



**NATIONAL DEFENCE UNIVERSITY -KENYA**

**THE EFFECTIVENESS OF SEPARATION STRATEGY IN COUNTERING AND  
PREVENTING VIOLENT EXTREMISM IN KENYAN PRISONS**

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**A project submitted in Partial Fulfillment for the award of Degree of Masters of**

**Arts in Security and Strategic Studies**

## **DECLARATION**

This research project is my original work and has not been presented for a degree award in any other Learning institution. The document should not be copied without the permission of the author or National Defence College-Karen or National Defence University -Kenya

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## **DEDICATION**

I dedicate my work to my husband who gave me unconditional support throughout the study period. He stood in the gap as the father and mother when I was not available. I also dedicate my work to my son Preston Kirii and my daughter Joy Kirii, my confidant and whom I shared my frustrations late in the night.

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## ABSTRACT

This study aimed at assessing the effectiveness of separation as a mechanism of countering and preventing violent extremism in Kenya prisons. The study was anchored on the following objectives; evaluating the normative and institutional frameworks for management of violent extremism offenders in the Kenyan prisons, reviewing the various methods used to combat and prevent violent extremism in Kenyan Prisons and determining the challenges and opportunities inherent de-radicalization and counterterrorism strategies in Kenya prisons. This study was guided by the Restorative justice theory, Retributive justice theory and the transformative justice theory.. The study applied descriptive research design. This study used purposive and simple random sampling techniques to select 200 respondents who included; prison staff (senior staff), religious leaders (Sheikhs), and criminal justice lawyers, Office of the ODPP, prosecutors and inmates.. Primary data was collected using questionnaires and key informants interview schedules. Secondary data was collected from published articles, journals, books, dissertations and projects. Quantitative data was coded and entered into Statistical Package for Social Sciences (SPSS) software version 22 for analysis while qualitative data was arranged thematically and presented through narration. The study findings established that; there exist weaknesses in law regarding management of violent extremist in Kenya particularly leniency relating to the justice served. On the strategies utilized for the management of violent extremist, incarceration is perceived as a fairly effective strategy while military incursion is regarded as a very effective strategy. Radicalization can be positive if it does not encourage violence or harm. Prison authorities have adopted various approaches to manage violent extremism which include; faith-based interventions which entail religious transformation offered by professional Clerics; separation of convicted inmates in different prison blocks and cells; education and vocational training to illiterate and marginalized offenders to acquire skills which can avail them employment opportunities, psychological and cognitive approaches as well as use of recreational and cultural activities. These strategies are geared towards dissuading violent extremism offenders from extremism as well as deradicalize them. The study findings identified the challenges which confront the successful implementation of deradicalization and prevention of violent extremism in Kenyan Prisons as well as opportunities. They include; institutional challenges, recidivism or relapse among the Prisoners; reintegration challenges; structural challenges evidenced by unemployment among the released terrorist convicts; regulatory discontinuities, Gang related problems among others. In this regard the study recommends for a coordinated multiagency cooperation in the management of violent extremists suspects or prisoners. There is also need for drafting and legislation of a policy framework for the management of violent extremism in rehabilitation facilities in the country.

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## LIST OF ABBREVIATIONS AND ACRONYMS

AMISOM	African Union Mission to Somalia
ATPU	Anti-Terror Police Unit
AU	African Union
ICSR	Internationals Centre for the Study of Radicalization
IL	International Law
KDF	Kenya's Defense Forces
MoU	Memorandum of Understanding
NACOSTI	National Commission for Science, Technology and Innovation
NCTC	National Counter Terrorism Centre
NDU	National Defense University
NIS	National Intelligence Service
NPS	National Police Service
ODPP	Office of the Director of Public Prosecutions
OAU	Organization of African Union
SC	Separation Centers
SoPs-	Standard Operating Procedures
START	Study of Terrorism and Responses to Terrorism
UN GCTS	United Nations Global Counter-Terrorism Strategy
UN	United Nations
UNGA-	United Nations General Assembly
UN GCTS-	United Nations Global Counter-Terrorism Strategy

UNODC-	United Nations Office on Drugs and Crime
UNSC-	United Nations Security Council
VEO-	Violent Extremist Offenders
VE-	Violent Extremism

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## **Chapter One**

### **Background and Introduction to the Study**

#### **1.1 General Introduction and Background of the Study**

The population of inmates in prisons who are incarcerated for violent extremism and terrorism is increasing day by day. Additionally, there is a rising concern that these prisoners may spread extremist beliefs to other inmates in the prison, which poses a threat. Furthermore, there is a growing risk that these radicalized inmates may engage in terrorist activities after being released from prison. Due to these concerns, the rehabilitation of these inmates is a matter of significant importance for the prison service, human rights groups, and their successful reintegration into society. Consequently, it is necessary to separate these inmates from the general prison population.

One notable example of the separation strategy in action can be found in the Scandinavian countries, particularly in Denmark<sup>1</sup>. The Danish prison system is often cited for its unique approach to handling inmates involved in violent extremism. In Danish prisons, inmates are separated based on the level of risk they pose. Those deemed to be at high risk of radicalization are placed in a dedicated unit where they have limited contact with the general prison population. This approach aims to disrupt the flow of extremist ideologies by minimizing the interaction between potential recruits and radicalized individuals.

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<sup>1</sup> Silke A (2014). Prisons, Terrorism and Extremism: Critical Issues in Management, Radicalization and Reform. Routledge: London.

Similarly, in France, the government has implemented a policy of isolating radicalized inmates from the rest of the prison population<sup>2</sup>. This includes separating individuals convicted of terrorism-related offenses from the general prison environment to prevent them from influencing or recruiting other inmates. The French authorities also invest in programs that aim to rehabilitate and reintegrate these individuals into society once they've served their sentences, hoping to counter the appeal of extremism through education and counseling.

On the other side of the Atlantic, the United States employs a different approach to the separation strategy. In federal prisons, inmates with extremist affiliations, including those convicted of terrorism-related offenses, are often placed in specialized units. These units are designed to monitor and control the communication and interaction of radicalized individuals while providing them with access to religious counseling and educational programs. The idea is to prevent the spread of extremist ideas while working on de-radicalization and reintegration.

During an international expert roundtable conference held in Amman, Jordan in 2015, it was acknowledged that prisons play a crucial role in facilitating the process of radicalization.

<sup>3</sup>Although research on the drivers of radicalization, both inside and outside of prisons, is lacking, there exist connection between socio-economic disadvantage and the radicalization process. Jitka Maleckova, a prominent scholar on this subject, suggests that in many countries, prisoners come from impoverished backgrounds and have limited education, making them vulnerable to radicalization.<sup>4</sup> Maleckova further notes that terrorist groups, such as ISIS, recruit prisoners for violent extremism by promising to reconcile or compensate for any harm or wrongdoing

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<sup>2</sup> Ibid.

<sup>3</sup> Penal Reform International –PRI-(2015). Preventing Radicalization in Prisons. International Expert Roundtable: Amman-Jordan

<sup>4</sup>Maleckova, J. (2005). Impoverished Terrorists: Stereotype or Reality? In Tore Bjørgo (Ed.), Root Causes of Terrorism. Myths, Reality and Ways Forward. Routledge: London.

committed against their families.<sup>5</sup> Additionally, poor living conditions, overcrowding, inadequate healthcare, and prolonged pre-trial detention may create an environment conducive to radicalization within prisons.

Previous research has shown that the primary drivers of radicalization both inside and outside of Europe are discrimination by society, a lack of identity, and the aftermath of events in Syria, among other factors.<sup>6</sup> Silke, an expert on this subject, has noted that in most European countries, the current policy is to disperse terrorists among a limited number of top-security prisons. However, the Netherlands has adopted a different approach, with three concentrated units dedicated to holding terrorist offenders.<sup>7</sup> These units have specialized staff and facilities, which are designed to meet the unique needs of these inmates. This approach aims to prevent radicalized prisoners from influencing the wider prison population and to facilitate their rehabilitation and restoration in the community.

In Nigeria, the judicial process is notoriously lengthy, resulting in cases taking an extended period to be resolved. Consequently, many suspects spend more than ten years in pre-trial detention. This protracted process, coupled with the manner in which national security forces conduct investigations, constitutes a significant driver for radicalization, as it reinforces a sense of grievance and victimhood among the detained population.<sup>8</sup> There is evidence that the Boko Haram terrorist group takes advantage of this situation by exploiting prisons to recruit and radicalize members to its ranks. The group offers these individuals a sense of belonging and purpose, while also providing them with an opportunity to seek revenge against the state that has

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<sup>5</sup> See note 2 above

<sup>6</sup> Silke A (2014). *Prisons, Terrorism and Extremism: Critical Issues in Management, Radicalization and Reform*. Routledge: London.

<sup>7</sup> Ibid

<sup>8</sup> Silke, A., Velhus, T. (2017). *Countering Violent Extremism in Prisons; a Review of Recent Research and Critical Research Gaps*. Cranfield University. Vol. 11. Issue 5

wronged them. The group's presence in prisons also creates an environment that facilitates the spread of extremist ideologies and violence.<sup>9</sup>This situation presents a significant challenge to Nigeria's attempts to fight VE and underscores the need for urgent action to reform the justice system and prevent the radicalization of individuals in detention.

In Kenya the population of prisoners incarcerated for terrorism related offences is increasing day by day. A study conducted by Gladys Wambui Kahara, which involved “analysing case studies from three prisons in Kenya – Langata Women’s Maximum-Security prison, Kamiti Maximum Security Prison and Shimo la Tewa Maximum Security Prison”, concluded that radicalization of inmates indeed occurs within Kenyan prisons.<sup>10</sup>With the rise in the number of prisoners detained on charges related to violent extremism, the prison environment becomes a fertile ground for facilitating radicalization and extremism. This situation presents a concerning development, as prisons are becoming the new breeding grounds for terrorism and radicalization to violent extremism therefore new strategies in the prisons system are demanded to reduce recidivism and to encourage the de-radicalization and restoration of ex-terrorism convicts in the community.

The use of separation strategy in countering violent extremism is a multifaceted approach implemented in correctional facilities across the globe. This strategy aims to prevent the radicalization and recruitment of inmates by isolating individuals with extremist ideologies from the general prison population. By doing so, authorities hope to mitigate the spread of extremist ideas and reduce the potential for violent acts both inside and outside the prison system.

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<sup>9</sup> Ibid

<sup>10</sup> Kahara, G.W. (2017). *Violent Extremism and Radicalization among Youth in Prisons: A Case of Langata Women’s Kamiti and Shimo La Tewa Prisons in Kenya*. Nairobi. United States International University-Africa:Nairobi

Moreover, by maintaining a careful balance between isolation and rehabilitation, correctional facilities aim to reduce the risk of radicalization and minimize the potential for violent extremism to spread within the prison system and into the broader society.

## **1.2 Statement of the Research Problem**

Correctional facilities, intended to serve as centers for rehabilitation and societal reintegration, have, in recent years, become alarming hotbeds for the incubation and proliferation of violent extremism. The convergence of inmates from diverse backgrounds, often marginalized and disenfranchised, within the confines of prisons, creates a fertile ground for the radicalization of individuals. The power vacuum, lack of external distractions, and the subculture that often develops within the prison walls have made it increasingly conducive for extremist ideologies to take root. Consequently, this phenomenon has become a significant concern for governments and societies globally.

In response to the growing threat of radicalization within correctional facilities, authorities have employed a separation strategy, which involves isolating individuals with extremist ideologies from the general prison population. This strategy is designed to disrupt the transmission of extremist beliefs and curtail the recruitment of new adherents. By segregating radicalized inmates or those at risk of radicalization, the intention is to prevent the further spread of extremist ideologies and to limit the potential for violent acts both inside and outside the prison system. Separation is perceived as a critical tool in countering the threat of violent extremism within prisons and is widely practiced in many countries. However, despite its widespread use, the effectiveness of the separation strategy in countering violent extremism is far from conclusive. The strategy's shortcomings have raised significant concerns regarding its

utility and impact. Critics argue that separating radicalized individuals from the general prison population may inadvertently reinforce their extremist beliefs and exacerbate radicalization. The isolation of such individuals within dedicated units can create echo chambers where extremist ideologies intensify, potentially increasing the risk of violence both within prisons and upon release.

Kenya Prisons Service reports that the current prison population is approximately 54,000, with 48% of them being pre-trial detainees and the rest as sentenced prisoners. Around 22,000 are prisoner's staffs, uniformed officers as well as auxiliary staff. <sup>11</sup>However, according to Kahara's study, "Kamiti Maximum Security Prison in Nairobi and Shimo la Tewa Maximum Security Prison in Mombasa" have the highest number of inmates imprisoned for terrorist-linked crime, with around 240 inmates reported to be in custody. <sup>12</sup>This is a significant concern, as the conditions within the prisons can facilitate radicalization, which could lead to these inmates posing a threat to national security if not adequately addressed.

The separation of violent extremist offenders from main prison population has been implemented in Kenya as a measure to mitigate the risk of radicalization. However, the effectiveness of this strategy in countering violent extremism and facilitating de-radicalization has not been evaluated. This presents a research gap in the knowledge relating to the effectiveness of separation as a strategy in Kenya prisons. Therefore, this research aims to identify and synthesize how separation as a strategy facilitate de-radicalization in Kenyan prisons.

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<sup>11</sup> Available Online At; <https://www.correctional.go.ke/kenya-prisons-service> Accessed On 21/9/2022

<sup>12</sup> Ibid

### **1.3 Research Objectives**

The main purpose of the study is to examine the effectiveness of separation as a strategy of countering and preventing violent extremism in Kenya prisons.

This study seeks specifically;

- 1.3.1 To evaluate the normative and institutional frameworks for management of violent extremism offenders in the Kenyan prisons
- 1.3.2 To review the various methods used to counter and prevent violent extremism in Kenyan Prisons
- 1.3.4 To determine the challenges and opportunities inherent in de-radicalization and counterterrorism strategies among Kenyan Prisons

### **1.4 Research Questions**

This following research questions guide this study;

- 1.4.1 What are the legal, policy and institutional Frameworks for Management of violent Extremism offenders in the Kenyan prisons?
- 1.4.2 Which methods are used to counter and prevent violent extremism in Kenyan Prisons?
- 1.4.3 What challenges and opportunities are present in preventing violent extremism and radicalization in Kenyan Prisons?

### **1.5 Justification of the Research Study**

#### **1.5.1 Academic Justification**

There exists limited research in Kenya informing on the strategies of de-radicalization and combating VE, and specifically, how it can be achieved in Kenya prisons system, given their

pivotal role in containment, rehabilitation and reformation of both convicted and un-convicted terrorists. Correctional facilities, intended for the rehabilitation and reintegration of offenders into society, have increasingly become environments where radicalization takes root. Prisons often bring together individuals from diverse backgrounds, including those with extremist ideologies. The isolated nature of these institutions can facilitate the exchange of extremist beliefs, making it a fertile ground for further radicalization.

Separating radicalized individuals from the general prison population may influence their beliefs, behaviors, and potential for rehabilitation. Therefore, it is essential to investigate whether this strategy effectively counters extremism or inadvertently reinforces it. A comprehensive analysis will provide insights into the long-term outcomes of separation, including the potential risks or benefits to society when these individuals are released.

### **1.5.2 Policy Justification**

The proliferation of violent extremism is a pressing issue that affects countries worldwide. Acts of terrorism and radicalization have the potential to cause significant harm to individuals, communities, and nations. As such, the development and implementation of effective counterterrorism strategies are crucial for maintaining public safety and national security. Moreover, it is imperative to develop evidence-based practices that can inform correctional policies and strategies. By conducting research on the effectiveness of separation strategies, we can contribute to the development of more efficient and ethical methods for countering violent extremism within prison systems, ultimately enhancing the safety of society.

## **1.6 Literature Review**

The theoretical and empirical literature review in tandem with the previous research produced that focused on combating terrorism in prisons systems both regionally and internationally is provided in this segment. The literature review is obtained primarily from secondary sources which include published academic thesis and dissertations, journals, television documentaries and internet sites dedicated to de-radicalization and combating of terrorism. This research study takes note of the complexity involved in combating terrorism given the unconventional nature of the mode of engagement with which terrorists conceal their activities. The literature review is divided into two thematic areas. They include; theoretical literature review and empirical literature review. Both reviews follow the study objectives outlined above.

### **1.6.1 Theoretical Literature Review**

This research reviews three criminal justice theories to assess their conceptualization of human behavior and social phenomenon in a rehabilitative criminal justice system. These include; “restorative justice theory; retributive justice theory and transformative justice theory”. These theories can facilitate understanding of how separation strategy in prisons, can be impactful to the fight against VE among the prison population.

#### **1.6.1.1 Restorative Justice Theory**

Restorative justice theory describes justice approaches that emphasize on reparation instead of retribution. This theory contends that, victims of crime should be in a position to provide solutions to crime.<sup>13</sup> According to Braithwait restorative justice processes are more effectual in averting crime compared to retributive practices. Restorative justice theory operates

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<sup>13</sup>Braithwaite, J. "Restorative Justice: Theories and Worries." 123rd International Senior Seminar Visiting Experts' Papers (2004).

on the belief that ignoring crime only aggravates the situation, and stigmatizing or shaming offenders only exacerbates the problem, whereas reintegrative shaming, where disapproval of the crime is expressed within a context of respect for the offender, can prevent crime by leading to forgiveness. Restorative justice theory is concerned with determining the extent of harm caused, identifying the necessary steps for repairing this harm, and assigning responsibility for this repair.<sup>14</sup>

According to the restorative approach, punishment is secondary. On the other hand, Retributive approaches focus on punishment aspects and in this regard, they stress on assessing the crime committed and the best punishment to offer.<sup>15</sup> This study assesses whether separation as a strategy is restorative justice, to ensure offenders are deterred from committing such crimes in future, and whether such justice is restorative not to encourage radicalization of other inmates in a prison facility. Restorative justice purposes to mend the damage instigated by a lawbreaking, by involving all parties affected. Separation strategy in prisons aims to isolate violent extremism offenders from other prisoners and the general population to prevent them from causing harm or recruiting others. Restorative justice can be a valuable approach for working with violent extremism offenders, but it requires careful planning and consideration of the unique challenges posed by this particular population.

