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# THE POLITICS OF CRIME

Kenya's gang phenomenon

SIMONE HAYSOM | KEN OPALA

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Cover photo: August 2017: A day after the general elections, Kenyan police shot dead two protesters in the capital's Mathare slum, as unrest broke out following opposition accusations that the general election was rigged.

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# EXECUTIVE SUMMARY AND INTRODUCTION





Since the 1990s, organized criminal gangs have assumed larger and larger roles in Kenyan urban spaces. Nearly 30 years later, the gang phenomenon is tied to the most pressing issues facing Kenya: violence and ethnic polarization, corruption at national and sub-national levels, and security-services abuses. The role of violent and coercive groups has become so widespread in Kenyan cities that they even determine the cost and provision of urban services, and they are now so entrenched in politics that aspiring candidates consider it impractical to enter the game without funding gangs of their own. Though the Kenyan state acknowledges the serious impact of gang activities, its interventions to address the problem have only contained the phenomenon for brief periods before it flares up again.

The objectives of this report are to describe the conditions that allow criminal gangs to be so resilient and powerful. It also aims to understand the drivers of their engagement with the urban economy, and the obstacles to more effective handling of the problem by the state and communities.

Ultimately, this report argues that it is relationships of protection and patronage between gangs and politicians that allow gangs to flourish and undermine the state response to the problem. The degree to which this is the case is particularly pronounced in Kenya and is one of the defining characteristics of its gang world.

However, this phenomenon is not unique to Kenya. In many parts of the world, organized crime has a relationship with political power, which is typically highly collaborative.<sup>1</sup> Over the past decade, the use of criminal gangs to mobilize voters or intimidate rivals' supporters has been documented in countries such as the Philippines, El Salvador, Nepal, Guyana and Jamaica. Many classic criminological studies also point out not only how organized criminal networks flourish during political transitions, but also how they play important roles in state formation.<sup>2</sup> This role is always dysfunctional, and these relationships undermine democracy and the prospects for effective governance.

◀ June 2007: Suspected Mungiki adherents lie on the ground during a police crackdown on the gang in Nairobi's Mathare slum. © Tony Karumba/AFP via Getty Images



*There is a tragic continuity between Kenya's problems with violence and its colonial history.*

## Historical background

The report traces the evolution of political ideas and practices that have shaped the criminal gang phenomenon, as well as economic and sociological shifts that have helped to form the illicit economy. There is a tragic continuity between Kenya's problems with violence and its colonial history. The imposition of colonial rule relied on conquest and extreme brutality, and the colonial power also constructed the foundations of the Kenyan state on the separation of races and ethnicities. This deepened existing cleavages or created new ones.

In the post-independence era, political parties used 'youth wings' to pursue power, who would sometimes confront each other during campaign rallies. This played a role in Kenya effectively becoming a one-party state. During his rule, President Daniel arap Moi drew on similar tactics, using youths in the ruling Kenya African National Union (KANU) to harass dissenters and critics.

However, in the early 1990s, a shift towards multiparty democracy, which happened alongside major economic reforms, triggered major shifts which decreased the political elites' use of political militias and led to an opening of democratic space that enabled Kenyan citizens to hold the state accountable and associational life to flourish. Unfortunately, these shifts also accelerated the use of youth gangs in politics by changing the dynamics of political competition and success, and generated extremely dysfunctional patterns of urban growth, as the state retreated from investing in public infrastructure at the same time as economic shifts drove high rates of urbanization.

Throughout the 1990s, vigilante groups or personal militias were still used for political competition, but they became more autonomous as demand for their services increased. During this period, political violence was still rife. The 1992 Rift Valley violence and 1997 violence on the coast started a trend of using private violence to ethnically cleanse areas ahead of elections.

Over the past 15 years, the issues of criminal gangs, corruption, electoral and ethnic violence and their interconnections have become more mainstream in discussions about obstacles to democratization in Kenya and the prospects for sustainable development. During this period, criminal violence intensified for several reasons. There was an influx of weapons into Kenya, which eventually made their way into urban areas, while the criminalization of the state deepened, evidenced in part by the extension of political protection to violent entrepreneurs.

Kenyan politics in the early 2000s was also characterized by a 'winner-takes-all' electoral system, generated by presidential administrations that had directed rents, development funds and opportunities to fellow ethnic elites. While all Kenya's democratic elections involved violence, ethnic polarization and political violence came to a head in the aftermath of the 2007 elections. The post-election violence was so bad that it triggered interventions to reduce the political use of gangs and led to the indictment by the International Criminal Court (ICC) of some of Kenya's top political figures, including the president. Since then, the role of criminal gangs in political violence has waxed and waned. While much lower rates of violence in elections in 2013 and 2017 seemed to indicate a more positive trend, some fear that the deterrent effect of the 2008 prosecution of top political figures by the ICC has worn off. Thus, the threat of political violence drawing on criminal gangs is expected to emerge ahead of the next elections in 2022.



**FIGURE 1** View of Nairobi in 1986 (left) and 2016 (right). Urban growth and the transfer of centralized power to county governments have increased profit-making opportunities for gangs.

SOURCE: NASA Earth Observatory images by Jesse Allen, using Landsat data from the US Geological Survey, <https://earthobservatory.nasa.gov/images/88822/nairobi-swells-with-urban-growth>

## Urban growth and criminal gangs

Devolution, the transfer of greater powers to county governments from central government, has affected the political role of gangs, largely by changing the visibility of and power attached to elected local government positions. This is especially the case in Nairobi and Mombasa, which are the only places in Kenya to have political status as both cities and counties. Ward elections can put a candidate into the role of a County Assembly Member (MCA), which in turn gives him or her a profile in their community, which they can leverage to campaign for a position as a member of parliament. This opens the door to a possible senatorial or governorship position. Governors, particularly of the main cities, have extremely high profiles in the media and public discourse, which may enable other political opportunities.

While cities have grown in political importance, their shadow economies have also grown, providing lucrative profit-making opportunities for gangs and other groups in areas characterized by high unemployment, especially among the youth. Criminal gangs have become wealthy by providing informal services or taxing residents for transport, waste removal, electricity and water provision. As a result, they have become deeply embedded in the everyday lives of many citizens of Nairobi and Mombasa. This has mushroomed, at least in part, because impunity for criminal enterprises has become a form of patronage but also because the revenues give them independence from political patrons. This diversification has made them stronger and more sophisticated in their operations.

## Places, politicians and illicit economies

The linkages between the different forms of criminalization of urban services and the spectrum of the roles gangs play in the political system is the focus of this report. In the four case studies below, these linkages are made.

The first is a historical case: the rise of the Jeshi la Embakasi gang in Embakasi ward during the 1990s and early 2000s. The relationship between former MP David Mwenje and the Jeshi la Embakasi is held up as an early model of how political competition motivated political figures to sponsor and protect gangs, which later led them to attempt to control urban resources, in this case, land. The Jeshi la Embakasi also diversified into other criminal pursuits over time.

The second case looks at more recent events in Eastlands, in the suburb of Kayole in Nairobi. It examines the rise and fall of the Gaza gang, and the transactional relationships formed between local politicians, the local police station and the gang that enabled the latter to take land, control illegal waste services and support political careers.

The third case focuses on the criminalization of the matatu industry in the transport sector, and the ways that this relates to the gang culture. This profile focused on the Makadara constituency and the rise of Governor Mike Mbuvi (a.k.a Sonko). Mbuvi was a matatu owner and the founder of the Sonko Rescue Team, a private, membership-based organization that provided parallel government services. Although he has denied such allegations, members of the Sonko Rescue Team have also been accused of intimidating his rivals in the guise of being part of his personal entourage. This profile provides an example of the different ways that politicians can use groups that bear certain similarities to gangs to play a variety of roles that could be viewed as corrupting the political process.

The fourth case focuses on the Mombasa neighbourhood of Kisauni, which provides an example of gangs being hired for political campaigns. This profile also looks at the surprising ways that Mombasa's gang phenomenon is linked to the drug trade, with youth gangs primarily being consumers rather than retailers.

## State responses

Since the adoption of the 2010 Constitution, there has been an impressive array of institutional reforms introduced to improve the performance and the integrity of the Kenyan police. However, these have so far failed to increase their accountability. The biggest failure of the reform process can perhaps be seen in the continued involvement of the police in extra-judicial killings.

The report describes how in Kayole, Nairobi, a special police unit was created to eliminate the leaders of the Gaza gang in 2017. As of December 2019, in Mombasa, interviewees believed that a secret special plainclothes police squad called Wazee wa Bareta was tasked with eliminating gang members. Data collected by civil-society watchdogs over the years also shows that many extrajudicial killings have been carried out as part of ordinary police work.

This report documents systematic police complicity with organized crime: the collusion between municipal police and cartels to extort money from the profitable local transport or matatu industry, the illegal police ownership of matatus, the role of the police station in Kayole in Gaza's land grabs, and the alleged police protection of drug lords in Mombasa.

Some interviewees believe that these horizontal linkages between (often senior) police officers and criminal gangs have come to eclipse the top-down protection afforded to gangs by political figures. In some cases, this has enabled some organized criminal gangs, such as the remnants of the Mungiki, to move more into the licit economy, increasing their autonomy from political elites whose patronage waxes and wanes with election cycles.

Paradoxically, corrupt state protection for gangs exists despite the government's tough anti-crime



message and its unofficial 'shoot-to-kill' policies. These approaches are ineffective on their own, but police corruption and the ways in which this benefits the elite diminish the likelihood of better solutions coming from within the criminal-justice system. Unless the police can be pushed to address the political protection and criminal capture of urban services – police work that is more about intelligence, financial crime investigations and developing strong cases – they will not find sustainable solutions to the problem.

*Gangs are part of the social and economic infrastructure of communities.*

## Community resilience

Gangs are largely prevalent in poor communities, particularly in informal settlements, where they are part of the social and economic infrastructure of communities. Although they are violent and unjust, they do provide access to services such as illegal electricity connections, security for a fee, or land. But there is ambiguity about what constitutes a gang at the neighbourhood level – many young men who would be identified as thugs in mainstream discourse may not be regarded that way in their own areas. Painting all young men with the same brush has led to many people arbitrarily being put onto police hit lists. In addition to the human rights consequences, this has affected perceptions of state legitimacy in some areas where residents may view the police as an occupying force that intends to kill and maim its residents rather than protect them.

In reaction to the impunity that criminals and corrupt politicians and police appear to enjoy, communities have, by and large, developed informal responses to security provision. These range from advocacy efforts for more humane policing through to violent mob-lynching events. Residents do not appear to have homogenous perspectives or unified interests when it comes to the presence and operations of criminal gangs. Both the existing social capital and the inherent divisions in communities come into play in determining their resilience.

Community resilience in Kenya largely depends on the levels of cohesion and social capital among residents. Below, a view of Mathare slum, Nairobi. © Marco Longari/AFP via Getty Images



## Methodology

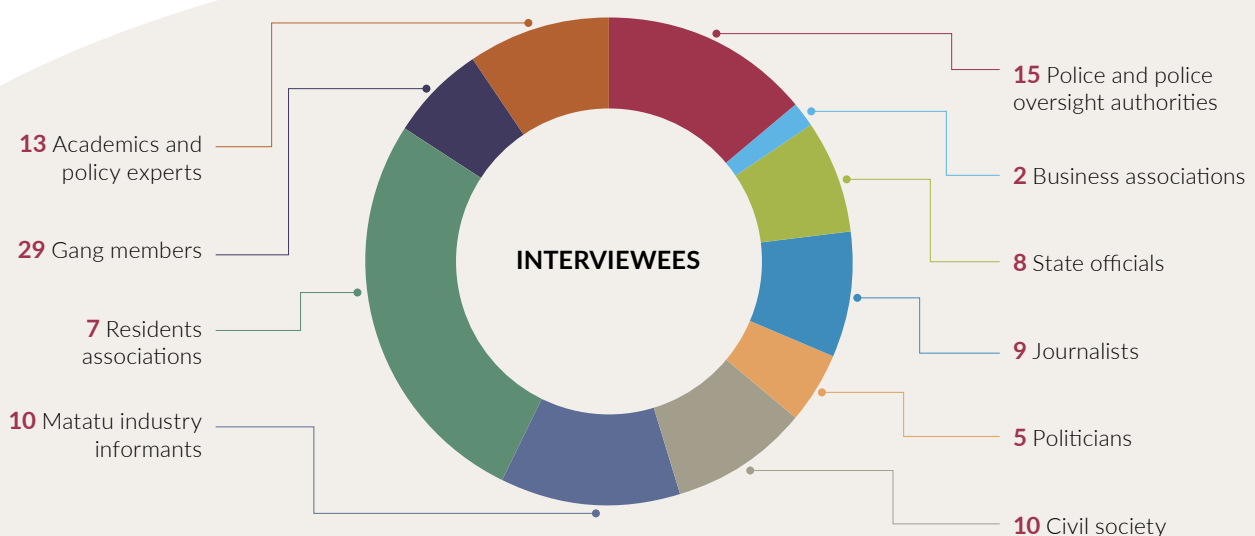
This report draws on three months of fieldwork in Nairobi and Mombasa carried out between November 2019 and March 2020. Analysts from the Global Initiative Against Transnational Organized Crime (GI-TOC) conducted semi-structured interviews with a range of key informants in both cities, some of them more than once. Key informants were reached through a snowballing method, drawing on a network of illicit-economy, civil-society and law-enforcement interviewees built up through repeated engagement on related topics in Kenya.

A primary objective of our methodological approach was to speak to people who are actively involved in the illicit economy. We made specific efforts to speak to active and retired gang members as well as politicians with connections to these groups. We also interviewed people involved in gang structures or employed in gang-run economies in both Nairobi and Mombasa and across a spread of organizations. Interviewees from civil society, the media and academia provided crucial information from their own observations or contextual analysis. Law-enforcement sources also made critical inputs, including giving us information about police collusion with gangs.

In total, 96 people in the two cities were interviewed in a semi-structured format. Interviewees were

strategically selected based on their expected insights into gang issues, criminalization of urban services, and the political system. In addition to experts and academics, journalists, state officials and civil-society informants, this figure included 22 active and 29 former gang members, five politicians, 15 police officers, and 10 people involved in or witness to criminal aspects of the matatu industry. The interview material represents the perspectives of a broad range of different stakeholders within Nairobi and Mombasa and was complemented by and triangulated using news reports and other secondary sources.

We defined 'gangs' as violent entrepreneurs who exist on spectrums of organization, use of violence to achieve an end, profit from their activities, and distance from the state (see section on defining gangs in Kenya). To present a clear picture of the political economy that sustains the gang phenomenon, we explored the dynamic relationship between urban economies, urban services, political careers and private violence through a series of profiles. Included in the report are four testimonies from people involved in the issues under examination that we believe illustrate the phenomena we describe. They offer the views of men and women who are deeply involved in politics, gangs and law enforcement.



**FIGURE 2** Breakdown of interviewees

## Defining gangs in Kenya

The definition of gangs in Kenya bedevils writing on the topic, but it is important as public perceptions of the problem play a key role in managing it. A state definition is used to delineate and count gangs, and these catalogues are also used to ban them. In 2002, then president Moi banned 18 criminal gangs. His successor, Mwai Kibaki, outlawed 33 in 2010. And the current president, Uhuru Kenyatta, banned 90 gangs in 2016. These actions were informed by reports from the Ministry of the Interior. In 2017, the National Crime Research Centre, a state agency under the Ministry of the Interior, released a report claiming there were 326 gangs by 2017, a rise from 33 in its 2010 count. The media jumped on these figures, decrying 'an exponential growth of 897 per cent within seven years'.<sup>3</sup> In the same year, a World Bank report claimed that in one ward in Mombasa (Timbwani, population 60 000) there were 55 criminal gangs.<sup>4</sup> In 2020, authorities in Mombasa claimed, without providing a justification, that they had identified 132 gangs operating in Mombasa.<sup>5</sup>

Journalists and researchers also use a varied, and sometimes confusing, range of terminology. In the media, the terms 'cartel' and 'gang' are used loosely. The word cartel is used to describe a group of muggers as well as networks of political figures who collaborate in grand corruption. The phenomenon described in the report – gangs providing services to politicians – has also been referred to as the political use of 'militias' or 'vigilante groups', usually where reports emphasize the electoral and/or ethnic dimensions of violence.

