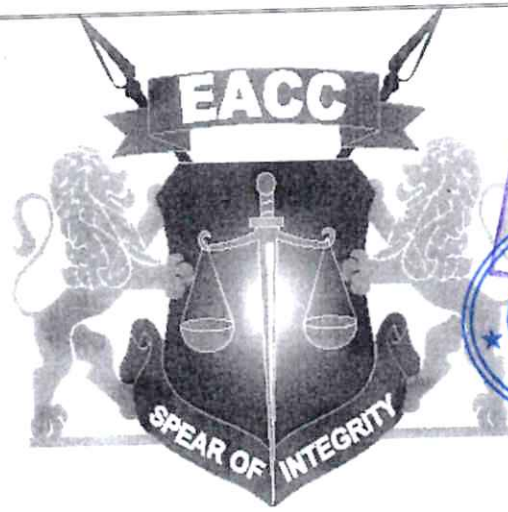


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By Hon. Ac
Leader of
Opp. on Tue
20/9/11
@AK



THE ETHICS AND ANTI-CORRUPTION COMMISSION

**THE FIRST QUARTERLY REPORT COVERING THE PERIOD
1ST JANUARY, 2016 TO 31ST MARCH, 2016**

PREAMBLE

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

Section 36 provides that.

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

This report is therefore made pursuant to section 36 of the Anti-Corruption and Economic Crimes Act, 2003. The report covers the first Quarter and is for the period commencing 1st January, 2016 to 31st March, 2016

INVESTIGATION REPORTS COVERING THE PERIOD 1ST JANUARY, 2016 TO 31ST MARCH, 2016

1. EACC CR. 021/48/2015 CF: MOMBASA ACC. 11/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A FOREMAN IN CHARGE OF DOCKERS AT THE KENYA PORTS AUTHORITY.

Investigations revealed that the suspect, being a person employed by a public body to wit, Kenya Ports Authority (KPA) as a foreman in charge of Dockers corruptly solicited and received a benefit of Kshs. 80,000/= from the complainant as an inducement to facilitate him get employment at KPA, a matter relating to the affairs of the said public body.

A report was prepared and forwarded to Director of Public Prosecution on 4th January, 2016 with a recommendation to prosecute the suspect for offences of corruptly soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti-Corruption and Economic Crimes Act.

On 1st March, 2016 the Director of Public Prosecution concurred with the recommendation for prosecution.

2. CR.148/28/2015 THIKA ACC. NO.6696/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST ASKARIS OF THE KIAMBU COUNTY GOVERNMENT

Investigations revealed that the suspects who are employees of Kiambu County Government corruptly solicited and received a benefit of Kshs. 2,000/= from the complainant as an inducement not to tow away his lorry and to forbear charging him with the offence of transporting goods without a delivery license.

A report was prepared and forwarded to Director of Public Prosecution on 5th January, 2016, recommending prosecution of the suspects with the offences of corruptly soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

On 22nd February, 2016 the DPP concurred with the recommendation for prosecution.

3. CR.343/342/2015 CF: NO.ACC.15/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A SENIOR PROBATION OFFICER BASED AT MARIAKANI

Investigations revealed that the suspect who is a Probation Officer based at Mariakani solicited and received a benefit of Kshs. 16,000/= from the complainant as an inducement to prepare a favourable report in a case where the complainant was convicted of the charge of stealing by servant in a matter before Mariakani law Courts..

A report was prepared and forwarded to the Director of Public Prosecution on 5th February, 2016 recommending prosecution of the suspect with the offences of corruptly soliciting for and receiving a benefit contrary to section 39(3) (a) of the Anti-corruption and Economic Crimes Act.

On 14th March, 2016 the DPP concurred with the recommendation for prosecution.

4. EACC/FI/INQ/124/2015

INQUIRY INTO ALLEGATIONS OF MISAPPROPRIATION OF KSHS 25 BILLION PROCEEDS OF THE SALE OF THE SOVEREIGN BOND (EUROBOND) BY THE NATIONAL TREASURY

Investigations revealed that:-

The Medium Term Debt Management Strategy 2013-2016 which was approved by the Cabinet laid the foundation on Government borrowing. It is on the basis of Medium Term Debt Management Strategy 2013-2016 that Eurobond was floated. Among the needs to be addressed by the Eurobond finances was to cover the Budget deficit that the Government was experiencing.