This theory enlightens on the criminal justice policies which helps in suppressing relapse, responding to the victim's grievances, enhancing security within communities and therefore applicable to prison rehabilitation programs. Restorative justice theory generally does not advocate for the strict separation of offenders. Instead, it emphasizes bringing offenders together

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<sup>14</sup> Ibid

<sup>15</sup> May, J.D. "Restorative Justice: Theory, Processes, and Application in Rural Alaska." *Alaska Justice Forum* 31, no. 3–4 (Fall 2014/Winter 2015).

with their victims and the community to encourage dialogue, healing, and reintegration. Separation may be seen as contrary to the core principles of restorative justice.

### **1.6.1.2 Retributive Justice Theory**

Retributive justice theory posits that those who commit crimes should face punishment that corresponds to the severity of their offense and the harm they caused. The central premise of this theory is that punishment is necessary because it serves to restore balance in the aftermath of a crime.<sup>16</sup> Georg Hegel, a major proponent of retributive justice theory, argues that punishment is the most effective means of restoring equilibrium. He further emphasizes that it is unjustifiable to punish innocent individuals for a crime they did not commit.

Retributive Justice Theory resonates with this study by arguing that; terrorism convicts deserve to be punished according to the proportion of the crimes they have committed. Separation from other convicted inmates serves as a deterrent and forms the foundation of the criminal justice system, particularly in rehabilitative facilities. The purpose of the criminal justice system is to maintain social order by punishing individuals who violate the law and deterring others from committing crimes through separation or isolation of convicted inmates from other prisoners, particularly those who are deemed to pose a threat to other inmates or prison staff.<sup>17</sup>

The theory also stresses on rational choice and deterrence where human beings make choices whether to adhere to laws or to break them. A person can engage in a crime to satisfy his or her needs. Boot camps, solitary confinement (isolation or separation) and shock incarceration

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<sup>16</sup>Brown, S.P. *The Moral Justification for Retributive Punishment by Reference to the Notion of Balance*. Sheffield: University of Sheffield, 1998.

<sup>17</sup> See note 15 above

programs adopt fear, stringent disciplinary mechanisms to avert criminals in engaging in crime.<sup>18</sup> This theory is however faulted for ignoring human rights and encouraging severe punishment(s) even violating human rights and human dignity.

Retributive justice may support the separation of violent extremists to ensure that they serve their sentences and are held accountable for their actions. Separation can be viewed as a means of preventing further harm to society. Retributive justice has been the dominant paradigm in many correctional facilities. However, it is important to note that while it may support separation, it does not necessarily address the root causes of extremism, and recorded outcomes may show that violent extremists continue to hold and spread their ideologies within prison, posing a risk upon release.

### **1.7.1.3 Transformative Justice**

This theory encompasses structural mechanisms that assess the main drivers of crime and inequality within all the systems. It challenges the emphasis on punishment and critiques retributive justice theory and biasness of the criminal justice system.<sup>19</sup> This theory also criticizes the traditional approaches to crime on how victims and offenders are handled. Transformative justice maintains that the state defines and frames crime via criminal justice system and therefore it utilizes discrimination against people by employing all the tactics at its disposal to end criminality. In this regard, transformative theory opposes separation as a strategy for reducing radicalization and preventing violent extremism. Transformative strategies emphasize on enhancing the living conditions or standards of the community as well as the victims by

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<sup>18</sup> Ibid

<sup>19</sup> Golash, D. *The Case against Punishment: Retribution, Crime Prevention, and the Law*. New York University Press, 2005.

responding to the inequalities that drive individuals to commit crime. Separation as a strategy to de-radicalize inmates and prevent violent extremism in Kenya's prisons therefore cannot be achieved if the underlying root causes of violence which cause criminality in this case terrorism are not addressed.

Nevertheless, for transformative justice theory to work with separated violent extremism offenders, it would be necessary to develop a program that includes a range of stakeholders, including community members, experts in the area of VE, and representatives from the offender's former group or ideology.

Transformative justice may support the separation of violent extremists as a means of ensuring the safety of the broader prison population and staff. However, it would also prioritize addressing the root causes of extremism through counseling, education, and rehabilitation. Transformative justice, when applied, often aims to transform the offender's beliefs and behavior. Recorded outcomes may indicate that combining separation with comprehensive rehabilitation and de-radicalization programs can be more effective in reducing the risk of reoffending and promoting reintegration into society.

### **1.7.2 Empirical literature Review**

This segment offers review on the practice and research by different scholars who have written and interrogated the issue of separation in Prisons.

### **1.7.2.1 The Legal, Policy and Institutional Frameworks for Management of Violent Extremism Offenders**

The keystone document for international action for counter-terrorism is the; UN GCTS which was approved by UNGA in 2006. This strategy emphasizes on adherence to the rule of law as well as observance and respect of human rights as key basis on fighting terrorism and safeguarding the rights of the victims and suspects of terrorism.<sup>20</sup> It also stresses on the key role played by the international community while at the same time emphasizing on states to promote police and judicial cooperation in the fight against terrorism.<sup>21</sup> 188 nations have signed the strategy, which is regarded to be one of the successful global agreements. The UNSC resolution (1373), which was passed on 28<sup>th</sup> September 2001, is the primary UN response to terrorist financing that emerged in the aftermath of the 9/11 attacks. The resolution requests UN state partners to freeze or block all avenues directed towards any terror activities.<sup>22</sup>

Africa's counter-terrorism strategy is premised on the “Organization of African Union (OAU / AU) Convention on the Prevention and Combating of Terrorism (Algiers Convention) of 1999”. This convention calls on partner states to avert and discourage their territories from being utilized to support terrorist groups and their activities. Additionally, it contains provisions that prohibit countries from providing financial support to such groups. The Algiers Convention also provides a definition of "Act of terrorism" and outlines mechanisms which states can adopt to cooperate in fighting terrorism. The Algiers Convention is a crucial tool for African countries in their efforts to combat terrorism. By implementing its provisions, member states can prevent

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<sup>20</sup> UN. UN-Global Counter-Terrorism Strategy. United Nations, New York, 2006.

<sup>21</sup> Article 2. International Convention for the Suppression of the Financing of Terrorism. UN Publication: New York, 1999.

<sup>22</sup> Ibid

terrorist groups from using their territories as safe havens or for planning and executing attacks. The convention's prohibition on financial support for terrorist groups helps to cut off their funding sources and limit their ability to carry out attacks.<sup>23</sup>

Moreover, the Algiers Convention's definition of "Act of terrorism" provides a clear understanding of what constitutes terrorist activity. This shared definition facilitates cooperation among member states and helps to ensure that perpetrators of terrorist acts are held accountable.<sup>24</sup> The other policy document in Africa for management of terrorism offenders includes; "the Plan of Action of the African Union for the Prevention and Combating of Terrorism adopted in September 2002". Among other stipulations, the plan of Action outlines the measures applicable to a terrorist offender in member states of the Africa Union.<sup>25</sup>

Kenya's legal and institutional framework for management of terrorism offenders is contained in the "*Kenya Training Manual on Human Rights and Criminal Justice Responses to Terrorism*".<sup>26</sup> This training manual was developed by government in collaboration with the UNODC. The manual is planned to increase the ability of the law enforcement officials and other criminal justice actors in Kenya to effectively prevent and respond to terrorism while respecting human rights. On the other hand, the National Counter Terrorism Centre (NCTC) is mandated with executing the CVE strategy in the country. This strategy has a specific emphasis on the rehabilitation as well as reintegration of individuals who have participated in violent extremism

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<sup>23</sup> Algiers Convention on the Prevention and Combating of Terrorism, 2002, OAU Doc CAB/LEG/24.9/49 (2002), retrieved from the African Union website: <https://au.int/en/treaties/algiers-convention-prevention-and-combating-terrorism>.

<sup>24</sup>Ibid

<sup>25</sup> See note 23 above

<sup>26</sup>Ibid

including those in prisons.<sup>27</sup> Additionally, the government has established the De-radicalization, Rehabilitation and Reintegration Program (DRRP), which is a comprehensive program that seeks to address the root causes of violent extremism and provide support to individuals who have been engaged in VE to enable them to reintegrate into society.<sup>28</sup>

This manual and the other legal frameworks provide direction to issues of radicalization in prisons service. The separation of terrorism offenders is an institutional strategy in Kenya prisons, which this research seeks to assess and establish the effectiveness it has on de-radicalization and counter-terrorism.

#### **1.7.2.2 Methods to Counter and Prevent Violent Extremism in Prisons**

According to Kahara, rehabilitation programs in prisons are the main methods used to counter and prevent violent extremism.<sup>29</sup> Rehabilitation is “the result of a process that combines the correction of offending behavior, human development and the promotion of social responsibility and values”. According to McCauley; rehabilitation should be regarded as an anticipated result from actions of an individual and government responsibility.<sup>30</sup> As such, rehabilitation should be regarded as “a holistic approach of encouraging and incorporating, of social justice and responsibility, active participation in democratic activities, empowerment (including life skills and other skills) and a contribution towards making a better society”. It should not be regarded as purely an approach to avert crime. Therefore, the government and

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<sup>27</sup> National Counter Terrorism Centre. 2016. "Countering Violent Extremism (CVE) Strategy." Retrieved from <https://www.nationalcounterterrorismcentre.go.ke/wp-content/uploads/2018/11/NCTC-CVE-Strategy.pdf>.

<sup>28</sup> Kibwana, K. 2018. "De-Radicalisation and Disengagement in Kenya: Understanding the De-Radicalisation, Rehabilitation and Reintegration Programme (DRRP)." *African Security Review* 27 (1): 73-86. doi: 10.1080/10246029.2017.1417851.

<sup>29</sup> Op Cit. P. 30

<sup>30</sup> McCauley, Clark. 2002. "Psychological Issues in Understanding Terrorism and the Response to Terrorism." In *Dimensions to War and Peace*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, 305-318. Connecticut: Praeger.

relevant law makers should formulate stringent and robust rehabilitation programs within the prisons facilities which prohibit radicalization among the inmates. Social exclusion is another method which prisons services utilize to combat violent extremism as well as radicalization in Prisons.

### **1.7.2.3 Challenges and Opportunities in Preventing Violent Extremism and Radicalization**

There exist various challenges and also opportunities for governments while preventing violent extremism and radicalization. When the government of Kenya conducted an operation in Nairobi and Mandera in 2007 to flush out terrorist from sleeper cells in the city, it managed to arrest more than 150 aliens who were residing in the country illegally and had entered into the country from Somalia where the terrorist group Al shabaab operated from.<sup>31</sup> Those who had been detained in Kenya were held in detention on suspicion of engaging in terror activities. Most of the victims were arrested at the Kenya/Somali border.<sup>32</sup> The operation was therefore an opportunity to flush out aliens and undocumented people in the country. The threat posed by the terrorist from the neighboring Somalia prompted Kenya's defense forces (KDF) to incur militarily into southern Somalia to flush out the militants who were proving to be both a security and economic threat.

According to the *Joint Communique* issued at the Kenya's High Commission in Tanzania, the Kenyan State's security operation in Somalia sought to eliminate the security and economic threat posed by *Al Shabaab* terrorist group based in Somalia.<sup>33</sup> Pursuant to "Kenya's national security and economic interest, based on the legitimate right to self-defense enshrined under

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<sup>31</sup> Redress/Reprieve. 2009. "Kenya and Counter-Terrorism: A Time for Change." Nairobi

<sup>32</sup>Ibid

<sup>33</sup>Joint Communique.2011. *Issued at the Conclusion of a Meeting Between the Prime Minister of Kenya and the Prime Minister of the Transitional Federal Government of Somalia. Nairobi. for the Gok-Kenya High Commission in Tanzania*

Article 51 of the UN Charter, the state started a military security operation in Southern Somalia”.<sup>34</sup> The Kenya Defense Forces (KDF) incursion into Somalia succeeded with the weakening of Al Shabab and was consequently re-hatted under the African Union’s body-the AMISOM. The military incursion led to heightened radicalization of youths along the Kenya’s coast but the military defeat of the terrorist led to the decline of the radicalization process which had become rampant all over the country.<sup>35</sup>

There exists a plethora of challenges hindering effective fight against VE in the country. The unique nature of these terror groups has regionalized the threat of terror attacks in Kenya and East Africa, thereby putting into question the effectiveness counter-terrorism initiatives.<sup>36</sup>The jihadists are unconventional in nature and this demonstrates an asymmetrical interaction with the law enforcers and security agencies. The unseen enemy in the battle front and targeting unarmed civilian population presents a real challenge to government in their fight against terrorism. Radicalization is also a very thorny issue as it is fueled by religious fundamentalism which occurs at the place of worship. One of the challenges that security agencies and prisons service face is the spread of radical teachings advocating for armed struggle against non-believers, which occurs inside places of worship and also in prisons. Preventing the spread of such radical teachings is a daunting task that has baffled these agencies.

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<sup>34</sup> Ibid

<sup>35</sup>Diriye, Hassan G. 2015. "The Effect of Terrorism on Tourism in Africa in Africa in the 21st Century: A Case Study of Kenya." Nairobi: University Of Nairobi Press.

<sup>36</sup>Bryden, M. and Bahra, P. 2019. "East Africa’s Terrorist Triple Helix: The Dusit Hotel Attack and the Historical Evolution of the Jihadi Threat." Combating Terrorism Center 12 (6).

### 1.7.2.3 Separation Strategy

The application of the separation strategy as a method for countering violent extremism in prisons has been widely implemented on a global scale. The core principle behind the strategy is to isolate individuals with extremist ideologies from the general prison population, in an effort to prevent the spread of these dangerous beliefs and mitigate the risk of violence both inside and outside the prison system.

In the United States, for instance, federal prisons have established specialized units to separate inmates involved in violent extremism<sup>37</sup>. This isolation is coupled with intensive monitoring of inmate communications and access to religious counseling and educational programs. By creating this separation, the aim is to disrupt the communication networks that enable radicalization, while offering inmates the opportunity to engage in de-radicalization and rehabilitation efforts.

European countries, particularly Denmark and France, have also embraced the separation strategy in their efforts to combat violent extremism<sup>38</sup>. In Denmark, inmates are categorized based on their risk of radicalization, and those at high risk are housed in dedicated units with limited interaction with the general prison population. France, on the other hand, isolates inmates convicted of terrorism-related offenses from the rest of the prison community to prevent the spread of extremist ideologies. They also invest in programs designed to rehabilitate and reintegrate these individuals, addressing the underlying factors that contribute to radicalization.

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<sup>37</sup> <sup>37</sup> Silke A (2014). Prisons, Terrorism and Extremism: Critical Issues in Management, Radicalization and Reform. Routledge: London.

<sup>38</sup> Silke, A., Velhus, T. (2017). Countering Violent Extremism in Prisons; a Review of Recent Research and Critical Research Gaps. Cranfield University. Vol. 11. Issue 5

While the separation strategy is widely applied, it is not without its challenges and controversies. Critics argue that isolating radicalized inmates may inadvertently reinforce their extremist beliefs by creating echo chambers where such ideologies intensify<sup>39</sup>. The long-term effectiveness of separation in reducing radicalization and preventing recidivism is still a subject of debate, as it may not address the root causes of extremism, such as social marginalization and psychological vulnerabilities.

Nonetheless, the global application of the separation strategy is indicative of the urgent need to address the issue of violent extremism within correctional facilities. In a world where the threat of radicalization remains a pressing concern, the use of separation as a method for countering extremism highlights the gravity of the issue and the commitment to finding solutions. The ongoing debate and research into the efficacy of this strategy underscore the importance of evolving and refining counterterrorism measures within the prison system to ensure both public safety and the potential for rehabilitation and reintegration of those affected by extremist ideologies.

The application of the separation strategy in the United States as a method of countering violent extremism in prisons represents a significant and carefully orchestrated response to the pressing threat of radicalization within correctional facilities. The essence of this approach is to isolate inmates with extremist ideologies, often those convicted of terrorism-related offenses, from the general prison population. The goal is to disrupt the communication networks that might facilitate further radicalization and to create an environment that curtails the spread of violent extremist beliefs.

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<sup>39</sup> Silke, A., Velhus, T. (2017). Countering Violent Extremism in Prisons; a Review of Recent Research and Critical Research Gaps. Cranfield University. Vol. 11. Issue 5

In the United States, federal prisons have introduced specialized units and facilities designed to implement the separation strategy effectively. These units are typically reserved for individuals who have demonstrated a propensity for violent extremism or those who have already engaged in acts of terrorism. The decision to separate these inmates is rooted in a dual purpose: to protect the safety of the broader prison population and staff and to provide an opportunity for rehabilitation and de-radicalization.

Within these specialized units, inmates are subject to intensive monitoring, which includes strict control over their communication channels. This measure is crucial in preventing the further spread of extremist ideologies within the prison. Inmates are also provided with access to religious counseling and educational programs. The idea behind these programs is not just to contain violent extremists but to work on transforming their beliefs, attitudes, and behaviors.

However, the application of the separation strategy in the United States is not without its controversies and limitations. Critics argue that while separation may prevent the immediate influence of violent extremist inmates on others, it does not address the root causes of radicalization or provide a comprehensive solution to the problem. There are concerns that isolation may, in some cases, harden inmates' extremist beliefs or limit opportunities for rehabilitation. Furthermore, the long-term effectiveness of this strategy in reducing recidivism and preventing the reemergence of extremism remains a subject of debate and scrutiny.

