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Cover photo © SRIC

**KENYA CRIME SURVEY 2002**  
By Augusta Muchai  
Security Research and Information Centre (SRIC)



## ACKNOWLEDGEMENTS

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## FOREWORD

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The *Kenya Crime Survey 2002* is the third publication in this series. Security Research and Information Centre (SRIC) painstakingly extracted newspaper articles on crime from Kenya's three leading dailies - *The Daily Nation*, *The East African Standard* and the *People Daily* - every day in 2002. The actual extraction of the incidences from the newspapers took place in 2002 but due to some limitations, the analysis was not completed on time. In spite of the delay in releasing this third publication, SRIC has been keen to continue contributing towards the understanding of crime trend and topology to gauge the scope and magnitude of illegal firearms in our country.

When the idea of a crime survey was first conceived by SRIC founders, JAN Kamenju and JAW Kitiku, in the year 2000, it was not clear at that time how many crime types would be included in the study. The crime types have purely been determined by the data, in each subsequent year, once it is processed and analysed. In *Kenya Crime Survey 2000*, only three major crime types were analysed. In the publication that followed *Kenya Crime Survey 2001*, the data extracted, processed and analysed prompted an expansion of the scope of the crime types. These were misuse of firearms, possession of an illegal firearm, murder and cattle rustling. In this third edition in the series, a few more thematic items were included i.e. politics-related violence and land clashes, security agent misconduct, general gun-related crime, family-related crime, rape and defilement.

The inclusion of each thematic crime type was prompted by the total number of incidences that were extracted for analysis. Each of the crime types had the minimum criteria of 30 incidences except politics-related violence and land clashes which had a total of 24 incidences. This was an exception as 2002 was an election year marked by politics-related violence and land clashes which also had political overtones. It was deemed important to analyse politics-related crime with the view to gauge that element of crime trend particularly in an election and transition year.

Essentially, there was a felt need to include family-related crime, assault and defilement, public involvement in crime, security agent misconduct and general gun-related crime. Each of these crime categories met the minimum criteria of 30 incidences to qualify for analysis. Further, the inclusion spells out the dynamism of crime in Kenya.

Crimes in 2002 were not limited to the major and leading crime types but members of families, the general public and security agents were also involved in crime to some extent.

In *Kenya Crime Survey 2001*, misuse of firearms was analysed with particular reference to law enforcement agencies. In the course of analysing the data-content in 2002, it was realized that security agencies engaged in a wider range of misconduct and not just misuse of firearms. This is why the chapter title and content analysis changed a bit to include misuse of firearms, security agent misconduct, extra-judicial execution, firearm misplacement and releasing a suspect from custody. All the above facts confirm that crime in Kenya is very dynamic and it is not limited to criminals. The scope of citizens' involvement in different crime types is diverse and the methods for crime prevention require multi-faceted approaches and concerted efforts.

In this publication, the same style as in *Kenya Crime Survey 2001* was adopted but with some slight modification. A thematic analysis of each of the crime types was maintained in this study. Each of the thematic crime types were put in respective chapters. The chapters included 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 the crime within Nairobi.

To a great extent, the style in each chapter greatly depended on the scope and nature of the crime. For instance, the chapter on politics-related violence and land clashes was not subjected to all the above items as the content was limited to violence as it occurred throughout the year and the geographical location of violence. Possession of illegal firearms was also unique in that the category firearms used and recovered was not necessary. In this publication, the analysis of crime by the day of the week was also dropped in due consideration of the fact that the dates provided in the newspaper reports may not be as accurate depending on when the information was received and included in the news items of the day.

The *Kenya Crime Survey 2002* as in the previous two publications in the series, provides analytical data and analysis from respective provinces in the country. It also gives an account of the most prevalent crimes in Kenya

as well as those with less magnitude. Significantly, a detailed account of the most frequently used firearms in crime in Kenya is provided. The account includes the number and types of used and recovered firearms in different crime types.

Clearly, crime is an issue of great concern in Kenya as it affects all the eight provinces. Even though the scope and magnitude of crime and the proliferation of firearms differs in each province, the facts are clear that certain crime types are prevalent in specific provinces. Out of the eight provinces, Nairobi, Central and Rift Valley were affected by most crimes particularly robbery, carjacking, general gun-related crime, murder and family-related crime. Banditry activities mainly affected Rift Valley and Eastern provinces. Land clashes mainly affected Rift Valley and Nyanza provinces. The cover page depicts the above facts.

The chapter on the impact of crime in this publication assesses issues relating to policing and public safety, police misconduct, and number of deaths, extent of injury, number of victims and number of criminals. This is a very important chapter as it shows the magnitude and scope of crime in Kenya. Indeed, no one seems to be safe as crime could impact on an individual in different ways. To further demonstrate the impact of crime, analysis was made on type of property reported stolen. Crimes that were directed to the theft of some property were the most prevalent. It is important to note that particular attention was accorded to money reported stolen. Approximately, Ksh 65 million was reported stolen in different crime types in 2002. This was not a small amount of money and crime prevention is here underscored.

SRIC's vital driving force in crime analysis centres on one of its prime objectives; to produce verifiable information on the real status and trends of crime and human security, particularly in Kenya. This objective has been achieved in the findings made in each chapter and summarised at the end of the sections. The final chapter is a compound summary finding in *Kenya Crime Survey 2002*.

SRIC hopes that the style and content analysis applied in this analysis have rendered the text user friendly in content and graphics. We wish our esteemed readers enriching dissemination of our analytical findings.

**Col (rtd) JAN Kamenju**  
**Director**  
**Security Research and Information Centre (SRIC)**

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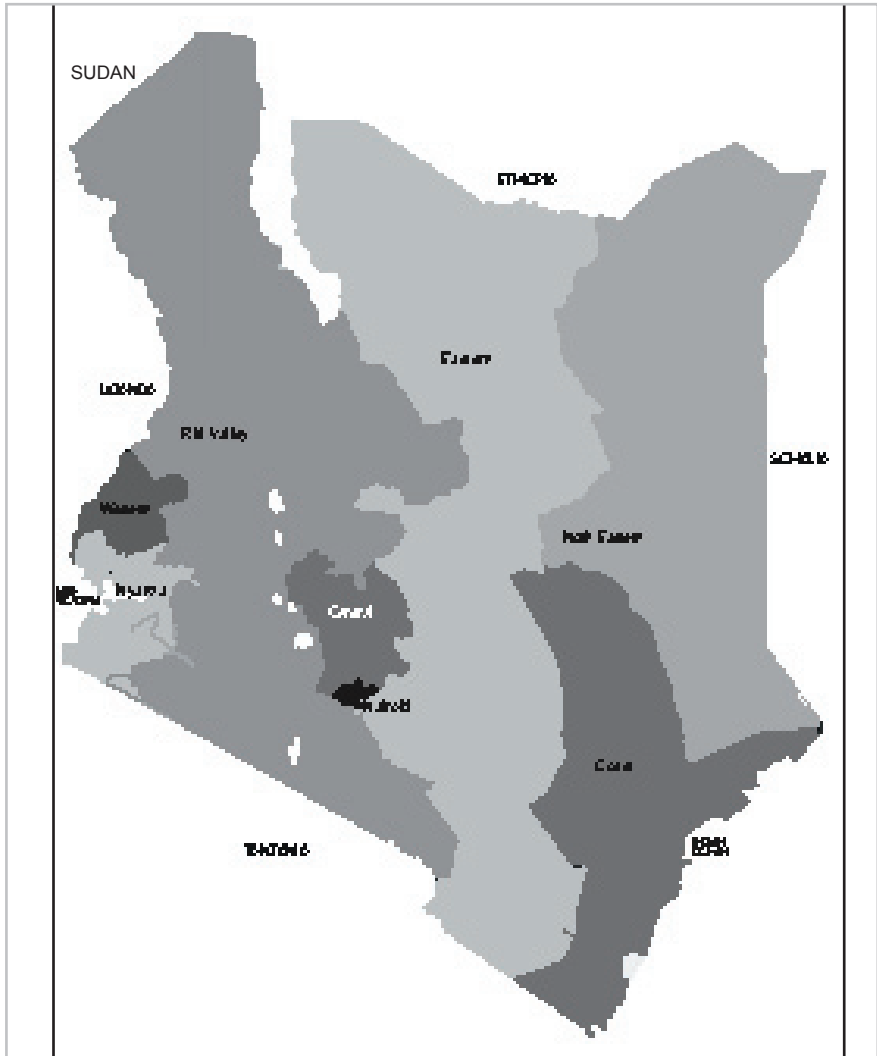
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CBD	Central Business District
CIC	Corporate Insurance Company
DfID	Department for International Development
FIDA	Federation of Women Lawyers. The word 'fida' originates from Latin and signifies faithful and reliable.
FORD	Forum for the Restoration of Democracy
GoK	Government of Kenya
ITDG	Intermediate Technology Development Group
KANU	Kenya Africa National Union
KCS	Kenya Crime Survey
KMC	Kenya Meat Commission
KPA	Kenya Ports Authority
Ksh	Kenya Shillings
KWS	Kenya Wildlife Services
LDP	Liberal Democratic Party
MoU	Memorandum of Understanding
NAK	National Alliance Party of Kenya
NARC	National Rainbow Coalition
NCBDA	Nairobi Central Business District Association
NDP	National Development Party
ODA	Oversees Development Assistance
OLF	Oromo Liberation Front
SALW	Small Arms and Light Weapons
SPLA	Sudan Peoples' Liberation Army
SPLM	Sudan Peoples' Liberation Movement
SRIC	Security Research and Information Centre
UNDP	United Nations Development Programme
UN-Habitat	United Nations Habitat
VHF	Very High Frequency
WHO	World Health Organisation



## NEIGHBOURING COUNTRIES

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# CENTRAL PROVINCE

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# COAST PROVINCE

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# EASTERN PROVINCE



# NAIROBI PROVINCE



# NORTH EASTERN PROVINCE

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## NYANZA PROVINCE

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# RIFT VALLEY PROVINCE

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## WESTERN PROVINCE

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## INTRODUCTION

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### Introduction

The *Kenya Crime Survey 2002* is a detailed and comprehensive analysis of crime dynamics and trend in the country. Data for analysis was extracted from daily newspaper reports of *The Daily Nation*, *The East African Standard* and *The People Daily*.

As in the previous two publications in this series, the *Kenya Crime Survey 2000 and 2001*, use of firearms in the incidences reported, was the main criteria applied to determine which newspaper articles to consider for this study. In a few cases, the principle was bent particularly with regard to politics-related crime, as 2002 was an election year. Political violence was fairly rampant and the incidences reported required close analysis.

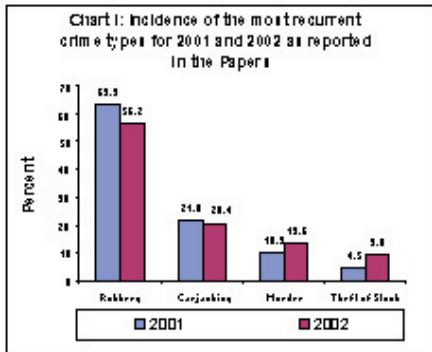
Even though there is a wide disparity existing in terms of the number of incidents reported in the newspaper reports as compared to the official police statistics, it has been possible to make important statistical observations using a sample of the information available from the media. The difference between newspaper reports and police statistics is a source of enrichment as opposed to disparity.

While content analysis has been retained as the methodology, there are new dimensions that have been added to enrich the publication. For instance, the Kenya Police release of crime statistics for 2001 and 2002, made it possible to draw a comparative typology on which to base the analysis, identify weak areas and add to the publication more scientific authority.

A comparative analysis of the statistics generated from the newspaper reports and the police statistics reveals that there is some uniformity in terms of the levels of incidence of crime as charts (i) and (ii) below shows.<sup>1</sup>

This means that the role of the *Kenya Crime Survey* of offering consistent

and comprehensive statistical crime analysis will continue to be enhanced as time goes by especially if available data is complemented with important sources like the Kenya Police statistical data.



## Purpose of study

The purpose of the *Kenya Crime Survey* series is to give a detailed statistical analysis of the crime trends in the country, particularly where firearms and crude weapons were used. The publication's research findings are meant to add value and credence to the perspective of policy makers, scholars, public and other interested parties on crime dynamics and trend in the country. This purpose is only achievable if the above parties find the publication relevant in their operations. The publication is meant to give those who use the information the ability to anticipate and gauge trends in crime and therefore develop appropriate policies for crime prevention countrywide.

## Methodology

The principle methodology of this publication is content analysis. Incidents of crime are recorded from the three major dailies in a well designed format and coded for statistical analysis. Tables and charts automatically generated

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1 Whereas there was a wide gap between the Police statistics and the incidents reported by the media, a comparative statistical analysis of the two sources based on the most recurrent types of crime namely robbery, murder, carjacking and theft of stock clearly indicates a certain degree of uniformity in terms of their levels of incidence. For a breakdown of the Kenya Police Crime statistics, see *The Standard*, October 18 2003, p. 4. Chart (ii) is based on the percentages of the crimes indicated. See also Government of Kenya, *Economic Survey 2003*. Nairobi: Government

from the electronic data application are accompanied by descriptive analysis giving explanations to the statistics and trends.

To enrich the text, it was deemed necessary to deeply investigate why certain types of crimes were prevalent in certain geographical locations. Therefore, a comparative analysis in terms of existing literature and other studies conducted in the past, was employed. Official statistics from the police has been used minimally in this publication for comparative purposes especially in terms of the trends observed.

In 2002, a total of 826 incidences were cut out for analysis. The data was first input into an electronic database, then tables and charts were thematically generated for analysis as shown on tables 1 and chart 2.

	<b>Daily Nation</b>	<b>East African Standard</b>	<b>The People Daily</b>
<b>Type of Crime</b>	%	%	%
Robbery	34.8	35.2	41.2
Carjacking/hijacking	9.3	13.2	9.8
Banditry	3.8	5.1	4.9
Cattle rustling	7.6	5.9	4.9
Murder	10.4	8.3	8.8
Family-related crime, assault and defilement	7.1	5.9	5.9
Public Involvement in crime	2.8	4.7	4.9
Security Agent misconduct	6.6	6.1	5.9
Illegal possession of firearm	7.1	5.9	5.9
General gun-related crime	4.0	2.8	4.9
Land clashes/ethnic violence	1.8	1.6	1.0
Politics-related crime	.5	1.4	1.0
Other	4.3	3.9	1.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

**Table 2: Proportion of reporting on crime by newspapers in 2002**

Type of Crime	The Daily Nation only	The East African Std only	The People Daily only	DN and People	DN and std	Peolpe and Std	DN, Peo-ple
	%	%	%	%	%	%	%
Robbery	31.3	33.9	40.0	72.7	40.5	33.3	37.5
Carjacking/hijacking	10.8	15.4	17.8		8.3	9.5	
Banditry	4.7	5.5	4.4		2.4	14.3	
Cattle rustling	6.8	5.0	2.2	9.1	9.5	4.8	8.3
Murder	9.7	6.9	4.4		10.7	9.5	20.8
Family-related crime	9.4	6.6		9.1	19.0	4.2	
Public Involvement in crime	2.5	5.2	8.9		3.6		4.2
Security agent misconduct	6.5	6.3	4.4	9.1	4.8		12.5
Illegal possession of firearm	6.1	4.4	4.4		10.7	9.5	8.3
General gun-related crime	5.0	3.0	8.9		3.6		
Land clashes/ethnic violence	2.2	1.9	2.2		1.2		
Politics-related crime	.4	1.7	2.2		1.2		
Other	4.7	4.1			3.6		4.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

## The sample

The *Kenya Crime Survey 2002* broadly and thematically analyses eleven types of crimes. In addition to the seven types of crimes analysed in 2001, i.e. robbery, hijacking, banditry, misuse of firearms, possession of illegal firearms, murder and cattle rustling, there are four new categories that feature in this publication. The additional crime types are related to politics - analysed along land clashes, family, general gun use, and public involvement.

In view of making logical analysis and conclusion, crimes that were related in nature but may have been too few in count, were lumped together as shown on Table 4 to form the major crime type category. The inclusion of politics-related crime was motivated by the violent political activities in the run up to the general elections.

Inclusion of politics-related crime and the other additional crimes that were lumped together is indicative of the changing nature of crime in terms of its dynamics and trends. This means that the scope of the *Kenya Crime Survey* series will continue to widen as the nature of crime changes. As SRIC anticipates wider themes of the survey that inform the way the different sectors of the society are affected by crime trends, the annual publication will continue to assume new content and outlook.

The eleven crime types analysed in this publication are:-

- Robbery (286 cases)
  - Carjacking/hijacking (103)
  - Murder (70)
  - Family-related crime, assault and defilement (56)
  - Banditry (40)
  - Security agent misconduct (51)
  - Cattle rustling (50)
  - Illegal possession of firearm (48)
  - Banditry (40)
  - Public involvement in crime (34)
  - Land clashes/ethnic violence (15)
  - Politics-related crime (9)
- \* These cases were analysed in one chapter.

In this publication, some crime types were too few to be subjected to logical analysis and conclusion. On the other hand, the crimes were significant and could not be ignored totally. Such were lumped together under other category (32 cases) as shown on Table 4 below:-

- Drug trafficking/abuse (5 cases)]
- Suicide (5)
- Escape from police custody (3)
- Abduction hostage (3)
- Theft (1)
- Illegal meeting (1)
- Piracy (1)
- Smuggling of contraband goods (1)
- Resisting police action or order (1)
- Unspecified crime (11)

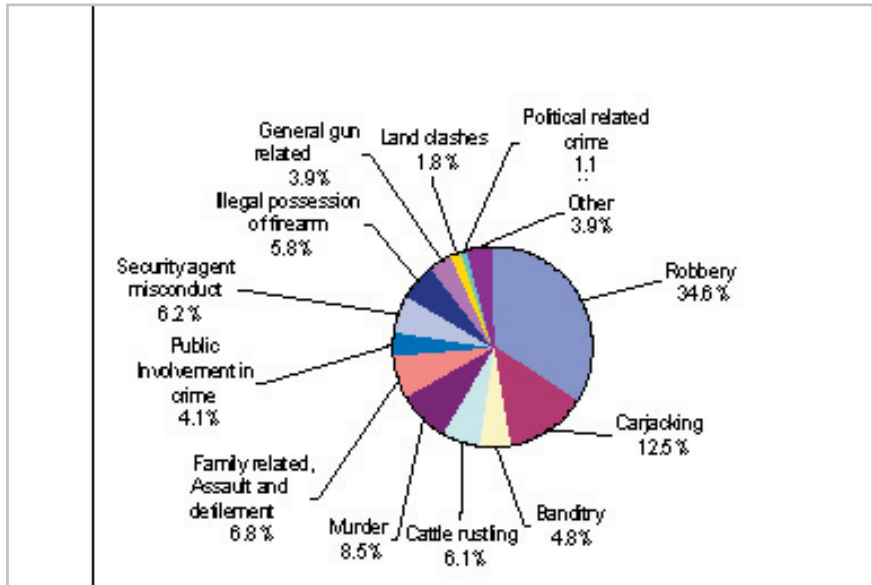
**Table 3: Type of crime reported in 2002**

<b>Crime category</b>	<b>Count</b>	<b>Percent</b>
Robbery	286	34.6
Carjacking/hijacking	103	12.5
Banditry	40	4.8
Cattle rustling	50	6.1
Murder	70	8.5
Family-related crime, assault and defilement	56	6.8
Public involvement	34	4.1
Security Agent misconduct	51	6.2
Illegal possession of firearm	48	5.8
General gun-related	32	3.9
Land clashes/ethnic violence	15	1.8
Politics-related crime	9	1.1
Other	32	3.9
<b>Total</b>	<b>826</b>	<b>100.0</b>



**Table 4: Classification of crime for analysis in 2002**

Type of crime		Count	Percentage
Robbery		286	34.6
Carjacking/hijacking		103	12.5
Banditry		40	4.8
Cattle rustling/animal theft/poaching		50	6.1
Murder		70	8.5
<b>Family-related</b>	Family-related	21	2.5
<b>Assault and defilement</b>	Rape/defilement	11	1.3
	Assault	22	2.7
	Homicide	2	.2
<b>Public involvement</b>	Mob justice	19	2.3
	Malicious property damage	10	1.2
	Arson	5	.6
<b>Security agent misconduct</b>	Misuse of firearms	15	1.8
	Security agent misconduct	29	3.5
	Extra-judicial execution	1	.1
	Firearm misplacement	5	.6
	Releasing suspect from custody	1	.1
Illegal possession of firearm		48	5.8
<b>General gun-related</b>	Firearm robbery	7	.8
	Arms trafficking/manufacture	4	.5
	Ambush		2
	Terrorism	1	.1
	Burglary		9
1.1			
Illegal possession of police equipment		3	.4
Mounting illegal road block		6	.7
Land clashes/ethnic violence		15	1.8
Politics-related crime		9	1.1
<b>Other</b>	Theft	1	.1
	Escape from police custody	3	.4
	Abduction/hostage	3	.4
	Illegal meeting	1	.1
	Unspecified crime	11	1.3
	Piracy	1	.1
	Drug trafficking/abuse	5	.6
	Smuggling of contraband goods	1	.1
	Resisting police action or order	1	.1



### **Date**

Essentially, the events that appear in newspaper reports occur a day earlier and are reported the following day. In the same application, the crime incidences reported in the newspapers occurred a day earlier and not the date of newspaper circulation. This rule, however, depends on the specific location where the crime took place. Crimes occurring in remote parts of Kenya where infrastructure is still a major problem get reported a few days later depending on how soon the news agency could reach the closest newsroom.

Emphasis is here made to the effect that in spite of delay in reporting, the incidences are reported within a specific period as it is highly unlikely that any media house would report outdated cases. As cell-phone network spreads to most parts of the country, it is anticipated that the delay normally set by distance will be bridged. In this respect, it will be possible to ascertain the dates of crime incidences in subsequent publications in this series.

## **Working definitions**

In the previous two publications in this series, detailed definitions of the major crimes were provided. However, it is here acknowledged that there are readers who may not have the previous publications. For the sake of clarity and ease of reading, this section gives concise definitions of concepts used. Credence is given to the contextual as opposed to the literal meanings. Consideration is also taken of the relativity of the same concepts so as to avoid ambiguity.

### ***Crime definitions***

#### ***Robbery***

For the purpose of this publication, the concept robbery refers to the taking, or attempting to take, anything of value from the care, custody, or control of another person or persons by force or threat of force or violence and/or scaring the victim. When violence or threat of use of violence and various tools of violence are applied, the act becomes armed robbery.

#### ***Hijacking/carjacking***

Hijacking involves a deliberate action of seizing control of a vehicle in transit by the use of force for purposes of either robbing or harming the occupants, or using the vehicle to accomplish other missions without the consent of the motorist (s) in charge. Carjacking is the action of violently stealing an occupied car. The terms hijacking and carjacking are used interchangeably in this publication.

#### ***Banditry***

Banditry activities involve violent armed attacks mainly by a group of criminals mostly in isolated areas directed towards unsuspecting motorists especially those on long distances. The main purpose of banditry is to forcefully dispossess the property of the victims, particularly cash and other valuables. As the activity is usually forceful and violent, bodily harm could

be inflicted on the victim, either deliberately or accidentally.

#### *Cattle rustling/animal theft/poaching*

In this publication, cattle's rustling is used in the context of pastoralist which denotes a practice whose main ideology and production strategy is the herding of livestock extensively. Rustling is used to refer to armed attacks by one group on another with the primary purpose of stealing livestock. It is acknowledged that even though the term is repeatedly used as cattle rustling, other livestock was also stolen. Therefore, the terms cattle rustling and animal theft are used interchangeably.

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.

#### *Politics-related*

Politics-related crime refers to violent acts of lawlessness instigated by politicians or their supporters. The crimes are committed by the politicians themselves or for their cause by a group of people with purposes of intimidating and instilling fear in political opponents. The main intention is to influence the outcome of campaigns and subsequent elections in favour of the politicians and candidates of choice through violent means other than democratic practices. They also use force to block rivals in quest for acquisition of competed political offices. These acts were evident in Kenya in the run up to the 2002 transitional general elections.

#### *Public involvement*

This refers to criminal incidents in which the public, in the process of preventing crime, take the law into their own hands to illegally administer justice. It also involves incidents in which members of the public take advantage of prevailing circumstances to commit a crime. They include in this case mob (in)justice, malicious damage of property and arson, in which the public was collectively involved.

#### *Security agents misconduct*

This type of crime denotes criminal activities committed by security agents by virtue of their official positions and or their possession of the instruments of applying force. These included misuse of firearms, extra-judicial execution, firearm misplacement, releasing suspect from lawful custody or working in cahoots with criminals.

### *Possession of illegal firearms*

In Kenya, it is illegal to possess a firearm without a certified licence. In this respect, illegal possession of firearms refers to owning a gun without an official certificate. It also refers to possession of firearms which are not registered in the national firearms records as required by the Firearms Act under the Laws of Kenya. Under this act, purchasing, acquiring, holding in custody a firearm without a firearm certificate is illegal.

### *General gun-related*

This refers to all the criminal activities the commission of which generally speaking involved the use of a gun or a mention of the same but did not qualify to be included in either of the other crime categories. These include firearm robbery, arms trafficking/manufacture, ambush, mounting illegal road block, illegal possession of police equipment and terrorism.<sup>2</sup>

### *Family-related*

This crime is committed within the domestic context as a result of reasons emanating from differences or misunderstandings between and or among members of the same family close relative bond. In this publication, such crimes include domestic violence, wife/husband battering and homicide. Also, for the purposes of conclusive analysis, rape and assault cases that took place under the same circumstances have been grouped together in this category.

### *Murder*

Murder refers to the criminal act of deliberately terminating the life of a person either by use of a weapon that causes severe bodily harm leading to death or using any other means that interferes with the functional operation of the person's system so as to kill without necessarily having the intension of stealing anything.

### ***Weapon definitions***

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<sup>2</sup> It is important to note that although there was only one incident of a major terrorist attack in Mombasa's Kikambala Paradise Hotel in the year 2002, its magnitude in terms of the weapons used and lives lost far surpassed that of a combination of some other crimes altogether. See *The Daily Nation*, November 29 2002, p. 1.

## *Firearm*

In this chapter, “firearm” means portable barrelled instrument of any kind, character or description which exerts or projects a bullet or missile or substance by means of elastic force, air, or explosive substance likely to cause bodily harm. In this text, the definition adopted is contained in the *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Trans-national Organised Crime*,<sup>1</sup> which defines a firearm, thus:

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<sup>2</sup> and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899.

## *Homemade firearm*

Put in simple terms, a homemade firearm means any improvised weapon designed to expel a shot in a manner like the manufactured firearm. It is not made by a manufacturer in a licensed factory, but it is homemade with locally available materials.

## *Crude weapon*

This refers to unconventional weapons which, when used causes indiscriminate bodily harm and causes unnecessary suffering to the victim. Such weapons include spears, sharp objects like iron bars, bows and

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<sup>3</sup> *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Trans-national Organized Crime* 8th June 2001, A/RES/55/225, Article 3, p. 3.

<sup>4</sup> The term '**antique firearm**' means any firearm manufactured in or before 1898; and any 'replica of any firearm not designed or redesigned for using rim fire or conventional center fire fixed ammunition, or uses rim fire or conventional center fire fixed ammunition. For more details on antique weapons See: [http://www.cfc-ccaf.gc.ca/en/owners\\_users/fact\\_sheets/antique.asp](http://www.cfc-ccaf.gc.ca/en/owners_users/fact_sheets/antique.asp)

arrows.

## **Data consideration**

In view of broadening the scope of analysis, it has been anticipated that the data base applied in *Kenya Crime Survey* would be expanded. The main reasons driving this objective is to address the bias that has been encountered in newspaper content analysis. Incidences cut out for analysis have to meet the criteria of firearm application in the commission of crime. This means that crimes that do not meet this criterion have not been included in the *Kenya Crime Survey* series.

In *Kenya Crime Survey 2002*, an attempt was made to include other crime types where firearms were not used. These included family-related, public involvement, politics-related and land clashes. Most of these crimes had a low count and had to be lumped together if related in nature. A number of other crimes that were included where firearms may necessarily not have been used included theft, escape from police custody, abduction, illegal meeting, piracy, drug trafficking, smuggling and suicide. The count of each of these crimes was rather low and they were simply classified together under category other.

Clearly, in as much as the intention to include all crime types reported in the dailies is valid, the limitation of media bias is overriding with regard to reporting firearm related crimes. In this respect, this publication accorded more attention to crimes that were committed with firearms than those that were not.

As the need to expand the data base for analysis is still desirable, it is anticipated that other avenues of data options will be explored. Specifically, it is planned that in the next publication *Kenya Crime Survey 2003*, data from police will be comprehensively included in the analysis. This will be conducted into ways - one is to get crime statistics from the police, and secondly, is to get information that has been provided to the police by the public under the initiative *Toa Habari Kwa Polisi* information boxes.<sup>5</sup>

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<sup>5</sup> *Toa Habari Kwa Polisi* is the Kiswahili phrase for 'share information with or give information to the police. This is an initiative that has been going on in Nairobi since the beginning of 2002. Several corporate companies, particularly Orienza and Corporate Insurance Company (CIC) supported by SRIC, undertook the project to support police work and to encourage the public to volunteer information to the police. The realization that the public need to play a more solid role towards community policing was the driving force behind the initiative. In the next edition in this series, SRIC hopes to include a chapter based on the initiative.

The information boxes have been strategically placed at bus stops, central business district and in residential areas. *Toa Habari Kwa Polisi* message appears on bill-boards. It has been a fairly successful initiative and it will be interesting to analyse the information provided by the public to the police.



## Chapter 1

# ROBBERY

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### Introduction

Since the inception of *Kenya Crime Survey Series*, it has become clear that robbery is the most prolific crime in Kenya. Of the 826 incidences that were analysed, robbery had the highest count of 286 cases or 34.6% of the total incidences as the table and chart below illustrates. Even though the incidences seem to have decreased in comparison to the previous two years analyzed, (337 incidences in 2000 and 412 incidences in 2001) it is clear that robbery is a serious crime in Kenya and the most frequently reported by the dailies.

### Frequency of crime

Several factors could explain why robbery is the frequent crime in Kenya and also the most regularly reported in the dailies. From an economic point of view, it is possible that criminals engage in robbery to generate income. Indeed, most of the robberies reported took place in business premises followed by residential locations as shown on the table below.

An interesting factor that could explain the trend is cultural orientation. Kenyans generally value a communal co-existence as opposed to being individualistic. This could explain, to some extent, why the criminals engage in crimes without relenting. Economic capability of many Kenyans is another interesting factor that could help to explain the high robbery trend in. This may be ironical but it is a fact that criminals engage in robbery for material gain. Perhaps if there were no expected proceeds from any robbery, criminals would relent and give up the vice. But fortunately for them, previous encounter could be revealing that there is some material or monetary gains to make from robbery ventures.

Also, it appears that criminals are reasonably intelligent people. This could be inferred on the premise that Kenyans are security conscious and many of them both in cities and in rural areas make expensive and

deliberate efforts to secure their homesteads and business premises. This notwithstanding, criminals still succeed in breaking into private compounds. Police surveillance in Kenya, particularly in the capital city, Nairobi, is fairly good and well coordinated. Despite this, criminals seem to outsmart the police and commit crimes. It may sound unusual but perhaps rehabilitated criminals could be trained as future policemen and women as they may have some information and techniques to share with police.

### ***Month***

The highest incidents of robbery were reported in January (13.6%), followed by February (10.14%). In terms of the three tiers of the year, the first tier (January-April) had the highest incidences of robbery. This trend could be linked to high economic activities at the beginning of the year such as paying rates and school fees. It could also be explained in terms of high spending over Christmas, which may have rendered criminals financially poor.

Criminals, like other citizens, have rates and fees to pay at the beginning of the year. Therefore, robbery could be an option for criminals to generate some income to meet financial obligations. Even though the rate of robbery by month in the first tier over the three years has not been uniform, it is clear that the highest incidences of robbery are more likely to occur in the first tier. With this fact in mind, it is apparent that police surveillance should be heightened during the period (January-April).

In the second tier of the year (May-August), there was a definite drop on crime rate for the first three months but increased in August. The decline in crime rate could be attributed to stable gross domestic growth in the period, which may have created diverse business opportunities for Kenyans. The increase in robbery rate over the month of August could have been necessitated by heightened economic and holiday-related activities. Tourism is one of Kenya's leading trades and August is a pick season. It is possible that over the month, crime increased simultaneously with economic activities.

In the and third tier of the year (Sept-December), there was subsequent decline in robbery incidences to the average of 6.9%. Contrary to outright expectations that there would be a lot of robberies over the last tier of the year, it appears that other crimes may have been prevalent at the time. It is important to note that the year 2002 was an election year in Kenya. Attention may have been diverted from normal activities to politics-related crimes. Due to amounting political tension and anxiety over the period,

citizens may have been more alert and cautious than at other times of the year, leading to a decline in robbery incidences. The other possibility is that the media houses may have focused attention to political incidences taking place at the time and criminal activities were relegated to a lesser position in terms of news coverage.

Clearly, the third tiers in 2001 and 2000 recorded an increase in robbery activities as opposed to 2002, which had a downward trend. It is also possible that the police may have expected a lot of crimes to occur over the period. Therefore, there might have been increased police surveillance. This is also an indication that increased police surveillance could indeed help to reduce the rate of robbery in Kenya. It is evident that police anticipation of trouble and rapid response could also play a key role in curbing crime.

### ***Comparison between 2002, 2001 and 2000***

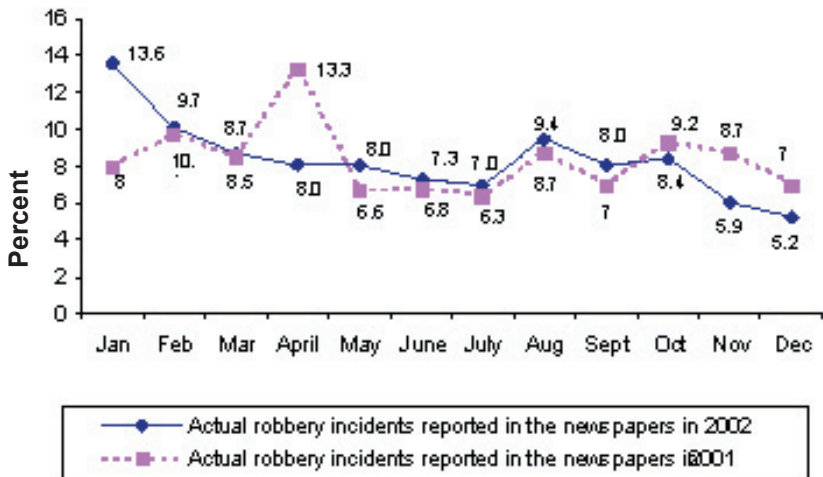
Comparatively, the year 2000 recorded high rate of robbery in the first tier, a decline in the second tier and an increase in the third tier of the year. A similar trend was recorded in 2002 but a slight difference occurred in 2002. The first tier recorded high rate of robbery but the subsequent two tiers recorded a continuous drop of robbery. As earlier observed, the drop in the third tier as opposed to an upward trend as was the case in 2001 and 2000 could be viewed from the perspective of increased political activity and crime in the third tier in 2002 and a decrease in robbery incidences.

