



**INTERIM REPORT ON  
DRUG TRAFFICKING INVESTIGATIONS**

**1<sup>ST</sup> FEBRUARY, 2011**

**THE COMMISSIONER OF POLICE,**

**POLICE HEADQUARTERS,**

**P.O. BOX 30083 -00100,**

**NAIROBI.**

**Sir,**

**REPORT ON DRUG TRAFFICKING INVESTIGATIONS**

The team you appointed to investigate *drug trafficking*, conducted its investigations and now submits the following report.

**TERMS OF REFERENCE**

- To un-earth drug trafficking in Kenya.
- To un-earth drug trafficking syndicates /Barons.
- To gather sustainable evidence before a court of law.

Team members comprised of:-

1. Mr. Alfred K. Ombaba DCP
2. Mr. Moses Dindi ACP
3. Mr. Ngatia Iregi Ag. ACP
4. Mr. Prosper Bosire Ag. SSP
5. IP. Nicholas Murgor
6. S/Sgt. Geoffrey Kinyua
7. Cpl Thomas Kathuli
8. Cpl Penina Gakii
9. PC (Drv) Elias Njogu
10. PC (Drv) Francis Ndonye
11. PC (Drv) Edward Makau

The team conducted inquiries which were mainly focused in the towns of Mombasa, Kwale, Malindi and Nairobi.

## **SUBJECTS UNDER INVESTIGATION**

A number of subjects were interviewed in relation to allegations and suspicion of being involved in drug trafficking. Key among them were;-

Hon. John Harun Mwau -Nairobi,

Hon. William Kabogo Gitau - Nairobi,

Hon. Ali Hassan Joho -Mombasa,

Hon. Michael Gideon Mbuvi - Nairobi,

Business man Ali Badrudin Punjani - Mombasa,

Business man Abubakar Ali Joho - Mombasa and

Hon. Simon Mbugua - Nairobi.

Hon. John Harun Mwau

He introduced himself as a Member of Parliament, former police officer, former chairman of the defunct Kenya Anti-Corruption Authority, and the Kenya Wines Agencies among others, and as a citizen who has served the country with dedication, determination and absolute patriotism.

He addressed the issues raised in *"the Ranneberger dossier"* (**a copy of which he had in his possession**), and to which he responded negatively to all allegations.

He denied ever being involved in drug trafficking, or knowing any person involved in the same.

He had never at any one time employed Hon. Kabogo as his driver, been engaged in any business partnership with him nor had the said Kabogo married his Daughter. He is a father of two sons with no daughter.

He claimed not to have had any relationship with the Akasha family, met them in his life nor known them.

He said the allegations were false, malicious based on rumors and innuendoes.

He is the chairman of PEPE inland container depot which is a family venture. He emphasized that PEPE is only but a facilitator for faster movement of cargo and is not involved in the verification of goods, except where the employees are instructed by the Customs Department officers to remove goods out of the containers for verification.

He averred that there was no one ton of cocaine seized at PEPE or imported through PEPE and if any, then the people to be asked are government agencies who deal with the commodities and not employees of PEPE.

PEPE inland depot was visited, the employees there were interviewed and statements recorded. The depot is managed in concert with government officers from the KRA.

Mwau has vast interests in the Nakumatt chain of supermarkets. However, we were not able to get information on his other business interests. We have written to the KRA and the Registrar of Societies to furnish us with information of any other interests that he may be having.

The investigation revealed that he has no daughter and therefore he cannot possibly be a father in-law to William Kabogo. He has also never employed Kabogo as his driver.