The National Treasury issued instructions to the Central bank of Kenya to open off shore collection accounts for the Proceeds. The CBK opened an Account number 60314995 known as 'Sovereign Bond Proceeds Account' held at JP Morgan Chase Bank, New York for the Original Sale of US \$ 2 billion. On 27th November 2014, CBK, under the instructions from the National Treasury, opened another Account number 36341018 known as 'GOK/CBK Sovereign Bond Tap Proceeds Account' held at Citibank New York tap sale of US \$ 750 million

The Government eventually raised a total of US \$2.815 Billion in the year 2014. This was US \$2billion of original sale- Received in JP Morgan Account on 24th June 2015 and US \$815 million in tap sales-Received in the Citibank New York account on 3rd December 2014.

On 3rd July 2015 the Government paid a syndicated loan of US\$ 604,560,737.50 off from the JP Morgan Chase Bank.

After the payment of the Syndicated Loan the balance of Ksh.196,916,669,316.00 was surrendered to the National Exchequer Account on diverse dates.

Eurobond proceeds were utilized as part of the National budget with withdrawals being approved by the Controller of Budget. The National Treasury in the financial year 2013/2014 & FY 2014/2015 distributed funds to the various ministries and state departments. Investigations did not reveal that there was any misappropriation of the proceeds of Eurobond.

A report was prepared and forwarded to the Director of Public Prosecution on 8th February, 2016 recommending that the file be closed with a referral to the Office of the Auditor General being an independent body with the mandate to audit accounts under **Article 229 of the Constitution of Kenya, 2010**, so as to carry out a Special Audit on the Development Projects that were implemented by Ministries, Departments and Agencies (MDA's) in the Financial Year 2013/2014 and Financial Year 2014/2015 to ascertain the utilization and value for money.

On 25th January 2016, the DPP directed that further Investigations be conducted.

5 CR. 764/601/2015 CF. NAIVASHA NO.1/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST TWO (2) KRA OFFICERS IN NAIVASHA

The investigations revealed that the suspects who are KRA officers solicited and received Kshs. 50,000/= from the complainant to forbear charging him for not having complied with the provisions of section 69 of Legal Notice No. 110 of Value Added Tax Act (VAT) Cap 476, Laws of Kenya.

A report was prepared and forwarded to the Director of Public Prosecution on 13th January, 2016 with recommendation for the prosecution of the two (2) KRA suspects with the offences of corruptly soliciting for and receiving under Section 39 (3) (a) of the Anti-corruption and Economic Crimes Act.

On 19th February, 2016 the DPP concurred with the recommendation for prosecution.

6 EACC/FI/OPS/INQ.NO.39/2015

INQUIRY INTO ALLEGATION OF BRIBERY AGAINST NAIROBI CITY COUNTY PARKING ATTENDANTS

Investigations commenced after EACC received anonymous reports from members of the public and the Nairobi City County (NCC) that parking attendants from specific parking areas were collecting fees from motorists and that they were not remitting the money to NCC.

EACC carried out an Integrity Testing on the concerned Nairobi City Parking Attendants and they failed the tests. However the nature of the tests carried out did not meet the required evidence threshold for prosecution.

A report was prepared and forwarded to the Director of Public Prosecution on 13th January, 2016 with recommendation of administrative action against the Parking Attendants and improvements of revenue collection systems of NCC.

On 23rd March 2016, the DPP concurred with the recommendation for administrative action.

7 CR.148/31/2015 CF. NO. ACC25/2015, MILIMANI

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST AN INTERN BASED AT THE MINISTRY OF LANDS

The investigations revealed that the suspect, an officer attached to the Ministry of Lands based at Ardhi House solicited for and received a benefit of Kshs. 1,500/= from the complainant so as to retrieve a file which was due for Title Deed processing

A report was prepared and forwarded to the Director of Public Prosecution on 26th January, 2016 recommending prosecution of the suspect with the offences of corruptly soliciting for and receiving a benefit under section 39(3) (a) of the Anti-corruption and Economic Crimes Act.

On 9th March, 2016 the DPP concurred with the recommendation for prosecution.

8 EACC/MSA/PI/INQ/13/2013

INQUIRY INTO ALLEGATIONS THAT THE FORMER MAGARINI CDF FUND MANAGER ABUSED HIS OFFICE BY AWARDING BURSARIES TO HIMSELF AND ANOTHER.

Investigations revealed that the CDF manager awarded bursaries to himself and another person as students of Kenyatta University by Magarini Constituency Development Fund yet the two did not qualify.

