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### The Effectiveness of Various Security Agencies' Counterterrorism Strategies in Addressing Human Rights Violations in Kenya between 1998 and 2020

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#### Abstract

This study aims to explore the effectiveness of various security agencies counterterrorism strategies in Kenya between 1998 and 2020. The research utilized a descriptive research design, and the target population consisted of 420 civil society groups, human rights organizations, security agencies, and counter-terrorism agencies (CSOs). A sample of 150 respondents who were given a questionnaire and an interview schedule was obtained through the use of two-stage purposive sampling technique. The collected numeric data were analyzed with the assistance of SPSS software version 26.0, while the collected qualitative data were processed thematically through the utilization of content analysis. The analyzed data was reported in the form of

narrative and displayed on tables, charts and bars. The study findings revealed that government of Kenya has deployed a number of security agencies counterterrorism strategies between 1998 and 2020 among them being, arrests, prosecutions, detentions, multiagency approach, using security forces, educating the public, fighting terrorism through creation of income generating activities, enactment of the anti-terrorism act, monitoring and interception of money transactions and regulating the media. According to the findings of the study, the majority of the counterterrorism strategies implemented by Kenya's various security agencies have been ineffective in accomplishing the country's overarching objective of eradicating terrorism.

**Keywords:** Anti-terrorism, Counter-terrorism Strategies, Counter-terrorism, Effectiveness of Strategies

#### 1. Introduction

Recent counterterrorism strategies employed by various nations, including surveillance programs, limitations on freedom of speech, and bulk data collection often raise concerns as they clash with fundamental human rights and principles of justice such as the right to privacy, freedom of expression, and due process (Birdsall, 2020) <sup>[5]</sup>. Despite legal and practical measures like regular independent inspections aiming to prevent torture (Bickerton, 2020) <sup>[4]</sup>, some nations still resort to practices like extraordinary rendition, violating international law against refoulment (Bolhuis & van Wijk, 2020) <sup>[6]</sup>. This intricate balance between legal obligations and national security concerns presents a significant challenge for many countries, particularly African nations like Kenya, actively engaged in counterterrorism efforts (Kamau, 2021) <sup>[12]</sup>.

Terrorism continues to be a significant global concern, posing a serious threat to peace, security, and stability across the world, impacting a wide range of United Nations (UN) member states, their populations, and their prospects for socio-economic development (UN, 2019). The challenge of terrorism is multifaceted, affecting nations in diverse ways and requiring a coordinated international response to effectively mitigate its risks and consequences. To address this global challenge, the United Nations has established a comprehensive framework that includes 19 universal legal instruments, alongside various Security Council resolutions and the Global Counter-Terrorism Strategy. This extensive framework serves as a foundation for counter-terrorism initiatives at multiple levels, enabling a collaborative approach that encompasses global, national, and regional efforts. These tools provide a structured platform for member states to align their counter-terrorism measures with international norms and best practices, ensuring a unified stance against terrorism.

The United Nations Office of Counter-Terrorism (UNOCT) plays a pivotal role in this global effort, uniquely positioned to assist Member States in implementing effective strategies to prevent and counter terrorist activities within their territories and across borders (Porret, 2020) <sup>[23]</sup>. The UNOCT's mandate includes facilitating international cooperation, enhancing the

capacities of member states, and fostering a comprehensive approach to counter-terrorism that respects human rights and the rule of law. Since the turn of the millennium, particularly after the events of 2001, the UN Security Council's Counter-Terrorism Committee has been at the forefront of these efforts. This specialized body is tasked with overseeing the implementation of relevant Security Council resolutions related to counter-terrorism. Its responsibilities include monitoring member states' compliance with their obligations to combat terrorism, facilitating technical assistance where needed, and promoting the exchange of information and best practices among nations. Through its diligent work, the Committee plays a critical role in coordinating the international community's response to the evolving threat of terrorism, aiming to enhance global security and protect the lives and well-being of people around the world.