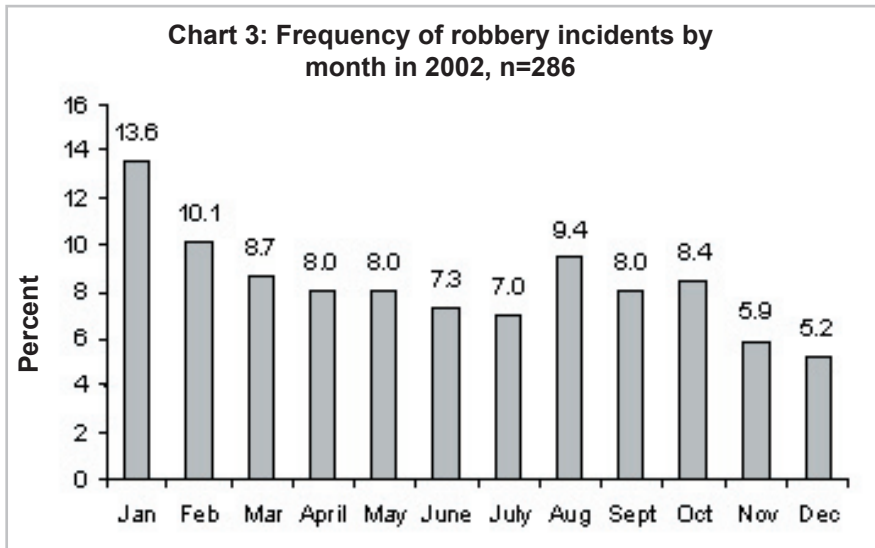
Clearly a trend is gradually emerging that robbery incidences in Kenya are likely to be high in the first tier, while in the second tier a drop is likely to be experienced and a rise is most likely in the third tier. This means that the

**Table 5: Frequency of robbery incidents by month in 2002 and 2001**

	Actual robbery incidents reported in the newspapers in 2002		Actual robbery incidents reported in the newspapers in 2001	
	Proportion of robberies per month	Average Proportion of robberies per month	Proportion of robberies per month	Average Proportion of robberies per month
	2002		2001	
Month	Percentage	Average	Percentage	Average
January	13.60	<b>First Tier: 10.13</b>	8	<b>First Tier: 9.9</b>
February	10.14		9.7	
March	8.74		8.5	
April	8.04		13.3	
May	8.04		6.6	
June	7.34		6.8	
July	6.99		6.3	
August	9.44	<b>Second Tier: 7.95</b>	8.7	<b>Second Tier: 7.1</b>
September	8.04	7		
October	8.39	9.2		
November	5.94	8.7		
December	5.24	<b>Third Tier: 6.91</b>	7	<b>Third Tier: 8</b>
	<b>100.00</b>		<b>100</b>	
<b>Total</b>	<b>286</b>		<b>412.00</b>	

**Chart 2: Frequency of robbery incidents by month for 2002 and 2001**





### Land use description

This section gives a descriptive analysis of the various locations where robbery cases took place. Essentially, this section has been included to indicate the specific locations of robbery cases. The section is important as it would guide the police on areas where there is acute need to increase police surveillance in an effort to curb the ever-rising crime.

The highest number of robbery incidences was reported in business premises with a total of 105 or 36.7% of the total robbery cases. Business premises were attractive due to the possibility of huge amounts of money involved as proceeds of daily sales, local purchase and inventory, salaries and liquid cash ready for deposit to respective banks.

Normally, business districts in most urban centres are intensively patrolled by police. In spite of this close surveillance, high rate of crime was reported. The challenge could be interpreted to underscore the need for increasing the number of officers in patrol. To a large extent, it could also mean that the police need to diversify their mode of operation. In particular, there is need to adopt new technology in surveillance such as close-circuit cameras in order to identify possible robbers and apprehend them before committing crimes.

Residential areas were the second to record a high rate of robbery cases. A total of 66 incidences or 23.1% of the total robbery cases were reported. In residential areas, the target may not only have been cash but also household items that could be sold such as electronics, vehicles, furniture e.t.c.

A new trend has been emerging in urban centres with regard to locating businesses in residential areas. This could be attributed to high rental fees in central business districts in main urban centres. As a result, some families convert parts of their residential houses into business premises, while the remaining rooms are used for accommodation. This could explain, to some extent, why there were high rate of robberies in residential areas that did not necessarily target household goods and personal valuables such clothes, shoes, jewellery e.t.c.

Public roads attracted robbers as there were motorists to target and passengers in public transport. There were 39 incidences of robbery that were reported along public roads. This means that public roads, particularly those that lead to business premises and residential areas require closer surveillance.

Institutions of learning and churches were also a soft target for criminals. The items that were commonly reported stolen from colleges, schools and churches mainly included electronics, in particular computers and sewing machines. Robbery cases that may have coincided with certain periods of the year could have been aiming at fees paid to the institutions.

Even though a good number of learning institutions in Kenya employ watchmen (as they are commonly called), they may not be competent enough to meet the security level required to man such institutions. Clearly, policing responsibilities extend to such institutions. There is need to deploy some officers in the most affected institutions in view of beefing up security countrywide.

Robbery cases also took place both in urban and rural areas. At least 18 cases were reported in rural areas and 16 cases in mixed-land use areas. As a matter of fact, insecurity in Kenya is widespread and a concerted effort is necessary in order to address the problem effectively.

It is surprising that at least three robbery incidences took place in a hospital. The criminals were interested in cash and electronics. Again this shows that police patrols and surveillance should be extended to such institutions.

Even though institutions like hospitals, colleges and schools might have their own security arrangements, supplementing with police surveillance could serve as a deterrent to criminals. The rampant robbery incidences in various public institutions, business premises and residential areas shows that security companies that deploy guards to respective areas could be doing their best, but there are still grounds to cover. Criminals in Kenya require concerted efforts from the police, security guards and the public in general. It is only such a complimentary approach that could, to some extent, combat robberies along other criminal activities.

**Table 6: Land use description for robbery incidents in 2002 (n=286)**

Land use description	Count	Percent
Business	105	36.7
Residential	66	23.1
Public roads	39	13.6
Police station/cell post/prison/barracks	1	.3
Administration (government)	1	.3
School/college/playing ground/church	20	7.0
Mixed land use	16	5.6
Rural area/settlement/plantation	18	6.3
Hospital/clinic/dispensary	3	1.0
Unclear land use description	17	5.9
<b>Total</b>	<b>286</b>	<b>100.0</b>

**Type of firearms used and recovered in crime**

***Firearms used***

A wide range of firearms, were used in robbery incidences among them pistols, rifles, guns, unspecified firearms, homemade guns and crude weapons. Often times, reporters may not appropriately name specific firearms used in robbery incidences due to lack of technical knowledge of firearms. In some cases, the reporters give specific types of firearms and in other cases, they generalise. It should be noted that the various categories of firearms illustrated here below may not be accurate but the information gives a clear picture of the most used firearms in robbery.

A total number of 791 firearms, both manufactured and crude ones, were used in 286 robbery incidences. At least in every robbery incidence, either some firearms or crude weapons were used or in some cases, both were used. Essentially, robbery incidents in Kenya are scaring because one could

be shot or injured with a crude weapon in almost all of the robberies. If a victim is not shot or injured, there is a possibility of being intimidated with a firearm by the criminals in the process. For most Kenyans, encounter with robbers or gangsters is often a spine-chilling experience that leaves one shaken for days.

### *Pistols*

A total of 252 pistols were reportedly used in robbery incidences. The specific types of pistols were given in very few cases. In most of the incidences, pistols were reported used in a general way without giving the specific types. A total of 225 general pistols were used. Pistols specifically named were Browning Automatic (5), toy (9) German/Walther (6) and US Colt Revolver (1). Another six revolvers were used but the reporters did not give the specific types.

The combination of the specific types named shows that a wide variety of pistols are used in robbery in Kenya. The nine toy pistols used were perhaps meant to intimidate victims of robbery with the view to subdue them to submission. In a robbery incident, the victim will not take chances to verify whether it is a toy or real pistol that the criminal is confronting him/her with. In the same gang of criminals, there could be real pistols used along with toy pistols. In this respect, toy pistols are as effective in robbery as real ones and this is why they have been counted and included in this category.

### *Rifles*

As in the previous two years' findings (2001 and 2000), rifles and pistols were the most commonly used firearms in robbery. In total 279 rifles were used in robbery incidences in 2002. A total of 163 guns were classified with rifles, assuming that the reporters could not provide the specific type of rifles and they simply referred to them as guns. Also, the reporters did not specify another 16 of the rifles, here classified as general rifles. Inability for reporters and journalists to name specific types of firearms could be attributed to lack of technical knowledge on specific types of firearms. It could also be attributed to lack of consultation between the reporters and the police who could have assisted in providing the specific types of firearms used in a particular crime. The specific types reported were AK 47 Rifles (95) and G3 Rifle (5).



### *Shotguns and machine guns*

A variety of guns were used. These included shotguns (2), submachine guns (1), machine gun (1), patchet-submachine guns (2), and military flare gun (2). Even though these figures may appear few in comparison to the reality on the ground, it is clear evidence that a wide range of firearms were used in robbery incidences. Military Flare Guns are gadgets used in support of equipment to enhance the accuracy of the physical location of the target. Rather than use it for accuracy, the equipment could have been applied as a tool of intimidation of the target. This shows that robbers are determined to engage all available tools to execute their heinous acts. It is also possible that the two flare guns might have been stolen from the military. Clearly, this shows that not only are individuals easy targets but institutions as well, are easy prey to the tact and skills applied by the robbers.

### *Unspecified firearms*

To confirm the observation that in most cases the reporters do not give the specific types, there were a total of 120 unspecified firearms. In most cases, the reporters did not provide the specific number of firearms used particularly in robbery incidences. It means that the unspecified firearms could have been more than the given 120. Also, it means that the unspecified types could have been a wide range of different firearms.

The need for reporters to work closely with the police so that they are assisted in identifying the various types of firearms used by criminals is here underscored. Reporters' commitment to working with the police in partnership would go along way in enhancing the reporting of crime-related incidences.

### *Silencer-fitted in weapons*

At least 10 silencers were reportedly used in robbery. This is evident that there is some tendency for criminals to fit their firearms with silencers. The motive behind applying silencers is to ensure absolute secrecy in the process of executing planned robbery. This tendency is of concern in terms of human security. It also points to the fact that some of the criminals involved in crime may not be ordinary people but they could be well exposed and informed citizens.

## *Crude weapons and homemade guns*

The use of crude weapons in robbery is prevalent in Kenya. A total of 119 crude weapons were reportedly used in robbery. This figure could be higher in the sense that some crude weapons may go unreported. As observed in *Kenya Crime Survey 2001*, use of crude weapons in crime is a pointer to the fact that criminals do not necessarily require manufactured firearms to commit crime. They can do so with just a few crude weapons. It is also possible that some criminals could be using manufactured firearms, crude weapons and homemade guns at the same time.

At least five homemade guns were reportedly used in robbery. There are two ways this could be analysed - either the reporters hardly took note of the fact that criminals may have used homemade firearms or that the use of homemade guns is not prevalent in Kenya. If the latter is the case, then one could conclude that Kenya is safe to some extent with regard to use of homemade guns in robbery cases as well as in other crimes.

## *Comparison between 2002 and 2001*

It is evident that over the years 2002 and 2001, pistols and rifles were the most popular firearms in robbery. While pistols are short range in calibre and are easily concealed, rifles are long range and conspicuous. Essentially the two types are complimentary and this explains why their use is quite prevalent. Clearly, crude weapons were also commonly used in robbery.

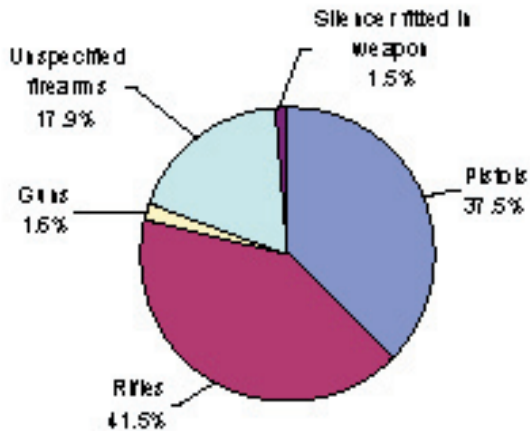
Over the two years, it is also clear that there were many unspecified firearms. This appears to be a common problem that was reported by the dailies and is a concern that requires to be addressed. Another common denominator over 2002 and 2001 is the fact that very few home-made firearms were used. But this could be a contentious issue which requires further research.

In as much as there were similarities, there were also differences. In 2002 there were more pistols and rifles used than in 2001. More crude weapons were used in 2001 than in 2002.

**Table 7: Type and estimated number of weapons used in robbery in 2002**

<b>Category</b>	<b>Type of weapons</b>	<b>Total</b>	<b>Percent</b>
<b>Pistols</b>	General	225	28.4
	Browning automatic	5	0.6
	Toy /gun	9	1.1
	German walther	6	0.8
	US colt revolver	1	0.1
	Revolver	6	0.8
<b>Subtotal</b>		<b>252</b>	<b>31.8</b>
<b>Rifles</b>	AK 47	95	12.0
	G3	5	0.6
	Rifle	16	2.0
	Gun	163	20.6
<b>Subtotal</b>		<b>279</b>	<b>35.2</b>
<b>Guns</b>	Shotgun	2	0.3
	Homemade	5	0.6
	Submachine	1	0.1
	Machine	1	0.1
	Patchet/submachine	2	0.3
	Military flare gun	2	0.3
<b>Subtotal</b>		<b>11</b>	<b>1.7</b>
Unspecified firearms		120	15.2
Silencer fitted in weapon		10	1.3
<b>Subtotal</b>		<b>672</b>	<b>85</b>
Crude weapons		119	15.0
<b>Total</b>		<b>791</b>	<b>100</b>

Chart 4: Type and estimated number of firearms used in robbery incidents in 2002 (number of firearms = 672)



#### *Firearms recovered*

Of the 791 firearms reportedly used in robbery, only a small proportion of 69 firearms were recovered and eight crude weapons. Pistols were the most recovered (47) to confirm that they were the most regularly used firearms in robbery incidences. An interesting point to note on the recovered pistols is that types that were not specified under used category were recovered. Remarkably it means that the police may have been present during the recovery and they assisted reporters in identifying specific types. This also confirms the need for the police to work in partnership with reporters.

Another explanation that could be advanced to substantiate why more types of pistols were used than recovered is the possibility that those recovered may not have been the same pistols that were used in robbery. Perhaps pistols recovered were used in other crime types but were recovered when a member of the public may have raised alarm during a robbery incident or the police happened to be in patrol.

An extremely low number of rifles were recovered in robbery. The recovery of only seven rifles means that most firearms used in robbery are hardly recovered and remain in circulation perhaps to be used in different criminal activities.

All the five homemade guns used in robbery were reportedly recovered. Analytically, this could confirm the observation that the problem of homemade firearms may not be a serious problem in Kenya. It could mean that recovered firearms may sometimes constitute firearms used in robbery. Recovered firearms may not have been used only in robbery but could have been used in other crimes as well.

Among the firearms recovered, only three were not specified. Partnership between the police, reporters and the public may be credited to the identi-

<b>Category</b>	<b>Type of weapons</b>	<b>Total</b>	<b>Percent</b>
<b>Pistols</b>	Pistols	16	20.8
	Ceska	3	3.9
	US Colt	3	3.9
	Home-made	1	1.3
	Tokalev	2	2.6
	Beretta	4	5.2
	Smith and Wesson	1	1.3
	Browning Automatic	2	2.6
	Toy	9	11.7
	Star	5	6.5
	Revolver general	1	1.3
<b>Subtotal</b>		<b>47</b>	<b>61.1</b>
<b>Rifles</b>	G3	1	1.3
	Sport	1	1.3
	General	1	1.3
	AK 47	4	5.2
<b>Subtotal</b>		<b>7</b>	<b>9.1</b>
<b>Guns</b>	Homemade	5	6.5
	Military flare	2	2.6
	Submachine	1	1.3
	General	4	5.2
<b>Subtotal</b>		<b>12</b>	<b>15.6</b>
	Unspecified firearm/firearm general	3	3.9
<b>Subtotal</b>		<b>69</b>	<b>89.6</b>
	Crude weapons	8	10.4
<b>Total</b>		<b>77</b>	<b>100</b>

Chart 5: Type and estimated number of firearms recovered in robbery incidents in 2002 (number of firearms = 69)



## Trends

### ***Distribution of crime across the provinces in Kenya***

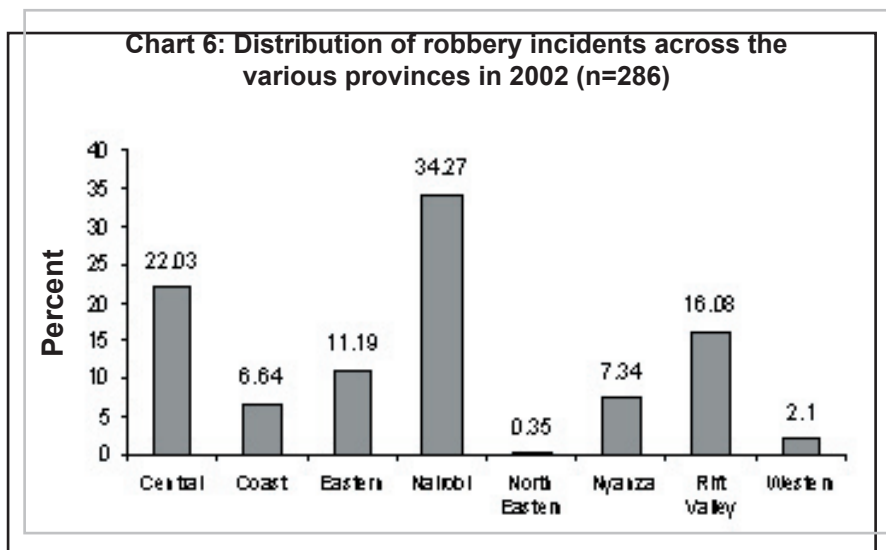
Nairobi Province, ( where Kenya's capital Nairobi) is located, recorded for the third year running the highest rate of robbery. Of the 286 robbery incidences, 34.3% occurred in Nairobi. From this percentage and in comparison to the other provinces, chances of being robbed in Nairobi are higher. Several factors obviously contribute to the high rate of robbery-population congestion, economic activities, infrastructure, and availability of firearms among others. The *Kenya Crime Survey 2001* details some of the factors which also apply here.

Ironically, Nairobi has the highest number of policemen and policewomen deployed throughout the divisions to patrol and curb crime. Apparently, the criminal activities seem to prevail in spite of police surveillance. It is hoped that through increased community policing, a reduction in robbery incidences is likely to be recorded and experienced in the future. Police require the good will and cooperation from the public if reduction of robbery and other crimes is to be celebrated in Nairobi as well as other urban centres.

Central Province recorded the second highest incidences of robbery. As observed in the *Kenya Crime Report 2001*, the province is geographically close to Nairobi. Therefore, there are certain common denominators, which apply across the two provinces. Some of these are congestion, economic activities and infrastructure.

Central Province has been exposed to high land fragmentation leading to reduction of agricultural activities. In retrospect, this has also led to a considerably high degree of unemployment. Ironically, the high population in Central Province could also attract criminals due to high proceeds generated from diverse economic activities linked to the geographical proximity to Nairobi.

Rift Valley Province ranked third on robbery incidences recorded with 16.1%. The dynamics in the province are very close to those in Nairobi and Central. As a former 'White Highlands' settlement, the province leads in agricultural activities. It also has diverse tourist attraction features such as national parks, game reserves, lakes, valleys and hills. The province is also a mid-highway to Western and Nyanza provinces. Entry to Uganda and Rwanda is accessed through the Nairobi-Nakuru highway, which cuts through the province. It is therefore not a wonder that the province recorded a high rate



of robbery as it has several features that favour criminals.

### ***Distribution of crime within various provinces in Kenya***

This section gives a comparison of the proportion between robbery and other crimes committed in each of the provinces. In at least four provinces - Central, Coast, Eastern and Nairobi, the count of robbery cases against the total number of incidences was too close. In the remaining provinces - North Eastern, Nyanza, Rift Valley and Western, the comparison of robbery incidences against the total of other crimes was low.

The above two points of comparison on the proportion of robbery against other crimes shows that it is a serious crime in some provinces but not in all. However, even the provinces that recorded low comparison, robbery incidences did occur. It is a crime that cannot be ignored in any part of the country. It is a serious crime as criminals expect yields from their activities. While criminals fill their pockets with other citizens' property, they dwell a blow to economic activities to businesses, families and individuals.

***Distribution of crime within the city of Nairobi***

**Table 9: Distribution of robbery incidents across the various provinces in 2002 as compared with total crime**

Number of Total for other crime incidents	Province incidents (Total = 826)	Proportion of robbery of all the crime that occurred in province	Number of robbery incidents (n=286)
142	Central	44.4	63
	Coast	19	16
	Eastern	32	53
			79
			35
			85

Nairobi Province recorded the highest rate of robbery. Comparatively, robbery incidences that took place in Nairobi were at least a third of all the robbery incidences reported. While Nairobi province recorded 98, the remaining seven Provinces had 188 cases of robbery incidences. Robbery is therefore a serious crime in Nairobi and requires concerted efforts towards addressing the problem.

The highest incidences of robbery within a single direction in Nairobi occurred in the western sector of the city. One of the unique characteristics evident in the geographic set-up in Nairobi is the fact that for every up-market estate, there are several low income estates and slums surrounding it. Some of the low income housing estates and slums in the western sector are Kangemi, Kawangware, Uthiru, Riruta and Waithaka. The up-market estates include Golf Course, Hurlingham, Karen, Kilimani, Kileleshwa, Lavington and Westlands, among others. In this perspective, it is evident that robbery is a widespread crime and not limited to one type of residential estate and business premises within Nairobi.

The eastern sector of Nairobi had the second highest incidences of robbery, followed by the Central Business District. Robbery also affected north-east



and south-west of Nairobi. All these areas have some common factors - congestion, a lot of human and economic activities and unemployment. Also they have the same geographic pattern of up-market estates, low income estates and slums. These conditions contribute to crime as the criminals find it easy to take advantage of the circumstances. Essentially there is need to deploy more police officers on the ground to deal with the problem in affected areas. Increased police surveillance could, to a large extent, lead to reduction in robbery.

A sharp and quick critical analysis between robbery incidences in 2002 and 2001, shows that there were both similarities and differences in the crime pattern in Nairobi. In 2001, the robbery incidences reported within Nairobi (174) were much higher than in 2002 (98). Similarly, there was a drop of the total number of incidences cut out for analysis in 2001 (1026) to 826 in 2002 as well as the total number of robbery incidences, 412 robbery cases in 2001 and 286 robbery cases in 2002. The comparative drop could be attributed to low reporting of crime in 2002 as it was an election year and preference might have been accorded to political activities. It is also possible that there was indeed a drop of robbery and other crimes in 2002 as compared to 2001.

The West of Nairobi District was the most affected by robbery in 2002 while in 2001, East of Nairobi and the Central Business were the most affected by the crime. Even though this was a difference in terms of the most number of incidences, there was also similarity in that these three locations were the most affected by robbery over the two years.

<b>Directions within Nairobi</b>	<b>Cases</b>	<b>Percent</b>
Nairobi general	9	3.15
North	4	1.4
South	1	0.35
West	19	6.65
East	17	5.95
Central CBD	15	5.25
North-west	6	2.1
North-east	12	4.2
South-west	10	3.5
South-east	5	1.75
<b>Subtotal</b>	<b>98</b>	<b>34.3</b>
Outside Nairobi	188	65.8
<b>Total</b>	<b>286</b>	<b>100</b>

## Summary

- For the third year running, robbery was the most prolific crime and the most frequently reported in newspapers.
- The highest number of robbery incidences took place in the first tier of the year.
- Low robbery case coverage in the second and third tiers of the year was attributed to political incidences, which journalists may have been keener to report at the expense of other crimes.
- In terms of land use, business premises, residential areas and public roads were the most affected locations by robbery incidences.
- In most robbery incidences, a firearm or a crude weapon was used or both were applied in most of the robbery cases analysed.
- Home-made guns were not a common feature in robbery as only five were reportedly used.
- Pistols and rifles were the most popular firearms in robbery in 2002, possibly because the two weapon types compliment each other.
- Only 69 firearms were recovered out of the 791 firearms reportedly used in robbery cases.
- Nairobi was found to be prone to robbery than other provinces and chances to be robbed in the city were higher than in other provinces.

## *Chapter 2*

# **HIJACKING**

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### **Introduction**

Hijacking is the second most common crime that was reported in the dailies in the year under review. The crime accounted for 103 incidences or 12.5% of 826 cases selected out for analysis.

### **Frequency of crime**

#### **Month**

January had the highest incidences of hijacking with 15.3% of the total cases. June, July and October followed with 12.6%, and 10.7% respectively. It is interesting to note that December had the lowest count of hijacking incidences. January as earlier analyzed is an extremely busy month with a lot of economic-related activities. June and July are months in the middle of the year with relatively high economic activities. For example, in these two months, the government ends and begins its financial year. In some of the government ministries, there could be high spending on the basis of exhausting initial funds and awaiting allocation in the new financial year. The government also reviews civil servants' salaries over the period.

In preparation for the end of the year, a lot of economic-related activities take place in October. An increase in hijacking incidences in the month could be viewed from two perspectives - the criminals might have anticipated that motorists might have been carrying cash and other valuables. Also criminals may have been on get-away missions after conducting other criminal activities such as robbery. It appears that whenever there are increased economic activities, crime incidences are likely to increase.

Remarkably, December recorded very few incidences of hijacking. It appears that a high rate of hijacking might have been anticipated at the time considering that there was nationwide campaign and election-related activities. Police preparedness over anticipated crime during the electioneering period may also have contributed to the few incidences of hijacking reported

in the month. Members of the public may also have anticipated an upsurge in crime and were more cautious than during ordinary times. Essentially, public alertness and readiness to prevent crime could greatly contribute towards its reduction.

Criminals too might have been anxious over the elections and imminent transition. It is important to mention that even though the rate of hijacking may have decreased at the time, there were politics-related crimes. Another possibility is the fact that politics-related crimes and activities may have taken a centre stage. Therefore, reporters might have focused and reported only incidences that were extremely necessary while giving priority to politics-related issues.

A bird's eye view on hijacking over the three tiers indicate that the first tier of the year (January-April) and the second tier (May-August) recorded high hijacking incidences on average - 9.7% and 9.2% respectively. This may not necessarily mean that the third tier which had 6.1% is safer than the other two tiers. At least one fact that seems to be emerging is that the first tier of the last three subsequent years recorded higher hijacking incidences in comparison to the second and third tiers. The low recording of hijacking incidences in the third tier of 2002 could be attributed to the political scenario that was unfolding in Kenya at the climax of transition electioneering year.

In the period between September to December 29, when the country went to the polls, it might have been fairly insecure but there were more interesting stories for journalists to file than crime-related incidences. During the period, National Alliance Party of Kenya (NAK) merged with Liberal Democratic Party (LDP) under a Memorandum of Understanding (MoU) and formed National Rainbow Coalition (NACK).

The latter formed an indomitable force in an attempt to defeat Kenya National Union (KANU) which had been in power since independence, 39 years earlier. Reporters had a field day as they informed the public of the new alliances as politicians' switched allegiance from one party to another. In the unfolding scenario, very little space could be spared in the dailies for crime coverage and this to a large extent may explain why there were low incidences of hijacking over the last tier of the year.

#### *Comparison between 200 and 2001 and 2000*

Hijacking is the second most common crime that was reported in the daily

newspapers in the year under study and in the previous two years. The crime accounted for 103 incidences or 12.5% of 826 cases selected for analysis. Over the three years, hijacking was high in the first two tiers of the year and dropped in the last tier.

One of the striking similarities over the three years on hijacking incidences and trend is the fact that the highest rate of hijacking occurred in the first tier of each year. However, the trend in the first tier is not commensurate with the months in the same period as each month had a different rate recorded in every subsequent year. Another similarity is the fact that hijacking incidences were high in the first tier but with a gradual decline in the second and third tier in the past three years. Clearly, this underscores the need to have tightened police surveillance in the first tier of the year and of course also in the subsequent tiers.

The total number of hijacking incidences analyzed in the past three years (103 incidences – 2002) and (142 incidences – 2001) and (100 incidences – 2000) may not necessarily be indicative of rise or a decline in crime in Kenya. But one fact which is clear in the last three years is that hijacking is the second most prolific crime in Kenya. Another fact is that hijacking incidences tend to be high in the first tier of the year but decreases over the second and third tiers of the year.

### *Relation between robbery and hijacking*

Apparently, there seems to be a close relationship between hijacking and robbery. When robbery rises, there is high probability that the rate of hijacking incidences will also rise. This fact is evident in the findings recorded over the past three years. This finding underscores the need for police to address the two crimes concurrently. It also indicates that there could be some relation between criminals involved in hijacking and robberies.

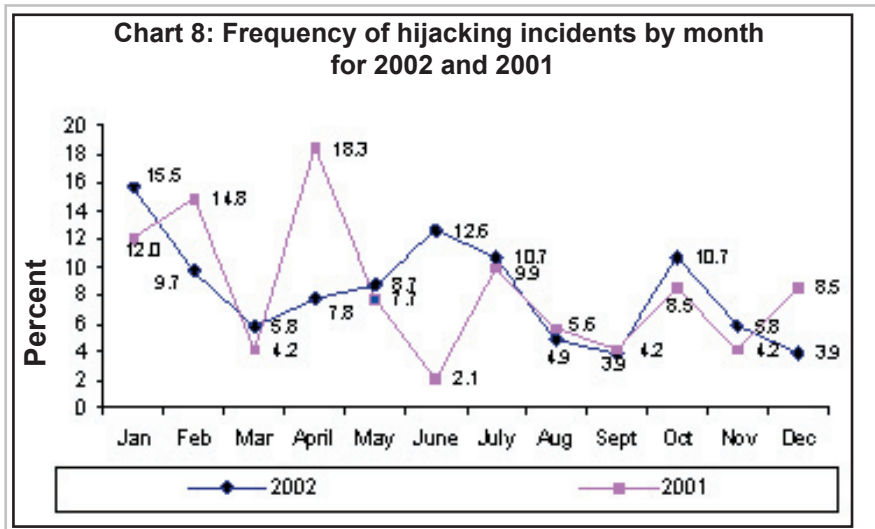
It is important to underline the fact that over the three years, the first tier recorded the highest rate of both hijacking and robbery. Even though police surveillance is required throughout the year, it appears that due to the possibility of high economic activities in the first tier after a lull over November-December period, the findings lay emphasis to enhanced surveillance between January and December.

**Table 11: Frequency of hijacking incidents by month in 2002 and 2001**

	Actual hijacking incidents reported in the newspapers in 2002		Actual hijacking incidents reported in the newspapers in 2001	
	Proportion of hijackings per month	Average proportion of hijackings per month	Proportion of hijackings per month	Average proportion of hijacking per month
January	15.53	First Tier: 9.71	12	First Tier: 12.33
February	9.71		14.8	
March	5.83		4.2	
April	7.77		18.3	
May	8.74	Second Tier: 9.22	7.7	Second Tier: 6.33
June	12.62		2.1	
July	10.60		9.9	
August	4.85		5.6	
September	3.88	Third Tier: 6.07	4.2	Third Tier: 6.35
October	10.68		8.5	
November	5.83		4.2	
December	3.88		8.5	
	<b>100.00</b>		<b>100</b>	
<b>Total</b>	<b>103</b>		<b>142</b>	

**Chart 7: Frequency of hijacking incidents by month in 2002 (n=103)**





## Types and firearms used and recovered

### *Firearms used*

#### *Pistols*

For the third year, pistols have emerged as the most preferred firearm in hijacking. Out of 439 firearms used in hijacking, there were 153 pistols which made up 34.8% of the total. This fact raises the question commonly posed by interested parties: where do these pistols originate from? It also puts emphasis on the need to address the supply side of the firearm and the underlying root causes of the demand side. Undeniably, pistols seem to be easily available in Kenya.

#### *Guns*

Contrary to the previous two years, guns were the second most used firearms in hijacking with a total of 109 or 24.8% of the total. Of this, 97 guns were not specified but merely labeled as guns. One of the possibilities could be that journalists may have just generalized when they were not in a position to provide specific types. Considering that rifles in the previous two years took second position after pistols, there might be the possibility that some rifles may have just been generalized as guns. Hijacking is normally a very swift crime. In the circumstances, it is difficult for the victim or witnesses to give clear details regarding the firearm used. This could explain the reason

behind the 97 guns that were reportedly used in the crime.

The combination of the specified types of guns - toy gun (10), homemade gun (1), and submachine gun (1) brings to the fore other dimensions on the use of guns in hijacking. It could also mean that some of the hijackers might have carried both toy guns and real firearms. Toy-guns specifically indicate that criminals might have used them to scare the victim and subdue them to submission. At the event of danger, victims may not be willing to take chances as it is difficult to determine whether or not the hijacker might be having other firearms other than the toy pistol.

Only one submachine gun and one home-made firearm were reportedly used in hijacking. Essentially this means that these types are not commonly used in hijacking. It could also mean that the types may not be easily available in Kenya. This being the case, one could argue that Kenya might be safe from the menace of submachine guns and home-made firearms but not safe from other types. The other possibility could be that perhaps the same might have been used but the incidences were missed out by the reporters.

### *Crude weapons*

A total of 107 crude weapons were reportedly used in hijacking in 2002. This constituted 24.4% of the total firearms used in hijacking. By all standards, this was a big percentage of crude weapons. As observed in an earlier publication, it shows that criminals may not necessarily possess adequate firearms to commit crimes. With just one or two firearms, a gang of five would most likely use crude weapons to substitute the manufactured firearms. The fact is that crude weapons could be as lethal as manufactured ones, particularly if they are sharp and blunt. Use of crude weapons in both hijacking and robbery spells out the need for the government to develop methods of controlling the proliferation of these weapons in Kenya along with the control of manufactured ones.

### *Comparison between 2002 and 2001*

Over the two years, pistols were the weapons of choice in hijacking. In 2002, 153 pistols or 34.8% pistols were used in hijacking whilst in 2001, a total of 184 pistols or 47.6% of the total firearms were used. The figures show a decline of use of pistols in hijackings.



In 2002, general guns were the second most used firearms in hijacking unlike in 2001 when rifles were more commonly used. In 2002, approximately 33 rifles were used in hijackings but in 2001 the number was higher. At least 60 rifles were used. In effect, it means that not as many firearms were used in 2002 in comparison with 2001.

The total of unspecified firearms between the two years differs considerably. While in 2002 a total of 37 firearms were unspecified, in 2001 a total of 85 firearms were unspecified. Comparatively, there were more unspecified firearms in 2001 than in 2002.

Home-made firearms were not commonly used in 2002 as they were in 2001. While only one home-made firearm was reportedly used in hijacking in 2002, in the previous year there were 12. Again this indicates a decline in the use of home-made firearms in hijacking over the two years.

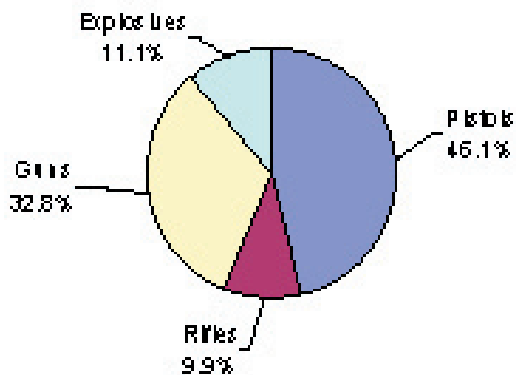
More crude weapons were used in 2002 than were used in hijacking in 2001. A total of 107 crude weapons were used in 2002 but only 36 were used in 2001.