A report was prepared and forwarded to the Director of Public Prosecution on 11th January, 2016 recommending prosecution of the suspect with the offences of Abuse of Office contrary to Section 46, Fraudulent Acquisition of public property Contrary to Section 45 (1) (a) of the Anti-corruption and Economic Crimes Act and Uttering a false document contrary to Section 353 of the Penal Code.

On 10th February, 2016 the DPP concurred with the recommendation for prosecution.

9 EACC/PI/INQ/124/14

INQUIRY INTO ALLEGATIONS AGAINST THE DIRECTOR GENERAL OF THE NATIONAL YOUTH SERVICE FOR SERVICING AND MAINTAINING A PRIVATELY OWNED VEHICLE REGISTRATION NUMBER KBS 475S AT THE EXPENSE OF NYS AT THE COST OF 497,335.

Investigations revealed that Motor Vehicle registration KBS 475S Land Rover Discovery is privately owned by the former Director General of National Youth Service (NYS) and that the Motor Vehicle registration GK Z185 Land Rover Discovery belongs to NYS. Motor Vehicle registration KBS 475S was delivered for service at RMA Motors Limited but the vehicle that was registered for service was GK Z185. KBS 475S was serviced at a cost of Kshs. 497,335/= and the same was paid by NYS.

A report was prepared and forwarded to the Director of Public Prosecution on 13th January, 2016 recommending prosecution of the concerned NYS officials with the offences of Abuse of Office contrary to Section 46, Fraudulent Acquisition of public property Contrary to Section 45 (1) (a) of the Anti-corruption and Economic Crimes Act and Conspiracy to defraud contrary to Section 63 of the Penal Code.

On 4th February, 2016 the DPP concurred with the recommendation for prosecution.

10 CR.148/29/2015 CF NO.ACC.23/2015 MILIMANI

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST, A PUBLIC HEALTH OFFICER AT THE CITY HALL NAIROBI

Investigations established that the suspect, a Public Health Officer at the City Hall Nairobi solicited for and received Kshs. 40,000/= a benefit from the complainant as an inducement to forebear charges for non-compliance with notice of inspection on sanitation of premises under the Public Health Act. Cap 242 laws of Kenya.

A report was prepared and forwarded to Director of Public Prosecution on 2nd February, 2016 recommending prosecution of the suspect with the offence of soliciting for and receiving a benefit under section 39(3) (a) of the Anti-corruption and Economic Crimes Act.

On 18th April, 2016 the Director of Public Prosecutions concurred with the recommendation for prosecution.

11 EACC/MSA/ACC/14/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A SURVEY ASSISTANT WITH THE MINISTRY OF LANDS, MOMBASA

Investigation revealed that the suspect, a Survey Assistant at the Ministry of Lands Mombasa solicited and received Kshs. 5,000/= from the complainant in order to release a sketch map to him.

A report was prepared and forwarded to the Director of Public Prosecution on 10th February, 2016 recommending prosecution of the suspect with the offence of corruptly soliciting and receiving a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

On 31st May, 2016 the Director of public Prosecution concurred with our recommendation for prosecution.

12 EACC/KSM/CF/930/185/2015

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST A PROSECUTION COUNSEL BASED IN BUSIA LAW COURT

Investigation revealed that the suspect, a Prosecution Counsel based in Busia solicited for and received a benefit of Kshs. 7,000/= from the complainant so as

to facilitate the release of a motorcycle which had been confiscated by Police Officers and retained at Busia Police Station

A report was prepared and forwarded to the Director of Public Prosecution on 11th February, 2016 recommending prosecution of the suspect with the offence of corruptly soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

On 11th March, 2016 the Director of Public Prosecutions concurred with the recommendation to prosecute

13 CR.421/142/2015, MERU AC. NO. 6/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A MERU PARALEGAL COMMUNITY ORGANIZATION COORDINATOR

Investigations established that the suspect who is a Coordinator Meru Paralegal Community Organization solicited for and received a benefit of Kshs. 10,000/= from the complainant as an inducement to make a favourable recommendation for the complainant who had a misunderstanding with the wife on the maintenance of their child

A report was prepared and forwarded to Director of Prosecution on 15th February, 2016 recommending prosecution of the suspect with the offences of soliciting and receiving a benefit contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003

On 26th May, 2016 the Director of Public Prosecutions concurred with the recommendation for prosecution

14 CR.421/174/2015 MERU ACC.7/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A POLICE OFFICER SERVING AT ARCHERS POST POLICE STATION

Investigations revealed that a Police Officer at Archers Post Police Station solicited for and received a benefit of Kshs. 2000/= as an inducement to release the complainant from police custody who had been arrested after committing an offence of obstruction.