Security agencies' counter-terrorism strategies is defined as the various methods and tactics employed by governmental organizations to prevent, respond to, and mitigate terrorist activities (Cross, 2023) <sup>[8]</sup>. According to Langat and Handa (2023) <sup>[16]</sup>, these strategies encompass a wide range of activities, including intelligence gathering to detect and disrupt terrorist plots, law enforcement measures to arrest and prosecute those involved in terrorism, military operations to eliminate terrorist groups and their infrastructure, and efforts to counter radicalization and extremist ideologies that fuel terrorism. Additionally, counter-terrorism strategies often involve international cooperation, as terrorism is a transnational issue that can cross borders (Montasari, 2024) <sup>[18]</sup>. The goal of these strategies is to protect citizens, assets, and interests from terrorist attacks while upholding the rule of law and human rights.

Ganor (2008) <sup>[11]</sup> highlights a crucial dilemma in this balancing act. He emphasizes the need to achieve maximum efficiency in fighting terrorism while preserving the nation's liberal-democratic principles and fundamental values such as human rights, constitutional freedoms and the rights of minorities. This ethical complexity is particular evident in the use of targeted killings within counterterrorism strategies. Striking this delicate balance remains a significant challenge in the ongoing fight against terrorism. Defeating terrorism properly and sensibly positions a significant obstacle to nations as federal governments react to this challenge in various ways; some states establish considerable safety counterterrorism programs welcoming various areas of public and also foreign policy, others opt for much less incorporating actions, basic criminal regulation, and also institutions of criminal system to handle terrorists as well as their advocates. According to (Asongu, et. al, 2018) <sup>[3]</sup>. Some governments confine their securities counterterrorism plans to the rule of law as well as regard for human rights, while others retaliate with extensive suppression not just of terrorists but of innocent private citizens also (Gyamfi, 2020) <sup>[9]</sup>. The question then comes to be, what describes this variant. States through their Insurance organizations especially, have an obligation to take every one of the fundamental systems to protect the common liberties of all people within their area from illegal intimidation, as a feature of their good responsibilities to ensure the right to life, the right to actual genuineness and different other common freedoms and furthermore essential opportunities (Mongare, 2019) <sup>[17]</sup>. In this regard, the focus

is on bolstering defenses against terrorism while simultaneously upholding and promoting human rights and the rule of law. This approach underscores the importance of a balanced strategy that not only seeks to prevent terrorist activities but also ensures the protection of fundamental freedoms and justice. By integrating these principles into counter-terrorism efforts, the aim is to create a more effective and ethically grounded response to the threat of terrorism.

Article 2 of the Universal Declaration of Human Rights (UDHR, 2020) states that every individual is entitled to all the rights and freedoms set forth in the Declaration, without any form of discrimination. Article 8 guarantees access to competent courts for rights violations and Article 11 upholds the right to a fair trial and the presumption of innocence. In light of these protections concerns have been raised about potentially unfair practices in counterterrorism, including the denial of fair trials and arbitrary detention which violate Article 11 of the UDHR. A clear example of this is the operation of the Guantanamo Bay detention camp, where individuals suspected of terrorism were held without formal charges and limited access to legal counsel, raising concerns about violations of several articles of the UDHR.

In the aftermath of the horrific Madrid terrorist attack on March 11, 2004, the European Union responded swiftly. Within a month (April 24-26, 2004), the EU declared its focus on combating terrorism and implementing its European Security Strategy (ESS) (Prieto, et al., 2007) <sup>[23]</sup>. This strategy included a comprehensive counterterrorism plan outlining several goals, such as disrupting terrorist financing and enhancing border security across the EU (Vazquez & Hervas, 2010) <sup>[28]</sup>. While the aim was to enhance security, concerns emerged regarding the detention of some individuals suspected of involvement in the attack without following established legal procedures, which potentially violates fundamental human rights.

Following the Bali bombing of October 12, 2002, considered Indonesia's deadliest terrorist attack, the government implemented a comprehensive counterterrorism strategy (Susetyo, 2018) <sup>[27]</sup>. New anti- terrorism legislation was enacted swiftly, with some provisions applied retroactively to the bombing case itself (Susteyo, 2018) <sup>[27]</sup>. Additionally, specialized law enforcement unit like Densus 88 was established to combat terrorist threats, alongside the creation of the National Counterterrorism Agency (BNPT) to coordinate national efforts. Recognizing the potential for preventing future attacks through long term solutions, a de-radicalization program was launched in the early 2010s (Lamcheck, 2018) <sup>[15]</sup>. However, the legal proceedings against individuals accused of the bombings faced challenges, as some defendants like Amrozi and Imam Samudra argued that the application of the anti- terrorism law violated their fundamental rights due to its retroactive nature, which they claimed contravened a recent constitutional amendment (Susetyo, 2018) <sup>[27]</sup>.

