

OBSERVATORY OF ILLICIT ECONOMIES IN EASTERN AND SOUTHERN AFRICA

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Summary highlights



In Somalia, COVID-19 opens up new avenues for corruption.

The first case of COVID-19 in Somalia was confirmed on 16 March. Since then, the government has received unprecedented backing from international partners, but internal challenges are impeding the response. Control over humanitarian aid has remained a source of fierce competition since the collapse of the state and subsequent famine in the early 1990s, and insecurity continues to inhibit effective monitoring mechanisms. In addition, despite recent improvements in public financial management in Somalia, corruption remains widespread. Keeping track of the rapid influx of material donations intended to prop up a healthcare sector dominated by unregulated private actors will remain a formidable challenge.



Somalia's khat ban has led to the emergence of a contraband industry.

In the wake of the pandemic, the Somali Federal Government temporarily banned imports of the narcotic leaf, khat, on public-health grounds. Regional administrations quickly followed suit. After the ban, the

price of the drug in Somalia's capital Mogadishu jumped as much as fifteen-fold, and new land and sea smuggling routes quickly emerged. The primary result of Somalia's ban has been a shift away from khat of Kenyan origin towards Ethiopian imports. While it is unclear if the public-health objective has been achieved, the loss of revenue to Somali authorities has been significant.



The tobacco ban in South Africa is expanding the horizons for profit from illicit trading.

Among the measures South Africa has taken to curb the spread of the coronavirus was a moratorium on the distribution and sale of tobacco products, including cigarettes. The alleged susceptibility of smokers to COVID-19 was cited as the primary rationale for the ban. Evidence on the relationship between COVID-19 and smoking is, however, still inconclusive. Further, analysts have speculated that the already-thriving illicit trade in cigarettes may become more deeply entrenched by the time the coronavirus crisis passes, depriving the South African government of significant long-term revenues.





The pandemic has driven unprecedented shifts in human-smuggling patterns to

Mayotte.

Since 1975, when the Union of the Comoros gained independence, but Mayotte voted to remain part of France, a large number of Comorians have used the services of human smugglers to reach Mayotte in search of a better quality of life. More recently, a far smaller number of Malagasy and Central African migrants have also been smuggled to Mayotte, with many hoping to claim asylum or obtain French visas. The coronavirus pandemic initially caused a drastic reduction in the former, and an almost complete stop in the latter. While the irregular movement of Comorians to Mayotte as of June 2020 has returned to – or even exceeded – pre-pandemic levels, arrivals of continental Africans, who rely on air travel for part of their journey, remain low.

The pandemic's effect on these smuggling routes sheds insight into trends emerging across the region.



Kenyan gang members are facing increased police extortion.

On 15 March 2020, soon after Kenya's first recorded case of COVID-19, the chief justice suspended open court hearings. Certain elements among the police moved quickly to take advantage of the absence of judicial guarantees, threatening criminal suspects – particularly members of gangs – with indefinite detention unless bribes were paid. Health measures aimed at slowing the spread of the coronavirus are also being used as an opportunity for increased extortion and violence. The GI-TOC spoke to gang members and civil-society activists in Nakuru and Nairobi for their perspectives on police abuses.

ABOUT THIS ISSUE

The coronavirus pandemic has wreaked havoc on the formal global sector as well as illicit economies – where it has proven disruptive, but has also presented new opportunities. Our headline story explores the misappropriation of international medical donations to Somalia; a country now in its fourth decade of civil war. With a virtually non-existent public-healthcare system and plagued by endemic corruption, Somalia is one of the least equipped countries in the world to deal with the pandemic.

Somalia is only one example of a weak government struggling to cope with COVID-19. Across fragile states, the coronavirus pandemic has changed patterns of public corruption, as state agents have sought to take advantage of the crisis for personal gain.

The COVID-19 crisis has also led to the emergence of novel illicit economies, and the expansion of existing

ones. Bans of the narcotic leaf, khat, in Somalia and tobacco products in South Africa during the pandemic may result in unintended consequences, principally the long-term loss of state revenue. The danger is that illicit networks formed during the coronavirus pandemic may well endure long after the current crisis passes.

In Kenya, police have been accused of brutally enforcing the government's curfew measures, and of using public-health measures as a pretext to ramp up extortion of the population. The implications of such behaviour go far beyond financial governance. If communities perceive COVID-19 measures to be yet another tool for an oppressive state, it risks politicizing public health and further eroding the state's legitimacy. The ability of governments in East and Southern Africa to control the spread of the virus, both domestically and regionally, may be jeopardized.

In Somalia, COVID-19 opens up new avenues for corruption.

Preparations for the emergency response to the coronavirus outbreak were already underway prior to Somalia confirming its first case on 16 March 2020. Since then, the level of external support has been unprecedented. On 24 March, Somalia received its first donation of medical supplies and protective equipment, including 100 000 face masks, from the Jack Ma Foundation.¹ Following Jack Ma's lead in 'mask diplomacy', multiple donors – including the United Arab Emirates, Turkey, Qatar and even neighbouring Ethiopia – have scrambled to airlift medical supplies in bulk to Somalia. Photos of officials receiving the donations have been routinely posted on Somali government websites and social-media accounts in appreciation.

But the rapid influx of international donations intended to prop up a weak healthcare sector has also presented new opportunities for self-enrichment among corrupt officials. While progress has been made in public financial management, Somalia remained at the bottom of Transparency International's Corruption Perception Index in 2019. An April investigation into the apparent systemic misappropriation of donor funds (allocated pre-COVID-19) by multiple government officials, including representatives of the Federal Ministry of Health, demonstrates that corruption remains widespread. GI-TOC research has confirmed that supplies donated to tackle the coronavirus outbreak have also been misappropriated for private gain.

A healthcare system in crisis

Somalia is among the least-prepared countries when it comes to managing the outbreak of a highly infectious disease. An estimated 2.6 million internally displaced persons reside in more than 2 000 mostly squalid informal settlements throughout the country; 4.1 million people are categorized as food insecure; and at least 1 million children are thought to be malnourished.² The country has the second-highest mortality rate attributed to unsafe water, unsafe sanitation and a lack of hygiene (after Chad), and among the lowest ratios of physicians to population in the world.³ When the coronavirus arrived, the country was already facing severe flooding along its rivers, prompting fears of outbreaks of cholera and watery diarrhoea, and the worst desert locust infestation in recent history.

A May 2020 report co-published by the Heritage Institute for Policy Studies (HIPS) – a Somali think-tank – and City University of Mogadishu (CU) paints a grim picture of the state of the healthcare system. According to the report, both public and private services are 'ill equipped to meet even the primary health service needs of the bulk of the population'.⁴ The report lists donor dependence and an absence of government oversight as two of several major challenges even before the coronavirus outbreak. Data aggregating external aid to Somalia between 2018 and 2020 reveals that more than US\$330 million had been disbursed throughout the country targeting the health sector.⁵ (The Federal Ministry of Health was allocated a little over US\$9.3 million in the 2020 budget.) The HIPS/CU report also lists the domination of 'unaffordable and substandard' private-sector services as a major challenge, though it concedes that in the almost total absence of public-health facilities, the private sector remains a 'critical healthcare player', despite the lack of regulation.⁶

Corruption within the Federal Ministry of Health?

On 25 March 2020 – the day before the second case of coronavirus was confirmed in Somalia – Kasim Ahmed Jimale, the international health regulations national focal point of the Federal Ministry of Health, announced his resignation after almost 10 years of service.⁷ The timing of his resignation prompted speculation on Somali social media over the state of affairs in the Ministry of Health. GI-TOC sources in Mogadishu assert that he left the ministry amid a burgeoning corruption scandal, and subsequently informed officials in the office of the prime minister of what he had uncovered.

On the night of 4 April, Mohamud Mohamed Bulle, the director of administration and finance for the Ministry of Health, was arrested and detained by police.⁸ On 6 April, the director general at the ministry was also arrested and detained.⁹ Somalia media outlets, and subsequently a *Foreign Policy* article,¹⁰ cited the alleged misappropriation of COVID-19 donations as the reason for the arrests. However, the GI-TOC's sources in Mogadishu, who are close to the investigation, suspect that corruption had been going on for years before the outbreak of the pandemic.

On the morning of 4 April, following a tip-off, Somali security forces raided a compound in central Mogadishu and seized a large volume of materials used to mass produce falsified accounting paperwork, including invoice books, receipt books and more than 60 fake stamps for commercial companies. According to the GI-TOC sources, the paperwork was used to falsely demonstrate the supply of goods and services to government ministries that had been paid for with international donor funds (allocated prior to the COVID-19 pandemic), while in fact government officials were diverting the funds for private use.