## **1.8 Literature Gaps**

This research establishes a number of gaps in knowledge related to radicalization and violent extremism in Prison facilities. While there exists various policy, institutional and legal frameworks relating to combating VE, there is an evident lack of information explaining the

process of de-radicalization in prisons. The process of de-radicalization is not entrenched in standard operating procedures in Kenya Prisons but is coordinated by National Counter Terrorism Centre and Non-governmental organizations like UNODC. Therefore, a de-radicalization program is not available in the previous research done on countering terrorism. Previous studies have not demonstrated the nexus between increased rate of recidivism and the radicalization, which forms part of the problem in this research. The lack of knowledge on how to effectively combat religious fundamentalism, which is often deeply rooted in people's beliefs and perceived as the foundation of radicalization, remains a significant gap in prisons. Similarly, there exists limited or no research concerning the effectiveness of separation strategy and its application among convicted inmates in a prison facility.

### **1.9 Theoretical Framework**

This study utilizes Transformative Justice Theory, which is attributed to Adrienne Maree Brown, Mariamme Kaba and Mia Mingus<sup>40</sup>. The theory focuses on addressing the root causes of harm, promoting healing, and facilitating the transformation of individuals and communities. When applied to separation as a strategy in countering violent extremism in prisons, it takes into account the complexities of rehabilitation and reintegration while maintaining public safety. Transformative Justice Theory recognizes that in cases of violent extremism, there is a genuine need for public safety. Separation, when viewed through this lens, can be seen as a means of ensuring the safety of the broader prison population and the staff. It holds those who have committed acts of violence or adhere to extremist ideologies accountable for their actions, preventing immediate harm to others. While separation addresses the immediate threat,

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<sup>40</sup> Lake, D. A. 2002. *Rational Extremism: Understanding Terrorism in the Twenty-First Century*." *Dialogue*, 12(1), 15-28.

Transformative Justice Theory emphasizes that it should not end there. The separation strategy must be accompanied by efforts to address the root causes of extremism, such as social marginalization, psychological vulnerabilities, or ideological indoctrination. It encourages rehabilitation, counseling, and education programs aimed at transforming the beliefs, attitudes, and behaviors of those with extremist ideologies. Transformative Justice Theory promotes community involvement in the rehabilitation process. Separated inmates should not be completely isolated but should have access to programs and interventions that encourage healing and reintegration. Engaging with inmates through dialogue, counseling, and education can facilitate their reintegration into society as productive, non-radicalized individuals. Transformative Justice Theory recognizes that simply isolating individuals may not be a long-term solution to the problem of violent extremism. It highlights the need to measure the effectiveness of separation in reducing recidivism and the reemergence of extremist ideologies. To achieve lasting change, separation must be coupled with comprehensive rehabilitation and reintegration strategies that address the underlying issues driving radicalization.

Transformative Justice Theory seeks a balance between justice and compassion. It acknowledges the need for accountability and punishment for violent actions but also recognizes the potential for personal transformation and redemption. This perspective guides the application of separation, advocating for a holistic approach that emphasizes both safety and rehabilitation.

# 1.10 Conceptual Framework

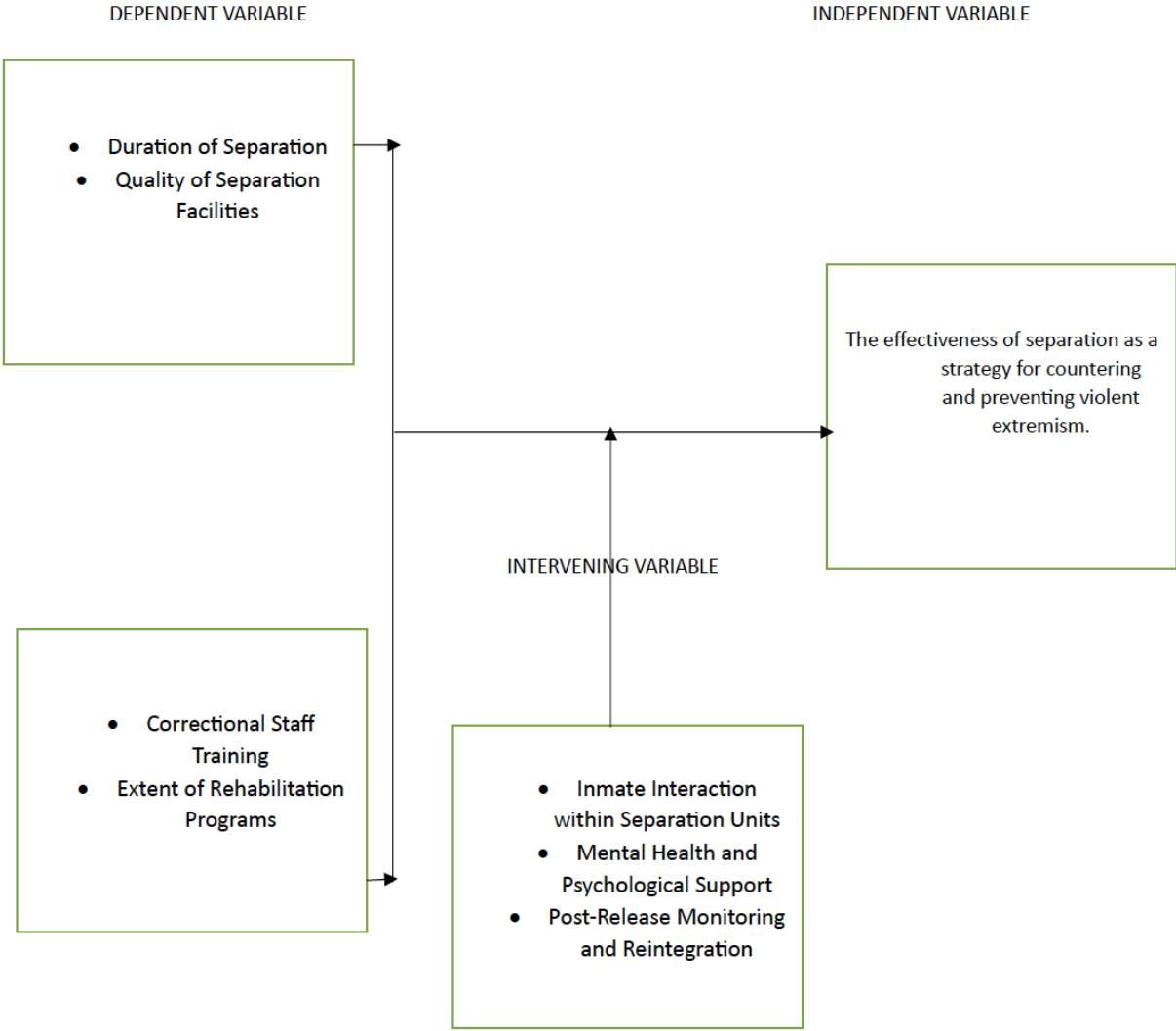


Fig 2.1 Conceptual Framework (Researcher 2023)

## **1.11 Research Methodology**

This section enumerates the research methodology utilized to undertake the study. The sub-sections include research design, data collection method, description of study location, sampling technique, data analysis, limitations of the study, measures on validity and reliability used in the study and ethical considerations.

### **1.10.1 Research Design**

This research utilized descriptive research design since it seeks to provide answers to the questions on the current status of the effectiveness of separation strategy in combating and preventing VE in Kenya prisons. The application of descriptive research design to determine and report things as they are, place it in a better position to examine the study variables. In this case, it involves a comprehensive portrayal of the separation strategy in use within correctional facilities to counter violent extremism. Researchers would document the specific procedures, practices, and policies associated with this strategy, as well as its goals and objectives. It therefore enables the researcher to describe social phenomenon as they happen. This aspect enables the researcher to explain the rationale, justification, adoption, implementation and challenges inherent to separation strategy in countering and preventing violent extremism in Kenya prisons.

Descriptive research design also grants the researcher a chance to examine the effectiveness of the separation strategy in countering and preventing violent extremism in Kenya prisons. This is because descriptive research design enables researchers to assess the interlinkage between variables in a social phenomenon. In this case the separation strategy is examined against countering and preventing violent extremism in Kenya prisons. This attribute is

important to the study as it allows the researcher to comprehend the operating environment (individual, organizational and social factors) that influenced the performance of the model. Flexibility of descriptive research design is another advantage which allows the research to be guided by the revelations of the study.

### **1.10.2 Location of the Study**

The study was carried out in selected Kenyan prisons with specific focus on “Kamiti Maximum Security Prison, Naivasha Maximum Security Prison and Shimo la Tewa Maximum Security Prison.” The selection was informed by the fact that the three prisons have most of the inmates detained due to terror related activities. As such, the three prisons are often viewed as the best-case studies in terms of information and assessment of strategies used for managing VEOs in Kenya Prisons.

### **1.10.3 Study Population**

Target population is “the group of individuals or participants with specific attributes of interest and relevance, the researcher wishes to draw the sample from”.<sup>41</sup> The target population was 200 respondents who included; prison staff (senior staff), religious leaders (Sheikhs), and criminal justice lawyers, Office of the ODPP, prosecutors and inmates.

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<sup>41</sup> Lavrakas, Paul J. 2008. *The Target Population*. Thousand Oaks: Sage Publications.

#### 1.10.4 Sampling Technique and Sample Size

The sample size of the study was 133 respondents were acquired by use of Yamane's formula.<sup>42</sup> It entails; Prison Staff (senior staff), Religious Leaders (Sheikhs), Criminal Justice Lawyers, ODPP Prosecutors and Inmates.

This study employed "a formula by Yamane (1967), which gives the desired sample from the under listed formulae".

$$n = \frac{N}{1 + Ne^2}$$

Where,

n= the sample size

N = the size of population

e= the error of 5 percentage points

n= 133

N=200

1+200(0.05)<sup>2</sup>

1+200(0.0025)

n=200/1.5

n=133 Respondents

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<sup>42</sup> Ibid

**Table 1:1 Sampling Framework**

<b>Target Group</b>	<b>Sample size (n)</b>	<b>Sampling procedure</b>
<b>Prison Staff (senior staff)</b>	35	Purposive
<b>Religious Leaders (Sheikhs)</b>	30	Purposive
<b>Criminal Justice Lawyers</b>	15	Purposive
<b>1. ODPP Prosecutors</b>	13	Purposive
<b>2. Inmates</b>	40	Simple Random
<b>Total</b>	<b>133</b>	

**Source; Researcher, 2022**

Purposive and simple random sampling approach were adopted to assist in collecting relevant information from the respondents which would help in making conclusions and recommendations on the study area. Purposive sampling is “a sampling technique in which researcher relies on his or her own judgment for choosing members of the population, who are rich in the required information to participate in the study”. Simple random is used to select

sample sizes from a large population where every unit is represented and assists in averting biasness. These techniques helped the researcher to gather information-rich cases.

### **1.10.5 Data Collection Instruments**

The study employed various methods to collect both primary and secondary data. To gather primary data, the study used in-depth personal interviews and structured questionnaires. In-depth personal interviews were undertaken on identified key informants for the study. Key informants were drawn from; prison Staff (senior staff), religious leaders (Sheikhs), criminal justice lawyers, ODPP, and prosecutors. Semi-structured interviews were administered to inmates. Interview schedules were prepared and reviewed in advance with the key informants to guarantee the appointment and subject matter of study.

Secondary data was used to corroborate information obtained from primary data. Secondary data was obtained from official periodic reports of security agencies, government ministries and departments, NGOs and IGOs. Academic journals, thesis, dissertations, online reports, government website postings, criminology reports and statistics were also used in the study to fill the gaps and enrich the primary data collected. Appropriate official data held by institutions or organizations was also sought and used in analysis. Secondary data was used to complement, corroborate and probe primary data and responses.

A pilot study was carried out to assess the research instruments using some of the targeted population from Kamiti Maximum Security Prison who were not part of the main data collection exercise. The pilot study assisted the researcher to identify confusing, unclear or ambiguous questions in the research instruments. In terms of validity, a pilot study ensures that the research

is measuring what it intends to measure. By testing and refining research instruments and procedures in a smaller and controlled setting, researchers can assess the clarity and relevance of their data collection methods. They can identify any ambiguities, inconsistencies, or inadequacies in the research tools, such as survey questions or interview protocols. Consequently, this helps in framing precise and unambiguous research questions, which, when applied in the main study, significantly enhance the validity of the findings.

Furthermore, the pilot study allows for the identification and rectification of potential sources of bias. Researchers can gauge the reactions and responses of participants, assess their understanding of the research objectives, and ensure that the separation strategy is applied consistently. This reduces the risk of confounding variables or systematic errors that could jeopardize the validity of the main study's results.

In terms of reliability, the pilot study serves as a critical testing ground for the research procedures. It helps in determining the consistency and replicability of the data collection methods. By applying these methods to a smaller sample or a specific setting, researchers can assess whether the procedures yield consistent results. Any inconsistencies or variations that arise during the pilot study can be addressed and adjusted in the main study, promoting greater reliability of the data collected.

The pilot study also aids in minimizing errors and enhancing the precision of measurements. Researchers can identify and correct any issues that may compromise data accuracy, such as logistical challenges or misinterpretations by participants. These improvements, informed by the

pilot study, contribute to more dependable and reliable research findings when applied to the larger and more diverse sample of the main study.

#### **1.10.6 Data Collection Procedures**

The researcher complied with rules and regulations governing research at the National Defense University (NDU) and Kenya. Accordingly, permissions were sought from the Commissioner General of Prisons followed by application for licensing to carry out the research from NACOSTI. This was followed by the designing, validating and reviewing of research instruments. A list of contact persons was also be prepared and used to secure appointments ahead of the interviews and discussions. Appointments for interviews were secured and conducted as per the appointments. Questionnaires were administered and collected.

#### **1.10.7 Data Analysis**

Quantitative data collected was analyzed using Statistical Packages for Social Sciences (SPSS) version 22 to evaluate the effectiveness of separation strategy in countering violent extremism.

The findings obtained from the data analysis were interpreted and presented in form of statistical tables, graphs, and charts. Qualitative data from the questionnaire and interviews were arranged thematically and presented through narration.

#### **1.10.8 Limitation of the Study**

Terrorism is often considered a security concern, which can create challenges when it comes to gathering valuable information. The sensitive nature of the subject matter, as well as the need for states to maintain secrecy and protect its information, can make it difficult to obtain the necessary information. In some cases, participants may be hesitant to provide information

due to concerns about their safety or the potential repercussions of their involvement. The researcher countered this challenge by availing the relevant documents from the University, the authority letter for the Commissioner General of Prisons and the NACOSTI permit, as well as assured the respondents of the confidentiality of the information they availed.

The fast-paced nature of the NDC program created a stressful research environment for the researcher. It meant that the researcher had to finish the thesis within a period of one year hence the researcher had to limit the scope of the research question, the depth of data collection and analysis to complete the project within the given time frame.

To counter this challenge the researcher, first developed a clear and well-defined research plan that outlined the research methodology, data collection, analysis methods, and timelines for each stage of the project. This helped in staying on track and to manage time effectively.

Secondly, the researcher carefully selected a research topic that is feasible and manageable within the given time frame. The researcher chose a research question that is narrow enough to be explored in-depth but also broad enough to be relevant and meaningful to the field.

#### **1.10.9 Ethical Considerations**

Compliance to ethical requirements is a critical factor in undertaking research. Research ethics are meant to protect both the researcher and the respondents when dealing with sensitive subjects and their acceptance to participate in research respectively. The rationale for ethical considerations in research is the quest to ensure that research is undertaken in a process that guarantees safety and protection of research respondents, research process and the research itself. The study participant's approval was sought and adhered to during the research to comply with the doctrine of informed consent. There was full disclosure of information on the main aim of the

research so as to enable the respondents to make informed choice of participating or declining at any stage of the research.

Since the study touches on sensitive security set up, clarity on the use of the responses for academic purposes only was emphasized both in writing and verbally. The data and information obtained was confidential and not be shared with any individual or entity. Names of respondents were not be displayed and instead replaced by codes. Coercion, manipulation or incentives were not used at all. The researcher carried the NACOSTI research permit and other identification documents to support the legality and authenticity of the research undertaking.

### **1.11 Chapter Outline**

The study is structured into the following chapters.

Chapter one which is an introductory chapter provides an introduction on the topic to be researched. Subsections include; “statement of the problem, research questions, research objectives, literature review, justification of the study, theoretical framework, hypothesis and the methodology that will guide the study”. Chapter Two evaluates the legal, policy and institutional Frameworks for Management of violent Extremism offenders in the Kenyan prisons. This entails discussion on “the United Nations handbook on the management of violent extremist prisoners and the prevention of radicalization to violence in prisons” as well as Kenya’s legal and institutional framework for management of terrorism offenders is contained in “*the Kenya Training Manual on Human Rights and Criminal Justice Responses to Terrorism*” and how these frameworks have helped in countering violent extremism in the country.

Chapter Three seeks to review the various methods utilized to combat VE in Kenyan Prisons. The approaches and methods used to combat VE in Kenyan Prisons include; faith-based interventions, separation of convicted inmates in different prison blocks and cells; education and vocational training, psychological and cognitive approaches as well as use of recreational and cultural activities. Chapter Four discusses challenges and opportunities inherent de-radicalization and counterterrorism among Kenya's Prisons Service. Lastly, Chapter Five presents the "summary of findings, conclusions and recommendations on combating violent extremism in Kenya's prison system."

## **Chapter Two**

### **The Normative and Institutional Frameworks for Management of Violent Extremism**

#### **Offenders in the Kenyan Prisons**

##### **2.1 Introduction**

This Chapter assesses the normative and institutional frameworks for management of violent extremism offenders in the Kenyan prisons. The Chapter adopts primary and secondary data. The data from the questionnaire was collected between 15<sup>th</sup> October and 21<sup>st</sup> November, 2022 where both pretesting and actual data collection was conducted. During the pretesting period, 10% of the questionnaires were administered (13 Questionnaires), while total number of respondents totaled to 133 informants of which only 70 responded.

Section one is composed of demographic information of the participants and while section two avails the data analysis of the findings established from the respondents who participated in the study.