#### **ASSETS:**

Investigations carried out at the Kenya Revenue Authority indicates that Hon. John Harun Mwau has the following companies against his name;-

1. Mwundo limited - PIN. P000615486G
2. Africa Centre for Hope Initiative Everywhere - Pin. P051113826Z
3. Harun International Limited - Pin. - P000612726N
4. JH City Limited - PIN. - P051210892Z
5. JN Records Limited - PIN. - P000602696B

6. Preme Limited - PIN. P051206645B
7. Pepe Enterprises Limited – PIN. P0006145230I
8. Sheltown Limited - PIN. – P000634836W
9. Sports Champions Limited - PIN. -P0006155117L
10. Tom Brown Limited - PIN. - P051166262B
11. Vitu Limited - PIN. - P000602274R
12. Kuston Kenya Limited - PIN. P051099024B

No evidence has so far been found to link him with drug trafficking.

**Hon. William Kabogo**

He gave a brief profile of himself as having gone to school at St. Georges Ruiru Primary school and Thika Technical High school before graduating in 1983 with a bachelor of commerce degree from Punjab University in India.

He had a brief stint at the office of the Controller and Auditor General as an assistant auditor which he quit after six months and went to Mombasa where he worked with TOTOTO HOME



INDUSTRIES as a business advisor rising to the position of Executive Director, before quitting in 1994.

He then ventured into buying and selling cars imported from Japan and also started a clearing and forwarding firm by the name Orbit Express Company. This he did up-to the year 2002 when he joined politics.

It was during the campaigns in 2002 that he heard rumors doing the rounds that he was trafficking in drugs and was even married to Mwau's daughter, both allegations which he denied. His wife Philomena Nduta Kiarie is a Kikuyu by tribe and not Kamba.

The rumor about drugs was again brought up during the recent by-elections by his political opponents giving him reason to believe that the drug scandal in his life has Political undertones.

He was in receipt of a document titled SECRET/REL KENYA whose contents he claims are damaging to his character. The document was posted to him at the reception of parliament buildings. He has denied owning any of the companies mentioned in the document or

doing any business with his brother or persons mentioned in the said document.

### **ASSETS:**

We visited Canon Towers where Orbit Clearing and Forwarding Company was said to be located but found that it was closed down way back in 2002. He however jointly owns Leon Transporters and Access & Home Construction Company with his wife. A letter was written to the Registrar of Companies and KRA to verify this information. Response from KRA indicates that no records of Leon Company as well as Acres and Homes Limited can be traced. However the following companies are recorded against his PIN.A001233983T;

1. Orbit Express Limited PIN. P051111803A
2. Orbit Freighters Limited PIN. P051112851P
3. Tropical Imperial Cars PIN. P051107649C

No evidence has so far been adduced connecting him to drug trafficking.

**Hon. Ali Hassan Joho.**

He is the Member of Parliament for Kisauni Constituency. He denied ever being involved in drug business. He dared anybody with evidence to bring it forth saying he was ready to face the law.

He claimed that a letter attributed to "Alex Katana" that he was a drug dealer was absolutely malicious, slanderous and aimed at settling political and business scores. He exonerated himself and his family from the alleged activities which included drug trafficking, murder, corruption, tax evasion, violence, intimidation and land grabbing. He used to hear of the same but took it lightly alluding it to politics.

He apportioned blame to Mohammed Jaffer as being the author of the allegations. This he attributed to business rivalry. He further claimed that one Merali was working with Jaffer to circulate the information in preparation for the 2012 elections by discrediting his candidature now that he was gunning for the governorship of Mombasa County.

On being contacted, Jaffer refused to record a statement citing that he was not a suspect.

**ASSETS:**

Information was requested from the Kenya Revenue Authority. No records were traced to his Pin. A005621854T.

None of the witnesses interviewed has linked him to drug trafficking.

**Gideon Mbuvi Kioko a.k.a Musa Munga alias Jonko**

He initially panicked when Police started to look for him at Parliament buildings, going to the extent of accusing the officers of forcing their way into his office even though he had actually invited them by sending an aide to Hon Simon Mbugua to usher them in. He later presented himself to the Police Pavilion with two lawyers and a battery of Journalists.

He denied allegations of involvement in drugs trafficking only admitting verbally that he was in the business of land frauds.

He denied any relationship to Hon. Kabogo or Hon. Mwau apart from the fact they were fellow Members of Parliament.