Regionally, across Africa, discussions have centered on the capacity of courts in some nations to fully oversee the actions of the executive branch (Heyl, 2019) <sup>[10]</sup>. This issue is compounded by the generally poor human rights records of numerous countries on the continent, leading to a widespread lack of trust among the populace in their governments' ability to protect their rights (Peters, 2018) <sup>[22]</sup>. In addressing terrorism, the focus of many governments has predominantly been on security measures, lawenforcement,

and the exertion of power, with less attention given to addressing the underlying economic, social, and political factors that contribute to the rise of terrorism.

Kenya has long been a haven of peace, offering refuge to those fleeing turmoil in neighboring nations. Yet, since 1998, the country has faced a growing threat from terrorism, undermining national security and hindering progress (Kirui, 2020). The nature and severity of terrorist incidents within Kenya have evolved, impacting numerous innocent lives. A notable early act of terrorism was the 1982 bombing of the Norfolk Hotel on New Year's Eve, attributed to the Popular Front for the Liberation of Palestine (PFLP) as a response to Kenya's support of Israel during the 1976 Entebbe raid in Uganda (Raja & Raghu, 2020)<sup>[26]</sup>.

In response, Kenya has adopted internationally recognized strategies to counteract terrorism, albeit these efforts have occasionally infringed upon the fundamental rights to life, safety, and security, raising concerns over the appropriateness of such counterterrorism measures. Research by Kivunzi (2017)<sup>[14]</sup> indicates that Kenya's anti-terrorism efforts include the implementation of the Counter-Terrorism Act, public education, the establishment of income-generating legal actions, public awareness initiatives, amnesty offers for surrendering terrorists, direct action by security forces, a multi-agency approach, monitoring and blocking of financial transactions, and media regulation. However, Kenya's aggressive stance against terrorism has not been without controversy. Efforts to apprehend extremists have led to accusations of human rights violations and have exacerbated longstanding tensions between the Kenyan government and minority Muslim communities, complicating the country's counterterrorism initiatives (Prestholdt, 2021)<sup>[24]</sup>. A paradigm shift occurred in the nature of terrorist attacks that took place in Kenya toward the end of the year 2010. In the first place, there was evidence that Kenyan nationals were involved in terrorist acts, in contrast to earlier incidents, which were tied to transnational terrorists. Secondly, because of the country's ongoing political instability, Terrorists are finding refuge in Somalia, which has become a safe haven for them.

Based on literature as evident from this background, there are notable research gaps in understanding the balance between effective counter-terrorism strategies and the protection of human rights within the context of Kenya from 1998 to 2020. While there is extensive documentation on Kenya's counterterrorism since 1998, a comprehensive analysis of how these strategies align with or infringe upon human rights safeguards remains limited. This gap extends to the need for in depth examination of legal frameworks, law enforcement practices, and their implications for civil liberties and the rule of law. Additionally, the perspectives of various stakeholders, including security personnel, affected communities, and human rights organizations, regarding the effectiveness and ethical considerations of these counter-terrorism measures remain under-explored. It is in view of these research gaps that the current study delves into exploring perspectives on security agencies' counter-terrorism strategies and human rights safeguards in Kenya (1998-2020).

## 2. Materials and methods

The study employed a descriptive research design to examine the implications of counter-terrorism strategies on

human rights in Kenya, capturing the state of affairs as they were at the time of the research. This approach was chosen for its ability to provide a detailed analysis of the phenomena under investigation by collecting data that shed light on the attitudes, values, and opinions related to the subject matter, thus offering an in-depth understanding of the current status of the subjects involved in the study.

