

NATIONAL CRIME RESEARCH CENTRE



FINAL REPORT

A STUDY OF ORGANIZED CRIMINAL GANGS IN KENYA

October 2012

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EXECUTIVE SUMMARY

The aim of the study was to identify the nature of organized criminal gangs that operate in Kenya, the types of crimes they commit, their *modus operandi* including the command structure and networks, and to provide a rapid assessment of the public perception of organized criminal gangs and the effect of their activities on Kenyans. The study further sought to establish the extent to which organized criminal gangs have infiltrated the public/security sector. The scope of the work included; a review of literature on theories of crime and organized criminal gangs in Kenya and based on the study findings purpose practical solutions on how to address the problem of organized crime in Kenya. UNODC (2002) adopted the Transnational Organized Crime (TOC) Convention, Article 2(a) definition which states an organized criminal group as a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain directly or indirectly a financial or other material benefit. The UNODC (2002) further provided a useful framework for understanding organized criminal groups as comprising of: structure, size, activities, identity, level of violence, use of corruption, political influence, penetration into the legitimate economy and so on.

In the context of methodology, the study had three major components; a survey of community perceptions of organized criminal gangs, key informant interviews development of case studies and secondary statistics. A total of 1343 respondents proportionately sampled across the eight regions of the country were interviewed using a survey questionnaire. Focus Group Discussions involving members of the public and key informant interviews involving senior officers from the provincial administration, police, CID, prisons, judiciary, business and civil society were interviewed. Other respondents were active, inactive and convicted members of organized criminal gangs, their relatives, friends and victims. The following case studies of organized criminal gangs were selected for in-depth analysis; The 42 Brothers, Mombasa Republican Council, Angola-Musumbiji, Sungu Sungu, Mungiki and Al Shaabab. However, two challenges became apparent in the conduct of the study: the sensitivity of the topic made many members of the public decline interviews or otherwise provide information for fear of reprisals and the lack of cooperation by some government officers especially in Western, Eastern and Coast regions.

Literature on crime and deviance presents a consensus that there does not exist one vision about them but many. Each theory has its own history and supported by a distinct body of knowledge. Wilson (1975) was most pessimistic of all theories that made no manifest contribution on how to control crime yet crime is distressing and disruptive to the social order, it inflicts pain, subverts trust and community. Durkheim (1965) in anomic theory argues that, the source of high crime rate in organic societies lay in normlessness, modernization and urbanization. Neo-classical explanations of crime emphasize the free-will and rationalistic hedonism and it emerged as a protest against spiritual explanation of crime as initially formulated by the theologian St. Thomas Aquinas (1225-1274). Social contract theorist's position constructed ideas that included a purposive approach, natural and rational basis for explaining crime and the state's response (Thomas Hobbes, John Locke, Montesquieu, Voltaire and Rousseau). Beccaria's contributions to the study of criminology and punishment is largely summarised in the following prescriptions; seriousness of crime in terms of harm it inflicts on society; proportionate punishment in terms of crime committed, severity of punishment vis a vis the crime committed, promptness of punishment following commission of crime and the certainty of punishment.

Biological theories of crime causation focus on the genetic make up of criminals (Goring, 1913). However Sharh and Roth (1974) favoured environmental factors in crime causation. Merton (1968) in strain theory showed that social conditions in which individuals find themselves force them to commit crime as it limits the appetites of those individuals to satisfy them using legitimate means. Crime then becomes a rational response to overcome the limitations. It is closely associated with anomic theory which explains urban, lower class and male gang delinquency behaviour. Learning theories imply that habits and knowledge develop as a result of the experiences of the individual learning (Bower and Hilgard, 1981). Learnt behaviour can be reinforced or not through punishment as in operant conditioning. Tarde (1943-1904) in the law of imitation showed that crime is a normal learnt behaviour (Vine, 1972). Sutherland (1924) in differential association theory posits that associative interaction generates criminality.

In October 2010 the Prevention of Organized Crime Act was enacted and subsequently a *Gazette Notice* banning 33 organized criminal groups on October 18, 2010 issued. The selected case

studies are part of the 33 criminal gangs banned by the Kenya government.

The main findings of the study are: most Kenyans (55.2%) were aware of the existence of an organized criminal gang in the area where they live or elsewhere. Again 38.9% knew the organized criminal gangs by name. However 59.0% were too afraid to mention the organized criminal gang by name for fear of reprisals. Countrywide, a total 46 organized criminal gangs were identified by the public. In terms of government commitment to fight organized crime 58.0% were of the view that the government was not doing enough because many members of such gangs are known to the public but they are not arrested. There is also alleged collusion by some government officers with members of organized criminal gangs and that police frequently release them even when there is overwhelming evidence. There is a clear gender division of labour in organized criminal gangs between male and female members. While men undertake execution of tasks, women provide support services including sex, identification of clients/victims, food, spying and storing stolen property. Children play an active spying role as well as opening doors while the elderly specialize in oathing, recruitment, resolution of disputes, spying, and so on.

In order to survive 39.7% respondents indicated that organized criminal gangs obtain support of its ethnic group and that ethnic support is crucial for their survival. The support of the ethnic group is either voluntary (23.3%) or involuntary (21.1%), according to the public. Ethnic members conceal the identity of the members. The intra-gang support exists in form of financial, advisory, protection and shelter, bailing out of court, payment of cash court fines, hiring of lawyers and so on. In terms of law enforcement, 49.1% of the respondents were not aware of any arrests of members of organized criminal gangs in the previous three years even when serious crimes had been committed by them. Corruption of the police, judiciary, political influence, lack of police cooperation, difficulties in identifying the members, delayed arrival of police, fear of reporting were identified as factors that energize organized criminal gangs. The use of violence by members of organized criminal gangs against their targets was confirmed by 68.3% of the respondents but intra-group violence does occur against its members too. A total of 30.7% reported that there is inter-group conflict usually over control or sharing of booty or lucrative business.

Organized criminal gangs have infiltrated legitimate formal and informal business especially public transport, car wash, motorcycle, rental houses, exhibition shops and scrap metal. Extortion from the public (34.3%) and theft (19.4%) and politicians were the main sources of funds for their operations. Illicit drug trafficking, counterfeiting, armed robbery, vehicle theft, kidnap for ransom, extortion, livestock theft, firearms smuggling were identified as the other sources of funds for organized criminal gangs. According to 29.6% of the respondent's business people support and benefit from organized criminal gangs in terms of protection. A total of 25.8% strongly agreed, 21.7% agreed and 36.1% disagreed to the allegation that politicians channel funds to members of organized criminal gangs for support and campaign. In this regard 14.3% strongly agreed, 20.8% agreed and 48.3% disagreed to the claim that supporters of organized criminal gangs had been elected to parliament during the 2007 parliamentary elections. Organized criminal gangs in Kenya are more focused on crimes that do not require technological applications.

In terms of effect of organized crime in society, (75.1%) respondents expressed more fear than before, (76.1%) do not feel secure, (66.9%) are more restless and 18.2% reported a close relative or another close person known to them had been murdered by members of organized criminal gangs and up to 16.8% indicated they had been forced to change residence and 36.0% now carry a weapon for self-defence at all times than before. There is also observed change in behaviour patterns for example, consumers of alcohol stop drinking much earlier than before, for business people they close much earlier. A total of 43.9% respondents were forced to change or review their travel patterns and 49.1% no longer go to certain places they frequented before. To business people the cost of doing business has increased and ordinary people have been forced to install security apparatus/services that were not necessary before. All the organized criminal gangs in this study had a clear organizational/command structure across the areas they operate including specialization of tasks. Idleness occasioned by lack of employment after school was a principal factor in the ease with which recruitment of new members is done.

The study recommended the following: the policy makers in public and private sector need to

devise ways that create employment to the youth to lower their vulnerability to join organized criminal gangs; the government at national and county levels need to channel enough resources to the police to be effective in crime prevention; since there is alleged or suspected collusion between some police and members of organized criminal gangs there is need for verification of such claims and those found punished; the media needs to play an active role by highlighting arrests and convictions of members of organized criminal gangs and the public needs to play a more active role by providing information to relevant government authorities for action. At community level there is need for institutions including educational and religious to educate the youth to live positively. In conclusion the increase in number of organized criminal gangs has serious implications for national security.

FOREWORD

There has been a sharp increase in the number of organized crime in the country in recent years. The National Crime Research Centre's ultimate goal is to conduct research into the causes of crime, its prevention and to communicate its findings and recommendations to the agencies of Government concerned with the administration of criminal justice with a view to assisting them in their policy formulation and planning.

In recognition of the existence of organized criminal gangs in Kenya and the serious threat posed by crime, the Centre decided to carry out research into the *modus operandi* of members of these outlawed organizations engaged in criminal activities.

It is encouraging to note that the Government is tackling the problem as evidenced by the proscription of 33 organized criminal groups in the country vide a gazette notice dated 18th October, 2010 issued by the Minister of State for Provincial Administration and Internal Security. Out of 33 organized criminal groups, the Centre conducted a study on six major ones comprising of *Mungiki*, *Al Shabab*, *Sungusungu*, *Angola Msumbiji*, *Mombasa Republican Council* and the *42 Brothers*. An in-depth study was conducted in order to understand the methods adopted by members of the groups in engaging in criminal activities. The study also delved into the source of funds utilized by the criminal gangs to facilitate their criminal activities.

There is no doubt at all that the criminal activities these groups are engaged in have deleterious consequences on our society. It causes fear and desperation in the lives of law-abiding citizens. To ensure a secure social, political and economic environment for investment, there must be commitment on the part of the Government to confront the vice head-on in order to spur economic growth in the country.

This study focused on the main causes of crime and its prevention as opposed to unsuccessful deterrent methods applied in the criminal justice system to fight crime. The findings would be disseminated by the Centre to stakeholders in the criminal justice system for their policy formulation and planning. Qualitative and authentic data were gathered through field research,

questionnaires and key informants interviews into the characteristics of organized criminal gangs in Kenya and subsequently analyzed in order to understand the impact of crime on life and business in the country.

It is an undisputed fact that organized crime poses a real challenge in the security of this country. It is therefore the responsibility of the Government agencies concerned with the administration of criminal justice to formulate sound policies geared to preventing the causes of crime. The private sector should supplement the effort of Government in crime prevention. As researchers have found, lack of employment amongst the youth is a catalyst for their induction into the organized criminal gangs. This problem should be tackled through engaging the youth in gainful employment. The second finding giving credence to the belief that there are collusions between the police and members of the organized criminal gangs resulting to their triumph, should be investigated with the utmost urgency in order to restore the public's confidence in the police.

Using crime statistics, researchers were able to access information on the characteristics and proliferation of gangs in Kenya, which in turn assisted in recognizing the local areas prone to this type of criminal activity. In the interest of economic development of the country, it is imperative that the stakeholders, investors and members of the public be privy to the research findings and recommendations of the Centre for their safety and business interests. The study has contributed immensely to the implementation of the Constitution of Kenya 2010 and realization of Kenya Vision 2030 whose main aim is to achieve a secure environment for sustainable social, economic and political development.

In conclusion, I wish to thank the Governing Council, researchers, and members of staff and stakeholders who contributed to the successful completion of this study. I am also deeply indebted to the Director of National Crime Research Centre, Mr. J. Oriri Onyango for his oversight role during the design and implementation of the study.

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The National Crime Research Centre (NCRC) and its members of staff wish to express gratitude to a number of individuals and organizations involved in the implementation and success of this study on organized criminal gangs in Kenya. There is no doubt that the menace of organized criminal gangs has been and continues to be a threat to peace and security of law abiding citizens of our country. The outcome of this successful study and recommendations will go a long way to assist the agencies of Government concerned with the administration of criminal justice to formulate sound policies to eliminate the vice with a view to achieving a crime-free society.

The Centre would like to acknowledge the Governing Council for its efforts in approving the funds towards the study.

The concerted effort of the previous Attorney General and Chairman of Governing Council, Hon. S. Amos Wako, EGH, FCI Arb, SC, MP., to come up with an idea of setting up a National Crime Research Centre in the Country cannot go unrecognized. The idea has impacted on crime and disorder and has helped to generate programmes that have assisted criminal justice agencies in their policy formulation and planning. His successor Prof. Githu Muigai, FCI Arb, EGH, MP., has continued offering his invaluable support to the Centre in its aspiration to be a World Class Crime Research Institution.

The Centre wishes to express thanks for the services provided by North Consult Company Ltd comprising of Dr. Beneah Mutsotso and Dr. Karatu Kiemo who led the research team in gathering and analyzing the necessary data towards the preparation of this report.

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reviewed the report and gave very useful suggestions for incorporation in the final draft.

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J.ORIRI ONYANGO
DIRECTOR
NATIONAL CRIME RESEARCH CENTRE

ACRONYMS & ABBREVIATIONS

AG	Attorney General
AMISOM	African Union Mission to Somalia
FBI	Federal Bureau of Investigation
FGD	Focus Group Discussion
HSM	Harakat al-Shabaab al-Mujahideen
ICC	International Criminal Court
KANU	Kenya African National Union
KII	Key Informant Interview
KNDR	The Kenya National Dialogue and Reconciliation
KNYA	Kenya National Youth Alliance
MRC	Mombasa Republican Council
NCRC	National Crime Research Centre
OCPD	Officer Commanding Police Division
PBC	Pending Before Court
PNU	Party of National Unity
PSV	Public Service Vehicle
TFG	Transitional Federal Government
TOC	Transnational Organized Crime
UNODC	United Nations Office on Drugs and Crime

CHAPTER ONE

INTRODUCTION

1.1 Introduction

National Crime Research Centre (NCRC) was established by an Act of Parliament, The National Crime Research Act CAP 62 Laws of Kenya. The Centre is an independent institution under the State Law Office. It is governed by a Council of 12 members with the Attorney General as the Chair of the Council. The management of the Centre is currently headed by an Acting Director, who is the Deputy Director of Public Prosecutions. The Centre's mandate is to carry out research into causes of crime and its prevention and to disseminate findings to government agencies charged with administration of criminal justice as provided for in Part II, Section (5) (a)-(i). Against the backdrop of existing organized criminal groups in Kenya, NCRC launched this study to create an objective understanding of organized crime and criminal groups with a view to influencing policy positions of the criminal justice agencies.

1.2 Background

The aim of the study was to carry out research into the causes of crime and its prevention and to disseminate research findings to such institutions the Centre may determine.

1.3 General Objective

The general objective of the research was to carry out coordinated research and evaluate the impact of organized criminal gangs on the Kenyan society. The research was intended to collate available crime related data on organized criminal gangs in Kenya for easier understanding. More specifically the research was intended to more particularly carry out research into the criminal activities in terms of crime causation, prevention, group related crimes, mode of operation and the socio-political and economic factors leading to organized crime. The output of the research was to identify sources of funding, reasons for joining organized crime, solutions and prevention methods to organized crime in Kenya.

1.4 Specific Objectives / Scope of the study

- i) Undertake concise literature review on the organized criminal gangs in Kenya
- ii) Identify the nature of the organized criminal gangs and prioritize the types of crime committed by them in Kenya.
- iii) Conduct an in-depth analysis on the *modus operandi*, command structure and network of six leading organized criminal gangs
- iv) Identify the sources of funding for the organized criminal gangs
- v) Provide a rapid assessment of public perception of the organized criminal gangs and the effect of the criminal activities in the areas of their operation
- vi) Identify the extent (if any) to which the organized criminal gangs have infiltrated the public/security sector
- vii) Find out the paradigm network applied by the organized criminal gangs in their evil and destructive operation (political, cultural and social)
- viii) To prepare and submit a report detailing findings with practical solutions on how to address problems posed by the organized criminal gangs.

1.5 Assumptions

- i) Organized criminal gangs operate with the support of members of the ethnic groups from which they hail
- ii) Men and women are actively involved in organized criminal gangs
- iii) Support from members of the political and economic mainstream has a great influence on the operation and success of organized criminal gangs

1.6 Significance of the Study

Organized criminal gangs have terrorized many Kenyans and disrupted livelihoods in many parts of the country. Organized crime undermines development, creates fear and certainly negates the efforts towards attainment of Vision 2030 targets. It needs to be more understood and appropriate ways devised to exterminate organized crime. Hence provision of up to date information to the law enforcement agencies will help them in controlling the crime. Indeed organized criminal gangs pose a real challenge to police in crime prevention in Kenya. The increase in number of organized gangs and the mutations that arise from some of them is a reason enough for society to act.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

The sociology of deviance contains not one vision but many. It is a collection of different somehow independent theories. Each theory has its own history supported by an argument which discloses a number of distinct opportunities explaining and manipulating deviant behavior. For instance one faction, radical criminology, favours the oppression and alienation driven by the institutions of capitalism. It views deviance as liberation and conformity as collusion. It prophesies a coming society free of all crime. The control theory depicts institutional restraints as indispensable to a properly conducted society hence deviance becomes a regression to a wilder state of man while conformity is lauded. Functionalist criminology tends to portray deviance as an unrecognized and unintended social order. Harmful conduct goes contrary to convention. For instance the work of prostitutes is condemned to preserve marriage, a convention.

Organized crime depicts rebelliousness and undermines social inequality. All these theoretical factions, it is uncertain could be reconciled or matched. Instead they are pinned on opposing positions which can neither be proved nor disapproved. On one hand, there is the image of once perfect people only corrupted by the organization of a particular phase of society. On the other, there is the doctrine of original sin which considers individual transgressions an assault to the collective conscience. The lack of fusion in the theoretical formulations does not necessarily imply a failing which should be remedied. Equally, it is not clear what benefit would result from an attempt to merge the divergent perspectives on deviance. Deviance would probably be a different process if all people agreed on what it constitutes and its significance, but there is no agreement, which implies that deviation is not conceivable to a single definition or explanation.

2.1 Ambiguity in Deviance

Ambiguity does appear to be a crucial facet to rule-breaking. This is largely premised on the fact that people are often and frequently undecided whether a particular social action is truly deviant or what true deviance actually constitutes; hence people's judgment depends on the context, biography and purpose. Many people may tolerate some pilfering but not excessive. Or, some

sexual misconduct, if discreet and does not impinge on others or some rudeness if in a proper setting may be tolerated (Yarrow, *et. al.*, 1968). Quite often, there is apparent reluctance to identify a social action as deviant until alternative explanations are exhausted. Therefore if pluralism and/or shifting standards define deviant behavior, then it is rendered ambiguous and fluid and no definitive position can ever completely capture it (Matza, 1969). Sociologists have thus to reconcile themselves to the fact that logical and systematic schemes are not invariably reflected in the structure that is an amalgam of contradiction, logicity, illogicality and absurdity. Social life often defies precise definitions or descriptions for something will always have to be left out (Douglas, 1972). Hence, the analytic possibilities of criminology can only be applied when there is abundant discrepant theories which stress the ideas which no one theory can contain or those whose ideas do not necessarily merge. The contrasting features of deviance, might find adequate explanation only in contrasting theories. Even so, difficulties will still remain because deviance probably eludes final definition. Bittner (1963) argued that:

if we consider that we must so order our practical affairs as not to run afoul of a very considerable variety of standards of judgment that are not fully compatible with each other, do not have a clear-cut hierarchy of primacy and are regarded as binding and enforceable only in the light of additional vaguely denied information; if we consider that for every maxim of conduct we can think of a situation to which it does not apply or in which it can be over ruled by a superior maxim; if we consider that unmitigated adherence to principle is regarded as vice or at least folly; then it is clear that all efforts to live by an internally consistent scheme of interpretation are necessarily doomed to fail

Therefore deviance is considered messier than it is casually taken to be. Just as an addict, a judge, psychiatrist, social worker or policeman share no one perspective on the use of drugs, so different sociologists experience deviation in several forms, guises and situations. As observed by Von Hirsch (1976) psychiatric knowledge may be adequate enough, but it may not solve all the practical problems of policing and justice.

2.2 Politicians and Crime

Some sociologists maintain that deviance is a political phenomenon since it is ultimately connected with the exercise of power and application of rules. Wilson (1975) dismissed all theories that made no manifest contribution to the business of controlling crime. He perceived deviance to be distressing and disruptive to the social order, inflicting pain, subverting trust and community. Hence theorizing which offers no assistance to the legislation and administrator is fanciful deviant and mere speculation without apparent purpose. However, Morris & Hawkins (1970) attempted to transform the writing of Wilson (1975) into a repository of practical information and advice. They urged caution and modesty in the construction of schemes for the suppression of law-breaking. To Newman (1972) some have focused on specific problems and the resolution: the design of public vehicles and its effects on vandalism; the design of public space and its effects of opportunities for monitoring deviance. Those who cherish a class analysis of deviance show that the “unintended” consequences of crime control are actually intended. Politicians and other elite classes for instance require the presence of a criminal population. The petty law breakers are manufactured in large quantities to perform the role of scapegoat for the ills of society. The minor criminal is given great prominence thereby deflecting outrage away from the evils performed by the lawless powerful (Pearce, 1976; Chambliss, 1973). According to Matza (1969), there is a relationship between the State and a specially designated pool of deviants who are exploited for dramatic purposes. Foucault (1977), observed that prisons generate criminality. It is not neglect or ignorance which prevents the abolition of imprisonment.

On the contrary, the penal system is deliberately tended as a deviant preserve. To Marxists, rule-breaking can reveal the suppressed under life of society. It presents the stirring of the illiterate, dominated, demonstrating patterns of communal oppositions to the state and its masters. Hence poachers and smugglers can be used to illustrate the hostility which arose following the emergence of class society in England (Hay, *et al.*, 1975). Attempts to enclose land were met by traditional demands based on the rights of people to use common pastures, common and forests (Thompson, 1975). Efforts to mechanize agriculture or assert the supremacy of the market were stalled by resort to collective bargaining by riot (Thompson, 1971). The attempt to reduce poachers, smugglers, rioters and rick – burners to criminal may be read as the political of naming (Rude, 1964). Crime becomes politics, and the criminal is a prologue to conscious and articulate

resistance by the dispossessed.

