

ANNUAL ANTI-CORRUPTION REPORT

BY

THE DIRECTOR OF PUBLIC PROSECUTIONS

**IN RESPECT OF PROSECUTION OF ANTI-CORRUPTION AND ECONOMIC
CRIME RELATED CASES**

PURSUANT TO THE PROVISIONS OF SECTION 67

OF

THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT

NO.3 OF 2003

FOR THE PERIOD

1ST JANUARY, 2014 TO 31ST DECEMBER, 2014



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ABBREVIATIONS AND ACRONYMS

ACC	-	Anti-Corruption Court
ACECA	-	Anti-Corruption and Economics Crimes Act No. 3 of 2003
AML	-	Anti-Money Laundering
CDF	-	Constituency Development Fund
CF	-	Court File
CFT	-	Combating of Financing of Terrorism
CID	-	Criminal Investigations Department
CPC	-	Criminal Procedure Code
DPP	-	Director of Public Prosecutions
EACC	-	Ethics and Anti-Corruption Commission
FATF	-	Financial Action Task Force
GIZ	-	Gesellschaft für Internationale Zusammenarbeit
GJLOS	-	Governance Justice Law and Order
IJM	-	International Justice Mission
IPOA	-	Independent Police Oversight Authority
KIP	-	Kenya Integrity Plan
KLIF	-	Kenya Leadership Integrity Forum
NACP	-	National Anti-Corruption Plan

- OPDAT - Office of Overseas Prosecutorial Development, Assistance and Training
- UNCAC - United Nations Convention against Corruption
- UNODC - United Nations Office on Drugs and Crime
- USDOJ - United States Department of Justice

CHAPTER ONE

1.0 PREAMBLE

The Office of the Director of Public Prosecutions (ODPP) was established following the promulgation of the Constitution of Kenya 2010. The main objective is to ensure accountability and transparency in the functions of the state in handling criminal matters and to provide a robust organization by creating an independent office. The Office was previously a department under the State Law Office discharging responsibilities in the criminal jurisdiction for the Republic of Kenya on behalf of the Attorney General.

The ODPP was delinked from the State Law Office with effect from 1st July, 2011 following the appointment of a Director of Public Prosecutions under the new Constitutional dispensation. Consequently, all prosecutorial powers and functions were transferred from the Attorney General's Office to the newly established Office of the Director of Public Prosecutions.

I am pleased once again, to lay before the National Assembly, the Annual Report with respect to prosecutions of Corruption and Economic Crimes cases handled by my office. This is Fourth (4th) Annual Report since I was appointed as the Director of Public Prosecutions (DPP) under the new Constitution; a position I am honored to have been entrusted with.

The report covers the period from 30th December, 2013 to 30th December 2014. This report has been prepared in compliance with Section 37 (1) of the Anti-Corruption and Economic Crimes Act, which came into operation on 2nd May, 2003. Section 37 (2) of the Act enjoins the Director Of Public Prosecutions to prepare an annual report with respect to prosecution of Corruption and Economic Crimes for the period ending 31st December, of the preceding year. Pursuant to Section 37 (3) of the Act, the report is to include a summary of the steps taken by the Director of Public Prosecutions in respect to each matter forwarded to him and the status of each case dealt with during that period. Further, Section 37 (4) of the Act requires that the report shall indicate if any recommendation of the Commission to prosecute a person for Corruption or Economic Crime was not accepted and shall set out succinctly the reasons for not accepting the recommendation.

The Act further requires that, as provided for under Section 37 (6) that the Annual Report must be laid annually before the National Assembly within the first

ten sitting days of the National Assembly following the end of the year to which the report relates. Since the commencement of the Act in 2003, eleven (11) such reports have been laid before the National Assembly.

It has been aptly remarked by a wisecrack that the place of a nation on the civilization scale is to be determined by the manner in which its criminal laws are enforced. Since all the elements of the public justice system are inter-dependent, even the strictest enforcement of law by either the Police Service or the judiciary will not deliver the goods unless it is supported by the ODPP through an efficient prosecution system.

As gatekeepers to the criminal justice system, the Office of the Director of Public Prosecutions acknowledges the critical role that is bestowed upon us in exercising the considerable discretion about whom to charge and for which crimes, a decision that affects the lives and fate of thousands of criminal suspects, and the safety and security of all citizens. When a crime is committed against a victim, it is a crime against the Republic as a whole. Therefore prosecutors do not represent individual victims; they perform their function on behalf of the public.

The Office of the Director of Public Prosecutions has the mandate of prosecuting all Corruption and Economic Crimes cases amongst others; giving directions to the Ethics and Anti Corruption Commission (EACC), the main investigative Agency for Corruption and Economic Crimes, tracing, forfeiture and recovery of Assets. The Office of the Director of Public Prosecutions also executes requests for Mutual Legal Assistance by other countries by initiating and conducting Extradition proceedings.

Currently, the ODPP is regionally based in all the Counties and our regional offices are headed by an officer above the rank of a Senior Prosecution Counsel who has the overall responsibility of making a decision on whether or not to prosecute.

We have in the past year attained a number of achievements, which are ancillary to the attainment of our core mandate in the prosecution of Corruption and Economic Crimes. They include the following:

- (i) Continued recruitment of additional staff and increased decentralization into the New High Court Stations has increased capacity and hence our efficiency in the provision of prosecution services;
- (ii) The prosecution of all corruption matters in the country has now effectively been taken over by professional Prosecution Counsel;
- (iii) Group training on the Anti-Corruption and Economic Crimes Act (ACECA) has increased efficiency in the prosecution of Corruption and Economic Crimes;
- (iv) Improved terms of service has led to attraction and retention of qualified Prosecution Counsel and finally;
- (v) A vibrant communications department, an active Office of the Director of Public Prosecutions website, a face book and twitter page have led to better access to information.

CHAPTER TWO

2.0 CHALLENGES IN THE PROSECUTION OF CORRUPTION AND ECONOMIC CRIME CASES

2.1 CHALLENGES

2.1.1 Delay in conclusion of cases

This is attributed to:

- (i) Preliminary objections by the defense;
- (ii) Judicial review and Constitutional Petitions;
- (iii) Unpreparedness of the defense to proceed;
- (iv) Reluctance, unwillingness and or unavailability of witnesses to attend court;
- (v) Shortage of special magistrates/courts;
- (vi) Frequent transfers of magistrates leaving part heard case;
- (vii) High turnover of investigators;
- (viii) Bottlenecks in Extradition and Mutual Legal Assistance. Examples include:-
 - ✓ ACC 2/2013 **Republic Vs. Thuita Mwangi & another** (Tokyo Japan case 11 witness from Japan remaining);
 - ✓ **Republic Vs Livingstone Maina Ngare** witnesses from the USA failed to turn up despite efforts to avail them. The case had to be withdrawn.
 - ✓ ACC 18/09 **Republic vs. Yagnesh Devani**; The case delayed while awaiting extradition and the same ultimately proceeded without the accused.

2.1.2 Limited capacity to prosecute complex cases.

2.1.3 Delay in the submission of files.

2.2 INTERVENTIONS TO ADDRESS THE CHALLENGES

- (i) Continued recruitment of more staff;
- (ii) Capacity building;
- (iii) Decentralization of the prosecution services to the county level;
- (iv) Formulation of Anti-Corruption Prosecution Guidelines;
- (v) Professionalization of the prosecution of Corruption and Economic Crime cases;
- (vi) Participation in the review and formulation of legislation, policy, rules and guidelines;
- (vii) Enhanced Inter-Agency co-operation;
- (viii) Enhanced stakeholder collaboration;
- (ix) Undertaking prosecution led investigations.

CHAPTER THREE

3.0 INTER-AGENCY COOPERATION AND COLLABORATION

The need to enhance cooperation and collaboration as an effective tool in the fight against corruption and economic crime is essential. In this regard, the ODPP has collaborated with the following Agencies; IPOA, DCI, EACC, FRC, the Attorney General and the Asset Recovery Agency among others.

Coupled with the above, the ODPP has been represented at the round table meetings wherein matters concerning Money Laundering have been discussed with stake holders.

In the period under review, the Office of the Director of Public Prosecutions undertook the following collaborative initiatives:-

3.1 National Cooperation

The ODPP worked closely with the Kenya Leadership Integrity Forum (KLIF) which is chaired by the Ethics and Anti-Corruption Commission, in developing the Kenya Integrity Plan (KIP).

3.2 Joint Training

In an effort to enhance the organizations capacity to prosecute Corruption and Economic Crimes, the ODPP held joint training with the following partners; EACC, UNODC, GIZ, IJM, Wayamo, US Department of Justice, Governance Justice Law and Order Sector (GJLOS) and the Kenya Revenue Authority (KRA) among others.

- (i) From 1st – 2nd July, 2014, officers from the ODPP attended a workshop organized by the office of the Director of Public Prosecutions in conjunction with Wayamo foundation dubbed '**Transnational Crimes and International Cooperation**' at Fairview Hotel;
- (ii) From 21st – 25th July, 2014 officers from the ODPP attended a Trial Advocacy Training organized by US Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training (USDOJ/OPDAT), focusing on **Complex Crime Transactions Involving**

Laundering of Criminal Proceeds at the Kenya School of Monetary Studies, Nairobi;

- (iii) From the 10th – 15th November, 2014, the Office in conjunction with the GIZ and IJM held joint Trial Advocacy Trainings for newly recruited Prosecution Counsel in Maanzoni.
- (iv) From the 3rd - 5th December, 2014, officers from ODPP, EACC and other institutions had a joint training organized by UNODC dubbed '***Electronic Evidence for Kenyan Prosecutors***'.

3.3 UNCAC REVIEW

Under the UNCAC Review Mechanism, every State Party is supposed to undergo a review of its implementation of UNCAC once every five years.

On the 1st September, 2014 the ODPP hosted 6 members of the UNCAC Country Review Team comprising of members from Papua New Guinea, Cape Verde, Officers from United Nations Office on Drugs and Crime (UNDOC) secretariat Vienna, representatives of the Office of the Attorney General, Department of Justice, the EACC, and the Witness Protection Unit.

The office made a presentation highlighting the following:-

- (i) The Director of Public Prosecutions mandated and functions;
- (ii) The Office of the Director of Public Prosecution's Organizational structure;
- (iii) The Office of the Director of Public Prosecutions Staff establishment;
- (iv) Institutional Linkages;
- (v) Prosecution of corruption & economic crimes cases;
- (vi) Prosecution of High Profile Cases;
- (vii) National Cooperation;
- (viii) International Corporation;
- (ix) Challenges faced by The Office of the Director of Public Prosecutions;
- (x) Technical Assistant Needs.

The UNCAC Review final report is yet to be forwarded by the UNCAC secretariat.

3.4 Financial Action Task Force (FATF) On-Site Visit

The ODPP took part in the on site visit to Kenya by the Africa/Middle East Regional Review Group of the Financial Action Task Force (FATF) that took place between 12th -13th May, 2013. Wherein, the ODPP made a presentation.

Subsequently, the on-site team was satisfied that Kenya had substantially addressed the technical requirement of FATF Action Plan and there was political commitment and institutional capacity to continue implementing AML/CFT reforms in Kenya.