The research took place in Nairobi City County, the economic hub of East Africa and the Horn of Africa, with a population of approximately 5 million (KNBS, 2019). Nairobi is not only pivotal for its economic influence but also serves as a central location for the headquarters of various anti-terrorism agencies in Kenya, alongside hosting numerous international organizations, foreign embassies, and consulates. The study was specifically conducted at the headquarters of the Kenya National Commission on Human Rights (KNCHR) in Nairobi, situating the research within a critical nexus of security and human rights discourse in the region.

The study was conducted in Nairobi City County because of its significance as Kenya's capital and largest city, which has been a focal point for terrorist activities, including high-profile attacks that have drawn international attention. Nairobi hosts key government and security agency headquarters, making it central to the implementation and impact of counterterrorism strategies. Additionally, the city's diverse and populous nature provides a comprehensive context for understanding the interaction between these strategies and human rights.

This research study targeted individual institutions, security representatives from established agencies (Kenya Defence Forces, National Police Service, and the National Intelligence Service), counter-terrorism firms, and civil community organizations (CSOs) (Churches and other faith-based association together, social media, and also online teams' communities). The research specifically targeted 4 main human rights institutions in Kenya based in Nairobi. These included: KNCHR, KHRC, Defenders- Kenya and Amnesty International Kenya. From each of these organization, 30 employees were purposively selected for the study.

The Thirty employees were purposively selected from each organization to ensure a comprehensive representation of perspectives within the institutions. This selection strategy aimed to capture a wide range of insights and experiences related to counter- terrorism and human rights, leveraging the diverse roles and expertise of the employees. Purposive sampling is a widely recognized method in research for its ability to target a specific group of individuals who are particularly knowledgeable about or experienced with the subject matter of interest.

This approach is supported by Patton (2002)<sup>[21]</sup>, who argues that purposive sampling allows researchers to select information-rich cases that yield insights and in-depth understanding rather than empirical generalizations. Similarly, Bryman (2012)<sup>[7]</sup> highlights the effectiveness of purposive sampling in ensuring that the sample reflects certain characteristics, experiences, or phenomena critical to the research questions and this justified the use of this sampling method in this study. Table 1 shows the target population for the study.

**Table 1:** Target Population

Organization	Target Population
Kenya National Commission on Human Rights	30
Kenya Human Rights Commission	30
National Coalition of Human Rights Defenders-Kenya	30
Amnesty International Kenya	30
Security Agents (the Kenya Defence Forces, the National Police Service and the National Intelligence Service).	100
Counter-Terrorism Agencies (Kenya's National Counterterrorism Center)	100
Civil Society Organizations (CSOs) (Churches and other faith-based organizations together, online groups and social media communities)	100
<b>Total</b>	<b>420</b>

**Source:** Researcher (2024)

This study utilized two-stage purposive sampling, a research method that involves strategically selecting participants based on their specific characteristics or experiences relevant to the research question. In this case, the goal was to explore the complexities of human rights and counterterrorism in Nairobi. In the first stage; relevant human rights organizations (governmental and non-governmental) with expertise in areas impacted by counterterrorism were chosen. Within each organization, 30 staff members with diverse experience and roles were

purposively selected. The study then expanded to security agencies, counterterrorism agencies, and Civil Society Organizations (CSOs) using the same purposive sampling approach to ensure participants from all groups possessed relevant knowledge of human rights and counterterrorism.

In this study, a purposive sampling approach yielded a sample of 150 participants to explore the complexities of human rights and counterterrorism efforts in Nairobi, Kenya.

**Table 2:** Sample Size

Organization	Sample Size
Kenya National Commission on Human Rights	30
Kenya Human Rights Commission	30
National Coalition of Human Rights Defenders-Kenya	30
Amnesty International Kenya	30
Security Organs (the Kenya Defence Forces, the National Police Service and the National Intelligence Service).	10
Counter-Terrorism Agencies (Kenya's National Counterterrorism Center)	10
Civil Society Organizations (CSOs) (Churches and other faith-based organizations together, online groups and social media communities)	10
<b>Total</b>	<b>150</b>

**Source:** Researcher (2024)

This research focused on four key human rights organizations (Kenya National Commission on Human Rights, Kenya Human Rights Commission, Defenders-Kenya, and Amnesty International Kenya), where 30 staff members from each were purposively selected to ensure diverse perspectives on human rights concerns. The study extended beyond human rights organizations to include security agencies (e.g., Kenya Defence Forces), counterterrorism agencies (e.g., Kenya's National Counterterrorism Center), and civil society organizations (CSOs) encompassing churches, faith-based associations, social media, and online communities. This multi-stakeholder approach ensured a well-rounded understanding of the interplay between human rights and counterterrorism efforts. The sample size for the study is presented in Table 2 above.