##### **2.2 Normative and Institutional Frameworks for the Management of Violent Extremism offenders in the Kenyan Prisons**

Globally, several normative and institutional frameworks for the management of violent extremism have been adopted. The “United Nations handbook on the management of violent extremist prisoners and the prevention of radicalization to violence in prisons constitutes the primary global normative framework for the management of violent extremists”. Among other subjects the handbook articulates the fundamental issues for managing violent extremists in prisons which specifically addresses; upholding of human rights, ensuring safe custody, the

importance of prison intelligence as well as safe and orderly institutions. The UN framework also articulate issues concerned with control of prison staff as well as other personnel's who manage issues of VE in prisons, professional standards and ethics. The global framework also outlines the modalities of examining and controlling threats posed by violent extremist's prisoners.<sup>43</sup> The key management modalities for managing violent extremists in Prisons is based on procedures, their confirmation, codification, grouping, distribution, arrangement, evaluating various types of threats, tools, strategies as well as comprehending the causes for prisoner's violent extremists' behavior and the need for regular risk reassessment.

The UN framework specifically addresses preventing radicalization to violent extremism in prison. Among the key issues stipulated in this normative subject is the radicalization to the violence cycle which articulates the facilitators and predecessors of radicalization to VE in prisons; vulnerability and models of recruitment in prisons. Majority of researchers sought to establish factors which drive prisoners to engage in VE, which include both “push” and “pull” factors like ideology, grievance, charismatic leaders, religion and need to satisfy physical and general needs. The framework further addresses how prisons staff can disrupt radicalization to VE in prisons.<sup>44</sup>

At both levels, there are numerous institutional and national frameworks that guide the management of penitentiary systems. These frameworks were developed to address the persistent threat of VE attacks and the growing radicalization of young people.

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<sup>43</sup> UNODC. 2006. *Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons*. UNODC Publication: Vienna

<sup>44</sup> Ibid

The development of these frameworks reflects a recognition of the importance of responding to the main causes of extremism and to prevent the spread of radical ideologies within prisons and other settings.

These frameworks make sure that the inmates, prisons personnel are protected while at the same time providing measures which help to combat radicalization in prison guided by rule of law and observing human rights. The legal framework is initiated in the context of crucial institutions formed by the Constitution of Kenya which include; “Kenya Defence Forces, the National Intelligence Service (NIS), National Police Service, the Judiciary, Kenya Prisons Service and the Probation and Aftercare Services.”

The Terrorism Act of 2012 was established to prevent and prosecute terrorist activities in Kenya. In conjunction with this legislation, the NCTC was created to address violent extremism (VE) in the country. The NCTC comprises of appointees from various organizations, including “the National Security Council, National Intelligence Service, Kenya Defence Forces, Attorney-General Directorate of Immigration and Registration, and the National Police Service, among others.”<sup>45</sup> The establishment of the Terrorism Act and NCTC reflects the government's commitment to addressing the persistent threat of terrorism and violent extremism.

The researcher aimed at assessing the perception regarding Kenya's role in the global war against terror. According to the findings established; Kenya is a key player in the war against terror and an important partner among the global states in combating VE. All the respondents from the three maximum prisons in the country affirmed that; Kenya is well positioned in the war against terror exemplified by the establishment of specialized police unit, Anti-Terrorism

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<sup>45</sup> See note 22

Police Unit (ATPU) and through the 2011 military incursion in Somalia, being quoted as classic examples. The government has been hailed for adopting a community policing initiative which enables the public to report suspected individuals who dwell in the society to the police authorities for action to be taken. Majority of the respondents have opined that; terror incidents in the country have reduced due to factors related to government's efforts to gather intelligence and thwart planning and execution of terror incidents.

The researcher sought to establish some of the weaknesses inherent law and practice of managing violent extremism in Kenya. According to the responses obtained, majority of respondents particularly from Kamiti Maximum Security Prison who opined that; there existed loopholes in the prosecution of terror suspects with a significant number getting leniency in terms of police bonds and bails in the courts of law. Deficiencies associated with weak evidence or lacks of it thereof were cited as some of the lacunae in law which weakens the prosecution and punishment of terror criminals. Respondents from Shimo la Tewa Maximum Security Prison indicated that, there is need to form specific laws that can be applied to punish violent extremist and particularly laws targeting punishing of radicalization. Majority of the respondents accounting for 90.00 per cent of the total respondents acknowledged weakness on the part of law expressed in flawed prosecution process. Contrastingly, 10.00 per cent of the participants view that, law was adequate in prosecuting terror suspects.

The researcher sought to determine the nature of criminal justice offered to de-radicalize violent extremist offenders in the Kenya's criminal justice system and found out that; the criminal justice system was slow in determining cases particularly those which related to terrorism. Majority of the respondents asserts that; there is an absence of a structured approach to manage convicted terror suspects. From Naivasha Maximum Prison, most of the study

participants opined that; criminal justice system in Kenya should be reformed to enable prosecution of radical propagandist particularly to deter religious-infused doctrines from being propagated inside and outside prisons facilities.

*Quoting one of the respondents from Naivasha Maximum Prison; “the criminal justice system should be tightened more to discourage people from being radicalized.”<sup>46</sup> A respondent from Shimo la Tewa Maximum Prison opined that; “there is no structured ways to de-radicalize violent extremist offenders in Kenya”.<sup>47</sup> similarly a respondent from Kamiti Maximum Prison indicated that; “the nature of criminal justice as it is structured today does not offer rehabilitative and reformatory system to terror suspects but only hardens them.”<sup>48</sup>*

The researcher sought to assess the circumstances under which extradition of terrorist suspects was executed in Kenya. Majority of the Prisons staff had limited knowledge on the subject of extradition but the few who attempted to respond indicated that; for extradition to occur the two countries involved should have a legal framework or a memorandum of understanding (MoU) between them for the exchange of suspects.<sup>49</sup> From the data gathered from the three maximum prisons in Kenya, only the officers within or above the rank of (IP) were well versed with the policy of extradition with the majority of junior officers exercising refrain from responding to the question of extradition. The policy of extradition of terrorism suspects is not very common in Kenya and the case in reference for extradition involved a terror suspect nabbed after the 1998 Nairobi Bombings. The said suspect grew “cold feet” and failed to detonate in a suicide mission, then managed to escape and was arrested and extradited to the US for crimes linked to terrorism. Similarly, drug trafficking cartels operating from the coastal city of Mombasa popularly known as the Akasha brothers were extradited to the US to face charges of drug trafficking although they were arrested in Kenya’s jurisdiction.

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<sup>46</sup> Respondent-005-NVS. Remarks Captured from the Field Data, 2022.

<sup>47</sup> Respondent 008-SLT. Remarks Captured from the Field Data, 2022

<sup>48</sup> Respondent-020 KMT. Remarks Captured from the Field Data, 2022

<sup>49</sup> Respondent 002-SLT. Remarks Captured from the Field Data, 2022

The researcher sought to assess the effectiveness of various approaches of fighting terrorism and how they impacted de-radicalization. Utilizing a Likert scale ranging from 0-5 where 0 indicated the strategy as not effective at all and 5 indicated the strategy as very effective, the researcher examined incarceration of terrorist as a strategy and established that.

**Table 2.1 Effectiveness of Incarceration as a Strategy of Counterterrorism and De-radicalization**

Place of Work	Rate of Effectiveness					
	0=N.E	1=B.E	2=M.E	3=F.E	4=E	5=V.E
Naivasha Maximum Security Prison	0	4	2	8	1	1
Shimo La Tewa Maximum Security Prison	0	1	1	8	2	10
Kamiti Maximum Security Prison	1	4	1	6	12	8
<b>Total No. of Resp.</b>	<b>1</b>	<b>9</b>	<b>4</b>	<b>22</b>	<b>15</b>	<b>19</b>
<b>% No. of Resp.</b>	<b>1.41</b>	<b>12.85</b>	<b>5.71</b>	<b>31.43</b>	<b>21.43</b>	<b>27.14</b>

**Source: Field Data, Researcher 2022**

In tandem with the findings above, most of the participants, (31.43 per cent) from all the maximum prisons in Kenya opined that; incarceration was a fairly effective strategy of counterterrorism and of de-radicalization. Only 1.41 per cent of the respondents opined that incarceration was not effective at all. The findings above corroborate the study findings of Silke A. who postulates that; prisons serve as both agents of radicalization and of de-radicalization,

however, their effectiveness to rehabilitate terror suspects is largely depended on the institutional Standard Operating Procedures (SoPs).<sup>50</sup>

The researcher sought to the effectiveness of military incursion as a strategy of counterterrorism and of de-radicalization in Kenya. Utilizing a Likert scale ranging from 0-5 where 0 indicated the strategy as not effective at all and 5 indicated the strategy as very effective, the researcher examined the effectiveness of military incursion into terrorist cells and hideouts as a strategy and the findings are demonstrated below.

**Table 2.2 Effectiveness of military incursion as a Strategy of Counterterrorism and De-radicalization**

Place of Work/ Maximum Prison	Rate of Effectiveness					
	0=N.E	1=B.E	2=M.E	3=F.E	4=E	5=V.E
Naivasha Maximum Security Prison	1	1	1	4	3	6
Shimo La Tewa Maximum Security Prison	1	2	1	5	8	5
Kamiti Maximum Security Prison	1	1	4	6	10	10
<b>Total No. of Resp.</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>15</b>	<b>21</b>	<b>21</b>
<b>% No. of Resp.</b>	<b>4.28</b>	<b>5.71</b>	<b>8.57</b>	<b>21.42</b>	<b>30</b>	<b>30</b>

**Source: Field Data, Researcher 2022**

In tandem with the above findings, majority of the respondents (30.00 per cent) perceived military incursion as effective and very effective respectively as a strategy for counterterrorism

<sup>50</sup> Ibid

and de-radicalization. Military incursion was perceived as an effective strategy due to the fact that it managed to physically eliminate terrorist individuals and their cells as well as their infrastructure hence entirely eliminating the threat of physical attacks and that of radicalization. Kenya's military (KDF) started a military incursion in Somalia in 2011 to eradicate the terrorist threat which are posed by terror group affiliated to the Al Qaeda Global Terror Network. The military incursion has managed to reduce the frequency of terror attacks in Kenya significantly. The responses availed by the respondents in this study are based on the success of this military incursion.

The researcher sought to examine the effectiveness of financial controls as a mechanism of counterterrorism and of de-radicalization.

**Table 2.3 Effectiveness of Financial Controls as a Strategy of Counterterrorism and De-radicalization**

Place of Work/ Maximum Prison	Rate of Effectiveness					
	0=N.E	1=B.E	2=M.E	3=F.E	4=E	5=V.E
Naivasha Maximum Security Prison	1	1	1	2	4	7
Shimo La Tewa Maximum Security Prison	2	3	5	2	4	6
Kamiti Maximum Security Prison	2	3	8	6	9	4
<b>Total No. of Resp.</b>	<b>5</b>	<b>7</b>	<b>14</b>	<b>10</b>	<b>17</b>	<b>17</b>
<b>% No. of Resp.</b>	<b>7.14</b>	<b>10</b>	<b>20</b>	<b>14.29</b>	<b>24.29</b>	<b>24.29</b>

Source: Field Data, Researcher 2022

From the findings most of the participants (24.29) perceived financial controls as very effective and as effective respectively compared to 7.14 per cent of the respondents who postulated that financial controls were not effective at all (0=N.E). Similarly, 10 per cent of the participants argued that financial controls as barely effectual while 20 per cent termed financial controls as marginally effective. The researcher tasked the respondents to provide a brief explanation of their response to their choice of effectiveness on financial controls.

According to the responses obtained, financial controls deny the terrorists the much-needed money to run and fund their activities and therefore it is an effective strategy of counterterrorism and of de-radicalization. Similar perspectives were obtained from the interview; The following excerpts serve as an example;

*“A financial control is an effective strategy because planning and executing terror activities requires money and therefore freezing of bank accounts denies the financiers an opportunity to finance terror activities.”*<sup>51</sup>

Another Respondent remarked that; *“Financial control denies them the much-needed money to run their errands”*.<sup>52</sup>

Further another respondent remarked; *“the government of Kenya has come up with a strategy and methods of observing how criminals and terrorists are funded and how to control the cash flow.”*<sup>53</sup>

From Kamiti Maximum Prison a Respondent remarked *“Violent Extremist requires finances and therefore if there are stringent measures to stop or minimize access to finances, it is a step towards stopping violent extremism.”*<sup>54</sup>

From Naivasha Maximum Prison a Respondent stated; *“Freezing Bank Accounts of perceived or proven financiers of terror activities has reduced the willingness to join terror groups since there is lack of funds to lure the young minds”*<sup>55</sup>

Financial controls have been part of the larger government’s efforts to control money laundering which the government identified as the conduit through which terrorism is financed. The Anti-

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<sup>51</sup> Respondent-004 SLT-Remarks Captured from the Field Data, 2022

<sup>52</sup> Respondent-009 SLT (Documentation)-Remarks Captured from the Field Data, 2022

<sup>53</sup> Respondent-002 KMT.-Remarks Captured From the Field Data, 2022

<sup>54</sup> Respondent-022-KMT-Remarks Captured from the Field Data, 2022

<sup>55</sup> Respondent-014-NVSH-Remarks Captured from the Field Data, 2022

money laundering Act of parliament was adopted in Kenya and operationalized into effect which has seen commercial banks in Kenya flag off bank account.

### **2.3 Conclusion**

The response rate for this study was 52.63 per cent which was deemed appropriate for the study with the male respondents accounting for 98 per cent. Male respondents were the majority due their large numbers among the prison staff compared to females. Majority of the respondents hailed from Kamiti Maximum Prison. The study finds that; there exist weaknesses in law regarding management of violent extremist in Kenya particularly leniency relating to the justice served. On the strategies utilized for the management of violent extremist, incarceration is perceived as a fairly effective strategy while military incursion is regarded as a very effective strategy. Financial control is regarded as a proactive strategy for the control of radicalization and for elimination of violent extremist and their establishments.

## **Chapter Three**

### **Methods for Countering Violent Extremism in Kenyan Prisons**

#### **3.0 Introduction**

This chapter discusses the approaches and methods for countering violent extremism in Kenya Prisons. The methods discussed herein are derived from data collected from field and supplemented by the secondary data. The chapter details the interventions implemented by the Kenya Prisons service with the goal of modifying the opinions, ideals, and attitudes (deradicalization) of prisoners who have engaged in violent extremism, as well as altering their behavior to encourage disengagement from violent activities(dis engagement).

The methods and approaches utilized in countering extremism in prisons acknowledges that radicalization is a process of change, it being; both a religious, political and personal transformation from one condition to another. The methods reveal that deradicalization is a slow operation that involves different stages that occurs neither quickly, nor easily and is hard to measure.

#### **3.1 Prison-Based De-radicalization and Dis-engagement Interventions**

According to a policy report published by “the International Centre for the study of radicalization and political violence (ICSR) in partnership with National Consortium for the Study of Terrorism and Responses to Terrorism (START),” prisons have been identified as places of vulnerability where radicalization occurs.<sup>56</sup> Prisons have been integral role in the issue of every violent extremist organization in the current age. They further postulate that prisons

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<sup>56</sup> ICSR/START. 2010. Prisons and Terrorism; Radicalization and Deradicalization. London: King’s College London.

have been utilized by terrorism charged inmates for the purposes of planning, mobilizing external support, radicalization and for creating operational command structures. Therefore, prisons constitute an ideal environment fertile for radicalization and for creation of terrorist regimes. While much of the discourse reviewed in this research study indicate a negative perception concerning prisons and radicalization, an alternative discourse explains a positive role, which prisons can play in deradicalization and in countering violent extremism. This is attributed to prisons being regarded as ideal incubators for individual transformation.

The argument is therefore; if radicalization is possible in prisons, then; deradicalization is also possible in prisons. Prisons have been instrumental in altering the process of deradicalization and suppressing the terrorist campaigns on the outside. Phrased otherwise; prisons can therefore serve as enablers of a positive change. Similar research studies have proved the role played by prisons in deradicalization. For instance, Ellie Hearne and Naureen Chowdhury Fink's report from 2008 discusses the importance of prisons in the processes of deradicalization and disengagement.<sup>57</sup> According to them, the most effective approach in combating radicalization within prisons is a detention policy that emphasizes rehabilitation and reintegration, while also respecting the basic human rights of the detainees. They believe that this approach is the strongest tool in the fight against radicalization in prisons.<sup>58</sup>

### **3.2 Extent and magnitude of radicalization in Kenya prisons**

The researcher aimed at assessing the extent and magnitude of radicalization problem in Kenyan prisons. The respondents were primarily tasked to explain their perceptions and opinions relating to the approximate number of individuals in their respective prisons (inmates), who had

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<sup>57</sup> Hearne, Erin, and Nicole C. Fink. 2008. Beyond Terrorism: Deradicalization and Disengagement from Violent Extremism. International Peace Institute Report

<sup>58</sup> Ibid

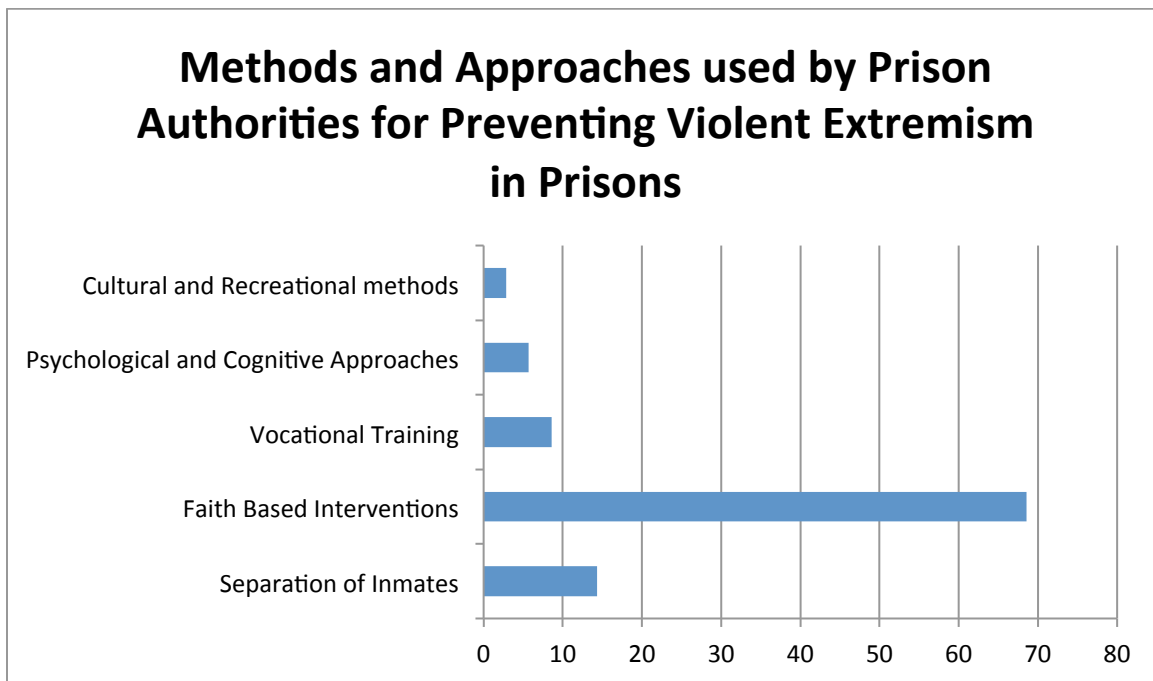
come to approve of, and (ultimately) participated in the use of radicalization for either religious or political aims.