On 27 April, a letter from the federal office of the auditor general was sent to various development partners notifying them of a 'forensic audit' underway in the Ministry of Health to investigate the suspected fraud scheme that had diverted donor funds. The audit would cover, among others, funds allocated for medical supplies, medical equipment, office supplies and equipment, conference facilities and air ticketing.¹¹ The director general and director of administration and finance of the Ministry of Health were both listed in the letter as having been arrested in connection with the scheme which, it suggested, may have been going on for several years and likely involved several other government institutions.

The actions taken by the auditor general against the individuals suspected to be involved in the scheme may well represent a positive step in addressing an entrenched culture of impunity among government officials in Somalia. Several GI-TOC sources have indicated, however, that the unprecedented step of launching a public investigation into government officials for the misappropriation of donor funds at that time may also have been intended to justify the transfer of managing the coronavirus response from the Ministry of Health. On 28 March – after the resignation of Jimale, but before the raid on the compound and arrest of his former colleagues – a letter from the permanent secretary to the prime minister informed the UN that two colleagues within the prime minister's office would serve as focal points 'responsible for coordinating all assistance related to Covid-19' on behalf of a national coordination committee.¹²

Diversion of donor assistance

A lack of transparency over the management and distribution of some donor assistance has fuelled concerns regarding the diversion of medical supplies.



Consignment of medical supplies, including items purchased by the local business community, unloaded at Adado airport in Galmudug State, 26 May 2020.

SOURCE: Social media



An oxygen concentrator, reportedly purchased at a private pharmacy in Mogadishu by Galmudug-based businessmen.

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The GI-TOC has been able to establish that some COVID-19 supplies donated by international partners have been diverted by officials tasked with coordinating and managing the response for private gain.

In late April, when asked by a GI-TOC source about the diversion of donated items, an official within the Federal Government response coordination structure confirmed the disappearance of many items donated by Jack Ma (received on 24 March) and the UAE (on 14 April). This assertion was supported by former Somali president Sheikh Sharif Ahmed's statement on 25 May that medical aid had found its way to markets in Mogadishu.¹³

On 27 May, medical supplies were flown to Adado, a town in the regional Galmudug State, to equip the local hospital. According to multiple independent GI-TOC sources, the consignment included some international donations distributed by the Federal Government to Galmudug State. However, additional supplies donated by international partners – including an oxygen concentrator – had been purchased by the Galmudug business community from markets in Mogadishu.¹⁴ A dedicated Adado COVID-19 social media account praised several Galmudug businessmen for their donations, including a ventilator, to the hospital.¹⁵

On 3 June, images of what appeared to be donated items adorned with the flags of Qatar and Turkey (including soap, hand sanitizer and breathing aids) available for purchase in a Mogadishu pharmacy were widely shared on social media and subsequently published on several Somali news websites.¹⁶ According to the GI-TOC sources, National Intelligence and

Security Agency agents were subsequently deployed to remove any further evidence of the goods in marketplaces in Mogadishu. The GI-TOC, however, subsequently found evidence of donated items – particularly face masks – for sale in pharmacies throughout the city.¹⁷ One GI-TOC source claimed that a consignment of face masks earmarked for a regional Somali administration had even been returned to Mogadishu, from where it then found its way to pharmacy shelves.¹⁸

Undermining the coronavirus response

An extraordinary effort, involving numerous government institutions, non-government institutions and external partners, is being made to stem the coronavirus crisis in Somalia. Considering the formidable healthcare challenges facing Somalia, the response to date has been remarkable and will likely have already saved many lives.

However, the recent exposure of a suspected criminal network involving the Ministry of Health indicates the extent to which a culture of corruption remains pervasive within Somalia and how international aid remains susceptible to misappropriation. The rapid influx of sorely needed medical supplies has presented new opportunities for self-enrichment, which some public servants have clearly exploited.



Left: Face masks photographed by the GI-TOC in a pharmacy in Mogadishu, 18 June 2020. Right: Medical donations to the Somali government, including boxes of face masks identical to those documented by the GI-TOC, alongside aid from Turkey and China, 28 May 2020.

SOURCES: © GI-TOC & Social media



COVID-19-related donations from Turkey and Qatar, including face masks and hand sanitizers, for sale at a pharmacy in Mogadishu in early June 2020.

SOURCE: Social media

Notes

- 1 The Jack Ma Foundation was founded by Chinese businessman Jack Ma, the co-founder and chairman of Alibaba Group. As of late June 2020, the Jack Ma Foundation had made three rounds of donations of medical equipment and supplies to all 54 states on the African continent.
- 2 United Nations Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin: Somalia 1 May–2 June 2020, <https://www.unocha.org/somalia>.
- 3 World Health Organization, Global Health Observatory Data Repository, <https://apps.who.int/gho/data/view.main>.
- 4 Ali A Warsame, Somalia's Healthcare System: A baseline study & human capital development strategy, Heritage Institute for Policy Studies and City University of Mogadishu, May 2020, <http://www.heritageinstitute.org/wp-content/uploads/2020/05/Somalia-Healthcare-System-A-Baseline-Study-and-Human-Capital-Development-Strategy.pdf>.
- 5 Federal Republic of Somalia, Aid Flows in Somalia: Analysis of Aid Flow Data, April 2020, <https://somalia.un.org/sites/default/files/2020-05/Aid%20Flows%20in%20Somalia%20-%202020.pdf>. The Federal Ministry of Health has been both the recipient and implementing agency for many external donor projects.
- 6 Ali A Warsame, Somalia's Healthcare System: A baseline study & human capital development strategy, Heritage Institute for Policy Studies and City University of Mogadishu, May 2020, <http://www.heritageinstitute.org/wp-content/uploads/2020/05/Somalia-Healthcare-System-A-Baseline-Study-and-Human-Capital-Development-Strategy.pdf>. A 2015 Al Jazeera investigation found that many private clinics and pharmacies were dispensing counterfeit and expired medicines. Hamza Mohamed, Counterfeit medicine endangering Somali lives, Al Jazeera, 3 July 2015, <https://www.aljazeera.com/indepth/features/2015/06/counterfeit-medicine-endangering-somali-lives-150625100645962.html>.
- 7 Kasim Ahmed Jimale, 'To night I have decided to resign...', Twitter post, 8:04 p.m., 25 March 2020, <https://twitter.com/KJimale/status/1242905163922321409>.
- 8 Abdi Weriye Ahmed, *Sarkaal ka tirsan Wasaaradda Caafimaad oo lagu xiray Muqdisho, kaddib markii lala xiriiriyay*, HalQaran News, 5 April 2020, <https://www.halqaran.com/index.php/2020/04/05/sarkaal-ka-tirsan-wasaaradda-caafimaad-oo-lagu-xiray-muqdisho-kaddib-markii-lala-xiriiriyay/>.
- 9 Radio Dalsan, *Agaasime kale oo ka tirsan Wasaaradda Caafimaadka oo la xiray*, 6 April 2020, <https://www.radiodalsan.com/agaasime-kale-oo-ka-tirsan-wasaaradda-caafimaadka-oo-la-xiray/>.
- 10 Subban Jama and Ayan Abdullahi, 'We Are Used to a Virus Called Bombs', *Foreign Policy*, 12 May 2020, <https://foreignpolicy.com/2020/05/12/coronavirus-pandemic-somalia-al-shabab/>.
- 11 Goobjoog News, Auditor General probes Ministry of Health over donor funds diversion, 2 May 2020, <https://goobjoog.com/english/auditor-general-probes-ministry-of-health-over-donor-funds-diversion/>. A copy of the letter from the Federal Office of the Auditor General was obtained by the GI-TOC.
- 12 A copy of the letter from the permanent secretary was obtained by the GI-TOC.
- 13 Radio Dalsan, Former president accuses government of squandering COVID-19 fund, 25 May 2020, <https://www.radiodalsan.com/en/2020/05/25/former-president-accuses-government-of-squandering-covid-19-fund/>.
- 14 Images of the cargo arriving in Adado posted to social media demonstrate that a private company, Maandeeq Air Logistics flight (registration 5Y-SMS), delivered the consignment, whereas most other distribution flights have been carried out by UN agencies. Somalia Covid19, '*Dowladda FS ayaa qalab caafimaad oo lagula tacaalo #COVID19...*', Twitter post, 2:58 p.m., 28 May 2020, <https://twitter.com/SomaliaCovid19/status/1265975805957550081>.
- 15 See Cadaado Covid19, '*MAHAD-CELIN. Waxaan u mahadcelinayna Ganacsade...*', Twitter post, 4:49 p.m., 28 May 2020.
- 16 See, for example, *Asad Abdullahi Mataan, Sawirro: Musuq-maasuqii uu Shariif ku eedeeyey DF oo bannaanka usoo baxay*, Cassimada Online, 4 June 2020, <https://www.caasimada.net/sawirro-musuq-maasuqii-uu-shariif-ku-eedeeyey-df-oo-bannaanka-usoo-baxay/>.
- 17 Using photos posted by the Ministry of Health, the GI-TOC was able to match particular brands of donated face masks to those found in pharmacies.
- 18 Interview with GI-TOC source on 18 June 2020, by phone.

