

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL & HUMAN RIGHTS DIVISION
CONSTITUTIONAL PET NO [E/591](#) OF 2025

IN THE MATTER OF: ARTICLES 3(1), 22 (1) & (2) (a) & (c), 23, 48, 50(1),
165 (3) (b) & (d)(ii), AND 258 (1) & (2)(a) & (c) OF THE
CONSTITUTION OF KENYA, 2010.

IN THE MATTER OF: THE ALLEGED CONTRAVENTION OF
ARTICLES 1, 2, 3(1), 4(2),
10, 19, 20, 21, 24, 73(1) & 2(b to e), 75(1), 232(e) & (f) &
(2) (a) & (b), AND 259(1) OF THE CONSTITUTION.

IN THE MATTER OF: THE COUNTY GOVERNMENT ACT NO.17 OF 2012

IN THE MATTER OF: THE ALLEGED CONTRAVENTION OF
SECTIONS 3, 4, 5, AND 6 OF THE FAIR
ADMINISTRATIVE ACTION ACT, 2015; SECTIONS 3,
4(1), 6, 7, 8, 10, 11 AND 13(1)(a), (b) & (c) OF
THE LEADERSHIP
AND INTEGRITY ACT, 2012; AND SECTIONS 7, 8,
9 AND 10 OF THE PUBLIC OFFICER ETHICS ACT
(CAP. 185B).

IN THE MATTER OF: THE DOCTRINES OF THE GOOD GOVERNANCE,
RULE OF LAW, AND LEGITIMATE EXPECTATIONS.

-BETWEEN-

FRANCIS KIIRIA.....PETITIONER

-VERSUS-

CHARLES KERICH.....RESPONDENT

-AND-

ETHICS & ANTI-CORRUPTION COMMISSION.....1ST INTERESTED PARTY

NAIROBI CITY COUNTY GOVERNMENT.....2ND INTERESTED PARTY

NAIROBI COUNTY ASSEMBLY.....3TH INTERESTED PARTY

CONTROLLER OF BUDGET.....4TH INTERESTED PARTY

SUPPORTING AFFIDAVIT

FRANCIS KIIRIA OF TEL.NO. **0729559509** Nairobi in the Republic of Kenya do hereby make oath and state as follows:

1. **THAT** am a male adult of sound mind and disposition, the Petitioner herein hence competent to swear this affidavit
2. **THAT** I swear this Affidavit in Support of the Petition. I reiterate the matters set forth in the Petition and remit the same to this Honorable Court's determination.
3. **THAT** I file this Petition under Articles 10, 22, and 258 of the Constitution of Kenya, 2010, by seeking to uphold the rule of law, transparency, and accountability in governance. That I Petitioner, on behalf of concerned residents, respectfully state as follows.
4. **THAT** the Respondent is serving as the CEC in charge of Finance and Economic Planning in Nairobi City County
5. **THAT** there was a complaint made by the office of the Controller of budget to the Respondent on payment procedures done by the Respondent with (REF:ALC/01/07/25).Annexed as DMK1, this complaint is part of the evidenced produced to this court to signify the illegalities and irregularities done by the Respondent.
5. **THAT** since the Respondent assumed office there have been allegations of payment of millions to non-existent companies.
5. **THAT** the Respondent also paid nine companies that supplied nothing to the county government
6. **THAT** below is a set of companies that have benefited from the fraudulent payments from the respondent. The first set of companies are:

<u>COMPANY</u>	<u>DATE PAID</u>	<u>AMOUNT</u>
Lakev Enterprises	13/07/2023	15,478,448.30
Lakev Enterprises	13/07/2023	8,967,692.40
Yehg Logistics	13/07/2023	17,542,241.40
Brighton Pharmaceutical	13/07/2023	18,500,000.00
Istanbul Investment Ltd	13/07/2023	15,227,107.75
Remont Services Ltd	13/07/2023	13,226,000.00
Wesca Enterprises	13/07/2023	13,139,482.75
Zaas Enterprises	13/07/2023	13,184,335.85

Jowa Agencies Ltd	13/07/2023	14,078,017.25
Rar Awamimtech Ltd	13/07/2023	18,868,965.50
Duli Enterprises Ltd	13/07/2023	19,652,666.40
Northern Rock Investment	13/07/2023	19,652,172.40
Zafi Traders K Ltd	13/07/2023	19,654,091.40
Niftique General Suppliers Ltd	13/07/2023	19,652,715.50
Westrift Holdings Ltd	13/07/2023	17,345,984.50
Ultrasafe Enterprises Ltd	13/07/2023	29,086,018.95
Rafseq Traders Ltd	13/07/2023	17,075,431.05
Absit Enterprises	29-30/06/2023 ---	
TOTAL		290,331,364

Below is a second set of companies that also benefited from the fraudulent payments