He operates several Matatu's christened "ARTUR" within Nairobi.

He confirmed to being called Musa Munga by another name from his maternal relation. Casuarina Club, formerly Coco Beach Club, along Mumias road in Buruburu is owned by him while his sister called Primrose Mwelu runs the business.

#### **ASSETS:**

Letters were done to KRA and the Registrar of Companies to gather more information on him. Response from KRA has been received indicating that he is not tax compliant having not submitted his tax returns. The following companies are attributed to his PIN, A005578766S;

1. Casuarina Club - PIN - P051310616I
2. Primix Enterprises - PIN - P051193992J
3. Tungwa Brand Design - PIN - P051241492X

Information from KRA indicates that he has not been paying taxes or submitting his tax returns especially on Casuarina Club. He needs to be followed up further on this by KRA who have this mandate.

**Ali Badrudin Punjani.**

He is aged 35 years, resides at Nyali Estate and has a go down at Shimanzi. He denied ever being involved in drug business.

He attended Aga Khan Primary and secondary Schools, where he left in 1995 after completing form IV.

He started engaging in business in the year 2001 dealing in commodities which mainly included sugar, rice and salt. He claims to be buying the items from local traders and Mumias Sugar Company. The business was converting into one hundred million shillings turnover per month or thereabout.

The business, known as Rising Star Enterprises, is jointly owned with his mother Gulbanu Punjani and deals in wholesale only. Their clients include Nakumatt, Gillani's and Eldomat supermarkets among many others. The financial turnover has since improved to

between one hundred and fifty million to three hundred million shillings monthly.

Besides denying being a drug dealer, he said that he had never personally heard his name being mentioned as such. He claimed that in the event that his name was being mentioned, then he would suspect one Mohammed Jaffer, a businessman within Mombasa and prominently known for his Grain Bulk business as the likely man behind the rumor. This he associates to business rivalry and to the fact that he does not succumb to being bullied or act inferior to him.

He denied being involved in any other business including the Nyali International Beach Hotel to which many people associate him with. He alleged that it belonged to one **Arif Hafiz** who stays in Dubai and is a friend of his. He however oversees the business for him and is involved in making decisions on issues pertaining to the hotel.

While in Malindi, information was received that he was working with Ibrahim Igaal of Nairobi and Ibrahim Dawood of Dubai, both suspected to be international drug traffickers. He was summoned to

be interviewed on this line but declined to attend. He only hinted that he could send his lawyers. Efforts to trace Mohammed Igaal have not been fruitful.

**Abubakar Ali Joho.**

He is an elder brother to the Kisauni MP Hon. Ali Hassan Joho. He is a business man within the coast province dealing in construction, garbage collection, transport and property buying and selling.

He categorically denied ever having involved himself in drugs or any other illegal business. He claimed to be having differences with Mohammed Jaffer and one Merali which he alluded to the fact that he had opposed their illegal occupation of parts of the grounds of Mombasa primary School.

He further alleged that the negative information posted against him was an attempt to malign his family's name so as to intimidate him to abandon the demand for the return of the public land. He claimed that business rivalry was the other source of friction with Jaffer.



The fact that his brother Hassan Joho had declared interest in the seat of Mombasa Governor had worsened relationship with opposing camps like some Imams from the Council of Imams and Preachers of Kenya, political activists Amina Abdalla, Afya Rama and many others, who were spreading propaganda against his family as being drug traffickers.

### **ASSETS:**

He gave his business interests as follows;

1. M-Tech Building Works Ltd,
2. Prima Bins and Pest Co. Ltd,
3. Portside Freight Terminal Limited,
4. Portside Transport Co. Ltd.

Letters dispatched to KRA and the Registrar of Companies to get insight into his business activities are yet to be responded to

However no evidence has been collected to connect him to drug trafficking activities.

**Hon. Simon Mbugua**

He was a broker at Langata Road Motors which he has since passed over to another person. It now operates as Wheels Motors. He was interviewed and denied ever having been involved in drugs trade.

