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KENYA CRIME SURVEY 2001

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Security Research and Information Centre (SRIC)



ACKNOWLEDGEMENTS

The Security Research and Information Centre is once again pleased to acknowledge the financial contribution of the Government of the United Kingdom, Department for International Development (DFID), for enabling us accomplish the vision of publishing the Crime Survey Series and, specifically, this second publication in the series. SRIC also has the pleasure to acknowledge grants from the Government of Norway towards the process of producing this text.

The process through which this research publication was undertaken unfolded in four main stages. The first involved data extraction on a daily basis from the newspapers. In the second stage, the data was captured and coded. The third stage involved the generation of tables and charts on SPSS into the text for analysis. The final important stage involved the critical analysis and the writing of this report.

In each of the above stages, SRIC Research Team worked closely together under the direction of JAN Kamenju and JAW Kitiku. The research team consisted of Augusta Muchai, who managed the process; Camlus Omogo, James Ndun'gu and Manasseh Wepundi. The trio played vital roles in the entire process. SRIC Research Team co-operated better than a football team, with the support of the entire SRIC staff, in particular Beatrice Mukira and Philip Munyasias.

Our appreciation goes out to Clare Jefferson of our partner organisation, SaferAfrica, based in Pretoria, South Africa, for the key role she played in computing the data as reflected herein and for being a co-author.

FOREWORD

The Security Research and Information Centre (SRIC) is living up to its commitment to provide statistical information on crime and the proliferation of firearms in Kenya. In this second publication in the series, *Kenya Crime Survey 2001*, we are pleased to share our research findings with our esteemed readers.

The time-consuming exercise of extracting reports on crime-related incidents from the three leading dailies *Daily Nation*, the *East African Standard* and the *People Daily*, coding the data into the respective pro forma surveys, processing and analysing it into this report has not been in vain. Since the first publication went to print and was circulated in September 2002, the three leading dailies have occasionally cited its contents in crime- and firearm-related articles published in the newspapers. This is evidence that the report fulfilled its role of informing and deepening our understanding of the nature of crime in Kenya.

Kenya Crime Survey 2000 was a baseline survey upon which SRIC will continue to improve in subsequent publications. That first edition provides a baseline research report with which we can authoritatively compare, contrast, gauge and assess crime trends and magnitude in Kenya in subsequent years. A few examples will suffice; robbery was the most prolific firearm-related crime reported both in 2000 and 2001; the highest numbers of robbery cases were reported in Nairobi province over both years, and pistols were more often used than rifles in conducting robberies. Moreover, over the two years, the incidence of robbery was highest in the first four months of the year.

Kenya Crime Survey 2001 has essential elements that distinguish it from the previous publication. A thematic style has been adopted, so that a separate section is dedicated to each of the crime types analysed. Apart from the three types of crime analysed in the initial edition (robbery, carjacking and banditry), four more types of crime were included in this study. These were misuse of firearms, possession of an illegal firearm, murder and cattle rustling. Each of these were analysed in terms of the frequency of the crime throughout the year, distribution of crime in the eight provinces, type and number of firearms used and recovered in each of the crimes, and the distribution of crime within the capital of Kenya, Nairobi.

Several additional elements included in the KCS 2001 render it interesting and insightful. Analysis of crime by the day of the week was one of these, which showed that during the 52 weeks of the year, crimes tended to be highest early in the week. The inclusion of crude weapons used in addition to firearms was another.

In each of the crime types analysed, key findings and insights emerged. Each chapter concludes with a list of the main findings, and an overview of the main findings is given in the last section of the report.

The cover of this publication depicts SRIC's resource centre, which contains the bound volumes of all the newspapers used for source data in 2000, 2001 and 2002. Synthesising the masses of print material in 2001 into this publication, *Kenya Crime Survey 2001*, is an achievement of which SRIC is proud, and we are glad to be able to share it with our readers.

Col (Rtd) JAW Kitiku
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Security Research and Information Centre (SRIC)

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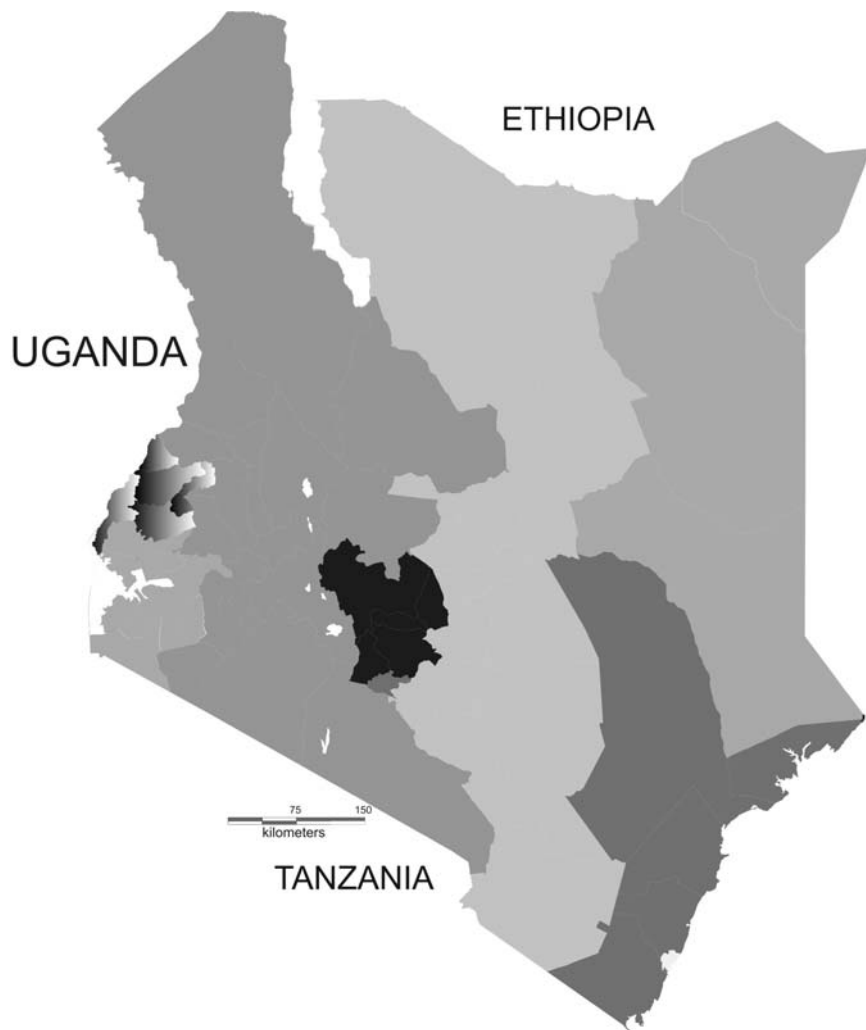
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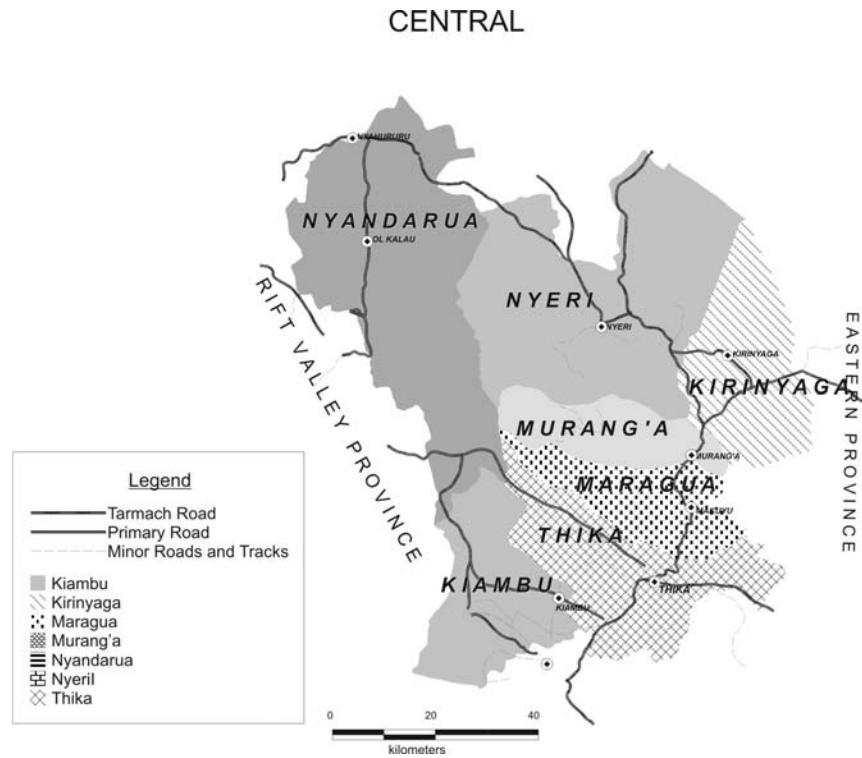
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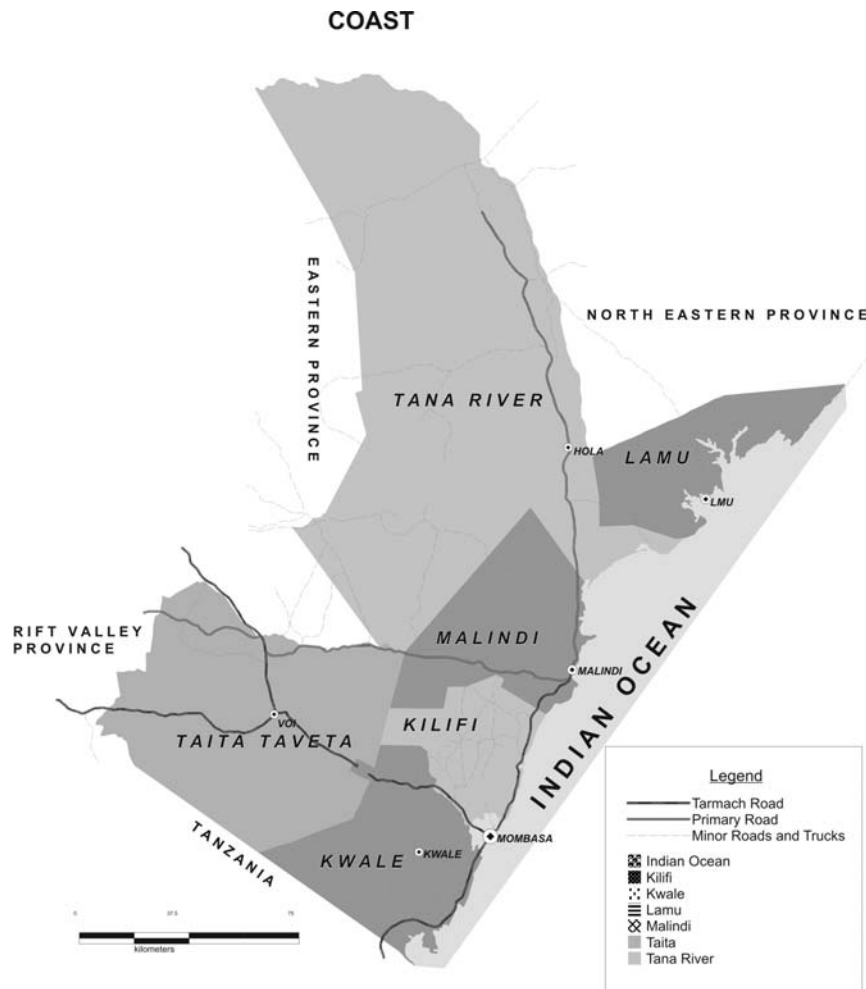
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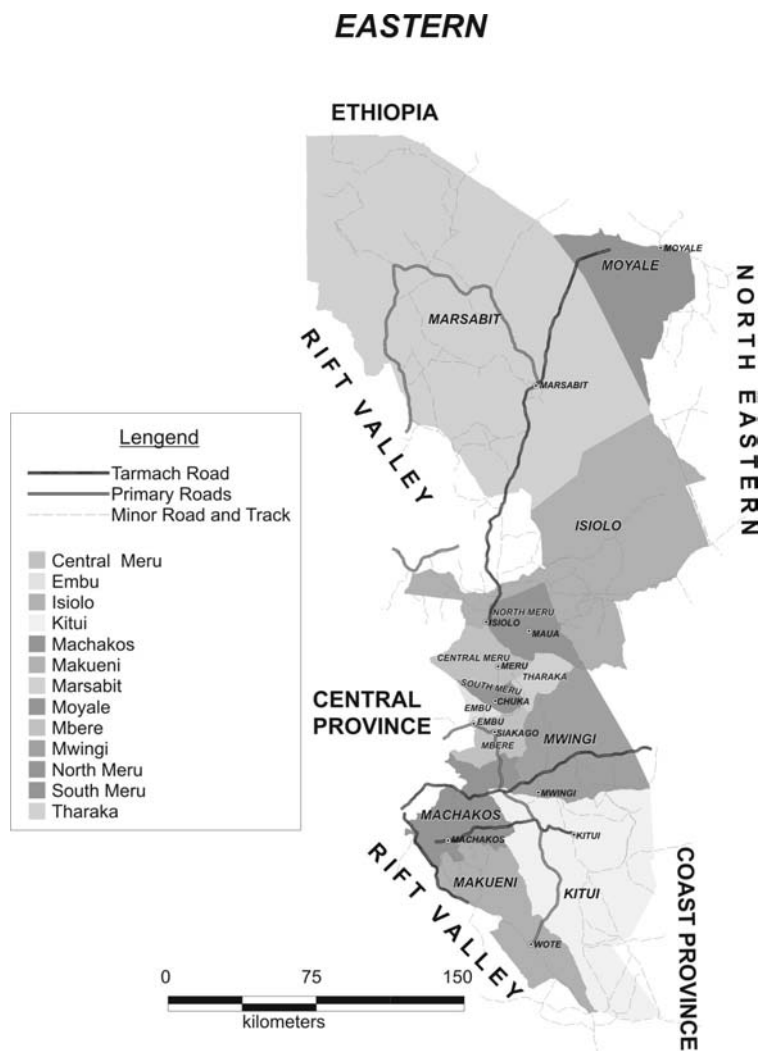
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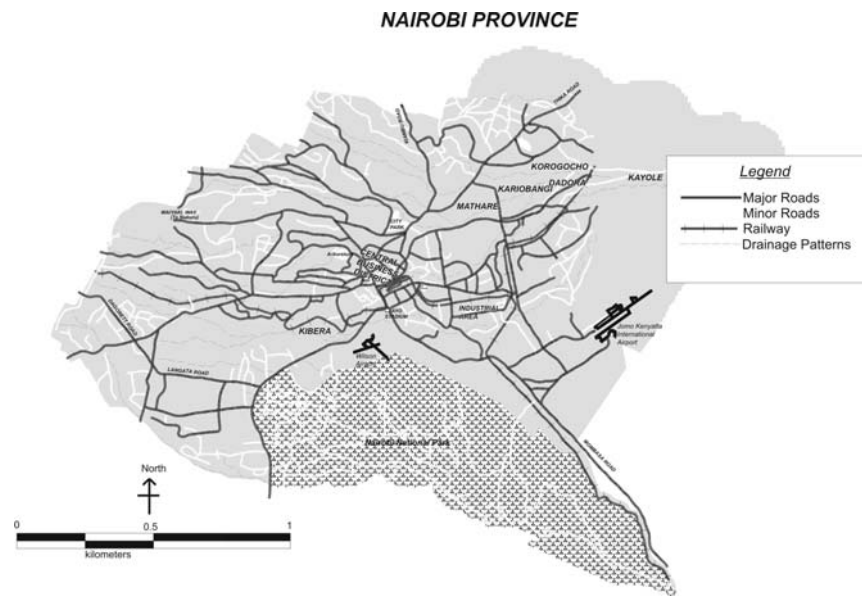
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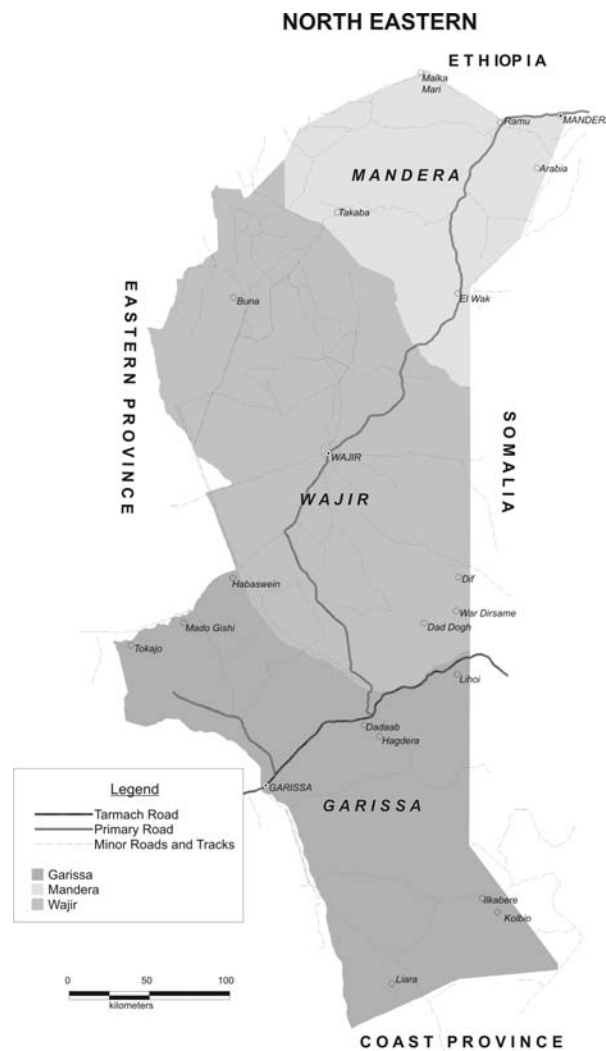
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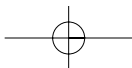


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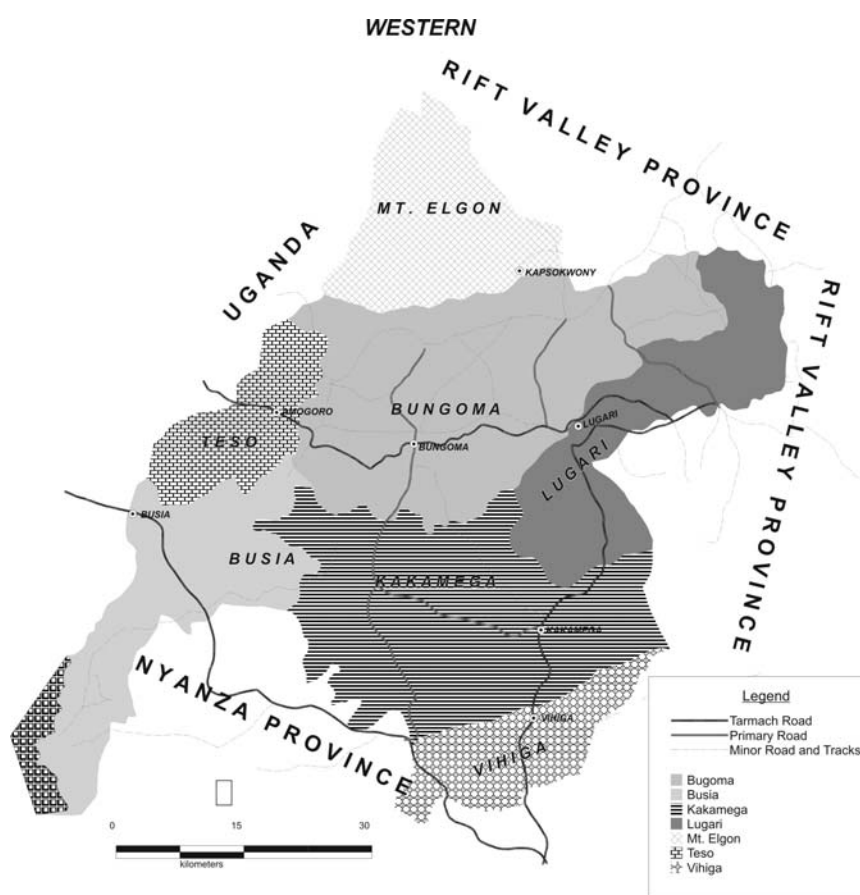


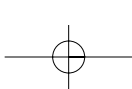
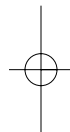
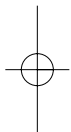
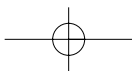
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INTRODUCTION

Introduction

The *Kenya Crime Survey 2001* is the second publication in the Kenya Crime Survey Series. The aim of the publication is to examine the dynamics of crimes in which firearms are utilised in Kenya, as reported in the three main daily newspapers. The series relies on a particular research methodology called content analysis. Following this methodology, articles adhering to the predetermined criteria are extracted from the newspapers. These articles are transcribed onto a pro forma survey in order to prepare them for input onto the electronic database for analysis. As documented in the *Kenya Crime Survey 2000*, there are both limitations and advantages to content analysis. One of the prominent advantages of content analysis is the accessibility of the information for analysis, and one of the main disadvantages is the bias in the nature of media reporting.

Background to study

In the last ten years, crime in Kenya seems to have been on the increase, but apparently there have not been any readily available statistics to support or refute the observation. Armed with this knowledge, SRIC co-founders, Jan Kamenju and Jerry Kitiku, embarked on filling this vacuum through conceptualising research based on newspaper content analysis. This was after searching in vain for readily available statistics with which to gauge crime trends in Kenya. The only source of information from which data could be extracted, processed and analysed was newspapers, as the police statistics have largely not been available for public consumption in Kenya.

What appeared to be only a concept has come to fruition. *Kenya Crime Survey 2000* was published in 2002 as a baseline survey, and this became the first publication in the Kenya Crime Survey (KCS) Series. The research for KCS 2000 was conducted in the year 2000, but for technical reasons it could not be processed for analysis and publication until over a year later. As a baseline research piece, KCS 2000 focused on only three crime types, namely robbery, hijacking and banditry. In the report, the focus was directed only on crimes in which firearms were used. Analysis was made

based on the eight provinces in Kenya and on a monthly basis, with a view to identifying which crime types were recurrent in specific provinces and which months of the year needed closer surveillance.

Kenya Crime Survey 2000 was launched in September 2002. Immediately after the launch, SRIC received acknowledgement from government officials, security agents, scholars, media houses, civil society and the public for having undertaken the research. Leading media houses appreciated the fact that the efforts they made in reporting crime in the newspapers was not in vain, as SRIC had collated their scattered crime reports for trend analysis.

In this publication, *Kenya Crime Survey 2001*, the same research methodology—data capturing, processing, analysis—was used as in the KCS 2000. However, there are key differences in approach in the KCS 2001. One of the major differences is in the general report structure applied. Unlike the KCS 2000, which analysed the three crimes in the same section, this report has analysed each crime thematically in its own section for the sake of clarity. In total, seven types of crime were analysed. These included the three crimes covered in the KCS 2000, namely robbery, hijacking and banditry, and also four new types of crime, namely misuse of firearms, possession of illegal firearms, murder and cattle rustling. The inclusion of other weapons used in crime, such as crude weapons, was another addition. Another unique component of the KCS 2001 is the opportunity of comparing the crime trends over the years of the two surveys.

As reports in the Kenya Crime Survey Series will be available on an annual basis, SRIC's vision is not only to fill the gap on crime-related information and statistics, but also to contribute concrete recommendations to Kenyan policy makers and therefore influence policy change with the aim of improving human security through the prevention and reduction of crime.

Purpose of study

The purpose of the study is to investigate the nature and dynamics of violent crimes in Kenya, particularly where firearms, home-made guns and crude weapons are used. This includes understanding the frequency of the crime; times when crimes are more likely to occur (such as the month of the year, or the day of the week); the type of firearm and other weapon used and recovered in the crime; and the distribution of the crime across and within the eight provinces of Kenya.

Methodology

The methodology for this study was content analysis. In this method, information contained in newspaper articles is transposed onto a pro forma survey for analysis. In this manner the information on firearm-related crime is rigorously dissected in a systematic method for analysis.

Table 1: Frequency of crime reporting by newspaper in 2001

	The Daily Nation (n=482)	The East African Standard (n=602)	The People Daily (n=169)
Robbery	39.0	39.5	46.2
Hijacking	14.1	14.8	7.1
Possession of illegal firearms	11.0	10.1	7.7
Murder	7.5	7.3	4.1
Cattle rustling	3.1	2.3	3.0
Rape	1.2	1.0	2.4
Misuse of firearm	8.1	9.5	13.0
Banditry activities	13.9	13.6	13.6
Cross border crime	0.8	1.2	1.2
Other	1.2	0.7	1.8
Total	100.0	100.0	100.0

Table 2: Proportion of reporting on crime incidents by newspaper in 2001

	Robbery (n=412)	Hijacking (n=142)	Possession of illegal firearm (n=107)	Murder (n=67)	Misuse of firearm (n=95)	Banditry activities (n=143)
The Daily Nation (DN) only	27.4	31.7	33.6	26.9	24.2	31.5
The East African Standard (EAS) only	39.6	45.1	38.3	37.3	40.0	39.2
The People Daily (PD) only	12.6	4.9	9.3	7.5	14.7	9.8
DN, EAS, PD	1.9	0.7	0.0	1.5	3.2	0.7
DN & EAS	14.1	14.8	15.9	25.4	12.6	13.3
DN & PD	2.2	0.7	0.0	0.0	1.1	1.4
PD & EAS	2.2	2.1	2.8	1.5	4.2	4.2
Total	100.0	100.0	100.0	100.0	100.0	100.0

A total of 1 026 articles were extracted for analysis. The step-by-step process of collecting the information comprised a number of phases.¹

- *Phase One* involved going through the three main daily newspapers in Kenya on daily basis. From these newspapers, any article making reference to a firearm-related crime was referenced, sorted and stored for later analysis. This took place on most working days for the duration of the year 2001.
- *Phase Two*, which took place in the year 2002, involved duplicating the information in the newspaper articles concerned and copying the details onto a specially designed questionnaire.
- *Phase Three* consisted of inputting the data as recorded on the survey form into an electronic database.

Sample

The report focuses mainly on those types of crime that have a sufficient number of reported cases from which to draw valid conclusions. These include the following crime types:

- Robbery (412 cases)
- Banditry activities (143 cases)
- Hijacking (142 cases)
- Possession of illegal firearms (107 cases)
- Misuse of firearm (95 cases)
- Murder (67 cases)
- Cattle rustling (29 cases)

Chart 1: Type of crime reported in Kenyan newspapers in 2001 (n = 1026)

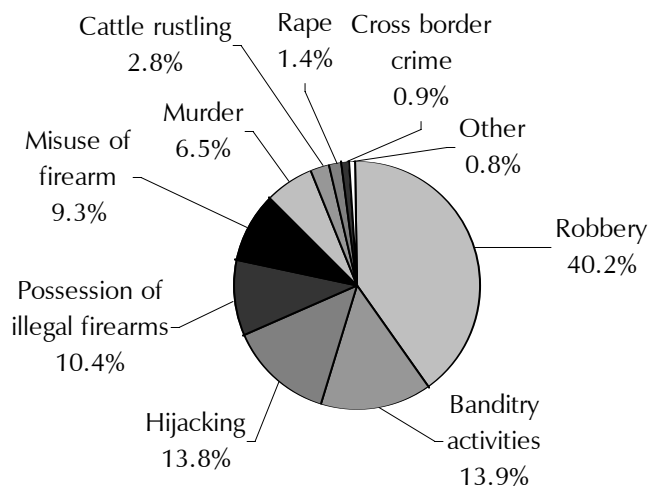


Table 3: Classification of crimes for analysis in 2001

	Count	Percent		Count
Robbery	412	40.2	Robbery	412
Banditry activities	143	13.9	Land related crime/conflict, clashes, ethnic Banditry	58
Hijacking	142	13.8	Hijacking	85
Possession of illegal firearms	107	10.4	Possession of illegal firearms	142
Misuse of firearm	95	9.3	Pointing a firearm	107
			Extra-judicial execution	2
			Misplaced firearm	2
			Escape from police custody	3
			Negligence with firearm	3
			Accidental shooting	4
			Possession of illegal firearms (spec. misuse of firearm)	4
			Arms trafficking	6
			Criminals mounting an illegal road block	5
			Firearm robbery	6
			Discharging in public	8
			Police misconduct	11
			Misuse of firearm	16
				25
Murder	67	6.5	Murder	67
Cattle rustling	29	2.8	Cattle rustling	29
Rape	14	1.4	Rape	14
Cross border crime	9	0.9	Surrender by foreign armies/officers	2
			Cross-border crime Kenya-Somalia border	3
			Cross-border crime Kenya-Ethiopia border	4
Other	8	0.8	Abduction/hostage	5
			Politically related	3
Total	1026	100.0		1026

Certain crimes, such as rape, cross-border crime and other unspecified crime, which were arguably significant, did not have sufficient cases from which to draw valid conclusions, and perhaps the quantitative leaning of this survey does not do justice towards improving the understanding of these crimes. It should be noted that the crimes of rape, cross-border crime, and other unspecified crimes are probably much more frequent than are reported in the newspaper. Due to the fact that there were insufficient cases reported in the media in which a firearm was used, the following crimes were not analysed:

- Rape (14 cases)
- Cross-border crime (9 cases)
- Other unspecified crime (8 cases)

All the crimes (as they appeared in the newspaper articles) were classified into the generic crime categories for analytic purposes. This is particularly evident when considering the crime category relating to the misuse of firearms.

Date

The dates reflected on the incidences in this study are not the actual dates when the crime occurred, but the dates when the incident was reported in the newspapers. It is important to note that the dates depend highly on the nature of crime and location. For example, a hijacking incident occurring in Nairobi on Monday will most likely be reported on Tuesday, but a banditry activity occurring on the same day may be reported a few days later. For the sake of analysis, it is assumed and acknowledged that newspaper reports will always be within the range of time when the actual incident occurred. It is highly unlikely for any newspaper to report what might be considered as stale news.

Working definitions

In *Kenya Crime Survey 2000*², definitions of robbery, hijacking and banditry activities were provided. The same definitions are applied in this section.

Crime definitions

Robbery

Generally, robbery occurs when one or more offenders unlawfully take possessions from one or more victims through the threat or use of force. When a firearm is used to compel the victims to hand over their possessions, this is referred to as armed robbery. In this research report "robbery" is used in the broadest sense of the definition, therefore robbery includes the theft of any item from a person where force or the threat of force is used. Hijacking, banditry activities, cattle rustling and poaching are all specific forms of robbery, defined as follows:

- Theft of a vehicle is referred to as hijacking.
- Robbery by a group of offenders in a rural setting sabotaging a convoy of travellers is referred to as banditry activity.

- Theft of livestock is referred to as cattle rustling.
- Stealing/killing of wild animals for food and body parts is referred to as poaching.

Hijacking

Hijacking activities are a specialised form of robbery. Hijacking involves compelling a driver of a vehicle, through either the use of force or the threat of force, to take unwilling action and to comply with the wishes of the hijacker.

Banditry activities

Banditry activities are organised armed robbery on the highways, where gangsters attack vehicles and steal from the passengers or motorists, especially those on long-distance trips in remote parts of the country. Banditry activity is quite distinct from robbery in general, which usually aims to take place undetected. Banditry activity by its very nature is loud and violent and committed by a large group of offenders, usually in a rural, isolated setting.

Cattle rustling

The distinction between banditry activities and cattle rustling is quite narrow. In this study, emphasis is placed on banditry activities but when the target of the banditry activities is theft of livestock it could be referred to as cattle rustling.