In certain circumstances, politics can take deviant path. Early Bolsheviks, the Irish Republican Army, the Baader-Meinhof gang (Becker, 1968) robbed banks and Eldridge Cleaver raped to chastise the white world (Cleaver, 1968). On some occasions, deviance and politics merge. Hence it becomes difficult to ascertain whether people are really freedom fighters, criminals, guerillas or terrorists. Similarly there is debate whether a riot is really a political consequence and if it can be from criminals who are not very committed to influence political direction. All these interactions demonstrate the fluidity of crime/deviance and the folly of single approaches to understand crime.

2.3 Durkheim's Theory of Anomie

There are two distinct usages of anomie in Durkheim. Lukes (1967) states:

In the "Division of society" anomie characterizes the pathological state of the economy, this sphere of collective life which is in large part freed from the moderating action of moral regulation. Whether latent or active, the state of war is necessarily chronic and each individual finds himself in a state of war with every other. In suicide it is used to characterize the pathological mental state of the individual who is insufficiently regulated by society and suffers from the baldy of infinite aspiration. It is accompanied by wariness, disillusionment, disturbance, agitation and discontent, anger and an irritated disgust with life. In extreme cases this condition leads a man to commit suicide and homicide.

Durkheim (1965) viewed inequality as a natural and inevitable human condition that is not associated with social maladies such as crime unless there is a breakdown in the social norms. Such a breakdown is what constitutes anomie. In the mechanical form individuals live largely under identical circumstance, do identical work and hold identical values. The solidarity of the society is based on the uniformity of its members. The organic is presented as having a highly organized division of labor. Social solidarity is based on the diversity of the functions of the parts of the society. Durkheim argued that to the extent that a society remains mechanical, crime is normal in the sense that a society without crime would be pathologically over controlled. In the

organic form, the possibility for a pathological state (anomie) becomes real and would produce a range of social ills like crime. Criminals play an important role in the maintenance of social solidarity since they constitute part of the group identified by society as inferior and the rest of the society feel superior. Equally the punishment of criminal plays an important role in the maintenance of social solidarity, and if crime went unpunished it would demoralize those who make sacrifice for the good of society.

Anomie theory provides a basis for explanation of crime and a variety of other deviant behaviors. Durkheim argued that the source of high crime rate in organic societies lay in normlessness or anomie generated by the rapid social changes associated with modernization. And further with facets of modernization and urbanization finding broad acceptance in the rural society, the original mechanical society is breaking down and giving way to the organic frame. Hence anomie theory is considerably applicable to crime in rural areas.

2.4 Classical Criminology

The classical school is usually associated in the Italian scholar Marchese de Beccaria (1738-1794). Later modifications became known as neo-classical although both remain largely similar in basic ideas and conceptions such as the free - will and rationalistic hedonism. Classical criminology emerged as a protest against spiritual explanations of crime as initially formulated in the theology of St. Thomas Aquinas (1225-1274). Aquinas argued that there was God-given natural law that was revealed by observing through the eyes of faith people's natural tendency to do good than evil. Hence people who commit crime (i.e. violate the criminal law) also committed sin (violated the natural law). To Aquinas, crime harmed victims but also the criminals since it harmed their humanness.

Thomas Hobbes (1588-1678) largely substituted the naturalistic arguments by presenting that people naturally pursue their own interests without caring about whether they hurt others. This leads to a war of each against all in which no one is safe. People are equally rational enough to realize that this state is not in anyone's interests hence the submission to a social contract. Other social contract theorists like John Locke (1632-1704), Montesquieu (1689-1755), Voltaire (1694-1778) and Rousseau (1712-1778) constructed ideas that included a natural and rational basis for

explaining crime and the state's response.

Beccaria's main contributions in the study of criminology are his contributions in the following areas;

2.4.1 Seriousness of crime

The true measure of crime is the harm done to society. It is erroneous to assume that the true measure of crime is to be found in the intention of the criminal hence there must be a new law for every crime. Sometimes, with the best intentions, men do the greatest injury to society; at other times, intending the worst, they do the greatest good.

2.4.2 Proportionate punishment

It is the common interest that crimes not be committed and that they be less frequent in proportion to the harm they cause society. Hence the obstacles that deter man from committing crime should be stronger in proportion. Therefore, there must be a proper proportion between crimes and punishments.

2.4.3 Severity of punishment

For punishment to attain its end, the crime which inflicts injury has to be of less value. There must certainly be loss of good which the crime may have produced.

2.4.4 Promptness of punishment

The more close punishment follows commission of crime the more just and useful it will be. The shorter the time between the crime and the punishment the stronger and more lasting is the association between the two.

2.4.5 Certainty of punishment

One of the greatest curbs on crime is not the cruelty of punishment but its infallibility. The certainty of punishment makes a stronger impression than the fear of another which may be more severe but combined with the hope of impunity. Hence the laws should be inexorable as well as their executors.

2.5 Crime prevention

It is better to prevent crimes than to punish them. All good legislation has this as the ultimate goal. For this to be realized the laws should be clear, simple, the whole nation united in their defense and no part of it used to destroy them, do not favour particular classes and people should fear the law but nothing else. The laws should be published so that the public may know what they are, support their intent and purpose. Torture and secret accusations should be abolished; the laws should not distinguish between the wealthy and poor.

2.6 Biological factors and criminal behavior

Criminal behavior can be hereditary, that is, a result of the genes an individual receives from the parents at the time of conception. Others result from genetic mutations that occur at the time of conception or develop while the foetus is in the uterus. These biological characteristics are genetic but not inherited. Others may develop as a result of the environment hence not inherited or genetic (Sharh and Roth, 1974). The biological theories do not suggest that biological characteristics directly cause crime. Instead, the focus is that certain biological conditions increase the likelihood that an individual will engage in maladaptive behavior patterns, such as violent or anti-sexual behavior. These behavior patterns can include actions that are legally defined as criminal (Diana, 1990). Modern theories however increasingly focus on the interaction between biological characteristics and the social environment, rather than the effects of biology itself. Goring (1913) concluded that criminality (that is the frequent or lengthy imprisonment) was associated with inherited but not with environmental characteristics hence he recommended that to reduce crime, people with those inherited characteristics should not be allowed to reproduce.

2.7 Strain Theories

Robert K. Merton (1968) adapted Durkheim's theory to the American society but shifted the focus away from rapid social change. Instead he asserted that there were certain relatively stable social conditions that were associated with the higher overall crime rates in the American society as well as the higher rates of crime in the lower social classes. Merton adopted the term social structural strain to describe those social conditions. To him, many of individuals' appetites are

not natural but originate from the culture of society. Similarly, the social structure of the American society limits the ability of certain groups to satisfy those appetites. The result is a definite pressure on certain persons in the society to engage in non-conformist conduct. Merton pointed out that the culture of any society can vary from time to time. In all cultures wealth is generally equated with personal value and worth, a high degree of prestige and social status. Those without may be degraded even if they have personal characteristics that other cultures may value such as age or personal discipline. While Durkheim was of the opinion that culture functioned to limit these aspirations in individuals, Merton argued that American culture specifically encourages all individuals to seek the greatest amount of wealth. American culture rests on the egalitarian ideology that all people have an equal chance to achieve wealth.

Merton therefore used a cultural argument to explain the high rate of crime in American society and structural argument to explain the concentration of crime in the lower social classes. Merton showed that the distribution of opportunity was relatively more concentrated in the higher classes and relatively less present in the lower classes..

There are ways in which an individual will respond to the problem of anomie depending on their attitude towards the culture goals and the institutional means. Merton described these as conformity, innovation, ritualism, retreatism and rebellion. If a society is stable, most people in it will choose conformity which implies acceptance of both culture goals and institutionalized means. People who innovate retain their allegiance to the culture goals of requiring wealth but find they cannot succeed at this through institutionalized means. They figure out new methods (innovate) by which wealth can be acquired, and most crime in society tends to take this form. Retreatism implies dropping out of the whole game by neither pursuing the cultural goals nor act according to the institutionalized means. These become the vagrants, outcasts, vagabonds, tramps, drunkards and drug addicts. Rebellion implies that the person responds to his frustrations by replacing the values of the society with new ones. The new values may be political achievement of a socialist society and the approved means is violent revolution. These values could also be spiritual and the means involve fasting. Ritualism involves rejecting the possibility of ever achieving wealth but retaining allegiance to the norms of hard work, honesty and so on. This is the adaptation of the person who wishes to play it safe. They will not be disappointed by

failure to achieve their goals since they have abandoned them. At the same time they will never find themselves in trouble since they conform to all of the cultural norms. This is the perspective of the frightened employee, the zealously conformist bureaucratic and tends to be found more among persons in the middle class. Such people have achieved a minimum level of success through the institutionalization means, but have no real hope of achieving anything more. Hence strain theory can be used to explain gang delinquency.

Merton's reformation of anomie theory focused on the special strains under which certain segments of the population are placed and used those strains to explain criminality. This type of argument has been used to explain urban, lower class and male gang delinquency.

Cohen (1955) found that most delinquent behavior occurred in gangs rather than individually, and most of it was non-utilitarian, malicious and negative. This type of delinquency compared to adult crime served no purpose. Juvenile gangs stole things they did not need, want or use, participated in gang wars and unprovoked assaults. Purposeless crimes could not be explained by Merton's theory which posited that people commit crime to acquire wealth. Cohen concluded that gangs have a different set of values from the dominant ones. They have a different culture and a different set of values for measuring status. He saw youths as seeking goals of generally lower classes and are primarily rebelling against middle class values hence take on the negativistic character.

Cloward and Ohlin (1960) sought to resolve the conflict between Merton and Cohen but integrated the perspectives of a Chicago ecologist Edwin Sutherland. Cloward and Ohlin argued that most delinquency is performed by boys who seek improvement in their economic position and also to increase their status. That when pressures towards delinquency arise among boys, they are more likely to react against middle class values in which the boy believes but which he is unable to conform due to social structural pressures. If there are no legitimate opportunity for the youths to improve their economic position and illegitimate opportunities are available, then their frustration and discontent will be heightened. Lack of opportunity is often a symptom of a lack of social organization in the community which means there will be less control on the youth's behavior. In this scenario, they will tend to form violent or conflict gangs to express their

frustration. The problems of poverty and unemployment, and society's emphasis on material success, possession of money and fame today characterize the Kenyan society. Those segments of society which feel disadvantaged therefore look for opportunities, mainly illegitimate ones such as gang membership to use them to get what society highly values. This partly explains why most members of organized criminal gangs use money obtained illegitimately into legitimate business to own what society highly values. It also shows that members of organized criminal gangs are in a way hitting back at society to protest at their exclusion from the mainstream.

2.8 Learning Theories

Learning refers to habits and knowledge that develop as a result of the experiences of the individual in entering and adjusting to the environment (Bower and Hilgard, 1981). Aristotle 384-322 BC observed that all knowledge is acquired through experience and that none is inborn or instinctive. Aristotle formulated four laws of association that described those relationships: the law of similarity, the law of contrast, the law of succession in time and the law of co-existence in space. There are three basic ways that individuals learn through association. The simplest way is classical conditioning. Some stimuli will certainly produce a given response. In classical conditioning the organism is passive and learns what to expect from the environment. In operant conditioning the organism is active and learns how to get what it wants from the environment. There are rewards and punishments to reinforce certain behaviors. Hence operant conditioning is one way of learning by association. Social learning theory emphasizes the point that behavior may be reinforced not only through actual rewards and punishment but also through expectation that are learned by watching what happens to other people.

2.8.1 Tarde's Laws of Imitation

Vine (1972) showed that Tarde (1843-1904) presented a theory of crime as normal learnt behavior. The theory posits that criminals are normal people who by accident of birth are brought up in an atmosphere in which they learn crime as a way of life. Normal people imitate criminal behavior through association with others. People imitate one another in proportion to how much close contact they have with one another. Inferior people usually imitate their superiors. Tarde traced the history of crimes such as vagabondage, drunkenness, and murder and found that they began as crimes committed by royalty and were later imitated by all other social classes.

In the Kenyan context, learning theory can be used to explain the resurgence of organized criminal gangs. Punishment and rewards reinforce behavior. The punishment of members of organized criminal gangs has not been consistent, many others have committed offences but walk free, others have infiltrated and now control formal businesses with the full knowledge of the public and police. Others receive political and administrative support. Therefore the rewards in organized criminal gangs outweigh the punishments. This partly explains their proliferation in many parts of the country and increment in membership.

2.8.2 Sutherland's Differential Association Theory

Edwin H. Sutherland's theory of criminal behavior emerged and has consistently remained guided by the following nine points (Sutherland, 1924).

- Criminal behavior is learnt
- Criminal behavior is learnt in interaction with other persons in a process of communication
- The principal part of the learning of criminal behavior occur within intimate personal groups
- When criminal behavior is learnt the learning includes - techniques of committing crime which are sometimes compensated, sometimes very simple and the specific direction of the motives drives, rationalizations and attitudes
- The specific direction of the motives and drives learnt from definition of the legal codes as favourable or unfavourable
- The person becomes delinquent because of an excess of definitions favourable to violation of the law or definitions unfavourable to violation of the law. This is the principle of differential association
- Differential association may vary in frequency, duration, priority and intensity. This means that associations with criminal and anti-criminal behavior vary in those respects
- The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all mechanisms that are involved in any other learning

- While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values since non-criminal behaviour is an expression of the same needs and values.

Sutherland's description of the content of what is learnt was derived from the argument that human beings act towards things on the basis of the meaning that the things have for them.

Sutherland's propositions are quite relevant in explaining the growth in membership of the criminal gangs in Kenya. It is particularly applicable and useful in explaining recruitment of new members into these gangs. New members are those who frequently interact with the older members, learn their criminal ways of behavior and adapt to them. The principle is that those recruited into criminal gangs are those who closely interact with the criminal members.

2.9 Organized Crime

Modern organized crime is generally understood to have begun in Italy in the late 19th Century. The secretive Sicilian group La Cosa Nostra, besides other Sicilian Mafia, remained very powerful up to the early 20th Century. As early as 1924 Benito Mussolini initiated a crackdown on the Italian Mafia. From the 1920s to the present, organized crime has either been organized within ethnic groups or across ethnic lines. In 1970 the USA passed the Organized Crime Control Act whose purpose was to eradicate organized crime by expanding evidence gathering techniques for law enforcement, providing for the forfeiture of property owned by criminal enterprises and expanding the range of crimes. Modern organized criminal enterprises make money by specializing in a variety of crimes including extortion, blackmail, gambling, loan sharking and political corruption. Extortion in particular is a time-tested aspect of organized crime which involves the acquisition of property through use of threats or force. For example, a criminal enterprise located in a certain neighborhood may visit shopkeepers and demand for protection money. Blackmail works in a similar way. Many crime syndicates use violence, murder, torture, assault and other related strategies to keep themselves powerful and profitable and the constant threat of violence keeps victims and witnesses silent and so without them prosecutors will be hard pressed to prefer charges against members of organized criminal gangs. Oath taking is one of the reasons that make members committed. This commitment is

demonstrated by members who state that they join criminal gangs alive but will leave them dead. Gang life has several characteristics. It may be ethnic gangs or turf gangs based on the territory they control. It has been observed that people enter organized criminal gangs for a variety of reasons like poverty hence the reasons they exist in poor neighborhoods. Peer pressure is another reason as most members tend to be young. Boredom is another cause since they tend to be populated by idlers largely due to unemployment.

According to the United Nations Office on Drugs and Crime (UNODC, 2002) in many countries across the world, there exist organized criminal groups which vary in activities, and may be similar in their consequences. Common to all countries is that these groups are a threat to peace, stability and development and therefore there is need to control and/or eradicate their activities. Effective management of the groups requires understanding of the nature of their existence such as root causes, goals, size/membership, sources of funding and protection. Whereas conducting research into such groups is a challenge owing, in part, to the fact that they are generally closed systems (they would be operating in secrecy to avoid police detection) and a risk to probing outsiders, few studies (such as UNODC, 2002) have been conducted on them. Consequently, effective conceptual frameworks and methodologies are still not yet established.

In a study of forty organized criminal groups in sixteen countries, (UNODC, 2002) adopted the Transnational Organized Crime (TOC) Convention, Article 2 (a) definition which states that an organized criminal group is a

“structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit. By “serious crime” is meant “conduct constituting a criminal offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty” (UNODC, 2002:9).

UNODC (2002) provides a useful framework for understanding organized criminal groups comprising of ten factors namely:

- i) Structure
- ii) Size
- iii) Activities
- iv) Identity
- v) Level of violence
- vi) Use of corruption
- vii) Political influence
- viii) Penetration into the legitimate economy
- ix) Level of cooperation with other criminal groups
- x) Level of trans-border operations

In Kenya, there are a number of known organized criminal groups. In October 2010, the Minister of State for Provincial Administration and Internal Security following the enactment of the Prevention of Organized Crimes Act in August, 2010, issued a *Gazette Notice* banning 33 organized criminal groups on October, 18, 2010. These were: Al Shabaab, Amachuma, Angola Msumbiji, Banyamulenge, Baghdad Boys, Charo Shutu, Chinkororo, Coast Housing Land Network, Congo By Force, Dallas Muslim Youth, Forty Brothers, Forty Two Brothers, Jeshi La Embakasi, Jeshi La Mzee, Jeshi La King'ole, Japo Group, Kamjesh, Kamukunji Youth Group, Kaya Bombo Youth , Kenya Youth Alliance, Kosovo Boys, Kuzacha, Makande Army, Mombasa Republican Council, Mungiki Movement, Mungiki Organization, Mungiki Sect, Republican Revolutionary Council , Sabout Land Defence Force (SLDF), Sakina Youth, Siafu, Sungu Sungu and Taliban. A 2010 study commissioned by the Panel of Eminent Persons conducted in Nairobi, Central and Nyanza provinces identified 32 illegal groups, of which 27 were not listed in the 33 banned criminal groups. Further, the study indicated that the illegal groups were taking a low public profile and speculated the leaders of the groups were seeking to shed their negative image and present themselves as candidates for public office. These illegal groups were found to be spread throughout the country although more common in urban environments and particularly in Nairobi's large slum areas.

Much has been written on organized crime and its effects in society. However, the review established that, like the concept of crime, organized crime is itself a concept whose definition has always been problematic. Organized crime is defined as crime committed by structured groups typically involving the provision of illegal goods and services to others. According to The U.S. Comptroller General, (1981) organized crime refers to those self-perpetuating, structured and disciplined associations of individuals or groups, combined together for the purpose of obtaining monetary or commercial gains or profits, wholly or in part by illegal means, while protecting their activities through a pattern of graft and corruption. The California Commission on Organized Crime (1948) observed that the operations of two or more persons who combine to obtain financial advantages or special privileges by such unlawful means as terrorism, fraud, corruption of public officers or by a combination of such methods constitute organized crime. Though varied, all definitions insinuate that organized crime is a syndicated criminal activity by an enduring structure or organization developed and devoted primarily to the pursuit of profits through illegal means.

Organized crime is not a preserve of a particular or some societies. In this contemporary world, organized crime is not confined to the boundaries of any one country and has become a transnational problem.

The world over, most countries have had organized criminal gangs which have had devastating effects and threatened national security, socio-political and economic stability. The most notable organized criminal gang is the Italian Mafia that infiltrated the Italian society and other countries including the United States. The Sicilian Mafia was formed in the mid-1800s to unify the Sicilian peasants against their enemies. In Sicily, the word Mafia tends to mean “manly.” The Sicilian Mafia changed from a group of honorable Sicilian men to an organized criminal group in the 1920s. In the 1950s, Sicily enjoyed a massive building boom. Taking advantage of the opportunity, the Sicilian Mafia gained control of the building contracts and made millions of dollars. Today, the Sicilian Mafia has evolved into an international organized crime group. The Sicilian Mafia specializes in heroin trafficking, political corruption and military arms trafficking—and is also known to engage in arson, frauds, counterfeiting, and other racketeering crimes.

Asian organized criminal enterprises have also been thriving not only in Asia but also in various parts of the world. Asian criminal enterprises have been operating in the US since the early 1900s. The first of these groups evolved from Chinese tongs—social organizations formed by early Chinese-American immigrants. FBI notes that these enterprises rely on extensive networks of national and international criminal associates that are fluid and extremely mobile. They adapt easily to the changes around them, have multilingual abilities, can be highly sophisticated in their criminal operations, and have extensive financial capabilities. Some enterprises have commercialized their criminal activities and can be considered business firms of various sizes, from small family-run operations to large corporations.

In the Middle East, FBI observes that the groups, though loosely organized, have been active since the 1970s. They have mainly been involved in schemes such as automobile theft, financial fraud, money laundering, interstate transportation of stolen property, smuggling, drug trafficking, document fraud, health care fraud, identity fraud, cigarette smuggling, and the theft and redistribution of infant formula (food). These enterprises rely on extensive networks of international criminal associates and can be highly sophisticated in their criminal operations. Organizations often engage in joint criminal ventures with one another.

African criminal gangs have developed quickly since the 1980s due to the globalization of the world's economies and the great advances in communications technology. Easier international travel, expanded world trade, and financial transactions that cross national borders have enabled them to branch out of local and regional crime to target international victims and develop criminal networks within more prosperous countries and regions. The unstable political, social, and economic conditions in African countries like Nigeria, Ghana, and Liberia also have helped some gangs expand globally.