According to the responses obtained, majority of the respondents indicated a negative response to the process of radicalization in the Kenyan prisons. There was found no response among the respondents alluding to any significant radicalization among VEOs in Kenyan Prisons. There was no single respondent who reported of a case of radicalization of any individual inmate known to him/her. Hence, this research establishes a 99.9 per cent consensus among the respondents that; radicalization is non-existent among Kenyan Prisons. While the respondents affirmed of non-existence of radicalization in Kenyan Prisons, they explained various pre-disposing factors which motivated the inmates to violent extremism. Majority (68.57 per cent) of the respondents alluded to the vulnerability of unemployed Kenyan youths who were dissatisfied with the government interventions to eradicate joblessness. Socio-economic inadequacies constituted the majority of the reasons quoted by respondents for radicalization in Kenya. Economically deprived Coastal youths and those living in slums in Kenya's are quoted by majority of the respondents as the most vulnerable people targeted for radicalization.

The researcher further sought to determine how prison authorities address the radicalization process in the correctional facilities. The respondents described various methods and approaches they employed to curtail radicalization. Among the notable methods described by the respondents included; separation of inmates; faith-based interventions (Prisons Clerics); vocational training; psychological approaches , cognitive interventions; creative, cultural and recreational approaches and strict monitoring and evaluating interventions. Faith-based interventions were described by (48) majority of the respondents (68.57 per cent) as the most effective approaches which could discourage and disengage violent extremist from terrorism.

Separation of Inmates as a method of preventing radicalization was the second most quoted approach by 14.29 per cent of the respondents (10) while Vocational training was described by 8.57 per cent of the respondents. Psychological and cognitive interventions (commonly referred as counselling) was quoted by 5.71 per cent of the respondents while creative cultural and recreational approaches were quoted by 2.86 per of the respondents. The findings are presented in the figure 3.1.

**Figure; 3.1 Methods and approaches used by prison authorities for preventing violent extremism in prisons**



**Source; Field Data, Researcher 2022**

Quoting one of the respondent remarks;

*“More important is to look at terrorist prisoners as individuals and human beings and adopt programs which suit their needs. There is no single intervention that can produce a*

*rejection of violence among indoctrinated group of individuals who have joined a radical extremist movement for a variety of reasons”.*<sup>59</sup>

The above interventions are designed and organized operations which are intended to help violent extremist prisoners to stop engaging in VE activities. The researcher sought to probe the efficacy of these approaches individually to determine how prison authorities employed them to prevent violent extremism.

### **3.3 Faith Based Interventions**

Majority of respondents (68.57 per cent) opined that faith-based interventions were the most applicable approaches for deradicalization and for preventing radicalization of VE in prisons in Kenya. These findings corroborate the findings of the International Centre for the Study of Radicalization and Political Violence (ICSR) and National Consortium for the Study of Terrorism and Responses to Terrorism (START) which had realized that prison imams (Clerics) can assist in fighting radicalization and their role can be utilized in averting VE.<sup>60</sup> Similar perspectives were obtained from respondents in the interviews. The following excerpts serve as an example;

*“Religious leaders have been integral in fighting violent extremism in Prisons and facilitating the change of behavior among the inmates incarcerated for terrorism. This includes both Christian and Muslim leaders. Their preaching and sermons have played a key role in behavior change among the inmates.”*<sup>61</sup>

Another Respondent remarked;

*“Religious leaders particularly Imams and Sheikhs have been preaching for promotion of empathy, respect, non-discrimination and appreciation of diversity among the various religions in the Prisons which encourages violent extremist inmates to refrain from such vices”.*

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<sup>59</sup> Respondent 004. KMP. 2022. Remarks Captured from the Field Data.

<sup>60</sup> Op Cit. P.33-34

<sup>61</sup> Respondent 011. SLT. 2022. Remarks Captured from the Field Data

Schaefer, Tims, and Lux, as reported in the Prison Journal, found similar conclusions and posited that faith interventions within prisons have a significant history of aiding in the rehabilitation of prisoners. The “special Rapporteur on freedom of religion or belief emphasized that it is not the responsibility of the government to identify the authentic voices of Islam or any other religious or belief system.”<sup>62</sup> Due to the diversity of religious beliefs and communities, it is recommended to acknowledge and consider the range of religious perspectives.<sup>63</sup>

It is crucial to recognize that numerous violent extremists use their religious beliefs to justify their violent actions. However, in actuality, their understanding and interpretation of their faith may be limited, and has frequently been influenced by religious leaders who encourage a specific explanation that promotes for the use of violence.<sup>64</sup> Glenn, Nada, and Nozell suggest that individuals are constantly engaged in the interpretation of religious traditions, laws, beliefs, and identities.<sup>65</sup> Open-minded interpretations of a religion can foster tolerance, empathy, and solidarity among diverse groups. The use of religion to justify violence or assert religious beliefs can create hostility and division among those who do not share those beliefs.<sup>66</sup> The faith-based interventions adopted in prisons should take care of particular interpretations of religious ideologies which justify violent extremism and therefore tailor those interventions with appropriate counter religious arguments.

An example of religiously motivated violence is the ongoing conflict in Nigeria, where Christians have been known to commit violent acts against Muslims. In order to combat the

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<sup>62</sup> Schaefer, Laura, Todd Sams, and Joseph Lux. "Saved, Salvaged, or Sunk: A Meta-Analysis of the Effects of Faith-Based Interventions on Inmate Adjustment." *The Prison Journal* (2016).

<sup>63</sup> Ibid

<sup>64</sup> Glenn, Chris, Nada G. and Nozell, Martin. "Muslims Condemning Violent Extremism? Count the Ways." Accessed December 29, 2022. <https://www.usip.org/publications/2015/09/muslims-condemning-violent-extremism-count-ways>.

<sup>65</sup> See note 61 above

<sup>66</sup> Ibid

proliferation of radical and aggressive ideologies within the Christian faith, it is crucial to implement three strategies. These strategies should be taught, implemented, and consistently assessed with ultimate dedication and fidelity, especially among people who participate in rehabilitating and de-radicalizing individuals with extremist convictions. It should be emphasized that Christianity is founded on principles of compassion, nonviolence, and fairness.<sup>67</sup> To address extremist and radical ideologies within Christianity, it is important to adopt an approach that emphasizes the commonalities and shared principles of Islam and Christianity, instead of concentrating solely on their disparities. Various religious groups, churches, and Christian institutions have taken steps to promote interfaith discussions and peaceful coexistence between Christians and Muslims in Nigeria, as a means to counter extremist and violent beliefs.<sup>68</sup> The same message is replicated in correctional facilities to counter violent extremism and deradicalization of inmates.

Quoting one of the respondents;

*“Prisoners of the same religion are allowed to pray, gather and celebrate their special days in prisons as they reflect on their actions to other human beings. This is one of the rehabilitative processes for those held for terrorism crimes”.*<sup>69</sup>

To effectively work with violent extremist prisoners, religious professionals must possess the necessary credibility with both the prisoners and the relevant authorities. To fulfil such a task, one needs to possess the necessary professional qualifications, educational background, and relevant practical expertise in this field. Additionally, it is important for religious professionals to demonstrate independence from the State and prison authorities in order to build trust with the

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<sup>67</sup> Dogarawa, A. B. 2016. “Role of Scholars in Countering Terrorism in Nigeria”. Abuja: Center For Faith, Policy And Leadership Research.

<sup>68</sup> Ibid

<sup>69</sup> Respondent 011. SLT. 2022. Remarks Captured from the Field Data

prisoners. All the Prison's staff interviewed emphasized on the instrumental role played by Imam's and Muslims Clerics to the correctional facilities and deliberated on how they were depended on to avail clarity on the issues of VE. one of the functions of the a Muslim Chaplain is to teach the public the correct interpretation of the faith, which also incorporates criticizing incorrect interpretations of the faith which often comes with wrong interpretation of the Quran. Faith-based interventions are therefore taken as deep-rooted approaches for counter radicalization and for preventing further violent extremism.

### **3.4 Separation of Inmates**

Separation of Inmates refers to placement in a restricted housing unit used by correctional administrators.<sup>70</sup> Separation is a strategy used by correctional to segregate specific inmates from the general prison population. This is done through either adopting administration segregation or either through disciplinary segregation in maximum Prisons.

This approach was identified by 14.29 per cent of the respondents as the second-best methods for countering violent extremism in Kenyan Prisons. Research has demonstrated that prisons can become fertile grounds for radicalization internationally and therefore mixing inmates becomes a recipe for future violent extremism. For instance, “Khosrokhavar suggests that of number factors can make prisons particularly vulnerable to radicalization such as overcrowding, understaffing and high turnover of staff and prisoners”.<sup>71</sup> Separation of inmates was initiated by prisons authorities to manage the most influential VEOs. The participants affirmed that there was need

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<sup>70</sup> Frost, N. A, & Monteiro, C.E. Administrative Segregation in U.S Prisons. National Institute Of Justice. Northeastern University, 2016.

<sup>71</sup> Khosrokhavar, F. Radicalization in Prisons: The French Case. *Politics, Religion and Ideology* 14, no. 2 (2013): 284-306.

to separate the most influential extremist prisoners. They also felt that this strategy should have utilized long time due to the increase in the cases of extremism in prisons.

In countries for instance; France, Netherlands, Wales, England, Saudi Arabia and Philippines the Prison authorities have adopted the policy of separation of violent extremist's prisoners due to concerns of influencing others. According to a study carried out in Wales and England, "separation should be confined only to those inmates who posed the greatest risk to other prisoners and staff and appropriate selection be made by an advisory committee."<sup>72</sup> "The study also recommended that individual risk assessment and regular reviews of separated prisoners took place to determine whether placement on separate holding cells was effective." Another strategy commonly used on extremist prisoners is dispersion. In this strategy the extremist's prisoners are spread in different prisons which are in normal conditions like the rest of the other Prisoners. This method will assist in averting VE as well as preventing stigmatization. Both Wales and England have implemented Separation Centres (SC) in their prisons.<sup>73</sup>

The separation strategy is employed in all maximum-security prisons in Kenya for all VEOs. In the separation sections, the VEOs are further categorized according to length of sentences and their level of risk. According to the responses obtained from the field, separation entails not mixing prisoners charged with terrorism with other inmates. According to one of the respondents;

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<sup>72</sup> Powis, B., Wilkinson, K., Bloomfield, S., & Randhawa-Horne, K. Separating Extremist Prisoners: A Process Study of Separation Centers in England and Wales from a Staff Perspective. London: Open Government License-OGL, 2019.

<sup>73</sup> Ibid

*“Separation strategy dictates that terror convicts are not kept in the same holding blocks with other suspects or remandees”<sup>74</sup>*

The responses obtained from all the Kenyan Maximum Prisons targeted in this research indicate that separation strategy has been very effective. They posit that, “separation allows for close monitoring of behaviors and interactions, reducing the power and influence that these individuals might have on the wider and potentially vulnerable prison population.” There have been concerns that, holding together of terrorism convicts will influence each other’s behaviors. Others assume that, separation will instill feelings of unfairness and make grievances illegal, as well as impose the rule of “*them and us*” mind-set.

Quoting one of the respondent’s remarks on the separation strategy;

*“Separation strategy entails a thorough understanding of the groups and movements to which a particular terrorist prisoner belongs to, as well as regular assessments of each individual in question, ensuring, for example, that less violent and marginally involved foot soldiers are not mixed with hardcore terrorists and charismatic leaders who can increase their radicalization.”<sup>75</sup>*

### **3.5 Vocational Training and Education**

Vocational Training refers “to instructional programs or courses that focus on skills required for a particular job function or trade.”<sup>76</sup> In this specific education, the students are provided with special programs which make them to ignore the traditional, as well as unrelated academic subjects. Vocational training or education provides hand-on, job-specific instruction to undertake skill-driven jobs such as automotive repairs and mechanics, plumbing, fashion design and welding among others. The researcher further established that; vocational training and education constitutes another strategy utilized by Kenyan prisons service to prevent

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<sup>74</sup> Respondents Remarks-032-SLT-Registry. (2022). Captured From the Questionnaires

<sup>75</sup> Respondents Remarks-018-NMP. (2022) Captured from the Field Responses/Interviews

<sup>76</sup> Indeed, Editorial Team. Vocational Training: Definitions and Different Types. 2022.

radicalization and VE. Education can serve as a direct remedy to counteract the propagation of extremist ideologies. They are offered by prison staff and personnel.

Education therefore forms part of the reform package offered by prisons to violent extremist Convicts. Responses obtained by the researcher indicate that; majority of the violent extremist convicts came from marginalized background and some lacked basic literacy skills and those who possessed those literacy skills posed greater risks to the rest of inmates. The process of education is not limited to the acquisition of basic skills, as it continues even after obtaining them. As such, it is important to acknowledge that a considerable set of violent extremist prisoners possess the ability to read and write prior to being incarcerated, and a few even hold higher educational qualifications. Basic education, whether formal or informal, plays a crucial role in empowering violent extremist prisoners with knowledge and understanding. This education helps them to think critically and independently, enabling them to develop their own opinions and beliefs. It also reduces their dependence on external sources for information and enhances their ability to understand different perspectives. Providing education to violent extremist prisoners can foster critical thinking, self-reflection, and encourage them to question their beliefs and behaviours instead of blindly following them. This can help to reduce their reliance on external influences and empower them to make more informed decisions. Improving their educational level may also boost their self-esteem and confidence, increase their employability prospects and elevate their standing in their communities, thereby reducing the likelihood of them resorting to radicalization and violent extremism.

The Global Counterterrorism Forum recommends that prisons should offer various options for prisoners to acquire practical skills in areas like (metal work, farming, arts, tailoring,

upholstery, handcrafts, and sports).<sup>77</sup> The vocational training offered in Kenyan prisons allows violent extremist convicts to gain practical skills and a sense of purpose while in a structured environment. These skills can then be used to secure employment, support their families and ultimately disengage from violent extremism. In contrast to academic training, vocational training is believed to offer better opportunities for preventing recidivism into violent extremism. Additionally, goods produced by inmates are sold to the government as well as the public providing economic benefits for both the inmates and the wider society.

### **3.6 Psychological and Cognitive Approaches**

Psychological and cognitive approaches are two different but interrelated perspectives used to understand human behaviour and mental processes. Psychological approaches focus on understanding behaviour and mental processes through the lens of psychology. This includes understanding how people think, feel, and behave in different situations, and comprehending the main drivers of these behaviours.<sup>78</sup>

Psychological approached involves identifying and addressing the main psychological and cognitive drivers that contribute to radicalization and violent behaviour of those targeted. It also aims at changing the VEOs thoughts and behaviours by challenging their extremist beliefs and encouraging more prosocial behaviour hence developing more positive coping mechanisms and reduce the risk of future violent behaviour.<sup>79</sup>

Kenya Prisons Service have invested in training their staff in psychology in an effort to control violent extremism and prevent radicalization among the Prison population. The

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<sup>77</sup> Global Counterterrorism Forum. Life Skill Courses and Vocational Training for Incarcerated Violent Extremist Offenders. Detention And Reintegration Working Group Workshop On Education, 2015.

<sup>78</sup> Andrews, D., & Bonta, J. The Psychology of Criminal Conduct. 5th ed. New Providence, NJ: Lexisnexis, 2010.

<sup>79</sup> Ibid

researcher analysed responses and found that some respondents believe cognitive-behavioral and social learning mechanisms are the most effectual treatments for terrorism prisoners. They suggest that these approaches should consider the individual characteristics of the offender. Cognitive behavioral therapy has been found to be effective in reducing indoctrination into violent extremism, while psychosocial interventions can be tailored to promote disengagement, based on established principles for effectual interventions in responding to different forms of offending.<sup>80</sup>

Similar perspectives were obtained from the interviews, quoting one of the respondents from Shimo la Tewa Maximum security prison on cognitive approaches;

*“.....The Prison offers psychological counselling to terrorism inmates through assigning carefully vetted and selected Prison staff to handle and man special inmates held in special blocks. This is achieved by training the Prison Staff regularly on criminal psychology to better equip them with skills to extract intelligence from the terror convicts and suspects in-order to thwart their schemes, in turn providing relevant intelligence to N.C.T.C.”<sup>81</sup>*

The Rome Memorandum's 15th good practice advocates for the development of cognitive programs aimed at helping terrorism offenders identify the root causes of their radicalization and violent extremist behaviour.<sup>82</sup>The respondents suggested that offering cognitive programs to terrorism offenders can assist them in understanding the underlying issues that led to their violent extremist behavior, and help them set goals and find solutions. The training of prison staff is also paramount as it allows for better examination of prisoners' psychology and behavior, which can lead to more effective referrals to psychologists. This training not only helps to reduce crime rates, but also reduces the risk of further radicalization both within and outside the prison. The

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<sup>80</sup> See note 77 above

<sup>81</sup> Response from Respondent 032-SLT- (2022). Remarks Captured from the Questionnaire. Shimo La Tewa Maximum Prison.

