



**STRATHMORE LAW SCHOOL
MASTERS OF LAW (LL.M)
END OF MODULE MAIN EXAMINATION
LLM 8204: CRIMINOLOGY & COMPLEX INVESTIGATIONS**

Date: Thursday, 13th July 2023

Time: 3 Hours

Instructions

1. This examination consists of **FIVE** questions.
2. Answer **Question ONE (COMPULSORY)** and any other **TWO** questions
3. This is a closed-book examination. You may consult any written material you like in preparing to answer the questions. The exam mode for this exam is **CLOSED**. However, **DO NOT** use any other bibliography other than the one provided in the course outline.
4. **DO NOT** copy and paste from any online source or from another candidate. The answers will be subject to a plagiarism check and a similarity index of over 30% will automatically lead to disqualification
5. You should spend a fair amount of time organizing your thoughts before starting to write.
6. Careful organization and clarity will be highly valued.
7. Please start each question on a new page.

QUESTION ONE

How can researchers and practitioners use criminological theories to explain atrocity crimes, specifically genocide? **(30 Marks)**

QUESTION TWO

Examine any relevant victimization theory and how such a theory may be applicable in explaining mass atrocity victimization during the Post-Election Violence (PEV) of 2007-2008 as reflected in the excerpt below.

Jane Ochieng* was a fish monger in the Naivasha area prior to the PEV. She earned her living by selling fish and supported her family of two young children and a husband. She alleged that her family was attacked by the Mungiki militia because they are from Luo ethnic group and supported the rival political candidate for the presidency of the Republic of Kenya, at the time Raila Odinga, who is himself a Luo. During the attack, she was gang raped in front of her family while pregnant. Although they were successful to flee the attackers and resettled in an IDP camp her life has not been the same. She has had serious medical issues, which include fistula and ulcers. She and her husband have failed to adequately provide for their family and pay for their children's education. And since Jane did not get any sort of compensation from the government, it has forced her to become a prostitute to earn a living. She worries of contracting HIV/AIDS, which potentially will make her children orphans since their father deserted them after the violence.

* The name of the individual mentioned in this report have been changed in order to protect their identity.

Excerpt obtained from, 'Kenians for Peace with Truth and Justice (2013) A luxury victims cannot afford: Meaningful participation at the International Criminal Court. Issue no 07/09: Truth and Justice Digest'.

(15 Marks)

QUESTION THREE

You have been summoned to an urgent meeting where you are informed that a high value suspect who is suspected to be the head of an international human trafficking ring has been arrested at Jomo Kenyatta International Airport. This suspect was arrested following a tip-off from the United Arab Emirates where he has been operating from. The said suspect was arrested in the company of suspected local accomplices while arriving in the country. Some of his victims are said to have been recently detained by police for being in the country illegally. As a Prosecutor within the Office of the Director of Public Prosecutions, prepare an investigation plan you would use in this investigation where you have been designated to work with the relevant investigative agencies.

(15 Marks)

QUESTION FOUR

Baktash Akasha Abdalla and his brother, Ibrahim Akasha Abdalla, were the leader and deputy of a sophisticated international drug trafficking network, responsible for tons of narcotics shipments throughout the world. For over twenty years, they manufactured and distributed drugs and engaged in acts of violence toward those who posed a threat to their enterprise. When the brothers encountered legal interference, they bribed Kenyan officials—including judges, prosecutors, and police officers—to avoid extradition to the United States.

The brothers, along with two associates, were arrested in Mombasa by Kenyan Anti-Narcotics Unit officers in 2014, after providing 99 kilograms of heroin and two kilograms of methamphetamine to confidential sources posing as representatives of a South American drug cartel at the direction of the USA Drug Enforcement Administration (DEA). Following the arrests and pending extradition proceedings, the Akasha brothers continued criminal operations, using profits to bribe Kenyan officials.

In 2017 the brothers were expelled from Kenya and DEA agents took them to the United States for prosecution. In October 2018, Baktash and Ibrahim Akasha pled guilty in a United States Federal Court to conspiring to import and importing heroin and methamphetamine, conspiring to use and carry machineguns and destructive devices in connection with their drug-trafficking crimes, and obstructing justice. In August 2019, Baktash was convicted to 25 years in prison and ordered to pay a \$100,000 fine. In 2020, his brother Ibrahim received a sentence of 23 years in prison.

Discuss the investigative techniques used by the DEA and its Kenyan counterparts in this case noting to outline their benefits and challenges, if any. **(15 Marks)**

QUESTION FIVE

Giving examples, discuss three factors that would make a crime a complex crime. **(15 Marks)**