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CORRUPTION AND THE WAR ON TERROR IN KENYA, 2009 - 2019

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DECLARATION

I declare that this research project is my original work and to the best of my knowledge it has not been presented to any institution for examination.

Signature --- Date ---
Ali Bare Ibrahim
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This research work has been submitted for examination with my approval as the university supervisor.

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DEDICATION

I dedicate this research project to the Almighty Lord for enabling me complete the research, to my family for their patience and encouragement and the Kenya Defence Forces leadership for giving me the opportunity to attend and the facilitation during the entire course duration. May the Almighty Lord bless you.

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ACRONYMS AND ABBREVIATIONS

AU	African Union
AMISOM	African Union Mission in Somalia
ATPU	Anti-Terrorism Police Unit
CSOs	Civil Society Organizations
DoD	Department of Defence
EABI	East African Bribery Index
EACC	Ethics and Anti-Corruption Commission
GCB	Global Corruption Barometer
IEDs	Improvised Explosive Devices
IPOA	Independent Policing Oversight Authority
IRA	Irish Republican Army
ISIL	Islamic State of Iraq and the Levant
KECOSCE	Kenya Community Support Center
KNCHR	Kenya National Commission on Human Rights
NBCR	Nuclear, Chemical, Biological and Radiation
NCTC	National Counter-Terrorism Centre
NIS	National Intelligence Service
NPRTF	National Police Reform Task Force
NPSC	National Police Service Commission
PBTCSR	Police Basic Training Course Syllabus and Regulations
PISCES	Personal Identification Secure Comparison and Evaluation System
SLAA	Security Laws Amendment Act
SUPKEM	Supreme Council of Kenya Muslims
UNODC	United Nations Office on Drugs and Crime
USA	United States of America

ABSTRACT

The study investigates corruption and the war on terror in Kenya between 2009 and 2019. The country has experienced increased terrorist attacks emanating from Al-Shabaab terror group operating in Somalia and with active cells in other countries in the region. These attacks caused loss of lives, destruction of properties and negatively affected key sectors of the economy such as security and tourism. In response, Kenya employed a number of strategies to defeat the threat of terrorism. The strategies however, did not achieve the desired results and their ineffectiveness is blamed on corruption. This study therefore seeks to explore the impact of corruption on the effectiveness of counterterrorism strategies employed in Kenya. The general objective of this study is to investigate the impact of corruption on counterterrorism strategies in Kenya. The significant of the study is to add value to the understanding of the impact of corruption on counterterrorism and help policy makers formulate and adopt strategies to effectively counter terrorism in Kenya. The study is anchored on the deterrence theory of punishment that posits people are motivated to obtain pleasure and avoid pain. According to this theory, crime can be deterred by increasing the punishment for committing it and since people are rational self-interested actors, they will avoid crime if the costs of committing it exceed the benefits. The study adopted descriptive research design using both primary and secondary data. The study used the deterrence theory of punishment to analyze the data gathered on the capacity building and criminal justice counterterrorism strategies. The study concludes that the ineffectiveness of these strategies is partially due to corruption. The study recommends that the government should address corruption in all it is institutions and increase budgetary allocation for the sectors in the forefront of fighting terrorism. It further, recommends that the security agencies should adopt multiagency approach and engage all the stakeholders to effectively combat terrorism. The study suggests further research on the effectiveness of counter radicalization strategy and comparative study on the counterterrorism strategies employed by countries that had similar experiences of terrorist attacks such as Ethiopia and India.

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CHAPTER ONE

INTRODUCTION

1.1 Introduction

In the last century, terrorism has attracted interest and generated an unparalleled concerns among experts and scholars a like in both public and private entities. Among the emerging issues affecting the world none has generated more anxiety than terrorism.[1] The increased concern stems from the belief that terrorism impacts on all aspects of the society.[2] Terrorism contributes to internationally recognized crimes such as crime against humanity and genocide as well as bodily harm, deaths, fear and rage. Arising from the criminal and immoral intentions to cause harm, terrorism is a threat to international peace and security.

Terrorism has been in existence for long period but there is no consensus among scholars on the correct definition of terrorism. However, a working definition is thus, "terrorism is a calculated use of unlawful violence or threat of violence to inculcate fear, intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious or ideological".[3] In this definition, the key elements forming terrorism are violence, fear and intimidation. The IRA in Northern Ireland has been killings and kidnappings European population. In the USA the 11th September 2001, Twin Towers attack by Al Qaeda terror group has caused untold suffering. Al Qaeda and ISIL are the most active terrorist groups in countries such as Afghanistan, India (Kashmir) and Pakistan and Iraq and Syria. These groups have been responsible for 50 percent of deaths in these countries.[4] In Africa, Boko Haram in Nigeria and ISIL cells in the Sahel region covering Algeria, Burkina Faso, Chad, Morocco and Mali has been the most active

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[1] Churchill, P. K., *Impacts of Terrorism on Society*, (Tata Inc., Boston, 2015). pp 12-16.
[2] Kirkland, D., *Terrorism and National Developments*, (McGraw-Hill International Education, Geneva, 2016). pp 56-72.
[3] United States DOD., *Meaning and Concepts of Terrorism*, (Defence press Centre, Pentagon, 1992).pp 5-7.
[4] Leana, D. F., *The Criminality and Immorality Side of Terrorism and Corruption*. (Pearson International Press, New Delhi, 2016). pp 201-209.

cells. Al-Shabaab an Al Qaeda affiliated group operating in Somalia has been terrorizing the entire Horn of Africa especially Somalia and Kenya leading to loss of lives and destruction of properties.[5]

Terrorism remains pariah, unwanted and causes economic slumps by hindering movement of goods and people, destruction of infrastructure and violations of human rights.[6]Due to these unlawful activities that threaten international peace and security and endanger human lives, there is a general consensus that terrorism needs to be countered. Some of the suggested strategies include prosecution with severe penalties, enhanced police powers, sharing of intelligence and information, increased surveillance activities, permissive interrogation, detention and military action.[7]The need to develop counterterrorism strategies emanate from the fact that it leads to insecurity and economic sabotage at the domestic and international levels. Research suggests that terrorism has been on the rise with the resulting loss of human life, human rights violation, economic stagnation and general insecurity.[8]

Counterterrorism effort needs adequate resources comprising of technological, materials, funds and human due to the complexities of such operations. Importantly, these resources must be managed professionally, ethically and efficiently, free from corruption and related malpractices.[9] Literature suggests that, the rising terrorist activities partly ride on conflicts and other criminal activities like corruption.[10] Corruption inhibits the effectiveness of counterterrorism strategies and efforts. Although not consistent, research suggests that there is positive and direct correlation between high corruption rates and increased terrorism. This implies that, countries with high corruption prevalence are more susceptible to terrorist attacks.

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[5] Omar, H. H., *Reasons for Escalation of Terrorism in the Horn of Africa*, (Longman Publishers, Nairobi, 2014). pp 45-56.

[6] Khumalo, H. R., *The Need to Counter Terrorists in Modern Contemporary Society*, (Pretoria University Press, South Africa, 2013). pp 78-103.

[7] Churchill, P. K., *Impacts of Terrorism on Society*. (Tata Inc., Boston, (2015). pp 45-50.

[8] Gallup Research Inc., *Terrorism: Objectives, Tactics and Targets among Third World Countries*. (Gallup Research Centre, Chicago, 2015). pp 65-78.

[9] Devadas, H. D. & P. J. Hughson, *Resources, Facilities and Counterterrorism*.(Heinemann International Publishers, New Delhi, 2015). pp 17-22.

[10] Leana, D. F., *The Criminality and Immorality Side of Terrorism and Corruption*. (Pearson International Press, New Delhi, 2016). pp 187-199.

Corruption involves abuse of entrusted power for private gain. It's a form of dishonest or criminal action undertaken by a person in a position of authority, to acquire illicit benefit for private gain. The end result of corruption is misdirection of resources, discrimination against persons and nepotism.[11] In many instances corruption is linked to organized crimes and thrives in conflict and war environments.[12] Corruption leads to resource mismanagement, crime, conflicts and negatively affects the society.[13] Corruption undermines public trust on government institutions like judiciary and police and their willingness to cooperate with them in the fight against crimes. Corruption has also been identified as the leading contributor of poverty, insecurity and rise of terrorist activities.

Numerous efforts have been made locally and globally to counter terrorism. 'Operations Linda Nchi' spearheaded by Kenya and the AU deployment of troops in Somalia are such effort. Despite these noble initiatives terrorism and related vices continues to be experienced in Kenya more than before.[14] Research suggests that, in comparison with other countries in this region, Kenya remain susceptible to terrorist activities that continue to affect negatively on the citizens, expatriates and all sectors of the economy. Despite the concerted effort to counter terrorism, none has succeeded in stemming out terrorism or provided the solution to the perennial terrorist menace. In this regard, there is no locally based research information to help policy makers deal with terrorism. Most of the data on counterterrorism currently in use remain theory laden and empirically remote with no practical value for the stakeholders. Additionally, available data on terrorism and counterterrorism is mostly western oriented without much practical relevance and application in the African contexts.

1.2 Statement of the problem

In spite of global effort to combat terrorism and corruption using various counterterrorism strategies and enactment of anti-corruption laws, the vice still persists. The period between 2009

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[11] Towers Perrin Inc., *Scales of Corruption and Effects on Social and Economic Conditions*. (Corporation Press, Boston, 2014). pp 43-47.

[12] Bush, G. H. and D. G. Glen, *Corruption and Its Consequences of Organized Crime*.(McGraw-Hill International New Jersey, 2017). pp 14-34.

[13] Herrings, H. B., *Scales of Corruption and the Effects on Economy and Society*. (Heinemann Limited, Cologne, Germany, 2017). pp 45-66.

[14] Simiyu, W. B., *Extent of Terrorism in the East Africa Region*. (Longman publishers, Nairobi, 2016). pp 22-25.

and 2019, Kenya has experienced increased terrorist attacks emanating from Al-Shabaab terror groups operating in Somalia and with active cells in other countries in the region.

These attacks include Westgate in 2013, Garissa University in 2015 and Dusit hotel attack in 2019, all leading to loss of lives, property destruction as well as portraying the country's image negatively. There is a general belief that the increased terrorist attacks in Kenya are due to higher level of corruption. The impact of corruption on counter terrorism strategies has been the subject of many studies but any relationship is yet to be established between the two vices in the context of Kenya. In order to find a suitable and realistic approach to fight these social ills, there is need to look into the impact of corruption on counterterrorism strategies. This will assist to find the best approach to fight these vices and if the two should be tackled independently, simultaneously or mutually. It is against this backdrop that, this study seeks to determine whether corruption has an impact on the effectiveness of counter terrorism strategies in Kenya.

1.3 Research questions

This study was guided by the following research question:

a. What is the impact of corruption on capacity building strategy of countering terrorism in Kenya?

b. What is the impact of corruption on criminal justice strategy of countering terrorism in Kenya?

c. How effective are counterterrorism strategies in Kenya?

1.4 Objectives of the study

The general objective of this study was to investigate the impact of corruption on counterterrorism strategies in Kenya.

1.4.1 Specific objectives

The specific objectives of this study were to:

a. Investigate the impact of corruption on capacity building strategy of countering terrorism in Kenya.

b. Assess the impact of corruption on criminal justice strategy of countering terrorism in Kenya.

c. Assess the effectiveness of counterterrorism strategies employed in Kenya.

1.5 Justification of the study

Several studies have looked at the issues of corruption and counterterrorism from different perspective but the relationship between corruption and counterterrorism is yet to be established. There is no doubt that understanding the impacts of corruption on counterterrorism is fundamental and necessary knowledge for many scholars and researchers.

This study will be significant and add value to the learning and academic programs in the universities and colleges as centers of research and academic growth. The findings will help policy makers in international and regional organizations as well as governments particularly the government of Kenya in their fight against corruption and terrorism. The security agencies will benefit from this study by broadening their knowledge on the impact of corruption on counter terrorism.

1.6 Literature Review

This section reviews literature that is relevant for the study. The review proceeds as follows; first, it focuses on counterterrorism approaches. Second part looks at the forms of corruption. Third part examines corruption on resource utilization. Fourth part focuses on corruption and counter terrorism. The fifth part looks at corruption in Kenya. The final part illustrates the gaps in the literature review.

1.6.1 Counterterrorism Approaches

Over the years the effects of terrorism have been felt in almost all corners of the world and countries have adopted varied strategies to eradicate it. The preferred counterterrorism strategies are the traditional military, the criminal justice and the deterrence approaches.

The traditional military approach advocates for the use of force and relies on military strengths. The terrorists are pursued using the military to either kill or capture them. The approach offers no chance for dialogue and advocates for the elimination of the terrorist.[15] The opponents of this approach argue that it offers no attempt to determine the causes of terrorism and question its effectiveness. It is also highly reactionary with terrorists likely to develop networks, harden and oppose the military engagement through counteractions.

Criminal justice approach emerged from the advanced democracies who realized the effectiveness of using combined intelligence, police and justice systems in counterterrorism. The approach advocates punishing the terrorists using the due process of the law. The intelligence services locate the terrorist, pass the information to the police, who arrests and arraign them in courts. The judiciary then passes long sentences to the terrorists to punish them and deter would be terrorist.[16] However, the court process takes long and requires presentation of evidence and interrogation of facts.[17] In some cases, the evidence may fail due to incompetent prosecutors or corruption leading to acquittal of the terrorist. Some terrorists may hire superior attorneys who argue for their case or even bribe the court processes and are set free.

The deterrence approach to counterterrorism advocates for the use of threats, coercion and intimidation to dissuade terrorist from their intended action.[18] This approach recognizes that terrorist have supporters who provide them resources such as funds, weapons and information. It aims to dissuade the terrorist and their supporters from their criminal activities though threats of

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[15] Churchill, P. K., *Impacts of Terrorism on Society*. (Tata Inc., Boston, 2015). pp 85-94.

[16] Sitzmann, D. & P. Weinhardt, *Approaches to Counterterrorism*. (Heinemann Limited, New Jersey, 2015). pp 7-9.

[17] Kirkland, D., Terrorism and National Developments. (McGraw-Hill International Education, Geneva, 2016). pp 82-97.

[18] Sitzmann, D. & P. Weinhardt, *Approaches to Counterterrorism*. (Heinemann Limited, New Jersey, 2015). pp 45-78.

denial or punishment. Its opponents argue that the approach is passive and may not appeal directly to the terrorist themselves.[19]

1.6.2 Forms of Corruption

The forms of corruption which affects the public and the private sectors are bribery, embezzlement and theft, extortion and blackmail, influence peddling, networking and favoritism, nepotism and clientelism.[20] In most cases these forms may occur simultaneously.

Bribery involves giving or receiving items of value with the intention of influencing the actions of the recipient in favour of the giver. It cut across both the high and the lower echelons of the public and the private sectors. The favours sought and given may include money, gifts, sexual, contracts, employment, acquiring documents or access to facilities/information.[21] Bribery compromises the official, who may then overlook crimes, acquit those brought before the courts and allow criminals roam free in the society thus rendering the counterterrorist efforts ineffective.

Embezzlement and theft comprises someone with access to resources or assets unlawfully taking control over them and utilizing it for personal gain. Corrupt state officials may direct resources to non-existent project and then pocket the funds or diverting foreign aid for individual benefit. The diverting of resources from the security sector is likely to render counterterrorism ineffective.

Extortion or blackmail involves use of threats like false imprisonment, threat of violence and possible exposure of individual's secrets.[22] The intention is to threaten the victims and influence them to do a certain things or act a certain way. Influence peddling entails the dishonest use of one's position and power in government or relations to persons in authority to gain favours and privileged treatment usually in return for payment or other favours.

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[19] Khumalo, H. R., *The Need to Counter Terrorists in Modern Contemporary Society*. (University Press, Pretoria, 2013). pp 112-118.
[20] Clement, P. H. & G. J. Gido, *Types Of Corruption and their Effects on Gender and Human Rights*. (Heinemann International Press, Boston, 2006). pp 174-188.
[21] Kiwanuka, M., *Parameters and Effects of Grand Corruption: Ugandan Case Scenario*. (Longman Publishers, Kampala, 2015). pp 70-76.
[22] Weiss, P. & D. K. Hartle, *Forms of Corruption Around the Globe*. (McGraw-Hill International, Chicago, 2019). pp 24-30.

Networking is a form of corruption where job-seekers get a competitive advantage over others because of their connections in the institution offering the job. They know or cultivate relationships with prospective employers or selection panel who can influence the hiring decisions in their favours.[23] The networker gets an edge over other contenders based on personal attachment rather than qualifications. This leads to selection of unqualified candidates who are likely to ruin institutions. Where incompetent individuals are in charge of a country's security there is likelihood of rise in criminal activities.

Favoritism, nepotism and clientelism involve not only favouring the perpetrators of the corruption but also those related to them such as family members, friends or organizations.[24] This includes hiring or promoting an individual or awarding contract to a company because of their relations to a person in authority while disregarding the required qualifications. It may also involve a judge dismissing a criminal case or custom officials allowing banned persons entry to the country because of the concerned individual's relation to a person in authority. Those individuals allowed to enter the country without proper checks may be criminals.

1.6.3 Corruption and Resource Utilization

Effective counterterrorism strategies are driven by strong and robust human resources. They comprise of combatants like military, police and intelligence personnel, non-combatants such as judicial and essential services providers. The personnel have to be recruited through rigorous selection process, trained adequately and deployed according to their capabilities.[25] Their training should be relevant to counterterrorism and then deployed in their areas of specialization.[26] Sometimes due to corruption the processes are flouted and the effectiveness of the counterterrorism strategies undermined in complete disregard of the country's security.

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[23] Ibid. pp 54-63.
[24] Boela, E. W. *Corruption and the Law*. (Pearson Education Inc., New Delhi, 2001). Pp 75-86.
[25] Schultz, W. E. & S. Z. Schultz, *Emergence of Deterrence Theory in Counterterrorism*. (McGraw-Hill Education, Chicago, 2010). pp 221-224.
[26] Gallup Inc., *Terrorism: Objectives, Tactics and Targets among Third World Countries*. (Gallup Research Centre, Chicago, 2015). pp 64-72.

