

Use of Cell Phones and MPESA Transactions to Track, Arrest, and Prosecute Perpetrators of Sexual Violence in Kenya

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ABSTRACT

Technology has become an essential instrument in the battle against sexual abuse, providing courts with evidence to serve victims, especially women. Although its importance is expanding, little is known about how mobile phones and financial technologies like MPESA are used to prosecute sexual abuse. Kenya uses these technologies to track, arrest, and convict offenders. This paper examines their efficacy and limits.

Kenya High Court rulings, interviews with victims, legal experts, family members, and secondary data sources were used for this continuing study. According to the research, photos, videos, and transactional data have undermined criminals' witch-hunt justifications. The rapid arrest, prosecution, and conviction of offenders makes mobile technology increasingly crucial in pursuing justice.

The work also tackles essential issues related to the reliability and sufficiency of digital evidence. Technological advances can expose perpetrators, but they do not always bring justice. Examples of domestic violence without digital proof or persuasive evidence show the limitations of this strategy. Digital technologies' effects on family and community trust and accountability are also examined.

This research examines how mobile technology combats sexual assault, contributing to the conversation on technology, justice, and social systems. A sophisticated approach to using digital technologies for justice in Kenya requires balancing technological optimism with a critical knowledge of its limits.

Keywords: Phone, MPESA, Sexual Violence, Women.

INTRODUCTION

Kenya is a resource-scarce nation. As a result, the ratio of police officers to the general public has yet to ensure proper societal policing. In addition, the scarcity of resources has contributed to poor remuneration of police officers. The same officers have also been ill-equipped and poorly facilitated. In light of this, the rates of undetected crimes have gone up. Against this background, the Government of Kenya has repeatedly encouraged public members to complement and work with government security agents to guarantee safe residential and working spaces. This community policing model was copied from the Tanzania policing model and has come to be referred to as the *Nyumba Kumi* policing initiative (Kioko, 2016). Kenya's limited police resources, officer remuneration, and poor facilitation have led to rising undetected crimes, prompting the Government to adopt the *Nyumba Kumi* community policing model, encouraging public collaboration with security agents to make homes and workplaces safer.

The *Nyumba Kumi* police initiative's pros and cons go beyond this chapter. However, the program has had several issues. The fear of reprisal attacks by residents, abuse of the program by officials, lack of enough resources, and lack of political goodwill were some of the challenges cited as demeriting initiatives (Kimeli, 2010). Despite the shortcomings of community policing, many have believed that if properly encouraged and supported, the program can help reduce crime in society. Crime in society affects everybody, but it affects women and children the most. The two social categories are perceived as weak and easy targets of criminals. Sexual and gender-based violence, targeted at women and children, has been on the increase both in public and private spaces (Fred,

2003). If supported and funded, Nyumba Kumi might reduce crime, especially sexual and gender-based violence against women and children, despite its flaws.

Such crimes can be resolved through community policing. In as much as community policing has been praised as having the potential to reduce crime, there is a link in the equation of community policing that has not been given due regard. This missing link relates to digital and electronic gadgets (cellphones in particular) and other innovations (cellphone financial services such as MPESA), which have contributed to good results in community policing. The classic example is about a woman who was attacked, undressed, and sexually assaulted in a public commuter vehicle by men in 2014. Her only mistake was that she was dressed improperly.

Apart from being physically and sexually assaulted, the ugly incident was captured on eyewitnesses' cellphones and online. This incident led to the famous "My Dress My Choice" demonstrations spread across Nairobi. Several similar incidents were experienced in Nairobi around the same time. President Uhuru Kenyatta joined the public uproar. After public protest, the criminals were apprehended. The *Standard* newspaper carried the title "Three men who stripped and sexually abused woman inside a Githurai bus arrested" (Ombati, 2014). The culprits were arrested, and digital evidence demonstrated its capability to promote social justice and accountability.