This confusing and opaque use of language has many problems, such as eliding the difference between petty and opportunistic offenders and serious criminal actors, and it does not have easy solutions. It is difficult to define organized crime, as well as gangs, in a way that is both applicable to a wide range of contexts and meaningful in specific ones. The Kenyan National Crime Research Centre uses the UN Office on Drugs and Crime definition of organized crime to guide its gangs research. This follows Article 2(a) of the UN Convention against Transnational Organized Crime, which offers this definition: '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'.

Broad definitions such as these capture the activity, but often fail to make useful analytical distinctions. Narrow definitions have been developed to explain specific phenomena, such as the Italian mafia, and work well in those contexts, especially when academic usage is consistent with legal definitions. But definitions that are tailored to specific contexts often do not work well in others. The renowned criminologist Klaus van Lampe has collected over 200 definitions of organized crime used by respectable and esteemed scholars and organizations.<sup>6</sup> Definitions of organized crime have to be contextually relevant, and for this reason they are often inappropriate in African contexts, where very little criminological theorizing has been done.

In our research, we looked for ritual and visual markers of gang membership, and organizational features that could set gangs apart from opportunistic criminals who are not part of group associations. Our interviews with gang members covered markers of gang identity: the naming of their organizations, distinguishing clothing, tattoos or scarification marks, codewords or initiation rituals. We also explored their range of activities and links to illicit markets, which encompassed stolen goods, drugs, extortion and protection rackets (including those linked to land, transport, waste and water). Some Kenyan gang formations, such as the Mungiki, meet 'mafia' definitions commonly used in Europe and Asia. However, many other gangs have very low levels of organization, including many of the youth gangs operating in Mombasa.

This report argues that Kenyan gang identity is also often fluid, fungible or not particularly strong. In Nairobi, gang members have shed one identity and adopted another to evade police crackdowns. This constant mutation and evolution calls into question the value of cataloguing exercises. The sense that gangs have grown in size or number can be confused with observations that their impact has become more severe (usually detected in terms of the visible violence and disruption they cause, rather than the less visible processes of extortion).

Rather than looking for precise definitions, we have adopted the approach that they are violent entrepreneurs that exist on spectrums of levels of organization, use of violence, profit motive, and distance from the state.





## Recommendations

The report concludes with several recommendations that fall under the broader project of holding elites accountable for the use of violence, and highlight the need for holistic approaches to decriminalizing urban services:

- The solutions to the rise and resilience of organized criminal gangs are political and developmental and require broader responses than a reliance solely on the criminal-justice system.
- The media should be sensitive to, and supported in, the role it plays in defining the issues, investigating corruption and crime, and highlighting its root causes.
- Urban development initiatives need to strategically undermine criminal control of urban services.
- Both civil society and governments need a more dynamic and granular picture of how the illicit economy functions in order to inform evidence-based policy and shared picture of threats.
- The political use of gangs in the lead up to the 2022 general election should be monitored, with consequences for the costs of using coercive measures to gain political office.

March 1953: A Mau Mau suspect, detained by the police, is led away with his hands bound with rope during the Mau Mau revolt in Kenya. © Express/Express/Getty Images



# THE COLONIAL AND POST- INDEPENDENCE HISTORY OF POLICE AND PRIVATE VIOLENCE

There is a tragic continuity between the problems that independent Kenya faces with violence and its colonial history. Colonial rule relied on conquest and brutality, reaching its zenith during the anti-colonial Mau Mau rebellion. The political elite first commanded Kenyan police to adopt 'shoot-to-kill' tactics in the 1950s during the colonial state's war with the Mau Mau. It is perhaps no mistake that former Interior Minister John Michuki, whose name crops up frequently in the history of the state's response to gangs, started his career as a colonial-era policeman and is best remembered on the streets for his 'shoot-to-kill' policy against the Mungiki, a Kikuyu sect which became a highly feared criminal gang. The colonial powers also based the foundations of the state – and the first physical construction of Kenya's cities – upon the separation of races and ethnicities, either deepening or creating cleavages that were manipulated and intensified by politicians after independence. The colonial project was explicitly a violent one. The violence was justified by conceiving of the subject as a person who understood violence over reason. This is one reason why, activists argue, when Kenyan police assaulted citizens for not wearing masks during COVID-19 restrictions, they told people who balked at this disproportionate response: *watu wa Kenya huelewa tu nguvu* (the population in Kenya only understands the use of force).<sup>7</sup>

The post-independence use of groups of young men as tools of violence in pursuit of political power dates back to the role of political party 'youth wings' in the post-independence era. When Kenya gained independence from colonial rule in 1963, two political parties dominated the field. KANU, led by Jomo Kenyatta, drew the support of two of the country's biggest ethnic groups, the Kikuyu and Luo. The Kenya African Democratic Union, an amalgamation of smaller ethnic groups, was led by Ronald Ngala. Youths allied to the parties would sometimes confront each other during campaign rallies.<sup>8</sup>

This polarized environment worsened in the late 1960s when Kenyatta fell out with his erstwhile vice president Oginga Odinga, which led the latter to start the Kenya Peoples Union (KPU), a rival party to KANU. Often, KANU's youth wing would clash with perceived KPU supporters.<sup>9</sup>

The Kenyatta–Odinga rivalry brought to the fore the use of political violence, expressed during KANU–KPU campaign face-offs.<sup>10</sup> Kenyatta later jailed Odinga and by the time of his death in August 1978, the president had turned Kenya into a de facto one-party state ruled by KANU.

His successor, Moi (1978–2002), drew on similar tactics involving KANU youth wings to harass dissenters and critics. The group had uniforms and badges, and they organized and managed rallies for their political masters.<sup>11</sup> They would even sometimes play the role of police, arresting people and taking part in arbitration matters.

Over time, the KANU youth wings began to coalesce into smaller groupings within its ranks, allied to politicians who were competing for greater proximity to the president. One of these emerged in the Westlands area of Nairobi, the Jeshi la Mzee allegedly allied to Fred Gumo,<sup>12</sup> a former cabinet minister in both Moi's and in Kibaki's governments. This gang recruited young people from Gumo's home region in western Kenya, who were repaid with plots hived off public land in Nairobi's Kangemi area. Gumo, in press interviews, denied funding and organizing the grouping. The emergence of Jeshi la Mzee signaled the start of a period where the urban public was brutally targeted by private militias. The Jeshi la Mzee were given military training, supplied with teargas canisters and handcuffs, and were given police protection during their attacks on pro-reform protesters in the streets of Nairobi, which allowed the group to operate with impunity.<sup>13</sup>

Moi did not only rely on street-level tactics. He used the security apparatus to ensure dissenters were jailed or even assassinated, and he deliberately weakened critical state institutions that he perceived to be a threat to his stranglehold on power.<sup>14</sup> In the late 1980s and early 1990s, Moi's regime weakened and he came under pressure to move towards multiparty democracy alongside significant economic reforms. This opened up democratic space for Kenyan citizens to hold the state accountable and led to a flourishing of associational life, which had previously been suppressed. Unfortunately, these shifts accelerated the use of youth gangs in politics and generated dysfunctional patterns of urban growth, as described below.





Mombasa, 1920: Steamships being unloaded at Kilindini Harbour. © Bristol Archives/Universal Images Group via Getty Images

## The evolution of private violence and criminal gangs in the 1990s and 2000s

In the late 1980s and early 1990s, multilateral organizations imposed a structural adjustment programme on Kenya that led to severe expenditure cuts, particularly in infrastructure spending, education, social services, and agricultural extension services. As a result, food prices rose, real wages declined, and the unemployment and school drop-out rates rose.<sup>15</sup> Academic Musambayi Katumanga argues that young people formed a disproportionate share of rural exiles who settled on the urban frontier: '... They constituted a pool of disaffected youth, open to recruitment by opposition parties seeking to maximize on the opening of associational space and external support to acquire political power.'<sup>16</sup> Rural migration, combined with high levels of unemployment and low state investment in urban areas, led to the expansion of informal settlements. With austerity measures in place, and in keeping with the 'small state' ideology that was a prominent component of the structural adjustment programme, the state retreated from service and infrastructure provision, which was increasingly (formally and informally) privatized.

In Mombasa, with a much smaller population than Nairobi and less dense urban space, de-industrialization deeply exacerbated problems of youth unemployment. According to sources with a long history in Mombasa's seafaring trades, the city had always produced loose 'gangs' of young men who became criminals, but local politicians used to deal with this problem by securing jobs for them in the shipping industry and sending them overseas. International labour migration was a release valve for the tensions created by these dense populations of idle young men.<sup>17</sup> Coastal industries were particularly important because, for historical reasons, people from these areas generally lacked land tenure, and were reliant on maritime-based trades for employment.

*Gangs are largely prevalent in poor communities, particularly in informal settlements.*

*In the late 1980s, the first criminal gangs emerged in Mombasa, which closely resemble those that exist now.*

However, when the East African Community crumbled in the late 1970s, Mombasa and the coastal region lost its steamship and shipyard trade. The collapse of the Somalian government also led to a spike in illegal trawling, which decimated fishing grounds. In the late 1980s, the first criminal gangs emerged in Mombasa, which closely resemble those that exist now. They were the Congo Force gang in Mombasa North (now known as Kisauni, an area this report returns to in detail below), Kongowea on the mainland, and the Black Panther gang in the Majengo area. The creation of these gangs began with their recruitment by politicians, among them then Mombasa North MP Abdallah Mwaruwa, to act as security guards during their campaigns at a time that jobs were becoming scarce.<sup>18</sup>

In this period, the reopening of multiparty politics also multiplied the number of potential patrons in any one constituency. Vigilante groups or personal militias were still used for political competition, but they also took on a more autonomous character, as they could be hired by the highest bidder. At the same time, their patrons were less consistent as they were not certain to win, and they didn't need to maintain loyalty between elections as there was always a vast pool of unemployed men from which to recruit 'bodyguards'. This left these vigilante groups without a source of income outside campaign periods. Simultaneously, urban growth increased pressure on land, housing and transport, which made these resources ever more valuable, and the gangs started moving into the space left by a state unable to keep up with service provision.

Political violence also became a tool of ethnic cleansing in the 1990s in ways that influenced the development of criminal gangs.

Crucial to this history is how the Moi regime managed the transition to democracy, which happened at a time when the president was deeply unpopular. Here the role of Youth for KANU '92 (YK'92) is particularly important, as its role in Moi's victory in 1992 and its impact on the character of politicized gangs in Kenya was profound. YK'92 was a lobby group established to help Moi secure victory after the transition to multiparty democracy, and it has been linked to the violence that convulsed the Rift Valley in 1992.<sup>19</sup> The current deputy president of Kenya, William Ruto, was formerly a leading figure in the group and its official treasurer.

Many believe the Rift Valley violence was underpinned by the ideology of *majimbo*, which Moi had promoted. This concept involved elements of political devolution but also cleaved closely to an ideal of ethnically based government. When, under Moi, KANU won the Rift Valley constituencies, it did so after residents who were most likely to vote for the opposition were violently driven out of the area. Kalenjin warriors displaced Kikuyu settlers over historical grievances stoked by Moi, which were given shape and fuel by YK'92's violent interpretation of *majimbo*, which advocated the mass relocation of Kenyans to their respective ethnic groups' ancestral homelands.

The scenes in the Rift Valley were replicated on the coast in the 1997 election when a group of armed men, who came to be known as the Kaya Bombo raiders, attacked police stations, people and marketplaces and damaged property as part of a strategy to enforce *majimbo*. Police statistics indicated that a total of 104 people were killed in the violence, at least 133 were injured, hundreds of structures were damaged, and other property was damaged or stolen, leading to large losses.<sup>20</sup> Human rights groups estimate that about 100 000 people were displaced.<sup>21</sup> The Akiwumi Commission, established to investigate the causes of the violence, heard testimony from men who were involved in these raids that they had been recruited, trained

and armed by politicians and political candidates and their associates in the run-up to the elections. The men were motivated by cash and promises of jobs and houses, but also by the stirring up of historical grievances about the unequal ownership of land along the coast and the dominance there by so-called 'upcountry' Kenyans, who had migrated from the interior. However, they later felt they had been used by KANU-aligned politicians to displace those most likely to vote for opposition parties. It was an effective strategy, which allowed KANU to make large gains. It comfortably retained its existing seats and secured new ones. Among the individuals that were directly implicated in testimony before the commission for allegedly recruiting and motivating raiders were Emmanuel Karisa Maitha and Suleiman Rashid Shakombo, who became the MPs of Likoni and Kisauni in the election that followed the displacement.<sup>22</sup> Since then, the use of gangs in electioneering remains prevalent in these areas of Mombasa. In their testimony to the Akiwumi Commission, Maitha and Shakombo denied the claims and provided alternative evidence for the assistance they gave to the raiders.<sup>23</sup>

The 1992 Rift Valley violence and 1997 violence on the coast created a model of political gangs being used for political ends, which became a common practice in Kenya's democratic history. These tactics succeeded in achieving their political aims, but it also became commonplace for political denials to be made about any links to violence. The politicians quickly distanced themselves from the gangs they had recruited, incited and funded once the job was done.

This use of force also compounded, in unexpected ways, Kenya's vulnerability to political and criminal violence. Many displaced people fled to urban areas, particularly Nairobi, which led to ethnic patterns of settlement in slum areas. The Mungiki (derived from the Kikuyu word for 'the multitude'), perhaps the most infamous of Kenya's gangs and at one point the largest and most organized, has its origins in the Rift Valley violence.<sup>24</sup> Among those who drifted to the slums of Nairobi were the men who had acted as vigilantes to protect the Kikuyu community, and who had been influenced by Kikuyu religious organizations. They were fodder for the Mungiki's early recruitment strategies. As examined below, the Mungiki became powerful through its early capture and extortion of the matatu industry, in addition to political patronage.

As the group, based in Mathare settlement in Nairobi, became more powerful, its strong Kikuyu profile intensified the ethnic dimensions of existing socio-economic fault lines in the area. 'Young men recruited by the Mungiki group began to identify and position themselves as Kikuyu (even if they had multiple and/or even different ethnic backgrounds). Specific ethnic identification increasingly determined access to opportunities provided by these groups, and triggered growing resentment among young men who felt increasingly excluded,' said an expert on gang identity in Nairobi.<sup>25</sup> These groups then went on to form other gangs that also cohered around ethnic profiles. For example, the Taliban gang was formed by men who identified/were identified as Luo.

## Gangs and electoral violence, 2002–2017

Over the past 15 years, the issues of criminal gangs, corruption, electoral and ethnic violence and their interconnections have become more mainstream in discussions about Kenya's obstacles to democratization and its prospects for sustainable development. During this period, criminal violence intensified for several reasons, including the influx of weapons into Kenya and eventually to its urban areas,<sup>26</sup> and a deepening criminalization of the state, which saw political protection extended to violent entrepreneurs.

This intensifying state criminalization is often linked to major corruption scandals. In Kenya's case, it included the so-called Anglo Leasing scandal, which involved the diversion of government funds to phantom companies,<sup>27</sup> but also illicit flows of commodities such as wildlife products, drugs, arms, and even sugar. The drug trade had major implications for both Nairobi and Mombasa, although surprisingly it has not substantially relied on criminal gangs for retail, as is the case in, for example, South Africa. Rather, it made certain traffickers very



wealthy, which enabled them to get into politics, and it created a substantial drug-using population along the coast, and to a lesser extent Nairobi.<sup>28</sup>

In the early 2000s, Kenyan politics was characterized by a 'winner-takes-all' electoral system, generated by presidential administrations that had directed rents, development funds and opportunities to fellow ethnic elites. It was a system that raised the costs of winning and losing, thus heightening the appeal of violence and other electoral malpractices.<sup>29</sup>

However, over the past two decades, the actual involvement of gangs in election-related violence has waxed and waned. While all of Kenya's democratic elections have involved violence, ethnic polarization and political violence came to a head in the aftermath of the 2007 elections, when 600 000 people were displaced. Criminal gangs were key protagonists in the violent attacks and deliberate acts of ethnic displacement that followed the elections. The Waki Commission, established to investigate the causes of the violence, estimated that 1 133 people were killed in acts of both spontaneous and organized violence. In the

Rift Valley and Nairobi, the Commission found, politicians, businessmen and others enlisted criminal gangs to execute the violence. The Kenyan police were found to be responsible for an incredible 35.7 per cent or 405 of total deaths.<sup>30</sup>

The Mungiki gang gained notoriety for their involvement in the election violence. By then, it was a vast criminal and political entity built on the back of extortion in the matatu industry, with tens of thousands of members. The authorities did not take kindly to its existence and, in 2000, Moi ordered a violent crackdown on the movement, with police violently breaking up its meetings. But this changed in 2002 when a Mungiki sect leader at the time, Maina Njenga, officially endorsed Moi's preferred candidate for the 2002 election, Uhuru Kenyatta. They then became an even more formidable criminal force, a development that triggered a huge public uproar about rates of criminality in Nairobi. In 2005, Interior Minister Michuki launched a campaign to contain them, including a shoot-to-kill instruction. This did not stop politicians approaching the Mungiki for support in the 2007 election, in which

**April 2011: William Ruto and Uhuru Kenyatta wave to supporters at Uhuru [Freedom] Park in Nairobi following their return from the ICC in the Netherlands. Ruto and Kenyatta were indicted for provoking election-related violence but the case against them collapsed due to insufficient evidence. © Tony Karumba/AFP via Getty Images**



they played a leading role in the killings, displacement and sexual and gender-based violence that characterized the election. The role of the Mungiki in this election was a central feature of the ICC's case against Kenyatta. Then Education Minister Ruto and four others were also charged with crimes against humanity.<sup>31</sup>

The prosecutor in the ICC case alleged that Kenyatta commanded the Mungiki to carry out the attacks in Nakuru and Naivasha towns in the Rift Valley and that he financed the gang and helped them to raise funds to buy weapons.<sup>32</sup> Kenyatta denied these allegations and the ICC eventually dropped the charges against him and the other accused due to a lack of evidence.