He denied knowing one Musa Tumusiime nor having worked with or employed any Ugandans at the Langata Motors.

The team visited Wheels Motors and interviewed some of the workers there. They did not seem to have heard the name of Tumusiime or any Ugandan.

No evidence to link him with any drug dealing was encountered.

**Ali Mcheni Ali alias Shee Lako.**

He works with the Municipal Council of Mombasa. His position is that of a Mosquito searcher, a junior rank within the council. His salary is Kshs. 20,505/= with a gross earnings of Kshs. 32,505/= Net salary is Kshs. 16,091/=

He was arrested on the 6<sup>th</sup>/12/2010 and taken before court the following day. Search was made in his house on the date of arrest but no drugs were recovered from therein. However, 213,000/= shillings was found in his house at Kingorani while at his other house at Bamburi, 127,580/=shillings was recovered. Both recoveries were in various denominations of 1000/=, 500/=, 200/=, 100/= 50/=, 20/=, 10/= and 5/=. The money is believed to be part of the proceeds of drug trade.

On further investigations, it emerged that he had a number of properties within Mombasa town whose value was not commensurate to his earnings. The properties are as follows;

1. Block xii/258 worth Kshs. 6 million with a mainsionette worth Kshs. 10 million
2. LR No.MN/1/13016/ CR 38852 measuring 0.0252 hectares worth Kshs. 2.5million= with a Bungalow worth Kshs. 2.5 million

3. LR No.MN/1/13023/ CR 38859 measuring 0.0252 hectares worth Kshs. 2.5million with a bungalow worth Kshs. 2.5 million
4. Block xii/1596 with a Swahili house worth Kshs. 1.5million
5. Motor vehicle KBC 723 V worth Kshs. 700,000/=
6. Motor vehicle KBM 979 M worth Kshs. 740,000/=

His wealth declaration forms for the year 2009 did not reflect anything of the above. It purported to suggest that he had no assets other than his annual salary of about 458,000/=. He is subsequently charged with the offence of submitting false/misleading information contrary to section 32 of the public officers Ethics Act No 4 of 2003.

The team swore two affidavits in an attempt to convince the court to remand him in custody for seven days thereafter to deny him his release on bond. The court was understanding enough to grant both requests.

His prolonged detention in police and prison custody bore fruits in that an acute shortage of drugs was experienced and prices were said to have sky rocketed from Kshs 100/= to Kshs. 400/= per sachet, occasioning the trooping of addicted drug users to seek medical treatment from local hospitals as they soon started suffering from withdrawal syndrome.

### **Humphrey Kariuki**

He is a businessman within Nairobi being the proprietor of "wines of the world" in partnership with one Stuart Herd, a Kenyan.

He went to school in Nairobi and later to Kagumo high school after which he joined the Central Bank of Kenya where he worked as supervisor before going into business where he ran the Green Corner Restaurant. He sold off Green Corner Restaurant and went into the wines and spirits business where he is an international importer and enjoys a large market locally. Their annual financial turnover is about eight hundred million shillings.

## **ASSETS:**

He, together with his business partner Stuart Herd, is also in Petroleum business which they sell in bulk. They own the Dalbit Petroleum Ltd which operates in many East African countries from Sudan down to Zambia. Some of their clients include USAID, WFP, KQ, South African Breweries and many more. The financial turn over in their petroleum business is about one hundred and fifty million US dollars per annum. They are Tax compliant.

Their offices for both the Wines and Petroleum business are located along Mandela road in Kileleshwa and share the same address.

He denied dealing in drugs and said that he stood to lose in business should he associate himself with drugs since he deals with world renowned Wines and Spirits Companies that are on various stock markets.

He was interviewed on Allan Herd who has a private airstrip in Kijipwa and confirmed that he knew him as he was the father to his partner Stuart Herd.

Allan Herd was traced down to Mombasa and also interviewed in relation to the use of Kijipwa airstrip for the movement of illicit drugs. No fruitful information was gotten from him. Kijipwa airstrip is the property of Bamburi Portland Cement Company.