Compensating personnel for their efforts and motivating them for future engagement is essential for human resource management. The reward system should be fair, adequate and timely based on merit rather than individual whims.[27] Rewarding people unfairly is likely to demoralize them and reduce their efforts. Personnel undertaking the same duties and within the same rank bracket should be compensated equally. People should be appreciated and recognized for their outstanding achievements and contributions.

Financial resources are key components of a country's counter terrorism strategy.[28] The resources must be controlled through budgetary process and only used for the intended purposes. The sourcing and application of funds allocated for counter terrorism operations must be transparent. Financial resources are highly susceptible to misuse due to its liquidity and should be guarded against theft.[29]

Logistics for security sector should be sourced from credible sources and pricing based on acceptable standards and negotiated transparently. Buying low quality supplies that do not meet the required specification lowers the user's morale and undermines the counter terrorism effort.[30] Low quality supplies may cause accidents and endanger the user's lives. The supplies should reach their intended destination in good time to facilitate the operations.

Lack of capacity to produce the necessary and required equipment and corruption where those entrusted with procurement colludes with the sellers and buy low quality goods in order to get kickback hinder third world countries counterterrorism strategies.[31] This may also delay acquiring of the equipment and training of the operators. Terrorists may use unconventional weapons like NBCR with catastrophic effects on people and environment. Personnel involved in counterterrorism need protective equipment in order to reduce the effects of such attacks.

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[27] Leana, D. F., *The Criminality and Immorality Side of Terrorism and Corruption*. (Pearson International Press, New Delhi, 2016). pp 213-222.

[28] Powell, H. W., *Approaches to Tackling Terrorism: The Tactical-Military Perspective*. (Pearson International Publishers, New York, 2003). pp 356-372.

[29] Leana, D. F., *The Criminality and Immorality Side of Terrorism and Corruption*. (Pearson International Press, New Delhi, 2016). pp 205-209.

[30] Powell, H. W., *Approaches to Tackling Terrorism: The Tactical-Military Perspective*. (Pearson International Publishers, New York, 2003). pp 374 386.

[31] Omar, H. H., *Reasons for Escalation of Terrorism in the Horn of Africa*. (Longman Publishers, Nairobi, 2014). pp 88-102.

1.6.4 Corruption and Counterterrorism

Corruption puts undue pressure on human, material, supplies and technical resources. The types of corruption that mostly affect state security and counterterrorism strategies through resource diversion, abuse of powers and fraudulent judgments are political, police and judicial.

Political corruption involves blatant violation and abuse of power by elected leaders who remain in office through election rigging or enacting laws that favour them.[32] They usually siphon public resources using sensitive avenues like the security sector. Diverting resources then leads to lack of basic facilities and services in the sector and become hindrance to its operations. Lower ranks in the sector with no access to resources become frustrated, demoralized and ineffective. The country then becomes vulnerable to terrorist attacks and other criminal activities.

Police corruption involves officers gaining undue benefits through fraudulent procedures like conducting falsifying evidences to protect criminals.[33] Criminals collude with the police and take charge of institutions without fear of arrest compromising the security of the country. Crime becomes wide spread and the country's vulnerability to terrorist attacks increases. Police corruption mostly affects the criminal justice approach to counterterrorism.

Judicial corruption occurs due to misconducts of judges who receive bribes, deliver biased judgments or delay justice.[34]Judicial corruption is hard to fight since corrupt governments appoint unscrupulous judges and use them their personal gains in the detriments of state wellbeing. Corrupt judges are likely to interpret the law in a manner to benefits their cronies.[35] It is also difficult to prosecute judicial officers since they will appear before their colleagues who are likely to acquit them. Such judges will even free criminals if their hands are well greased.

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[32] Woodman, W. D., *Nature and Effects of Corruption, a Global Considerations*. (Pearson Educational Press, New Jersey, 2009). pp 102-204.

[33] Omar, H. H., *Reasons for Escalation of Terrorism in the Horn of Africa*. (Longman Publishers, Nairobi, 2014). pp 123-135.

[34] Ferster, G., *Corruption in the Judiciary and Effects on Criminal Justice Systems*. (Tata Inc., New Delhi, 2013). pp 35-44.

[35] Omar, H. H., *Reasons for Escalation of Terrorism in the Horn of Africa*. (Longman Publishers, Nairobi, 2014). pp 156-189.

1.6.5 Theoretical Literature Review

Socioeconomic theory posits that terrorism is caused by deprivation of economic and social benefits. People denied access to opportunities and deprived freedom, are likely to engage in criminal behaviours. Poverty, poor governance and corruption also drive people to terrorism.[36] Unfortunately, equal access to opportunities and political freedom has not been able to dissuade people from criminal activities in the developed countries such as USA, Britain and France.[37]

Categorical theory opines that terrorism is a strategy adopted by revolutionaries. They attack state agencies and installations and "complicitous civilians" who benefit from state support or have the capacity to influence state actions or oppose the terrorist.[38]Terrorist are known to rely on the population for their survival and if attacked will rebel against the terrorist. The theory therefore fails to explain how terrorist can survive without the people's support.[39]

The agent-based computational dynamic equilibrium model argues that every society has a stable equilibrium level of corruption that depends on socio-economic factors.[40]Corruption however, increases in the societies when wealth becomes the most important measure of success. Individual level corruption leads to societal level of corruption which in turn affects state system the functioning go on an upward trajectory till it stifles all state activities.[41] The normalization effect makes the public engage corruption despite acknowledge of its harmful effects. The model generalizes the society and fails to account the role of the honest and genuine wealth seekers.[42]

1.6.6 Gaps in the Literature Review

From the literature review it's evident that corruption is a major threat to state security. Evidence also shows that terrorism causes untold human suffering and destruction of properties and

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[36] Bandura S., *Socioeconomic Indicators of Instability*. (Pearson publishing INC., Boston, 2015). pp 123-345.

[37] Oluyede, D., *Corruption and Consequences in Government*.(International publishers Ltd, Lagos. 2011). pp 7-55.

[38] Goodwin, J., A Theory of Categorical Terrorism, *Social Forces*. Volume 84, Issue 4. (2006). pp 27-46.

[39] Persin E., & Khan W., Effects of Terrorism on Society. (McGraw Hill International, New Delhi, 2014) pp 26-37.

[40] Hall, P. and R. Taylor., Political Science and the Three New Institutionalisms.(Tufts University, Massachusetts, 1996). pp 56-71.

[41] Situngkir, H., Emerging the Emergence Sociology: *The Philosophical Framework of Agent-Based Social Studies*. Journal of Social Complexity Vol.1 No.2/2003.(Bandung Fe Institute Press, 2003). pp 4-5.

[42] Elster, J., Social Norms and Economic Theory.*The Journal of Economic Perspectives,* Vol. 3, No. 4 (American Economic Association, Autumn, 1989). pp. 92-106.

is believed to be facilitated by corruption. However, there is no conclusive literature that links corruption and the ineffectiveness of counterterrorism strategies in Kenya. This study therefore examines the nexus between corruption and the war on terrorism in Kenya.

1.7 Theoretical Framework

The study is anchored on the deterrence theory of punishment that was developed in the 16th century by the English philosopher, scientist and historian Thomas Hobbes. In the 17th century, the theory was expanded into the field of criminology by the Italian philosopher, criminologist and jurist Cesare Beccaria.[43] The theory posits that people are motivated to gain pleasure and evade pain. Crime can therefore, be discouraged by increasing the certainty, speediness and harshness of punishment for committing it. Since people are rationally self-interested actors, they will avoid committing crimes if the costs of committing it exceed the benefits of engaging in the crime.[44]

The use of law enforcement agencies on counterterrorism derives it is roots from the deterrence theory that forms the origin of punishing criminals. Individuals intending to commit crime stand the risks of being detected and disrupted (killed) by the security agents or get detained and punished in the courts of law.[45] The risk of death or imprisonment deters terrorists motivated by their righteousness to harm others from violating the law. Similarly, punishment also deters individuals from engaging in corrupt activities which is a violation of the law.[46] When criminals both terrorist and corrupt are arrested and prosecuted, there is the direct benefit that they will not repeat the same mistake again. Punishment will also indirectly deter other criminals who might have had followed their footsteps in the crime.

The deterrence theory of punishment lenses quite appropriate for this study as it elucidates the importance of punishment on deterring crime including terrorism. The capacity building and criminal justice counterterrorism strategies employed in Kenya focus on detecting, arresting and punishing the terrorist or in the worst case scenario incapacitating them hence emphasizes on

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[43] Akers, R. L., Criminological theories. (Roxbury, Los Angeles, 2000). pp 65-83.
[44] Beccaria, C., On crimes and punishments. (Macmillan, New York, 1963). pp 67-74.
[45] Wilson, J. Q., & R. J. Herrnstein, Crime and human nature.(Simon & Schuster, New York, 1985). pp 87-107.
[46] Ibid. pp 89-111.

deterrence. It therefore provides an excellent tool to analyze the effectiveness of these strategies as employed in Kenya. The theory can also be applied in analyzing the role of punishment as a deterrence strategy in fighting corruption.

1.8 Hypotheses of the Study

This study was guided by the following hypothesis

$H0_1$. Corruption has no impact on capacity building strategy of countering terrorism in Kenya.

$H0_2$. Corruption has no impact on criminal justice strategy of countering terrorism in Kenya.

$H1_3$. The counterterrorism strategies employed in Kenya are effective.

1.9 Research Methodology

This section deals with the methodology adopted in this study. The study employed descriptive research design. The study relies on both primary and secondary data sources and uses qualitative data analysis to analyze the data.

1.9.1 Research Design

The study employed descriptive research design method. The study is about corruption and the war on terror in Kenya from 2009 to 2019. The design is suitable for the study as it investigate the impact of corruption on the counterterrorism strategies employed in Kenya.

1.9.2 Location of the Study

The study focuses on Nairobi County where almost all the security agencies and other institutions involved counterterrorism and the fight against corruption are located. Further, the study is aided by previous research conducted in the universities and institution of higher learning which have branches in Nairobi. Conducting the study in Nairobi County helps to gather relevant data, reduce the time and budget for the research.

1.9.3 Target Population

The target population for the study comprises of uniformed officers and civilian staff in the government agencies currently involved in counterterrorism operations and the fight against corruption. The target population is categorized as senior officers, junior officers and civilian staff.

1.9.4 Sample Size

The study employs stratified random sampling technique that involves dividing the target population into homogeneous strata. A random sample was then selected from each stratum of senior officers, junior officers and civilian staff. The use of stratified random sampling is informed by its ability of being inclusive of all the categories of the population. The study uses sample size of 30 personnel from the three categories comprising of 8 senior officers, 16 junior officers and 6 civilian staff.

1.9.5 Data Collection

The study uses both primary and secondary data sources. The primary data collection involves use of questionnaires to get firsthand information. Questionnaires provide relatively cheap and quick way of gathering large of data. The secondary data source relies on the past literature and administrative data from the agencies engaged in the fight against terrorism and corruption. The method was preferred due to the qualitative nature of the study as well as the compressed time within which the study was conducted.

1.9.6 Data Analysis

The study adopts qualitative analysis technique utilizing primary data collected through questionnaires as well as secondary data from desktop review of books, national printouts, journals, internet, publications and administrative data from the relevant agencies analyzed. Qualitative analysis technique would be more appropriate tool to analyze the data due to the descriptive nature of the study. The information would be arranged into common themes.

1.10 Ethical Consideration

The study took into consideration ethical issues. The respondents and data generated were treated with utmost confidentiality. The data was used for the intended purpose and disclosed to a third party only with their approval. The researcher did not use bribery or any other improper means in an attempt to obtain data.

1.10 Chapter Outline

The study was structured into five chapters as outline here:

Chapter One: Introduction. This chapter introduces the study by contextualizing the research problem and giving justification of the study. It further evaluates the literature on the impact of corruption on counterterrorism with an aim of bringing out the gaps. The chapter also demonstrates the relevance of the deterrence theory of punishment to the study. The chapter finally presents the methodology that would be used in this study.

Chapter Two: Corruption and capacity building strategy. The chapter investigates the impact of corruption on capacity building strategy of countering terrorism in Kenya. It deals with the impact of corruption on recruitment, training and human resource deployment for counterterrorism duties.

Chapter Three: Corruption and criminal justice strategy. The chapter assesses the impact of corruption on criminal justice strategy of countering terrorism in Kenya. It brings out how corruption affects the investigation, arrest and prosecution of suspected terrorist.

Chapter Four: Effectiveness of counterterrorism strategies. The chapter assesses the effectiveness of the counterterrorism strategies used in Kenya. More specifically, the chapter investigates the effectiveness of capacity building and criminal justice counterterrorism strategies.

Chapter Five: Summary, conclusions and recommendations. The chapter gives summary and conclusion about the research questions and hypotheses as stated in this chapter. The chapter further gives the implications of the conclusion on the theory and policy. Besides, the chapter suggests areas for further research.

CHAPTER TWO

CORRUPTION AND CAPACITY BUILDING STRATEGY

2.1 Introduction

The chapter investigates the impact of corruption on capacity building strategy of countering terrorism in Kenya. It looks more specifically on how corruption affects the recruitment, training and deployment of human resource for counterterrorism capacity building strategy in Kenya.

2.2 Impact of corruption on capacity building strategy

Human resource is one of the most important elements in any organization, as most of the organizational settings are human rather than technical or financial. The other elements in an organization cannot function independently without the input of human factor. The human factor therefore requires massive investment in respect of selection, training, progression, motivation and employment. Failure to reorganize the important of this fact may result to many losses in an organization or a nation.[47] No organization can be efficient without recognizing the importance of the human factor. In the security sector where all activities heavily rely on human input, the human resource factor even assumes a higher position.[48]

People join an organization for certain reasons which may include employment, salary, position and prestige in the society, or a sense of belonging. They sell their labour for a wage, salary and other benefits. In return the organization gets labour and energy to achieve it's objectives. Despite the management recognition of the importance of human resource, there are sometimes obstacles key among them poor management and corruption that hamper the utilization of this important factor and affect the overall development of the organization.[49] In the developing countries like Kenya, corruption affects almost all the sectors including security in equal proportion.

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[47] Suh, J., Human Resource Management. (University of Minnesota Libraries Publishing, Minnesota, 2016). pp 145-153

[48] Paradis, S. et al., "Homeostatic control of presynaptic release is triggered by postsynaptic membrane depolarization." *Neuron* 30, no. 3 (2001). pp 727-732.

[49] Mwagiru, M., and M, Kigen., Countering violent Extremism in Kenya. (Thirty Three Consortium, Nairobi, 2018). pp 165-180.

In the public sector corruption perpetuated by irresponsible government officials has become a serious impediment to human resource development and utilization.[50] It negatively impact on democracy, governance, security and distorts the functioning of the government institutions. Corruption undermines the capacity of the institution to deliver it is function as the rule of law, procedures and resource employment are ignored. When government officials at higher positions engage in corrupt activities, loot and divert public resources for personal benefits they become obstacle to service delivery. This has been rampant in the developing countries like Kenya. On 21 July 2019, Mr. Henry Rotich Kenyan Treasury Cabinet Secretary and Mr. Kamau Thugge his Permanent Secretary among other government officials were accused of inflating the construction cost of two dams in Kerio Valley by Ksh17 billion and arrested on corruption charges.[51]

Grand theft and looting of public resources by the country's ruling elite has permeated to those in the security sector.[52] For example, corruption in the police force has grown into a major pandemic that negative affects the social, economic and security interests of the country. The conduct of the police officers to obtain personal benefits or skewed professional development rather than safeguarding the interest of the country has prejudiced their effectiveness and the service delivery of the institution.[53] The seeking of self-interest through corrupt means like giving or receiving bribes in exchange to facilitate illegal activities or get promotion interferes with normal function of the organization and leads to it is ineffectiveness.[54]

Corruption continues to invalidate Kenya counterterrorism strategies as security officers are accused of receiving bribes and neglecting the security of the country while Al-Shabaab terror group enter and attack the heart of the country.[55] Kenya police, the country's first line of defence

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[50] Situngkir, H., Emerging the Emergence Sociology: *The Philosophical Framework of Agent-Based Social Studies*. Journal of Social Complexity Vol.1 No.2/2003.(Bandung Fe Institute Press, 2003).pp 48- 53.

[51] Brian, O., The Standard dated 22 July 2019. Retrieved on 10 February 2020 from https://www.standardmedia.co.ke/article/2001334893.pp 18.

[52] Atieno, A., "Mungiki, 'neo-Mau Mau'& the prospects for democracy in Kenya." *Review of African Political Economy* 34, no. 113 (2007). pp 526-531.

[53] Bandura, S., *Socioeconomic Indicators of Instability*.(Pearson publishing INC., Boston, 2015). pp 81-82.

[54] Paradis, S. et al., "Homeostatic control of presynaptic release is triggered by postsynaptic membrane depolarization." *Neuron* 30, no. 3 (2001). pp 227-232.

[55] Rotich, H., "Budget statement for financial year 2016/2017 (1st July-30th June): consolidating gains for a prosperous Kenya." (Government Publisher, Nairobi, 2016). pp 5-9.

against internal threats including terrorism is rife with corruption making the force less effective in dealing with such threats.[56] The state needs to confront the culture of corruption, otherwise terrorist will continue to kill more citizens and the country will pay the price corruption in blood.

