

LECTURE 10

CASE SIMULATION

PROSECUTORIAL STRATEGIES IN ADDRESSING CORRUPTION AND TRANSNATIONAL DRUG TRAFFICKING ACROSS KENYA, UGANDA, AND TANZANIA.

"Operation Border Shadows"

Background Summary

In early 2025, law enforcement agencies in Kenya, Uganda, and Tanzania began observing patterns of increased narcotics movement and illicit financial flows along the Northern Corridor. After a tip-off from a whistleblower in Mombasa, a joint intelligence operation uncovers a transnational drug trafficking and corruption syndicate known as "Nyota Network." The network smuggles heroin and methamphetamine from Pakistan via the Indian Ocean to Mombasa Port, repackages it inland, and distributes it across East and Central Africa.

The syndicate is shielded by senior customs officers, port police, and border officials in the three countries. A key figure, *Alex Kiplangat*, is a respected Kenyan businessman and political donor, who controls several logistics, real estate, and import-export companies suspected of laundering the network's proceeds.

Scenario Facts for Simulation

1. Mombasa, Kenya:

- Three containers seized at the port contain drugs concealed in furniture.
- Investigations reveal customs clearance was facilitated by a bribe of Ksh 5 million to senior port officials.
- Two whistleblowers, both clearing agents, report systematic monthly payments made to port staff.
- Surveillance reveals frequent encrypted communications between Alex Kiplangat and Tanzanian national *Jamila Mtemi*, who owns a fleet of trucks used in overland transportation.

2. Kampala, Uganda:

- One of Kiplangat's shell companies purchases properties in affluent suburbs using cash wired from a BVI account.
- A Ugandan judge is alleged to have quashed a customs seizure order against one of the syndicate's shipments after receiving a bribe.
- A low-level courier arrested in Kampala agrees to cooperate in exchange for immunity and reveals internal workings of the syndicate's movement strategies.

3. Dar es Salaam, Tanzania:

- Intelligence shows that containers offloaded in Mombasa are diverted to Tanzania via Malaba border using forged transport manifests.
- A Tanzanian anti-narcotics officer is assassinated shortly after submitting a confidential report implicating senior security personnel.

Simulation Objective

Students are asked to assume the role of prosecutors, anti-corruption officials, and international cooperation officers tasked with:

- Building a case against the key suspects;
- Developing prosecutorial strategies;
- Overcoming jurisdictional and evidentiary challenges.

Guiding Questions for Group Discussion

I. Legal Frameworks and Charges

1. What offences under Kenyan, Ugandan, and Tanzanian law are applicable to the suspects?
2. How can international legal instruments such as the UNTOC, UNCAC, and regional protocols be invoked?
3. Would you charge the syndicate under anti-corruption laws, organised crime statutes, money laundering, or all three?

II. Prosecutorial Strategy

4. How would you structure the prosecution—by country, by actors, or by transaction chain?
5. What strategies would you employ to:
 - Secure extradition of Jamila Mtemi to Kenya?
 - Recover illicit assets held abroad?
 - Protect and manage cooperating witnesses?
6. Would you offer plea bargains or immunity to any of the actors involved?

III. Evidentiary and Procedural Challenges

7. How do you ensure admissibility of:
 - Encrypted communications?
 - Surveillance recordings?
 - Whistleblower testimonies?
8. What challenges would arise in cross-border evidence collection and mutual legal assistance?
9. How would you overcome political interference or state complicity?

IV. Broader Legal and Policy Issues

10. What long-term measures should the EAC member states adopt to prevent future syndicates?
11. Would you advocate for the creation of a regional anti-organised crime court or special prosecution unit?
12. How should civil society, media, and financial institutions be involved in disrupting such networks?

Deliverables:

Each group to prepare a prosecution strategy memorandum and to make presentations before a mock Regional Coordinated Taskforce