3.5 Establishment of Anti- Money Laundering and Combating of Financing of Terrorism (AML/CFT) Division

Economic and organized crime, corruption, drug trafficking, terrorism, poaching, human trafficking, fraud and money laundering are serious threats to our economy, democracy and the rule of law. Criminal activities generate proceeds which are difficult to quantify. The development of sound legislation on confiscation and recovery of assets is an effective way to fight against organized crime and its profit-driven criminal enterprises. To this effect, an Anti-Money Laundering and Combating of Financing of Terrorism (AML/CFT) Division was set up in the ODPP on 18th July 2014 specifically to exercise prosecutorial powers in regard to Anti- Money Laundering and Combating of Financing of Terrorism cases.

3.6 International Corporation

From the 10th - 14th November 2014, officers of the ODPP attended the **East African Association of Prosecutors** 4th Training Workshop on Responding to Terrorism, International and Transnational Crimes held in Kigali –Rwanda. The ODPP made a presentation on an overview of Money Laundering, International, Regional and Domestic legal responses as well as on Emerging Counter – Terrorism approaches in East Africa.

CHAPTER FOUR

4.0 THE ORGANIZATION

4.1 Mission

The mission of the Office of the Director of Public Prosecutions is 'To service the Government and the public in providing professional, effective and efficient prosecution services'.

4.2 Vision

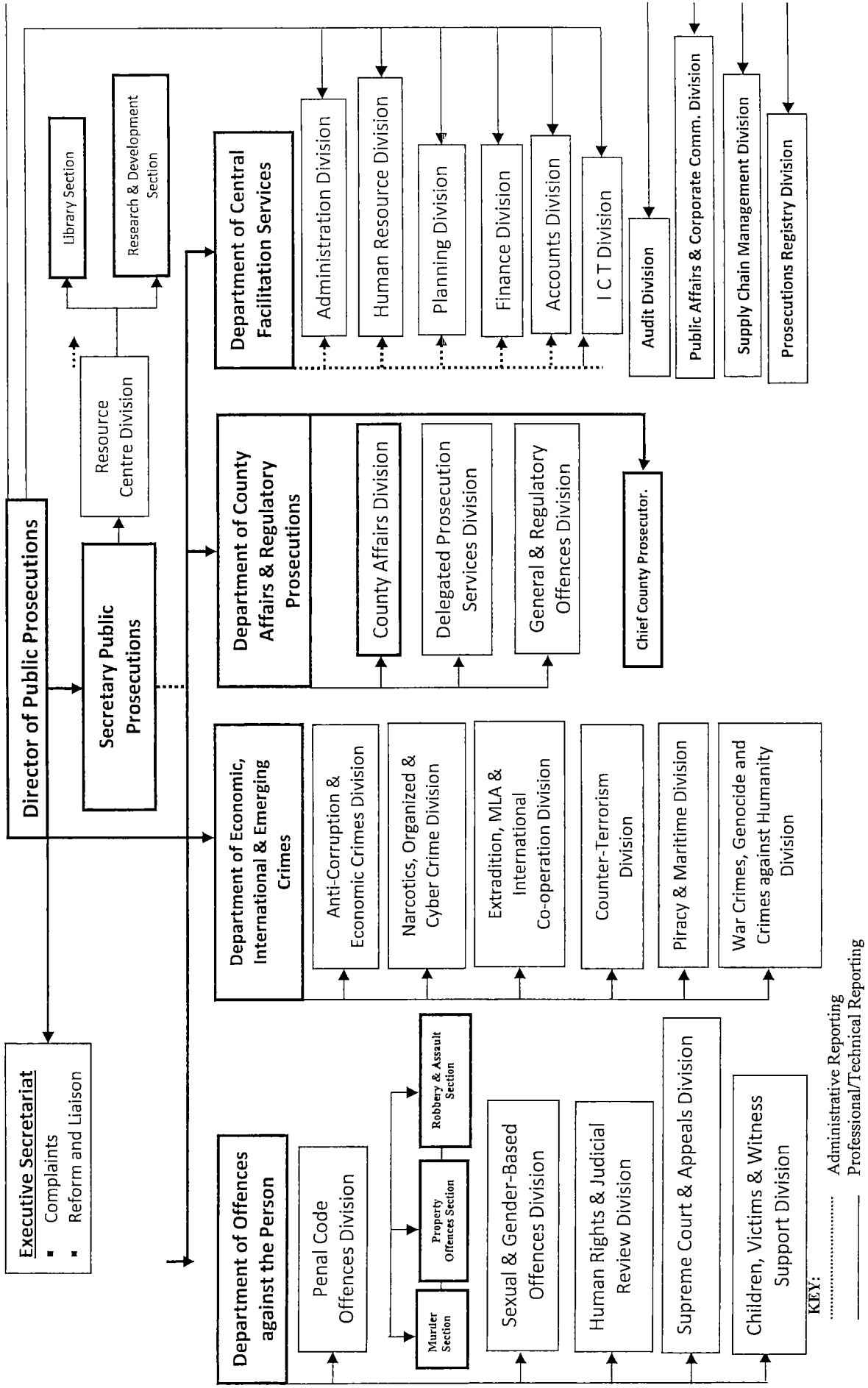
The vision of the Office of the Director of Public Prosecutions is 'To be a highly professional, effective and efficient prosecuting body in Kenya'.

4.3 Core Values

In pursuit of excellence in delivery of service, the Office of the Director of Public Prosecutions' staff will be guided by the following values: -

- (i) The principles of integrity, transparency and accountability.
- (ii) Team spirit, discipline, respect and courtesy among staff.
- (iii) Commitment and dedication to duty.
- (iv) Professionalism in service delivery.
- (v) Impartiality and fairness.

4.4 Organizational Structure



CHAPTER FIVE

5.0 FILES SUBMITTED BY ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)

5.1 THE FIRST (1ST) QUARTER OF THE YEAR - 1ST JANUARY TO 31ST MARCH, 2014

1. EACC/FI/INQ/25/2013

NO. 1. FIRST QUARTERLY REPORT

This was an inquiry into alleged irregular procurement of an Integrated Security Management Systems (ISMS) by the Central Bank of Kenya.

Investigation by EACC revealed that Central Bank of Kenya used the International Competitive Tender method to procure the installation of an Integrated Security Management Systems (ISMS) in the bank. The total budget for the project was Kshs.800 million. Following the advertisement, Central Bank received six bids, which were evaluated in accordance with the Procurement Regulations. The Evaluation Committee recommended the award of the tender to the lowest evaluated responsive bidder. Investigations further established that the Tender Committee declined to award the tender to the lowest bidder and directed that the Evaluation Committee conduct further evaluations. Upon carrying out a second evaluation, the Evaluation Committee settled on the same bidder. The Tender Committee rejected the recommendations of the Evaluation Committee and cancelled the tender.

Investigations further revealed that when the bidder recommended for the award learnt about the cancellation, they filed a Request for Review with the Public Procurement Administration Review Board (PPARB). The PPARB ruled in favour of the said bidder and ordered the Central Bank to award the contract to the bidder recommended by the Evaluation Committee. The Central Bank's Legal Adviser advised the Bank to appeal against the decision of the PPARB. However, the bank instead chose to award the contract to the bidder recommended by the Evaluation Committee and pursuant to the decision of the PPARB.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 3rd January, 2014 recommending the prosecution of the Central Bank

Governor for the offences of wilful failure to comply with the law relating to procurement contrary to Section 45(2) (b) and attempt to commit an offence of corruption contrary to Section 47A of the as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to support the charges for the offence of abuse of office contrary to Section 46 of the Anti- Corruption and Economic Crimes Act against the Governor of Central Bank, and directed prosecution to ensue.

STATUS

Before the charges could be filed the Governor Central Bank filed a Judicial Review application to stay prosecution. The Judicial Review application was dismissed on 17th November, 2014. The Governor thereafter filed an appeal which is awaiting judgement on 6th March, 2015 on application for stay pending court of appeal application

2. KACC/FI/INQ/177/2010

NO. 2. EACC FIRST QUARTERLY REPORT

This was an inquiry into allegations of fraud/tax evasion by the County Council of Turkana.

Investigations by EACC which established that various companies purchased goods worth Kshs. 2.8 million and used forged Tax Withholding Certificates to retain taxes amounting Kshs. 0.46 million. While purchasing the goods, they presented themselves as agents of the Turkana County Council. The goods were either purchased in the names of the suspects and or business names/companies owned by them. The Tax Withholding Certificates were purportedly used to show that the Council had been allowed by the Kenya Revenue Authority to withhold taxes whenever it purchases goods. It was established that the suspects used forged documents to fraudulently retain taxes which they never remitted to the Kenya Revenue Authority as required by the law.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 17th January, 2014 recommending the prosecution of the suspects for the

offences of fraudulent failure to pay taxes contrary to Section 45 (1) (d) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions directed that gaps and deficiencies in the investigations and further investigations be carried out in the outlined areas before giving a final decision in the matter.

STATUS

The file was returned to EACC with directions to conduct further investigations in the outlined areas and resubmit the file for further directions.

3. EACC/FI/INQ/43/2013

NO. 3. EACC FIRST QUARTERLY REPORT

This was an inquiry into allegations of abuse against public officers attached to Laikipia Lands Registry.

EACC carried out investigations upon receipt of allegations that public land identified as plot numbers Laikipia/Daiga Umande Block 4/495, 498, 499 and 811 had been irregularly allocated to private individuals and titles duly issued. Investigations revealed that Lands Officers based at the Laikipia Lands Registry irregularly alienated the six public plots and allocated them to the private individuals while knowing that the plots had been set aside for public utility. The plots had been set aside for public utilities which included polytechnic, schools, water point and dispensary.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 18th February, 2014 with recommendations that the suspects be charged with the offences of breach of public trust and abuse of office as provided for under Section 127 of the Penal Code and Section 46 as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 respectively.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to warrant prosecution of the suspects and directed that the matter proceed for prosecution.

STATUS

The suspects were charged with the offence of breach of public trust and abuse

of office as provided for under Section 127 of the Penal Code and Section 46 as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003 respectively. The matter is part heard in court.

4. EACC/NYI/FI/INQ/08/2013 NO. 4. EACC FIRST QUARTELY REPORT

This was an inquiry into allegations of abuse of office against the Nyeri County Governor.

Investigations by EACC established that immediately after being sworn in, the Nyeri County Governor used his three personal cars while discharging his official duties yet he had been allocated two government vehicles. Despite the fact that all the said three vehicles were being fueled by the County Government of Nyeri, the Governor went ahead and lodged a mileage claim amounting to Kshs. 1.3 million, which amount was paid.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 13th March, 2014 recommending the prosecution of the Governor and four other officers at the Nyeri County Office who were involved in the processing of the mileage payment.

Upon perusal of the file, the Director of Public Prosecutions directed that the file be returned for further investigations before giving a final decision in the matter.

STATUS

The file was returned to EACC with directions to conduct further investigations and resubmit the file for further directions.

