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USDOS – US Department of State

Country Report on Terrorism 2019 - Chapter 1 - Kenya

Overview: In 2019, Kenya suffered its worst terrorist attack in four years when al-Shabaab (AS) attacked the Dusit D2 hotel complex in Nairobi. The use of a suicide vest and the targeting of civilians were notable. Additionally, the region bordering Somalia continued to suffer attacks, particularly through IEDs and ambushes targeting Kenyan security forces and important infrastructure.

A member of the Global Coalition to Defeat ISIS, Kenya is a willing U.S. partner in CT investigation, prosecution, and incident response, and plays a leading role in regional CT cooperation. The Kenya Defense Forces (KDF) continued to participate in AMISOM and supported border security and counter-IED efforts within Kenya. Security services responded to numerous terrorist incidents, while also disrupting AS and ISIS attack planning, recruitment, and travel. Reports of human rights violations by security forces during CT operations continued, including allegations of extra-judicial killings, disappearances, and torture. In responding to the January 2019 DusitD2 Hotel attack, Kenyan security forces demonstrated improved procedures in line with international standards for protection of human rights in response to terrorist threats and attacks.

2019 Terrorist Incidents: Terrorist incidents in 2019 included the following:

- On January 15-16, AS operatives attacked the Dusit2D hotel complex in Nairobi, killing 21 people and wounding 28 others.
- On February 16, media reported that AS killed three Christian teachers at a primary school in Wajir County, a predominantly Muslim region.
- On April 15, media reported that AS fighters killed one police officer and abducted two Cuban doctors in Mandera town.
- On June 15, an IED planted by AS destroyed a police vehicle, killing 11 police officers and injuring one in Wajir County. The attackers also abducted three Kenya Police Reservists, according to government and media reporting.
- On October 26, media reported that AS used an IED to kill 11 General Service Unit (GSU) officers in Garissa County.
- On December 6, AS attacked a public bus and killed six police officers and four civilians in Wajir County, according to media and government reporting.

Legislation, Law Enforcement, and Border Security: Kenya’s government continued to use the Prevention of Terrorism Act (amended in 2014) to investigate and prosecute terrorism. Terrorism case trials often proceeded slowly and inefficiently. For example, the three remaining defendants in the 2013 Westgate Mall attack are still on trial as of December. Most delays are caused by crowded court dockets and the lack of continuous trials. However, 2019 saw significant victories. In March, the Supreme Court reinstated the convictions and 15-year sentences of two Iranians in a disrupted 2012 bomb plot that included scouted locations in Nairobi and Mombasa. In June, a Kenyan court found three of four defendants guilty of the 2015 Garissa University massacre. Despite these successes, some challenges persist. The government has yet to fund a public defender service, which is critical to the success of its National Legal Aid Action Plan. Access to defense counsel for terrorism suspects is limited. In February, the Office of the Director of Public Prosecutions (ODPP) published national plea-bargaining rules, incorporating them into the Criminal Procedure Code. Since then, the ODPP has been working to develop a uniform and consistent nationwide policy on plea negotiations. The effective use of plea agreements could provide a mechanism for lower-level accomplices to cooperate against higher-level terrorism suspects.

CT functions are divided among the three branches of the National Police Service: 1) the Kenya Police Service (including the paramilitary GSU; Traffic Police; and regional, county, and local police); 2) the Directorate of Criminal Investigations (including the investigative Anti-Terrorism Police Unit, Bomb Disposal Unit, and Cyber Forensics Investigative Unit); and 3) the Administration Police (including the Border Police Unit). The National Intelligence Service, elements of the KDF, and the interagency also shared responsibility. Uneven coordination, resource constraints, insufficient training, corruption, and unclear command and control continue to hinder counterterrorism effectiveness. Kenya’s National Counterterrorism Center (NCTC) continued to work with private security companies on preventing soft target attacks. Kenya began preparations in 2019 to establish an interagency Joint Terrorism Task Force.

Terrorists continued to exploit Kenya’s largely uncontrolled land borders to conduct attacks. In 2019, Kenyan officials continued to build a border security strategy, but hurdles remain. Under a June 2018 arrangement, Kenya is anticipated to receive U.S. Automated Targeting System-Global (ATS-G) software, which facilitates screening of air travelers using API/PNR. If deployed, ATS-G would be integrated with PISCES, the U.S. government-provided front line border management system, enhancing the capabilities of both systems to target potential threats and counter terrorist travel. However, the passage of a data protection law in November has delayed the implementation of ATS-G. To improve aviation safety and security at Nairobi’s International Airport, the Kenyan government established interagency Joint Operations Centers at several points of entry to promote information sharing. Immigration officers also employed government watchlists. Watchlist screening and basic equipment at smaller ports of entry were generally lacking.

The Kenyan government worked to prevent the transit of FTFs, including Kenyans attempting to join AS or ISIS, and those returning from abroad. Kenyan security services also detected and deterred terrorist plots and responded to dozens of terrorism-related incidents. The Kenyan government cooperated on threat information and security at the U.S. Embassy, including through a dedicated GSU CT response team funded by U.S. assistance.

Countering the Financing of Terrorism: Kenya is a member of ESAAMLG. There were no significant updates in 2019.

Countering Violent Extremism: Kenya established County Action Plans for CVE in all 47 counties to further implement its National Strategy to Counter Violent Extremism. The NCTC is seeking increased resourcing to implement these plans. The NCTC also led Kenya’s Country Support Mechanism for GCERF, which awarded grants for community CVE initiatives. Police in Nairobi, coastal, and northeastern counties participated in community engagement training and early warning and response programs. Prison and justice sector stakeholders improved handling of terrorist suspects and convicts, and judicial officials are working to improve management of remand prisoners through plea bargaining and other methods. NCTC’s “piloting” of small-scale efforts to disengage, rehabilitate, and reintegrate former terrorists lack a clear legal framework and supportive public messaging campaigns. The Kenyan government hosted a high-level, international CT/CVE conference in July 2019. Kenya’s second-largest city, Mombasa, is an active member of the Strong Cities Network.

International and Regional Cooperation: Nairobi continues to host the UN headquarters in Africa. The KDF continued participation in AMISOM and is a member of the Global Coalition to Defeat ISIS. Although not a member, Kenya frequently participated in regional meetings of the GCTF and hosted a GCTF workshop in February.

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