This study used each key and subsequent records, through which the primary data collection tool proposed for this study will be both semi-structured questionnaire and Key informant interviews (KII). Questionnaire was utilized on the grounds that it enables the respondents to give their reactions in a convenient manner. While staff at Human Rights Commissions completed the questionnaires themselves (self-administered), this approach presented a potential drawback. Some respondents might have been hesitant to participate due to fear of retaliation from those involved in the research or a concern about confidentiality.

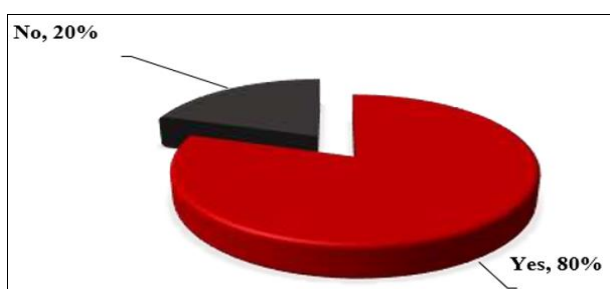
The questionnaire consisted primarily of structured questions. This approach offers several advantages: It promotes consistency in responses, facilitates data analysis, and ensures the information gathered is easy to translate and chart. The questionnaires were delivered by hand, while others were sent via email with a consent form assuring respondents' confidentiality. Key Informant Interviews (KIIs) were carried out with members from various safety and security entities, such as the Kenya Defence Forces, National Police Service, and National Intelligence Service, in addition to counter-terrorism bodies and Civil Society Organizations (CSOs). The CSOs encompassed an array of groups including faith-based organizations, online communities, and social media networks. To complement the primary data obtained through questionnaires, this study also involved a thorough examination of secondary data sourced from a diverse array of materials. These included official government reports, scholarly literature such as books, journal articles, conference proceedings, and dissertations, as well as digital content from the internet and articles from magazines. The critical analysis of these secondary sources aimed to enrich the primary data, providing a more comprehensive understanding of the study's subject matter.

During the course of this study endeavor, both qualitative and quantitative data were gathered and analyzed. With the support of SPSS version 26.0, the quantitative aspects were

analyzed by employing descriptive statistics such as mean, standard deviation, frequency, and percentage. The qualitative aspect of the data, on the other hand, was subjected to content analysis, which was carried out in a thematic fashion. In order to provide a perspective on how to guarantee that all relevant data pertaining to each objective is gathered and that none are overlooked, the analysis was carried out in accordance with the objectives of the study. This was done in order to offer a way to guarantee that all relevant data pertaining to each objective is gathered. A key textual evaluation and analysis was also performed on the secondary material in order to evaluate the significance of the document in relation to the aim of the research study as well as its level of detail.

### 3. Results and discussion

The respondents were asked if they were aware of the strategies being employed by Kenyan Government in the fight against terrorism or not.



Source: Field Data (2024)

Fig 1: Awareness about Counter-terrorism Strategies

On the basis of the above results, a majority of respondents (80%) were aware of the existing counterterrorism strategies employed by the Kenyan government. While this high awareness level suggests that staff working for Human Rights Commission organizations in Kenya are familiar with these strategies, it doesn't directly assess their effectiveness in addressing human rights violations. However, due to their expertise in monitoring and documenting human rights violations, these staff members can provide valuable insights into potential shortcomings or negative impacts of these strategies on human rights. Therefore, they were considered suitable respondents to investigate the potential impact of counterterrorism strategies on human rights violations in Kenya.

The respondents were also asked to list some of the counterterrorism strategies being used in Kenya, and Table 3 shows the responses.

