A CRIMINOLOGICAL ANALYSIS OF THE RISING OF KIDNAPPINGS IN KENYA

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ABSTRACT

The paper examines the recent rise in kidnappings in Kenya. The study investigates the prevalence of the crime of kidnap by type; motives and factors encouraging kidnappings; treatment, conditions and coping mechanisms of victims of kidnappings; effects of the crime of kidnap; role of the Government and community in kidnappings; interventions and their effectiveness in addressing kidnappings; and challenges faced in preventing and combating kidnappings and their possible solutions. The study was carried out in 20 counties in Kenya. The study was descriptive in nature. The population for the study consisted of adult male and female members of the public who were staying in the selected localities/counties at the time of the study. The study utilized both probability and non-probability sampling techniques. Selection of the study sites employed simple random sampling and purposive sampling. At least 36 counties in Kenya had been reported to have experienced incidents of kidnappings. The 20 counties were selected using simple random sampling of an arbitrary 50 percent of all the counties that had experienced incidents of kidnappings in each of the Nairobi, Central, Coast, North Eastern, Western, Nyanza, Eastern and Rift Valley regions of Kenya (formerly, the eight provinces in Kenya). Specific sites for the study were selected purposively after visits to respective County Commissioners who assisted in identifying areas that had experienced incidents of kidnappings in their jurisdictions. Sample respondents were members of public and selected on the basis of their availability and willingness to respond. Key Informants were selected purposively because they were known and knowledgeable people in the subject matter. Victims of kidnappings and kidnappers for case studies were not easy to trace, hence availability sampling of victims and kidnappers was undertaken. Snow ball sampling was also used to draw identify victims and kidnappers. A sample of 326 members of public who were 54.8% males and 45.2% females was drawn. Qualitative and quantitative methods of data analysis were utilized. Quantitative data were analysed through descriptive statistics using the Statistical Package for Social Sciences. The qualitative data was analyzed through interpretation of responses of the Key Informants, victims, kidnappers and reporters from the institutions addressing kidnappings.

Keywords: Kidnapping, crime

INTRODUCTION

The changing local and global social, political and economic landscapes have seen the emergence of new forms of crimes and the assumption of new dimensions of the previously branded ‘common crimes’, for example in the tact employed in executing murders. Law enforcement and/or security officers now have to deal with new and sophisticated crimes against the person and/or property. The list of these crimes is long but a number of them such as terrorism, money laundering, counterfeiting, tax evasion, drug trafficking, human trafficking, maritime piracy, cybercrime, carjacking and kidnapping are now a common place both in the rural and urban settings, with the latter being the hardest hit. Kidnapping has been identified as one of the most dangerous emerging crimes in the world. This is because of the nature of its execution which may at times, involve use of excessive violence and weapons and result in the deaths of victims. For instance, a victim of kidnappings in Kenya once reported that his kidnapping was “a really nasty experience”. He added that everybody in the kidnap group had a firearm and that they were pointing a gun at his head and back (Hutchinson, 2009).

Kidnappings also affect the economy of a country. Firms that face a high risk of kidnappings of their staff reduce investment in the prone areas or countries. Some investors treat their personal security and that of their property to be important concerns. This implies that investors incur unwarranted increased costs of providing security which in turn
negatively affects business profits. When entrepreneurs (such as those in Nyeri, Kirinyaga and Murang’a Counties) are kidnapped and eventually killed, it could lead to closure of their businesses, disengaging their workers and creating more unemployment among the youth. High unemployment could lead to more violent crimes (Pshisva and Suarez, 2006). Some traders in Mandera County in Kenya have argued that a ban, which had reportedly been imposed by clerics with links to Al-Shabaab militants (who have been committing kidnappings), on public screenings of films and football matches had cut off the income of many video parlours. A Programme Manager with the Sisters for Maternity Health Organization Community Health Programme once reported that their budget had considerably increased (with that of security being enormous) due to kidnapping incidents forcing them to evaluate some of their projects in areas along the Kenya-Somali border (IRIN, 2010). Some kidnappers also ask for hefty ransoms which they many a times reduce it by 20 percent. For example, the kidnappers of twin girls in Kenya had been demanding a ransom of Sh86 million, but reduced it to Sh20 million and later Sh17 million. This ransom is an economic loss to the victims and their families (Makana, 2013).