5. KACC/FI/INQ/25/2011 NO.5. EACC FIRST QUARTELY REPORT

This was an inquiry into allegations of irregular allocation of public land to a private company by a former Minister in the Ministry of Lands

Investigations by EACC revealed that a parcel of land known as Nyandarua/Njabini/530 was allocated to a Training Centre under the Ministry of

Agriculture in the year 1962. In the year 2005, the then Minister for Lands and Housing, without following the laid down procedures, approved the irregular allocation of 25 acres from the said parcel of land to a private company. Investigations further revealed that the company upon getting the title document went ahead to sub-divide the land into six equal portions and used the title deeds as security for a loan facility amounting to Kshs. 86.5 million. Investigations also established that the former Minister was a Director in the Company to which he irregularly allocated the public land.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 28th January, 2014 recommending the prosecution of the former Minister and the then Director of Land Adjudication and Settlement for the offences of abuse of office contrary to Section 46 and fraudulent disposal of public property contrary to Section 45 (1) (a) of the Anti- Corruption and Economic Crimes Act, 2003; and breach of trust by a person employed in the public service contrary to Section 128 of the Penal Code.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that the evidence was sufficient to warrant prosecution of the suspects and directed that prosecution should ensue.

STATUS

The suspects were charged with the offences of abuse of office contrary to Section 46 and fraudulent disposal of public property contrary to Section 45 (1) (a) of the Anti- Corruption and Economic Crimes Act, 2003; and breach of trust by a person employed in the public service contrary to Section 128 of the Penal Code. The matter is part-heard in court.

6. EACC/ELD/FI/INQ/08/2012

NO. 6. EACC FIRST QUARTELY REPORT

This was an inquiry into allegations of irregular procurement of a bus by the Principal of Moi Girls High School, Eldoret at a cost of Kshs. 11.45 million

Investigations by EACC established that the Parents Teachers Association (PTA) of Moi Girls High School during its annual meeting held on 6th November 2010 approved the purchase of a 62-67 seater school bus as part of projects for the year 2011. Despite the School Bus Sub-Committee having identified a company

that would have sold a bus to the school at the lowest price, the Principal went ahead and awarded the contract to a supplier who had quoted the highest price of Kshs. 11.45 million. This was done unilaterally without involving the school's Tender Committee and in breach of the public procurement procedures and regulations. Investigations also established that the Principal and the School Accountant approved the release of funds for the bus that was irregularly purchased

EACC compiled a report and forwarded to the Director of Public Prosecutions on 13th February, 2014 recommending the prosecution of the school Principal and Accountant for the offences of abuse of office contrary to Section 46 and failure to comply with the law relating to public procurement procedures contrary to Section 45 (2) (b) of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to warrant prosecution of the suspects and directed that the matter proceed for prosecution.

STATUS

The suspects were charged with the offences of abuse of office contrary to Section 46 and failure to comply with the law relating to public procurement procedures contrary to Section 45 (2) (b) of the Anti- Corruption and Economic Crimes Act, 2003. The matter is part heard.

7. EACC/FI/INQ/51/2013

NO. 7. EACC FIRST QUARTERLY REPORT

This was an inquiry into allegations that the Eldoret South Constituency Development Fund Tender Committee irregularly awarded a tender for the construction of the Kamuyu-Ndungulu road project to a private company

Investigations by EACC established that in the financial year 2010/2011, the Eldoret South Constituency Development Committee (CDFC) prioritized the rehabilitation of several roads including the Kamuyu-Ndungulu road. The National CDF Board approved the project and allocated a sum of Kshs. **2.5** million. The Eldoret South Constituency Development Fund Committee, through an open tendering process, awarded the contract for the construction of the

road to a private company. Investigations revealed that the tendering process was done in accordance with the provisions of the Public Procurement and Disposals Act, 2005. No culpability was established on the part of the officials of the CDFC.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 17th February, 2014 recommending for the closure of the file.

Upon perusal of the file, the Director of Public Prosecutions directed that the file be closed.

STATUS

The file was returned to EACC with directions to close.

8. EACC/MSA/PI/003/2013

NO. 8. EACC FIRST QUARTELY REPORT

This was an Inquiry into allegations that the Managing Director, Mombasa Water Supply and Sanitation Company Limited fraudulently obtained a benefit of Kshs. 124, 750/= from the Company

Investigations by EACC established that the Managing Director received an invitation to attend 13th African Utility Week in South Africa. To facilitate travelling and accommodation, an imprest amounting to Kshs. 277, 750/= was processed and paid to her. On returning from the trip, she surrendered the imprest but was not able to account for Kshs. 76, 500/= being the unsupported expenditure.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 17th February, 2014 recommending for the closure of the file.

Upon perusal of the file, the Director of Public Prosecutions established that the suspects had refunded the amount which was unaccounted for and accepted the recommendation by EACC for closure.

STATUS

The file was returned to EACC with directions to close.

9. EACC/GSA/FI/INQ/5/2011

NO. 9. EACC FIRST QUARTELY REPORT

This was an inquiry into allegations of misappropriation and mismanagement of public funds; and flouting of procurement rules and regulations by the officers of the County Council of Garissa during the extension of the council's offices

Investigation by EACC established that in the year 2008, the officials of the County Council of Garissa resolved to expand their offices after experiencing shortage of working space. Investigations revealed that the then Council Clerk and all members of the Tender and Evaluation Committees flouted procurement regulations in the procurement of services for the extension of the Council's office. However, the evidence gathered was not sufficient to prove criminal charges against them. This was due to the fact that some of those indicated to have attended the Tender Committee and Tender Evaluation Committee meetings denied doing so. Further, the original contract document, the Tender Opening Committee Attendance Register and the duly signed minutes of the Tender Committee meetings of 9th March, 2009 and 13th March, 2009 could not be traced despite effort made.

EACC compiled a report to the Director of Public Prosecutions on the 26th February, 2014 recommending that administrative action be taken against the officers involved.

Upon perusal of the file, the Director of Public Prosecutions established that the evidence was insufficient to support criminal charges against the officers involved and directed that administrative action be taken.

STATUS

The file was returned to EACC with directions that administrative action is taken against the officers involved.

10. EACC/FI/INQ/29/2013

NO. 10. EACC FIRST QUARTERLY REPORT

This was an inquiry into allegations of irregularities in the recruitment of Principal Secretaries by the Public Service Commission

Investigations by EACC established that the Public Service Commission (PSC) advertised for the position of Principal Secretaries indicating all the necessary qualifications. The Commission used the said requirements/qualifications in short listing, interviewing and recommending for the appointment by the President of several candidates. Investigations further revealed that the qualifications for the position of Principal Secretary were not specified in law nor was the procedure to be followed by the PSC in discharging its mandate under Article 153 (3) of the Constitution and the Public Service Commission Act. The PSC therefore devised its own method. No culpability was established on the part of the Commission to warrant any criminal charges against the Chairperson, Commissioners and any employee of the PSC.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 21st January, 2014 recommending for the closure of the inquiry file.

Upon perusal of the file, the Director of Public Prosecutions accepted the recommendation for closure. He further concurred with the Commission's proposal that the procedure to be followed by the PSC in discharging its mandate should be defined and specified in law; and the Leadership and Integrity Act should be amended to provide for offences and penalties for violation of the provisions of the Act.

STATUS

The file was returned to EACC with directions to close the inquiry and recommended for amendment of the provisions of the Leadership and Integrity Act should be amended to provide for offences and penalties for violation of the provisions of the Act.

11. EACC/FI/INQ/43/2013 NO. 11. EACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of procurement irregularities in the award of a tender for the construction of movable exhibition standby the Kenya Tourism Board (KTB)

Investigations by EACC established that in the year 2012, the Kenya Tourism Board set aside funds for the construction of movable exhibition stands for

international exhibition events that normally take place between November and March every year. The two exhibitions were the International Tourism Bourse (ITB) held in Berlin and the World Travel Market (WTM) trade fair held in London, UK. In the financial year 2013/2014, the sum of Euros 660, 000 was allocated for the project. The Board intended to replace old exhibition stands which were procured in the 2008. The Board awarded the contract to a private company through Open International Tender at a cost of Euro 620, 000. The investigations established that the tendering process was carried out in accordance with the provisions of the Public Procurement and Disposals Act, 2005. No culpability was established on any employee of the Board in regard to the said procurement.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 18th February, 2014 recommending for the closure of the file.

Upon perusal of the file, the Director of Public Prosecutions accepted the recommendation for closure of the inquiry file.

STATUS

The file was returned to EACC with directions to close.

12. EACC/INQ/6/2013 NO. 12 EACC FIRST QUARTERLY REPORT

This was an inquiry into allegations of corruption against members of Embu County Assembly Vetting Panel for the position of County Executive members

The allegation received by the Commission was that the members of the Embu County Assembly Vetting Panel were soliciting bribes from applicants so as to be considered favourably for employment positions in the County Executive. Investigations did not reveal any act of corruption by the members of Vetting Panel as alleged.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 26th February, 2014 recommending the closure of the inquiry file.

Upon perusal of the file, the Director of Public Prosecutions accepted the recommendation for closure.

STATUS

The file was returned to EACC with directions to close.

13. CR.021/105/2013ACC. NO. 4/2013 NO. 13 EACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of corruption against an employee of the Kenya Power and Lighting Company.

Investigations by EACC established that the suspect, who is a Craftsman at the Kenya Power and Lighting Company corruptly solicited for a benefit of Kshs.200,000/= and Kshs.150,000/= respectively on different dates from the complainant as an inducement not to disconnect power to the complainant's premises. Investigations further established receipt of a benefit.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 13thFebruary, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions established that there was sufficient evidence to warrant prosecution of the suspects and directed that the matter be prosecuted.

STATUS

The suspects were charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court and it is coming for further hearing on 17th March, 2015.

14. CR.122/493/2013 NAIROBI ACC. NO. 20/2013 NO. 14 EACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of corruption against an employee of the Nairobi Technical Training Institute.

Investigations by EACC established that the suspect, who is a Supervisor at the Nairobi Technical Institute corruptly solicited for a benefit of Kshs.3, 000/= and Kshs.10,500 respectively on different dates from the complainant as an inducement to receive organic chemicals from the complainant on behalf of the Institute; and to also facilitate the processing of payment for the chemicals delivered. Investigations also established receipt of a benefit.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 21st January, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to warrant prosecution of the suspects and gave directions for prosecution.

STATUS

The suspects were charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court and it is coming for further hearing on 15th April, 2015.

15. EACC CR. 145/274/2013 CF. NYERI ACC. NO. 4/2013 NO. 15 EACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of corruption against a Manager working with the Kenya Industrial Estates

The evidence gathered established that on 11thSeptember 2013, the suspect demanded from the complainant a benefit of Kshs. 150, 000/= so as to approve a loan application lodged by the said complainant. The complainant had applied for a loan of Kshs. 14 million to enable him purchase stone-crushing machines. The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to Section 39(3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 17th March, 2014 with the recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions established that there was sufficient evidence to warrant prosecution of the suspects and gave directions for prosecution.

STATUS

The suspect was charged with the offences of soliciting for and receiving a benefit contrary to Section 39(3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003. The matter is part heard in court.

16. CR.145/273/2013 ACC. NO. 21/2013 NO. 16 EACC FIRST QUARTERLY REPORT

This was an Inquiry into allegations of corruption against a Traffic Police Officer based at Nairobi Area County Traffic headquarters

Investigations by EACC revealed that the suspect corruptly solicited for a benefit of Kshs. 5,000/= and Kshs. 3,000 respectively on different dates from the complainant as an inducement to forbear charging the complainant with traffic offences.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 17th March, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to warrant prosecutions and accepted the recommendation for prosecution.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of

the Anti-Corruption and Economic Crimes Act, 2003. The matter is awaiting a Ruling on a no case to answer on 20th March, 2015.