COMPANY	AMOUNT
TREBER SOLUTIONS LTD -	7,250,000
JIGSAW CONSTRUCTION LTD -	7,386,975
SUPREME ICT SOLUTION LTD -	5,030,000
PRICELESS CLEANING SERVICES LTD-	8,480,504
NANE HOMES COMPANY LTD-	5,308,615
INVENTORY INVESTMENT LTD -	6,155,000
FREBERY CONSULTANTS	6,020,102
LENNOTA MERCHANT -	8,889,000
MALBE CONSTRUCTION LTD-	6,422,658
TOTAL PAID WITHIN THIS PERIOD	60,942,854

7. **THAT** the details paint a picture of how City Hall loots without mercy to the suffering public and distraught city residents who are reeling from the poor leadership of the Respondent and other officials in the current administration of Nairobi County

8. **THAT** the first set of companies cumulatively got paid Sh 290,331,364 million on 13/07/2023 at the time the county had received over 70 billion from treasury just before the end of the 2022/2023 Financial Year.

9. **THAT** this was a record breaking money heist with an insider source revealing that the county may have lost close to Sh500 million in the same period as the finance department rushed to spend the money through irregular payments before the official start of the 2023/2024 FY.
10. **THAT** a second set of companies whose directors and managers are well known to the respondent and other officials was also paid Sh 60,942,854 million.
11. **THAT** Northern Rock Investment which was also paid 19,652,172.40 by the respondent for work that cannot be authenticated and City Hall was once flagged by the Auditor General over the same
12. **THAT** the Respondent also paid Brighton Pharmaceutical with fictitious payments totaling to Sh 18,500,000.00 and it's not clear what the payments were for considering the county procures medicine directly from Kemsu.
13. **THAT** a report by the Nairobi County Assembly's Select Committee implicated the Respondent and other senior officials in significant financial losses, including unauthorized payments of Ksh 77,684,054 and unsupported goods and services worth Ksh 28,147,580.60 which shows financial mismanagement
14. **THAT** the Respondent is faced criticism for delays in paying employee salaries, leading to a tense workers' forum at City Hall. DMK2 Annexed below show as at the time of filing this petition the salaries were not paid and an official letter was done by the acting county secretary.
15. **THAT** the Respondents has therefore disregarded the whole of chapter six of the constitution. Leadership and Integrity requires State officers to be guided in their day-to-day conduct by principles of leadership and integrity which, among other requirements, include: being objective and impartial in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives
16. **THAT** we have a reasonable and legitimate expectation by dint of articles 2(3) and 2(4) that Government and its agencies, departments and commissions can only act legitimately if they proceed in compliance with the Constitution and don't contravene it in any way.
17. **THAT** there is need to proceed and bar the Respondents from occupying office/executing his role any further due to his flouting and gross violation of the law.
18. **THAT** on Financial statements submissions the County Assembly did note management's failure to submit a signed copy of the financial statements for the year ending June 30, 2023
19. **THAT** the actions of the Respondents are malicious and go to the very root of testing the Respondent's integrity which is by all standards shaky.
20. **THAT** just as the Constitution of Kenya is the backbone of all laws of the land, the Constitution anchors the values and principles of public officers.
21. **THAT** public office in the context of the Constitution of Kenya, 2010 is all about integrity in leadership.

22. **THAT** just as the Constitution of Kenya is the backbone of all laws of the land, the Constitution anchors the values and principles of public officers.

23. **THAT** it has been reiterated times above number that the terms of chapter six of the Constitution to the effect, it was not enacted in vain or for cosmetic reasons; that the authority assigned to a state/ public officer is a public trust to be exercised in a manner that demonstrates respect for the people; brings honor to the nation and dignity to the office.

24. **THAT** As a further commitment to ensuring integrity in leadership, the Constitution also creates an Ethics and Anti- Corruption Commission to enforce the above provisions. It commands the enactment of legislation on leadership and integrity, the Leadership and Integrity Act, 2012, which was enacted for the effective administration of chapter six of the Constitution. It obliges a State officer to respect the values and principles of the Constitution. The said Act establishes the General Leadership and Integrity Code, which is a code of conduct applicable to all State officers. In addition to the said Code, the Act requires each public entity to prescribe a specific leadership and integrity code for the State officers in those entities.

SWORN at NAIROBI by the said

FRANCIS KIIIRIA

This 10TH day of SEPTEMBER 2025

BEFORE ME:

COMMISSIONER FOR OATHS



DEPONENT

DRAWN & FILED BY:

FRANCIS KIIRIA.

TEL.NO. 0729559509

NAIROBI

TO BE SERVED UPON:

1. CHARLES KERICH

P.O BOX 30075 GPO

NAIROBI

2. ETHICS & ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE

JAKAYA KIKWETE/VALLEY ROAD

P.O. BOX 61130 – 00200

NAIROBI

3. NAIROBI CITY COUNTY GOVERNMENT

P.O BOX 30075 G.P.O

NAIROBI

4. NAIROBI COUNTY ASSEMBLY

P.O BOX 30075 G.P.O

NAIROBI

5. CONTROLER OF BUDGET

P.O. Box 35616 00100

NAIROBI