A report was prepared and forwarded to Director of Prosecution on 15th February, 2016 recommending prosecution of the suspect with the offence of soliciting for and receiving a benefit contrary to section 39 (3) (a) of the Anti-Corruption and Economic Crimes Act, 2003

On 23rd March, 2016 the Director of Public Prosecution concurred with the recommendation for prosecution

15 EACC/OPS/INQ.NO.41/2015

INQUIRY INTO ALLEGATION OF BRIBERY AGAINST NAIROBI CITY COUNTY PARKING ATTENDANTS IN WESTLANDS

Investigations commenced after EACC received anonymous reports from members of the public and the Nairobi City County (NCC) that parking Attendants from specific parking areas were collecting fees from motorists and that they were not remitting the money to NCC

EACC carried out an Integrity Testing on the concerned Nairobi City Parking attendants and they failed the tests. However the nature of the tests carried out did not meet the required evidence threshold for prosecution.

A report was prepared and forwarded to the Director of Public Prosecutions on 16th February, 2016 with recommendation for closure

On 14th June, 2016 the DPP concurred with the recommendation for closure

16 EACC/INQ/OPS/08/2016

INQUIRY INTO ALLEGATIONS THAT THE GOVERNOR OF MURAG'A COUNTY OBSTRUCTED EACC OFFICERS FROM EXECUTING A SEARCH WARRANT

Investigations established that EACC secured orders to search the Governor's office, residence and business premises. EACC officers proceeded to the above premises to carry out the search and as they were carrying out the search, the Governor indicated to them that they would not carry away some of his documents. Shortly a group of supporters of the Governor appeared and snatched the documents that had been recovered by EACC officers and took off with them.

A report was prepared and forwarded to the Director of Public Prosecution on 18th February, 2016 with recommendation for the charge of Obstruction contrary to section 66 (1) (a) of Anti-Corruption and Economic Crimes Act, 2003 and that the findings be forwarded to the Senate so as to take appropriate action as per provisions of Article 181 of the Constitution

On 9th March, 2016 the DPP concurred with our recommendation

**INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST A DRAUGHTSMAN,
NAIROBI CITY COUNTY**

Investigations revealed that the suspect, an employee of the Nairobi City County working as a Draughtsman solicited for Kshs. 30,000/= from the complainant as an inducement to allow him to continue with the construction of house at lucky Summer Area.

A report was prepared on 22nd February, 2016 and forwarded to the Director of Public Prosecution recommending prosecution of the suspect with the offence of soliciting for a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

On 18th April, 2016 the Director of Public Prosecutions concurred with the recommendation for prosecution.

18 EACC/FI/INQ/104/2015

**INQUIRY INTO ALLEGATIONS OF IRREGULAR PROCUREMENT OF ACCOMODATION
AND CONFERENCE FACILITIES BY THE NATIONAL YOUTH SERVICE (NYS)**

Investigations revealed that NYS officials secured M/S Narumoro River Lodge for conference facilities at a cost of Kshs. 4,114,255/= without adhering to laid down procurement procedures.

A report was prepared on 15th February, 2016 and forwarded to the Director of Public Prosecution recommending surcharging of the Acting Director General and a charge of Abuse of Office contrary to Section 46 of prosecution Anti-Corruption and Economic Crimes Act, 2003.

On 10th March, 2016 the Director of Public Prosecution concurred with our recommendations.

19 EACC/ISL/FI/INQ.7/2014

**INQUIRY INTO ALLEGATIONS OF IRREGULAR AWARDING OF TENDER FOR ERECTION
OF PERIMETER FENCE FOR PROPOSED SITE FOR COUNTY GOVERNMENT OFFICES
AND MISAPPROPRIATION OF FUNDS IN MARSABIT COUNTY**

Investigations revealed that Marsabit County Government Tender Committee used Restricted Tendering without meeting the prescribed conditions in an

attempt to regularize a flawed procurement process used to award a tender to undertake the erection of a perimeter fence on a land proposed to house County Headquarters

A report was prepared on 15th February, 2016 and forwarded to Director of Public Prosecution recommending several charges among them wilful failure to comply with applicable Procurement procedures contrary to Section 45 (2) (b), Abuse of Office contrary to Section 46 of prosecution Anti- Corruption and Economic Crimes Act, 2003

On 9th March, 2016 the Director of Public Prosecution concurred with our recommendations.