In the aftermath of the 2007 violence, the Kibaki government authorized the police to contain the threat posed by the Mungiki, which in turn led to a campaign of extra-judicial killings in which about 500 people reportedly died.<sup>33</sup>

The post-election violence in 2007–2008 and its aftermath was a watershed moment in Kenyan politics. It influenced and sparked other political developments, particularly under the Kenya National Dialogue and Reconciliation process, appointed in 2008 to address the political crisis and end the violence. The new Constitution, adopted in 2010, sought to undermine Kenya's 'winner-takes-all' politics by decentralizing political structures through a process known as devolution. In terms of this process, 47 new counties were created with important sub-national positions – governorships – that diluted the concentration of power around the presidency. The Constitution also sought to increase the independence of, and public confidence in, key institutions such as the electoral commission, the judiciary and the security services. A suite of reforms was introduced to make the police a more democratic and accountable institution. However, the linkages between political campaigns and criminal gangs were not fundamentally disrupted by these measures.

The next elections in 2013 were relatively peaceful, but those in 2017 were not. While police and political figures denounced the use of gangs in electoral campaigns, the role of politicians in establishing and sustaining them continued. Multiple informants reported that almost all leading politicians at the coast and in Nairobi exploited their association with gangs or hired them in the run-up to the 2017 election.<sup>34</sup> On several occasions, Mombasa's deputy county commissioner, Mohamed Maalim, publicly asked politicians not to 'misuse' young people during the election period. 'We have intelligence that some leaders want to use the youth. They are telling them to abandon their daily jobs, promising them that they have better jobs for them. But the good thing is that we have profiled those youth, we have their pictures, their contacts and we know where they stay,' he said.<sup>35</sup>

Yet, no political figures were arrested for these practices. Human Rights Watch claims that 'police and armed gangs killed more than 100 people during Kenya's prolonged elections period'.<sup>36</sup> The Kenya National Commission on Human Rights also claimed that gangs and law-enforcement agents used sexual violence as a weapon, with the UN reporting that at least 200 adults and children were raped or sexually assaulted.<sup>37</sup>

As the poll approached, the incumbent Jubilee Party, which eventually formed the government, was accused of using the Mungiki and Gaza gangs, as well as off-duty police officers, dressed as civilians under the guise of being 'the Nairobi business

*The post-election violence in 2007–2008 and its aftermath was a watershed moment in Kenyan politics.*

*Politicians facilitate economic activities such as grabbing land, controlling matatu parking, and giving gangs access to contracts and tenders.*

community', to disrupt pro-reform street protests organized by the opposition between March and July 2017. In an interview, a police officer who had joined the so-called Nairobi business community, said: 'At the time, we felt we were protecting our own [President Kenyatta] from Raila Odinga, who we had been made to perceive as the enemy of the Kikuyus, and a man who could disinherit us of our wealth. So, when about 20 of us police officers met and listened to our bosses, we agreed to remove our uniforms to defend our own. We joined the Mungiki and Gaza people.'<sup>38</sup>

While this violence was denounced, state bodies acknowledge these relationships still exist. The National Cohesion and Integration Commission says politicians support gangs through training; facilitating transportation and meetings; funding their activities, salaries and wages; buying them weapons, food, drinks, alcohol and drugs; buying motorbikes; and providing office space.<sup>39</sup> They also facilitate economic activities such as grabbing land, controlling matatu parking, and giving them access to contracts and tenders through the Constituency Development Fund and ward funds.<sup>40</sup>

It is not yet clear whether the violence in 2017 heralded a return to violent elections, or if the fact that it was not worse is evidence that institutional change has been effective. Some analysts believe that devolution has successfully managed to reduce the 'winner-takes-all' stakes of previous Kenyan elections, and that the political costs for candidates of being linked to election-related violence are not worth it, especially after the ICC prosecution of six Kenyans for their role in the violence in 2007–2008.<sup>41</sup> However, some believe that while that may have been the case in 2017, the credibility of the ICC, and the fear of the taint of such accusations, has now waned enough to embolden candidates to use these methods again.

## **Diversification of violence: The capture of urban services and resources**

Devolution, the decentralization of power to county administrations from central government, has affected the political role of gangs, largely by changing the visibility and power attached to elected local government positions. This is especially the case in Nairobi and Mombasa, which are the only places in Kenya that have political status as both cities and as counties. Each is a multi-ethnic city in which political campaigning for a gubernatorial seat relies to some extent on capturing votes from across the city. Ward elections can put a candidate into the role of a county assembly member, which in turn gives the person the profile to campaign for a position as an MP, which opens the way to stand for a governorship. Governors, particularly of the main cities, have extremely high profiles in the media and public discourse, which opens up other political possibilities. The current governors of Mombasa and Nairobi both achieved their status through a version of this pathway. Both were political outsiders who managed to build political profiles despite not being able to draw on the support of majority ethnic groups. They succeeded despite the fact that, in 2010, allegations were made in Parliament that they had been involved in drug trafficking prior to their entry into politics.<sup>42</sup>



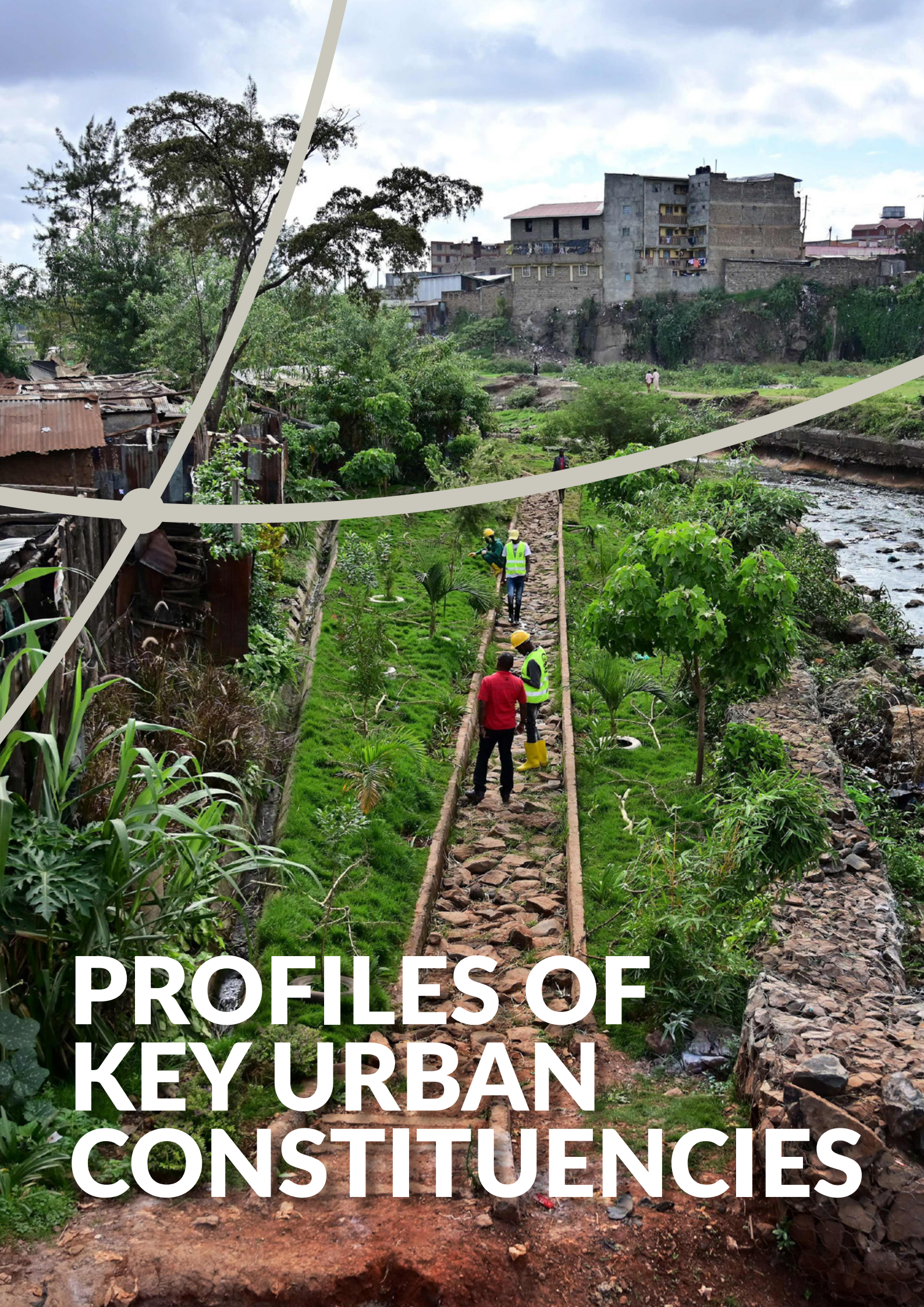
The growth of cities has not only increased their political importance but also the size of their shadow economies, which have become lucrative centres of illicit business activity. In these areas, unemployment is rife, particularly among the youth. Criminal gangs have become embedded in the lives of residents in many areas by providing informal services, or taxing urban residents for transport, waste removal, electricity and water provision. Impunity for criminal enterprises is used as a form of patronage.<sup>43</sup> The National Cohesion and Integration Commission claims that, to sustain these groups, politicians facilitate opportunities for gang members, such as giving them control of bus parks, allocating them market stalls and enabling access to contracts, in exchange for unwavering support.<sup>44</sup>

While the link between gangs and electoral violence has been the focus of concerted efforts to address political violence, the role of gangs in illicit economic activities in major urban areas appears to be as firmly entrenched as it was before the 2010 political reforms. In Nairobi, and less clearly, in Mombasa, their links with corrupt political and business figures has enabled criminal gangs to capture large chunks of urban service provision.

Gaining successful control of waste collection services, establishing the right to extort a matatu terminal, or determining who can buy clean water and at what price in an informal settlement, gives gangs significant autonomy and influence. Over time, they may even gain legitimacy in poor communities. Generating the funds needed to buy protection from the police directly gives them independence from political patrons. This is a significant factor in determining their longevity, as well as the degree of sophistication with which they are organized. This appears to be the case with the Mungiki. Thought to be the group's one-time leader, Maina Njenga denies that the Mungiki still operates;<sup>45</sup> other sources say that it survived intense official crackdowns in 2005 and 2008 and maintains a sizable membership in Nairobi, albeit one which is now much older and more entrepreneurial. But the gang has reduced its reliance on politicians, and embedded itself in the matatu industry, which has facilitated its move into the licit economy.

This report focuses on the linkages between different forms of the criminalization of urban services and the spectrum of the roles gangs play in the political system, using four profiles (below) to illustrate the points. The report also examines the matatu industry and explores land seizures and violence related to real-estate development.





# PROFILES OF KEY URBAN CONSTITUENCIES





**T**he role that certain wards and neighbourhoods play in both organized-gang activities and electoral violence gives insights into the gang phenomenon. Conditions in some areas make them more conducive to particular electioneering activities or illegal service delivery than others. Suburbs where large numbers of people are concentrated in small areas are effective theatres for crude political messaging – e.g. untelevised, often unreported and largely in-person. In certain neighbourhoods, there also clear patterns of ethnic settlement which make it easier for political organization. Where populations are marginalized and poor, they are more vulnerable to bribery and intimidation. The pressure on urban services and the state's failure to adequately deliver in these areas makes such services more valuable to control. This also makes the use of violence, even at the 'low' level of disruption and assault, more effective as a campaign tool than it is in more dispersed, richer neighbourhoods with more social capital to expend on resisting malevolent politics and accessing privatized services.

It is worth noting that these profiles are not exhaustive and have been selected to illustrate a broader system that affects many more areas and urban services than are discussed in this paper.

◀ May 2019: Volunteers, mostly 'reforming' gang members, maintain a micro-recreation park in Korogocho slum in Nairobi. © Tony Karumba/AFP via Getty Images





**FIGURE 3** Gang presence in Nairobi County.

NOTE: The gangs presented here represent some of the most notable gangs due to their level of influence and violence, and the scale of operations. These designations are derived from interviews with police, gang members, media reports and state reports. The map is based on ward boundaries derived from government documents, as well as Google Maps where government sources were contradictory. We have tried to ensure constituency boundaries are as accurate as possible, but some borders may be inexact.

# Nairobi gangs

## PROFILE: Embakasi Ward and the Jeshi la Embakasi

The story of the Embakasi ward shows how these relationships between politicians and criminal gangs began to solidify over the 1990s and 2000s. David Mwenje was the MP for the Embakasi ward, a sprawling settlement east of Nairobi's centre, under the banner of many different political parties: from 1988 until 1992, for KANU under the one-party system, and then from 1997–2002 under the Democratic Party and 2002–2007 under the National Rainbow Coalition. Mwenje, who died in 2008, is remembered by some observers as 'a sometimes abrasive politician who knew how to mobilize the crowds at the grassroots',<sup>46</sup> and by others as 'the most violent politician who held a parliamentary seat in Nairobi and more specifically in Embakasi constituency'.<sup>47</sup> He is often regarded as the founder of Jeshi la Embakasi, the criminal gang that operated in the Nairobi suburb of Eastlands from 1992 to at least 2008.

Mwenje appears to have recruited the men who formed this gang in the run up to the 1992 Embakasi ward election, which he lost. In a parliamentary debate on the role of politically affiliated gangs, already identified as a problem in the early 1990s, Mwenje justified the political recruitment of an armed gang on the basis that 'the government has failed to provide security to some leaders and Kenyans generally'. Though distancing himself slightly from the term, he claimed 'pseudo-political gangs' or 'jeshi', were necessary and urged fellow MPs to put in place their own security arrangements.<sup>48</sup> The academic David Anderson claims that these arrangements became de rigueur in the 1992 and 1997 elections 'when government ministers employed vast armies of hired thugs to attack the homes of voters in opposition strongholds'. This was replicated even at a smaller scale, with every serious political contender arranging to be protected by a group of so-called youth wingers.<sup>49</sup> In the 1990s, violence was normalized as a feature of democratic Kenyan politics.

The gang that operated in Embakasi allegedly helped Mwenje get back his seat in 1997 and was used to threaten and eliminate rivals when that power was jeopardized. The best account of this process is found in a masters' thesis submitted to Jomo Kenyatta University in 2019. This comprises

numerous testimonies from men who were members of this gang about how the Jeshi disrupted the rallies and meetings of his opponents, or discouraged rivals by burning their homes or businesses, or even murdering them. The Jeshi members viewed Mwenje as their political godfather. 'He was our employer, and everything was done to please him,' one said.<sup>50</sup> Gang members did not deal directly with him but with an agent who, in turn, dealt with a leader, or a 'chairman', who coordinated the activities of the Jeshi.