**Dinah Boke Makini aka Dr. Mary Riziki**

She is a Tanzanian married to a Kenyan, the late Maurice Makini and mother of Jackson Ngechu makini alias Prezzo.

She is the proprietor of Makini Herbal Clinics left behind at the demise of her husband.

She was interviewed at length and denied dealing in drugs and claimed to have known Hon. William Kabogo when he attended her son's wedding. Her statement was subsequently recorded. No independent evidence has come up implicating her.

### Jackson Ngechu Makini alias Prezzo

He attended School at Langata junior primary and Brae Burn School before going for flying school at CMC Wilson Airport, and later to Canada for three years.

He ventured into music and is currently doing farming in Narok. He is a friend of Hon. William Kabogo and admits having invited him at his wedding together with many other friends. He recorded a statement where he denied being involved in drug trade.

### **IMAMS**

The Imams and Muslim activists who have been vocal against the drug menace within Coast Province were visited by members of the team. They were interviewed with a view of gathering information that could assist the team in its investigation

They however declined to give the team any kind of information only citing that the government and its officers were well aware of the people dealing in drugs.



In fact when names of the suspects were read out in parliament, they went to the streets asking for the arrest and prosecution of the suspects.

They went on to call for the FBI to be brought on board to help in these investigations. This prompted the team to visit them again to see if they had any new information. This time however they verbally said that the information was with one Fuad.

The team had earlier dealt with Fuad and found him to be dishonest with information and craving for large sums of money in exchange. At one point he had asked for Kshs 20,000/=. They appear to have a divided loyalty as they serve both the drug dealers and government agents at the same time by getting handouts from the dealers while purporting to provide information to government agents.

When Shee Lako was arrested, he said he knew that it was Fuad who took the officers to his house as he had stopped paying him

protection fees which he claimed he had been paying out to him from time to time when business was good.

## **POLITICAL ACTIVISM**

Two political activists Afya Rama and Amina Abdallah fronted themselves as candid informers to the team. Afya Rama had contested the Mvita constituency Parliamentary seat on an ODM Kenya ticket in the last General elections.

The two ladies however soon started asking for handouts.

Later they recorded their statements to police without disclosing names of any known perpetrators citing fear for their lives. They asked for witness protection even without verbally naming any individual.

Every time they visited the team, they went back to the press to brief them. They even started giving false information to the press. A case in point was on 10<sup>th</sup> December 2010 when Afya Rama addressed the standard newspaper claiming that her life was being threatened and that she had already reported the threats at Makupa Police station and even recorded a statement. The report was noticed by the investigators in the Saturday standard of 11<sup>th</sup>

December 2010. Makupa police station was visited and no such report had been made or statement recorded by her.

However, it appears her informants at the station passed on this information to her and she rushed to the station on Saturday at 11:55 A.M and made a wild report without touching on any names. Her earlier statement to Police does not mention any threats or apprehension from any quarters. Being a prominent politician she knows the kind of anxiety threats on her life can cause on her followers. The Standard Newspaper on their part did not bother to counter-check the authenticity of the information before publishing the same as is provided for in section 66(2) of the penal code.

In the circumstances an offence of Publishing an alarming publication contrary to section 66(1) of the Penal code, has been committed by Afya Rama in conjunction with The Standard Newspaper as well as the reporter who filed the article. This charge may be considered when the file is finally placed before the Director of Public Prosecutions for perusal and advice.

## **DRUG SUPPLIERS ON THE GROUND**

While at Mombasa the team gathered that only the small distributors were known by name. The following names were mentioned by the local Provincial Administration and Police as suppliers on the ground;-

- Shee Lako- Employee of Mombasa Municipal Council –he was arrested and his case is pending before court.
- Billy Mahadhi –Uncle to Swaleh Kenderen,
- Jay Kipara- Kisauni – Magodoroni
- Juma Kasim Mohammed – Alias – J. Pete – Bamburi
- Salim Supa – Leisure – Kisauni
- Fred (Bafred) – Mtwapa
- Emeka alias Emy-Nigerian
- Ali Munga – Sarigoï Makaburini/Sarigoï – Kwa Shibu road.
- Mote – Brother to Shee Lako (escaped to Tanzania).