Thus, while it is a welcome idea to bring members of the public on board in matters dealing with security to bring down crime statistics, the role played by communication gadgets like cell phones and the various services rendered through them, such as MPESA (phone-based financial transactions), need not be ignored. Sexual attacks on women in Nairobi are an old-age practice. Kenyan women experience gender violence and especially sexual violence daily (Orlale 2015, Kenya National Bureau of Statistics 2014). Thus, the subject is well documented. The missing gap on the subject is the role that cell phones have come to play in the sphere of sexual violence against women, especially in aiding the tracking, arresting, and prosecuting perpetrators of the crime. This paper tries to document, discuss, and generate themes around and about the problem of sexual violence against women and how technology can be employed to help arrest the situation.

BACKGROUND

The Nyumba Kumi policing initiative was designed to complement formal law enforcement efforts by integrating members of the public into community policing strategies. Despite its challenges—such as fear of retaliation, misuse by officials, and insufficient resources—the initiative has shown potential to reduce crime rates if adequately supported. Sexual and gender-based violence has been a particular focus, as women and children are disproportionately targeted in these types of crimes (Fred, 2003). Traditional community policing efforts, however, have lacked a crucial component: integrating modern digital and electronic innovations. In Kenya, cell phones and MPESA have emerged as essential tools for improving the effectiveness of community policing efforts. For instance, the previously mentioned 2014 public assault led to widespread protests and prompted the involvement of government officials, ultimately resulting in the arrest of the perpetrators (Ombati, 2014). This incident underscores the potential of mobile technologies in promoting public accountability and aiding law enforcement efforts.

Theoretical Framework

The present study lacks a clear theoretical framework, so this part uses theories from criminology and sociology to set the research results in context. First, the Routine Activity Theory (Cohen & Felson, 1979) analyzes how criminals use accessible digital weaknesses to explain illegal activity. This idea holds that criminal events happen when motivated offenders come across appropriate targets devoid of enough guardianship. Applied to digital monitoring and mobile finance technologies such as MPESA, this theory helps show how, depending on how successfully technology is controlled and protected, digital vulnerabilities can either enable or discourage sexual abuse.

Second, Foucault's 1975 Surveillance Studies offers new perspectives on how digital monitoring shapes court and legal systems. Foucault's idea of surveillance and disciplinary power emphasizes the transforming power that digital evidence can possess, changing power relations among law enforcement agencies, victims, and

offenders. Furthermore, encouraging investigation into ethical issues and the broader consequences of using digital surveillance in criminal justice systems are surveillance studies.

METHODOLOGY

Data Sources

This study analyses mobile technology's involvement in fighting sexual assault in Kenya using many data sources. Primary and secondary data sources were employed in this study. The primary data sources are High Court decisions, victim, family, and legal expert interviews. Book reviews, newspaper stories, and court documents are secondary sources. This complete knowledge of the issue includes the lived experiences of victims and their families, as well as the perspectives of the court and law enforcement organizations pursuing sexual assault perpetrators.

High Court opinions were crucial to understanding how Kenyan courts handle mobile technology like smartphones and MPESA transactions as evidence. These verdicts disclosed real-life case outcomes, revealing how cellphone evidence helped arrest, prosecute, and convict perpetrators. The study examined High Court verdicts using MPESA transaction information, smartphone location data, or mobile device movies and images. This material was used to demonstrate the effectiveness of digital evidence in securing justice for sexual abuse victims and its obstacles. MPESA data can prove a suspect's guilt, but the lack of standardized digital evidence processing standards might make it inadmissible in court. Patterns and trends in High Court verdicts illuminated the elements that impact mobile technology use in judicial procedures.

Interviews with sexual abuse victims and their families were crucial to initial data collection. These interviews helped us comprehend victims' lives, digital technology's involvement, and sexual violence's emotional and psychological effects on survivors and their families. Gaining sexual violence victims' confidence and agreement for the study was difficult due to their suffering. The interviews also attempted to understand how family members help victims during the judicial procedure. Lawyers and law enforcement professionals were also asked about mobile technology's effects on sexual assault prosecution. Unfortunately, many lawyers rejected to participate owing to their busy schedules, restricting legal professional interviews.