Poaching

Poaching is the theft or killing of wild animals within game reserves or of protected animal species for illegal purposes, such as for valuable animal parts and meat.

Illegal possession of firearm

Possession of an illegal firearm technically refers to the possession of a firearm without holding a certificate. According to Firearms Act under the laws of Kenya, no person shall purchase, acquire or have in his or her possession any firearm or ammunition unless he or she holds a firearm certificate in force at the time. In terms of this Act, any person who purchases, acquires or has in his or her possession any firearm or ammunition without holding a firearm certificate, or fails to comply with any condition subject to which he or she holds a firearm certificate, is guilty of an offence.

In this context therefore, possession of an illegal firearm refers to any situation in which a person or persons are caught with firearms without holding a certificate issued by a licensing officer. Some of the incidents where there was possession of illegal firearms involved suspects caught by the police through police investigation or by a tip-off from a member of the public, or firearm peddlers or, in some instances, illegal manufacturers of firearms, particularly home-made firearms.

Misuse of firearm

A situation in which a legal holder, either police or civilian, misuses the firearm is referred in this text as misuse of a firearm. There were 95 incidents reported in the newspapers in which legally held firearms were misused in 2001.

Murder

As a crime, murder is limited by definition to deliberately taking the life of another person. In this report, most murder cases selected were those in which the weapon used to carry out the murder was a firearm.

Weapon definitions

Firearm

The definition of firearm utilised in this report will be that used in the *Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime*³, as follows:

"Firearm" shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899.

Home-made firearm

The term simply refers to a firearm that is made at home rather than being manufactured in a shop or factory. A home-made firearm in this text will therefore refer to firearms made at home rather than manufactured, for example, home-made pistols and locally made rifles.

Crude weapon

According to the *New Oxford Dictionary of English*, the word "crude" is an adjective that describes something in a natural or raw state; not yet processed or refined. In terms of construction, it also refers to something constructed in a rudimentary or makeshift way. "Crude weapon" in this text will be used to refer to both items like stones, sticks and logs, and to bows and arrows, spears and iron bars, *pangas*, and sharp objects. Different communities in Africa have traditionally used these weapons, and there are many communities in Kenya who to date continue to do so. In some cases, criminals use these items in combination with firearms.

Data considerations

Considerable improvements have been made in the period between the conducting of the Kenya Crime Survey 2000 and that of 2001. Although the methodology remains identical, the refinement in the level of scrutiny of the newspapers and the regularity of the extraction process clearly makes the *Kenya Crime Survey 2001* a more reliable source of data. The data presented is open to wide interpretation. The nagging concern is repeatedly raised in the report: does the data present what is occurring on the ground, or what is being reported by the newspapers? There is no denying that coverage of crime in the newspapers is biased. However, the same biases largely apply year after year. Thus, the utility of the study would be found in the comparison between the Kenya Crime Survey 2000 and 2001, and the shifts in crime trends over subsequent years.

It must be reiterated that only newspaper articles in which a firearm was reported to be utilised were selected for this study. This implies two key limitations to the study. Firstly, the proportion of crimes in which a firearm was used, as compared to the total number of crimes of that type, could not be determined from this study. In addition to this, the higher proportion of firearm usage in the crimes analysed (as determined by these sampling criteria) means that these crimes will probably result in a higher proportion of injuries and deaths than crimes in which less lethal crude weapons were utilised.

There is no doubt that it would be valuable to know the ratio between crimes committed with a firearm and those conducted without a firearm. The expense of extending the study to include an analysis of all crime types reported in the three main Kenyan daily newspapers cannot be justified at this time. However, over time these costs could be offset by improved efficiencies as a result of familiarity with the research methodology. All is not lost by the fact that we are only considering crimes

in which firearms were utilised. Newspapers may in all likelihood vastly underreport general crimes, finding those involving a firearm more newsworthy. Thus, the extension of the study could merely introduce other biases. The reader should bear in mind the inflation of the impact of the crime in terms of injury and death. Broader crime trends, such as the time of the month or day on which the crime occurs, as well as the geographic location of the crime, might also be impacted upon by the sampling criteria, but to what extent we cannot determine.

Notes

- ¹ Muchai, A & Jefferson, C *Kenya Crime Survey 2000*, p. 2.
- ² The definition utilised is taken from Muchai, A & Jefferson, C *Kenya Crime Survey 2000*, p. 6-8.
- ³ *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime*, 8 June 2001, A/RES/55/255, Article 3, p. 3.

Chapter 1

ROBBERY

Introduction

Robbery was the most prolific firearm-related crime reported in the newspapers in 2001. Of all the firearm-related crime analysed in this study, robberies comprised 40.2% of the incidents.

Frequency of crime incident

More robberies occurred in April than in any other month in 2001. This was slightly different from the pattern of robbery in 2000, when robbery incidents peaked in both December and the March/April period. In all likelihood, the rise in robbery in these months can be attributed to the greater level of opportunity presented by the holiday periods. Robberies were also more likely to occur on weekdays than on the weekends, with the incidence of robberies peaking on a Tuesday; once more this is probably opportunity-based.

Out of the 1 026 cases extracted from the daily newspapers for analysis, robbery had the highest count, 412 or 40.2% of the sample. A number of reasons could be advanced to explain the phenomenon. Whenever robbery occurs, there are a number of people involved as individuals or as a group, either as perpetrators or as victims. For this reason a robbery has more chance of being detected. During the actual robbery incident it is possible that there will be witnesses who then pass the information on to reporters or to the police. Furthermore, newspaper editors like to publish articles they consider newsworthy to their readers who purchase the papers, and robbery incidents attract interest.

In the previous three years, Kenya has experienced economic recession, and even though it is on the path of recovery, there are a large number of unemployed people who have either been retrenched or laid off. This is because the employers can no longer meet their financial obligations. Among those who daily leave their homes to look for a job, there are many who engage in criminal activities. In the confusion after a robbery incident, other criminals and their accomplices often take advantage of the

situation to rob unsuspecting observers. These factors, among others, could explain why the count of robbery is the highest across all the 1 026 cases analysed.

Month

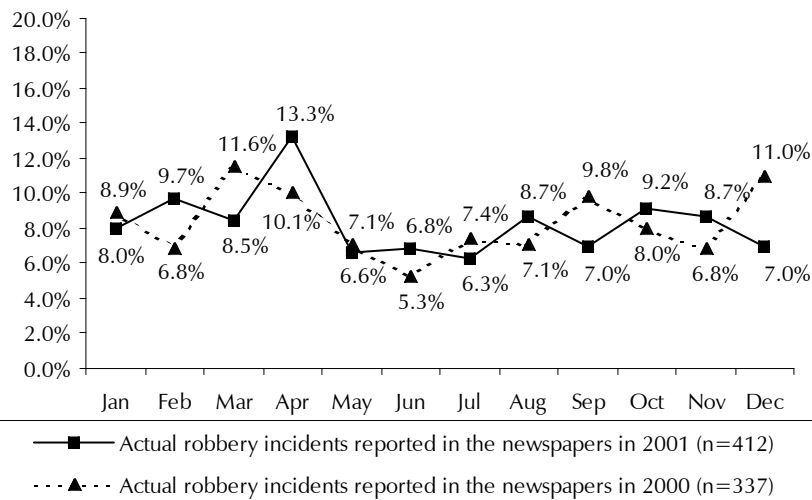
Robbery incidents reported in the newspapers in 2001 follow a pattern, with monthly peaks during February, April and October. The highest incidence of robbery was reported in the month of April: 13.3%. The second highest peaks in robbery occurred in February and October, standing at 9.7% and 9.2% respectively. The increase in robbery incidents during April could be attributed to the fact that April is a holiday month in Kenya, which creates many opportunities for criminals. In February, the high level of robbery could be attributed to the fact that robbers are trying to replenish their stocks in the post-Christmas period. Other cyclical factors linked to the start of the year could present opportunities for robbers, for example the payment of school fees. The same argument could be made for the months of October and November (8.7%) that witness higher robbery incidents prior to the Christmas vacation which, like April, is often filled with religious and social activities when schools and institutions are closed.

Table 4: Frequency of robbery incidents by month for 2001 and 2000

Month	Actual robbery incidents reported in the newspapers in 2001		Actual robbery incidents reported in the newspapers in 2000	
	Proportion of robberies per month	Average proportion of robberies per month	Proportion of robberies per month	Average proportion of robberies per month
January	8.0	First tier: 9.9%	8.9	First tier: 9.4%
February	9.7		6.8	
March	8.5		11.6	
April	13.3		10.1	
May	6.6	Second tier: 7.1%	7.1	Second tier: 6.7%
June	6.8		5.3	
July	6.3		7.4	
August	8.7		7.1	
September	7.0	Third tier: 8.0%	9.8	Third tier: 8.9%
October	9.2		8.0	
November	8.7		6.8	
December	7.0		11.0	
Total	100.0		100.0	
Number of robbery incidents	412		337	

This crime trend for robbery suggests that these are the months in which the police need to increase surveillance. During the last two months of 2001, there was a decline in robbery incidents. This could be attributable to a number of factors: increased police surveillance; the fact that the Kenyan economy recovered in 2001 (whereas in 2000 negative growth was recorded); or the simple fact that the criminals were also taking a holiday.

Chart 2: Frequency of robbery incidents by month for 2000 and 2001



These patterns for robbery were fairly similar to the observations in the *Kenya Crime Survey 2000*¹. In the 2000 report, there was a total of 337 robbery cases. The Kenya Crime Surveys 2001 and 2000 show, broadly speaking, similar robbery trends by month. A critical analysis indicates that in both years robbery incidents were higher during the months of January to April. On average there were 9.9% incidents of robbery in 2001 and 9.4% in 2000 between January and April. Between May and August robbery incidents decreased to an average of 7.1% in 2001 and 6.7% in 2000. From September to December robbery incidents increased again on average to 7.9% in 2001 and 8.9% in 2000. The trend that seems to be emerging is that frequency of robbery incidents rises in the first tier of the year, drops during the second tier and peaks again in the last tier. Several factors could be responsible for this trend.

As the year begins, a great deal of money changes hands in terms of payments to institutions as fees, rents, rates, and new stocks in business and in general investments.

At this time, individuals and business premises become easy targets for heightened activity by criminals. In the second tier, robbery incidents could decrease for a number of reasons, such as an increase in economic activity, creating temporary employment for some of those who would otherwise be unemployed. It could also be due to increased police surveillance, because police in Kenya were challenged by the high rate of crime at the start of the year and were more alert in the second and third tiers. Police in Kenya seem to respond to situations for a while and then change priorities.

Day

The highest incidence of robbery occurred on Tuesdays, Wednesdays and Mondays; the rate decreases as the weekend approaches. It is interesting to note that the highest count of robbery was reported on Tuesdays throughout the year (19.5%). The second highest count of reported robberies was on Wednesdays (15.1%) and followed closely by Monday (14.9%)

In 2001, more robbery incidents were perpetrated on weekdays than on weekends. On average, 15.3% of robberies were committed in the course of the week, while only 11.9% of incidents were reported to have been committed on weekends. This may mean that individuals and commercial enterprises tend to be more vigilant over the weekends and thus discourage criminals. Moreover, household occupancy is usually higher at the weekend than during the week. This pattern also lends credibility to our suggestion that criminals take advantage of heightened activity such as occurs during the week, when people tend to be more preoccupied with professional, business and academic concerns. It would also seem that there are more police deployed over the weekend in high crime areas, serving as a deterrent to criminals.

Table 5: Robbery incidents by day of the week in 2001

Day	Distribution of robbery incidents across the week	
Monday	14.9	Average robbery rate during the week: 15.3%
Tuesday	19.5	
Wednesday	15.1	
Thursday	14.1	
Friday	12.7	
Saturday	13.2	Average robbery rate during the weekend: 11.9%
Sunday	10.5	
Total	100.0	
Number of robbery incidents	410	

Type of firearms used and recovered

Firearms used

Since robbery has the highest count of incidents reported, it is not surprising that it also takes the lead in the type and number of firearms used in crime in the year 2001. Out of the 1 026 cases extracted for analysis in *Kenya Crime Survey 2001*, robbery had the highest count of 412. There were 1 006 weapons involved, of which 771 were firearms, in the 412 robbery cases. The other weapons identified in robbery include 235 crude weapons (such as knives).

Pistols

With regard to the percentage of the type and estimated number of weapons used in robbery cases, the most commonly used firearms were pistols, which constituted almost half of all the firearms used in crime. The percentage of pistols of all firearms used in robbery cases was 51.1%, or a total of 394 pistols out of 771 firearms used in robbery. In most of the incidents reported in the papers the specific type of pistol was not mentioned except for a few cases; there were 16 toy-gun pistols, 13 automatic pistols, and 6 US Colt pistols. In total 359 pistols were classified as 'just pistols', without specification of model. In most cases, the victim or the reporters might not know the different types of pistol and therefore make their report in the simplest way possible, or the victim might not have a good view of the pistol.

Rifles

Rifles are the second most favoured firearms used in robbery in Kenya. Rifles comprised 26.7% or a total of 206 rifles out of the 771 firearms used in robbery cases. While pistols are the weapons of choice in robbery, rifles take second position, perhaps to complement pistols, which are not as accurate over a long range as rifles. Rifles may be used in robbery as a tool to intimidate the victims and coerce them into submission. Rifles, on the other hand, are not as easily concealed as pistols.

The high proportion of weapons used in crime indicates the extent of firearm proliferation and how lethal robbery incidents have become in Kenya. It also shows that criminals have become more aggressive, hence resorting to the use of firearms as opposed to crude weapons. This raises a very pertinent question: Where are the weapons coming from? Rifles are not ordinarily used by civilians for self-defence. They are widely used by the police and the military. This is not to insinuate that weapons from the police and the military are being used in robbery cases. However,

it indicates a need to conduct further research to identify the source of the rifles used by criminals in robbery cases.

Unspecified firearms

Robbery reports which did not specify the type of firearm took the third position, at 20.4%, or 157 firearms. This figure indicates how often reporters or victims do not recognise or specify the type of firearm used in a robbery. There are several reasons for this. The victims may not know the name of all the types of firearm used in robbery incidents, and hence cannot report this to the police. Sometimes robberies take place too swiftly for victims to see the weapon, while journalists cannot take note of the firearms used if the criminals escape immediately after executing the crime. Even if journalists see the weapon, there are many types of firearms used in robbery and the journalists may not have the knowledge of weapons required for accurate reporting in crime- and security-related matters. This indicates a need for reporters to liaise more closely with the police so that the police can assist them with identification of the weapon before going to press.

Revolvers

At least 1.4% of firearms (11 in number) used in robbery were revolvers. Even though this figure may appear too small to draw any significant conclusions on the type and number of firearms used in robbery, it does show that criminals in Kenya use a wide variety of firearms to carry out their activities. The easy availability of firearms in Kenya makes it possible and convenient for criminals to acquire firearms.

Shotguns and machine-guns

There are a number of firearms that were not reported to have been used much in robbery activities in the year 2001. Among these were shotguns (none) and machine-guns (one). Either criminals could not lay their hands on these weapons or there might have been no need to employ such firearms.

Home-made firearms

Criminals do not only use manufactured firearms but also home-made guns. Two home-made firearms were reportedly used in robbery activities in 2001. This is a surprisingly low figure, since it is probable that those who engage in criminal activities use locally made firearms when they cannot gain access to manufactured pistols and rifles. One of the reasons for the low reporting of home-made firearms could be

related to journalists' preference for newsworthy items and for the more dramatic manufactured firearms. However, the fact that a few were reportedly used is an indicator that home-made firearms are applied in robbery related crimes.

Home-made firearms, even though less effective than manufactured ones, may be employed for deterrent purposes and for self-defence by the criminals and as a backup for the manufactured firearms if they do not have enough firearms for each gang member. Home-made firearms also might become handy in case there is a mechanical failure on the manufactured ones.

Comparison between 2000 and 2001

There were both similarities and differences in the types of firearm used in the Kenya Crime Surveys 2001 and 2000. One of the striking similarities was that in both years pistols were the firearm most used in robberies. Similarly, among specified firearms, rifles took second position across both years. From the numbers of pistols and rifles used in the two years, we may conclude that these two types are the most commonly used weapons so far in robbery incidents in Kenya.

In reported armed robbery incidents for 2000, the percentage of unspecified firearms stood at 62% of 289 firearms, but there was a considerable drop in these in 2001, to 20.4% of 712 reported firearms used in robbery. What one could make of this drop in the percentage of unspecified firearms in reported robbery cases is that reporters could have become more accurate in describing the specific types of firearm in 2001. Another hypothesis that we may advance is that in 2000 there was irregularity in firearms used in robbery, but in 2001 certain specific types were more regularly used. This could have enabled reporters to master the specific types and therefore easily name the firearms used in robbery in 2001. It is also possible that in 2001 there was improved liaison between the police, reporters and the public. Several factors could account for this: an improved level of awareness, increased information sharing between the police and the public, or a general change of attitude by the police and the public towards security matters and crime issues as a collective responsibility.

It is interesting to note that in 2000 approximately 11 machine-guns were used in reported robbery incidents, but only one machine-gun was reportedly used in a robbery incident in 2001. Although these figures are not substantive enough to make any conclusive analysis, one could at least observe that the use of machine-guns in reported robbery incidents were remarkably low in 2001.

In 2000, there was little attention paid to research on the number and type of locally manufactured, non-firearm, traditional and crude weapons reportedly used in

robbery incidents. However, owing to the frequent references to the use of these weapons in newspapers, we found it necessary to include them in the 2001 survey. Out of the 1 006 estimated arms used in robbery, 235 were crude weapons. Even though there are no comparable figures in the 2000 publication, it is noteworthy that almost a quarter (23.4%) of the arms used in robbery in 2001 were crude weapons. It may not be necessary for some criminals to acquire manufactured firearms in order to commit robbery. With easy availability of crude weapons, the criminals engage in robbery whether or not they have firearms.

In the 2001 findings only two home-made firearms were reportedly used in robbery. This should not be necessarily construed as meaning that there were only a few home-made firearms in circulation in the criminal market. These were the only ones reported in the newspapers. It may be possible that more home-made firearms were employed in robberies, but that reporters may not have found any significance in

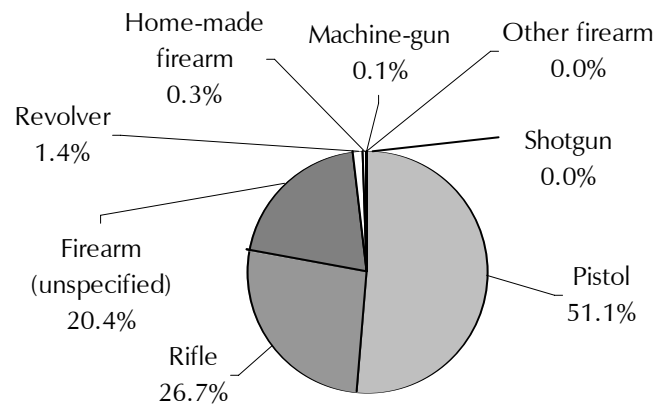
Table 6: Type and estimated number of weapons used in robbery incidents in 2001

Category of weapons	Percent	Weapon type	Number of weapons	Percent
Bomb	0.0	Petrol bomb	0	0.0
Crude weapon	23.4	Crude weapon	235	23.4
Explosive devices	0.0	Hand grenades	0	0.0
Firearm (unspecified)	15.6	Firearm (unspecified - general)	157	15.6
Home-made firearm	0.2	Home-made firearm	2	0.2
Machine-gun	0.1	Sub-machine-gun	0	0.0
		Machine-gun	1	0.1
Other firearm	0.0	British patchet	0	0.0
Pistol	39.2	Pistol	359	35.7
		Toy gun – pistol	16	1.6
		Automatic pistols	13	1.3
		US Colt pistol	6	0.6
Revolver	1.1	Revolver	2	0.2
		US Colt Revolver	9	0.9
Rifle	20.5	AK-47 Rifle	184	18.3
		M16 automatic rifle	1	0.1
		G3 rifle	7	0.7
		Automatic rifle	7	0.7
		Rifle general	7	0.7
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		1006	100.0

185 valid cases of the 412 robbery incidents.

reporting this. Usage of home-made firearms means that they are produced somewhere in Kenya or in the neighbouring states where technology in production of home-made firearms is more developed than in Kenya for example Tanzania and Uganda. Indeed, the problem needs to be addressed. The small number reported may, however, also imply that the problem of home-made firearms is not very acute in the country. With proper policing, it could be eliminated. It appears that the actual number of home-made firearms is unknown. Therefore, there is need for further research to assess the extent and scope of home-made firearms *vis-à-vis* other types of firearm.

Chart 3: Type and estimated number of firearms used in robbery incidents in 2001
(Number of valid cases = 158; Number of firearms = 711)²



Firearms recovered

Out of 412 robbery cases extracted for analysis, weapons were recovered in only 74 cases. In 71 of these cases only firearms were recovered, and in three of these cases a mixture of firearms and crude weapons was recovered.

Across the robbery cases, there were 771 firearms used in the robbery cases and 160 firearms were recovered. This indicates that a large number of the firearms are not recovered. Such firearms remain in circulation and often they are used in other crime incidents.

There was a ratio of one firearm recovered for every five firearms used, which further emphasises the fact that that there were very few firearms recovered in robbery cases. Of the 160 firearms recovered in robberies, 54.4% were pistols, 19.4% were rifles,

6.3% were revolvers, 6.3% were unspecified firearms, 5.6% were machine-guns and 5.6% were home-made firearms. These percentages reinforce the earlier observation with regard to the types of firearm used in robbery. Most of the firearms used were pistols and rifles, followed by unspecified firearms. Among the firearms recovered pistols and rifles comprised the highest proportion.

Table 7: Type and exact number of weapons recovered in robbery incidents in 2001

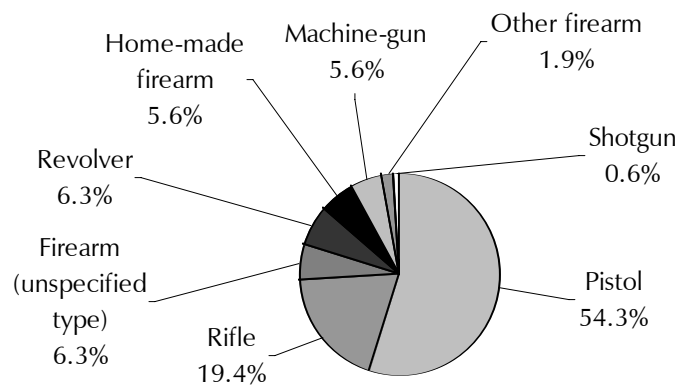
Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	0.0	Petrol bomb	0	0.0
Crude weapon	5.9	Crude weapon	10	5.9
Explosive devices	0.0	Hand grenades	0	0.0
Firearm (unspecified type)	5.9	Firearm (unspecified type)	7	4.1
		Firearm general	2	1.2
		Silencer fitted in firearm	1	0.6
Home-made firearm	5.3	Home-made firearm	9	5.3
Machine-gun	5.3	Sub-machine-gun	1	0.6
		Machine-gun	6	3.5
		Patchet Sub-machine-gun	1	0.6
		Uzi sub-machine-gun	1	0.6
Other firearm	1.8	British patchet	1	0.6
		Miniature	2	1.2
Pistol	51.2	Pistol	48	28.2
		Toy gun – pistol	16	9.4
		Brazilian Taurus	1	0.6
		Uzi pistol	1	0.6
		.38 Special pistol	1	0.6
		US Colt pistol	5	2.9
		Ceska pistol	5	2.9
		American Browning pistol	3	1.8
		Browning automatic pistol	1	0.6
		Beretta pistol	2	1.2
		Star pistol	2	1.2
		Walter automatic pistol	1	0.6
		US Colt	1	0.6
Revolver	5.9	Revolver	2	1.2
		US Colt Revolver	8	4.7
Rifle	18.2	AK-47 Rifle	22	12.9
		M16 automatic rifle	1	0.6
		G3 rifle	5	2.9
		Automatic rifle	3	1.8
Shotgun	0.6	Shotgun	1	0.6
Total	100.0		170	100.0

74 valid cases of the 412 robbery incidents.

Recovered pistols constituted 54.4% of all firearms recovered in robbery incidents. The high number of pistols recovered also confirms the observation that pistols are the preferred firearms in robbery activities. This fact also applies to rifles, which stood at 19.4% of the firearms recovered. So we may also state that rifles are the second largest group of firearms used and recovered in robbery incidents in Kenya.

Even though there are far more firearms used than recovered, the fact that some are recovered is an indication that the Kenya police are committed to addressing both the problem of illicit firearm proliferation and also robbery with violence. It is also indicative of the police working closely with affected communities in Kenya to recover firearms.

Chart 4: Type and exact number of firearms recovered in robbery incidents in 2001
(Number of valid cases = 71; Number of firearms = 160)³



Correlation between police tip-offs and firearm recoveries

Some of the firearm recoveries occurred as a result of tip-offs given to the police by a member of the public. It was found that in those cases when the police were acting on a tip-off there were more firearms recovered in the incident than in other cases. This demonstrates that cooperation from the public in providing the police with information is of assistance in fighting crime, and useful in leading to the seizure of illegal firearms.

In 17.7% (or 73 of the 412) robbery incidents a firearm was recovered. In those cases where there was a police tip off, there was a significantly higher firearm recovery rate. It was found that a tip off to the police increased chances of firearm recovery.

Table 8: Correlation between firearm recovery and police acting on a tip-off in robbery incidents in 2001		
Tip-off involved or not	% of Robbery incidents in which a firearm was recovered	% of Robbery incidents in which no firearm was recovered
Police action on a tip-off	31.5	1.8
Police not acting on a tip-off	68.5	98.2
Total	100.0	100.0
<i>Number of robbery incidents</i>	73	339

Comparison between 2000 and 2001

A close comparison between 2000 and 2001 clearly shows that pistols and rifles are the most recovered firearms in robbery incidents. In the two years, over half of the firearms recovered were pistols; 55% pistols were recovered in 2000 out of a total of 141 and 53% were recovered in 2001 out of a total of 166. Similarly in 2000, 16% of firearms recovered were rifles, while in 2001 rifles comprised 22% of the firearms recovered.

In 2000 and 2001, it is interesting to note that more home-made firearms were recovered than were reportedly used in robbery. It was noted that there were 15 home-made firearms recovered in 2000 while 9 were recovered in 2001. This is even though the use of home-made firearms was not given due attention in 2000. This indicates that the firearms recovered may not necessarily be the type reportedly used in robbery incidents. So we may overrule the earlier assumption that home-made firearms were seldom used in robberies and confirm the possibility that some of the firearms used in robberies, including home-made ones, are not always reported in the newspapers. This observation may be extended to the issue of machine-guns. In 2000, only 1% of the total firearms reportedly used were machine-guns, but 2% were recovered. While in 2001 no machine-guns were reportedly used in robbery, 5% of firearms recovered were machine-guns. We may therefore conclude that there is some correlation between the most used and the most frequently recovered firearms in robbery, but as regards the least used and recovered firearms, the correlation is less clear and there is no basis for conclusive analysis.

Ammunition

Not only firearms were recovered in the robbery incidents. In 14.3% (n = 412) of the robbery cases, ammunition was recovered. The police recovered a variety of

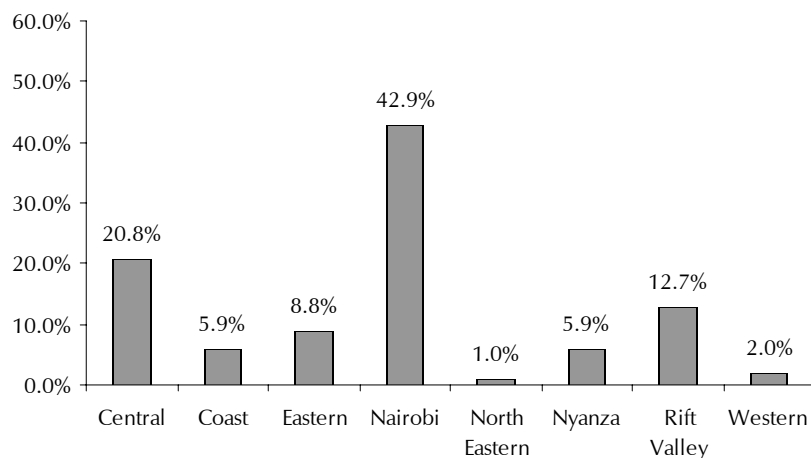
ammunition, and this was usually reported in the newspapers as bullets, spent cartridges or magazines.

Trends

Distribution of crime across the provinces of Kenya

It is not unexpected that Nairobi province has the highest incidence of robbery as compared with the other seven provinces in Kenya. It was found that 42.9% of the total number of robberies reported across Kenya, which stood at 408 cases, occurred in this city province. Considering that there are eight provinces in Kenya, a total of 42.9% is obviously disproportionably high. This may be attributable to several factors: Nairobi is the capital city and the nerve centre of economic activities in the country. Rural-urban migration appears to be a major factor in developing countries. In Kenya a considerable number of people living in rural areas migrate to the city in search of opportunities such as business, employment and education, as well as general survival opportunities. Given the general economic conditions in Kenya over the past three years, a large number of unemployed people have been recently produced by the weak economy. The lack of a stable income and means of livelihood has also created a population of people who cannot meet their basic needs such as food, shelter and clothing. In desperation and in the struggle to survive, there are many Kenyans who have had to live in the many slums of Nairobi, which have often been perceived as hideout places for criminals.

Chart 5: Distribution of robbery incidents across provinces in 2001 (n = 408)



Nairobi is also a cosmopolitan city and home to many Africans. Kenya has been a relatively peaceful country but it is unfortunately surrounded by many African countries facing internal and external conflicts such as Sudan, Somalia, Ethiopia, Burundi, Rwanda and the Democratic Republic of Congo (DRC). The conflict and war situation in some of these states have resulted in their citizens seeking refuge in the neighbouring states, Kenya included. Even though there are several international refugee camps in Kenya such as Dadaab and Kakuma, located in northern Kenya, there are many refugees who remain in Nairobi while they await the processing of their documentation. Among the genuine refugees there may be some opportunistic criminals masquerading as refugees.

Kenya has also experienced internal conflicts in the past, particularly in the run-up to the two general elections of 1992 and 1997. In the affected areas, some people were displaced from their farms and smallholdings. The internally displaced persons fled to different parts of the country, including Nairobi. Nairobi is therefore densely populated. According to the 1999 national census, Nairobi registered a total of 2.1 million people (2 143 254 people). The huge population provides criminals with plentiful targets and robbery opportunities. With regard to proportional crimes in each province, robbery formed 46.4% of the 377 crime incidents reported in Nairobi province.

Central province was the location of 20.8% of the robbery cases reported in the newspapers. Geographically, the province is adjacent to Nairobi. Its proximity to Nairobi makes it an easy escape zone for criminals who may be hiding from the heavily policed Nairobi province. From Central province, the criminals can strike and easily retreat to their hideouts. It is noteworthy that of the crimes mentioned in this text, robbery formed 49.7% of the total 171 crime incidents in the province. This figure was almost half of the crimes committed, making robbery the most frequent crime in Central province.

