

# Nothing to do with wildlife crime yet everything to do with wildlife crime

SEEJ-AFRICA  Published May 7, 2024

Last updated: 2024/05/07 at 4:24 PM



Former Kamukunji OCS Chief Inspector Samir Yunus at the Milimani Law Courts on

Richard Munguti | Nation Media Group



—— Top: Chief Inspector Samir Yunus standing in the prisoner dock of Milimani Court on December 7th, 2022 having been charged with sexually assaulting a female police officer 3 years previous (photo courtesy Richard Munguti). Bottom: 3127 kg of ivory seized in Thailand in 2015. Nine Kenyans were charged and eventually acquitted in an 8+ year Mombasa trial characterized with integrity issues.

**SEEJ-AFRICA Note:** Chief Inspector Samir Yunus, the antagonist of this article, was on April 30th, 2024, acquitted of the sexual assault related charges as referenced in the story that follows. In the acquittal story, covered widely by Kenya tabloid press, the victim, a female police officer, was vilified in the process. The original story below was first published in December 2022.

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When Chief Inspector Samir Yunus appeared in the prisoner's dock of Milimani court, Nairobi, on December 7th, 2022, many would suggest he looked nothing like a senior police officer of the Kenya National Police Service. Arraigned on **charges relating to his sexual assault of a police woman** at Dandora Police Station (Nairobi) three years previous, his smug and cavalier demeanor was not one conducive to that of one consigned with public trust.

Dressed in a brightly coloured Abercrombie & Fitch polo shirt, designer sunglasses perched on his forehead, sporting a large wristwatch with a baseball cap resting in front, he exuded an attitude of disdain and arrogance for a court that could, in theory, sentence him to 10 years in jail. Perhaps he was aware that in this case, it was only going to be 'in theory'.

At the time of the offence, Samir Yunus held the rank of Chief Inspector. He was the officer commanding (OCS) Dandora police station situated in east Nairobi. It was alleged that on the evening of June 19th, 2019, in the report room of the Dandora police station, he committed the offence of abuse of a position of authority contrary to Section 24(2)(a) of the Sexual Offence Act 2006. While this is presently the only criminal charge known to be before the courts, there were other allegations.

For the past three years, Chief Inspector (CI) Yunus has been in the public eye for a number of reasons, none of them favourable and not all of a sexual nature. The reasons are varied and encompass many of the integrity issues that doggedly follow the National Police Service (NPS). The story of CI Yunus is but a microcosm of the systemic corruption the befalls the NPS.

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### **Beatings and Fabricated Charges**

From a public perspective, the story of CI Yunus began on December 11th, 2019. He had been transferred from Dandora to OCS Kamukunji police station (central Nairobi) and was in Makadara court, summonsed by Senior Principal Magistrate Angelo Kithinji Rwito, to answer allegations of wrongdoing.

Magistrate Rwito questioned OCS Yunus as to why he was hearing complaints from accused persons in his court regarding Yunus. Three accused had previously told the Magistrate that they had been **beaten by CI Yunus after being arrested for random offences** that became drug offences during processing for court.

CI Yunus reportedly replied to the Magistrate that the allegations were because “I might be a difficult officer to deal with because I swore never to take bribes.”

### **Escape from Kamukanji Police Station**

Approximately six months later, in the early hours of May 14th, 2020, Martin Wasike, an Ugandan national, **escaped from the cells of Kamukanji police station.** CI Yunus was still the OCS. Wasike had been recently arrested with two others in relation to the kidnapping (and presumed murder) of Police Constable Abel Musati in January 2020.

It is of note that **P.C. Musati had been arrested the previous August**, after firing his AK 47 at another police officer, P.C. Hillary Korir. P.C. Korir had arrested a matatu (taxi van) driver over licensing issues and decided to take him to the police station for ‘processing’. While enroute, P.C. Musati ‘ambushed’ the van with P.C. Korir inside. Musati stopped the vehicle, dragged Korir out and shot at him (missing), incensed that Korir had arrested a driver belonging to Musati.