Interviews/Data Collection

Ethics were important while questioning sexual abuse victims, especially confidentiality, permission, and emotional well-being. The study was meant to protect participants' rights and dignity and was ethical throughout data collection. The final report employed pseudonyms and removed any personal information to protect victims. Before interviews, all individuals gave informed consent. This required informing participants about the study's goal, data usage, and privacy protections. Participants were told they could leave the study at any time without penalty.

Interviewing sexual abuse victims is sensitive, and researchers were aware of the risk of re-traumatization. Interviews highlighted participants' emotional and psychological well-being. In discreet, friendly settings, victims were encouraged to relate their stories. Trauma-informed interviewers monitored participants' emotional indicators and allowed them to take breaks or end the interview if they got upset. Participants in distress were given information about counseling and support options. Family members attended some interviews if the victim permitted, recognizing the value of support systems. This technique made participants feel comfortable and supported.

The research had trouble interviewing legal professionals, especially ones who had represented sexual abuse victims. Due to their busy schedules, most legal practitioners declined to participate despite several attempts. Although few legal professionals participated, the insights they gave on the legal obstacles of utilizing digital evidence in sexual abuse cases were valuable. According to legal experts, digital evidence must be collected and presented correctly to be admissible in court. They also addressed defense counsel challenging digital evidence, especially if the chain of custody was inadequate.

Secondary Sources

In addition to primary data, secondary sources helped the study grasp mobile technology's role in fighting sexual assault. Literature evaluations, media reports, and court documents were employed for this study. These publications offered context and background on sexual violence in Kenya and the cultural and legal structures that affect such occurrences. Community policing, gender-based violence, and law enforcement digital technology literature were evaluated to underpin the study. This review identified literature gaps and placed the current work in the technology and justice debate.

Other secondary data sources included real-time media reporting of sexual assault and mobile technologies. Media coverage often shapes public opinion, law enforcement, and government actions. The 2014 "My Dress My Choice" protests and the 2022 motorcycle taxi operator sexual assault of a woman motorist showed how digital evidence can mobilize public outrage and prompt government action (Maina & Tongola, 2022; Mokaya, 2022). These events showed how media attention and digital evidence may drive law enforcement to arrest culprits quickly. Media stories revealed how the public views mobile technology and the difficulties of providing victim justice.

Court documents supplemented High Court judgments. These documents contain sexual violence case processes, including evidence, prosecution and defense arguments, and final decisions. The study examined court records better to understand sexual violence prosecution and mobile technology's involvement. Court records revealed patterns in digital evidence use, such as linking suspects to crimes via MPESA transactions and smartphone location data. These recordings showed the pros and cons of employing mobile technology as court evidence, notably regarding dependability and chain of custody issues.

Integrating primary and secondary data sources was essential to understanding how mobile technology combats sexual assault in Kenya. The research presented a detailed examination of the benefits and limitations of mobile technology to pursue justice by integrating firsthand narratives from victims and their families with legal experts, literature, media reports, and court records. The diverse data sources allowed for a balanced examination of mobile technologies' effectiveness in tracking, arresting, and prosecuting sexual violence perpetrators, as well as the ethical and legal issues that must be addressed to use them responsibly and effectively.

Cellphone Usage in Kenya

Kenyan Cellphone Liberalization History

The 1999 economic liberalization of Kenya changed its communication environment. Before liberalization, the government-owned Kenya Posts and Telecommunications Corporation (KPTC) monopolized the market. The administration liberalized the communication industry as part of its market-based reforms to stimulate the economy. Modernizing the country's communication infrastructure required exposing state-controlled businesses to competition.

The deregulation allowed private companies to enter the telecommunications industry, creating mobile service providers. These changes were made to increase communication, stimulate innovation, and lower service costs to make mobile technology more accessible to more people. Increased competition led to better service delivery, price, and coverage, which fueled Kenya's fast mobile phone growth.

Mobile Service Providers Develop

Two major mobile firms, Safaricom and Celtel (now Airtel Kenya), were licensed after deregulation. Safaricom, a Telkom Kenya subsidiary, entered the market first, followed by Celtel. These firms introduced inexpensive mobile services to the public, revolutionizing the telecommunications industry. Mobile phones replaced expensive and inaccessible fixed-line telecommunications, especially in rural regions.