Comparatively, it is clear that the use of manufactured firearms in hijacking were higher in 2001 than in 2002. However, it is also clear that the use of crude weapons was higher in 2002 than it were in 2001. Inversely, it appears that a decline in the use of manufactured firearms in 2002 in hijacking incidences could have been substituted by an increase in the use of crude weapons. Essentially, this means that when crimes records a low use of certain firearms, the police must of necessity look out for an increased use of other firearms in the same crime.

**Table 12: Type and estimated number of weapons used in hijacking in**

2002	Category	Type of weapons	
Total	Percent		
Pistols	Pistols	145	33.0
	US Colt	1	0.2
	Toy pistol/gun	6	1.4
	Revolver general	1	0.2
Subtotal		153	34.8
Rifles	Rifle general	1	0.2
	AK 47	17	3.9
	G3	15	3.4
Subtotal		33	7.5
Guns	Home-made	1	0.2
	Gun general	97	22.1
	Submachine	1	0.2
	Toy	10	2.3
Subtotal		109	24.8
Unspecified firearm		37	8.4
Subtotal		332	75.6
Crude weapons		107	24.4

**Chart 9: Type and estimated number of firearms used in hijacking incidents in 2002 (number of firearms = 332)**



### *Firearms recovered*

A total of 439 firearms which included both manufactured and crude weapons were reportedly used in hijacking. Out of these, only 48 were reportedly recovered. The balance remained in circulation and may have been used to commit other crimes throughout the country.

Most recovered firearms were pistols which constituted only 25 pistols or 52.2% of the recovered firearms. Even though the figure recovered is much lower than the pistols used in hijacking, the figure confirms that pistols are the most favoured firearms in hijacking. The fact suggests the need for the government to address the source of pistols recovered in hijacking, particularly US Colt Revolver and Automatic pistols.

The second most recovered firearms in hijacking were guns which included guns general (5), submachine guns (1), home-made gun (1), and revolver general. In total, there were 8 guns recovered or 16.7 of the total. This was a very low number in comparison to the 109 guns that were reportedly used in hijacking.

Only a mere six rifles or 12.5% were reportedly recovered in hijacking. Once again, this was a small fraction of the rifles reportedly used in hijacking.

### *Crude weapons*

As in the other cases, only 6 crude weapons, were recovered in hijacking out of 107 used.

### *Explosives*

It is intriguing that explosives were not among the firearms used in hijacking, yet at least three grenades or 6.3% of recovered firearms were explosives. Evidently, this shows the extent to which criminals are prepared to go in a bid to execute these heinous acts. It also emphasizes the need by law enforcement agencies to increase surveillance on all Kenyans roads. In the wake of increased terrorist activities, highway surveillance is of utmost importance.

### *Explanation for low recovery of firearms in hijacking*

Several questions could be raised here to probe the small number of firearms recovered in hijacking. One wonders whether the small number of recovered

firearms could be blamed on police ineptness or criminals' shrewdness. The few recovered firearms show that the police are indeed making an effort to curb the menace that hijacking has become. But it is also possible that there is a lot of room for improvement. It could also mean that criminals in Kenya have mastered the art of hijacking and being aware of police capability or incapability to catch them, they get away before being apprehended.

Hijacking in Kenya is a traumatising experience as often criminals are likely to shoot if the victim fails to co-operate. Aware of this fact, most victims would rather submit quickly to the hijackers rather than take chances and get injured or even killed in the process. Criminals have the tendency to shoot resisting victims as a way of creating fear and intimidating other motorists. This state of fear and intimidation could explain why only a few firearms are recovered. In the swiftness of the act, the criminals will conveniently get away quickly before they are tracked down by the police.

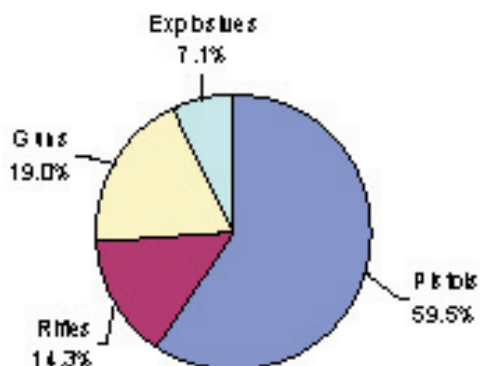
A tendency which could help to explain why only few firearms are recovered in hijacking is the fact that motorists tend to hope that their vehicles are likely to be used to escape from an immediate scene of crime committed by the hijackers. With this fact in mind, it is an easier option for the victim to submit quickly with the hope of recovering his/her vehicle later.

In most cases, it is possible that criminals will hijack several vehicles in a series in a bid to confuse the police who are likely to be hot in pursuit. Police will most likely lose track of the hijackers who will hop and jump from one vehicle to the other. The only solution to this is to beef up security on Kenyan highways and roads by increasing police surveillance and patrol round the clock. This could most likely deter would be criminals and increase chances

**Table 13: Type and estimated number of weapons recovered in hijacking in 2002**

Category	Type of weapons	Total	Percent
Pistol	US Colt Revolver	6	12.5
	General	5	10.4
	Toy	2	4.2
	Tokalev	3	6.3
	Ceska	2	4.2
	Automatic	5	10.4
	.38 Calibre special	2	4.2
<b>Subtotal</b>		<b>25</b>	<b>52.2</b>
Rifles	General	1	2.1
	AK 47	5	10.4
<b>Subtotal</b>		<b>6</b>	<b>12.5</b>
Explosives	Hand grenades	3	6.3
Guns	Gun	5	10.4
	Submachine	1	2.1
	Home-made	1	2.1
	Revolver general	1	2.1
	<b>Subtotal</b>		<b>8</b>
	Subtotal	42	87.5
	Crude weapons	6	12.5
<b>Total</b>		<b>48</b>	<b>100.0</b>

**Chart 10: Type and estimated number of firearms recovered in hijacking incidents in 2002 (number of firearms = 42)**



## *Comparison between 2002 and 2001*

As one might expect, pistols were the highest number of firearms recovered both in 2002 and 2001. This confirms the fact that pistols are the preferred weapons of choice in hijacking. At least 52.2% of the firearms recovered in 2002 were pistols while 50% of those recovered in 2001 were also pistols.

Over the two years, only a small percentage of firearms were recovered from hijacking incidences. The rest of the firearms remained in circulation perhaps to be used in similar and related criminal activities in different parts of the country. It is important to underscore the need for the police to increase efforts towards recovery of firearms used in hijacking incidences and consequently reduce the number of firearms in circulation.

The use of sub-machine guns over the last two years was extremely low. However, it is a reality that some criminals went to the extent of using a machine gun for hijacking.

One of the differences in the two years is the fact that in 2001, some ammunition was among the firearms recovered but in 2002, there was no report of ammunition recovered.

## **Trends**

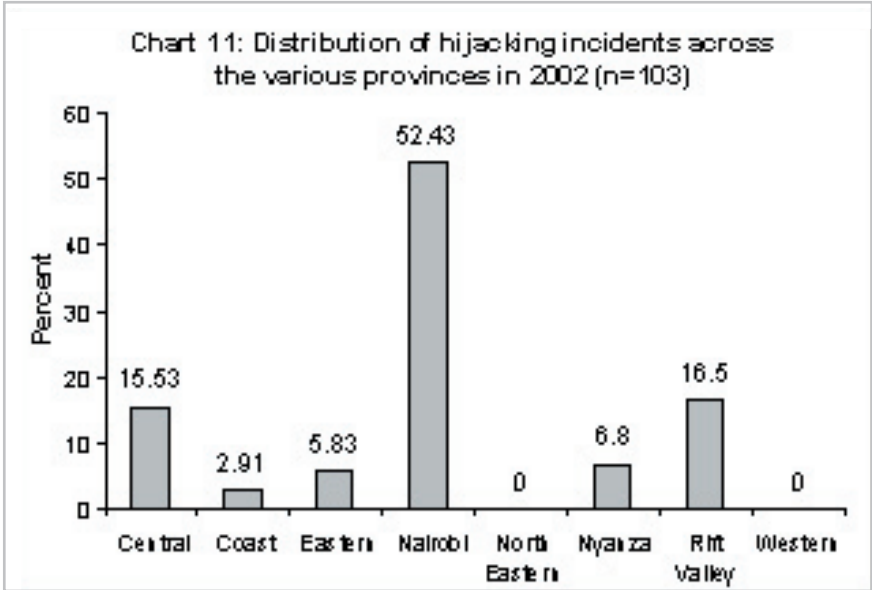
### **Distribution of hijacking incidences across provinces in 2002**

It is not a surprise that in yet another year, Nairobi recorded the highest number of hijacking incidences (52.4%) followed by Rift Valley (16.5%) and Central (15.5%). It is apparent that these three provinces are a soft target for motorists because of the high number of vehicles that are on the road on a daily basis, high economic activities and user-friendly roads and highways. As the number of vehicles in these provinces is likely increase, there is need for law-enforcement agencies to ensure that security is improved as a way of addressing the high rate of hijackings.

Three provinces recorded a fairly low number of incidences. These were Nyanza (6.8%), Eastern (5.8%) and Coast (2.9%). In North-Eastern and Western provinces, barely any incidences of hijacking were reported. The low incidences of hijacking or none at all does not amount to better security or police surveillance in the mentioned provinces. It could also be true that

only a few incidences actually took place or none at all in the provinces. Unlike Nairobi, Rift Valley and Central provinces, where there is a ready market for stolen vehicles, these other provinces may not have a ready market and this could have discouraged hijackers.

North -Eastern and Western provinces had no incidences of hijacking. The latter is vast and semi arid. Infrastructure within the province is practically unfavourable for would be hijackers. Another element is the fact that due to its vastness, it would not be easy for reporters to reach out to various towns where hijacking incidences are likely to take place. The area is disadvantaged in terms of accessibility and in fact it would be pointless for criminals to venture into certain crimes. It is also important to state here that even though hijacking never took place in the province, other crimes especially banditry were common.



*Comparison between 2002 and 2001*

In 2002, a total of 103 hijacking incidences were taken for analysis while in 2001, the total was 141. From these figures, it appears that the rate of hijacking could have declined while the reality on the ground is likely to have been different. As earlier observed, 2002 was an election year and the principle of opportunity cost could have been applied at the expense of more urgent political stories that carried the day as opposed to crime-related articles. In spite of this fact, there is an outstanding similarity in terms of the provinces

which were most affected by hijacking.

Over the two years, Nairobi claimed the lion's share of hijacking, followed by the Rift Valley and Central provinces. This striking similarity confirms that there are three provinces that are affected by hijacking in comparison to those least affected. In the category of least affected over the two years were, Western, North-Eastern and Coast provinces.

It appears that there are certain values existing in Western and Coast provinces which probably could explain the low rate of hijacking in the provinces. This is an aspect of further research. It will be interesting to keep close track with Coast province which in the past has been free of many criminal activities but suddenly it has attracted world attention due to acts of terrorism reported in the province towards end of the year.

### ***Distribution of crime within the various provinces in Kenya***

The table below helps the reader to compare and contrast the level of hijacking against the total number of crimes committed in respective provinces. It further facilitates the understanding of the relation between various crimes affecting particular provinces.

As earlier observed, hijacking was the second most prolific crime in 2002. Clearly, there was a direct linkage between overall number of criminal activities that were reported in a province and the number of hijackings that took place. The provinces with high hijacking incidences, Nairobi, Central and Rift Valley, also had a high record of other crimes. An inverse correlation would be anticipated in the reduction of hijacking in the provinces most affected as the overall total crime would be expected to record a drastic change. Simply, the high rate of hijacking in affected provinces defines the existence of criminals who commit other forms of crime. Therefore, addressing one form of crime would have a direct impact on the reduction of other forms of crime in the province and in the entire country in general.

Essentially, the argument regarding the linkage between hijacking and the total crime in a specific province underscores the need for a unified force when addressing crime. Possibly, the criminals who engage in hijacking are most probably involved in other forms of crime. Therefore, officers involved in investigating or tracking down hijackers should at the same time address other crimes as well in the process.

Another important aspect is the correlation between crimes at the provincial and national levels. At the national level, a province may not be badly affected by a crime activity but at the provincial level, the crime could be a



serious one. In this respect, it could be possible that criminals operating in Nairobi, Central and Rift Valley provinces could be operating in a network of activities. However, there is need for the police to be on the look out so that when they flush criminals involved in hijacking in Nairobi, for example, the same criminals do not retreat to another province and specialize in other criminal activities.

***Distribution of crime within the city of Nairobi***

At least 52.4% of 103 hijacking incidences took place within Nairobi prov-

**Table 14: Distribution of hijacking incidents across the various**

crime	Proportion	Number of hijacking of	of hijacking	Number of
	incidents	all the crime that	incidents	Total for other
Provinces	incidents	occurred in province		crime inci-
(n=103)	incidents	(Total = 826)		Central
11.3	16	126	142	
Coast	8.6	3	32	35
Eastern	7.1	6	79	85
Nairobi	21.7	54	195	249
North-Eastern	0	0	12	12

ince and the remaining took place in other parts of the country. Most of the hijacking incidences were reported in Eastlands (17) and north-east of the city (11). This finding confirms that Eastlands, as highly speculated within Nairobi, is highly insecure. Factors that could be attributed to this include congestion and poor condition of the roads leading to Eastlands, existence of slum dwellings that are highly perceived to be hide-out for criminals, poverty and unemployment, among others.

***Emerging trends in crime reduction in Nairobi***

It is surprising that Eastlands, for the third year running, recorded the highest incidences of hijacking within Nairobi. Some of the recent trends within Nairobi and geared towards crime reduction have been created with a bid to curb hijacking specifically in Nairobi and its environs.

Several police checks are mounted on the highways and on the roads where police stop vehicles at will and check for illegal firearms and possible criminals. Particular emphasis has been directed to public vehicles which have become a soft target. Unlike in the past, public vehicles were rarely targeted but the trend has changed.

Criminals will hijack a public vehicle with the intention of commandeering the driver and passengers to a secluded area where the criminals frisk bags and pockets emptying money and other valuables from the victims, particularly cell phones. Most Nairobians possess cell phones and in a *matatu* ferrying 18 passengers with a driver and a conductor, it means that there would be a total of 20 cell phones stolen from one vehicle.<sup>6</sup>

The drivers' of public vehicles have been cooperating with the police in fighting hijackers who board the vehicles posing as innocent passengers. *Matatus* are voluntarily driven to a police station for inspection where all the passengers alight one after another while the police check for illegal firearms likely to be carried by criminals. Where the *matatu* is not driven to the police station, the driver stops at the closest police check for inspection. This new method was employed to address the ever-increasing number of reported public vehicles hijacked. This notwithstanding, Eastlands still recorded the highest rate of hijacking.

Another interesting trend is the determination exuded by the conductors at public transport terminus especially towards late evening and when darkness sets in. Conductors inspect passengers boarding their vehicles and ensure that particularly men do not sit at the driver's cabin and the sit immediately behind the driver. The initiative is believed to be contributing to the reduction of the number of public vehicles hijacked particularly in Eastlands.

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<sup>6</sup> *Matatu* is slang language commonly used in Kenya to refer to public transport, particularly the 18 sitter vans.

<b>Directions within Nairobi</b>	<b>Cases</b>	<b>Percent</b>
Central CBD	2	1.94
East	17	16.49
North	2	1.94
Nairobi general	2	1.94
North-West	2	1.94
North-East	11	10.67
South-West	2	1.94
South	1	0.97
South-East	5	4.85
West	10	9.7
Subtotal	54	52.38
Outside Nairobi	49	47.53
<b>Total</b>	<b>103</b>	<b>100.0</b>

### **Summary**

- Increased economic activity was commensurate with increased crime particularly hijacking during the first tier of 2002.
- Most hijacking incidences were reported in the first tier of the year.
- Pistols were the most preferred weapons in hijacking in 2002.
- Low application of certain firearms in crime could imply an increase in the use of other weapons.
- Homemade firearms were not a common feature in 2002. However, there was a rise in the use of crude weapons.
- Out of 439 firearms used in hijacking, only 48 were recovered.
- Among the firearms recovered in hijacking, pistols accounted for 52.2% of the total.
- Nairobi Province had the highest number of hijacking incidences followed by Rift Valley and Central.
- Highest number of hijacking incidences in Nairobi province took place in Eastlands.
- Promising initiatives have been put into place to address the menace of



## *Chapter 3*

# **BANDITRY**

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### **Introduction**

The word 'bandit' is commonly used to describe a robber or an outlaw belonging to a gang or small group and typically operating in isolated or lawless area. For the purpose of this chapter, banditry will be used to mean those sporadic armed criminal activities performed by a person or a group of persons in the mainly isolated areas of the country.

Banditry in Kenya is prevalent mostly in outlying districts of the country occupied by communities whose main form of livelihood largely consists of livestock keeping. Highway banditry is common in the roughest of the roads networking the districts across hostile terrain. The choice of the firearms used to execute banditry as will be observed is influenced by the vastness of the area and easy availability of firearms.

### **Frequency of crime incident**

#### ***Month***

In 2002, November had the highest percentage of the total incidents reported. The month recorded 25%, March had 15%, while in January, no incident was reported at all. As in the previous years, banditry was sporadic and did not appear to follow any pre-determined pattern. However, it appears that there are certain factors that seemed to play a role. For instance in January, no incidences were reported. It is possible that criminals may have retreated over December holidays and might have joined their families to partake of different festivities. This was in spite of the fact that in January, there are many economic activities and one would expect that banditry would be high.

March may have recorded the second highest incidences due to weather conditions. Kenya receives long rains between March and April. To some extent, banditry activities could have had some relation to cattle rustling in view of restocking after the dry spell. It is possible that cattle rustlers could

double up as bandits as they travel along the rough terrain in search of livestock to rustle and re-stock. A lot of livestock dies during the dry season. When the rains finally arrive, there could be a lot of water and pastures but herds could be scarce. Therefore, the need to engage in cattle rustling and by extension banditry activities.

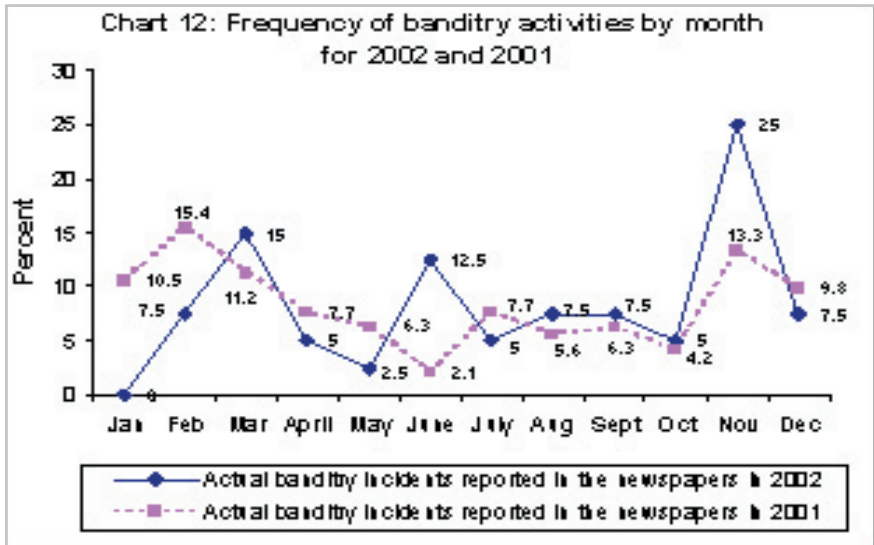
During the rainy season, banditry activities are likely to rise because of the poor condition of the roads. Convoys of vehicles that are likely to get stuck in the muddy roads could be a soft target for bandits to attack.

November recorded the highest incidences of banditry activities perhaps due to the political scenario in Kenya. This was the last month before the highly contested general elections. Attention may have been diverted from security concerns to politics as anxiety grew over who would form the next government.

#### *Comparison between 2001 and 2002*

A comparative perspective of the frequency of banditry activities in 2002 and 2001, shows that there is a common trend of this crime throughout the year. The trend is characterized by a sharp increase in the first three months of the first tier of the year and decreases towards the beginning of the second tier. This trend gradually rises reaching its peak in November and declining towards the end of the year.

Statistics show that the average proportion of banditry incidents decreased from 11.2% in the first tier of 2001 to 6.9% in the same tier in 2002. However, during the second tier, there was a slight increase from 5.4% in 2001 to 6.9% in 2002. Similarly, during the third tier, the same trend was observed with the average proportion increasing from 8.4% in 2001 to 11.3% in 2002. Although the last two tiers show a slight increase in average, it is important to note that overall, there was a very sharp decline in the number of banditry activities reported in the year 2002 as compared to the year 2001.



**Table 16: Frequency of banditry incidents by month for 2002 and 2001**

Month	Actual banditry incidents reported in 2002		Actual banditry incidents reported in 2001	
	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	0	<b>First Tier: 6.88</b>	10.5	<b>First Tier: 11.20</b>
February	7.50		15.4	
March	15.00		11.2	
April	5.00		7.7	
May	2.50	<b>Second Tier: 6.88</b>	6.3	<b>Second Tier: 5.43</b>
June	12.50		2.1	
July	5.00		7.7	
August	7.50		5.6	
September	7.50	<b>Third Tier: 11.25</b>	6.3	<b>Third Tier: 8.4</b>
October	5.00		4.2	
November	25.00		13.3	
December	7.50		9.8	
<b>Total</b>	<b>100.00</b>		<b>100</b>	

## Type of firearms used and recovered

### *Firearms used*

In total, 218 firearms were used in banditry activities in 2002 while a total of 31 crude weapons were used and constituted 12.4% of the total. A close look of the firearms used shows that the most preferred types used were rifles which constituted of 62.8% of the total firearms used during the year. Comparatively, this was a slight 3.7% increase from 59.1% in the year 2001.<sup>7</sup> In terms of the total number of weapons used, AK-47 rifles constituted 22.5%, G3 rifles 24.5%, Mark 4 rifles (6%) and assault rifles (2%). Generally, guns comprised of 27.5%, while unspecified firearms made up 9.6%.

The choice of firearms used in banditry is determined by a number of factors. One of these factors has to do with the easy availability of certain preferred firearms. Statistics show that in yet another subsequent year, rifles were the weapons of choice. Rifles are easily available as they are smuggled from conflict ravaged neighbouring countries such as Somalia, Ethiopia, Sudan and Uganda. Due to the nature of the conflicts, military and rebel combatants mostly use rifles.

The uncontrolled human traffic flowing across the borders facilitates the movement of firearms from one area to another.<sup>8</sup> This is mainly due to the fact that the porous borders are not effectively policed. Consequently, some of the firearms smuggled into the country end up in the hands of bandits who use them to execute their missions. Linked to this is the fact that most of the areas in which banditry activities are prevalent are remote, isolated and vast.

The vastness of the area coupled by the terrain and poor infrastructure, makes it rather difficult to police. As a result, concealing firearms as big as rifles is not a problem. To some extent, displaying the firearms could be the norm as a tool for intimidating enemies. This explains why small guns

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<sup>7</sup> Muchai A. & Clare J.; *Kenya Crime Survey 2001* ( Pretoria; Blue Berry, 2003) pp. 47-50.

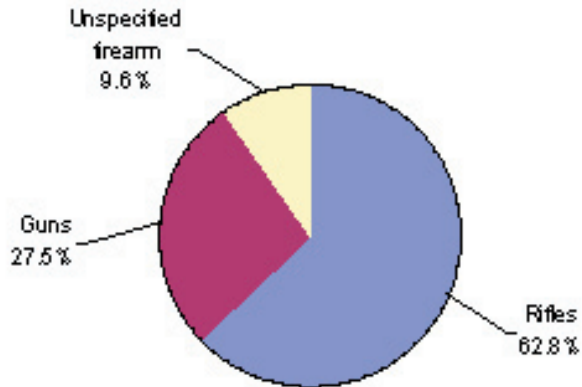
<sup>8</sup> See for example, Kamenju J., Mwachofi S. & Wairagu F.; *Terrorised Citizens: Profiling Small Arms and Insecurity in the North Rift of Kenya*; (Nairobi: Oakland Media Services, 2003), pp. 53-69.



**Table 17: Type and estimated number of weapons used in banditry in**

<b>2002</b>			
<b>Category</b>	<b>Type</b>	<b>Total</b>	<b>Percent</b>
<b>Rifles</b>	AK 47	56	22.5
	G3	61	24.5
	Mark 4	15	6.0
	Assault	5	2.0
<b>Subtotal</b>		<b>137</b>	<b>55</b>
Guns	Gun	45	18.1
Machine Gun	Machine	15	6.0
<b>Subtotal</b>		<b>60</b>	<b>24.1</b>
Unspecified firearm/firearm General		21	8.4
<b>Subtotal</b>		<b>218</b>	<b>87.6</b>
Crude weapons		31	12.4

**Chart 13: Type and estimated number of firearms used in banditry in 2002 (number of firearms = 218)**



***Firearms recovered***

In both 2002 and 2001, it is clear that the trend of poor firearms recovery recurred. In 2002, only 18 firearms out of the 218 reported to have been used were recovered. Based on these statistics, it is not possible to make a valid analysis of the number of firearms recovered. Nonetheless, it is apparent that, of the specified types of firearms recovered, AK-47 rifles were frequently recovered and so were the non-specified firearms. Sev-

eral reasons could be advanced to explain the trend. Due to the vastness and the poor terrain of the areas affected by banditry, the art of policing is challenging. This is why fruitful surveillance has not been as effective as would be expected.

In addition, the rapid response of police to banditry may be difficult due to lack of sufficient communication facilities. Mobile telephone system has encountered speedy growth in Kenya over the past three years but not in the areas prone to banditry. This spells out the urgent need for telephone operators to double up their effort in boosting telephone network throughout the country as a tool of improving security.

In view of increasing recovery of firearms within banditry prone areas, it is hoped that the concept of community-based policing would be embraced by communities. Considering facts like the land terrain, infrastructure and cultural values, it would be an assumption to expect the police to effectively address the problem of firearms proliferation without the support from the members of the local communities.

The new NARC government appears determined to increase economic growth and improve the level of development in banditry affected areas. This is in view of the fact that most communities solely depend on livestock for their livelihood. Alternative economic activities are being sought by the government including the initiative to revive the once giant but stalled Kenya Meat Commission. Such opportunities will offer the communities alternative means of generating income and trade in various ways. Stable economic activities will also enable more children to pursue further studies and compete for gainful employment along others in the country.

## **Trends**

### ***Distribution of crime across the provinces in Kenya***

In 2002, banditry activities were concentrated in the Rift Valley and Eastern provinces. In the Rift Valley, banditry activities constituted of 12.4% of the total crime incidents that took place in the province. In Eastern province, 11.8% of the total crime incidents that occurred constituted of banditry activities. The two provinces fit in the definition of bandit zones characterized by vast land and poor infrastructure. Coast and Central provinces had 5.7% and 1.4 % of the total crime incidents constituting of banditry activities respectively. There were no banditry activities that were reported in the newspapers to

have taken place in Nairobi, Nyanza and North Eastern.

In the provinces where no incidences were reported, the fact is not a clear indicator that banditry never took place. Banditry activities may have been committed but were never reported. North Eastern province, however, is a unique case and one would have expected more of these activities to have occurred there. As noted earlier in this chapter, the number of banditry activities reported in 2002 fell drastically when compared to 2001.

A comparison of the distribution of banditry activities in various provinces indicates that in 2002, the frequency went down drastically in all the provinces. For example, while the Rift Valley recorded 29.1% of the total crime that took place in 2001, this went down to 12.4% in 2002, less than half of the percentage in the previous year. The same was the case with Eastern province where (as the chart shows), the percentage of banditry occurrence against the total crime dropped from 28.4% in 2001 to 11.8% in 2002.

Several reasons could be attributed to the trend. The year 2002 was an election year as earlier observed. Therefore, issues of lesser importance may have been neglected by the media. The formation of District Peace Committees in respective districts in the province, to a large extent, may have contributed to banditry and crime reduction. Members of the District Peace Committees have been committed to ensuring that they identify criminals and where possible take initiative to rehabilitate them and offer them alternative means of livelihood.<sup>9</sup>

Essentially, the District Peace Committees are impacting positively and the government needs to support the initiative. In addition to this, there are highway banditry activities that took place on the roads cutting across the province but may have been reported as having taken place in Eastern province.

A number of other factors might have influenced the concentration of banditry activities in some provinces as opposed to others. One of the key factors has to do with the low levels of infrastructural development, specifically the

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<sup>9</sup> District Peace Committees are founded on the grounds of traditional methods of conflict resolution, particularly amongst pastoralist communities. The committees constitute of members from respective communities in districts like Samburu, Marsabit, Isiolo and Garissa, with representation right from the grassroots or village, to the sub-location, location, division and at the district level. Government representatives are part of the committees. The committees address conflicts and problems facing the community such as cattle rustling, banditry, crime and the proliferation of small arms and light weap-

road network. As a result business people operating in both northern and eastern frontiers of the country fall victim of banditry activities as they get to the remotest parts of the country. Some of the roads where such activities took place include Isiolo-Garissa, Isiolo-Mararal, Rumuruti-Mararal, Subukia-Nyahururu, Mwingi-Garissa, Isiolo-Wajir-Mandera, Isiolo-Marsabit-Moyale, Lodwar-Kakuma-Lokichogio, Moyale-Wajir and Mtito Andei, among others. It is important to note that these roads lead to some of the most famous tourist destinations in Kenya.

Therefore, in addition to business people being the would-be targets, there are also many tourists plying these routes on their way to various destinations. The fact that most of the tourist convoys are escorted by armed policemen, however, minimizes the incidence of banditry activities. The need to improve roads in different parts of the country is here underscored in view of boosting economic activities even in the marginalised districts.

Banditry activities are also influenced by the proliferation of firearms in the region. Most of the illegal firearms originate from neighbouring states particularly those experiencing armed conflict. There are also militia groups like the Oromo Liberation Front (OLF) and the Merille from Ethiopia and others from Somalia, Sudan and Uganda that make the flow of arms across the borders easier as they raid neighbouring communities across the international borders.<sup>10</sup>

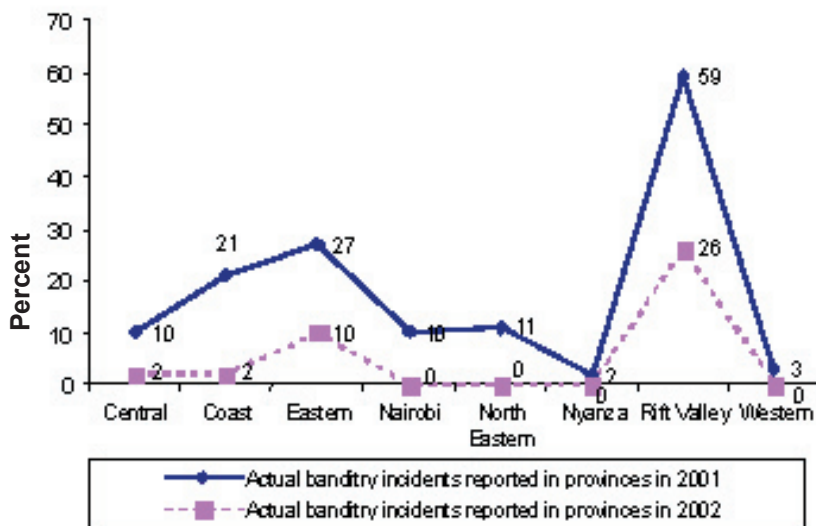
The presence of refugees from these countries also has been a contributing factor to banditry in two major ways. Firstly, the possession of illegal guns by some refugees and, secondly, the location of humanitarian logistic centres which are also targeted by bandits. Armed rebels posing as refugees cross into Kenya from the neighbouring states. The criminals manage to conceal their illegal firearms which they sell to criminals or barter the same

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<sup>10</sup> Jan Kamenju, *et al*, *op cit.*, pp. 53-57.

<sup>11</sup> I bid.

**Chart 14: Distribution of banditry activities across provinces in 2002 and 2001**



**Table 18: Distribution of banditry incidents across the various provinces in 2002 as compared with total crime**

Provinces	Proportion of banditry of all the crime that occurred in the province	Number of banditry incidents (Total = 40)	Total for other crime incidents	Number of crime incidents (Total = 826)
Central	1.4	2	140	142
Coast	5.7	2	33	35
Eastern	11.8	10.75	85	
Nairobi	0	0	249	249
North Eastern	0	0	12	12
Nyanza	0	0	72	72
Rift Valley	12.4	26	183	209

## Summary

- Banditry activities in 2002 dropped drastically, almost by half from the figures recorded in 2001.
- Rifles were the most preferred weapons of choice in 2002 as was the case in 2001.
- Poor recovery of firearms was reported. Only 18 firearms out of 218 reportedly used in the crime were recovered.
- Recovery of firearms could be improved through community policing particularly under the initiative of District Peace Committees.
- Banditry activities were more prevalent in the outlying districts of vast provinces particularly Rift Valley, Eastern and some parts of Coast province.
- An almost similar trend was observed in 2002 as it were in 2001. Banditry was at its peak between February and April and again towards the end of the year.
- Vastness, hostile terrain, remoteness and easy availability of illegal firearms were the key reasons attributed to the high incidences of ban-

## *Chapter 4*

# **CATTLE RUSTLING**

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### **Introduction**

In this chapter, cattle rustling is used in the context of pastoralist practices. We use Markaki's definitions of pastoralist activities to denote a practice whose main ideology and production strategy is the herding of livestock on an extensive base. Rustling is used to refer to armed attacks by one group on another with the purpose of stealing livestock.<sup>12</sup> Cattle rustling, like banditry, appears to be prevalent in certain districts predominantly occupied by communities whose main forms of livelihoods are characterized by livestock keeping.

In 2002, there were 50 incidents that were reported in the newspapers. While this number may not reflect the situation as it is on the ground, using the statistics available, several trends could be observed not only in terms of geographical but also monthly distribution. There are several factors that give explanations to the problem of cattle rustling which is common in the Rift Valley, Eastern and North-Eastern provinces. Some factors are cultural while others are commercial as expounded below.

### **Motive for cattle rustling**

A number of factors contribute to cattle rustling as recorded even in existing literature on the subject. The factors are not only socio-cultural but also economic. They include the need for wealth accumulation, communal response to adverse ecological calamities, resource conflict brought about by imposed colonial boundaries and retrogressive cultural practices like moranism, among others.<sup>13</sup> In his study on the sociology of insecurity, cattle rustling and banditry, Osamba argues that traditionally, cattle rustling among pastoralist communities was considered as a cultural practice and was sanctioned and controlled by the elders.<sup>14</sup>

However, it is the general view that cattle rustling has undergone fundamental transformation from a cultural practice of testing an individual's bravery and prowess to bloody warfare between various communities and groups.

The creation of fixed borders, during colonial period, did not only limit free access to grazing land and water, but also increased social conflict among the communities. These borders hindered free movement of people and livestock. The pastoralists were adversely affected by such measures since their mode of nomadic life results from ecological demands necessitating mobility to balance ecological heterogeneity.<sup>15</sup>

Restricting movements across the borders meant that when animals of one community died, one of the alternatives to respond to this was cattle raids. From a means of obtaining a few animals and improving one's fighting prowess, raiding has evolved into military operations using conventional war tactics and modern firearms. In every cattle rustling event, thousands of livestock are stolen from families and communities while a number of precious lives are lost and scores are injured.

Thus the social dilemma created by frequent natural disasters appears to be the major catalyst of cattle-rustling phenomenon in the border areas. The predatory exploitation and misuse of the ecology trigger hostility and undermine security. The problem of cattle rustling has a spill-over effect. For instance, Meru North due to its proximity to Isiolo has had this problem spreading over to some parts of the district. So is the case with Laikipia which borders Baringo and Samburu where cattle rustling activities have been rampant.