Somalia's khat ban has led to the emergence of a contraband industry.

In response to the coronavirus pandemic, on 18 March the Somali Federal Government suspended all international commercial flights into and out of the country. Accompanying this measure was a temporary suspension of imports of khat leaf, a mild amphetamine-like stimulant typically consumed by men during lengthy communal chewing sessions. Somalia's numerous autonomous regional administrations soon followed with bans of their own.

Although numerous medical hazards have been attributed to the drug (it is illegal in most developed countries),¹ the rationale for its recent ban in Somalia stemmed from fears that khat could become a vector for the transmission of the coronavirus. The fact that khat leaf is picked, packed and transported by hand – as well as the social manner in which it is consumed – led Somali authorities to conclude that the health risks outweighed the significant tax revenue derived from the trade.

Miraa and hareeri

Growing conditions in Somalia are largely too hot and arid for the water-intensive crop, and consequently almost all the khat consumed in Somalia is imported from the highlands of Kenya and Ethiopia. Kenyan khat (known as *miraa*) is far more coveted than the Ethiopian variety (known as *hareeri*). Khat has a short shelf life, completely losing its potency within two days of being harvested, rendering the khat economy extremely sensitive to disruptions in the supply chain.

Mogadishu, where approximately one-quarter of the country's population resides, is by far the largest market for khat consumption. On average, 50 tonnes of *miraa* are exported daily from Kenya to Mogadishu, with a retail value of approximately US\$1 million.² Kenyan *miraa* farmers – who rely on dozens of daily flights from Nairobi to deliver their product to Somalia – have been particularly hard hit by the ban on the drug.

Ethiopian *hareeri* is most popular in the northern breakaway republic of Somaliland. *Hareeri* largely enters Somalia across land borders, due to its closer proximity to the khat-growing regions in Ethiopia as well as its more developed road infrastructure. Consequently, the

hareeri supply chain has been significantly more insulated from suspended commercial air transport.

Soaring prices

Kenyan *miraa* typically sold for US\$20–US\$25 per kilogram before the ban, but prices have since skyrocketed. In early April 2020, soon after the ban came into effect, Reuters news agency reported that one kilogram in Mogadishu fetched as much as US\$300.³ However, GI-TOC research indicates that prices had stabilized at between US\$80 and US\$120 as of early June 2020, depending on the freshness of the khat leaf. The drastic drop in price since the early days of the khat ban might signal the normalization of the illicit trade as smuggling routes and modalities become better established.

Regional administrations have also seen spikes in price, albeit less drastic. In Somaliland, Ethiopian *hareeri* khat that once fetched US\$35 a kilogram reached a price of



Ethiopian khat (*hareeri*) in Beletweyne, a major entry and distribution point for the drug during the ban, June 2020.

© GI-TOC

US\$55 during the ban.⁴ In Puntland, Somalia's northern-most regional administration, prices jumped to US\$70 per kilogram.⁵ In Kenya's capital of Nairobi, conversely, *miraa* prices have fallen as a result of the glut in supply caused by the Somali ban. The prices for some varieties of the drug have dipped by a third, or even halved.⁶

The creation of a contraband industry

To circumvent the new restrictions, a number of land and sea smuggling routes have emerged, while some existing routes have seen far higher volumes. Existing small-scale sea transport routes from northern Kenya into southern Somalia have expanded to reach the port city of Kismayo, as well as pushing onward to Mogadishu itself. According to the GI-TOC's information, the primary entry points for seaborne khat are Mogadishu's Jazeera beach and Ceel Cadde beach, which is located some 100 kilometres north-east of the capital.⁷ One Somali journalist told the GI-TOC that khat smugglers commonly conceal the leaf within containers marked as medical supplies.⁸

The ban has also caused importers and consumers to increasingly shift away from *miraa* towards the cheaper Ethiopian *hareeri* khat, the distribution of which has been less disrupted by the suspension of commercial flights. The town of Beletweyne, near the border with Ethiopia, has become a hub for the import and onward distribution of *hareeri*. As of early June, Beletweyne sees an average of 6 tonnes of *hareeri* transit through the city each day – before the ban, imports from Ethiopia were minimal.⁹ The retail price of the drug in the town has remained relatively stable at US\$15 per kilogram, suggesting an elastic supply that has quickly scaled up to meet the increased demand. From Beletweyne, much of the cargo proceeds onwards to Mogadishu, a supply route that has only emerged as a result of the cessation of Kenyan khat flights to the capital.

Transporting the leaf by road is not without its perils. The Islamist militant group Al-Shabaab, which controls much of Somalia's hinterland, is likely to execute any driver caught transporting the drug. It is therefore no surprise that *hareeri* transported from Beletweyne fetches exorbitant prices in Mogadishu – between US\$60 and US\$80 per kilogram.¹⁰

Smuggling by air

Some air carriers have continued to operate in Somalia under special licences authorizing them to transport COVID-19 medical supplies and other necessities. On



Buff Air Services (registration 5Y-WFC) offloading miraa at Buhodle airstrip, 31 May 2020.

SOURCE: Social media

1 of 1

Jamhuuriyadda Federaalka Soomaaliya
Hay'adda Duulista Rayidka Soomaaliyeed

Republic of Somalia
Somali Civil Aviation Authority (SCAA)

جمهورية الصومال الفدرالية
هيئة الطيران المدني
الصومالي

Permit Number: SCAA/1418/20
TO: KEYD LOGISTICS SERVICE
Cc: ATS Manager
Subject: **SPECIAL OVER FLIGHT AND LANDING PERMIT**

We acknowledge that we have received your flight permit request dated on 30-05-2020 and approved with the following authorization details.

Aircraft Details:	
OPERATOR	BUFF AIR SERVICES
AIRCRAFT TYPE	FOKKER 50,
REGISTRATION	5Y-WFA, 5Y-WFB, 5Y-WFC & 5Y-WFD
CALL SIGN	5Y-WFA, 5Y-WFB, 5Y-WFC & 5Y-WFD
PURPOSE OF FLIGHT	MEDICAL FLIGHT, SPARE PARTS, DRY FOODS AND VEGETABLE FRUIT FOR DIPLOMATIC USE. NO MIRA AND INBOUND PAX!
DATE OF FLIGHT	1 st – 30 th June 2020
FLIGHT ROUTE	NAIROBI - MOGADISHU, GALKAYO, KISMAYO, BAIDOA, BELEDWEYNE, ADADO, DUSAMAREB, GURIEL, KISMAYO, DOLLLOW, ARMADQOW, ARUDWAK, BULO BURTE, JALAKSI, WAJID, BURDIBO, JOWHAR, BARDERE, GARBABAREY, DINSOR, DHOBLEY, HUDUR – NAIROBI
VALID:	30 th June

Note: AIRCRAFT HAS TO BE SANITIZED AND CARRY PROOF OF

IMPORTANT NOTICE: MGU FIR HF frequency 11300 or 13288. Traffic within 200NM of Mogadishu Airport contact AREA CONTROL on VHF FREQUENCY 132.5. When approaching the following Aerodromes for landing contact TOWER FREQUENCY Mogadishu - 118.1 MHz, Hargeisa - 118.7MHz and Bossaso - 120.9MHz

Date of issue	Authority Name and Position	Signature
30 th May 2020	Ahmed Moallin Hassan Acting Director General Somali Civil Aviation Authority	

+252 - 1853675 : scaa@scaa.gov.so P.O Box 1737 +252 - 1853676 : www.scaa.gov.so Mogadishu, Somalia

Buff Air Services' June 2020 special operation licence, which specified that no passengers or Kenyan khat (*miraa*) were permitted on flights. The licence was cancelled on 1 June 2020, following a shipment of Kenyan khat to Buhodle airstrip aboard aircraft 5Y-WFC.

© GI-TOC

least three occasions, Kenya-registered aircraft have been found with shipments of khat concealed among medical supplies destined for Somalia.