The healthy rivalry between Safaricom and Airtel led to innovations like prepaid mobile services, which allow Kenyans to buy airtime in tiny amounts, making mobile communication accessible for low-income workers. The 2008 proliferation of mobile internet services changed how Kenyans used technology. Mobile internet improved

communication, information access, and digital economy participation. As individuals appreciated fast connection and information, cell phone usage increased significantly.

Safaricom's 2007 launch of MPESA strengthened its market dominance. Mobile money transfer service MPESA was a pioneering idea that allowed users to send and receive money, pay bills, and access other financial services on their phones. This service transformed a country where many individuals lacked standard financial services. MPESA enhanced mobile phone adoption and made Kenya a mobile money leader.

Mobile Phone Usage and Penetration

Kenyan mobile phone penetration increased rapidly once mobile service providers emerged. Safaricom dominates the market with many mobile customers. Due to its vast network coverage, dependable services, and MPESA popularity, the firm has succeeded. Airtel Kenya, a major rival, has a lesser market share than Safaricom. Competition between these service providers has improved quality, pricing, and innovation.

The Communications Authority of Kenya reports above 100% mobile phone penetration, indicating that many Kenyans possess several devices or SIM cards. This high penetration rate shows how important mobile phones are to Kenyans. Mobile phones are essential for communication, financial services, social networking, and political mobilization. Access to inexpensive mobile devices has allowed isolated residents to stay connected.

Internet use statistics show mobile devices' dominance. Kenyans use phones, tablets, and modems to access the internet 99% of the time. This high mobile internet usage rate is due to affordable data and more handsets. Kenyans may access instructional information, participate in the digital economy, and keep informed via mobile internet. Instant access to information has empowered communities, increased service access, and improved quality of life.

Mobile technology has a significant impact on Kenyan communication. Mobile phones allow individuals in urban and rural areas to interact smoothly. They have also enabled mobile banking, e-commerce, and e-government services, which have boosted economic growth. The success of mobile technology in Kenya shows how deregulation and innovation can change societies and improve millions of lives.

Tracking, Arresting, and Prosecuting Perpetrators

Challenges in Apprehending Sexual Violence Perpetrators

Sexual violence perpetrators in Kenya are challenging to apprehend owing to the nature of the acts and their setting. Sexual assault typically occurs in remote locales, at strange hours of the night, or where police or public observation is negligible. These crimes often occur in houses, rural settings, or dark urban corners where witnesses and real-time evidence are hard to discover. Violence victims are often physically disabled, frightened, or intimidated, making it difficult for them to report the crime or identify the perpetrators. Thus, time is squandered, diminishing the possibility that the police will find the offenders. Forensic evidence shortages hamper the prosecution of perpetrators. Police officers and their resources are few, making it hard for authorities to respond quickly to sexual assault incidents or acquire crucial evidence for prosecution.

Many Kenyan sexual abuse victims do not report it due to societal shame. They fear victim-blaming or ostracization by their families and communities, which slows investigations and causes loss of important evidence. Sexual assault is sensitive, and cultural views prevent victims from disclosing it. Hence, it is underreported. When victims report occurrences, police response might be sluggish owing to resource shortages, labor shortages, and institutional inefficiencies. Sexual abuse perpetrators typically have a window of opportunity to leave to other places, making it harder for law enforcement to catch them.

Case Study: 2021 Gang-Rape Incident

The 2018 gang rape case shows how digital technology may trail offenders. This case included a bunch of crooks breaking into a residence at night and torturing a woman. The thieves seized the victim's phone and transferred MPESA money to their device. Law enforcement initially struggled with the crime. The victim was knocked out

by the savage attack at night. Thus, she could not identify her assailants or offer precise descriptions to aid police investigations.