2.10 Characteristics of Organized Criminal Gangs

According to the United Nations Office on Drugs and Crime (UNODC), organized crime is a multi-faceted phenomenon and has manifested itself in different activities, among others, drug trafficking, trafficking in human beings; trafficking in firearms; smuggling of migrants and money laundering;. In particular drug trafficking is one of the main activities of organized crime

groups, generating enormous profits.

Organized crime is a dynamic force whose every day focus may change and adapt according to the counter measures taken by the government against them. A major characteristic of organized crime is that many of its activities are not predatory (such as robbery which takes from its victims). Instead, organized crime generally seeks to provide the public desired goods and services that cannot be obtained legally (drugs, gambling, prostitution and so on). For its success, organized crime relies on public demand for illegal services. Organized criminal groups have become well organized and sophisticated leaving the traditional patterns of committing crimes and use of violence. The groups for example have garages where stolen cars can be renumbered and disguised or even established a business office where miscellaneous loot is held. Overall, organized criminal groups have continuously changed and the emerging groups are becoming an even more serious threat than in the past.

In other parts of the world, organized criminal gangs have been characterized by violence. Organized criminal gangs are violent; they live violently and expect violence. This is because tough, hardened criminals compose these gangs and they do not hesitate to use violence in order to accomplish their purpose. The groups use criminal and violent force like shootings, beatings and threats of violence to settle disputes brought to their attention. They are mobile and equipped with the latest deadly weapons, are well disciplined, efficient and dangerous.

The characteristics of organized crime, which are common to all societies, are as follows:

- i) It is an association of criminals for the purpose of gaining profit, may be permanent or lasting for a period of time.
- ii) Authority is centralized and is in the hands of one or few individuals.
- iii) Collection of funds to serve as capital for the gang criminal enterprises.
- iv) It is an organization of group, involving division of labour, delegation of duties and responsibilities and specialization of functions. Some groups specialize in one type or a few types of crime but others, especially the more powerful ones, are multipurpose in character, engaging in any activity in which quick money can be made.

- v) Criminal gangs seek to expand their activities beyond their borders to secure monopoly throughout the area in which they operate. They do not hesitate to use violence to eliminate competition, silence informers, persuade potential victims, or enforce their edicts. Often the large gangs import gunmen from other areas to do this work for them and to make detection of their crimes more difficult.
- vi) Adopt measures to protect the group and to guard against the interruption of its activities. These include maintenance of arrangements with doctors, lawyers, politicians, judges, policemen and other influential persona and use of bribery and other forms of corruption to secure political favors and to avoid arrest and punishment.
- vii) Organized crime requires discipline, efficiency, obedience, loyalty and mutual confidence. Establishment of policies of administration, rules of conduct and methods of operation is strictly enforced and severe penalties are imposed upon the violators.
- viii) Careful plans to minimize risks and to ensure greatest possible success in the group's enterprises.

2.11 Causes and Effects of Organized Crime in Society

As observed above, organized crimes are illegal activities carried out as a part of well-designed plan developed by a large organization seeking to maximize its overall profit. Various thoughts have been advanced to explain the causes of organized crime in most parts of the world. In most of these, a deliberate examination of the nexus between criminal opportunities and criminal groups has been attempted. A model that employs both opportunity and offender-availability factors has been proposed to predict the incidence of organized crime activity.

According to UN Habitat (2007) the following are causes of crime: poverty, unemployment, growing gap between the rich and the poor, the transition towards political democratization, the speed of urbanization and poor urban planning, design and management.

Causes of organized crime can be categorized as:

- (a) **Social factors and crime:** This has to do with family structures and relationships, peer-group relations, education, and occupational status related to social factors of crime. There may be institutional arrangements that facilitate the increase of the probability or even cause of crime. The explanation borrows from Cloward and Ohlin's assertion that societal structures, as they now exist, block the opportunity of many individuals to achieve "success". Some individuals, who are identifiable by their socioeconomic characteristics, cannot achieve success by means generally accepted by society: they are blocked from legal success and reach for success by criminal means.
Institutional arrangements may also have effects on groups of people and thus on individuals within groups. Political structure of society divides people into competitive groups and that crime is a product of this competition. Crime becomes a symptom of a struggle between the people in power and those not in power.
- (b) **Geographical factors and crime:** For a variety of reasons, cities seem to produce and nurture considerably more crime than rural areas. Suburban crime rates are higher than rural rates but still considerably below urban rates. One reason for the high urban rate is the presence of slum or ghetto areas with the population poor, unemployed and overcrowded resulting to crime (Gordon, 1967).
- (c) **Economic factors and crime:** Crime is, at least in part, the result of economic conditions. Reference is made to Karl Marx's ideas of economic determinism which leads to conflict. The argument is that private ownership of property results to poverty which distinguishes those who own the means of production from those whom they exploit for economic benefit. The latter turn to crime as a result of this poverty.
- (d) **Opportunity factors and crime:** Crime is not caused by a single factor. Traditionally crime is related to socio economic or socio demographic variables. For a crime to occur there must be both an individual who wants to commit an offence and an opportunity to commit that offence.
- (e) **Demographic Factors and Crime:** Demography is about the population growth and change. It includes age structure of a population, fertility and mortality patterns, migration and mobility patterns, and the ethnic composition of society. The relative

proportion of males to females in the population, race, age or sex is also linked to actual crime rates.

- (f) Ecology and crime: Ecology is concerned with systems. Human ecology is concerned with the effect of position in physical and social space and in time on human institutions and human behaviour. The ecological system has been described as having five elements: population, organization, environment, technology, and social-psychological factors. Today nobody can deny that knowledge of every individual criminal is necessary to determine the causes of crime. Human nature is immensely complex. Environmental conditions are also immensely complex. Between these two complexities, man's individuality develops or deteriorates. If an individual is unable to adjust himself to society, he is deemed to be a failure, and a failure of life may turn out to be anything; insane, criminal, pervert, introvert and so on.

The evils caused to society and to the economy by organized crimes are enormous. Through gambling and drug trafficking, the lives of many individuals and families are traumatized. Labour racketeering and infiltration of legitimate business leads to higher food prices, lower-quality products, forced closure of some businesses, establishment of monopolies, unemployment of workers, misuse of pension and welfare benefit, and higher taxes. Through corruption of public officials, organized crime leads to public cynicism about the honesty of politicians and the democratic process. It also leads to higher taxes and mismanagement of public funds. Organized crime is developing new market place scams, including counterfeiting, consumer credit cards and airline tickets.

2.12 Overview of Organized Criminal Gangs in Kenya

Trends in organized crime throughout East Africa, specifically Kenya, are frequently evolving, giving law enforcement the difficult task of remaining vigilant. With advancements in global technology comes the emergence of criminal activity. In Kenya, challenges posed by organized criminal gangs include terrorism, maritime piracy, human/arms/drugs trafficking and cyber crime. The crime situation in Kenya is not unique within itself - many of the problems that face Kenya on a criminological and development level are, for the most part, identical to those facing the surrounding countries in East Africa (UNODC, 2002). In Kenya, the organized criminal

gangs have been associated with their native communities, thus gaining protection and making them complicated.

Today, a relatively new and threatening trend in East Africa is the attacks by pirates off the coast of Kenya. Young adults, who are generally poor and uneducated, are recruited by crime lords in Somalia and Kenya in an attempt to extort money from commercial and private ships in the Indian Ocean. The immense coastline and porous borders of Kenya make it a prime location for trafficking in humans, weapons, and drugs. It is however not clear whether there are pirates in Kenya or their activities are purely coordinated from Somalia.

Internally, Mungiki has been one of the most violent and widely talked about organized criminal gang in Kenya. Mungiki is a politico-religious group that was outlawed by the government of Kenya following atrocities committed against its victims. The members of Mungiki claim it is a 'homegrown' religious organization committed to upholding the traditional 'African way of worship, culture and lifestyle.' It began as a local militia to protect Kikuyu farmers in disputes over land with the Kalenjin and draws some inspiration from the bloody Mau Mau rebellion of the 1950s against British colonial rule. In recent years, it has been associated with a political group known as the Kenya National Youth Alliance (KNYA)¹.

Besides the running battles with the police and killings committed by the sect, Mungiki is known to have been engaging in other anti-social activities such as stripping women wearing miniskirts and trousers in public, forcibly imposing female circumcision and raiding police stations to free their own members who were under police custody. Lately, the sect has been assuming a new modern face, using AK-47 assault rifles instead of clubs, machete and swords. Other organized criminal gangs in Kenya such as Sungu Sungu, Chinkororo and Taliban have followed in the footsteps of Mungiki in unleashing their terror.

¹ See for example Diana Muia and Viola Sugut of Mifugo Project, Institute of Security Studies (ISS), Nairobi Office via the link: http://www.iss.co.za/iss_today.php%3FID%3D1044+organized+criminal+gangs+in+kenya&cd=9&hl=en&ct=clnk&gl=ke&source=www.google.co.ke

Landinfo report (2010)² observed that several militant gangs and so-called vigilante movements operate throughout Kenya, particularly in urban environments and in Nairobi's large slum areas. They operate outside the law in poor, crime-infested neighborhoods where the police have little authority, influence and, basically, little interest. Different gangs have been and are at war with each other over control of businesses, services and people in disputed areas, amongst them the Taliban, the Kosovo boys, the Baghdad boys, Chinkororo, the Kalenjin Warriors and Mungiki. In 2002, the Kenyan government prohibited such groups, the latter included.

In 2009, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, following a visit undertaken in February 2009, produced a report dated 26 May 2009, where he observed that: "Kenyans are subjected to significant levels of both indiscriminate and organized violent criminality. Armed robbery, carjacking, and violent street crime are all common. In addition, criminal organizations exercise vicious control over significant geographical areas and infrastructure in slums in Nairobi and Central Province." Professor Alston also stated that the Mungiki have become particularly prominent but there are many criminal groups, including the Sungu Sungu, and the Taliban (a predominantly ethnic Luo vigilante group, operating in slums in eastern Nairobi).

2.13 Geographical permeation of organized criminal gangs in Kenya

A report represented (but not final) by the Panel of Eminent Persons and compiled by South Consulting Firm which did research in Nairobi, Central and Nyanza provinces towards the end of 2010 identified 32 criminal groups, 20 of them in Nairobi. These exclude those well known like the Mungiki, Taliban, Sungu Sungu and Chinkororo. The report identified new gangs preying on the transport sector in Kibera as Bumps Ahead, Karanja Youth and Kaberege. The audit report also identifies more gangs in the same area including Yes We Can, 14 Gendarmerie, 12 Flamingos, 12 Disciples, Bunkers, Kosovo, Tuff Gong, Dego Youths, 40 Ndugus, ODM Youths, Darajani, Jipange and Super 14.

²Norwegian Country of Origin Information Centre (Landinfo) <http://www.landinfo.no/id/162.0>; a Mungiki – Abusers or abused?, 29 January 2010 http://www.landinfo.no/asset/1123/1/1123_1.pdf Date accessed 12 January 2011; quoted in Country of Origin Report, Kenya, UK Border Agency, February 2011, pp. 43.

Besides these, in Nairobi North, the report identified Thaaai and Wailer groups. The Hague, Kenda Kenda, Bantu and Ngoroko gangs were identified in Central. In Nyanza, there are Nyalenda Base, Chief Squad, Nyamasira Massive and Baghdad for Peace.

The Kenya National Dialogue and Reconciliation (KNDR) Review Report (2010) covering the period July to September 2010, observed that illegal groups [are] re-inventing themselves: The past four months saw a lull in the activities of known illegal groups ostensibly because some of their leaders were seeking to shed the negative image and present themselves as candidates for public office. Of the three regions sampled by the study, Nairobi emerged as the most affected region. It also suggests that there could be more organized criminal gangs than the 33 earlier proscribed by the government.

Whereas Nyanza, Nairobi and Central regions of Kenya have a fairly well documented literature on criminal gangs, it will be in the interest of this study to focus on other regions of Kenya to identify the type of organized criminal gangs available there and their operations. For example, the government gazetted Al Shabaab terror group as one of the organized criminal gangs in Kenya, this study sought to establish whether there are indicators of their existence in Kenya and/or if they are related with the pirates. Nairobi, Nyanza and Central were covered to establish the trends of the groups' operations and their mechanisms of adaptation, given that most of them have been proscribed and the law banning their operations enacted (Prevention of Organized Crimes Act, 2010).

2.14 Conceptualizing Organized Criminal Gangs

According to Block and Chambliss (1983), organized crime is both a social system and a social world. The system is composed of relationships binding professional criminals, politicians, law enforcers, and various entrepreneurs. Organized crime is part of a social system in which reciprocal services are performed by criminals, their clients and politicians. Organized crime is understood to be the large-scale and complex criminal activity carried out by groups of persons, however loosely or tightly organized, for the enrichment of those participating and at the expense of the community and its members. It is frequently accomplished through ruthless disregard of any law, including offences against the person, and frequently in connection with political

corruption. Organized crime most typically flourishes when a government and civil society is disorganized, weak, absent or untrusted. This may occur in a society facing periods of political, economic or social turmoil or transition, such as a change of regime or a period of rapid economic development, particularly if the society lacks strong and established institutions and the rule of law. Block and Chambliss (1981) argued that organized crime was a rational response to economic conditions in which there was demand for illegal goods and services. This type of business is available for poorer people as a method of making money while other legitimate forms of business are largely unavailable. Chambliss (1978) used a similar view in his extensive analysis of organized crime in Seattle. He showed that at one time most of these goods and services were legal, but when they were declared illegal for various reasons, the demand did not disappear.

In summary the literature shows that apart from acceptable definition of crime being reached on there is still no consensus on what motivates criminality nor its causes and why some people choose to be deviant. Equally important is that deviant behavior has some political and social class connotations. In spite of the lack of consensus on these aspects, it is apparently clear that crime control will require multi-approaches or combinations of some given its multi-facetedness. Organized crime, an emergent type of crime in the Kenyan setting presents new challenges that shall require new approaches.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter presents the research design used in the conduct of the study, the target population, location of the study, sampling and sample size, methods of data collection, research instruments, and methods of data analysis and limitations of the study.

3.2 Research design

This was a descriptive study. The aim was to capture the dynamics of organized criminal gangs as they operate especially after the government outlawed them in 2010. A triangulated methodological approach by combining quantitative and qualitative approaches was used to ensure complementarity in data capture. The strength in triangulation is that the weaknesses and strengths of each method are combined to provide valid data. The social survey was particularly useful in capturing the attitudes and perception of the members of the public (male and female above 18 years) about their knowledge and/or experience of organized criminal gangs and how they have affected their everyday life. In the survey research, adult members of households were randomly sampled to take part in the study. The survey provided the quantitative information. Qualitative information was provided by key informants who included Senior Government Officials from the Kenya Police Service, CID, Provincial Administration and business people. Ordinary members of the public participated in the focused group discussions. Other respondents were members of organized criminal groups (both active and inactive), victims and relatives.

Secondary data was obtained through review of judicial and police records about arrests and convictions of members of organized criminal gangs. The study combined both qualitative and quantitative methods in data analysis.

3.3 Location of the study

The study was conducted in all the eight regions of the country; Nairobi, Eastern, Central, Rift Valley, Coast, North Eastern, Western and Nyanza.

3.4 Target population

The primary population in this study were adult male and female community members. They may have or have not been directly or indirectly victims or perpetrators of organized crime. Members of organized criminal gangs were also targeted. Key informants from government, civil society and business people were also involved.

3.5 Sampling techniques and sample size

Purposive sampling was used in the selection of the six case studies on the basis of prominence of their criminal activities and impact on the local population. Out of the 33 proscribed groups, six were purposively selected. Regional representation was also considered. Given that the criminal activities of the organized criminal groups are not uniform in the regions, counties in which the activities were concentrated were purposively selected following preliminary discussions with the residents of the respective counties. Further, specific locations that are the epicentre of organized crime were eventually selected and community interviews held. This was done to ensure that the respondents are people with a high probability of having been directly or indirectly affected or have factual information about organized crime. At county level, Heads of Police, Provincial Administration, Judiciary, religious leaders and members of organized criminal gangs were purposively selected for key informant interviews.

The survey respondents sample size was 1343. They were randomly selected and distributed per region as shown in Table 1.

Table1: Number of Respondents per Region

Region	No. of Respondents
i) Nairobi	176
ii) Central	176
iii) Rift Valley	176
iv) Coast	176
v) Nyanza	176
vi) Western	176
vii) Eastern	176
viii) North Eastern	111
Total	1343

3.6 Methods of Data Collection

The study employed both qualitative and quantitative methodologies in data gathering and analysis. The quantitative method employed was the survey and the qualitative approach employed were key informant interviews and focused group discussions.

3.7 Instruments of Data Collection

Two questionnaires were used to collect data from the public individual respondents and key informants (see Appendix 3). The questionnaire was administered by trained enumerators. A total of 40 enumerators were recruited and trained for 3 days on data collection, interviewing techniques and ethnical aspects of the research. A pretest was undertaken on the 4th day. The purpose of the pretest was to assess the applicability of the tools in data capture. The experiences obtained during the pretest were shared and used to revise the tools. The challenges encountered were also taken into consideration in planning for the data collection. Each region was under the oversight of a Lead Researcher whose main tasks were to supervise and ensure quality data as well as conduct key informant interviews/questionnaire and facilitate focused group discussions. The public individual questionnaire had several subsections: informed consent, background information, knowledge of organized criminal gangs, law enforcement and organized criminal gangs, ethnic/national identity, gender, political influences, activities, and effect on the community. The questionnaire for key informants was divided into the following subsections; respondent information, general questions about organized crime in the area, specific questions on the organized criminal group, organized crime and law enforcement, ethnic and gender composition, general characteristics of the group, violence of the group, professionalism of the group, general influence of the group, political influence of the group, transnational links of the group and the groups in the legitimate economy (see Annex 4). Focused group discussion guide for business people (Annex 1) and focused group guide for members of the public (Annex 2) were used to facilitate the discussions. Informal unstructured discussions were held with members of organized criminal gangs.

3.8 Key informants

The key informants in this study were diverse. At national level they were senior officers in the CID, Kenya Police Service and Provincial Administration. At provincial levels all OCPDs and OCS in the relevant police stations were interviewed. In the Provincial Administration, the District Commissioners and Divisional Officers were interviewed. Business people were interviewed. Prominent religious leaders were equally interviewed. These interviews were conducted by the Lead Researchers.

3.9 Methods of data analysis

Data was cleaned and entered into an SPSS package for analysis. The cleaning focused on consistency of the responses and completeness. Descriptive statistics using totals, frequencies and percentages were used in data analysis. Qualitative data was organized into themes and used to augment quantitative data.

3.10 Case Studies

The study conducted in-depth investigations of six organized crime gangs to understand their structures and operating mechanisms. Based on the 33 criminal groups proscribed by the government, the six case studies are as presented in Table 2 below:

Table 2: Case Studies and Main Region of Operation

	Group	Region
1.	The 42 Brothers	Emuhaya, Luanda, Maseno
2.	Mombasa Republican Council	Mombasa
3.	Angola Msumbiji	Kakamega, Khwisero, Butere
4.	Sungu Sungu	Kisii
5.	Mungiki	Nairobi, Central Region
6.	Al Shabaab	North Eastern

Data about the Case Studies was obtained from key informants using a structured and unstructured questionnaire, members of the public and members of the organized criminal gangs. Formal and informal approaches were adopted given the sensitivity of the topic. Secondary data was used to augment primary data.

3.11 Limitations of the Study

- The topic of study was a particularly sensitive one in terms of interaction with members of the public. The sensitivity of the topic made many people decline interviews for fear of identification or reprisals from members of the organized criminal gangs. In some instances researchers were suspected to be either police officers or informers, and this made some people to remain skeptical. In parts of Rift Valley region researchers were suspected to be a disguise for the International Criminal Court (ICC) collecting information about some of the suspects of the 2008 post election violence. In other parts of the research study, there was outright hostility from the gang members, some of whom thought we were collecting information to identify them to the police. In Maseno area in particular, there were physical threats. The fear of discussing organized criminal groups made the research work take longer than anticipated since the refusal rate was high and/or it took more time trying to explain the motive of the study to convince respondents to accept to be interviewed.
- Generally, while members of the public were more willing to provide information in spite of the possible reprisals, government officers were the most difficult especially in Western Kenya, Coast and Eastern Regions. More often, they outrightly declined to provide information since to their knowledge there were no organized criminal gangs even when there was overwhelming evidence of their presence. This considerably slowed down the progress of work. In some cases government officers returned half filled questionnaires while in others they never returned them even after several physical trips to their offices and phone calls.

3.12 Ethical considerations

Given the sensitivity of the topic, permission was sought beforehand from the relevant government agencies at national level. On the ground, the local administration was informed about the purpose of the research and permission granted. All the respondents were assured of the confidentiality of the information and no personal identity was required. Permission was sought after explaining to them the purpose of the research before interviews were undertaken.

No coercion or false representations were made. Those who declined to be interviewed were respected for their views. No photographs were taken at all as well as no recording. All the information obtained was solely used for writing this report and not for any other purpose. No child was interviewed whatsoever.

CHAPTER FOUR

FINDINGS AND DISCUSSIONS

4.1 Description of Respondents

4.1.1 Source of Livelihood

A total of 1343 adult members of the public were interviewed for this study. The quantitative information hereunder is about this group of respondents. In terms of livelihood a total of 391 (29.1%) were employed, 467(34.8%) unemployed and 485 (36.1%) were involved in own business.

4.1.2 Gender

Out of total number of 1343, 781(58.2%) were male and 562 (41.8%) were female respondents.

3.1.3 Marital Status

Table 3: Marital Status of Respondents

Status	Frequency	%
Married	711	52.9
Single	441	32.8
Separated	75	5.6
Widowed	73	5.4
Divorced	41	3.1
Total	1343	100

4.1.4 Educational Attainment

In terms of educational attainment out of 1343 respondents, 132(9.8%) had no formal education, 281 (20.9%) primary, 456 (33.9%) secondary, 318 (23.7%) college and 56 (11.6%) had university education.