<sup>82</sup> Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders," The International Centre for Counter-Terrorism - The Hague, January 2019. Retrieved from <https://icct.nl/publication/rome-memorandum-on-good-practices-for-rehabilitation-and-reintegration-of-violent-extremist-offenders/>

cognitive and psychological approaches can aid in modifying behavior, improving coping abilities, and ultimately supporting the process of desisting and disengaging from violent extremism.

### **3.7 Recreational and Cultural Approaches**

Recreational and cultural approaches refer to engagement in sports, arts, music and athletic activities with the aim of improving the physical and mental health of an individual. This strategy was the least quoted approach by the minority of respondents accounting for 2.86 per cent of total respondents who identified it as a method of preventing radicalization and of preventing violent extremism. While this approach is suitable for prisoner's body and mind, it is deemed less effective among Kenyan Prisons as confirmed by only 2 respondents (2.85 per cent). According to ICRS and START as earlier reported recreational and cultural activities are offered in all prisons to improve prisoners' mental and physical wellbeing.<sup>83</sup> This involves providing opportunities for sports and physical exercise in outdoor spaces for at least an hour when the weather permits. While engaging in physical activities and sports-based programs alone may not be enough to prevent criminal activity, it is generally recognized that sports, talent search , and involvement in cultural activities can offer constructive options to address underlying issues and conflicts that may lead to a reduction in violent extremism, both within correctional facilities and in the broader community.<sup>84</sup>

Art-based interventions can create safe and non-judgmental spaces for prisoners, as highlighted in “the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules).” These interventions provide prisoners with an

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<sup>83</sup> Op Cit. P. 89

<sup>84</sup> Ibid

opportunity to express themselves creatively and connect with others in a supportive environment, where they are free from conforming to external pressure.<sup>85</sup> Art-based interventions provide an authentic method for developing one's character strengths. This approach can lead to subjective changes and transformational identities to a prisoner's sense of self which can be attributed to their authentic motivations and dedication and are firmly rooted in reality. Moreover, these changes and identities can be imagined and actualized by terrorism convicts (Prisoners) as well.<sup>86</sup>

Developing critical thinking and communication skills among violent extremist prisoners can lead to the creation of positive messages, which in turn can contribute to their disengagement from violence and violent extremism. By promoting deradicalization, these skills help terrorism convicts to abandon their extremist beliefs and embrace a more peaceful and productive way of life.

### **3.8 Chapter Summary**

The primary focus of this chapter was to assess the measures adopted by the Kenya Prisons Service to promote the process of deradicalization and disengagement from violent behaviour among prisoners who have been involved in extremism violence. It has been established that radicalization can have both positive and negative aspects, as not all radicalization necessarily leads to VE. Only few individuals who become radicals actually engage in VE. Radicalization can be positive if it does not encourage violence or harm. Prison authorities have adopted various approaches to manage violent extremism and radicalization and

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<sup>85</sup> United Nations Office on Drugs and Crime (UNODC). Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Retrieved from <https://www.unodc.org/unodc/en/justice-and-prison-reform/standard-minimum-rules-for-the-treatment-of-prisoners--the-mandela-rules-.html>

<sup>86</sup> Ibid

which ensure secure and safety of the violent extremist prisoners, avert radicalization in prisons as well as ascertains that prisoners do not engage in violence in future.

The approaches and methods identified by the participants who engaged in this study, in order of effectiveness include; faith-based interventions which entail religious transformation offered by professional Clerics; separation of convicted inmates in different prison blocks and cells; education and vocational training to illiterate and marginalized offenders to gain skills which can avail them job opportunities and dissuade them from extremism and also deradicalize them; psychological and cognitive approaches capable of transforming prisoners from violent extremism. This approach involves training prisons staff as professional criminal psychologists to learn prisoner's behaviors and offer suitable interventions. The last intervention identified is the use of recreational and cultural activities availed in prisons in Kenya which helps in mental and physical health of prisoners. While the last method is deemed as least effective it can facilitate the inter-personal interaction and communication among prisoners in a positive way. Further, this chapter establishes that; all approaches and methods for management of violent extremist prisoners in correctional and rehabilitative facilities in Kenya must be addressed in full compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (popularly known as the Nelson Mandela Rules) and other relevant international standards and norms.

## Chapter Four

### De-Radicalization and Counterterrorism Strategies Kenyan Prisons: Challenges and Opportunities

#### 4.1 Introduction

This chapter discusses challenges and opportunities relating to de-radicalization and counterterrorism strategies in the Kenyan Prisons. Similarly, the chapter presents the opportunities which can be realized from the de-radicalization and counterterrorism for both the terrorists and also for the state.

#### 4.2 Challenges Facing Counterterrorism and De-Radicalization Strategies

This sub-topic presents the Challenges facing de-radicalization and counterterrorism strategies in Kenya Prisons. They include;

##### 4.2.1 Recidivism or Relapse

To better understand recidivism amongst those convicted of terrorism offences, it is important to first understand recidivism as it is applied more broadly. Generally, recidivism is defined as re-offending, typically marked by new criminal activity after some type of formal sanction, for instance a prison sentence.<sup>87</sup> According to an assessment study by Whelan *et al.*; overall, there is no universal definition and measurement of terrorist recidivism, and as a result, there is a large variation in what is measured as terrorist recidivism. This impacts on the reported

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<sup>87</sup> Payne, J. (2007). *Recidivism in Australia: Findings and Future Research* (No. 80). Australian Institute Of Criminology: Canberr

recidivism rates and makes it challenging to compare.<sup>88</sup> There have been an increase in killings and arrests of habitual robbers in Kenya has been increasing, indicating a rise in the rate of recidivism associated with robberies. This trend is putting the judiciary, prisons, probation, and aftercare services under scrutiny. Media reports by the Daily Nation suggest that this spate of robberies and repeat offenses presents risks to national security, and there are calls for effective rehabilitation of ex-convicts.<sup>89</sup>

While this kind of recidivism is associated with robberies, recidivism resulting from terrorism is not yet documented. When asked to indicate the number of repeat terrorists in their facilities, all the respondents answered to the contrary, signifying that; terrorism recidivism in Kenya was absolutely insignificant.

According to criminal justice experts interviewed by the researcher, robbery and robbery with violence recidivism in the country are caused by negative peer association in prisons, lifestyle instability and joblessness. According to a Nairobi based criminal lawyer Shadrak Wambui, “the high rate of recidivism can be blamed on lack of proper means in the prison service to prepare offenders serving terms for what awaits them upon release”. Quoting the criminal lawyer,

*“The many inmates I have interacted with appear unprepared to tackle life outside prison. Times are tough economically, even for communities who find it difficult to accommodate former Prisoners”.*<sup>90</sup>

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<sup>88</sup> Whelan, C., Bright, D., & Fletcher, P. (2021). *Rapid Evidence Assessment; International Review of Terrorist Recidivism*. Deakin University: Deakin

<sup>89</sup> Daily Nation. "Rising Number of Repeat Offenders Worries The State." Nairobi. Published 14th January, 2023. Available Online At; <https://Nation.Africa/Kenya/News/Rising-Number-Of-Repeat-Offenders-Worries-State--408581> Accessed On 17/1/2023.

<sup>90</sup> Nairobi Based Criminal Lawyer. (2022). Response Obtained from Interviews Conducted by this Researcher

The government of Kenya is concerned due to rise in violent robbery recidivism and pronounced a plan to incorporate religious leaders and faith-based organizations to supplement prisoner's integration initiatives.

#### **4.2.2 Reintegration Challenges**

The reintegration Challenge to de-radicalization and prevention of violent extremism in Kenya is closely associated with the community's apathy to reintegration. Terrorist Convicts who have finished their prison sentence face reintegration challenges as the community hosting them expresses apathy to their re-admission to society. This is one of the fears that they will spread ideologies in the society as well as re-engage in extremist activities after being released. According to Tinka Veldhuis, "not only is there fear of the spread of extremist ideologies among the prison's population, but also there is the worry that radicalized detainees will engage in extremist activities after being released to the community."<sup>91</sup>

When asked about the challenges facing de-radicalization processes and prevention of violent extremism, 20.00 per cent (14 respondents) indicated that; reintegration into the society for violent extremists was a daunting challenge which the Kenyan population would find hard to accommodate. Quoting one of the respondents from Shimo la Tewa Maximum Prison;

*"Given the bitterness harbored by Kenyans following the spate of terrorist activities in the country, it would be extremely difficult for the released terrorist convict to be admitted back to society. The community's wrath would prevail upon them and it would be another disaster."*<sup>92</sup>

Reintegrating violent extremists poses a significant challenge, primarily due to the fact there is little evidence on what works or doesn't. There is currently no tried and tested theory or proven

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<sup>91</sup> Veldhuis, T. (2015). *Reintegrating Violent Extremist Offenders: Policy Questions and Lessons Learned*. Occasional Paper. GW Program On Extremism

<sup>92</sup> Respondent 012 SLT. (2022). Remarks Captured From the Questionnaire

method for ensuring successful de-radicalization or reintegration in the community, and only a handful of programs have undergone evaluation.

These challenges have raised concerns on their reintegration in the community. The community where the terrorist are released is particularly not receptive of terrorists bearing in mind they are (terrorist) high profile offenders who have hurt the community. Reintegration efforts need cooperation and sharing of information between the host community and the released terrorist Convicts. Thus this process requires identification of the community's roles and key players assume their mandate and cooperate for the intervention to ensure that released terror convicts are not able to radicalize other members of the community.

In majority of the countries, de-radicalization and reintegration programs focus mostly on detaching individuals from extremist environments. For example in Sweden, Germany and in Netherlands there is a program called EXIT to provide support and assistance to violent extremists (mostly right-wing terrorists) who wish to leave and be reintegrated into the community.<sup>93</sup> The Program targets followers of religious extremism where those who join are reoriented ideologically trained and enrolled in a program of community service while being monitored. Similarly, “the Aarhus program in Germany offers its services not only to individuals who have been arrested on their way to or from Syria, but also to those who have been identified by friends and family as potentially radicalizing”.

### **4.2.3 Structural Challenges**

Another challenge confronting de-radicalization and prevention of violent extremism is associated with structural factors such as unemployment of terrorist ex-convicts. When the

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<sup>93</sup> Costa, V., Liberado, P., Cunha, A.I., & Das Neves, P. (2021). One Size Does Not Fit All: Exploring the Characteristics of Exit Programmes In Europe. *Journal for Deradicalization*, 1(28), 3-45

researcher sought to establish challenges to deradicalization and prevention of violent extremism, 14.29 per cent (10 respondents) opined that; the challenge of unemployment for the released terrorists is hampered deradicalization processes. This means that individuals who had been fully radicalized and convicted are automatically subjected to discrimination and restrictive policies meant for extremists therefore they are unable to get employment. Quoting one of the respondents who explained the challenge of deradicalization in this study;

*“The challenge of unemployment drives many Kenyan youths to radical terrorist’s groups and also when they arrested, convicted and released they suffer the same challenge, making it a vicious cycle of poverty and of radicalization.”<sup>94</sup>*

According to Holzer et al. low employment among the released terrorist ex-convict’s rates is closed interlinked to high cases of recidivism witnessed among those released from prison.<sup>95</sup> Reentry into labor market is most challenging factor faced by violent extremists. This fact is the same in Kenya where the community fears to be associated with individuals associated with the terrorism. While unemployment facilitates radicalization among the Youth as previously established, it also supports sustenance of radicalization hence challenging deradicalization.

#### **4.2.4 Regulatory Discontinuities**

The researcher has established that; regulatory discontinuities in the management of radicalized terrorists in the country are a challenge hindering effective deradicalization programs. According to the responses obtained from the respondents, Kenya lacks a comprehensive regulatory framework informing the management of violent extremists and for their deradicalization. According to the responses obtained; lack of policy framework among the Kenyan Prisons for the management of violent extremists’ offenders constitutes a challenge for

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<sup>94</sup> Respondent 008 KMP. (2022). Remarks Captured From the Questionnaire

<sup>95</sup> Holzer, H.J., Raphael, S., & Stoll, M.A. (2003). *Employment Barriers Facing Ex-Offenders*. New York University Law School: New York

the Prisons service. This position was affirmed by 45.71 per cent (32) of the participants who opined that; Kenya lacks an institutional framework for the management of terrorists' offenders in prisons.

While this is partly factual, it is not entirely true. This is because in 2022 Kenya adopted a comprehensive interagency guideline on cooperation in investigating issues of related to terrorism. The legal document does not expressively explain the management of radicalized and convicted terrorist in prisons but rather explains the mandate of multiple agencies engaged in counterterrorism and terrorism financing. In the case of Kenya, inter-agency cooperation in counterterrorism draws personnel from the mandated National Police Service (NPS) specialized units such as the ATPU which works collaboratively with the CJS (prosecutors and investigators) and financial institutions where bankers and auditors are an integral component of the counterterrorism agencies. According to the guidelines issued by the ODPP-Kenya, the DCI-ATPU has a general obligation to collaborate, cooperate and coordinate with other relevant agencies in combating terrorism and terrorism financing pursuant to Section 34(i) of the National Police Service Act.<sup>96</sup>

It can be generalized that; Kenya lacks a comprehensive legal or policy framework for the management of violent extremists and terrorists which can be referred to. There is no policy or institutional framework or rather standing orders among the Kenya's penal institutions to guide the management of terror convicts including how they can be de-radicalized and prevented from recidivism. Quoting one of the remarks from the Respondents from Naivasha Maximum Prison;

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<sup>96</sup> ODPP-Kenya. (2022). *Inter-Agency Guidelines on Cooperation and Collaboration in the Investigation and Prosecution of Terrorism and Terrorism Financing*. Gok/ODPP: Nairobi.

*“Kenya lacks legal and policy framework for the management of terrorist in prisons. Every Prison has its own standard operating procedures which are different from one prison to another.”<sup>97</sup>*

When asked to discuss the challenge facing counterterrorism management in Kenya; another respondent from Shimo la Tewa Prison remarked;

*“Lack of policy framework and laws for the management of violent Extremist Offenders in Prisons.”<sup>98</sup>*

While the government of Kenya adopted the interagency legal framework to guide the investigation and prosecution of terrorism, there is no policy or legal framework for the management of radicalized prisoners in Kenya Prisons Service thereby presenting a challenge of discontinuity in the regulatory framework.

#### **4.2.5 Limited Institutional Capacity**

The researcher aimed at assessing some of the challenges facing fighting terrorism in Kenya Prisons. Among the key institutional challenges identified by the respondents entailed factors such as; incompetence among prison staff, corruption and bribery among the prisons authorities, financial constraints, inadequate training of prisons officers to handle violent extremist; and discrimination of officers during seminars; and limited space for accommodating (limited holding cells and blocks) terrorist inmates; counter-intelligence (where terrorist sympathizers-(Moles) in prison leak intelligence collected and aid terrorist inmates to escape; lack of policy framework for the management of violent extremists in prisons; political interference with prisons institutions/management and failure to invest in modern technology for

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<sup>97</sup> Respondent 017 NMP. (2022). Remarks Captured From the Questionnaire

<sup>98</sup> Respondent 007 SLT. (2022). Remarks Captured from the Questionnaire

the management of prisons facilities. The findings are tabulated below according to responses obtained from the three maximum prisons in Kenya.

**Table 4.1 Institutional Challenges Confronting De-radicalization**

<b>Prison/Rehabilitative Facility</b>	<b>Challenges Identified</b>	<b>Frequency</b>
Kamiti Maximum Security Prison	<ul style="list-style-type: none"> <li>• Inadequate Training of Prisons Officers/Incompetence</li> <li>• Financial inadequacies</li> <li>• Lack of Policy Framework</li> </ul>	32 Respondents
Naivasha Maximum Security Prison	<ul style="list-style-type: none"> <li>• Inadequate Training of Prisons Officers/Incompetence</li> <li>• Limited Space for separation of Terror Inmates</li> <li>• Political Interference</li> </ul>	16 Respondents
Shimo La Tewa Maximum Security Prison	<ul style="list-style-type: none"> <li>• Inadequate Training of Prisons Officers</li> <li>• Counter-intelligence (leaking Info)</li> <li>• Lack of modern Technology in Prisons</li> </ul>	22 Respondents

	<ul style="list-style-type: none"> <li>• Financial Inadequacies</li> <li>• Discrimination in Training of Officers</li> <li>• Reintegration Challenge both at Prison and at Community level</li> </ul>	
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**Source; Field Data, Researcher 2023**

According to the findings identified above by the respondents, institutional challenges vary from one prison facility to the other. The challenges experienced in “Kamiti Maximum Security Prisons” differ from those experienced in “Shimo la Tewa Maximum Security Prison” and those experienced in Naivasha Maximum Security Prison in regards to the management of violent extremist inmates. However, some challenges are cross-cutting among the three prisons facilities. For instance; Inadequate training of prison officers to manage violent extremists and terror inmates is a challenge that has been identified in all the three prisons.

Institutional challenges among Kenyan Prisons facilities are responsible for the May 2021 escape of three terrorist inmates admitted at Kamiti Maximum Security Prison in what authorities justified as acts of laxity by prisons officers. The three terrorist (Mohammed Ali Abikar; Joseph Juma Odhiambo and Musharaf Abdallahi Washiali a.k.a Shukri a.k.a Alex Shikanda) were convicted on various dates for terrorism related crimes and admitted at Kamiti Maximum Security Prison where they escaped lawful custody.<sup>99</sup> Consequently, the government through “the Ministry of Interior and Coordination of National Government” arrested seven prisons officers for incompetence and threatening national security. For instance, “one of the terrorists

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<sup>99</sup>Yusuf, M. (2021). *Three Terror Convicts Escape from Kenyan Maximum-Security Prison*. VOA Publication: Nairobi

(Abikar) was charged and convicted in 2019 over his links to Al Shabab terror group and his involvement in the 2015 attack on Garissa University College where 148 Students were killed.” The arrest of the seven prison officers signified the complacency or rather incompetence on the part of the officers at the Kenya’s largest maximum prison.<sup>100</sup>

The Block A 6 where the three terror inmates were held and where the prison break took place was described as not adequately surveilled. This brings to the fore, the challenge of poor infrastructure and limited surveillance equipments. Lack of modern technology in Kenyan Prisons is an institutional challenge which needs to be factored by the government in managing rehabilitative and penal institutions in the country. Discrimination in re-training of prisons officers was identified by the respondents as a challenge which facilitated professional misconduct among the prison officers, particularly encouraging taking of bribes and other forms of corruption.