2.3 Corruption and security personnel recruitment

Human resource is one of the key factors in the performance of an institution and developing it requires merit-based recruitment, training, promotion and deployment. To protect the integrity of the institution a standardized framework of pay and reward must be in place and adhere to.[57] However, corruption in the human resource management that includes favouritism, nepotism, patronage and misuse of power in areas of enlistment, training, advancement and assignment is acknowledged as key risk areas especially in the security forces. This is made possible by unhindered discretionary authority, lack of uprightness, accountability and pellucidity in the general management of human resource.[58]

Corrupt security officials interfere with the recruitment processes resulting the employing of unqualified personnel who facilitate the development of corrupt networks within the sector and undermines the security and general development of the country.[59] In Kenya, widespread corruption involving the police and the public by extension has negatively affected the recruitment process of the police force. Stories of collusion among the officers to share out the available vacancies in a boardroom before the beginning of the recruitment and selling those vacancies to the highest bidder are widespread in the service.[60] For example in 2014, an exercise meant to recruit 10,000 officers was cancelled after the public and the media raised concerns on wide spread corruption. Such

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[56] Ayius, A. A., "An Overview of Corruption." *Corruption in Papua* (2017). pp 64-70.

[57] World Bank, (2013). pp 39-41.

[58] Rassler, D. C. et al., *The fighters of Lashkar-e-Taiba: Recruitment, training, deployment and death*. Combating Terrorism Center. (Military Academy West Point, New York, 2013). pp 22-27.

[59] Keohane, D., "The Absent Friend: EU Foreign Policy and Counter- Terrorism." *JCMS: journal of common market studies* 46, no. 1 (2008). pp 125-146.

[60] Opon, D. O. &et al., "Immigration Border Control Human Resource Challenges and Opportunities Affecting Counter-terrorism Strategies in Kenya." *International Journal of Education and Research* 3, no. 5 (2015). pp 301-309.

corruption allegations are often reported during recruitment of not only the police but also other security services like the military, prison and wildlife service.[61]

The police is not only considered the most corrupt institution according to the corruption index but it consist of a large number of unqualified corrupt elements who join the service through corrupt avenues like paying bribes.[62] Cases of potential recruits giving bribes to join the police have been rife. It is highly likely that a significant number of the officers in the police service are people who are not necessarily committed to the law enforcement profession but see the institution as an investment. They consists of individuals who are looking for opportunities to gain maximum benefits from their investment (the money they pay as bribery to join the service).

In May 2009, the government of Kenyan appointed the National Police Reform Task Force (NPRTF), headed by Justice (Rtd) Philip Ransley, to review police training standards and practices among other reforms with a view of coming up with recommendations to professionalize the force.[63] The Task Force among other issues reported that public confidence in the police force is low, particularly due to widespread corruption. The public believes that the force is corrupt at all levels and cited bribery cases during recruitment and their day to day conduct. It is not surprising that, the Global Corruption Barometer (GCB) report in 2013 identified the Kenya police as an institution most prone to corruption. Further the East African Bribery Index (EABI) of 2010-2014, indicated Kenya police as one of the organizations most vulnerable to corruption.[64]

Following the promulgation of the current constitution in 2010, it was expected that the appointment of the National Police Service Commission which is responsible of hiring recruits and promoting officers will stem out corruption from the service. Despite the commission being in place, corruption is still recognized as a major hindrance to the professionalization of the police force where the vice is established right from recruitment and remains actively nurtured in the

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[61] Hills, A., "Police commissioners, presidents and the governance of security." *The Journal of Modern African Studies* 45, No. 3 (2017). pp 403-423.

[62] Transparency International-Kenya: Corruption Perceptions Index 2019 (2020). pp 12-13.

[63] Ibid. pp.102-104.

[64] Otieno, G., "The NARC's anti-corruption drive in Kenya: somewhere over the rainbow?" *African Security Studies* 14, no. 4 (2015). pp 69-79.

course of the police officers' career. Studies suggest that potential recruit who wish to join the service have to part with substantial amount of money ranging from Ksh100,000 to 200,000.[65] This money is shared along the chain of command from the recruiting officers on the ground to cartels at Vigilance house (Kenya Police Headquarters). The rampant police corruption signifies a systemic miscarriage of leadership in which the authorities responsible for safeguarding the police management, the compliance with ethics and integrity values, and imposing the rule of law are compromised or are themselves infested with corruption or have link with corrupt syndicates.

In Kenya, the military activities are not generally brought to the public limelight hence not considered corrupt. Although, there are some equally disturbing allegations of corruption made against the military, they usually do not receive much media coverage because of the limited military interactions with the public and the media.[66] These corruptions also involve biasness and corruption in the recruitment process. It is alleged that during military recruitment, those who know someone in the military hierarchy or pay bribes stand high chances of being recruited at the expense of the more deserving potential recruits.[67] Those recruited without following the procedures are regarded to be enjoying favours from their senior patronages and do not even take the training drills seriously. These compromises the professionalism and the credibility of the forces and impedes it is effectiveness against national threats such as terrorism.

The case of John Kamau of Kisumu County gives a classical example of corruption claims in the military recruitment. Kamau's dream of joining the military could not materialize because of corruption in the recruitment process. Kamau have tried to be recruited thrice but was not successful despite meeting all the set conditions for one to be recruited into the force.[68] In the first two trials he failed to be recruited because he could not produce an envelope from the parent (meaning envelope containing bribe money). In the third trial he only managed to raise Ksh50,000.00 while other

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[65] Opon, D. O., & et al., "Immigration Border Control Human Resource Challenges and Opportunities Affecting Counter-terrorism Strategies in Kenya." *International Journal of Education and Research* 3, No. 5 (2015). pp 301-309.
[66] Parsons, T., *The 1964 Army Mutinies and the Making of Modern East Africa*. (Greenwood Publishing Group, 2003). pp 63-81.
[67] Today Financial News, (2014). pp 11-12.
[68] Burbidge, D., *The shadow of Kenyan democracy: Widespread expectations of widespread corruption*. (Routledge, 2016). pp 89-113.

potential recruits were ready to part with Ksh200.000.00.[69] Although he went through all the process of academic checks, medical test, running, physical abilities, weight and heights checks and passing them well, he could not secure a vacancy in the military. The desire of this qualified young man to join the military was shattered because of corrupt recruiting officers. Such scenarios are usually reported following the countrywide recruitment of the military.

There is a general belief that potential candidates who wish to join the military have to pay more money than the police in form of bribe. This because of the prestige the military enjoys in the eyes of the society as compared to the police. Upon landing in the military these unscrupulous young soldiers look for opportunities to recover their money including engaging in corrupt activities and colluding with criminals such as terrorist groups. They are further facilitated by their cronies in the service to work from the most suitable stations that can give them opportunities to gain more corrupt activities. This reinforces the allegations that the military deployed in Somalia collaborate with Al-Shabaab to smuggle contraband goods across Kenya-Somalia border.[70] The terrorist attacks in Kenya are partially due to lack of effective deterrence strategies which are blamed on corrupt government officials and cartels who facilitate the terrorist activities.

Corruption may also infiltrate in the security institutions when officers at higher position engage in nepotism, favouritism and recruit incompetent and unqualified relatives at the expense of competent and qualified Kenyans. During the recruitment vacancies are usually reserved for the senior officials to recruit their relatives.[71] Sometimes it may arise that the relatives of the seniors are not meeting the set recruitment standards either in terms of qualifications, medical, height, weight or physical fitness. These forces the recruiting officers to flout the recruitment procedures in favour such unqualified relatives of the senior officials. Interfering with the recruitment process using position/rank is another challenge confronting the recruitment process of the security forces. Those relatives become untouchable and are not deployed in high risk areas. These inequalities

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[69] Ibid. pp 66-84.

[70] Kiwanuka, M., *Parameters and Effects of Grand Corruptio*.(Longman Publishers, Kampala, 2015).pp167-167.

[71] Muthee, M.W., Tackling youth unemployment in Kenya. Retrieved 27 January 2020, from http://www.wilsoncenter.org/index.cfm? (2010). pp 12-14.

demoralizes the hardworking officers until they develop do not care attitude towards the security of the country. Low morale then lead to ineffectiveness and the terrorist groups exploit this ineffectiveness to attack the country.[72]

It has been argued that, the reason why the Kenya security services are unable to fight terrorism is because of corruption that has taken roots in the services such that the officers get exposed to corruption right from inception (recruitment). It is therefore almost impossible to weed out corruption from the services leading to loss of public trust in the service as observed by Transparency International survey in 2011, where 90% of Kenyans said they do not trust the police and believe that the security sector is extremely corrupt.[73] Corruption in the police force has emerged as a grave security challenge in Kenya. The authorities entrusted with the management of the security forces need to develop internal policies measures to ensure transparent recruitment, hiring, retention and promotion procedures are followed to protect the country from threats.[74]

2.4 Corruption and training of security personnel

The importance of training to the security personnel cannot be compared to any other welfare given to them. The training aims at alignment the employees' performance with the goals and objectives of the organization and its operations. The training given to security personnel includes basic, professional, specialist and leadership training. As the threats facing the globe increases, it is critical that the security officers are given the right training to stand to the challenges and provide higher quality service to the country.[75]

The security officers are the sentinels of the country and enforcers of rules and laws of the country. The security officers are the crucial elements of ensuring peace and preventing crimes. Poorly trained security personnel are only another warm civil servant drawing salaries at the tax payers' expense. Security personnel who are not well trained and are negligent in the standard

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[72] Otieno, G., "The anti-corruption drive in Kenya: somewhere over the rainbow?." *African Security Studies* 14, no. 4 (2015). pp 69-79.

[73] Wagner, N. and Wil Hout."Police integrity and the perceived effectiveness of policing." (2019). pp 17-25.

[74] Republic of Kenya. Youth empowerment project: Environmental and Social Management Policy Framework (ESMF). Retrieved 12 February 2020, from http://www.primeminister.go.ke. (2010). pp 8-10.

[75] National Cohesion and Integration Commission: Police Training. (Government Printers, Nairobi, 2011). pp 13-16.

conducts of protection, security and situational alertness are impediment to the security of the country. Professional drill offers the security officers with the correct understanding, skills and instincts critical for the country's security and existence by combating the modern high tech threats.[76]

The security officers need to be proficient on weapon handling, self-defence, intelligence analysis and be able to respond to all situations that poses a danger to the country and it is citizens. Tragic incidences that caused many fatalities among the security officers could have been avoided had they received standard professional training. Security officers entrusted with the safety of the country, need professional and regularly training and equipped. Despite the importance of training there are numerous challenges such as corruption that hinder professional training of the officers. Poor training creates gaps that terrorist exploit as the officers lack the ability to detect, respond or deter the threats. This inability is aggravated by low morale due to poor pay and lack of equipment to perform the work.[77]

There is a wide range of issues to train and countries have great deal of differences in the way they train their security personnel.[78] Training will enhance officers' standard of fitness, their ability to detect and prevent crime and service delivery. What seems normal to the untrained mind will always be doubtful to professional trained mind and give the officers a reason to be more cautious. In Kenya some professional training/courses are not available locally and few officers are selected to attend it overseas. When it comes to selecting officers for overseas training, corruption sets in and those with connections are selected for such courses. Unfortunately, corruption again interferers in the deployment of these officers to the appropriate positions despite receiving specialized training from overseas. This has a negative impact on Kenyan's counterterrorism capacity building strategy as corruption interferers with the deployment of the officers.

The NPRTF headed by Justice (Rtd) Ransley, recommended among other things review of police training, improving training facilities and standards, establishing a police academy for those

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[76] United Nations Institute for Training and Research: Introducing Security Sector Reform. (2016). pp 5-12.

[77] Bandura S., *Socioeconomic Indicators of Instability*. (Pearson publishing INC., Boston, 2015). pp 44-62.

[78] Kiwanuka, M., *Parameters and Effects of Grand Corruption*.(Longman Publishers, Kampala, 2015). pp 176-179.

in command and leadership and developing communication skills. It also recommended for the police force to adopt a set of core values and principles and adhere strictly to the police work ethics.[79] Further, the 2010 Constitution of Kenya which formed the National Police Service Commission (NPSC), tasked the Commission to prevent corruption and train the police force to the highest standards of ethics. This gave the NPSC powers to formulate training policies, approve training courses, implement courses, monitor training policies and keep in touch with emerging police training requirements on regular basis.[80]

To curb this menace, some quarters have proposed that ethics and anti-corruption training be included into the Police Basic Training Course Syllabus and Regulations (PBTCSR) 2011. Teaching the police trainees the two subjects would produce a critical mass of police officers who through further monitoring such as regular and comprehensive in-service training will contribute towards reducing the high levels of corruption in the police service.[81] This proposal was however, never taken seriously. Despite efforts to tackle corruption in the police training, it remains a serious problem that hinders the effectiveness of the force against threats.

Kenya developed capacity building strategy to improve the security personnel capability to detect, respond and deter threats.[82] This is necessitated by the ever evolving high tech threats like terrorism. Terrorist tactics and techniques to continue to evolve and the security personnel need to be trained and rehearsed on new tactics to counter the threat. To understand the complex security threat and develop officers' skills, Kenya has partnered with developed countries or those who had prior counterterrorism experiences. The United States, Britain and Israel have been giving training and technical advice to help build the capacity of developing countries' security forces especially those facing terrorist threats like Kenya. During the fiscal years from 2002 to 2016, the United States alone had spent more than $265 billion on 180 countries Kenya included. Approximately

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[79] Bakker, E. & E. Kessels., "The OSCE's Efforts to Counter Violent Extremism and Radicalization That Lead to Terrorism: A Comprehensive Approach Addressing Root Causes." *Sec. & Hum. Rts.* 23 (2012).pp 89.
[80] Ibid. pp 200.
[81] Burbidge, D., *The shadow of Kenyan democracy: Widespread expectations of widespread corruption*. (Routledge, 2016).pp 133.
[82] Clement, P. H. & G. J. Gido., *Types Of Corruption and their Effects on Gender and Human Rights*. (Heinemann International Press, Boston, 2006). pp 111-123.

$125 billion of these funds were assistance given to the security forces on counterterrorism training and capacity building.[83]

The countries providing the aid often focus on capacity building of the security forces as a strategy to counterterrorism. In some instances, corruption within the security forces like selecting incompetent officers, failure to deploy those trained at the right stations, diverting the donated aid for personal gain among other malpractices hinder the success of the capacity building counterterrorism strategy. The incompetent officers often attend the training to earn per diem are not keen on gaining knowledge to help secure the country. The capacity building strategy has achieved mixed results of successes and failures. In one hand the presence of the threat implies that the strategy is not achieving the desired effect on the targeted security forces that are trained to combat the threat. However, on a different scale the number of terrorist attacks has significantly reduced in 2017 and 2019 compared to 2012 to 2016 when it was at the climax. This decrease is partially attributed to working counterterrorism strategies among them the capacity of the security forces to detect and deter the threat.[84]

2.5 Corruption and deployment of security personnel

The human resource management in the security forces is based on the three aspects of recruitment, training and deployment (promotion and posting).[85] In some instance however, nepotism, patronage, favouritism and abuse of authority interfere with the smooth process of the three aspects of human resource management. Senior officials' unchecked discretion on the management of human resources and lack of accountability allows them to favour those in their inner cycle.[86] In particular buying and selling of promotions and posting to some preferred stations have been affecting human resource deployment. This is facilitated by corrupt networks in the service and undermines the security of the country.

[83] Herrings, H. B., *Scales of Corruption and the Effects on Economy and Society*. (Heinemann Limited, Cologne, Germany, 2017). pp 74-81.

[84] Davis, D. L., "Secure public digital watermark."(Washington D.C, 2001). pp 38-46.

[85] Aronson, S. L., "Kenya and the global war on terror: Neglecting history and geopolitics in approaches to counterterrorism." *African Journal of Criminology and Justice Studies: AJCJS* 7, No. 1/2 (2013). pp14-24.

[86] Rassler, D. et al., *The fighters of Lashkar-e-Taiba: Recruitment, training, deployment and death*: Combating terrorism. (Military academy west point, New York, 2013). pp 7-9.

Corruption has undermined effort to professionalize the force and it is effectiveness against threats to national security. The police officers' lack the required training, knowledge, skills and attitude necessary to combat threats such as terrorism. The deployment of police personnel at cattle rusting prone areas like Kapedo and entry points such as Kenya-Somalia border failed to contain the intended criminal activities.[87] This led to the deployment of the military for internal security duties as seen at Kapedo and Kainuk areas and Kenya-Somalia border a task is normally assigned to the police. There is a general believe that police officers often take bribe from criminals and allow them to roam freely and this impedes their ability to deter or respond to the threat.[88]

Corruption renders police officers ineffective against crimes including terrorism as they become allies. This does not only endanger the security of the country but also that of the police officers themselves. It is argued that the first victim of ineffective policing is the police.[89] Police officers have been victims of terror attacks and many lost lives along the line of duty. During the Westgate mall attack five security officers lost their live while another six lost their live in the Garissa University attack. Armed criminals often target to eliminate the security officers before attacking their criminal targets. Most terrorist attacks in Kenya police were among the first victims.

There have been allegations that when the public volunteer information concerning security to the police they often ignore such information. It is suspected that the police officers are doing business with tycoons who are apparently known criminals or financiers of the terrorist groups.[90] Instead of taking action against the criminals the police frame those who brought the information and arrest them on flimsy grounds. It is difficult to defeat terrorist when corrupt officers are in bed of the financiers.[91] Corruption has made the police a soft target for terrorist where a number of police stations along the Kenya-Somalia border had been attacked and officers killed. When taking

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[87] Keohane, D., "The Absent Friend: EU Foreign Policy and Counter-Terrorism." *JCMS: journal of common market studies* 46, No. 1 (2008). pp 125-146.

[88] Hall, P. and R. Taylor., Political Science and the Three New Institutionalisms.(Tufts University, Massachusetts, 1996). pp 12-34.

[89] Wagner, N. & W. Hout.,"Police integrity and the perceived effectiveness of policing." (2019). pp 9-14.

[90] Ibid. pp 11-14.

[91] Ibid. pp 35-36

bribe, these officers do not take into account the impact corruption have on their security, that of their colleagues and the country they swore to protect.