4.1.5 Religious Affiliation

A total of 1192 (88.8%) of the respondents belonged to the Christian religion and 151 (11. 2%) were Muslims.

4.2 Knowledge of the existence of an organized criminal group in the locality

Of the total sample of 1343 it was observed that most respondents 741(55.2%) were aware of the existence of an organized criminal group in the area of their abode but 36.9% were aware of their existence in other areas. A total of 106 (7.9%) chose not to comment on this topic. It can be deduced from this finding that organized criminal gangs exist in many areas of Kenya and that most Kenyans are aware of them in their locality. Those who were not aware of any in their locality were however aware of their existence elsewhere. The areas mentioned by most respondents regarding where the organized criminal groups exist were: Western region, Makutano, Mwea, Isiolo, Dagoretti Corner, Murang'a, Nyeri, Kiambu, Kerugoya, Huruma, Thika, Kikuyu, Majengo, Mlango Kubwa, Dandora, Mathare North, Manyatta, Obunga, Kondele, Nyalenda, Majengo, Mulwanda, Kisii, Nyamira, Ebulonga, Luanda, Kongowea, Kwale, Kisauni and Malindi (*a detailed grouping is done in Table 5*). This identification of areas clearly left out much of Rift Valley and considerable stations of Eastern and North Eastern areas. Although Al Shabaab was identified and operates in North Eastern the respondents in that region were categorical that it is a foreign criminal gang therefore cannot be said to belong to the region.

Table 4: Knowledge of an organized criminal gang in the area

Response	Count	%
Yes	741	55.2
No	496	36.9
No comment	106	7.9
Total	1343	100

To 522 (38.9%) respondents the organized criminal groups had a known name compared to 27 (2.0%) who indicated such groups had no name. To most respondents 793 (59.0%) this question was too sensitive they chose not to answer it for fear of being identified for having divulged information about the organized criminal gang's name.

4.3 Organized Criminal Gangs

The following organized criminal groups were identified.

Table 5: Organized criminal gangs, area of operation and type (s) of criminal activities

	Name of Criminal Gang	Principal Area of Operation	Main type of criminal activities
1.	Mungiki	Central Province, Nairobi	Extortion, illegal levies, violence, hire for revenge, executions
2.	Sungu Sungu	Kisii, Nyamira	Expulsion of offenders, hire for revenge, body guards, security, settlement of disputes, executions, illegal detention.
3.	Mombasa Republican Council	Kwale, Ukunda, Mombasa, Kilifi	Illegal oathing, violence, promoting hatred, extortion, threats of eviction, secession
4.	Jeshi La Embakasi	Embakasi Constituency	Hire by politicians for illegal activities
5.	42 Brothers *	Emuhaya, Ebukasami, Luanda Maseno	Burglary, drugs, theft, violence, murder, hire as body guards, extortion
6.	Al Shabaab	Eastleigh, North Eastern	Human trafficking, trafficking of weapons
7.	Kamjeshi	Nairobi Eastlands	Extortion, public service transport
8.	Jeshi La Mzee	Kangemi	Hire for politicians as body guards, campaigners
9.	Baghdad Boys	Kisumu	Extortion, hire by politicians, body guards, campaigners
10.	Angola Msumbiji	Butere, Khwisero	Cattle rustling, burglary, murder, hire by business/politicians for protection or intimidate opponents
11.	Taliban	Central, Kayole, Dandora	Extortion, illegal levies, murder, hire by politicians
12.	Kenya Youth Alliance	Nairobi	Burglary, extortion
13.	Shigololi	Emuhaya	Robbery, burglary
14.	Sabaot Land Defence Force	Mt. Elgon	Murder, extortions, evictions
15.	Kamkunji Boys	Kamkunji area	Hire by politicians for campaign and body guards
16.	Munyiipi	Mathare	Extortion
17.	Damy	Dalas (Mombasa)	Burglary, robbery
18.	Funga File	Mombasa	Burglary, theft
19.	40 Brothers	Emuhaya, Lwanda	Burglary, theft, drugs
20.	Congo By Force	Kisauni	Burglary, pick pocketing
21.	Kaya Bombo	Kwale, Kilifi	Eviction, extortion
22.	Tia Nazi	Kilifi	Burglary, extortion

23.	Sri Lanka	Kisii, Kisumu	Robbery, burglary
24.	Nuyuki	Mombasa	Burglary
25.	Charo Shutu	Malindi	Robbery, burglary
26.	Kimya	Mombasa	Burglary, extortion
27.	Bad Squad	Kisii, Mombasa, Kisauni	Burglary, extortion
28.	Super Power	Eastleigh	Theft, burglary
29.	Chinkororo	Kisii, Nyamira	Murder, defence
30.	Amachuma	Kisii, Nyamira	Murder, defence
31.	Nubians	Kibera	Protection of Nubian community
32.	Kalenjin Warriors of 1992	Molo	Eviction, murder, livestock rustling
33.	Kibera Battalion	Kibera	Extortion, hire by politicians, violence
34.	Kumi Kumi	Kisii	Extortion
35.	Bamba 40	Kisii	Robbery, burglary
36.	Loma oyan	Garissa Town	Pick pocketing, robbery on the streets and dark alleys
37.	Haki La Kuishi	Khwisero	Burglary, theft
38.	Land Lord	Khwisero	Burglary theft
39.	Mafia	Luanda, Emuhaya	Drug trafficking, theft
40.	Down Town	Luanda, Emusire , Kombewa	Stealing motorcycles, power saw engines
41.	Waka Waka	Maseno Hills	Drugs, pick pocketing, attacking mourners at night
42.	Al Qaeda	Maseno Hills	Drug trafficking, planting of drugs
43.	Siafu	Kibera	Extortion, provide security mobilize people to attend political rallies, resolve inter personal disputes, provide water, electricity illegally
44.	Kamukunji pressure group	Kibera	Extortion, provide security mobilize people to attend political rallies, resolve disputes provide water, electricity illegally
45.	Yes we can	Kibera	Extortion, provide security mobilize people to attend political rallies, resolve disputes provide water, electricity illegally
46.	J -10	Kibera	Extortion, provide security mobilize people to attend political rallies, resolve disputes provide water, electricity illegally

**Although this organized criminal gang was most active in the areas mentioned it was also found to be the most widespread across much of the country. It had a fairly active cell in Nairobi as well.*

4.4 Government officers' commitment to fight organized criminal gangs

Out of 1343 respondents, most 779 (58.0%) were of the view that some government officers were not doing enough to fight organized criminal gangs. This was partly because members of such gangs were known, some had been handed over to police, or they have been tipped of their crimes and other illegal activities but no action is taken against them. Further, it was observed that members of such groups were often seen with police and other government administrators. On certain days when they commit crimes police and other administrators respond much later and/or show up well after the event. More often than not, members of the public are subjected to questioning by police and the chief whenever they report an ongoing attack. In Butere a male FGD participant and a victim of organized crime captured this as follows:

“when these robbers attack your house or neighbor and you call the police or chief they take more time interrogating you on phone with questions such as: how many are they? Are they carrying torch? Which weapons do they have? How are they dressed? What are they stealing? Such questions do not help in such situations”

In one FGD held at Luanda Market there was consensus among the participants that the area chief was aware and in their view supports the criminal activities of *Waka Waka* organized criminal gang. They justified their position as follows:

“Our Chief never uses the same route to and from his home each day. When you ask him why he is not using a particular route to his home in the evening he says that *Waka Waka* are on the road he is avoiding at that time. How does he know they are on the road so he avoids? Is that not proof of some government officers complicity and lack of seriousness in fighting these criminals?”

In many instances members of the public claim that police usually release members of organized criminal gangs whenever they are apprehended even when there is overwhelming evidence. Government officers often deny the existence of an organized criminal group in their area even when everybody else knows there are gang members and their activities are known. Therefore denial by senior government officers of existence of such groups implies a weak will to fight the menace. To the public the government is not committed to fighting organized criminal gangs yet it has all information about them including the leaders and where they are. In Butere, Khwisero,

Emuhaya and Nyamataro in Kisii, for instance, government leaders from Chief, OCPD and District Commissioners (apart from the DC for Kisii Central) vehemently denied, appeared in foul mood that their areas were being associated with organized criminal gangs. One District Commissioner and an OCPD in an organized criminal gang hotspot in Western Kenya said as follows to the research team;

“Who told you Angola Msumbiji is here? It used to be here long time ago before I came here and since then they have been eradicated. Ever since I came here about 4 years ago I have never heard of it. Where do you people get such information from? I cannot fill in your questionnaire over something that doesn't exist here. I advice that next time before you start research work like this do your homework first, consult us for advice in order for you to obtain good data”.

Comparing government commitment to address issues like unemployment, food scarcity, alcoholism and drug trafficking, the same commitment cannot be seen in the fight against organized criminal gangs. Hence most respondents 887 (66%) were of the view that the police do not take seriously the problem of organized criminal gangs in the areas they are posted. This was largely because even with overwhelming evidence and cooperation from the public, such criminals are never apprehended and often are seen with the police. In cases where they are arrested they are hardly taken to court. To buttress the public view that government is not committed to fighting organized crime, this statement by a female member of the public aptly captured the public mood on this topic,

“Which government commitment? Look, when it is lack of food an image of a Turkana starving elicits media and quick government response. Recently everybody was asked to contribute and billions were raised to feed the Turkana. Do you ever see the picture of those killed by criminals? Government does not even talk of it”

To a considerable extent it is observed that members of organized criminal gangs have compromised and infiltrated some wayward government officers in order to operate.

4.5 Gender composition in organized criminal gangs

The male gender 816 (60.8%) dominates membership in the organized criminal gangs and female only were 8 (0.6%), and according to 300 (22.3%) respondents, mixed groups exist.

Therefore organized crime is presented or manifested as a largely male problem. Mixed gender organized criminal gangs were particularly identified among the Mungiki, Angola-Msumbiji and the 42 Brothers. In Angola – Msumbiji in particular, young girls/women between 15-20 years were found active. In proportion of membership, female members were about 10%.

4.6 Gender and organized crime

The following table shows the roles of men and women in organized crime.

Table 6: Gender division of labour in organized crime

Gender	Main criminal role
Male	<ul style="list-style-type: none"> ▪ Execute criminal plans ▪ Offer security/protection to members ▪ Facilitate oath taking ▪ Extortion ▪ Recruitment and training ▪ Kidnapping and hijacking ▪ Drug trafficking ▪ Collection of illegal levies/taxes/payments ▪ Execute, punish traitors or those who offend them ▪ Livestock theft ▪ Punish law breakers ▪ Enforce rules of conduct ▪ Spying ▪ Engagement of the law enforcers
Female	<ul style="list-style-type: none"> ▪ Identify clients ▪ Spying ▪ Cooking for the male members ▪ Drug trafficking ▪ Raise false alarm to create confusion when male member raid and victims raise alarm ▪ Provide sexual services to male members ▪ Act as agents ▪ Masquerade as prostitutes to identify potential targets ▪ Keep and transport stolen goods ▪ Carry chicken to dupe victims to open doors

4.7 Children in Organized Criminal Gangs

Children were equally useful and execute critical roles in the activities of the gangs like opening windows, doors, spying and being sneaked into closed houses through narrow entries to unlock or unbolt doors and/or windows from inside. Children of members of criminal gangs are socialized from early childhood by their parents through demonstrations and other forms of experiential learning. Use of children in criminal activities is child abuse hence an offence under the Children’s Act of 2001 (CAP 141) Laws of Kenya.

4.8 The role of elderly members in organized criminal gangs

Table 7: Elderly people roles in organized crime

Criminal task
Providing advice to the younger members
Cleansing
Spearheading negotiations
Facilitation and administration of oath
Recruitment
Training of recruits
Providing spiritual support and guidance
Counseling
Spying
Selling drugs
Solving disputes

In terms of gender, all elderly members were reported to be male. Elderly members of organized criminal gangs were personally known to 239 (17.8%) of the respondents, 741 (55.2%) were aware of them but did not know them personally and 363 (27%) were not aware of such members. By local standards, such elderly people were reported to be rich 196 (14.6%), average 176 (13%) while 63 (4.7%) such people were reported to be of poor means. It is therefore clear that most elderly members of organized criminal gangs are largely people of sufficient means. Elderly members were particularly active in the criminal activities of Mungiki and Mombasa Republican Council organized criminal gangs.

4.9 Ethnic Support

Most respondents 533(39.7%) indicated that the organized criminal gangs obtain support of its ethnic group but 564(42.0%) did not think so. Nevertheless, it is clear that some ethnic support is necessary for its successful operation. To most respondents the support is voluntary 313(23.3%) but to 283(21.1%) the support is forcefully extracted. In all the organized criminal gangs ethnic support is largely in terms of concealing members' identity, failing to provide information to authorities and moral support when confronted by outside forces such as the police. Among the six case studies Al Shabaab, Mombasa Republican Council, Mungiki and Sungu Sungu had the most ethnic support. Organized criminal groups in Western Kenya particularly Angola-Msumbiji and The 42 Brothers enjoyed the least ethnic support. In the context of Angola –Msumbiji lack of

ethnic support is responsible for its waning since the turn of the century. Its brutality against the people alienated and galvanized the entire community against it to the point where recruiting new members became difficult. However, Sungu Sungu in Kisii enjoyed the strongest ethnic support for the “good” work it does where police had failed even after persistent crimes and reports had been presented.

4.10 Intra-gang members support

It was established that the organized criminal gangs are successful in supporting their members against police. According to 532 (39.6%) respondents, the gangs are successful compared to 580 (43.2%) who said that the gangs are not successful in their endeavours. This shows that group support of its members is necessary. The members are supported in the following ways:

Table 8: Forms of support to members of organized criminal groups

	Type of intra-group support	Main Criminal groups
1.	Financial support	All
2.	Advisory services	All
3.	Food	All
4.	Transport	All
5.	Protection and shelter	All
6.	Employment especially in the transport industry	Mungiki
7.	Bailing out of police and court of arrested members	All
8.	Paying fines for arrested members	All
9.	Hiring of defense lawyers	All
10.	Hide identity and destroy evidence	All
11.	Not telling truth to non-group members	All
12.	Punishing those suspected of betrayal	All
13.	Payment of medical bills	All
14.	Facilitate escape	All
15.	Gather information	All
16.	Payment of house rent	Mungiki, Al Shabaab

According to 391 (29.1%) of the respondents, organized criminal groups provide a variety of social support / security in the form of money, employment, and housing for family members or dependents of the imprisoned and/or killed group members. In one of the focus group discussions in reference to Angola-Msumbiji members one male participant reported as follows:

At Butere law courts for any Angola Msumbiji member arrested and prosecuted the

option of fine is usually given. The fine is raised on the spot and the member set free immediately. The group members support those arrested. Fines are paid irrespective of the amount and on the spot.

4.11 Law Enforcement and Organized Criminal Gangs

To 659 (49.1%) respondents there have been no arrests of members of criminal gangs in their area in the last three years even when serious and multiple crimes have been committed and the offenders known. Only 321 (23.9%) were aware that those arrested were taken to court, 524 (39.0%) were not aware if those arrested were taken to court while an overwhelming 498(37.1%) had no information about what happened after the arrests were made. However, members of the public had a strong feeling that they were not taken to court because they bribed their way out before reaching court (they are powerful individuals) or liaise with police. Nevertheless most people were not aware of what really happened/happens to such gang members after arrest. Further, 295 (22.0%) were aware of convictions of members of organized criminal groups, 761(56.7%) were not aware and 287 (21.4%) had no information whatsoever. In North Eastern Region this information was corroborated by senior government officers who indicated that they were not aware of what happens to arrested members of Al Shabaab because they were under instruction to hand them over to Nairobi immediately after arrest.

Table 9: Knowledge of convictions of arrested members of organized criminal gangs

Response	Count	%
Aware of convictions	295	22.0
Not aware of convictions	761	56.7
No information at all	287	21.4
Total	1343	100

4.12 Possible factors for lack of arrest of members of organized criminal gangs

To members of the public, members of organized criminal gangs may not be arrested due to the following conditions:

- i) Corruption within the police force/bribe their way out
- ii) Corruption in the judiciary
- iii) Political influence on such gangs
- iv) Connection with politicians who intervene

- v) Lack of cooperation from the police
- vi) Difficulties in identifying them
- vii) Tip off by police officers
- viii) Delayed arrival of the police
- ix) Members of the public fail to report for fear of reprisals
- x) Police fear of the gangs
- xi) Frequent movement from one area to another
- xii) Lack of genuine police patrol
- xiii) Support by powerful members and chiefs
- xiv) Destroy evidence and give false information
- xv) Lack of unique identity of such members
- xvi) Government support for organized criminal gangs

4.13 Lack of Prosecution

The following were identified as possible factors why members of organized criminal gangs may not be prosecuted as they should.

- i) Lack of willing witnesses /disappearance of witnesses
- ii) Support by senior members in government
- iii) Corruption in the judiciary and police
- iv) Unqualified court prosecutors
- v) Interference by politicians
- vi) Collusion with law enforcers
- vii) Frequent arrests and release before the court process commences
- viii) Government support

4.14 Ethnic and /or National Identities

Although organized criminal gangs were reported in all areas of the study across the country, there are certain patterns of prevalence that were found. For example, Mungiki is made up of mainly Kikuyu and Embu members. Downtown, which operates between Luanda, Maseno and Kombewa draws its membership from the Luo and Luhya. This alliance was beneficial to both groups since the Luhya side specialized in stealing motor cycles and power saws for engines which they pass over to the Luo who find ready market at the lake shore for motorized boats. Al Shabaab was reported to have the broadest ethnic composition. Apart from the Somali, it had

members from all over Kenya while the Mijikenda and Kikuyu were second and third respectively in contributing to its membership. Only Al Shabaab had other nationalities besides Kenyan. Hence inter ethnic alliance (especially between neighbouring ethnic groups) seems to be a new dimension in organized crime.

4.15 Use of Violence by Organized Criminal Gangs

The use of violence is both intra and inter group. Most respondents 917 (68.3%) confirmed that organized criminal groups frequently use violence against members of the public. To 354 (26.4%) the groups also use intra-violence against its own members especially those who are suspected of leaking information or failing to disclose part or the entire booty. The violence is varied. Violence is used to attack victims, rob or ransack premises and domestic houses. At another level it is available for hire especially by politicians to intimidate opponents or by business people to intimidate rival business people. In 186 (13.8%) cases it was found that organized criminal gangs indulged in domestic issues like settling domestic disputes through administration of violence. In Kisii for instance Bamba 40 was particularly singled out as active in this regard where they administer 40 lashes on men accused by their wives of irresponsibility/misbehaviour. In urban areas especially where Mungiki is dominant like Dandora, Kayole and Mathare it was reported they settle domestic disputes, even impose fines and corporal punishment as a disciplining measure. Violence remains a common thread that unites all the organized criminal groups. Violence or the threat of violence is a useful weapon that intimidates victims.

4.16 Conflict between Organized Criminal Gangs

Inter group disagreements, power struggles and/or conflicts are frequently reported between organized criminal gangs. Many respondents 412 (30.7%) were aware of such discord within the criminal groups but 735 (54.7%) were not aware. It was presented that internal conflict usually arises when the criminal activities become more lucrative so differences over sharing of the booty was the main cause. Hardly does conflict arise over issues of strategy. Conflict between the criminal gangs was low but it was reported in Nairobi between Mungiki and Kamjeshi and Talibaan over control of Matatu routes in Eastlands. Equally Angola and Msumbiji fought a bitter war in early 1970's which ended in a truce that resolved the merger to become Angola – Msumbiji of today. An overwhelming number 714 (53.2%) of the respondents were aware of

some people they personally knew who had been killed by the organized criminal gangs. Most of the victims killed were business people 311 (23.2%), farmers/livestock keepers 178 (13.3%), artisans/craftspeople 120 (8.9%), employees of private enterprises 127 (9.5%) while 40 (3.0 %) were government workers.

4.17 Involvement in Business

According to key informants, organized criminal gangs were involved/infiltrated in formal and informal businesses. The varieties of formal and informal business involved in were: ownership of public service vehicles, control of public service routes, car wash, rental houses, and ownership of motorcycles for business, retail exhibition shops, kiosks, video theatres, scrap metal and gambling. To those respondents who were familiar with the criminal members in their midst, the source of capital for business must be organized crime. This is because the proprietors never took start-up capital loan and were without any business until they joined the organized criminal gangs.

4.18 Sources of Funds

The following were identified as the sources of money that funds the criminal activities.

Table 10: Sources of funds for operations

Source	Count	%
Extort from public	517	34.3
Stealing/theft	260	19.4
Robbery	95	7.1
Politicians (for hire services, protection, support and body guard)	94	7.0
Selling stolen goods	81	6.0
Funds from Somalia	55	4.1
Business people (for hire services, protection and support)	52	3.9
Levies/illegal taxes	48	3.6
Group members contribution	40	3.0
Drug trafficking	29	2.2
Hijacking/piracy	22	1.6
Terrorism	18	1.3
Rent collection	15	1.1
Government officials	13	1.0
Family members	4	0.3
Total	1343	100

As observed from Table 10 above, extortion from the public 517 (34.3%) is the principal source of funds used to undertake formal business and support their members. Funds obtained from theft/stealing is the second 260 (19.4%) most important source. The key finding is that organized criminal gangs have diverse sources of funds. Sale of stolen goods was particularly an important source for criminal gangs that have wings operating in different regions. Operating in different geographical regions made it easy for goods stolen in one region to be sold in another region without detection. It was particularly reported that The 42 Brothers in Emuhaya area sell their stolen goods in Mbale area while *Waka Waka* of Emusire/Luanda successfully sell theirs in Kombewa region. According to one key informant in Nairobi and very familiar with the operations of Al Shabaab, the group obtains its merchandise from Somalia and sells them at Eastleigh area of Nairobi.