Table 3: Counterterrorism Strategies in Kenya

Statement	Frequency	Percentage
Enactment of the anti-terrorism Act	6	5.2
Educating the public	9	7.8
Creation of income generating activities	8	7
Arrests, prosecutions and detentions	61	53
Ministerial pardons for terrorists on surrender	2	1.7
Security forces fighting terrorism	9	7.8
Multiagency approach	14	12.2
Monitoring and intercept of money transactions and regulating the media	6	5.2
Total	115	100

Source: Field Data (2024)

Based on the findings in Table 3, majority of the respondents (53%) listed arrests, prosecutions and detentions as the most commonly used counterterrorism strategies in Kenya, 12.2% identified multiagency approach as a strategy, 7.8% believed the Government of Kenya is using security forces to fight terrorism, another 7.8% believed the government is educating the public as a way of fighting terrorism, 7% indicated that the government was fighting terrorism through creation of income generating activities, 5.2 cited enactment of the anti-terrorism act as a strategy being employed in Kenya and another 5.2 indicated that the government of Kenya was fighting terrorism through monitoring and interception of money transactions and regulating the media. The responses above imply that there are diverse strategies being employed by Kenyan government in the fight against terrorism and common among them is the use of arrests, prosecutions and detentions.

This finding is supported by a study conducted by Ochieng and Maluki (2022) [20], which examined counterterrorism efforts in East Africa and found that legal and security measures, including arrests and prosecutions, are central to the strategies employed by governments, including Kenya. The study also highlighted the use of public education and community engagement as complementary strategies to enhance awareness and prevent radicalization, mirroring the responses that cite the Kenyan government's efforts in educating the public and creating income-generating activities. Furthermore, the enactment of specific legislation, like the Anti-Terrorism Act, and financial monitoring to curb the financing of terrorism activities were also noted as critical components of a comprehensive counterterrorism framework.

With regards to the effectiveness of the above identified strategies, the researcher asked the respondents to indicate how effective they thought the various security counterterrorism strategies being adopted in Kenya were in fighting the eminent threat of terrorism. Their responses were as shown in Table 4.

Table 4: Effectiveness of Counterterrorism Strategies

	Frequency	Percentage
Very Effective	8	7
Effective	8	7
Somehow effective	10	8.7
Not effective	75	65.2
Very ineffective	14	12.2
Total	115	100

Source: Field Data (2024)

A majority of the respondents (65.2%) were of the opinion that counterterrorism strategies being employed in Kenya to fight terrorism were not effective at all, 12.2% believed the strategies were very ineffective, while 8.7% believed the strategies were somehow effective in fighting terrorism. The results show that only a minority (16%) believed the strategies were effective to some degree. These findings suggest a need for the Kenyan government to re-evaluate its counterterrorism approach to ensure its effectiveness in combating terrorism. A study by Okumu and Ahere (2018) echoed similar sentiments, revealing that many experts and civil society members question the efficacy of current counterterrorism measures, particularly critiquing their impact on civil liberties and community relations.

Furthermore, the findings are consistent with the assertions by Mwangi *et al* (2019) that there exists a disconnect between the government's strategies and the perceptions of their effectiveness among local populations and human rights advocates, suggesting a need for more inclusive and community-centered approaches. These findings align with the study's results, indicating a prevalent view among human rights organizations that the Kenyan government's counterterrorism tactics may require significant reevaluation and adaptation to address both security concerns and human rights considerations effectively.

In the last part of this investigation into the efficacy of anti-terrorist measures, the researcher posed a question to the respondents, asking them to indicate the degree to which they believed that the characteristics of terrorism lead to the development of security counterterrorism strategies in Kenya. Their responses were as shown in Table 5.

**Table 5:** Nature of Terrorism and Counterterrorism Strategies

	Frequency	Percentage
Very great extent	92	80
Great Extent	9	7.8
Moderate Extent	8	7
Small Extent	4	3.5
No Extent	2	1.7
<b>Total</b>	<b>115</b>	<b>100</b>

**Source:** Field Data (2024)

Based on the above results, majority of the study participants (80%) were convinced that the nature of terrorism leads to creation of security counterterrorism Strategies in Kenya to a very great extent, 7.8% believed it was to a great extent, while 3.5% were of the opinion that it was to a small extent. The results also show that only 1.7% of the respondents were of the opinion that nature of terrorism leads to creation of security counterterrorism Strategies in Kenya to no extent. This implies that most of the counterterrorism strategies in Kenya are initiated depending on the nature of terrorism.