Inter-ethnic animosity has also perpetuated the practice of cattle rustling, for example, amongst Pokots, Marakwet, Turkanas, and Samburu. Cattle rustling have been a cause of hatred as the communities engage in revenge counter attacks against each other to recover stolen livestock in previous cattle rustling raids. Ethnic groups from neighbouring countries have also

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<sup>12</sup> Markakis, J. (ed) *Conflict and the Decline of Pastoralism in the Horn of Africa*. (London: Macmillan, 1993) p. 124.

<sup>13</sup> Moranism refers to the status practiced by the morans or young warriors who have undergone initiation into adulthood and are required by the community to demonstrate that they are capable of defending the community. They engaged in various activities which traditionally were acceptable such as cattle rustling to show bravery and strength. In the modern practice, this is no longer acceptable as societal norms have changed and the morans also use lethal firearms.

<sup>14</sup> Osamba J. "The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya" in the *Online Africa Journal in Conflict Resolution*: No. 2/2000: "www.accord.org.za\_

<sup>15</sup> Ocan, C.M *Pastoral Crisis in North-Eastern Uganda: The changing Significance of Raids*.



been involved in cross-border revenge missions through cattle raids. Such groups include the Merille from Ethiopia, the Toposa from Sudan and the Karimojong and the Sabei from Uganda.

Economic motive for cattle rustling is compounded by several factors. Commercial meat dealers encourage cattle rustling as they buy the livestock at low prices but make huge profits through the trade. Owners of vehicles which transport the stolen livestock from rural settings to various towns within the country also make good bargain of cattle rustling. There are traders who specialize in animal skin business and they too benefit from cattle rustling.

The new NARC government of Kenya has been making efforts to revive the once lucrative Kenya Meat Commission (KMC) with the view to creating a market for communities keeping livestock. This could be viewed from several perspectives. If revived, it will offer a viable economic activity to pastoralist communities. To a large extent, this economic activity will attract related forms of trade and increase development in the affected areas. It is important to add that the economic activities prompted by a viable trade in livestock will not only earn the country foreign exchange but it will also resolve the problem of cattle rustling and offer an alternative means of livelihood to the affected communities.

## **Frequency of crime incident**

### ***Month***

The incidence of cattle rustling by month as observed in 2002 is informed by a number of reasons mainly revolving around weather patterns. While this is culturally tied to the pastoral lifestyle and the need to restock when it is most appropriate in terms of weather conditions, it is important also to mention that there are other intervening variables that are not necessarily influenced by such factors. These, for example, include commercial motives behind which cattle rustling are perpetuated purely for financial gains. This can take place any time of the year, other factors notwithstanding.

### ***Comparison between 2002 and 2001***

A comparison between the frequency of cattle rustling incidents in 2002 and 2001 shows that although the trend is the same, as Chart 16 below shows, there was a slight increase in incidents reported in 2002. The chart

also shows that the frequency was high between January and March, July and September. Considering the fact that there are favourable weather conditions between March and October, then this partly explains why an almost similar trend is observed in both years. However, it should be noted that cattle rustling also tends to increase during the dry seasons and this is evident from the chart where the frequency is high in January but steadily falls beginning of April when the long rains normally start.

Areas inhabited by pastoralist have both wet and dry seasons. Communities rearing cattle in particular occupy the drier parts. During the wet season, there is pasture and water. This is when all the animals are brought home to the homestead. During this time, rustling is reduced and relations with neighbours are good. The wet period starts from April/May and ends in August/September. Pastoralists become a problem to themselves and their neighbours during the dry seasons when there is a serious shortage of water for animals and people. This is when the nomadic life begins.

The youth in the age bracket of 15-35 years start the long walk in search of pastures. Cattle rustling picks up with fatal and destructive consequences on communities. The argument is supported by Osamba who argues that the attempt by pastoralist societies to ignore the colonial boundaries and interpret them according to traditional ecology has exacerbated tensions between pastoralists and agricultural communities. During good rains, livestock have enough pasture to eat. However when the rains fail and droughts occur, animals are often taken to territories belonging to other clans or ethnic groups which eventually leads to conflict.<sup>16</sup>

Towards the end of the dry spell, many animals die due to lack of pastures and water. The communities living around the mountainside or highlands where some little rainfall is received periodically tend to become victims of cattle rustling as communities living in semi-arid and arid areas tend to attack them in pursuit of animals to re-stock. Resource based conflicts also tend to be regular along the highlands as communities fight for the only available pasture. Some communities plan well and preserve grass along highlands

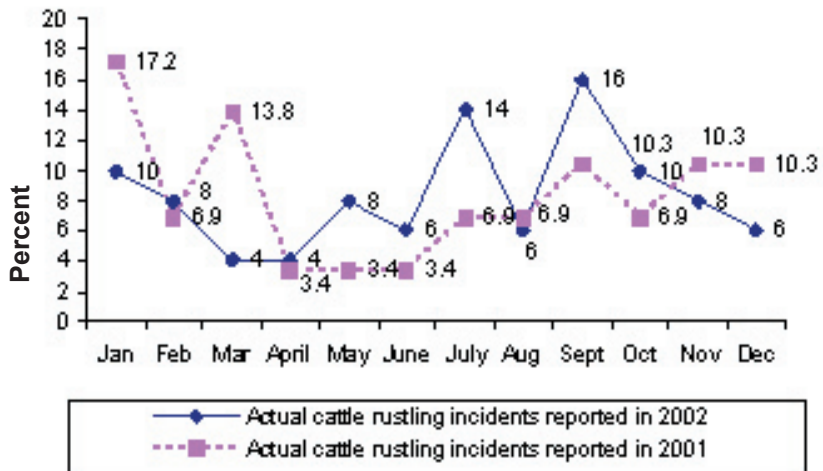
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<sup>16</sup> Osamba J., *op cit*.

**Table 19: Distribution of cattle rustling incidents by month in 2002**

Month	Frequency	Percent
January	5	10.0
February	4	8.0
March	2	4.0
April	2	4.0
May	4	8.0
June	3	6.0
July	7	14.0
August	3	6.0
September	8	16.0
October	5	10.0
November	4	8.0
December	3	6.0
<b>Total</b>	<b>50</b>	<b>100.0</b>

**Chart 15: Frequency of cattle rustling incidents by month for 2002 and 2001**



### Type of firearms used and recovered

In total, 278 weapons were reportedly used in cattle rustling in 2002. There were 258 firearms and 20 crude weapons. This is a clear indication of how gun culture has wrought defence mechanisms amongst pastoral communi-

ties in the name of providing themselves security against real and speculated attack by neighbouring communities.

Statistics on the types of firearms used indicate that rifles are the most preferred. Rifles constituted a total percentage of 61.6%. Out of the total number of firearms used, AK-47 rifles constituted 30.6%, G3 rifles 25.6% and M 16 rifles 5.4%. Guns in general constituted 12.6% of the total firearms used while unspecified firearms and rifle propelled grenades comprised of 9.7% and 9% respectively.

One indicator that could clearly show that the choice of firearms is determined by factors such as the type of crime, geographical location, source and availability, is the characteristic and exclusive use of certain types of firearms. For instance, pistols were not reported to have been used in cattle rustling. In other types of crimes like robbery, carjacking and murder, pistols were the most preferred firearms.

Cattle rustling was traditionally accepted but in modern times, it has risen to levels of grave concern, particularly because of the application of dangerous firearms. Rifles were not only the weapons of choice but also rifle propelled grenades were used. It is only in cattle rustling that rifle propelled grenades were used. This indicates the extent to which the communities undertake to make cattle rustling as lethal as possible. It is important also to underscore the fact that the firearms analyzed in this section may be a tip of the ice-berg as many more firearms could be in use but are not reported. Such firearms remain in discreet use and circulation.

The problem of illegal circulation of small arms and light weapons in the sub-region of the Horn of Africa has a long history. In the 1970s, the Turkana and Pokot of Kenya took advantage of the civil war in Sudan and Ethiopia to buy and acquire firearms. The Sudanese nomadic tribes of Didinga and Toposa also acquired arms. The Karamojong first acquired a lot of firearms in 1979 when Idi Amin soldiers' fled Moroto barracks located in Northern Uganda while abandoning a huge armoury. Later, it became a fashion of life that every pastoralist male had to acquire a gun. With the knowledge that others were armed, communities started a systematic process of arming themselves for security purposes.

A research conducted by the SRIC on the proliferation of small arms in the North Rift alone, for example, estimated that every 50% of all males aged 15 years and above, are presumably armed. Consequently, the research

found that in the North Rift alone, there are about 127, 519 firearms illegally possessed.<sup>17</sup> In rather a conservative manner, the authors argue that the figures could be much higher.<sup>18</sup>

In Kenya, most of the areas where cattle rustling activities have been prevalent, various other external problems have also been experienced. For example, cross-border raids are not only staged within the communities but also from across neighbouring countries. It is widely believed and speculated that most of the firearms used in cattle rustling and other crimes as well find their way into Kenya from the neighbouring states. Some of the sources of illegal firearms used in cattle rustling include Southern Sudan, the home of Sudan Peoples' Liberation Army (SPLM). Other sources are believed to be Uganda, Somalia and Ethiopia as expounded in *Terrorized*

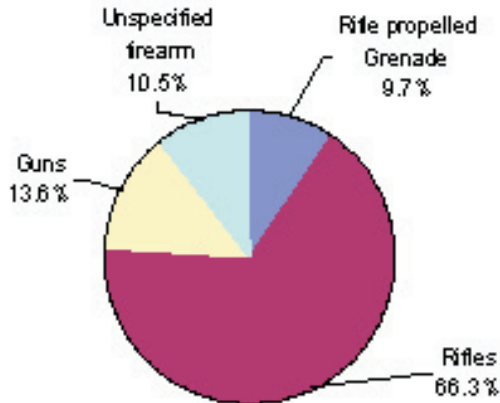
**Table 20: Type and estimated number of Weapons used in cattle rustling in 2002**

Type of weapon		Total	Percent
<b>Rifles</b>	AK 47	85	30.6
	G3	71	25.6
	M 16	15	5.4
<b>Subtotal</b>		<b>171</b>	<b>61.6</b>
Rifle propelled grenade		25	9
Gun		35	12.6
Unspecified firearm/firearm general		27	9.7
<b>Subtotal</b>		<b>258</b>	<b>92.8</b>
Crude weapons		20	7.2
<b>Total</b>		<b>278</b>	<b>100</b>

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<sup>17</sup> Kamenju, *et al*, *op cit*.

**Chart 16: Type and estimated number of firearms used in cattle rustling incidents in 2002 (number of firearms = 258)**



### ***Firearms recovered***

In 2002, only 27 rifles were reportedly recovered in cattle rustling activities and this was a rare occurrence. Reported cases of firearms recovery were too low and therefore not valid for a conclusive analysis.

The low recovery of firearms, particularly in cattle rustling activities, could be attributed to various factors. Government operations to forcefully recover firearms from pastoralists have always been very futile. Voluntary surrender of firearms after the government's call of amnesty has also not led to recovery. Firearms amongst pastoral communities are said to be owned communally, can be inherited and are also used as dowry. Clearly, this indicates the value pastoral communities attach to firearms as a means of protecting their livestock from external raids.

### **Trends**

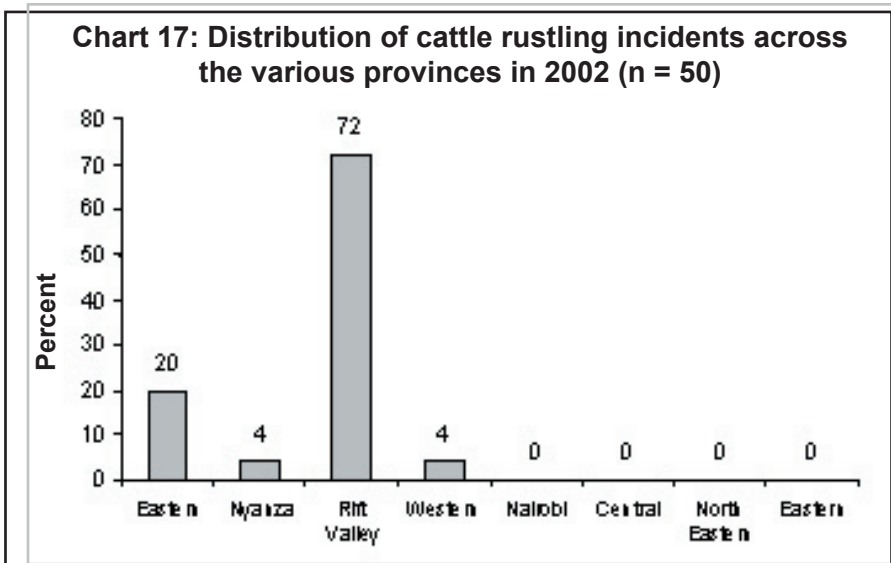
#### ***Distribution of crime across the provinces***

Most of the cattle rustling incidents reported in 2002 took place in the Rift Valley Province (72%). Compared to 2001, this was a 4.1% increase from 67.9% reported to have taken place in the same province in the previous year. Even though there are obvious limitations in terms of the reported actual incidents, authoritatively, it could be argued that cattle rustling activities

were most prevalent in the Rift Valley.

The second most affected province by the problem of cattle rustling in 2002 was Eastern Province. In comparison to other crimes that took place in the province, cattle rustling recorded 11.8% of the total crime in Eastern. Western province was least affected by most crimes analyzed but surprisingly it had 9.1% of cattle rustling activities as compared to total crime in the province. The province had a paltry 22 incidences of total crime and at least two involved cattle rustling incidences.

Nyanza province also had two incidences of cattle rustling while North Eastern and Coast provinces surprisingly, had no incidences of cattle rustling. Possibly, in these two provinces, there were other incidences that were not reported. The trend indicates that cattle rustling could occur anywhere in Kenya and the incidences are not limited to traditionally perceived crime-prone areas.



**Table 21: Distribution of cattle rustling incidents across the various provinces in 2002**

Provinces	Frequency	Percent	East-
ern	10	20.0	
Nyanza	2	4.0	
Rift Valley	36	72.0	
Western	2	4.0	
Nairobi	0	0	
Central	0	0	
North Eastern	0	0	
Eastern	0	0	
<b>Total</b>	<b>50</b>	<b>100.0</b>	

**Table 22: Distribution of cattle rustling incidents across the various provinces in 2002 as compared with total crime**

	Proportion of cattle rustling of all the crime that occurred in the province	Number of cattle rustling incidents (Total = 50)	Total for other crime incidents	Number of crime incidents (Total = 826)
Central	0	0	142	142
Coast	0	0	35	35
Eastern	11.8	10	75	85
Nairobi	0	0	249	249
North Eastern	0	0	12	12
Nyanza	2.8	2	70	72
Rift Valley	17.2	36	173	209
Western	9.1	2	20	22

### ***Distribution of crime at various locations***

Various reasons could help explain why cattle rustling activities are common in certain districts and not others. First and foremost is the fact that the livelihoods of the mainly nomadic people living in these areas are based predominantly on livestock rearing, particularly herds of cattle. Therefore, criminal activities revolve around the acquisition of livestock for a variety of reasons.

Secondly, the commercialization of cattle rustling has come to be the main motive behind cattle rustling. Herds of cattle are stolen and in turn sold to businessmen who sell the animals to slaughter houses. This is a lucrative



illegal business due to the huge profits that are accrued. In some instances, the process of disposing of stolen cattle is conducted on a throw away price bargain.

Through commercialization of cattle rustling, the country loses millions of shillings at the expense of foreign exchange, rates and license fees that should be collected by the government. According to the statistics available as reported in the newspapers, some 3, 722 cattle were stolen in 2002. Majority of these were stolen from Turkana district (1120), Isiolo district (800), Tana River district (400) and Marakwet district (325) as shown on Table 25.

Kenya seemingly loses a lot of revenue from cattle rustling activities. If for instance a constant amount or price tag was to be valued to every cattle at approximated Ksh. 15, 000, then it would follow that a total of Kenya shillings 558, 000,000 or \$ 7,342,105 (over half - a - billion Kenya shillings) was lost through cattle rustling in 2002. This is a conservative figure and could be far higher in the sense that there definitely were more cattle rustling incidents and more cattle stolen than was actually reported.

Areas prone to cattle rustling are underdeveloped with extremely poor road network. The amount involved and lost in cattle rustling could, for instance, construct a principal major road network in Eastern and North-Eastern provinces. Such a road could obviously link up the two provinces to the other parts of the country for economic growth and development. One of the surest ways of developing any area is by the provision of good infrastructure.

Some areas in the provinces affected by cattle rustling are under-developed in terms of provision of social amenities, particularly schools. As the figure above indicates, the amount lost in cattle rustling is enough to substantially fund free primary education programme for a year in the same provinces for all the school-going age of over 2 million youths.<sup>20</sup>

Now that the Kenya government is committed to reviving the defunct Kenya Meat Commission, it is hoped that this vision will be a development opportunity for pastoralist communities. Indeed, one would also argue that meat export would earn the country foreign exchange, especially during the peak season of festivities to regions like the Middle East during the month of Ramadhan.

Efforts to improve trade and commercial activities amongst pastoralist communities would be a double achievement as it would be one of the most viable means of addressing the problem of the proliferation of Small Arms and Light Weapons (SALW) in Kenya. Development activities would also open up the provinces to other parts of the country through free movement of people, goods and services on good infrastructure and social amenities.

Most of the areas affected by cattle rustling are vast and also home for many wild animals. Improved road network would also attract local and international tourism. The vast land could also be irrigated for commercialized agriculture and livestock keeping. By so doing, conflicts amongst pastoralists based on resources would be resolved. Increasingly, cross border conflicts between

**Table 23: Detailed locations of cattle rustling incidents across provinces in 2002**

Geographical Location	Province				
	Eastern	Nyanza	Rift Valley	Western	Total
Baringo District			1		1
Bungoma				1	1
Gucha-Migori border		1			1
Isiolo general/District	2				2
Kenya - Ethiopia border			2		2
Kenya - Sudan border			1		1
Kuria District		1			1
Kenya - Uganda border			1		1
Kerugoya			5		5
Meru North District	5				5
Marakwet District			8		8
Mumias - Butere District				1	1
Marakwet - Baringo border			2		2
Nakuru			2		2
Nanyuki			1		1
Samburu District			1		1
Transmara - Gucha border			1		1
Turkana District			10		10
Tsavo East National Park	3				3
West Pokot District			1		1
<b>Total</b>	<b>10</b>	<b>2</b>	<b>36</b>	<b>2</b>	<b>50</b>

<sup>20</sup> See, *Republic of Kenya: 1999 Population and Housing Census* (Nairobi: Central Bureau of Statistics, 2001) Vol. II.

**Table 24: Number of animals reported stolen in cattle rustling in 2002<sup>1</sup>**

<b>Geographical area</b>	<b>Animals Stolen</b>
Isiolo general/District	800
Kerio Valley	13
Kuria District	300
Kenya - Uganda border	100
Kerugoya	42
Meru North District	166
Marakwet District	325
Marakwet - Baringo border	148
Nakuru	308
Tana River District	400
Turkana District	1120
<b>Total</b>	<b>3722</b>

<sup>1</sup>These estimates do not include reported cases in which the number of animals stolen was either unspecified or not known.

## Summary

- There were only 50 incidents of cattle rustling reported in 2002 but seemingly the incidences may have been underreported.
- A total of 3,722 livestock were reportedly stolen in the same year. In monetary terms, this was estimated to have cost the communities and the government over Ksh 0.5 billion, enough to substantially fund free primary education programme in the affected districts.
- The key factors contributing to the problem of cattle rustling were: communal response to adverse ecological calamities, resource based conflict brought about by imposed colonial boundaries, commercialization of the practice and retrogressive cultural practices like moranism, among others.
- Cattle rustling were found to be most prevalent in the Rift Valley Province followed by Eastern Province in 2002.
- Rifles, predominantly AK-47s, were found to be the most preferred weapons in cattle rustling.
- The proliferation of small arms and light weapons has changed cattle rustling tactics from the use of traditional weapons to the use of military style conventional firearms.
- Firearms used were hardly recovered and a meagre 27 rifles were reportedly recovered.



## *Chapter 5*

# **POLITICS-RELATED VIOLENCE AND LAND CLASHES**

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### **Introduction**

The events unfolding in the prelude to the December, 2002 general elections in Kenya are examined in this chapter. This chapter was necessitated by the realization that there were crime incidences that occurred under political pressure or environment. It has also been noted with concern that land clashes in Kenya are mainly politically instigated and are known to occur in the run up to general elections.

A number of factors contributed to the uniqueness and magnitude of political violence during this period. For the first time, Kenya was going to have a transition without President Daniel arap Moi being one of the contenders after being in power for 24 years. Alliances and counter alliances were formed as a possibility of outmanoeuvring political parties' influence in this important event in the history of Kenya. Anxiety amongst the politicians played a key role as they kept guessing who was going to succeed Moi especially from KANU's political stalwarts.

### **Political violence**

In the run-up to the general elections, it became clear that the activities of the politicians would eventually yield to violence. The debate on succession got hot at the height of a political courtship between the then defunct National Development Party (NDP) and Kenya African National Union (KANU). This debate was characterized by political mobilization of the people through what later became to be pseudo political gangs.

The situation deteriorated when it became clear that Moi had already settled on Uhuru Kenyatta son of the former president, the late *Mzee* Jomo Kenyatta, as his successor. Opposing groups were formed in readiness to support certain favoured politicians. The formation of the National Rainbow Coalition (NARC) brought remarkable change in the political events. The realization by KANU that it was fighting a united opposition led to an open

confrontation that in the long run culminated into violence. Violence affected mainly the middle and low level constituents who form the bulk of voters in Kenya.

## Trends

Political violence heightened beginning August 2002. Analysis in this chapter focuses much on this period. A close look at the political developments from August 2002 to the time the general elections were held shows that over 70 politically motivated incidents reportedly took place. These ranged from violent confrontations to open incitements by politicians which led to clashes. Use of firearms was recorded. For instance, a parliamentary candidate drew a gun to threaten a man he accused of smuggling ballot papers to rig him out.<sup>21</sup> At around the same time, a gang of youthful goons armed with AK-47 assault rifles attacked residents of Garissa as they robbed voter's cards.<sup>22</sup> In a span of two months between September and early December, 31 people had been reportedly killed and many others seriously injured in politics-related violence.

To further demonstrate the level of political violence over the period, on August 1, a Parliamentary Select Committee was set up to investigate the mushrooming of pseudo-political gangs. In the same month, members of the outlawed *Mungiki* sect demonstrated in Nairobi armed with assorted weapons in support of the KANU presidential candidate Uhuru Kenyatta.<sup>23</sup> Later in the year, Cabinet Minister Raila Odinga's car was sprayed with bullets at Mbangale, between Mwingi and Tana River districts.<sup>24</sup> Most of these incidents had earlier been anticipated but the situation still got out of hand leading to violent political incidences.

The worst of the political violence activities witnessed in early September came when six people were killed, two of them in Bogiakumu Catholic Church in Bonchari Constituency in Kisii after expressing interest in vying for civic seats.<sup>25</sup> At around the same time in North-Eastern province, the then Provincial Commissioner, Mr. Mohammed Swaleh, warned politicians against hiring Somali militia to cause havoc in the general elections campaigns.<sup>26</sup> In Mwea, former Cabinet Minister Mr. Joseph Nyagah and outgoing Mwea

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<sup>21</sup> *Daily Nation* (Nairobi), November 25, 2002, p. 14.

<sup>22</sup> *East African Standard* (Nairobi), December 4, 2002, p. 6.

MP, Mr. Alfred Nderitu, escaped death narrowly when they were attacked by suspected KANU supporters armed with poisoned arrows.<sup>27</sup>

As the elections drew close, it became very clear that even policemen were getting gradually drawn into the politics of the day and so were students. On November 9, an enraged police officer exploded a teargas canister in a downtown pub in Nairobi after bar patrons talked ill of his preferred presidential candidate.<sup>28</sup> In Sikhendu Secondary School, a 16-year-old student was stabbed to death by a colleague following an argument over which party between KANU and NARC, each was supporting.<sup>29</sup> In Nyamira, a pupil was shot dead when Assistant Minister, Mr. Joseph Kiangoi, opened fire at a group of rowdy FORD People supporters pelting stones on their vehicle.<sup>30</sup> In Gem, a NARC parliamentary aspirant, Mr. Elijah Obare Asiko, was murdered in his rural home.<sup>31</sup>

Events that took place in 2002 unfolded in several phases. Phase one occurred early in the year for about four months when a few political incidences took place. In the second phase between May and July, politically instigated violent crimes increased leading to the dramatic rise in August up to the election period. The first transition year demonstrated two important factors. Kenyans demonstrated that they were a mature nation as in spite of the political heat, there was normalcy to a large extent. Election years are bound to generate a lot of political violence. In this view, the need for the government and law enforcement agencies to be vigilant is underscored.

At different times of the year, various vigilante and politics-related gang groups emerged in support of preferred candidates. The gangs were so daring that they confronted opponents almost with impunity, destroyed property, caused injuries and even killed. In as much as political contend-

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<sup>23</sup> *Daily Nation* (Nairobi), August 20, 2003 p.1.

<sup>24</sup> *Saturday Nation* (Nairobi), October 5, 2003, p. 1.

<sup>25</sup> *Daily Nation* (Nairobi), September 17, 2002.

<sup>26</sup> *Ibid.*

<sup>27</sup> *The People Daily*, December 19, 2002, p. 1.

<sup>28</sup> *Saturday Nation* (Nairobi), November 9, 2002, pp. 1-2.

<sup>29</sup> *East African Standard* (Nairobi), December 6, 2002, p. 10.

<sup>30</sup> *Saturday Nation* (Nairobi), December 21, 2002, p. 3.

<sup>31</sup> *The People Daily* (Nairobi), December 17, 2002, p.1.

mechanism for holding them responsible for the violence need to be put in place. Political supporters in Kenya respect and in some cases adore their leaders to an extent that they will do everything at their disposal to please and demonstrate their loyalty. In this vain, politicians have a moral obligation to urge their supporters to conduct themselves modestly and with dignity.

Essentially, the government needs to deal with presidential, parliamentary and civic candidates with severity to ensure that during election and campaign year, there is adherence to law and order. As trouble is anticipated over campaign period, increased police surveillance in political rallies would tone down tensions and consequently prevent violence and confrontation between opposing party supporters. The supporters who take advantage of the period to commit crime should be dwelt with according to the law. They should not only be punished and imprisoned but the law of justice should prevail and make the offenders pay for damaged property and life imprisonment where they cause bodily harm and death.

## **Land clashes**

In Kenya, land clashes refer to violent confrontation between different ethnic communities over land-related problems. The clashes often occur in areas where the land is perceived to traditionally belong to a specific ethnic community. During the colonial period, many communities were displaced from traditional ancestral land as the settlers sought fertile land for farming. When Kenya regained independence, it appears that land-related policies were either flawed or were disrespected. This led to a situation where many Kenyans were left landless while others became squatters on huge farm lands previously possessed by white settlers.

According to the Akiwumi Report of the Judicial Commission appointed to inquire into ethnic tribal clashes in Kenya, the tribal clashes began in 1991 in the Rift Valley, Coast, Nyanza and Western provinces.<sup>1</sup> At the time, Kenya was clamouring for the repeal of Section 2A of the Constitution so that Kenya could exercise multi party politics. More than ever before, Kenyans demonstrated against the government of the day. Due to the pressure mounted, the government repealed the Constitution and the first multi-party elections were conducted in 1992. The political temperatures in Kenya were high and the land clashes that occurred were linked to political dispensation. Loyalties were divided between those who supported single party politics and hitherto identified with KANU vis-a'-vis multi-party adherents. Even though tribal-based, the clashes were perceived to be political in nature.



*The attacks were barbaric, callous and calculated to drive out the targeted groups from their farms, to cripple them economically and to psychologically traumatize them. Many of the victims were forced to camp in schools, church compounds and shopping centres. There they lived in makeshift structures of polythene sheets, cardboard and similar materials.*<sup>33</sup>

In the run-up to the general elections in 1997, tribal-related land clashes recurred in various parts of the country. As it was in 1992, the land clashes left a trail of destruction, death and hundreds of internally displaced persons. The main motivation was viewed from a political perspective. Those behind the clashes seemed determined to have KANU regain power. For a presidential candidate to win, he or she must garner a majority vote from at least five provinces. Opposition supporters were a perceived threat to this end. In this vein, the clashes were politically instigated with the objective of securing votes from those who supported the system.

In 2002, the political landscape catapulted as former president Moi made a political miscalculation of hand-picking Uhuru Kenyatta as his preferred successor. The political blunder created rebellion and dissent from within KANU leading to the coalition between NAK and LDP. Unlike in the two previous general elections, the first transition elections in Kenya were violent but only 15 land clashes were reported. Even though this figure might not represent the actual incidences that occurred, at least from common knowledge, fairly few political ethnic land clashes took place in 2002 as compared to the violent multi party national elections in 1992 and 1997.

Of the 15 land clashes incidences reported in 2002, 53.3% occurred in the Rift Valley Province while 26.7% took place in Nyanza province. Significantly, the two areas that were particularly affected by the clashes were in Rift Valley and Nyanza provinces. The specific geographic areas were Transmara-Gucha border, Gucha-Migori border, Kajiado-Machakos border, Marakwet District, Maseno, Nyamira District, Ruaraka, Tana River District and Transmara.

The incidences were far too few to draw any logical analysis and conclusion. However it is important to mention that the magnitude of land clashes in 2002

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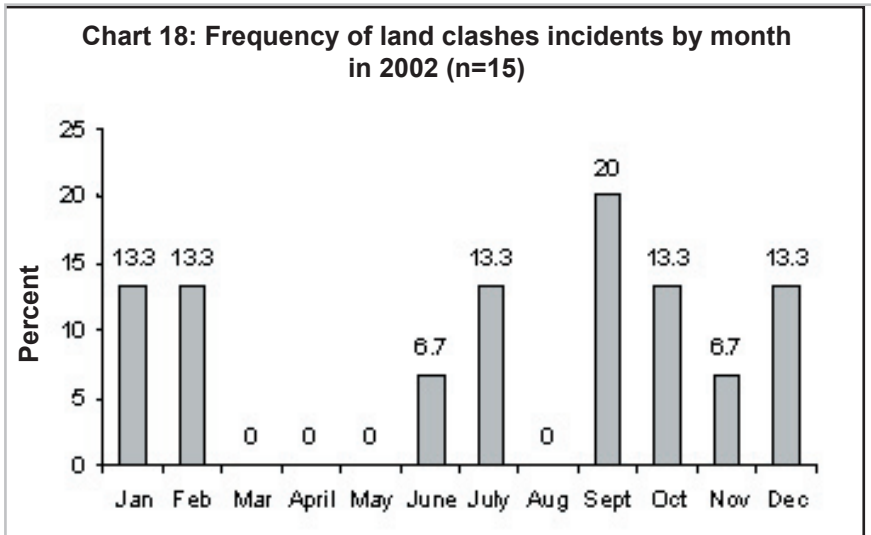
<sup>32</sup> Akiwumi A. M.: *Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya* (unpublished Report as serialized by *Daily Nation* in October 2002 and downloaded from *Daily Nation's website*: <http://www.nationaudio.com>

<sup>33</sup> *Ibid.*; Excerpt from Chapter One "Tribal Clashes in the Rift Valley Province," p. 2

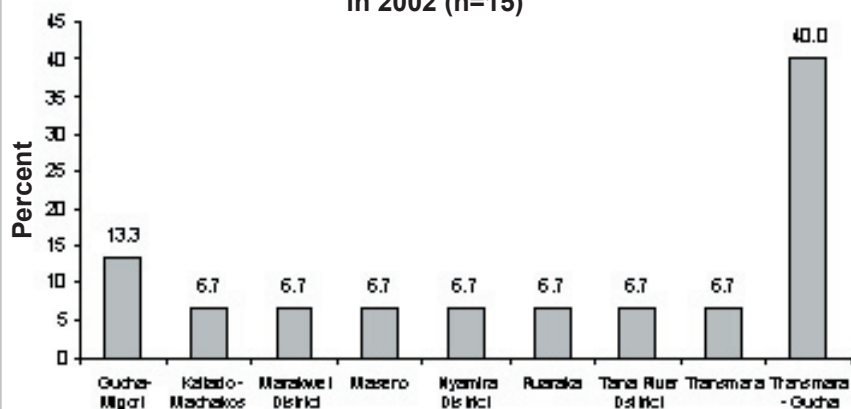
is far below the incidences that took place in 1992 and 1997. It is also clear that some of the clashes occurred across the district borders. This means that there was some tribal animosity that may have been exuded through politically instigated tribal land clashes in these the affected areas.

The fact that there were only a few incidences of land clashes could mean that the transition period may have caused anxiety amongst political instigators. Concerned by the uncertainty that was prevailing throughout the country at the time, politicians and power brokers might have been careful not to insight clashes least they be held responsible for their deeds when the next government took over leadership. This confirms the observation that land clashes in the past were politically motivated.

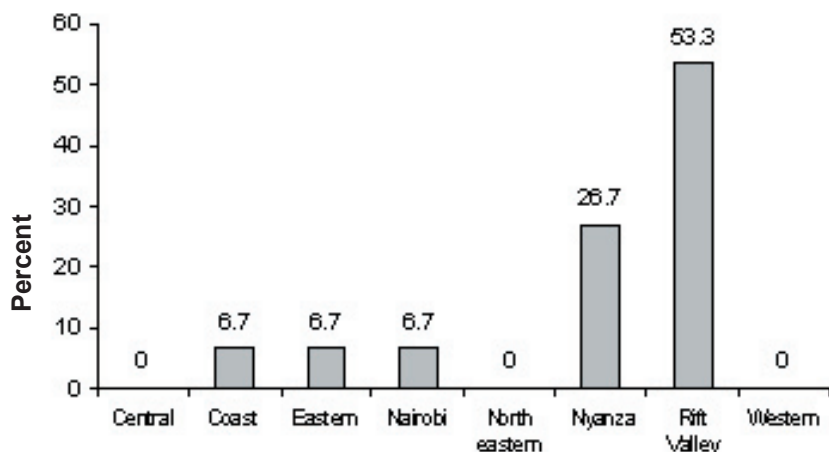
Events in 2002 indicate that with good political will, land clashes could be eliminated. With great anticipation, it is hoped that the NARC government will dedicate energy and time in eliminating some of the vices that previously got so entrenched into our country. Such commitment will not only address and eliminate land clashes but would also form a platform for addressing



**Chart 19: Geographical distribution of land clashes in 2002 (n=15)**



**Chart 20: Distribution of land clashes incidents across the provinces in 2002 (n=15)**



## Summary

- Political violence in the run up to the general elections heightened from August to December, 2002.
- In the period, at least 70 politically instigated incidences took place ranging from violent confrontations to open incitement by politicians leading to clashes.
- In the course of 2002, various vigilante and politics-related gang groups emerged in support of preferred candidates.
- Land clashes in Kenya have been known to mainly occur during the run up to the general elections.
- In 2002, land clashes occurred to a lesser magnitude as compared to the earlier multi party elections in 1992 and 1997.
- Rift Valley and Nyanza provinces were the worst hit by the land clashes.
- Some of the land clashes occurred along the district boundaries.

## *Chapter 6*

# **SECURITY AGENTS MISCONDUCT**

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### **Circumstance of crime**

This section informs the reader of security agents misconduct under various circumstances. In contextual definition, security agents misconduct here refers to crimes involving a firearm and which were committed by a law enforcement agents. Security agents here include regular police and traffic police, administration police, military officers and government security agents in general.