All the above suspects except Shee Lako were not traced on the ground during the investigations. The list was handed over to the

officer in charge of the Anti-Narcotics Unit Mombasa to pursue them.

Great effort was made by the team in the course of conducting the investigations. However, it still proved elusive to secure sustainable evidence with which to prosecute, any of the subjects under investigations. It was quite unfortunate that even those who made the loudest "noise" had nothing to offer in terms of giving information of evidential value. All they could say was that **"the government know; them, they are well known and they have the names"**, yet they want to see *blood* especially after the names were given in parliament.

In its sustained effort, the team made requests to the Kenya Revenue Authority, Deputy Public Prosecutor, Registrar of Companies, Clerk to the National Assembly and Town Clerk Mombasa municipal Council, (see annexes) in an attempt to get information relating to the assets owned by the subjects whether

individually or in partnership. We are yet to receive response from some quarters, which will facilitate further investigations.

The police will require a longer time and intelligence network so as to be able to get meaningful evidence against drug traffickers due to the complexity of the investigations.

Having endeavored, without securing any hard evidence, the team investigated other drug related aspects. It is noteworthy therefore that some revelations came to surface as summarized below.

## **SOURCES OF DRUGS**

Information received on the ground indicated that the sources of drugs are believed to be from the Far East in Asia which includes Pakistan, Afghanistan and India. Local sources include Nyanza and Western Provinces of Kenya and the Mount Kenya region. Uganda and Tanzania offered another source from within the East African Region.

## **TYPES OF DRUGS**

The types of drugs circulating within the areas covered are Bhang, Hashish, Heroine, Cocaine and Rohypnol tablets.

## **ROUTE CHAIN**

Unconfirmed information from the ground suggests that the drugs originate from the Far East in bulk and get repackaged in Kenya before being re-routed to the European and American markets.

In the local arena, the drugs are said to permeate from Uganda through Busia and Malaba. In other instances, they are brought in



from Tanzania through Lunga Lunga, Vanga and Isebania-Migori. Kisumu-Nairobi-Mombasa is another route especially for bhang, while the other is Mt. Kenya region-Nairobi-Mombasa and the Coast region in general.

## **MEANS OF TRANSPORTATION**

### **Sea**

Most of the drugs are believed to find their way into the country via the sea (Indian Ocean). This is the main mode of transport from the Far East into and out of the Country.

The sea is equally quite convenient for moving drugs from places such as Mombasa or any other place along the seashore. Vanga, Shimoni, Mombasa, Kilifi, Malindi and Lamu are listed as the most vulnerable points of entry.

This convenience is compounded by the fact that the law enforcement officers do not have the adequate equipment and

general capacity to comprehensively police the porous sea front. It's relatively easy to move the drugs via the waters as opposed to doing the same along the roads which at times have isolated spots of road blocks.

The drugs gain entry to the port of Kilindini in containers disguised as other forms of genuine cargo according to unconfirmed information. Given the many loopholes that exist at the port of Kilindini, it has been targeted as an avenue for getting the drugs in or out of the country.

The loopholes that make it ideal at the port of Kilindini for getting the drugs in or out of the country include inter-alia;-

- Impracticability of scrutinizing each container to verify its contents. This will remain a major challenge.
- The X-ray scanners have no capacity to detect drugs as an "item" in the containers.
- Not all containers are scanned, and where scanned, the scan reader/interpreter **may misinterpret** the contents.

- Container Freight Stations (CFS)' appear to be convenient for suspect containers. These are private owned stations which may be conveniently utilized to the advantage of drug traffickers despite the fact that all government agents that operate at the port of Kilindini do operate likewise at the CFS'.
- Ships suspected to bring in the drugs stop in deep-seas from where they are off-loaded to smaller boats without the notice of law enforcement agencies because of their inaccessibility. Notorious areas were mentioned as Mombasa, Malindi, Shimoni and Vanga.