Rift Valley province recorded the third highest incidence of robbery. Several factors may be advanced to explain why there was a high incidence of robbery in the province even though geographically it is far away from Nairobi. It is the largest province, cutting across the entire country. Significantly, it also borders on most of the other provinces, except North Eastern province. In this respect, it appears to be at the crossroads as a transit point through to the other provinces. Rift Valley province also has three international borders shared with Sudan, Uganda and Tanzania. This makes it a beehive of commercial and social activities as it draws traders from different regions. Owing to its size, Rift Valley is also a leading agricultural area, which attracts a great deal of commercial activity. These factors may explain why 12.7% of all

robberies reported in the newspapers occurred in this province. Of the 203 crimes recorded in Rift Valley, robbery represented 25.6%. Robbery is the second most recurrent crime in the province.

Distribution of crime within the various provinces in Kenya

In 2000, there were 334 robbery incidents extracted for analysis in the eight provinces. The figure went up in 2001 to 408, distributed throughout the eight provinces. Over the two years, the rate of robbery was the highest in three provinces: Nairobi (51% in 2000 and 42.9% in 2001) Central (15% in 2000 and 20.8% in 2001) and Rift Valley (10% in 2000 and 12.7% in 2001). We may conclude that these three provinces are the most affected by robbery. Moreover, over the two years, in six provinces robbery was the most recurrent crime. Central, Coast, Eastern, Nairobi, Nyanza and Western provinces recorded robbery as the most recurrent crime in both 2000 and 2001.

Robbery not only creates fear among the affected population, but is a serious drawback to economic growth and development. For these reasons, there is an urgent need for the police to improve security in the three provinces most affected by robbery, namely Nairobi, Central and Rift Valley provinces.

Table 9: Distribution of robbery incidents across the various provinces in 2001 as compared with total crime

Province	Percentage of robbery incidents in province	Number of robbery incidents in province (Total = 408)	Number of crime incidents in province (Total = 1016)
Central	49.7	85	171
Coast	38.7	24	62
Eastern	37.9	36	95
Nairobi	46.4	175	377
North Eastern	13.8	4	29
Nyanza	42.9	24	56
Rift Valley	25.6	52	203
Western	34.8	8	23

In 2000, robbery least affected the following provinces: North Eastern (2%), Western (2%) and Coast (6%). In 2001, North Eastern (1%), Western (2%), Coast (5.9%) and Nyanza (5.9%) were the least affected provinces. Apparently the pattern of provinces least affected by robbery holds good over the two years. However, this should not be misinterpreted to mean that robbery is not a serious crime in these provinces. Significantly, it should be noted that in Western province in 2000, out of the 11 crimes

extracted for analysis, robbery represented more than half (54.5%) and in 2001, of 23 crime cases robbery cases were the highest and stood at 34.8%. In the same vein, out of the 25 criminal cases analysed in Coast province in 2000, robbery cases stood at 76%. In 2001 a total of 62 crimes were reported in Coast province and robbery represented 38.7%. These figures show that even though robbery is not a severe crime in some provinces, it is undoubtedly the number one crime in Kenya. Indeed, robbery demands attention by the police, affected communities and society at large.

Distribution of crime within the city of Nairobi

A total of 174 robbery cases were analysed within Nairobi. Concentrations of robbery cases occurred in the Central Business District (CBD) and to the east of Nairobi, each with a record of 22.4% of the Nairobi province's reported robbery incidents. The CBD is the nerve centre of the city in terms of a number of activities, such as business and commercial activities, administration, justice, hospital, insurance and transportation. A huge proportion of the population is thus drawn into the CBD in pursuit of different interests. Essentially, the high population and a wide range of activities make the CBD a prime choice for criminals.

Table 10: Distribution of robbery incidents within Nairobi in 2001	
Area	Robbery (percent)
North	3.4
South	2.9
West	8.0
East	22.4
Central Business District	22.4
North-west	5.2
North-east	15.5
South-west	3.4
South-east	6.9
Nairobi General	9.8
Total	100.0
<i>Number of incidents</i>	<i>174</i>

At least 22.4% of the robbery cases reported within Nairobi were reported in the east and 15.5% in the north east of Nairobi. These two locations in Nairobi are commonly referred to as Eastlands and comprise middle and low-income housing estates such as Kimathi, Ofafa, Uhuru, Harambee, Tena, Greenfields, Sunrise, Savannah, Ridgeways, Garden Estate, Kasarani and Kahawa among others. Eastlands is one of the most

densely populated areas in Nairobi. Apart from the housing estates, there are a number of sprawling slums such as Majengo, Mathare and Korogocho, to mention a few. These factors explain why the east and the north-east of Nairobi, along with the CBD, had a high incidence of robbery.

A surprisingly low proportion of the robbery incidents occurred in the west and the north-west of Nairobi, which reported 8.0% and 5.2% robbery incidents respectively, and consist of upmarket estates such as Kileleshwa, Riverside, and Lavington in the west and New Muthaiga, Kyuna, Spring Valley, Rosslyn and Runda in the north-west. These estates could be easy targets of robbery because the households living within these zones are well-off to wealthy. The abovementioned zones are also sparsely populated with upmarket houses, swimming pools and large compounds.

One of the interesting trends witnessed in Nairobi and in other leading cities in Kenya is the mushrooming of private security firms, which have been created in response to the security situation in Kenya. Private security is obviously an expensive venture that not many people can afford. Presumably, the relatively wealthier people in the west and north-west of Nairobi are well guarded by private security firms. It is ironic that even with so many security companies guarding private homes, robbery cases are still reported in these estates.

A comparison between 2000 and 2001 reports shows some similarities and differences in the robbery pattern within the city. In 2000, there were 144 robbery incidents reported in Nairobi, most of which were in the north east (24.3%), followed by the CBD (20.1%) and the east (18.1%). In 2001 the east and the CBD had an equal rate (22.4%) followed by the north east (15.5%) out of a total of 174 robbery cases reported in Nairobi. While there was a change in the number of robberies which occurred in the north east in 2001, the incidence of robbery in these three areas remained comparatively the highest. In view of the two years' figures, we may conclude that the areas most affected by robbery in Nairobi are the CBD, the east and the north east of Nairobi. This being the case it is of the utmost importance that police improve security in these affected areas, and that the public be made aware of their need to be vigilant.

Summary

- As in the 2000 study, robbery was once again found to be the most prolific crime in Kenya. This is confirmed by the finding that there were six out of eight provinces where robbery was the highest reported crime in 2000 and in 2001.

- As in the 2000 findings, pistols and rifles were the weapons of choice in 2001. In the two years, pistols and rifles were the firearms most frequently reportedly used in crime and most frequently recovered.
- The use of firearms in robbery is not limited to pistols and rifles. Other types of firearm are also used, such as crude weapons and home-made firearms. Machine-guns, shotguns, hand grenades and bombs are types that are not commonly used in robbery activities.
- Of the types of firearm reportedly used in robbery, there are some firearms whose type reporters did not specify. Interestingly, the numbers of unspecified firearms were higher in 2000 (62% of 289) than in 2001 (22% of 712). This was attributable to improved levels of awareness amongst members of communities affected, and an improved partnership between the police, civil society and members of the public. Increasingly, this change of attitude may impact positively on community policing in terms of information sharing.
- Some of the recovered firearms may not necessarily have been used in robbery incidents. For instance, in 2000 and 2001 the numbers of home-made firearms reportedly recovered were higher than those used in robbery incidences.

Notes

- ¹ Muchai A. and Jefferson C., *Kenya Crime Survey 2000*, p. 9.
- ² In terms of firearms used in robbery incidents in 2001, there were 158 valid cases out of the 412 robbery incidents. In these 158 valid cases, 711 firearms were identified.
- ³ In terms of firearms recovered in robbery incidents in 2001, there were 71 valid cases out of the 412 robbery incidents. In these 71 cases, 160 firearms were recovered.

Chapter 2

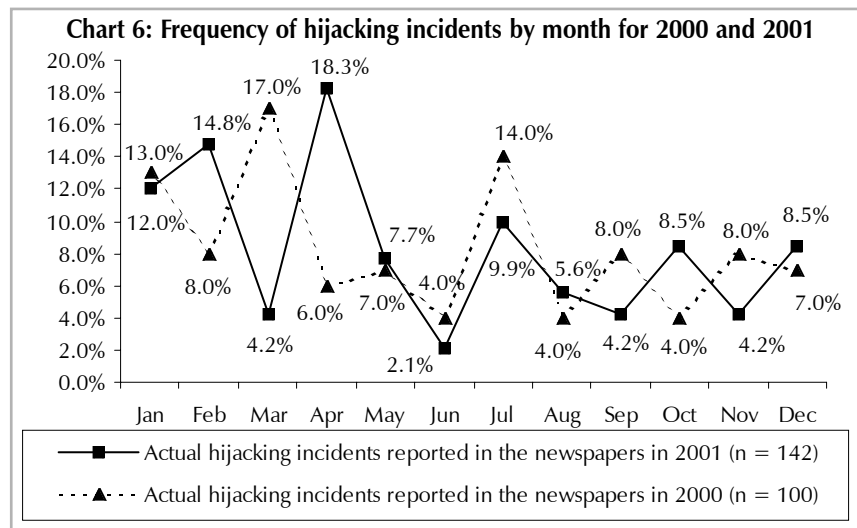
HIJACKING

Introduction

Hijacking is a particularly violent form of robbery. It was found that in 53.2% of the reported hijacking incidents a firearm was discharged, and furthermore that in 40.1% of the cases at least one person was killed in the hijacking (that is, a death occurred in 57 of the 142 hijacking incidents collected from the newspapers in 2001).

Frequency of crime incident

Month



Of the 1 026 articles extracted for analysis from newspapers, there were a total of 142 incidents of hijacking. It was found that the highest number of hijackings occurred in April (18.3%). The second highest incidence was reported in February (14.8%) and

the third highest number of hijackings in January (12.0%). The lowest incidence of reported hijacking was in June (2.1%), March (4.2%), September (4.2%) and November (4.2%).

The first tier of four months in 2001 appeared to be more risky in terms of hijacking than the second and third tiers. From January to April, a tier of four months, the average proportion of hijacking per month was 12.3%. In the second tier of four months, May to August, there was a sharp drop to an average of 6.3% hijackings per month and from September to December there was a slight rise to 6.4% average hijackings per month.

Table 11: Frequency of hijacking incidents by month for 2001 and 2000				
Month	Actual hijacking incidents reported in the newspapers in 2001		Actual hijacking incidents reported in the newspapers in 2000	
	Proportion of hijackings per month	Average proportion of hijackings per month	Proportion of hijackings per month	Average proportion of hijackings per month
January	12.0	First tier: 12.3%	13.0	First tier: 11.0%
February	14.8		8.0	
March	4.2		17.0	
April	18.3		6.0	
May	7.7	Second tier: 6.3%	7.0	Second tier: 7.2%
June	2.1		4.0	
July	9.9		14.0	
August	5.6		4.0	
September	4.2	Third tier: 6.4%	8.0	Third tier: 6.7%
October	8.5		4.0	
November	4.2		8.0	
December	8.5		7.0	
Total	100.0		100.0	
<i>Number of hijacking incidents</i>	142		100	

Hijacking is a demand-driven crime, more often conducted by criminal syndicates serving an established market both within Kenya and amongst neighbouring countries. Although several reasons could be advanced to explain why the rate of hijacking was high in the first tier of the year, it is likely that the hijacking syndicates were merely responding to the increased demand for stolen cars in the first four months of the year. Certainly, added opportunities linked to increased availability of cash and transported goods (such as restocking following the festive season, and payment of annual

expenses such as rates and insurances and tuition fees) at the start of 2001, could have motivated the criminals towards conducting hijackings, but market forces would ultimately dictate the hijacking trend.

The drop in the incidence of hijacking in March 2001 to 4.2% is inexplicable and differs from the same period in 2000, when 17% of the annual reported hijackings occurred in March. Perhaps the hijacking syndicates were able to meet the demand for stolen cars with existing stocks of cars hijacked in January and February 2001.

A plateau in levels of hijackings occurred in the second and third tiers of 2001 at an average of 6.3% and 6.4% respectively, which indicated that the demand for stolen cars was relatively constant throughout the remainder of the year. A very similar trend was seen in 2000.

Hijacking, as a specialised form of robbery, follows a similar trend to robbery. It was found that the rate of robberies was also highest in the first tier of 2001, though the differences between the first tier and the last two tiers was not as dramatic as in the case of hijackings. In 2001, there were almost twice as many hijackings on average in the first tier (12.3%) than in the second (6.3%) and third (6.4%) tier, while on average there were only marginally more robberies in the first tier (9.9%) than the second (7.1%) and third tier (8.0%).

The heightened levels of hijacking and robbery incidents in the first tier of the year point to an urgent need to deploy more police personnel to hotspots at this time, with the view to making this period of the first tier of the year safer for motorists.

Comparison between 2000 and 2001

In both 2000 and 2001, on average January to April were the most risky months with regard to safety on the highways, roads and driveways in Kenya. In 2000, 100 hijacking incidents were extracted for analysis from newspapers as compared with 142 incidents in 2001. Comparatively, the two years showed some similarities in hijacking trends in Kenya. In the first tier of 2000, January to April, the rate of hijacking was high at an average of 11% per month. In 2001, the average proportion of hijackings was at 12.3% across the four months from January to April. In the second tier across both years, the rate of hijacking dropped to an average of 7.3% in 2000 and 6.3% in 2001. In the last tier, there was a drop to an average of 6.8% in 2000 and a very slight increase to an average of 6.4% in 2001.

Day

It was found that the majority of the 142 hijacking incidents in 2001 occurred during the week (on average, 15.2% of the hijackings occurred on a weekday) as opposed to weekends (on average, 12% of the hijackings occurred on either Saturday or Sunday).

Table 12: Hijacking incidents by day of the week in 2001

Day of the week	Distribution of hijacking across the week	
Monday	17.6	Average hijack rate during the week: 15.2%
Tuesday	19.7	
Wednesday	10.6	
Thursday	16.9	
Friday	11.3	
Saturday	11.3	Average hijack rate during the weekend: 12.0%
Sunday	12.7	
Total	100.0	
Number of hijacking incidents	142	

The early part of the week appears relatively more unsafe for motorists in Kenya than the latter parts of the week, when a lower proportion of hijackings occur. It was found that the highest numbers of hijackings were reported on Monday and Tuesday of every week at 17.6% and 19.7% respectively. Thus, to combat hijacking, not only should police vigilance be improved during the first four months of the year, but during the first half of every week.

Type of firearms used and recovered

There were 74 reports which yielded information about the type of weapon used in the hijacking incident: In 68 of these cases the weapons comprised only firearms; in three of these cases they comprised only crude weapons and in a further three incidents a mixture of crude weapons and firearms were used.

Firearms used

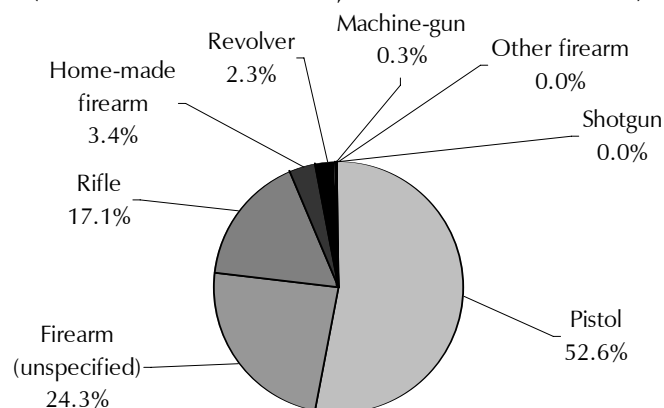
On the whole the number of pistols used in hijacking far exceeded the rifles. Perhaps this is because pistols are easily concealed in the offenders' clothes, thus retaining the element of surprise when approaching a victim.

There were 142 hijacking incidents reported in the newspapers in 2001, of which 71 reports provided information about the firearm used in the incident. In these 71 cases, 350 firearms were used.

Table 13: Type and estimated number of weapons used in hijacking incidents in 2001

Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	0.0	Petrol bomb	0	0.0
Crude weapon	9.3	Crude weapon	36	9.3
Explosive devices	0.0	Hand grenades	0	0.0
Firearm (unspecified)	22	Firearm (unspecified)	85	22.0
Home-made firearm	3.1	Home-made firearm	12	3.1
Machine-gun	0.3	Sub-machine-gun	1	0.3
Other firearm	0.0	British patchet	0	0.0
Pistol	47.7	Pistol	180	46.6
		Toy gun – pistol	4	1.0
Revolver	2.1	Revolver	7	1.8
		US Colt Revolver	1	0.3
Rifle	15.5	AK-47 Rifle	46	11.9
		G3 rifle	6	1.6
		Rifle general	6	1.6
		Assault rifle	2	0.5
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		386	100.0

74 valid cases of the 142 hijacking incidents.

Chart 7: Type and estimated number of firearms used in hijacking incidents in 2001
(Number of valid cases = 71; Number of firearms = 350)

Pistols comprised the majority of firearms used in hijacking (at 52.6% of all the firearms utilised, or 184 of the 350 weapons used). Reports did not specify the firearm in the second largest category, which we have called 'firearm unspecified', which stood at 24.3% of the firearms used in hijacking, or 85 firearms. The high number of unspecified firearms is largely explained by the speed at which the crime occurs.

Hijacking as a crime usually takes place fairly rapidly. Thus the victims may not have time to note details by which to accurately describe the firearm to a police officer who could identify the weapon. Those cases where the report contains detailed descriptive information often involve an arrest of a suspect and/or the seizure of a firearm recently utilised in a hijacking.

An estimated total of 60 rifles were used in hijacking, which comprises 17.1% of the sample. Of these rifles, 46 were Ak-47 rifles. It is unusual for rifles to be used in hijacking. One would expect that the offender would prefer a smaller weapon that is easier to conceal.

Hijackers usually follow a standard method. The widely known practice exercised by hijackers on Kenyan roads is that of slowly approaching the motorist from the driver's side and knocking at the window while confidently displaying the pistol. Intentionally, the victim is thus caught unawares. Sometimes hijackers work alone, and in other cases in partnership. More often a second hijacker simultaneously knocks at the other side of car, at the front passenger side, further intimidating and confusing the victim(s).

Crude weapons

Crude weapons were also used in hijacking, although to a lesser extent than firearms. An estimated 36 crude weapons were used in hijackings and were recovered across six hijacking incidents. The usage of crude weapons indicates that it is not only firearms that are used in hijacking.

Comparison between 2000 and 2001

Across 2000 and 2001, pistols were the most commonly used firearm in hijacking.

A higher average number of firearms was used in hijacking in 2001 than in 2000, which indicates that the use of firearms in hijacking is on the rise. In 2000 the estimated number of firearms used in hijackings was 189 in 84 incidents (an average of 2.25 firearms per incident), as compared with the estimated 350 firearms used in 71 incidents in 2001 (an average of 4.9 firearms per incident).

In 2000, the "unspecified firearms" stood at 52%, the single largest category of firearms reported on. In 2001 the number of unspecified firearms reduced drastically, to 24% of the 350 firearms used in hijacking. It is to be hoped that this trend will continue, and that it is linked to an improved accuracy of reporting both by victims and newspaper reporters. However, this is more probably attributable to an improvement

in the handling of the research coding process by SRIC than due to improved firearm identification or reporting levels. It is hoped that comparisons of the 2001 data with the *Kenya Crime Survey 2002* will provide more clarity on this trend.

Firearms recovered

In only 27 of the 142 hijacking cases was there information on firearms being recovered in the incident. It should be noted that since there were so few incidents in which firearms were actually recovered, concrete inferences on firearms recovered in hijacking incidents in 2001 should not be made. The information in this section should merely be used as a guide.

Table 14: Type and exact number of weapons recovered in hijacking incidents in 2001

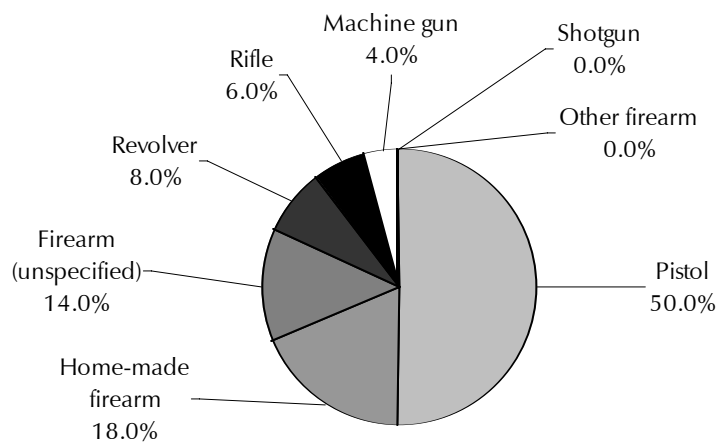
Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	0.0	Petrol bomb	0	0.0
Crude weapon	0.0	Crude weapon	0	0.0
Explosive devices	0.0	Hand grenades	0	0.0
Firearm (unspecified)	14.0	Firearm (unspecified)	7	14.0
Home-made firearm	18.0	Home-made firearm	9	18.0
Machine gun	4.0	Sub-machine gun	1	2.0
		General purpose machine gun	1	2.0
Other firearm	0.0	British patchet	0	0.0
Pistol	50.0	Pistol	16	32.0
		Toy gun – pistol	6	12.0
		Ceska pistol	1	2.0
		Beretta pistol	1	2.0
		German Walter automatic pistol	1	2.0
Revolver	8.0	Revolver	0	0.0
		US Colt Revolver	3	6.0
		Colt revolver	1	2.0
Rifle	6.0	AK-47 Rifle	2	4.0
		G3 rifle	1	2.0
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		50	100.0

27 valid cases of the 142 hijacking incidents.

The exact number of firearms recovered in hijackings in 2001 was 50. This was seven times lower than the estimated number of firearms used in hijacking, 350 firearms. The difference in these figures clearly shows that only a small proportion of firearms used in hijacking are recovered. The rest of the firearms remain in circulation within the illegal firearm pool. Pistols were the most regularly recovered type of firearms in

2001 (comprising 50% of the recovered firearms), followed by home-made firearms (which comprised 18% of the recovered firearms).

Chart 8: Type and exact number of firearms recovered in hijacking incidents in 2001
(Number of valid cases = 27; Number of firearms = 50)



Comparison between 2000 and 2001

A comparison of the firearms reported recovered in 2000 and 2001 hijacking incidents shows that recovery rates were low in both years. In 2000, 51 firearms were recovered, and only 50 in 2001. In both years, pistols were the most commonly recovered type of firearm, comprising 50% (25 pistols of 50 firearms) in 2001, and 67% (34 of 51 firearms) in 2000. In 2001, more home-made firearms were recovered at 18% of the sample, as opposed to 4% in 2000. The level of rifles recovered stayed consistent at 6% of the sample in 2001 and 4% in 2000 respectively.

Ammunition

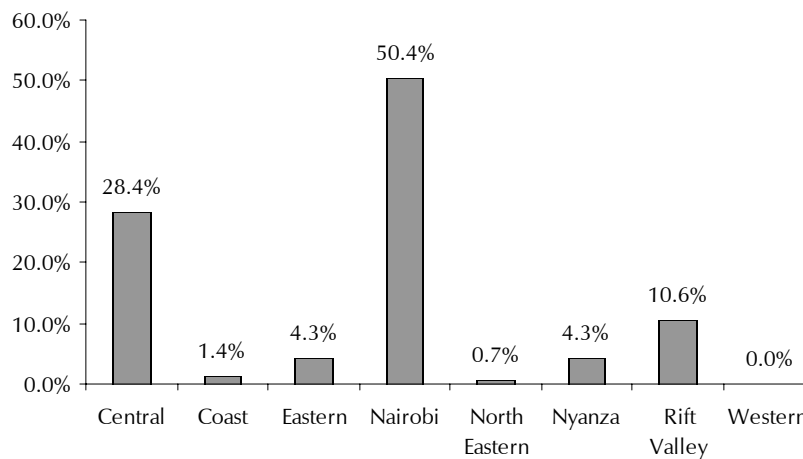
Not only firearms were recovered in the incidents. In 14.8% of 142 hijacking incidents ammunition was recovered. The police recovered a variety of ammunition, and this was usually reported in the newspapers as bullets, spent cartridges or magazines.

Trends

Distribution of crime across the provinces in Kenya

Patterns of hijacking in Kenya concentrate around the city of Nairobi and the adjacent Central province. It was found that 50.4% of 141 incidents of hijackings reported in newspapers took place in Nairobi province. Central province followed in second place with 28.4% and Rift Valley ranked third with 10.6% of the hijackings in Kenya.

Chart 9: Distribution of hijacking incidents across provinces in 2001 (n = 141)



Nairobi, the capital of Kenya, is densely populated (2 143 254 million as reported in 1999 national population census), with a comparatively good road network. The concentration of people, and of course the vehicles they drive, combined with the roads for escape, make Nairobi province an ideal target for hijackers.

The disproportional concentration of motor vehicles in Nairobi makes it an obvious target for hijackers, providing them with a choice of vehicles. This is more so because Nairobi is often the location of choice as the regional headquarters of companies and organisations in the East African Region, Great Lakes and Horn of Africa. Often the senior management of these companies and organisations drive relatively new models of vehicles. In addition to this, the relatively good road network surrounding Nairobi and linking it to the broader region provides accessible routes of escape. The main transport route to Uganda and Tanzania, both alleged destinations for the resale of

hijacked vehicles, originates in Nairobi. Syndicates, once they have hijacked a vehicle, quickly move it to the border towns of Kenya, and out to neighbouring states.

Nairobi is a convergence zone of road network within the country and to some extent, to the neighbouring states as well. Many hijacked vehicles quickly disappear through the border towns of Kenya (such as Namanga, Arusha, Mombasa, Busia, Isebania and Malaba) to the neighbouring countries, especially Uganda and Tanzania. In some cases these two neighbouring countries are not the final destination of the hijacked vehicles; some even find their way to Rwanda, Burundi and the Democratic Republic of Congo (DRC).

The geographical proximity of Nairobi province and Central province explains why hijackings incidents were high in both these two provinces in 2001. In particular, two of the districts in Central province, namely Kiambu and Thika, are close to Nairobi. In these two districts, there are concentrations of economic activities, both industrial and agricultural. Residents of these two districts often commute to Nairobi on a daily basis for a range of purposes such as education, retail, employment or recreation. The road network in these two districts feeds into Nairobi and vehicles hijacked from Nairobi or Central province are easily driven away to outlying destinations leading to the border towns and beyond, or even to clandestine workshops or garages (often known as *jua kali* informal garages), where the hijacked vehicles are dismantled for spare-part shops.

Rift Valley province, like Central province, has some districts which are close to Nairobi, namely Kajiado and Narok. One of the divisions in Kajiado, the Ngong division, is an upmarket residential area consisting of households that have economic ties to Nairobi. Most of the residents commute the short distance into Nairobi by public and private vehicles which are a prime target for criminals.

One of the main highways to outlying provinces in Kenya runs from Nairobi to Naivasha and Nakuru. It is the same highway that leads to other parts of Rift Valley, Nyanza province and Western province. The Nairobi-Naivasha-Nakuru highway is a busy one, not only because of its role within Kenya, but since it stretches beyond Kenya to Uganda and the DRC. Motorists are vulnerable to hijackers on the long stretch of the highway both in day time and by night.

A number of tourist destinations are located in the Rift Valley province in several districts; Naivasha, Nakuru and Baringo, etc. The concentration of commercial and tourist interests in the province attracts many motorists who fall victim to hijacking.

It was found that Coast (1.4%), North Eastern (0.7%) and Western (zero) provinces were the least affected by hijacking. Unlike Nairobi province, the districts along the coast of Kenya do not seem to experience serious occurrence of hijacking incidents. The second largest city in Kenya, Mombasa, is located in the Coast province. Ironically, Nairobi and Mombasa share many commonalities in terms of tourism, commercial activities and to some extent, the road network. Nevertheless, Mombasa appears to be a safer city than Nairobi in terms of hijacking. A factor which could contribute to the low incidence of hijacking in Mombasa is that this city (unlike Nairobi) does not have good road outlets to other parts of the country. While Nairobi has a very refined road network, Mombasa has one major highway leading both in and out of the city. Mombasa as an island is well served by ferries and therefore the use of private and public vehicles is low. This means that it is easy for the police to track down the hijackers as the escape routes are limited. Perhaps this proves an unattractive environment for hijackers, who in addition to having a greater chance of being caught, now have longer distances to travel with the stolen vehicles to neighbouring countries.

Comparison between 2000 and 2001

There were 98 hijacking incidents in Kenya in 2000, compared with 141 analysed in 2001. There are striking similarities in distribution of hijacking in 2000 and 2001. In 2000, Nairobi province had 61% of the hijacking incidents (as opposed to 50.4% in 2001), Central province had 21% (as opposed to 28.4%) and the Rift Valley 7% (as opposed to 10.6%). The three highest levels of incidence of hijacking in both 2000 and 2001 occurred in these three provinces.

Distribution of crime within the various provinces in Kenya

In this section, the report considers the proportion of hijacking to all the crimes that occur within a particular province in Kenya. What it demonstrates is that within the Nairobi province, of the 377 crimes that were extracted for analysis, hijacking constituted 71 of these crimes, or 18.8%. Hijackings composed a fairly similar proportion of all the crimes in the Central province: 40 hijackings out of a total of 171 crimes (23.4% of all the crimes reported in the Central province in 2001).

As a proportion of all the crimes recorded within a particular province, hijacking was fairly insignificant in the other provinces, except perhaps in Nyanza province, where hijacking constituted 10.7% of all the crimes in the province, and the Rift Valley province, where hijacking stood at 7.4% of all the crimes reported in the province.

Where this type of analysis is important is when comparing national and provincial policing priorities. For example, even though hijacking in Nyanza province might be insignificant from a national perspective (it was found in the previous section that only 4.3% of the national hijacking incidents occurred in this province), yet from a provincial perspective, hijacking comprises 10.7% of the total crime in the province.

Table 15: Distribution of hijacking incidents across the various provinces in 2001 as compared with total crime

Province	Percentage of hijacking incidents in province	Number of hijacking incidents in province (Total = 408)	Number of crime incidents in province (Total = 1016)
Central	23.4	40	171
Coast	3.2	2	62
Eastern	6.3	6	95
Nairobi	18.8	71	377
North Eastern	3.4	1	29
Nyanza	10.7	6	56
Rift Valley	7.4	15	203
Western	0.0	0	23

Distribution of crime within the city of Nairobi

Table 16: Distribution of hijacking incidents within Nairobi in 2001

Area	Hijacking (percent)
North	7.0
South	5.6
West	7.0
East	22.5
Central Business District	7.0
North-West	2.8
North-East	23.9
South-West	4.2
South-East	5.6
Nairobi General	14.1
Total	100.0
Number of incidents	71

There were 71 incidents of hijacking within the city of Nairobi. Essentially, 46.4% of these hijackings took place on the eastern side of the city, commonly referred to as Eastlands (comprising 22.5% of the East sample and 23.9% of the north-east sample). The highest number of hijacking incidents took place in the east of Nairobi (22.5%)

followed by the north-east (23.9%). The third highest incidence was a category referred to as '*Nairobi general*'. The hijacking incidents whose location was not clearly defined in the newspaper article were classified as such ("*Nairobi general*" comprised 14.1% of the Nairobi sample).