Security agents fall under disciplined uniformed forces with a code of conduct which they must adhere to. In this study, security agents misconduct is mainly attributed to instances and situations when they abused office and misused their firearms while on duty or off duty. Circumstances under which security agencies engaged in misconduct were categorized as misuse of firearms (15 cases), general misconduct by security agent (29 ), extra judicial execution (1), misplacement of firearm (5 ), and releasing a suspect from police custody (1).

Security agents misconduct occurred under various circumstances. One of the most common is an instance when a security agent shot at a suspect

or a victim without following laid down procedures of handling a crime situation. In several occasions, security agents shot at innocent people when they mistook them for criminals. This reveals a weakness among security agents that at times they fail to undertake proper investigation while in the course of duty. Some officers even misused their firearms when they shot at an innocent civilians under unclear circumstances.

Many security agents were caught up in circumstances of misconduct while on the line of duty. This mainly happened when the officers were called upon to quell a riot staged by university students or by unruly mobs demonstrating over various causes. The officers responded with undue pressure. This appears a common occurrence whenever there is a demonstration.

Incidences of misconduct also occurred when security agents beat up a suspect to death in the process of handling a crime situation. The officers may not have meant to kill the suspect but death could have resulted as

<b>Crime</b>	<b>Count</b>	<b>Percent</b>
Misuse of firearms	15	29.4
Security agent misconduct	29	56.9
Extra-judicial execution	1	2.0
Misplacement of firearm/ammunition	5	9.8
Releasing suspect from police custody	1	2.0
<b>Total</b>	<b>51</b>	<b>100.0</b>

a result of excessive force applied by the security agents. This spells out the need for the officers to exercise restraint and self-control in the course of duty.

It is not pleasant to observe that in several circumstances, security officers reportedly engaged in social-related misconduct, particularly entertainment centres where the officers got drunk and ended up shooting at other revelers. General misconduct included an incident when an officer went on a drinking spree while on duty and in a drunken stupor misused his firearm. A close analysis of such circumstances under which security agents were caught with misconduct reveals that some officers tend to violate laid down rules meant to govern conduct while on duty and off duty. According to the Constitution, being on duty drunk is an offence. It is unfortunate that a police officer even lost his firearm to a prostitute after a drinking spree.

On several occasions, security agents shot at each other or at other perceived enemies over love affairs. This happened mainly at social places where interest was shown for a common woman or over a suspected secret affair between a woman and a married man. Tendencies of this nature showed failure of some officers to practice professional ethics.

### **Frequency of crime incident**

The first month of the year 2002 recorded no incident of security agent misconduct but the following month had the highest incidences. The two extremes manifested in January (zero) and February (17.7%) confirms that

security agents in various circumstances engaged in misconduct while in other situations, they observed the code of conduct. At the beginning of the year, there are a lot of economic activities in Kenya. January being the first, the officers might have started on a diligent note but in February, this may not have been the case.

In 2002, there was a gradual rise and a gradual decline of security agent misconduct between February and December but with a pick in June and July. The pattern further confirms that security agents engage or get caught in in separate forms of misconduct throughout the year.

With regard to the three tiers in the year, the second tier (May-August) had the highest average of security agents misconduct (11.8%), followed by the first tier (7.8%), and third tier (5.4%) respectively. While in robbery and hijacking the first tier of the year recorded high average of crime, security agents misconduct was highest in the second tier. In robbery and hijacking, second tier had the lowest average. The difference here could be seen in two ways. One, security agents anticipated crime at the beginning of the year and hence were very vigilante. Two, security agents were committed to the call of duty and therefore they were conscientious in the first tier of the year but could have relaxed in the second tier when average security agents misconduct was highest.

To a certain extent, the dented image that the force impresses on the public could be based on these isolated cases reported in the media. The general perception of the public towards security agencies is that they are corrupt, inept and inefficient. Kenyans expect efficient services and good interaction with the police. When in a few circumstances a few officers are caught on

<sup>34</sup> *Utumishi kwa wote* is a *Kiswahili* phrase meaning 'service to all,' and it is the police motto.





**Table 26: Frequency of security agent misconduct by month in 2002**

Month	Proportion of security agent misconduct by month	Average proportion of security agent misconduct by month
January	0	<b>First Tier: 7.84%</b>
February	17.65	
March	5.88	
April	7.84	
May	9.80	<b>Second Tier: 11.76%</b>
June	15.69	
July	13.73	
August	7.84	
September	7.84	<b>Third Tier: 5.39%</b>
October	5.88	
November	3.92	
December	3.92	
	<b>100.00</b>	
<b>Total</b>	<b>51</b>	

## Type of firearm used and recovered

### *Firearms used*

An estimated total of 76 firearms and 10 crude weapons were used in security agent misconduct. Of these, rifles were the most frequently used at a total of 34 (or 39.6%). Guns and unspecified firearms were also used in security agent misconduct, a total of 20 and 22 respectively. A total of 17 pistols were used. Assuming that different ranks use the different calibre firearms, the various weapons used confirms that officers of respective ranks were involved in security agent misconduct and not just low ranking officers as one might expect.

Other than official firearms, security agent also reportedly used crude weapons - knives, *pangas* (Kiswahili for a cutting tool) and sharp object are included here . Use of crude weapons is therefore not limited to criminals only.

**Table 27: Type and estimated number of weapons used in security agent misconduct**

Category	Type	Total	Percent
Pistols		17	19.8
Rifles	AK 47	1	1.2
	G3	11	12.8
	Sterling	5	5.8
	<b>Subtotal</b>	<b>34</b>	<b>39.6</b>
Gun		20	23.3
Unspecified firearm/firearm general		22	25.6
<b>Subtotal</b>		<b>76</b>	<b>88.4</b>
Crude weapons		10	11.6
<b>Total</b>		<b>86</b>	<b>100.0</b>

**Chart 22: Type and estimated number of firearms used in security agent misconduct incidents in 2002 (number of firearms = 76)**



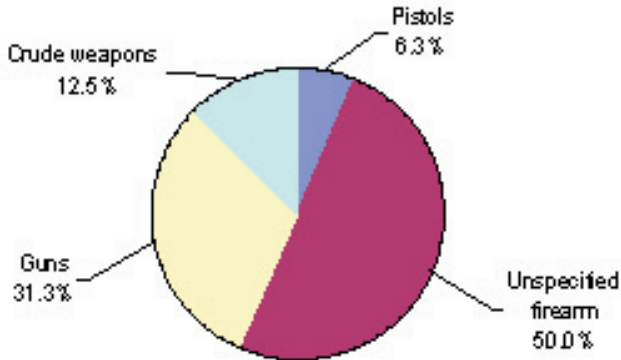
***Firearms recovered***

Only a small number of firearms (15) were recovered in security agent misconduct. Not only rifles, pistols and guns were recovered, but some explosives were also among those recovered. Although only two explosives were recovered, the fact depicts the variety of firearms that were misused by security agents. As only a few firearms were recovered, the rest remained in illegal circulation. Clearly, the proliferation of illicit small arms and light weapons has a percentage of firearms which were initially legal. To curb the problem of small arms proliferation, it is of utmost importance that even legal firearms be controlled.

**Table 28: Type and estimated number of weapons recovered in security agent misconduct in 2002**

Category	Type	Total	Percent
Pistols		1	6.7
Rifles	AK 47	3	20
	G3	4	26.7
	<b>Subtotal</b>	<b>8</b>	<b>53.4</b>
Guns	Gun (general)	2	13.3
	Submachine	3	20
	<b>Subtotal</b>	<b>5</b>	<b>33.3</b>
Explosives	Bomb general	1	6.7
	Mortar bomb	1	6.7
	<b>Subtotal</b>	<b>2</b>	<b>13.4</b>
<b>Total</b>		<b>15</b>	<b>100.0</b>

**Chart 23: Type and estimated number of firearms recovered in security agent misconduct incidents in 2002 (number of firearms = 15)**



### ***Distribution of crime within the various provinces in Kenya***

The overall rate of security agents misconduct against other forms of crime was fairly low. Out of 826 incidences, only 51 constituted of security agents misconduct. The rather low incidence of the crime shows that security agent misconduct is not a very serious crime and could be rooted out. However, the 51 incidences spell out the need for discipline to be enforced amongst errant officers.

High rate of security agents misconduct was reported in at least three provinces. Nairobi (17 cases), Rift Valley (15 cases) and Central (8 cases). These three provinces had high rate of other forms of crime particularly robbery and hijacking. Definitely, there seems to be a direct relation between these crimes and police misconduct. Therefore, addressing and curbing other forms of crime could have a positive impact towards addressing security agent misconduct.

**Table 29: Distribution of security agent misconduct incidents across the provinces in 2002 as compared with total crime**

Province	Proportion of security agent misconduct of all the crime that occurred in the province	Number of security agent misconduct incidents (Total = 51)	Total for other crime incidents	Number of crime incidents (Total = 826)
Central	5.6	8	134	142
Coast	2.9	1	34	35
Eastern	5.9	5	80	85
Nairobi	6.8	17	232	249
North Eastern	8.3	1	11	12
Nyanza	4.2	3	69	72
Rift Valley	7.2	15	194	209
Western	4.5	1	21	22

***Distribution of the crime within the city of Nairobi***

Nairobi province alone reported the highest rate of security agents misconduct with a total of 17 incidences out of 51 cases. Since Nairobi also had the highest rate of other forms of crime, the correlation between high rate of crime and security agents misconduct could be confirmed here. As a matter of fact, security agents are likely to commit crime in circumstances where other crime types are committed by civilians. This emphasizes the need for crime to be addressed from an all round approach as opposed to isolating any crime type.

Within Nairobi, North-East and CBD reported the highest number of incidences. At the North-East of Nairobi, there are many housing estates and there are also several slums and low income dwellings. One of the busiest highways - Thika Road - is located along the North-East side of Nairobi. The location has high police presence and the five incidences of police misconduct may have occurred in the line of duty. Similarly, CBD has a very high security agents presence round the clock. It is therefore not a surprise that there were four incidences of police misconduct reported in the area.

**Table 30: Distribution of security agent misconduct incidents within Nairobi in 2002**

<b>Directions within Nairobi</b>	<b>Frequency</b>	<b>Percent</b>
East	1	2.0
Central CBD	4	7.8
North-West	1	2.0
North	1	2.0
North-East	5	9.8
Nairobi general	1	2.0
South-West	2	3.9
South East	1	2.0
West	1	2.0
<b>Subtotal (within Nairobi)</b>	<b>17</b>	<b>33.5</b>
Outside Nairobi	34	66.5
<b>Total</b>	<b>51</b>	<b>100.0</b>

### **Summary**

- Incidences of security agents misconduct mainly occurred when officers were called to quell a riot or demonstration by a group of people or students.
- The officers applied undue pressure and excessive force while in the process of quelling riots and demonstrations.
- Other security agents misconduct involved beating a suspect to death and being intoxicated while on duty contrary to professional ethics.
- Security agents misconduct occurred throughout the year but most incidences were reported in the second tier between May and August.
- Police reforms including review of salaries and improving living conditions could to a large extent motivate and give incentive to the officers.
- An estimated number of 76 firearms and 10 crude weapons were used

## *Chapter 7*

# **POSSESSION OF ILLEGAL FIREARMS**

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### **Circumstance of crime**

Illegal possession of firearms affected both security agents and civilians. Reference of illegal possession of firearms is here made to firearms found on persons who should not be having them in the first place or officers handling firearms illegally or when they were off duty. Only in a few occasions were law enforcement agents were found in illegal possession of firearms. In most cases, criminals both men and women, were constantly found in possession of illegal firearms.

Criminals were found in illegal possession of firearms when police were on patrol and on close scrutiny inspected suspicious characters. While acting on a tip off from a member of the public, the police may have swung into action and in the process recovered illegal firearms from suspected criminals. In most of the incidences, officers were engaged in a fierce shoot-out with criminals before the firearms were recovered. In some cases, criminals mounted an illegal road block with the view to intimidate and rob unsuspecting motorists. Police on patrol or acting on a tip off from a member of the public may have responded and arrested the suspects. Under such circumstances, some illegal firearms were recovered from the criminals.

The general public played a key role in recovering illegal firearms. In several

incidences, the public mobbed up the suspects and arrested them while recovering illegal firearms. Indeed this is an indication that the principle of community policing is taking root in Kenya. In essence, the public is gradually changing from displaying a negative attitude to supporting the police in curbing crime.

A remarkable point under the circumstance of illegal possession of firearm is the fact that police ended up arresting suspects and recovered firearms from them. Recovery of illegal firearms adds credence to the efforts made by law enforcement agents. In most cases, the officers do their level best towards addressing the problem of proliferation of illegal firearms. Another remarkable issue is the fact that subsequent arrest of a suspect led to dislodging firearms syndicate, preventing crimes like illegal mounting of a road block by criminals, and illegal manufacture of firearms. These are no mean achievements in curbing crime in Kenya.

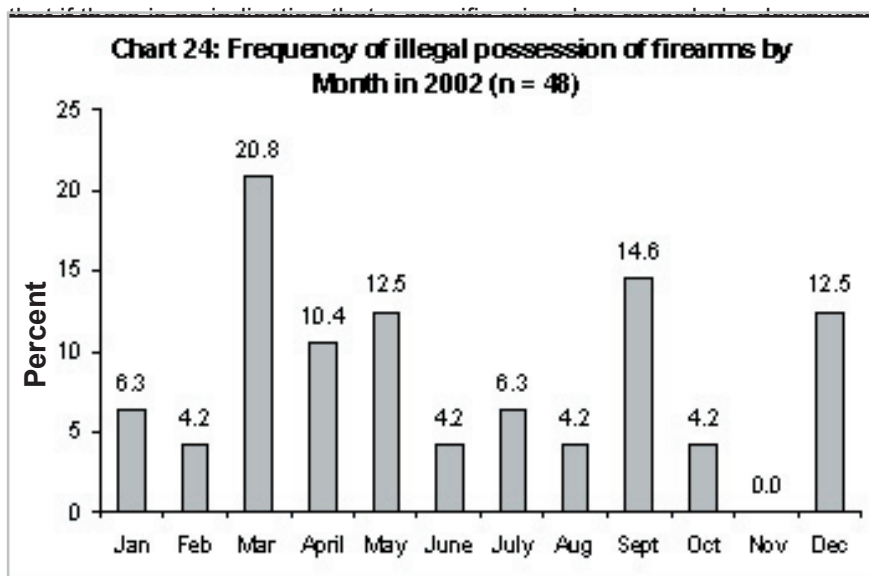
A paltry number of law enforcement agents were implicated in illegal possession of firearms. Some of the circumstances included failure by the officers to account for firearms assigned to them. In other situations, officers were arrested over theft of a firearm. The pool of illegal firearms circulating in Kenya seems to come from both legal sources and illegal sources. Essentially, there is need to control and regulate not only illegal sources of firearms but also legal sources as well.

### **Frequency of crime incident**



Illegal possession of firearm was not equally distributed throughout the year as there are some months that were more seriously affected than others. The highest incidences were reported in March which recorded 20.8% of the 48 total incidences. In view of the other crimes analyzed here, March obviously was not affected so much by other crime types. It is therefore surprising that the illegal possession of firearm recorded the highest incidences in March.

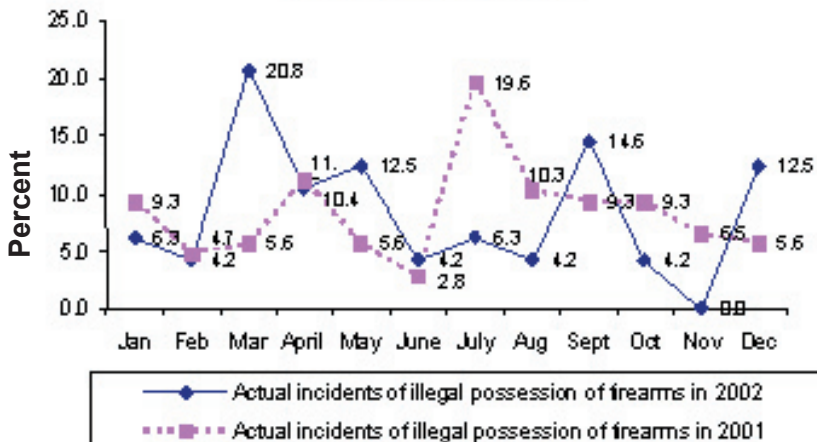
As mentioned earlier, there appears to be a direct link between various crime types. On the contrary, possession of illegal firearms seem to have occurred highest in March when in the same month, other crime types were not as high. Robbery and hijacking were reportedly high in January and February. Possibly, the same firearms used in the period could have been the very same ones that were used over the month of March. This means



**Table 31: Frequency of possession of illegal firearms by month for 2002 and 2001**

Month	Actual incidents of possession of illegal firearms 2002		Actual incidents of possession of illegal firearms 2001	
	Proportion of illegal possession of firearms per month	Average Proportion of illegal possession of firearms per month	Proportion of illegal possession of firearms per month	Average Proportion of illegal firearms per month
January	6.25	First Tier: 10.42%	9.3	First Tier: 7.7%
February	4.17		4.7	
March	20.83		5.6	
April	10.42		11.2	
May	12.50	Second Tier: 6.77%	5.6	Second Tier: 9.58%
June	4.17		2.8	
July	6.25		19.6	
August	4.17		10.3	
September	14.58	Third Tier: 7.81%	9.3	Third Tier: 7.68%
October	4.17		9.3	
November	0.00		6.5	
December	12.50		5.6	
	100.00		100	
Total	48		107	

**Chart 25: Frequency of illegal possession of firearms by month for 2002 and 2001**



## **Type of firearms possessed and recovered**

A total of 107 firearms were used in illegal possession of firearms and three were crude weapons. Pistols were the most commonly used firearms and at least a total of 47 were used. The fact that a wide range of pistols were evidently use shows that as it were, pistols are more often than not the weapons of choice. The wide range of specific types indicates that there is a reliable source and supply of pistols in Kenya.

Rifles were the second most illegally possessed firearms. These constituted 24.2% of the 107 firearms which were illegally possessed. This confirms the fact that rifles are the second most preferred firearms in most committed crimes. It also confirms the fact that they are readily available in a well supplied market.

A total of eight guns and 15 unspecified firearms were reportedly possessed illegally. To mark the intensity of illegal firearms was the use of improvised explosives and military mortar canners. The possession of all these firearms underscores the need for the police force to continually engage in investigation and search for illegal firearms in the fight against crime. In addition, use of metal detectors by police on highways and residential areas needs to be intensified.

Crude weapons were also reportedly found in the possession of criminals. Even though only three such weapons were reported, it is clear that there are criminals who carry crude weapons which are as deadly as firearms. Police in Kenya are very keen on searching suspects and a technology needs to be designed for detecting crude weapons as well. It is also absolutely necessary to outlaw the carrying of crude weapons. Such a measure could discourage criminals as the police would not be searching for firearms only but also crude weapons possessed by criminals.

**Table 32: Type and estimated number of weapons recovered in cases of illegal possession of firearms in 2002**

Type of weapons		Quantity	Percent
<b>Pistols</b>	Pistols	11	10.3
	Toy /gun	19	17.6
	Automatic	3	2.8
	US Colt	4	3.7
	Ceska	5	4.7
	Browning Automatic	2	1.9
	Beretta	2	1.9
	German Walther Automatic	1	0.9
<b>Subtotal</b>		<b>47</b>	<b>43.8</b>
<b>Rifles</b>	AK 47	10	9.3
	G3	3	2.8
	Russian Carbine	1	0.9
	Gun	12	11.2
<b>Subtotal</b>		<b>26</b>	<b>24.2</b>
<b>Guns</b>	Submachine	2	1.9
	Shotgun	1	0.9
	Patchet / submachine	1	0.9
	Home-made	4	3.7
	Unspecified firearm	15	14
<b>Subtotal</b>		<b>23</b>	<b>21.4</b>
<b>Explosives</b>	improvised explosives	6	5.6
	Military mortar canners	2	1.9
<b>Subtotal</b>		<b>8</b>	<b>7.5</b>
<b>Subtotal</b>		<b>105</b>	<b>97.2</b>
Crude weapons		3	2.8
<b>Total</b>		<b>107</b>	<b>100</b>

### ***Distribution of crime within the various provinces in Kenya***

This section compares illegal possession of firearms against the total crime that took place within the specific provinces.

Nairobi Province had the highest incidences of illegal possession of firearms (21). The crime constituted 43.8% of the total crime in the province which stood at 249 incidences. Even though Nairobi had the highest incidences of illegal possession of firearm, the overall comparison of the crime against the total number of crime show that illegal possession of firearm is not an

absolutely serious problem and it could be rooted out with police efforts and with support from the members of the public, particularly through community policing.

Rift Valley Province came second on the cases reported of possession of illegal firearm with a total of 12 incidences. On the whole, there were 209 cases of crime reported in the province. Illegal possession of firearms took 25% of the total crime. Comparatively, illegal possession of firearms was not a very serious crime in the province. Like Nairobi, police and public initiatives could help curb the crime.

Eastern Province had an overall total of 85 crime incidences. This was an average number considering that 826 incidences were cut out for analysis. In the province, there were four cases of illegal possession of firearms. In view of the fact that Eastern is one of the provinces most affected by banditry activities and cattle rustling, it is clear that the number of cases reported could be far from the reality on the ground. As it has been indicated in previous publications in this series, Eastern Province is vast and semi-arid. The terrain, coupled by lack of infrastructure, may have inhibited accurate and apt reporting from the ground. This could explain why the total number of crimes in the province and cases of illegal possession of firearms were rather low.

A total of 12 incidences of crime were reported in North-Eastern Province. Of this, illegal possession of firearm took 6.3% or three cases. Like Eastern, the province is prone to banditry activities and cattle rustling. In the real sense of the word, one would expect that there would be many incidences of possession of illegal firearm in the province but it was not the case. It appears that police surveillance and investigation need to be enhanced with the view to establishing the true picture on the ground. This would help a great deal in view of addressing the problem of proliferation of illegal firearms in the province as well as in other parts of the country. To a large extent, enhanced initiatives would help to dispel the suspicion that the province is one of the avenues through which illegal firearms find their way into the city and into other provinces as well.

Nyanza Province had a total of 72 cases of crime reported overall. Out of these total, there were only three incidences of illegal possession of firearm. The below average number of overall crime and the low cases of illegal possession of firearms must not be misconstrued to mean that the province is safer than other provinces which reported higher incidences. Possibly, the province could be as affected by crime but the incidences are not always

reported. The other possibility could be that the province is relatively safe in comparison to other provinces.

Central Province reported only two incidences of illegal possession of firearm. The province had a total of 142 cases overall crime. It is rather surprising that the province which is affected by crime almost at the same level with Nairobi could have only two cases of illegal possession of firearms. There is high probability that there could have been more than two incidences of illegal firearms, only that the same were not reported. Essentially, there is a dire need for intensified police surveillance and investigation in view of curbing possession of illegal firearms along other crimes. This observation also applies to Western and Coast Provinces which reported equally low

**Table 33: Distribution of possession of illegal firearm incidents across the various provinces in 2002 as compared with total crime**

	Percentage of illegal possession of firearms in the	Number of possession of illegal firearm incidents in the	Total for other crime incidents	Number of crime incidents
Province	Province	Province (Total = 48)		(Total = 826)
Central	4.7	2	140	142
Coast	2.1	1	34	35
Eastern	8.3	4	81	85
Nairobi	43.8	21	228	249
North- Eastern	6.3	3	9	12
Nyanza	6.3	3	69	72

incidences of illegal possession of firearm.

### ***Distribution of the crime within the city of Nairobi***

Nairobi Province had a total of 21 incidences of illegal possession of firearm or 43.8% of the total 48 cases selected for analysis. North-East and East of Nairobi had the highest incidence with eight and four cases respectively. Evidently, these two directions within Nairobi are unsafe and affected by most crime types. The need to increase police surveillance and investigation is here underscored. Other directions within Nairobi had relatively few incidences. However, the few that were reported indicated that possession of illegal firearms is rife in Nairobi and the crime needs to be addressed in

<b>Directions</b>	<b>Frequency</b>	<b>Percent</b>
East	4	8.3
Central CBD	2	4.2
North-West	1	2.1
North	1	2.1
North-East	8	16.7
Nairobi general	2	4.2
West	3	6.3
<b>Subtotal</b>	<b>21</b>	<b>43.8</b>
Outside Nairobi	27	56.2
<b>Total</b>	<b>48</b>	<b>100.0</b>

### **Summary**

- Members of the public played a key role in the recovery of firearms that were illegally possessed.
- In the recovery process of illegally possessed firearms, the police apprehended the suspects.
- Only a few law enforcement agencies were implicated in illegal possession of firearms.
- Highest incidences of illegal possession of firearms occurred in March.
- The first tier of the year recorded the highest average cases of illegal possession of firearms.
- Pistols were the most commonly possessed firearms followed by rifles.
- Some criminals illegally possessing firearms were also found to be possessing crude weapons as well.
- Nairobi Province had the highest incidences of illegal possession of





## *Chapter 8*

### **GENERAL GUN -RELATED CRIME**

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Burglary targeting electronics particularly computers seemed to be quite high in 2002. Criminals engaged in the vice with a ready market in mind. The problem of computer theft begs the question as there are serial numbers clearly inscribed on them. It means that if the police were very efficient, they could help trace stolen computers and prosecute those in possession of them. It is important to add that there appears to be a need for automatic tracing software which could even disable stolen computers. This and strict police surveillance could discourage computer theft.

Illegal possession of police equipment was reported in three incidences. Possibly, the equipment could have been stolen from the police or it could have been fabricated while applying modern technology. Even though only three incidences were reported, the new trend is of great concern as it spells out the level of insecurity in Kenya.

Of the three incidences reported, one took place in Nairobi's sprawling Eastleigh Estate inhabited by a wide range of foreigners particularly those of Somali descent. Indeed, it is foreigners and not locals who were found with the communication equipment.<sup>35</sup> At a cross-border incident, police acting on a tip-off broke a border racket in Garissa at a refugee camp and recovered 10-VHF military equipment.<sup>36</sup> In the incidences, the police equipment found was for communication and used to either communicate to militiamen in Somalia or tap police-communication.

Essentially, local criminals were not reported to have used such communication gadgets. Therefore, the problem may not be serious in Kenya and could be eliminated through strict police surveillance. Police also need to relentlessly crack down on foreigners particularly those using powerful communication equipment to ensure that Kenyan sovereignty and security are not compromised.

On 27 November 2002, a terrorist attack occurred in Mombasa, the second largest city in Kenya. More than 11 people were reported killed in a suicide

attack at Paradise Hotel at Kikambala, on the North Coast. At the same time, two missiles were fired at an Israeli charter plane at Mombasa's International Airport. The terror attack failed when the hand-held Stinger missiles failed to hit their target as the plane hurtled down the runway.<sup>37</sup>

Even though the terror attack was only a single event, the damage was deeply experienced in Kenya because of loss of life, negative impact on tourism and subsequent economic drawback in a country badly in need of foreign exchange and creation of employment. The terrorist attack, the second in four years (since August 1998), once again put Kenya's security into regional and international focus. It clearly showed that there were still a lot of loopholes that needed to be accorded due attention by security enforcement agencies and members of the public

### **Frequency of crime incident**

General gun-related crime was unequally distributed in 2002. Out of 32 incidents, none was reported in January. The occurrence was similar to the section covering security agents misconduct, which recorded zero incidents in January. It appears that prominence was given to other crime types in the month and therefore general gun-related crime may not have been reported in the month.

The other possibility is the fact that in January, no general gun-related crimes took place at all. February had the highest incidences of gun-related crime that stood at 21.9% of the 32 reported cases. Possibly, some incidences might have occurred in January but were only reported in February. There seems to have been a correlation between security agent misconduct and general gun-related crime. In the two cases, February had the highest incidences of crime.

Clearly, this shows that most crimes are related and must be addressed from a common platform. It also shows that rise in a particular crime could be an indicator to a rise in related crime. Similarly, a drop in any crime could possibly indicate that related crimes might be on the increase. In the remaining months of the year 2002, different months recorded both rise and fall of the crime. From the way the gun-related crime was distributed in the year, no particular pattern could be deduced only the fact that there was a rise and fall of the crime in different months.

### **Distribution of the crime across the provinces**

From the previous sections, it is clear that at least three provinces in Kenya are affected by crime than others. These are Nairobi, Central and Rift Valley. Out of the 32 incidences of general gun-related crime, Nairobi and Central provinces each recorded nine incidences while Rift Valley had seven cases. With regard to the distribution of the crime as compared to total crime within respective provinces, it is clear that the provinces most affected by crime had higher rate of gun-related crime as opposed to provinces less affected by the crime.

In several provinces, only a few cases of general gun-related crime were reported. The least incidences were reported in North Eastern (0), Coast (1) while Eastern, Nyanza, and Western, two incidences were reported in each province. A close analysis of general gun-related crime shows that the provinces with low rate of crime reported low incidences of the crime. However, Eastern and North-Eastern provinces may not reflect the actual picture on the ground as the two are affected by most crime types. It appears that there might have been under-reporting of general related crime in these two provinces as the two are affected by banditry and cattle rustling. The two provinces are mainly inhabited by pastoralist communities who have been known to own firearms in pursuit of security for their livestock.

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<sup>35</sup> "Two foreigners arrested and powerful communication equipment seized," *Daily Nation* (Nairobi) March 14, 2002, p. 48 (back page).

<sup>36</sup> "Police acting on a tip off breaks a border racket in Garissa," *East Africa Standard* (Nairobi) September 17, 2002, p. 10.

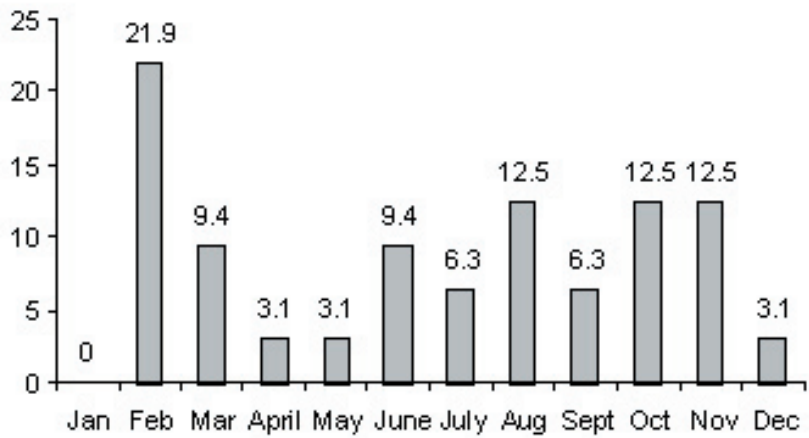
<b>Crime Type</b>	<b>General gun-related crime</b>	<b>Percent</b>
Ambush	2	6.25
Firearm robbery	7	21.88
Arms trafficking/ or manufacturing	4	12.5
Criminals mounting illegal road block	6	18.75
Burglary	9	28.13
Illegal possession of police equipment	3	9.38
Terrorism	1	3.13
<b>Total</b>	<b>32</b>	<b>100.00</b>

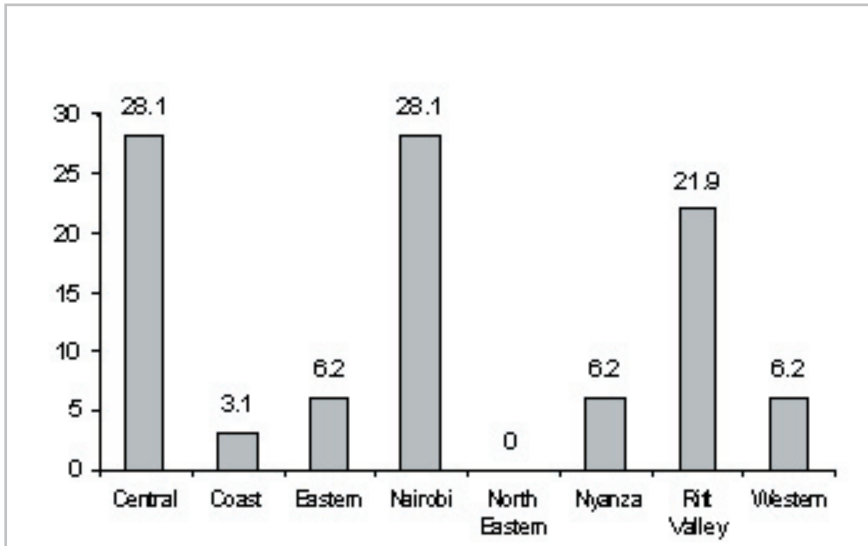
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<sup>37</sup> "Bomb terror attack at the Coast," *Daily Nation* (Nairobi) November 28, 2002, pp. 1-3.



**Chart 26: Frequency of general gun-related crime by month in 2002 (n = 32)**





**Table 36: Distribution of general gun-related crime across the provinces in 2002 as compared with total crime**

Province	Percentage of general gun related crime in the province	Number of General gun-related in the province (Total = 32)	Total for crime other crime incidents	Number of crime incidents (Total = 826)
Central	6.3	9	133	142
Coast	2.0	1	34	35
Eastern	2.4	2	83	85
Nairobi	3.6	9	240	249
North - Eastern	0	0	12	12
Nyanza	2.8	2	70	72
Rift Valley	3.3	7	202	209

### ***Distribution of crime within the city of Nairobi***

A total of nine incidents of general gun-related crime were reported in Nairobi province while the remaining 23 incidences were reported collectively in other provinces. Even though Nairobi Province was most affected by crime, it is apparent that general gun-related crime was live in all the provinces. Within the province, East and North-East of Nairobi had a total of six incidences reported. This confirms the finding that the two locations are most affected

by crime in Nairobi. The fact also draws an important point of emphasis that the two areas require strict police surveillance in view of curbing the high rate of crime in the Eastlands.

**Table 37: Distribution of general gun-related crime incidents within Nairobi in 2002**

<b>Direction within Nairobi</b>	<b>Count</b>	<b>Percent</b>
East	3	9.4
North-West	1	3.1
North-East	3	9.4
South-East	1	3.1
West	1	3.1
<b>Subtotal</b>	<b>9</b>	<b>28.1</b>
Outside Nairobi	23	71.9
<b>Total</b>	<b>32</b>	<b>100.0</b>

## **Type of firearms used and recovered**

### ***Firearms used***

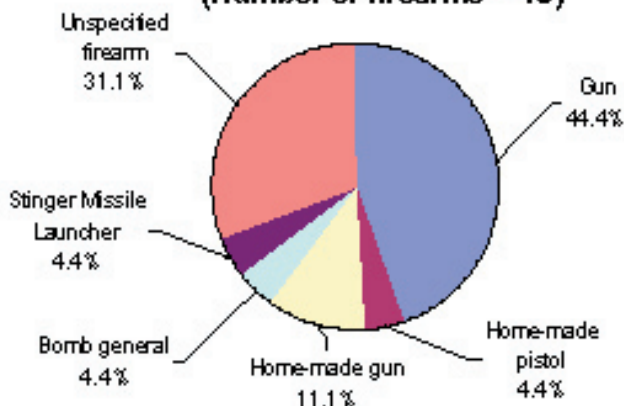
In general, gun-related crime, a total of 45 firearms and 37 crude weapons were used. Of the total, the most used type was guns and at least 20 were used in the crime. To signify the mysterious circumstances under which gun-related crimes were committed, there were a total of 14 unspecified firearms. At least two home-made pistols were used and five home-made guns. Other types used in the crime included bomb general (2) and Stinger Missile Launcher (2). Crude weapons were also used in the crime (37). This shows that criminals are determined to go to unlimited length in view of acquiring diverse types of firearms to commit various crimes.