In Kenya and especially in the North Eastern region, health programmes have suffered under kidnapping incidents. These programmes include child immunization, propagation of the use of condoms for family planning, HIV/AIDS awareness and campaign against Female Genital Mutilation/Cutting (IRIN, 2010).

Kenya has had an equal share of the crime of kidnap. According to Mugwang’a (2013), the country has experienced an unprecedented wave of kidnappings and that kidnappers are on the prowl in virtually all parts of Kenya. Humanitarian workers and tourists in Kenya have been kidnapped by militants and held in Somalia (Australian Government, February 11, 2014). Hutchinson (2009) estimated that there had been more than 200 kidnappings in Kenya between January and August, 2009. The mass media has highlighted cases of kidnappings in at least 36 counties in Kenya and only 11 counties, namely, Tana River, Taita Taveta, Marsabit, Makueni, Samburu, Trans Nzoia, Elgeyo Marakwet, Kericho, Bomet, Kakamega and Vihiga do not appear to feature in the reports. Nairobi has had numerous incidents of kidnappings. One of the recent incidents is that of twin girls. On October 3, 2013, 14-year-old twin girls were kidnapped at Brookside Groove in Westlands area of Nairobi. The kidnappers demanded a ransom of Sh86 million, but reduced it to Sh20 million and later Sh17 million. The twins were rescued on during a security operation by officers from Flying Squad, Special Crimes Prevention Unit and Criminal Intelligence Unit who raided a house in Upper Matasia, Ngong. Nine men were later arrested and arraigned in court in connection with the kidnapping of the girls (Makana, 2013).

Central Kenya region appears to be one of the hardest hit regions going by the wave of kidnappings. A seven-year-old girl was kidnapped on October 30, 2013 on her way home from school and became the 18th person to fall in the hands of kidnappers in Murang’a County since February, 2013. Other kidnappings are those of an assistant chief who had been kidnapped from her home in Naro Moru in Nyeri County and was later dumped at Maragua Ridge village in Murang’a by her two abductors on a motor bike; a 23-year old man kidnapped his 20-year old former lover at Ngangarithi Estate in Nyeri and demanded Kshs. 7,000.00 ransom from her parents (The Kenyan Daily Post, 13th March, 2014); a businessman from Kaha-ini village in Kandara, who was seized on August 13, 2013 while closing his shop and was later found dead in a swamp at Kihiu Mwiri village in Gatanga two days later; a fruit and vegetable vendor from Kongo-ini village in Mukuyu who was kidnapped on August 13, 2013, and whose body was found dumped in Mathiolya River with his hands tied and had stab wounds in the neck; a businessman was abducted from his petrol station in Kagio market in neighbouring Kirinyaga County by three men posing as police officers; a businesswoman who had been released by gangsters after a ransom of more than Sh100,000 was paid after holding her hostage for four days; a male victim who was picked up by two men from his home in Kambirwa village of Kiharu and his body found hours later at a quarry near Murang’a town with gunshot wounds (Karanja, 2013). A kidnapped prominent businessman in Nyahururu, Nyandarua County, was rescued by police after being held captive for nine hours (Kenya Citizen TV, 2014).

Kidnappings have been reported in parts of Eastern Kenya. A Machakos Councillor was attacked at his home at Thini market in Kathiani District and robbed of Sh50,000 and a car with the thugs kidnapping his
wife and nephew after the raid (Kavila, 2012); there has been an outcry among Boda boda operators due to the increase in theft and kidnapping of the riders in Machakos County (Kenya News Agency, 2014); one among three people kidnapped in Isiolo in one week in October, 2011 was found on 31st October, 2011 dead and his body dumped in a thicket as conflict among rival communities took a new angle (The Star, November 1, 2011); a man was kidnapped and physically tortured for over a week in a forest by a gang linked to a local politician in Isiolo County (Wanuna, 2013); and a 3-year-old boy was kidnapped while he was playing with his friends around his neighbourhood at Charia Location in Meru. The suspects transported the minor to Nairobi before they demanded Ksh. 150,000 ransom to release him (Muirithi, 2013; The Kenyan Daily Post, March 28, 2013). A 7-year-old albino boy was rescued by residents of Mugui village in Embu North District after being kidnapped by a gang led by hisuncle that wanted to sell his private parts for witchcraft (Githinji, 2013). A trader from Embu was kidnapped and robbed of Ksh. 370,000 before being dumped in Manyatta area of Embu County (Kenya News Agency, April 23, 2014). Two male victims of middle-age were allegedly kidnapped in Meru county and killed before their bodies were dumped and later found at Nithi Bridge possibly to distort investigations (Kenya Daily Post, August 14, 2014; The Star, 2014). A seven-year-old boy believed to have been abducted from his parents in Nairobi was rescued from his abusive foster mother in Kitui County. He was a pupil at Uvaita Primary School in Mbondoni, Mwingi Central District at the time of rescue (Nzengu, 2014).