While Mwenje was a catalytic force, it was the anomic and hard conditions of life for the unemployed that drove recruitment for the Jeshi la Embakasi. Their relationships with political figures relied on the fact that they were reportedly 'jobless men who had no means of survival thus would do a dirty job in exchange for money'.<sup>51</sup>

In return for political patronage, Jeshi la Embakasi members were paid cash or given food, drugs, alcohol and cigarettes. They also received parcels of land, which they allegedly helped to occupy to enable the politician in question to sell them off, which became a lucrative business. According to a retired state official who worked in Embakasi at the time: 'Mwenje used the gang to forcefully grab state land which he then sold to gang members and supporters for a token fee'.<sup>52</sup>

Suspicion surrounds the assassination of one of Mwenje's opponents. Mugabe Were, the man who defeated him in the 2007 elections, was gunned down outside his home a month later, in January 2008.<sup>53</sup> The police said this was a criminal act and three men were later sentenced to death for the murder. But Were's father has described the killing as being politically motivated. 'After my son won the election, he told me one of his opponents in the polls had warned him that he would not live long to enjoy the victory. I just told him to be careful'.<sup>54</sup>

By 2006, the Jeshi la Embakasi had evolved into a criminal group involved in a range of criminal activities and it was available for hire.<sup>55</sup> This reflected a trend across this period. Once elections were over, the benevolence of political patrons disappeared, and the groups, looking for ways to survive, went into crimes such as bank robberies, car theft, and extortion within the matatu industry.<sup>56</sup>

After Mwenje's death in 2008, the Jeshi la Embakasi gang began to disintegrate and some of its members were absorbed into other gangs. But the electioneering pattern linking criminal gangs to urban services and local politicians continued.

According to a member of the Gaza gang, which still operates in the Eastlands ward of Kayole: 'To be an MP in any of Eastlands' constituencies, you have to have an outspoken *mbogi* (gang) by your side.'<sup>57</sup>

## A young woman's political campaign experience

Soon after I finished high school, I was introduced to community organizations working with drugs and crime. Through working with them, I learned so much and found that I wanted to work on those issues in my community. That work helped me land up in politics. I realized we needed to come up with solutions with these people. Most of them live in a man-eat-man society and they need empowerment. I looked for a politician to work for but so many of them had bad ideas. The MCA in my community at that time did not have the interests of the community at heart. I found a politician I respected but she went to the rural areas to vie. So, I thought why don't I vie myself?

Starting a campaign in 2017 was no easy task. The two parties were leading in that time, the Orange Democratic Movement and Jubilee, and it was a two-horse race. There were a lot of candidates that were vying in those parties. But those parties had a reputation of pulling votes from one tribe or another. I didn't want to do that. I wanted to pull votes from all sides. So, I vied under another party and I got the nomination.

From there I needed to go into the street and campaign, and for that you need financial resources. One businessman, who worked at the airport, helped my campaign a lot, but I did not have a lot of funds. Personally, I never gave out drinks, I didn't give people money, unless I found someone in a very bad situation. I bought mostly banners, T-shirts, and reflectors for boda-boda riders.

To convince enough people, you need to reach them. In the slums it's easy to knock on doors. In the estates you

can't do it; people are not there during the day. So, I went to the informal settlements, but if you go there, people want money, because that's what they have been offered by candidates in the past. They used to say to me: 'Your manifesto is so nice, but at the end of the day, are you going to leave us hungry?' So, I used to campaign in the bus queues in the morning and in the evening.

But the people who vie here spend a lot of money. They use vehicles branded under them and give out T-shirts. For most of their campaigns, they would just attend a funeral and then give out money, they would do campaigns in churches and give out things. They could even hire a whole bus and give it to a person who had lost a family member. Because of a lack of resources, I used to work with one or two people, but the top contenders would work with 10 or 20 people, so people immediately knew they were the candidate. There were 15 candidates here. About eight had big resources. There was one who was calling himself Cash and people used to follow him for that very reason.

But when it came to ideas about changing things in the community, I never heard anything on their side. We had three debates hosted by community organizations on our manifestos and these people never attended.

Gangs were also big here. There are certain names you'll not miss if you ask. They control land. They were paid to destroy someone's banner. Maybe they heard that today you've been in this place and then they go there, and they destroy them. You use a lot of money to create good banners. This happened to me multiple times.



## PROFILE: Kayole, Gaza and two politicians

Kayole is a large area in the Eastlands area of Nairobi whose residents are mostly poor. The buildings are high-rise apartments, mostly five- or six-storeys high, which have been privately built, often in contravention of building standards. The Gaza gang, once one of Nairobi's most feared, had its operational base here. Gaza was an organized, hierarchical gang, which grew rapidly for several years before being almost eliminated in extra-judicial killings. Its identification marks included dragon tattoos, tear drop markings, three cuts on the eyebrows and the use of code words such as *kumezesha* (killing). A study published in 2014 claimed that almost half of Gaza's members were under 18 and almost all of them were under 26.<sup>58</sup>

The gang was established in the late 2000s. Several former members said it was started by a charismatic gangster and rapper, who brought together several small gangs operating in the Matopeni and B3 areas of Kayole. Some sources say it initially comprised former Mungiki members who were, at that time, threatened by an intense police crackdown and needed to 'rebrand', as well as former members of gangs such as Jeshi la Embakasi, which had lost its patrons.<sup>59</sup> According to a testimony by a gang member shared with *The Nation*, the name 'Gaza' is borrowed from a Jamaican dancehall outfit of the same name. The gang's leader, Vibes Kartel, a rapper currently in jail for murder, is a quasi-religious<sup>60</sup> cult figure in Kayole.<sup>61</sup>

### Gangs and urban land markets

At the height of Gaza's operations, between 2013 and 2017, it had a vast and diverse criminal footprint. It was involved in robbery and mugging, petty drug sales, illegal electricity connections, garbage collection and waste dumping in undesignated areas, smuggling of weapons, extortion, and hawking. But involvement in the illicit land economy was the gang's most strategic and profitable activity. The group derived much of its power from intimidating land occupants or invading land protected by private security in order to sell it on. They were protected by local police and built a cadre of financial patrons – first business people involved in land grabbing, and later politicians, who would sell or award the land to supporters.<sup>62</sup> The group also gained control of a disused quarry that they turned into an illegal dumpsite, in competition with the main city dumpsite, Dandora.

This was not an innovative scheme. In many cases, they were merely able to displace other parties that had illegally occupied land for personal enrichment. The period in which this happened may well have been 2014, when brokers involved in areas adjacent to Kayole were killed in a series of apparent assassinations carried out by gunmen with automatic weapons. At least four were killed in October 2014 alone.<sup>63</sup> A family member of Jared Achok, one of the murdered land brokers, said he was killed after he vowed to expose how Gaza had grabbed his land (also, allegedly, illicitly acquired) and given it to senior police officers in nearby Njiru and Kayole police stations.<sup>64</sup>

Land is the urban resource that is perhaps the most enmeshed with corruption, patronage and ethnic division. Elfversson and Höglund explain that land conflicts in Nairobi have a fundamentally different dynamic to those in rural areas, as the city is far more ethnically heterogeneous and densely populated: 'Land conflicts are common in the informal settlements, where much of the land is government owned but is informally used and developed for private purposes and profit ... these areas are ethnically segregated, politically powerful individuals are prominent stakeholders, and disputes over land or tenancy claims have often escalated into intergroup violence.'<sup>65</sup>

*Gaza was an organized, hierarchical gang, which grew rapidly for several years before being almost eliminated in extra-judicial killings.*



**January 2008: In Kisumu, a gang of men searches a matatu for members of a different ethnicity during the post-election violence in 2008.** © Yasuyoshi Chiba/AFP via Getty Images

Gangs are involved in a variety of activities in these markets. Sometimes they themselves are the profiteers, grabbing land or collecting rents for the gang's coffers, and sometimes they appear to act as security enforcers for their own ethnic group's interests, fighting off land takeovers by rival groups. They are also used as a tool by businessmen and politicians to gain and maintain control of illegally acquired land. Acting as a landlord or on behalf of landlords, they both evict and prevent evictions. They may protect supporters of a politician who have squatted on land, or force out defaulting tenants for a landlord.<sup>66</sup> The gangs also help to secure structures that may have been erected on public land, or scare squatters off land so it can be reoccupied by others. In a situation where the city's land registry is dysfunctional and can be corruptly altered, violence establishes de facto ownership or transfers title. As the story above implies, Gaza's role in the land market was dependent on the protection of (and symbiotic business relationship) with the local police station and political figures. Two Nairobi politicians have been linked to the Gaza gang. In a documentary released by NDTV, an unnamed man who claims to be a member of Gaza alleged that: 'Our funding comes from our leaders, namely MCA [Abdi] Guyo, [Embakasi Central] MP Ndirash [John Ndirangu], and the money we take from business people for security.' At the time, both Ndirangu and Guyo denied these allegations, saying they were victims of a smear campaign by political rivals.<sup>67</sup>

Our interviews with gang members shed light on how the relationship between the gang and political

figures might have functioned. At some point, a Gaza member told us, the gang was hired by a local businessman to 'drive out some fellas who had invaded his land somewhere'. As payment, the local businessmen gave the gang a piece of land to use near a dumpsite, at a place called Kismayu in Matopeni, where they set up an office. Their success in undertaking the eviction brought them to the attention of other powerbrokers. MCA member Guyo invited them to meet him, although on the pretext that he planned to admonish them for causing insecurity.<sup>68</sup> Guyo served three terms as the MCA for Matopeni and during that time, it is alleged that Gaza protected illegally grabbed land for him and provided services for one of his election campaigns.<sup>69</sup>

After becoming an MCA, Guyo's career accelerated, but has since been mired in political in-fighting. Guyo became leader of the majority in the County Assembly, and a rival to Governor Sonko. In 2019, he launched a motion of impeachment against Sonko. His criticisms of Sonko are believed to have had him fired – he was removed as county speaker in November 2019 – but a 'handshake' with the governor is believed to have had him reinstated in April 2020.<sup>70</sup>

The presence of criminal gangs was felt during the latest election period. According to one unsuccessful candidate, 'there's extreme use of gangs in Kayole. They distract and disrupt your campaigns – it's happened multiple times'.<sup>71</sup> In the run-up to the 2017 elections, gangs in Nairobi's Kayole/Komarock area killed two aspirants for the position of MCA.<sup>72</sup>

## Politics, land and waste in Kayole

Guyo's relationship with Gaza was not consistent or exclusive. The gang had other political patrons, as well as private-sector backers. As alluded to above, the group also allegedly established a relationship with the former MP John Ndirangu. One former gang member claimed that, 'he would give us some money to be allowed to dump construction waste in Potmo [Portmore quarry] area'.<sup>73</sup>

A former gang member also alleged that, as Gaza grew in strength, it became harder for the politicians to control and more and more of a liability: 'Guyo would give us money but he then realized that we were a monster so he backed off'.<sup>74</sup> By 2017, Gaza had spread far beyond the boundaries of Kayole, and had a presence not only in several other suburbs of Nairobi, but also in the neighbouring counties of Kiambu, Nakuru and Murang'a.

Throughout its rise, Gaza's relationship with the police was complex. On the one hand, it had secured protection from corrupt police officers who leaked information about police operations against it. The gang also took part in allegedly stage-managed televised events intended to show that the local politicians and the police were serious about cracking down on gang-related crime. In 2015, dozens of Gaza members surrendered guns and themselves to police. Yet, these guns are reported to have been handed back to them after the cameras were turned off.<sup>75</sup>

But, on the other hand, even with this protection from a senior figure in the station, the gang's relationship to the police force was lethally aggressive. Michael George Mwaniki (alias Super or Mwanii), one of the gang's most senior leaders, boasted about murdering police officers. He claimed to have killed five police officers in Nairobi, two in Kiambu, and a former MP, as well as many civilians.<sup>76</sup> Police officers were killed for their guns, or to eliminate those who strictly enforced the law.

The Gaza gang is now believed to be in decline. From mid-2017, like the Mungiki before them, Gaza itself came under a sustained and concentrated police onslaught, which resulted in its leaders being killed,<sup>77</sup> including Mwaniki, or fleeing to neighbouring

countries.<sup>78</sup> Its downfall appears to have been triggered by a leader openly targeting police officers for murder and boasting about it online. This was followed by the formation of a 16-person special unit within the police to track Gaza members down, ostensibly to prevent their involvement in violence in the August 2017 election. The formation of the unit was also followed by Gaza's loss of police protection in the local station, when the police hierarchy transferred four officers it believed were leaking information about the gang out of the area's Soweto police station.<sup>79</sup> These included one of the most senior commanding officers in the station. The loss of this protection was fatal to Gaza. 'Then police started killing us. Teddy and Mwaniki were mauled by police,' a gang member said.<sup>80</sup>

The claim that the police special unit was set up to prevent electoral violence requires examination. Given the sequence of events – a series of police murders followed by public boasts – the motives might equally have been that the gang crossed an unspoken line that negated its protection, with the unit set up to take revenge on the gang rather than to prevent violence.

The intention to ensure that there was no electoral violence in the area was also surely compromised by the fact that the gang's senior leadership appears to have been killed in gun fights, rather than arrested. This meant that allegations of political sponsorship, which had been public for several years, were presumably never investigated. Gang members do not participate in election-related violence on the grounds of ideology; they do it as service provided to politicians, which is remunerated directly or indirectly. So, if the political candidates that hire young people for election-related violence are not arrested or otherwise impeded, they can simply recruit other young men for the role.

Though diminished, the Gaza gang still exists, and retains control of some land in Kayole as well as an unofficial dumpsite in Portmore. Some of its members have formed garbage-collection groups or work as boda boda (two-wheel taxi) drivers.



## A Kamjeshi gang member speaks

In the late 1990s, a number of us dreamed about an opportunity to make money in the hitherto informal, disorganized, confused matatu business. What if we seized matatu termini (passenger pickup and drop-off points) and organized them by helping passengers to queue at a cost to owners of matatu? We had studied the business and realized that during rush hours, passengers used to scramble to board public transport, so there was need to have the system organized.

At the time, a number of the termini were controlled by security guards hired from neighbouring Tanzania by matatu owners. These security guards were known by the name Maasai, for their ethnicity, and the fact that they sported the Maasai loincloth, known locally as *shuka*. The Maasai would provide security by driving away pickpockets and predators on motor vehicle parts but would not provide order and discipline.

We were mostly matatu drivers and touts who came together in Eastlands. Once we set up, we started getting organized by developing structures for our organization. As we grew in number and stature – and as matatu owners appreciated our effort in bringing order and discipline at the termini – we seized and put the termini under our control and started imposing a form of levy on matatu owners. Payment for matatu was KSh200 [at the current exchange rate] per day, plus a one-off KSh5 000 to have a driver and KSh3 000 for a conductor to operate on a particular route. This money was given to our chairman but, at the end of it all, we would share it among ourselves. We didn't have bank accounts then. It was all makeshift.

Our original route was the Dandora–Kariobangi route. We protected it through violence and punitive levies. Matatu owners who refused to pay up had their vehicles withdrawn or met with physical violence and/or their

matatus burnt to the ground. We roped in traffic police to harass non-compliant matatus by slapping them with bogus charges related to abuse of traffic rules.

Touts and drivers in other areas in Eastlands and the larger Nairobi were so inspired by the developments in Kariobangi and Dandora that they rushed to form their own Kamjeshis in their respective areas. This frustrated the matatu owners who had, until then, easily rerouted their vehicles to other parts of the city to avoid us. Not long after, almost all Nairobi routes were under Kamjeshis – and the group became very organic countrywide.

From the initial purpose of bringing order and discipline at matatu termini, we now became an extortion gang – new matatu entrants to any route were forced to pay between Sh30 000 and Sh50 000 to have their vehicles on the road.

I later shifted to Kayole and we formed a 42-member Kamjesh group there. We made so much money that we had to juggle between owning matatus and securing termini from intruders. We managed to buy ourselves matatus not long after we started. Some of the money ended up with the police and city hall. The loot for the police used to be known as *pesa ya gazeti* [Swahili for 'newspaper cash', because it was delivered wrapped in a newspaper]. We had to agree with the Officer in Charge of Police Division whether to remit weekly or monthly.

The Mungiki disrupted our operations and launched a takeover. Once subdued, we [Kikuyu Kamjeshi members] were forced to enlist with Mungiki; others just faded away. When [Interior Minister John] Michuki came up with the shoot-to-kill policy [against the Mungiki], we fled to the villages in the rural areas. Now, I work for a car-wash business.