**Table 38: Type and estimated number of weapons used in general gun-related crime**

Type of weapons	Total	Percent
Gun	20	24.4
Home-made pistol	2	2.4
Home-made gun	5	6.1
Bomb general	2	2.4
Stinger missile launcher	2	2.4
Unspecified firearm/firearm general	14	17.1
<b>Subtotal</b>	<b>45</b>	<b>54.9</b>
Crude weapons	37	45.1
<b>Total</b>	<b>82</b>	<b>100.0</b>

**Chart 28: Type and estimated number of firearms used in general gun related crime incidents in (Number of firearms = 45)**



### ***Firearm recovered***

In general gun-related crime, a wide range of firearms were recovered. These were homemade pistol (3), submachine guns (2), unassembled gun (2), unspecified firearm (1), and crude weapons (2). These types of firearms were available in the illegal market. It is on the account of availability that they were used and recovered. Clearly, collection and destruction of illegal firearms, as recently demonstrated by the government of Kenya (March 2002), need to precede addressing of crime in this country. If the illegal fire-

arms are not collected and destroyed, they are likely to remain in circulation and this will continue to impede on the fight against crime.

**Summary**

<b>Table 39: Type and estimated number of weapons recovered in general gun-related Crime</b>	
<b>Weapon Types</b>	<b>Total</b>
Submachine guns	2
Unassembled gun	2
Home-made pistol/Improvised pistol	3
Unspecified firearm/firearm general	1
<b>Subtotal</b>	<b>8</b>
Crude weapons	2

- Cases of general gun-related crime analysed here included and were not limited to ambush, firearm robbery, arms trafficking or manufacture, criminals mounting an illegal road block, burglary, illegal possession of police equipment and terrorism.
- The crime was unevenly distributed throughout the year but February recorded the highest number of the incidences.
- A correlation was analysed between general gun-related crime and security agent misconduct in that February had the highest number of the incidences.
- Three provinces were most affected by the crime - Nairobi, Central and Rift Valley.
- Nairobi had the highest number of the incidences while the East and North-East of Nairobi were the most affected in the province.

## Chapter 9

# MURDER

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### Introduction

Incidents of violent death are widespread globally and are a major issue of concern. Violent death refers to cases of homicide or murder, assassination and manslaughter, etc. But for purposes of this particular analysis, focus is directed especially to murder in the broad sense.

The World Health Organization (WHO) reports that Africa's violent death rate is more than twice the world average. This is driven by homicide rate that is twice the global average.<sup>38</sup>

Research findings published in *Small Arms Survey 2003: Development Denied* estimates civilian small arms inventory in Kenya to be between 430,000 – 860,000. It is estimated that over 300,000 people are killed each year in conflict with small arms. Another 200,000 are killed with firearms in crime, suicide and unintentional injury globally.<sup>39</sup>

Kenya has never been involved in any serious or full scale armed conflict, yet the murder incidences reported are of major concern. Both firearms and crude weapons were applied in murder cases in 2002. Even though crude weapons were more widely used in the perpetration of murder in 2002, a look at the cases of violent death across the crime types shows the catalytic role small arms have played in these killings.

As it has been stated elsewhere in this text, there are many incidences of murder that are not reported. Depending on where the crime occurs, in many instances, the media and the police may not get informed about some of the murder incidences occurring. Use of crude weapons in murder illustrates the magnitude of the problem as those committing murder apply

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<sup>38</sup> See, <http://www.jointogether.org/gv/news/summaries/print/0,2060,565860,00.html>

<sup>39</sup> See, <http://www.research.ryerson.ca/SAFER-Net/>

a wide range of weapons.

In legal terms, there is a clear distinction between murder and manslaughter, depending on the circumstances under which the crime occurred. To determine the contextual circumstances under which a killing occurred, judicial procedures have to be invoked immediately after a crime has been committed.

For purposes of this analysis, therefore, there is no distinction between murder and manslaughter per se, but all reported acts, of the unlawful termination of a person's life are generalized as murder. Incidents specifically analyzed in this section are those in which a person's life was unlawfully terminated. In most incidences, the perpetrator seemingly had the sole objective of killing, without stealing the victim's property.

### ***Motive for the murder***

Murder incidents in 2002 took various dimensions that constitute general understanding of the crime and the motive behind it. A wide range of motives of murder were depicted in the 70 cases extracted for analysis. These include politics-related, commercial and trading disputes, vengeance based particularly against law enforcement agencies gunned down by criminals, misuse of firearms by law enforcement agencies who shot at suspects without due consideration, domestic brawls and love related issues.

Also there were a few cases perpetrated by people of unsound mind. In most of the cases, the motive of murder was not immediately established. Analysis of the motive for murder is as complex as it is mysterious. However, to a large extent, the circumstances under which reported murder incidences occurred could help explain the motive for murder but not in all cases.

It has been widely observed that incidents of suicide preceded by murder mainly involved relatives, particularly men killing lovers, women killing children, and a few remorse suicide cases after a murder incident.<sup>40</sup> There were three incidents of murder/suicide reported in 2002 in which the villain and victim were related. Only one of these suicide attempts was unsuccessful. In all of these incidents, the criminal was male and the victims were women and children. This pattern confirms the proposition that in incidents of domestic violence, women and children are most vulnerable.

In five murder incidents, the crime occurred as a result of rivalry over a lover, one of which the perpetrator and victim were women. Circumstances

under which the incidents occurred ranged from a domestic brawl, jilting, land dispute, revenge missions, and mental instability, to disagreements over distribution of stolen property and/or money. Murder incidences also occurred when an employee was overcome by anger, disappointment and depression upon dismissal from gainful employment.

The role of drugs and alcohol cannot be ruled out. This could be looked at in various dimensions. Drugs and alcohol can form a basis of irrational action, leading to drunken behaviour and/or disagreement leading to death. In the majority of murder incidents, the motive remained unknown or the murder occurred under mysterious circumstances, making it difficult to establish the motive. But some reported murder incidents have been speculative as a result of rivalry in trade in drug and alcohol. The killing of Akasha's son by a lone gunman is a case in point, though reasons ranged from the intricacies of drug trade and suspected family feud.<sup>41</sup>

To further the debate on the motive for murder, it is imperative to look at the victims of murder in general. In the year 2002, the victims ranged from a parliamentary aspirant, a former legislator, an official to the Somali peace process, police officers, a university lecturer, a seven-month-old baby, and a refugee, among others. This could help gauge the level of insecurity in the country in 2002.

The victims were not only the ordinary *mwananchi* (citizen) but also high ranking government officials particularly law enforcement agencies, such as the Deputy Commissioner of Police in Charge of Planning, Njiru Kyanda, along other agencies gunned down in the course of duty. Therefore it could be stated that cases of violent death not only occur as a result of crimes like robbery, carjacking or banditry. In all due respect, murder caused through violent death is a crime in its own category in this country. Murder crimes

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<sup>40</sup> Barraclough, B & Harris, C. E. "Suicide Preceded by Murder: The Epidemiology of Homicide Suicide in England and Wales 1988 – 92" in *Psychological Medicine* (Cambridge University Press, 2002) pp. 32, 577 – 584.

<sup>41</sup> "Police arrests the man suspected of killing Mr. Kamaldin Akasha and recover a firearm," *Daily Nation* (Nairobi) June 11, 2002, p. 6.

<sup>42</sup> *Mungiki* is a group of an unlawful sect amongst the Kikuyu community which advocates for traditional ways of life like circumcision of women. The sect caused mayhem in 2002

The perpetrators of murder in 2002 are also diverse as the motive for the crime - rogue police officers, mentally unstable persons, Mungiki,<sup>42</sup> vigilantes, employees, hardcore criminals and married couples. Domestic perpetrators included both men and women. When levels of criminality in a society rise, so do incidents of violent death. It is unfortunate and disconcerting to observe that in some murder cases, the perpetrator and the victim could be closely-related in blood or other family ties.

## **Frequency of crime incident**

### ***Month***

In 2002, out of the 70 murder incidences reported, the highest cases were reported in August and September (14.3%), followed by July (12.9%). There were no murder incidents reported in January, but there was a gradual increase in the reporting of murder as the year progressed to second and third tiers. The third tier of the year had the highest incidents of murder and stood at 10.4% on average. In terms of sequence, there was no specific pattern observed in 2002. Apparently, murder is an unpredictable event. Its occurrence and distribution across the year cannot be uniform, neither can it be pre-determined nor generalized.

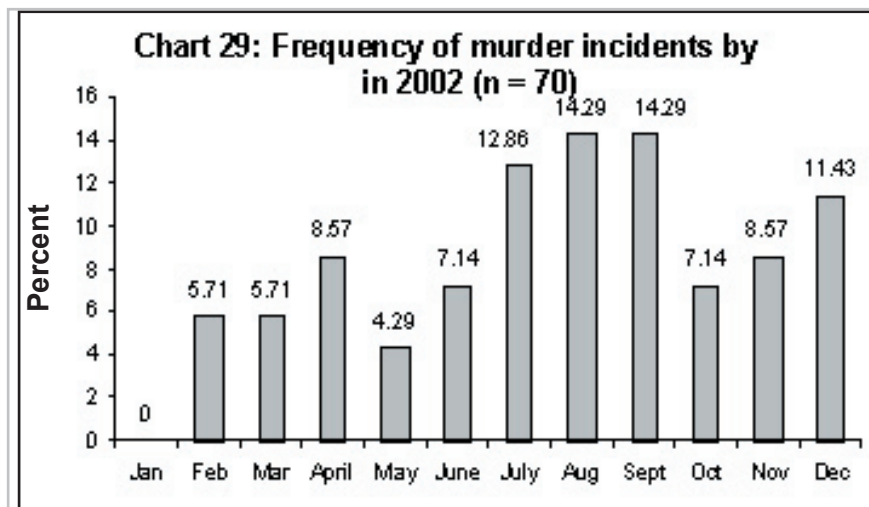
In spite of the unpredictable nature of murder, a look at the circumstances under which murder cases occurred could reveal the broad issues that can form the basis for systematic efforts to curb homicide. A few examples will suffice - mental health, drug and alcohol use and abuse, stress management, economic development, respect for individual human rights, and respect for the rule of law are major areas that could be addressed to prevent murder, suicide and murder-suicide incidents.<sup>43</sup>

### ***Comparison between 2002 and 2001***

In 2002, the murder incidents reported exceeded those in 2001 by three, but the distribution of these incidents in 2002 differed from 2001. For example, whereas the reported murder incidents were concentrated in January in the year 2001, there were no incidences reported in the same month in 2002.

A look at the general trends in both years reveals a concentration of murder incidents in the second tier, specifically between April and September. It could be more incisive to consider the distribution of murder incidents from 2001 to 2002 in a continuous trend. Precisely, the highest number of

reported murder incidents in 2001 was in January and February, while in 2002 the highest number of reported murder incidents was between July

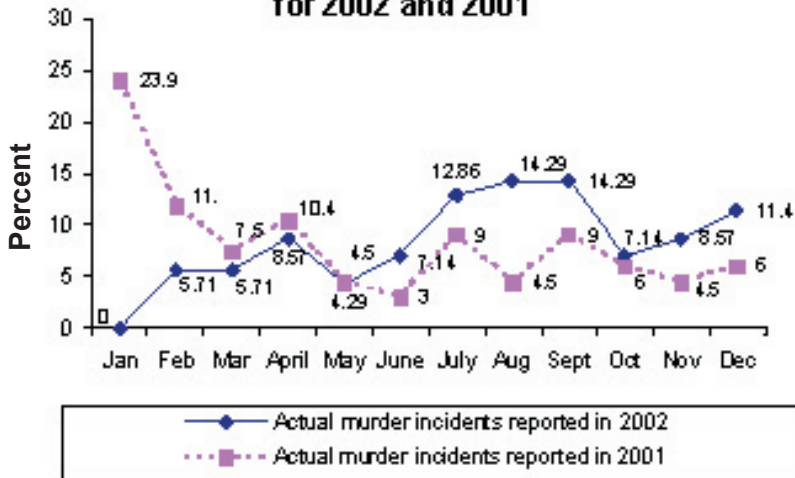


**Table 40: Frequency of murder incidents by month for 2002 and 2001**

	Proportion of murder incidents per month in 2002	Average Proportion of murder incidents per month	Proportion of murder incidents per month in 2001	Average proportion of murder incidents per month
January	0	5.71	23.9	7.5
February	5.71		11.9	
March				
April	8.57	<b>First Tier: 5%</b>	10.4	<b>First Tier: 13.43%</b>
May	4.29	<b>Second Tier: 9.64%</b>	4.5	<b>Second Tier: 5.25%</b>
June	7.14		3	
July	12.86		9	
August	14.29		4.5	
September	14.29	<b>Third Tier: 10.36%</b>	9	<b>Third Tier: 6.38%</b>
October	7.14		6	
November	8.57		4.5	
December	11.43		6	
	100.00		100	
<b>Total</b>	<b>70</b>		<b>67</b>	

<sup>43</sup> 'Murder-suicide' in context here refers to a situation where an individual commits suicide immediately after committing a murder crime perhaps out of being overwhelmed by guilt.

**Chart 30: Frequency of murder incidents by month for 2002 and 2001**



### ***Type of firearms used and recovered***

In 2002, only in a few incidents there was information available on the type of firearms used in crime. Out of the 70 murder incidents reported in the newspapers in the year, only in seven cases or 10% of the incidents, there was information available on weapons used. This contrasts with 2001 murder incidents where in 43 out of 67 (64.2%) reported murder incidents, there was no information on firearms used in murder incidences.

Lack of information on the type of firearms used in murder incidences could be attributed to the obvious mysterious circumstances under which the crime occurs. Another explanation could be based on the fact that immediate police investigation results are not released to the public or the press perhaps with the view to with-holding information as evidence to arrest the culprits without pre-empting.

In 25 cases out of the 70 (35.2%), a firearm was used in the execution of murder. In all five cases of murder or attempted murder of a police or military officer or their relatives, firearms were used. Out of these five, four were executed to completion while one was botched. Although its only 25 incidents in which firearms were used, the estimated total of small arms used is 47 guns, 9 pistols, and 20 unspecified firearms or firearm general.<sup>44</sup>



In 38 of the 70 cases (54.3%) incidents of murder, crude weapons were used. This translates in to an estimated total of 118 crude weapons used in murder cases. Crude weapons were particularly widely used when a mob lynched a perpetrator of murder, and mostly in a residential environment. Evidently, firearms are not the only instruments of violence in murder incidences as crude weapons were also applied.

At least 47 guns and 20 unspecified firearms were used in murder in 2002. Gun is a very general term and it appears that the press uses the term when they are not certain of the type of firearm that was used in the crime. This fact also confirms the proposition that due to mysterious circumstance in which murder takes place, it is a challenging task for the press to identify the type used. Perhaps more collaboration between the police and the media could help in providing accuracy on firearms used in murder-related incidences. Accurate records could also help in apprehending the culprits not only for the sake of justice but also with the view to address the core of the problem.

A total of 118 crude weapons were used in murder incidences in 2002. The large number of crude weapons means that a wide range of violent tools are used in the crime and that the attackers may not have to acquire a firearm to commit murder. It could also be inferred that the Press is able to identify an injury caused by a crude weapon as opposed to that caused by a firearm.

Firearms used in 2002 were mainly to murder business people, ranging from a *chang'aa* peddler to a tycoon. They were also used to murder high-ranking employees of the Kenya Ports Authority, Telkom, an engineer, and a University of Nairobi lecturer.

Murdered police officers were slain while investigating a crime and being noticed by criminals in the process, while others were targeted for unknown reasons. This implies that law enforcement agencies and their families are as vulnerable to murder and crime as much as other citizens. Enhanced

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<sup>44</sup> Note that, amongst the 20 unspecified firearm/s general, also included are counts of incidents that lacked information on weapon used.

<sup>45</sup> Mungiki is a pseudo-political gang mainly among the Gikuyu of Central and Rift Valley provinces of Kenya, who believe in observing traditional practices such as circumcision for both men and women, worshipping while facing Mt Kenya (Krinyaga in Gikuyu language), dressing in traditional regalia and sniffing tobacco among other rebellious practices.

security in Kenya would therefore benefit law enforcers as much the entire nation.

A notorious sect commonly referred to as Mungiki caused a lot of mayhem and destruction of life and property in 2002. In reported incidences of murder, the Mungiki killed a total of eight people. Vigilantes in Mathare North in the Eastlands, murdered a man for failing to pay protection fee. These two cases of the Mungiki and other organized vigilante groups pose a unique threat to security in Kenya and especially in major urban centres. This is because they have a given degree of appeal however insignificant and on the basis of this, they legitimize their existence, at times coercively.<sup>45</sup>

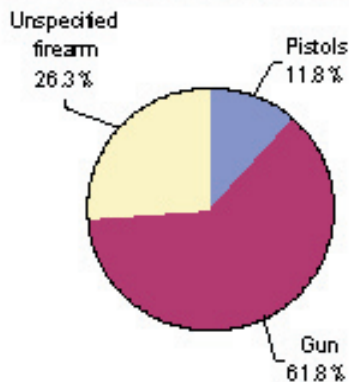
In terms of gender-relations, men committed most of the murder incidents perpetrated as a result of thorny relationships or domestic-related violence. Out of the eleven such cases, male perpetrators were nine, while female committed two murder cases. There were seven male victims and six female victims, including a seven-month old baby girl, in such incidences.

Even though the figures are rather low to make a comprehensive analysis, it is clear that there is a reasonably high degree of domestic violence perpetrated through the use of firearms including homemade weapons in

**Table 41: Type and estimated number of weapons used in murder 2002**

<b>Weapon Type Used</b>	<b>Total</b>
Pistols	9
Gun	47
Unspecified firearm/firearm general	20
<b>Subtotal</b>	<b>76</b>
Crude weapons	118
<b>Total</b>	<b>194</b>

**Chart 31: Type and estimated number of firearms used in murder incidents in 2002 (number of firearms = 76)**



different parts of the country. Essentially, the problem needs to be addressed from a holistic point of view as there may be some socio-economic, cultural and environmental underlying root causes of the problem.

#### **Trends**

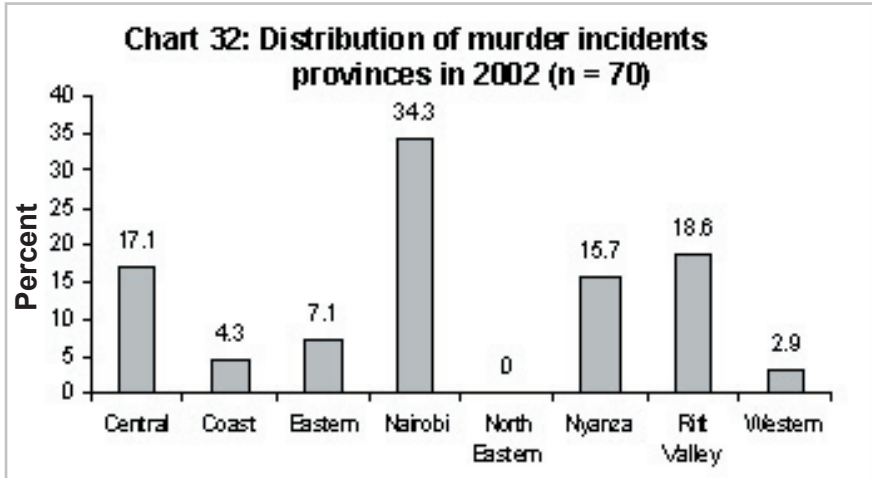
A look at the trend reveals a dip in reporting of murder incidents early in 2002 but then there is a steady, rugged, increase in incidents of murder. The trend ends in an upward movement but at a higher rate than was the case in 2001.

#### ***Distribution of crime across the provinces of Kenya***

Distribution of murder cases as reported in 2002 was mainly concentrated in Nairobi, with 34.3% of the incidences. Other provinces recorded the incidences in the following order: Rift Valley (18.6%), Central (17.1%), Nyanza (15.7%), Eastern (7.1%), Coast (4.3%), and Western (2.9%). In North Eastern province, no cases of murder were reported.

This general distribution more or less reinforces a similar observation made in 2001. It also confirms the observation that Nairobi's proximity to media houses and its general advantage in developed infrastructure greatly accounts for its high count of murder incidents reported. It also confirms the observation that these three provinces recorded the highest incidences of crime.

Murder as a crime has a lot of gravity with regard to gender, domestic and socio-economic dimensions. In this respect, it is imperative that all provinces in Kenya need to have efficient and reliable systems for curbing the crime, and reporting before it occurs. This is especially when it involves the use of firearms targeting helpless victims in the community. The need to improve



communication systems infrastructure in Kenya is greatly underscored.

### **Distribution of crime within the various provinces in Kenya**

From a comparative point of view, the proportion of murder incidences against other crime types in respective provinces in 2002 was just average. In this respect, one could argue that against other crimes in various provinces, murder is not too serious a crime. Therefore, if necessary measures are undertaken, the problem could be rooted out.

Of the 70 cases, the most were reported in Nairobi with 24 cases followed by Rift Valley which recorded 13 cases and Central 12. The three provinces also took lead in major crimes analyzed namely robbery and hijacking. These facts could be interpreted in two respects - that one, the provinces have reliable means of communication and that they are indeed the most affected by crime.

On the contrary, it could also mean that other provinces have poor means of communication and the rate of crime could be as serious but not regularly reported. It is only through improved forms of communication and police surveillance that these facts could be disputed or confirmed.

**Table 42: Distribution of murder incidents across the various provinces in 2002 as compared with total crime (n=70)**

	Proportion of murder of all the other crime	of murder crime that occurred	Number of Murder incidents ( Total = 70)	Total for other crime incidents	Number of crime incidents (Total = 826)
Central	8.5		12	130	142
Coast	8.6		3	32	35
Eastern	5.9		5	80	85
Nairobi	9.6		24	225	249
North-Eastern	0		0	12	12
Nyanza	15.3		11	61	72
Rift Valley	6.2		13	196	209
Western	9.1		2	20	22

### **Distribution of crime within the city of Nairobi**

Nairobi Province recorded the highest murder cases with a figure of 24 incidences. Majority of the incidences took place in the eastern and north-eastern side of the city generally called Eastlands. A similar trend took place in 2001. Most of the murder incidents in Eastlands occurred in Eastleigh estate followed by Bahati (which neighbours Eastleigh), Donholm, Korogoch, and Umoja estates. In the north-east, most of the other cases of murder were reported in Dandora, Kasarani and Mathare North followed by Gigiri and Outer Ring.

South-eastern area of Nairobi had the second highest count of reported murder incidents with each case one in Mukuru slums, Nairobi – Mombasa Road, and South C estate. The western area of Nairobi recorded two counts of murder incidents, one in Westlands and another along Kilimani Road.

The northern side and the CBD recorded one murder incidents each in Ngara and along Tom Mboya Street respectively. It would seem ironical that a murder occurred within the city. But considering the fact that firearms were used to murder, and that dark streets are generally insecure, then it would be an indication that small arms have catalyzed levels of criminality particularly in Nairobi and generally in other parts of the country.

It would also be important to hypothesize that given the intricacy of crime and criminals, a consideration of the level of proximity of Nairobi's estates to informal settlement areas determines the level of insecurity of such estates,

and therefore, the residents' vulnerability to murder and other crimes. This hypothetical consideration especially applies to murder incidents perpetrated by gunmen. But this is not to presuppose that criminals predominantly occupy the slum dwellings, on the contrary, criminals could also possibly inhabit some of the middle-class estates. Rather, given the population density of informal settlements in Nairobi and surrounding areas, and inaccessibility, perpetrators easily mingle with the rest of the residents and leave the scene of crime with relative ease.

There are some unique factors that are characteristic of specific estates in Nairobi. Dandora estate in Eastlands for instance, has had problems concerning the Mungiki sect. The sect has been insisting on managing *matatu* routes and playing a role in enhancing security within the populous estate. They perpetrated and were held responsible of murdering four people in the estate. In a separate incident, a *matatu* driver and tout killed a *matatu* official for demanding levies in Dandora estate. This incident as well may have had some connection to Mungiki sect as a spill-over of violence.

**Table 43: Distribution of murder incidents within Nairobi in 2002**

Directions within Nairobi	Frequency	Percent
East	8	11.4
Central CBD	1	1.4
North	1	1.4
North-east	9	12.9
South-east	3	4.3
West	2	2.9
<b>Subtotal</b>	<b>24</b>	<b>34.3</b>
Outside Nairobi	46	65.7
<b>Total</b>	<b>70</b>	<b>100.0</b>

## Summary

- Motive for murder in 2002 included but not limited to political causes, commercial and trading disputes, vengeance, officers shot at by suspects, domestic brawls and love-related issues.
- Circumstances under which murder took place included but not limited to ill mental health and stress, drug and alcohol abuse, economic disparity, violation of human rights and disrespect to the rule of law.
- Victims of murder included parliamentary aspirant, a former legisla-

tor,

and an official of Somalia peace process, police officers, a university don, a baby and a refugee, among others.

- The perpetrators included rogue police officers, mentally ill persons, vigilantes, employees, hard-core criminals and married couples.
- In terms of gender-relations, men committed most of the murder cases  
confirming that domestic violence affects more women than men.
- Murder incidences were mainly reported in the following provinces: Nairobi, Rift Valley and Central.
- In Nairobi Province, the eastern and north-eastern parts of the city were  
most affected by the crime.
- The incidences in Nairobi province mainly took place in the slums,  
on  
public roads, in the Central Business District and in a housing estate.
- The highest murder cases were reported in August and September





## *Chapter 10*

# **FAMILY-RELATED CRIME, RAPE AND DEFILEMENT**

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### **Introduction**

This chapter focuses on crime incidents specifically revolving around domestic environment and gender relations from a criminal perspective. By domestic environment, reference is here made to perpetrators and victims of crime who are intimately and/or closely-related in some family circles. Gender relations in context here refers specifically to victims of crime as female or male who were raped or defiled.

Some of the incidents of family-related crime or domestic violence perpetrated against victims in 2002 qualify as murder incidents. However, they are addressed separately in this chapter because the victims involved in each incident were more than one. In most of the incidences, at least one victim was killed and several others were injured. In most cases, the perpetrators were mainly members of the victim's family. The perpetrator targeted part of, or the entire family. Arguments made in Chapter 10 on the link between murder – suicide cases and the closeness between perpetrator and victim still hold true in explaining similar circumstances here with regard to gender and crime.

Essentially, three different crime types are compressed together for critical analysis - family-related, rape and defilement. The rationale influencing the compression lies in the fact that most of the family and domestic-related violence reported in the newspapers in 2002 had some overtones linked to rape and defilement. Rape refers to a crime committed by a man, or forcing another person to have sexual intercourse with the offender against their will, especially by threatening or using violence against them. Defilement on the other hand is often associated with deliberate violation of sexual rights especially against female victims.

Family-related crime, rape and defilement are serious problems affecting women across cultures irrespective of marital status or age. Analysis here must not insinuate that this crime only occurs amongst related persons. On the contrary, the crimes also affect unrelated persons but the media often tends to report crime incidences of this nature involving family members.

A soul searching question could be raised here whether rape and defilement perpetrated against unrelated persons is rather too common causing apathy and therefore disinterest or it is the peculiarity of the crimes towards related person that attracts media attention? In spite of facts based on the victim's and perpetrator's relation or no relationship at all, the most common misapprehension about rape is that it is a crime of sexual release or uncontrollable urge, a crime of passion. But far from being the result of spontaneous lusting, studies show that rape by either a single rapist or group is usually planned in advance.<sup>46</sup>

According to studies conducted by FIDA<sup>47</sup> in Kenya and published in 2002, the youngest victim of rape was a two-year old child, while the oldest was a 78 year old woman.<sup>48</sup> In 2002, the youngest reported victim of defilement was an eight-year old girl allegedly raped by her two uncles in Kiambu. In this respect, one could argue that sex-related crimes in Kenya are rampant and cut across rural and urban centres and age is not a limit for the offender. It is also apparent that the cases reported in the newspaper articles could only be a tip of the iceberg. These are crimes requiring concerted efforts if they are to be eradicated from the Kenyan community.

### **Frequency of family-related crime, rape and defilement**

The distribution of sex-related crime was uneven and there was no particular trend that could be listed in 2002. This could be explained from the point of view that sex-related crime may not have some external factors influencing the offender's action as it is an individual's choice and decision to commit the crime. In most cases, sex-related crimes go unreported for various reasons particularly as the victim may be shy to attract public attention and the fact that some victims may not be aware of the need to report the offence. The secrecy behind the crime may have contributed to unevenness in crime reporting throughout the year.

Even though the record in 2002 does not reflect a systematic pattern, clearly ~~the crime was low over most months of the year but there was a pick over~~

<sup>46</sup> FIDA Kenya, *Domestic Violence in Kenya – Report of a Baseline Survey Among Women in Nairobi* (Nairobi) 2002, pp. 6 – 7

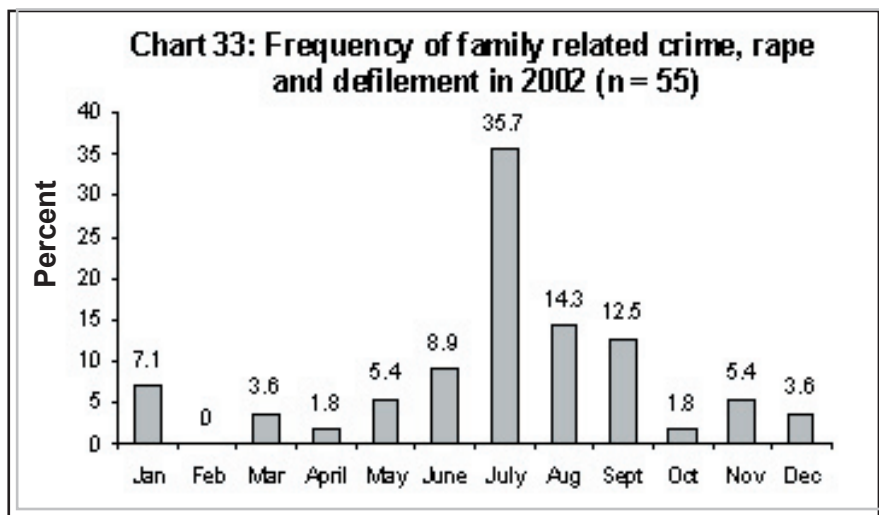
<sup>47</sup> FIDA International is in accordance with its name an international mission and development co-operation organization. The word 'fida' originates from Latin and signifies 'faithful and reliable. Visit [www.fida.info](http://www.fida.info) for further details.

<sup>48</sup> *Op cit.*, p. 7.

the third quarter of the year (July - September), and a drop over the last quarter of the year. It is important to state that the bulk of the crime incidents in July related to domestic violence with fewer cases of rape.

Family-related crime, rape and defilement are serious crimes affecting the society. The fact that a clear pattern of the crime trend cannot be established could impede on the possibility of addressing the crime. This means that more accurate records and statistics are required to gauge the crime trend and identify subsequent ways and means of addressing the problem.

Indeed, it also means that the media needs to liaise closely with the police for more accurate figures. In addition, awareness raising programmes need to be promoted by the government in view of encouraging members of the public to regularly report such crimes to the police for record keeping and crime prevention purposes. Well established records would not only correct the false impression that only a few incidences actually take place, but the fact that sexual crime requires concerted efforts.

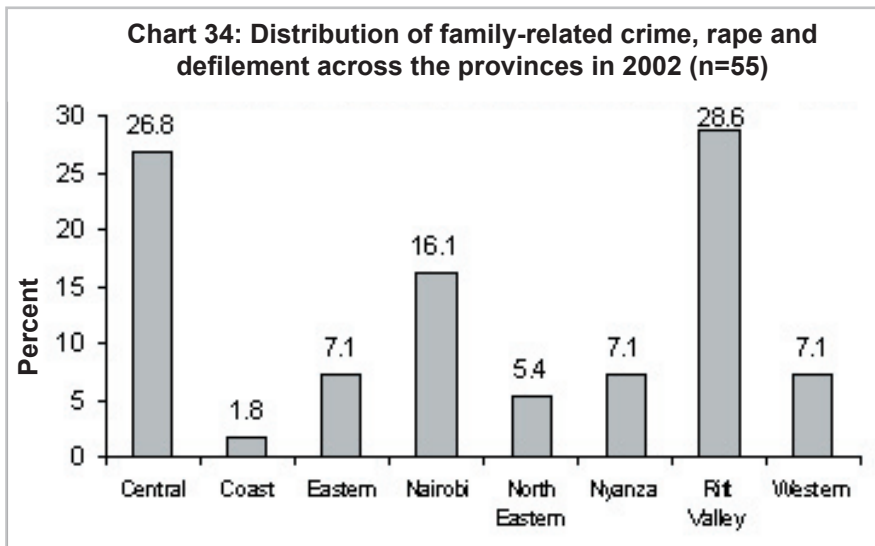


## Distribution across provinces

Three provinces in Kenya have emerged as the most affected by different crime types - Nairobi, Central and Rift Valley. Of the 55 incidences of the crime reported, Rift Valley Province had the most crimes (28.6%) followed by Central (26.8%) and Nairobi (16.1%). Unlike in leading crimes like robbery and hijacking, Nairobi did not take lead in family and sex-related crimes but it was third.

The capital of Nairobi is densely populated and as analysed elsewhere, it has several sprawling slums and there is a general atmosphere of insecurity. Under such prevailing circumstances, one would expect Nairobi to take lead on family and sex-related crimes but in 2002, it was not the case.

There are several reasons to explain this trend but two are prominent. Firstly, some of the incidences in Nairobi may not have been reported due to general apathy as a result a lot of crime making the citizens to ignore crimes and fail to report to police. Secondly, other crime types may have taken centre stage in Nairobi leading to wider coverage of crimes considered more news worthy than family and sex-related crimes.



Coast and North-Eastern provinces had the lowest count of the incidences. The general low count in these two provinces and elsewhere in the country does not mean that the crime is rare. Low reporting reinforces the observation that due to perceived stigma associated with such crimes, victims prefer silence than abomination by the community. Indeed, family and sexually-related crimes may be more rampant than reported. There is need for concerted efforts to address the problem in both rural and urban Kenya throughout year.

### ***Distribution of crime within the city of Nairobi***

In 2002, only nine incidences or 16.4% of family and sex-related crimes reportedly took place in Nairobi. The low figure and the uneven distribution are inadequate to form basis for any significant analysis.<sup>49</sup>

	<b>Frequency</b>	<b>Per-</b>
	<b>cent</b>	
CBD	1	1.8
East	2	3.6
North-west	1	1.8
North-east	2	3.6
South-west	1	1.8
South-east	2	3.6
<b>Subtotal</b>	<b>9</b>	<b>16.4</b>
Outside Nairobi	<b>46</b>	<b>83.6</b>

### ***Firearms used***

Crude weapons were predominantly used in family-related crimes, rape and defilement. Tendency to use crude weapons could be attributed to easy availability within the homestead and the instantaneous manner in which the crimes are committed. In 2002, small arms also became increasingly used by the perpetrators of family-related crime to intimidate, injure, kill and rape victims.

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<sup>49</sup> FIDA's publication on Domestic Violence in Kenya – "Report of a Baseline Survey Among Women in Nairobi," *op cit.*, provides a broader analysis on domestic violence based on an earlier survey.