20 EACC/KSM/INQ/FI/06/2014

INQUIRY INTO ALLEGATIONS OF CORRUPT CONDUCT AGAINST THE CHIEF MANAGER, FINANCE IN THE PAYMENT OF SALARIES TO PERSONS WHO ARE NOT EMPLOYEES OF THE LAKE VICTORIA SOUTH WATER SERVICE BOARD

Investigations revealed that Chief Manager, Finance used to insert the names of his wife and a Mason who was constructing his residential house, persons who were not employees of the Board in the Pay Roll of Board employees and a total of Kshs. 12,009,590/= was irregularly paid out.

A report was prepared on 15th February, 2016 and forwarded to Director of Public Prosecution recommending several charges among them, Fraudulent Disposal of Public Property contrary to Section 45 (1) (b) and Abuse of Office contrary to Section 46 of prosecution Anti- Corruption and Economic Crimes Act, 2003

On 9th March, 2016 the Director of Public Prosecution concurred with the recommendations for prosecution.

21 CR.148/35/2015 CF. ACC.NO.30/2015

INQUIRY INTO ALLEGATION OF CORRUPITON AGAINST A POLICE OFFICER ATTACHED TO TASSIA POLICE PATROL BASE AND ANOTHER

Investigation revealed that the suspect who is a Police Officer solicited for and received a bribe of kshs. 5,000/= from the complainant as an inducement to release the complainant's brother from custody after having been arrested by

officials from the Music Copyright Society of Kenya for playing music in a public place without a licence.

A report was prepared and forwarded to the Director of Public Prosecution on 23rd February, 2016 recommending prosecution of the suspect for an offence of corruptly soliciting for and receiving a benefit under section 39 (3) (a) and (b) of Anti- Corruption and Economic Crimes Act, 2003.

On 10th May, 2016 the Director of Public Prosecutions concurred with the recommendation for prosecution.

22 CR. EACC/916/INQ/426/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST POLICE OFFICERS ATTACHED TO THE WEBUYE WEIGHBRIDGE

Investigations revealed that police officers who are employees of National Police Service failed to discharge their duty of diverting all trucks for weighing and taking action against those that disobeyed their orders to divert.

A report was prepared and forwarded to Director of Public Prosecution on 24th February, 2016 recommending that the suspects be charged with the offence of abuse of office contrary to section 46 as read with section 48 of the Anti-Corruption and Economic Crimes Act, 2003.

On 13th July, 2016 the Director of Public Prosecutions concurred with our recommendation to prosecute.

23 . 148/33/2015 CF. NO.ACC.27/2015 MILIMANI

INQUIRY INTO ALLEGATIONS OF CORRUPTION AGAINST POLICE OFFICERS ATTACHED TO JOGOO HOUSE POLICE STATION

Investigations established that the suspects are police officers who are employees of National Police Services, solicited and received Kshs. 300,000/= from the complainant as an inducement to forebear the charges of possessing fake bank currency.

A report was prepared and forwarded to Director of Public Prosecution on 10th March, 2016 recommending prosecution of the suspects with an offence of soliciting and receiving a benefit under section 39 (3) (a) and (b) of Anti-Corruption and Economic Crimes Act, 2003.

On 24th June, 2016 the Director of Public Prosecutions concurred with our recommendation to prosecute

24 EACC: MOMBASA RP/INQ.022/2015 CF. CR. 1091/2015

INQUIRY INTO ALLEGATION OF CORRUPTION AGAINST AN EMPLOYEE OF KENYA POWER AND LIGHTING COMPANY LIMITED

Investigations established that the suspects who are employees of Kenya Power and Lighting Company corruptly solicited and received Kshs.15,000/= from the complainant as an inducement to forbear charging him for an illegal connection of a meter box

A report was prepared and forwarded to Director of Public Prosecution on 23rd February, 2016 recommending prosecution of the suspects with the offence of soliciting and receiving a benefit contrary to section 39(3) (a) of the Anti-Corruption and Economic Crimes Act, 2003

On 7th April, 2016 the Director of Public Prosecutions accepted recommendation for prosecution.