The Kenyan security forces manning the Kenya-Somalia borders have been accused of taking bribes and permitting illegal commodities to cross the common border. This means that terrorist can enter and exit without restriction. Additionally, Kenyan Defence Force troops deployed in Somalia are accused of collaborating with Al-Shabaab to smuggle into Kenya sugar, providing the extremists funds in excess of $200 million.[92] On 25 October 2014, a report released by the United Nations indicated that Al-Shabaab continues to collect revenue from the export of charcoal to fund it is activities. The report accused Kenyan military deployed in Somalia who man the Kismayu port of colluding with Al-Shabaab and facilitating their shipping of charcoal. The charcoal export is estimated at $250m per year. Further the report indicated that these illegal benefits are shared between Al-Shabaab, Jubaland government and Kenyan forces stationed in Kismayu.[93] The Kenya government rubbished these allegations and denied any such involvement.

Kenyan police have also been accused of detaining and extorting money from innocent Kenyan Muslims under the pretext of searching for Al-Shabaab sympathizers. These abuses contribute to the perception that Muslims are targeted and discriminated against. The terrorist have used these scenarios to radicalize and recruit Kenyan youth who are trained and use against their country. This is cited as one of the reasons motivating the Kenyan youths (jihadis) to join the cause of the terror group.[94]

2.6 Compromised National Security

Corruption in the security sector is the biggest obstacle to the country's attempt to deal with and correct the increasing insecurity in the country. Existing literature indicates that the insecurity in the country is as a result of law enforcement officials colluding with criminals. In a field investigation conducted by Kenya National Commission on Human Rights (KNCHR) both state and

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[92] Ibid. pp 45.
[93] Churchill, P. K.., *Impacts of Terrorism on Society*. (Tata Inc., Boston, 2015). pp 85-94.
[94] Balakian, S., ""Money Is Your Government": Refugees, Mobility, and Unstable Documents in Kenya's Operation Usalama Watch." *African Studies Review* 59, No. 2 (2016). pp 87-111.

non-state actors acknowledged that there are indeed corrupt security agents who are accomplice of criminals and counter efforts to deal with insecurity in the country.[95] They cited a case where police officers arrested suspects and released them upon taking bribery only to learn latter that indeed the suspects were terrorists. Incidences are also cited where police officers manning roadblocks collect Ksh50-100 from the public service vehicles without even checking the occupants of the vehicle. The conductor upon approaching the roadblock rolls and throws the money on the ground, the officer signals the vehicle to pass and then collect picks the money from the ground.[96]

The vice of corruption in the security forces has considerably eroded the trust between the security officers and members of the communities they serve who wish to collaborate with the officers in combating crimes.[97] For these reasons, a security vacuum has been created that breeds the emergence of vigilante groups who mutate and transform to criminal gangs or militias. Although initially intended to be "benevolent" due to acceptance by the society, most criminal gangs and militia organizations are ultimately some of the least security providers. Despite the Organized Crime Prevention Act No. 6 of 2010, prohibiting militia and gangs activities, report by the National Crime Research Centre has shown that criminal gangs and militias are active and blooming especially in the major towns some of who collude with terrorist. Another result of widespread corruption in the security sector is the provision of a safe working environment for real and potential terrorists. Some of the terrorist attacks that happened in the country may be related to some terrorist who were able to sneak back to the country from Somalia after receiving training using the border crossing points with the help of security and immigration officials.[98]

Additionally aliens without the requisite documents are facilitated by cartels and police to travel within the country after paying bribe. This is also linked to the numerous cases of human trafficking observed in the country which is an indicator of insecurity attributed to corruption.

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[95] Adebakin, M. A., & L. Raimi., "National Security Challenges and Sustainable Economic Development: Evidence from Nigeria." *Journal of Studies in Social Sciences* 1, No. 1 (2012). pp 11-18.

[96] Gommans, H. P., "The Role of Ethical Practice in Recruitment in Improving Performance of an Institution." *Global Journal of Management and Business Research.* (2014). pp 16-20.

[97] Otieno, G., "The anti-corruption drive in Kenya: somewhere over the rainbow?" *African Security Studies* 14, no. 4 (2015). pp 69-79.

[98] Prevention of Organized Crimes report No. 6 (2010). pp 7.

Kenya is perceived as a major root and terminus of trafficked people.[99] The trafficked persons are normally transported from border towns to major towns like Nairobi, Mombasa, Nakuru, etc. some using government vehicles. On 28th November 2018, police officers had fired several rounds of ammunition at Kenya Ethics and Anti-Corruption Commission (EACC) officers. The action was to help two police officers who were caught in a sting operation and detained by EACC for demanding bribe from a foreigner to escape. The undercover EACC investigators offered the two police officers Ksh100,000 and upon receiving the money, they were handcuffed. They called for assistance from their colleagues who rushed to the scene and rescued them by firing to the air. The incident has shocked and angered many Kenyans who voiced their frustrations in the fight against corruption.[100]

The government failure to enforce the existing rules, regulations, morals and anti-corruption policies have allowed corruption to flourish in the country and hindered capacity building strategy to counterterrorism. Moreover, corrupt border management officials have been a hindrance in the effort to combat terrorism, especially along Kenya-Somalia and Kenya-Ethiopia border points.[101] The high porosity in security due to corruption involving the security personnel and other staff working at the border points is linked to greed and get rich quickly attitude in disregard of the country's security.[102] The use of repression measures to combat terrorism and illegal immigration discriminates genuine asylum seekers. This group is normally threatened with arrest by the police and forced to part with bribe to buy their way. A well-structured cartels and executed criminal plans involving the security forces contribute to insecurity including terrorist attacks in the country.[103]

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[99] Apondo, W., "Ambient air quality monitoring and audit over Athi River township, Kenya." *International Journal of Scientific Research in Environmental Sciences* 3, no. 8 (2015). pp 291-301.

[100] BCC: Kenya police shoot to free bribe suspects in Nairobi. Retrieved on 11 February 2020 from https://www.bbc.com/news/world-africa-46384297.pp 16.

[101] Omotola, J. S., "Assessing counter-terrorism measures in Africa: Implications for human rights and national security." *conflict trends* 2008, no. 2 (2008). pp 41-48.

[102] Orttung, R. and A. Latta., "The socio-economic and criminal effects of contemporary migration in large Russian cities Elena Tyuryukanova and Elena Kostyrya."In *Russia's Battle with Crime, Corruption and Terrorism*, (Routledge, 2013). pp. 23-47.

[103] Aronson, S. L., "Kenya and the global war on terror: Neglecting history and geopolitics in approaches to counterterrorism." *African Journal of Criminology and Justice Studies: AJCJS* 7, no. 1/2 (2013). pp 24.

It is difficult for the terrorist to enter the country without involving the law enforcement agencies or officials in key institutions. They are engaged in money laundering, investing in criminal activities which implies that security and immigration agencies, banks and transport agencies are involved in the dirty business. This dents the integrity of the whole country and is a threat to national security.[104] Corruption provides illegal aliens and terrorist ways to enter the country. The security officers desire to get rich quickly using shortcuts is what makes the country vulnerable to terrorist attacks.[105] These are the type of security officer who draw salary from the government coffers and wages from the terrorist for facilitating their activities.[106] They may even be in the minority but they expose the whole country to security threats.[107]

2.7 Conclusion

The managers of the security services should realize that poor personnel recruitment, selection, vetting and deployment procedures are prerequisite for ineffective force. From onset the security personnel must be recruited on a fair and transparent process and nurtured throughout their careers. Merit should be the overriding factor that governs all the procedures and decisions relating to recruitment and the subsequent human resource developments. To overcome corruption challenge, the authority must put in place transparent recruitment, selection and promotion procedures and same to be respected at all levels in the service. Deviations from the procedures either due to personal interest, expediency basis or for any other reason are likely to affect the effectiveness of the force and should be avoided at all costs.

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[104] Hills, A., "Trojan horses? USAID, counter-terrorism and Africa's police." *Third World Quarterly* 27, No. 4 (2006). pp 629-643.

[105] Ibid. pp 56.

[106] Masese, P. O., "The Role Of International Agencies In Curbing Corruption In Kenya: A Case Study Of Transparency International." PhD diss. (University of Nairobi, Nairobi, 2018). pp 4-12.

[107] Gamaya, H. E., "Corruption as a global hindrance to promoting ethics, integrity, and sustainable development in Tanzania: the role of the anti-corruption agency." *Journal of Global Ethics* 10, no. 3 (2014). pp 384-392.

CHAPTER THREE

CORRUPTION AND CRIMINAL JUSTICE STRATEGY

3.1 Introduction

The chapter assesses the impact of corruption on criminal justice strategy of countering terrorism in Kenya. It brings out the effect of corruption on the investigation, arrest and prosecution of suspected terrorist. For convenience of analysis, this chapter is organized into sections. First the chapter examines criminal justice system as a counter terrorism strategy. The chapter further highlights the effective rule of law-based criminal justice response to terrorism, legislation, law enforcement and border security and investigation, arrest and prosecution of suspected terrorist as deterrence to terrorism.

3.2 Criminal justice counterterrorism strategy

The criminal justice counterterrorism strategies advocate for effective and prevention-focused reaction to terrorism that is grounded on a robust criminal justice component; one that is steered by a normative legal framework and entrenched in the fundamental principles of the rule of law, due process and respect for human rights. Agents of terrorist acts as defined in the universal legal instruments against terrorism are criminals, and they should be dealt with by the criminal justice process as it is the most apposite and impartial mechanism to guarantee that justice is accomplished and that the rights of the accused are protected.[108] The strategy acknowledges terrorist as human beings despite their criminal behaviours.

In addition to this central purpose, criminal justice methods to terrorism also offer for effective deterrence mechanisms, involving interventions that deal with the funding of terrorists and terrorist organizations and permit for the interruption of plots to commit attacks and the prevention of incitement to terrorism.[109] To deliver an effective criminal justice response to terrorism, States

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[108] Woodman, W. D., *Nature and Effects of Corruption, a Global Considerations*. (Pearson Educational Press, New Jersey, 2009). pp 145-146.
[109] Parsons, T., *The 1964 army mutinies and the making of modern East Africa*.(Greenwood Publishing Group, 2003). pp 158-159.

require sufficiently operational counter-terrorism legal organizations and criminal justice schemes, as well as the associated capability to deal with potentially multifaceted criminal cases and engage successfully in international criminal justice collaboration. This entails a strong obligation by States to pursue mutual goals at the domestic, regional and global levels. A vital part of an inclusive criminal justice response is the international ratification and operationalization of the collective legal mechanisms against terrorism.[110]

There are important multilateral treaties and supplemental agreements that provide a common approach to counterterrorism. For example the technical support provided by the United Nations Office on Drugs and Crime (UNODC) is critically significant. It not only supports the determinations of member States to approve and adopt the pertinent counterterrorism mechanisms, but also their struggles to fortify the rule of law and shape the capability of their law enforcement and criminal justice officers in applying these laws effectively and correctly.[111]

3.3 Effective rule of law-based criminal justice response to terrorism

Existing literature explains that, terrorism is a multifaceted and ever-changing phenomenon. The inspirations, financing and backing mechanisms, techniques of attack and choice of armaments and targets are continuously changing. These complexities are making the development of an effective counterterrorism strategy difficult. Moreover, the terrorist progressively transcontinental nature needs heightened criminal justice teamwork among States to deny safe havens to those who commit or attempt to involve terrorism. Terrorism has become an international menace that needs prevention-focused reaction. This includes a wide array of short and protracted initiatives, ranging from addressing the fundamental causes and circumstances favourable for the spread of terrorism to the developing of state capability to avert and fight it. Counterterrorism strategy grounded on a

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[110]Persin, E. & W.Khan.,Effects of Terrorism on Society. (McGraw Hill International, New Delhi, 2014).pp 94.
[111]Otieno, G., "The NARC's anti-corruption drive in Kenya: somewhere over the rainbow?." *African Security Studies* 14, no. 4 (2015). pp 69-79.

well-organized criminal justice procedure that reverences the values of rule of law and human rights will offer a nonviolent, responsible and appropriate response to terrorism.[112]

This approach of criminal justice response to terrorism can assist evade an increase of violence and the employment of force outside the defence and technical assurances untaken by the due procedure of law. It can strengthen a civilization's commitment to the rule of law and human rights, even during threats.[113] The function of the criminal justice mechanism in fighting terrorism is a challenging one as the aim of the approach is preventive. The truth, however, is that in many occasions the criminal justice strategy is used to punishing criminals after the act has taken place rather than preventing them in the first place. It is argued that the criminal justice strategy is often unproductive when it comes to averting terrorist plots from accomplishing their objective.

A progressive, preventive criminal justice mechanism against terrorism requires an inclusive approach of substantive investigative authorities and procedures, evidentiary guidelines, and transparent prosecution aided by international collaboration. The objective is to be preemptive and reduce the incidences and brutality of terrorist attacks within the constraints of the law. The criminal justice strategy approaches these impediments differently, depending on their permissible custom, their level of advancement, their relative organizational complexity and the prevailing conditions.[114] In some occasions, an apparent pressing need to react to an explicit threat has directed States to come up new methods and, in so doing, expand the boundaries of their criminal law and due processes to the extreme. Moreover, numerous criminal justice mechanisms have devoted considerable efforts to increase their effectiveness in preventing terrorism. This is evident in states' abilities to accommodate various counter-terrorism initiatives at the international level. This has however, exerted additional stress on the inadequate capacities of many criminal justice

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[112] Keohane, D., "The Absent Friend: EU Foreign Policy and Counter-Terrorism." *JCMS: journal of common market studies* 46, no. 1 (2008).pp 125-146.

[113] Paradis, S. & et al., "Homeostatic control of presynaptic release is triggered by postsynaptic membrane depolarization." *Neuron* 30, no. 3 (2001).pp 737-749.

[114] Bakker, E. & E. Kessels., "The OSCE's Efforts to Counter Violent Extremism and Radicalization That Lead to Terrorism: A Comprehensive Approach Addressing Root Causes." *Sec. & Hum. Rts.* 23 (2012).pp 89.

mechanisms and has possibly deteriorated or compromised their capability to operate within the central rule of law and human rights values.[115]

3.4 Legislation, law enforcement and border security

Kenya adopted a number of legislations to fight terrorism. Kenya's 2012 Prevention of Terrorism Act, 2011 Proceeds of Crime and Anti-Money Laundering Act and 2010 Prevention of Organized Crime Act collectively offer a robust legal structure under which to investigate and take legal action against acts of terrorism. The Security Laws Amendment Act (SLAA) of 2014 changed 20 laws to reinforce the country's legislative structure to fight terrorism. These include outlawing of contributing in terrorist training, creating a framework for a synchronized border control agency, solidifying the mandate of Kenya's National Counter Terrorism Centre (NCTC) and expansion evidentiary criterions to permit better utilization of electronic evidence and recorded testimony in terrorism trials.[116]

The country's judiciary continued to exhibit independence, demonstrated by the High Court's actions, where it struck some sections of the SLAA as unconstitutional and illustrated capacity to handle cases connected to terrorism in 2015. The judiciary however, remained disadvantaged by inadequate procedures to effectively use plea arrangements, collaboration agreements, electronic evidence and undercover investigative tools. Corruption allegations in the judiciary even involving the High Court, have been persistent and further hindered efforts to combat terrorism.[117]

Further evidence suggests that Kenya counterterrorism efforts were shared among the three divisions of the National Police Service. These are the Kenya Police (including the General Service Unit), the Administration Police (including the Rural Border Patrol Unit) and the Directorate of Criminal Investigations including the Anti-Terrorism Police Unit, the Bomb Disposal Unit and the

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[115]Khumalo, H. R., *The Need to Counter Terrorists in Modern Contemporary Society*, (Pretoria University Press, South Africa, 2013). pp164-165

[116]Musila, G. A., *A death retold in truth and rumour: Kenya, Britain and the Julie Ward murder*. Vol. 2. (Boydell & Brewer, 2015). pp .321

[117]United States DOD., *Meaning and Concepts of Terrorism*, (Defence press Centre, Pentagon, 1992).pp 82-83

Cyber Forensics Investigative Unit. They are also supported by non-police organizations like the National Intelligence Service (NIS) and the Kenya Defense Forces. In May 2016, the government placed NCTC and NIS under the National Security Council in the Office of the President. Interagency management improved, especially the information sharing area. Shortcomings, in funding and training, corruption among the forces and blurred command and control arrangement hampered their operational effectiveness. The government continually supported the centre and work as a single crisis response command centre as a result of lessons learned from the Westgate 2013 and Garissa University College 2015 attacks in which the terrorist killed at least 71 and 147 people respectively.[118] The centre also received donor support from partners like Canada, USA and the European unions.