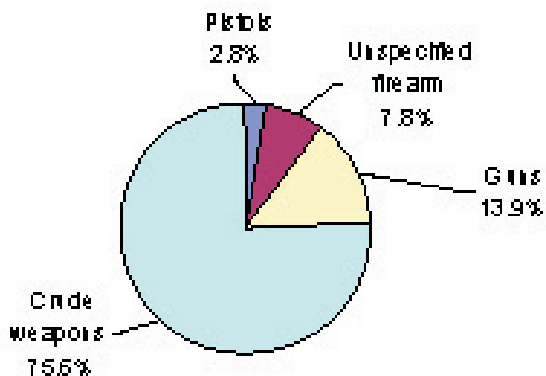
Easy availability of firearms along the border areas such as Mandera increased the chances for the perpetrators to use small arms but with low application of crude weapons. Most of the border areas in Kenya are generally insecure given the volatility of the locations and the porous borders. The fact that gunmen from Somalia and Ethiopia cross over to Kenya further makes women insecure and more vulnerable to rape along the border towns.

Carjackers and robbers wielding guns raped women on various occasions. To increase human security, there is a need for security agencies to give due attention to family-related crimes and beef up security for the sake of a healthy nation where human rights are observed right from the basic single unit of a family.

**Table 45: Type and estimated number of weapons used in family-related crime, rape and defilement**

Type of weapons	Total	Percent
Pistols	5	2.8
Gun	25	13.9
Unspecified firearm/firearm general	14	7.8
<b>Subtotal</b>	<b>46</b>	<b>24.6</b>
Crude weapons	136	75.6
<b>Total</b>	<b>180</b>	<b>100</b>

**Chart 35: Type and estimated number of weapons used in family-related crime, rape and defilement incidents in 2002 (numberof weapons =180)**



## ***Distribution of crime within the various provinces in Kenya***

The proportion of family-related crime, rape and defilement in each province in relation to the total crime indicates that the crimes were below 20% of the total crime in each province. Despite the fact that this was a small fraction of the total crime, family-related crime and rape have a major impact on affected families and persons.

The number of families affected could be many, given that a family could consist of more than three people. On the other hand, the trauma associated with rape and defilement is much, and this is worsened by the possibilities and/or occasions of unwanted pregnancies and sexually transmitted infections. This further increases the need for security agencies to address crime, rape and defilement as serious crimes that affects the entire nation.

	<b>Percentage of family-related crime incidents in the province</b>	<b>Number of family-related crime incidents in the province (Total = 56)</b>	<b>Total for other crime incidents</b>	<b>Number of crime incidents in the province (Total = 826)</b>
Central	10.6	15	127	142
Coast	2.9	1	34	35
Eastern	4.7	4	81	85
Nairobi	3.6	9	240	249
North Eastern	25.0	3	9	12
Nyanza	5.6	4	68	72
Rift Valley	7.7	16	193	209
Western	18.2	4	18	22

### **Summary**

- Family-related crime, rape and defilement were compressed together as the crimes closely affected members of the same family.
- The crime followed no particular trend in 2002 as it is does not have any external factors to influence the offender's actions and the fact that it is an individual's choice to commit the crime.
- Possibility is high that the crime was not reported in most instances

as

victims

were shy to draw public attention to themselves in the process of recording a statement with the police.

- Rift Valley, Central and Nairobi provinces had the highest incidences



## Chapter 11

# IMPACT OF CRIME

### Introduction

In this last analytical chapter of this publication, a broad number of issues are discussed. These are outcome of crime, policing aspects, impact of crime on victims, number and criminality of crime, financial aspects, impact of crime on property reported, stolen and cashing a large amount of money reported, stolen. These aspects are discussed against the backdrop of the crime themes already analysed in the text. The chapter is a meeting point of the crime theme analysed and the level of impact experienced in various aspects of the publication.

Internationally, crime and violence are increasingly becoming recognized as development problems and crime especially in crime's development and the socio-economic and individual well-being as well, thereby eroding social capital. The use of small arms in crime has further compounded the initiatives of combating crime and the impact has greatly been felt widely.

The rising levels of crime and criminality countrywide have been leading to increased levels of insecurity among individuals, households, businesses and investors in different parts of the country. The impact of crime and violence has been encountered more severely in urban areas where crimes are more prevalent.

According to a study conducted by international organisations, just over half (52%) of all residents of Nairobi worry about crime all the time and 30% sometimes. The worry of all or at least five days seldom worry about crime Nairobi feels unsafe during the day and 94% during the evening within the city centre.

Clearly, the above percentages are a demonstration of the level of crime impact not only amongst Nairobi residents but by extension, in other parts of the country. Undoubtedly, the level of crime in the capital, major towns as well as the rural settings has increased. The impact of crime as discussed here, has implications for addressing the proliferation of small arms and light weapons throughout the country.

### Outcome of crime

*Kenya Crime Survey 2001* makes clear definition and elaboration of outcome of crime. As in the quoted publication, outcome of crime connotes the completion or failure of crime to be performed to complete or interrupted crimes refers to incidents that were interrupted by police or public action.

In most of the crimes analysed in 2002, there was an enormously huge proportion of completed cases. Of 288 incidents were actual crimes and in comparison, 102 (36%) of 288 incidents were actual crimes reported. There was a higher proportion of actual crime in almost all crimes reported than in 2001.

Even though this could be interpreted to mean that more crimes occurred in 2001 without police or public intervention to stop the criminals, it should be noted, however, that there were fewer crimes reported in 2002 than in 2001. Again, this fact should not necessarily mean that the actual magnitude of crimes committed in 2002 were less than in 2001 in reality.

To show the progress of crime in 2001, only three basic categories of crime were analysed in actual attempted and crimes before it took place. The categories were a) wanted to investigate attempted with the police before it took place, b) deal of a family-related crime, security agent misconduct and in the other category.

Even though there was a high rate of crimes in 2002 compared to 2001, it is important to point out that on the ground, police surveillance could have been higher in 2002 being an election year. Another possibility could be the fact that the reporters might have been more concerned with process under the fact that each crime being reported in the news reported in the news papers. Criminals could also have taken advantage of the fact that increased surveillance may have been directed to hot spots of possible political turmoil at the time.

On average 81.5% of all crimes reported and analysed progressed to completion. These large proportions of successfully executed crimes have two major implications. First, that there is need to beef up security measures countrywide. Emphasis is here given to cases of banditry and cattle rustling which recorded a high level of success in implementation, 92.5% and 84%

respectively.

The main reasons to point out on banditry and cattle rustling are the fact that the crimes are executed in remote and largely rural areas. Definitely, there is a dire need to implement security measures that are responsive to the unique challenges of respective geographical areas. There are also unique crimes, especially family-related, murder, land and ethnic clashes, and cases of political violence, whose solutions need a multi-dimensional approach that transcend the sole involvement of the security apparatus.

Secondly, given the apparent success in the execution of the various crimes, the impact of this on various levels of the society is considerable and even alarming. As a matter of fact, when crime occurs and more so successfully, there must be some impact of the vice at the micro and macro levels and increased insecurity in the country. Hence the need for Kenya's security and law enforcement agencies to beef up security countrywide in view of curbing the high rate of actual and attempted crimes.

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<sup>50</sup> Central Bureau of Statistics and Ministry of Planning and National Development, *Economic Survey 2003* (Nairobi: Government Printers) 2003, p. 54.

<sup>51</sup> Stavrou, A. *Crime in Nairobi: Results of a Citywide Victim Survey*, Safer Cities: Series #4, A publication by UNDP, UN-Habitat, Safer Cities and ITDG (Nairobi: 2002), p. 32.

<sup>52</sup> For a distinction of the various outcomes of crime refer to the *Kenya Crime Survey 2001*, p. 107.

<sup>53</sup> I bid.



**Table 47: Percentage outcome of Crime in 2002 (n=826)**

	Actual crime	Attempted crime (in progress)	Attempted crime (foiled before it took place)	Arrest of a suspect	Police investigation with arrest	Police action leading to death/injury of suspect	Total
Robbery	70.6	14.7	12.6	1.7	.3		100.0
Carjacking/hijacking	62.1	22.3	11.7	3.9			100.0
Banditry	92.5	2.5	2.5	2.5			100.0
Cattle rustling	84.0	10.0	4.0	2.0			100.0
Murder	95.7	1.4		2.9			100.0
Family-related crime	76.8	7.1	3.6	8.9	1.8	1.8	100.0
Public Involvement in crime	85.3	5.9	8.8				100.0
Security Agent misconduct	80.4		2.0	5.9	7.8	3.9	100.0
Illegal possession of firearm	75.0			10.4	14.6		100.0
General gun-related crime	78.1	6.3		6.3	9.4		100.0
Land clashes/ethnic violence	100.0						100.0
Politics-related crime	100.0						100.0
Other	59.4	15.6	9.4	9.4		3.1	100.0

## **Policing and public safety**

Maintenance of law and order is a duty of the police and in the modern school of thought, this role is performed in partnership with the members of the public. However, the ever-rising level of criminal activities in the Kenyan society raises pertinent questions on public, social and political order. In all due respect, police force in Kenya has been facing a lot of difficulties and challenges such as low salaries, lack of equipment and reliable means of transport, poor living conditions and, to some extent, lack of motivation.

Further, for all their widely recognised difficulties, data produced by the police on offences reported to them are important indicators of police effectiveness.<sup>54</sup> Similarly, although data acquired from the newspaper reports on crime is comparatively of lesser magnitude, the 2002 Kenya Crime Survey statistics acquired from newspaper reports indicates that police effectiveness in combating crime in Kenya needs improvement.

On average, the percentage of successfully executed crimes of robbery, carjacking, banditry, cattle rustling, murder, and family-related crime was

80.1% in 2002. Undeniably, the rate at which crime occurred possibly undeterred in 2002 was quite high. Indeed, this directly impacts negatively on public safety. It is not a surprise then that in a study conducted in Nairobi and co-published by United Nations and Safer Cities, 75% of respondents felt unsafe in their homes during the night and more than half felt unsafe during the day. Just under a half considered that they live under siege and would avoid going out during the day unless it was absolutely necessary.<sup>55</sup>

Comparatively, the proportion of successfully executed crimes in 2002 was higher than in 2001. It is important to note that there were fewer crimes reported in 2002 than in 2001 but as a matter of fact, there were many cases of political violence in 2002 as it was an electioneering year. It could therefore be postulated that there might have been lower possibility of police interception of criminals or foiling of crime given that most crimes reported were successfully accomplished. This brings into focus the issue of the overall police to population ratio, and hence, the query of whether we have enough police officers to serve the public safety needs of our population.<sup>56</sup>

### ***Police action based on tip-off***

Over the years, it has been assumed that policing responsibility is a prerogative of the police and any other security apparatus. This assumption seems to be a practice of the past as the concept of community policing has been embraced in Kenya to some good extent. Given the dynamics of crime and insecurity, the cooperation of the public with police has become very instrumental in curbing crime and enhancing security.

Police role in curbing crime is of fundamental importance but on their own the police cannot generate sufficient information to arrest or prosecute suspects. The role of the public in passing on information to the police is equally important. In 2002, it emerged that there were tip-offs given to the

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<sup>54</sup> Biddle, K *et al*, 199, *Evaluation of ODA/DFID Support to the Police in Developing Countries: A Synthesis Study*, p. 9, Vol. II.

<sup>55</sup> UNDP, UN-Habitat, Safer Cities & ITDG, *Crime in Nairobi: Results of a Citywide Victim Survey* (Nairobi: Safer Cities Series 4, 2002) p 105.

<sup>56</sup> The current police to population ratio is 1:850 as stated in GOK, 2003, *Kenya: Economic Recovery Strategy for Wealth & Employment Creation: 2003-2007*, pp.10-11. The recommended United Nations police to population ratio is 1:400.

police in cases of robbery (6.6%), carjacking (4.9%), family-related crime (5.4%), security agent misconduct (5.9%), illegal possession of firearm (14.6%), and gun-related crime (9.4%).

In most of the above incidences, there was threat of life to a group of people as opposed to individuals. Threat to life in these incidences may have been indirect in terms of the consequences that would follow in the crime process. Criminals are known to change their targets of crime depending on the circumstances and environment. This could have been the main driving force for the members of the public to give tip-offs to the police taking cognizance of the fact that no one was safe as criminals could attack suddenly and from any direction.

Murder incidences recorded the lowest rate of tip-off (1.4%) In most cases, murder incidences are committed under very mysterious circumstances and the criminals involved will always ensure total secrecy to safeguard success of the crime and keep off from the investigators' scrutiny.

In banditry, cattle rustling, land clashes or ethnic violence, politics-related and public involvement in crime, there were no tip-offs given to the police. This could be explained with respect to the target of the criminal activities. In most of the crimes mentioned above, one community pitted against the other over livestock, land, resources or politics. Under the circumstances, it would be extremely difficult for a member of the either community to pass information that could easily lead to betrayal to the police.

Another element is the fact that most of these incidences occurred in rural areas where police stations are far from the reach of the communities. There are also infrastructural problems inhibiting flow of information from the communities to the police. To encourage the process of the public giving tip-offs to the police, the government needs to improve infrastructure and increase the number of police stations and posts particularly in the vast rural districts prone to banditry, cattle rustling and ethnic violence.

There were a total of 43 cases in newspaper reports in which the police response to crime was based on a tip-off. This constitutes a drop from 63 such cases in 2001, although there were more crime reports in 2001 than in 2002. As community policing gains grounds within urban centres and gradually spread to the rural setting, it would be interesting to assess the level of improved tip-offs given to the police by respective communities.

Table 51 below displays various categories of police interaction with crime circumstances. In the first two columns, it was clear that police were given a tip-off or were not tipped off at all. The third column shows that in a number of incidences, it was not clear whether or not there was a tip-off given to the police.

The unclear circumstances could have been created by lack of proper records available to the media by either the police or the public. It could also reflect a kind of laxity on the part of the media with respect to getting complete details regarding the crime circumstances. The media's role in reporting crime is very crucial and this is why it is necessary for it to be deeply involved in information sharing.

In each of the major crime categories analysed in this text as shown in Table 51, police on patrol interrupted the progress of crime. Police patrol interrupted both rural and urban based crimes. Clearly, police patrols have a lot of impact in curbing crime and this is the reason all the more why it is necessary to increase police patrol throughout the country as a strong measure towards addressing the ever-increasing level of crime in urban centres and in rural Kenya.

In each of the crime categories as shown on Table 51, the rate of the absence of police interaction with crime appeared quite high. The lack of mention of the police could mean that they were not available to be given a tip-off or they were not in patrol. Essentially, police presence needs to be felt in the midst of the public as much as possible as a means to increasing public safety and promoting community policing. Perhaps one of the limiting factors on police presence is the ratio of one police officers against over 1,000 members of the public. It is a challenge for the government to train more police officers as a means of supporting community policing and also in a bid to increase police patrols in urban and rural Kenya.

Police misconduct was also observed in the process of interaction with crime situation. Even though the rate was negligible, it is a pointer that there are some police officers who in the course of duty get involved in crime as accomplices. It also indicates that there are some uncommitted officers in the force of service who may be contributing in tarnishing the good conduct of the others.

With regard to police performance, there is also possibility that police training is inadequate and therefore the need to enhance police training

**Table 48: Police action based on tip-off prior to crime in 2002, n=826**

Type of crime	Yes	No	Do not know	Police on patrol	No mention of police	Police misconduct	Total
Robbery	6.6	2.1	8.7	9.4	72.7	.3	100.0
Carjacking/hijacking	4.9	4.9	15.5	14.6	60.2		100.0
Banditry		2.5	12.5	2.5	82.5		100.0
Cattle rustling/animal theft/poaching		6.0	12.0	4.0	76.0	2.0	100.0
Murder	1.4	1.4	4.3	1.4	90.0	1.4	100.0
Family-related crime	5.4	3.6	14.3	1.8	73.2	1.8	100.0
Public involvement in crime			14.7	5.9	79.4	100.0	
Security agent misconduct	5.9	17.6	27.5	3.9	13.7	31.4	100.0
Illegal possession of firearm	14.6	2.1	27.1	45.8	10.4		100.0
General gun-related crime	9.4	6.3	25.0	6.3	53.1		100.0
Land clashes/ethnic violence			13.3		80.0		6.7
100.0							
Politics-related crime			22.2		77.8		100.0

for the entire

cadre. Another over-riding factor could be lack of motivation amongst the officers due to low salaries and poor working conditions. It is hoped that police reforms will, to a great extent, address some of the problems inhibiting the provision of the expected services to Kenyans.

### ***Police misconduct***

Security agent misconduct as a chapter analysed the general failure of the agents on the basis of crime. This section looks at incidences where police were involved in various categories of crime in the course of duty. One of the most frequent forms of misconduct that police got involved in was misuse of firearms. This consisted of 2.5% of a total of 61 incidences.

Police misused their firearms in various ways - shooting at motorists who failed to stop at road blocks, drawing guns to repulse demonstrating students or a mob, shooting at suspects without taking time to ascertain whether or not they were criminals and some officers reportedly misusing their firearms when caught in love affair brawls. Indeed, these are isolated cases and it is only a handful of officers who ended up misusing their firearms in the course of duty.



However, these isolated cases often blow a dented image on the officers as the public relate to them suspiciously. Obviously, this has a negative impact in curbing crime in Kenya as the public may be deterred from passing on information to the police due to fear of police over-reaction.

Police misconduct also involved accidental or unintended excessive use of force perpetrated against the public, prison inmates or suspects in police custody. In most of the other incidences reported, the police may have shot at an unruly crowd to disperse them and in the process, there might have been some casualties. Unchecked force perpetrated against the public damages the confidence required for information sharing particularly necessary in crime prevention and curbing crime *per se*.

Police misconduct was also reflected in a few cases of accidental shooting in the course of duty. Flying squad, a crime fighting unit and police reservists, were particularly mentioned in accidental shooting. Even though these are isolated cases, they hamper public confidence in the police and more so in information sharing. It is hoped with the intended police reforms, some of these individual weaknesses would be addressed.

In a few instances, police officers disguised themselves as civilians to commit crime. In another incident, officers lend out their firearm to criminals. This form of misconduct is absolutely serious as it further erodes public confidence in the force of service. To some extent, this could be a cause of crime as criminals could easily justify their involvement in crime as they work in cahoots with some officers. The argument would be if the police are doing it, why not anybody else.

Indeed, police bosses need to ensure that the officers are in proper police uniform or any other form of identification must be made as explicit as possible. There also seems to be a gap in terms of the public's ability to identify police officers. It would be necessary for vigilante house to educate the public on the ways and means of identifying police officers who are uniformed and as well as those not in uniform for specific reasons.

A case of police interdiction due to the loss of firearm was reported in 2002. This single case shows that there are some officers who are careless enough to lose their firearms. It could have been out of drunkenness or the officer may have lost his firearm to some gangsters. To some degree, this could bring to focus the issue of having some officers who are not adequately trained. With police reforms in the making, it is hoped that re-training the

officers could play a positive role in addressing some of the weaknesses the officers seem to possess. It would also be expected that not only would an errant officer be interdicted but also prosecuted and imprisoned if found guilty as a deterrent to other officers.

At least in five incidences, police in self-defence engaged in misconduct at different levels in the course of duty. The police felt threatened when faced by armed gangsters and they had to shoot in self-defence. Threat was also experienced when police interests were to be compromised in a love or family affairs. Also threat that called for self-defence was generated when social or economic interests were under due pressure.

It is a natural defence mechanism for human beings to react in certain ways when under threat or in duress. In this respect, the officers who acted in self-defence could only have been following the natural law. Self-defence for the officers could be detrimental in the course of duty and for the common good in curbing crime.

Police inaction and negligence of firearm or police equipment also constituted incidences of police misconduct. Police officers take an oath of office to serve all without fear or favour. Therefore, police inaction and negligence of firearm or any other equipment are serious offences that could further erode public's confidence in the force. Inaction and negligence could also create room for criminal activities. Criminals could take advantage of any loophole to commit heinous crimes.

In two incidences, police misconduct involved an officer fighting his colleague. Even though there were only two incidents, the fact they were reported shows

**Table 49: Frequency of police misconduct incidents reported in 2002**

Type of Crime	Frequency	Percent
Misuse of firearms	21	2.5
Violence perpetrated against public or inmates by police	6	.7
Accidental/unintended shooting	7	.8
Victim shot after being mistaken for a criminal	3	.4
Police hiring out or lending a gun to suspects/criminals	1	.1
Police disguising themselves as civilians to commit crime	3	.4
Interdiction due to loss of firearm	1	.1
Police self-defence	5	.6
Police inaction	4	.5
Negligence of firearm/police equipment	8	1.0
Police fighting a colleague	2	.2
<b>Subtotal</b>	<b>61</b>	<b>7.4</b>
No police misconduct	765	92.6
<b>Total</b>	<b>826</b>	<b>100.0</b>

that there was glaring evidence. Possibility of the officers losing firearms to criminals in such a scuffle would be quite high. The general public would expect officers to restore order and not to get engaged in misconduct as this would impede the fight against crime.

### **Impact of crime**

To assess the impact of crime in 2002, several parameters were employed for the analysis. These were the number of persons killed, the number of persons injured, the number of criminals and the number of victims. The choice of these parameters is based on the acknowledgement that whenever crimes occur in Kenya, some citizens are impacted on through death, injuries or as victims. In every crime, there are criminals involved and the extent of their engagement in the criminal activity may determine degree of impact.

In total, 731 persons were killed in 826 crime incidences in 2002. On average, it implies that at least 1.1 persons were killed in every criminal incident. Of the 731 incidences, the majority occurred in robbery - a total of 196 or 26.8%. In cattle rustling, a total of 131 persons were killed. This was the second highest number of persons killed in the incidences analysed. The third highest rate of persons killed occurred in murder - a total of 98 persons or 13.4%. In carjacking, 64 persons were killed.

The least number of persons killed were in politics-related crime, public involvement in crime and in security agent misconduct as shown in Table 53. Even though the difference between the highest and lowest number of persons killed in different crimes is so high, the common denominator is that at least in every incident of crime, there was high likelihood of a person being killed.

A total of 696 persons were injured in 826 incidences cut out for analysis in 2002. The highest number of persons were injured in robbery incidences -190 or 27.3%. In carjacking, 102 persons were injured, and this was the second highest rate of injuries in crimes reported in 2002. General gun-related crime incidences left a total of 91 persons injured. In robbery, as many people were killed as they were injured. In carjacking and general gun-related crime, more people were injured than were killed. This implies that even when the number of persons killed may be lower than those injured, the impact is significantly high.

It is interesting to note that the least number of injuries took place in murder (7 persons), public involvement in crime (9 ) and illegal possession of firearms (15). Explicitly, in murder attempts, the attacker targets at eliminating the victim and if there are injuries, this may just occur by chance.

Public involvement in crime registered a minimal number of injuries because culprits apprehended may have been arrested and taken to the police or might have been killed through mob justice. In possession of illegal firearms,

at least 15 persons were injured.

In general, there appears to be a converse relationship between the number of persons injured and the number of the offenders. The number of persons injured tends to increase depending on the number of offenders. If the offenders are few, the number of injuries will increase and if the offenders are many, the number of persons injured decreases.

Robbery had the highest number of criminals, 960 against 286 incidences of the crime. Robbery is a high risk engagement and this could explain why so many criminals were involved, probably to add strength. Even though the target of robbery may have been a few people, many criminals had to be involved as back-up and to ensure that the crime was conducted successfully.

Cattle rustling also registered a high number of criminal involvement (586). The crime occurs mainly in rural setting where common good prevails in terms of the community getting concerned with the welfare of its members. Such cohesion may have motivated the criminals involved in cattle rustling to mobilize many warriors to ensure successful execution.

Lowest numbers of criminals were reported in politics-related crime, security agent misconduct, murder and public involvement in crime. Essentially, crimes that are high risk attracted more criminals than those with lower risks.

The highest number of victims in newspaper reports in 2002 was in robbery (242 victims), followed by carjacking (91), and the third highest number was in murder (85). The lowest number of victims was in politics-related crime (2), in land and ethnic clashes (4), and in illegal possession of firearm (8).

Clearly, the figures of victims impacted on by different crimes are disproportionate. It confirms the observation that crimes in Kenya have a different magnitude. Some of the crimes require more serious attention from law enforcement agencies than others.

### ***Number of deaths***

Robbery had the heaviest toll on human life in crimes committed in Kenya in 2002. A total of 196 persons were killed in 286 incidences. On average, it means that 1.5 persons were killed in every robbery incident. Further, in one year of 360 days, at least one person was killed in every two days in a robbery incident. This could be an alarming average, but it captures the argument well that robbery is a serious crime in Kenya. It further shows that chances of being killed in a robbery incident in Kenya are quite high.

Incidences of robbery in different parts of the country were evidently violent and criminals seemingly did not take chances of human obstacles in execution of crime. Tools of violence were mainly firearms and crude

weapons. In relation to the large number of criminals involved in robbery, it appears that in most cases, the members of a gang were many and may have

**Table 50: Summary: Exact number of people impacted on by crimes in 2002<sup>1</sup>**

Type of crime	Number of persons killed		Number of persons injured		Number of criminals		Number of victims	
	Sum	Percent	Sum	Percent	Sum	Percent	Sum	Percent
Robbery	196	26.8	190	27.3	960	32.7	242	32.1
Carjacking/njacking	64	8.8	102	14.7	323	11.0	91	12.1
Banditry	45	6.2	43	6.2	90	3.1	78	10.3
Cattle rustling	131	17.9	53	7.6	586	19.9	70	9.3
Murder	98	13.4	7	1.0	76	2.6	85	11.3
Family-related crime	33	4.5	58	8.3	166	5.6	76	10.1
Public involvement in crime	19	2.6	9	1.3	78	2.7	29	3.8
Security agent misconduct	19	2.6	54	7.8	59	2.0	36	4.8
Illegal possession of firearm	32	4.4	15	2.2	210	7.1	8	1.1
General gun-related crime	24	3.3	91	13.1	126	4.3	16	2.1
Land & ethnic clashes	31	4.2	20	2.9	150	5.1	4	.5
Politics-related crime	5	.7	33	4.7	1	.0	2	.3
Other	34	4.7	21	3.0	115	3.9	18	2.4
<b>Total</b>	<b>731</b>	<b>100.0</b>	<b>696</b>	<b>100.0</b>	<b>2,940</b>	<b>100.0</b>	<b>755</b>	<b>100.0</b>

<sup>1</sup>These figures exclude those Categories whose number of people killed, injured, victims and criminals were a group or not known.

exerted a lot of unnecessary pressure resulting to death of the victim(s).

Cattle rustling, animal theft or poaching had the second largest casualties of persons killed. The crime mainly occurs in outlying districts of the country. Lethality of the firearms used in cattle rustling, especially AK 47, as discussed on the chapter on cattle rustling could also have contributed to the large number of persons killed. Clearly, the number of criminals involved in the crime was quite high. This could further explain the relationship between the numbers of persons killed against the criminals involved in crime, as earlier observed.

In murder, 98 persons were killed in 70 incidences. The figure indicates that in every case, a person was killed while in some cases, more than one person may have been killed. Further, almost two persons were killed every other week of the year. Essentially, security in some parts of the country, particularly the urban centres, needs to be improved for the sake of sanctity of life as loss of life has far reaching economic impact and effect to the family unit and the nation at large.

Carjacking and banditry also recorded a high rate of death - 64 and 45 persons respectively. In Carjackings, there were 103 incidences which means that in every case, 1.6 persons were killed. The possibility is that in every carjacking incident in Kenya, at least one person is likely to be killed.

Banditry activities were 40 in 2002 when 45 persons were killed. This translates to at least one person being killed in every banditry incident. Loss of life has great impact at every level of the society. Therefore, it is necessary for security and law enforcement agencies to ensure that human security is enhanced in every part of the country and throughout the year.

The least number of persons killed were in politics-related crime (5 persons), public involvement in crime (19 ), security agent misconduct (19), and general gun-related crime (24). The total number of incidences of each crime as shown on Table 4 clearly indicates that even though the reported cases may not have been so many, the rate of death in each crime was relatively high. In general, crimes in Kenya appear to be quite violent even when only a few incidences do occur.

### ***Extent of injury***

Most of the injuries reported in crime in 2002 occurred in robbery (190 persons). As many people were injured as they were killed in robbery incidences. This further underscores the point that robbery is a crime of high magnitude in Kenya and impacts heavily on human security.

In carjackings, a total of 102 persons were injured. In contrast, 64 persons were killed in hijacking. Essentially, for every person killed in an incident, at least almost two persons were injured. It is clear that the possibility of either being injured or killed in a robbery incident is quite high. The circumstance is further aggravated by the fact that most of carjackers, as it was discussed earlier, either used firearms or crude weapons in carjacking incidences.

General gun-related crime was rated third with regard to the total number of persons injured (91). This implies that gun-related crimes in Kenya are a serious matter that requires due attention. In Chapter 9, a summary was provided to detail the crimes that were lumped up together as general

**Table 51: Exact number of persons killed in crime as reported in the newspapers in 2002<sup>2</sup>**

Type of crime	Sum	Percent
Robbery	196	26.8
Carjacking/hijacking	64	8.8
Banditry	45	6.2
Cattle rustling/animal theft/poaching	131	17.9
Murder	98	13.4
Family-related crime, assault and defilement	33	4.5
Public involvement in crime	19	2.6
Security agent misconduct	19	2.6
Illegal possession of firearm	32	4.4
General gun-related crime	24	3.3
Land clashes/ethnic violence	31	4.2
Politics-related crime	5	.7
Other	34	4.7
<b>Total</b>	<b>731</b>	<b>100.0</b>

<sup>2</sup> These figures exclude those Categories whose number of people killed were a group or not known.

gun-related crime. These were ambush, firearm robbery, arms trafficking or manufacture, criminals mounting illegal road blocks, burglary, illegal possession of police equipment and terrorism.

Essentially, the number of persons injured in gun-related crime shows that even in negligible incidences of gun crime, there is significant impact. Therefore, gun crime whether minor or major requires all due attention from law enforcement agencies and the public through community policing.

In family-related crime, assault and defilement, 58 persons were injured. Even though most of the injuries may have been afflicted in family scuffle and crude weapons were used, the number of injuries indicates that there was impact to some extent whether the crime was of high or low magnitude.

Security agent misconduct left 54 persons injured. Significantly the number contravenes public expectations on the security agents who are custodians of law and order. The injuries further shows that affliction is not limited to criminals and the general public, but the fact that even security agents' misconduct does impact negatively on the well being of the public that they serve in different capacity.

Cattle rustling/animal theft or poaching had 53 persons injured. Even though the crime was mainly committed in outlying districts the impact on the affected communities was high with regard to injuries and persons killed. It was discussed else where that the long range AK 47 was the firearm of choice in cattle rustling with back-up of a few pistols. The number of injuries shows that the underlying root causes of the crimes need to be addressed in view of enhancing human security.

The least number of injuries occurred in murder (7 persons) public involvement in crime (9), illegal possession of firearm (15), land clashes and ethnic violence (20). Even though the figures may appear low, the impact was significant in the sense that some members of public suffered the blunt of the crime. In murder, it was outright that the attackers meant to kill and not to injure the victim. This is why the figure was the lowest.

Public involvement in crime left nine persons injured. Essentially, public involvement in crime does not appear to be a very serious crime in Kenya and it could be curbed through civil education and raising awareness on the need for the public to apprehend a culprit and escort him/her to a police station instead taking the law on its hands.

### ***Number of victims***

The category of the victims includes those persons who were caught up in the crime either directly or indirectly. In this category, persons killed and injured are not included. The category includes any other people who were affected at the spur of the crime.

According to the newspaper reports of 2002, there were a total of 755 victims in different crimes. In robbery alone, there were 242 victims or 32.1% of the



total. This leaves no doubt that robbery is the most serious crime in Kenya as has the highest toll of persons killed and persons injured. The victims were robbed off other valuables like cell phones, money, wrist watches, jewellery and handbags among other things. Victims could also have been persons who were close to the scene of crime and they were threatened or intimidated to ensure that they did not report the incident to the police, or they did not raise the alarm.

The second highest number of victims was reported in carjacking/hijacking

Type of crime	Sum	Percent
Robbery	190	27.3
Carjacking/hijacking	102	14.7
Banditry	43	6.2
Cattle rustling/animal theft/poaching	53	7.6
Murder	7	1.0
Family-related crime, assault and defilement	58	8.3
Public involvement in crime	9	1.3
Security Agent misconduct	54	7.8
Illegal possession of firearm	15	2.2
General gun-related crime	91	13.1
Land clashes/ethnic violence	20	2.9
Politics-related crime	33	4.7
Other	21	3.0
<b>Total</b>	<b>696</b>	<b>100.0</b>

<sup>3</sup> These figures exclude those Categories whose number of people injured were a group or not known.

incidences. A total of 91 persons were victims in the crime either as passengers in carjacked vehicles or civilians who were witnesses. They were victimised in a bid to silence or threaten them not to report the incident to the police or not to act as obstructers towards the completion of crime. In different circumstances, passengers particularly in public vehicles, fall victims of carjacking and often lose certain valuables to the criminals.

In murder incidences, there were 85 victims. The victims constituted persons who were targeted for murder but they escaped by a whisker. Persons who were terrorised by murderers after the incident with a view to instil fear and

prevent passing information to the police, persons who may have informed police or members of the public about the crime and were victimised, persons at the scene of crime as family members friends or neighbours, and criminals who might have attempted to escape after a murder incident and members of the public set on them with any available tools. All these are indicators that the impact of crime in Kenya, and in particular murder, is quite serious as it affects not only the target but other persons may get victimized in the process.

Banditry had 78 victims or 10.3% of the total out of the 40 incidences reported. Possibly the figure could have been higher but due to lack of reliable means of communication in most of the outlying districts of Kenya, some of the victims may not have been known. As a matter of fact, most of the communities where banditry activities take place live in settlements constituting temporary traditional huts (manyatta). If there is a banditry attack, there could be many occupants affected in such settlements. The impact of crime extends both in urban and in rural setting.

Family-related crime, assault and defilement affected 76 victims. These were mainly persons who came to the rescue of the target and ended up being attacked in vengeance. Perpetrators of the crime were also victims when members of the public or family turned their wrath in search of justice. Essentially, crime in Kenya needs to be addressed at all levels as the impact is not limited to a particular group of people.

In cattle rustling, animal theft or poaching, at least 70 persons were victims. The scope of victims varied from mistaken identity, victimization of suspects, victims at the scene of crime and general members of the public. As in the previous paragraph, it could be possible that there were many victims but only a few were reported in the newspaper reports.

The least number of victims of crime were reported in politics-related crime (2 victims), land clashes or ethnic violence (4 ), illegal possession of firearm (8 ) general gun-related crime (16), and other crimes (18 ). The numbers should not be misconstrued here to imply that only a few victims were impacted on. Reality on the ground could have been different, only that a few incidences were reported in the newspapers. On the other hand, it could also imply that the magnitude of the impact of crime is light in some cases and very severe in other crime types.

### ***Number of criminals***

A total of 2,940 criminals were involved in respective crime types in different

parts of Kenya in 2002. The figure surpassed the number of persons killed, injured or even those who were victims. The large number of criminals shows that the gangs were made up of several members to reinforce and ensure successful execution of crime. It also shows that in most criminal activities, the criminals expect some form of resistance and therefore they have to be many in the gang to exert pressure and overcome any possible resistance.

Robbery incidences attracted the highest number of criminals (960). The figure further confirms that robbery is the most serious crime in Kenya and that criminals involved expect some form of resistance from their targets. In addition, it shows that criminals expect good yields from robbery such as vehicles, money, electronics, animals, ammunition, e.t.c.