25 CR. 148/23/2015 CF THIKA ACC. 6005/2015

INQUIRY INTO ALLEGATIONS OF DEALING WITH SUSPECT PROPERTY AGAINST TWO POLICE OFFICERS ATTACHED TO KABETE POLICE STATION

The Commission commenced investigation following complaints from members of the public that Traffic Police Officers along Waiyaki Way at Kabete Police Station were taking bribes from motorists without conducting traffic inspections

The Commission conducted surveillance on the Traffic Police Officers along the Waiyaki Way. Two police officers were captured receiving bribes from motorists And thereafter the vehicles would be allowed to pass without a traffic inspection.

On 25th February, 2016 a report was prepared and forwarded to Director of Public Prosecution recommending charges of dealing with suspect property under section 47 of the Anti- Corruption and Economic Crimes Act, 2003.

On 22nd March, 2016 the Director of Public Prosecution concurred with our recommendation to prosecute

26 CR. 781/574/2015 ACC. 1583/2015

INQUIRY INTO ALLEGATIONS OF CORRUPTION DURING KDF RECRUITMENT EXERCISE AT NAROK COUNTY

Investigations established that at the recruitment exercise of KDF officers in Olololunga Stadium in Narok South Sub-County the suspects offered to give Kshs.100,000/= to the KDF officers conducting the interviews in order to secure slots in the recruitment. Investigations further revealed that the suspects were taken to DCI Narok where they were interrogated for bribing KDF officers. DPP directed that the matter be taken over by EACC.

A report was prepared and forwarded to Director of Public Prosecutions 25th February, 2016 recommending that the suspects be charged with offences of corruptly offering a benefit contrary to section 39(3) (b) of Anti- Corruption and Economic Crimes Act, 2003.

On 14th June, 2016 the Director of Public Prosecution concurred with our recommendation to prosecute.

27 CR. 421/180/2015 MERU ACC. NO. 8/2015

INQUIRY INTO ALLEGATION OF CORRUPTION A CHIEF ADJUDICATION AND SETTLEMENT OFFICER TIGANIA EAST SUB-COUNTY, MERU COUNTY

Investigation revealed that the suspect is a Chief Land Adjudication and Settlement Officer, Tigania East Sub-County, Meru County corruptly solicited for a benefit of and received Kshs. 30,000/= as an inducement to make a ruling in favour of the complainant in a land dispute.

A report was prepared and forwarded to Director of Public Prosecution on 25th February, 2016 recommending prosecution of the suspects for soliciting and receiving a benefit contrary to section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act,

On 25thMay, 2016 the Director of Public Prosecution concurred with our recommendation to prosecute.

28 EACC/FI/OPS/INQ.NO.39/2015

INQUIRY INTO ALLEGATION OF BRIBERY AGAINST NAIROBI CITY COUNTY PARKING ATTENDANTS WITHIN NGARA AREA AND KIJABE STREET

Investigations commenced after EACC received anonymous reports from members of the public and the Nairobi City County (NCC) that parking Attendants from specific parking areas were collecting fees from motorists and that they were not remitting the money to NCC.

EACC carried out an Integrity Testing on the concerned Nairobi City Parking attendants and they failed the tests. However the nature of the tests carried out did not meet the threshold evidence required for a Criminal matter.

A report was prepared and forwarded to the Director of Public Prosecution on 1st March 2016, with recommendation for closure.

On 22nd March, 2016 the Director of Public Prosecution concurred with our recommendation

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

Total No. of files forwarded to the Director of Public Prosecutions	28
No. of files recommended for prosecution	24
No. of files recommended for administrative or other action	2
No. of files recommended for closure	2
No. of files recommended for prosecution and the cases are already lodged before Court	26
No. of files where recommendation to prosecute accepted	25
No. of files where recommendation for administrative or other action accepted	2
No. of files where recommendation for closure accepted	1
No. of files returned for further investigations	0
No. of files where recommendation to prosecute not accepted	0
No. of files where recommendation for administrative or other action not accepted	0
No. of files where closure not accepted	0
No. of files awaiting Director of Public Prosecution's action	0

DATED AT NAIROBI THIS

1st

DAY OF

Sept

2016

Sophia Lepuchirit

**SOPHIA LEPUCHIRIT
VICE CHAIRPERSON**

[Signature]

**HALAKHE D. WAQO (ACI ARB)
SECRETARY/CHIEF EXECUTIVE OFFICER**

REPUBLIC OF KENYA



*Paper laid
By the Hon Aden
Duale - Leader of
Majority on Tue
20/9/16
[Signature]*