### **Air**

Use of air transport is a suspect mode of transport at the airstrips along the coastal area. These are Kijipwa, Ukunda, Lunga Lunga, Voi and Lamu airstrips. The aircrafts, their passengers and luggage are hardly checked or inspected to verify any suspect cargo.

## **Road**

Roads are the most common means of transport especially for bhang from western parts of Kenya and the Mt. Kenya region via Nairobi down to the coast. The Mombasa Highway, Lunga Lunga-Mombasa and Taveta-Voi-Mombasa roads were singled out as drug trafficking routes.

## **DISGUISE CARGO**

### **Sugar**

Sugar attracts the highest duty. Where an importer has declared goods to be sugar, it will hardly be verified by physical examination.

### **Rice**

Drug importers are said to bring them into the country disguised as rice. This is because if the container is to be subjected to a scan, the interpreter can conclude that it is either sugar, rice or a similar substance. The scanner cannot guarantee total reliance on its pictures. The rest is dependent upon the scan interpreter.

### **Used Motor Vehicles**

It is given that some drug barons deal under the disguise of importing used motor vehicles. The drugs are said to be stashed in the vehicles especially in the tyres. These would then be removed once the "motor vehicles" have been disembarked from the ships and cleared at the port. Private CFS' are convenient for such practices while others would be done from the "motor vehicle" dealers' business premises.

### **Second hand clothes**

Second hand clothes are another item that is commonly imported. Drug dealers have taken advantage of the same to use it as a pseudo cargo.

### **Tea**

Drugs are said to be camouflaged to pass as tea going to markets outside the country. Kenya is a good exporter of tea and respected in that field. Drug dealers have taken it to their advantage.

## **Fish**

It's said that this method is locally used to move drugs from one area to another. The smell of fish acts well to conceal the contraband and police officers would quickly take up the jibe.

## **OBSERVATIONS**

The fight against illicit drugs in Kenya remains quite an enormous challenge in present times. It will need the concerted efforts of all stake holders to stem the vice.

Some of the areas that offer complexity in the struggle are listed as hereunder;-

- Drug barons are people of immense wealth who operate in discreet and apply remote methods to avoid detection.
- Nobody dares commit him-herself to give evidence against drug dealers for fear of reprisals.
- It is not easy to get evidence to incriminate them, let alone that which may withstand the rigorous test in a

court of law against the drug dealers. There is no information given of evidential value.

- The drug dealers have a very elaborate networking system and conduct their business in utter discreet while keeping a very safe distance from their operations. They will hardly appear in the picture.
- The expansiveness of the Kenyan borders renders it porous and difficult to man in the absence of mitigating facilities.
- There is no proper and thorough search conducted on suspect transport means.
- Small or executive looking motor vehicles used to transport the drugs are not stopped and searched.
- It is very difficult to know where the drugs are hidden.
- Most of the persons interviewed are unwilling to have their statements recorded. They are apprehensive for reprisals of owning up to their statements.

- Credibility of some of the statements and allegations made is in doubt.
- Available informants are reluctant to cooperate with the investigating team without handsome rewards.
- It appears that informants have a divided loyalty between the police and barons as they serve both parties for personal gains.

Likoni, Mtongwe, Bofu, Kisauni, Shimanzi and Magodoroni were the most affected areas within Mombasa, while Kisumu Ndogo, Mbuyu wa Kusema and Shella were most affected within Malindi.

People of all walks of life are involved especially the youth aged between 15 to 35 years of age.

The war against drug trafficking and abuse requires a long term solution. It's a war that calls for concerted efforts devoid of mistrust. It has to be fought with diligence and accorded the patience of an owl. The suspect subjects and their operations have to be put under a mega powered microscope. Remember, you will hardly get a



witness to stand in the witness box. This calls on the law enforcement agents to be extra vigilant with an elaborate and efficient intelligence network system in order to indict and offer evidence that can sustain charges against drug barons. Otherwise, every "witness" is hiding under his/her skin.