Despite these obstacles, the stolen phone was essential evidence. Police tracked MPESA transactions to find a culprit. Criminals believed they had removed all signs of their involvement, unaware of digital footprints' potency. The MPESA money trail identified the cellphone number into which the cash was transmitted, identifying the device to the criminal. This digital evidence helped authorities find, arrest, and convict the criminals. This case shows how mobile technology traces criminals and ensures they face the law.

Public Videos as a Tool for Justice

The March 2022 Nairobi sexual attack on a female driver is another dramatic example of how mobile technology has helped Kenyan police trace and prosecute sexual violence criminals. *Bodaboda* drivers on Wangari Maathai Road assaulted the victim in broad daylight. Multiple onlookers recorded the event on their phones, which went viral on social media and sparked public indignation. The gruesome attack film outraged the nation, with residents demanding quick action from the government and law enforcement. Then-Kenyan President Uhuru Kenyatta denounced the incident and instructed the police to utilize means to find the criminals.

Identification of the attackers relied on camera evidence. Digital forensic specialists utilized the footage to locate the key suspect at the crime scene after police had clear photographs of the attackers. The main suspect fled the country after discovering the authorities were chasing him. He was caught at the Kenya-Tanzania border with the victim's stolen cell phone. Videos helped police find the offender and were crucial evidence in the prosecution. This case shows how cell phone involvement may help achieve justice and hold abusers accountable.

Collaboration Between the Public and Police

Sexual assault perpetrators are routinely apprehended and prosecuted through public-law enforcement partnerships, typically using mobile technologies. Cellphone recordings by the public have often helped secure justice. Mobile phones allow individuals to record crime as it happens, giving police important evidence to track, arrest, and convict perpetrators. Public uproar and bystander video footage prompted law enforcement to move quickly and bring the Nairobi motorist assailants to justice. Sharing this proof on social media amplifies these recordings and alerts police to crimes.

Kenya's community policing program, Nyumba Kumi, likewise helps the police bond with the population. Nyumba Kumi, meaning "ten households," urges neighbors to report suspicious activity and watch out for one another. Community members and police may quickly communicate and share digital evidence using mobile phones. WhatsApp groups and other social media platforms allow users to report real-time occurrences with video or photos. This helps respond quickly and gathers incontrovertible proof for legal actions. Despite the danger of retribution, anonymous reporting technology has strengthened partnerships and helped prosecute sexual violence perpetrators.

Privacy and Ethical Concerns

Access to Call Data Records (CDRs) by Police

Kenyan police utilize Call Data Records (CDRs) more, notably in sexual assault and other serious offenses. CDRs can help monitor suspects by providing phone history, location, and communication patterns. This has improved criminal detection and highlighted ethical questions about privacy, consent, and exploiting sensitive personal information. Police access to CDRs typically lacks checks and balances, raising doubts about their proportionality and usefulness. Gathering and using this data must follow ethical norms to safeguard privacy. Law enforcement's requirement for essential information for criminal investigations must be balanced with citizens' fundamental rights.

The lack of transparency regarding how police obtain and use CDRs is a major ethical issue. CDRs are often accessed without legal procedures or consent, raising doubts about their legality and impartiality. The lack of transparency affects public faith in law enforcement and suggests that people's privacy is disposable for security.

The public requires confidence that any intrusion into their data is legal and supervised to prevent misuse. Strong data protection legislation and independent oversight organizations are needed to preserve citizens' rights.

Law enforcement excess is another ethical issue. Unrestricted access to CDRs can cause authorities to obtain more information than needed for an investigation, resulting in improper monitoring of non-criminals. This overreach undermines privacy and may cause people to act differently out of fear of being observed. A democratic society needs freedom, which such an atmosphere can weaken. Law enforcement must follow established criteria that specify the extent and limits of CDR access.

Role of Telecommunication Companies

Kenyan law enforcement authorities rely on Safaricom for CDRs and other digital data. Safaricom, the country's largest mobile service provider, is routinely involved in digital evidence-based criminal prosecutions. The company's assistance with law enforcement is crucial in fighting crime, especially in mobile communication-heavy crimes like sexual assault. Safaricom must balance public safety with client privacy, which makes this cooperation difficult. Data provision by the corporation raises issues about how telecommunications companies balance law enforcement and data protection.