The prison escape of Ugandan, Martin Wasike, was actually a prison ‘release’ as later discovered through a Directorate of Criminal Investigation (DCI) inquiry. CCTV footage revealed three officers of the Kamukanji station releasing Wasike at 05:05am. Those officers, Corporal Vacity Chebet Keres, Constables Stephen Akuom Ochieng, and Elias Koom Mungaria were subsequently charged. A senior detective said at the time: “the release was deliberate and without permission from the station commander.”

In a subsequent court appearance, CI Yunus stated that the police had launched a manhunt for the Martin Wasike that would extend to Uganda. CI Yunus also told the court that “a lapse by one of his officers might have allowed a Ugandan kidnapping suspect to escape from police cells.” **“One of us must have erred,”** Yunis said. For those who are familiar with statement analysis, the use of the pronoun ‘us’ may well be significant.

To date, there is no information regarding the three officers charged with the ‘release’ or whether the escapee, Martin Wasike, was ever apprehended.

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—— Media headline after 3 officers under CI Yunus’s command release a murder suspect

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Shortly after the 'release', CI Yunus was transferred again, this time to Mombasa Central police station, and again as the OCS. Controversy continued to follow, but this time not directly of the Chief Inspector's own making.

In this November 2021 incident, one of his subordinates, Constable Viviana Williams, became embroiled in a civil matter over her purchase of a KES 80,000 (USD \$800) defective iPhone from a local vendor. The poor handling of the matter, including CI Yunus's **non-release of the negotiated KES 70,000 settlement** to P.C. Williams, resulted in file escalation to the Deputy Inspector General (DIG) of the Kenya Police Service, Edward Mbugua, for final resolution.

The DIG ordered that P.C. Williams be paid the KES 70,000 and then transferred from her traffic posting to another station in Kisauni, Mombasa. This resulted in Williams lodging a complaint with the Internal Affairs Unit (IAU) that CI Yunus had "engineered her redeployment from traffic duties to general duties." Everything boiled over when P.C. Williams posted a **video on Youtube** that went viral, looking for public support in her efforts to resign from the police force.

Coincidence or not, shortly thereafter, CI Yunus was transferred for the third time back to Nairobi and this time as OCS of the Pangani police station. Many in Kenya will know that the Pangani police station is **synonymous with extrajudicial killings**. In a 2021 report by 'Missing Voices Kenya', Pangani station had the most 'associations' to extrajudicial killings in the country; 30 out of a country wide total of 219.

CI Yunus's move to Pangani did not escape the attention of the media. Social media in particular lead the way, questioning how a Chief Inspector of police could still be actively in command of a station while investigations were ongoing **in sexual assault allegations** from now eight different female police officers.

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——— Constable Viviana Williams goes to social media looking for public assistance in her attempt to resign from the police force after a dispute with Chief inspector Yunus.

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## **#Aiding and Abetting**

From a personal and organizational perspective, the worst was yet to come. On July 24th, 2022, NTV of the Nation Media Group, aired an investigative exposé, **"#Aiding and Abetting"**. Chief Inspector Samir Yunus, the officer in charge of Pangani Police Station, had the lead role.

The previous March 31st, 2022, a Somali national, Hussein Mumin Hassan, was convicted in a Makadara court (east Nairobi) by Resident Magistrate M. Thibaru, of being illegally in Kenya. Hassan was sentenced to pay a fine of KES 10,000 (USD \$100) or in default, serve two months in jail. On completion of his sentence, he was to be deported to Somalia. Hassan was being held in the cells of Pangani police station.

Hassan's close relatives did not want him deported and enlisted a broker, Ali, to assist them. Ali approached CI Yunus and negotiated the release of Hassan for the amount of KES 190,000 (USD \$1900.00).

On April 7th, the broker and a Hassan family member met with Chief Inspector Yunus in his Pangani police office and handed over a small red cloth bag containing the KES 190,000 cash. While the actual cash transfer was not captured on camera, there is enough footage and recorded conversation to show conclusively that Yunus had been paid. The broker and family then left the office, having been told it would take a few days to 'process'.