4.19 Business people support to organized criminal gangs and the entirety of key informant

To 397 (29.6%) respondents said the business people in the respective areas support the group's activities. They also benefit from the group activities. The types of support business people and politicians provide were largely similar. In return, both groups enjoyed protection and security. For politicians the benefits extend further to include campaign for popularizing the politicians. In one case study area in Nyamaturo and Kisii town, it was found that business people provide free building materials to Sungu Sungu for construction of rental houses in return for protection. This puts the politicians in dilemma since they cannot publicly condemn them while they support and profit from them.

Table 11: Types of support

Types of support	Count	%
Financial	347	77.1
Protection	36	8.0
Security	26	5.8
Bailing out of arrested members	6	1.3
Offering advice	6	1.3
Legal aid	11	2.4
Fire arms	8	1.8
Moral support	2	0.4
Material support	2	0.4
Transport services	5	1.1

4.20 The political influence of organized criminal gangs

Most respondents 347 (25.8%) strongly agreed, 291 (21.7%) agreed and 485 (36.1) disagreed to the claims that politicians channel funds to members of organized criminal gangs for campaign and support. An elderly female household head in Kirinyaga County and familiar with how Mungiki functions commented as follows,

“Mungiki guide the politicians and even the agenda that politicians set during campaigns. It would be illogical for any politicians from this area to ignore Mungiki and expect to win elections”.

Equally 160 (11.9%) strongly agreed and 202 (15.0%) agreed while 307 (22.9%) disagreed of the allegations that business people channel funds to members of organized criminal groups for support.

Further 221 (16.5%) strongly agreed, 340 (25.3%) agreed and 559 (41.6%) disagreed that members of organized criminal gangs extort money from politicians. Business people were however most vulnerable members of organized criminal gangs as 287 (21.4%) strongly agreed and 392 (29.2%) agreed and 30.0% disagreed that business people are a cheaper/easier source of money compared to politicians. Politicians willingly give the money and often approach the organized criminal gangs in order to win their favor against opponents. Business people were mainly coerced into supporting them. Despite this the case of Angola - Msumbiji demonstrated that businessmen created the group, used it to scare off potential business competitors and also plunder the businesses of others to restock their own.

Table 12: Influence of politicians and business people on organized criminal groups

Public perceptions	Responses				
	Strongly agree (%)	Agree (%)	Disagree (%)	Not sure (%)	%
Politicians give funds to organized criminal groups for support	25.8	21.7	36.1	17.4	100
Business people give funds to organized criminal groups for protection	11.9	15.0	22.9	51.2	100
Members of organized groups extort money from politicians	16.5	25.3	41.6	17.6	100
Business people are an easier source of money for organized crime than politicians	21.4	29.2	30.0	19.4	100
Politicians solicit support from organized criminal gangs	23.6	20.3	26.2	29.1	100
Business people are the creators of organized criminal groups	8.0	14.5	67.4	11.1	100

4.21 Organized criminal gangs and parliamentary politics

Allegations that supporters of organized criminal gangs were elected to parliament in the 2007 General Elections in Kenya were confirmed by 192(14.3%) who strongly agreed, 280(20.8%) agreed even though 649(48.3%) strongly disagreed with that charge. Equally claims that some of their members were elected to parliament in the 2007 General Election were confirmed by 10(11.2%) who strongly agreed, 276(20.6%) agreed but 645(51.7%) strongly disagreed with that assertion. Therefore to some extent, politicians and elections in Kenya have something to do with organized crime.

Table 13: Organized crime and parliamentary politics in Kenya from 2007

Public perception	Responses				
	Strongly agree (%)	Agree (%)	Disagree (%)	Not sure (%)	%
Supporters of organized criminal gangs were elected to parliament in 2007 general election	14.3	20.8	48.3	17.6	100
Members of organized criminal gangs were elected to parliament in the 2007 general election	11.2	20.6	51.7	17.5	100

4.22 Police interaction with organized criminal gangs

The view that police collude with members of organized criminal gangs was supported by 236 (17.6%) respondents who strongly agreed, 441 (32.8%) agreed but 451 (33.6%) disagreed. A total of 368 (27.4%) respondents strongly agreed and 378 (28.1%) agreed to the claim that police ignore useful information from the public about organized criminal groups. To cement these claims further 183 (13.6%) strongly agreed and 289 (21.5%) agreed to have seen police and members of organized criminal gangs together in a friendly interaction. It was observed that where police are against organized criminal gangs, the arrests and prosecutions are evident. However, where the police are believed to support organized criminal gangs as in Sungu Sungu, Mungiki and Angola Msumbiji, there are no arrests or where they occur the suspects are hardly prosecuted.

Table 14: Alleged Police collusion with members of organized criminal gangs

Statement	Responses				
	Strongly agree (%)	Agree (%)	Disagree (%)	Not sure (%)	%
Police collude with members of organized criminal gangs	17.6	32.8	33.6	16.0	100
Police ignore useful information on organized crime from the public	27.4	28.1	30.2	14.3	100
Police and members of organized crime have friendly interactions	13.6	21.5	27.0	37.9	100

A youthful male villager (about 34 years) in Suneka area of Kisii observed as follows in regard to Sungu Sungu:

“Sungu Sungu are the spies of the police. Sungu Sungu chairman informs the police of their operations. In turn, when police go for operation Sungu Sungu accompanies them. Even chiefs are aware of this but they cannot admit”

In reference to Sungu Sungu, *The East African Standard, The Underworld Pull out* (August 10, 2011, page 1-7) quoting a gang member reported,

“Police give us authority and they know if we have an operation. If a mission is risky where it involves an armed thug, two or three policemen accompany us for security. In

most cases, they only come to collect bodies after we have finished our work. The government is fully aware of our operations. Sometimes, I laugh loudly when I hear security officials disowning us”.

In reference to Mungiki, a youthful female interviewee in Nairobi said as follows:

“Who does not know Mungiki and police are friends? They know where each other is all the time. That is why when Mungiki attack there is no police. Every evening a police car comes to that bar where Mungiki meet in the evening. Thereafter it leaves, are those not friends?”

4.23 Personal knowledge of members of organized criminal gangs

To 390 (29.0%) respondents, they personally knew at least a member of an organized criminal gangs and 351 (26.1%) personally knew of somebody who is a supporter of the organized criminal gangs.

4.24 Public knowledge of criminal activities of the organized criminal gangs

Table 15: Criminal activities of the organized criminal gangs

Type of criminal activity(ies)	Involved in activity		Not involved in activity		Don't know		No Response		Total responses	%
	Count	%	Count	%	Count	%	Count	%		
Illicit Drug trafficking	674	50.2%	289	21.5%	186	13.8%	194	14.4%	1343	100
Intellectual property theft	138	10.3%	600	44.7%	403	30.0%	202	15.0%	1343	100
Computer crime, internet fraud	102	7.6%	624	46.5%	415	30.9%	202	15.0%	1343	100
Counterfeiting	249	18.5%	539	40.1%	352	26.2%	203	15.1%	1343	100
Large scale fraud, embezzlement	122	9.1%	590	43.9%	428	31.9%	203	15.1%	1343	100
Insurance scams	118	8.8%	609	45.3%	410	30.5%	206	15.3%	1343	100
Money laundering	387	28.8%	431	32.1%	321	23.9%	204	15.2%	1343	100
Armed robbery	760	56.6%	259	19.3%	128	9.5%	196	14.6%	1343	100
Vehicle theft and trafficking	584	43.5%	371	27.6%	199	14.8%	189	14.1%	1343	100
Theft of antiques, jewellery	345	25.7%	503	37.5%	295	22.0%	200	14.9%	1343	100
Smuggling of cultural artifacts	100	7.4%	648	48.3%	390	29.0%	205	15.3%	1343	100
Trafficking in women/children for sex	127	9.5%	654	48.7%	362	27.0%	200	14.9%	1343	100

industry										
Trafficking in human beings for labour	166	12.4%	614	45.7%	371	27.6%	192	14.3%	1343	100
Illegal activities in prostitution	265	19.7%	567	42.2%	309	23.0%	202	15.0%	1343	100
Kidnapping for ransom	446	33.2%	434	32.3%	270	20.1%	193	14.4%	1343	100
Extortion, including protection money	462	34.4%	425	31.6%	256	19.1%	200	14.9%	1343	100
Loan sharking	216	16.1%	579	43.1%	349	26.0%	199	14.8%	1343	100
Firearms smuggling	305	22.7%	518	38.6%	328	24.4%	192	14.3%	1343	100
Explosives (illegal trafficking)	167	12.4%	556	41.4%	403	30.0%	217	16.2%	1343	100
Environmental crimes	170	12.7%	562	41.8%	392	29.2%	219	16.3%	1343	100
Trading in human body parts	175	13.0%	568	42.3%	375	27.9%	225	16.8%	1343	100
Livestock theft	313	23.3%	350	26.1%	182	13.6%	498	37.1%	1343	100

From the analysis of the above it is clearly observed that organized criminal gangs in Kenya are more focused on crimes that do not require technological applications. Such crimes include; illicit drug trafficking, cultivation of drug species, armed robbery, motor vehicle theft, kidnapping for ransom, extortion and livestock theft. Among the illicit drugs, bhang is the one that featured prominently. Drugs such as cocaine were not mentioned because many local people had not seen them physically. Members of the public mentioned the drugs they knew and had first-hand experience of. Crimes that are transnational in nature and/or technology related include: drug manufacturing, computer related crimes, counterfeiting, embezzlement, fraud, insurance related crimes, money laundering, theft of antiques, smuggling of cultural artifacts and firearms related are not popular. However, Al Shabaab, given its base outside Kenya was the only one associated with firearms smuggling, illegal immigration and trade in explosives.

Low level of education attained by members of organized criminal gangs to a great extent explains why they do not engage in technological or software related crimes. The most highly educated of the criminal organized gangs were secondary school dropouts.

CHAPTER FIVE

EFFECTS OF ORGANIZED CRIME IN SOCIETY

5.1 Fear

Most respondents 1009 (75.1%) were today more afraid than before the emergence of the organized criminal gang. Equally 1022 (76.1%) respondents do not feel secure as a result of the organized criminal gang. To 899 (66.9%) they were now more restless than before these criminal groups emerged. Up to 245(18.2%) of the respondents showed that a close relative had been murdered by an organized criminal gang or killed a person personally known to them. To 463(34.5%) respondents the organized criminal gang had hurt or maimed a person known to them. Up to 225 (16.8%) respondents said they had been forced to change their residences to places where they felt safer. A total of 484 (36.0%) respondents now have a weapon all times or within easy reach as a defensive mechanism compared to 645 (48.0%) who do not. All the female respondents 562 (100%) reported that they were particularly more cautious, that they go home by 6.30 p.m and do not leave their houses any time at night and they were more restless when their husbands were out of the house at night.

5.2 Changes in Behavior Patterns

To 446 (33.2%) respondents, the organized criminal gang had forced them to change their normal ways of life. For instance for those who consume alcohol stated that they stop drinking much earlier than before. Women who do business showed that they close business by 6pm compared to about 5 years ago when business could go on up to about 9p.m. To them, organized criminal gangs have led to loss of business. Many others 589 (43.9%) were consequently forced to change and /or revise their travel patterns. To 660 (49.1%) say they no longer go to certain places they perceive to be the bastion of organized criminal gangs. One male resident of Kwa Mumbi slum said as follows:

“Since these boys emerged, I am home by 7 p.m every day, you can’t pass this area after 8p.m.”

A male resident of Kawangware who has many friends and relatives living in Dandora lamented, “You can never find me in Dandora ever since 2008. We used to drink there in Dandora Phase 4 until about 2008 December when Mungiki could attack as early as 8 p.m. From that time I have never gone back and won’t go back any other time. I escaped narrowly when I jumped into a *matatu* at about 8.30 p.m. It was daring and those boys are daring.”

Another male respondent from Emuhaya could not imagine what had befallen his once peaceful village,

“From the time I retired from employment to settle in my home I have been waylaid twice but escaped. From then I buy alcohol and drink in my house. I am hardly on the road at night. This place is not what I knew when I was growing up. The young boys are dangerous”

5.3 Economic cost of increased insecurity

In response to the danger posed by organized criminal groups, at least 347 (25.8%) respondents and their neighbors had been forced to install security lights at their premises. Up to 413 (30.8%) reported that fares in public transport are often been increased arbitrary out of what PSV operators alleged to be as a result of payments made to members of organized criminal gangs. Further, according to 270 (20.1%) respondents, they have been forced to pay for private security services and raise money to erect barriers to reduce exit and entry points into their areas of residence. To them, the cost of living has gone up due to the effect of organized criminal gangs in the neighborhood.

5.4 Effect on business

Organized criminal gangs effect on business has been varied. To 138 (10.3%) respondents, business people were forced to close their enterprises while 384 (28.6%) knew of somebody close to them who had been forced to close their business. The claim that members of organized criminal groups demand money from business people and landlords was confirmed by 416(31.0%) respondents.

One business woman commended as follows:

“I had a very vibrant pop corn business in Mathare Kwa Chief. But at close of business youth demanded KShs.200 daily. I could not sustain that for long so I had to close it”

The demand for money was also confirmed by 523 (38.9%) of the respondents. New migrants to areas where organized criminal gangs operate were found vulnerable and easy targets. According to 362 (27.0%) new migrants were required to pay money for protection to the organized criminal gang. Those who set up business were also required to pay before they started operations.

5.5 Overall effects of organized crime in society

Although the overall effects of organized crime in Kenya are not yet clear, the following are clearly manifest:

Kenyans are today more afraid and restless than ever before. Many have been forced to change their everyday ways of life, for instance. change of residence, have weapons in their houses, be more cautious, go home earlier, are restless when one of their family members delays to return, stop drinking earlier, close of business earlier than usual and others have revised their travel patterns.

Many Kenyans now spend more by installing/enhancing security infrastructure such as lights, erecting perimeter walls, hire security guards, seal unnecessary exits. Hence the cost of living has gone up.

The cost of doing business has equally gone up hence the costs that business people incur to pay for enhanced security or protection are transferred to consumers.

5.6 Structure of the organized criminal gangs

To 529 (39.4%) of the respondents the organized criminal gangs had known leaders. Those who head regions and other levels were equally known. The places of their meetings/convergence are known according to 326 (24.3%) of the respondents. To members of the public such information

is in the public domain but police act like they are not aware. However, the members and leaders do not use their names in operation or when talking to each other. They have adopted the structure and titles of armed forces. The top leader is often the commander, captain or chairman while others are sergeant, corporal and so on. This helps to hide their identity. In terms of scope of their operations some are spread over a large territory while others are much localized. Mungiki, Al-Shabaab and the 42 Brothers operate in widespread areas. Each area/district has its commander who gathers all local information and reports to the national leader. Others have divisional, locational and sub -locational heads. Some of the members perform specialized tasks. Of all the case studies Sungu Sungu has the most organized structure which includes: overall chairman, district commanders, divisional commanders, locational head and sub-locational head. In addition there are local informers and investigators, those who undertake surveillance and executions.

5.7 Mutating character of organized criminal gangs

It was clearly observed that the original organized criminal gangs had acquired a relatively low profile and even scaled down their activities. This was interpreted to mean survival mechanisms to avoid focus by the authorities. However, new ones have emerged in the areas controlled by the original ones but they do not conflict. The lack of conflict implies that they are factions of the original one. The mutating character is particularly prominent in Western Kenya, for example Bamba 40, emerged and operates in the area controlled by Sungu Sungu. It specializes in resolution of domestic squabbles. It was presented that Bamba 40 is the lower level of Sungu Sungu. Angola-Msumbiji has relatively gone underground but the mushrooming of smaller organized criminal groups raises concern. In Khwisero- Butere area – Haki La Kuishi, Land Lord and several others without names have emerged. Information about them remains scanty. In Emuhaya- Luanda area, which had traditionally been the bastion of the 42 Brothers, several others have sprung up. They include Al Qaeda, Mafia, Down Town, and Waka Waka. Mungiki is known to have several cells known by different names each time and/or place.

5.8 Recruitment

For all the organized criminal gangs one common factor unites their approach to recruitment. Idleness of school dropouts occasioned by unemployment was the principal push factor into

organized crime. Existing members use motivators, especially instant cash rewards and promise of more cash, to lure the youth. Video showing shops were found the commonest areas of recruitment across the country. In Western Kenya, traditional entertainment fora and groups such as *isikuti*, *esilili*, *guitar and isimbi* (gambling) were the main recruitment avenues.

An elderly female respondent (about 60 years old) at Khumusalaba said as follows on the ease with which young boys are recruited into crime,

“These days, boys finish Form 4 and have absolutely nothing to do. They stay at home, get into the market centre and start playing *isimbi* (gambling). Once they get attuned to it they never leave it. That is how they are lured and recruited.”

During an FGD session at Luanda, a mother of about 50 years old confessed that her Form 3 son had joined a local dance group (*Isikuti*) and wondered as follows:

“is there not a way the government can ban gambling in the rural market centres? This is surely the way our boys get into organized crime. You see they play gambling far away from the centre of the market so what they discuss and do are things you cannot tell. And once a boy begins playing *isimbi* and /or joins *isikuti* dance group know he is gone”.

CHAPTER SIX

CASE STUDIES

6.0 Profile of Criminal Gangs Surveyed

The study focused on six organized criminal gangs namely Mombasa Republican Council, Mungiki, The 42 Brothers, Angola Msumbiji, Al Shabaab and Sungu Sungu.

6.1 Mombasa Republican Council (MRC)

6.1.1 Origin

The group is based in the coastal region of Kenya and is associated with the Mijikenda community. This organization is among the thirty three groups outlawed by the government in 2010 through a gazette notice No. 12585 of 18th October 2010.

One of the group's ideologies is fighting for secession of the Coast region using agreements between the colonial government and Sultan of Zanzibar as a reason for their wanting to break away. The group has filed a case in the High Court of Mombasa to have its name removed from the gazette notice. Dozens of people suspected to be members of the group have been arrested and charged with various offenses like engaging in criminal activities of which most of them are pending in court.

The other big issue the group has raised is land ownership where they accuse non-Mijikenda community to legally own land while the indigenous do not as they have no title deeds. Politics do not feature prominently but information received is that politicians support the group's ideologies so as to gain political support in future. Members registered themselves with MRC and of late they have endeavored to reach out to most of the Mijikenda communities living in the Coast. Other activities include oath taking for newly recruited members so as to adhere to the rules of the group.

6.1.2 Activities

It was established that the group holds meetings at night to recruit members. It is through the same meetings that the group too collects funds to facilitate its operations. Threat of eviction of

people, destruction of voters' cards, promoting hatred, murder, threats of secession and extortion are some of the criminal activities carried out by the group. It is not possible to approximate the average annual income of the group over the last three years from illicit and other activities.

6.1.3 Organized Crime and Law Enforcement

It was established that in the last 3 years, arrests had been made though the exact number of the arrested was unknown. The reasons why these arrests were made are varied. Respondents indicated that members of the group were arrested due to taking part in an illegal gathering, being a member of an organized criminal group and taking oaths. Further, there have been prosecutions of the arrested members for the aforementioned offences. However, there has been no conviction of the arrested members and it is not clear why this is the case. Respondents disagreed with the observation that the group is successful in providing security for group members against law enforcement. For example, many group members are frequently arrested and released. So far no collusion between the MRC members and police is known which partly explains the frequency of arrests and prosecution which has also destabilized the MRC to a considerable extent.

6.1.4 Structure

The organization has a chairman, secretary and treasurer whose identities are within public knowledge.

6.1.5 Ethnic and Gender Composition

Members of the group are Kenyans. On ethnic dimension, it was established that MRC comprises members of the wider Mijikenda, Swahili, Pokomo and Taita. Others belong to upcountry ethnic groups which have lived in the Coast region for long. However, they were reported to be a minority. The MRC enjoys strong and wide ethnic support. This is demonstrated by the vigour with which coastal leaders come to their defence whenever they are arrested. Even though Muslims and Christians in Coastal region often have their differences and suspicions, they seem to have a common ground regarding MRC. So far women have not been reported to be members.

6.1.6 Size

It was not possible to establish the current size of the group due to its clandestine operations. The group has a known overall leader, officials and the rank and file.

6.1.7 Funding

Two main sources of funding were established. These were membership contributions and donations from some wealthy individuals of Arab origin.

6.1.8 Violence

The group intermittently uses violence to achieve its objectives. The group does not use violence against other organized crime groups to conquer, or defend illegal Market, to solve payment problems or as a result of bad deals. It was not clear how many business people, police officers and government officials were killed by the group in the last 3 years. The group works as an underground movement, perhaps the reason why it is not known whether its activities are violent or not.

6.1.9 Professionalism of the MRC

The professional aspect of MRC is appreciable. It was observed that the group uses professionals such as lawyers. However, the continued use and reliance on magicians for oathing and blessing to be immune to arrest casts doubt on the group's professionalism. The group is not effective in terms of its ability to leave few or no traces of its activities. However, respondents observed that the group is not effective in changing from one profitable illegal activity to another.

6.1.10 General Influence of the Gang

The group is influential and appealing to the entire Coastal population. However, cases of influence on the police, media, political process and judicial system remain unclear. Its rallying call is the alleged dispossession of Coastal people and seeking an independent state from Kenya. That call appeals to people and in the process the group becomes influential. The civil society in Coast region too has been influenced by this group. The group does have an identifiable geographical base where its operations are concentrated, namely Kwale, Likoni, Mombasa, Chagamwe, Kisauni. These are the hotspots where its influence is strongest.