OFFICE OF THE AUDITOR-GENERAL



REPORT

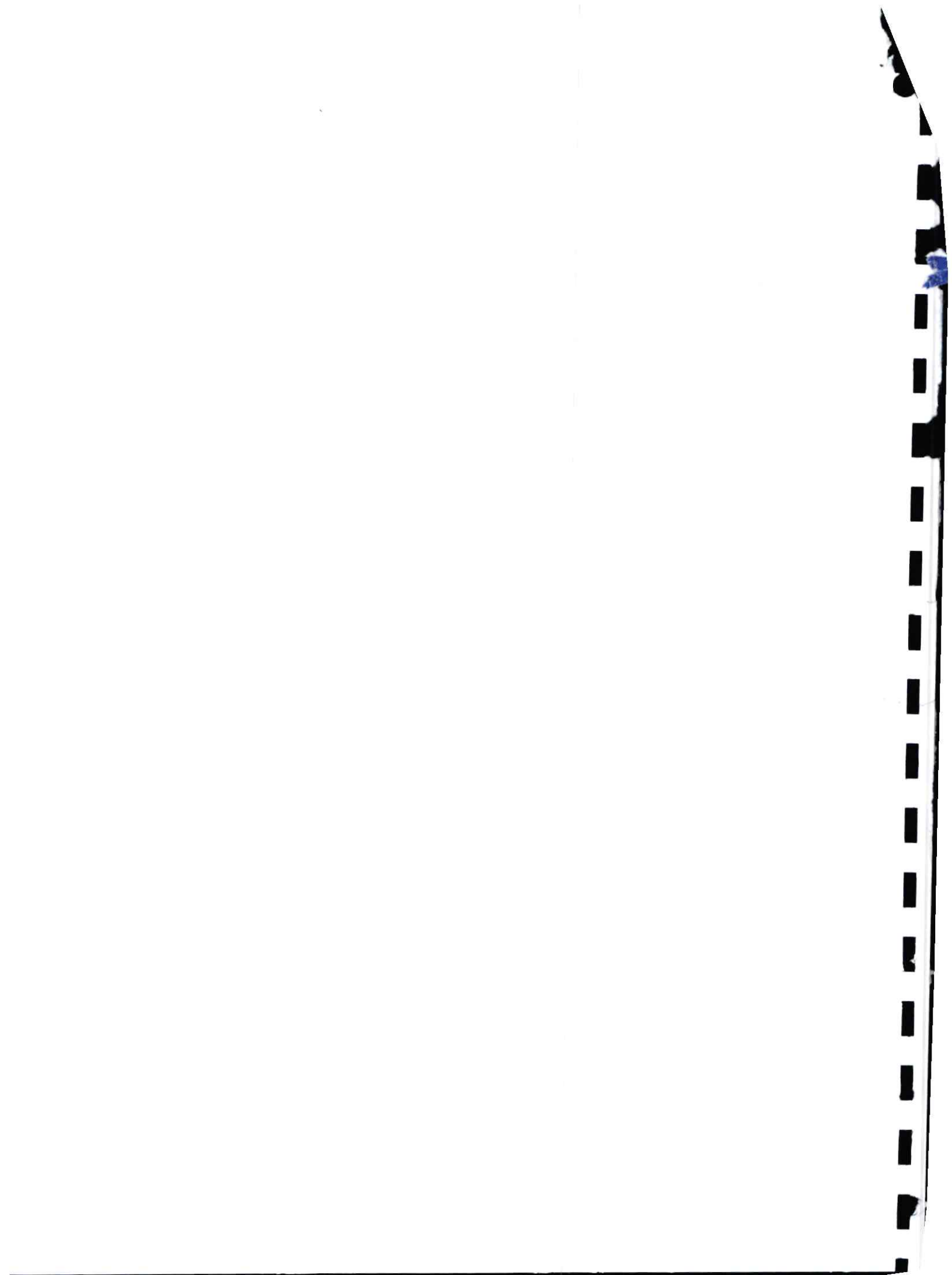
OF

THE AUDITOR-GENERAL

ON

THE FINANCIAL STATEMENTS OF
NATIONAL SOCIAL SECURITY FUND

FOR THE YEAR
ENDED 30 JUNE 2015





*Paper laid
By the Hon Aden
Diale - Leader of
Majority on Tue
20/9/16
[Signature]*