Kenyan security agencies have taken part in a variety of USA government funded capacity building programs executed by the Departments of State, Defence, Homeland Security and Justice.[119] The programs involved training in crisis response, border controls, investigations, and prosecutions. Important among them was the Department of State's third annual East Africa Joint Operations Capstone exercise, a crisis response exercise hosted in Kenya for the East African countries law enforcement officers in 2016. The exercise climaxed in a large-scale simulated reaction to a terrorist attack in multiple scenes over a 24 hour period and ended with community engagement, human rights associated matters, and senior level tabletop exercise.[120] Kenyan law enforcement officers worked with other institutions at regional and global levels to improve their counterterrorism capability and contribute to the fight against the menace.[121]

Border security issues remain a challenge for Kenya because of the massiveness, sparse population of these areas and large unmanned border land. This situation is aggravated by the security institutions and other government agencies resource gaps and corruption at various levels. Kenya security officers in discussions with their USA colleagues during exchange visits by USA

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[118] Khumalo, H. R., *The Need to Counter Terrorists in Modern Contemporary Society*, (Pretoria University Press, South Africa, 2019). pp 132-133
[119] Ibid pp 90-91
[120] Kirkland, D., *Terrorism and National Developments*, (McGraw-Hill International Education, Geneva, 2016).pPp 6-8.
[121] Wagner, N. & W.Hout. "Police integrity and the perceived effectiveness of policing." (2019). pp 24-25

border security agencies to help Kenyan security agencies improve synchronization efforts and enhancement of the country's border operation strategy and legislative improvements cited border control as the main security challenges. Cracks in border control operations and national documentation systems hindered law enforcement officers' capabilities to detect and impede potential terrorists coming and departing the country. Terrorist screening watch-lists, biographic and biometric screening and other procedures are largely in place at Kenya major ports of entry, but screening processes are occasionally practiced incoherently or carelessly particularly at the smaller border stations and airports. Kenya has continuously partnered with countries like the USA to fortify travelers screening utilizing Personal Identification Secure Comparison and Evaluation System (PISCES) at the main ports of entry.[122]

Literature reveals that the government of Kenyan had worked hard to inhibit the passage of foreign terrorist combatants, including Kenyan citizens trying to join al-Shabaab in Somalia or ISIS and those coming back from combat with these groups abroad.[123] In October 2016, Kenyan prosecutors achieved the first conviction under the 2015 SLAA, which outlawed travel to gain extremist training. In the conviction, a Kenyan male was handed in 10 years imprisonment after he was arrested in Somalia and brought to Kenya. Consequently, Kenyan security agencies identified and prevented terrorist conspiracies during 2016 and reacted to dozens of potential or apparent terrorism-related events. In 2016, Kenyan security agencies did not replicate the extensively criticized security procedures of 2014 that seemed to target certain communities. Nevertheless, there were many complains of indiscriminate and illegal killings of suspected criminals including extremists committed by the government security agencies.[124]

Existing literature also suggest that since the promulgation of the current constitution in 2010 the Independent Policing Oversight Authority (IPOA) investigated multiple cases of police

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[122] Orttung, R. W. & N. Z. Sufian., *Putin's Olympics: The Sochi Games and the Evolution of Twenty-First Century Russia*. (Taylor & Francis, 2017). pp 54-55.

[123] Masese, P. O., "The Role of International Agencies in Curbing Corruption in Kenya: A Case Study of Transparency International." PhD diss. (University of Nairobi, 2018.) pp 142- 145.

[124] Department of State's *Country Reports on Human Rights Practices (2016)*. Retrieved on 15 January 2020 from https://www.state.gov/j/drl/rls/hrrpt/ for further information.pp 5.

misconduct and submitted a number of cases to the Director of Public Prosecutor's Office. These cases included officers suspected to have colluded with terrorist or benefited from terrorist activities. At the same time a number of suspected terrorist including five men of which four were Kenyan citizens and one Tanzanian charged in connection with the Garissa University College 2015 attack were prosecuted.[125] Kenya courts also sentenced a British citizen Jermaine Grant suspected of supplying explosives charges to Al-Shabaab terrorist to nine years imprisonment, in 2015.

3.5 Investigation, arrest and prosecution of suspected terrorist

Globally terrorism has been noted to be a major challenge to international peace and security.[126] All the acts and methods used by terrorism are aimed at limiting fundamental human rights such as freedom and democracy and destruction of properties. In this regard the United Nation's Global Counter Terrorism Strategy while recognizing the rights of those suspected terrorist involvement stresses reverence for human rights and the rule of law as the central basis when combating terrorism. This includes the need to protect the rights of the victims of terrorism and fair trial of the suspect.[127] It is in this context the Kenya's Director of Public Prosecutions in collaboration with UNODC, launched a reference book on Human Rights and Criminal Justice Responses to terrorism specifically made for the Kenya environment on 28 March 2017.[128] The book draws heavily from the expertise of officials involved in counterterrorism strategies at national, regional and international levels.[129]

The training manual elaborates the human rights issues that arise in the course of investigation, arrest, prosecution, trial and punishment of terrorism related offences. It mandates the law enforcement agencies abide by the Kenyan law, as well as regional and international laws and

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[125]Abbas, H., "Reforming Pakistan's police and law enforcement infrastructure." *US Institute of Peace, Washington, DC* (2011). pp 137-138.
[126]Adebakin, M. A., & L. Raimi. "National Security Challengesand Sustainable Economic Development: Evidence from Nigeria." *Journal of Studies in Social Sciences* 1, no. 1 (2012). pp 354-355 .
[127]Kiwanuka, M., *Parameters and Effects of Grand Corruption: Ugandan Case Scenario*. (Longman Publishers, Kampala, 2015). pp 104 -105.
[128]Okwany, C. & C. Omondi., "Kenya's foreign policy towards Somalia: a contribution to insecurity."Master's thesis, Norwegian University of Life Sciences. (2016). pp 285-286.
[129]Aronson, Samuel L. "Kenya and the global war on terror: Neglecting history and geopolitics in approaches to counterterrorism." *African Journal of Criminology and Justice Studies: AJCJS* 7, no. 1/2 (2013). pp 24-25.

international best practices.[130] The numerous cases summarized in the manual shows the depth of how Kenya law enforcement agencies, prosecutors, defense counsel and courts have been contending with complex questions on the balance between human rights issues and the prosecution of suspected terrorist. Since then the reference book has been used as a training and reference tool by the law enforcement agencies, prosecutors and the court officials. This is elucidated by the Deputy Director of Public Prosecutions, Dorcas Oduor "*the manual will stimulate a common understanding on both the terrorism menace and of the necessity to firmly comply with the rule of law and in particular the suspects' fundamental rights. During the investigation, prosecution and adjudication of terrorism cases, the law enforcement agencies must not overlook the significance of gathering evidence in accordance with the dictates of the law.*"[131]

Counterterrorism strategies grounded on well-organized and clear criminal justice procedures that respect the fundamentals of the rule of law and human rights are envisaged to give a peaceful, responsible and genuine response to terrorism. This kind of criminal justice counterterrorism strategy could help evade or alleviate the danger of irrational and/or illegal use of force not in line with the protections and procedural assurances offered by the due process of the law. It can reinforce a society's commitment to the rule of law and human rights, even when living under the threats of terrorism.[132]

The use of the criminal justice counterterrorism strategy is a challenging one when employed to prevent terrorist attacks and related incidences from taking place. Literature suggest that some of the existing criminal justice strategies are not very effective when they are employed to prevent terrorist conspiracies from attaining their purpose or terrorist menace is too extensive for the available resources in coping with.[133] This challenge is compounded by lack of adequate funds,

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[130]Akinola, A. O. & O. U. Ufo., "Combating or condoning corruption? The two faces of anti-corruption agencies." *Ubuntu: Journal of Conflict and Social Transformation* 3, no. 1-2 (2014). pp 35-61.

[131]Back, H., *Rational Choice and Anti-Corruption Strategies*.(University of Mannheim, Mannheim, 2009). pp 45-46.

[132] Weiss, P. & D. K. Hartle,*Forms of Corruption Around the Globe*. (McGraw-Hill International, Chicago, 2019). pp 175-176.

[133]Omotola, J. S., "Assessing counter-terrorism measures in Africa: Implications for human rights and national security." *conflict trends* no. 2 (2018). pp 4-48.

skilled human resources and rampant corruption.[134] Countries that lack resources particularly the developing countries find it difficult to apply the internationally recommended procedures for the law enforcement agencies and criminal justice systems.

3.5.1 Corruption in the investigation process

Countries combating terrorism including Kenya, has many times experienced evading of investigation or detection or hindering of ongoing judicial or investigative processes through influences by high ranking officials, especially at the lower and mid-levels of law enforcement systems. Criminals including terrorists have benefited from such situation and avoided arrest. Criminal groups often rely funding from criminal proceed due to financial necessity or because the prospective benefits related with the illegal activity is too pretty to overlook. Terrorists also get participate in some forms of illegal activities either as a source of funds or logistics support to further their terrorist activities.[135] They could adopt elusive methods of travel without exposing their activities. These methods may include the use of forged or counterfeit identification documents and visas or bribing fraudulent officials and get access to their destination.

In this circumstance eliminating corruption seems the most viable step to be taken first in the fight against terror. However, the criminal justice strategy can only be used to fight crimes like terrorism and corruption when specific acts related to the crime have already been outlawed by the regulations of a country.[136] In most of the judicial systems the degree of evidence demanded in criminal cases is higher than those required in civil cases. For instance, to convict a suspect of an offence, very aspect of the offence must be established beyond a reasonable doubt. In most instances, evidence is difficult to gather for criminal cases especially high-level corruption and terrorism related cases and often demands lengthy investigations.[137] Criminal investigations are

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[134]Atieno, A., "Mungiki,'neo-Mau Mau'& the prospects for democracy in Kenya." *Review of African Political Economy* 34, no. 113 (2017). pp 526-531.

[135] Omar, H. H., *Reasons for Escalation of Terrorism in the Horn of Africa*, (Longman Publishers, Nairobi, 2014). pp 23-24

[136]Ayius, A. A., "An Overview of Corruption." *Corruption in Papua.*(2017). pp 510-510

[137]Crouch, H., *The army and politics in Indonesia*. (Equinox Publishing, 2017). pp 164

usually conducted by a range of agencies, including the police, specialized anti-crime commissions, counterterrorism agencies and regulatory bodies depending on the country.[138]

The police and specialized anti-crime agencies play an important function in the investigation and prevention of terrorism and corruption in many countries. These agencies usually evaluate huge amount of information in order to build a case against a suspect and get evidence that match the required threshold. Under the Kenya law the agencies have powers of investigation at their disposal, including questioning witnesses, recording testimonies, as well as seizing properties and documents upon getting court order. Unfortunately these agencies are susceptible to corruption and along their course of investigation may benefit from corrupt deals or compromised by the suspect.[139] The compromised investigator then fails to follow the procedures and conduct shoddy investigation in order to compromise the integrity of the case and let criminals go escort free.

Corrupt officials may interfere with the investigation even during analysis stage. After the investigation team has collected the necessary data, it is usually analyzed and if the analysist are corrupted they may fail to link the suspects to the crime and render the case irrelevant.[140] There are numerous cases brought to court and fail to proceed due to lack of enough supportive evidence. It is prudent for the officers engaged in investigation to have specialized capabilities to collect and analyze the data in order to establish case before presenting the suspect in a court of law. Some countries have specialist trained agencies that solely investigate specific crimes such as terrorism or corruption offences. Unfortunately in the developing countries such agencies are normally weak due to lack of required capacity or corruption and other malpractices.

In the case of Kenya, rampant corruption in the government investigative agencies makes transparent and non-partisan investigation almost impossible. The police service in Kenya has been ranked as one of the most corrupt government institution where police services can only be access through bribery. The force is often accused of siding with the highest bidder even when the security

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[138]Ayius, A. A., "An Overview of Corruption." *Corruption in Papua* (2017). pp 291-292.

[139]Oluyede, D., *Corruption and Consequences in Government*.(International publishers Ltd, Lagos. 2011). pp 19-20

[140]Clement, P. H. & G. J. Gido, *Types Of Corruption and their Effects on Gender and Human Rights*. (Heinemann International Press, Boston, 2006). pp 357

of the country is at a stake.[141] Kenyans who have reported security related concerns to the police claim that in most cases the police respond faster when they receive bribe than when no many has changed hands. In the same context the public accused the police of engaging in deceitful detention, human right abuses and use falsified charges to extort money.[142] This may explain the reason why in 2016, the NPSC fired 127 police officers who were found to have conducted unexplained large suspicious money transfers in their accounts with other officers.[143] The effectiveness of the criminal justice counterterrorism strategy is partially hampered by the actions of corrupt government investigators.

3.5.2 Arrest of Suspected Terrorist

It is alleged that due to corruption the police had sometimes failed to arrest suspected terrorist and other criminal groups. On 28th September 2016, two terror suspects aboard a bus from Garissa to Nairobi were intercepted by police officers at the Tana River Bridge with about 10 kilograms of explosives.[144] But what followed was a clear manifestation of how corruption within the police is undermining security of the country. Instead of arresting the suspects, whose deadly cargo was presumably destined for Nairobi, the officers gave them safe passage. Although the physical evidence may never be found, it is not hard to figure out why the officers let the suspects go, money changed hands.[145] The then Internal Security Cabinet Secretary Ole Lenku had to admit that the police took bribe and dismissed 11 officers who assisted the suspects evade police arrest.[146] Luckily in this case, the two terror suspects and their deadly cargo never reached their intended destination and were intercepted at Matuu, about 100 kilometres from Nairobi by officers from other security agencies. The number of the officers involved in the Tana bridge incident, the

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[141]LexAfrica: "Kenya Legal Update, Highlights of the Bribery Act No. 47 of Act 2016" (2017). pp 2-3.
[142]Kenya Ethics & Anti-Corruption Commission: Country Public Officers' Experiences. (2016).
[143]LexAfrica: "Kenya Legal Update, Highlights of the Bribery Act No. 47 of Act 2016" (2017). pp 3-6.
[144]Balakian, S., ""Money Is Your Government": Refugees, Mobility, and Unstable Documents in Kenya's Operation Usalama Watch." *African Studies Review* 59, no. 2 (2016). pp 87-111.
[145]Apondo, W., "Ambient air quality monitoring and audit over Athi River township, Kenya." *International Journal of Scientific Research in Environmental Sciences* 3, no. 8 (2015). pp 291-301.
[146] Churchill, P. K., *Impacts of Terrorism on Society*, (Tata Inc., Boston, 2015).pp 89.

intentions of the suspects and the nature of the cargo they were carrying makes this incident one of the most serious security breaches in the country.

The Cabinet Secretary's admission that the police took bribe to facilitate the suspect movement was as refreshing as it was surprising from a force that always claimed such allegations are nothing but witch hunt. "*No country can claim to be immune from terror attacks, but the risks are far much greater when security forces work in collusion with or turn a blind eye to terrorists' activities for personal benefit.*"[147]This incident has many ways reinforced the allegations of widespread corruption within the police forces, especially in regard to combating terrorism.[148]

Reports indicate that some of the most wanted terrorist in the world have operated in Kenya quite freely by paying the police to provide them with sanctuary and information on planned police raids.[149] This could be the reason why despite investing heavily on the security agencies they still fail to counter the terrorist activities. For example, some quarters claim that the highly trained Anti-Terrorism Police Unit (ATPU) officers often fall victim to huge monetary inducements by terrorists and collude with them. The bribe paid by the Kenyan citizens for small favours from the police can be said to involve small monies when compared to what the criminals such terrorist paid. Corruption continues to undermine the efforts of the police force fight terrorism.

In February 2013, Samantha Lewthwaite, who is believed to be financing and coordinating Al-Qaeda's activities in East Africa, evaded a police operation in Mombasa in a manner a senior intelligence officer concluded was only possible through assistance by an insider. Much earlier, Fazul Mohammed, the brains behind the attack on an Israeli hotel in Kikambala, Kilifi, in 2002, evaded arrest in an operations mounted by the police even managing to escape from police custody with police connivance.[150] The reality of the extreme level of corruption in the security forces was

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[147] Standard Digital: Corruption has opened door to al-Shabaab in Kenya, 19 March 2015. Retrieve on 17 February 2020 from https://www.standardmedia.co.ke. pp 18.

[148]Oliker, O. & et al., *Russian foreign policy: Sources and implications*. Rand Corporation, 2009. pp 67-68

[149]Bush, G. H. and D. G. Glen, *Corruption and Its Consequences of Organized Crime*.(McGraw-Hill International New Jersey, 2017). pp 456-457

[150] Bandura S., *Socioeconomic Indicators of Instability*. (Pearson publishing INC., Boston, 2015).pp 109.

brought to fore by a comedic complaint made by Al-Qaeda in the mid-90s that the bribes demanded by the security officials had made it costly for them to operate in Kenyan.[151]

It is reported that the Al-Qaeda group was looking for a home after the end of the Afghanistan in 1990s, but Kenya was too costly for them to stay due to extortion by the security agents.[152] An officer of the ATPU offered another interesting version of how corruption within the unit is working against the country's efforts of combating terrorism. The officer claims that corruption and pilfering of the unit's coffers has hampered the work of the officers deployed in the field. Due to the shroud of secrecy that the police service usually wraps itself in, ATPU's budget is unknown but is thought to be in millions of shillings, with a sizeable chunk of the funding coming from donor support on the counterterrorism assistance programme. But the amount that trickles down to the unit in the field agents who gather intelligence is just a tiny fraction due to corruption network at the high headquarters.[153]

Some officers from the intelligence collection agencies claimed that on several occasions they had to buy information with their own money yet there is money set aside to do this stuff. They also claimed that they had to pay for their own accommodation and food and sometimes even fuel but would not get refund of their monies. Since the money is hardly accountable, a good amount goes to the pockets of the seniors at the headquarters and with some junior staff who are privy to the issue.[154]

3.5.3 Corruption on the prosecution of suspected terrorist

The principle of accountability is normally emphasized in the application of the contemporarily criminal justice strategy especially when dealing with certain universal crimes

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[151]Watts, C. & et al., Al-Qai'da's (Mis) Adventures in the Horn of Africa.(Combating Terrorism Centre at West Point, 2017). pp 89-96.
[152]Berninghaus et al., "*Risk attitude, beliefs, and information in a Corruption Game*" An experimental analysis. (Winston Salem State University Press, North Carolina, 2013). pp 208-209.
[153]Ibid. pp 87-96.
[154]Leana, D. F., *The Criminality and Immorality Side of Terrorism and Corruption*. (Pearson International Press, New Delhi, 2016). pp 214-215.

regardless of whether the suspects are prosecuted in an international or national court systems.[155] These bodies must be duly constituted, impartial and fair in accordance with the universal regulations. The competitiveness of the justice system in the developing countries like Kenya to meet the international standards has been hindered largely by corruption that has permeated all levels of the system. Cases of corrupt judges and prosecutors receiving bribes from criminals like terrorist to obstruct justice have often played out in the Kenyan courts.[156] Corrupt officials along the chain of justice often lead to increased acquittal of suspects or dragging of cases until track of witnesses and evidences are lost. Evidence shows that fraudsters play into the hands of corrupt officials and terrorists making a deal out of it.[157]

Kenya as a commonwealth country that adopted the adversarial model of justice where the role of the Judiciary is to ensure an impartial trial by making rulings on points of law, deciding whether one has a case to answer or not, determine guilt or innocence based evidence and sentencing. Criminal cases such as murder, terrorism or corruption also follow similar process. This means the judge or magistrate is only confined to what is presented before him and cannot go out of his/her way to inquire facts.[158] In the justice system, criminal cases are only as strong as the investigations and the evidence gathered by investigating authority. The prosecutor also plays a key role in framing the charges against the accused and adducing evidence in a manner that shows indeed the accused committed the offence.