December 2019: Nairobi Governor Gideon Mbuvi is escorted out of the Milimani court after being granted bail on corruption charges. © Stringer/AFP via Getty Images

## PROFILE: Makadara, matatus and the Sonko Rescue Team

### Makadara

The Nairobi Governor, Gideon Mike Mbuvi Kioko, is known by the alias Mike Sonko, meaning a very rich man in the urban slang *Sheng*. He dresses in jeans and gold chains even while performing official duties, and frequently posts photographs of himself surrounded by gold items, including clothing, cars, statuettes and tables. These images also frequently display spreads of bank notes.

A prominent element of Mbuvi's reputation is his association with the Sonko Rescue Team (SRT). Mbuvi claims to be both the founder and principal funder of the SRT, which operates as a parallel government in Nairobi. It runs ambulance services, buses water to slum residents, funds funerals, pays for weddings for slum residents, and even pays fees for the less privileged, all seemingly without taking payment. During the COVID-19 crisis, the SRT played a prominent role, fumigating neighbourhoods and disbursing food parcels. Mbuvi himself has portrayed it as an organization that is addressing youth unemployment.<sup>81</sup>

Before he arrived on the Nairobi matatu scene, not much was known about Mbuvi's background except for his notable criminal record. In 1995, he was arrested and charged with assault, released on

bond two years later but rearrested and incarcerated at Shimo la Tewa Prison, Mombasa. In 1998, he escaped from prison. He was arrested again in 1999 on other criminal charges, and then incarcerated in Kamiti Maximum Security Prison in Nairobi. Mbuvi was released from Kamiti under a pardon from the court, but the Shimo La Tewa Prison authorities reportedly claimed that he had a sentence to complete at their institution. He later argued in mitigation that his alleged prison break was based on the grounds that he needed to attend his mother's funeral and transformed his criminal record into a tale of redemption.<sup>82</sup>

Mbuvi's career in Nairobi began in Makadara in the early 2000s after his release from Kamiti, in the Eastlands area of Nairobi. Makadara is a relatively poor ward, about six kilometres from the city centre. The housing stock is primarily one- and two-bedroom houses built by the colonial government as a settlement for Africans. There are also new houses occupied by middle class Nairobians, often public servants. Youth unemployment is high across the suburb and the matatu industry is a large informal-sector employer. Mbuvi opened a bar and entered the matatu industry in Makadara as the owner of a fleet of flamboyantly decorated matatus with loud sound systems. The journalist Dauti Kahura claims



that Mbuvi's investment in the matatu industry was anything but low key: 'He entered the industry with a great deal of razzmatazz, buying many matatus at one go.'<sup>83</sup>

In 2006, Mbuvi also became the chairperson of Eastlands Matatu Association which represented the interests of matatu operators with a collective fleet of over 8 000 vehicles. This position put him in the limelight and he often used it to champion the rights of youths who had fallen foul of the police and city council by-laws. He became an advocate for the ordinary citizens, who were using matatus or working in the industry. This image was reinforced when he won a court case to force the Nairobi City authorities to remove restrictions on matatus from Eastlands entering Nairobi's Central Business District (CBD).

As a matatu boss, he attracted support from the ranks of matatu touts, drivers, and Kamjeshi in the ward as well as in the city centre. In 2010, Mbuvi entered politics as an MP representing Makadara, and then ran as a city county senator in 2013 – a position he held for five years – and eventually for the position of governor in 2017. Mbuvi has never

been formally charged in connection with any criminality in respect of his activities.

### The opaque matatu industry

The matatu sector is one that is deeply criminalized. It has a dynamic and complex relationship with Nairobi's independent criminal gangs such as the Mungiki, Gaza, Taliban and others, but also has its own mafia-like cartels and business practices that are specific to the matatu industry.

Matatus are vibrantly decorated vans and minibuses that offer cheap public transport for millions of commuters. The industry is central to Kenya's urban economy and plays a vital role in connecting its towns and cities. The informal nature of the industry makes it difficult to estimate its value, although government reports indicate that it employs hundreds of thousands of people, from drivers and conductors to callers (who entice passengers to board certain vehicles) and operators (matatu owners). Matatus are the main way that Kenya's urban population travels, and they provide a key source of mobility in cities such as Nairobi that, historically, were not planned with pedestrians in mind.<sup>84</sup>

**July 2015: A matatu tout in Nairobi calls clients to board his minibus, which depicts former US presidents and other US politicians. © Simon Maina/AFP via Getty Images**





There are a range of other, informal, beneficiaries who exploit the profits generated by the matatu industry and who extract rents by increasing costs while discouraging fair competition. These include corrupt traffic police and judicial officers, along with criminal gangs who control matatu terminals and routes, as well as criminal and political figures who are embedded in the industry. An investigation by the *Daily Nation* estimated that the industry loses, on average, Ksh47 billion annually to this kind of extortion (equivalent to about US\$470 million).<sup>85</sup>

*The matatu industry is now organized around bodies that run terminals as cooperatives.*

The cost of public road transport in Kenya is far more expensive than in neighbouring Tanzania. A 2018 report by the government of Kenya describes an expensive and highly inefficient system (though it does not mention criminalization as a feature of the transport system).<sup>86</sup> The report details how travel by matatu from Umoja (a residential estate) to the Nairobi CBD, a distance of 15 kilometres, costs Sh80–Sh150 (depending on weather, congestion on roads, and matatu strikes). In Tanzania, commuters pay the equivalent of Sh20 for the same distance in the country's largest city, Dar es Salaam. In Hong Kong, a more developed country, the same distance costs the equivalent of Ksh30–Ksh150. Criminalization of the matatu industry may well be driving up fares, as the costs to matatu operators of paying 'taxes' to criminal syndicates are passed on to consumers.

This occurs in an industry with a large amount of self-regulation. Collective action in the matatu industry goes back to the 1980s, when the first umbrella association was formed (the Matatu Vehicle Owners Association). This was banned when Moi came into power, as he saw extra-state associational life of any kind as a threat to his power, and it was only re-established in mid 1990s. The matatu industry is now organized around bodies that run terminals as cooperatives. All matatu owners must pay fees for administration of the routes and upkeep of the terminal. These bodies are referred to as Saccos (derived from an acronym of their official designation as Savings and Credit Cooperative Societies). The Saccos are, in turn, organized into industry-wide associations, such as the Matatu Owners Association and Matatu Welfare Association. The industry has been resisting gang influence since the 1970s, but the nature of the threat changed dramatically in the 1990s. 'Back then, gangs were not very bold, but in the 1990s, when the Mungiki came up, they became bold and vicious, and entered with extortion and violence,' says an industry insider.<sup>87</sup>

Based on interviews with a range of actors linked to the industry, including matatu owners, matatu bribery brokers and policemen,<sup>88</sup> there are three different but inter-linked threads that have encouraged the criminalization of the matatu sector: the role of matatu cartels (such as Kamjeshi), the role of police extortion from the industry, and links between the drug economy and the matatu business. The boundaries between these groups and their activities are not always clear cut. They can intersect, for example when gangs hire traffic police to harass the matatus of Saccos that do not cooperate, or when police or gang members use profits to enter the industry as matatu owners, and are themselves subject to extortion.

### **The matatu extortion racket**

In the 1990s, when many urban services were becoming privatized, increasingly oversubscribed and more criminalized, groups of unemployed men began to forcibly take over the provision of security at matatu terminals. They replaced the largely Masaai

*Gaza's role in the land market was dependent on the protection of the local police station and political figures.*

security guards with their own men, who then took a fee from the Sacco that ran the terminal, ostensibly in exchange for organizing the transport queues and providing security. One such group called themselves the Kamjeshi. Saccos were threatened with violence or harassment by corrupt traffic officials on the payroll of the Kamjeshi if they did not cooperate.

The takeover began in one area of Nairobi and expanded to most of the terminals across the capital as opportunists entered the game. Organized criminal gangs also began to move into the matatu extortion racket at this time. In the late 1990s and early 2000s, gangs such as the Mungiki and Kamjeshi used violence to physically occupy the termini and control extortion on certain routes. The *Daily Nation* reported that, over a three-month period in 2001, 15 people were hacked to death in such a conflict between Mungiki and the Kamjeshi.<sup>89</sup> The Mungiki were feared. They attacked dozens of people as they expanded their business, even publicly displaying a severed head to instill fear.

Dickson Mbugua, the chair of the Matatu Welfare Association, says the Mungiki first penetrated the terminals in 1996, but the industry fought back. However, in 2002 they received political backing, which strengthened their hand. The industry again took measures to secure terminals against Mungiki, but they returned in the lead up to the 2007 elections. From 2008, Mbugua said he believed they had mostly been eliminated through extra-judicial killings. Now, he said, 'gangs operate within the Saccos that are not strongly managed'. Other sources claim that cartel extortion, by Kamjeshi, Mungiki and other gangs, is still widespread, at least in the city centre and Eastlands terminals.

This system is still in place today, although over the past 30 years its prevalence has waxed and waned. Our interviewees claim that extortion fees are consistent. In addition to the fee paid to the Sacco of Ksh100 per vehicle per day, cartels charge matatu operators Ksh200 per vehicle per day, and then a per trip fee of Ksh50–Ksh100 in the city centre. 'Once cartels have taken their money – between 5am or 10am – you don't see them for the rest of the day, but if you don't pay you will be robbed later. You will be punished – the owner, the driver or the conductor,' says an industry bribe broker.<sup>90</sup>

Gangs have also used the profits from terminal extortion to enter other criminal enterprises such as the drug trade (or vice versa), and to buy and run their own matatus. This could arguably be considered a fourth avenue of criminalization.

### **Police business**

A broker described a highly regulated system of police bribery in the matatu industry with a well-defined niche for himself and others in the same role. He ensured drivers did not go to jail, got cars out of the pound, and made weekly trips to police stations to pay bribes. These were paid to traffic police, other national police, and city-council police officers, known as Askaris.

Police enter the matatu industry as owners of matatus, hiring others to drive for them. These corrupt police officers, especially traffic police, recycle money extorted from the matatu businesses back into the industry, either personally or through proxies. A proportion of matatus in Kenya are owned or part-owned by police officers, creating a clear conflict of interest. Kenyatta issued a decree in 2019



May 2020: Traffic on a flyover around Nairobi city centre. © Thomas Mukoya/Gallo Images

compelling traffic police to choose between their role as law enforcers and matatu businessmen.<sup>91</sup> This follows several years of government bodies highlighting police involvement in the sector and the harassment by police of those matatus who they consider to be their business competition.<sup>92</sup>

### Matatus and money laundering

Some drug-trafficking figures started as matatu drivers, using the opportunity to develop drug-dealing networks by bringing in their passengers, other players in the sector and corrupt police officers. Once established in the drugs market, they return to their matatu businesses to help launder the drug proceeds.<sup>93</sup>

The vulnerability of the matatu industry to money laundering is obvious. Reasons include its informality, the lack of regulatory control over routes and fares, the sheer number of existing protection rackets in the industry, and its reliance on cash payments. While the Kenyan media has identified links between the matatu industry and money laundering for some years, highlighting the cash-based nature and weak regulation of the sector as its key vulnerabilities,<sup>94</sup> the authorities have only recently (and only in one case) prosecuted anyone for this crime.<sup>95</sup>

In a self-sustaining cycle, criminalization of the industry is enabled by the involvement of police, either as matatu operators themselves or as protectors of criminals and powerful vested interests that resist efforts to put in place more stringent regulation.<sup>96</sup> For example, an attempt by authorities

in 2014 to introduce a cashless payment system for matatus, which would have increased accountability and transparency in the industry, was unsuccessful.<sup>97</sup> As noted at the time by prominent Kenyan economist David Ndii, the system was resisted by 'vested interests in a cash business, notably the money-laundering syndicates and the police extortion cartel'.<sup>98</sup>

The matatu industry's links to political elites go deeper than profit; it also provides campaigning benefits for aspiring politicians. An influential player in the industry commands the respect of youths operating at the margins of respectability but at the centre of the economy. The matatu workforce, which includes owners, leaders of Saccos, touts, drivers, and the Kamjeshi, is a significant pool of people who can be called on not only to vote, but also to coerce others to do so. Matatu owners can also provide transport to political meetings and funding for campaigns in return for political favours once a candidate is in office.<sup>99</sup>

Mbuvi, or Sonko, is said to have drawn on the matatu industry for political support during his political career, in particular for his drive to enter the political system as an MP for the Makadara ward. His campaign force was originally drawn from his matatu workforce, when he gave up his own fleet to become governor.<sup>100</sup> In Nairobi, there is currently collusion between the Kamjesh and the county-government Askaris, who have a common political patron. 'The Kamjeshi ... give routes in town. If you don't negotiate with them, then the city council and the police will crack down on you,' an interviewee said.<sup>101</sup>



## The Sonko Rescue Team

While the matatu industry may have been crucial in the early stages of Mbuvi's career, helping him to enter the political system, the SRT has become his main campaigning force. During his five-year tenure as a Nairobi senator, Mbuvi formed the SRT and used it to supply services to Nairobi's slum dwellers.<sup>102</sup> He also used it to grow his reputation, primarily as an extremely wealthy man able to spend liberally, and as someone willing to do so for the poor and distressed in Nairobi.

Mbuvi claims the SRT draws on 4 000 volunteers who earn allowances on a daily or weekly basis.<sup>103</sup> It is an expensive business. If he were to call on his full volunteer force for even one day, the bill would amount to US\$40 000. He has also claimed the team does not have an elaborate structure but is headed by a manager who coordinates the members. However, interviews with law-enforcement agencies and personnel within the Nairobi County government suggest that he commands a highly centralized organization.<sup>104</sup> At the same time, the public face of the SRT is that it is a civilian force, made up of many young women, students and people inspired by its charitable aims.

What is clear is that the SRT has high operational expenses, including the purchase and use of expensive vehicles such as a limousine, Land Cruisers, a Mercedes S-Class, and a Hummer. Mbuvi has never provided a complete account of where the funding comes from, but he has admitted to being the principal financier of the organization, drawing on the profits from his former matatu business as well as foreign donations. However, he has never provided evidence to support this claim.<sup>105</sup>

In 2015, then Nairobi governor Evans Kidero called for the disbandment of the SRT, alleging it was operating illegally and undermining his administration. 'As a city, everything should be done within the law. If there are questions surrounding his source of income, it needs to be declared,' said Kidero.<sup>106</sup> Then Dagoretti South MP Dennis Waweru, who was contesting the seat against

Mbuvi, insinuated that SRT funding came from his opponent's involvement in the shadow economy, and he challenged Mbuvi to channel his money through the city administration instead of creating parallel services. 'If you want to offer services, follow the right channel and work with the governor. We do not want pretenders,' he said. Without naming individuals, Waweru followed up these comments by saying: 'Drug peddlers and organized criminals have no place in the city of Nairobi. These are frauds and conmen.'<sup>107</sup>

When Mbuvi became Nairobi County governor in 2017, the SRT was a key component of his campaign. Throughout his time as senator (2013–2017), he had used the SRT to show poor delivery by the Kidero, who he beat to become governor. However, the SRT continued to operate during Mbuvi's tenure which created a dilemma for him as it showed the poor delivery of his own administration.

Interviewees claim that a core group of SRT members have been deployed to silence Mbuvi's critics. Interviews with law-enforcement agencies and personnel within the Nairobi County government describe the SRT as being influential and ready to invoke violence in defence of the governor.<sup>108</sup> In May 2018, 'goons' suspected of being SRT members assaulted Timothy Muriuki, then chair of the Nairobi Central Business District Association, at a hotel when he was reading out a press statement about the poor state of service delivery in Nairobi County. The men who assaulted him reportedly confronted him about criticizing the governor.<sup>109</sup>

However, as of June 2020, Mbuvi faced a corruption-related court case over the loss of US\$3.57 million. He is charged with money laundering, unlawful acquisition of public property and other economic crimes. The Ethics and Anti-Corruption Commission has placed some of the people lined up to testify against him into witness protection 'owing to the sensitivity of the matter'.<sup>110</sup> Mbuvi was released on bail and continued in his role as governor.

April 2020: Members of the Sonko Rescue Team fumigate a street in central Nairobi as part of a joint operation with Nairobi County. © Yasuyoshi Chiba/AFP via Getty Images ▼







## A view from a bribe broker

The owners of the associations want you to think the matatu business is like any other industry, but it's not. I deal with accidents – police and courts. I don't go to the garage. I work for around six Saccos. In 2009, we were three [bribe brokers in the matatu industry]. But now I couldn't count [the number of bribe brokers]. The work is so big, you need to split duties.