The residential suburb in the east of Nairobi includes a mixture of middle- and lower-income households. Within the broader area, there are also many residents living below the poverty line and especially those dwelling in Nairobi's sprawling informal settlements (such as Korogocho and Mathare, amongst others) and the low-income housing estates (such as Jericho, Muthurua, Uhuru, Kimathi, amongst others). Most of these areas are densely populated and there is often speculation that hijackers live in these areas of Eastlands. It is also speculated that through the formal and informal road network in Eastlands, hijackers have established an escape route deeper into the east of Nairobi, eventually leading to outlying suburbs of Nairobi such as Ruai and Njiru and further on to Kangundo. From Kangundo the hijackers can easily escape to border towns on both the Tanzanian and Ugandan frontier.

Criminals have dual motives when hijacking a vehicle in the outlying areas of Nairobi. There have been reports in the newspapers indicating that the criminals rob their victims, hijack the vehicle and drive them to isolated zones on the outskirts of Nairobi (such as Njiru and Ruai). The passengers are robbed and abandoned, and this happens most often when the hijacked vehicles are being used for public transportation, as there are more persons from whom to off-load money, cell-phones, wristwatches and other valuables.

Extent of the recovery of vehicles

The police recovered some of the hijacked vehicles, particularly those hijacked for escape purposes from a scene of crime. In 36.6% of the hijacking incidents (52 of the 142 cases), property was stolen during the crime (thus was second only to robbery cases, where 41% of the cases resulted in property being stolen). In 52 cases the property stolen was a vehicle, and in addition money was reportedly stolen in 13.4% (19 cases) of the hijacking incidents. The average amount of money stolen was just under 300 000 Kenyan Shillings (an average based on nine cases that provided the exact amount of money stolen).

Summary

- The rate of hijacking was highest during the first four months of 2001. The average rate of hijacking reduced by half in the second and third tier of the year. A similar

trend was reported in 2000, although the difference between the first and the last two tiers was not as dramatic. Police measures to counter hijacking need to be improved on Kenyan roads during the first four months of each year.

- There is a need to create awareness amongst the public that the first tier of the year is the most risky period in terms of hijacking and that they need to be cautious while driving. A well-informed public could perform a vital role in informing the police of any suspicious activities.
- On average, most hijacking incidents took place on a weekday as opposed to a Saturday or Sunday. There is a dire need to deploy more police during the week, particularly early in the week, with the view to containing hijacking in Kenya.
- Pistols in particular, and rifles to a lesser extent, were the weapons most frequently used in hijackings. For every three pistols used in hijackings, one rifle was used.
- In hijacking incidents, criminals also used crude weapons, although to a lesser extent than both pistols and rifles. For every five pistols used, there was one crude weapon used in hijacking in 2001.
- Only a small percentage of firearms used in hijacking were recovered in 2001. Of the 350 firearms used in hijacking, only 50 firearms were recovered. Presumably, the rest remained in illegal circulation.
- Nairobi province was the most affected by carjacking incidents, followed by Central province and to a lesser extent the Rift Valley province.
- Mombasa, as the second-largest city in Kenya, and a popular tourist destination, was not affected by hijacking. This may be attributed to the geographic layout of the city, as an island settlement, as well as the long distance from neighbouring countries.

Chapter 3

BANDITRY ACTIVITIES

Introduction

A bandit is a robber or outlaw belonging to a gang or small group and typically operating in an isolated or a lawless area, while banditry is the art of lawlessness performed by a group in an isolated place.¹ Banditry activities in Kenya mainly occur in outlying districts, which are vast and isolated. The bandits normally operate in a group of more than ten people. The characteristic areas where banditry activities occur are in remote parts of Kenya, and provinces bordering on neighbouring countries. Both the road network and the telephonic communication infrastructure are poor. In addition to this, these areas are sparsely populated by mainly nomadic communities, which makes these areas difficult to police. There are a number of different factors that motivate, or underlie, banditry activities in Kenya, such as economic business cycles and weather patterns.

Frequency of crime incident

Month

Comparison between 2000 and 2001

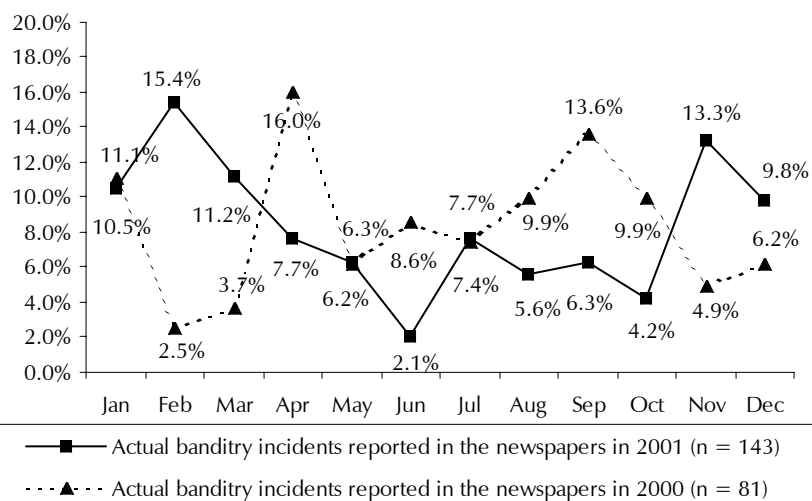
Comparing the distribution of banditry activities by month across 2000 and 2001 gives the impression that reporting on this crime is random and inconsistent, with the expected distribution patterns between the two years being inverted. Since banditry activities are probably sporadic, isolated and not likely to be predetermined by time, this could account for the varied patterns between 2000 and 2001. The effect could be further impacted on by irregular reporting by the newspapers.

The number of reported cases of banditry activities almost doubled between 2000 and 2001. In the year 2000, there were 81 cases of banditry, while in 2001 there were 143 cases of banditry activities. In 2000, banditry activities were more evenly distributed across the year, while in 2001 banditry activities seemed more concentrated around the period November to February.

When considering the difference between the average proportion of banditry activities across 2001 and 2000, it was found that for three months there were almost negligible differences: in January, May, and July. The period from November to March in 2001 saw significantly more banditry activities than in 2000. Specifically, in four months of 2001 there were more banditry activities than in 2000: November, December, February and March, while the period from April to October showed significantly less banditry activity in 2001 than 2000.

In 2001, the highest banditry activities were reported in February (15.4%) and November (13.3%). Even though these two months had the highest counts of banditry, the first tier of the year, January to April, had an average of 11.2%. Banditry activities in 2001 were higher at the beginning of the year and towards the end of the year than in the middle of the year. When looking at an annual cycle from January to December in 2001, there were clearly more banditry activities occurring in the first four months of 2001, a decline in banditry activities in the second tier (May to August) and a rise in the third tier (September to December). In 2000, there were no significant fluctuations across the three tiers of the year.

Chart 10: Frequency of banditry activities by month for 2000 and 2001



Business activities in Kenya pick up momentum early in the year after a lull in December, a month of both religious and social celebrations. In the first tier of the year therefore, there are many economically related activities as business people

restock their shops. In the process of travelling back and forth to various destinations, convoys of business people, other passengers and motorists in general fall prey to bandits in the first tier of the year. In November, in preparation for the festive season, many livestock are transported from pastoral districts to the major cities for sale. In the expectation that transporters may be loaded with cash and goods, bandits may direct their attacks to convoys in the month of November.

Table 17: Frequency of banditry activities by month for 2001 and 2000

Month	Actual banditry incidents reported in the newspapers in 2001		Actual banditry incidents reported in the newspapers in 2000		Difference between the proportion of banditry activity per month in 2001 and 2000
	Proportion of banditry incidents per month	Average proportion of banditry incidents per month	Proportion of banditry incidents per month	Average proportion of banditry incidents per month	
January	10.5	First tier: 11.2%	11.1	First tier: 8.3%	-0.6
February	15.4		2.5		12.9
March	11.2		3.7		7.5
April	7.7		16.0		-8.4
May	6.3	Second tier: 5.4%	6.2	Second tier: 8.0%	0.1
June	2.1		8.6		-6.5
July	7.7		7.4		0.3
August	5.6		9.9		-4.3
September	6.3	Third tier: 8.4%	13.6	Third tier: 8.7%	-7.3
October	4.2		9.9		-5.7
November	13.3		4.9		8.3
December	9.8		6.2		3.6
Total	100.0		100.0		
<i>Number of banditry incidents</i>	143		81		

Even though banditry activities in Kenya may not be dependent on the time of year, a link could be made to rainy seasons in the country. The sharp difference between the two years could possibly have been caused by a change in weather patterns. On the one hand, the long rains in 2001 might have delayed or disrupted banditry activities, while the more regular rainfall in 2000 could have hindered both the bandits and the convoys of vehicles, passengers and motorists travelling on the highways who would not brave the poor road conditions when wet. Nevertheless, in 2000, April (16.0%) and September (13.6%) had the highest count of the 81 banditry cases reported in the newspapers. April does fall within the rainy season, so the

deduction about the rainy period could thus be qualified. The rainy season may have begun earlier than usual in 2000, yet high banditry activities were reported in September. So it does appear that during rainy seasons there are quite high possibilities of banditry attacks. Police patrols should be increased during the season and possibly convoys escorted by security agents.

Weather patterns in Kenya rotate around the rainy and dry seasons. Early in the year (February-April) and towards the end of the year (October-December) Kenya receives good amounts of rainfall in most parts of the country. During this period, green pastures sprout in most parts of the country, providing pastoral areas with adequate grazing fields. Livestock are easily grazed on fields close to settlement areas, whereas in the dry season herds have to be driven further afield in search of green pastures.

In most of the outlying districts in Kenya, the road network is not well maintained, and when it rains it becomes almost impossible to travel. Many vehicles in the process get stuck in the muddy roads. This could also explain the high rate of banditry during the rainy season when bandits may target convoys that slow down or even get stuck in the muddy roads. Improvement of road networks in Kenya is one of the key strategies for improving security on the highways.

Day

On average, more banditry activities occurred on weekdays than at the weekend. This could be explained by the fact that economic activities are more likely to take place during the week than at the weekend. On average, 16% of the banditry activities occurred on a weekday, as opposed to 10.2% on a Saturday or Sunday. Furthermore, most banditry incidents took place earlier in the week, specifically Monday to Wednesday. Based on this fact, police should be deployed during the early part of the week to protect convoys from bandits.

Table 18: Banditry activities by day of the week in 2001		
Day	Distribution of banditry incidents across the week	
Monday	16.1	Average banditry rate during the week: 16.0%
Tuesday	18.9	
Wednesday	17.5	
Thursday	13.3	
Friday	14.0	
Saturday	12.6	Average banditry rate during the weekend: 10.2%
Sunday	7.7	
Total	100.0	
<i>Number of banditry incidents</i>	143	

Type of firearms used and recovered

Firearms used

Of the 143 banditry activities sampled, only 57 reports provided information on the type of weapons used. In 29 of these cases only firearms were used without particular specification, in 21 cases crude weapons or bombs were used, and in 7 cases a mixture of crude weapons and firearms were used.

Out of the 36 incidents in which firearms were used, 225 firearms were used. Rifles such as AK-47s and G3s were the weapons in 60% of these incidents. Rifles may have been preferred for a variety of reasons, such as their effectiveness over long distances and the easy availability of rifles from neighbouring countries experiencing violent conflict.

The remoteness and vastness of the areas in which these attacks took place is a further reason why rifles are the firearms preferred in banditry. Communities affected by banditry have over time developed defence mechanisms, so the bandits are in search of sophisticated weapons to counter their victims, presumed equally armed or even more heavily armed.

Important also is the fact that hiding or concealing these weapons is not a problem. Most of these areas are sparsely populated, with the few existing settlement areas concentrated only at convenient points, as pastoralists have temporary dwellings dependent on climatic and weather conditions. Most of the remote parts of Kenya are poorly policed, another consequence of the sparse population.

Of the reports on banditry that mentioned firearms, 32% did not specify the firearms used. Areas where banditry activities were most likely to take place in 2001 are remote. In such districts there are communication problems and policing difficulties to deploy many police officers or reporters. Presumably, when an incident takes place, it will take a while before the police or members of the press are informed. The lapse in time results in a poor flow of information, as witnesses can only report that a firearm was used without giving specific details, or may not have the knowledge to name the specific type of firearm. Breakdown of communication may be another handicap, as reporters and those on the ground may not share a common language. So reporters might prefer not to specify the firearm rather than handing in an incorrect report.

In 2000, in the 66 valid banditry incidents with information about the weapon used, 421 firearms were used. Rifles comprised 46% of these and 50% of firearms were

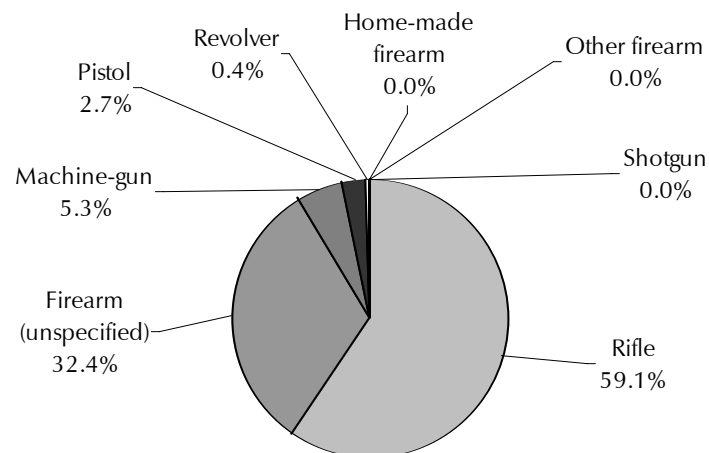
unspecified. Comparing these figures with those of 2001, rifles are clearly the firearms most used in banditry.

Table 19: Type and estimated number of weapons used in banditry activities in 2001

Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	4.7	Petrol bomb	19	4.7
Crude weapon	40.0	Crude weapon	163	40.0
Explosive devices	0.0	Hand grenades	0	0.0
Firearm (unspecified)	17.9	Firearm (unspecified)	73	17.9
Home-made firearm	0.0	Home-made firearm	0	0.0
Machine-gun	2.9	Sub-machine-gun	6	1.5
		General purpose machine-gun	6	1.5
Other firearm	0.0	British patchet	0	0.0
Pistol	1.5	Pistol	6	1.5
Revolver	0.2	Revolver	0	0.0
		US Colt Revolver	1	0.2
Rifle	32.7	AK-47 Rifle	97	23.8
		G3 rifle	30	7.4
		Rifle general	6	1.5
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		407	100.0

29 valid cases of the 143 banditry incidents.

Chart 11: Type and estimated number of firearms used in banditry activities in 2001
(Number of valid cases = 36; Number of firearms = 225)



Firearms recovered

Of the 143 banditry cases extracted for analysis, there were only eight which provided information on the type of weapon used. In seven of these cases unspecified firearms were used, and in one case a combination of crude weapons or bombs.

Recovery of firearms is quite low following banditry activities. Although rifles were the most used weapons, hardly any were recovered. The infrastructure in some of the areas affected by banditry activities is largely poor, making policing difficult. Since these activities are largely sporadic, it becomes difficult to stage organised responses to combat the situation.

Even though no home-made guns were used, two were recovered.

Table 20: Type and exact number of weapons recovered in banditry activities in 2001

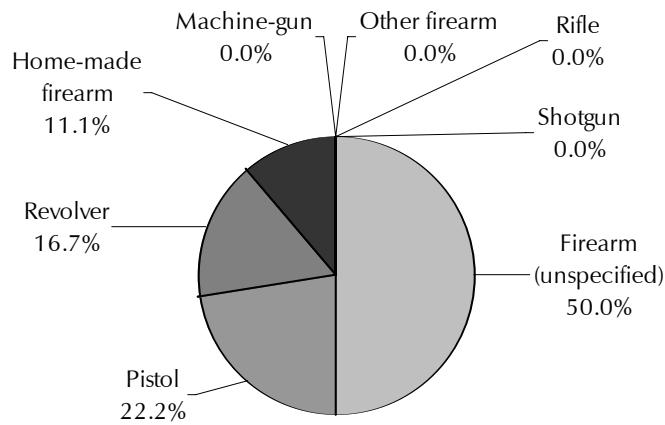
Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	0.0	Petrol bomb	0	0.0
Crude weapon	5.3	Crude weapon	1	5.3
Explosive devices	0.0	Hand grenades	0	0.0
Firearm (unspecified)	47.4	Firearm (unspecified)	9	47.4
Home-made firearm	10.5	Home-made firearm	2	10.5
Machine-gun	0.0	Sub-machine-gun	0	0.0
Other firearm	0.0	British patchet	0	0.0
Pistol	21.1	Pistol	1	5.3
		Browning general	2	10.5
		Beretta pistol	1	5.3
Revolver	10.5	Revolver	0	0.0
		US Colt Revolver	1	5.3
		Colt revolver	1	5.3
Rifle	5.3	AK-47 Rifle	1	5.3
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		19	100.0

8 valid cases of the 143 banditry incidents.

The firearms recovered are too few to make any valid conclusion. However, among the few reported recovered, half were unspecified in the report (50%). This shows again that there might have been breakdown of communication between reporters, police and the witnesses on the ground. Perhaps the police would have helped reporters had they been requested to clarify numbers and types of the recovered firearms. Adequate consultation may not have taken place and the reporters may

have gone to press without details of the firearms recovered. The other possibility is that no firearms were recovered at all. Perhaps police need to improve policing aspects in banditry-prone areas in the country. Some parts of Kenya not only have poor road networks but also poor telephone services, so the process of relaying information is often hindered. An improved telephone network might help to improve efficiency in information sharing, particularly between the police, reporters and witnesses on the ground. With the availability and provision of mobile telephone communication, the service providers need to extend their network coverage to all parts of the country with a view to improving communication and policing for improved security.

Chart 12: Type and exact number of firearms recovered in banditry activities in 2001
(Number of valid cases = 7; Number of firearms = 18)



Ammunition

Not only firearms were recovered in the banditry incidents. In 2.8% of the 143 cases ammunition was recovered. The police recovered a variety of ammunition, and usually this was reported in the newspapers as bullets, spent cartridges or magazines.

Trends

Distribution of crime across the provinces in Kenya

Most banditry activities took place in the Rift Valley province (41.3%) followed by Eastern (18.9%) and Coast (14.7%) provinces. An overwhelming majority of these took place in isolated areas of the respective provinces.

The most badly affected areas in Rift Valley province were Marakwet, West Pokot, Laikipia, Turkana and Samburu. In Eastern province, Isiolo and Meru North were the hardest hit by banditry, while in North Eastern, both Garissa and Wajir areas experienced banditry activities. There is a state of lawlessness in these isolated areas, characterised by low presence of police. These areas are vast and arid or semi-arid. There is easy availability of firearms to meet the demand for firearms from the nomadic communities living in these areas who constantly and seasonally relocate along poorly policed territories which they perceive to be highly insecure. This unfortunately also breeds a conducive environment for banditry activities.

There could also be an interchange of criminal activities in that cattle rustlers at some point may take part in banditry. Accusations have been rife in Kenya that cattle rustling and, by extension, banditry in some parts of the country may have assumed an economic dimension. Some dealers allegedly provide firearms and finance banditry and cattle rustling so that the livestock illegally acquired can then be transported to major towns in Kenya for gainful commercial dealings.

Coast province is a fairly low crime zone with regard to the analysis of robbery, hijacking, illegal possession of firearms and murder (as shown in the relevant chapters). It is quite surprising that the Coast province experienced a number of banditry incidents (in fact, 33.9% of the crimes reported in 2001 in the Coast province are banditry activities, or 21 of the 62 crimes). The Lamu and Tana River districts in Coast province are vast and not as densely populated and it is likely that banditry takes place in such isolated areas of the province. The geographical proximity of the two districts to Garissa district, which borders Somalia, may have influenced banditry in Coast province in view of the instability experienced in Somalia in the past decade.

Easy accessibility of firearms in the provinces affected by banditry activities, particularly towards the north of the country, is also linked to the problem caused by cross-border incursions between Kenya and Ethiopia. The Oromo Liberation Front (OLF), a rebel movement opposed to the government of Ethiopia, is often accused of having military bases and operations in Kenyan territory, particularly along the border of the two neighbouring states in Moyale district. Some government sources were

quoted in the press as stating that the presence of OLF rebels has been causing unbearable suffering to the people in the border region because Ethiopian militiamen regularly follow the rebels into Kenya territory. The counter-accusation has been that the local people harbour or give sanctuary to the OLF.² Further counter-accusations made by the local communities hold that the government of Kenya has done little to protect them. The Kenyan Minister of Internal Security was quoted in the press early in 2001, urging Borana, who are culturally closely related to the Oromo, to stop hosting OLF militia as the only way to solve the problem of border incursions.³

Reports on the proliferation of firearms in some of the districts in Rift Valley, Eastern, North Eastern and Coast provinces have often carried some political overtones. One area of speculation suspects some politicians of arming groups to foster their political interests. A case in point is a Member of Parliament (MP) for Isiolo North in Eastern province, who was accused of fanning tribal conflicts and being behind a scheme by OLF to throw out other tribes and establish an Oromia state in the region. At the same time some Somali communities in Isiolo (Eastern province) reportedly accused the government of arming certain communities in the region to cause violence.⁴

Further accusations and counter accusations circulate among the communities living in banditry-prone districts. For instance, the government of Kenya decided to issue firearms, particularly rifles, to police reservists (KPRs) with the aim of providing security to communities in bandit-prone districts. KPRs are commonly referred to as home guards in some of the Kenyan districts. The issuing of firearms to such individuals by the government is one of the avenues through which firearms have been penetrating pastoralist communities.⁵ Accusations have been traded to the effect that some KPRs turn bandits at a convenient time, while other KPRs are said to hire out their firearms to criminals at a fee as a means of livelihood. At any rate, various factors have undoubtedly led to the proliferation of illicit firearms, which are in turn used in banditry activities.

A pertinent issue is that the provinces mentioned share international borders with countries such as Sudan, Ethiopia, Uganda and Somalia, which have been experiencing armed conflict. This promotes proliferation of firearms, especially because of the porous borders. This has a spill-over effect and explains why Meru North is affected by banditry due to its proximity to Isiolo, a gateway through Garissa to Somalia.

Inter-clan and inter-ethnic rivalries also fuel banditry in these areas. For instance, clashes between Borana and Redille in Moyale-Marsabit, and between Aquran and Garre in Isiolo district, have led to organised banditry aimed at revenge on any of the

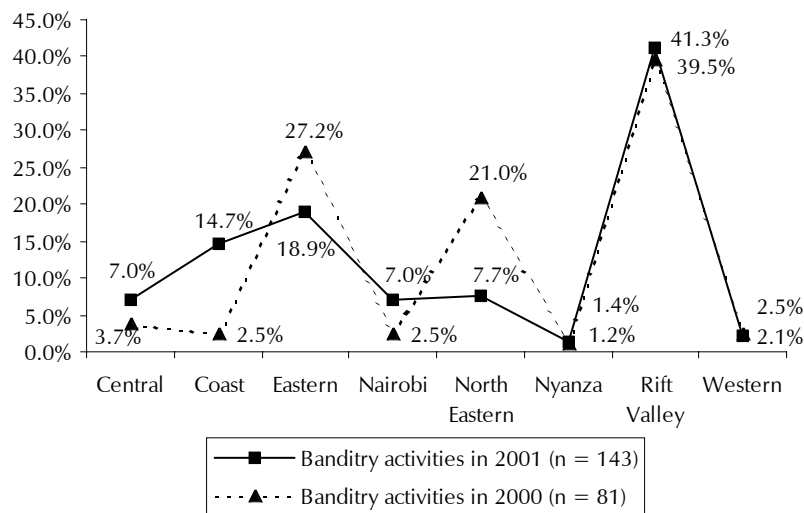
perceived offenders and enemies. In parts of Turkana, the presence of NGO activities in Kakuma refugee camp has rendered people travelling to these areas vulnerable to banditry, because the bandits anticipate that convoys headed towards the direction will be transporting cash and valuable goods. The same applies to Garissa and North Eastern, where Daadab refugee camp is located. The poor state of some roads mainly used by business people in transit across the country through these areas has also contributed to banditry.

Comparison between 2000 and 2001

Most of the banditry activities in Kenya took place in isolated areas of Rift Valley, Eastern, Coast and North Eastern provinces. In the year 2000, the majority of banditry activities took place in Rift Valley (39.5%), Eastern (27.2%) and North Eastern (21.0%) provinces. In the year 2001, 67.9% of banditry activities took place in the same provinces; notably, 14.7% took place in the Coast province.

Distribution of crime within the various provinces in Kenya

Chart 13: Distribution of banditry activities across provinces in 2000 and 2001



Coast, Eastern and Rift Valley provinces are plagued by banditry activities. This is even more evident when considering the proportion that banditry activities form of the overall crime in each respective province. In the Rift Valley province, there were 203

crime cases extracted for analysis; of these banditry activities comprised 29.1% (that is, 59 cases). In Coast province, 62 crime cases were extracted for analysis, and of these banditry activities formed 33.9% (that is, 21 cases). In Eastern province, of 95 crime cases extracted for analysis, banditry activities comprised 28.4% (that is, 27 cases). Finally, although across Kenya as a whole few crimes occurred in North Eastern province, of the 29 crime cases extracted for analysis, banditry activities comprised 37.9% (that is, 11 cases). Thus, although banditry activity in this province might not be significant from a national perspective, it remains a priority at provincial level.

Table 21: Distribution of banditry activities across the various provinces in 2001 as compared with total crime

Province	Percentage of banditry incidents in province	Number of banditry incidents in province (Total = 143)	Number of crime incidents in province (Total = 1016)
Central	5.8	10	171
Coast	33.9	21	62
Eastern	28.4	27	95
Nairobi	2.7	10	377
North Eastern	37.9	11	29
Nyanza	3.6	2	56
Rift Valley	29.1	59	203
Western	13.0	3	23

Distribution of crime within the city of Nairobi

As would be expected for a crime that is often conducted in a conspicuous manner by a large group of people, only nine out of the 143 banditry activities occurred within the Nairobi province. This also confirms the observation that banditry activities tend

Table 22: Distribution of banditry activities within Nairobi in 2001

Area	Number of banditry incidents
North	0
South	0
West	1
East	3
Central Business District	0
North-West	0
North-East	3
South-West	1
South-East	1
Nairobi General	0
Total	9

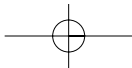
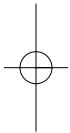
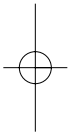
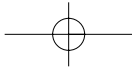
to occur in the more remote parts of Kenya. Of these nine cases, six occurred in the east and north-east of the city of Nairobi.

Summary

- Banditry activities are more common in remote parts of Kenya, especially at the Coast, Eastern and Rift Valley provinces.
- Banditry patterns seem to be highest during the rainy seasons between February and April, and October to December. During the heavy rains, bandits appear particularly active, and perhaps prey on convoys slowed both by the rain and the poor road conditions. Bandits are also influenced by economic cycles, such as when business people drive to the urban supply stores to replenish their stocks in remote areas.
- During the week, incidence of banditry was higher than at the weekend.
- Rifles were widely used in banditry in 2001 and this fact was also reflected in Kenya Crime Survey 2000.

Notes

- ¹ *New Oxford Dictionary of English*, Oxford University Press, 2000.
- ² *Daily Nation* (Nairobi) January 25 2001, p. 8.
- ³ Ibid.
- ⁴ *East African Standard* (Nairobi) January 21 2001, p. 28.
- ⁵ National Council of Churches of Kenya et al, *Pacifying the Valley: An Analysis on the Kerio Valley Conflict* (NCCK: Nairobi, 2001).



Chapter 4

CATTLE RUSTLING

Introduction

Cattle rustling as a crime appears to be more widespread than is reported in the newspapers. The obstacles to adequate media reporting on instances of cattle rustling appear insurmountable, particularly as most cattle rustling occurs in the more outlying provinces, especially those bordering on neighbouring countries. Given this fact, only 29 cattle-rustling incidents involving firearms were reported in the dailies in 2001. Some of the incidents were reported solely by one daily, and others were mentioned by at least two different papers. It was found that 15 were reported in the *Daily Nation*, 14 in the *East African Standard* and five in the *People Daily*. Owing to the fact that there are insufficient cattle-rustling cases upon which to base valid conclusions, the information in this section will be presented for its qualitative worth.

The 29 cases of cattle rustling incidents comprised the following:

- 24 cases of cattle-rustling or cattle-stealing raids;
- four border-related animal ownership disputes; and
- one case of poaching¹ combined with livestock theft.

Motive for cattle rustling

The motives for cattle rustling are varied. Besides the cultural reasons linked to initiation and marriage ceremonies, other motives for cattle rustling include ethnic hostility and violence, politically instigated violence and commercial interests.

Culturally-driven factors have also been known to be a cause of cattle-rustling incidents amongst pastoralists. Young *morans* (Masai for "young warriors") are expected to prove their manhood after initiation. In the process, they might have to engage in cattle raiding to prove that they are responsible grown-up men, capable of replenishing stocks for the family and communities. This could also mean that in the event of an attack on the family's stocks, the *moran* would duly protect family wealth. Amongst many communities, it is vital that an adult man goes through these rites of

initiation (like circumcision) when progressing to adulthood, and demonstrate his ability to undertake brave acts such as taking cattle from another ethnic community. In days gone by, young men would undertake this act using traditionally acceptable weapons such as knives and bows and arrows. With the increased availability of firearms, the situation has escalated and young men often use firearms. Thus, though in the past the theft of one or two head of cattle was tolerated, nowadays the plundered ethnic community can lose a whole herd, as firearms are being used. To further escalate the situation, many ethnic groups now use armed community members to protect their herds.

Cultural requirements preceding a marriage also sometimes lead to stock theft. Prior to marriage, it is a requirement that the family of the young male adult offer some dowry to the girl's family in appreciation of the bride. In the event that the young male adult comes from a family that cannot raise the required herd of livestock, the *moran* might engage in cattle rustling in order to obtain the required animals.

The above practices could help explain why in January there were five cases of cattle rustling. Most cultural festivities occur in December and April. Both preceding and following these events, some *morans* might have engaged in cattle rustling activities. In March, four incidents were reported, perhaps in preparation for festive activities likely to take place over the April holidays. In the remaining months of the year, cattle rustling incidents were too few to draw any valid conclusion about the crime patterns.

Besides cultural practices, one motive for the cattle rustling appears to be ethnically related raids in revenge for past raids, and politically instigated violence, which at times may have extended to include raids on animals. The escalation of the cultural raids through the introduction of firearms also contributes to inter-ethnic tensions.

Cattle-rustling incidents also have an economic or commercial dimension. More recently in Kenya cattle rustling seems to be taking on a commercial dimension in that the crime is staged and the cattle stolen are subsequently sold to dealers who in turn sell the cattle to slaughter houses for distribution through the legal consumer market.

Under-reporting of cattle rustling

With regard to the 29 incidents of cattle rustling reported in the newspapers, it is important to point out that these may well not have been the only incidents of cattle rustling occurring in 2001. There were probably many more, especially in the provinces beyond Nairobi, but due to limitations on the ground such as poor roads, long distances, and lack of telephone networks, media coverage of the problem may have been insufficient. The typical settings for cattle rustling are vast land expanses

where pastoralist communities graze their large herds of livestock. Although these geographical and communication considerations do not by any means justify low media coverage, the vastness of terrain impinges on the efficiency of reporting, especially of events that take place far from tarmac roads and beyond the national telephone grid.

Frequency of crime incident

Month

Qualitatively speaking, cattle rustling could occur during certain months as a result of the weather patterns. After a long spell of a dry season, pastoral communities are likely to engage in cattle rustling with a view to replenishing stocks. During the dry season, many herds of livestock are reduced in size due to deaths as a result of a lack of grazing pastures and periodic outbreaks of disease. In addition to this, the cultural factors described above linked to initiation and marriage might motivate cattle rustling in December and January, as well as April.