The consensus among study participants that the nature of terrorism significantly influences the formulation of counterterrorism strategies in Kenya is supported by empirical research by Njoroge and Gichuhi (2020) which examined the evolution of counterterrorism responses, focusing on how the changing dynamics of terrorist threats have shaped security policies. Their findings indicated that the specific characteristics and tactics of terrorist groups, such as Al-Shabaab's methods and targets, have directly informed the development and adaptation of Kenya's counterterrorism strategies. This study pointed to the reactive nature of policy formulation in the face of terrorism, suggesting that the design and implementation of counterterrorism measures in Kenya are indeed closely aligned with the evolving landscape of terrorist activities, thereby corroborating the views expressed by the majority of participants in the current study.

In addition to the quantitative data presented above, the officers of Security Organs, officers from Counter-Terrorism Agencies and officers from the Civil Society Organizations were interviewed in which they were asked to give their opinions on the security agencies counterterrorism strategies that the government of Kenya had adopted in fighting terrorism in the country since the 1998 Nairobi bomb attack until 2020. The officers from the security

organs explained that:

*“Since terrorism is now a global problem, more and more nations are taking steps to combat the threat it poses. However, given the fluid nature of the terrorist threat, these countermeasures must continue to adapt in order to be effective.”*

Regarding the use of soft power techniques deterrence, one of the respondents explained that:

*“In light of the fluidity of the terrorist threat, the development of additional anti-terrorism and pro-conciliation legislation, as well as the practice of diplomacy and dialogue with terrorist organizations in an effort to foster greater comprehension, concord, and peace, are both essential”.*

In addition, the officers from Counter-Terrorism Agencies said that:

*“Kenya’s dynamic and unique economic, cultural and religious background contributes to effectiveness of counter terrorism strategies; a dynamic counter terrorism strategy is therefore important and Kenya continues to fight the war against terror on various fronts such as internationally, regionally and nationally”.*

One of the officers said that:

*“The national government of Kenya in collaboration with other organizations and security institutions have designed and adopted counter terrorism strategies in an attempt to prevent more terror attacks and terrorist havens in Kenya; however, the adopted counter terrorism strategies do not seem to achieve the intended results and instead there are more incidents of panic and uncertainty among Kenyans and more cases of terrorism”.*

One officer said that:

*“In 2011, the Kenyan government launched "Operation Linda Nchi" to counteract Al-Shabaab's threat following their involvement in kidnappings in northeastern Kenya and the Lamu district, jeopardizing the nation's tourism industry. Led by the Kenya Defense Forces, the operation aimed to expel Al-Shabaab from southern Somalia and curtail their operational capabilities, thereby enhancing Kenya's national security.”*

A significant concern regarding Kenya's counterterrorism strategies goes beyond their perceived ineffectiveness and delves into the realm of human rights violations. Survey comments from human rights organizations revealed troubling experiences of arbitrary detention and lack of due process, suggesting a disregard for fundamental rights during counterterrorism operations. This is further supported by interview data, where one officer mentioned "more incidents of panic and uncertainty among Kenyans," which could be linked to practices like mass detentions. These findings align with reports by The Kenya National

Commission on Human Rights (2017) <sup>[13]</sup> documenting that there were over 1,000 complaints related to human rights abuses linked to counterterrorism in just two years.

Furthermore, human rights violations can be counterproductive in the fight against terrorism. When security forces abuse human rights, it damages public trust and creates resentment within communities. This can make it harder to gather intelligence and cooperation from the public, ultimately hindering efforts to prevent terrorism. Additionally, experiences of abuse can create breeding grounds for extremism, as some individuals who are subjected to human rights violations may be more susceptible to radicalization and recruitment by terrorist groups. Reports by Amnesty International further support these concerns, documenting extrajudicial killings and torture by Kenyan security forces. The study therefore, underscores a crucial aspect: When counterterrorism strategies disregard human rights, they risk breeding resentment and hindering efforts to gather intelligence and cooperation from the public. This ultimately undermines the effectiveness of counterterrorism measures.