When you buy a matatu, and you want to operate in the business, then you must deal with the Saccos and the cartels and the police. The Saccos charge a fee, but they do provide a service. There is a one-off fee to be in the Sacco, and Ksh50 000 to Ksh1 million to use a route. Then the Sacco charges you Ksh100 per day, per vehicle.

Then there is the police, and there are many fees. There are three main offences for which the police charge a bribe to avoid a fine or arrest: defective motor vehicles, obstructing the road, and contravening the road rules.

Each time a policeman stops you, he takes Ksh200 per vehicle, and they could take that from 30 vehicles in a day. A bribe for a policeman is nothing less than Ksh200. You might be lucky and only pay two policemen in a day, but if you are unlucky, it's 10 of them. And that's without any offence having been committed. If it's an offence, the least he takes is Ksh500 on the street. If he takes you to a police station, it is Ksh2 000, Ksh3 000 or Ksh5 000.

A station has about 20 police officers and each must bring in two matatu cases each morning. And out of those, about 20 matatu cases must go to court. To prevent a case going to court, you must pay Ksh3 000. And apart from two cases a day, every officer must come with KSh5 000 at the end of the week. This money runs upwards to the station commander and then up to the county commander.

In a police station, you always have around five [officers] who are always in the office: the base commander, an inspector, a senior sergeant, a major and a corporal. Those are the people who want to cut the cake.

Me, personally, I know I must deal with those five. So, every month I must visit some police stations where the vehicles I manage normally pass. That is so that I can just make a call if a driver is arrested. Each month I go to about four stations. I switch up the police stations month by month, so I give out about Ksh200–Ksh300 000 per month for all four.

For the cartels, which cartel it is depends on the routes. In Nairobi, we have Mungiki in Kiambu, Taliban in Kariobangi and the Kamjeshi in the CBD, all operating. The Kamjeshi is linked to Sonko, and they give routes in town. If you don't negotiate with them, then the city-council Askaris and the police will crack down on you. The Taliban operates route number 14. When the Sacco thing started, they got access to loans, so they bought their own vehicles and the gang leader became the leader of those Saccos.

The cartel will charge a matatu operator Ksh200 per day, per vehicle. Then the cartel will also charge you between Ksh50 and Ksh100 (and sometimes Ksh200) per trip in the CBD.

Once cartels have taken their money – between 5am or 10am – then you don't see them for the rest of the day but if you don't pay you will be robbed later. You will be punished – the owner, the driver or the conductor.

I deal with the criminals too. These criminal gangs have to know me and have to like me. If it was you, what would you do? You can't keep on fighting them. They'll kill you.

December 2018: Commuters in a matatu in Nairobi's city centre. © Andrew Renneisen via Getty Images







August 2017: Voters queue to cast their ballot in Nyali, Mombasa. © Tobin Jones/AFP via Getty Images

## Mombasa gangs

Although this report only contains one case study from Mombasa, this reflects the time constraints on the research and the dearth of literature on Mombasa's underworld, rather than the scale of the problem. As noted by this report, Mombasa has the same long history of political violence by hired gangs as Nairobi does, and it experienced the same organic development of street gangs from the 1980s onwards in response to urban conditions. The political disaffection and feelings of economic marginalization that drove the Kaya Bombo raiders are still a potent force today, and still provide a resource for politicians willing to exploit them for electoral gain. This is seen in the increase and decrease of secessionist campaigns, and emerges even in the criminal gang phenomenon. Gang members told us they were motivated to target 'upcountry' people for assault and robbery (rather than murder) when they trained on the beaches of Mishomoroni, much as the Kaya Bomba raiders did in the 1990s, albeit with less lethal and organized intent. Youth unemployment is also extremely high at almost 50 per cent of all youth in Mombasa, which provides a powerful motivation for young people to 'do a dirty job for money'.<sup>111</sup>

Although Mombasa has generated highly organized extremist groups, it has not developed street gangs with the same level of organization, wealth and power as some of the better-known gangs in Nairobi. We have speculated elsewhere in this report that this relates to the lack of external economic resources. This is, in some respects, surprising given the growing role in Mombasa's illicit economy of the transnational drug trade over the past 20 years, as discussed below.

Gangs also play a role in the control of urban services in Mombasa, though this issue has received less attention than in Nairobi and we were not able to pin down the extent of it. We did receive information that gang members had played a role in illegal land grabs and in driving down property prices on behalf of real-estate investors. They claimed these investors were using Mombasa's real estate market to launder the profits of piracy. We also found evidence that Mombasa's matatu cartels operated in a similar way to those in Nairobi, and that gangs were also involved in the illicit-waste economy.



## NOTABLE GANG PRESENCE

- 1 Geta, Wakali Wao (political hire, street robberies and muggings), Wakali Kwanza (political hire, street robberies), Congo by Force (burglary and street robberies), Bad Squad (burglary and street robberies), 88 Battalion (street robberies), Bad Squad (burglary, extortion), Funga File (informal security services)
- 2 Wakali Kwanza (political hire and street robberies), Wakali Wao, 88 Battalion (street robberies)
- 3 Gaza (street robberies), Wajukuu wa Bibi (street robberies), Buffalo (street robberies), Young Thugs, Akili za Usiku (extortion, street robbery and burglary), Kapenguria Six (street robberies), Gater Family (street robberies), Born to Kill (street robberies), Chafu za Down (street robberies), Vijiweni Boys, Watalia, Piyo Piyo (sale of illegal drugs, street robberies), Wakali Wao (political hire and street robberies), Wakali Kwanza (political hire, street robberies and muggings)
- 4 Wakali Kwanza (burglary and street robberies)
- 5 Wakali Kwanza (political hire and street robberies)
- 6 64 Gang (burglaries and street robberies)
- 7 Waiyo (street robberies, burglary, and sale of illegal drugs), Bundesliga (street robberies, burglary, and sale of illegal drugs), Bafana Bafana (street robberies, burglary, and sale of illegal drugs)
- 8 Wakali Kwanza (political hire and street robberies)
- 9 Spanish Sparter (burglaries and street robberies), 64 Gang (burglaries and street robberies), Vietnam (burglaries and street robberies)
- 10 Wakali Kwanza (political hire and street robberies)
- 11 Young Turks (burglary and street robberies), Temeke, Crazy Boys, Home Boys (burglary and street robberies), Young Mula (burglaries and street robberies)
- 12 Wakali Kwanza (political hire and street robberies)

**FIGURE 4** Gang presence in Mombasa County.

NOTE: The gangs presented here represent some of the most notable gangs due to their level of influence and violence, and the scale of operations. These designations are derived from interviews with police, gang members, media reports and state reports. The map is based on ward boundaries derived from government documents, as well as Google Maps where government sources were contradictory. We have tried to ensure constituency boundaries are as accurate as possible, but some borders may be inexact.

Gangs in Mombasa, as elsewhere in the country, are a ready resource for aspirant politicians in the run-up to elections. Sponsorship by politicians appears to involve some training, help with organization, and protection from arrest after the election. According to a civil-society activist working in gang-affected areas and monitoring police stations, 'if anyone is arrested, the first person to be called is the local politician to have them released. It happens all the time, not just during the election period.'<sup>112</sup> Some gang members have been rewarded with positions in Mombasa County's government where they can draw salaries. However, as the relationship to political figures does not generally translate into material support outside of the election campaign period, spikes in violence often follow election years, as gangs turn to attacking the public to finance themselves.

Politicians are open about the use of gangs during elections, although they do not accept personal responsibility for the practice. Hezron Awiti, a former MP for Nyali, an affluent neighbourhood in Mombasa, and an aspirant candidate for the Mombasa gubernatorial seat in the 2017 elections, concedes that politicians fund criminal gangs during the election period to counter their rivals' youth wings. 'But thereafter the criminal gangs fund themselves by using any method to get money for their survival as most [of their members] are unemployed.'<sup>113</sup> His successor, the new Nyali MP Mohamed Ali, says: 'Some of these criminal groups are sponsored by politicians to frustrate rivals. I do not support these stupid criminals.'<sup>114</sup> According to an MP who has hired gangs on several occasions to guard his rallies from rivals: 'Normally, in political areas where the election is too close to call, where the stakes are very high, violence during campaigns is apparent. My constituency is hot because we always have powerful people run. Here, tactics, and not necessarily ideology, matter. You have to defend your supporters from intimidation and thuggery.'<sup>115</sup>

## **PROFILE: Kisauni, Wakali Kwanza and three MPs**

The area of Kisauni, an area to the north of Mombasa island, provides an example of these relationships in Mombasa. A police official interviewed for this report put Kisauni's vulnerability to gangs down to its largely poor and dense population and the role of politicians. 'In Kisauni you can rent a house for Ksh5 000. It has the highest population density in the city and it's easier to hide in an informal settlement.'<sup>116</sup> Three Mombasa politicians were repeatedly linked to the creation of gangs, and they had all served as representatives in Kisauni.

Since the 1990s, Mombasa and the surrounding towns and beaches have been a shipment hub for Afghan heroin transported to the region by sea. The volumes moved along this route rose significantly after 2001, reflecting increased poppy production in Afghanistan, and several Mombasa drug-trafficking families accrued significant wealth and power through their role in the trade. This allowed them to buy protection directly from the police and other government officials, as has recently been exposed by the trial of a local family, the Akashas. The GI-TOC has argued that illicit funds from drug trafficking helped members of families involved in this activity to run for political office.<sup>117</sup>

Joe Khamisi, a former MP in Kilifi and once a top official of a political party, has claimed that criminal networks in Mombasa have not only entered politics and influenced elections, but have also undermined the justice system by persuading or paying senior police officers, legislators and judges to act in their favour.<sup>118</sup> The leader of the Council of Imams and Preachers of Kenya also claims that insecurity in Mombasa is rooted in the influence that wealthy drug traffickers have in security

*Gangs in Mombasa, as elsewhere in the country, are a ready resource for aspirant politicians in the run-up to elections.*





June 2011: A street-gang member sings a song to his gang in central Mombasa. © Pictures Ltd./Corbis via Getty Images

and politics. 'As an organization, our leaders provide the names of drug kingpins to the anti-narcotics unit. The problem is that we have been giving the same names for a long time.'<sup>119</sup> This criminalization of the elite has not, however, translated into the creation of locally recruited gangs to protect drug traffickers: the large trafficking families have, more or less, kept conflict to a minimum and have secured protection from high levels of the state.<sup>120</sup> Mombasa's role as a transit node has also declined in recent years, due to the focus on the port by the US's Drug Enforcement Administration, the jailing in the US of a former member of the Akashas for drug trafficking, and a shift in the illicit economy to Nairobi.<sup>121</sup>

However, over time, the transit trade also generated a local market, and Mombasa and the coastal provinces now have the highest rates of drug use in the country. This market is supplied by lower-level dealers, many of whom get their supplies from neighbouring Tanzania. The youth gangs in Mombasa that inspire the most fear in the public for their muggings and market raids do not appear to be their foot soldiers.

Although some studies have described a link between Mombasa's street gangs and the drug retail economy,<sup>122</sup> our interviews with gang members did not suggest a substantial link. Gang members mostly sell drugs to each other, and the main drug sales points seem to have a much lower profile and different modus operandi. Gangs anchor themselves in a particular area and link their identity to a neighbourhood, so turf wars are infrequent. Some gang members claimed that they could not enter parts of the city because these were controlled by rival gangs who would kill them,

but others recounted times when gangs would collaborate, particularly to stage raids against store owners and shoppers in commercial areas.

The evidence suggests that street gangs do not have an inevitable role in the sale of drugs, but all youth gang members claimed to consume them. Several gang members said that the use of drugs, particularly rohypnol, play an important role in preparing the young men to stage attacks. They inhibit feelings of fear and concerns about consequences, creating a motivating feeling they called 'presso'.<sup>123</sup>

### Bedzimba and the elections

Rashid Bedzimba, an MP, has been linked to Wakali Kwanza, which is the most prominent gang in the area by virtue of frequency of attacks. This gang was initially a popular football club funded by an MP using Constituency Development Funds.<sup>124</sup>

A member of Wakali Kwanza told us he had been recruited into the gang at 15 during an election campaign and that they were each paid Ksh1 000 (about US\$10) to disrupt the events of Bedzimba's rivals, which included 'causing chaos, stealing and beating people at events'.<sup>125</sup> A senior figure in a major trade association with close links to the political elite claims that Bedzimba and two other politicians had also adopted this tactic.<sup>126</sup> In the run-up to the election, the then Coast Regional Coordinator Nelson Marwa said wealthy and influential individuals financed Wakali Kwanza, and that they were being paid Sh500 each (about US\$5) 'to go on operations'.<sup>127</sup>

A man who had once been in the Kenyan Defence Force and was later a member of a criminal group that stole cars and drove them over the border to Tanzania, described working as a trainer for Wakali Kwanza during the 2017 elections. He said he was hired along with other men, a mix of gangsters and former police officers, to train gang members on a beach in the Mishomoroni area of Mombasa. He had been hired by the campaign manager of an MP, he said. He was also later hired to 'cause trouble to show that the community suffers if his patron is not the

MP' after the MP lost the election. Although he was not his patron, he also accused current Kisauni MP Ali Mbogo of establishing a gang.<sup>128</sup>

In 2016, Bedzimba was publicly linked to the Wakali Kwanza and Wakali Wao gangs by his political rival (then businessman and now Kisauni MP) Mbogo,<sup>129</sup> after Mbogo was attacked at a funeral. Bedzimba strongly denied these allegations. 'If I hear anyone associating me with those gangs, I will require that they prove their allegations in court. As a leader, my focus is on serving my people ... If the police have information about these gangs, they should arrest and take them to court'.<sup>130</sup> In June 2017, Mbogo was again attacked by a criminal gang and claimed they had been sent by a rival. However, in a petition Bedzimba filed against Mbogo's win, he accused Mbogo of violence, bribery and intimidation of his agents.<sup>131</sup>

Bedzimba, 54, is a former police officer. He left the force in 1992 to enter politics as an election campaign manager for Mombasa politicians.<sup>132</sup> He was nominated as a councillor in the defunct Mombasa County Council after the 2002 elections. Later, in 2007, now popular within Kisauni, he contested the seat for MCA of Mjambere Ward and won. After the five-year stint as a councillor, he ran for a parliamentary seat in 2013. He won after the incumbent, Hassan Joho, decided to run for the Mombasa gubernatorial seat.<sup>133</sup>

In the 2017 general elections he lost his seat to Mbogo whose campaign highlighted the allegations against Bedzimba and used a slogan that made reference to the criminal gang. After the election, Joho employed Bedzimba as his political adviser and he remains a powerful individual in Kisauni.<sup>134</sup>

Since it was formed in 2012, Wakali Kwanza has splintered into about 20 small groups.<sup>135</sup> Police officers operating in Kisauni say that, between elections, the gang lost cohesion and was undermined by police killings and arrests. They say that gang violence in the area is now most pronounced during school holidays, as young people are more available as recruits for gangs.





# THE POLITICAL UTILITY OF GANGS





The links between organized criminal gangs and the dysfunction in Kenyan politics came to the fore with post-election violence in 2007. But, as the sections above have shown, this toxic relationship has deeper roots and a more tenacious hold on the political system than just that one election. It has also expanded into the criminalization of urban services and resources. As we have argued, the political roles that organized criminal gangs play are complex and go beyond election seasons. Politicians do not just selectively contract gangs; they may also establish them. And they are not only used to intimidate opponent's supporters or for post-electoral retribution; their role in politics is more nuanced, and more insidious. Gangs sustain a certain type of political figure, who in turn sustains them, and this breeds dysfunctional urban governance.

The basic operations of this system are well described in Kenya. But this report offers a clear understanding of the 'quid pro quos' that tie politicians to the criminal economy. The symbiotic relationship between corrupt political figures and criminal figures is rarely direct. Campaign managers or other intermediaries act as middlemen between politicians and gang members, and the main actors will rarely transact directly. While gang members may be paid cash for violence, payment can be in-kind (drugs, cigarettes, goods), in opportunities in the illicit economy (such as land seizures), or favours related to protecting gangs from police action. These relationships may endure over several years, but they do not rely on consistent contact or repeated payments. They are established or re-activated around events, such as election campaign periods, or particular activities such as illegally taking land. In the intervening period, the gang and the political figure may not have any direct contact but remain linked through a quid pro quo arrangement where the politician may protect gang members from a full-scale police onslaught or individuals from prosecution. This arrangement is effectively a 'retainer', which ensures the gang's silence about their past interactions.