The Kenyan constitution provides for the right of the individual to be freed on bail or bond in the absence of compelling reasons. The reasons that may warrant one to be denied a bail include suspect or witness protection and effort to prevent the commission of an offence under the Prevention of Terrorism Act.[159] However, considering the complexity of investigating terrorism offences and fear of suspect fleeing from the country, inadequate evidence at the time of arrest is

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[155]Blanchard, L. P., *US-Kenya relations: Current political and security issues*. (Washington: Congressional Research Service, 2013).p 50.

[156]William A., "Ambient air quality monitoring and audit over Athi River township, Kenya." *International Journal of Scientific Research in Environmental Sciences* 3, no. 8 (2015). pp 291-301.

[157]Odula, T., "Experts: Corruption exposing Kenya to Terrorism." (2014). pp 1-23.

[158]Open Society Foundation, Counterterrorism and Human Rights Abuses in Kenya and Uganda: The World Cup Bombing. (2013). Retrieved on 28 January 2020 from https://www.opensocietyfoundations.org/sites.pp 8.

[159]Ongoya, W., 'Legal and Policy Dilemma in the Fight against Terrorism. (2015). pp 7-12.

common phenomenon. Subsequently the prosecutor takes long time to gather and present evidence and in the absence of those evidences the judge is compelled to consider a balance between the privileges of the accused and the need to hold the suspect in remand. Releasing a suspected terrorist has sometimes allowed them to exit the country while on bail and evade justice.[160]

The Security Laws Amendment Act of 2015 guides the courts that the pretrial imprisonment should be as a condition of last recourse for the courts. Even with constricting measures to limit suspected terrorists right to bail, in absence of credible evidence and compelling reasons, the courts have a leeway to grant bail in all cases. As noted by Justice Lessit, to determine that one is a terrorist there should be some convincing or concrete evidence and basis.[161] The judges has been accused of releasing suspects terrorist after receiving bribes by taking advantage of the policy guidelines. The Kenyan courts are also accused of lacking predictability and consistency in determining bail applications of the accused persons. However, the judiciary needs to sparingly exercise this discretion while ensuring that it strikes appropriate balance between state security and fundamental guarantees of the suspects.

3.6 Conclusion

Corruption within the security agencies, those other agencies mandated to investigate and prosecute criminals like terrorist as well as legal interpretation and constraints imposed by international laws hampers the effectiveness of Kenya criminal justice strategy to combat terrorist. The investigative agencies and the judiciary need to follow the universal regulations and the national laws in dealing with terrorism menace. The judiciary in striking a balance between state security and the rights of the suspect needs to ensure their judgment are in the best interest of the nation. Otherwise where the threat of terrorism is very real and present, Kenya will be in a situation where criminals including terrorists will move and carry out their activities freely.

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[160] The Director of Public Prosecutions: The Bail and Bond Policy Guidelines, Kenya. (Government Press, Nairobi, 2015). pp 16 -21.
[161] Kirkland, D., *Terrorism and National Developments*, (McGraw-Hill International Edn, Geneva, 2016). pp 23-26.

CHAPTER FOUR

EFFECTIVENESS OF COUNTERTERRORISM STRATEGIES

4.1 Introduction

The chapter analyses the data collected in line with the objectives of the study. It examines the effectiveness of the counterterrorism strategies, specifically the capacity building and the criminal justice counterterrorism strategies used in Kenya. Further, it looks into the military and counter radicalization approaches employed in Kenya. The data was presented in narrative form.

4.2 Response rate

The study sought to gather data from the respondents and dispatched questionnaires targeting a sample size of 30 respondents. A total of 26 respondents filled the questionnaire and returned of which one was partially filled hence discarded. The results of the remaining 25 questionnaires translating to 83.3% of the selected sample were utilized in the data interpretation. The response rate is excellent and can be used to conclude the study. Table 1 below shows the response rate of each strata of the selected sample.

Table 1: Response rate

S/No	Sample Category	Target	Frequency	Response rate
1	Senior officers	8	7	87.5
2	Junior officers	16	14	87.5
3	Civilian staff	6	4	66.7
	Total	**30**	**25**	**83.3**

Source: Field data, 2020

4.3 Demographic characteristics of the respondents

This section deals with the demographic details of the respondents in terms of age, gender, education level and field experience. This demographic information gives the respondent's appropriateness for the study.

4.3.1 Age distribution

The respondents were categorized into age groups of between 21-29 years, 31-39 years and above 40 years of age. The age distribution of the respondent is as shown in Figure 1 below.
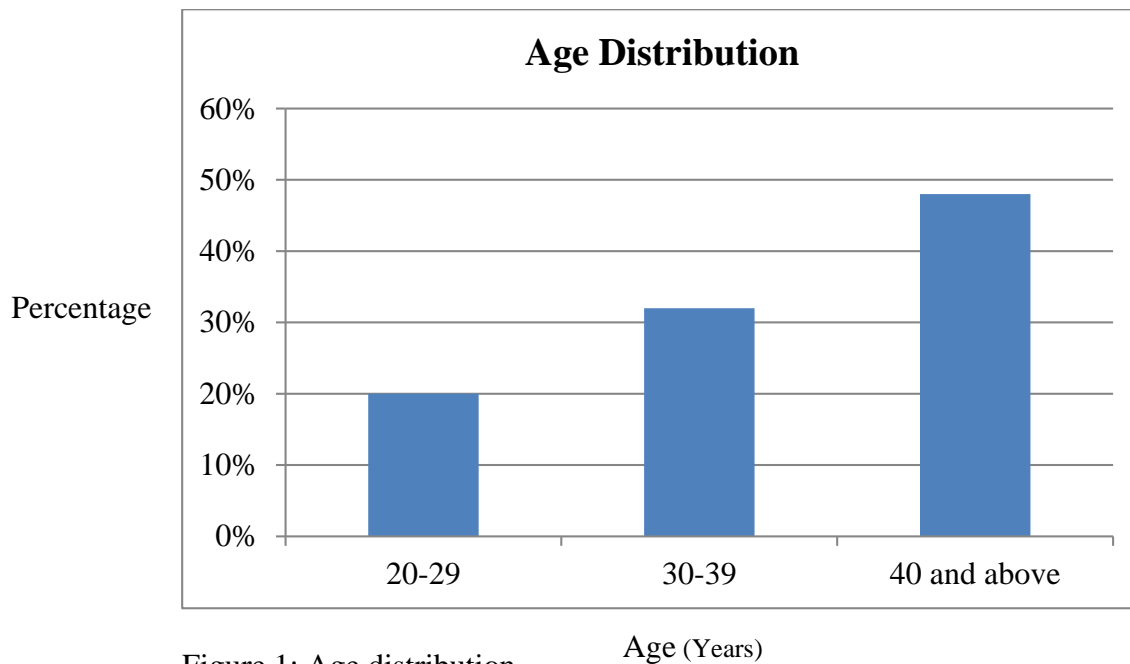

Figure 1: Age distribution
Source: Field data, 2020

Majority of the respondent selected for this study accounting for 48% were in the age group of 40 years and above. The age group between 30 and 40 years accounted for 32% while 20% were between 20 and 30 years of age. The age distribution indicates that the respondents were relatively old enough to give the desired information on the area of study and complete the questionnaires accordingly. Age is also important as it's closely related to experience hence the older the respondent the more the experience properly in their area of work.

4.3.2 Gender distribution

The respondents were categorized into male and female and result of gender distribution is presented in Figure 2 below.
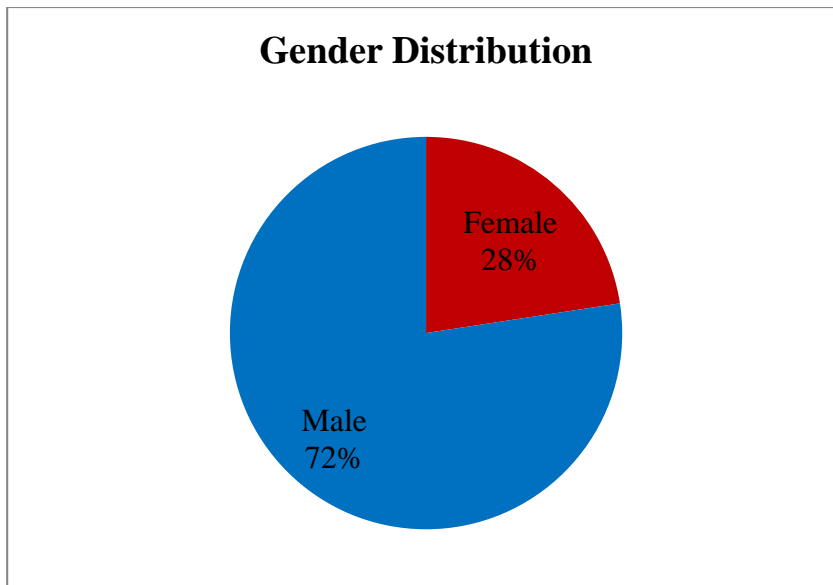
Figure 2: Gender distribution
Source: Field data, 2020

In the study males were the dominant gender accounting for 72% of the respondents and females represented 28%. The gender distribution indicates that more men were deployed in Kenya counterterrorism effort than women. The disparity in the gender distribution of the respondents is partially because more men are employed in the security sector than women.[162] The trend in the imbalance between men and women in the security forces is reflected in the counterterrorism and the fight against corruption.

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[162] Parsons, T., *The 1964 Army Mutinies and the Making of Modern East Africa*. (Greenwood Publishing Group, 2003). pp 73-75.

4.3.3 Level of education

The education levels of the respondent were categorized into tertiary, secondary and primary levels. The results were shown in Figure 3 below.

Figure 3: Level of education
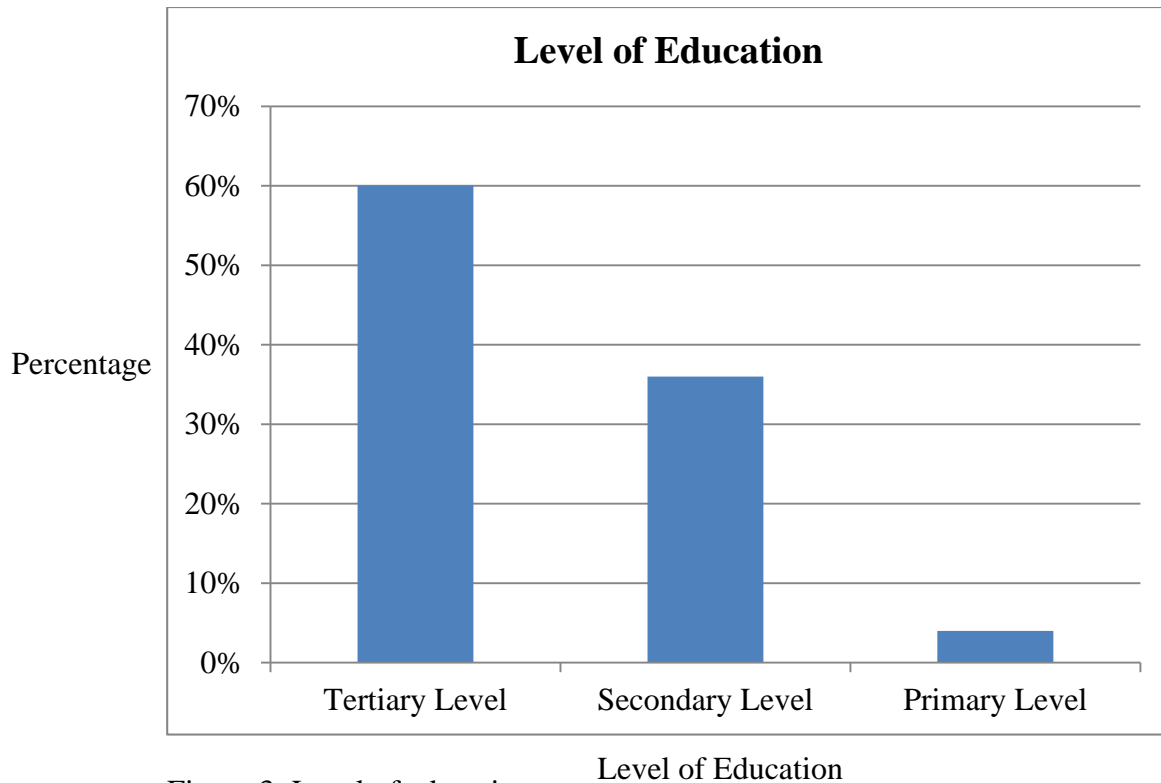Source: Field data, 2020

The most of the respondents in the study have attained formal education with 60% up to tertiary level and 36% up to secondary education. Only 4% of the respondent had primary education. The figures show that those deployed in the counterterrorism and the fight against corruption were well educated and they also had the ability to fill the questionnaire appropriately.

4.3.4 Level of experience

In terms of experience, the respondents were categorized into 1 to 5 years of experience, 6 to 10 years, and 11 years and above. The results of the respondent according to their experiences were presented in Figure 4 below.
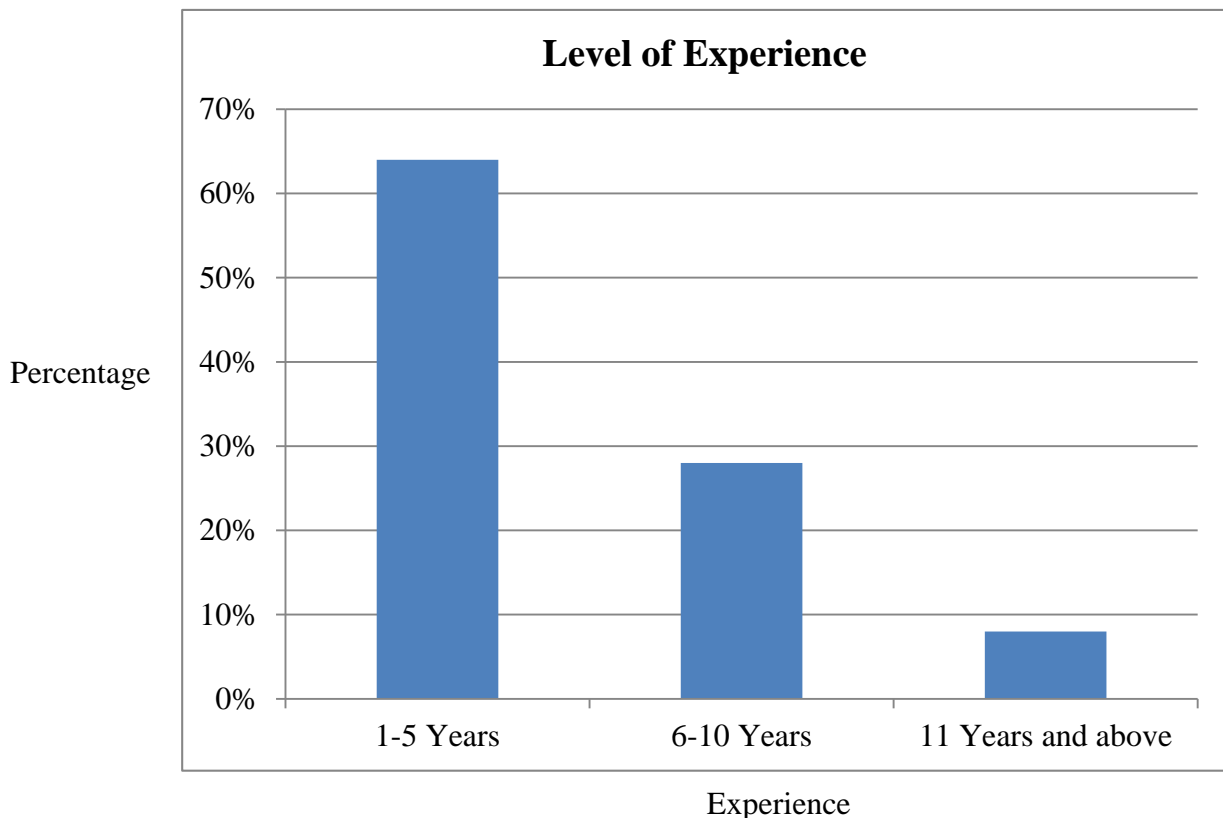
Figure 4: Level of experience
Source: Field data, 2020

Majority of the respondents who participated in the study have experiences of between 6 to 10 years. This group accounted for 64%, another 28% had experiences ranging between 1 to 5 years and only 8% of the respondent had experience of 10 years and above. The result shows that majority of those deployed in counterterrorism and the fight against corruption were relatively well experienced and they had the ability to fill the questionnaire appropriately. This is also pointer that Kenya has been actively engaged in counterterrorism strategies in 10 years now from 2009 - 2019.

4.4 Effectiveness of capacity building counterterrorism strategy

The results on the effectiveness of capacity building counterterrorism strategy in Kenya were presented in Table 2 and Figure 5 below.