6.1.11 Political Influence

Respondents' views on the political influence of the group were sought. Respondents disagreed with the observation that the group is able to manipulate politicians and the political process in the region. Similar observations were made with regard to the group's ability to manipulate politicians and the political process abroad.

On whether the group is able to channel funds to the election campaigns, respondents disagreed with the observation. The group has not managed to get group members elected to parliament. Further, the respondents agreed with the claims that the group has managed to influence coverage or non-coverage of certain issues in the public media. For example newspapers/magazines that report news about the Coastal region always carry reports about this group. Religious leaders frequently talk in support of this group. The group had no trace of support for political terrorism at home or abroad. However, since the group is largely made up of the youth its potential to influence the politics remains high in the foreseeable future.

6.1.12 Trans-border Operations

Although the government's position on the group is that MRC is an outlawed group with links to Al Shabaab, various informants indicate that the group has no such external links. Respondents observed that the group does not have networks in other countries nor does it procure its goods/merchandise from another country. The group does not launder money abroad neither does it work with other organized crime groups in other countries. The group does not receive support from foreign governments and/or armed groups.

6.1.13 Role of the Group in Legitimate Economy

There was no evidence that the group had penetrated the legitimate economy in the area and also in foreign countries. It was also observed that the group had no economic partnerships with criminal and legitimate actors in the area and in foreign countries. As such, respondents could not identify the value of its total assets invested in the legal national economy in the area and abroad. Also, respondents were not clear on what percentage of the group's income that is not used for paying operating expense and salaries.

Table 16: MRC Statistics

Type of organized group	Tribe of offender(s)	Area/Region	Offences	Number of cases	Position of case
Mombasa Republican Council	Digo, Giriama, Chonyi, Duruma, Teso, Kambe, Bajun, Arab, Swahili	Coast Province (Mombasa, Kilifi, Kwale)	Engaging in organized criminal activities, taking part in unlawful assembly	13	2 cases acquitted under Section 210 CPC 11PBC

Source: Directorate of Intelligence Service, Nairobi, 2011

6.2 Mungiki

6.2.1 Origin

Mungiki is coined from *muingi*, a Kikuyu word meaning people and *Ki* meaning multitude or large gathering. The name is believed to have been invented by one Muturi wa Mathenge in the year about 1980 who hailed from Charagita Village in Nyandarua District. The sect, as the name suggests is associated with Kikuyu community whose adherents and supporters propagate going back to their cultural and political roots. The sect also attached themselves with number 3 which is 3 x 3 giving 9 which represents the nine communities forming the Gikuyu community..The peaks of Mt. Kenya are believed to be the domicile of their God, *Ngai*. The sect's membership fee is KShs.3. The nine (9) symbolizes wealth which they called *iria nyama na uki*. Ritual performance is associated with the group on recruitment which is done in secrecy.

One Kamunya Njoroge, father of the renowned leader Maina Njenga, was believed to be the sect's spiritual leader. He founded and sold the ideology of the sect in about the year 1998. Under the leadership of Maina Njenga, the son of the founder, the sect started imposing its beliefs onto the members of the community as they wanted recognition and identity. The followers were also associated with dreadlocks, tobacco sniffing, among other things. During this time, most of the

unemployed youths from the community joined the sect and later grouped to criminal gangs due to economic difficulties which led them to illegal activities to sustain their livelihood. The group has since been associated with major crimes like creating fear and terror, murder, unlawful curfews, extortions and kidnappings.

The group is located within Nairobi County, Central Kenya and parts of Rift Valley. Though with the law on organized crimes, the group, like any other, has gone down and the activities are not prominent though the impact of Maina Njenga detaching himself from the group could be felt. They may still be extorting from matatus and contractors as most of them man bus termini and have also engaged themselves in legitimate businesses.

6.2.2 Activities

It was established that the group engages in extortion and ethnic violence in many parts of the country. In urban slums, residents pay a variable sum of money to the organization, in exchange for protection against theft and property damage. In addition, the gang "mans" public toilets, and charges a fee for use of the facilities.

Other illegal activities that the group engages in include:

- Levies on business people
- Extortion of money from the transport sector
- Illegal power connections
- Illegal water connections
- Threatening/instilling fear among the public
- Extortion from bereaved members of the public
- Beheading (e.g. as enumerated in the Daily Nation 12th March, 2009)
- Torture of seemingly reformed sect members
- Occasional forced female circumcision
- Charging farmers on farm produce sold or any gifts received including dowry
- Kidnapping
- Robbery with violence

None of these activities was reportedly mentioned as being dominant to others. It was also not clear how much the group makes annually from the above activities although it is a considerable amount of money.

6.2.3 Organized Crime and Law Enforcement

The review of literature indicated that the group was outlawed in 2002. The crackdown on members followed thereafter. Due to this, group members have previously clashed with law enforcement agencies and arrests of members have been reported. This was confirmed in the survey. Respondents noted that part of the reasons why the members were arrested include administration of illegal oaths and taking part in illegal gatherings. Prosecutions of the members have been made previously; a case in point is its leader who served a jail-term. However, some of those arrested have been set free due to lack of evidence that they were taking part in illegal activities. The relationship between Mungiki and police has been both friendly and unfriendly. In urban areas in particular the relationship has often fluctuated. However, the relationship has improved between them since about 2006 for no arrests have ever been reported since then even though the group remains active.

6.2.4 Structure

Mungiki has a national leader, section heads, area heads, executioners and foot soldiers and a clear reporting and hierarchical structure.

6.2.5 Ethnic and Gender Composition of the Gang

It was established that members of the group are Kenyans. The main ethnic group represented in Mungiki is about 90% Kikuyu. The remaining 10% comprises of the Embu and Meru. On gender composition, it was estimated that 80% of the group's members are male while female are represented by the remaining 20%. Elderly people are active members and supporters.

6.2.6 Size

It was not possible to establish the current size of the group due to its clandestine operations and the members are not registered. Estimates show it has about 3 million members.

6.2.7 Funding

Most of the group's funds are obtained from illegal collections on PSV, other transporters, business people, households, contractors, developers, illegal power and water connections.

6.2.8 Violence

It is a known fact that Mungiki uses violence internally and externally. This confirms the claims that the group's factional fighting has led to weakening of the group in some areas where it operates. This has also resulted to killings of its top leaders in what is believed to be the struggle over the control of its massive resources. Violence has also been meted out on members of public, mainly those who are perceived to be informers or refuse to cooperate. No police officer or government official was reported to have been killed by members of the group in the last 3 years but they have previously murdered police officers and chiefs.

It was found out that the group makes use of violence against other organized crime groups to conquer or defend illegal market or to solve payment problems as a result of bad deals. For instance Mungiki, Taliban and Kamjeshi have often had fights between themselves in Dandora, Kariobangi, Huruma and Korogocho. Mungiki has also fought vigilante groups in Kirinyaga area. This group is the most violent compared to the other groups that were studied.

6.2.9 Professionalism of the Gang

The professional aspect of Mungiki is unclear. Respondents were not sure whether the group acts with some level of professionalism or whether it works with skilled persons and sophisticated management structures. However, they agreed that the group is effective in terms of its ability to leave few or no traces of its activities. The survey also established that the group is effective in changing from one profitable illegal activity to another based on changing risks and profits. The group uses lawyers to defend its members in court.

6.2.10 General Influence of the Gang

Mungiki is an influential outfit. The group manages to influence other persons with money including the police and the political class. Its network with and influence on the judicial system, administration, law enforcement, media and political process was noted. The group effectively operates in and outside the prisons. The group also influences the conduct of businesses

especially public transport, construction and retail in areas they operate.

6.2.11 Political Influence of the Gang

The study established that the group is able to manipulate politicians and the political process in the areas they operate. However, it was revealed that the group is unable to manipulate politicians and political process abroad. The group is able to channel funds to election campaigns. Respondents confirmed that the group has managed to get group members/supporters elected to parliament. The group manages to influence coverage or non-coverage of certain issues in the public media. The group supports political terrorism in the country but not abroad.

6.2.12 Trans-border operations

The group has no known network in other countries. It was not possible to establish whether Mungiki launders money abroad, cooperates with other groups abroad or at home and whether it gets support from foreign governments or armed groups.

6.2.13 The Role of the Group in Legitimate Economy

The survey established that the group has penetrated the legitimate economy in Kenya. It was established that it had not penetrated the legitimate economy of foreign countries. The transport industry, retail business, scrap metal, real estate were identified as the main sectors of the economy the group has penetrated. It was not possible to identify the percentage of total assets the group had invested in the legal national economy. Also, respondents were not clear on what percentage of the group's income is used for paying operating expenses and salaries.

6.2.14 Political Affiliation

During the 2002 general elections, Mungiki supported KANU. In 2007 the group supported the Party of National Unity (PNU).

Table 17: Statistics on cases in the last three years

Type of organized group	Tribe of offender(s)	Area/Region	Offences	Number of cases	Position of case	Remarks
Mungiki	Kikuyu, Meru, Kamba, Luhya, Embu, Luo, Borana	Nairobi	Touting, engaging in organized criminal activity, illegal collection, being a member of unlawful sect, taking unlawful oath, kidnapping	92	16 finalized 76 PBC	Most of the finalized cases are those were charged with touting of which the accused persons were either fined or had suspended sentence
Mungiki	Kikuyu	Central	Preparation to administer unlawful oath, touting, possession of bhang, robbery, preparation to commit a felony	277	2PBC 2 withdrawal 273 finalized	Nearly all accused persons were charged with touting and most of them were fined
Mungiki	Kikuyu, Kamba, Meru, Luo	Rift Valley	Demanding money by written threats, engaging in organized criminal activity	6	1 acquittal 11 withdrawal 4 PBC	

Source: Directorate of Criminal Investigation, Nairobi, 2011

6.3. The 42 Brothers

6.3.1 Origin

This is the largest of the organized criminal gangs in the country. It is found in most parts of the country. It derives its name from the forty two tribes of Kenya as being all brothers. It emerged in the 1970's.

6.3.2 Activities

The study established that the group engages in the following activities:

- Drug trafficking
- Drug planting
- Money laundering
- Armed robbery
- Trafficking in women/children for the sex industry
- Illegal activities surrounding prostitution
- Kidnapping for ransom
- Extortion, including protection money

Of these activities, extortion (including protection money) and kidnapping for ransom were identified as the dominant activities undertaken by the group. The estimated annual income of the group from both licit and illicit activities was however, not known.

Table 18: The 42 Brothers Statistics

Type of organized group	Tribe of offender(s)	Area/Region	offences	Number of cases	Position of case
The 42 Brothers	Luhya,	Western (Vihiga, Emuhaya)	Robbery	2	PBC

Source: Directorate of Criminal Investigation, Nairobi, 2011

6.3.3 Organized Crime and Law Enforcement

It was established that arrests of the group members had been made in the last 3 years and prosecutions made. The number of prosecutions, convictions or even reasons for failure to convict could, however, not be established.

6.3.4 Structure

The group has a national leader with cell leaders across the country. Currently the leader is believed to be stationed in Western Region round Luanda, Maseno and Emusire areas.

6.3.5 Ethnic and Gender Composition of the Gang

It was established that the group derives its membership from Kenyans. The main ethnic group making up the group is the Luhya, and to a lesser extent, Luo. The group however enjoys relative support from the Luhya of Vihiga though it has presence in many parts of the country. The exact or even estimated gender composition of the group was estimated at 10% female.

6.3.6 Size

It was not possible to establish the current size of the group due to its clandestine operations owing to the fact that it is an illegal outfit. The group is too large and most widespread across the country to be able to know its size.

6.3.7 Funding

The group generates its funds from sale of drugs, especially bhang, obtained in Western Kenya. Proceeds from criminal activities such as theft and support from business people are other sources.

6.3.8 Violence of the Gang

Respondents agreed that the group uses violence. There is an internal use of violence within the group. The group also makes use of violence against other organized crime groups to conquer or defend illegal market, to solve payment problems or as a result of bad deals. It was not established, however, whether the group members had been arrested or imprisoned in the last three years since it has gone relatively underground.

6.3.9 Professionalism of the Gang

It was observed that The 42 Brothers has no professionalism in its activities because most members are of low education. Further, respondents noted that the group is effective in terms of its ability to leave few or no traces of its activities. The group effectively uses legal services whenever the members are arrested. The survey also established that the group is effective in changing from one profitable illegal activity to another based on changing risks and profits.

6.3.10 General Influence of the Gang

The 42 Brothers is an influential group. The group manages to influence persons with money.

However, the number of police and judicial corruption cases associated with the group 3 years preceding the survey was not established. Respondents observed that the group is the most effective in operating in and out of prison. Of all arrested and convicted members of organized crime, this gang has the highest number of members in prison. The group's influence was reported to transcend the civil service and armed forces because it manages to pay its way to get its members recruited annually.

6.3.11 Political Influence of the Gang

The study established that the group is able to manipulate politicians and the political process in the region. However, respondents were not sure whether the group is able to manipulate politicians and political process abroad. They were however not sure of the allegations that the group manages to influence coverage or non-coverage of certain issues in the public media. The group members are usually hired by politicians as body guards during political campaigns and in the process able to influence the political process.

6.3.12 Transnational Links of the Gang

It was not established whether the group's network operates in several other countries. Respondents could not establish whether The 42 Brothers launders money abroad, cooperates with other groups abroad or at home and whether it gets support from foreign governments or armed groups. The consensus however was that the group has no transnational links.

6.3.13 The Role of the Group in Legitimate Economy

The survey established that the group has penetrated into the legitimate economy in its area of operation, especially transport, retail and scrap metal. It is clear the group has not penetrated into the legitimate economy of foreign countries. There was no evidence of economic partnerships between criminal and legitimate actors in the areas they operate.

The value of total assets the group had invested in the legal national economy cannot be determined. It is also not clear the amount of the group's income that is used for operations. Respondents observed that the group has been destabilized as many of its members had been prosecuted before while others had cases pending in courts.

6.3.14 General Characteristics of the Gang

The study established that the identifiable geographical base of the group is Vihiga County, Emuhaya, Luanda and Kangemi in Nairobi. The area is conducive for the operational base of the group due to its ethnic composition that makes recruitment of members easy. Informants were sure that the group presently obtains little voluntary support from its social/ethnic constituency. It was also found out that the group is successful in providing security for group members against law enforcement. The group supports and offers legal assistance to arrested or imprisoned group members. It was not clear whether the group is successful in providing social security for family members and other dependants of imprisoned/killed group members. The group has a known overall leader and several regional heads hence it is highly structured.

6.4 Angola Msumbiji

6.4.1 Origin

This is one of the oldest organized criminal gangs known in the country. It started around 1970 in Mwiwila area of Khwisero. It got its name from the rebel groups that were fighting the Angola and Mozambique governments. Initially they were independent groups but merged after the serious fight following disagreements over supporting different primary schools football teams at Emubole Primary school in Kisa North. When none of them won the fight, they decided to merge into one. Initially they were using bicycles christened “Country Bus” as their identification mark but when their activities became prominent they discontinued that trademark. The main sponsor was identified as the late Mr. Pandi Makuyuku and later a Mr. Abudo of the family of Seif Abudo. Seif Abudo was an Indian who owned a jaggery business at Khwisero. He allegedly sponsored this group for security and to scare off potential business rivals.

6.4.2 Activities

The following were identified as the dominant activities conducted by the group:

- Armed robbery
- Burglary
- Murder
- Rape
- Stock theft

- Forgery of government documents

The estimated annual income of the group from both licit and illicit activities was, however, not known.

6.4.3 Organized Crime and Law Enforcement

Respondents were aware of arrests, prosecutions and convictions of the group members made in the 3 years preceding the survey. The convictions were too few because the group is very organized in bailing out the members, covering or withholding evidence and bribing the law enforcement, administrative and judicial officers.

6.4.4 Structure

The group has a leader who is referred to as Commander and hails from Butere. The group adopted the structure of the armed forces from the top to the lower levels.

6.4.5 Ethnic and Gender Composition of the Gang

The group derives its membership from the Luhyia particularly Kisa, Marama, Idakho and Banyore. The estimated gender composition of the group was about 10% female. Its use of women in its operations is very sophisticated. Women play the role of spying and duping unsuspecting victims with night requests for assistance. Children of Angola - Msumbiji members are also socialized into crime at an early age and are used to open doors or passed through very narrow openings to enter houses to unbolt doors or windows from inside. Women also use hens to dupe house owners to open doors for the group to get in.

6.4.6 Size

The exact size of the group is not known but it is large.

6.4.7 Funding

The group obtains most of its funds from robbery and violence, cattle rustling, operating butcheries and protection fees from business people and politicians.

6.4.8 Violence of the Gang

The group is known for violence whether the victim cooperates or not. The group does not use

violence against its members because it is a closely knit organization. Members do not for instance desert once they join. It was not, however, possible to establish the number of police officers killed by the group in the last three years. However, there had been repeated use of violence by the group against members of the public in the last three years. As the food shortages of early and mid 2011 persisted the group resurrected.

6.4.9 Professionalism of the Gang

It was observed that Angola Msumbiji acts with professionalism. The group's use of legal services was noted whenever its members were arrested. However, the group also uses unprofessional means to get its work done. For example, it uses clothes retrieved from a corpse which they burn and scatter the ash in the house of the intended victim. This is believed to make the victim sleep soundly as they ransack the house unnoticed. They also use a rope used by a suicide victim, tie it across the door of the intended victim. That is believed to send the person into deep sleep. Once in the house they can prepare food, slaughter chicken, cook and eat before they leave with their booty. Further, respondents noted that the group is effective in terms of its ability to leave few or no traces of its activities. The survey also established that the group is effective in changing from one profitable illegal activity to another based on changing risks and benefits.

6.4.10 General Influence of the Gang

It was found out that Angola - Msumbiji is an influential outfit; it manages to influence other persons with money. It influences politics, the conduct of business, assets people have and how local leaders govern.

6.4.11 Political Influence of the Gang

Politicians have used this group successfully in the past. Therefore its influence in politics is felt. Although the group does not channel funds to elections, its support for a politician is important. Previously they elected their supporters to parliament. Given its rural focus the group is not able to influence the national media. The group does not have political links in other countries as well.

6.4.12 Transnational Links of the Gang

The group is not known to have any links in other countries. It does not equally launder money or receive any other form of support from another country or external group.

6.4.13 Role of the Gang in the Legitimate Economy

The group has penetrated the formal economy. The group is engaged in livestock trade, butchery business, motorcycle business and public transport. The group has strong connections with butchery owners. It was not possible to identify the value of the group's total assets invested in the legal national economy in the area. It could not be established the value of the group's income that is used for paying operational expenses.

6.4.14 General Characteristics of the Gang

The identifiable geographical base of the group is Khwisero and Butere. The group obtains both voluntary and involuntary support from the ethnic group. It is able to extract involuntary support since it is dreaded. It was also found out that the group is successful in providing security for group members against law enforcement. Respondents also observed that the group is successful in providing support and assistance (including legal) to arrested or imprisoned group members. Similar observations were recorded with regard to the group's success in providing social security for family members and other dependants of imprisoned/killed group members. For example the group is known for paying instant court fines for its convicted members. The group is very organized in its attacks. Sometimes it sends a letter in advance to the person they intend to rob to prepare for their coming. The group also organizes stock theft, their transportation and slaughter.

6.5 Al Shabaab

6.5.1 Origin

Harakat al-Shabaab al-Mujahideen (HSM) means Youth Movement or "*Movement of Striving Youth*), more commonly known as al-Shabaab. "*The Youth*", *The Boys*, or "*The Lads*". It is a terrorist group of militants fighting to overthrow the government of Somalia. As of 2011, the group controlled large swathes of the southern parts of Somalia, where it is said to have imposed its own strict form of *Sharia* law. Al Shabaab's troop strength as of May 2011 was estimated at

14,426 militants. The group is an off shoot of the Islamic Courts Union, which splintered into several smaller organizations after its removal from power by Ethiopian forces in 2006. It describes itself as waging jihad against “enemies of Islam”, and is engaged in combat against the Somali Transitional Federal Government (TFG) and the African Union Mission to Somalia (AMISOM). Al Shabaab members, alleging ulterior motives on the part of foreign organization, also reportedly intimidated, kidnapped and killed aid workers, leading to a suspension of humanitarian operations and an exodus of relief agents. The group has been designated a terrorist organization by several western governments and security services. It has also been described in The New Yorker as having “ties to Al Qaeda,” which its leaders denied until early 2010.

In Kenya the organization is believed to be found in Nairobi Eastleigh, North Eastern and Coast regions. Information has it that the group has many training camps in Somalia and it has spread to Kenya where youths have been lured and trained to be the fighters of the group.

For a considerable time youths from Nairobi, Eastern, Coast and North Eastern regions have been disappearing and suspected to have gone to Somalia to receive military training from Al Shabaab. They are enticed with money and radical Islamic teachings which glorify Jihad, “the act of fighting war against enemies of Islam”.

Information obtained from an official from Anti Terrorism Police Unit is that women have been identified to be recruiters of youths to join Al-Shabaab and that youths recruited and indoctrinated do not necessarily come from communities which profess Islam faith. It is nowadays spreading to larger population of Kenya and the youth are not easily suspected even if found in the northern frontier districts.

6.5.2 Activities

The study established that the group engages in the following criminal activities:

- Money laundering and forgery
- Dealing in contraband
- Terrorism
- Vehicle theft and trafficking

- Illegal immigration/human trafficking
- Kidnapping for ransom
- Illegal levies on businesses
- Extortion, including protection money.
- Firearms (smuggling for profit)
- Firearms (smuggling for political struggle)
- Explosives (illegal traffic)
- Piracy

Of these activities, firearms (smuggling for profit), kidnapping for ransom and human trafficking are the dominant activities undertaken by the group. The estimated annual income of the group from both licit and illicit activities was however not known.