On 26 May 2020, a flight operated by Silverstone Air Services delivered an illicit shipment of khat to Jowhar, the capital of the regional administration of HirShabelle. The shipment was received by the HirShabelle police commissioner before being transferred to two lorries

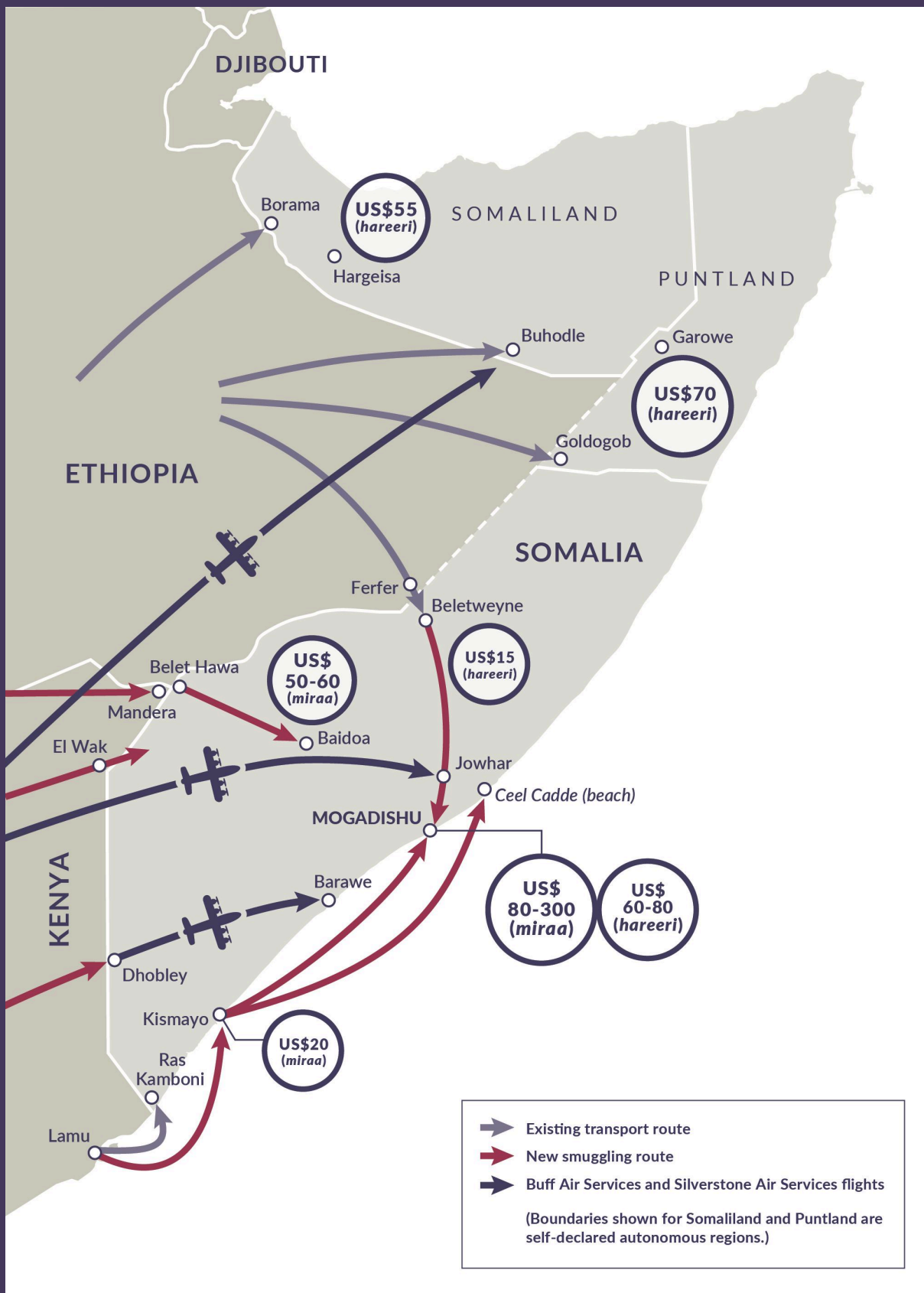


FIGURE 1 Transport routes used to circumvent Somalia's khat ban, and local prices per kilogram under the ban.

SOURCE: GI-TOC/ Rift Valley Institute



Silverstone Air Services/Maandeeq Air Logistics aircraft (5Y-SMS) on the apron at Dhobley airport with boxes of smuggled khat, 19 June 2020. On one box is scrawled 'COVID aid'.

© Harun Maruf

destined for Mogadishu.¹¹ While being escorted by Somali National Army and HirShabelle police vehicles, the convoy hit a roadside IED planted by Al-Shabaab militants approximately 60 kilometres north of Mogadishu. Nine soldiers were killed and four others injured.¹²

Five days later, an aircraft registered to Buff Air Services, was recorded delivering a shipment of khat in the northern town of Buhodle, on the border with Ethiopia. On 1 June, the Somali Federal Government suspended the operation licences of both Buff Air Services and Silverstone Air Services.¹³

On 19 June, a Silverstone-registered aircraft, leased to Mogadishu-based Maandeeq Air Logistics, was reported to have again transported a cargo of *mira* concealed as medical supplies from the town of Dhobley, on the Somalia–Kenya border, to the southern littoral town of

Barawe.¹⁴ Silverstone Air Services, Buff Air Services, and Maandeeq Air Logistics did not respond for comment.

Tokenistic enforcement

On 24 March 2020, the federal aviation minister publicly burned 40 kilograms of khat in a largely symbolic gesture accompanying the government's announcement of the khat ban.¹⁵ Other 'khat burnings' have taken place across Somalia, most notably in Somaliland, where seizures in over five towns across the region were put to the torch.¹⁶ Smuggling routes have also been targeted: on 10 May, Somali federal police arrested a number of suspected illegal traders who had allegedly smuggled khat into Mogadishu by sea, while on 4 June, the Coast Guard seized a consignment of khat concealed in a fishing boat and subsequently burned the cargo.¹⁷

But aside from these public displays and arrests, enforcement of the khat ban has been piecemeal and largely tokenistic. As the legal custodian of Somalia's airspace, it has been a relatively simple matter for the Somali Federal Government to suspend international air traffic. But with little ability to enforce its edicts outside of Mogadishu, stymying the land-based trade in the drug has proven a more difficult challenge, especially given that a large segment of the population is physically dependent on the drug. Enforcement of the ban has also been made difficult due to the fact that the security forces themselves are likely receiving bribes from khat smugglers.¹⁸

An unsustainable ban

Taxes levied on khat are an important source of revenue for the Somali Federal Government and are vital for regional authorities. In 2019, taxes on khat brought through Mogadishu airport raised US\$16.6 million for the Somali Federal Government, making up about 15% of total customs and import duties and 5% of all federal revenue.¹⁹ In Somaliland, taxes on khat account for 30% of all revenue for the administration, or about US\$35 million annually.²⁰

At the household level, Somali women heavily rely on the income generated by the khat trade: while consumers of khat are predominantly men, the market sellers are almost entirely women. One khat seller in Mogadishu, a mother of six, told the GI-TOC that khat was the only source of income for her family, and the ban had left her unable to pay her rent or medical bills. 'I personally appeal to the Federal Government with the strongest voice to ease the ban so that we can feed our children,' she said.²¹

Despite spikes in COVID-19 cases, both the Somaliland and Puntland administrations ended their respective bans on khat prior to Eid al-Fitr (23 May 2020), the celebration marking the end of Ramadan. At the time of writing, the khat ban remains in place in southern Somalia. It is unclear, however, how much longer the Somali Federal Government will be able to maintain it. Drug bans are notoriously hard to enforce even in developed countries – in the case of a highly fragile state like Somalia, it will likely prove an impossible task. In addition, the ban deprives an impoverished state of a significant revenue source that could be directed towards mitigating the impact of the coronavirus crisis.

Moreover, signs that the security forces may already be involved in the illicit khat trade are worrying. Should the ban continue for a protracted period, there is a risk that the nascent criminal networks (including members of the police and army) which are currently facilitating the illicit trade will become entrenched. When the ban is eventually lifted, these networks may continue to operate, circumventing government taxation of khat imports. Land and sea smuggling routes developed during the coronavirus crisis may become permanent.

Notes

- 1 For a discussion of the medical risks associated with khat consumption, see Ahmed Al-Motarreb, Molham Al-Habori and Kenneth J Broadley, Khat chewing, cardiovascular diseases and other internal medical problems: The current situation and directions for future research, *Journal of Ethnopharmacology*, 132, 3, 540–548.
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The tobacco ban in South Africa is expanding the horizons for profit from illicit trading.