Table 2: Effectiveness of capacity building counterterrorism strategy

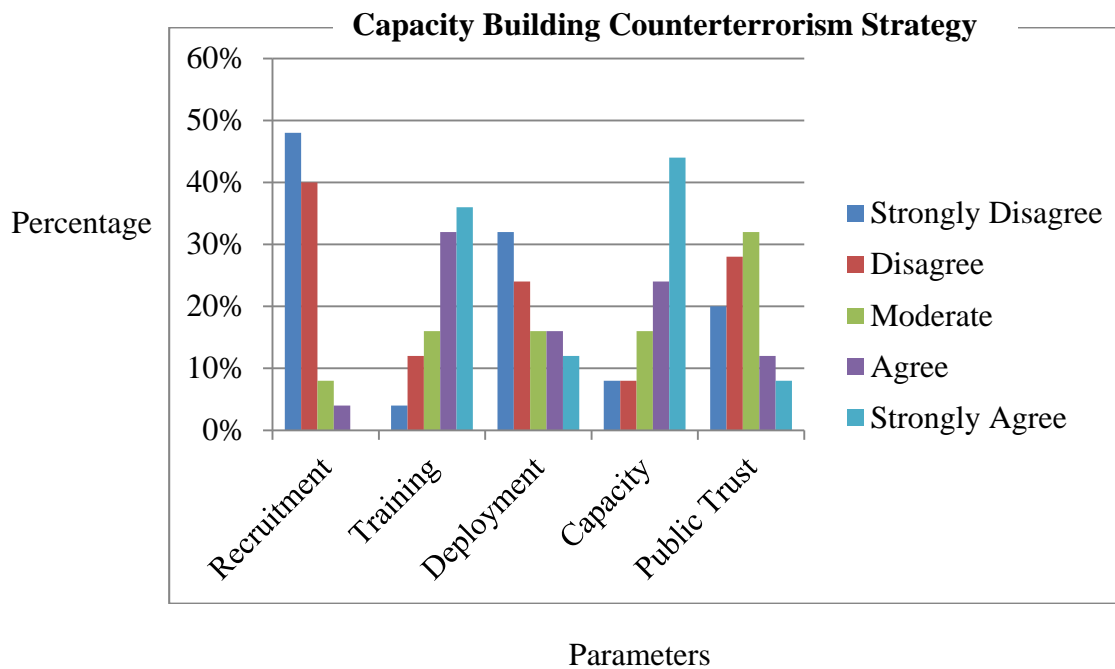| Questions	Strongly Disagree	Disagree	Moderate	Agree	Strongly Agree
1. Recruitment of the security forces is free and fair.	48%	40%	8%	4%	0%
2. Corruption is hindrance to the training of the security forces.	4%	12%	16%	32%	36%
3. Security personnel engaged in counterterrorism tasks are deployed according to their capacity/specialization.	32%	24%	16%	16%	12%
4. Security forces have the capacity to detect and respond to terrorist threat.	8%	8%	16%	24%	44%
5. The public trust the police and would report all security related issues.	20%	28%	32%	12%	8%

Source: Field data, 2020

Figure 5: Capacity building counterterrorism strategy
Source: Field data, 2020

From figure 5 above, 48% of the respondents strongly disagree that the recruitment of the security forces is free and fair, 40% disagree, 8% moderate, 4% agree while 0% strongly agree with the statement. The recruitment of the security has always being clouded by corruption allegations sometimes leading to cancellation of the recruitment exercises. Potential recruits bribing their way to join the forces, is a clear indicator of corruption within the security sector. Bribing during recruitment enables unqualified recruits to join the forces. This impedes the professionalism and the capacity of the force to perform its mission and deter the terrorist threat facing the country.

The many incidences of corruption witnessed during police recruitment indicate that effort to stem out corruption from force is has not borne fruits. The government in an effort to get rid of corruption in the police force has formed a task force which recommended a raft of changes in the force. Despite the implementation of some of these recommendations and other mechanisms there are no substantial changes in the conduct of the force in terms of corruption related issues.

The result shows that 36% of the respondents strongly agree that corruption affects the training of the security forces, another 32% agree, 16% moderate, 12% disagree and 4% strongly disagree with the statement. The formulation of a strategy to build the capacity of the security personnel and enhance their ability to detect, respond and deter threats has been constrained by corruption.[163] The police require conducting essential training and lack of it hinders the professionalism of the force and the capacity of the officers to identify, understand and respond to complex threats. This is not in consonant with the requirement of the force to train the officers on modern tactics and techniques to counter the ever changing threat of terrorism.

The result also indicate 32% of the respondent strongly disagree with the statement that security personnel engaged in counterterrorism tasks are deployed according to their capacity/specialization. Likewise, 24% disagree, 16% moderate, 16% agree while only 12% strongly agree with the statement. This means that failure by those in police authority to prioritize who should be trained in which area of specialization and their subsequent deployment is

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[163] Ibid. pp 52-53.

contributing to the ineffectiveness of the capacity building counterterrorism strategy. Those sent for specialized training are most often than not those with connections with senior ranking officials and are mainly sent to enrich themselves by drawing allowances than gaining knowledge to assist the force.[164] These officers upon completion of the cause are sometimes deployed in offices that are not in line with the training they received because of the connections they have in the service. They are not deployed where their specialization is required due to the high risk associated with those stations. Those deployed in the high risk outer stations are most likely those who received only basic training and with no connection to high ranking officials. Their deficiencies in training and lack of capacity to identify and comprehend the complex threat beat the concept of having a competent police force that can deter terrorist threats. This lack of resource utilization renders the capacity building counterterrorism strategy ineffective.

The data shows that 44% of the respondents strongly agree the security forces have the capacity to detect and respond to terrorist threat, 24% agree, 16% moderate, 8% disagree and another 8% strongly disagree with the statement. The result indicates that the most of the respondent belief the forces have fair capacity to deal with terrorism. The use of biometric screening, terrorist watch lists and other global security information sharing mechanisms deployed at the country's entry ports have helped deter terrorism entry through these ports.[165] The security agencies have dealt with or prevented a number of terrorist plots between 2017 and 2019. The multi-agency operations conducted in Boni Forest since 2016 has resulted in the arrest of tens of suspected terrorists. This success is attributed to the increased capacity of the security forces and the experiences they gained over the years in detecting and responding to terrorism which is confirmed by the result of this survey.

The terror group operating in Somalia has frequently crossed and carried out deadly terrorist attacks in Kenya. As terrorist attacks increased, the security forces adopted a number of approaches

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[164] Lex Africa: "Kenya Legal Update, Highlights of the Bribery Act No. 47 of Act 2016" (2017). pp 7-10.
[165] Mwagiru, M. & M Kigen., Countering violent Extremism in Kenya. (Thirty Three Consortium, Nairobi, 2018). pp 12-16.

to detect, disrupt and deter the terrorist activities including the capacity building counterterrorism strategy. The enhanced capacity of the forces is an indicator of the reduced terrorist attacks experienced from 2017 to 2019 as compared to 2009 to 2016. The intensity and frequency of the attacks reduced due to the improved capacity of the forces. This implies that the capacity building strategy have achieved some desirable results.

The result indicates 20% strongly disagree, 28% disagree, 32% moderate, 12% agree and 8% strongly agree with the public trust the police and would report all security related issues. The result shows that majority public lack of trust on the police service and is not likely report all security related issues. The public sometimes may have information that could have led to the arrest or at least given wind of terrorist activities but due to this lack of trust they opt not to report it. The public in reporting crimes to the police face challenges where in some instances the criminals are arrested and then released after bribing the police. The criminals then revenge against those who reported their activities. This beats the justice, demoralizes the public and creates avenues for criminal activities to flourish. The criminals including terrorist having compromised the police and not fearing any punishment continue engaging in criminal activities. Lack of trust has hampered the public relationship with the police and diminishes the image and effectiveness of the force.

Additionally 72% of the respondent feel eliminating corruption would enhance the capacity of the security agencies to detect and respond to the threat of terrorism. This indicates that corruption as one of the major factor that hinders the capacity of the security forces in countering terrorism. This result is reinforced by surveys conducted by both local and international institutions that listed the police force as one of the most corrupt organization in Kenya.[166] There are significant number of officers in the security forces who are constantly looking for opportunities to enrich themselves including employing corrupt means. When the security officers engage in corrupt deals they become complacent and their ability to identify, investigate and respond to threat is hindered.

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[166] Watts, C. & et al., Al-Qai'da's (Mis) Adventures in the Horn of Africa. (Combating Terrorism Centre at West Point, 2017). pp 44-46.

The respondent also have the impression that corruption perpetrated by high ranking government officials involving billions of Kenya shillings affect the morale of the officers who are guarding the country against a faceless threat and always told resources are not enough to cater for all they need to secure the country. The get quick rich attitude of the ruling elites and the looting of the public resources have infiltrated to some of the police officers who habour the same desires. These officers are often looking for opportunities and shortcut to get money regardless of it is source. This renders to be them a target that can be easily compromised by criminals and makes the country vulnerable to terrorist attacks.

Another 28% of the respondents believe that giving the police force more resources would enhance their capacity to detect and respond to the threat of terrorism. Majority cited that 682 kilometres long border that Kenya shares with Somalia requires immense resources to secure it. The border is highly porous as the terrain allows cross country mobility for both light vehicles and personnel on foot. Those with local knowledge of the area can easily navigate without the need of road. This allows terrorists on foot or using Land Cruisers to cross the border without passing the designated crossing point. The respondents feel that the need to secure the border while performing normal police duties within the country may have stretched the capacity of the police force. They also believe that lack of resources such as armoured vehicles to patrol and surveillance equipment coupled with Improvised Explosive Devices (IEDs) threat hinders the effectiveness of the police capacity to counterterrorism.

The respondent also feel that the police force had not been training counterterrorism tactics previous requires and heavy investment to adapt to the new changes in training. The importance and the complexity of the modern training to counter the emerging threats with lack of corresponding resources as well as the global nature of the threat requires the government to allocate substantial resources for the security forces to develop their capacity. This also requires the government to partner with other countries especially those that had prior counterterrorism experiences to provide invaluable training, technical advice and intelligence to help counter the terrorist threat.

4.5 Effectiveness of criminal justice counterterrorism strategy

The results of the effectiveness of criminal justice counterterrorism strategy in Kenya were presented in Table 3 and Figure 6 below.

Table 3: Effectiveness of criminal justice counterterrorism strategy

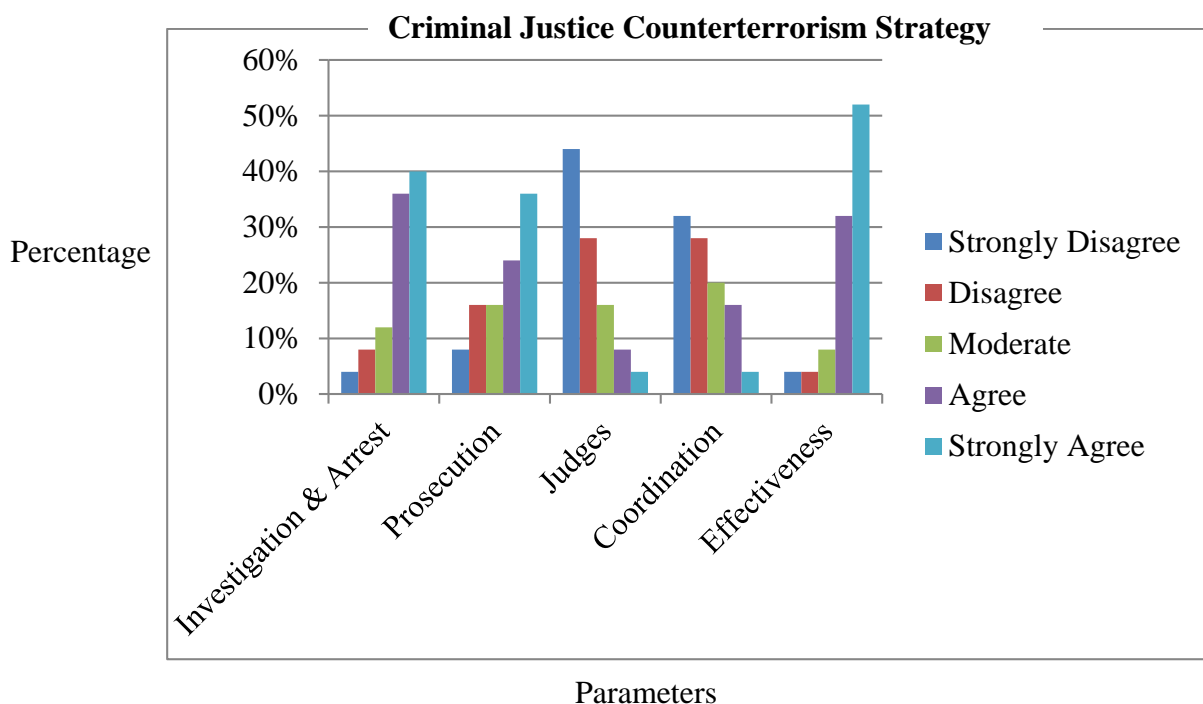| Questions	Strongly Disagree	Disagree	Moderate	Agree	Strongly Agree
1. Corruption hinders the investigation and arrest of suspected terrorist.	4%	8%	12%	36%	40%
2. The prosecution of suspected terrorists is affected by corruption.	8%	16%	16%	24%	36%
3. Judges in dealing with suspected terrorists are fair and give unbiased judgement.	44%	28%	16%	8%	4%
4. There is coordination of counterterrorism effort between the security agencies themselves and the judiciary.	32%	28%	20%	16%	4%
5. The effectiveness of the criminal justice counterterrorism strategy in Kenya is hampered by corruption.	4%	4%	8%	32%	52%

Source: Field data, 2020

Figure 6: Criminal justice counterterrorism strategy
Source: Field data, 2020

The data shows only 4% of the respondent strongly disagree, 8% disagree, 12% moderate, 36% agree and 40% strongly agree with the statement that corruption hinders the investigation and arrest of suspected terrorist. Majority of the respondent feel that corruption is an impediment to the investigating or arresting of suspected terrorist hence strongly agree or agree with the statement.

Suspects intending to evade justice may try all avenues to compromise the investigating agencies through bribing. The compromised investigator conducts shoddy investigation giving the suspect loopholes to defeat justice. The criminal then go escort free as there is no evidence to link him/her to the offence. The inabilities of the corrupt investigators to build a case against the suspect leads to many acquittals and made the employment of the criminal justice strategy to counter the threat of terrorism ineffective.[167] This ineffectiveness had motivated the criminals to continue with what they believe a righteousness course of killing people and destroying properties.

This reinforces the comic allegations made by the Al-Qaeda group in the 1990s that they could not operate in Kenya because of the high extortion cost imposed on them by corrupt security agencies.[168] Corruption at the high echelons at the various headquarters that divert funds budgeted for intelligence collection has also demoralized the junior officers and rendered the strategy ineffective. The situations sometimes forces junior officers deployed in the field to source intelligence using their personal money while allocated funds end up in the pockets of senior officers at the headquarters who even do not feel the difficulties in the field. Such frustrations make the demoralized juniors an easy compromise for the terrorist who bribe for facilitation or to evade justice rendering the counterterrorism ineffective. The terrorist view these compromised officers as compliances rather than deterrence.

On the statement that the prosecution of suspected terrorists is affected by corruption 8% of the respondents strongly disagree, 16% disagree, 16% moderate, 24% agree and 36% strongly

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[167] Rasmussen, J., "Outwitting the professor of politics? Mungiki narratives of political deception and their role in Kenyan politics." *Journal of Eastern African Studies* 4, no. 3 (2010). pp 435-449.
[168] Aronson, S. L. "Kenya and the global war on terror: Neglecting history and geopolitics in approaches to counterterrorism." *African Journal of Criminology and Justice Studies: AJCJS* 7, no. 1/2 (2013). pp 8-10.

agree. According to the study most of the respondents believe that corruption affects the prosecution of suspected terrorist hence either agreed or strongly agreed with the statement.

In prosecuting suspected terrorist, the contemporarily criminal justice system demands prove of criminality of the suspect and emphasize the application of international standards that are considered impartial and fair. In the developing countries however, corruption that has penetrated the justice system over the years had held back the effectiveness of the system. Corrupt officials along the chain of justice including the investigators, the prosecutors and judges often leads to acquittal of suspects or dragging of cases leading to loss of case files or evidences.

The judges in dealing with suspected terrorists fairly and giving unbiased judgement 44% of the respondent strongly disagree, 28% disagree, 16% moderate, 8% agree and 4% strongly agree with the statement. Majority of the respondents either strongly disagree or disagree that the judges are fair and deliver impartial judgement.

The rampant corruption contentions in the judiciary make unbiased judgement almost impossible. A country where bribery in the corridors of justice has been the order of the day, little or no procedural prosecution is likely to take place.[169] Corruption therefore may be the first culprit hampering the effectiveness of the criminal justice counterterrorism strategy and the failure to deter the threat of terrorism. The ineffectiveness had provided space for terrorists including high profile individuals like Samantha Lewthwaite nicknamed the white widow to escape arrest.

The results points that 32% of the respondents strongly disagree, 28% disagree, 20% moderate, 16% agree and 4% strongly agree that there is coordination of counterterrorism effort between the security agencies themselves and the judiciary. Majority of the respondents who strongly disagree at 32% and disagree 28%, opine that there is less coordination of counterterrorism activities between the security forces and the judiciary.

The counterterrorism efforts were mainly uncoordinated and the operations of each agency have loose relation with the rest. The security agencies lack of coordination and their failure to

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[169] Ferster, G., *Corruption in the Judiciary and Effects on Criminal Justice Systems*. (Tata Inc., New Delhi, 2013). pp 19-21.

share intelligence at the operational levels has allowed the terrorist to evade from arrest. The few number of terrorism related arrest despite the high number of terrorist attack in the country from 2009 to 2016, is partially attributed to this challenge.

The judiciary and the security agencies blamed each other for some failures that led the suspect to evade justice. Criminals and their cohorts' interferences with the investigation or ongoing judicial processes have led to acquittal in many circumstances. These interferences had been accomplished by senior government officials and politicians exerting influence on the investigating officers or the judges dealing with the cases or bribing them to manipulate the justice system. The acquittal of the terrorist suspect and failure to punish them has rendered the criminal justice strategy ineffectiveness.

From figure 6 above, 4% of the respondents strongly disagree, 4% disagree, 8% moderate, 32% agree and 52% strongly agree that the effectiveness of the criminal justice counterterrorism strategy in Kenya is hampered by corruption. Most of the respondents feel corruption impedes the effectiveness of criminal justice counterterrorism strategy. This portion of the respondents account for 84% thus 32% agree and 52% strongly agree. This implies that corruption has serious implication on the effectiveness of criminal justice counterterrorism strategy.