We also underline the soft aspects of this system, which are still vital to it: the ways in which the roles played by criminal gangs can provide politicians with a façade of legitimacy, help to obscure their lack of policy or track record of delivery, and provide an excuse for the dysfunction they have helped to create.

◀ June 2011: Mbaraki gang leaders walk down the back streets of central Mombasa.

© In Pictures Ltd./Corbis via Getty Images

## Roles gangs play on behalf of politicians

The typology below sets out the key roles that organized criminal gangs play in the political system in urban Kenya, which are outlined as a reference point for identifying, tracking and decrying the use of violence and coercion in Kenyan politics. For this reason, definitions of the functions are kept as brief and broad as possible.

### Security and disruption at meetings and rallies

Gangs are hired to disrupt or disperse rallies, meetings and functions attended by political rivals; to pull down their posters, to shout down their speeches, and rob or rough up supporters as they arrive to listen to them. Their presence is justified on the basis of 'security', but their use undermines this, also because other candidates also conscript gangs for 'security'. Gangs can also disrupt a candidate's ability to canvass or hold an event by restricting access to areas they control.

### Creating a facade of popularity for politicians

Gangs can be the mechanism through which politicians disburse illegally acquired land to followers or take part in mafia-like philanthropic efforts to disburse cash or aid to potential voters. Gangs can also influence voters to follow a politician by acting as a rent-a-crowd at his gatherings. In Nairobi, gangs with control over matatu terminals have used these as arenas to garner votes for their patrons.

### Physically displacing rivals' supporters

Gangs in Kenya have committed severe acts of violence to 'cleanse' people unlikely to vote for their candidate, and this is usually done along group/ethnic lines. At the coast, there is also division between Swahili (coastal) and 'upcountry' people, which gangs actively reinforce, often targeting the 'upcountry' owners of stores for extortion and looting to force them out. Gangs may also often use ethnic profiling to make it feel unsafe for people to vote, or to register for voting in a way that advantages their patron.

### Eliminating rivals

Gangs can also be used for targeted violence. Politicians can hire gangs who may have specialized hit squads or access to firearms to commit political murders. They can also be used to threaten candidates to drop out of an election entirely or make it impossible for them to campaign.

### Challenging election results

Although one should exercise special caution in attributing public discontent to criminal forces (as false claims to this effect are the stock in trade of autocrats), gangs can be hired for the purposes of either manipulating or suppressing discontent over election results.

### Creating mutually beneficial arrangements related to the illicit economy

Politicians strike up mutually beneficial arrangements with gangs to use violence to gain or keep control of resources illegitimately, such as through land grabbing, 'privatizing' waste collection or other municipal services. In return for the use of the violence, politicians may pay gangs directly (in cash or by giving them a cut of the business) or might provide protection from law enforcement.

### Illicit activity to fund political campaigns at a local level

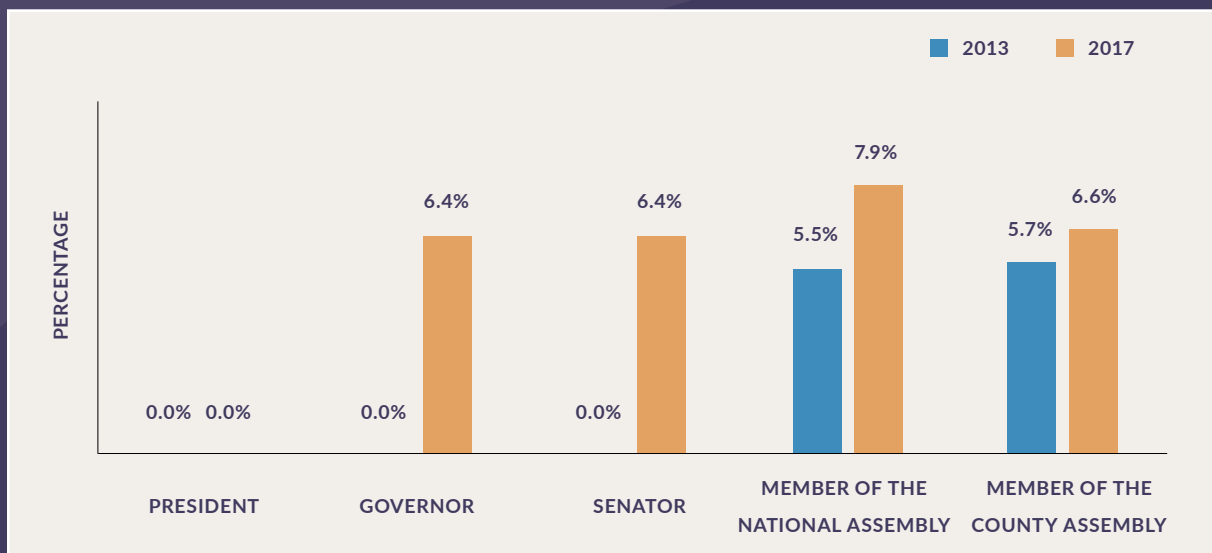
Some political figures have themselves come out of highly criminalized economic activities, for example the sale of contraband or getting involved in mafia-like extortion in the matatu industry or the drug trade. These figures then directly use the profits of gang activities to fund their campaigns.

### Silencing and harassing critics

When in power, a gang can be used to intimidate rivals and silence critical voices such as those of fellow politicians, journalists or civil society.

## Gangs, patriarchy and female representation

The use of gangs as an entourage or intimidatory force also reinforces a culture which deters women from running or winning political office. Only 9 per cent of the candidates for the 2017 general election were women, and Kenya routinely fails to meet its constitutionally mandated gender-representation targets. Obstacles to greater female participation in politics include inadequate support from political parties (particularly in the primaries), a lack of financial resources, gender stereotyping, and patriarchal structures across society – as well as direct acts of violence against female candidates.



**FIGURE 5** Women as percentage of elected seats in 2013 and 2017.

SOURCE: National Democratic Institute for International Affairs, A gender analysis of the 2017 Kenya general Elections, 2018, <https://www.ndi.org/our-stories/record-number-women-elected-kenyas-2017-general-elections-women-s-representation>.

### Spectacle and status

Kenya is a patriarchal society where violence in politics has become normalized. The relationship between gangs and politics both reflects and encourages this. Gangs are male-dominated and communicate aggression, which is used to give candidates an 'edge'. Groups of men providing a bodyguard or entourage function are used to underline a political figures' strength and power, and draw attention and status away from rivals trying to focus on policy as a political offering. This also reinforces a culture which deters women from running or winning political office. Reports have cited direct gang intimidation as a factor which has discouraged female candidates from running, or encouraged them to drop out of the race.<sup>136</sup>

During a campaign, showing you have the power to disperse or disrupt a rival – particularly if it makes the news – can also send a message to the political heartland of Nairobi that you are able to 'mobilize crowds and get things done'.<sup>137</sup> When campaigning for re-election or once in power, where politicians do not have a successful track record of delivery or real leadership skills, hiring an entourage gives the impression that they command a following.

When politicians are in office, their gang may be given legitimacy by being given state jobs or a uniform, and claiming that they are a volunteer, civilian force. The size of the group and activities also highlights the political figure's wealth and largesse. For this reason, when they engage in 'charitable' activities, the emphasis will be on spectacle rather



than effectiveness, using ostentatious vehicles and targeting individuals with moving stories, rather than supporting state social-welfare systems.

### Scapegoating

Gangs make convenient scapegoats for the dysfunction that political figures have helped to create. By blaming gangs, politicians can distance themselves from the violence that has surrounded

their election campaigns or excuse the poor state of service delivery in their wards. Politicians and police will also often blame social conditions or personal/community failings for gang activity – in particular, poor parenting, poor values and poverty. This allows them to deflect attention from their role in creating the problem and shift the blame to the community or overarching social conditions, which the political figures can claim they cannot personally address.

## Testimony of a police officer

I used to work in the Rapid Deployment Unit but was offloaded owing to some indiscretions.<sup>138</sup> I have dealt with election violence and street gangs, including the Mungiki, etc. At one time I even infiltrated the Mungiki. There were so many of them, they didn't know one another. In 2004, I was part of the police squad under instructions to clear the Nairobi CBD of gangs in 100 days. I remember the city mortuary was filled to capacity.

When the boss gives you orders to crack down on the gangs, you are given the message, 'if you go, don't touch this group'. The message is subtle, but you know that you are not supposed to touch gangs allied to the sitting government or those with connections to the boss. It's easy to isolate groups because most of them are ethnically based.

Out of 100 police officers, I'd say only 20 are genuine or honest. Police training is so simple, it doesn't instill discipline in recruits. During swoops, police are merely interested in robbery and ransacking suspects. You go out on a plot [a criminal plan] and, when it fails, you claim that you were robbed. You lease out a gun, if the operation flops, you claim you were robbed.

When it comes to matatu operations, there is a target for collecting bribes. If you don't meet it, you will be redeployed to a section where there's no money, such as

guarding a bank. There's something known as *return ya mdosi* [the boss's kickback, or boss's share].

Money is always at the centre of the police's modus operandi in Kenya. Most patrols aren't to secure a place; it's to make money through arbitrary arrests. It's all about extortion. And during patrols within the city centre, police are paid to look the other way – *funga macho* or 'close your eyes' in Swahili. For instance, at the Tusker matatu stage within the city centre, a Kamjeshi leader dresses in full military camouflage and the police don't stop him. Yet the law forbids civilians from wearing this kind of dress.

There's flirtation between police and gangs, but ultimately the police will kill gang members to conceal any evidence of links between them. The Gaza gang was so brazen because it had pocketed one area-police boss. However, *contract ikiisha, si unamalizwa tu* [what else, once the contract expires you have to be eliminated].

At times police steal from, or even kill, other police to acquire firearms, handcuffs, radio, uniforms and other items that they can lease to thugs. This has happened in Kayole, which is among the most notorious police stations in the country. And when police officers are killed in action, it becomes an issue of secrecy, perhaps to maintain confidence within the ranks.

August 2017: A day after the general elections. Kenyan police shot dead two protesters in the capital's Mathare slum, as unrest broke out following opposition accusations that the general election was rigged. ▼

© Carl De Souza/AFP via Getty Images



A photograph showing a soldier in camouflage and a helmet moving through a crowd of people in a slum. The soldier is in the foreground, facing away from the camera. In the background, there are several people, some of whom are running or moving quickly. The setting appears to be a densely populated, informal settlement with makeshift buildings. The sky is blue with some clouds. The overall tone of the image is serious and suggests a conflict or a state of emergency.

# STATE RESPONSES AND COMMUNITY RESILIENCE





**T**he Kenyan state talks and acts tough when it comes to criminal gangs. When violence surges and public outcry is at its height, the Kenyan authorities often hold press conferences to announce that certain gangs have been outlawed. Eighteen criminal gangs were banned in 2002, 33 in 2010, and 89 in 2016. But many of the groups, including Mungiki, Taliban, Kosovo and Kamjesh in Nairobi, are still operating. The other prong of the state's response is an informal policy, sustained by a systemic culture, of extra-judicial killing of young male crime suspects by the police. This is not only illegal and inhumane – it is ineffective in achieving democratic ends, although it does sustain the status quo.

The adoption of these approaches speaks to:

- The long-lasting impact of colonial ideas on policing and security.
- The mixed record of police reform since the adoption of the new Constitution.
- The ways that collusion by the political elite and police with criminal gangs undermines more effective responses to the issue.
- The difficulty of approaching gang problems through the lens of the criminal-justice system.

These issues are explored in the following two sections.

## **Institutional developments and the limits of technical reform**

Following the 2007–2008 post-election violence, the Waki Commission highlighted the role of law enforcement in killings, assaults and displacement, and claimed that the majority of allegations of sexual and gender-based violence identified law-enforcement officials as the perpetrators.<sup>139</sup> Although already a key objective of pro-democracy activists in the 1990s, reforming the police was prioritized post-2007 during the drafting of the new Constitution. The police reform efforts that fed into the 2010 Constitution envisaged substantial reform of the Kenya Police Force, which was henceforth known as the Kenya Police Service.

Activists and scholars working on issues of police accountability and performance highlight significant institutional innovations and shifts that happened as a result of the constitutional process, including the passing of the National Police Service Act (2011), which established a legal framework for reforming the police service. These changes included streamlining the command structure of the police, implementing a community policing approach (discussed below), and introducing two new oversight bodies. These changes were intended to transform the force into a transparent, accountable and democratic institution, servicing all the country's citizens.<sup>140</sup>





**March 2020: Police break up a crowd protesting the killings of seven suspected Mungiki members by police the previous night.**

© Stringer/AFP via Getty Images

Activists have highlighted the positive impact that the restructuring of command structures has had on accountability. This has been further boosted by the establishment of the external and civilian-led Independent Policing Oversight Authority (IPOA), which investigates public complaints related to criminal offences by Kenyan police officers, and it can recommend actions to be taken by various authorities both inside and outside the force.<sup>141</sup> IPOA investigations have resulted in the prosecution of police officers. In its July–December 2019 reporting period, IPOA received 1 578 complaints, and by December that year, there were 75 cases before the courts involving complaints lodged with and investigated by IPOA.<sup>142</sup>

However, most observers at the grassroots level, academia and civil society maintain that police-reform measures have largely failed to transform the Kenyan police into a democratic and accountable service. Reform measures that rely on institutions have been undermined by political interference and those that rely on shifting police culture have failed. The shift to the community policing approach, for example, was supposed to substantially change police engagement with the public, especially in communities with the highest crime rates, by increasing their interaction with residents in their station's ambit to enhance trust and the sharing of information. This shift was partially responsible for the creation of the Nyumba Kumi community-policing initiative, a top-down approach that subscribes to the principles of neighborhood watch,

which experts say has largely failed because of a lack of political support.<sup>143</sup> Academics have also claimed that, in some communities, Nyumba Kumi was repurposed as an intelligence-gathering operation.<sup>144</sup>

Another aspect of police reform that has had disappointing results is the introduction of vetting processes run by the National Police Service Commission, which aim to address police corruption through financial audits of selected police offices. When this process was first implemented in 2014–2015, it exposed police officers who had immense wealth that they could not adequately explain. Yet, many senior officers with questionable wealth retained their posts, which undermined public trust in the process. A former commission panelist, Simiyu Werunga, said, in defence of these unsatisfying results: 'Once people realized how thorough the exercise was, there was immense societ[al], executive and political influence [on the commission's work]. That is the reason Kenyans feel that police vetting has not delivered the intended results in professionalizing the police service.'<sup>145</sup>

While IPOA is considered by civil-society commentators to have made a constructive contribution to police reform and accountability, the relatively low number of police convictions shows that the overarching culture that supports police abuse of power is almost unchanged.

The biggest failure of the reform process, however, can perhaps be seen in the police's continued practice of extra-judicial killings.