#### **4.2.6 Gang Problem**

The process of deradicalization and prevention of violent extremism in Kenyan Prisons is to some extent challenged by the problems of affiliation to gang groups and organization. When the terrorists are arrested, prosecuted, convicted and released, their rate of recidivism is encouraged by being affiliated to a gang or terror group which thrives while the offender is incarcerated. This challenge was identified by 1 respondent (1.43 per cent) who opined that;

*“Gang problem is the real challenge facing counterterrorism and prevention of violent extremism in Kenyan Prisons”<sup>101</sup>*

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<sup>100</sup> The Standard. (2021). *Seven Wardens Arrested After Convicted Terrorists Escape Kamiti Maximum Prison*. Nairobi. Available Online At; <https://www.standardmedia.co.ke/National/Article/2001429319/Seven-Wardens-Arrested-After-Convicted-Terrorists-Escape-Kamiti-Maximum-Prison> Accessed On 18/1/2023

<sup>101</sup> Respondent 019 NMP. (2022). Remarks Captured from the Questionnaire

#### 4.2.7 Resource Challenges

The financial resource challenge was identified by 52 (74.29 per cent) respondents as the main challenge facing counterterrorism management in Kenyan Prisons. Inadequate funding among the Prisons Service was cited as the reason why there are no separate blocks for holding convicted VEO in a separation strategy to avoid radicalization of other inmates. According to some of the responses obtained, the respondents remarked;

*“Lack of adequate financing has resulted to sometimes mixing of inmates in Prisons hence facilitating radicalization”*.<sup>102</sup> Another one remarked; *“Inadequate financial resources lead to congestion in prisons. This is the main challenge since it encourages radicalization”*<sup>103</sup> Another one remarked; *“Lack of resources leads to lack of infrastructure for holding VEO”*.<sup>104</sup> Shimo La Tewa registry respondents remarked; *lack of enough accommodation facilities to enable separation strategy is the main Challenge.*<sup>105</sup> From Kamiti Maximum Prison, a respondent remarked; *“Lack of funds to modernize the Prison’s infrastructure is the main challenge facing counterterrorism.”*<sup>106</sup>

From Naivasha Maximum Prison, 15 respondents opined that resource inadequacies were the main challenges facing counterterrorism in Kenya Prisons. The findings above corroborate those of Silke who posits that; “prisons represent a place of vulnerability in which individuals are more likely to be radicalized and go on to become violent extremists due to ineffectiveness of policies and strategies which are quite under-funded and allocated limited financial resources”.<sup>107</sup> The same findings are similar to those of Kinyanzui *et al.* According to a study done by Kinyanzui *et al.* the main challenges facing Kamiti Maximum Prison are; inadequacy of resources (financial); programs for managing terrorist prison groups, inadequacy of monitoring schedules and

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<sup>102</sup> Respondent 012 SLT. (2022). Remarks Captured from The Questionnaire

<sup>103</sup> Respondent 009 SLT. (2022). Remarks Captured from The Questionnaire

<sup>104</sup> Respondent 006 SLT. (2022). Remarks Captured from The Questionnaire

<sup>105</sup> Respondent 001-Registry- SLT. (2022). Remarks Captured from The Questionnaire

<sup>106</sup> Respondent 003 KMP. (2022). Remarks Captured from The Questionnaire

<sup>107</sup> Ibid

equipment for terrorist prisons groups as well as lack of regional and global partnerships to combat radicalization in Prisons.<sup>108</sup>

#### **4.2.8 De-radicalization is Process and not an event**

To deradicalize an individual who has been indoctrinated with extremism particularly religious extremism is a real challenge. While there is no respondent who quoted this challenge, it is identified by criminal justice experts and criminology scholars such as Ami Angel who states that; it takes an individual more than ten years to desist from an ideology implanted in his/her consciousness.<sup>109</sup> The timeframe taken for an individual to de-radicalize and rehabilitate positively for reintegration to the community is subject to debate and there is no one size fits all policy for the same.

### **4.3 Opportunities inherent to de-radicalization and counterterrorism strategies in Kenya Prisons**

This sub-section presents the opportunities integral to de-radicalization and counterterrorism strategies among Kenya Prisons Service.

#### **4.3.1 Psycho-Social and Cognitive Transformation**

The deradicalization and prevention of violent extremism programs offered in prisons offers an opportunity for VEOs prisoners to develop pro-social attitudes and behaviors which enables them reintegrate back to the community as transformed individuals. To prevent violent extremism, current research suggests that there is no distinct personality trait, disorder or profile

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<sup>108</sup>Kinyanzui, J.W.K., Mwangi, W., Mwaeke, P. (2021). Functionality of Kenya Prisons Services in Managing Terrorists Prisons Criminal Group Activities at Kamiti Maximum Prison in Nairobi, Kenya. *Advances in Social Sciences Research Journal*. 8.(2), 38-50

<sup>109</sup> Angel., A. (2011). *Terrorist Rehabilitation; the US Experience in Iraq*. CRC Press: Florida

that causes it. Nonetheless, there is a continuous advancement in comprehending how distinct mental disorders can contribute to the occurrence of extremist violence. In certain cases, addressing mental health concerns or extending assistance to those individuals who are grappling with emotional or psychological turmoil can be a viable approach.<sup>110</sup> However, it is important that any assessment and treatment is carried out by qualified healthcare professionals and linked to psychosocial interventions.

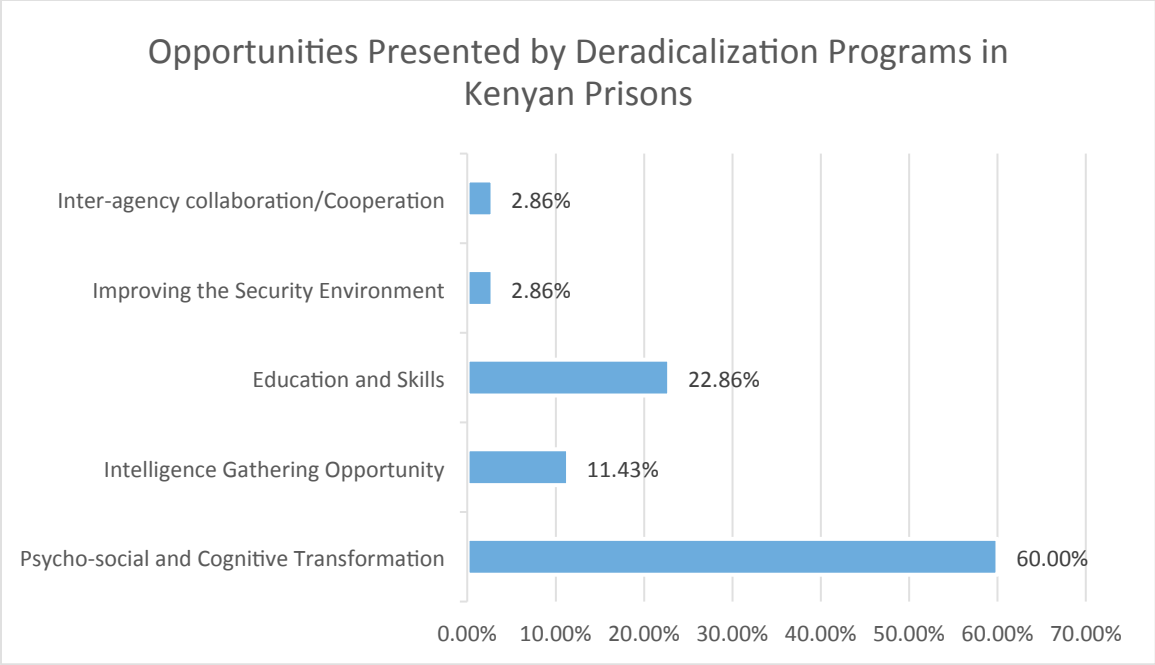
When asked to mention some of the opportunities presented by deradicalization programs offered in Kenyan Prisons, 60.00 per cent of the respondents from all the three maximum Prisons mentioned; religious and ideological transformation as the main opportunities derived from these rehabilitative programs in Prisons.

The findings are shown by figure 4.2 below

#### **Figure 4.2 Responses on opportunities presented by deradicalization programs in Kenyan Prisons**

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<sup>110</sup> Post, J. (2007). *The Mind of the Terrorist: The Psychology of Terrorism from the IRA to Al-Qaeda*. Palgrave-Macmillan: New York.



**Source; Field Data, Researcher 2023**

The fundamental concept underlying disengagement interventions is rooted in the belief that one can use extremist ideologies and principles that encourage violent conduct, and can renounce adoption of violence by altering these doctrines and values that justify it. The UNODC guidelines suggest that psycho-social interventions should prioritize reducing an individual's involvement and commitment to violent extremism through social and psychological processes, ultimately reducing the risk of engaging in violent activities.<sup>111</sup> The goal of interventions is to address the motivations behind people's engagement in offending behaviours. By doing this, interventions aim to reduce an individual's risk of continued involvement in violent extremism.<sup>112</sup> Therefore, disengagement interventions offered in Prisons offer an individual an opportunity for psycho-social and cognitive transformation.

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<sup>111</sup> Ibid

<sup>112</sup> Ibid

### **4.3.2 Opportunity for Information and Intelligence Gathering**

Prisons offer opportunity to the VEOs to share their experiences and events with prison officers and their fellow prisoners during their interactions in prisons at the Prisons. This position was supported and affirmed by 11.43 per cent of the respondents who opined that; Prisons and programs offered enable the authorities to gather in-depth information on the VEOs, organization/groups they belonged to and operational structures of terrorist groups. The findings are similar to those of Chiara Bologna who asserts that; the doctrine of fighting terrorism and deradicalization has been materialized as a set of organizational strategies. Additionally, these processes provide information and intelligence in a more comprehensive approach for the cooperation of those efforts which are regarded to be part of successful measures of fighting terrorism.<sup>113</sup> Such information presents a good opportunity that can enhance national strategies in countering violent extremism.

### **4.3.3 Acquisition of Education and Skills**

Education is essential for developing critical thinking skills, promoting positive attitudes and behaviors, and availing people with knowledge and skills they need to lead productive and fulfilling lives. For terrorist prisoners, education can be particularly important for challenging the extremist ideology that led to their involvement in terrorist activities. Through education, the VEOs can learn about alternative perspectives and worldviews, and develop a more nuanced understanding of the social, political, and economic drivers of terrorism.

This was supported by 22.86 per cent of respondents who opined that; education in Prisons enabled prisoners to acquaint themselves with literacy and vocational skills which enable them to

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<sup>113</sup> Bologna, C. (No Date). *UNICRI Initiatives: Rehabilitation and Reintegration of Violent Extremist Offenders and Community-Based Projects..* UNICRI: Turin

make informed choices and decisions. As per the Global Counterterrorism Forum, providing education to Violent Extremist Offenders (VEO) will equip them with the necessary skills to pursue further education and employment opportunities.<sup>114</sup> Inmates who possess a talent for learning have the potential to serve as instructors or assistants to educators, offering assistance to their fellow prisoners with their educational pursuits. The opportunity for education and psychosocial transformation offers an opportunity for the government to enhance the national security environment as well incorporating other agencies and actors in a holistic approach which ensures multi-actor/agency consensus about deradicalization approaches. The need for education and rehabilitation encourages government's and development partner's support in deradicalization and prevention of violent extremism in Prisons.

#### **4.4 Chapter Summary**

This chapter has identified the challenges which confront the successful implementation of deradicalization and prevention of violent extremism in Kenyan Prisons. Among the key challenges include; institutional challenges which vary from one prison facility to the other; recidivism or relapse among the prisoners; reintegration challenges presented by community apathy to accept terrorist prisoners coupled with stigma; structural challenges evidenced by unemployment among the released terrorist convicts; regulatory discontinuities which are manifested by a general lack of a policy or legal framework for the management of prisoners in Kenya and gang related problems which encourage radicalization. There also exist some notable opportunities for both the VEO and the state resulting from the deradicalization programs offered in Prisons. They include; opportunities for education and acquisition of vocational skills; an

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<sup>114</sup> Global Counter-Terrorism Forum, Detention and Reintegration Working Group Workshop on Education, Life Skill Courses and Vocational Training for Incarcerated Violent Extremist Offenders (Geneva: GCTF Publication, 2015).

opportunity for the authorities to gather more information and intelligence which enables them to improve their counterterrorism strategies, and also an opportunity is presented to the government of ensuring an enhanced security environment as a result of transformed terrorists and their confinement.

## **Chapter Five**

### **Summary, Conclusion, and Recommendations**

#### **5.1 Introduction**

The study sought to examine the impact of separation as a strategy of countering and preventing violent extremism in Kenya's prison system. This chapter presents the summary of the findings of the study, conclusion, and recommendations in tandem with the study objectives which include; to evaluate the normative and institutional frameworks for management of violent extremism offenders in the Kenyan prisons, to review the various methods used to fight and prevent VE in Kenyan Prisons and to determine the challenges and opportunities inherent de-radicalization and counterterrorism strategies in Kenya's Prison. The hypotheses stated that; the existing legal, policy and institutional Frameworks have been successful in management of violent extremism offenders in the Kenyan prisons and methods used to counter and prevent violent extremism in Kenyan Prisons have been effective. Later, the chapter provides recommendations which assist in combating violent extremism in Kenya prisons system.

#### **5.2 Summary**

The first objective evaluates the normative and institutional frameworks for management of violent extremism offenders in the Kenyan prisons. The findings show that, several normative and institutional frameworks for the management of violent extremism have been adopted. The United Nations handbook on the management of violent extremist prisoners and the prevention of radicalization to violence in prisons constitutes the primary global normative framework for the management of violent extremists. The global framework also details the methods for

evaluating and handling the potential risks posed by prisoners who have been involved in extremist violence. The key management modalities for managing violent extremists in Prisons is based on admission procedures; classification and categorization; allocation and accommodation; assessing different types of risks; understanding the reasons for prisoner's violent extremists' behavior and the need for regular risk reassessment. Kenya's legal and institutional framework for management of terrorism offenders is contained in "the *Kenya Training Manual on Human Rights and Criminal Justice Responses to Terrorism*". The manual guides the Kenya criminal justice system and institutions to observe human rights aspects in management of VEOs. In addition, the NCTC was created to coordinate VE in the country.

The second objective reviews the various methods used to fight VE in Kenyan Prisons. According to the research study, "the strategies or measures implemented by the Kenyan Prisons focus on modifying the perspectives, principles, and beliefs (deradicalization) or the conduct of the violent extremist inmate (dis -engagement from violence)". The study shows that, the methods or interventions adopted by Kenya Prisons are aimed at changing the ideologies or the behavior of the victims. The methods and approaches utilized in countering extremism in prisons acknowledges that, radicalization is a process of change, it being; both a religious, political and personal transformation from one condition to another. The approaches and methods used to counter and prevent violent extremism in Kenyan Prisons include; faith-based interventions, separation of convicted inmates in different prison blocks and cells; education and vocational training, psychological and cognitive approaches as well as use of recreational and cultural activities. The study acknowledges that, each of these methods have a degree of effectiveness in managing violent extremism in Kenyan prisons.

The third objective sought to determine the challenges and opportunities inherent de-radicalization and counterterrorism strategies among Kenyan Prisons. The findings established that, there are myriad of challenges which confront the successful implementation of deradicalization and prevention of violent extremism in Kenyan Prisons which include; institutional challenges which vary from one prison facility to the other; recidivism or relapse among the prisoners; reintegration challenges presented by community apathy to accept terrorist prisoners coupled with stigma; structural challenges evidenced by unemployment among the released terrorist convicts; regulatory discontinuities which are manifested by a general lack of a policy or legal framework for the management of prisoners in Kenya and gang related problems which encourage radicalization. However, there also exist some notable opportunities for both the VEO and the state resulting from the deradicalization programs offered in Prisons. They include; opportunities for education and acquisition of vocational skills; an opportunity for the authorities to gather more information and intelligence, which enables them to improve their counterterrorism strategies, and also an opportunity is presented to the government of ensuring an enhanced security environment, as a result of transformed terrorists and their confinement.

### **5.3 Conclusions**

In tandem with the first objective which discusses the normative and institutional frameworks for management of violent extremism offenders in the Kenyan prisons, the study established that, the Global Counter-Terrorism Strategy is the main tool utilized in fighting terrorism and emphasizes on the need to observe human rights and the rule of law, including the need to promote and protect the rights of the victims and of the offenders of terrorism.<sup>115</sup>

Africa's counter-terrorism is premised on "the OAU (AU) Convention on the Prevention and

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<sup>115</sup> UN. (2006). *UN-Global Counter-Terrorism Strategy*. United Nations In New York: New York

Combating of Terrorism (Algiers Convention) of 1999” which provides for stipulations which prohibit financing of terrorism. It contains “a definition on the act of terrorism; provisions for organizing cooperation among the member states, particularly exchanges of information on terrorist groups and the networks which support them.”<sup>116</sup>

Kenya’s legal and institutional framework for management of terrorism offenders is contained in “the *Kenya Training Manual on Human Rights and Criminal Justice Responses to Terrorism*”.<sup>117</sup> It is the fundamental policy and legal document which provides direction to issues of radicalization in prisons service.<sup>118</sup> The manual provides “the capacity to Kenyan criminal justice practitioners to implement measures that are respectful of the rule of law and in accordance with international law, including international human rights law.”