**17. CR.661/203/2013 ACC. NO. 6/2013
NO. 17 EACC FIRST QUARTERY REPORT**

This was an Inquiry into allegations of abuse of office against the Head of Treasury, Migori County

Investigations by EACC established that the suspect corruptly solicited for a benefit of Kshs.250, 000/= from the complainant as an inducement to process the payment of money due to the complainant from the County after an Industrial Court award. The investigations also established the receipt of a benefit by the suspect.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 21st March, 2014 recommending that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit under Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal, the Director of Public Prosecutions established that there was sufficient evidence to warrant prosecutions and Directed that the prosecution ensue.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit under Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

5.2 THE SECOND (2ND) QUARTER OF THE YEAR- 1ST APRIL TO 30TH JUNE, 2014

1. EACC/ KSM/ INQ /FI/04/2012 NO 1 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations of embezzlement of public funds and corruption in the award of the contract for the reconstruction of the Moi Kisumu Stadium.

Investigations by EACC established that during the 2011-2012 financial year, the Ministry of Youth and Sports allocated funds for the renovation of the Moi Stadium, Kisumu. The Ministry thereafter entered into a Memorandum of Understanding with the stadium owners, the Municipal Council of Kisumu to undertake the renovations.

Investigations established that the tender for the renovation was advertised and the evaluation process commenced. Contrary to the requirement that an evaluation committee should be appointed for purposes of evaluation of bids, in this particular case, the bids were evaluated by a single person. Nonetheless, an Evaluation report was compiled and signed by persons who did not participate in the evaluation. Investigations also established that the bidder who was awarded the contract for the renovation was not qualified since they did not meet the mandatory requirements in the tender documents and had used false documents while submitting their bids. The award was therefore irregular. The evidence obtained further revealed that the company awarded the tender received payment of a sum of Kshs. 8.5 million for services that were not adequately rendered.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 24th June, 2014 with recommendations that all the suspects involved in the irregular procurement and payment be charged with various offences as follows; the District accountant and Provincial Director of Sports, Kisumu be charged with the offences of fraudulently making payment from public revenue contrary to Section 45(2)(a) (iii), fraudulent disposal of public property contrary to Section 45(1) (b), abuse of office contrary to Section 46 and willful failure to comply with the law relating to management of public funds contrary to Section 45 (1) (b) of the Anti- Corruption and Economic Crimes Act, 2003; the Kisumu East District Procurement Officer be charged with the offences of willful failure to

comply with the law relating to procurement contrary to Section 45 (1) (b) of the Anti- Corruption and Economic Crimes Act, 2003; The Kisumu East District Works Officer be charged with failure to comply with the law relating to procurement contrary to Section 45 (2) (b) and abuse of office contrary to Section 46 of the Anti- Corruption and Economic Crimes Act,2003; The Kisumu County Quantity Surveyor be charged with abuse of office contrary to Section 46 of the Anti-Corruption and Economic Crimes Act, 2003; the partners of the contractor awarded the contract together with his agent be charged with fraudulent acquisition of public property contrary to Section 45(2) (a) of the Anti-Corruption and Economic Crimes Act, 2003 and making a false document contrary to Section 347 of the Penal Code. The contractor be charged with uttering a false document contrary to Section 353 of the Penal Code and the Provincial Auditor Kisumu and the Kisumu East District Agricultural Officer be charged with the offence of fraudulent acquisition of public property contrary to Section 45 (1) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to warrant prosecution of the suspects and accepted the recommendation for prosecution to ensue.

STATUS

Before the charges could be filed the suspects filed a Constitutional Petition challenging their prosecution. Conservatory orders were issued by the High Court staying the proceedings. The petition is still pending before court.

2. KACC/FI/INQ/44/2007

NO. 2 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations of misappropriation of funds from the National Aids Control Council (NACC) by officials of a Community Based Organization (CBO) in Eldoret North.

Investigations by EACC established that the CBO which is engaged in AIDS awareness campaign and helping of orphans in Eldoret North received a grant of Kshs. 200,000 from NACC. Two officials of the group who were signatories to the group's bank account withdrew the said money but did not inform the other group members. Investigations also established that whereas the money was to be used for the group's activities, the two suspects diverted it to their own use

and could not account for it. They also prepared false vouchers purporting that the money had been expended for the intended purpose of the group. The evidence obtained showed that they were culpable for the embezzlement of the money.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 4th April, 2014 with recommendations that the two officials of the CBO be charged with the offences of fraudulent acquisition of public property contrary to Section 45 (1) (a) of the Anti- Corruption and Economic Crimes Act, 2003, Deceiving principal contrary to Section 41 (2) of the Anti- Corruption and Economic Crimes Act, 2003; forgery contrary to Section 349 of the Penal code and uttering false documents contrary to Section 353 of the Penal Code.

Upon perusal of the file, the Director of Public Prosecutions established that the evidence on record was sufficient to warrant prosecutions of the suspects and directed the matter proceed for prosecution.

STATUS

The two officials of the CBO be charged with the offences of fraudulent acquisition of public property contrary to Section 45 (1) (a) of the Anti-Corruption and Economic Crimes Act, 2003, Deceiving principal contrary to Section 41 (2) of the Anti- Corruption and Economic Crimes Act, 2003; forgery contrary to Section 349 of the Penal code and uttering false documents contrary to Section 353 of the Penal Code. The matter part heard in court.

3. EACC INQ/13/2013

NO. 3 EACC SECOND QUARTELY REPORT

This was an Inquiry into allegations of corruption against Public Health Officers attached to Huruma, Nairobi County

Investigations by EACC established that the suspects, who were all Public Health Officers, Huruma, Nairobi County corruptly solicited for a benefit of Kshs. 60,000 from the complainant as an inducement to forbear charging him with offences under the Public Health Act. The investigations further established that whereas the complainant reported that the three officers had solicited for a benefit, the taped conversation did not establish this solicitation. In addition, the money that one of the officers who is said to have received it from the complainant was not

recovered from him. The Commission was of the opinion that the evidence obtained would not meet the threshold to sustain charges of corruption against the suspects. This notwithstanding, the Commission was of the opinion that the conduct of the three suspects was one that brought their position as public officers in disrepute, and their integrity was put into question.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 21st May, 2014 with recommendations that administrative action be taken against the three suspects.

Upon perusal of the file, the Director of Public Prosecutions directed that administrative action to be taken against the three suspects.

STATUS

The file was returned to EACC with directions that administrative action be taken against the three suspects.

4. CR. 434/13/2014

NO. 4 EACC SECOND QUARTELY REPORT

This was an Inquiry into allegations of corruption against the Principal of Wakaela Secondary School, Machakos.

Investigations by EACC established that the suspect, who is the Principal of Wakaela Secondary School solicited for a benefit of Kshs. 30,000 from the complainant as an inducement to release the payment of money to the complainant in respect of a tender for the supply of computers, computer accessories and stationery to the school. The suspect also received a benefit of Kshs. 10,000.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 21st May, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions established that the evidence on record was sufficient to warrant prosecutions of the suspects and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

5. CR. 123/105/2014 CF. NAIROBI ACC. NO. 1/2014 NO. 5 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations of corruption against the District Registration Officer Kasarani.

Investigations by EACC established that the suspect, who is the District Registration Officer, Kasarani corruptly, solicited for and received a benefit of Kshs. 5,000 from the complainant as an inducement to process identity card application forms in respect of the complainant. The suspect also received a benefit of Kshs. 5,000.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 19th May, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions established that the evidence on record was sufficient to warrant prosecutions of the suspects and directed the matter proceed for prosecution.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The accused was acquitted on 2nd September, 2014 under Section 202 of the Penal Code (for non appearance of the complainant)

6. CR.255/255/91/2014

NO. 6 EACC SECOND QUARTELY REPORT

This was an Inquiry into allegations of corruption against Police Officers attached to Kenya Power and Lighting Nyeri Office and the Nyeri Police Station

Investigations by EACC established that the suspects corruptly solicited for a benefit of Kshs. 100,000 from the complainant as an inducement to exonerate him from allegations implicating him in connection with the vandalism of electrical transformers in Nyeri Town. However, the suspects did not receive the benefit from the complainant but one of the suspects was arrested after demonstrating his willingness to receive Kshs. 50,000 from the complainant.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 11th June, 2014 with recommendations that the suspects be charged with the offences of corruptly soliciting for and agreeing to receive a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions established that the evidence on record was sufficient to warrant prosecutions of the suspects and directed the matter proceed for prosecution.

STATUS

The suspects were charged with the offences of corruptly soliciting for and agreeing to receive a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

7. EACC/FI/INQ/74/2013

NO. 7 EACC QUARTERLY REPORT

This was an Inquiry into allegations of theft of USD 8500 by the Chief Executive Officer, Football Kenya Federation (FKF)

Investigations by EACC established that sometime in November, 2011, the National Football team, Harambee Stars travelled to Dar-es salaam for a CECAFA Senior Challenge tournament. At the time of the travel, CECAFA had

not released the money for the air tickets for the players, and they requested the Football Kenya Federation (FKF) to meet the travel costs. This was on the understanding that CECAFA would refund the said money to FKF. Investigations further established that CECAFA refunded the sum of USD 8500 to the FKF through its Chief Executive Officer (CEO). Investigations established that the CEO did not account for the said money and he was therefore accountable for its loss.

The Commission was of the opinion that failure to account for this money amounted to an offence. However, since the funds received were not public funds within the meaning of public property as defined in the Anti-Corruption and Economic Crimes Act, the Commission was satisfied that an offence under the Act would not be sustained.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 19th May, 2014 with recommendations that the Inquiry file together with the result of investigation be submitted to the Criminal Investigations Department (CID) to charge the suspect with appropriate charges.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to warrant prosecution of the suspects and accepted the recommendation for referral of the matter to the CID for the suspects to be charged with appropriate charges.

STATUS

The file was returned to EACC with directions that the matter be submitted to the Criminal Investigations Department (CID) to deal.

8. EACC/FI/1NQ/38/2013

No. 8 EACC QUARTERLY REPORT

This was an Inquiry into allegations that a parcel of land measuring 100 acres in Liyavo Settlement Scheme, Trans Nzoia was irregularly acquired by a former Ambassador to the detriment of squatters living on the said Scheme.

Investigations by EACC established that the Liyavo Scheme was initially part of land parcel known as Number 5751 within Trans zoiia District owned by white settlers. The Settlement Fund Trustee (SFT) later purchased this land and squatters

were allowed to reside and work on the said land and issued with Temporary Occupational Certificates. They were later allocated 5 acres for subsistence farming. Investigations further established that a policy was adopted to dispose of the expensive farms and houses in the scheme which were offered to persons who were able to comply with the SFT loaning conditions.

The former ambassador applied for allocation of 100 acres on which stood a farm house in the scheme. He was allocated the said land in 1983 and he subsequently cleared the SFT loan and was later issued with a Clearance Certificate and subsequently a Title deed. The investigation did not reveal sufficient evidence to conclusively prove that the former ambassador illegally acquired 100 acres from Liyavo Settlement Scheme.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 30th May, 2014 with recommendations that the inquiry file be closed.

Upon perusal of the file, the Director of Public Prosecutions established that the evidence was insufficient to warrant prosecution and accepted the recommendation for closure.

STATUS

The file was returned to EACC with directions to close.