The extent to which telecommunication firms assist with law enforcement without compromising client privacy is a significant problem. Safaricom and other service providers must aid criminal investigations, but data demands must be transparent. Privacy measures are unclear without clear public standards for sharing consumer data with law enforcement. Telecommunication firms should be more transparent about their data-sharing practices, particularly how they share information with law enforcement. By doing so, they may develop trust and inform clients of their rights.

Telecommunication providers must be accountable for data access demands. Safaricom and other service providers should be independently supervised to guarantee legal and ethical data exchange. Regular audits by an outside authority might assess data request processes and ensure they follow data protection best practices. Such regulations would prevent customer data exploitation and add responsibility to data-sharing. The objective should be to empower telecommunication firms to help law enforcement while protecting consumer privacy.

Digital Surveillance Abuse Potential

A Case Study 10.1 Kenya v. Kamau JN (2018)

Technology as evidence in sexual assault prosecutions changed in 2018 in Republic of Kenya vs. Kamau JN. Mr. Kamau JN was charged with gang rape and violent robbery. It was not easy to gather enough tangible proof during the incident. Nighttime beatings left the victim unconscious, making identification difficult. Despite the challenges of using traditional evidence, MPESA transaction data were vital to the case. The accused snatched the victim's phone and transferred money to his account, leaving a digital trail. This MPESA transaction connected Mr Kamau to the crime and helped convict him.

Kenya's MPESA, a popular mobile money transfer service, has become a crucial tool for law enforcement when suspects use stolen phones to trade. The ability to trace Mr Kamau's phone transactions and data proved his presence at the crime site and involvement. Mobile transaction data provides several benefits, including timestamps, location, fund source, and receiver identity. Once recorded by the service provider, this evidence is hard to alter. For Kamau JN, MPESA data proved his involvement in the incident, which could have been insufficient for conviction.

Digital evidence can fill gaps in physical or testimonial evidence, especially in sexual abuse situations when victims may be traumatized or incapacitated. MPESA data showed the usefulness of digital technologies in crime investigation and the necessity for law enforcement organizations to adapt to a technology-driven criminal scenario. While MPESA records worked in this instance, they highlight privacy and ethical concerns about utilizing personal financial data in criminal investigations. The case established a precedent for prosecuting offenders using digital traces, showing the potential and challenges of technology in the legal system.

Gender Analysis

Though women and children are always mentioned as disproportionately affected by sexual assault, a more thorough investigation of the underlying gendered power relations is still crucial. The use of digital evidence and cutting-edge surveillance technologies in criminal investigations begs serious questions on how these instruments impact current gender relations in Kenyan society. Because of ingrained societal disparities, women and children have historically been especially vulnerable; technology may either lessen or increase these vulnerabilities. Investigating if such digital monitoring systems actively empower women—that is, provide more leverage in seeking justice—or if they inadvertently raise their hazards, increasing their chances of privacy violations or their vulnerability to retaliatory violence. Examining these consequences closely can help one understand better if digital solutions offer sustainable gains for underprivileged gender groups or if they unintentionally support already existing power disparities.

Furthermore, surveillance technologies might change the behavior of male offenders, which would force them to use fresh approaches to hide from law enforcement and escape punishment. Understanding how offenders react to these technological developments is essential since digital evidence now forms the cornerstone of the way the judicial system handles sexual violence prosecution. Research should specifically examine whether perpetrators employ more advanced strategies to evade leaving digital traces—for example, using cash transactions instead of MPESA, forsaking personal mobile devices during crimes, or using encrypted communication tools. Moreover, investigating the adaptability of male criminals should guide law enforcement and community policing policies toward preventative actions considering offenders' changing behavior. A detailed knowledge of these changes would considerably contribute to refining technology and policy interventions, ensuring they stay effective and proactive rather than reactive.