From the 29 cases presented, it appears that there were more cattle rustling incidences in the months of January and March than any other month of the year.

Table 23: Distribution of cattle rustling incidents by month in 2001

Month	Number of incidents	Percent
January	5	17.2
February	2	6.9
March	4	13.8
April	1	3.4
May	1	3.4
June	1	3.4
July	2	6.9
August	2	6.9
September	3	10.3
October	2	6.9
November	3	10.3
December	3	10.3
Total	29	100.0

Day

In 2001, most cattle rustling crimes were reported between Wednesday and Thursday. It could be that the earlier parts of the week are used for planning the raid

on cattle which is executed later in the week. However, there are too few cases from which to deduce a clear trend.

Table 24: Cattle rustling incidents by day of the week in 2001		
Day	Distribution of cattle rustling across the week	
Monday	13.8	Average cattle rustling rate during the week: 17.9%
Tuesday	13.8	
Wednesday	20.7	
Thursday	17.2	
Friday	24.1	
Saturday	10.3	Average cattle rustling rate during the weekend: 10.3%
Sunday	0.0	
Total	100.0	
<i>Number of cattle rustling incidents</i>	29	

Type of firearms used and recovered

Firearms used

In only 15 of the 29 cases was there information on the type of weapons used in the cattle rustling incidents. In ten of these cases only firearms were used; in three cases only crude weapons, and in two cases a mixture of firearms and crude weapons.

Considering the firearms used in cattle rustling, it does appear that rifles are commonly used for cattle rustling (even from this sample). According to reports there were five AK-47 rifles used, two G3 rifles and one Lee Enfield rifle (Mark 4), as well as five unspecified types of firearm. The availability of military-style rifles from neighbouring countries experiencing armed conflict would have contributed to the rise in frequency of use of these weapons, as well as the fact that these weapons are more accurate over long distances than pistols would be. Traditionally, crude weapons were also used in cattle rustling, but increasingly these are being replaced with automatic rifles as the scale of cattle rustling escalates and security deteriorates in most of the districts affected by cattle rustling. However, crude weapons are also still used and it was found that there were five crude weapons within the sample.

In total there were five different types of weapon identified across the 15 reports of cattle rustling that included information about weapons. In only the one incident was there information on the number of weapons. For this reason, the actual number of weapons used in this sample could not be calculated.

Table 25: Type of weapons reportedly used in cattle rustling in 2001

Category of weapon	Type of weapon	Number of incidents mentioning the type of weapon*
Crude weapon	Crude weapon	5
Rifles	AK-47 Rifle	5
	G3 rifle	2
	Lee Enfield rifle (Mark 4)	1
Firearm general	Firearm (unspecified - general)	5
* Based on only 15 incidents; however, in only one report on an incident was there proper information about the number of firearms. This table is not an indication of the number of firearms used in the incident. This is an indication of the types of weapon identified in each incident.		

Firearms recovered

In only two cases of cattle rustling was reference made to weapons being recovered. In both cases only firearms were recovered, and in each the weapons recovered were AK-47 rifles. The difficult terrain, vastness of the areas and poor infrastructure may have impeded police efforts to recover the firearms.

Ammunition

In none of the cattle-rustling cases was ammunition recovered.

Trends***Distribution of crime across the provinces***

Of the cattle-rustling incidents analysed in 2001, 67.9% (19 of the 28 valid cases) took place in Rift Valley province. The frequency of cattle rustling in this province is affected by several factors. First, it depends on specific neighbouring communities and how they relate to each other over time. Tense or sour relations between communities have often been viewed as a serious cause of cattle rustling. It also depends on the geographical location of the specific districts in the province and the principal means of livelihood. The economy of the mainly nomadic indigenous population in these areas is based on livestock, particularly cattle. Most of these areas have a long history of strife characterised by violent, bloody confrontations between opposing ethnic groups, especially when they counter attack for reprisal and to reclaim stolen livestock.

The most affected district in Rift Valley was found to be Turkana district, followed by Laikipia and West Pokot districts. The other districts affected experienced a few very

isolated cases. For example, a district such as Nandi experienced only one incident of cattle rustling. Turkana district may have had the highest number of cattle-rustling incidents because of its geographical location, which renders it vulnerable to not only internal problems of cattle rustling but also external raids perpetrated from across the international borders. For example, Turkana has had prolonged conflict with the Merille tribe from Ethiopia, the Toposa tribe from Sudan and Karamojong from Uganda. Reported cases included: an attack on a *manyatta* (traditional hut) in Oropoi; and an attack in Turkana by Sudanese raiders in which 12 people were killed and 600 animals stolen.²

Proliferation of small arms from violent conflicts in neighbouring countries (such as Somalia, Ethiopia, Sudan and Uganda) has further aggravated the problem of cattle rustling within and across the borders in the Rift Valley province. This problem has penetrated into the neighbouring districts of Samburu, Laikipia and the Kerio Valley regions in which the Marakwets and Pokots have been involved in armed conflict related to cattle rustling. The fact that communities with a similar means of livelihood surround the Turkana district makes them vulnerable to attacks too. On the other side, the Marakwet community have borne the brunt of attacks, especially from the Pokot community in which hundreds of thousands of cattle have been lost and many people killed.

Table 26: Comparative distribution of cattle rustling incidents across the various provinces in 2001

Province	Cattle rustling percentage (n=28)
Central	0.0
Coast	3.6
Eastern	10.7
Nairobi	0.0
North Eastern	14.3
Nyanza	3.6
Rift Valley	67.9
Western	0.0
Total	100.0

The Pokots and the Marakwets community have had a long history of conflict, and retaliatory attacks are a standard feature between these two ethnic groups. The Pokots are said to be more organised and heavily armed than the Marakwets. This could be attributable to several factors. The Pokots are said to have acquired guns as early as 1978, when they started practising how to use them, and nowadays the Pokots are said to have been acquiring guns from the Karamojong of Uganda. In a bid to counter the problem of insecurity occasioned by the armed Karamojong, the government of Kenya established Home Guards (popularly known as Kenya Police Reservists - KPRs)

among the Pokots. They were legally given firearms in order to protect their community from the raiders.³

There are also political overtones regarding the acquisition of guns by the Pokots. In the run-up to the general elections in Kenya in 1992 and 1997, political leaders are said to have instigated violence while purportedly protecting the rights of the Pokots. Some parliamentary aspirants were reported to have supplied bullets to their constituents at 35 Kenya Shillings per bullet, down from the normal price of 50 Kenya Shillings, in a clear effort to win the hearts of the voters come the 2002 election.⁴

Table 27: Detailed locations of cattle rustling incidents across provinces in 2001

Number of incidents	Coast province	Eastern province	North Eastern province	Nyanza province	Rift Valley province	Total
Gucha district				1		1
Kenya-Sudan border					1	1
Kerio Valley area					1	1
Kisii area				1		1
Laikipia district					2	2
Lokichogio area					1	1
Londiani area					1	1
Lorogon Furkan-W Pokot border					1	1
Marakwet district					1	1
Marsabit district			1			1
Meru districts		3				3
Muhoroni area				1		1
Naro Moru area					1	1
Nyando-Nandi district border				1		1
Samburu district					2	2
Tana River district	1					1
Trans Mara district					2	2
Turkana district					5	5
West Pokot district					1	1
Total	1	3	1	4	19	28

Cattle rustling in the Rift Valley is extensive and complex. Concerted efforts would be required to address these problems at all levels: community, district, provincial and national.

The problem in Eastern province has to do with the geographical location of the districts affected. Meru North, where three incidents were reported, borders on the Isiolo district. The latter district neighbours Samburu. Isiolo hosts different ethnic groups, with a majority of, Meru, Turkana and Samburu at the border. The Borana, who are mainly nomadic, occupy four of the divisions in Isiolo, namely Garbatula, Kina, Sericho and Merti. Sharing a border with the above communities has exposed Meru North to cattle rustling. This is further aggravated by the same problems in Samburu and Laikipia districts. Undeniably, there seems to be a link between banditry activities and cattle rustling. The fact that most of these districts are isolated could make it possible for bandits to double up as cattle rustlers. This argument arises from the fact that the backbone of their livelihood is cattle.

From the small sample it appears that some districts such as Marsabit, Gucha and Tana River, in Eastern, Nyanza and Coast provinces respectively, experienced minimal cases of cattle rustling.

Distribution of crime within the various provinces in Kenya

When considering the proportion of cattle rustling cases within the various provinces, it is evident that of all the crime that was reported in the newspapers in 2001 as taking place in the Rift Valley, 9.4% comprised cattle rustling incidents.

Table 28: Distribution of cattle rustling incidents across the various provinces in 2001 as compared with total crime

Province	Proportion of cattle rustling of all the crime that occurred in the province	Number of cattle rustling incidents (Total = 29)	Number of crime incidents (Total = 1016)
Central	0.0	0	171
Coast	1.6	1	62
Eastern	3.2	3	95
Nairobi	0.0	0	377
North Eastern	3.4	1	29
Nyanza	7.1	4	56
Rift Valley	9.4	19	203
Western	0.0	0	23

Distribution of crime within the city of Nairobi

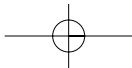
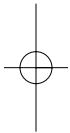
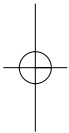
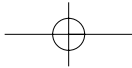
There were no incidents of cattle rustling within the city of Nairobi.

Summary

- There were only 29 cattle rustling incidents extracted for analysis. This could be attributed to lack of adequate information on the ground, which might have affected reporting procedures.
- Several factors probably affected cattle-rustling incidents in Kenya in 2001. These included weather pattern, ethnic rivalry, commercial and political interests and cultural practices (such as the requirements preceding and following initiation and marriage ceremonies).
- From the small sample available, it appears that rifles are commonly used in cattle rustling. There were also a few crude weapons and unspecified types of firearms used in cattle rustling incidents.
- Recovery of firearms in this crime was low, perhaps because of the poor terrain that may have impeded police efforts in their search of cattle rustlers in the affected areas.
- The Rift Valley province was the most affected by cattle rustling incidents. Reasons advanced to explain this finding included: inter-ethnic rivalry, cross-border cattle rustling incidents and proliferation of firearms from neighbouring states such as Somalia, Ethiopia, Sudan and Uganda through the porous borders

Notes

- ¹ There was one case of poaching sampled; however this case was linked to a cattle-rustling incident, and was thus retained in the cattle-rustling section.
- ² *Daily Nation* September 28, 2001 p. 21. See also *Daily Nation* September 14, 2001 p. 7 and *East African Standard* September 17, 2001 p. 4.
- ³ See NCCK et al *Pacifying the Valley: An Analysis on the Kerio Valley Conflict* (Nairobi: 2001) p. 7-13.
- ⁴ Ibid.



Chapter 5

MURDER

Introduction

In this text, murder will refer primarily to the deliberate act to eliminate a person's life, and also to a murder committed as the secondary consequence of a robbery or hijacking incidence.

Motive for the murder

Murder is one of the most mystifying crimes as in most cases the motive behind the crime is a hidden one. Unlike other more open and conspicuous crimes such as robbery, hijacking and banditry, where the intention of the crime is clearly self-enrichment through the acquisition of other people's possessions, most murders are inexplicable and the motive may not be evident. In some cases, murder is linked to sour interpersonal relations or malice; and in other cases, murder might result from failed robbery or hijacking attempts. However, since there were only five incidents (of the 67 murder incidents) in which items were stolen, it does not appear that murders in this sample were primarily as a result of failed robbery or hijacking attempts. In two of the 67 murder cases, the property stolen was an unspecified amount of money, in one case it was a vehicle, in another it was a pistol and in a single case it was 450 herd of livestock. Although the data does not support the theory that the murders were a result of a hijacking or robbery gone wrong, there does seem to be some cyclical crime evidence that murders were highest on average in the first four months of 2001, which is similar to the trends associated with hijacking and robbery.

Even though in most cases the motive for the murder may not have been established, a few dimensions may be advanced here for analytical purposes. To some of the murder cases reported in 2001 there was a social dimension. Specifically, there were killings that resulted from family disputes. For example, in Garissa, a man was reportedly killed due to a family dispute. There were also killings as a result of rivalries and revenge in Nairobi's Mathare slums in February 2001 due to local gang rivalries. In Moyale, a gang that was on a revenge mission killed a woman in hospital. Therefore, hypothetically, the incidence of murder in the country is dependent on the social cohesion among communities.

The other social dimension of murder was killings as a result of domestic household factors. There were four cases of domestic violence reported that left eight people dead. Of these eight persons, five were female and one was a child (the son of one of the victims). Two of these deaths occurred as a result of suicide. The observation therefore is that in cases of domestic violence in Kenya the most likely victims would be women and children.

There was also an economic dimension to murder. For instance, although murder cases in business areas constituted only 17.9% of the total, almost all these murders were committed with an intention to rob. In some cases where crude weapons were used, the victims may have had no money or were unwilling to part with whatever they had.

Murder also took on a geographical dimension. Out of the 67 incidents about 50 (74.6%) took place in residential localities. A total of 12 (17.9%) incidents took place in business or commercial localities, and 5 (7.5%) on public roads. The concentration of cases of murder in residential localities could be indicative of the time of day at which they were executed. It is possible that most cases of murder occurred late at night. This therefore implies that the situation could be controlled should there be police patrols late at night in residential localities. Murders committed in business localities could have an economic motivation. It is also possible that there was increased activity related to other types of crime in residential areas, which resulted in killings.

Under-reporting of murder

It was felt that the level of reporting of murders in this sample was an under-representation of the reality on the ground. In 2001, a total of 67 murder cases were reported in the newspapers. This figure may not be an accurate record of the actual incidence of murder that took place in Kenya in 2001. It is possible that some incidents may have missed the attention of reporters, depending on where in Kenya the incident took place. Kenya is a vast country and it may not be possible for the media to take note of all incidents taking place in different parts of the country. Newspaper reporters also have the tendency to focus on incidents which will sell the papers and which will interest readers. In the process, reporters may have ignored incidents considered not newsworthy, depending on what other local, national, regional and international happenings were taking place. In addition to this, the research methodology of this survey aimed to extract information only on crimes in which a firearm was involved. Since murder can occur by a number of methods, those involving firearms could be a lesser proportion of the whole.

Only a small portion of the Kenyan populace may liaise with the police and/or reporters when murders take place. Particularly in provinces further away from Nairobi and Mombassa city, it might be impractical to report the murder to the police. Many Kenyans may not find it necessary to report to the police or to inform the media. This could be attributed to apathy associated with a belief that reporting a crime will not bring back the deceased, or a belief that the police may do very little to restore justice. It could also be as a result of a lack of awareness of and exposure to the necessity for reporting the crime. Also, some Kenyans may have shied away from reporting the crime for fear of police intimidation and for fear of being treated as a suspect or being called upon to be a witness during investigations or possible trial. Court cases in Kenya usually take a rather long time and many Kenyans would happily avoid the rigours of court proceedings.

When police investigate a murder incident they often want to take the body of the deceased for an autopsy. This often delays the funeral procedures, and imposes costs on the deceased's family, who might have to pay for the collection of the body following the autopsy. This would further dampen the willingness of the family to report the murder to the police.

Most parts of the country do not have a good road network and infrastructure. Perhaps improved communications would enhance the reporting process in Kenya.

With better reporting of murder, it would be easier for the police to investigate the crime. If murder were more accurately reported in the newspapers, it would provide a more substantive basis of analysis.

Frequency of crime incident

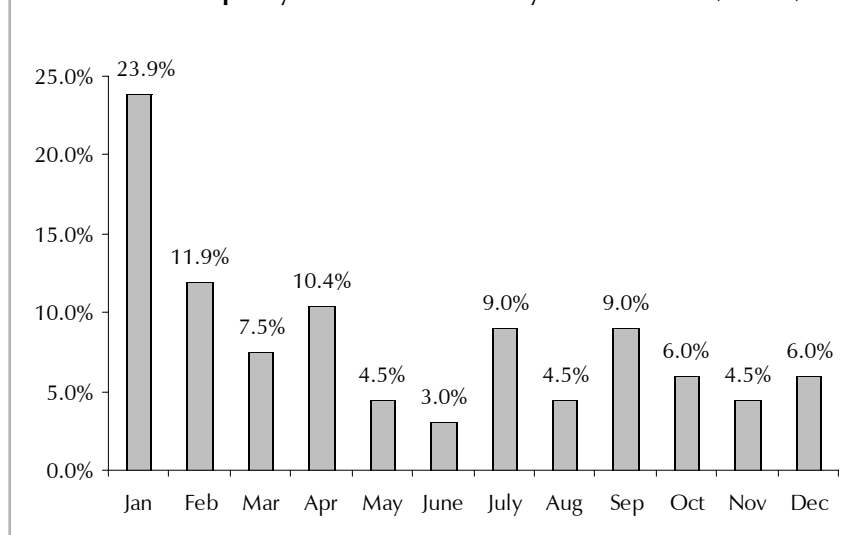
Month

Almost twice as many murders occurred in January as in any other month in Kenya in 2001. The higher incidence of murder is sometimes difficult to explain, especially when the motivation for the murder is often a personal matter. In most of the incidents, the motive related to some type of interpersonal dispute between two people. In only five cases was the intention of the murder crime linked to robbery in which a firearm was used; the victim died as a consequence of the crime and hence the incident was classified as murder.

In a year there are 52 weeks. The total number of reported and analysed murder cases was 67. This meant that in 2001, at least one murder was reported every week

(or more precisely, 1.28 murders per week were reported in the newspapers). This average only gives a broad overview and perhaps an inaccurate position of murder incidence in Kenya, bearing in mind that not all the incidents may have been reported in the main dailies.

Chart 14: Frequency of murder incidents by month in 2001 (n = 67)



As regards the distribution of murder over the year, the highest incidence of murder was in January (23.9%). When considering the trend of the incidence of murder over 2001, one would expect most murders to have taken place during the festive month of December—especially between Christmas and New Year—due to the disruptions caused by excessive alcohol usage and the return of migrants for the holidays. Surprisingly, most incidents were concentrated in January, not December. Most families in January are in an economic straitjacket due to the high expenditure during December. This could be a causative factor, leading to increased family tension and disputes that could have led to murder. Deductively therefore, murder incidents in January may be due to economic and social tensions in interpersonal relations. (Some of the incidents reported in January could have occurred in late December, but might have only been reported in January, as most media houses do not go to press on 25 December and 1 January; and very probably hold a skeleton reporting staff during the entire festive period).

The second highest incidence of murder was recorded in February. This may also have been due to a post-Christmas effect, but to a lesser extent (11.9%). The rate of murder

reduced drastically by a half between January and February, which adds credibility to the hypothesis that some of the murders in January are a spill-over from conflicts and disputes that arose in December, heightened by the economic tensions of January. Once again, the incidence of murder dropped in March (7.5%), but rose in April (10.4%). April is another peak holiday season which could be subject to the same interpersonal tensions that emerged in December and January. From April onwards, the murder rate hit a plateau, showing only slight variations from one month to the next.

June recorded the lowest number of murder cases in 2001, but it carried the bulk of the deaths resulting from domestic violence as reported in the newspapers. A total of four victims died as a result of domestic violence. This represented half of the annual deaths resulting from domestic violence. At least, three of those killed were female, while the perpetrator committed suicide.

Table 29: Frequency of murder incidents by month in 2001

Month	Proportion of murders per month	Average proportion of murders per month
January	23.9	First tier: 13.4%
February	11.9	
March	7.5	
April	10.4	
May	4.5	Second tier: 5.3%
June	3.0	
July	9.0	
August	4.5	
September	9.0	Third tier: 6.4%
October	6.0	
November	4.5	
December	6.0	
Total	100.0	
<i>Number of murder incidents</i>	67	

Day

Out of the 67 murder incidences reported, most took place during the week (80.6%) and only a few happened at the weekend (19.4%). One would expect that there would have been more murder incidents at the weekend, as many people would be returning home late at night from social functions and/or under the influence of alcohol. Yet, as with robbery and hijacking, there were on average more murder

incidents during weekdays than on weekends. This pattern indicates that the police need to be more alert during the week, when most crimes take place. One reason may be that the public could be more alert at the weekend than during the week, thus allowing themselves to be disproportionately victimised during the week. There is a need to create awareness amongst the members of the public that weekdays are not as safe as one would expect and that therefore there is a need to be more vigilant.

Table 30: Murder incidents by day of the week in 2001		
Day	Distribution of murder incidents across the week	
Monday	16.4	Average murder rate during the week: 16.1%
Tuesday	16.4	
Wednesday	16.4	
Thursday	14.9	
Friday	16.4	
Saturday	11.9	Average murder rate during the weekend: 9.7%
Sunday	7.5	
Total	100.0	
<i>Number of murder incidents</i>	67	

The distribution of murder across the entire week in 2001 appears to have been uniform (16.4%) on four days of the week. However there was a drop in the incidents at the weekend. Sunday had the lowest number of incidents, probably because many people remain at home on Sundays, and this is traditionally a quiet day of the week.

Type of firearms used and recovered

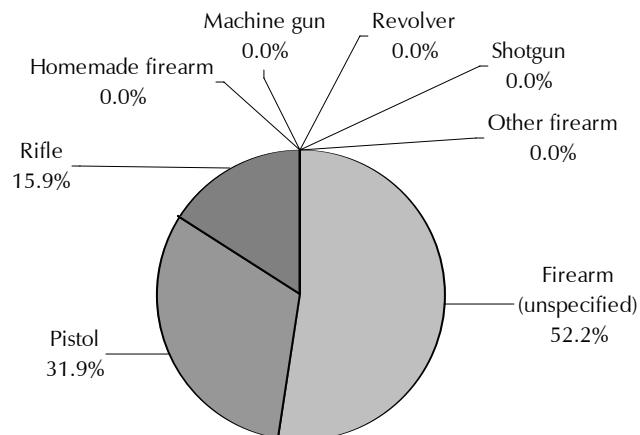
Firearms used

Only 24 of the 67 articles in the newspapers gave information about the type of weapon used in the murder incident. In 17 of these murder cases, only firearms were used, in five of these cases only crude weapons or bombs were used, and in two cases a mixture of firearms and crude weapons were used in the murder. Thus, the information presented in this section is not statistically valid, and the trends indicated here are only to be used as a guide for improving the reader's understanding of weapons used in murder in Kenya. Perhaps the weapon used in the murder is often destroyed or removed from the scene of the crime to avoid linking the offender to the incident, and for this reason little information was available about the weapon.

Table 31: Type and estimated number of weapons used in murder incidents in 2001

Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	0.0	Petrol bomb	0	0.0
Crude weapon	31.7	Crude weapon	32	31.7
Explosive devices	0.0	Hand grenades	0	0.0
Firearm (unspecified)	35.6	Firearm (unspecified)	36	35.6
Homemade firearm	0.0	Homemade firearm	0	0.0
Machine gun	0.0	Sub-machine gun	0	0.0
Other firearm	0.0	British patchet	0	0.0
Pistol	21.8	Pistol	21	20.8
		.38 Special pistol	1	1.0
Revolver	0.0	Revolver	0	0.0
Rifle	10.9	AK-47 Rifle	8	7.9
		G3 rifle	2	2.0
		Lee Enfield rifle (Mark 4)	1	1.0
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		101	100.0

24 valid cases of the 67 murder incidents.

Chart 15: Type and estimated number of firearms used in murder incidents in 2001
(Number of valid cases = 19; Number of firearms = 69)

The number of firearms used in the 24 valid murder cases in 2001 was an estimated total of 69.

Most often the types of firearm used in murder cases were not specified in the newspaper reports (at 52% of the sample). Some of the murders could have occurred without witnesses who could provide information about the type of firearms. However, the police should have been in a position to provide information from the autopsy, or bullet shells collected at the scene of the crime, about the calibre of bullet used in the murder, which would give a clue to the type of firearm. Closer liaison between reporters and the police would improve the chances of better reporting on the type of firearm used in murder incidents. The public could also play a role in coming forward as witnesses, and in so doing enable a better police investigation.

There were 22 pistols and 11 rifles used in the 24 murder incidents. Thus, for every two pistols used in a murder there was one rifle, which is the same ratio of pistols to rifles as is evident in robbery, but disparate from the ratio in hijacking, in which there were three pistols for every rifle used.

Looking at murder and the problem of SALW, an interesting observation is that not only illicit firearms, but also legal firearms contributed to murder in 2001. There were at least three cases of the use of legal firearms to commit a murder. Of the four cases of domestic violence reported, three involved the use of legal firearms. Two of these occurred in Coast province, one in Central province and the other in the Nairobi province. Of the three cases involving the use of legal firearms in committing murder, two cases involved police officers who later committed suicide.

There were 32 crude weapons used in murder in 2001; the use of crude weapons in crime in Kenya is common.

Firearms recovered

Only six of the 67 reports on murder cases gave information about the type of weapon recovered. As with the previous section on firearms used, the information in this section should only be used for demonstrative purposes as there are not sufficient cases for valid statistical deductions. In these six cases, seven weapons were recovered, all firearms, as follows:

- 1 Sub-machine gun
- 1 Pistol
- 1 Tokalev pistol
- 1 Beretta pistol
- 2 AK-47 Rifles
- 1 Lee Enfield rifle (Mark 4)

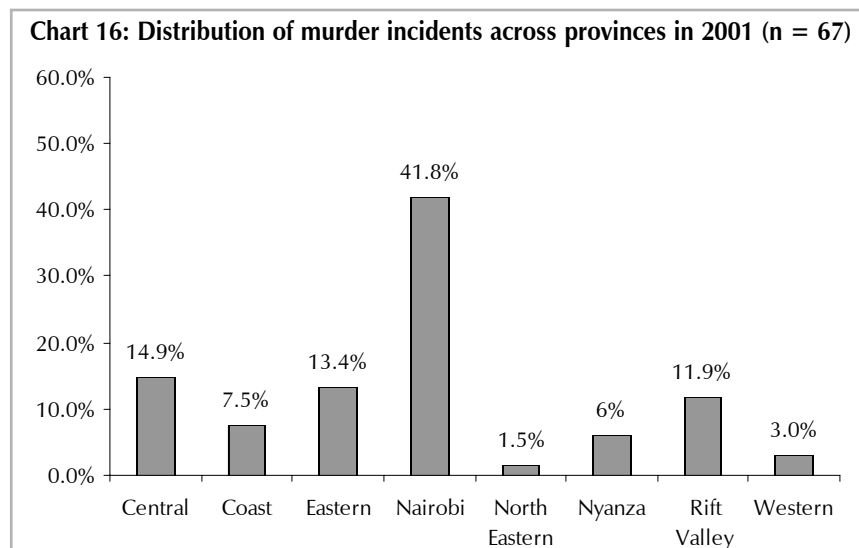
Murder occurs in very mysterious circumstances. A firearm is usually not recovered at the scene of the crime unless one is abandoned at the scene. It is not surprising that only seven firearms were reportedly recovered in murder cases in 2001.

Ammunition

Not only firearms were recovered in the murder incidents. In 9.0% of the 67 murder cases ammunition was recovered. The police recovered a variety of ammunition, and usually this was reported in the newspapers as bullets, spent cartridges or magazines. There was a better recovery rate for ammunition than for firearms.

Trends

Distribution of crime across the provinces of Kenya



In 2001, there were 67 cases of murder extracted for analysis. When considering the distribution of these cases across the eight provinces of Kenya, it was found that the highest count was reported in Nairobi province (41.8%) followed by Central province (14.9%) and Eastern province (13.4%). Even though there appeared to be more murders in Nairobi province, this may not be the case. As indicated in the earlier section dealing with the 'under reporting of murder' the Nairobi province has certain

advantages which facilitate better coverage of crimes that occur (there), as opposed to the rest of the country. These include the following: an accessible communication network for reporting the crime to both the police and reporters, a willingness by witnesses to report incidents to the police due to better exposure to police officers, and a higher population density which could secure more witnesses in proportion to the number of crimes.

The incidence of murder in Eastern, North Eastern and Rift Valley provinces was amongst the lowest in Kenya.

Distribution of crime within the various provinces in Kenya

When considering the distribution of murder as a proportion of all the crime that occurs within a particular province, it is evident that murder is equally significant in all the provinces, where between 3.4% and 9.5% of all the crimes occurring within a particular province were murder.

Province	Percentage of murder incidents in province	Number of murder incidents in province (Total = 67)	Number of crime incidents in province (Total = 1016)
Central	5.8	10	171
Coast	8.1	5	62
Eastern	9.5	9	95
Nairobi	7.4	28	377
North Eastern	3.4	1	29
Nyanza	7.1	4	56
Rift Valley	3.9	8	203
Western	8.7	2	23

Distribution of crime within the city of Nairobi

There were 28 murder cases that occurred in Nairobi province, which largely comprises the urban settlement of Nairobi. Within Nairobi, relatively more murders occurred in the east (32.1% of the murders) and north-east (28.6% of the murders). This area, known as Eastlands, also had a disproportionately high incidence of other crimes, especially robbery, hijacking and the possession of illegal firearms. The concentration of most murder cases in Nairobi province coincides with the fact that it is the most urbanised province in Kenya, with a ready supply of illegal firearms.

Nairobi is densely populated and has many residential areas or housing estates, which are targeted by criminals. Over 60% of murder cases in Nairobi province were committed in residential areas such as Kariobangi North, Mathare, Kayole and Mbotela estates. This underscores the need to enhance community policing in Kenyan urban centres, particularly in the more densely populated zones in sprawling informal settlements. One would expect murder incidences at the Central Business District but none took place. The CBD is fairly well policed in the day and at night. There are also many private security guards who keep watch and patrol over private businesses. The CBD as a nerve centre of the city is also densely populated and therefore there are no chances for criminals to commit heinous crimes such as murder under the glare of the busy streets, avenue, roads, corners and buildings.

Table 33: Distribution of murder incidents within Nairobi in 2001

Area	Murder (percent)
North	3.6
South	0.0
West	7.1
East	32.1
Central Business District	0.0
North-West	3.6
North-East	28.6
South-West	7.1
South-East	7.1
Nairobi General	10.7
Total	100.0
<i>Number of incidents</i>	28

Summary

- In 2001 at least one murder case was reported in the newspapers every week.
- Several factors may have hampered accurate newspaper reporting of murder cases in 2001; such as public apathy in reporting the murder to the police and public unwillingness to get involved in a drawn out legal process.
- The highest number of murder cases was reported in the first four months of 2001 between January and April.
- Murder incidents reported in 2001 had economic, social and geographical dimensions.

- Increased police patrols, operations and investigation could help reduce the rate of murder, particularly in residential areas.
- On average, a higher percentage of murder incidents took place on a weekday, hence the need to increase vigilance from Monday to Friday.
- A combination of weapons was reportedly used in murder incidents. Two pistols were used for every one rifle in a murder incident; the majority of weapons mentioned in a murder report were not identified. However, since the information on the number of firearm used and recovered was so low, no valid conclusions can be drawn. In a few cases it was alleged that legal firearms, particularly those in police possession, were used to commit murder.

Chapter 6

MISUSE OF FIREARM

Introduction

This section entitled 'misuse of firearm' was generated from the realisation that there were some police officers and licensed persons who misused their legally held firearms in different ways and for different reasons. A total of 95 such incidents were extracted for analysis. Some of the larger categories classified under misuse of firearm included the 25 cases that were directly classified as 'misuse of a firearm': the 16 cases where the police used their firearm in misconduct and the 11 cases where the perpetrator discharged his firearm in public. It is of concern that 16 of the "misuse of firearm" cases involved the police, though it is worth noting that misuse of firearm was not limited to the police. Categories of legal holders who also misused firearms included soldiers, General Service Units (GSU) and game rangers.