Initially when the terrorists started attacking, Kenya had no adequate laws in place to prosecute terrorism related crimes and the strategy faced challenges. To respond to the threat using the criminal justice strategy, the government had acted laws to prosecute terrorist suspects.[170] However, the application of the strategy in Kenya had been hampered by corruption as indicated by the result. The terrorists have benefited from the corrupt and ineffective situation and avoided justice. They could plan and commit the offences and using evasive methods or compromising the security agencies or judiciary evades justice.

Consequently, 84% of the respondents believe that corruption is the major challenge encountered when investigating, arresting and prosecuting suspected terrorist while 16% cited lack

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[170] Cheema, S. G., Cross-Border Governance: Regional Issues and Mechanisms. (UNU: United Nations University Press, 2011). pp 7.

of capacity. This is an indicator that corruption is the major factor holding back the effectiveness of the criminal justice counterterrorism strategy. It may be difficult to achieve the desired effects of this strategy without dealing with corruption.

The security forces and the judiciary are part and parcel of the larger Kenya society and their conduct largely mirrors on the conduct of the society. The culture of corruption in these institutions means the culture of the society.[171] Although, this does not give an excuse for the concerned institutions to be corrupt as they are require play their role patriotically but their conduct says much about the society. These wayward officers who are easily compromise by criminals have significantly eroded the image of the institutions and hampered the effectiveness of the strategy.

4.6 Other challenges hindering capacity building and criminal justice strategies

The ineffectiveness of the capacity building and the criminal justice strategies employed by Kenya are mainly hindered by corruption. The respondents have also cited host of other challenges that contribute to the ineffectiveness of these strategies.

In this study, 40% of the respondents cited complex terrain as one of the factors that hinder the effectiveness of the capacity building and criminal justice counterterrorism strategies. They stated that Kenya and Somalia share a vast porous border that is usually unoccupied save for few entry points manned by the law enforcement agencies. Securing this border had been a challenge, because of the vastness and complexity of the environment. The terrorist can easily bypass the entry points using unmanned routes or open terrain without the knowledge of the security officials. Securing the border poses many challenges for the security forces looking at the trends and tactics employed by the terrorist not constrained by geography.

The challenge is amplified by the knowledge the threat possess concerning the terrain operation and ease they can traverse it without following the established routes. [172] The threat further, uses unconventional methods of warfare such use of IEDs which are not subject to the Laws of Armed conflict. The movement of the terrorist across the border is closely connected to the

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[171] Oluyede, D., *Corruption and Consequences in Government*. (International publishers Ltd, Lagos. 2011). pp 45-65.
[172] Prestholdt, J., Kenya, the United States and counterterrorism. Africa Today, 57(4), (2011). pp 7-15.

movement of people and goods therefore securing Kenya-Somalia has been a challenge. The human terrain where most of the terrorists crossing from Somalia share language and culture with the locals living close to the border, identifying the terrorist becomes a challenge for the security officers. They can engage the security forces in a battle and within a short time change to civilian passing as a herder after hiding the weapon.

In this study, 32% of those completed the questionnaire gave the impression that resource constraint as a challenge that hinders capacity building and criminal justice strategies. This portion of the respondent allege that the tactics and techniques employed by the terrorist are ever changing, the security forces in turn have to change their approach from conventional to asymmetric and adopt modern tactics and techniques to counter the threat. This enormous task of combating terrorism requires corresponding resources and equipment. These include mine resistance vehicles for mobility, high performance weapons to neutralize the threat, detection and surveillance technology and training on modern techniques. However, the security sector like any other department is faced with budgetary constraints and acquiring the right tools for the job becomes a challenge.

Another 20% of the respondent feels poor relationship between the security forces and the locals living along the Kenya-Somali border contribute to ineffectiveness of the strategies. The respondent opines that the local communities have knowledge of the terrain, the criminal groups entering area and their activities and if the security agencies inculcate good with they may benefit unsolicited intelligence. The integration of indigenous viewpoints is an important factor in enlightening the security forces of the dangers posed by the terror group in the area. Unfortunately, the security organs deployed to combat the terrorism menace has been blamed of hardheadedness and violation of human rights when operating in border areas.[173] This has created a gap between the security forces and the local populace which is exploited by transnational terrorist networks.

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[173] Okwany, C. & C. Omondi., "Kenya's foreign policy towards Somalia: a contribution to insecurity." Master's thesis, Norwegian University of Life Sciences, (2016). pp 100-105.

Additionally, another 8% of the respondents cited legal constraint as a factor that hampers capacity building and criminal justice strategies. They stated that Kenya as a commonwealth country the role of the Judiciary is to ensure an impartial trial by making rulings on points of law, deciding whether one has a case to answer or not, determine guilt or innocence based on evidence and then delivering the judgment. The judges are therefore confined to evidence presented before them and cannot go out of their way to inquire for facts. However, when it comes to prosecution of terrorists the law gives the prosecutor the hard task of proving the terrorist guilty. Proving the guilty suspect accused of planning to commit terrorism related crimes becomes difficult.

The law requires the evidence the prosecutors intend to use to share it with the suspect attorneys. This sometimes includes sensitive information which can compromises the security of the sources. It also makes deterrence ineffective as the terrorist gain information on how the security officers collect information and their intelligence sources. The law provides for individual's suspected to have committed a crime in the absence of convincing reasons to be freed on bail. The complexity of investigating suspected terrorist and the fear that they will execute the act or flee from the country compels the investigators to arrest the suspect without adequate evidence. In the absence of evidence the judge are compelled to balance between the suspect freedom and the safety of the country. The suspect may take advantage such freedom and defeat justice.

4.7 Other counterterrorism strategies

Apart from the capacity building and criminal justice counterterrorism strategies, Kenya had employed other approaches to counter the threat of terrorism. The respondents cited counter radicalization and military approaches as strategies used by Kenya. This section therefore discusses the respondent's views on the counter radicalization and military approaches.

4.7.1 Counter radicalization

On the other hand 56% of the respondent postulate that counter radicalization strategy has been effectively employed by Kenya in countering terrorism. They contended that the government effort in establishing partnership with non-governmental and civil society organizations. The

respondents mentioned the outcome of the 2014 national conference on security and countering violent extremism where all stakeholders were engaged in a participatory approach to formulate ways of countering terrorism and violent extremism. The government also used the religious leaders in countering terrorism and violent extremism in the communities. The religious leaders were seen to have an influence in the society and they can preach peace and coexistent to reduce division and tension amongst the citizens especially in the aftermath terrorist attacks.

The engagement of religious leaders to sensitize the youth on the dangers of radicalization and counter the extremist's radicalization narrative made many youth to evade joining the terror group. The involvement of religious organizations like the Supreme Council of Kenya Muslims (SUPKEM), Kenya Community Support Center (KECOSCE) and Muslim for Human Rights, played a big role in Kenya counter radicalization effort. These stakeholders were able to address some of the drivers that push the youth to join the terrorists which are often tied to lack of religious understanding, poverty and radicalization.

Their efforts were directed to counter the terrorist's propaganda messages. They engaged the citizens to identify and act towards the deterrence of radicalization and violent extremism. [174] They helped create awareness and increasing the level of vigilance on terrorist activities.[175] The government also organized forums dedicated to the communities, Civil Society Organizations (CSOs) and law enforcement agencies to improve their understanding on terrorism. The CSOs worked with the security agencies and the judiciary on countering terrorism. The improved understanding on counterterrorism and violent ideologies by the communities has changed their perceptions and raised collaboration to combat terrorism between the public and the security forces.

4.7.2 Military approach

In this study, 44% of the respondent indicates that the government effectively use of the military approach to defeat the threat of terrorism. However, the approach is seen as effective in

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[174] Omotola, J. S., "Assessing counter-terrorism measures in Africa: Implications for human rights and national security." *conflict trends* 2008, no. 2 (2008). pp 41-48.
[175] Prevention of Organized Crimes Act, No. 8 of 2018 report. pp 7.

containing terrorism in short-term. The respondent used Operation Linda Nchi (protect the country) Kenya military launched in October 2011 as an example. Accordingly, the operation weakened the terrorist initially and in the process several towns in Somalia including the port town of Kismayu which was the live line of the terror group were liberated.[176]

The fire power and aggressiveness of the Kenya troops, made them suffer few casualties during the operation but the militants lost substantial number of fighters while many others were captured. The capture of the Kismayu also substantially reduced the terrorist's financial gains, as they lost the import and export revenue they were getting from the Ports.[177] However, when troops integrated into the African Union Mission in Somalia (AMISOM) they lost the aggressiveness. At this juncture, the terrorist started conducting cross-border attacks inside the Kenya soil including the two major cities of Nairobi and Mombasa. Although, this strategy was initially term as a success in degrading Al-Shabaab but in the long term it was not effective to deter the terrorist threats.

4.8 Conclusion

Kenya has applied a number of strategies to counter terrorism including the capacity building and criminal justice counterterrorism strategies. These strategies have achieved mixed results and none has been able to complete deter or defeat the threat. Most of the respondents view corruption has hampered the effectiveness of these strategies. This was evidence due to the cross-border attacks country experiences from the extremist group. Failure to detect and effectively deter the threat is mainly blamed on corruption within the security forces and the judiciary. The counter radicalization and military approaches played an enormous role in countering terrorism in Kenya.

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[176] Howden, D., Kenya sends in troops to Somalia in pursuit of al-Shabaab militants. Retrieved on 12 February 2020 from https://www.independent.co.uk/news/world/africa/.html.pp 12.

[177] Prestholdt, J., "Kenya, the United States, and counterterrorism." *Africa Today* 57, no. 4 (2011). pp 3-27.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The chapter gives summary and conclusion about the research questions and hypotheses. The chapter further gives the implications of the conclusion on the theory and policy. Besides, the chapter gives recommendations and suggests areas for further research.

5.2 Summary

The Horn of Africa region has suffered recurrent terrorist attacks from Somalia based Al-Shabaab terror group for years. Kenya has however, experienced disproportionate number of attacks from the group compared to other countries in the region. The terrorist attacks have received critical media coverage both nationally and internationally, giving them a level of publicity and relevance in the region. The group's attacks has not only been restricted to the border towns of Mandera, Wajir and Garissa but has spread to the economic hub towns of the country like Nairobi and Mombasa. These attacks have far-reaching effects on key sectors of the economy such as security, tourism, health and education leading to loss of jobs and foreign direct investment.

In response Kenya had employed a number of counterterrorism strategies among them capacity building strategy to fight the terror group. The strategy comprised of building the capacity of the security forces through the selection and recruiting the most suitable candidates, giving them the appropriate training and deploying them appropriately for effective utilization of manpower. The training included professional and continuous training of the security personnel on the modern tactics, techniques and procedures to enhance their capacity to detect, deter and respond to the ever changing threat of terrorism. The effectiveness of the strategy was severely hampered by corruption within the institution hierarchy leading to human and other resources mismanagement. Some security officers became hopeless and resign from the services while others developed mechanisms

to collude with the criminals thereby giving their activities a deaf ear even when there are threats to national security.

The country had also employed the criminal justice strategy which involved the detection and location, arrest and investigation and prosecution and sentencing of suspected terrorist and their accomplices. The strategy was centered on the security forces and the judiciary ability's to follow the due process from detection to sentencing of suspected terrorist. The strategy was mainly to deter the terrorist directly by punishing the suspect through imprisonment and indirectly by sending harsh warning to those criminals with similar intentions of committing the act of terrorism. Unfortunately, the implementers of the strategy were highly involved in corruption and it could not achieve the desired effect of deterring terrorism. The complexity of the law has caused delays in the justice system and hampered the effectiveness of the strategy.

The study has established that the Kenya Defense Forces has been able to degrade Al-Shabaab both within Kenya and their pursuit to Somalia and have achieved some successes though short term. The military approach to counterterrorism has proved inadequate in the long term due to the long and porous border Kenya shares with Somalia that cannot be secured physically with the presence of troops. Lack of understanding of the physical and human terrain has contributed to the ineffectiveness of this strategy.

The counter radicalization programmes have to certain level denied the terrorist recruitment from Kenya as the youth and the communities understand more of the dangers of terrorist and the correct interpretation of the religion which the terrorist have been using as a propaganda tool. However, corruption has hampered the expansion and the continuity of the program as it constrained the resources required. The facts remains that as long as corruption and other underlying factors that cause and facilitate terrorism are not dealt with, the country will not be able to defeat terrorism effectively.

5.3 Conclusion

The failures of Kenya counterterrorism strategies are mainly blamed on corruption. Grand corruption perpetuated by senior government officials direct the resources needed by the security forces to individual gains. This hinders the ability of the security officers to perform their tasks and makes the country vulnerable. Likewise petty corruption involving junior officers taking bribe from the public and criminals has compromised their ability to detect and respond to the terrorist threat.

Lack of proper human resource utilization and failure to deploy them according to their capabilities has rendered the security forces ineffective against the terrorist threat. Corruption, lack of technical capacity, poor interagency coordination among the security forces, politicization of terrorism and human rights violation have affected the effectiveness of the capacity building strategy of countering terrorism. The study concludes that corruption has severely hampered the capacity building strategy of countering terrorism in Kenya.

The criminal justice strategy of countering terrorism has been challenging one to Kenya. It requires reasonable evidence to prove a case and places high burden on the prosecutor. The strategy is noted to be less effective in a corrupt environment where the process can be compromised at any stage. Conspiracies between the terrorist and the security/judicial officers often leads to defeat of justice and allows the suspect to go escort free. The study concludes that corruption involving the judiciary and the law enforcement agencies has significant impact on the effectiveness of criminal justice strategy of countering terrorism in Kenya.

The military approach and counter radicalization strategies employed in Kenya were aimed at annihilating the terrorist using the military and denying it recruitments opportunities through counter radicalization. These strategies have achieved reasonable successes though mainly short term. However, corruption has denied the security forces and the counter radicalization programme the resources needed to counter the threat thereby contributing to their ineffectiveness. The study concludes that these counterterrorism strategies require resources and long term vision to be sufficiently effective against the threat of terrorism.

Finally, the study concludes that Kenya strategies of countering terrorist have been hampered by corruption. To make serious progress in the fight against terrorism, the country must urgently address corruption at all levels and all its institutions. The country should also learn from other countries that had similar experiences of terror attacks in order to formulate effective counter terrorism strategies.

5.4 Recommendations

Based on the findings of this research, the study recommends the following;

a. The government should urgently address corruption in all it is institutions especially the security sector and the judiciary to fight terrorism effectively.

b. The government should increase budgetary allocation for the security sector and the judiciary to enabled train on modern tactics, techniques and procedures and acquire modern equipment to counter the current terrorist threat and emerging ones.

c. The security agencies should adopt a multiagency approach and engage all stakeholders such as the communities, religious groups, civil society organizations and non-governmental organizations when conducting internal security operation.

5.5 Areas for further research

The study suggests the following areas for further research:

a. The effectiveness of counter radicalization strategy in combating terrorism.

b. Comparative study on how other countries such as Ethiopia and India are combating terrorism.

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Instructions

This questionnaire is designed to facilitate the investigation on Corruption and the War on Terror in Kenya, 2009 - 2019. The information collected will be used for academic purpose only and will be treated with utmost confidentiality. Do not write your name in any part of this paper. (Please answer all questions honestly and exhaustively by ticking in the appropriate box that closely matches your view and/or writing in the spaces provided where necessary).

Part A: Demographic Characteristics of the Respondents

1. Please tick the appropriate sample category you belong according to the classifications given below.

Senior Officer	[ ]
Junior Officer	[ ]
Civilian Staff	[ ]

2. Please tick your age bracket.

20 - 29 years	[ ]
30 - 39 years	[ ]
40 years and above	[ ]

3. Please indicate your gender.

Male	[ ]
Female	[ ]

4. Please indicate the highest level of education you attained.

Primary education	[ ]
Secondary education	[ ]
Tertiary level	[ ]

5. Please indicate how long you have been working in your current employment field.

     1 – 5 years   [ ]

     6 – 10 years   [ ]

     11 years and above   [ ]

Part B: Effectiveness of capacity building counterterrorism strategy

Using a scale of 1 - 5 (1 - Strongly disagree, 2 - Disagree, 3 - Moderate, 4 - Agree, 5 - Strongly agree) tick the appropriate box that closely matches with your view against each question or write your answer in the space provided below the question.

Questions	1	2	3	4	5
6. Security forces have the capacity to detect and respond to terrorist threat.					
7. The recruitment of the security forces is free and fair.					
8. Corruption is hindrance to the training of the security forces.					
9. Security personnel engaged in counterterrorism duties are deployed according to their capacity/specialization.					
10. The public trust the police and would report all security related issues.					

11.   State and briefly discuss what can enhance the capacity of the security agencies to detect and respond to the threat of terrorism.

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Part C: CORRUPTION AND CRIMINAL JUSTICE STRATEGY

Using a scale of 1 - 5 (1 - Strongly disagree, 2 - Disagree, 3 - Moderate, 4 - Agree, 5 - Strongly agree) tick the appropriate box that closely matches with your view against each question or write your answer in the space provided below the question.

Questions	1	2	3	4	5
12. Corruption hinders the investigation and arrest of suspected terrorist.					
13. The prosecution of suspected terrorists is affected by corruption.					
14. The judges in dealing with suspected terrorists are fair and give unbiased judgement.					
15. There is coordination of counterterrorism effort between the security agencies themselves and the judiciary.					
16. The effectiveness of the criminal justice counterterrorism strategy in Kenya is hampered by corruption.					

17. What are the major challenges encountered when investigating, arresting and prosecuting suspected terrorist?

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Part D: OTHER CHALLENGES HINDERING CAPACITY BUILDING AND CRIMINAL JUSTICE STRATEGIES

18. Please state and briefly explain other factors that hinder the effectiveness of the capacity building and criminal justice counterterrorism strategies.

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19. Kindly identify discuss other strategies/methods Kenya employed effectively in countering terrorism?

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Thank you for your participation.

CORRUPTION AND THE WAR ON TERROR IN KENYA, 2009 - 2019