9. EACC/FI/INQ/1/2012

NO. 9 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations that the Multi Media University (MMU) irregularly awarded the contract for the renovation of a communication laboratory building at a cost of Kshs. 7,055,560 without following the Public Procurement and Disposal Regulations.

Investigations by EACC established that sometime in 2010, the management of the MMU decided to renovate the communication laboratory building which was in a bad state. Estimates were prepared and tenders invited. Investigations established that pre-qualified contractors were invited and after the submitted bids were evaluated, the tender was awarded to the lowest responsive bidder. However, before the renovations could commence, it was discovered that the contractor awarded the contract had not been eligible since they were not

registered with the Ministry of Public Works which was a mandatory requirement, and had submitted a false registration certificate. The contract to the said contractor was thus cancelled and the tender re-awarded to the second lowest evaluated bidder.

The investigations established that the MMU used restricted tendering in regard to the tender for the renovation. This was approved by its tender committee. The investigation also established that as a matter of fact, the entity largely adhered to the public procurement and disposal Act and Regulations. The only error made was with regard to inviting some of the bidders who were not in the pre-qualified list. However, a justification for this was given to the effect that these additional bidders outside the pre-qualified list had been evaluated by the entity in similar other projects being undertaken at the University and for which they had been found to be technically competent. Before they were so invited, the Tender Committee also gave its approval after being satisfied with the justification given.

The Commission did not find sufficient evidence to prove culpability on the part of the officers at the MMU involved in the particular procurement. A report was compiled and forwarded to the Director of Public Prosecutions on 11th June, 2014 with recommendations for closure of the inquiry file.

Upon perusal of the file, the Director of Public Prosecutions found insufficient evidence to warrant prosecution and directed that the file be closed as recommended by EACC.

STATUS

The file was returned to EACC with directions to close.

10.EACC/SA/FI/INQ/7/2013

NO. 10 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations that the former Member of Parliament for Kaloleni Constituency abused his office to irregularly benefit contractors and himself by awarding those CDF projects and in return received kickbacks from them.

Investigations by EACC established that several CDF project were initiated in Kaloleni Constituency. These included construction of classrooms in various secondary schools in the Constituency. Whereas it was alleged that the former MP influenced the award of the CDF projects to various contractors, investigations did not reveal any such influence. Investigations further established that due process was followed in the award of the contracts and the authenticity of the documents submitted to the Commission purporting the influence by the former MP were found to be questionable. Investigations did not reveal that the MP received any kickbacks as alleged. There was no evidence of wrongdoing on the part of the MP to warrant any action to be taken against him.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 24th April, 2014 with recommendations that the inquiry file be closed.

Upon perusal of the file, the Director of Public Prosecutions found insufficient evidence to warrant prosecution and directed that the file be returned for closure as recommended.

STATUS

The inquiry file was returned to EACC with directions that the file be closed.

11. EACC/FI/INQ/49/2013

NO. 11 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations that the Eldoret South Constituency Development Fund Tender Committee irregularly awarded a tender for the construction of the Bindura-Chepkoiyo Road project to a private company

Investigations by EACC established that in the financial year 2010/2011, the Eldoret South Constituency Development Committee (CDFC) prioritized the rehabilitation of several roads including the Bindura - Chepkoiyo road. The National CDF Board approved the project and allocated a sum of Kshs. 2.5 million. The Eldoret South Constituency Development Fund Committee invited bids from pre-qualified contractors. After the evaluation of the bids process, the contract for the construction of the road was awarded to a private company.

Investigations revealed that the tendering process was done in accordance with the provisions of the Public Procurement and Disposal Act, 2005. No culpability was established on the part of the officials of the CDFC. However, it was established that the final inspection of the road project was not done by the Project Implementation Committee. In this regard, the Commission was of the opinion that before the contractor can be paid for work done, which payment had been suspended pending this investigation, and then the Project Implementation Committee should inspect the works and prepare a final inspection certificate. Nonetheless, no culpability was established in regard to the procurement process.

EACC compiled a report and forward to the Director of Public Prosecutions on 24th June, 2014 with recommendations for closure of the inquiry file.

Upon perusal of the file, the Director of Public Prosecutions found no sufficient evidence to warrant prosecution and directed that the file be returned for closure as recommended.

STATUS

The inquiry file was returned to EACC with directions that the file be closed.

12. CR. 735/259/2013

NO. 12 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations of corruption against the Member of the County Assembly (MCA) representing Ngong Ward.

Investigations by EACC established that the MCA corruptly solicited for a benefit of Kshs. 40,000 from the complainant as an inducement to facilitate the allocation of a plot to the complainant for the purpose of starting a car wash business within Ngong Town. The suspect also received a benefit of Kshs. 38, 000 through an agent.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 11th April, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found sufficient evidence to warrant prosecution of the suspects and directed that prosecution should ensue as recommended.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

13.EACC/FI/INQ/07/2012

NO. 13 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations of false mileage claim against the former Director of Legal Services at the Truth Justice and Reconciliation Commission (TJRC).

Investigations by EACC established that sometime in 2011, the TJRC organized a Civic Education drive as a precursor to the public hearings in the North Eastern Province. One of the TJRC officers involved in the civic education was the Director of Legal Services at the Commission. Investigations established that he received an imprest of Kshs. 205,000 to cater for per diem, fuel, security and contingencies.

Investigations by EACC established that the TJRC officials travelled to North Eastern for the exercise. Investigations further revealed that during the time of the surrender of the imprest, the officer used false fuel receipts to account for the imprest received. The questioned receipts were submitted to the Document Examiner to establish the author. The report of the Document Examiner revealed that the false receipts were made by the officer who received the imprest and two others. However, a second examination of the same receipts was requested by the said officer, and the subsequent report from the Document Examiner revealed that they were not authored by the suspects. There was therefore no conclusive evidence that the officer who surrendered the imprest made the false documents.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 8th April, 2014, with recommendations that the inquiry file be closed.

Upon perusal of the file, the Director of Public Prosecutions found there were gaps in the investigations and directed that the file be returned for further investigations.

STATUS

The inquiry file was returned to EACC with directions that further investigations be conducted along the identified areas and the file be resubmitted.

14. CR. 511/473/2013

NO. 14 EACC SECOND QUARTERLY REPORT

This was an inquiry into allegations of corruption against a Revenue Officer, Kenya Revenue Authority Garissa.

Investigations by EACC established that the suspect, who is an employee of the Kenya Revenue Authority solicited for a benefit of Kshs. 500 from the complainant as an inducement to facilitate the processing of a Tax Compliance Certificate. The suspect also received a benefit.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 19th May, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found sufficient evidence to warrant prosecution of the suspect and directed that prosecution should ensue as recommended.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

15.CR.831/871/2013

NO. 15 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations of corruption against a Parking Attendant, Uasin Gishu County Government.

Investigations by EACC established that the suspect, who is a Parking Attendant in Eldoret, Uasin Gishu County corruptly solicited for a benefit of Kshs. 1,000 from the complainant as an inducement to forbear the enforcement of the payment of Kshs. 2,500 as a penalty for wrongful parking. The suspect also received a benefit.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 19th May, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found sufficient evidence to warrant prosecution of the suspect and directed that prosecution should ensue as recommended.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

16.EACC. NO. 12 Of 2013

NO. 16 EACC SECOND QUARTELY REPORT

This was an Inquiry into allegations of corruption against officers of the Kenya Power and Lighting Company based in Molo.

Investigations by EACC established that three of the suspects were employees of KPLC whereas a fourth suspect was a private electrician. Investigations established that two of the suspects asked for 'chai ya wazee' but did not

elaborate, whereas the private electrician solicited for a benefit of Kshs. 2,000 in order to connect electricity to the complainant's premises. Investigations further established that none of the suspects received a benefit from the complainant and the private electrician who had specifically demanded for a benefit disappeared and has not been traced. It was further established that when the private electrician asked for money, he was not acting on behalf of another person. Therefore the elements of the offence of corruption could not be proved. The Commission was of the opinion that the evidence obtained was not sufficient to sustain any charges against all the suspects.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 8th May, 2014 with recommendations that administrative action be taken against the three public officers.

Upon perusal of the file, the Director of Public Prosecutions found the evidence insufficient to support criminal charges and accepted the recommendation that administrative action be taken against the three public officers who are employees of Kenya Power and Lighting Company Limited, Molo.

STATUS

The file was returned to EACC with directions that administrative action be taken against the three public officers who are employees of Kenya Power and Lighting Company Limited, Molo.

17.CR. 123/105/2014 CF. NAIROBI ACC. NO. 1/2014 No. 17 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations of corruption against three private individuals in Kilungu.

Investigations by EACC established that the suspects corruptly offered a benefit of Kshs. 50,000 to the complainant (a magistrate) in exchange for an acquittal of the accused persons in a criminal case pending before the Kilungu Magistrates Court. The investigations established that the suspects wanted to influence the complainant to give a favourable judgment in a case involving their relatives. The suspects were arrested before they could give the benefit offered but the sum of Kshs. 50,000 was recovered from one of them.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 25th April, 2014 with recommendations that the suspects be charged with the offence of corruptly offering a benefit contrary to Section 39(3) (b) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was enough evidence to charge the suspects and directed that prosecution ensue.

STATUS

The suspects were charged with the offence of corruptly offering a benefit contrary to Section 39(3) (b) of the Anti- Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

18.EACC/INQ/15/2014

NO. 18 EACC SEOND QUARTERLY REPORT

This was an Inquiry into allegations of corruption against an Enforcement Officer, County Government of Nakuru.

Investigations by EACC established that the suspect corruptly solicited for a benefit of Kshs. 5,000 from the complainant as an inducement to allow him to construct a shade outside his kiosk. The suspect also received a benefit of Kshs. 3,000 from the complainant. He was arrested and arraigned before the Nakuru Anti- Corruption Court and charged 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.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 3rd April, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions found sufficient evidence to warrant prosecution of the suspects as charged and directed that the case proceed to its logical conclusion.

STATUS

The suspects were charged 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. The matter is part heard in court.

19.CR.145/73/2014

NO. 19 EACC SECOND QUARTERLY REPORT

This was an Inquiry into allegations of corruption against a Traffic Police Officer attached to Langata Police Traffic Department

Investigations by EACC established that the suspect, who is a traffic police officer attached to Langata Police Station corruptly solicited for a benefit of Kshs. 3,000 from the complainant as an inducement to forbear charging the complainant with a traffic offence. The suspect also received a benefit of Kshs. 2,000.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 27th May, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found that there was sufficient evidence to support the recommended charges and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

5.3 THE THIRD (3RD) QUARTER OF THE YEAR- 1ST JULY TO 30TH SEPTEMBER, 2014

1. EACC/FI/INQ NO. 47/2014

NO. 1 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations that the Machakos County Assembly irregularly single-sourced sixty second-hand laptops for County Representatives at a cost of Kshs. 75,000/= per laptop.