Table 34: Circumstances under which a firearm was misused in 2001

Classification of misuse	Number of misuse of firearm incidents	Percent
Misuse of firearm	25	26.3
Police misconduct	16	16.8
Discharging in public	11	11.6
Robbery of firearm	8	8.4
Possession of illegal firearms	6	6.3
Criminals mounting an illegal road block	6	6.3
Arms trafficking	5	5.3
Negligent use of firearm	4	4.2
Accidental shooting	4	4.2
Misplaced firearm	3	3.2
Escape from police custody	3	3.2
Pointing a firearm	2	2.1
Extra-judicial execution	2	2.1
Total	95	100.0

Since the category of misuse of firearm involves such a diverse range of incidents, ranging from negligent use or negligent loss to discharging a firearm, the analysis in this section needs to be considered at a very general level. One of the points that can

be made is that the misuse of a firearm is a criminal act in that it often involves a contravention of the legal and licensing conditions governing the use of the firearm. In future years, SRIC will make more of an attempt to isolate specific forms of misuse of a firearm for analysis.

Motivation for misuse of a firearm

Acts that constituted misuse of firearm included, but were not limited to, police shooting gangsters in exchange of fire, cases of wrong identity when police mistook an innocent person for a criminal, incidents of stray bullets, police shooting at vehicles they suspected had been hijacked, and misuse of a firearm in domestic quarrels. The law of natural justice holds that a person is not guilty until proved guilty. For a suspect to be proved guilty or not guilty, he or she would have to be tried in a court of law. Police who misused their firearms tended to shoot suspects to kill, and not to maim them as the law provides. Law in Kenya provides that while under threat by armed criminals, police may shoot at the criminals to immobilise them but not to kill. The criminals should be produced in a court of law for prosecution.

Another aspect of misuse of firearm took the form of misuse by corrupt officers who might have misused their firearms in illegal deals for selfish gains. For instance, a drunken police officer shot and seriously injured a suspected *chang'aa* (local illicit alcoholic drink) brewer after a row over protection fees.¹

Several reasons could be advanced to explain why police in Kenya sometimes have to shoot suspects. When following a crime event the police may be engaged in hot pursuit to arrest armed criminals and an exchange of fire may follow. In this case the police would have to defend themselves against the armed criminals. Newspaper reports in 2001 carried stories of police who were killed by criminals in the course of duty while exchanging fire with culprits they were sent to arrest or contain. Police are aware of these facts. Some of these factors could explain why some police in Kenya have been acting in a state of panic and in the process shot at suspects and innocent citizens alike.

The relationship between Kenyan citizens and the police has not been one of friendship and cordiality. Rather, it has been based on suspicion, characterised by lack of trust. In this state of affairs, information sharing between the police and members of public is unlikely. In some instances, police may have received erroneous information from the public, which may have led them to misuse their firearms. It seems that there is a need for the police to direct more resources and energy towards confidence building between themselves and the public and to improve information sharing.

Police in Kenya undergo initial training of about one year. This period is not long enough to cover the curriculum comprehensively. In interviews cross-sections of citizens in the country have often expressed the view that some members of the Kenya police force are not fully trained. This fact is sometimes allegedly reflected in the way police in Kenya shoot at suspects and innocent people without proper investigation and observance of judicial procedures. Perhaps improved police training would build confidence amongst Kenyans. This could also build confidence amongst criminals who might not have to fear that police would shoot them on sight, and thus might freely surrender to the police without necessarily engaging them in a shoot-out or exchange of fire.

Many Kenyans have the tendency to eschew face-to-face confrontation with the police, fearing that some police officers might shoot at the slightest provocation. Some police are also said not to observe code of conduct and ethics, turning up on duty in a drunken state or even drinking in the course of duty. Under the influence of alcohol one's sense of judgement could be impaired and compromised. This could explain why some officers misuse firearms while on duty.

A closer look at the year shows that misuse of firearms was higher in the second half than in the first half of the year. In the first half, the police may have policed with ease but from July and towards the end of the year, Kenyans tend to be in festive mood. During the festive season, some Kenyans may have become unruly, causing the police to overreact and misuse firearms.

Agriculture is Kenya's economic mainstay, supporting a large population, particularly in the rural areas. Most parts of the country are well endowed, with some cash crop grown. The proceeds from the agricultural sector are paid after the harvest period, which mainly falls in the second half of the year. Workers on coffee, tea, sugarcane, wheat, and maize farms, among others, get paid part of their bonus from July. There could be a correlation between these periods between July and December and policing aspects, in the sense that easy availability of cash after payment of bonuses could have led some Kenyans to celebrate, drink too much luxury alcohol and become unruly. In trying circumstances, police might have failed to observe the police code of conduct and misused firearms while on duty and during leisure times.

Kenya has a population of about 32 million and the total number of police is about 32,000. In numerical terms this means that one policeperson is supposed to render services to 1,000 Kenyans. According to international standards, the ratio should be considerably lower (1:450). Considering this ratio, clearly the police in Kenya are overworked. This could explain why some police tend to misuse their firearms. They

may feel insecure in the performance of their duty, as they are aware that the population within their jurisdiction stretches beyond their capability. This does not of course justify the misuse of firearms by police, but it does suggest the advisability of training more police and increasing the level of awareness of community policing aspects and procedures by bringing the citizens on board in every security perspective.

The government of Kenya is committed to improving internal security in the country with a view to making policing more efficient and effective. As outlined in *Poverty Reduction Strategy Paper of 2001-2004*, the government underscores some of the hindrances to the provision of internal security. Some of the constraints are: low staff motivation, inadequate skills and outmoded equipment and methods of fighting crime. To improve internal security, the government hopes to implement several measures, including, but not limited to, providing for the attainment of a police: population ratio of 1:605, with the long-term objective of reaching a ratio of 1:450. The government will also undertake quality training of security personnel in diverse skills.² Implementation of some of these would see the provision of security services improve a great deal.

Frequency of crime incident

Month

July had the highest count of misuse of firearm incidents (21.1%), followed by January (12.6%) and September (11.6%). At least four months had a fairly low incidence of misuse of firearm. These were June, March, February and August. Considering the average distribution of the misuse of a firearm across the three tiers in the year, it is evident that misuse of a firearm incidents are evenly distributed across the year.

It was observed that police heightened patrols and investigations in July 2001 with a view to reducing the problem of illegal possession of firearms. It could be possible that increased police surveillance in July may have had a direct effect on the incidents that were reported in July.

The lack of reporting on the misuse of firearms in June, and the fact that 21.1% of the cases were reported in July is inexplicable. In subsequent years, efforts will be made to break down this generic category for better analysis.

Day

In the course of the week, the figures show a pattern which was low early in the week, rose at the middle of the week then dropped at the weekend. Unlike other crimes, misuse of firearm was not limited to one particular time of the week as police were in fact on duty seven days a week and 24 hours a day.

Chart 17: Frequency of misuse of firearm incidents by month in 2001 (n = 95)

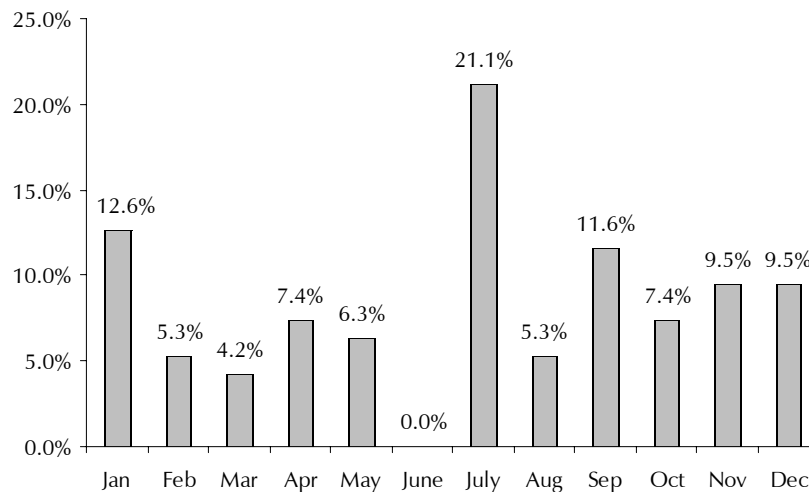


Table 35: Frequency of misuse of firearm incidents by month in 2001

Month	Proportion of misuse of firearm incidents per month	Average proportion of misuse of firearm incidents per month
January	12.6	First tier: 7.4%
February	5.3	
March	4.2	
April	7.4	
May	6.3	Second tier: 8.2%
June	0.0	
July	21.1	
August	5.3	
September	11.6	Third tier: 9.5%
October	7.4	
November	9.5	
December	9.5	
Total	100.0	
Number of misuse of firearm incidents	95	

Table 36: Misuse of firearm incidents by day of the week in 2001		
Day	Distribution of misuse of firearm incidents across the week	
Monday	11.6	Average misuse of firearms rate during the week: 14.7%
Tuesday	15.8	
Wednesday	13.7	
Thursday	14.7	
Friday	17.9	
Saturday	13.7	Average misuse of firearms during the weekend: 13.2%
Sunday	12.6	
Total	100.0	
<i>Number of misuse of firearm incidents</i>	95	

Type of firearms used and recovered

Firearms used

Only 24 reports gave information about the type of firearm used in the "misuse of firearm" incident. Of these, 21 cases involved only firearms and three cases a mixture of firearms and crude weapons. In these 24 cases of misuse of firearms, 100 firearms were misused.

Table 37: Type and estimated number of weapons used in the misuse of firearm incidents in 2001				
Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	4.8	Petrol bomb	6	4.8
Crude weapon	14.5	Crude weapon	18	14.5
Explosive devices	0.0	Hand grenades	0	0.0
Firearm (unspecified)	36.3	Firearm (unspecified)	45	36.3
Homemade firearm	0.0	Homemade firearm	0	0.0
Machine gun	0.0	Sub-machine gun	0	0.0
Other firearm	0.0	British patchet	0	0.0
Pistol	16.9	Pistol	21	16.9
Revolver	0.0	Revolver	0	0.0
Rifle	27.4	AK-47 Rifle	18	14.5
		G3 rifle	15	12.1
		Russian carbine rifle	1	0.8
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		124	100.0
<i>24 valid cases of the 95 misuse of firearm incidents.</i>				

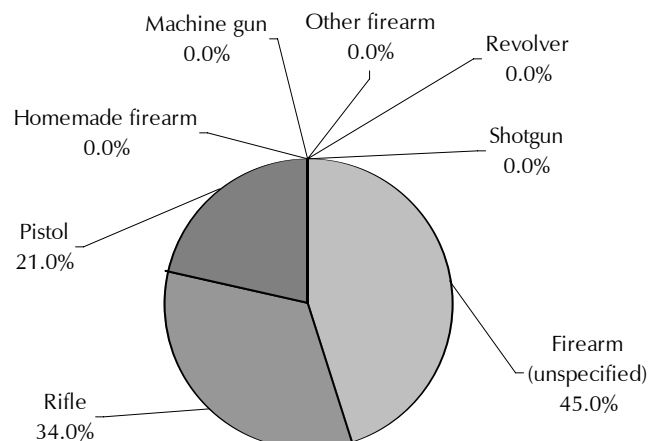
Rifles and Pistols

Rifles were the firearms most commonly misused (34%), while pistols were second among the specified misused firearms (21%). As has already been observed, police officers were the most reported culprits in the newspapers as misusing firearms. In Kenya, the police force mainly uses rifles in the course of duty. Some police officers also use pistols, particularly those in the National Security Intelligence Service (NSIS) and senior police officers, with a view to concealing their identity, as most of the time they are in plain clothes. If they carried rifles openly, they would be easily identified and their effectiveness could be diminished.

Firearm (unspecified)

The majority of firearms reported as misused were unspecified, perhaps for several reasons. Bearing in mind that police were the main culprits, members of the public might have felt intimidated and failed to report the errant policeperson to other officers. Fear of intimidation may also have kept the public from knowing the particular firearm that the police officer misused. It appears that the level of fear of the police in Kenya by members of the public is widespread. What the public need to know is that they have a duty to discipline errant officers by reporting them at the relevant police station. The police must also observe the principle of confidentiality in order to encourage members of the public to record statements whenever police are engaged in the misuse of firearms or other forms of crime.

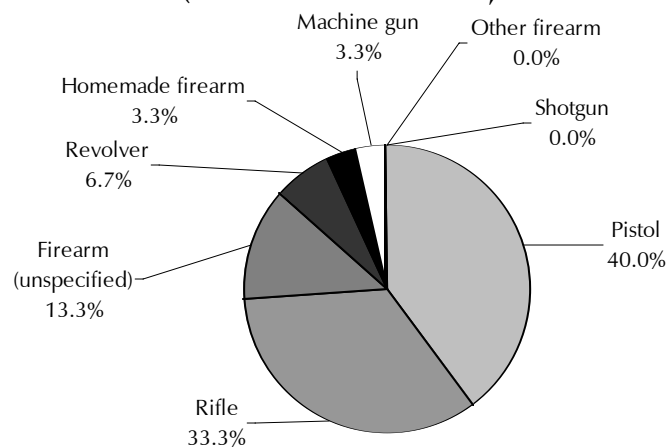
Chart 18: Type and estimated number of firearms used in the misuse of firearm incidents in 2001 (Number of valid cases = 24; Number of firearms = 100)



Firearms recovered**Table 38: Type and exact number of weapons recovered in the misuse of firearm incidents in 2001**

Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	0.0	Petrol bomb	0	0.0
Crude weapon	3.1	Crude weapon	1	3.1
Explosive devices	3.1	Hand grenades	1	3.1
Firearm (unspecified)	12.5	Firearm (unspecified)	4	12.5
Homemade firearm	3.1	Homemade firearm	1	3.1
Machine gun	3.1	Sub-machine gun	1	3.1
Other firearm	0.0	British patchet	0	0.0
Pistol	37.5	Pistol	1	3.1
		Toy gun – pistol	2	6.3
		Tokalev pistol	1	3.1
		Automatic pistols	1	3.1
		Ceska pistol	2	6.3
		Browning automatic pistol	1	3.1
		Russian automatic pistol	1	3.1
		German Luger pistol	1	3.1
		US Colt	2	6.3
Revolver	6.3	Revolver	2	6.3
Rifle	31.3	AK-47 Rifle	8	25.0
		G3 rifle	2	6.3
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		32	100.0

18 valid cases of the 95 misuse of firearm incidents.

Chart 19: Type and exact number of firearms recovered in the misuse of firearm incidents in 2001 (Number of valid cases = 17; Number of firearms = 30)

In only 18 of the 95 "misuse of firearm" cases was there information on the recovery of firearms. In 17 of these instances only firearms were recovered and in one case it was a mixture of firearms and crude weapons.

Trends

Distribution of crime across the provinces in Kenya

A total of 95 incidents were analysed involving the misuse of firearms. These may not have been the only incidents throughout the year, as it is assumed here that there were more cases than those reported in the newspapers. Perhaps police may have been reluctant to share information with the media concerning misuse of firearms, particularly because, as earlier mentioned, police officers were the main culprits. Journalists may only have learnt of and been able to report the very glaring cases.

Nairobi province had the highest count of misuse of firearm (33.0%). The province is quite populous and as it is the capital of Kenya, there are many officers deployed (there). Also, due to the large population, the chances are higher that police officers would be confronted with challenging situations which for one reason or the other may have prompted them to deliberately or unconsciously misuse firearms. Analyses in this study also show that Nairobi takes the lead in most of the types of crime studied.

In Nairobi, there seems to be a ready market for firearms, as is clearly shown by the rate of different crimes in the province. The awareness of proliferation of these may have tempted the police to shoot rather than take chances with armed criminals, assuming that most of the criminals would be carrying deadly firearms. It has also been observed elsewhere in this study that police are at times confronted by gangsters equally, if not better armed with sophisticated illicit firearms trafficked from war-torn neighbouring states. All these facts notwithstanding, great emphasis should be placed on the need to increase the number of trained police officers to effectively contain and curb the problem of crime in Nairobi and in Kenya as a whole. Particular reference is here made to Nairobi because the capital has a number of sprawling slums where possibilities of crime are higher than in other parts of the country. It is widely observed that most criminals use the slums as their operation base and hideout.

Central province, which closely borders Nairobi, was second in the misuse of firearms (19.1%). It has correctly been observed that crimes taking place in Nairobi tend to have a direct effect on Central province due to its geographical proximity. The

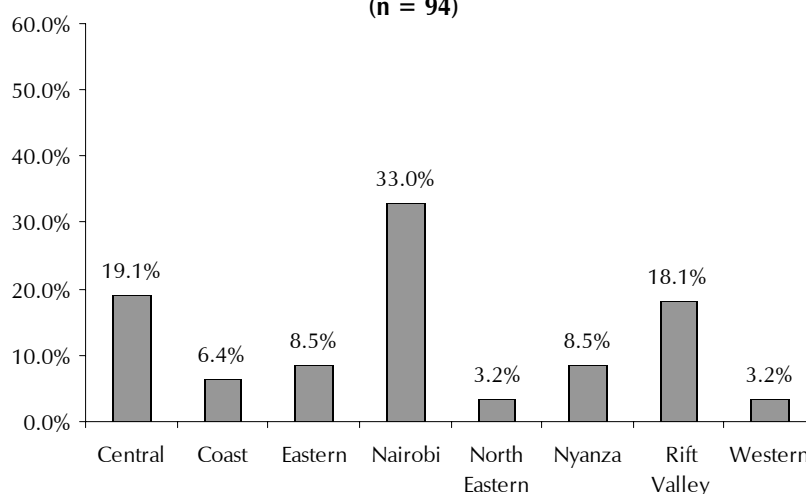
province has a population of 3.7 million according to the 1999 national census. Several districts in the province are particularly close to Nairobi: Kiambu, Thika and Murang'a. A fairly good number of the population in Nairobi commute from these districts to Nairobi daily. Major highways which form entry points to Nairobi run through the districts, particularly the Great North Road which runs from North Eastern to Eastern provinces and joins Thika highway leading into the city. The Nairobi-Nakuru highway also partially runs into the city through Kiambu district and feeds into Waiyaki Way, Uhuru highway and into the city. Many police officers are deployed here with a view to addressing likely crimes on the highways. This explains why Central province is second to Nairobi province in misuse of firearms.

Geographical proximity to Nairobi may also have contributed to a higher rate of reporting on misuse of crimes in the province. Essentially, this means misuse of firearms may not in fact have been the highest in Central or Nairobi provinces, but that the reasonably good communication network may have tended to favour reporting processes more than in more outlying districts in other provinces. Perhaps if means of communication were appropriately distributed throughout the country, it would be possible to gauge the distribution, scope and magnitude of different crime types in Kenya more accurately.

Rift Valley presented 18.1% of the reported and analysed cases of misuse of firearms as distributed in the provinces. From the previous sections analysed, we could state that this province is the third most affected by crime in Kenya. It is important to state here that Rift Valley province is well endowed with several National Parks, reserves and sanctuaries. In these areas there are trained game wardens deployed to safeguard wildlife against poachers and hunters. These officers are armed with rifles in the course of duty. Some of the incidents that constituted misuse of firearms in the province could be attributed to game wardens in the parks, reserves and sanctuaries. Clearly, misuse of firearms is not limited to the police force.

Rift Valley is also the largest of the eight provinces in Kenya and it is the most populous according to the 1999 national census. It also has two leading towns that are commercial and cross-cultural centres, namely Nakuru and Eldoret. In order to maintain law and order a large number of police officers must be deployed in the province. There appears to be a correlation between the numbers of police officers and other licensed users and the rate of misuse of firearms. There is an urgent need for legally held and licensed firearms to be used appropriately in order to curb crime in Kenya. Needless to say, officers found guilty of misusing firearms should be subjected to stiff penalties.

**Chart 20: Distribution of misuse of firearm incidents across provinces in 2001
(n = 94)**



Distribution of crime within the various provinces in Kenya

Table 39: Distribution of misuse of firearm incidents within the various provinces in 2001 as compared with total crime

Province	Percentage of misuse of firearm incidents in province	Number of Misuse of firearm incidents in province (Total = 95)	Number of crime incidents in province (Total = 1016)
Central	10.5	18	171
Coast	9.7	6	62
Eastern	8.4	8	95
Nairobi	8.2	31	377
North Eastern	10.3	3	29
Nyanza	14.3	8	56
Rift Valley	8.4	17	203
Western	13.0	3	23

Distribution of crime within the city of Nairobi

At least 25.8% of misuse of firearm cases in Nairobi were reported on the east of the city, and a further 19.4% were in the north-east. These two areas, as mentioned earlier, are commonly referred to in Nairobi as Eastlands. From analysis done elsewhere in the text, this area seems prone to crime. Police may have misused their firearms at Eastlands in the course of duty for self-defence against the criminals or in

state of panic while under threat. While these observations may not justify misuse of firearms by the police, they are an indicator of the need to have more police deployed at Eastlands for more effective policing. Police at Eastlands also need to be equipped with appropriate anti-crime machinery so that they can feel secure when tracking the armed criminals. A sense of security would prevent them from acting in a state of panic and reduce the chance of misusing firearms.

Table 40: Distribution of misuse of firearm incidents within Nairobi in 2001	
Area	Misuse of firearm (percent)
North	0.0
South	12.9
West	9.7
East	25.8
Central Business District	19.4
North-West	0.0
North-East	19.4
South-West	6.5
South-East	0.0
Nairobi General	6.5
Total	100.0
<i>Number of incidents</i>	<i>31</i>

Summary

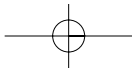
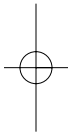
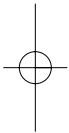
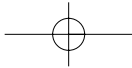
- In the first half of the year, it was only January which had a high percentage of misuse of firearms. In the second half of the year, from July onwards, misuse of firearms was higher than in the first half.
- During the festive season there is a higher possibility of misuse of firearms than at any other time in the year, as police presumably have to deal with drunken civilians and criminals.
- Rifles were the most commonly misused firearms, perhaps because the police, soldiers and game rangers use them more than other types of firearm.
- Among the firearms recovered, there were more pistols than rifles. This was a pointer to the fact that some high-ranking officials may also have been involved in misuse of firearms.
- Police officers were more likely to misuse firearms in the crowded residential areas, for instance Eastlands, where many slums in Nairobi are located.

- There appears to be a gap in information sharing between the police and reporters. This observation is made on the assumption that there could have been more incidents of misuse of firearms than were reported. Police as culprits might withhold information from reporters.

Notes

¹ *East African Standard* (Nairobi) July 4 2001, p. 11.

² Republic of Kenya: *Poverty Reduction Strategy Paper for the Period 2001-2004* (Nairobi, 2001) p. 59.



Chapter 7

POSSESSION OF ILLEGAL FIREARM

Introduction

Possession of an illegal firearm technically refers to the possession of a firearm without holding a certificate. According to the Firearms Act, under the laws of Kenya no person shall purchase, acquire or have in his or her possession any firearm or ammunition unless he or she holds a firearm certificate in force at the time.¹ In terms of this Act, any person who purchases, acquires or has in his or her possession any firearm or ammunition without holding a firearm certificate, or fails to comply with any condition subject to which he or she holds a firearm certificate, is guilty of an offence.²

In context, therefore, possession of illegal firearm refers to any situation in which a person or persons are caught with firearms without holding a certificate issued by a licensing officer. Some of the incidents in which there was possession of illegal firearms involved suspects caught by the police through police investigation or by a tip-off from a member of the public, firearm peddlers or, in some instances, illegal manufacturers, particularly with respect to home-made firearms.

Frequency of crime incidents

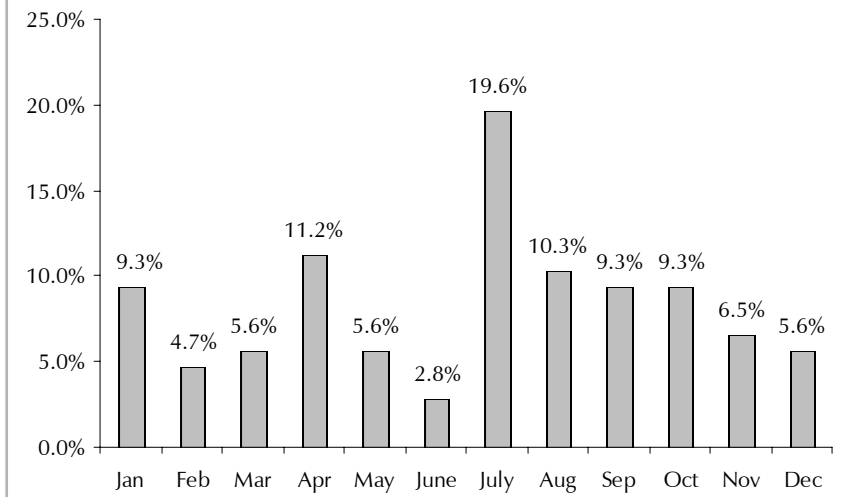
Month

In 2001 there were 107 incidents of possession of an illegal firearm. The months when a high incidence of this crime was reported were July (19.6%), April (11.2%) and August (10.3%). It is noteworthy that June had the lowest count of incidents reported, at only 2.8%. The question which comes to mind is why June had the lowest and July the highest count of possession of illegal firearm, bearing in mind that one would expect a gradual increase in the crime and not a sudden escalation as from June (2.8%) to July (19.6%).

A close look at the raw data extracted from the newspapers reveals that in June and early July 2001 major crime-related incidents took place. It was reported on 10 June

that detectives recovered a cache of arms from a city shop, including 11 firearms and 66 rounds of ammunition.³ In another incident, police recovered from suspected robbers six firearms and 62 rounds of ammunition along Meru-Mara Road in Eastern province. The police, it was reported, acted on a tip-off from members of the public.⁴ Another major incident which took place in June was the defection of seven Ethiopian military officers to Kenya. Kenya military and police intelligence recovered several firearms and rounds of ammunition from the Ethiopian soldiers. It was reported that the whereabouts of 11 other soldiers were unknown.⁵

**Chart 21: Frequency of possession of illegal firearm incidents by month in 2001
(n = 107)**



During the month of July, several incidents also took place. Escalation of ethnic hostilities and related crimes were reported in Laikipia district in Rift Valley province.⁶ On 6 July, an official driver of the Kenya Police Commissioner was attacked at Central Police Station and his or her gun was stolen. Another incident reported involved the police. It was reported that an inspector believed to be linked to a gun-running syndicate was arrested in Nairobi and illegal firearms were recovered.⁷ In yet another incident, police ambushed four gun-runners and seized a cache of arms in transit to Nairobi from Wajir in North Eastern province.⁸ At another time police seized an AK-47 rifle loaded with 14 bullets from a Nairobi city-bound bus from Isiolo in Eastern province.⁹

Such incidents taking place in June and early July may have prompted and motivated the Kenya police to engage in further investigation. More frequent police patrols, and

perhaps more motivated police officers, investigations and surveillance led to the subsequent arrest of suspects and recovery of a firearms cache as explained above. The report in the media that some police were involved in gun-running was a shocking blow to the police. They had to react by arresting as many suspects as possible, firstly to show the public that they were committed to rooting out the problem of illegal firearms in Kenya, and secondly to demonstrate their commitment to the principle that the police force would not spare any one, including police officers, involved in crime. Nevertheless the incidents reported in the newspapers were quite revealing to the public.

It is interesting that at the end of July police displayed firearms which had been either surrendered to the police or recovered in police crackdown operations.¹⁰ This could be seen from two perspectives: firstly as a gesture to the public to show goodwill and determination on the part of the police to do their best to contain the problem. Secondly, it gave a sharp warning to the criminals that the police were out there and that soon or later the police would catch up with them and recover the firearms in their possession. However, a possible negative consequence might be that while the police displayed and commented on the firearms, criminals might consider lying low for a while, or moving their firearms to more secure hiding places. Perhaps seeing the police emphasis on a particular type of firearm might inform their choice of weapon next time.

In July, the police improved security and increased investigations. This had a direct correlation with the high figures of possession of illegal firearm that were reported in the month. Significantly, police efforts were not in vain. Increased police activity will bear fruit and this is why it is absolutely necessary for the police to engage in a war against crime in a proactive manner throughout the year and not just in a particular season, period or month. As was evident in July, strict police action would not only address the problem of possession of illegal firearms but also other types of crime such as robbery, hijacking, murder, misuse of firearms and banditry.

There was a drop in levels of possession of illegal firearm in August, from 19.6% in July to 10.3%, and in the remaining months of the year there was a continuous drop in percentage. Even though on the face of it we could take this drop positively, there is the possibility that the police may not have exuded the same vigour and enthusiasm in the ensuing months when few incidents of possession of illegal firearms were reported. Unlike indicators for other types of crime, where low percentages are perceived positively, high percentages of discovery of illegal firearms can be a positive indicator. Low percentages of discovery of illegal firearms could demonstrate apathy on the part of the police and the need to step up police patrols and investigations.

Day

The highest number of illegal firearms were reported as discovered during the week and fewer incidents were reported on average at the weekend. In 2001, more robbery incidents were perpetrated on weekdays than on weekends. On average, there were 15.7% of robberies committed in the course of the week while only 10.7% of the incidents were reported to have been committed on weekends. It appears that police expected that during the week criminals were likely to waylay unsuspecting Kenyans as they conducted their day-to-day activities. So the reason why there were on average more illegal firearms seized during the week than at the weekend may be increased police vigilance. The average percentage reporting of 10.7% at the weekend may be interpreted in two ways. Possibly there were fewer activities at the weekend than there were during the week. Therefore, criminals concentrated more on carrying illegal firearms in anticipation of a crime opportunity during the week than at the weekend. It could also mean that the police did not expect to find this crime at the weekend, and instead concentrated on addressing other types of crime.

Table 41: Possession of illegal firearm incidents by day of the week in 2001

Day	Distribution of possession of illegal firearms across the week	
Monday	13.1	Average possession of illegal firearms rate during the week: 15.7%
Tuesday	15.0	
Wednesday	15.9	
Thursday	22.4	
Friday	12.1	
Saturday	9.3	Average possession of illegal firearms rate during the weekend: 5.2%
Sunday	12.1	
Total	100.0	
Number of possession of illegal firearm incidents	107	

The highest count of cases of possession of illegal firearm occurred on Thursdays (22.4%) in 2001. An interesting point to note is that there was a gradual ascending order from Monday (13.1%) to Thursday (22.4%) every weekday in 2001. This may have been a true representation of what was happening on the ground in that Thursday could be the peak of activities taking place from the beginning of the week until just before the onset of the weekend beginning on Friday. It appears that police may have responded to this realisation and therefore increased surveillance at the peak of the week. This could explain the gradual increase in cases of possession of illegal firearms, which is impossible to establish without police involvement.

Type of firearms used and recovered

Firearms used

In only 19 of the 107 illegal possession of firearm incidents was there sufficient information about the type of weapon involved. In one of these cases, six crude weapons were involved and in the remaining 18 cases 70 firearms were involved. Since there are so few cases from which to work, the findings in this section should be used only for their illustrative value.

"Use of firearms" in this section means the firearms which were held by criminals illegally. It means that the firearms were possessed, and not necessarily used in committing a specific type of crime such as robbery or murder.