Even though robbery could be a highly risky crime, the option of mobilising

**Table 53: Exact number of victims of crime as reported in the newspapers in 2002<sup>4</sup>**

Type of crime	Sum	Percent
Robbery	242	32.1
Carjacking/hijacking	91	12.1
Banditry	78	10.3
Cattle rustling/animal theft/poaching	70	9.3
Murder	85	11.3
Family-related crime, assault and defilement	76	10.1
Public involvement in crime	29	3.8
Security agent misconduct	36	4.8
illegal possession of firearm	8	1.1
General gun-related crime	16	2.1
Land clashes/ethnic violence	4	.5
Politics-related crime	2	.3
Other	18	2.4
<b>Total</b>	<b>755</b>	<b>100.0</b>

<sup>4</sup> These figures exclude those categories whose number of victims were a group or not known.

many members of a gang makes it more attractive and lucrative in terms of the end product. Most of the goods stolen are not consumed directly but they have to be sold to generate money for purchasing items of interest. Goods once sold also makes the criminals feel rich as they will have money to spend at will. These facts confirm why crime appeared attractive to many criminals.

Cattle rustling, animal theft and poaching had the second highest number of criminals (586). As in robbery, animal-related crimes are highly risky as pastoralist communities hold animal wealth in very high regard. In recent years, most pastoralist communities have acquired firearms to enhance security for their animals. Criminals are aware of this fact and this is why they had to mobilise many members of the gangs that engaged in animal-related theft.

Poaching in Kenya mainly refers to theft of animals that are within national and game reserves. Poachers steal the animals for hides, tusks from elephants and for commercial purposes, for example, to sell to local butchers. Under Kenya Wildlife Services (KWS), most of the game reserves are protected by armed guards. With this knowledge, the criminals had to mobilise enough gang members to ensure successful execution of the crime.

In carjacking, there were a total of 323 criminals. This could only be an estimate as the crime is fairly swift and it is difficult to know the exact number of criminals within the scene of crime. Some of the criminals could easily mingle with members of the public and especially if the progress of crime is interrupted. As carjacking takes place on the highways where there are other motorists, the crime thus qualifies for high risk crimes which attracted many criminals in 2002.

In illegal possession of firearms, 210 criminals were reported. The figure shows that possession of firearms in Kenya is quite rampant among seasoned criminals and those that are in the process of becoming criminals. Illegal possession of firearms had a count of 48 incidences.

Criminals involved in these incidences were four times as many as the reported cases. This showed that criminals involved in illegal possession of firearms have the tendency to engage in the crime as a gang as opposed to individuals. Essentially, policing aspects geared towards the reduction of crime need to target gangs of criminals and not just individuals.

Family-related crime, assault and defilement had 166 criminals. Clearly, even in this category of crime, there was a tendency to commit crime in a group of relatives as opposed to individuals.

Land clashes or ethnic violence attracted 150 criminals out of 15 incidences. Opposition may have been anticipated from the targeted communities.

Therefore, the criminals had to mobilise enough members to constitute the gangs.

Crimes that had the least number of criminals i.e. politics-related crime (1), security agent misconduct (59), murder (76), public involvement in crime (78), among others also reflected the tendency for criminals' preference to commit crimes in a group as opposed to single-handed operations.

The tendency for criminals to act in a group could be exploited positively in crime prevention. Evidently, criminals fear confronting their targets as they anticipate resistance. Beefing up community policing aspects would empower and enable affected targets of different crimes to get support from their respective community

### **Discharge of firearms**

To assess the impact of application of firearms in crime in Kenya, three questions were applied to facilitate the analysis as shown on Table 58 below. The first row indicating "yes" shows that there was firearm discharge; the column with no indicates that there was no firearm discharge whilst the last column shows that it was not clear whether or not a firearm was discharged.

Of the 286 incidences of robbery, there was a firearm discharge in 43.7% of the cases. Even though this was below half of the incidences, it does confirm that firearms are commonly used in robbery cases and discharge of firearm in the process is a high possibility.

Total numbers of carjacking incidences were 103. Out of these, discharge of firearm occurred in 48.5% of the incidences. Evidently, the percentage shows that application and discharge of firearm in hijacking was repeatedly in use perhaps to coerce the target to comply with orders and to scare away onlookers who could come to their rescue.

**Table 54: Exact number of criminals as reported in the newspapers in 2002<sup>5</sup>**

Type of robbery	Sum	Percent
Robbery	960	32.7
Carjacking/hijacking	323	11.0
Banditry	90	3.1
Cattle rustling/animal theft/poaching	586	19.9
Murder	76	2.6
Family-related crime, assault and defilement	166	5.6
Public Involvement in crime	78	2.7
Security agent misconduct	59	2.0
Illegal possession of firearm	210	7.1
General gun-related crime	126	4.3
Land clashes/ethnic violence	150	5.1
Politics-related crime	1	.0
Other	115	3.9
<b>Total</b>	<b>2,940</b>	<b>100.0</b>

<sup>5</sup>These figures exclude those Categories whose number of criminals were a group or not known.

There were 40 incidences of banditry. In 77.5% of these incidences, there was firearm discharge. This was the highest rate of firearm discharge and it clearly shows high use of firearms in the crime. Banditry mainly occurs in outlying districts in Kenya. Apparently, it appears that most of the bandits engaging in the crime possess firearms and they make use of them broadly.

Cattle rustling incidences in 2002 were 50. Firearm discharge occurred in 68% of these. The percentage shows that application of force and violence was rampant in the crime. It also confirms that most of the communities engaging in the crime possess firearms.

In murder incidences which had a count of 70 cases as reported in the newspapers, there was firearm discharge in 38.6%. The low discharge of firearm in murder showed that persons who engaged in the crime did not necessarily make use of firearms but also applied home-made firearms and crude weapons to accomplish their heinous acts. Another reason for the low discharge could be seen from the nature of the crime and secrecy surrounding it. Murder is a capital crime and if a suspect is found guilty, they are either subjected to life imprisonment or capital punishment. Therefore, the criminals could have used silencers in firearms to safeguard secrecy or

any other devices or methods to get unnoticed in the operation.

Discharge of firearms could therefore serve as a lead in police investigation and the culprit would rather not leave any traces. In cases where there was firearm discharge, the culprits were either law enforcement agencies who later surrendered to the police. In other incidences, the victims were found murdered and their bodies dumped in a different location to conceal the facts.

There were 56 incidences of family-related crime, assault and defilement. Of these, there was firearm discharge in 14.3% of the incidences. Even though firearm discharge was fairly low, the percentage points at the fact that there are some families in Kenya prone to use of firearms as criminals or law enforcement agencies.

Need to address misuse of firearms at all levels of the society cannot be underscored. Low percentage of firearm discharge is also a sign of hope that it is not an acute problem in Kenya and there is room to address the few cases that are there.

Public involvement in crime had 34 incidences and there was firearm discharge in 17.6% of this. The percentage shows that there is some degree of violence amongst the general public in Kenya that needs to be addressed. It does not appear to be an extremely serious occurrence. However, there is room to address the problem particularly through community policing.

In security agent misconduct, there were a total of 51 incidences. Out of this, firearm discharge was reported in 58.8% of the incidences. Unfortunately the Kenyan public expect a lot from security agencies but this has not been quite forthcoming. Security agent misconduct is an indication that all has not been well with our *utumishi kwa wote*. It is hoped that with the anticipated police reforms, the force will be transformed to one of service to the community.

There were 48 incidences of illegal possession of firearm discharge reported in 35.4% of the cases. The crime type was reported mainly among civilians. It is a confirmation that illegal possession of firearm amongst Kenyan public is rampant but not out of hand. As economic, social, political leadership and good governance levels improve in Kenya, it can only be hoped that some of these criminal activities will be curbed along the underlying root causes of the problem.

In general gun-related crime, 32 incidences were reported. Firearm discharge occurred in 28.1% of these cases. Land clashes and ethnic violence recorded 15 incidences and firearm discharge happened in 20.0% of the cases. In politics-related crime, there were 9 incidences and firearm discharge was reported in 11.1% of the cases.

Even though all these figures may be negligible, they all point at the fact that firearm crime in Kenya is a problem that cannot be ignored. It has to be addressed at all levels and consistently to prevent escalation.

## Property reported stolen

### Introduction

In the previous publication, *Kenya Crime Survey 2001*, property reported stolen was accorded a complete chapter. Due to considerations based on style and content, it was felt that this section should be condensed into the Chapter on "Impact of Crime". By so doing, the impact of crime will be underscored against property stolen.

Also in the previous publication, analysis of property stolen was based on specific crime type. In this publication, the format was changed to manifest the extent to which property was stolen or not stolen as explained below.

Type of crime	Were any firearms fired?			Total		
	Yes	No	Do not know	Total	Count	%
Robbery	43.7	28.0	28.3	100.0	286	34.6
Carjacking/hijacking	48.5	15.5	35.9	100.0	103	12.5
Banditry	77.5	5.0	17.5	100.0	40	4.8
Cattle rustling	68.0	10.0	22.0	100.0	50	6.1
Murder	38.6	54.3	7.1	100.0	70	8.5
Family-related crime	14.3	67.9	17.9	100.0	56	6.8
Public Involvement in crime	17.6	70.6	11.8	100.0	34	4.1
Security agent misconduct	58.8	27.5	13.7	100.0	51	6.2
Illegal possession of firearm	35.4	45.8	18.8	100.0	48	5.8
General gun-related crime	28.1	25.0	46.9	100.0	32	3.9
Land clashes/ethnic violence	20.0	53.3	26.7	100.0	15	1.8
Politics-related crime	11.1	66.7	22.2	100.0	9	1.1
Other	59.4	25.0	15.6	100.0	32	3.9



## ***Extent of property stolen***

To gauge the extent to which property was stolen, three questions were posed as indicated on Table 59. Where it was pretty clear that some property was stolen, the response was “yes” as on the first column; incidences where no property was stolen, the response was “no” as indicated in column two and finally, cases where it was not clear whether or not property was stolen, the response was “do not know” as in column three.

In 54.5% of robbery incidences, there was property stolen while in 30.1% no property was stolen. The percentage of property stolen could be attributed to criminal activities that progressed to completion but in cases where nothing was reported stolen there may have been interruption through police action or members of the public giving a tip-off to the police or simply foiling the crime. The fact that in over half of the incidences there was property stolen shows that most robbery incidences were successful.

In carjacking, property was reported stolen in 44.7% of the incidences and in 32.0%, nothing was stolen. Property stolen in carjacking ranged from the vehicle or parts of a vehicle and property possessed by some or all of the vehicle occupants. Through police and public interruption, some carjacking incidences never progressed to completion and nothing was stolen.

Banditry activities may not have been fully reported in the newspapers as it was only in 20% of the incidences that some property was stolen. In 32.5% of the cases, nothing was stolen and in 47.5% it is not known whether or not some property was stolen.

Cattle rustling activities had the highest rate of property stolen and this stood at 60.0%. Clearly, the cattle rustlers were set to steal livestock and most of the incidences progressed to completion. In the remaining cases, nothing was stolen perhaps due to community alertness and in 26.0% it is not known if any property was stolen or not.

Clearly, the intention to eliminate a target was explicit in murder cases where only in 5.7%, some property was reported stolen while nothing was stolen in 72.9% of the incidences. The property stolen could have been a cover-up of the motive of the murder.

In family-related crime, property was stolen only in 5.4% of the incidences and in 80.4% of the cases, nothing was stolen. Therefore the motive for family-related crime was not to steal property but to inflict pain or achieve

other intended goals.

Property was stolen only in 11.8% of public involvement in crime and nothing was stolen in 58.8% of the incidences. The public may have directed its wrath to a criminal and took the law upon their hands in mob justice. In this respect the intention was to seek justice and not to steal property.

Security agent misconduct involved failure on professionalism and not stealing property. Only in 3.9% of the incidences was property stolen while in 84.3%, nothing was stolen at all. Even though not conclusively, it is possible that security agencies do not engage in property theft except in a few cases.

In illegal possession of firearm, only on 2.1% of the cases was there property stolen while in 89.6% nothing was stolen. Evidently, the firearms illegally possessed must have been held with the intention to engage in other crimes and not necessarily stealing property. This confirms the fact that crimes in Kenya are quite diverse but there are criminals who intentionally engage in robbery *per se* or stealing property from respective quarters.

In general gun-related crime, property was stolen in 53.1% of the incidences. Presumably, the gun was part of the targeted property. No property was reported stolen in 34.4% of the cases. This means that there were other intentions in gun-related crime and not stealing property.

Land clashes and politics-related crime, property was stolen in few incidences - 6.7% and 11.1% respectively. In 60.0% and 55.6% respectively, it is not known if any property was stolen. Apparently, there were other motivating factors in the crimes and not stealing property. Possibly, even the little property stolen in these incidences was unintended and it was a cover up of the real intentions.

**Table 56: Extent to which property was stolen in crime in 2002**

Type of crime	Was property stolen?				Total	
	Yes	No	Do not know	Total	Count	%
Robbery	54.5	30.1	15.4	100.0	286	34.6
Carjacking/hijacking	44.7	32.0	23.3	100.0	103	12.5
Banditry	20.0	32.5	47.5	100.0	40	4.8
Cattle rustling	60.0	14.0	26.0	100.0	50	6.1
Murder	5.7	72.9	21.4	100.0	70	8.5
Family-related crime	5.4	80.4	14.3	100.0	56	6.8
Public Involvement in crime	11.8	58.8	29.4	100.0	34	4.1
Security agent misconduct	3.9	84.3	11.8	100.0	51	6.2
Illegal possession of firearm	2.1	89.6	8.3	100.0	48	5.8
General gun-related crime	53.1	34.4	12.5	100.0	32	3.9
Land clashes/ethnic violence	6.7	33.3	60.0	100.0	15	1.8
Politics-related crime	11.1	33.3	55.6	100.0	9	1.1
Other	6.3	68.8	25.0	100.0	32	3.9

## **Type of property stolen**

This section focuses on the property that was commonly reported stolen in 2002. The range of property stolen was condensed in three categories - property, firearms particularly pistols and rifles, and other general items as shown on Table 60. Only the items that constitute big numbers will be discussed while a mention will be made on those with a low count.

### ***Property***

The property reported stolen included but not limited to cattle, assorted goods, unspecified items, electronics, gas cylinders and fire extinguishers, crates of beer, soda or wine, vehicles and spare parts, bicycles and motor bikes, rounds of ammunition and bullets.

A total of 3,722 cattle were reported stolen. This was by no means a small number and it is worth noting that it is possible the figure may have been higher than what reporters were able to record. The cattle were mainly stolen in cattle rustling and banditry activities. Cattle rustling and banditry as earlier

mentioned takes place in outlying districts where the poor infrastructure does not favour frequent reporting. Unlike traditionally when cattle rustlers used bows and arrows and had social and community reasons for cattle rustling, in modern times, theft of cattle has assumed a commercial angle. This could explain why the huge numbers of cattle were stolen.

A number of unspecified items were stolen but it was not clear precisely what was targeted. Such items were collectively put together as unspecified goods or simply as assortment. There were a total of 54 unspecified items that were reported stolen. This implies that criminals do not discriminate on targeted items for theft. The determining factor of items stolen appears to be monetary driven. If an item could be sold to make some money, it will indeed attract thieves.

Electronic goods were among the property reported stolen. The most common electronics included television sets, video cameras and players, computers, cell phones, and wrist watches. Most of these goods may have been stolen with an objective to sell the items to generate some money with the view to meet diverse financial interests.

Property stolen in some instances was irregular and the count was too low to make any logical analysis and conclusion. To be specific, a gas cylinder was stolen and a crate of beer. However, theft of such property further demonstrates the determination for criminals to steal just anything that could regenerate some money.

At least 28 vehicles and spare parts were also part of the property reported stolen. The stolen vehicles may have been re-sold or dismantled for spare parts. In most leading towns in Kenya, there are many garages where spare parts are sold and vehicle owners are regular customers. The lucrative trade could have been a motivating factor in vehicle and spare parts theft. Police surveillance is the best redress to the problem so long as none of the law enforcement agencies would become accomplices.

A bicycle and a motor-bike were part of the property stolen. The two items may have been stolen for personal use as opposed to the trend of selling the property stolen. Bicycles and motor-bikes are a common means of transportation both in rural and urban Kenya. In this respect, the two items may have been stolen for immediate use or with the intention to sell and generate some money for other needs.

A total of 462 rounds of ammunition and bullets were also stolen. Theft of this category further demonstrates the complexity of criminals in Kenya and the fact that they target a wide variety of items to steal. As a matter of fact, ammunition could only be useful with a firearm. Such a large number of ammunition must have been stolen for immediate use or for sale in the under-world of diverse crimes.

Pistols were an attractive object of theft in 2002. Different pistol types were stolen - 38 Police Special, Ceska and Browning. As analysed in previous chapters, pistols are weapons of choice in leading crimes like robbery and carjacking. Interestingly, most of the pistols stolen are the type used by police. Criminals in Kenya seem daring enough as to steal from the police. For this reason, security needs to be beefed up to protect the common citizen who is even more vulnerable.

Among the rifles stolen there were firearm general (5), rifles in general (5), G3 rifles (7) and sport rifle (8). Theft of rifles further shows that criminals in Kenya are too daring and will not stop at anything until they accomplish their tasks. Further, it is clear that some of the rifles used in criminal activities in Kenya could have been sourced through stealing from law enforcement agencies, from other legal owners or even from illegal sources.

The last general elections were held in 2002 and it is not a surprise that 60 voter cards were stolen. This type of theft might have had some political overtones. Some supporters of a certain candidate may have stolen the voters' cards to improve the chances of winning for their candidate to the disadvantage of the opponent.

Sewing machines were stolen as tools for trade or for sale purposes. The five sewing machines were stolen from a school. In the Kenyan Secondary Syllabus, there are schools that teach students clothing and textile as an examinable subject. The sewing machines must have been used by the school for teaching purposes. It is unfortunate that schools in Kenya have also become targets of robbery.

Factory theft in Kenya is quite common but not to the extent of stealing solar panels. The two solar panels were stolen from the same factory in a night raid. Solar power is used as a substitute of hydro-electricity power which is subjected to frequent outages due to various factors. Investing in solar panels and the entire system must have cost the company some capital. Theft of such items along other property including money is a drawback to economic growth needed for creation of employment in the country.

Pirates stole a boat engine from Kenyan fishermen. The boat engine was

estimated to have cost Ksh 205,000. It is interesting to note that this time round, it was not a gang of Kenyan criminals who were involved. The pirates might have included some Kenyans or they were all foreigners. Clearly, there is need to enhance security within the country and across international borders including Kenya's territorial waters of the sea to guarantee security for all.

**Table 57: Type of property reported stolen in 2002<sup>6</sup>**

Property		Total	Cattle
3, 722			
Assorted items and goods		7	
Unspecified items/goods/assortment		54	Electronic
goods	35		
Gas cylinders/fire extinguishers		1	
Crates of beer/soda/wine		1	
Vehicles/spare parts		28	Bicycle/
motor-bike		2	
Rounds of ammunition/bullets		462	
<b>Pistols</b>	Pistol (general)	2	
	.38 Police Special	5	
	Ceska	1	
	Browning	2	
<b>Rifles</b>	Firearm general	5	
	Rifle (general) gun	5	
	G3	7	
Sport Rifle		8	
Voter cards		60	
Sewing Machines		5	
Solar panels		2	
Boats, boat engine, etc		1	
<b>Total</b>		<b>4, 415</b>	
<sup>6</sup> These estimates are based on only those cases that had specified figures of property stolen but exclude those cases in which property stolen was unspecified.			

## **Money stolen**

### ***Introduction***

The amount of money reported stolen was given as an estimate in the newspaper reports. Acknowledging the circumstances under which robbery takes place, it is rather difficult to give the exact amount of money stolen in each incident. However, the estimates given provide a basis for analysis and a clear picture of the status of money theft in Kenya. Currency conversion was applied to incidences where the amount stolen was given in other currencies other than Kenya shillings.

Approximately, KSh 65 million was reported stolen in various crime types in 2002. Comparatively, this amount was lower than the cash stolen in the previous year, 2001 which was KSh 77.3 million. Being an election year, it appears that journalists may not have been too keen to report on crime as the political heat at the time was a priority.

Essentially, criminals may have taken advantage of the political events at the time to commit crime, but apparently not all the incidences were reported. During election year, some politicians give cash rewards to their supporters. Such gifts possibly could have kept some criminals from engaging in crime as the money could have reached to them indirectly.

### ***Robbery***

The estimated amount of money stolen in robbery was Ksh 60,564,854 million. This was the highest figure by far of money reported stolen. Most robbers would prefer to rob cash from banks, businesses, individuals or any other source as opposed to property. The property stolen has to be sold to generate cash to meet various financial needs. In the process of disposing the stolen property, criminals could easily expose themselves to closer scrutiny which might easily lead to their arrest.

### ***Carjacking/hijacking***

In carjacking, an amount totalling Ksh371,450 was reported stolen. Considering that carjacking is one of the most serious crimes in Kenya, this amount may not be a full reflection of the amount stolen in carjacking incidences. Probably due to the swiftness of the crime, it may not have been easy for reporters or even the police to provide the correct amount. However, the

figure does show that criminals not only target vehicles and valuables in carjacking, but they also rob cash from their victims.

### ***Banditry***

Banditry activities had the second highest of the amount reported stolen, was Ksh2,185,765. The culprits plying routes in some of the remotest parts of the country fell victim of the attacks and lost over Ksh2.2 million. In some of the remote parts of the country, the infrastructure is fairly poor and it is not a surprise to find business people carrying a lot of cash for restocking instead of wiring the money through bank electronic transfer.

The roads between outlying districts in Kenya like Moyale, Marsabit, Wajir, Mandera, just to mention a few, are either too muddy when it rains or too dusty during the dry spell. Poor infrastructure in some parts of the country seems to favour bandits and criminals. Communities living in some of the remote areas live with the hope that the roads would be tarmacked in view of enhancing security and promoting economic growth and development.

### ***Cattle rustling***

From the amount of money stolen in cattle rustling i.e. Ksh2,500, it is clear that the main intention was not to steal money but the cattle. The amount stolen could have been just accidental. Evidently, it appears that criminals will not stop at anything to steal money even where the main mission was not directed to cash.

### ***Murder***

Surprisingly only Ksh 103, 285 was stolen in murder cases. The amount could have been stolen as a cover up of the murder cases. It is also possible that the criminals may not have premeditated theft of cash but when they realized the victim had some money with them, the temptation was irresistible. This shows that theft of cash is a driving force in many criminal activities in Kenya. The need to address the underlying root causes of insecurity, particularly economic-related cannot be over emphasized.

### ***Family-related crime, assault and defilement***

In this category of crime, the main objective was to cause bodily harm on a family member or the person may have been injured in the process of



a family brawl. Most of the incidences reflected instances when a family member run berserk and attacked his own kith and kin, members of the public assaulted a law enforcement officer in a bid to escape arrest or in view of settling an old score, domestic servants defiled minors entrusted under their care and family members defiled minors in incest.

All these cases reflect a pattern to cause bodily harm and not to steal or rob money from the victim. The Ksh82, 695 reported may have been stolen mainly as a cover up of the main crime against a family member or a relative.

### **Public involvement in crime**

A paltry Ksh1,605 was stolen in public involvement in crime. Clearly the public's interest was to lynch a suspect caught in crime or to punish the criminal in the process of arrest but not to steal money. The Kenyan public, one could argue, is action - oriented and to some extent, law abiding. In the midst of the public, there are always some few bad elements prone to crime.

### **Security agent misconduct**

A few law enforcement agencies engaged in unlawful acts and in unprofessional manner. As only a meagre Ksh 2,550 was stolen, it is clear that the main focus of the crimes committed was not geared towards stealing money.

### **Illegal possession of firearm**

Possession of firearm gives the person a sense of power and security. Criminals and members of the public engaged in illegal possession of firearm may have purported a similar feeling leading to theft of Ksh 1,002,350 million. The firearms were used to intimidate the victims so that they could part with money as demanded by the criminals. Essentially, illegal possession of firearm is one among the crimes that require attention as the firearms are used in a variety of crimes throughout the country.

### **General gun-related crime**

An amount totalling Ksh 323,395 was reported stolen in general gun-related crime. Even though this amount was not so huge, it shows that gun-related crime is rampant in Kenya. Guns are applied in different criminal activities including theft of money. There is a dire need to have the problem of gun-

**Table 58: Estimated Amount of Money Stolen in Different Crimes in 2002<sup>7</sup>**

Type of Crime	Amount of Money Stolen
Robbery	60,564,854
Carjacking/hijacking	371,450
Banditry	2,185,765
Cattle rustling	2,500
Murder	1 03,285
Family-related crime, assault and defilement	82,695
Public Involvement in crime	1,605
Security Agent misconduct	2,550
Illegal possession of firearm	1,002,350
General gun-related crime	323,395
Land clashes/ethnic violence	750
Politics-related crime	450
Other	67,750
<b>Total</b>	<b>64,709,399</b>

<sup>7</sup>The estimates are based on exact amount of Money reported stolen but does not include cases in which the amount of money stolen was not quantified.

related crimes addressed both in urban and rural Kenya.

### **Summary**

- Most crimes analysed in 2002 progressed to completion and had some impact on persons killed, injured or on the victims.
- Public tip-off to the police mainly occurred in crimes that threatened a group of people as opposed to individuals.
- In community based crimes, banditry, cattle rustling, land clashes or ethnic violence, politics-related and public involvement in crime, there were no tip-offs given to the police.
- Some police officers misused their firearms and committed crimes in cahoots with criminals impacting on the outcome of crime.
- In all crime types analyzed in 2002, on average at least one person was killed in every incident.
- Robbery had the highest number of persons killed and injured. It also had the highest number of victims.
- In high risk crimes like robbery, carjacking and murder, more than one person may have been killed or injured.
- High risk crimes like robbery and cattle rustling attracted a huge number of criminals than low risk crimes.
- The total number of criminals surpassed the number of persons killed,

injured and victims.

- Criminals in Kenya have the tendency to form gangs as opposed to individually managed operations.
- Discharge of firearm in different crime types was extensive and showed high level of use of firearms in crime.
- Property was reported stolen in all the crime types analysed in 2002.
- Property was reported stolen in 54.5% of robbery incidences.
- Statistics applied in this analytical study shows that police effectiveness in combating crime in Kenya needs to be improved.
- Media accuracy in reporting crime-related incidences requires improvement.
- To effectively address most crimes in Kenya, a multi-dimensional approach that transcends the sole involvement of the security apparatus is required, particularly enhanced community policing.
- It is necessary for vigilante house to educate the public on accuracy of identification of uniformed and un-uniformed police officers with the view to make a distinction from criminals and curb high rate of crime.
- Impact of crime shows that some crimes in Kenya have deeper magni-



## Chapter 12

### SUMMARY

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#### What is the sample?

- *In Kenya Crime Survey 2002*, the same sampling criteria was applied as was the case in the previous publication in this series, *Kenya Crime Survey 2001*. Articles that met the criteria were selected from the three local dailies and cut out for analysis. These comprised of articles that were connected to crime and those where the use of a firearm or a crude weapon was apparent. Use of firearm was either direct as a tool of violence in carjacking or indirect as a robbery item.
- To elaborate the dynamism of crime in Kenya, crime incidences without direct mention of firearm were also cut out for analysis. In particular, politics-related crime, land clashes/ethnic violence, family-related crime and public involvement in crime were also included in this study to clearly show the scope of crime in Kenya and to also show the extent of general public's involvement. From findings analysed against this background, it is clear that it is not only seasoned criminals who were involved in crime but the public as well though to a lesser extent.
- The sample in this study is definitely not all inclusive and we cannot purport to have included all crime types. Attention was accorded to crimes where there was either application of a firearm or a crude weapon, mention of criminals, victims, number of people killed or injured. This criterion

was deemed imperative as it maintained the scope within a manageable size. As a matter of fact, there were incidences that never met the criteria and not included in this study. Also there are many incidences that may have met the criteria but were not reported in the dailies for different reasons. All these outline the limitation of newspaper content analysis and lays emphasis to the need to broaden the methodology in subsequent publications in this series.

- Even though there are limitations of the methodology, the validity of the publications in the series, *Kenya Crime Survey*, lies in the frequency of information which forms the data for analysis on a daily basis and from the three dailies. As crime is a challenge to national security newspapers will always find it newsworthy to include several crime reports from different parts of the country. Essentially, the articles will continue being available in the local dailies on a regular basis. Easy availability of information from the newspapers will continue to render publications in this series tenable.
- To make the criteria for analysis broader and with an effort to improve the methodology applied in this current publication in the series, SRIC intends to increase the parameters for analysis. Specifically, SRIC intends to conduct random survey in selected zones with the view to confirm or refute some of the research findings in the series. SRIC also intends to analyse data availed from police sources to supplement the newspaper reports. Since the change of the political dispensation, there has been a lot of indication that police statistics on crime will no longer be classi-

fied information but it would be released for public analysis and consumption. Police statistics would indeed enhance the quality of analysis and increase accuracy of the findings.

- To further broaden the scope of study in this series, SRIC intends to incorporate other public parameters based on crime prevention initiatives.

As a research organisation, SRIC has been involved in some of the community policing initiatives that have been on-going in respective and selected zones in different parts of the country. The analysis of such information provided by the public to the police would, to a great extent, add value to the analysis and findings in future publications in this series.

Such information would also facilitate the sealing of any loopholes that could be as a result of daily newspaper bias.

### **Which crimes are most prevalent in Kenya?**

- In 2002, the most prevalent crimes were robbery and carjacking. These were crimes directed to stealing property from targeted persons. The two crimes claimed the highest count of total crime with robbery taking lead (34.6), while carjacking had the second highest count (12.5%), of the total crime.
- The third prevalent crime was murder which ranked third with a reasonably high count of crime incidences (8.5%). From the analysis, it emerged that only negligible items were stolen from the murder victims and a paltry amount of money was stolen. The fact that hardly was any property stolen from the murder victims evidently shows that the main intention of the crime was the deliberate termination of a life. The prevalence of murder incidences clearly spells out the level of crime in Kenya and the need

to  
protect the sanctity of life through the provision of security in all parts  
of  
the country.

- Family-related crime, assault and defilement was a category of crime that was prevalent in different parts of Kenya. A number of crimes that aimed at causing bodily harm were lumped together forming a good count of family-related crime (6.8%). Inclusion of this crime category was prompted by the realization that it is not only seasoned criminals that get involved in crime in Kenya but there are circumstantial family offenders as well. This shows that violence has permeated broadly in the Kenyan society and that the family unit has also been affected to a large extent.
- Security agent misconduct consisted of a reasonably high count of total crime analysed in 2002 (6.2%). The range of misconduct included misuse of firearms, security agent misconduct, extra-judicial execution, firearm placement and releasing suspect from custody. Even though these crimes entailed misconduct by security agencies, the incidences involved the use of firearms while some of the cases were violent. The cases qualified for analysis as they met the criterion for crime as explicated in the text. Once again, it is clear that crimes in Kenya are not confined to the world of seasoned criminals, but the diversity of persons involved in crime is here underscored.

### **Where does crime occur in Kenya?**



- Crime occurrence in Kenya is not limited to any one zone or area as different parts of the country are affected differently by specific crime types. Even though crime does occur throughout the country, there are specific provinces that are more affected than others. Analysis of geographical locations of crime was provincial based as incidences within one given locality might have been too few for logical analysis and conclusion.
- At least, three provinces - Nairobi, Central and Rift Valley had the highest count of the most prevalent crimes. These were robbery, carjacking and murder. The total number of robbery incidences was 286 and 34.3% of these occurred in Nairobi, followed by Central 22% and Rift Valley with 16.1% respectively.
- Hijacking incidences were 103 in total and the most affected provinces were Nairobi (52.4%), Rift Valley (16.5%) and Central (15.5%). Reasons attributed to the high rate of carjacking incidences in these three provinces were high traffic, high economic activities, and a fairly good road network with a variety of possible escape routes.
- In total there were 70 murder incidences that took place in 2002. Most of these occurred in Nairobi Province (34.3%), Rift Valley Province (18.6%), Central Province (17.1%) and Nyanza Province (15.7%).
- Family-related crime, rape and defilement (56 cases) mainly occurred in the provinces most affected by the highest number of the prevalent crimes - Rift Valley (28.6%), Central (26.8%) and Nairobi 16.1%).

- Of the total number of security agent misconduct (51 incidences), the highest number occurred in Nairobi Province (17 ), Rift Valley Province (15 ) and Central Province (8 ).
- There were 50 incidences of cattle rustling and these mainly occurred in Rift Valley Province (72.0%) Eastern Province (20%), Nyanza Province (4%) and Western Province (4%). At least Nairobi and Central Province did not have a single incident of cattle rustling.
- Illegal possession of firearms recorded 48 incidences which mainly took place in the following provinces - Nairobi (43.8%), Rift Valley (25%), and North-Eastern and Nyanza provinces each had 6.3% of the total incidences.

- High rate of prevalence of crime in Nairobi, Central and Rift Valley provinces was attributed to good infrastructure that favoured constant reporting, high economic activities that attracted criminals, geographical proximity of the three provinces and of course dense population.
- Three provinces had very low reporting of crime. These were North-Eastern, Western and Coast. At least some reasons were attributed to low reporting of crime in the provinces. They included poor infrastructure thus inhibiting news coverage and actual low crime rate.

### **Which firearms are used in crime?**

- In most of the crimes analysed in 2002, pistols and rifles emerged as the weapons of choice in committing crimes.
- As many pistols as rifles were used in robbery incidences in 2002. A total of 252 pistols and 279 rifles were used respectively out of a total of 672 firearms used in robbery.
- In hijacking, 332 firearms were used of which 153 were pistols, 109 guns, 33 rifles and 37 unspecified firearms.
- Banditry activities had a share of 137 rifles, 60 guns and 21 unspecified firearms.
- In cattle rustling, a total of 171 rifles were used, 25 rifle propelled grenades, 35 guns, and 27 unspecified firearms.
- Security agent misconduct involved 17 pistols, 34 rifles, 20 guns and 22 unspecified firearms.

- In general gun-related crime, 20 guns and 14 unspecified firearms were used.
- Murder was a serious crime in 2002. In spite of the mysterious circumstance that surrounds the crime, at least a number of firearms were reportedly used and identified as 9 pistols, 47 guns and 20 unspecified firearms.

- In family-related crime, a number of firearms were also used - 5 pistols, 25 guns, and 14 unspecified firearms.
- Mention of use of unspecified firearms and use of guns was attributed to the limitation of journalists and reporters to name the specific types. This was further attributed to the failure of the police, journalists and reporters to work closely with each other in crime information sharing and dissemination.

### **Crude weapons**

In 2002, not only were firearms used in crime but the use of crude weapons was quite rampant. A good number of crude weapons were used along the manufactured firearms. In robbery alone, 119 crude weapons were used while murder had the second highest use of crude weapons, 118. Only a paltry 6 crude weapons were used in carjacking/hijacking incidences. In cattle rustling 20 crude weapons were used. Security agents who engaged

## Text for back cover

Security Research and Information Centre (SRIC), prides itself of several objectives that constitute its driving force. Two of the principle objectives are to contribute towards better understanding of security sector dynamics and to produce verifiable information in the real status and trends of crime and human security. *Kenya Crime Survey, 2002* attests to these principle objectives as it provides a clear trend of crime in Kenya. The findings in this research report spells out the scope and magnitude of crime in our country.

This publication is the third edition in *Kenya Crime Survey* series. The total number of crime incidences that were analysed was 826. A wide range of types of crime were analysed particularly the most regular ones such as robbery, hijacking, murder, banditry and cattle rustling. Other types of crime analysed included security agents' misconduct, public involvement in crime, family and politics-related crimes. The main source of the data utilized in the analysis was the three leading dailies in Kenya - the *Daily Nation*, the *East African Standard* and the *People Daily*.