Case Studies

Republic of Kenya vs. Kamau JN (2018)

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High Court Appeal Case No. E046 (2021)

The High Court Appeal Case No. E046 in 2021 showed the challenges of using digital evidence to prosecute sexual abuse defendants. Mr Kamau JN appealed a 20-year jail sentence for robbery with violence and gang rape. Due to the darkness, identifying the accused was difficult; thus, the appeal focused on numerous critical

issues. The crime scene was poorly lit, and the incident occurred at night, making visual identification problematic. The victim was hit in the head, impairing memory and preventing identification of the attackers.

This case was complex for the prosecution since no medical proof linked Mr Kamau to the crime. Medical evidence like DNA samples helps link suspects and victims in sexual abuse cases. However, the prosecution's case was hampered by the lack of semen or other DNA evidence, making it harder to prove the appellant's involvement. The lack of such evidence prompted valid issues about whether traditional forensic procedures could link the accused to the crime.

Despite these obstacles, cellphone data was crucial to the case. Despite lacking DNA evidence, the accused's digital footprints helped recreate the crime. After the event, the accused moved money from the victim's MPESA account and handled her mobile. The MPESA transaction supplied indirect but persuasive evidence linking the accused to the crime. This digital evidence helped sustain the conviction despite the lack of further evidence.

The appeal showed the pros and cons of digital evidence in the court system. Cellphone and MPESA data helped the court reconstruct the crime and verify the victim's story. However, the lack of tangible proof highlighted the limits of digital evidence alone. The problems of crimes with minimal visibility or victims who cannot deliver accurate statements were highlighted. The appeal also stressed balancing digital evidence with privacy and accused rights.

This case highlights the changing nature of judicial evidence. Technology will increasingly be used in criminal investigations as it gets more interwoven into daily life. However, ethical and legal criteria must be considered when using such evidence. The High Court Appeal Case No. E046 showed that digital evidence is valid but cannot replace traditional investigation methods. Instead, it should be utilized alongside other evidence to establish a strong case that upholds justice and individual rights.

CONCLUSION

Summary of Study Findings

This study shows that mobile technology is crucial to fighting sexual abuse in Kenya. Mobile phones and digital payment systems like MPESA make tracing, catching, and punishing criminals easier, especially in private or at odd hours. Call data, transaction details, and video footage from mobile devices have helped prosecute sexual predators. These technologies can provide evidence linking suspects to crimes that traditional policing may have overlooked.

Community engagement boosts mobile technology's sexual assault prevention power. Nyumba Kumi uses mobile phones to get people involved in crime prevention. Citizens have documented and reported events to law enforcement, making society safer. Community law enforcement partnerships have helped identify and apprehend perpetrators, especially when onlookers record crimes. A more effective crime prevention plan relies on public attentiveness and mobile technologies.

Implications for Law Enforcement and Policymakers

Mobile technology in law enforcement must combine privacy rights with its benefits. The study found that smartphone data has helped prosecute sexual assault perpetrators but raises privacy concerns. Police can access phone data and other sensitive information, which may be exploited without scrutiny. Therefore, governments must set explicit digital data access and usage limitations. These precautions should include obtaining warrants before accessing private data and following legal data-collecting procedures.

Policymakers must also tighten the regulatory framework to handle digital evidence problems. Data access and citizen rights against law enforcement misuse should be regulated. Telecommunications businesses like Safaricom, which provides call data and MPESA transaction details, should also have strict data privacy regulations. Such steps will reduce personal data exploitation and improve public faith in the system's fairness and integrity.

The Way Forward

Law enforcement officers require ongoing digital evidence ethics training to increase accountability and community policing. Officers should know how to use mobile technology while protecting residents' privacy. Law enforcement transparency and behavior can help ensure that digital technologies are utilized appropriately to address sexual abuse. Public awareness should also teach individuals about their rights and the need to report crimes online.

Mobile technology to address sexual assault requires public faith in law enforcement. Citizens are more willing to cooperate with law enforcement if they feel their data will be protected. Strengthening Nyumba Kumi, protecting whistleblowers, and supporting community-oriented police can promote sexual assault prevention. Kenya can reduce sexual assault and ensure criminals are brought to justice by bridging the gap between law enforcement and the community.

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