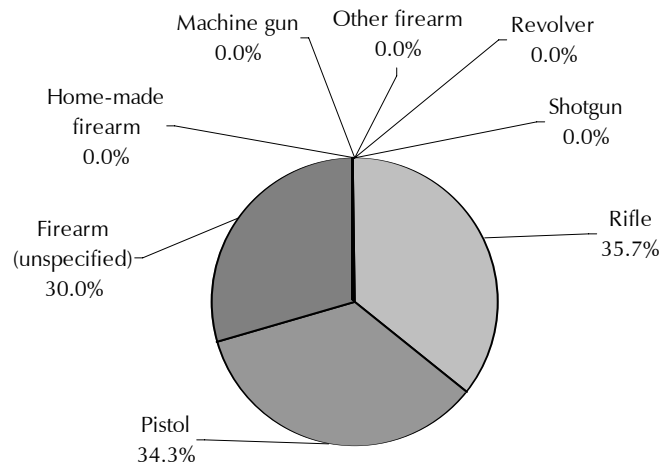
Table 42: Type and estimated number of weapons used in the possession of illegal firearm incidents in 2001

Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	0.0	Petrol bomb	0	0.0
Crude weapon	7.9	Crude weapon	6	7.9
Explosive devices	0.0	Hand grenades	0	0.0
Firearm (unspecified)	27.6	Firearm (unspecified)	21	27.6
Home-made firearm	0.0	Home-made firearm	0	0.0
Machine gun	0.0	Sub-machine gun	0	0.0
Other firearm	0.0	British patchet	0	0.0
Pistol	31.6	Pistol	24	31.6
Revolver	0.0	Revolver	0	0.0
Rifle	32.9	AK-47 Rifle	7	9.2
		M16 automatic rifle	1	1.3
		G3 rifle	13	17.1
		Russian carbine rifle	2	2.6
		Sterling rifle	2	2.6
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		76	100.0

19 valid cases of the 107 possession of illegal firearm incidents.

Considering only the firearms used, rifles (35.7%) were slightly more often used than pistols (34.3%). The higher visibility of rifles, as opposed to the more easily concealed pistols, would to a large extent account for this. Clearly, this is very different from robbery and hijacking. In these two crimes, the number of pistols used far exceeded the rifles. The use of rifles and pistols in this crime confirms the earlier observation in robbery and hijacking that pistols and rifles were the most preferred types of firearms in most crimes in 2001.

Chart 22: Type and estimated number of firearms used in the possession of illegal firearm incidents in 2001 (Number of valid cases = 18; Number of firearms = 70)



Of the 70 firearms involved in the possession of illegal firearms incidents, 30% were not specified as to type in the report. This could mean that by the time journalists went to press they did not have specific information as to what types of firearm were involved. Indeed, it appears that there is a need to educate the public through the media on different types of firearms so that those who may be witnesses of crime could have credible information to pass on to the police and the media as well. The police, the media and the public need to closely work together for the sake of information sharing and increased security in Kenya.

Firearms recovered

There were 91 valid cases from which it was possible to determine the number of firearms recovered in the incidents. In 88 cases only firearms were recovered; in one case only crude weapons were recovered, and in two cases a mixture of firearms and crude weapons were recovered.

In all 729 different firearms were recovered in the possession of illegal firearms incidents. Of these, 19.1% were pistols, 5.1% were rifles and the types of 70.5% were not specified in the newspaper report. The bulk of these unspecified firearms were seized in two ongoing police operations: one involved the collection of 250 firearms and the other 106 firearms. Even though there were as many pistols used as there were rifles, it is clear that there was a big difference between the number of pistols

Table 43: Type and exact number of weapons recovered in the possession of illegal firearm incidents in 2001

Category of weapon	Percent	Weapon type	Number of weapons	Percent
Bomb	0.0	Petrol bomb	0	0.0
		Bomb	2	0.3
Crude weapon	4.4	Crude weapon	34	4.4
Explosive devices	0.1	Hand grenades	0	0.0
		Rocket launcher	1	0.1
Firearm (unspecified)	67.1	Firearm (unspecified)	514	67.1
Home-made firearm	0.7	Home-made firearm	5	0.7
Machine gun	1.6	Sub-machine gun	7	0.9
		Machine gun	2	0.3
		Caribbean machine gun	2	0.3
		Patchet Sub machine gun	1	0.1
Other firearm	0.5	British patchet	2	0.3
		Stun gun	2	0.3
Pistol	18.1	Pistol	74	9.7
		Toy gun – pistol	23	3.0
		Tokalev pistol	3	0.4
		Brazilian Taurus	1	0.1
		Automatic pistols	10	1.3
		.38 Special pistol	1	0.1
		US Colt pistol	2	0.3
		Ceska pistol	5	0.7
		American Browning pistol	7	0.9
		Browning automatic pistol	2	0.3
		Browning general	1	0.1
		Beretta pistol	6	0.8
		Star pistol	1	0.1
		Colt general	1	0.1
		US Colt	1	0.1
		Russian Tokalev	1	0.1
Revolver	2.3	Revolver	5	0.7
		US Colt Revolver	13	1.7
Rifle	4.8	AK-47 Rifle	19	2.5
		M16 automatic rifle	2	0.3
		G3 rifle	6	0.8
		Automatic rifle	4	0.5
		Sterling rifle	2	0.3
		Rifle general	4	0.5
Shotgun	0.0	Shotgun	0	0.0
Total	100.0		766	100.0

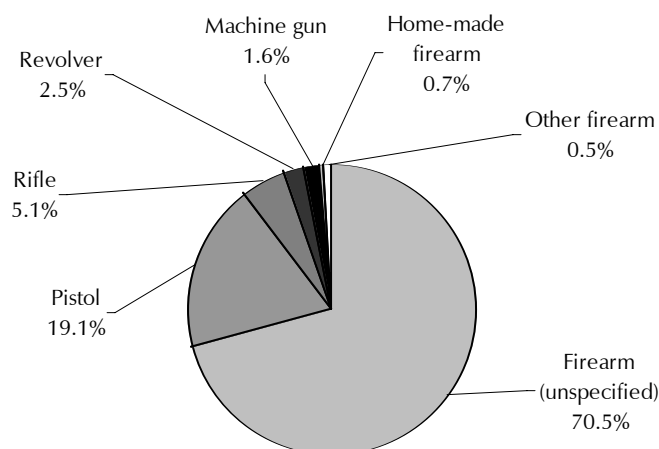
91 valid cases of the 107 possession of illegal firearm incidents.

and rifles recovered. Possibly the criminals used more pistols in illegal possession of firearm incidents than they used rifles, so more pistols than rifles were recovered. On the other hand, perhaps the criminals customarily used an equal number of pistols and rifles, but rifles were only used for intimidation purposes and then put away securely, giving way to pistols usage and possible recovery.

At least 15 different types of pistols were recovered. It appears that in Kenya there may be as many pistols used in crime as there are different types of pistols existing in different parts of the world. This underlines the dire need to address the supply side of firearms in Kenya, along with the demand side.

It was shown that there were more firearms recovered than used in illegal possession of firearm cases. There were revolvers, machine guns, home-made firearms, crude weapons and an explosive device. This shows that, firstly, criminals use different types of firearms including home-made firearms and crude weapons. Secondly, the persistence of police in recovering so many types of firearm is commendable - as is the help of the public. Police operations focus not only on the most used firearms but even those that are least used. This reflects police determination to recover illegal firearms as an important aspect of addressing the proliferation of illegal firearms in Kenya.

Chart 23: Type and estimated number of firearms recovered in the possession of illegal firearm incidents in 2001 (Number of valid cases = 88; Number of firearms = 729)



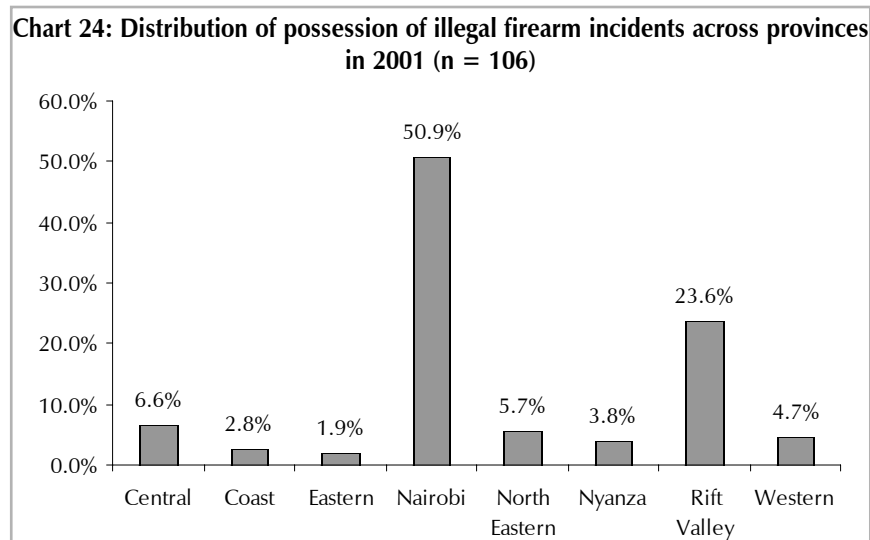
Ammunition

In 61.7% of the 107 cases ammunition was also recovered. The police recovered a variety of ammunition, and usually this was reported in the newspapers as bullets, spent cartridges or magazines.

Trends

Distribution of crime across the provinces in Kenya

It was found that 50.9% of all the illegal possession of firearm incidents reported in the newspaper occurred in Nairobi province. The second greatest number were recorded in the Rift Valley province at 23.6% of all the illegal possession of firearm incidents in 2001.



Distribution of crime within the various provinces of Kenya

The distribution of possession of illegal firearm cases across the eight provinces indicates that over half of these were reported in Nairobi (50.9%) followed by Rift Valley (23.6%). Nairobi seems to take lead in most of the crimes reported in 2001. Apparently, there appears to be a close link between robbery and hijacking and illegal possession of firearm as these were reportedly highest in Nairobi. This underlines the

fact that firearms are involved in the bulk of leading violent crimes in Kenya. The problem is most acute in Nairobi and it calls for concerted efforts to address the menace.

The second most affected province in 2001 was Rift Valley. In this province, two major towns are commercial and administrative centres in the province and thus the primary hub of activities: Eldoret and Nakuru. Moreover, the province has twice been hit by politically instigated ethnic hostilities during the past two national elections in 1992 and 1997. Those holding illegal firearms may have purchased them in the climate of increased insecurity to protect themselves, their families and stocks. The illegal firearms which proliferated during the ethnic clashes appear to be still in circulation. There is a need to collect and destroy such illegal firearms.

An area commonly referred to as North-Rift stretches across the province. This includes districts such as Trans Nzoia, Samburu, Baringo, Marakwet, Nandi and Uasin Gishu. Most of these districts are vast and are inhabited by pastoralist communities. One of the problems affecting pastoral communities is armed cattle rustling. Amidst speculation that neighbouring communities possess firearms, it has been common practice for a community to acquire firearms to protect its wealth and possessions. These factors may to a great extent have contributed to the proliferation of illegal firearms.

Table 44: Distribution of possession of illegal firearm incidents across the various provinces in 2001 as compared with total crime

Province	Percentage of possession of illegal firearm incidents in province	Number of possession of illegal firearm incidents in province (Total = 106)	Number of crime incidents in province (Total = 1016)
Central	4.1	7	171
Coast	4.8	3	62
Eastern	2.1	2	95
Nairobi	14.3	54	377
North Eastern	20.7	6	29
Nyanza	7.1	4	56
Rift Valley	12.3	25	203
Western	21.7	5	23

Increased police surveillance on Kenyan highways, particularly on the Great North Road to Moyale through Isiolo and Marsabit, may have prompted gun-runners and peddlers to look for alternative routes for transporting firearms to Nairobi, where there seems to be a readily available market. It is possible that some of the firearms may

have landed in the provinces from such quarters. However this is an area for further research. The above facts may explain why possession of illegal firearms was reportedly rampant in the provinces and why there is a need to increase police surveillance, particularly through community policing, as there may not be enough police officers to be deployed in the above vast districts.

Distribution of crime within the city of Nairobi

Table 45: Distribution of possession of illegal firearm incidents within Nairobi in 2001	
Area	Possession of illegal firearms (percent)
North	0.0
South	1.9
West	1.9
East	31.5
Central Business District	11.1
North west	3.7
North east	31.5
South west	5.6
South east	1.9
Nairobi General	11.1
Total	100.0
<i>Number of incidents</i>	<i>54</i>

Distribution of crime within the city of Nairobi indicated that the most affected areas were the east and north-east of Nairobi, with a total of 63% of 54 incidents reported in 2001 in these parts of the city. As observed earlier, there is a correlation between possession of illegal firearms and robbery and hijacking. These two areas in Nairobi were equally affected by robbery and hijacking. As police are aware that Eastlands is a crime-prone area in Nairobi, it appears that the police may have heightened their investigations, leading to identification of criminals possessing illegal firearms. However, this should not be taken to imply that the police are not as alert in other provinces as they are in Nairobi.

There were incidents of possession of illegal firearms in different parts of Nairobi, apart from the north, where no incidents were reported. This is somewhat surprising since the north of Nairobi borders on a district in Central province, Kiambu. In a previous section it was observed that some criminals retreat to the district after committing a crime in Nairobi and use specific locations there as their hideout. The

fact that there was no incident reported in the north of Nairobi of possession of illegal firearm may not be an accurate representation of events on the ground. Perhaps there were some incidents that may have escaped the attention of reporters and therefore were not reflected in the newspapers.

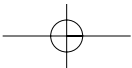
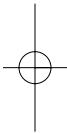
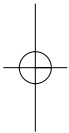
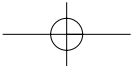
Summary

- The months when the possession of illegal firearms cases were high indicated heightened police action.
- Serious incidents of crime which occurred during the middle of the year prompted police investigation and increased police patrols, leading to arrest of suspects and recovery of illegal firearms.
- Some reports in the newspapers revealed that some police were involved in gun-running and consequently possession of illegal firearms.
- Police displayed illegal firearms seized at the end of July. This could be viewed from two perspectives: as a gesture to demonstrate to the public that the police are working to fight crime, and negatively as a warning to criminals that their actions will not be tolerated.
- Illegal possession of firearms cases were more common on average during the week than at the weekend.
- More rifles than pistols were involved in the possession of illegal firearms cases but more pistols than rifles were recovered.
- A host of different firearms were recovered in possession of illegal firearms cases. The diverse types are obviously coming from different parts of the world, hence the need to curtail the supply of illegal firearms in Kenya.
- About 30% of newspaper reports on possession of illegal firearm incidents did not specify the type of firearm. This indicated both a lack of information due to the large numbers involved and a lack of information sharing between witnesses on the ground, police and journalists.
- Police operations and efforts in recovering illegal firearms targeted a wide range of firearms; such as revolvers, pistols, rifles, machine guns, home-made firearms and crude weapons.

- Nairobi province was the most affected by the problem of possession of illegal firearms.
- Rift Valley province was the second most affected province. Ethnic hostility and cattle rustling were some of the causes of illegal possession of firearm in the province. Police surveillance on the Great North Road to Moyale may have led to diversion of gun trafficking to Rift Valley, hence the high percentage of illegal possession of firearms in the province.
- In Nairobi, the highest numbers of illegal firearms were reported in Eastlands. This showed increased police surveillance in that part of Nairobi against the background of police suspicion of the presence of illegal firearms and improved investigations on security and sharing of police intelligence.

Notes

- ¹ Republic of Kenya, Laws of Kenya, *The Firearms Act; Chapter 114*, Part 11, p. 7.
- ² Ibid.
- ³ See *Daily Nation* (Nairobi) June 10, 2001 p. 4 and *East African Standard* (Nairobi) June 3, 2001 p. 3.
- ⁴ See the *People's Daily* (Nairobi) June 6, 2001 p. 1.
- ⁵ *East African Standard* (Nairobi) June 7, 2001 p. 3.
- ⁶ *Daily Nation* (Nairobi) July 2, 2001 p 44 and *East African Standard* (Nairobi) July 2, 2001 p. 2.
- ⁷ *Daily Nation* (Nairobi) July 6, 2001 p. 3 & 6.
- ⁸ *Daily Nation* (Nairobi) July 12, 2001 p. 3.
- ⁹ *Daily Nation* (Nairobi) July 18, 2001 p. 19.
- ¹⁰ *Daily Nation* (Nairobi) July 28, 2001 p. 3.



Chapter 8

IMPACT OF CRIME

Outcome of crime

The reports of incidents in this study were classified according to what could be broadly considered the outcome of the incident. By this, it is possible to gauge the nature of the crime in question. What was initially evident was that many of the crimes reported in the newspapers were actual crimes that progressed to completion, as opposed to attempted crimes.

Table 46: Outcome of the crime in 2001

Outcome	Robbery	Hijacking	Poss. illegal firearm	Murder	Rape	Misuse of firearm	Banditry activities
Actual crime / crime progressed to completion	60.2	57.0	41.1	97.0	78.5	74.7	85.9
Attempted crime / crime interrupted	31.1	35.9	9.3	1.5	7.1	11.6	6.3
Other	8.7	7.0	49.5	1.5	14.3	13.7	7.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<i>Number of incidents</i>	412	142	107	67	14	95	142

To define the terms: "actual crime" refers to cases which progressed to completion; "attempted crime" refers to incidents which were interrupted. Some of the factors which interrupted the progress of a crime included interruption of crimes prior to initiation or completion through an action taken by police or by a member of the public's giving a tip-off. The category labelled "other" covers cases with regard to which it is not clear whether they were completed or interrupted. The unclear status may have been caused by lack of details in the newspaper report.

Policing aspects

The progress of crime in the year 2001 varied from one type of crime to another. It is evident from the analysis that most of the crimes actually progressed to completion. A few examples will suffice; 60.2% of robbery cases actually took place, while 31.1% of the same were attempted cases that never progressed to completion as they were interrupted. Care and precision in planning and executing robbery cases could account for the over 60% of completion in robbery incidents. The high percentage of completed incidents shows that robberies in 2001 were not accidental but deliberate; the criminals took their time to plan and execute their crime. This points at a need for the police to be engaged in steadfast criminal investigation to counter criminal activities.

As regards hijacking, 57% of the cases mentioned were actual crimes, while 35.9% of the same were attempted and interrupted. The completed incidents reflect the ability of hijackers to dominate motorists on the Kenyan highways, while those never completed manifest co-cooperation and alertness between the victim, members of the public and the police.

Actual cases of possession of illegal firearm are listed at 41.1% and only 9.3% of these cases were classified as attempted and interrupted. This could be because possession of illegal firearms is likely to take place in a largely clandestine setting. For this reason, it may have been difficult to uncover the situation, especially where police officers were involved in the crime or where a tip-off from the public was mistaken. Likewise, murders tend to take place in a clandestine setting. Perhaps for this reason, murder cases were 97% successful and a mere 1.5% of them classified as attempted and foiled.

Banditry activities were 85.9% successful. This would be because of the difficult terrain and vastness of the areas where the crime is most likely to take place. Unlike other crimes, banditry does not take place in the public eye. Involvement of the community is of paramount importance in ensuring that they share information with the police regarding possible banditry and stock related crimes.

Even though rape has not been included elsewhere in the text narrative and analysis, its inclusion here serves to show the extent of crime in Kenya. Of the 14 cases of rape reported in 2001, progress to completion was 78.5% and only 6.3% were interrupted. The victims may have been defenceless to the extent of being subdued by the assailant and only if they managed to raise the alarm or the public intervened was the rape interrupted.

From a comparative analysis perspective, it is evident that the nature and the motive of crime to some extent determined its degree of progress to completion or interruption. For instance, the deliberate, intentional nature of the crime of murder and the manner in which it is executed almost ensures its successful completion. On the other hand, banditry and armed robbery activities tend to be executed in a more combative manner, and often their interruption was determined by tip-offs, criminal investigation or regular police patrol.

Police action based on tip-off

In 63 cases the newspaper articles mentioned that the police response to the crime was based on a tip-off. Essentially, the number of tip-offs is an indicator of the extent to which public involvement in curbing crime has been achieved.

Table 47: Police action based on tip-off prior to crime in 2001

Whether tip-off received	Robbery	Hijacking	Poss. illegal firearm	Murder	Rape	Misuse of firearm	Banditry activities
Yes	7.0	7.7	15.9	0.0	7.1	5.3	0.0
	29 cases	11 cases	17 cases	0 cases	1 case	5 cases	0 cases
Other	93.0	92.3	84.1	100.0	92.9	94.7	100.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of incidents	412	142	107	67	14	95	143

In reality, crime can never be carried out in a vacuum, as there must always be the victim(s) and the perpetrator(s). In addition there will be spectators or persons who happen to be close by at the moment of crime. As far as time is concerned, other people may get to learn in advance of the crime and give the police a tip-off. When a tip-off is given by a member of public, it shows a desire to ensure a safer environment for the victim and the rest of the community. In 2001, newspaper reports stated in 29 cases out of 412 robbery incidents that there was a tip-off. This was in only 7% of the robbery cases reported. The need for public information sharing with security agents cannot be overstated.

Similarly, in hijacking, there were only 11 cases when there was a tip-off. Perhaps this was because of the swiftness of the crime and the sudden manner in which most of the motorists are attacked on the Kenyan highways. It appears that members of the public and the police may have had no means of detecting the crime before it was

executed. In hijacking, criminals may be targeting a specific model of car or they may hijack a vehicle for getaway purposes. With regard to public transport, especially omnibuses and vans or Nissans (locally referred to as the *matatu*), they might not have a specific one in mind, but the crime would be perpetrated on an opportunistic basis. In such circumstances, it might have been difficult for the victims or police to detect the intentions of the criminals, who in some cases boarded public transport posing as passengers. This underscores the need for the Kenya government to fit the highways with crime detectors to boost police surveillance and increase safety on the roads and highways.

Reports on possession of illegal firearms cases recorded 17 cases of tip-offs. Even though these were too few, the fact that the police or member of the public got to know that there was a suspect holding a firearm illegally underscores the importance of information sharing between the police and the public. It also emphasises the need to install electronic devices designed to detect firearms, including crude weapons and home-made guns on highways, private and public places.

On the whole, there were more tip-offs for a type of crime that posed the greatest threat collectively to a group of people as opposed to an individual. This is evident from the analysis, showing that more tip-offs were given on robbery and illegal possession of firearms than other types of crime. In rape, murder and banditry cases, there were hardly any tip-offs owing to the clandestine nature of the crimes.

It is widely believed that in most pastoralist communities there are established methods of securing firearms. Specific members of the community play the role of custodians; either men or women. Instances when firearms are recalled from the custodians mean that some attack is being plotted. This could serve as an early warning indicator. Mechanisms for early warning could be put in place, creating awareness amongst the communities affected by banditry and stock related crime so that they have the capacity to respond proactively and prevent the crime.

Normally, fear of victimisation has been the cause of the public unwillingness to give police a tip-off on crime activities. Sometimes the public lack confidence that whatever information they give will be treated confidentially and their identity concealed. Unnecessary investigative inquiry and intelligence gathering that may follow the tip-off also make people reluctant to get involved in the activities of the police. There is therefore a need to build confidence between the police and the members of the public if police are to get valuable information held by the public. Community policing is essential to combating crime at all public levels. A hotline offered by the police could be one answer to this problem, but the telephone

infrastructure and network in Kenya first needs to be improved. Kenyans also need to be educated on how to utilise facilities of this kind, either through the media or community based public awareness programmes and community policing.

Many crimes are clandestinely planned with a high degree of precision and it is difficult to uncover any of these intended crimes before they are committed. This explains the dire need to have more specialised training directed to both the police force and specific members of the community on crime detection.

Police misconduct

In the newspaper articles there were frequent reports of police misconduct such as the setting up of illegal road blocks, the use of police weapons in crime, and so on. These were recorded as instances of police misconduct in the survey. Across the database of 1 026 cases, there were 65 cases of police misconduct reported in the newspaper articles collected on firearm related cases. The following were reported in the newspapers:

- 35 cases relating to misuse of firearm,
- 13 cases relating to robbery,
- 5 cases relating to possession of illegal firearm,
- 4 cases relating to murder,
- 4 cases relating to banditry activities,
- 2 cases relating to hijacking,
- 1 case relating to rape, and
- 1 case classified as 'other crime' which involved a politically related incident.

Table 48: Proportion of incidents with police misconduct reported in newspapers in 2001

	Robbery	Hijacking	Poss. illegal firearm	Murder	Rape	Misuse of firearm	Banditry activities
Proportion of incidents in which police misconduct occurred	3.2 13 cases	1.4 2 cases	4.7 5 cases	6.0 4 cases	7.1 1 case	36.8 35 cases	2.8 4 cases
Total number of incidents	412	142	107	67	14	95	143

The actual circumstances of the police misconduct were classified in the survey, but often the newspaper articles will merely hint at police misconduct, and the actual

circumstances would not be that clearly laid out. From a broad perspective, police misconduct constitutes a failure to practise professional ethics, individual weaknesses in the character of the officer, social misconduct, criminal acts, and extra-judicial execution.

In the course of duty, a police officer would be expected to exercise self-control and restraint. This is simply exercising natural law and natural justice based on the common good. Unfortunately this was not the case: some police officers engaged in a drinking spree while on duty and visited public recreation centres armed with official firearms. There would be a strong tendency for an officer to misuse a firearm when in an inebriated condition.

Crucial to police duties is protecting the life and property of the community as outlined in the Police Act.¹ This is not only a duty but also a moral obligation. However, from newspaper reports in 2001, there were eight cases of violence perpetrated against the public by police officers, and in several cases a victim was shot by a police officer after being mistaken for a criminal. In several incidents, members of the public were injured or killed by stray bullets as police and criminals exchanged fire. In other incidents, police accidentally shot at the public when intending to quell a riot or ethnic rivalry. These episodes are regrettable, particularly because they erode public confidence in the police force. Also, the integrity of some officers might well be questioned by the public whom the officers are supposed to be serving, as outlined in the force's motto, *utumishi kwa wote* (service to all). In principle, armed police are expected to offer protection to the public, but not to use their firearms as tools of violence against defenceless citizens.

In a few cases, police hired out their firearm to criminals, and in a few other incidents, officers disguised themselves as civilians to commit crimes.² Furthermore, police were reportedly involved in criminal activities such as gunrunning syndicates, mugging incidents, loss of firearm under careless circumstances and masterminding carjacking. Of course, individual police officers and not the institution committed these crimes. These crimes could be addressed by taking punitive measures against errant officers.

On several occasions, an officer was reported to have gone amok and killed a colleague, or a friend of the opposite sex or even an entire family. Some officers even committed suicide after committing murder or related crimes. It is tragic that some officers should engage in crimes of this nature while using an officially held firearm meant for protecting life and property.

In some instances, police were caught in circumstances which caused them to engage in unplanned crimes. For instance, some police who went to quell ethnic and

politically related violence reportedly appeared partisan. Essentially while on duty an officer is expected to behave in a neutral manner, but in situations where ethnic sentiments may be challenged an officer might be tempted to be partisan. Such a possibility should be considered before an officer is deployed to quell ethnic violence, but of course Kenyans should always put the national good before their ethnic identity.

Clearly, most of the incidents reported relating to officers' misconduct were on an individual level and not institutional. This means that the problems are not deeply entrenched and they could be dealt with according to the law and by holding individual officers responsible for their crimes committed against the public. Police spokes-person needs to persistently defend the police force whenever an officer is accused of misconduct with the view to protect good reputation and win public confidence.

Impact of the crime

One of the methods used to assess the impact of the crime was to consider the number of people killed and injured in the incident. For this purpose, the information collected from the newspapers provided an interesting insight, especially when considering how injury and death increased as the numbers of firearms and offenders and victims increased.

- When considering the mean score³ provided, it was evident that the highest death rate occurred in murder incidents (where on average 1.6 persons were killed in each incident), and in banditry activities (where on average 2.1 persons were killed in each incident). There was no distinction made as to whether this was the death of the victim or the offender, or even an intervening third party.
- The highest level of injury (once more, of either the victim or the offender) occurred in banditry activities (at 3.2 persons per incident), and in misuse of a firearm (at one person per incident).

Analysis in this study shows that the average number of people killed in the 412 incidents of robbery was 0.7, while the average of those injured was 0.8 and there was an average of 1.5 victims. On the same calculation, there was an average of 5.2 criminals per incident. These figures are by no means low and they show that chances of being injured or killed in robbery incidents are high.

Table 49: Average number of people impacted on by the crime in 2001*									
Type of crime	Number of persons killed		Number of persons injured		Number of criminals		Number of victims		Total number of incidents**
	Mean	N	Mean	N	Mean	N	Mean	N	Total
Robbery	0.7	412	0.8	314	5.2	286	1.5	125	412
Hijacking	0.6	142	0.6	111	4.3	105	1.5	66	142
Poss. illegal firearm	0.7	107	0.1	95	4.4	82	1.8	9	107
Murder	1.6	67	0.3	52	4.1	30	1.4	45	67
Misuse of firearm	0.7	95	1.0	71	4.9	42	1.3	33	95
Banditry activities	2.1	141	3.2	76	8.8	23	5.6	22	143
Cattle rustling**	4.6	27	2.8	18	11.6	7	3.7	3	29
Rape**	0.5	14	1.8	12	2.7	11	2.1	12	14
Cross border crime**	4.1	8	0.3	4	9.0	2	2.0	1	9
Other**	0.0	8	2.1	8	4.0	4	1.6	5	8
Total	1.1	1021	1.0	761	5.0	592	1.8	321	1026
* Those groups of people comprising more than 50 people were excluded from the average calculations, as these outliers distort the average calculations and the figures are often inaccurate calculations in themselves.									
** Those cases with fewer than 30 valid cases are not valid responses. However, the responses are included in the report for qualitative comparative purposes.									

Number of victims

Table 50: Number of victims in crime in 2001										
Was there a victim?	Robbery	Hijacking	Poss. illegal firearm	Murder	Cattle rustling	Rape	Misuse of firearm	Banditry activities	Cross border crime	Other
Yes	90.5	92.7	25.0	100.0	96.3	100.0	82.9	99.3	77.8	100.0
No	9.5	7.3	75.0	0.0	3.7	0.0	17.1	0.7	22.2	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of incidents	295	109	84	56	27	14	76	134	9	8

In at least 295 incidents where there was substantive information regarding victims of robbery, 90.5% had victims and only 9.5% had no victims. This means that very many robbery incidents in Kenya are deadly. The need for increased police surveillance cannot be overemphasised.

According to the analysis reflected above, in 92.7% of 109 hijacking incidents, there were victims affected by the crime. Those involved in the crime may have been killed, injured or lost their vehicles to the hijackers. In 7.3% of these cases there was no victim. In most cases of hijacking there is higher possibility of having victims than not having any at all. If there were no occupants in the vehicle, it implies that the vehicle was stationary at the time it was stolen/hijacked. Use of firearms in crime in Kenya, as discussed earlier, is quite high and it is for this reason that many of the victims appear to have been subdued by their assailants. The high proportion of victims in hijacking could also be the result of the sudden manner in which the criminals pounce on their victims without prior warning. Increased police surveillance could help contain the high rate of hijacking and simultaneously reduce the number of victims.

Possession of illegal firearm is the only crime which had fewer victims: 25.0%, as opposed to the remaining 75.0% of the incidents in which there were no victims. Clearly the criminals were holding the firearms illegally while awaiting a good opportunity to commit crime. It could be possible that a gun culture is slowly permeating Kenyan society. Perhaps those carrying weapons might have included ordinary citizens desirous of protecting themselves.