OFFICE OF THE AUDITOR-GENERAL



REPORT

OF

THE AUDITOR-GENERAL

ON

THE FINANCIAL STATEMENTS OF
NATIONAL SOCIAL SECURITY FUND

FOR THE YEAR
ENDED 30 JUNE 2015





NATIONAL SOCIAL SECURITY FUND

OFFICE OF THE AUDITOR GENERAL
P. O. Box 30084 - 00100, NAIROBI
- 6 MAY 2016
RECEIVED

ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015

*National Social Security Fund
NSSF Building
Off Bishop Road
P.O. Box 30599 - 00100,
Nairobi, Kenya
Tel: (020) 2729911, 27210552
Email: info@nssfkenya.co.ke*

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KEY CORPORATE INFORMATION

1. Background Information

NSSF was incorporated under the NSSF Act, Chapter 258 Laws of Kenya that was repealed after the NSSF Act no 45 of 2013 was enacted, which came into effect on 10th January 2014.

Principal Activity

NSSF's mandate is to register members, receive their contributions, prudent investment of the funds, process and ultimately pay out benefits to eligible members or dependants.

Major sources of revenue

NSSF is a national mandatory pension/provident fund whose main sources of revenue include member contributions and investment income. Investment income is made up of dividend income, rental income, interest income (from financial institutions and Tenant purchase products income).

2. Board of Trustees

NSSF operates under a Board of Trustees which is constituted as per the NSSF Act No. 45 Of 2013 (section 6). The Board is a body with representation from the most representative workers' organization, most representative employers' organization and the Government of Kenya (through the Ministries of Labour and National Treasury). The composition of the Board of Trustees is meant to accommodate the views and aspirations of the three social partners in policy formulation and running of the organization. The Trustees who served in the Board during the year were as follows:-

- a) Mr. Adan D. Mohamed, EBS -Chairman (left on 2 February 2015)
- b) Eng. Erastus Mwangera CBS, EBS, OGW - Trustee
- c) Mr. Cornelius Nyang'un - Trustee (left on 2 February 2015)
- d) Mr. Ali Ismail Noor - Trustee
- e) Mr. Mutua Kilaka – Trustee
- f) Mr. Andrew Muigai - Trustee
- g) Mrs. Veska Kangogo - Trustee
- h) Damaris Wanjiru Muhika - Trustee (appointed on 2 February 2015)
- i) Mrs. Jacqueline Mugo MBS, OGW - Trustee
- j) Mr. Francis Atwoli EBS, MBS - Trustee
- k) Mr. Richard K. Langat CEO, Secretary to the Board

On 16 September 2015, the Cabinet Secretary for Labour, Social Security and Services reconstituted the Board of Trustees by appointing the following Trustees before the Annual Report and Financial Statements were authorised by the Board of Trustees:

- | | | |
|------|--------------------------------|------------|
| i) | Mr. Kariithi Murimi | - Chairman |
| ii) | Mr. Francis Atwoli, EBS, MBS | - Trustee |
| iii) | Mrs. Jacqueline Mugo, MBS, OGW | - Trustee |
| v) | Mr. Patrick Onyango Ogola | - Trustee |
| vi) | Ms. Susan Mochache | - Trustee |
| vi) | Ms. Lyn Mengich | - Trustee |

Senior Management

The following are members of the Senior Management:-

- Mr. Richard K. Langat -CEO/Managing Trustee
- Mr. Joseph Kimote -General Manager (Research & Strategy)
- Mr. Austin Ouko -Ag. General Manager (Corporate Affairs/ Corporation Secretary)
- Mr. Gideon Kyengo -Ag. General Manager (Finance & Investment)
- Mr. Pius Metto -Ag. General Manager (Social Security)
- Dr. Anthony Omerikwa -Ag. General Manager (Operations)

4. Main Lawyers

Wetangula, Adan, Makokha & Co Advocates,

12th Floor Bruce House,
P. O. Box 10741-00100,
Nairobi
Tel: +254-20-316455/220498

Ngatia & Associates Advocates,

Bishops Gardens Towers, 2nd Floor, 1st Ngong Ave,
P.O. Box: 56688-00200,
Nairobi
Tel: +254-202733652

Cootow & Associates Advocates,

NSSF House, 11th Floor, Pent House, Nkrumah Road,
P. O. Box 16858 – 80100,
Mombasa
Tel: 041-2221243, 2220442

3. Main Bankers

Kenya Commercial Bank of Kenya Limited,
Moi Avenue,
P.O. Box 48400, 00100
Nairobi

National Bank of Kenya,
Hill Branch, NHIF Building,