The study also notes that, the primary global normative framework for the management of violent extremists is “the United Nations handbook on the management of violent extremist prisoners and the prevention of radicalization to violence in prisons”. It articulates the fundamental issues for managing violent extremists in prisons which specifically addresses; upholding of human rights, ensuring safe custody, the importance of prison intelligence as well as safe and orderly institutions. The United Nations framework also underscores the significance of efficiently managing prison staff and other individuals who interact with inmates involved in extremist violence. This encompasses factors such as the essential attributes expected of prison personnel, the hiring and screening procedures, the continuous education and enhancement of

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<sup>116</sup>Mcgee, L. (2020). *Preventing and Combating the Financing of Terrorism*. Old Dominion University: Washington D.C

<sup>117</sup>UNODC./Gok. (2017). *Kenya Training Manual on Human Rights and Criminal Justice Responses to Terrorism*. Government of Kenya Printer: Nairobi.

<sup>118</sup> Ibid

staff, as well as the formulation of professional norms and values.<sup>119</sup> The UN framework specifically addresses preventing radicalization to violent extremism in prison. Among the key issues stipulated in this normative subject is the radicalization to the violence cycle which articulates the enablers and precursors of VE in prisons; vulnerability and models of recruitment in prisons.<sup>120</sup> The framework further addresses how prisons staff can disrupt radicalization to violence in prisons.

According to the study's results, there exist numerous factors that can facilitate or trigger radicalization towards violent extremism in prisons. These include push factors such as ideology, grievances, charismatic leaders, and the need to satisfy physical and general needs, as well as pull factors such as religion. In addition, Kenya introduced a robust legal framework to address VE, as such the NCTC and the government also adopted “the prevention of Terrorism Act enacted in 2012”, to specifically make provision for fighting terrorism issues.<sup>121</sup> According to the findings established; Kenya is a key player in the war against terror and an important partner among the global states in the fight against violent extremism as demonstrated by establishment of specialized police unit-the ATPU and through the 2011 military incursion in Somalia as well as adopting a community policing initiative, which enables members of the public to report suspected individuals, who dwell in the society to the police authorities for action .<sup>122</sup> Terror activities have reduced due to factors related to government’s efforts to gather intelligence and thwart planning and execution of terror incidents.

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<sup>119</sup> UNODC. (2006). *Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons*. UNODC Publication: Vienna.

<sup>120</sup> Ibid

<sup>121</sup> GOK. (Prevention of Terrorism ACT, NO. 30 of 2012). Gok Press: Nairobi:

<sup>122</sup> Ingvild, G. (2019). *Police Reform and Community Policing in Kenya* . Norwegian Institute of International Affairs (NUPI): Oslo, Norway

Some of the weaknesses inherent law and practice of managing violent extremism in Kenya include; loopholes in the prosecution of terror suspects with a significant number getting leniency in terms of police bonds and bails in the courts of law as affirmed by majority of respondents particularly from Kamiti Maximum Security Prison. Further, deficiencies associated with weak evidence or lacks of it thereof, have been cited as some of the lacunae in law which weakens the prosecution and punishment of terror criminals. The criminal justice system was also slow in determining cases particularly those which related to terrorism. Therefore, the criminal justice system in Kenya should be reformed to enable prosecution of radicle propagandist, particularly to deter religious-infused doctrines from being propagated inside and outside prisons facilities. In efforts to examine the effectiveness of various strategies of counterterrorism and how they impacted de-radicalization, Silke A. postulates that; prisons serve as both agents of radicalization and of de-radicalization; however, their effectiveness to rehabilitate terror suspects is largely depended on the institutional standard operating procedures (SoPs).<sup>123</sup> As such, military incursion as a strategy of counterterrorism and of de-radicalization in Kenya was perceived as an effective strategy; due to the fact that, it managed to physically eliminate terrorist individuals and their cells, as well as their infrastructure, hence entirely eliminating the threat of physical attacks and that of radicalization. The findings also show that, financial controls as a very effective strategy of counterterrorism and of de-radicalization in Kenya as it denies the terrorists the much-needed money to run and fund their activities. The study finds that; there exist weaknesses in law regarding management of violent extremist in Kenya particularly leniency relating to the justice served.

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<sup>123</sup> Ibid.

In tandem with the second objective, the study deduces that, there are several approaches and methods for countering violent extremism in Kenyan Prisons which include; Prison-Based De-radicalization and Dis-engagement Interventions this can be demonstrated by the fact that prisons have played an integral role in the narratives of every violent extremist organization in the current age.<sup>124</sup> They have been utilized by terrorism charged inmates held in them for the purposes of planning and mobilizing external support, radicalization and for creating operational command structures. On the other hand, prisons can play a positive role in deradicalization and in combating VE as they are regarded ideal incubators for individual transformation. The argument is therefore; if radicalization is possible in prisons, then; deradicalization is also possible in prisons. Prisons can therefore serve as enablers of a positive change. Another notable method is Faith-based interventions which were described by (48) majority of the respondents (68.57 per cent) as the most effective approaches which could discourage and disengage violent extremist from terrorism followed by Separation of Inmates, Vocational training, Psychological and cognitive interventions as well as creative cultural and recreational approaches.

The use of faith-based interventions in prisons has a history of aiding in the rehabilitation of prisoners. However, it should be noted that some violent extremists may use their faith to rationalize their violent behaviour. The faith-based interventions adopted in prisons should take care of particular interpretations of religious ideologies, which justify violent extremism and therefore tailor those interventions with appropriate counter religious arguments.<sup>125</sup> Separation of Inmates is a strategy used by correctional to segregate specific inmates from the general prison

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<sup>124</sup> ICSR. 2010. "Prisons and Terrorism: Radicalization and De-Radicalization in 15 Countries." ICSR: London.

<sup>125</sup> Schaefer, L., Sams, T., & Lux, J. 2016. Saved, Salvaged, or Sunk: A Meta-Analysis of the Effects of Faith-Based Interventions on Inmate Adjustment. *The Prison Journal*.

population.<sup>126</sup> Separation of inmates was initiated by prisons authorities to manage the most influential inmates. Separation allows supervision of the behaviors as well as reduces chances of influencing others in engaging in VE. Vocational training and education programs provide hand-on, job-specific instruction to undertake skill-driven jobs, such as automotive repairs and mechanics, plumbing, fashion design and welding among others. Education can deter prisoners from embracing radicalization and extremist violence through enhancing their personal confidence, self-regard, and sense of self-importance, while also providing avenues for employment.<sup>127</sup>

Psychological and cognitive approaches enable those targeted to increase their self-awareness regarding problem-solving strategies instead of resorting to violent and criminal approaches. In an effort to curb extremist violence and avert the radicalization of prisoners, the Kenya Prisons Service has made significant investments in training their staff on criminal psychology. Cognitive-behavioural therapy has been recognized as a means of mitigating the process of indoctrination towards extremist violence, whereas psychosocial interventions, which adhere to proven principles for effectual interventions to respond to various types of offending, can be customized to encourage disengagement from violent extremism. These interventions can incorporate both cognitive and psychological approaches to facilitate behavioural change and improve coping skills, ultimately playing a significant role in facilitating disengagement and desistance from violent extremism.<sup>128</sup>

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<sup>126</sup> Frost, N. A., & Monteiro, C.E. (2016). *Administrative Segregation in U.S Prisons*. National Institute of Justice. Northeastern University

<sup>127</sup> Center On Global Counterterrorism Cooperation. (2013). *The Role of Education in Countering Violent Extremism*. Meeting Note. Hedaya

<sup>128</sup> Ibid

Recreational activities and cultural approaches though considered to be less effective in countering extremist violence in Kenyan Prisons, participation in sports and talent activities aids in creating alternative, constructive ways of comprehending and handling grievances and tensions that may contribute to a decrease in extremist violence both inside the prison and in the wider society. Lastly, based on objective three the study concludes that, there are several challenges and opportunities relating to de-radicalization and counterterrorism strategies in the Kenyan Prisons. These challenges include; recidivism or Relapse in which rate of recidivism in Kenya associated with robberies is on the increase as evidenced by the rise in killings and arrests of suspect's habitual robbers indicating an increasing rate recidivism as well putting the judiciary, prisons, probation and after care services on the spot. According to criminal justice experts interviewed by the researcher, robbery and robbery with violence recidivism in the country are caused by negative peer association in Prisons, lifestyle instability and joblessness.<sup>129</sup> The reintegration challenge to de-radicalization and prevention of violent extremism in Kenya is closely associated with the community's apathy to reintegration. There is fear of spread of extremist ideologies in the society as well as re-engagement of convicts in VE after being released.<sup>130</sup> Another challenge confronting de-radicalization and prevention of violent extremism is associated with structural factors such as unemployment of terrorist ex-convicts. In many cases individuals who had been fully radicalized and convicted are subjected to discrimination and restrictive policies meant for extremists where they are unable to get employment. According to

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<sup>129</sup> Thomas, T. (2022). *Factors Contributing to Recidivism*. GRIN Verlag: Munich

<sup>130</sup> Veldhuis, Tinka. "Reintegrating Violent Extremist Offenders: Policy Questions and Lessons Learned." Occasional Paper. GW Program On Extremism, 2015.

Holzer et al. low employment among the released terrorist ex-convict's rates seem closely interlinked to high cases of recidivism rates witnessed among those released from prison.<sup>131</sup>

Another challenge is regulatory discontinuities in the management of radicalized terrorists in the country because Kenya lacks a comprehensive regulatory framework informing the management of violent extremists and for their deradicalization. There is no policy or institutional framework or rather standing orders among the Kenya's penal institutions to guide the management of terror convicts including how they can be de-radicalized and prevented from recidivism. Institutional challenges identified by the respondents entailed factors such as; incompetence among prison staff, corruption and bribery among the prison's authorities, financial constraints, inadequate training of prisons officers to handle violent extremist among others which vary from one prison to another. The process of deradicalization and prevention of violent extremism in Kenyan Prisons is challenged by the problems of affiliation to Gang groups and organization as well as inadequate funding among the Prisons.

On the other hand, the deradicalization and prevention of violent extremism programs offered in Prisons offers an opportunity for VEO prisoners, to acquire psycho-social and cognitive transform and enable them reintegrate to a community as transformed individuals. Prisons also offer opportunity of VEO prisoners to share their experiences and events with their managers (Wardens/ Prosecutors/Investigators) at the Prison facilities. Acquiring education by Violent Extremist Offenders (VEO) can enhance their readiness for further schooling and

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<sup>131</sup> Holzer, H.J., Raphael, S., & Stoll, M.A. (2003). *Employment Barriers Facing Ex-Offenders*. University Law School: New York

employment opportunities upon release from prison.<sup>132</sup> Providing for education and vocational skills acquisition to violent extremist offenders (VEOs) also serves as an opportunity for the prison authorities to gather more information and intelligence. This can aid in improving counterterrorism strategies and create a more secure environment as terrorists are transformed during their confinement. Additionally, these opportunities present a chance for the government to ensure an enhanced security environment by equipping prisoners with skills that can facilitate their reintegration into society and reduce the likelihood of reoffending.

## **5.4 Recommendations**

The study makes the following recommendations based on the study findings;

### **5.4.1 Policy framework for the management of violent extremism**

The study suggests the need to develop a policy framework for the management of violent extremism in rehabilitation facilities in the country. It is important to adopt domestic law and institutionalize it in the penal institutions as a starting point for interventions aimed at managing violent extremist prisoners. Additionally, the study proposes the formation of a task force dedicated to formulating a bill in parliament aimed at adopting a national and county policy framework for the management of violent extremism.

### **5.4.2 Prioritizing Faith Based Interventions**

This study has established that faith-based interventions are comparatively effective in deradicalization. Religious leaders provide the moral education from which violent behaviors can either be discouraged or encouraged (learned or unlearned). Therefore, it's from them where law

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<sup>132</sup> Global Counter-Terrorism Forum. 2015. Detention and Reintegration Working Group Workshop on Education, Life Skill Courses and Vocational Training for Incarcerated Violent Extremist Offenders. Geneva: GCTF Publication.

should prescribe inclusion of religious interventions into rehabilitation and management of violent extremism in custody. The intervention of separating violent extremist's prisoners currently in place among the three maximum prisons was quoted as marginally effective in comparison to the faith-based interventions. With the second highest approval from the respondents, the separation strategy demands amendments aimed at providing justice and pursuing rehabilitation. This study recommends violent extremists to be strictly separated from the rest of prisoners and be accorded faith-based interventions coupled with psychological interventions for a holistic reform outcome.

#### **5.4.3 Multiagency Cooperation Approach**

To effectively address the challenges and opportunities identified in the management of violent extremists suspects or prisoners, this study suggests the need for a coordinated multi-agency cooperation approach. In order to tap into the opportunities and overcome the challenges, the study recommends the establishment of a national bureau for the management of deradicalization and prevention of violent extremism, anchored on a multi-agency collaboration model. Such an approach would help to ensure a more effective and efficient management of violent extremism, while also promoting cooperation among various agencies involved in the process.

#### **5.4.4 Recommendations for further research**

In view of the foregoing results and findings, the study suggests that future research should be conducted on:

- i. Assess the long-term impact of separation on the reintegration and recidivism rates of inmates with extremist ideologies. Investigate whether separation leads to a reduction in extremist beliefs and whether it facilitates successful reintegration into society.

- ii. Conduct a comparative analysis of separation strategies in Kenyan prisons versus those in other countries. Evaluate the effectiveness of Kenya's approach in light of international best practices and identify areas for improvement.
- iii. Explore the psychological and sociological factors that influence the effectiveness of separation. Investigate the role of factors like peer influence, prison culture, and psychological well-being in the de-radicalization process.
- iv. Examine the effectiveness of rehabilitation and de-radicalization programs within separated units. Assess the impact of educational, counseling, and vocational programs on changing inmates' extremist beliefs and behaviors.

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### **Appendix i: Informed Consent Form**

I am a Master student undertaking a study on “THE IMPACT OF SEPARATION STRATEGY IN COUNTERING AND PREVENTING VIOLENT EXTREMISM IN KENYA PRISONS”. This study is for academic purposes only and participation is voluntary. No identifying information will be obtained. Indicate your decision to participate in the study by responding to the questions presented in the questionnaire (attached). Otherwise, decline from participating in the study by failing to receive the questionnaire. Indicate your choice:

I wish to participate in the study [  ]

I do not wish to participate in the study [  ]

## Appendix ii: Questionnaire

### THE IMPACT OF SEPARATION STRATEGY IN COUNTERING AND PREVENTING VIOLENT EXTREMISM IN KENYA PRISONS

Dear Respondents,

I kindly request you to provide information on my Masters study titled: *The Impact of Separation Strategy in Countering and Preventing Violent Extremism in Kenyan Prisons*. The Research is aimed at improving deradicalization programs offered by the criminal justice system both locally and internationally.

The study intends to examine the impact of separation as a strategy of countering and preventing violent extremism in Kenya's prison system.

You have been identified to provide critical information to make this study a success. All responses will be acknowledged, credited and strictly used only for academic purposes. Information obtained will be treated in confidence. Your cooperation and contribution is highly appreciated.

Thank you

Preliminary Section: Bio Data

Please tick as appropriate

- i. Sex: [ ] Male [ ] female
- ii. Name
- iii. Place of Work

#### PART A

To evaluate the legal, policy and institutional Frameworks for the Management of violent Extremism offenders in the Kenyan prisons

1. Kindly describe the position of Kenya in the global war against terror.
2. Kindly, describe or discuss some of the weaknesses in law and practice of managing violent extremism in Kenya.
3. According to your own assessment, discuss the nature of criminal justice offered to de-radicalize violent extremist offenders in Kenya criminal justice system.
4. Explain comprehensively the circumstances under which extradition of terrorist suspects happen?

5. How effective would you rate the incarceration of terrorist criminals as a strategy of counterterrorism and of de-radicalization in Kenya.

0	Not at all effective	
1	Barely effective	
2	Marginally Effective	
3	Fairly effective	
4	Effective	
5	Very effective	

6. How effective would you rate military incursion as a strategy of counterterrorism and of de-radicalization in Kenya

0	Not at all effective	
1	Barely effective	
2	Marginally Effective	
3	Fairly effective	
4	Effective	
5	Very effective	

7. How effective would you rate financial controls as a strategy of counterterrorism and of de-radicalization in Kenya

0	Not at all effective	
1	Barely effective	
2	Marginally Effective	
3	Fairly effective	
4	Effective	
5	Very effective	

## **PART B**

The Various Methods used to Counter and Prevent Violent Extremism in Kenyan Prisons

8. Explain the extent and magnitude of deradicalization problem in Kenya Kenyan prisons.
9. Describe how Prison authorities address the problem of radicalization in the correctional facilities.
10. From your knowledge and understanding, is there an increase or a decrease in the number of people radicalized from the penal institutions (Prisons). How many people have radicalized in the past five years?
11. A) Describe the Separation Strategy in Prisons and B) Rate the effectiveness of the strategy.
12. Kindly discuss other strategies employed in Prisons and Correctional rehabilitative facilities to manage violent extremists.

## **PART C**

The Challenges and Opportunities Inherent De-Radicalization and Counterterrorism Strategies among Kenya's Prison Services

13. Discuss some of the challenges facing counterterrorism management in Kenyan Prisons?
14. How can the government improve counterterrorism and radicalization in Kenya prisons?

**END**

### **Appendix iii: Interview Guide**

- 1) Are there existing normative and institutional frameworks for management of violent extremism offenders in the Kenyan prisons? Please explain
- 2) What are the various methods used to counter and prevent violent extremism in Kenyan Prisons? Please explain
- 3) In which ways can the government counter violent extremism in Kenyan prisons? Please explain.
- 4) What are the Challenges Inherent De-Radicalization and Counterterrorism Strategies among Kenya's Prison Services and how can they be countered? Please explain.
- 5) What are the opportunities Inherent De-Radicalization and Counterterrorism Strategies among Kenya's Prison Services? Please explain.