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USDOS – US Department of State

## Country Report on Terrorism 2018 - Chapter 1 - Kenya

**Overview:** Kenya continued to experience al-Shabaab terrorist attacks in the region bordering Somalia during 2018, particularly through IEDs and ambushes targeting Kenyan police and military forces. However, Kenya saw a decrease in fatalities from al-Shabaab attacks in 2018 owing to fewer indiscriminate attacks on civilians. Although al-Shabaab has shifted the focus of its attacks to security forces personnel and infrastructure, attacks targeting civilians still occur. The rest of the country remains vulnerable to attacks by terrorist groups.

Kenya is a willing U.S. partner in counterterrorism investigation, prosecution, and incident response, and continued to play a leading role in regional counterterrorism cooperation. Kenya joined the Global Coalition to Defeat ISIS in 2018. 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 al-Shabaab and ISIS attack planning, recruitment, and travel. Reports of human rights violations by security forces during counterterrorism operations continued, including allegations of extra-judicial killings, disappearances, and torture. Please refer to the Department of State’s *Country Reports on Human Rights Practices* (<https://www.state.gov/j/drl/rls/hrrpt/>) and *Report on International Religious Freedom* (<https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>) for further information.

**2018 Terrorist Incidents:** Al-Shabaab continued attacks against Kenyan security forces inside the country, primarily along the border with Somalia. Terrorist incidents included the following:

- On February 16, al-Shabaab fighters killed three teachers in Wajir County.
- On May 8, an IED in Lamu County killed eight Kenyan soldiers and injured two others.
- On June 6, an al-Shabaab IED attack killed five paramilitary police officers in Liboi.
- On August 13, an al-Shabaab IED destroyed a Kenyan police vehicle in Mandera, killing 10 people.
- On September 14, eight al-Shabaab terrorists stopped a bus bound for Garissa and executed two passengers.

**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, but a high acquittal rate persists. In January, the High Court overturned five convictions for attempted terrorist travel to Somalia, as the government did not follow legal procedures for designating Somalia as a prohibited destination. 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. On February 19, the Office of the Director of Public Prosecutions (ODPP) published national plea-bargaining rules, incorporating them into the Criminal Procedure Code. The ODPP also began

developing a uniform and consistent nationwide policy on plea negotiations. The effective use of plea agreements could allow for the inclusion of information and evidence provided by cooperating defendants to prosecute higher-level terrorism suspects.

Trials in terrorism cases often proceeded slowly. At the end of 2018, trials continued for four Kenyans accused of providing support for the 2013 Westgate Mall attack and four Kenyans and one Tanzanian in connection with the 2015 Garissa University attack. The trial of British terrorism suspect Jermaine Grant, who was serving a nine-year sentence for a separate conviction in 2015, was pending a verdict at year's end.

Counterterrorism functions are divided among the three branches of the National Police Service – the Kenya Police Service (including the paramilitary General Service Unit, Traffic Police, and countrywide regional, county, and local police stations); the Directorate of Criminal Investigations (including the investigative Anti-Terrorism Police Unit, Bomb Disposal Unit, and Cyber Forensics Investigative Unit); and 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 hindered effectiveness throughout the year. Kenya's National Counterterrorism Center (NCTC) expanded outreach to private security companies and key sectors on soft target attacks, while Kenya's Executive Order No. 1 of June 2018 strengthened NCTC's mandate regarding counterterrorism-related interagency coordination. Kenya's security agencies focused on soft target threats in major cities and tourist areas, primarily universities, shopping malls, hotels, and resorts.

Terrorists continued to exploit Kenya's sparsely populated border regions and largely uncontrolled land borders to conduct attacks and move operatives in and out of the country. The Department of State's Antiterrorism Assistance program trained and equipped rural Border Police Unit personnel in tactical ground sensor operations and border security operations.

Kenyan officials continued efforts to draft a coordinated interagency border control strategy. A June 2018 agreement will provide Kenya with the U.S. Automated Targeting System-Global (ATS-G) software, which facilitates screening of air travelers. ATS-G will be integrated with PISCES, thereby enhancing the capabilities of both systems to target potential threats and counter terrorist travel through Kenya. Kenya worked to improve aviation safety and security at Nairobi's Jomo Kenyatta International Airport. Kenya established interagency Joint Operations Centers at several points of entry and border crossings to promote information sharing. Immigration officers 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 al-Shabaab or ISIS, and those returning from abroad. Kenyan security services also detected and deterred terrorist plots and responded to dozens of terrorism-related incidents. For example, in February, five al-Shabaab members with plans to attack Nairobi and armed with rifles, grenades, and a car bomb were interdicted by police five hours north of the city. The Kenyan government or its agents continued to face allegations of committing arbitrary and unlawful killings, particularly of known or suspected criminals, including terrorists.

The Kenyan government cooperated with the United States regarding threat information and security at the U.S. Embassy in Nairobi, including through a dedicated General Service Unit counterterrorism response team funded by U.S. assistance.

**Countering the Financing of Terrorism:** Kenya is a member of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), a FATF-style regional body. Kenya last underwent a FATF mutual evaluation in 2011. For additional information on money laundering and financial crimes, see the *International Narcotics Control Strategy Report (INCSR), Volume II, Money Laundering and Financial Crimes* (<https://www.state.gov/2019-international-narcotics-control-strategy-report/>).

**Countering Violent Extremism:** Kenya continued to implement its National Strategy to Counter Violent Extremism, primarily through county-level action plans. Kenya’s NCTC worked with county governments, security actors, and civil society to launch action plans that encouraged the prioritization, cohesion, and resourcing of stakeholders’ CVE-related efforts in Isiolo, Garissa, and Wajir counties. The NCTC also led Kenya’s Country Support Mechanism for GCERF, which awarded grants for community CVE initiatives. Police in Nairobi, and coastal and northeastern counties participated in community engagement training, dialogues on post-traumatic stress, and early warning and response programs. Prison officials improved their handling of terrorist offenders, and judicial officials are working to improve their approach to managing remand prisoners through plea bargaining and other methods. Small-scale efforts to rehabilitate and reintegrate former terrorists, facilitators, and sympathizers continued, but these lacked a clear legal framework and supportive public messaging. Kenya’s second-largest city, Mombasa, is an active member of the Strong Cities Network.

**International and Regional Cooperation:** Kenya continues to host the UN headquarters in Africa in Nairobi, which serves as a hub for regional coordination against transnational threats. The KDF continued its participation in AMISOM, which includes military forces from Burundi, Djibouti, Ethiopia, and Uganda. In August, Kenya joined the Global Coalition to Defeat ISIS. Although not a member, Kenya frequently participated in regional meetings of the GCTF and hosted a GCTF workshop on the nexus between transnational organized crime and terrorism in February.

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