On April 12th, Hassan was released from Pangani cells to his family and broker. The release was documented in the police occurrence book # 74/12/4/2022, reading that "at 08:47 hrs prisoners released under instruction of OCS Y. Samir, Inspector Odhiambo, DC Otieno to release Hussein Mumin Hassan without complaint."

A short time later, the broker was contacted by the police again and told that another KES 10,000 (USD\$100) was still required to finalize the transaction. The broker returned to Pangani station, met CI Yunus, but was directed to the office of Inspector Amos Odhiambo to whom this 10,000 cash was paid. This transaction was captured on video.

After the airing of the investigative exposé, police response was predictably minimal. NTV did a follow up three months later to find that as per a police organizational directive of September 12th, 2022, CI Yunus was transferred to a supervisory position within the Traffic Unit at Ruiru police station. NTV also contacted the NPS spokesperson, Bruno Shioso, who referred them up the organizational line but remarkably referred to the investigation into the events of the release of Hussein Mumin Hassan as 'administrative'.

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—— Video footage from NTV investigative report apparently depicting CI Yunus taking a cash bribe to release a recently convicted prisoner.

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## **The Other Questions**

Further examination into this apparent chain of criminality following CI Yunus is required to realise the full context.

CI Yunus received 190,000 shillings for the release of Hassan. How many times previously could this have been facilitated? In the hundreds perhaps? And what of the involved 'process' in the illegal release? How many others were part of that 'process'? The broker indicated in recorded

conversation that CI Yunus's senior's would be among the recipients of the shared bribe.

Did the 'process' involve the courts in any manner? It was a Makadara court magistrate who ordered the deportation. Did sentencing documents have to be 'adjusted' to negate the deportation stipulation?

And what of the immigration component? How was that manipulated? Was fraudulent documentation drafted to reflect Hassan's transportation to the Somalia border?

And from a sentencing perspective, how, in an environment where terrorism from Somalia and Al-Shabaab is a daily and imminent threat, can the offence of 'illegally in the country' be subject to a fine of only KES 10,000 (USD\$100)?

Regarding the Ugandan prisoner 'release' from Kamukunji police custody, it certainly extends beyond three involved officers making an error. It is also not credible that it was carried out without the approval, tacit or otherwise, of CI Yunus. The OCS of a police station typically has absolute control of who comes and goes from that station, particularly in relation to the money that can be made from irregular prisoner release. No subordinate would release a prisoner of that stature unless they had specific orders from the boss. In this particular case, two scenarios are most probable. Either Martin Wasike was released having paid a very significant amount of cash or he was released to be executed for his suspected involvement in the kidnapping (and probable murder) of another police officer who engaged in criminal activity.

The comments of police spokesperson, Bruno Shioso, during his interview with NTV also bear notice. It is difficult to comprehend how the release of Somali national, illegally in the country, who has been charged and convicted as such, who has been ordered deported by the courts, but is released by a senior police officer for a considerable cash bribe should **only be an administrative investigation**. Is he actually suggesting that the practise of "bribe for release" is so rampant in police stations throughout the country, that an administrative investigation is the only viable avenue for redress?

And lastly, is any inference to be made of the four transfers of CI Yunus within a three year period? Does the fact that four of the five stations are in the Nairobi area, within an approximate 20 km radius of each other, an indicator of his favour within the NPS hierarchy? And what of the other four station commanders who found themselves transferred to make room for CI Yunus?

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## **The Wildlife Connection**

So, what do the criminal chronicles of Chief Inspector Yunus have to do with wildlife crime?

Perhaps the answer to that question is better prefaced with another question. If the National Police Service, a force of approximately 100,000 personnel, whose actions are a regular focus of the national media as engaging in behaviours that are more conducive to private enrichment than public service, but who are also recognized as being the gateway to the criminal justice system, what of the other involved elements of the same criminal justice system? Is it believable that the other elements are not also tainted?