Incidents of kidnappings and abductions have been reported in the Coastal region of Kenya. In September, 2011, a British Social Worker Mrs. Judith Tebbutt and her husband Mr. David Tebbutt (who was killed in the episode) were kidnapped in Lamu (Pflanz, 2013); on 20th February, 2014, a 40-year-old carpenter was kidnapped in Msambweni area of Kwale County (Chanji, 2014); in the early morning of 4th March, 20123, three Independent Electoral and Boundaries Commission (IEBC) officials were allegedly kidnapped at Chumani Polling Station in Kilifi, beaten up and cut using pangas and later released and treated in the district hospital for injuries (Kenya Red Cross, 2013) while a 9-year-old Standard Three pupil was kidnapped in Mombasa and later found alive by the police in Malaba, Busia County in 2013 (The Star, 2013). The North Eastern part of Kenya has not been spared, experiencing a number of kidnappings in the recent months. For instance, according to the U.S Department of State, multiple kidnappings of Westerners have occurred in Kenya. In January, 2012, a District Officer and a Registration Clerk with the Registrar of Persons were kidnapped in Wajir South Sub-County by members of the Al-Shabaab extremist group (Berhane, 2012; Koross, 2012). On June 29, 2012, four international aid workers (from Canada, Pakistan, Norway, and the Philippines) were kidnapped in the Dadaab refugee camp in northeastern Kenya. All were rescued on July 1, 2012. In October 2011, two Spanish nationals working for a non-governmental organization (NGO) were also kidnapped in Dadaab. They were released on July 18, 2013 (U.S Department of State, 2014).

The vast Rift Valley region has experienced incidents of the crime of kidnap orchestrated by both locals and communities from neighbouring countries. A businessman was kidnapped in Nakuru by four men (Gakio, 2014); an 11-month old baby was kidnapped by a house help in Nakuru; a France-based athlete was kidnapped by an unknown group of assailants in Kapsabet town, Nandi County but was later rescued by Police Officers (Jelimo, 2014); tension continued to remain high along the border of West Pokot-Turkana counties after a 7-year-old boy who was kidnapped by suspected Turkana raiders in October, 2013 was reported killed by the raiders (Jaola, 2013); the Merille militia were suspected to have kidnapped and killed an estimated 11 Turkana men in less than two weeks in August, 2013 (Bett, 2013); and a Police Officer from Ntulele Police Station in Narok North District was killed together with two other people in an ambush when they went to rescue a schoolgirl who had been kidnapped (Kirui, 2013). Two boys were kidnapped by bandits from Lokis in East Pokot District of Baringo County but later found alive but tied and abandoned in a bush (Kiplagat, 2013). A man in Laikipia confessed to police that he planned the kidnapping of his 55-year-old brother in order to raise money to do business (Kabotia, 2013). A househelp in Kitengela was arrested after being suspected to have kidnapped a 2-year old boy in Kitengela, Kajiado County (Githaiga, 2013). At a high-end Eldoret estate in Uasin Gishu County, a university student was beaten senseless as he tried to kidnap a magistrate’s three-year old daughter after threatening a house help and the daughter with a toy pistol. Another university student had been charged (between 13th and 15th October, 2014) in an Eldoret
court with kidnapping a nine-year old daughter of a businessman (Kipsang, 2014).