Drug dealers are normally believed to convert their proceeds into other forms of property so as to conceal or disguise the same. Investigation of personal assets of suspected dealers therefore becomes relevant in an attempt to expose the illicit trade and camouflage.

A case in point is the arrest of Ali Mcheni Ali, a junior civil servant at the Mombasa Municipal Council, who owned assorted properties worth over thirty million shillings. The same was not commensurate to his salary and neither could he account for it through other genuine means.

While it was easier to suspect that Mcheni's properties were derived from proceeds of drug trafficking, the scenario becomes more

complex when dealing with a wealthy and very prominent businessman of a long standing record who may have amassed lots of wealth over a period of time. With such a business record and wealth, it becomes easier to launder proceeds of illicit trade.

Most of the suspected kingpins have lucrative businesses that rake in high profits making it complex to draw a line between genuine cash flows and illicit monies. It will definitely require forensic auditing to expose them.

The arrest and subsequent arraignment in court of Shee Lako, believed to be one of the key suppliers of Narcotic Drugs and the presence at the Coast of the team investigating drug trafficking, sent panic mostly among the suppliers. A number of suspects are said to have gone "underground" or relocated to far destinations for temporary refuge.

This became evident with the seemingly limited supply that was experienced in the region leading to pronounced cases of drug users suffering from withdrawal syndrome and their subsequent flocking

to medical facilities. Sustained efforts will go a long way in tightening the noose around the suppliers and encourage users to quit the habit.

## **CHALLENGES:**

In the course of the investigation, the team was faced with the following challenges;-

- Lack of detail in information before embarking on the investigations
- Available information on the ground appeared unreliable.
- Some information brought forward appeared to be triggered by business or political rivalry
- The premature naming of the suspects by the Minister in Parliament
- Possible witnesses were unwilling to have their information recorded in statement form
- Possibility of collusion by Civil Servants attached to the Main Port, Inland Ports and the private Container Freight Services.
- Legal issues relating to compelling of suspects to give information that can be self incriminating or that may lead to forfeiture as for assets(section 22 of the police act)

- Most of the local Airstrips especially the private Airstrips remain unmanned by the Police.
- Some of the suspects can access the services of Helicopters that can land and take off from any place hindering control and detection.

## RECOMMENDATIONS

Having been on the ground and made some observations as regards Drug trafficking, the team recommends the following measures in an attempt to stamp out the vice.

- Profiling of suspects of Drug Trafficking
- All the entry points to be supplied with sniffer dogs.
- Continuous surveillance on known and suspected kingpins and peddlers.
- Encourage 100% verification of all containers from known and suspect countries.
- Enactment of specific laws under the Narcotic drugs and Psychotropic Substances Control Act No.4 of 1994 providing for compulsory disclosure of **ASSETS** and **TAX RETURNS** to any investigator.

- Continuous monitoring of changes in lifestyles of Civil Servants deployed to the main Port, all Airports, Inland Container Depots and private Container Freight Services.
- The aspect of Policing all the Airstrips in the country should be an agenda for consideration even as Police Reforms are being tackled.
- It's nice to work out a program in liaison with the Civil Aviation to explore modalities of monitoring the movement of all private aircrafts.

We have explored all avenues available during the course of these investigations and have consequently invoked section 69 of the Narcotic Drugs and Psychotropic Substances Control Act No. 4 of 1994, in writing to the various Government Agencies to obtain relevant documents and information.

The complete duplicate investigations file and the final report are now forwarded to you for favor of your perusal and directions.

Kindly do advise.

**ALFRED .K. OMBABA DCP**

**MOSES DINDI ACP**

**NGATIA IREGI Ag. ACP**

**PROSPER BOSIRE Ag. SSP**

**30<sup>TH</sup>, JANUARY, 2011.**