Wildlife crime cases are investigated, prosecuted and adjudicated by the criminal justice system in its entirety. The Kenya Wildlife Service (KWS) is also part of that process. They are certainly not free of integrity issues but seemingly the NPS/DCI is more vulnerable to those concerns. This is not surprising when one compares the size of the respective agencies (KWS has approximately 4,000 personnel), the fact that the NPS engages with the community on many issues as opposed to just wildlife and the KWS's policy of keeping their anti-poaching activities and discipline issues in-house (there is no independent oversight).

KWS investigates the bulk of wildlife crime generally but it does happen that the National Police Service and the Directorate of Criminal also become involved in the same. The DCI, in fact, becomes the lead agency in the more serious wildlife investigations such as large, transnational, ivory seizures. A **2018-2019 courtroom monitoring** report by Wildlife Direct indicated that of data analyzed, 31% of arrests under the Wildlife Conservation and Management Act were made by the NPS. This figure likely does not include arrests made by KWS (in more rural areas) where the assigned investigation officer was from the DCI.

The vulnerabilities of compromised integrity, from the lower levels of DCI up to ministerial level, have played out significantly in major wildlife crime investigations. In a **March 2021 report**, the Head of Kenya's DCI, George Kinoti, admitted that: "wildlife crime was not initially taken seriously as a major crime." Five years previous, George Kinoti's predecessor, Ndegwa Muhoro, stated publicly that "security agents suspected the (Jefwa) brothers were **being protected** by wealthy individuals behind the killing of elephants and rhinos in many parts of Kenya." This was in regards to **almost 8 tonnes of ivory** that had been seized in Thailand and Singapore in mid-2015 that had transited Mombasa. When one reads "wealthy individuals" in this context, it refers to persons who are at a level above the Head of DCI's purview.

Since 2009, there has only been one conviction in a major ivory case in Kenya and that was in March of this year. Fredrick Sababu Mungule and James Ngala Kassiwa had been charged with two offences under the East African Community Customs Management Act (EACCMA); conspiracy to contravene provisions of the said Act and bringing into customs area prohibited goods, namely 638 pieces of ivory weighing 3827 kg for export to Thailand in January 2013. On March 23<sup>rd</sup>, 2022, Chief Magistrate Edna Nyaloti, rendered a conviction to the first charge only and sentenced both to a two year jail term; the sentence a virtual guarantee that they would not appeal for fear of receiving even more jail time.

In Mombasa area courts in the past two years, there have been four ivory cases whereby DCI investigators or NPS officers provided either contradictory evidence to that of KWS investigators or testified in a manner that was hostile to the prosecution. In two of the four, **CF 754/13** (Mombasa) and **CF 843/17** (Kwale), acquittals were registered. One prosecution is still on-going, **E005/22** (Mombasa), while in the fourth case, **CF 1008/18** (Mombasa) Chief Magistrate Nyaloti prevailed again to sift through the contradictions to render a conviction.

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## **Conclusion**

Chief Inspector Yunus is the epitome of what the Kenyan populous sees in its police service. Most expect his trial to be no more than a public relations exercise. It is expected that he will either be acquitted of the sexual assault charge, or it will be withdrawn. It is expected that key prosecution witnesses will not testify or that required documentary evidence will go missing or be altered. It is expected that evidence will be procured to discredit the prosecution, or an out of court settlement will be 'negotiated'. It is expected that CI Yunus will be transferred to command another police station or even be promoted. It is expected that the female officer who lodged the allegation will be transferred to a NPS hellhole.

The Yunus saga is not just a Kenyan story and it is not just a corrupt police officer story. It could be about any African elephant range state to a greater or lesser degree, speaking to the integrity issues within criminal justice systems and subsequent impacts on wildlife crime investigations and prosecutions.

It is often difficult to believe that within these criminal justice systems there are officers with integrity. But there are many of exemplary character, who make lawful arrests, who are diligent in their investigations, who are motivated by their belief in justice, the rule of law, and a higher moral code. What is even more impressive, is that these officers continue their investigations in an environment where the sword of Damocles, in the form of compromised integrity, could drop at any time.

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