The Nyanza and Western regions of Kenya have not been spared by the problem of kidnappings either. Police Officers killed two suspected kidnappers in Kisumu on 25th July, 2013 (The Kenyan Daily Post, 26th July, 2013); a woman suspected of kidnapping a two-weeks old baby at Kondele in Kisumu East District was arrested by Police Officers in Kakamega County (Kenya News Agency, April 22, 2014); a 16-year old boy was kidnapped from their home in Awendo, Migori on 20th December, 2012 (The Kenyan Daily Post, December 21, 2012); and at Sio village in Kanduyi Constituency of Bungoma County, nine school boys aged between seven and fourteen years were kidnapped on separate days and taken to the bush where they were repeatedly defiled by a middle aged man (The Kenyan Daily Post, August 20, 2013); a spate of taxi drivers’ kidnappings has rocked Kisii County (Nyagesiba, 2012). Police in Siaya County rescued a man who had been kidnapped by a gang which was demanding Kshs. 3.5 Million ransom from the family. Police cornered the suspected abductors in a house they had rented in Busia but managed to disappear to Uganda (Omollo, 2014). Four suspects were arrested after kidnapping a 5-year-old boy in Rongo town in Homa Bay District (Omorro, 2012).

The rising incidents of the crime of kidnap in Kenya have raised serious security concerns among citizens in general and security agents in particular. The focused on the prevalence of the crime of kidnap by type; motives and factors encouraging kidnappings; treatment, conditions and coping mechanisms of victims of kidnappings; effects of the crime of kidnap; role of the Government and community in kidnappings; interventions and their effectiveness in addressing kidnappings; and challenges faced in preventing and combating kidnappings and their possible solutions.

Findings

Findings showed that the majority of the victims of kidnappings were children and Juveniles aged below 18 years. However, youth aged 18 to 35 and persons aged above 35 years were also victims of the crime. The victims were both male and female but females were the majority. The majority of the victims were Kenyans and they and/or their families were averagely stable economically. The majority of the victims of kidnappings were mainly members of wealthy families followed by business persons, Government Officers and tourists. The majority of the kidnappers were mainly youth aged 18-35 years, they were males, they were of Kenyan nationality and majority of them were not averagely stable economically. The majority of the kidnappers were strangers, followed by acquaintances of victims, organized criminal and street gangs, romantic partners, family members and security agents.

The perpetrators of kidnappings were found to be mainly strangers, followed by friends and acquaintances, criminal gangs and militia, romantic partners and family members and relatives.

The findings showed that kidnappings were mainly executed by groups of kidnappers who, to a large extent, also used illegal arms and weapons against their victims. Most kidnappers used force to get their victims with enticing and luring being the next popular way of executing kidnappings. Victims were mostly kidnapped when going home with others being kidnapped when on duty or business premises or when closing business.

The motives for kidnapping were socio-cultural (including religious and moral), economic and political. Revenge was the major the socio-cultural motive for kidnappings, ransom payment was the major economic motive while overcoming and/or reducing political rivalry was the major political motive for kidnapping was. The factors encouraging kidnappings in Kenya included unemployment especially among the youth, high incidence of poverty, existence of gangs and militia, retrogressive cultural practices, instability and conflicts in some regions, inefficiency and/or corruption among some members of the security system, political competition and rivalry, marginalization of some areas, proliferation of illegal small arms and light weapons and competition for control of resources.

The findings showed that victims encountered mostly negative treatments and conditions during kidnapping episodes. These included physical abuse, sexual abuse, being killed, mental/psychological abuse, confinement and isolation, poor feeding and being drugged. The effects of the crime of kidnap were diverse and included: causing fear among victims and other community members, disruption of social peace, post traumatic stress and depression, loss of funds through ransom, reduction of economic investment, closure of businesses, reduction of business profits, led to other crimes, disruption of
The community was found to participate in the increasing cases of kidnappings in Kenya in ways such as inadequate collaboration with security organs, lack of community cohesion and don’t care attitude, poor upbringing/socialization of children, engaging in retrogressive cultural practices, apathy of community members towards crime and inadequate sensitization of children on kidnappings. However, some community members had also participated in addressing kidnappings through collaboration with security organs and sensitization and awareness creation on kidnapping. The best way for the community to participate in addressing kidnappings was through: fully embracing and increasing participation in Nyumba Kumi and Community Policing Initiatives, increased sensitization and awareness creation on kidnapping cases, increased community collaboration with security agencies and establishment of a hotline for reporting kidnapping cases.

