations established that the said NCCG Officer demanded for a bribe of Kshs. 40,000/= in order to influence the decision to charge his employee for illegal dumping of waste. Further, investigations established that the suspect received Kshs. 30,000/= from the complainant.

On 12th November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the Officer with two (2) counts of receiving a bribe contrary to Section 6 (1) (a) as read with Section 18 (1) and (3) of the Anti-Bribery Act.

The Commission is awaiting the DPP's response.

#### **49. EACC/OPS/INQ/49/2024**

##### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST THE CHIEF RABAI LOCATION AND THE ASSISTANT CHIEF KIAMBU TOWNSHIP.**

The Commission received a report on allegations of bribery against the Chief Rabai Location and the Assistant Chief Kiambu Township, who requested for a bribe of Kshs. 15,000 from the complainant, a businessman operating a bar and

restaurant within Kiambu Township, as an inducement to enable him run his business smoothly.

The investigations establish that the complainant induced the Chief and Assistant Chief to request for the bribe of Kshs. 15,000/=, in order to have them arrested. Investigations established that the receipt of the Kshs. 15,000/= by the suspects constituted ethical breaches and violated the provisions of the Leadership and Integrity Act (LIA) and the Public Officer Ethics Act (POEA).

On 5<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations for appropriate administrative action against the Chief and the Assistant Chief.

On 28<sup>th</sup> January 2025, the DPP returned the inquiry file with recommendations for administrative action.

#### **50. EACC/OPS/INQ/157/2024.**

#### **INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TRAFFIC POLICE OFFICERS WHO WERE ARRESTED ALONG KERICHO-SOTIK AND KERICHO-NAKURU HIGHWAY WHILE TAKING BRIBES FROM MOTORISTS.**

The Commission received a report on allegations of bribery against traffic police officers manning traffic along Kericho-Sotik and Kericho-Nakuru Highways, who were notorious for collecting bribes from motorists to forego inspecting the Vehicles.

Investigations established that police officers from Litein Traffic Base would mount checkpoints, stop Public Service Vehicles (PSV), and take bribes from the motorists and forego inspecting the PSVs. The Officers were arrested following a sting operation and money recovered from them. However, upon conclusion of investigation, it was established that the evidence on record does not satisfy the threshold for criminal prosecution.

On 18<sup>th</sup> December 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations for appropriate administrative action against the police officers.

The Commission is awaiting the DPP's response.

#### **51. EACC/OPS/INQ/95/2023**

#### **INQUIRY INTO BRIBERY ALLEGATIONS AGAINST POLICE OFFICERS MANNING TRAFFIC ALONG MAI-MAHIU ROAD, NAIVASHA.**

The Commission received a report on allegations of bribery against police officers manning traffic along the Mai-Mahiu-Naivasha Highway who were soliciting for bribes from motorists plying the said highway to forgo inspecting vehicles.

Surveillance operation investigations established that seven (7) police officers stopped motorists and took money from them to forego inspecting the vehicles. Three police officers were arrested while the remaining Officers fled. There was however insufficient evidence to prove the bribery by these officers due to lack of independent witnesses.

During the arrest, one of the three Officers attempted to shoot at EACC Officers, but was subdued and arrested for obstruction of justice. Investigations established that the gun used to shoot had been issued to the arrested Police Officer.

On 21<sup>st</sup> November 2024, a report was compiled and forwarded to the Director of Public Prosecutions (DPP) with recommendations to charge the traffic police officer who attempted to shoot at EACC Officers with obstruction contrary to Section 66(1) as read with Section 48 of ACECA.

The Commission also recommended administrative action against the remaining six (6) officers.

On 30<sup>th</sup> January 2025, the DPP returned the inquiry file with recommendations for further investigations.

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


1.	Total No. of files forwarded to the Director of Public Prosecutions	51
2.	No. of files recommended for prosecution	47
3.	No. of files recommended for administrative or other action	2
4.	No. of files recommended for closure	2
5.	No. of files recommended for prosecution and the cases are already lodged before Court	0
6.	No. of files where recommendation to prosecute accepted	12
7.	No. of files where recommendation for administrative or other action accepted	1
8.	No. of files where recommendation for closure accepted	0
9.	No. of files returned for further investigation	6
10.	No. of files where recommendation to prosecute not accepted	0
11.	No. of files where recommendation for administrative or other action not accepted	0
12.	No. of files where closure not accepted	0
13.	No. of files where prosecution declined but administrative action recommended	0
14.	No. of files awaiting the DPP's advice	32

DATED AT NAIROBI THIS

14<sup>th</sup>

DAY OF February 2025

  
**DAVID OGINDE, PhD**  
**CHAIRPERSON**  
 ewg/eo/m

  
**ABDI A. MOHAMUD, MBS**  
**SECRETARY/CHIEF EXECUTIVE OFFICER**