## Extra-judicial killings

The practice of extra-judicial killings by various law-enforcement units has accelerated in recent years in response to the rising threat from the militant Islamic group Al Shabab, but it has deep roots in the history of Kenyan security forces. The 2000s were a key turning point. A 2005 shoot-to-kill order from Michuki, ostensibly to contain rising violence in the capital, did not bring down violent crime but it did '[compound] the culture of impunity within the security services'.<sup>146</sup> Michuki followed this up with a campaign against the Mungiki in 2007. Whatever Michuki's intentions may have been, the police operations that eventually emerged as part of this campaign were later described by the UN as death squads.<sup>147</sup> The government, however, rejected the findings of this report. The KNCHR claimed that police executed 500 Mungiki followers between June 2007 and October 2007.<sup>148</sup>

As mentioned earlier, a special police unit was created in Kayole, Nairobi, to eliminate the leaders of the Gaza gang in 2017.<sup>149</sup> By December 2019, interviewees in Mombasa said they believed that a secret special plainclothes police squad called Wazee wa Bareta was tasked with eliminating gang members.<sup>150</sup> But data collected by civil-society watchdogs over the years shows that many extra-judicial killings were simply carried out in informal settlements in the course of ordinary police work.<sup>151</sup>

Public opinion is at times sympathetic to perspectives that portray such killings as being necessary to tackle well-armed gangs, or to curb terrorism, assuming that victims are guilty of (unspecified) crimes. As the journalist and academic Nanjala Nyabola writes, since independence, successive governments have used

shoot-to-kill policies by 'capitalizing on a stunning level of tolerance for violence against putative criminals among the general public'.<sup>152</sup> Yet numerous testimonies allude to the use of the tactic more or less arbitrarily, examples being the killing of people simply because of who they associate with or those put on police hit lists to settle personal grudges in their communities.<sup>153</sup>

They have also given cover to a large range of abuses that have been documented over the years. Data collected by NGOs over time indicates patterns of police executions. In 2014, an examination by The Independent Medico Legal Unit (IMLU) of bodies in mortuaries and medical reports concluded that out of 1 868 gunshot deaths between 2009 and 2014, 67.0 per cent (1 252) were victims of police killings and only 8 per cent were gang shootings.<sup>154</sup> Authors involved in the study also claim that many of the victims had been shot in the back of the head or chest, disputing police claims that they had died in gun battles. 'Our conclusion was that this was a clear case of executions, a culture of executions within the National Police Service, that is supported at very high levels.'<sup>155</sup> Similar findings were made in Mathare informal settlement in 2017.<sup>156</sup>

Most recently, in July 2019, Human Rights Watch released a report on the unlawful execution of 21 young men over the period of a year in just two neighbourhoods of Nairobi.<sup>157</sup> In four months of the COVID-19 lockdown in 2020, the police in Kenya were also responsible for the deaths of 15 people in enforcing the lockdown regulations.<sup>158</sup> IMLU has recorded more than 1 000 deaths between 2013 and 2020, an average of about 140 per year. Most of the victims were between 18 and 25 years old.<sup>159</sup>

## Police go rogue

Extra-judicial killings are not just an outcome of police battling with gangs or communities. Such killings also arise from police collusion in crime. Among our interviewees, the unofficial policy of summarily executing suspected gang members was often described as being cynical. Several sources point to the killings as a tactic to cover up police

complicity in crime and one that is used against gang members who have failed to pay the police protection money or who have threatened to inform on them. To erase evidence and forestall exposure, police would rather kill than have members of gangs face the justice system.<sup>160</sup>





October 2017: Activist and political aspirant Boniface Mwangi is pushed by a police officer during a peaceful demonstration against police killing in Nairobi. © Tony Karumba/AFP via Getty Images

The police directly or indirectly facilitate the activities of criminal gangs, for a fee, by leaking operational strategies, concealing or contaminating evidence, hiring out their guns, or ensuring cases against gang members are not officially lodged or investigated. Police have also directly participated in gang activities or formed their own small gangs to conduct robberies. According to the KNCHR, 'organized criminal gangs have infiltrated the police service ... they have not only permeated the service to the extent of influencing its responses, but some police officers were also members of some of the gangs'.<sup>161</sup>

This report has also documented numerous instances of systematic police complicity with organized crime: the collusion between municipal police and cartels that extort money from the matatu industry, the illegal police ownership of matatus, the role of the police station in Kayole in profiting from and protecting illegal land seizures in Gaza, and the alleged protection of drug lords in Mombasa. Some interviewees believe that these horizontal linkages between (often senior) police officers and criminal gangs have come to eclipse the top-down political protection given by political figures. In some cases, this has resulted in a shift by some organized criminal gangs, such as the remnants of the Mungiki, into investments in the

illicit economy to counter unreliable revenues from politics.

Even when they are not directly participating in illicit trade or gang activities, the police are still involved in extortion. In numerous interviews, gang members, community members and activists relayed stories of paying illegal fees to police or encountering victims of police extortion. Bribes are often elicited to avoid arrest, to get relatives released from custody, or are demanded as a protection fee from business owners. According to the Corruption Barometer Index for 2019, Kenyans perceive the police to be the most corrupt institution in the country, with two in three Kenyans believing them to be corrupt. Of respondents who had had contact with the police in the past year, almost half had paid a bribe to get the assistance they needed, or to avoid a problem like being harassed at a checkpoint or avoiding a fine or arrest.<sup>162</sup>

The role of many police officers in assault, murder and extortion cases in the most marginalized communities, combined with general ineffectiveness at providing protection from other violent actors, makes them hard to distinguish from organized criminal gangs. It also perpetuates the gang phenomenon by stoking resentment of the security forces and preventing the collection of intelligence about gang activities.

## Collective resistance and community resilience

Gangs, including those that are protected by political figures, are prevalent mostly in informal settlements and high-density, low-income neighbourhoods. These communities are chosen by corrupt political aspirants specifically because their residents are the most vulnerable to becoming victims of extortion and have the least capacity to resist coercive electioneering tactics and corrupt policing. They are also densely settled, which has led to the concentration of ethnic groups in specific areas (and the organic re-enforcement of these patterns through chain migration), which also increases the primacy of ethnic competition and interests over policy. While arguments about gang formation claim that the social conditions of such areas – such as fragmented primary structures, poverty and joblessness – trigger gang formation, we should also understand that gang problems are acute in these areas because they are more vulnerable to the machinations of elites that protect and fund gangs.

Communities where gang activity is concentrated pay a heavy price. A victimization survey conducted in 2016 revealed high levels of violence perpetrated against the urban poor in the Eastlands area of Nairobi, mostly in their own homes. Almost half (44 per cent) of the perpetrators were organized groups and almost a quarter (26 per cent) were the police.<sup>163</sup> In Mombasa, gang members we interviewed specifically mentioned targeting university students on their way to lectures, women in markets, vendors of mobile phone airtime, and, on the coast, ‘upcountry’ business owners. Weapons used to maim, and sometimes kill, were knives, swords and machetes.

However, gangs are part of the social and economic infrastructure of communities. While they are violent and unjust, they do provide access to services such as electricity through illegal connections, security for a fee, or land. There is also considerable ambiguity about what constitutes a gang at the neighbourhood level.

In Mathare in Nairobi, for example, the definition of a gang as understood by mainstream Kenyan society does not accord with how residents name and categorize groups of men engaged in illicit

activities. There, a gang member is someone who steals, usually outside the neighbourhood. Van Stepele says residents of Mathare also recognize ‘companies’, another social category of mostly adult men, as legitimate (and fluid) networks who provide their members with access to legal and illegal social and economic opportunities and brotherhood.<sup>41</sup> Van Stepele’s research says these economic opportunities were often illegal – distilling alcohol, brokering stolen goods, providing security and dealing in heroin – but were considered to be legitimate ways of surviving and making use of scarce informal economic opportunities. Another category, *baze*, refers to networks of friends of the same age living in the same neighbourhood and socializing at a particular site. The *baze* appears to have the same role as the *maskani* at the coast, which was also mentioned as a central meeting place:

At the *baze*, they chat, smoke, drink, chew khat, gamble (using cards) and organize work, hustling and, sometimes, stealing opportunities together, and each *baze* has a particular name. Company members and young men involved in stealing can be part of the same *baze*, but not all *baze* members are company members and/or engaged in stealing.<sup>164</sup>

For outsiders, and particularly the police, all these categories are conflated, and almost all men in a network will be seen as a gang member if one of them is identified as such. This means many men end up on police hit lists for being gang members when they are not, and this gives communities the impression that police target people arbitrarily.

Activists claim that the policing that is done in reaction to the gang phenomenon has negatively affected state legitimacy. In some neighbourhoods, the Kenyan police are perceived as an occupying force ‘because they come in and hit and kill and maim’, an interviewee said.<sup>165</sup> One academic study says respondents in communities repeatedly portray the police as ‘a corrupt, untrustworthy and despotic group of officers that are feared and abhorred’.<sup>166</sup>



As a result of the impunity enjoyed by criminals, corrupt politicians and police, communities have, by and large, developed informal responses to security provision. These include hiring organized private security forces (some of which have become coercive gangs in their own right), drawing on mediation or intervention from religious leaders and youth groups, or getting assistance from community-based organizations, NGOs or security guards. However, the desire to purge an area of insecurity can descend into unplanned community violence. 'Communities have begun to praise police killings of young boys,' one religious figure in Mombasa told us, 'whereas before they would mourn and complain.'<sup>167</sup> An enraged public has, on several occasions, responded to attempted robberies by stoning gang members. The latest of such incidents happened in late February 2020, when five members of Wakali Kwanza were killed in revenge attacks by mobs in Mishomoroni, a neighbourhood in Kisauni, Mombasa.<sup>168</sup>

NGOs also have a voice and presence in communities affected by gang violence, and have been engaged in documenting police violence for several decades. There have been long-running civil society campaigns highlighting extra-judicial killings and speaking out against the policies and practices that allow them to happen, as well as putting pressure on the government for greater police accountability.

Working closer to the ground across the two cities, some organizations offer help to young people who want to leave gangs and provide other services targeting at-risk youth. In and around Mombasa, this includes religious bodies such as the Council of Imams and Preachers of Kenya, and the Kenya Red Cross. There are dozens of other initiatives, mostly in informal settlements, that aim to reintegrate former members of criminal gangs into normal society or prevent gang recruitment.<sup>169</sup> There are also community organizations such as the social-justice centres, staffed by residents of poor and mostly slum areas.<sup>170</sup> These provide convening and organizing structures for community advocacy related to human-rights violations, including police violence.

In sum, while there is no organized and networked response to the problem of politically driven gangs or the criminal capture of urban resources, many actors in the space are trying to address related issues and boost efforts by community organizations themselves.

However, the communities (itself a contestable term) in these neighbourhoods do not have homogeneous perspectives or unified interests when it comes to the presence and operations of criminal gangs. Some people would like to see formal justice institutions perform more effectively and less violently, while others support the violent approaches taken by the police. Some residents also benefit, at least temporarily, from gang activities, where they get income from them or secure resources, like land. In many such neighbourhoods, there are also existing fractures related to the nature and timing of residents' settlement there. Both the existing social capital and the inherent divisions in communities play a role in determining their resilience.

*The desire to purge an area of insecurity can descend into unplanned community violence.*





CONCLUSIONS





**T**he engine that has given so much power to criminal gangs in Kenya's two biggest cities has operated mostly in the same way since the 1990s. Relationships established as the country moved to multiparty democracy and as cities experienced huge growth in the midst of privatization and austerity measures created a variety of roles for criminal gangs, including in politics. These dynamics have, however, been heightened by various factors that include the influx of weapons into Nairobi, an increase in the value of urban land, and increasing demand for services such as waste, water and electricity. Gang activities have also benefited from institutional failures that have made it difficult to hold the state accountable. At the same time, criminal capture of urban services has given the most organized gangs increased autonomy from political elites as it enabled them to become embedded in the economy, making them harder to control.

While its severity waxes and wanes, the gang phenomenon is resilient, thanks in large part to both top-down political protection and horizontal linkages between the police and organized gangs. This protection exists despite the state talking tough on crime and using unofficial shoot-to-kill policies to weaken gangs that have become a liability to the elite. These approaches are ineffective on their own, but widespread police corruption and the benefits from this enjoyed by the elite has diminished the likelihood of better solutions coming from within the criminal-justice system. While the institutional reforms of the 2010 period facilitated technical reform in the police service, a substantial political overhaul is needed to effectively decouple police business interests from the illicit economy, to end extra-judicial killings, and to change police culture to make officers the transparent, accountable and democratic service providers that the 2010 constitution envisaged. Unless police can undo the political protection rackets and criminal capture of urban services, the scourge will continue.

The problem requires other political and development interventions, which tackle issues of urban service provision, removing coercion from electoral processes, and fundamental shifts to the way poor urban communities are governed. The criminal capture of urban services ties together issues of municipal corruption, organized crime and sustainable urban development.

In 2020, there has been a lull in reports of activity by named organized gangs, such as Gaza, the Mungiki and Wakali Kwanza. Instead, there has been a heightened focus on police killings, particularly during the coronavirus-lockdown period.

However, several interviewees said they doubted that this lull would last and predicted that organized gang activity would blossom in the year preceding the 2022 elections. This increases the need for extra vigilance in Kenya to break the cycle of political exploitation of gangs.

◀ **August 2017: Residents watch as Kenyan Administration Police officers patrol Mathare during protests against Kenya's national election results.** © Marco Longari/AFP via Getty Images



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## Recommendations

One overarching conclusion from this report is that elites need to be held accountable for the violence they enable. This is easier said than done but is no less necessary for being obvious and difficult. This report has shown the many ways in which elites encourage and benefit from organized violence, even when it takes place far from the hallways of power. This is true in all countries, but the link between politicians and criminal gangs in Kenya is extremely pronounced, as political elites play a key catalytic and protective role in gang formation. For democracies, combatting organized crime is intimately tied to the struggle to maintain, protect or strengthen democratic institutions. Acknowledging that finding effective and feasible solutions in this situation is extremely difficult, the recommendations that follow below are a selection of strategies that aim to specifically address the issues raised in this report.

### **Seek political and developmental solutions to the rise and resilience of organized criminal gangs.**

The state should be encouraged to view and respond to the issues with strategic political and development programmes. 'Tough on crime' rhetoric and actions such as banning orders and police killings should be abandoned, as they are counterproductive.

### **Support the media in the role it plays defining issues of organized crime, investigating corruption and crime, and highlighting root causes.**

The media plays a key role in facilitating public understanding of the gang phenomenon and increasing state transparency. This role can be highly constructive, such as when journalists explain the root causes of gang formation, uncover commercial relationships that link criminal organizations and the state, and describe the impact that gang extortion and violence have on citizens. The media can also challenge the state to explain and defend their policies. However, the media role can also be problematic, such as carrying uncritical and sensational coverage of issues without adequate context or understanding of its impact.

Journalists should also be supported to undertake complex investigative work related to the illicit economy.

### **Improve formal service delivery in Nairobi and Mombasa to close the space for organized criminal gangs to exploit poor provision.**

Where gangs have become autonomous from political figures and developed more sophisticated structures, they have often been able to do so by extracting rents from the capture of formal services





or the informal provision of key urban services such as access to land or rental property, waste collection, water or electricity. The best solution to this problem is to improve formal-service delivery, administered by a bureaucracy able to conduct its work with integrity. This suggestion, however, kicks the can down the road: anti-corruption and urban development practitioners who are trying to achieve these things are likely to say that the biggest obstacles to their work are the entrenched role of criminal actors, and the corrupt political relationships that allow it. Regularizing delivery in cities such as Nairobi and Mombasa also requires substantial state investment, which is only likely to happen slowly and in a piecemeal way.

Practical interventions in this regard will need to include measures to improve the regulation of services, and will require a holistic analysis that incorporates a thorough understanding of the shadow economy and criminal power brokers operating in the matatu, waste, water, electricity and land sectors.

### **Build a shared picture of threats and partnership between civil society and government.**

Kenyan civil society has played a key role in documenting and monitoring police killings, building up an important data set for advocacy. This role, whether undertaken by state, quasi-state or NGOs,

could be extended to monitor a broader set of dynamics, including extortion (by criminal or state actors), fees and dynamics related to the criminal capture of urban services, and the de facto control of territories and infrastructure by criminal groups.

These data sets are crucial to understanding and describing the dynamic and locally specific phenomena that drive the issues and behaviour and block or distort policy interventions. A granular and dynamic picture of the illicit economy would provide the basis for a shared picture of threats, evidence-based policies and partnerships between the state, civil society and communities.

### **Monitor the political use of gangs in the lead-up to the 2022 general election.**

Kenya will hold its next general election in late 2022. Campaigning will start well in advance of the poll, and people who live and work in slum areas expect to start seeing a rise in political gang activity in 2021. Monitoring the situation to ensure a free and fair election should not just focus on the immediate period before, during and after the vote, but on coercive measures that are put in place long before the election season.

Monitoring gang activity and tracking the activities linked to gangs' political roles, if linked to organized and strategic advocacy, could make these tactics more costly to political aspirants and incumbents.

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## **GLOBAL INITIATIVE**

AGAINST TRANSNATIONAL  
ORGANIZED CRIME

### **ABOUT THE GLOBAL INITIATIVE**

The Global Initiative Against Transnational Organized Crime is a global network with 500 Network Experts around the world. The Global Initiative provides a platform to promote greater debate and innovative approaches as the building blocks to an inclusive global strategy against organized crime.

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**The GI-TOC** is involved in monitoring criminal markets through the Civil Society Observatory of Illicit Economies in Eastern and Southern Africa, a project under which this report falls. A key function of the observatory is to map and trace the evolution of gang phenomena in key locations across the region, particularly in South Africa, where gangs also distort urban governance, disrupt crucial public services, extort money from the public and use violence to impose rule on certain neighbourhoods. We believe that understanding these phenomena is needed to design effective development interventions that tackle poverty marginalization, dysfunctional development of public services, and corruption and violence.