Despite Kenya's proactive measures against terrorism, such as "Operation Linda Nchi" launched in 2011, interview responses revealed ongoing security challenges and increased public anxiety. This suggests the current strategies might not be achieving desired outcomes. The emphasis on soft power approaches in the interviews, such as legislative reforms and dialogue, highlights the need for multifaceted strategies. The evolving nature of terrorism necessitates adaptive counterterrorism measures, but these measures must strike a balance between effectiveness and upholding human rights principles.

#### 4. Findings

The Research results indicated that, eighty percent of those who participated in the survey were knowledgeable with the existing anti-terrorist measures that the Kenyan government has put into place as part of its fight against terrorism. The study also showed that majority of the respondents (53%) believed that arrests, prosecutions and detentions were the most commonly used counterterrorism strategies in Kenya, 12.2% identified multiagency approach as a strategy, 7.8% believed the Government of Kenya is using security forces to fight terrorism, another 7.8% believed the government is educating the public as a way of fighting terrorism, 7% indicated that the government was fighting terrorism through creation of income generating activities, 5.2% cited enactment of the anti-terrorism act as a strategy being employed in Kenya and another 5.2% indicated that the government of Kenya was fighting terrorism through monitoring and interception of money transactions and regulating the media.

Moreover, a majority of the respondents (65.2%) were of the opinion that counterterrorism strategies being employed in Kenya to fight terrorism were not effective at all in achieving the intended goal of defeating terrorism in Kenya. The results however showed that 16% of the study participants were convinced counterterrorism strategies used in Kenya were effective. These results imply that most of the human rights organizations in Kenya are not convinced about the effectiveness of the counterterrorism strategies being employed by Kenyan Government to fight terrorism. This further points to the fact that there is need for the

government to review its counterterrorism strategies if Kenya were to win the war on terrorism.

Finally, the study established that most of the human right commissions believe the nature of terrorism leads to creation of security counterterrorism Strategies in Kenya to a very great extent, 7.8% believed it was to a great extent, while 3.5% were of the opinion that it was to a small extent. The results also show that only 1.7% of the respondents were of the opinion that nature of terrorism leads to creation of security counterterrorism Strategies in Kenya to no extent. This implies that most of the counterterrorism strategies in Kenya are initiated depending on the nature of terrorism.

#### 5. Conclusion

The study concluded that, On the basis of the study findings, a number of conclusions can be made. First, the study concludes that the government of Kenya has deployed a number of counterterrorism strategies between 1998 and 2020 among them being, arrests, prosecutions, detentions, multiagency approach, using security forces to fight terrorism, educating the public, fighting terrorism through creation of income generating activities, enactment of the anti-terrorism act, monitoring and interception of money transactions and regulating the media. With regards to the effectiveness of the security strategies being employed to fight terrorism, the study concludes that most of the counterterrorism strategies being employed in Kenya to fight terrorism are ineffective as indicated by majority of the respondents. The strategies are so ineffective in achieving the intended goal of defeating terrorism in Kenya. Most of the human rights organizations in Kenya are not convinced about the effectiveness of the counterterrorism strategies being employed by Kenyan Government to fight terrorism. This further points to the fact that there is need for the government to review its counterterrorism strategies if Kenya were to win the war on terrorism.

#### 6. Recommendations

Based on the conclusions, the study recommends that, there should be a boost of security force capabilities. This would significantly increase the budget allocated to Kenya's security services. This should include acquiring advanced surveillance equipment, upgrading weaponry, and improving forensic capabilities. Additionally, invest in high-performance vehicles, secure communication channels, and enhance manpower through recruitment and training.

#### 7. Further Research

Based on the scope and the findings for this study, the following is the recommendation for future research: The study's timeframe presents an opportunity for further investigation. Expanding research beyond 2020 would capture recent developments. Additionally, focusing on specific periods of heightened terrorist activity in Kenya could reveal how strategies and human rights concerns evolve during critical moments. Finally, incorporating new research methods like case studies and media analysis alongside interviews would offer a more comprehensive understanding of the situation from various perspectives. This multifaceted approach would provide a richer picture of counterterrorism strategies, their effectiveness, and their human rights implications.

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