There are approximately 7 million smokers in South Africa,¹ the majority of whom have continued to purchase cigarettes despite the temporary ban on tobacco products introduced by the government on 27 March 2020. A survey carried out by the Research Unit on the Economics of Excisable Products (REEP), based at the University of Cape Town, found that as many as 90% of respondents had bought cigarettes during the period surveyed (29 April to 11 May).² But while access to cigarettes has not changed significantly, prices have been significantly affected. The REEP report shows that over the 13-day period surveyed, the average price of a packet of 20 cigarettes rose by 53%.³

The GI-TOC's own research, as well as media reports, indicates that price increases over the course of the ban may be much more substantial. Tobacco consumers in Cape Town and Pretoria interviewed by the GI-TOC in May and June 2020 reported paying seven to 14 times more for a packet of cigarettes following the government ban.⁴ Local media painted a similar picture, reporting that as of the end of May, independent cigarette brands – which are usually priced at between ZAR 10 and ZAR 20 (US\$0.60–US\$1.20) per pack – were selling for anywhere between ZAR 60 and ZAR 180 (US\$3.50–US\$10.50), while the so-called 'Big Tobacco' brands were selling for as much as ZAR 200–250 (US\$11.50–US\$14.50).⁵

According to the REEP study, the steepest price increases were observed in the Free State and the Northern Cape provinces, while Limpopo, Mpumalanga and North West experienced comparatively lower increases.⁶

Perversely, the ban on tobacco products may have actually exacerbated the coronavirus crisis in South Africa. With the exorbitant price increases, the sharing of cigarettes has reportedly become more common, leading to an increased risk of transmitting the virus.⁷ In addition, harmful alternatives are being explored by desperate smokers, such as unfiltered black tobacco rolled in banana leaves.⁸

Big Tobacco suffers, independents boom

According to the REEP study, the Big Tobacco brands have been the biggest losers under the ban. The aggregate market share for the three largest international brands (BAT, Phillip Morris and Japan Tobacco International) has fallen from 81% to 36%.⁹ In their place, lower-priced independent brands have flooded the market. It is not correct to label these independent brands as illegal outright, but they have had a chequered legal history in South Africa. These products often sell at retail prices below the local tax threshold of R19.16 per pack of 20, which at face value indicates rampant tax evasion. However, claims of illegality have been strongly denied by these manufacturers.¹⁰ However, even if some local companies continued to operate clandestinely during the ban, they have suffered from lower productivity due to disruptions in the labour market, as well as to the transport industry.

There is a strong possibility that these independent brands will maintain their greater market share after the coronavirus crisis passes. Cheaper brands may find traction among the most price-sensitive smokers, who will now be more familiar with these products, meaning that the loss in government revenue due to tax evasion on the part of independent brands may become a long-term concern. South Africa generated ZAR 14.5 billion



A smoker protesting the tobacco ban outside South Africa's parliament on 2 June.

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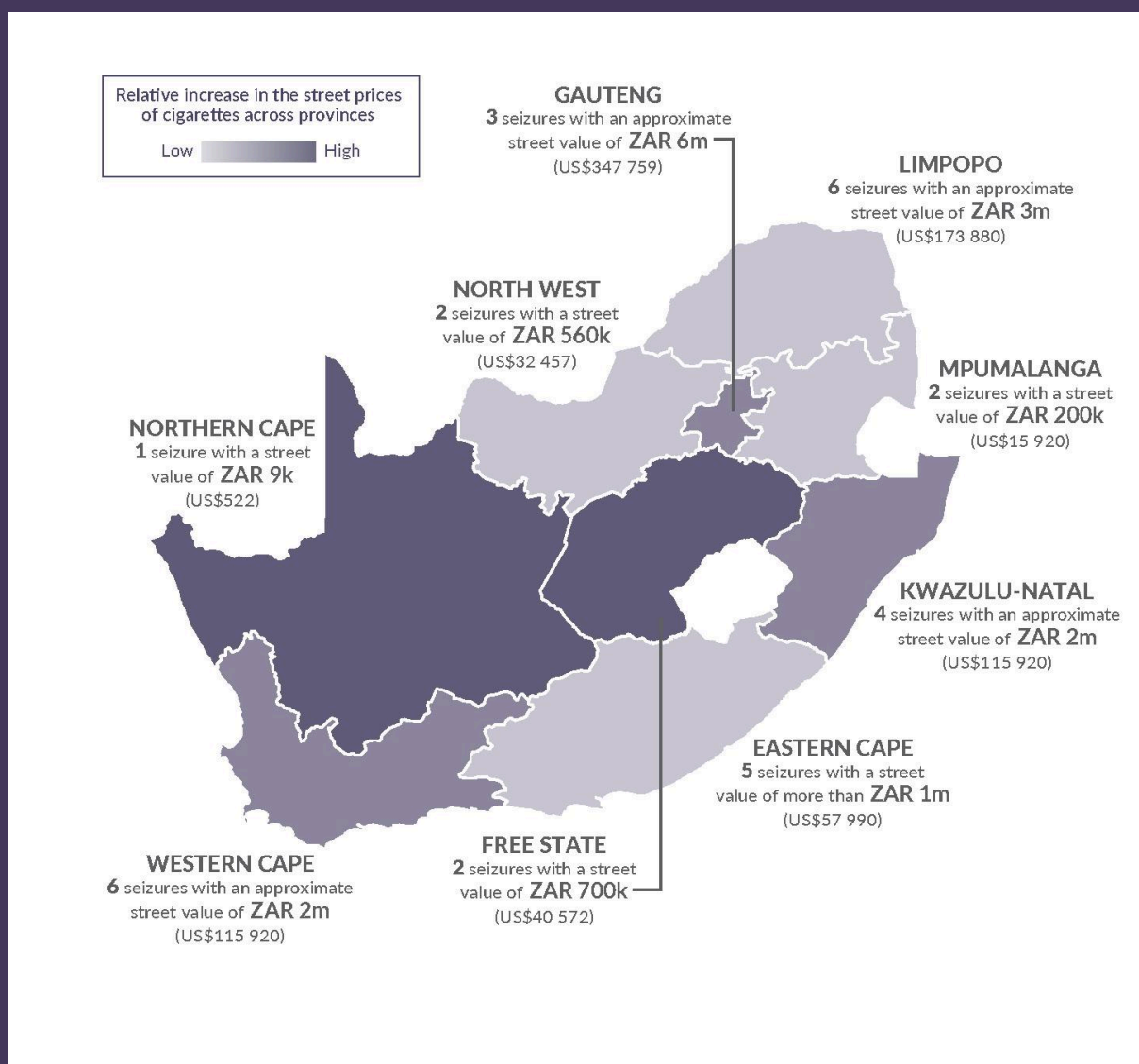


FIGURE 2 Relative cigarette price increases and seizures of tobacco products across South African provinces.

SOURCE: REEP/UCT study; local media reports on tobacco seizures

(US\$835 million) in the 2019–2020 fiscal year in excise taxes on tobacco products, a figure that might significantly drop should the independent brands cement their greater market share.¹¹ Researchers at REEP also fear that a price war may ensue between Big Tobacco and the independent producers, with inevitable detriment to public health.¹²

The gangs get involved

Independent tobacco companies are not the only ones who stand to profit. During the ban, South African gangs

have begun selling cigarettes in addition to their usual trade in narcotics and illicit liquor.¹³ Some gangsters have reportedly established contacts in neighbouring countries to source their cigarettes, with one claiming that his stock comes from Namibia.¹⁴

A researcher in the gang-afflicted Cape Flats neighbourhood told the GI-TOC that selling cigarettes has become more profitable for these gangs than selling drugs such as methamphetamines.¹⁵ In addition to profiting economically, supplying cigarettes to communities in

which they operate could potentially add to gangs' legitimacy, as they are providing a product that many feel has been unjustly denied to them by the government. In addition, flare-ups in violence have occurred over control of the cigarette and liquor trade in gang-ridden areas of Cape Town.¹⁶

Law-enforcement officials have also been involved in the illicit economy, and a number of police officers have been arrested for the trafficking and sale of tobacco products.¹⁷ Selling cigarettes has also become a subsistence activity, with children in some underprivileged areas pedalling loose cigarettes to support their families, whose income has been adversely affected by the coronavirus-induced lockdown restrictions.¹⁸

Increased prevalence of cross-border smuggling

With local South African tobacco manufacturers forced to shut down or limit their operations, cross-border smugglers have sought to fill the supply vacuum.¹⁹ In this, they are aided by the fact that cigarettes are still readily (and legally) available in much of the wider region: of South Africa's six neighbouring states, only Botswana has instituted a similar ban on tobacco products.²⁰ South Africa is also a prime target for profiteers in the region, given that most of South Africa's neighbours have small populations, low population densities and lower disposable incomes.²¹