Investigations by EACC established the members of the Machakos County Assembly Tender Committee resolved that direct procurement be used in sourcing for the laptops and the Committee engaged a firm that had previously supplied five lap tops to the County, to supply 60 laptops at a price of Kshs. 75,000/- per laptop. Investigations revealed that Tender Committee flouted procurement regulations in using the direct procurement method without meeting the pre-requisite requirements for the use of direct procurement. The fact that the financial year was coming to a close was not sufficient justification for adopting the said method. Investigations further established that the firm that was awarded the contract for the supply of the laptops was not qualified as they used false documents when submitting their bid for the 5 laptops.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 24th September, 2014 recommending that the suspects be charged with the offences of careless failure to comply with the law relating to procurement of goods contrary to Section 45 (2) (b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, wilful failure to comply with the law relating to procurement of goods contrary to Section 45 (2) (b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, fraudulent practice in procurement contrary to Section 41 (1) and (4) of the PPDA and Uttering a false document contrary to Section 353 of the Penal Code.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC. The Director of Public Prosecutions directed that that the suspects be charged as recommended by EACC.

STATUS

The suspects were charged with the offences of careless failure to comply with the law relating to procurement of goods contrary to Section 45 (2) (b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, wilful failure to comply with the law relating to procurement of goods contrary to Section 45 (2) (b) as read with Section 48 of the Anti-Corruption and Economic Crimes Act, fraudulent practice in procurement contrary to Section 41 (1) and (4) of the PPDA and Uttering a false document contrary to Section 353 of the Penal Code. The matter is part heard in court.

2. EACC/FI/INQ NO. 40/2013

NO. 2 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of misappropriation and false accounting of imprest by a Customer Service Officer of the Youth Enterprise Development Fund

Investigations by EACC established that Customer Service Officer took an imprest of Kshs. 2,343,000/= for purposes of organizing a sensitization forum in Kakamega from 10th to 11th October 2011. It emerged that the officer misrepresented the sums of money that were paid to the participants in allowances. Investigations further established that the officer also came up with fictitious names of persons who were listed as participants in a bid to justify the payments. The investigations revealed that the suspect spent Kshs. 1, 483,925/= and not the Kshs. 2,231,125/= that she surrendered after the sensitization forum. The suspect could not therefore account for Kshs. 747,200/=.

EACC compiled a report and forwarded the same to the Director of Public Prosecutions on 16th September, 2014, recommending that the suspect be charged with the offences of Fraudulent Acquisition of Public Property contrary to Section 45 (1) (a) and Deceiving a Principal contrary to Section 41 of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC. The DIRECTOR OF PUBLIC PROSECUTIONS directed that the suspects recommended by EACC be charged.

STATUS

The suspect was charged with the offences of Fraudulent Acquisition of Public Property contrary to Section 45 (1) (a) and deceiving a Principal contrary to Section 41 of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

3. EACC/FI/INQ/43/2013

NO. 3 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of irregular withdrawal of Kshs. 11.5 million by the Managing Commissioner of the Kenya Meat Commission (KMC) from the Commission's Fund Kitty

Investigations by EACC established that on 27th April 2012, the Chief Finance Officer at KMC and the suspect, the Managing Commissioner at KMC, signed a letter addressed to KMC bankers requesting the bank to make a payment of Kshs. 11.5 million to the Chief Finance Officer for the purchase of livestock. Investigations established that while the practice was that a cheque be issued, the said money was instead paid to the suspect in cash and not to the Chief Finance Officer as it had been indicated in the letter. The suspect did not acknowledge receipt of the money nor did the cashier generate an electronic withdrawal slip. However, investigations established that indeed the Managing Commissioner withdrew the money from the KMC account. At the time the suspect received the money, the KMC account did not have sufficient funds. Nonetheless the bank paid the suspect the money on the basis that an RTGS was expected from the KMC Co-operative Bank account.

A report was compiled and forwarded to the Director of Public Prosecutions on 21st August, 2014 recommending that the suspect be charged with the offences of unlawful acquisition of public property contrary to Section 45 (1) (a) of the Anti-Corruption and Economic Crimes Act and abuse of office contrary to Section 46 of the said Act.

Upon perusal of the file, the Director of Public Prosecutions found gaps and deficiencies in the investigations and returned the inquiry file to EACC with directions that further investigations be carried out.

STATUS

The inquiry file was returned to EACC with directions to conduct further investigations along the identified areas and resubmit.

4. CR.122/493/2013 NAIROBI ACC. NO. 20/2013

No. 4 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against a Manager, Domestic Taxes at Kenya Revenue Authority.

Investigations by EACC established that the suspect, who is a Manager, Domestic Taxes at Kenya Revenue Authority corruptly solicited for a benefit of Kshs. **15 Million** from the complainant on diverse dates as an inducement to reduce the amount of tax payable by the complainants' firm. Investigations also established receipt of a benefit by the suspect.

EACC compiled a report on the results of their investigation and forwarded the same to the Director of Public Prosecutions on 2nd September, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC. The Director of Public Prosecutions directed that that the suspect recommended by EACC be charged.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

The case is pending before court.

5. EACC/INQ/NO/15/2013

NO. 5 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against the Cabinet Secretary for Mining.

The investigation report received by EACC was that the Cabinet Secretary for Mining had solicited for a benefit of **Kshs. 80 million** from the officials of a mining company failure to which the company's mining licence would be revoked. The officials however reported the matter after the licence was revoked. The investigation did not reveal any evidence to prove that the demand had been made as alleged.

The investigation report forwarded to the Director of Public Prosecutions on 8th July, 2014 recommending that the file be closed with no further action.

Upon perusal of the file, the Director of Public Prosecutions found gaps and deficiencies in the investigations and returned the file with directions that further investigations be carried out in the identified areas.

STATUS

The inquiry file was returned to EACC with directions that further investigations be carried out in the identified areas and the file be resubmitted.

**6. CR. 021/20/2 014 CF. MSA. ACC 5/2014
NO. 6 EACC THIRD QUARTERLY REPORT**

This was an Inquiry into allegations of corruption against a Revenue Officer, Kenya Revenue Authority

Investigations by EACC established that the suspect, who is a Revenue Officer at the Kenya Revenue Authority, corruptly solicited for a benefit of **Kshs.300,000/=** in February 2014 from the complainant as an inducement to release the complainant's goods which were being held in a warehouse.

EACC compiled an investigation report and forwarded to the Director of Public Prosecutions on 8th July, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC and accepted the recommendation for prosecution to ensue.

STATUS

The suspect was charged with the offences of corruptly soliciting for a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

7. CR. 145/161/2014 NAIROBI ACC. 17/2014 NO. 7 EACC THIRD QUARTELY REPORT

This was an Inquiry into allegations of corruption against two Members of the Nairobi City County Assembly.

The evidence gathered by EACC established that on 11th August 2014, the suspects corruptly solicited a benefit of **Kshs. 400, 000/=** from the complainants as an inducement so as to influence the deliberations of the Planning Committee of Nairobi City County Government with a view to stopping any planned demolition of stalls at Saika Market within Komarock Ward. Investigations further established that the suspects corruptly received a benefit of Kshs. 140,000/= from the complainants. The suspects were arrested and charged with the offences of soliciting for and receiving a benefit contrary to Section 39(3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 22nd September, 2014 with the recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC. The DIRECTOR OF PUBLIC PROSECUTIONS directed that that the case in court be prosecuted to its logical conclusion.

STATUS

The matter is coming up for hearing on 7th April, 2015.

**8. CR.218/53/2014 CF. NYERI ACC. NO. 3/2014
NO. 8 EACC THIRD QUARTELY REPORT**

This was an Inquiry into allegations of corruption against a Forest Ranger, Kinale Forest Station.

Investigations by EACC established that the suspect, who is a Forest Ranger at Kinale Forest Station corruptly solicited for a benefit of Kshs.15,000/= and Kshs.13,000/= respectively on different dates from the complainant as an inducement to release the items he had impounded from the complainant. Investigations further established receipt of a benefit.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 8th July, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC. The DIRECTOR OF PUBLIC PROSECUTIONS directed that that the suspect recommended by EACC be charged

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

**9. CR. 145/67/2014 NAIROBI ACC. NO. 6/2014
NO. 9 EACC THIRD QUARTERLY REPORT**

This was an Inquiry into allegations of impersonation of an EACC Investigator.

Investigations by EACC established that the suspect called the complainant, the Governor of Bungoma County and passed himself off as an investigator with EACC who was investigating the Governor on allegations of corruption. The

suspect demanded Kshs. 100,000/- from the Governor so as to come up with a favourable outcome. The suspect later met the Governor and again represented himself to the Governor as an investigator with the EACC. The suspect was arrested.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 14th July 2014 recommending that the suspect be charged with offences of impersonation and extortion.

Upon perusal of the file, the Director of Public Prosecutions found gaps and deficiencies in the investigations and returned the file with directions that further investigations be carried out along the identified areas.

STATUS

The inquiry file was returned to EACC with directions that further investigations be carried out along the identified areas and resubmit the file.

10. CR. 145/118/2014 CF. NAIROBI 10/2014 NO. 10 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against Public Officers in Nairobi City County.

Investigations by EACC established that on 9th June 2014, the suspects, who are public officers at Nairobi City County, corruptly solicited for and received a benefit of Kshs.30,000/= from the complainant as an inducement so as not to demolish a perimeter wall erected at the complainant's premises.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 17th July, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC. The Director of Public Prosecutions directed that that the suspects recommended by EACC be charged.

STATUS

The suspect was charged with the offences of corruptly soliciting for a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

11. CR. 021/19/2014 ACC. 4/2014 NO. 11 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against Traffic Officers and employees of a private company attached to the Mariakani Weighbridge.

Investigations by EACC established that the suspects, who are traffic police officers and employees of a company contracted by Kenya National Highways Authority, on 27th April 2014, corruptly solicited for **Kshs. 100,000/-** and received benefits in various amounts of money from the complainant as an inducement so as to allow five overloaded lorries to cross the weighbridge at Mariakani.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 17th July, 2014 with recommendations that the suspects be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public was satisfied that there was sufficient evidence to support the charges recommended by EACC and accepted the recommendation to prosecute.

STATUS

The suspects were charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

12. CR.145/74/2014 NAIROBI ACC. NO. 7/2014 NO. 12 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against a Senior Clerical Officer, Ministry of Interior and Coordination of National Government

Investigations by EACC established that the suspect, who is a Senior Clerical Officer corruptly solicited for a benefit of Kshs. 8,000/= which was reduced to Kshs. 7,000/= from the complainant as an inducement to release an Alcoholic Drinks Licence. Investigations further established receipt of a benefit of Kshs. 7,000 by the suspect.

EACC compiled and forwarded to the Director of Public Prosecutions on 24th July, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC. The Director of Public Prosecutions directed that that the suspects recommended by EACC be charged.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is coming up for hearing on 22nd April, 2015.

13. CR.161/78/2014 MILIMANI ACC. 9/2014 NO. 13 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against an Assistant Chief, High ridge Sub-location

Investigations by EACC established that the suspect, who is the Assistant Chief, High ridge Sub-Location corruptly solicited for a benefit of Kshs.5,000/= from the complainant as an inducement so as not to demolish a temporary structure the complainant had erected for charcoal business. Investigations further established receipt of a benefit by the suspect.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 24th July, 2014 with recommendations that the suspect be charged with the

offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is coming up for hearing on 16th April, 2015.

14.CR.735/120/2014 NAIROBI ACC. NO. 4/2014 NO. 14 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against a Performance Contracting Officer, Multi Media University.

Investigations by EACC established that the suspect, who is a Performance Contracting Officer at the Multi Media University corruptly solicited for a benefit of Kshs.20,000/= from the complainants as an inducement to allow the complainants take photographs at the grounds of the University.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 6th August, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and agreeing to receive a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of corruptly soliciting for and

agreeing to receive a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

15. CR. 145/56/2014 CF. 3/2014

NO. 15 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of impersonation of an EACC Investigator.