The Government was reported not to be doing enough in addressing kidnappings. Reasons given included: there were increased cases of kidnapping; there was slow response by security agents on kidnapping incidents and corruption in government agencies dealing with crime hindered efforts in addressing kidnappings. However, 41.6% said the Government was doing enough and argued that it was mitigating kidnappings using its security agencies through: increased number of security agents who are well trained; deployment of security personnel in border points; adoption of modern technology to fight crime; formation of special units to deal with different types of crime; swift response in kidnapping incidents by security teams; and arresting and charging some kidnappers. Improving Government’s efforts in addressing kidnappings was found to require, among others, creation of more employment opportunities for youth, adequate facilitation of security agencies, instituting stiff penalties for kidnap offenders, undertaking more awareness campaigns, opening up of more economic opportunities in country, elimination of corruption, enactment and/or effective implementation of anti-kidnapping laws and increased collaboration with relevant stakeholders.

Further, the study showed that the National Police Service was in the forefront in addressing the crime. Other organizations were the Judiciary, Kenya Prisons Service, Children Department, Office of the Director of Public Prosecutions, Coordination of National Government, formerly, Provincial Administration, NGOs, Faith based Organization, Probation and Aftercare, Immigration Department, Ministry of Foreign Affairs and Mobile Service Providers.

There were existing interventions that had been employed to address kidnappings in Kenya. These interventions included: tracing and rescue of victims, arrest of suspected kidnappers, charging suspected kidnappers in court, prosecution of suspected kidnappers, trial and sentencing of kidnappers, detection and investigation of kidnapping cases, punishment of kidnappers and repatriation of victims of kidnapping to their families. However, according to the majority of the respondents, the interventions were not effective in addressing kidnappings in Kenya.

A number of best practices were highlighted for preventing and combating kidnappings. The most prominent ones were: sensitization and awareness creation of the public, strict penalties to kidnappers, collaboration among all stakeholders, strengthening Community Policing, creation of employment opportunities for the youth, recruitment and deployment of adequate security agents, provision of modern gadgets and equipment to security agents, curbing corruption in government agencies dealing with crime, training security agents, swift response by security agents, creation of special security units to deal with specific crimes and improvement of intelligence sharing and utilization.

Preventing and combating kidnappings was found to face numerous challenges. The most serious challenge was that of inadequate resources within the security agencies involved in fighting the crime. Other major challenges included: corruption in society, community reluctance to volunteer information, inadequate awareness and sensitization on kidnappings, inadequate cooperation among stakeholders, high levels of youth unemployment, use of modern technology by kidnappers and poor transport infrastructure and communication in some parts of the country. The possible solutions to the challenges lay in especially; provision of adequate resources to security agencies, enhanced sensitization and awareness creation, eradication of corruption, creation of employment opportunities, enhanced collaboration among stakeholders, instituting stiff penalties to kidnappers and embracing Nyumba Kumi and Community Policing Initiatives.
Based on the findings of this study, some of the conclusions drawn are that: the crime of kidnap, in its different types, is increasingly becoming prevalent in many parts of the country; the motives for and factors encouraging kidnappings are socio-cultural, economic and political in nature; kidnappings have serious negative effects on the Kenyan society; there are generally ineffective interventions to address kidnappings in Kenya; and that preventing and combating kidnappings in Kenya faces numerous challenges.

The study recommends that community awareness creation and sensitization on the dangers and ways of fighting kidnapping be enhanced; vetting of security officers and monitoring of ex-security agents; preparedness of security agents with the right technology and infrastructure and training of the security agents on modern crime; use of modern equipment and technology in preventing and combating crime in Kenya; registration of all mobile phone SIM cards; recruitment and deployment of adequate security agents in different parts of the country; interventions be initiated to foster confidence of the community members (the public) on the security agents; mutual and effective collaboration between the many stakeholders; “Nyumba Kumi” and Community Policing Initiatives be fully embraced; stiff penalties be instituted on perpetrators to discourage others from participating in committing the crime; improvement on the transport and communication infrastructure and network in all parts of the country in general and the marginalized areas in particular; creation of employment and other economic opportunities for the youth in particular and the public in general; protection of witnesses, informants and whistle blowers in the country’s legal and witness protection frameworks; upsaling the fight against corruption; and curtail the proliferation of illegal small arms and light weapons (SALWs).

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