



Your Ref: TBA

Our Ref:

Date: 14 November 2016

The Cabinet Secretary,
Ministry of Health,
Afya House, Cathedral Road,
P.O. Box 30016-00100,
Nairobi, Kenya.

Dear Dr Cleopa Mailu,

RE: GAVI AUDIT REPORT 2016 – REQUEST FOR INFORMATION

We, the undersigned organizations and associations, being representatives of institutions drawn from the health, human rights, governance and development partners have taken note of a recent audit report by a donor, the Global Alliance for Vaccines and Immunization (GAVI) dated 2 May 2016. A copy is attached for ease of reference. We write pursuant to our constitutional mandate at Article 3, 10 and 35 of the constitution on the responsibility to defend and protect the constitution, the right to participate in matters concerning us and to access public information respectively.

We note that this audit report by GAVI contains conclusions on the programme audit of the Kenyan Expanded Programme of Immunisation (KEPI). The report provides that the audit was conducted between September 2015 and March 2016 and covered programme activities in the period 1 July 2009 to 30 June 2015.

We further note from the audit report that there were questioned expenditures (relating to unsupported or inadequately supported expenditure) of US \$1.6 million (approximately Kshs. 160 Million).



We are further informed by the memorandum to the audit report that the results of this audit were discussed and agreed with your ministry and that your ministry in a letter dated 14 June, 2016, agreed to reimburse GAVI the questioned expenditures totaling of US \$ 1.6 million. We are aware that in the months of September and October 2016 the Ministry of Health reimbursed this amount to GAVI in a single installment.

As organizations working in the interest of the public, we are deeply concerned about this matter. We understand that "questioned expenditures" in essence relates to monies that were embezzled, misapplied, misappropriated, mismanaged, lost and/or stolen in the ministry that you head.

This has therefore cost the Kenyan taxpayer loss of over Kshs. 160 Million, a loss that could have been avoided if there had been adherence to processes, procedures, guidelines and the law. We also cannot rule out the hidden hand of corruption cartels in this loss.

In light of the above and Pursuant to Article 35 of the Constitution and the Access to Information Act 2016, we hereby request as individuals and on behalf of our organization for access to the following documents from your ministry:

- (i) Given that this function is a county function kindly provide us with a copy of the intergovernmental agreement on the retention of this function by the national government pursuant to the Article 187 of the Constitutional and Section 26 of the Intergovernmental Relations Act.
- (ii) A report on the action taken against the persons adversely mentioned in the audit report including whether the Ministry has referred this case to relevant authorities for investigation and possible prosecution and whether any refunds have been collected from those responsible in line with the law.
- (iii) Copies of documentations showing transfer of payment of the above money from the Ministry of Health to GAVI;
- (iv) Information on the source of the money paid back to GAVI. Under which budget line did this money come from?
- (v) Kindly also provide us with information on the measures the ministry has put in place to comply with recommendations of the audit report.

We would be grateful if this information can be shared with us within the next 14 days, or not later than 28 November, 2016 to enable us to meaningfully engage in the public discourse on this matter and to determine any cause of action that may be required of us as individuals and representatives of different interest groups in Kenya.

Yours sincerely,



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**On my own behalf and on behalf of Society for
International Development (SID)**



Fredrick Oluga
Secretary General
Kenya Medical Practitioners,
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On my own behalf and on behalf of KMPPDU



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On my own behalf and on behalf of KELIN



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**On my own behalf and on behalf of TI –
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On my own behalf and on behalf of KETAM



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On my own behalf and on behalf of NEPHAK

cc

- (i) *Cabinet Secretary
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- (ii) *The Chairperson,
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- (iii) *The Secretary/Chief Executive Officer
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- (iv) *The Director
Directorate of Criminal Investigation
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Opp. Forestry Department Headquarters, Karura*