GI-TOC sources, both civilian and police, from the Limpopo border region have reported a perceived increase in the number of cigarettes being trafficked over the border since the beginning of the lockdown.²² A farmer living along the border told the GI-TOC that the scale of cigarette smuggling across the Limpopo River was unprecedented. 'From the odd group of five to eight carriers [per week] a year ago, we now have 60-plus every few days crossing in front of our camp on the Limpopo with impunity. There is a permanent army roadblock kilometres up the road from the crossing point, but they do nothing,' he said.²³

The increase in the South African market share of Zimbabwe-based Pacific Tobacco products, from 1% to 5% during the ban, corroborates the perceptions of Limpopo residents.²⁴ Seizures of Pacific Tobacco products have been reported across the country, including in Limpopo, KwaZulu-Natal and Western Cape provinces.²⁵ One consignment was seized in Cape Town

after having been traced back to Polokwane, a city in Limpopo province.²⁶

If the REEP survey is an accurate reflection of trends, the brands being purchased by Gold Leaf, a company with factories in Zimbabwe, Malawi and Democratic Republic of Congo, has significantly grown in South Africa, from 12% to 30%.²⁷ Other cigarette brands from Mozambique, China and France that were not found in South Africa previously have suddenly appeared during the tobacco ban.²⁸ Counterfeit products have also become more prevalent during the ban. With the presence of Big Tobacco brands markedly diminished, counterfeit versions of these companies' products made a resurgence.²⁹ China has been identified as the primary source of many of these products.³⁰

Inadequate enforcement

On 1 April 2020, the commissioner of the South African Revenue Service (SARS), the primary custodian tasked with combating illegal tobacco products, was quoted as emphasizing the need for the service to 'start from scratch' in addressing the illicit trade in cigarettes.³¹ This is indicative of the predicament in which SARS now finds itself following the dismal period of state capture between 2014–2018.³² During this period, investigations into large-scale smuggling and tax evasion in the tobacco industry slowed or ceased altogether, allowing those involved in the trade to operate with virtual impunity.³³ Although efforts to crack down on the illicit trade have been stepped up under the new leadership at SARS,³⁴ the past hollowing out of the service has left South African agencies unable to effectively implement the government's ban on tobacco products.

Unintended consequences

The tobacco ban, along with other coronavirus measures imposed by the South African government, faced a variety of legal challenges. On 26 June, however, the High Court in Pretoria ruled that the government had had a 'firm rational basis' for instituting the tobacco ban, meaning that it is likely to remain in place until a decision is taken to lift it.³⁵

The ban, however, has already had numerous unintended consequences. Firstly, it has led to an increase in smuggling along South Africa's borders. Secondly, it has furnished established criminal gangs with a new source of illicit income. Most of all, the ban – based on an unsubstantiated link between smokers and the incidence of COVID-19 – may be counter-

productive in limiting the spread of the virus, with cigarette sharing forming a new vector for transmission.

Finally, competition within the tobacco industry may increase once the lockdown ends, presenting a long-term challenge to both public health and government revenue.

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The South African government's ban on tobacco products, while marginally reducing the number of smokers in the country in the short term, has exacerbated the scale of the illicit trade and undermined the very purpose for its implementation. The longer the ban persists, the greater the risk that the changes in illicit trade it has precipitated will become permanent.

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The pandemic has driven unprecedented shifts in human-smuggling patterns to Mayotte.

The measures taken by states to slow the spread of the coronavirus pandemic have disrupted human-smuggling dynamics across the globe, including the smuggling route to Mayotte, part of the Comoros archipelago in the Indian Ocean and the poorest French overseas department.

The roots of human-smuggling to Mayotte date back to 1975, when the Union of the Comoros gained independence, but Mayotte voted to remain French. Since then – and fuelled by ongoing diplomatic conflict – France has imposed ever more restrictive immigration controls that have disrupted long-standing, often circular, migration trends based on cultural and ethnic ties. This situation, together with the higher standard of living in Mayotte, has driven many Comorian migrants to seek the services of human smugglers to reach the French department.

Mayotte has also become increasingly attractive to Malagasy and Central African migrants and refugees, with authorities reporting a spike in asylum claims by Central African nationals in 2019.¹ The increase on this route is partly as a consequence of the ‘northern route’ to Europe through Libya turning more hazardous. These continental African migrants employ human smugglers to reach Mayotte, where they hope to obtain visas or asylum status, and thereby gain legal access to Europe.

Fears of the coronavirus, however, brought an almost complete stop to typical migration flows during several weeks at the onset of the crisis. The impact of the coronavirus on smuggling routes to Mayotte – including the temporary reduction in human smuggling following border closures, the almost complete disruption of air-smuggling routes, and the use of smugglers by migrants wishing to return home – exemplifies the regional trends explored in the April 2020 GI-TOC policy brief titled ‘Smuggling in the time of Covid-19’.²

Human smuggling between Anjouan and Mayotte

Every year, between 22 000 and 25 000 people are smuggled across the 70-kilometre stretch of sea that separates Anjouan, the main island in the Comoros archipelago, and Mayotte.³ NGOs working in Mayotte

note that the number of migrants using this route has been increasing year on year.

Smugglers take circuitous routes to evade authorities, typically travel at night and often overload their *kwassa kwassa* (small fishing boats used to transport migrants). The short crossing is consequently extremely dangerous, with the French Senate estimating that 7 000 to 10 000 Comorians died making this journey irregularly between 1995 and 2012.⁴ Unofficial estimates, as well as statements made by Comorian authorities, suggest the figure is far higher.⁵ In 2015, Anissi Chamsidine, the governor of Anjouan, publicly stated that as many as 50 000 had died, labelling the thin channel between the islands ‘the world’s largest marine cemetery’.⁶

The coronavirus pandemic, and the prevalence of the virus on Mayotte in particular, significantly disrupted this pattern of movement. COVID-19 was perceived to hit Mayotte first – by 30 April, when the Union of the Comoros announced its first cases,⁷ Mayotte had already reported 460 cases.⁸ In an attempt to limit contagion, Comoros closed its borders on 23 March; an unprecedented move that disrupted not only informal crossings, but also the large number of deportations from Mayotte. It also triggered a temporary lull, and partial reversal, in the long-standing smuggling flow from Anjouan to Mayotte. Between 15 March and 6 April, authorities in Mayotte detected no arrivals of *kwassa* from the Comoros,⁹ although Andry Rakotondravola, editor-in-chief for radio production at Mayotte Premier, suggests that irregular crossings continued, albeit in drastically smaller numbers.

According to the GI-TOC’s research, this decrease can be attributed to enhanced surveillance by authorities in Mayotte and Comoros, as well as reduced demand due to fears of contracting the virus in Mayotte. French naval patrols have been turning back any migrant vessels they intercept en route to Mayotte, rather than the typical practice of detaining the migrants onshore. Additionally, Comorian law-enforcement officials have been closely monitoring known disembarkation points across the coast of Anjouan to prevent smugglers returning with



Placard in Moroni, the capital of Comoros, stating 'Mayotte is Comorian and will remain so forever'.

© GI-TOC



Locally constructed fishing boats, known as 'kwassa kwassa', docked in the port of Moroni, Comoros.

© GI-TOC

migrants from Mayotte, whom authorities fear may be infected with the virus. This enhanced vigilance marks a significant shift from Comoros' typically lax position on irregular emigration, and puts the country's authorities in the awkward position of policing a national border they do not officially recognize.

The suspension of deportations from Mayotte also drove a new need for human-smuggling services. In March and April, Comorian authorities intercepted a small number of smugglers returning with Comorians who were fleeing the virus in Mayotte.¹⁰ This situation marked a reversal in typical human-smuggling patterns: prior to the outbreak of the pandemic, Comorian migrants only risked using human smugglers for the outward journey to Mayotte. (Many Comorians return home after a period in Mayotte, and typically effect their homeward

journey by presenting themselves to the Mayotte authorities to be deported.) The closure of the Comoros border, and consequent suspension of deportations, meant that Comorians were forced to hire smugglers to facilitate their journey home; a trend that has been seen across southern and East Africa since the pandemic reached the region.¹¹

Migrants in search of healthcare

The lull in Comorians travelling to Mayotte, and the small reverse flow in migration, proved to be only temporary. From 6 April, French authorities began tracking a sharp rise in the number of *kwassa* arriving in Mayotte, and by 20 April arrivals had reportedly returned to normal levels for that time of year.¹²

Since early June, however, Julien Kerdoncuf – the sub-prefect of Mayotte and coordinator of the response to the coronavirus crisis – has noted a surge beyond pre-pandemic levels in Comorians arriving irregularly, many of whom are in urgent need of medical attention. The disruption to human movement to Mayotte caused by the pandemic interrupted the long-standing practice of Comorians seeking medical treatment on the island. Having been forced to wait in Comoros for weeks, many are now arriving in Mayotte in dire condition.