Investigations by EACC established that the suspect called the complainant, the Managing Director of Geothermal Development Company and passed himself off as an investigator with EACC who was investigating a complainant on allegations of corruption. The suspect subsequently met the complainant in the latter's office and again represented himself to the Managing Director to be an Investigator with the EACC. The suspect went further and showed a fake EACC staff ID to the complainant. The suspect was arrested by EACC Officers in the complainant's office.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 11th August 2014 recommending that the suspect be charged with offences of impersonation contrary to Section 34 of the Anti-Corruption and Economic Crimes Act and uttering a false document contrary to Section 353 of the Penal Code.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC and directed prosecution to ensure.

STATUS

The suspect was charged with offences of impersonation contrary to Section 34 of the Anti-Corruption and Economic Crimes Act and uttering a false document contrary to Section 353 of the Penal Code. The matter is coming up for hearing on 18th April, 2015.

16. EACC/NYR/OPS/INQ/2/2014

NO. 16 EACC THIRD QUARTERLY REPORT

This was Inquiry into allegations of corruption against a Ward Administrator attached to Kieni West Sub-County Office, Mweiga.

Investigations by EACC established that the suspect, who is a Ward Administrator attached to Kieni West Sub-County Office corruptly solicited for a benefit of Kshs.3,000/= from the complainant as an inducement to release workshop tools which had been confiscated, on the instructions of the suspect, by the Sub-County enforcement officers. It was alleged that the complainant did not have a trading licence. Investigations further established receipt of a benefit.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 19th August, 2014 recommending that administrative action be taken against the suspect. This was for the reason that the complainant had after the suspect's arrested written a letter indicating that he did not wish to proceed with the case.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to warrant prosecution against the suspect and directed that the suspect be charged 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.

STATUS

The suspect was charged 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. The matter is part heard in court.

17. CR. 713/49/2014 NAKURU ACC. NO. 3/2014

NO. 17 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against Police Constables attached to Salgaa Police Post.

Investigations by EACC established that the suspects, who are Police Constables attached to Salgaa Police Post corruptly solicited for a benefit of Kshs.5,000/= from the complainant as an inducement not to charge the complainant with a traffic offence. Investigations further established receipt of a benefit.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 28th August 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC and directed prosecution to ensure.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

18.CR. 145/151/2014 CF. NAIROBI ACC. NO. 15/2014 NO. 18 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against a Traffic Police Officer attached to Milimani Police Station

The evidence gathered by EACC established that on 18th July 2014, the suspect solicited from the complainant a benefit of Kshs. 20, 000/= so as not to charge the complainant with the offence of using a mobile phone while driving. The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to Section 39(3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 3rd September, 2014 with the recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of soliciting for and receiving a benefit contrary to Section 39(3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003. The matter is part heard in court.

19.CR.032/4/2914 KISUMU ACC NO. 3/2014 NO. 19 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against an Intern Clinical Officer attached to Kisumu East District Hospital

Investigations by EACC revealed that the suspect corruptly solicited for a benefit of Kshs. 25, 000/= from the complainant as an inducement to facilitate obtaining blood for transfusion for a sick child. The investigations further established that the suspect received a benefit of Kshs. 3,000/=.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 9th September, 2014 with recommendations that the suspect be charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC and directed prosecution to ensure.

STATUS

The suspect was charged with the offences of corruptly soliciting for and receiving a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act, 2003. The matter is part heard in court.

20. EACC/INQ/1/2014

NO. 20 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against a Senior State Counsel at the Attorney General's Office

Investigations by EACC did not establish that the suspect corruptly solicited Kshs. 200,000/= from the complainant so as to expedite payment of the decretal sum in respect to a case where the complainant had sued the Government of Kenya. The investigations also failed to establish receipt of benefit by the suspect.

A report was compiled and forwarded to the Director of Public Prosecutions on 4th September, 2014 recommending that the file be closed with no further action.

Upon perusal of the file, the Director of Public Prosecutions found the evidence insufficient to base any criminal charge and accepted EACC recommendation for closure of the inquiry file.

STATUS

The file was returned to EACC with directions to close the inquiry file.

21. CR. 760/467/2014 ACC NAKURU 5/2014

No. 23 EACC THIRD QUARTERLY REPORT

This was an Inquiry into allegations of corruption against the County Director of Environment, NEMA, and Nakuru.

The evidence gathered by EACC established that on 17th July 2014, the suspect demanded from the complainant a benefit of Kshs. 10, 000/= as protection fees so as not to shut the complainant's filling station. The suspect had claimed that the complainant had commenced the business without informing him as the County Director of Environment. Investigations further revealed that the suspect corruptly received a benefit of Kshs. 10,000/=.

The suspect was arrested and charged with the offences of soliciting for and receiving a benefit contrary to Section 39(3) (a) as read with Section 48 (1) of

the Anti-Corruption and Economic Crimes Act No.3 of 2003 and corruptly offering a benefit.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 12th September, 2014 with the recommendation that the case be prosecuted to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions was satisfied that there was sufficient evidence to sustain the charges recommended by EACC and directed prosecution to ensue.

STATUS

The suspect was charged with the offences of soliciting for and receiving a benefit contrary to Section 39(3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act No.3 of 2003 and corruptly offering a benefit. The matter is part heard in court.

5.4 THE FOURTH (4th) QUARTER OF THE YEAR - 1ST OCTOBER TO 31ST DECEMBER 2014

1. ACC/FI/INQ/25/2005

NO. 1. EACC FOURTH QUARTELY REPORT

This was an inquiry into allegations that the Office of the President irregularly entered into a Suppliers Financing Agreement for the sum of EUROS 40,000,000 with a Corporation in the United Kingdom for the modernization of the Police Equipment and Accessories Project for the Kenya Police Department.

Investigations established that whereas the GOK entered into a contract with the company in the UK, no requisition for modernization of the police equipment and accessories had been made by the Police Department. The Police who were the user Department were never involved in the preparation of specifications for the project, nor were they involved in the identification of the companies being contracted. Investigations also established that no technical specifications were provided by the Police for the project and the PS, Ministry of Internal Security unilaterally engaged the foreign company without following the laid down procurement Regulations.

Investigations further established that no due diligence was carried out in respect of the two companies contracting with the GOK. The GOK paid a sum of Kshs.120,000,000 as management fees for the contract. However, investigations established that no equipment was delivered to the Police under the contract, and thus there was no performance of the contract. That the evidence obtained established culpability in regard to the officers involved in the contract.

EACC forwarded the file to the Director of Public Prosecutions on 16th October, 2014 with recommendations that further investigations be carried out along the outlined areas.

Upon perusal of the file the DIRECTOR OF PUBLIC PROSECUTIONS found gaps and deficiencies in the investigations and directed that further investigations be carried out before conclusive recommendations can be made.

STATUS

The inquiry file was returned to EACC with directions that further investigations be carried out along the identified areas.

2. KACC/FI/INQ/19/2005

NO. 2. EACC FOURTH QUARTELY REPORT

This was an inquiry into allegations that the Office of the President irregularly entered into a Suppliers Financing Agreement for the sum of EUROS 59,688,250 with a Swiss Company for the computerization of the Security, Law and Order Systems and Procedures for the Kenya Project Code named E-Cops.

The investigations established that the contract for the computerization of the Kenya Police systems (E-cops) was entered into after the Swiss Company submitted a technical proposal to the Office of the President. Investigations further established that the identification of the company was not done through the requisite procurement procedures. In addition, the Police Department was not involved in the preparation of the technical specifications for the project. The investigations also established that the technical, competence, capability, and financial status of the company was also not established before the office of the President entered into a contract with them. The computerization of the Police had also not been planned for nor did the project have sufficient direct budget allocations.

The evidence obtained in the investigations revealed several breaches by public officers involved during and up to the time the contract was entered into.

EACC compiled a report of the results of their investigations and forwarded the same to the Director of Public Prosecutions on 16th October, 2014, with recommendations that the suspects be charged with various offences of breach of procurement Regulations, abuse of office, conspiracy to defraud and fraudulent acquisition of public property.

Upon perusal of the file, the Director of Public Prosecutions found gaps and deficiencies in the investigations and directed that further investigations be carried out along the identified areas.

STATUS

The inquiry file was returned to EACC with directions that investigations be covered along the identified areas.

3. KACC/FI/INQ/29/2005

NO. 3. EACC FOURTH QUARTERLY REPORT

This was an inquiry into allegations that the Government of Kenya irregularly entered into a contract on a single sourcing basis with a foreign company for the installation of a National Early Warning (Security and Safety) System (NEWSS) for the KENYA Meteorological Department at a cost of US Dollars 35,000,000.

The investigations established that the NEWSS project for the meteorological Department was not a security project and therefore should have been subjected to competitive procurement process instead of direct procurement. Investigations further established that the project was not budgeted for by the Ministry of Transport and Communications. The technical specifications were not prepared by the user Department as required, but by the foreign company whose capacity was not known. It was also established that due diligence was not carried out in regard to the companies that the Meteorological Department was contracting with to ascertain their technical, legal, financial, competence and capability status.

Investigations further established that the GOK paid commitment fees, down payment, interest and installments towards loan repayment, yet no loan was advanced. The project was also overpriced and the market price/value was not ascertained before the contract price was agreed upon. The investigations established culpability on the part of the officers involved in the contract and private persons who benefit from the irregular award.

A Report was compiled and forwarded to the Director of Public Prosecutions on 16th October, 2014 with recommendations that the suspects culpable be charged with various offences of breach of procurement Regulations, abuse of office and breach of trust.

Upon perusal of the file, the Director of Public Prosecutions found gaps and deficiencies in the investigations and directed that further investigations be carried out along the identified areas.

STATUS

The inquiry file was returned to EACC with directions that further investigations be covered along the identified areas.

4. KACC/FI/INQ/33/2005

NO. 4. EACC FOURTH QUARTELY REPORT

This was an inquiry into allegations of an irregular contract between the Government of Kenya and a private company for the supply and installation of a dedicated multi-channel security system for the Administration Police at a cost of EUROS 49,650,000.

Investigations established that the Office of the President irregularly contracted two foreign companies for the supply of and installation of a telecommunication system for the Administration Police and financing of the said project. The investigation established that no due diligence was performed in regard to the companies before being engaged to satisfy the OP on the legal, financial, competence and technical capacity of the two.

It was further established that there was non-compliance with the Procurement and financial Regulations in identifying and engaging with the two companies. Investigations further established that no budgetary allocations had been set aside for the project nor were any estimates to cater for the project approved by Parliament in the financial year that the contract was entered into. The project had also not been planned for. The investigations established culpability in respect of the officers involved in the contract.

A report was compiled and forwarded to the Director of Public Prosecutions on 16th October, 2014 with recommendations that the suspects involved in the transaction be charged with various offences of breach of procurement Regulations, abuse of office and breach of trust.

Upon perusal of the file, the Director of Public Prosecutions found deficiencies and gaps in the investigations and directed that further investigations be carried out along the identified areas.

STATUS

The file was returned to EACC with directions that further investigations be carried out along the identified areas.

5. CR.660/101/2014 MIGORI ACC. NO.690/2014 NO. 5. EACC FOURTH QUARTERLY REPORT

This was an inquiry into allegations of corruption against an Investigation Supervisor, South Nyanza Sugar Company Limited (SONY).