6.5.3 Organized Crime and Law Enforcement

Members of this organization have been arrested but it is not known what happens to them thereafter because no known convictions have been made. The relationship between Al Shabaab and law enforcement is not collegial.

6.5.4 Structure

The group has a foreign leader but in Kenya its structure is not clearly known although there are believed to be several leaders.

6.5.5 Ethnic and Gender Composition of the Gang

It was established that the group derives its membership from the Somalia ethnic group who comprise about 95%. The Coastal communities, the Kikuyu and Luo have also joined. It was estimated that 100% of the members are male. This is because of the Muslim faith they profess which lays the foundation that does not allow women to be in the forefront in war paths. The group derives strong support from the Somalia. This is demonstrated by the fact that whenever its members are arrested, members of the public in Garissa, Wajir or Mandera hold demonstrations to oppose the arrests.

6.5.6 Size

The size of Al-Shabaab is difficult to gauge but has been estimated to be over 14,000 militants. When the geographical spread is taken into consideration, the number can only be higher because of its links with other criminal groups like Al-Qaeda. It is believed that they get foreign support from Yemen, Pakistan, Afghanistan, Sudan and Eritrea.

6.5.7 Funding

Al-Shabaab gets most of the funds from:

1. International organizations (e.g. Al-Qaeda)
2. Wealthy individuals e.g. those in business and those running *hawala* (Informal money transfer system)
3. Sympathizers from the Diaspora.
4. Own sources got from illegal activities like ransoms from piracy and kidnaps/abduction, their own established business.

6.5.8 Violence of the Gang

There is internal use of violence within the group against errant members or those who defect. The group also uses violence against those who oppose its cause.

6.5.9 Professionalism of the Gang

The group is quite professional. It uses legal services and has experts trained in information technology, forgery of government documents and production of counterfeits.

6.5.10 General Influence of the Gang

The respondents strongly agreed that Al Shabaab is an influential group. The group manages to influence many people irrespective of their social class. It is particularly influential among the youth given its attractive message and money.

6.5.11 Political Influence of the Gang

The study established that the group is able to manipulate politicians and the political process in the country and abroad. It has ability and means to channel funds to political campaigns. However, no known member has been elected to parliament during the 2007 national elections.

So far the group is not yet able to influence coverage or non coverage of its issues in the media. It is known that the group supports political terrorism at home and abroad.

6.5.12 Transnational Links of the Gang

It was established, with strong assertion, that the group’s network operates in several other countries. Some of these countries (in declining order of importance) include Somalia, Eritrea, Yemen and Uganda. The group procures its goods such as guns and ammunitions from Somalia and Eritrea. It receives laundered money from abroad. The group has links with other organized crime groups abroad, mainly Al-Qaeda in Yemen, Afghanistan, Pakistan and Iraq.

6.5.13 Role of the Group in Legitimate Economy

The survey established that the group has penetrated the legitimate economy in its area of operation and beyond the economy of foreign countries. There are economic partnerships between Al Shabaab and legitimate actors in Kenya and abroad. The value of its total assets could not be established. The group has diverse interests in public transport, real estate, procurement and supplies, electronics, household goods, banking and textile. In Kenya, Eastleigh is the main business hub for the group.

6.5.14 General Characteristics of the Gang

The group presently obtains voluntary support from its social/ethnic constituency. It was also found out that the group is successful in providing security for group members against law enforcement. The group is successful in providing support and assistance (including legal) to arrested or imprisoned group members. The group provides security for family members and other dependents of imprisoned/killed group members. The group’s main base is in Somalia and Eritrea but in Kenya there only operates a small cell.

Table 19: Al Shabaab Statistics

Type of organized group	Tribe of offender(s)	Area/Region	Offences	Number of cases	Position of case
Al-Shabaab	Kikuyu, Luhya,	Nairobi	Engaging in organized criminal activity and possession of firearms and ammos	1	PBC
Al-Shabaab	Somalia	Garissa-Daadab	Engaging in criminal activities	1	PBC

6.6 Sungu Sungu

6.6.1 Origin

It is a product of the vigilante group that was started by government in Kisii. The word *Sungu Sungu* means “dreaded ant” which is very painful whenever it bites one. The group began in 2003 in Suneka Nyamira, Asumbi and Tabaka area but it has spread to all areas of the Gusii land due to the radical changes it has initiated. It developed out of indigenous organization for defense, controlling theft, particularly cattle raiding along borders of Gusii land and Maasai of the then Trans Mara and Kuria districts. It was a community response to crime but later on assumed a criminal dimension.

Local definition of crime, trial and punishment were developed, distinct from those embodied in the national penal code. Guarding its independence, the group has kept its distance from the police and the judiciary so as to avoid the systemic corruption of its institution. In distancing itself from the more corrupt agents of the state, and acting against it within its areas of operation, the group has had far-reaching effects on local security, to the extent that the success holds out possibilities for them to extend their activities into other spheres.

There seems to be no clear distinction between sungu sungu activities and community policing. While community policing entails an approach that seeks actively to prevent, detect crime, reduce fear and improve communication between the community and the police, what is taking place currently in Gusii land is a serious perpetration of crimes and human rights violations by Sungu Sungu under the guise of community policing.

6.6.2 Activities

The study established that the group engages in the following activities:

- They arrest, carry out investigations, detain suspects in illegal holding cells and pass judgments in kangaroo courts
- They cause fear and terror to the community especially where they are used to threaten those who are known to be criminals
- They torture victims causing assault and grievous bodily harm

- Extortion of money from members of the public in the name of security, protection fees. Members of the public including businessmen and households contribute between Kshs.30-150 monthly.
- They carry out parallel justice system resolving domestic disputes, pass judgments, administer corporal punishments and “discipline” those who have passed through court/penal institutions and have been acquitted. An example is a case where a councilor was acquitted by a court and he was immediately hacked to death outside the precincts of the Kisii Court.
- They are used as debt collectors where they use force/threats.
- They engage in ongoing land disputes, intimidate and favour one side which borders more on corruption.
- Labour racketeering. Any casual work offered by any member of the community at individual capacity is done by them on demand. This is prominent in the area of Nyamira and Keroka.

The estimated annual income of the group from both licit and illicit activities was, however, not known.

6.6.3 Organized Crime and Law Enforcement

It was established that no arrests of the group members had been made in the last 3 years preceding the survey. The number of prosecutions, convictions or even reasons for failure to convict could also not be established. The group enjoys enormous government support including being accompanied by police when they go on murderous missions.

6.6.4 Structure

The group has a chairman in charge of all the districts in larger Kisii. Each district has a leader who reports to the overall. The group adopts the government administrative structure from district to village level.

6.6.5 Ethnic and Gender Composition of the Gang

The main ethnic group making up Sungu Sungu is the Kisii most of whom strongly support it morally, financially and materially. All members (100%) are male. The group enjoys strong

community support especially following the decline in crime which had become unmanageable following alleged police failure to control it.

6.6.6 Size

The exact size of the group is currently unknown but it is large.

6.6.7 Funding

- Illegal levies from members of the public and businessmen
- Corruption
- Provincial administration and other security agencies

6.6.8 Violence of the Gang

The group uses violence on alleged criminals and/or traitors. Many alleged offenders have been tortured and murdered. It has a very strong revenge posture.

6.6.9 Professionalism of the Gang

The group is not known to use professionals because its activities are localized and the members not arrested.

6.6.10 General Influence of the Gang

The group is very influential from household, community and at Kisii County level. It influences the daily conduct of people, how to conduct business, the do's and don'ts as well as politics.

6.6.11 Political Influence of the Gang

The group has wide political influence and most politicians from Kisii County support it and receive its support. It would be suicidal for a politician to oppose it or refuse its support. To a great extent it determines who gets elected or not elected to parliament or local authority.

6.6.12 Transnational Links of the Gang

No foreign links for this group were established.

6.6.13 Role of the Group in Legitimate Economy

The group has many interests and businesses in public transport, retail and real estate, hence it

has deeply penetrated the formal economy. The group members also own motorcycles which they use for public service transport.

6.6.14 General Characteristics of the Gang

The group has a known overall leader. Each region has its leader who reports to the overall leader. The group works with the provincial administration and the police. They support each other and know the operations of each other. In each village there are informers who pass information to the regional head. That information is passed on to the overall leader. It has departments including investigations, execution squad and an executioner.

CHAPTER SEVEN

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

7.1 Summary of Key Findings

- All the organized groups have clear management structures. Each group has an overall leader, regional leaders and grass root people. They take on the formal administrative units. For example there is a National Leader (e.g. Mungiki, The 42 Brothers, Al Shabaab, Mombasa Republican Council) and County Leaders (e.g. Sungu Sungu) and leaders (Angola - Msumbiji). Information emanating from the grassroots is passed on to the Locational head - Divisional head - County head - National head.
- Most Kenyans (55.2%) are aware of the existence of an organized criminal gang in their area of abode by name, but 90% are aware of the existence of organized criminal gangs in the country. Many members of the public personally know members of the criminal gangs or their supporters.
- The areas where most organized criminal gangs are found include: Kakamega, Central Region, Isiolo, Nairobi, Kisumu Town, Siaya, Kisii, Mombasa, Kwale, Kilifi, Malindi and North Eastern.
- Government's commitment to fight organized criminal groups is lethargic or inconsistent compared with the zeal with which it addresses other issues of national importance such as hunger, HIV/AIDS or unemployment. Corruption in police, judiciary, administration and political interference partly explains the lethargy.
- Although organized crime is presented as a largely youthful and male domain, women children and the elderly were found to be active participants. Each category has specialized roles they play.
- Ethnic support is key for the survival of organized criminal gangs. For instance where the public withdrew support for such gangs such as against Angola Msumbiji, its influence has waned but where there is still support such as Mungiki, MRC and Sungu Sungu, they flourish. Most draw their support from their ethnic groups even though there are nascent tendencies towards inter-ethnic collaboration.

- As a survival strategy, there is strong intra-gang support for members especially in terms of financial, legal and livelihood activities.
- Use of violence, threat of violence and intimidation is a characteristic found in all the criminal gangs.
- Conflict is reported in urban areas especially over control of lucrative sources of capital. In rural areas there is more of collaboration and cooperation as they seek to extend territory for allies in neighbouring communities.
- Business (both formal and informal) is used as a cover up for criminal proceeds. This is clearly observed in groups operating in both rural and urban environments. Extortion from the public is the main source of income that sustains activities of organized criminal gangs. Public service vehicles, drug planting and trafficking, theft/robbery, illegal levies, politicians and business people are other sources. The sources of finance are largely within Kenya.
- Organized criminal gangs have a strong influence on politicians. Politicians support their agenda in return for intimidation of opponents, protection, campaigns and votes. The gangs influence the political agenda. In some areas their members and supporters were elected in the 2007 General Elections. Hence politicians and members of organized criminal gangs have a symbiotic relationship.
- Alleged police collusion with members of organized criminal gangs was found common in all parts of the country. The two were reported to have a friendly interaction and reinforce the activities of each other.
- Although organized criminal gangs engage in a myriad of crimes, the following were found to be the commonest and easiest to execute: illicit drug trafficking, extortion, illegal levies and armed robbery. In Kenya organized criminal gangs are not engaged in crimes that require technological applications.
- Most organized criminal gangs in Kenya (apart from Al Shabaab and Mombasa Republican Council) do not have links outside Kenya in terms of finance and membership.
- There is evidence of smaller organized criminal gangs emerging under the wings of the larger ones. For instance a considerable proportion of those in Nairobi's Eastland's are offshoots of Mungiki, those in Kisii are offshoots of Sungu Sungu and those in

Kakamega are offshoots of Angola Msumbiji. There is a high possibility that they are being deliberately created to shift attention from the larger ones that were proscribed in 2010.

- The organized criminal gangs have clear management structures with known overall leaders, heads of regional cells and grassroots contacts. They largely adopt the formal administrative structure and titles of the armed forces such as: Commander, Sergeant, Corporal and Chief to hide their identity.
- Recruitment of new members is easy especially following massive unemployment and idleness of the youth.

7.2 Conclusion

The emergence of organized crime and criminals in Kenya poses a challenge. The scale, number and their proliferation creates an even greater dynamic to the law enforcement authorities in particular. Public knowledge of organized crime is widespread from rural to urban areas which imply that it is a widespread phenomenon. The public view appears to support the contention that there is less commitment on the part of government to confront it with the vigour and dedication it deserves. Although organized crime is largely presented as a male problem, this study found considerable and active proportions of women and children. Since the structure of organized crime in Kenya appears ethnic in character, it was found that ethnic support is crucial for it to thrive. Cross cultural/ethnic tendencies are equally observed. Intra-gang support is an organized and coordinated activity especially for those apprehended or in the danger of apprehension. Although there have been arrests and convictions of members of organized criminal gangs over a couple of years, public perception is that law enforcement has been lethargic.

Conflict between organized criminal gangs, involvement in legitimate business and drawing membership from neighbouring ethnic groups are some of the survival tactics now being employed. Most of the groups' funds are obtained from diverse sources, but extortion from the public, theft and donations from some politicians are the principal sources. Some politicians and business people support and receive support from organized criminal gangs.

Organized crime has deleterious consequences on society. It causes fear and changes people's

travel, leisure and business/livelihood patterns. Besides it is now more expensive to transact business, which translates into a higher cost of living. They operate hierarchal structures and the mutating characteristic is now prominent among them. The high unemployment rate among the youth is a principal factor in terms of ease of recruitment hence avenues of engaging the idle youth in productive activities is one way of controlling the proliferation of organized crime in Kenya.

There is a conducive environment in Kenya for organized criminal gangs to flourish: the weakening social fabric, rapid social changes, increasing poverty, unemployment, corruption, political antagonism and ethnic politics. All these factors function to make a conducive environment for organized crime to be a viable alternative livelihood activity for many Kenyan youth. Unless they are addressed in a wholesome and non-partisan way, the problem may magnify itself in the long run.

Organized criminal gangs are a product of society. They come up and develop because society accepts them but society turns against them only when their negative effects begin to weigh too heavily on it. The general conclusion is that the number of organized criminal gangs is increasing as new ones are formed or break from existing ones. For security and economy and for the general society this implies need for increased surveillance, increased investment in crime prevention and continued research into conditions that generate their growth. The impact of organized crime can be felt at both individual and collective levels. In particular the negative impact on business and peoples freedom is considerable. More people now walk in fear than ever before.

In the context of prevention of organized crime, individual, community and public and private sector organizational crime prevention initiatives and involvement is mandatory.

7.3 Recommendations

Addressing the problem of organized criminal gangs requires a multidimensional strategy that safeguards citizens, breaks the financial strength of criminal networks, disrupts illicit trafficking networks, defeats transnational criminal organizations, fights government corruption, strengthens the rule of law, bolsters judicial systems, and improves transparency. Specifically, the following recommendations may be followed towards addressing the problem of organized criminal gangs in Kenya.

1. Enact the required and/or fully implement relevant legislations (e.g the Counter-terrorism Act, Office of the Director of Public Prosecutions Act), put in place other Crime Prevention policies and strengthen existing programmes (such as the Witness Protection Programme since prosecutors indicate witness intimidation is a key hindrance that must be addressed in many gang cases).
2. Enhance intelligence gathering and information sharing among the relevant players.
3. Since members of organized criminal gangs are revengeful, there is need for the Police, Judiciary and Corrections to hide the identities of those who pass on intelligence information.
4. The Police, Judiciary and Corrections need to partner with the media to publicize information about arrests, prosecution, conviction and punishment of members of organized criminal gangs so that would-be gang members can realize the futility of criminality.
5. Protect the financial system and strategic markets against transnational organized crime.
6. There is need for enhanced facilitation of the supervision of non-custodial and aftercare rehabilitation/correction of offenders in the community.
7. Strengthen the investigation (such as the formation of a highly specialized anti-organized crime system and police units) and prosecution of organized crime.
8. Identification of a permanent funding source for the implementation of the highly specialized anti-organized crime system. Similarly, there is need for identification of an ongoing funding source, both at the national and county government, for the establishment and/or replacement and update of electronic surveillance equipment especially on border points in tracking the Al Shabaab group.
9. Disrupt drug trafficking and its facilitation of other threats.
10. Constant training and review of training curriculum for police officers in line with the dynamics of crime commission is mandatory.

11. Community leaders and community education are critical in prevention of organized crime. Religious and educational institutions can play a key role in educating people about the dangers of organized crime.

12. Criminals are becoming increasingly astute in concealing their identities, criminal activities, and assets earned from their illegal enterprises. As a result, it is often difficult for law enforcement agencies to track investigative leads and identify these criminals and businesses involved in criminal activities. There is therefore an ardent need for the National Crime Research Centre and the law enforcement agencies to work closely in order to scour various public records for this vital information. On-line database records would provide investigators and prosecutors with the criminals' current and former addresses, aliases, telephone numbers, banking and financial histories, business and corporate records and real estate transactions. This information would also be useful to help identify well hidden assets obtained with proceeds from illegal organized criminal gang activities. Adequate funding for the National Crime Research Centre, intelligence and law enforcement agencies would be critical.

13. Build and/or strengthen international capacity, cooperation and partnerships in dealing with especially transnational organized criminal groups.

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APPENDICES

NATIONAL CRIME RESEARCH CENTRE BASELINE SURVEY OF SELECTED OUTLAWED ORGANIZED CRIMINAL GROUPS IN KENYA

FOCUS GROUP DISCUSSION MEMBERS OF THE PUBLIC

1. Which outlawed criminal organized group operates in this Area, and do you know them?
2. Why and when did organized criminal groups emerge in this area?
3. What activities are they involved in?
4. What do they expect people to do?
5. How do they recruit members?
6. What are the sources of their funds, channels used to obtain and transfer the money?
7. Who are their supporters (are they local or external)?
8. Describe how they are organized, operate, effects of what they do, any positive and negative things they do? Do they have a leader, leaders, sections etc?
9. How do these organized criminal groups relate with the police, chiefs (Government)?
10. Effects of their activities on the people?
11. How have people responded to these groups at individual and group levels?
12. What would you suggest should be done about these organized criminal groups?

NATIONAL CRIME RESEARCH CENTRE
BASELINE SURVEY OF SELECTED OUTLAWED ORGANIZED CRIMINAL GROUPS
IN KENYA

FOCUS GROUP DISCUSSION

BUSINESS PEOPLE

1. What are the organized criminal groups that operate in this area? And do you know them?
2. How do they recruit new members, and how do the members leave the group if at all?
3. Describe how the organized criminal group (s) are (is) organized, operate, effects, what they do. And what are the negative and positive things they do, the criminal activities they do?
4. Personal experience with the organized criminal group: narration of episodes/experiences
5. Do they have any demands on business people and if so what are these demands? How have they affected business?
6. What factors have led to their development/emergence in the recent past?
7. How have business people responded both at individual and group level?
8. What is the relationship between the organized criminal groups and the police, administration etc?
9. What would you suggest should be done about these organized criminal groups?

NATIONAL CRIME RESEARCH CENTRE
BASELINE SURVEY OF SELECTED OUTLAWED ORGANIZED CRIMINAL GROUPS
IN KENYA

KEY INFORMANT GUIDE FOR MEMBERS OF ORGANIZED CRIMINAL GROUPS

1. When was the group formed and why?
2. How many are male and female?
3. Which is your geographical area of operation?
4. Who do you recruit as new members?
5. How do you raise money to finance your operations and channels used?
6. How do you identify your members from the general public (Symbols)?
7. Who are our supporters (both local and external)
8. What are the objectives of the group or what do you stand for?
9. What is your relationship with the police, chiefs, and members of the public?
10. What are your future plans?

NATIONAL CRIME RESEARCH CENTRE
BASELINE SURVEY OF SELECTED OUTLAWED ORGANIZED CRIMINAL GROUPS
IN KENYA

QUESTIONNAIRE FOR MEMBERS OF THE PUBLIC

Appendix 1: Consent Explanation

Dear participant

My name is [researchers name _____] from North Consult Limited (of Nairobi) contracted by the National Crime Research Centre. The national crime centre is a government Agency established by an Act of Parliament No. 4 of 1997. It is an independent Agency under the State Law Office. The NCRC seeks to conduct a study on selected outlawed/organized criminal groups in Kenya. The information is important for informing the government on appropriate policies for prevention and control of any negative activities conducted by the groups. Strict confidentiality will be maintained; the collected data will be used purely for research purposes. No data or information will be traced to the respondent. The respondent is not bound to give his/her name or any identity.

Appendix 2: Informed Consent Form

I agree to take part in this study, as explained to me. My participation is fully out of my own free will and not due to any benefits, direct or indirect; I may or may not gain from the study.

Tick to mark consentDate.....

Respondent willingly accept the interview _____ Respondent hesitated interview

I, the researcher, have explained fully to the participant/participants relative about the study, its benefits and side effects, and have not withheld any information regarding the study. I have also assured the participant of his or her confidentiality during the study, and in case he or she withdraws from the study.

Researcher's signatureDate.....