While benefiting from a higher standard of medical care than Comoros, Mayotte nonetheless has scarce health resources compared to the rest of France, with only 80.7 doctors per 100 000 inhabitants in 2019.¹³ The coronavirus pandemic, together with the dengue fever epidemic currently sweeping across Mayotte, is heightening fears among impoverished communities in Mayotte that increasing numbers of migrants will compromise their ability to access medical treatment.¹⁴

Disrupted movement of Central African migrants to Mayotte

Prior to the pandemic, most migrants from Central Africa flew from their country of origin to the Comorian capital of Moroni, where they could obtain a tourist visa. They then travelled via legal channels to Anjouan, where they employed the services of smugglers to travel onward to Mayotte.

A far smaller but growing number of continental African migrants flew to Madagascar, taking advantage of a similarly generous tourist visa regime. From Madagascar, there were two principal routes by which Malagasy and Central African migrants reached Mayotte: travelling by

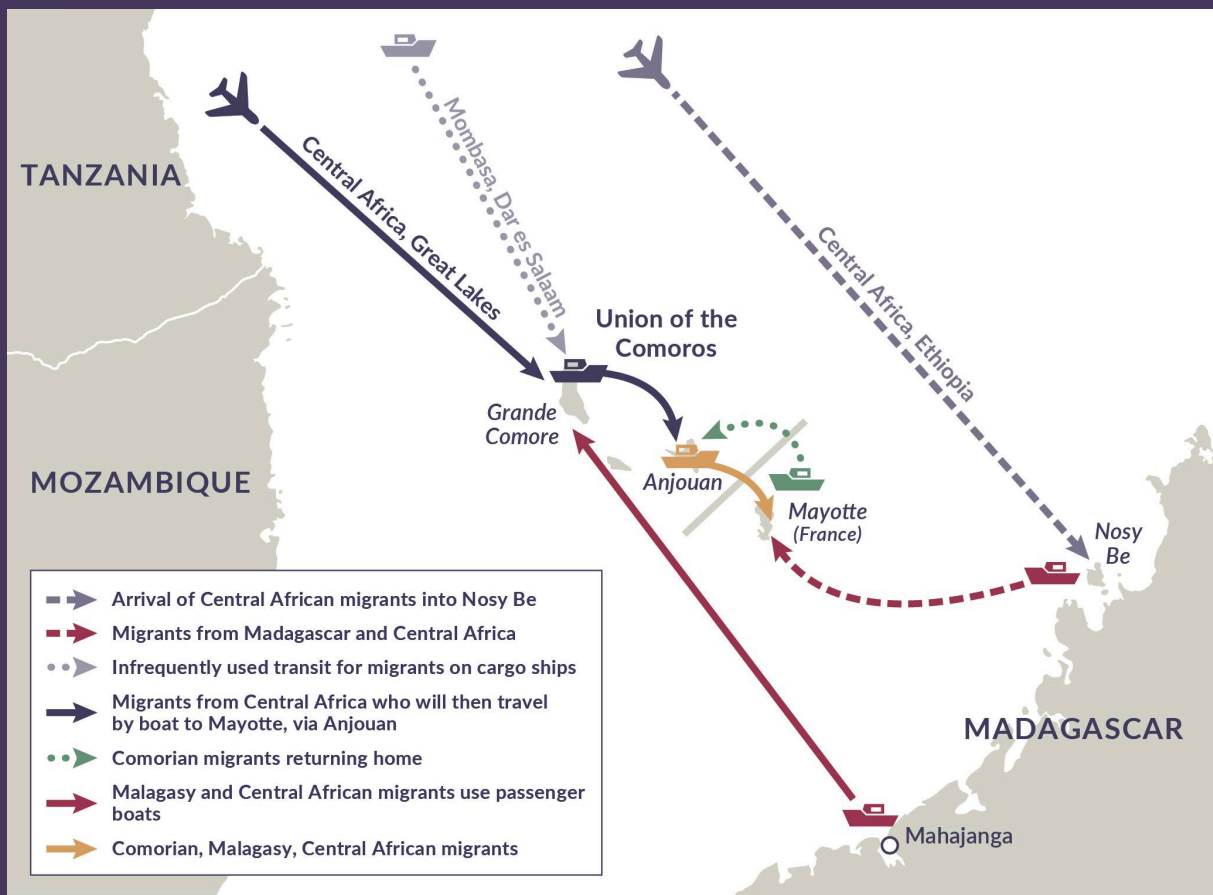


FIGURE 3 Shifting dynamics of human-smuggling routes to Mayotte.

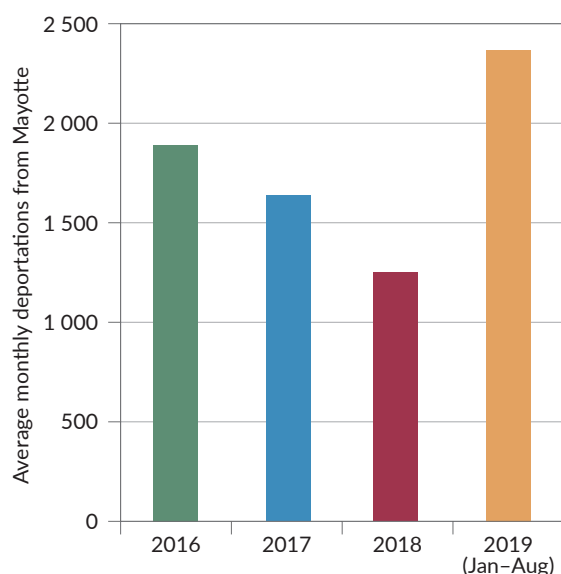
regular passenger boat from Mahajanga (on the west coast of Madagascar) to Moroni, from where they were brought by smugglers to Mayotte; or hiring human smugglers to travel by *kwassa* from Nosy Be, an island off the northwest coast of Madagascar, directly to Mayotte. The rough seas, long journey times (24–30 hours), night-time departures and use of small *kwassa* make the journey between Nosy Be and Mayotte even more hazardous than that between Anjouan and Mayotte. Local radio director Rakotondravola notes that capsizing is common, with one boat full of migrants sinking off the coast of Nosy Be in January.

Daniel Silva y Poveda, Chief of Mission for the International Organization for Migration Mission to Madagascar and the Union of the Comoros, attributes a 2019 spike in Central African migrants travelling from

Nosy Be to the opening of a direct Ethiopian Airways flight from Addis Ababa to the island.¹⁵

Since March, the almost complete suspension of commercial flights due to the coronavirus pandemic has rendered air travel from Central Africa to Comoros or Madagascar impossible. Authorities in Mayotte have recorded only two arrivals of *kwassa* carrying Central African migrants from Madagascar since 20 March.¹⁶

Some African migrants who would previously have flown to Comoros or Madagascar may instead resort to overland routes to Mozambique or Tanzania, which are far more dangerous. In addition, the movement restrictions imposed to tackle the coronavirus have made such overland travel even riskier, as smugglers seeking to evade increased border controls use longer, more hazardous routes and more dangerous transport



27 421 people were deported from Mayotte in 2019, a record high.

99% of deportations were of Comorian nationals.

1% are almost exclusively deportations of Malagasy nationals.

1 131 asylum claims were made by continental African nationals in 2019.

FIGURE 4 Migration to and deportations from Mayotte.

SOURCE: Préfet de Mayotte (Operation Shikandra 2019 official statistics, and as reported in *Le Journal de Mayotte* in February 2020)

methods. In particular, movement restrictions have accelerated the trend of smugglers disguising migrants in commercial vehicles, which are permitted to cross borders. This tactic was used by smugglers moving migrants into Mozambique from Malawi in late March 2020, with tragic consequences. Mozambique immigration authorities at the border discovered the bodies of 64 Ethiopian migrants who had asphyxiated in a lorry container, along with 14 survivors.¹⁷

Migrants who successfully reach East Africa's coastal states on their journey to Mayotte would then need to cross the Mozambique Channel. In a pre-existing but little utilized and risky route, smugglers transport migrants on cargo vessels from Mombasa or Dar es Salaam to Moroni. According to Daniel Silva, these routes may increase in popularity due to the suspension of air travel.¹⁸

Looking forward

As of early June, the smuggling of Comorians to Mayotte has resumed, with arrivals reportedly exceeding

pre-pandemic levels. Although ongoing disruption of air travel has resulted in fewer arrivals of Malagasy and Central African migrants in Mayotte, this is also likely to be only a temporary reduction, lasting only as long as the suspension of flights.