The 56 murder incidents analysed all involved a victim. The figures indicate that when criminals plot murder in Kenya there is high likelihood that the targeted victim will be reached.

In incidents involving misuse of firearm, there were victims in 82.9% of the 76 cases analysed. The firearm was used to subdue the victims. This further shows the extent to which criminals apply firearms in their activities.

Banditry activities were rampant in 2001 and out of the 134 incidents analysed there were victims in 99.3% of the cases. Even though banditry activities are likely to take place in wide open areas where the population is quite low, the figures here show that for every banditry attack, there will be some victims. Once again we reiterate the need to increase policing efforts in Kenya.

The conclusion is that crime in Kenya is not likely to take place without affecting an individual or a group of people. Chances are high that at one time or another a Kenyan will fall victim to one crime or another. There is great need to enforce security in all its aspects.

Table 51: Number of victims in crime in 2001

Number of victims in crime	Robbery	Hijacking	Poss. illegal firearm	Murder	Cattle rustling	Rape	Misuse of firearm	Banditry activities	Cross border crime
1 person	30.3	44.6	19.0	55.4	3.8	50.0	38.1	9.0	0.0
2 people	12.4	13.9	19.0	17.9	3.8	14.3	12.7	3.0	0.0
3 people	2.2	2.0	0.0	3.6	0.0	14.3	0.0	1.5	0.0
4 people	1.1	3.0	0.0	3.6	0.0	0.0	0.0	0.0	0.0
5-9 people	0.7	2.0	0.0	0.0	3.8	0.0	0.0	0.8	0.0
20-50 people	53.2	34.7	57.1	19.6	88.5	14.3	0.0	85.7	85.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of incidents	267	101	21	56	26	14	63	133	7

There were 641 victims of crime altogether. Most of these were victims of armed robbery (42%) and banditry (21%). Murders claimed 56 victims, which accounted for 9% only. This trend is indicative of the combative nature of armed robbery and banditry when victims are not compliant. However, since the frequency of these types of crime has a very wide range, there are more reasons for this.

In terms of frequencies, robbery accounted for 40.2% of the total crimes, while banditry and murder accounted for 13.9% and 6.5% respectively. It is evident from the unit analysis that although there were fewer murders, where murder took place on its own the intention was specifically the termination of life and that this was almost always achieved. In addition, some crime types affect society collectively rather than individually. Some crimes such as murder are targeted at specific individuals and therefore have fewer victims. In banditry, carjacking, robbery and misuse of firearms, the victims may have suffered either by accident or because they did not comply.

In general, it appears that in most cases, the victims of crime were either an individual or two persons. Carjackers, for instance, would target vehicles with fewer occupants to avoid collective resistance from a group, safe for public transport particularly *matatus* (18 seater vans). Robbers would also target fewer victims at a time to increase their chances of success. Critically, Kenyans need to be wary of travelling alone on isolated highways and driveways. Soft targets of crime would require close police surveillance, as individuals need to go about their daily routine without fear and suspicion that they might fall victims of crime.

Number of offenders**Table 52: Number of offenders in crime in 2001**

Was there a criminal?	Robbery	Hijacking	Poss. illegal firearm	Murder	Cattle rustling	Rape	Misuse of firearm	Banditry activities	Cross border crime	Other
Yes	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of incidents	345	121	96	47	28	12	55	123	9	8

In all the crimes analysed in 2001 from newspaper reports, there were offenders in every type of crime. Criminals are ordinary people living with other Kenyans, but it appears that in most cases they are not detected. Public awareness campaigns might increase citizens' ability to identify criminals in their midst. Such identification would not only increase the level of community policing in Kenya, but it could discourage criminal activities. Close liaison between police and the community could also help reduce the apathy that could be keeping citizens from supplying information to the police about those whom they might suspect to be criminals in their midst.

Table 53: Number of offenders in crime in 2001

Number of offenders in crime	Robbery	Hijacking	Poss. illegal firearm	Murder	Cattle rustling	Rape	Misuse of firearm	Banditry activities	Cross border crime
1 person	5.5	3.3	18.8	12.8	0.0	50.0	23.6	2.4	0.0
2 people	9.9	13.2	14.6	6.4	0.0	0.0	5.5	0.0	0.0
3 people	14.5	20.7	20.8	10.6	3.6	0.0	3.6	0.0	0.0
4 people	13.0	19.0	9.4	14.9	3.6	8.3	10.9	1.6	0.0
5-9 people	30.1	28.1	15.6	14.9	7.1	25.0	21.8	6.5	11.1
10-19 people	8.7	2.5	3.1	2.1	3.6	0.0	9.1	4.1	11.1
20-50 people	18.3	13.2	17.7	38.3	82.1	0.0	25.5	83.7	77.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of incidents	345	121	96	47	28	12	55	123	9

Only in very rare circumstance would criminals act individually. Analysis in this study shows that most criminals worked in groups of three to nine criminals as opposed to

one or two criminals. An exception was noted in crimes such as rape, misuse of firearm and possession of illegal firearm.

To curb crime in Kenya, the ratio between one police officer and the number of citizens under the officer's jurisdiction needs to be well balanced. The situation of one police officer serving close to 1000 or more citizens can only increase the chances for the criminals to operate away from close police vigilance.

Extent of injury

Table 54: People injured in crime in 2001

Was someone injured?	Robbery	Hijacking	Poss. illegal firearm	Murder	Cattle rustling	Rape	Misuse of firearm	Banditry activities	Cross border crime	Other
Yes	43.6	40.9	9.5	20.4	81.0	78.6	51.4	68.8	62.5	25.0
No	56.4	59.1	90.5	79.6	19.0	21.4	48.6	31.3	37.5	75.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of incidents	321	115	95	54	21	14	74	96	8	8

The analysis here shows that the possibility of being injured during a crime incident in Kenya was high in most types of crime. When victims are injured during the course of crime, they have to seek medical attention. For most Kenyans, affording hospital bills is still a major problem, which could deplete their already strained resources. This

Table 55: Number of people injured in crime in 2001

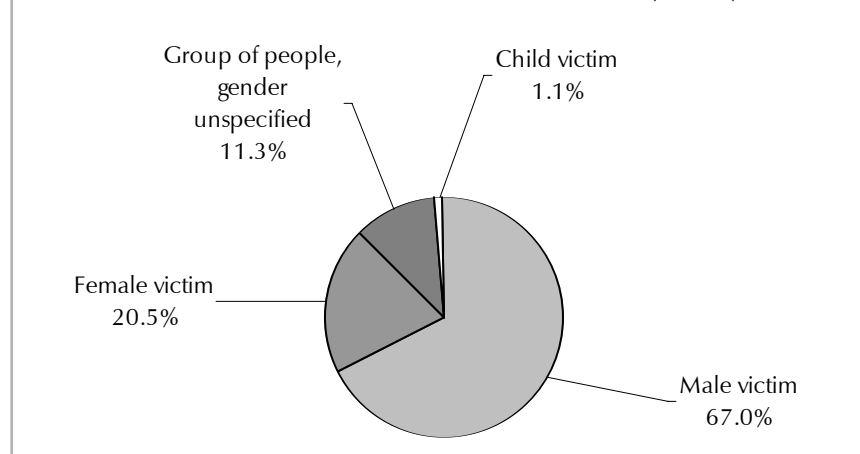
Number of people injured in crime	Robbery	Hijacking	Poss. illegal firearm	Murder	Cattle rustling	Rape	Misuse of firearm	Banditry activities	Cross border crime
1 person	65.7	61.7	77.8	45.5	29.4	45.5	55.3	21.2	20.0
2 people	14.3	8.5	11.1	27.3	17.6	18.2	21.1	6.1	0.0
3 people	7.9	17.0	0.0	0.0	5.9	0.0	2.6	15.2	0.0
4 people	2.9	2.1	0.0	0.0	0.0	0.0	0.0	4.5	0.0
5-9 people	3.6	2.1	11.1	9.1	17.6	18.2	10.5	10.6	0.0
10-19 people	0.0	0.0	0.0	0.0	11.8	0.0	2.6	9.1	0.0
20 or more people	5.7	8.5	0.0	18.2	17.6	0.0	7.9	33.3	80.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of incidents	140	47	9	11	17	11	38	66	5

Apart from murder, the death rate was high in banditry activities, cattle rustling and border crimes. This shows that these crimes are lethal and that probably in most of them there was heavy use of firearms. In other crimes such as robbery, hijacking, misuse of firearm, and possession of illegal firearm, the death rate was not as high but a number of people were killed in different incidents. Significantly, crimes in Kenya seem to claim a number of people within a given period. This is why the need for increased security is underscored.

In most of the crimes committed in 2001, there was a higher likelihood of one or two persons being killed than a group of people. This implies that the criminals seem to target single persons in most crime incidents for fear of resistance from a group. It could also mean that the level of community policing in Kenya is rather low and there is great need to create awareness among Kenyans to make them responsive to crime incidents rather than being apathetic.

Several types of crime were committed in outlying districts; particularly cattle rustling, banditry and cross border crimes. More people were killed in these than in the urban and human settlement area type of crime: robbery and hijacking and others. While the urban crimes were more regular than those crimes committed in outlying districts, the tendency was for many people to die regularly in urban crimes while more people died irregularly in the outlying crimes. On the whole many innocent Kenyans lost their lives to crime. Once again we stress that it is of absolute importance that crimes be contained in Kenya with the view to guaranteeing security for all.

Chart 25: Gender of victims of murder in 2001 (n = 88)



In the year 2001, there were 67 incidents of murder, which resulted in 88 deaths. Of these 88 people killed, 59 were male, 18 female, one was a child, and ten persons were reported killed in a group whose gender was not specified. We can thus say that 67.0% of people killed were male and 20.5% were female.

Discharge of firearms

Firearms were not discharged in all of the incidents.

Table 58: Firearms discharged in incidents in 2001						
Were any firearms discharged?	Robbery	Hijacking	Poss. illegal firearm	Murder	Misuse of firearm	Banditry activities
Yes	50.6	53.2	34.9	79.1	69.1	53.1
No	16.1	5.7	28.3	7.5	11.7	19.6
Do not know	33.3	41.1	36.8	13.4	19.1	27.3
Total	100.0	100.0	100.0	100.0	100.0	100.0
<i>Number of incidents</i>	<i>412</i>	<i>141</i>	<i>106</i>	<i>67</i>	<i>94</i>	<i>143</i>

One of the main objectives of this study was to find out the extent and magnitude of the application of firearms in crime in Kenya. Thus far, the analysis shows that use of firearms in this country is fairly extensive and requires concerted efforts to combat it.

In robbery incidents, firearms were fired in more than half of the 412 cases, or 50.6%. In at least 33.3% of the incidents, it was not known whether or not any firearms were fired. The omission of such details could be related to lack of sufficient information acquired by reporters immediately after the incidents occurred from the victims or police. As stated before, the mode of relaying information from the incident scene to reporters definitely needs to be improved.

Out of 141 hijacking incidents, firearms were fired in 53.2% of the incidents, while in 41.1%, it was not known whether or not any firearms were fired. Hijacking incidents take place very swiftly and the victim is in a state of panic and may not remember if any firearms were fired or not.

Murder incidents were the most deadly, as firearms were discharged in 79.1% of the 67 cases, while in 13.4% there was no firearm discharged. This percentage is telling, clearly indicating the intentional nature of the crime.

Misuse of firearm was quite rampant in 2001 as firearms were fired in 69.1% of the 94 incidents analysed. Similarly, in banditry activities firearms were discharged in

53.1% of the 143 incidents analysed. Those possessing illegal firearms also discharged firearms in 34.9% of 106 incidents. Discharge of firearms, as these figures show, indicates that the problem of firearms in Kenya is quite extensive and demands concerted effort and initiatives from the government and the public.

Summary

- Most of the crimes extracted for analysis in 2001 progressed to completion, showing the competence of criminals in Kenya.
- Some incidents which failed to progress to completion were interrupted by a tip-off by a member of the public.
- There were more tip-offs in those crimes which posed higher threat to a group than to an individual.
- Fear of victimisation and further investigation by police may have contributed to the low count of tip-offs by the public to the police over an impending crime.
- Some reports of cases of police misconduct did not explain the actual circumstances under which the police were involved in crime.
- In most of the crimes analysed there were victims on whom the crime impacted: either they were injured, killed or had some property stolen from them.
- The nature of the crime determined the number of offenders and the number of victims and the extent of the impact of the crime on the victim(s).

Notes

- ¹ *The Police Act; Laws of Kenya Chapter 84* (Nairobi: Government Printer).
- ² Examples of police engagement in criminal acts. *Daily Nation* (Nairobi) July 6, 2001 p. 1 and *East African Standard* (Nairobi) April 16, 2001 p. 2.
- ³ The mean score was calculated excluding those incidents in which there was no information reported on the number of people involved (both victims and offenders) or the extent of injury and death.

Chapter 9

PROPERTY REPORTED STOLEN

Introduction

The following section provides a profile of the type and amount of property reported stolen in the newspapers. Looking at the main types of crime in which property was taken, it was evident that robbery and hijacking top the list. This is largely influenced by the nature of these crimes, but it should be noted that in the other crime types listed there were also items stolen.

Table 59: Extent to which property was stolen in the crime in 2001

Was property stolen?	Robbery	Hijacking	Possession of illegal firearms	Murder	Misuse of firearm	Banditry activities
Yes	41.0	36.6	1.9	7.5	13.7	13.3
No	21.1	23.9	73.8	32.8	45.3	11.9
No reference in the article ¹	37.9	39.4	24.3	59.7	41.1	74.8
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number of incidents	412	142	107	67	95	143

Robbery

In 41% of the 412 robbery incidents analysed, items of property were stolen, while in 21.1% of the robbery incidents nothing was stolen. In 37.9% of the reports on robberies the newspaper article did not make it clear whether property was stolen or not. In all probability it could therefore be assumed that there were no items stolen.

Hijacking

Hijacking incidents yielded the second highest number of reported cases of stolen property. In 36% of the hijacking incidents property a vehicle was stolen. This reflects the fact that in a considerable number of hijacking incidents the primary aim of the criminals was to steal the vehicle. If the opportunity arose, the offender might also rob

the occupants of the vehicle particularly money and other items like mobile phones, handbags and other valuables.

Possession of illegal firearms

Incidents of possession of illegal firearms recorded the fewest cases of property reported stolen, at 1.9% of 107 incidents. The low percentage could be explained by the presumption that persons who were found in possession of illegal firearms had not committed any other crime, though they might have been planning to execute the crime with the firearm. The illegal firearm may have been stolen property, or the cash to purchase it may have been derived from a robbery incident. Although negligible property was reported stolen, there could have been more property stolen than was actually reported in the papers. Increased police investigation and involvement of the public in the policing aspects could help improve the quality of reporting in the newspapers.

Murder

In 7.5% of murder incidents, property was stolen. This indicates that there were situations in which murder was possibly not the primary objective; theft of property could have been the driving motive. In such incidents, death may have been accidental due to the use of firearms and crude weapons in the theft. In 32% of murder cases no property was stolen, indicating that a good number of murder incidents primarily aimed to kill the victim. If some property was taken from the victim or victims of murder then it may have been purely a cover-up.

Banditry activities

In 13.3% of the 143 incidents of banditry, some property was stolen, while 74.8% of the reports on banditry did not state whether property was stolen or not. As earlier mentioned, banditry activities usually take place in isolated areas and in the more outlying districts in Kenya. These areas in most cases do not possess good means of communication, resulting in a delay in information delivery and a lack of precision in reporting which is not surprising under the circumstances.

Moreover, some banditry incidents may have had a background of ethnic violence and revenge for a previous attack. In such instances some stock may have been stolen but details were not reported. All these factors underscore the need for the media to improve on news coverage so that there is adequate information and data from which to gauge all crime trends in the country.

Type of property stolen

A wide range of goods was stolen in crime in Kenya in 2001. Money was the single largest category of property stolen, followed by a range of specified goods such as livestock, electronic goods and household goods. In 9% of the cases the item reported stolen were firearms. Pistols comprised 4.8% of the items stolen and rifles comprised 3.6%.

Table 60: Type of property reported stolen in the newspapers in 2001

Category	Percent	Details	Count	Percent
Money	36.1	Money in US\$, KES, etc	128	36.1
Unspecified goods	21.1	Unspecified items/ Assorted items	75	21.1
Vehicles	14.6	Vehicle	52	14.6
Specified goods	16.3	Animals, goats - cattle, etc	32	9.0
		Electronic goods, video, TV, computer, mobile phones, etc	19	5.4
		Household goods	3	0.8
		Bicycles	3	0.8
		Crates of beer/sodas/etc, drinks	1	0.3
Firearm	9.0	Gun – pistol	17	4.8
		G3 Rifle	6	1.7
		Rifle General	4	1.1
		AK 47 rifle	3	0.8
		Revolver	1	0.3
		MP5 Automatic sub-machine gun	1	0.3
Ammunition	2.8	Rounds of Ammunition	9	2.5
		Bullets	1	0.3
Total	100.0		355	100.0

Ammunition stolen

Surprisingly, ammunition was also reported stolen. One cannot steal ammunition without having a clear plan as to how it could be utilised. The most obvious possibility is that the criminals who stole ammunition had firearms on which to load the ammunition. Another possibility is that ammunition stolen could be traded.

In ten cases the stolen ammunition was described in detail. This was either reported under the number of rounds of ammunition stolen, or under the number of bullets stolen. Across these ten cases there were 234 rounds of ammunition stolen and 20 bullets.

Of the 234 rounds of ammunition stolen most were in cases of misuse of firearm, which includes negligent loss of the firearm. Clearly, as mainly the police, soldiers and game rangers were involved in such cases, the same category of people may have lost their ammunition to criminals together with the firearm.

Firearms stolen

In 1 026 cases of crime analysed, 32 firearms were stolen. Of these, 17 pistols, 13 rifles, a revolver and a machine-gun were stolen. Pistols constituted the highest number of firearms stolen, confirming the fact that they were the weapons of choice in most crimes in 2001.

All firearms stolen constituted 9% of property stolen. This is serious enough to pose security problems to the community, but it is not sufficient to account for the prevalence of small arms in the country. Perhaps the most unsettling fact about theft of firearms is the fact that most of the firearms were stolen from police officers or police stations. Recovery of such firearms would go a long way to controlling the number of illicit firearms in circulation.

Given that in most incidents of crime there is a mention of a firearm, the implication is that firearms are the weapons most preferred in crime. They are used to intimidate, coerce, injure and even kill targeted people. Theft of firearms is to be expected because they are the most effective tools of crime.

In the robbery crime category, a total of 11 firearms were stolen. Although other items may have been stolen in the process, there seems to have been a deliberate intent to steal the firearms and criminals may have had prior knowledge of existence of the firearm. The figures here are negligible, but the fact that some were stolen shows that robbery is one of the causes of illicit firearms proliferation and calls for stricter control of illicit firearms and stricter licensing procedures.

Hijacking is one of the crimes that does not require much premeditation, as the victim is identified by chance, unless a specific model of vehicle is targeted. The fact that two pistols were stolen in hijacking shows that the targeted victim may have been a licensed holder of the firearm. Going on the premise that the victim may have been a licensed officer, one wonders how many civilians would lose their firearms if they were licensed to hold them. Licensing more civilians for self-protection might cause more problems than it would solve, particularly because of such theft.

Livestock stolen

About 32 head of livestock were reported stolen. Perhaps this was an under estimate of actual figures of animals stolen. Common sense tells us that in view of the pastoralist practices in Kenya, when animals are driven away during cattle rustling or similar crimes, many head will be stolen. As frequently pointed out in this survey, most pastoralist communities live in the more outlying districts of Kenya and there is likely to be under-reporting due to poor means of communication.

Vehicles stolen

Vehicles stolen constituted 14.6% of property stolen in 2001. In total there were 52 vehicles stolen. This means an average of four vehicles were stolen per month. But this juxtaposed with the 142 hijacking incidents reported reinforces the point that in most hijacking incidents the intention was to steal a motorists' possessions, or use their vehicles as a getaway, then dump the victims later. It appears the trend for stealing vehicles is slowly taking on a new aspect in Kenya. This could be attributed to stiff police surveillance and patrols as represented by the good number of police checks on Kenyan roads. If a vehicle is reported stolen, the police network seems quite effective. Presumably, afraid of being caught, the criminals would rather off-load the possessions of their victims, then dump the vehicle, than steal it.

Police in Kenya have been doing a commendable job and this is why it appears that the rate of stolen vehicles may have gone down. Subsequent research findings will clarify this observation, as at the moment there are no previous data and statistics for comparison. However the number of vehicles that were stolen indicates that there is a ready market and that there are traders encouraging the practice. The police need to relentlessly continue cracking down on criminals involved in theft of vehicles.

Unspecified items

Items under the category of unspecified or assorted items here refer to goods reported stolen from a business or from a place of residence but not specified in the newspaper report. Unspecified items constituted 21.1% of the items stolen. While this indicates the need for reporters to be precise in reporting, it also indicates that theft of assorted goods in Kenya is rampant. The goods may have been stolen either for sale or for immediate consumption. Robbery is a disaster to the victims and it is a practice that needs to be curbed.

A range of specified goods were also among property reported stolen. Among these, animals were the property most commonly stolen. In most cases, the animals may have been stolen for sale or even for slaughter.

Money stolen

In 128 cases across the 1 026 cases analysed there was information that money was amongst the items stolen, either in US\$ or in Shillings. Money as a tool for trade is the most attractive item to steal, as it can be spent as soon as possible, unlike other items, which require disposal through some form of trade.

It is interesting to note, however, that in the 412 robbery cases, money was stolen in 103 incidents and none stolen in the remaining 309 incidents. Thus money was not always the target in robbery incidents, but other valuable goods. These figures indicate that perhaps Kenyans do not always carry money with them but have in their possession other valuables attractive to robbers. Other items which could have been targeted by the criminals in robbery included vehicles, firearms, electronics, assorted goods, cellular phones, clothing and livestock.

In the crimes of possession of illegal firearms, murder, cattle rustling, and banditry activities and cross border crime, no money was reported stolen in the course of committing the crime. Robbers seem to have focused their intention on the specific crimes without engaging in cash robbery, or possibly the newspaper report focused on the type of crime as the most interesting item and omitted to mention possible theft of cash.

Table 61: Number of cases where money was reported stolen in 2001

		Robbery	Hijacking	Poss. illegal firearm	Murder	Cattle rustling	Rape	Misuse of firearm	Banditry activities	Cross border crime	Other	Total
No money reported stolen	Percent	75.0	86.6	100.0	97.0	96.6	92.9	100.0	98.6	100.0	100.0	87.5
	Count	309	123	107	65	28	13	95	141	9	8	898
Yes money stolen	Percent	25.0	13.4	0.0	3.0	3.4	7.1	0.0	1.4	0.0	0.0	12.5
	Count	103	19	0	2	1	1	0	2	0	0	128
Total cases		100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of incidents		412	142	107	67	29	14	95	143	9	8	1026

Table 62: Average amount of money stolen in 2001

Kenya Shillings	Mean	Number of incidents	Sum	Minimum	Maximum
Robbery	942 212.28	82	77 261 407	487	7400000
Hijacking	289348.89	9	2604140	5000	2000000
Cattle rustling	100000.00	1	100000	100000	100000
Banditry activities	3000.00	1	3000	3000	3000
Total	859876.85	93	79968547	487	7400000

In 35 of the 128 cases, there was no actual or estimated value of the money taken during the incident. These cases are excluded from the average value calculations. On average KES 859 877 (on the basis of the 93 valid cases) was stolen in 2001. Across the year 2001, the reported value of the money taken during firearm-related crimes amounted to just under eighty million Kenyan shillings (exactly KES 79 968 547).

The sum total of the amount stolen in the robbery crime category was 77.3 million (KES 77 261 407). This figure represents only the amount reported in the newspapers and the actual figure could be much higher than this. This was not a small amount of money, and it demonstrates the amount of money going down the drain in Kenya instead of being invested in a productive way.

On a positive note, in 898 cases no money was stolen, even though other items may have been stolen. This suggests that with relentless policing and surveillance, the problem could be contained.

Summary

- The highest proportion of property stolen was in robbery and hijacking.
- In 7.5% of murder incidents, some property was reported stolen, showing that in these cases murder was not the primary objective and death may have resulted accidentally.
- Theft of firearms and ammunition further shows the determination of criminals to use effective tools of violence in crime such as firearms and, in areas further hidden from the public arena, crude weapons and home-made guns.
- In 2001, a total of 52 vehicles were reported stolen. The comparatively low figure shows that theft of vehicles was not the primary objective of hijackers but other property in the possession of the victims.

Notes

¹ In all probability if no mention was made of items being stolen in the newspapers, it could be assumed no items were stolen.

Chapter 10

SUMMARY

What is the sample?

- The sample in the *Kenya Crime Survey 2001* comprised newspaper articles that were cut out of the three daily newspapers for analysis. The article had to meet two specific criteria. The first was that the article had to deal with a crime that was either foiled or committed. The second was that a firearm had to be used in the crime in some way or the other. In most cases the firearm was one of the weapons used to commit the crime, and in other cases the firearm was the object of the crime (such as robbery). There were a few cases in which the article was selected to illustrate the use of a firearm to try to prevent the crime from occurring.
- The above sampling criteria were necessary in order to apply predefined parameters to the study to prevent it from becoming too large, too expensive and too time-consuming. The main concern relating to the sampling criteria is that certain aspects of crime in Kenya simply cannot be deduced from this survey. For example, what proportion of crimes in Kenya are committed with firearms? In order to answer this question, SRIC would need to find another research methodology. Simply analysing all the crime newspaper articles in the three main dailies might not provide the intended answer. It is likely that petty crimes, or crimes without serious consequences, are vastly under-reported in the newspapers due to their lack of newsworthiness. Thus the sample would still be skewed.
- The utility of the Kenya Crime Survey Series lies in the fact that the statistical data will be available over a time period. This implies that shifts in trends from one year to the next can be compared. By applying the same sampling criteria from one year to the next, keeping the biases in reporting constant, SRIC will be able to determine where crime patterns are changing, and especially the role of firearms in crime.

Which crimes are the most prevalent in Kenya?

- Crimes aimed at stealing property from a victim were the most reported crime in the three daily newspapers in 2001. These included robbery (40.2% of all reported crime in Kenya) followed by banditry activities (13.9%), hijacking (13.8%) and cattle rustling (2.8%).
- Crimes in which the motive of the crime was not to steal property or to commit violence against another person, but still broke the law in Kenya were also fairly common. These included the possession of an illegal firearm (10.4%) and the misuse of firearm (9.3%). These were largely acts in contravention of the firearm laws of Kenya.
- The violent crimes such as murder (6.5%) and rape (1.4%) were felt to be largely under-reported in the Kenyan newspapers.

Where does crime occur in Kenya?

- Certain provinces were more affected by certain types of crime than others. Nairobi province experienced a disproportionate amount of crime. It was found that five of seven types of crime analysed were more prolific in Nairobi than in any other of the eight provinces in Kenya. These crimes included robbery, hijacking, murder, the misuse of firearms and possession of illegal firearms. Even within the Nairobi province, certain areas were more prone to crime than others. Nairobi province largely consists of Nairobi city. It was found that the eastern side of Nairobi city had a disproportionately high amount of crime.
- The report put forward some reasons for this trend. As the capital city of Kenya, Nairobi acts as the administrative and the economic hub of the country. Given the general economic downturn in the economy in recent years, many people migrated to the city in search of a livelihood. Those people that do not have the economic means to support themselves might find accommodation in the vast informal settlements of the city. Other people might find their way to the city as refugees from neighbouring countries, or as Kenyans in search of opportunities such as employment and education, as well as general survival opportunities. The concentration of population, combined with a relatively good infrastructure, obviously provides opportunities to criminals as well, accounting for the high crime levels in Nairobi.
- Central province is the second hardest hit province in terms of crime in Kenya. As the direct neighbour to Nairobi province, Central province possesses many of the

same conditions conducive to crime. Many of the residents in Central province are functionally linked to Nairobi. Central province experienced the second highest level of robbery, hijacking, murder and misuse of firearms in Kenya.

- The only three instances in which Nairobi province and Central province did not hold the first and second positions for the highest crime rate was in the case of possession of an illegal firearm, banditry activities and cattle rustling. The Rift Valley province held second place to Nairobi province in terms of illegal possession of a firearm, while it held first place in terms of banditry activities and cattle rustling, followed by the Eastern province in banditry activities and North Eastern province in cattle rustling.

Which firearms are used in crime?

- For robbery, hijacking and murder, both pistols and rifles are used. However, usually twice as many pistols are used than rifles in these crimes. In banditry activities and cattle rustling, rifles are almost solely used.
- In robbery pistols are more commonly used than rifles, although rifles are still a significant weapon used in the crime. There were 711 firearms used in robbery, of which 51.1% were pistols and 26.7% were rifles. A similar ratio of pistols to rifles was evident in the firearm recovery pattern, indicating that this is in fact a pretty accurate representation of the types of firearm used in robbery. It was found that 54.4% of the firearms recovered in robbery were pistols, 19.4% were rifles and 6.3% were revolvers. There were 160 firearms recovered, implying that for every four firearms used in a robbery, the police recover one.
- Hijacking is a specialised form of robbery, so it is not surprising that a similar firearm usage pattern emerged. Of the 350 firearms used in hijackings, 52.6% were pistols, 17.1% were rifles and 2.3% were revolvers. Only 50 firearms were recovered from hijackings. This implies that for every seven firearms used in hijackings, only one was recovered. The police had a lower chance of recovering a firearm in a hijacking than in a robbery. Fewer rifles were recovered in hijacking incidents than pistols. Of the firearms recovered, 50% comprised pistols, 6% rifles and 8% revolvers.
- In banditry activities, 225 firearms were used and only 18 recovered. This implies that for every 13 firearms used in banditry activities only one was recovered. Furthermore, rifles comprise 60% of all the firearms used in banditry activities.

- In the 15 cattle-rustling incidents in which there was information on the type of firearm used, the firearms were usually a rifle.
- In murder, pistols were used in 31.9% of the incidents and rifles in 15.9% of the incidents. There were 69 firearms used in murders, of which only seven were recovered.

SRIC's vital driving force

At face value it appears that a grim picture of the scope, extent and magnitude of use of firearms is revealed in *Kenya Crime Survey 2001*. To some extent, one may not be mistaken to make such an observation because of facts revealed like the widespread use of firearms in crimes in Kenya and the extent of the crimes analysed. Also, the fact that in only 63 incidences did the public give a tip-off to the police. Even though this figure was rather too low, it is an indicator that Kenyans have a positive attitude towards policing aspects as a collective responsibility.

SRIC's vital driving force is that the crime trends emerging from this study and analysis inform and positively influence the articulation of government policy on human security and security sector dynamics in Kenya and essentially improve the quality of life for the Kenyan people.

One of the desires that SRIC holds close to heart is to increase the level of public awareness through our research findings. SRIC's vital driving force is that through such awareness, there would be increased partnerships between government security agents, particularly the police, civil society, community based organisations, professional groups and the public at large with a common agenda to improve security in Kenya in all its aspects.

DISCLAIMER

In this second publication, SRIC has made every effort to improve on the quality and scope of the survey. The report is based on newspaper content analysis, which has its limitations, because reporters may fail to provide all the information about a particular crime because of prevailing economic, political and social circumstances. SRIC would have preferred to conduct applied field research to further verify the newspaper reports, but various constraints made this impossible. SRIC is committed to gradually improving this series. The analysis in this report may not, however, necessarily reflect the official stand of SRIC as an organisation.