Background Information

1.0 County _____

1.1 Division _____

1.2 Location _____

1.3 Sub location _____

1.4 Age Bracket _____

1.5 Employment status

Employed

Unemployed

Business

1.6 Gender Male Female

1.7 Marital status Married
Single
Separated
Widowed
Divorced

1.8 Educational attainment

No education Primary Secondary College University

II. Knowledge of Organized Criminal Groups

2.0 Do you know of the existence of any of organized criminal group(s) in this area?

Yes No

2.1 If Yes, which group or groups are you aware of

- I. _____
- II. _____
- III. _____
- IV. _____
- V. _____

2.2 If No, are you aware of the existence of organized criminal gangs in another area/place apart from yours? Yes No

2.3 If Yes, where have you heard/known such criminal groups exist?

2.4 If Yes, do they have a name, _____ which? _____

2.5 Do you think government is doing enough to fight organized criminal groups? Yes
No

2.6 Compare government commitment to issues like **unemployment, food scarcity, alcoholism, drug trafficking etc**, do you think the government is doing enough to tackle the problem of organized criminal gangs in Kenya? Yes No

2.7 Do you think the police take seriously the problem of organized criminal groups? Yes
No

III. Law Enforcement and Organized Criminal Groups

3.0 Have there been arrests of members of organized criminal groups in your area in the last 3 years?

Yes No

3.1 If yes, why were they arrested?

3.2 Could you be aware if the arrested members were taken to court? Yes No

3.3 If Yes, what happened to them after the court appearance?

(i) Returned to their homes () (ii) were imprisoned () (iii) not seen/head of them () (iv) not sure ()

3.4 If No, could you know why they were not taken to court? Yes No

Justify your
answer _____

3.5 Are you aware of any convictions of members of organized criminal groups?
Yes No

3.6 What are the possible reasons why members of organized criminal groups may not be arrested?

3.7 What are likely reasons why members of organized criminal groups are not prosecuted?

IV. Ethnic and/or National Identities/ Gender Composition

4.0 To which ethnic group do members of the organized criminal groups you are aware of in this area belong to? _____

4.1 What is the gender composition of the members of organized criminal groups?

Male only

Female only

Male & female

4.2 If both male and female members belong to them, what are the activities of the:

Male?

Female?

4.3 Are elderly people also members of organized criminal groups? Yes No

If yes, what is their role _____

4.4 Do you know of any elderly men or women who are members/supporters of the organized criminal groups? Yes No

4.5 What type/form of support do they provide?

4.6 By local standards of this area, are such elderly members of organized criminal groups?

Rich Average Poor

4.7 Does the group obtain support from its ethnic group? Yes No

4.8 If Yes, do you think this support is? Voluntary Forcefully extracted

4.9 Do you think the group is successful in providing security for its members against police?

Yes No

4.10 What kinds of support do these organized criminal groups provide to its members?

4.11 Do you think the organized criminal gang provides social security/support e.g. money, employment, housing for family members or other dependents of the imprisoned/killed group members?

Yes No Don't know

4.12 Does the group use violence against members of the public? Yes No

4.13 Does the group use violence against its own members? Yes No

4.14 Could you know if there are any disagreements, power struggles or camps among organized criminal gangs?
Yes No

4.15 Does the group fight with other organized criminal groups may be to defend its territory?
Agree Disagree Don't know

4.16 Are you aware of people who have been killed by members of the criminal organized group?
Yes No

4.17 What were the livelihood occupation of those killed?
Farmers/livestock keepers
Artisan/crafts people
Businesspeople
Employed by GK
Employed by private

4.18 Does the group own any businesses that you are aware of?
Yes No

4.19 If Yes, which types? _____

4.20 Where does the group obtain its money from?

4.21 Does the group demand any regular payment to it?
Yes No Don't know

4.22 Do you think politicians in this area support the group's activities?
Yes No Don't know

4.23 If yes, what forms of support do the politicians provide?

4.24 Do you think business people in this area support the groups activities?
Yes No Don't know

V. Political Influence

5.0 The group is able to influence politicians in this region?

Yes No Don't know

5.1 There are allegations that politicians channel funds to members of organized criminal gangs for campaign and support?

Strongly agree Agree Strongly disagree

5.2 There are allegations that business people channel funds to members of organized groups for support?

Strongly agree Agree
Not sure Disagree Strongly disagree

5.3 There are allegations that the groups extort money from politicians for support?

Strongly agree Agree Strongly disagree

5.4 There are allegations that the groups extort money from business people?

Strongly agree Agree Strongly disagree

5.5 There are allegations that the group supporters were elected to parliament in the last general election in 2007?

Strongly agree Agree Strongly disagree

5.6 The group managed to get their members elected to parliament in the last general election in 2007?

Strongly agree Agree Strongly disagree

5.7 There are allegations that the police collude with the members of criminal organized groups?

Strongly agree Agree Strongly disagree

5.8 There are allegations that the police ignore useful information about organized criminal Groups

Strongly agree Agree Strongly disagree

5.9 You have seen the police and known members of organized criminal groups together in friendly interactions?

Strongly agree Agree Strongly disagree

5.10 You personally know at least one member of an organized criminal group? Yes No

5.11 Do know a person who is a supporter of the organized criminal gang? Yes No

5.12 Activities

	Type of offence	Yes	No	Not Known
1.	Drug trafficking			
2.	Drug planting			
3.	Drug manufacturing			
4.	Intellectual property theft, including software piracy			
5.	Computer crime, including Internet fraud			
6.	Counterfeiting			
7.	Forgery			
8.	Large scale fraud / embezzlement			
9.	Bank Fraud			
10.	Insurance scams			
11.	Money laundering			
12.	Armed robbery			
13.	Vehicle theft and trafficking			
14.	Theft of antiques, jewellery, etc.			
15.	Smuggling of cultural artifacts			
16.	Trafficking in women/children for the sex industry			
17.	Trafficking in human beings for the purpose of labour			
18.	Illegal immigration			
19.	Illegal activities surrounding prostitution			
20.	Kidnapping for ransom			
21.	Extortion, including protection money			
22.	Loan Sharking/Usury			
23.	Firearms (smuggling for profit)			
24.	Firearms (smuggling for political struggle)			
25.	Firearms/ ammunition (manufacturing)			
26.	Explosives (illegal traffic)			
27.	Gambling (illegal schemes)			
28.	Environmental crimes (trafficking of endangered species)			
29.	Trading in human body parts			

6.0 Effects on the community

	Type of offence	Yes	No	Not Known
1.	The outlawed/organized criminal group causes fear in you			
2.	The outlawed/organized criminal group makes you feel more secure			
3.	The outlawed/organized criminal group makes you restless			
4.	The outlawed/organized criminal group has killed your close relative			
5.	The outlawed/organized criminal group has killed persons personally known to you			
6.	The outlawed/organized criminal group forced you to change residence			
7.	The outlawed/organized criminal group forced you to ensure you have a weapon for self defence in the house			
8.	The outlawed/organized criminal group forced you to change your normal ways of life			
9.	The outlawed/organized criminal group has maimed/hurt a person I know			
10.	The outlawed/organized criminal group forced you to close your business			
11.	The outlawed/organized criminal group forced a person you know to close business			
12.	The outlawed/organized criminal group forced you to change your normal travel patterns			
13.	The outlawed/organized criminal group forced you not to go to certain places			
14.	The outlawed/organized criminal group uses violence			
15.	The outlawed/organized criminal group demands protection money			
16.	The outlawed/organized criminal group demands money from new migrants to the area			
17.	The outlawed/organized criminal group resolves domestic disputes			
18.	The outlawed/organized criminal group has a known leader			
19.	The outlawed/organized criminal group has a known meeting place			

20.	The outlawed/organized criminal group has forced me and others to put security lights.			
21.	The outlawed/organized criminal group has forced me to spend more on security			
22.	The outlawed/organized criminal group controls public transport in our area			
23.	The outlawed/organized criminal group deploys security in your area			
24.	The outlawed/organized criminal group collects money from business people/landlords			

NATIONAL CRIME RESEARCH CENTRE (NCRC)

**SURVEY ON ORGANIZED CRIMINAL GROUPS IN KENYA
2011**

KEY INFORMANTS INTERVIEW QUESTIONNAIRE

Directions

You may answer these questions either as a group, consult somebody else or even use existing records as you may find it best.

Section 1: Respondent Information

- 1.1 Name (optional)
- 1.2 Gender (please tick one) Male () Female ()
- 1.3 Designation (e.g. DC, OCPD etc)
- 1.4 Mailing address
- 1.5 Stations
- 1.6 Name of Criminal Group Assessed
- 1.7 Duration in Station
- 1.8 Frequency of receiving information/reports on the activities of the criminal Organized Group
(i) Daily () (ii) Weekly () (iii) Bi Weekly () (iv) Monthly ()
- 1.9 Information/reports organized into formal format (1) Yes () (2) No ()
- 1.10 Do you know any member of the organized criminal group (1) Yes () (2) No ()
- 1.11 Do you know any supporter of the organized criminal group (1) Yes () (2) No ()

Section 2: General Questions about Organized Crime in the area

Instructions:

Please circle the appropriate answer. The questions will require you to rate or rank the attributes in a five point scale depending on your level of agreement or disagreement with each item. Kindly let us know your opinion by selecting any number from ‘1’ to ‘5’

(SA Strongly agree; A- Agree, NS- Not sure; D- Disagree; SD- Strongly disagree)

No	Statement	SA (5)	A (4)	NS (3)	D (2)	SD (1)
2.1	The concern about organized crime (compared to other issues like unemployment, illegal immigration, etc.) is high on the public agenda (e.g., according to media coverage, public opinion polls, etc.).					
2.2	The fight against organized crime is high on the political agenda of the present government.					
2.3	The fight against organized crime is high on the agenda of the police/security forces					
2.4	In this area, the problem of collusion /cooperation between organized crime groups and terrorist/guerrilla groups is a serious one					
2.5	In this area there is a strong collusion between the public and organized criminal groups.					
2.6	In this area there is a strong collusion between business people and organized criminal groups					
2.7	In this area religious people support organized criminal groups					
2.8	In this area politicians support organized criminal groups					
2.9	The criminal group has a known overall leader					
2.10	The assured leader is known by name					
2.11	The assured leader is not known by name					

Section 3: Specific Questions on the organized Crime group

- **The government developed a list of organized criminal groups in Kenya. And in this area is one of them. Base your answer to this particular Organized Criminal Group.**

3.1 Is the group defined with fixed members? Yes () No ()

3.2 What is the English name, aliases of the group; original language name, or acronym? (or other names the Group is known by)

.....

3.3 What is the current size of the membership of the group, including the number of imprisoned members?

If known, state the approximate number.

.....

If not known go to the next question.

3.4 Please indicate below **all the criminal activities** the group is involved in:

Activity	Response		
	Yes	No	Not Known
Drug trafficking			
Drug manufacturing			
Intellectual property theft, including software piracy			
Computer crime, including Internet fraud			
Counterfeiting			
Forgery			
Large scale fraud / embezzlement			
Bank Fraud			
Insurance scams			
Money laundering			
Armed robbery			
Vehicle theft and trafficking			
Theft of antiques, jewellery, etc.			
Smuggling of cultural artifacts			
Trafficking in women/children for the sex industry			
Trafficking in human beings for the purpose of labour			
Illegal immigration			
Illegal activities surrounding prostitution			
Kidnapping for ransom			
Extortion, including protection money			
Loan Sharking/Usury			
Firearms (smuggling for profit)			
Firearms (smuggling for political struggle)			
Firearms/ ammunition (manufacturing)			
Explosives (illegal traffic)			
Gambling (illegal schemes)			

Environmental crimes (trafficking of endangered species)			
Trading in human body parts			

Other criminal activities (Please Specify)

.....

3.5 From those criminal activities, which you have indicated above, please indicate the **main or dominant** activities the group is involved in:

- a.
- b.
- c.
- d.
- e.
- f.

3.6 Please provide an estimate of the average annual income of the group over the last 3 years:

a. From **illicit** activities: Kenya Shillings _____

If the figure is **not known**, place an **X** here: _____

3.6.1 Please indicate below your level of confidence in the response/estimate above: (from 2.1-3.6.1)

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

3.6.2 Please indicate the **main sources** of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

b. From **licit/legitimate** activities: Kenya Shillings _____

If the figure is **not known**, place an **X** here: _____

3.6.3 Please indicate below your level of confidence in the response/estimate above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

3.6.4 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

Section 4: Organized Crime and Law Enforcement

4.1 Have arrests of group members been made in the last 3 years?

Yes () No () Don't know ()

(a) If yes how many are you aware of in 2010?

(b) If yes for what offences (*in order of importance*)

- a.
- b.
- c.
- d.
- e.

4.2 Have there been any prosecutions of group members in the last 3 years?

Yes () No () Don't know ()

(a) If yes, how many prosecutions are you aware of?

(b) If yes, for what offences? (*in order of importance*)

- a.
- b.
- c.
- d.
- e.

4.3 Have there been any convictions of group members in the last 3 years?

Yes () No () Don't know ()

- (a) If yes, how many convictions?
- (b) If yes, what were the convictions mostly about? (*in order of importance*)
-
 -
 -
 -
 -

4.5 Please provide any apparent reasons for the failure to convict.

-
-
-
-
-

Section 5: Ethnic and Gender Composition of the Group

5.1 List, in declining order of size, the **nationality or nationalities** of the members of the group?

	Nationality or Nationalities	Number
1	Main nationality group	Name of nationality
2	Second main nationality group	
3	Third main nationality group	
4	Others	
5		
6		
7		
8		
9		
10		
	Total	

5.1.1 If the nationality or nationalities of group members are not known, place an **X** here ____

5.1.2 Please indicate below your level of confidence in the response/estimate above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

5.1.2 Please indicate the **main sources** of your information above:

- Own personal investigation ()
- District security committee ()
- Confessions ()
- Media ()
- Defectors/deserters ()
- Previous researcher ()
- Police investigation ()
- Informer ()

- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

5.2 List, in declining order of size, the **ethnicity or ethnicities**³ of the members of the group?

	Ethnicity or Ethnicities	Name of ethnic group
1	Main ethnic group	
2	Second main ethnic group	
3	Third main ethnic group	
4	Others	
5		
6		
7		
8		
9		
10		
	Total	

5.2.1 If the ethnicity or ethnicities of group members are not known, place an **X** here_____

5.2.2 Please indicate below your level of confidence in the response/estimate above:

- (1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

5.2.3 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

5.3 What percentage of the group is male (Estimate)? _____%

5.3.1 What percentage of the group is female (Estimate)? _____ %

5.3.2 If the gender breakdown is not known, please place an **X** here _____

5.3.3 Please indicate below your level of confidence in the response/estimate above:

³ Ethnicity refers to a group of people or a nation that has some degree of coherence or solidarity and who are aware of common origins, interests and shared experiences.

(1) *Low confidence* ()

(2) *Medium Confidence* ()

(3) *High Confidence* ()

5.3.4 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

COMMENTS:

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Section 6: General Characteristics of the Group

6.1 The group is **prominent** in the area

1 2 3 4 5
Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

6.1.2 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

6.1.3 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

6.2 The group presently obtains **voluntary support** from its social/ethnic constituency.

1 2 3 4 5
Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

6.2.2 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

6.2.3 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

6.3 The group is successful in providing **security for group members against law enforcement**.

1 2 3 4 5
Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

6.3.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

6.3.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

6.4 The group is successful in providing **support and assistance (including legal)** to arrested or imprisoned group members.

1 2 3 4 5
Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

6.4.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

6.4.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

6.5 The group is successful in providing **social security** (e.g., money, housing, employment) for family members and other dependents of imprisoned/killed group members.

1 2 3 4 5
Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

6.5.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

6.5.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

COMMENTS:

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Section 7: Violence of the Group

7.1 The group makes **use of violence**

1 2 3 4 5
 Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

7.1.1 Please indicate below your level of confidence in the response/estimate above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

7.1.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

7.2 There is internal use of violence (discipline, power struggles, etc) **within the group**

1 2 3 4 5
 Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

7.2.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

7.2.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

7.3 The group makes use of violence **against other organized crime groups** to conquer, or defend illegal market, to solve payment problems or as a result of bad deals, treason, etc.

1 2 3 4 5

Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

7.3.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

7.3.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

7.4 Please indicate the number of **business people** killed by the group in the last 3 years:_____

7.4.1 Please indicate below your level of confidence in the estimate above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

7.4.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

7.5 Please indicate the number of **police officers**, including undercover agents, killed by the group in the last 3 years_____

7.5.1 Please indicate below your level of confidence in the estimate above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

7.5.2 Please indicate the source of your information above:

- i. Own personal investigation ()

- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

7.6 Please indicate the number of other **government officials** killed by the group in the last 3 years ____

7.6.1 Please indicate below your level of confidence in the estimate above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

7.6.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

COMMENTS:

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Section 8: Professionalism of the Group

8.1 The group acts with **professionalism** (e.g., use of skilled persons, sophisticated management structures, etc).

- 1 Strongly disagree () 2 Strongly agree () 3 Disagree () 4 Not sure () 5 Agree ()

8.1.1 Please indicate below your level of confidence in the response/estimate above:

- (1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

8.1.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

8.2 The group **makes use of professionals** (e.g., lawyers, accountants, etc).

- 1 Strongly disagree () 2 Strongly agree () 3 Disagree () 4 Not sure () 5 Agree ()

8.2.1 Please indicate below your level of confidence in the response above:

- (1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

8.2.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

8.3 The group is effective in terms of its ability to leave **few/no traces of its activities**.

- 1 2 3 4 5

Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

8.3.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* (2) *Medium Confidence* (3) *High Confidence*

8.3.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

8.4 The group is effective in **changing from one profitable illegal activity to another**, based on changing risks and profits.

1 Strongly disagree () 2 Strongly agree () 3 Disagree () 4 Not sure () 5 Agree ()

8.4.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

8.4.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

COMMENTS:

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10.1.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

10.1.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

10.2 The group is able to **manipulate politicians and the political process** abroad

1 2 3 4 5
Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

10.2.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

10.2.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

10.3 There are allegations that the group is able **to channel funds to election campaigns**.

1 2 3 4 5
Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

10.3.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* (0

10.3.2 Please indicate the source of your information above:

- i. Own personal investigation ()

- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

10.4 There are allegations that the group has managed to get **group members elected to parliament.**

1 2 3 4 5
 Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

10.4.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

10.4.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

10.5 There are allegations that the group manages to **influence coverage or non-coverage of certain issues in the public media.**

1 Strongly disagree () 2 Strongly agree () 3 Disagree () 4 Not sure () 5 Agree ()

10.5.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

10.5.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

10.6 There are allegations that the group is **supporting political terrorism at home.**

1 Strongly disagree () 2 Strongly agree () 3 Disagree () 4 Not sure () 5 Agree ()

10.6.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

10.6.2 Please indicate the source of your information above:

- i. Own personal investigation ()

- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

10.7 There are allegations that the group is **supporting political terrorism abroad.**

1 Strongly disagree () 2 Strongly agree () 3 Disagree () 4 Not sure () 5 Agree ()

10.7.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

10.7.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

COMMENTS:

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Section 11: Transnational links of the Group

- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

11.3 Please list the countries where the group **procures** its goods/merchandise/services in declining order of importance:

Types of Goods/Merchandise/Services	Country of origin

11.3.1 Please indicate below your level of confidence in the response above:

- (1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

11.3.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

11.4 Please list the countries where the group **launders money** abroad in declining order of importance:

No.	Country
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

10.	
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11.4.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

11.4.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

11.5 Please list the **organized crime groups** abroad with whom the group co-operates.

	Group	Country
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

11.5.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

11.5.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()

xi. Other specify ()

11.6 Please list the **foreign organized crime groups** in the country with whom the group cooperates.

No.	Group Name
1.	
2.	
3.	
4.	
5.	

11.6.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

11.6.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

11.7 What is the nature of the links the group has with foreign organized crime groups? (Please tick all that apply)

	Nature of link	If yes tick
a.	Use of others' expertise	
b.	Use of others' facilities	
c.	Use of others' personnel	
d.	Cooperation in buying or selling commodities	
e.	Other (please specify)	

11.7.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

11.7.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()

- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

11.8 Please list the **foreign governments** who are allegedly providing support or shelter to the group, in declining order of importance:

No.	Government
1.	
2.	
3.	
4.	
5.	

11.8.1 Please indicate below your level of confidence in the response above:

- (1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

11.8.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

11.9 Please list the **armed groups abroad** who are allegedly providing support or shelter to the group, in declining order of importance.

	Foreign Armed Group	Country
1.		
2.		
3.		
4.		
5.		

11.9.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

11.9.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

11.10 Does the group have an identifiable geographical base within the area?

Yes () No () Don't know ()

11.10.1 If yes, please specify (if known) the region (s)

11.10.2 What makes the area conducive for the operational base to be located here?

11.10.3 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

11.10.4 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

COMMENTS:

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- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

12.3 There are **economic partnerships** between criminal and legitimate actors in the area.

1 2 3 4 5

Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

12.3.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

12.3.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

12.4 There are **economic partnerships** between criminal and legitimate actors in foreign countries.

1 2 3 4 5

Strongly disagree () Strongly agree () Disagree () Not sure () Agree ()

12.4.1 Please indicate below your level of confidence in the response above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

12.4.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()

xi. Other specify ()

12.5 What percentage of its total assets has the group invested in the **legal national economy if known**?
_____ %

12.5.1 Please indicate below your level of confidence in the estimate above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

12.5.2 Please indicate the source of your information above:

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12.6 What percentage of its total assets has the group invested in the **legal economy abroad if known**?
_____ %

12.6.1 Please indicate below your level of confidence in the estimate above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

12.6.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()
- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

12.7 What **percentage** of the group's income, that is **not used** for paying operating expenses and salaries, is **laundered if known**? _____ %

12.7.1 Please indicate below your level of confidence in the estimate above:

(1) *Low confidence* () (2) *Medium Confidence* () (3) *High Confidence* ()

12.7.2 Please indicate the source of your information above:

- i. Own personal investigation ()
- ii. District security committee ()
- iii. Confessions ()
- iv. Media ()
- v. Defectors/deserters ()
- vi. Previous researcher ()
- vii. Police investigation ()
- viii. Informer ()

- ix. Community members ()
- x. Cannot disclose ()
- xi. Other specify ()

General comments/additional information you may have about Organized Criminal Groups in this area/Kenya:

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