The pandemic has not changed the underlying drivers of human movement. If anything, vanishing livelihoods in the wake of the pandemic are likely to drive migration. Already irregular migration to Mayotte is reportedly exceeding pre-pandemic levels. Once controls on movement are relaxed and fear of the virus diminishes, numbers may increase further. This is in line with the GI-TOC's predictions with respect to human-smuggling trends across the region, as well as globally.¹⁹

For migrants, both in transit and in irregular status at destination, growing anti-migrant sentiment, prolonged irregularity, and riskier journeys are swelling protection risks. The human-smuggling industry appears set to become yet more pivotal to migration mechanics in the post-pandemic landscape.

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Kenyan gang members are facing increased police extortion.

On 14 June 2020, residents of Nakuru, Kenya, woke up to the shocking news that a local gang leader, popularly known as 'Kidum', had hanged himself with a belt at Railways police station. Kidum was a key suspect in a spate of robberies sweeping the city, but according to residents, he was also a middleman for plainclothes police officers involved in a motorcycle-theft syndicate.¹ They had little doubt that Kidum had been murdered by police.

Kidum's story exemplifies a broader trend sweeping the Kenyan underworld in the pandemic, with gang members becoming targets for the corrupt officers with whom they used to work. Following the imposition of COVID-19 measures, Kenyan police have taken to arresting gang members on trumped-up charges, ranging from failing to wearing a mask to breaking evening curfew and participating in a gathering of more than 15 people.

This increased targeting of gang members by corrupt police could be the inadvertent result of the nationwide dusk-to-dawn curfew imposed by the government on 27 March. The curfew may have disrupted the illicit economies from which gang members and police officers jointly profit, leading officers to turn against their erstwhile partners as they attempt to make up lost income. The curfew has also made it easier for police to locate and arrest gang members, making them more appealing extortion targets.

Police extortion has also been facilitated by the impact of the pandemic on Kenya's judicial system. On 15 March, in an effort to curb the spread of the coronavirus, Kenya's Chief Justice David Maraga suspended open court hearings until further notice, although some court proceedings have continued remotely. The suspension has had a significant impact on the application of judicial guarantees. Under normal circumstances, an arrest would be logged in the police station's occurrence book and the accused would be allowed to post bail within 24 hours and receive a court date. Under the new coronavirus measures, arrests are no longer recorded as a matter of course and posting bail is no longer an option; a situation that has allowed for the indefinite detention of criminal suspects.

Nakuru's Confirm gang

In Nakuru, a city of some half a million in Kenya's Rift Valley, 'police courts' – informal police trials that are usually pretexts for extortion – have sprung up in various locations, often targeting gang members. One target of increased police extortion during the pandemic has been the Confirm gang, a teenage group that has evolved from committing violent crimes to building a syndicate that carries out technology-based scams.² This notorious gang, which operates out of the Bondeni, Kanyon, Rhonda and Kivumbini slums, has long been targeted by Kenyan authorities. In two months in 2019, around 100 members of the gang were arrested and arraigned in court.³

'Chege',⁴ a member of the Confirm gang for two years, claims that since the coronavirus outbreak, the gang has been forced to come up with a special daily 'kitty' – money allocated for bribes – for corrupt officers who are now searching for any pretext to arrest gang members. 'Police officers end up arresting gang members for ridiculous claims, including the new directive of wearing masks in public places, regardless of whether they have one on or not. In some cases, they force one to remove the mask and use it as a basis for their arrest,' he told the GI-TOC.⁵

According to Chege, the standard bribe demanded by a Nakuru police officer has increased from KES 3 000 (US\$30) to KES 5 000 (US\$50) during the pandemic. 'Kamau', another affiliate of the Confirm gang, reported to the GI-TOC that he had been arrested by police on 26 April for staying out after the evening curfew.⁶ When it became apparent he was not able to pay the KES 5 000 bribe, Kamau alleged that the police beat him up and dumped him in a neighbourhood far from his home.⁷

Another Confirm gang member, 'Gachuru', told the GI-TOC that police routinely threaten to hold suspects in indefinite custody if they decline to pay bribes.⁸ Vincent Tanui, a programme officer at the Nakuru-headquartered Centre for Enhancing Democracy and Good Governance, told the GI-TOC that his organization had documented cases where individuals had been locked in cells for more than four days because of a failure to pay police bribes.⁹ Tanui also reported that his organization had spent a day at Nakuru's Central Police Station,



Police officers patrolling in Nairobi, 11 May.

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where they witnessed an estimated KES 100 000 to KES 150 000 (US\$1 000 to US\$1 500) in bribes being collected.¹⁰ In some instances, police have threatened to confine gang members in the country's squalid coronavirus quarantine centres, where detainees are obliged to pay the cost of their stays.¹¹

Ironically, the gangs feel that the police have pushed them to increased violence due to the larger payoffs they have begun demanding. 'Coronavirus is eating us up, but the police are worse than the disease,' Gachuru said.

The extent of corruption within the police force is difficult to gauge, although some officers appear to have been identified. Gachuru reported that 'there is a particular lady who insults and calls you using very vulgar terms'. In an interview with local media, a Nakuru County community policing official acknowledged that a female police officer, whom he declined to name, has been mentioned in a number of cases related to extorting people in the vicinity of Bondeni slum.¹² Rift Valley regional police commander, Marcus Ocholla, has argued that the burden lies with the public, who are failing to report wayward police officers to a higher authority. 'There is a toll-free number where

you can report any officer of any rank, including me, at any time of the day. All calls will be answered and followed up,' he told the GI-TOC.¹³

Nairobi's killer cops

In Kenya's capital of Nairobi, police officers known as the 'Hessy squad' have been patrolling the city's low-income areas for years, reportedly carrying out extrajudicial killings of suspected criminals. With the imposition of the curfew and the suspension of court services during the pandemic, the situation has only worsened.

Kennedy Chinbi, a local community leader at Mathare Social Justice Centre (MSJC), based in Nairobi's Mathare slum, told the GI-TOC that 'Huruma Police Station is notorious for extortion ... we know of four unofficial cells that the cops use as kangaroo courts'.¹⁴ A member of the 'Taliban' gang, accused of committing a mugging, claimed he was forced to stay in custody for more than five days since he could not raise the KES 20 000 (US\$200) bribe demanded by the police.¹⁵ Under normal circumstances, he would have been able to post bail within 24 hours.

Happy Okal, a programme coordinator at MSJC, outlined the various extortion tactics used by the police: 'When the cops want to extort the young people of Huruma, they threaten them with quarantine. When this doesn't work, they plant weapons and narcotics on the suspects and charge them with the intention to commit a felony.'¹⁶

According to a human-rights activist (who declined to be named due to security concerns), at least 17 gang members have been killed by the police and mobs in Nairobi's Kayole slum since the curfew began. The GI-TOC was unable to independently confirm this figure. 'We recorded instances where some of them were dragged out of the houses and the next thing we knew, was their body being dumped somewhere ... In Kayole, many gang leaders had to flee because they have already received threats that the killer squad Hessa was coming for them, since they knew they were at home,' said the activist.¹⁷

Speaking to local media on 2 June, national police spokesman Charles Owino acknowledged the allegations that police officers had committed abuses while enforcing the curfew.¹⁸ Owino blamed the abuses on the youth of many police officers, stating that they were

in some cases 'drunk with the little power they have' and 'erratic'.¹⁹ The Kenyan Police Service and the Independent Policing Oversight Authority declined to comment to the GI-TOC.

Changing patterns of corruption

In Kenya, one of the largest generators of illicit income for police officers is the unofficial 'taxation' of the passage of *matatus* (public minivans). During the coronavirus crisis, the Kenyan government has limited them to carrying eight passengers, a reduction from the typical capacity of 14. Consequently, the standard amount paid by some *matatu* conductors to police has fallen; one Nakuru-based driver told the GI-TOC that the amount demanded at police checkpoints has from dropped from KES 100 (US\$1) to KES 50 (US\$0.50).²⁰ Other sources of corruption-based income may have been similarly affected.

This drop in illicit income may in part explain why Kenyan police officers have ramped up their extortion of gang members during the pandemic. The crisis may also have disrupted the hitherto symbiotic relationship between police and Kenyan gangs. With police now using COVID-19 public-health measures to expand



Protestors in Nairobi demonstrate against police abuses on 8 June.
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opportunities for corruption, their actions may further erode public trust in the police. Moreover, if Kenyan citizens come to view the measures primarily as a pretext

for increased venality and violence, the state's ability to combat the pandemic itself may be undermined.

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