Investigations by EACC established that the suspect corruptly solicited for a benefit of Kshs. 60,000 from the complainant as an inducement to facilitate the collection of scrap metal the complainant had purchased from Sony Sugar. The suspect also received a benefit of Kshs. 30,000 from the complainant. He was arrested and arraigned before the Migori Anti- Corruption Court and charged 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.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 16th December, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceed to its logical conclusion.

STATUS

The suspect was charged 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.

The case is pending in court.

6. CR.NO.145/215/2014 NAIROBI ACC NO. 24/2014 NO. 6. EACC FOURTH QUARTERLY REPORT

This was an inquiry into allegations of corruption against a Police Officer attached to the Railways Police Station Nairobi.

Investigations by EACC established that the suspect corruptly solicited for a benefit of Kshs. 2,000 from the complainant as an inducement to facilitate the release of the complainant's husband from the police station. The suspect however did not receive the benefit that she had solicited for. She was arrested and arraigned before the Nairobi Anti- Corruption Court and charged with the offences of corruptly soliciting for a benefit contrary to Section 39 (3) (a) of the Anti- Corruption and Economic Crimes Act, 2003.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 9th December, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceed to the logical conclusion.

STATUS

The suspect was charged 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. The case is pending in court.

7. CR.145/183/2014 NAIROBI ACC. NO. 20/2014 NO. 7. EACC FORTH QUARTERLY REPORT

This was an inquiry into allegations of corruption against a Police Officer attached to the Kibera Law Courts

Investigations established that the suspect corruptly solicited for a benefit of Kshs. 15,000 from the complainant as an inducement to forbear charging him with a traffic offence. The suspect also received a benefit of Kshs. 5,000 from the complainant. He was arrested and arraigned before the Nairobi Anti- Corruption Court and charged 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.

A report was compiled and forwarded to the Director of Public Prosecutions on 27th November, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file the DIRECTOR OF PUBLIC PROSECUTIONS found the evidence sufficient to support the charges preferred and directed that the case in court proceed to the logical conclusion.

STATUS

The suspect was charged 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. The matter is part heard in court.

8. CR.767/265/2014 NAKURU ACC. NO. 9/2014 NO. 8. EACC FOURTH QUARTERLY REPORT

This was an inquiry into allegations of corruption against an Operations Officer, Kenya Power and Lighting Company Limited.

Investigations by EACC established that the suspect corruptly solicited for a benefit of Kshs. 20,000 from the complainant as an inducement to reconnect electricity supply to the complainant's house. The suspect also received a benefit of Kshs. 15,000 from the complainant. He was arrested and arraigned before the Nakuru Anti- Corruption Court and charged 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.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 24th November, 2014 with recommendations that the case against the suspect to proceed to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceed to the logical conclusion.

STATUS

The suspect was charged 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. The matter is part heard in court.

9. CR.780/586/2014 NAKURU ACC. NO. 6/2014 NO. 9. EACC FOURTH QUARTERLY REPORT

This was an inquiry into allegations of corruption against a Police Officer attached to the Criminal Investigations Department (CID) Nakuru County.

Investigations by EACC established that the suspect corruptly solicited for a benefit of Kshs. 50,000 from the complainant as an inducement to drop charges of obtaining money by false pretences against the complainant. Investigations established that the suspect later reduced the benefit to Kshs. 10,000. The suspect also received a benefit of Kshs. 10,000 from the complainant. He was arrested and arraigned before the Nakuru Anti- Corruption Court and charged 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.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 6th November, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceeds to its logical conclusion.

STATUS

The suspect was charged 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. The matter is part heard in court.

10. CR. 627/500/2014 KAKAMEGA ACC.NO 1/2014 NO. 10. EACC FOURTH QUARTERLY REPORT

This was an inquiry into allegations of corruption against two Enforcement Officers, Vihiga County and a Police Officer attached to Luanda Police Station.

Investigations by EACC established that the suspects corruptly solicited for a benefit of Kshs. 10,000 from the complainant as an inducement to release the complainant's motor vehicle which had been impounded for flouting the Vihiga County by-laws. The Police Officer received a benefit of Kshs. 10,000 from the complainant for himself and on behalf of the two Enforcement officers. Investigations further established that the two county Enforcement Officers escaped when the EACC investigators went to arrest them.

The suspects were later arrested and arraigned before the Kakamega Anti-Corruption Court and charged 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.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 29th October, 2014 with recommendations that the case against the suspect proceed to its logical conclusion. It was further recommended that the two County Officers be charged with the offence of obstruction contrary to Section 66(1) of the Anti- Corruption and Economic Crimes Act, 2003.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceed to the logical conclusion.

STATUS

The suspect was charged 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. The matter is part heard in court.

11. CR. 021/52/2014 MOMBASA: ACC. NO. 2918/2018 NO. 11. EACC FOURTH QUARTERLY REPORT

This was an Inquiry into allegations of corruption against the Jomvu Ward Member of the Mombasa County Assembly.

The investigations by EACC established that the suspect corruptly solicited for a benefit of Kshs. 200,000 from the complainant as an inducement to forestall a planned demonstration by the residents of Jomvu Ward in connection to a factory operated by the complainant; and to stop the effecting of a Notice issued by the Mombasa County Chief Public Health Officer. The suspect also received a benefit of Kshs. 100,000 from the complainant. He was arrested and arraigned before the Mombasa Anti- Corruption Court and charged 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.

A report was compiled and forwarded to the Director of Public Prosecutions on 24th October, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceeds to its logical conclusion.

STATUS

The suspect was charged 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. The matter is part heard in court.

12. KACC/FI/INQ/20/2005

NO.12. EACC FOURTH QUARTERLY REPORT

This was an inquiry into allegations of irregular single sourcing of a contract between the Government of Kenya and a Corporation in the USA for the supply and installation of VSAT Equipment to the Postal Corporation of Kenya (PCK).

Investigations by EACC report established that the PCK entered into a contract with a foreign company for the supply of equipment to PCK. Investigations established that due procurement procedures were not complied with and the Accounting Officer unilaterally awarded the contract to the said company. Further, the investigations established that PCK did not carry out due diligence to establish the legal, technical and financial status of the company they engaged. It was also established that project by PCK was not budgeted for nor the estimates approved by Parliament. The investigations established that the

VSAT equipment was supplied and the contracted company received the contract sum. The investigations established culpability on the part of the public officers who were involved in the contract.

A report was compiled and forwarded to the Director of Public Prosecutions 16th October, 2014 recommending that the suspects culpable be charged with various offences of breach of procurement Regulations.

Upon perusal of the file, the Director of Public Prosecutions found gaps and deficiencies in the investigations and directed that further investigations be carried out along the identified areas.

STATUS

The inquiry file was returned to EACC with directions that further investigations be covered along the identified areas.

13. CR.735/293/2014 NAKURU ACC. NO 7/2014 NO. 13. EACC FOURTH QUARTERLY REPORT

This was an inquiry into allegations of corruption against a Primary School Teacher at the Arap Moi Primary School.

Investigations by EACC established that the suspect corruptly solicited for a benefit of Kshs. 2,000 from the complainant as an inducement to admit the complainant's child in the school. The suspect also received a benefit of Kshs. 2,000 from the complainant. She was arrested and arraigned before the Nakuru Anti- Corruption Court and charged 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.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 9th October, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceed to the logical conclusion.

STATUS

The suspect was charged 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. The matter is part heard in court.

14. CR.141/341/2014 NAIROBI ACC. No. 16/2014

NO. 14. EACC FOURTH QUARTERLY REPORT

This was an inquiry into allegations of corruption against two former employees of the Ethics and Anti- Corruption Commission.

Investigations by EACC established that the suspects corruptly solicited for a benefit of Kshs. 180,000 from the complainant as an inducement not to disqualify her company from the list of pre-qualified suppliers for the EACC in the 2014-2015 Financial year. Investigations further established that one of the suspects received a benefit of Kshs. 50,000 from the complainant through Mpesa whereas the other suspect received Kshs. 100, 000 through an agent. The suspects were arrested and arraigned before the Nairobi Anti- Corruption Court and charged 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.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 9th October, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceed to its logical conclusion.

STATUS

The suspect was charged 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. The matter is part heard in court.

**15.CR. 123/426/2014 CF. NAIROBI ACC. 4367/2014
NO. 15. EACC FOURTH QUARTERLY REPORT**

This was an inquiry into allegations of corruption against an employee of the Nairobi Water and Sewerage Company Limited.

Investigations by EACC established that the suspect corruptly solicited for a benefit of Kshs. 25,000 from the complainant as an inducement to solve a water problem in the complainant's residence. The suspect also received a benefit of Kshs. 25,000 from the complainant. He was arrested and arraigned before the Nairobi Anti- Corruption Court and charged 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.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 9th October, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceed to its logical conclusion.

STATUS

The suspect was charged 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. The case is part heard in court.

**16.EACC/MSA/INQ/RP/06/2014
NO. 16. EACC FOURTH QUARTELY REPORT**

This was an inquiry into allegations of corruption against a Police Officer attached to Mombasa Central Police Station.

Investigations established that the suspect corruptly solicited for a benefit of Kshs.10,000 from the complainant as an inducement to release the complainant's relative who was held in the Police Station. The suspect also received a benefit of Kshs. 10,000 from the complainant. He was arrested and arraigned before the Mombasa Anti- Corruption Court and charged 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.

EACC compiled a report and forwarded to the Director of Public Prosecutions on 9th October, 2014 with recommendations that the case against the suspect proceed to its logical conclusion.

Upon perusal of the file, the Director of Public Prosecutions found the evidence sufficient to support the charges preferred and directed that the case in court proceed to its logical conclusion.

STATUS

The suspect was charged 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. The case is part heard in court.

CHAPTER SIX

6.0 STATISTICAL SUMMARY OF CASES FORWARDED TO THE DIRECTOR OF PUBLIC PROSECUTIONS BY EACC BETWEEN 1ST JANUARY 2014-31ST DECEMBER 2014 AND ACTION TAKEN

S/No.	PARTICULARS OF CASES	NUMBER
1.	INVESTIGATION FILES SUBMITTED BY EACC TO THE DIRECTOR OF PUBLIC PROSECUTIONS/DIRECTOR OF PUBLIC PROSECUTIONS FROM EACC FROM 1 ST JANUARY 2014 – 31 ST DECEMBER 2014	73
2.	FILES WHERE DIRECTOR OF PUBLIC PROSECUTIONS DIRECTED PROSECUTION	49
3.	FILES WHERE DIRECTOR OF PUBLIC PROSECUTIONS DIRECTED FURTHER INVESTIGATIONS	11
4.	FILES WHERE DIRECTOR OF PUBLIC PROSECUTIONS DIRECTED ADMINISTRATIVE OR OTHER DEPARTMENTAL ACTION	6
5.	FILES WHERE DIRECTOR OF PUBLIC PROSECUTIONS DIRECTED CLOSURE	7
6.	FILES AWAITING DIRECTOR OF PUBLIC PROSECUTIONS'S DIRECTIONS	0
7.	TOTAL NO. OF FILES	73

Dated at Nairobi this 20th day of March, 2015


MR. KERIAKO TOBIKO, CBS, SC
DIRECTOR OF PUBLIC PROSECUTIONS.