

# Update Briefing

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**Africa Briefing N°102**

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## Kenya: Al-Shabaab – Closer to Home

### I. Overview

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One year after the Westgate Mall terrorist attack in Nairobi, Al-Shabaab is more entrenched and a graver threat to Kenya. But the deeper danger is less in the long established terrorist cells that perpetrated the act – horrific as it was – and more in managing and healing the rising communal tensions and historic divides that Al-Shabaab violence has deliberately agitated, most recently in Lamu county. To prevent extremists from further articulating local grievances with global jihad, the Kenyan government – including county governments most affected – opposition politicians and Kenyan Muslim leaders, must work together to address historical grievances of marginalisation among Muslim communities in Nairobi, the coast and the north east, and institutional discrimination at a national level, as well as ensuring that counter-terrorism operations are better targeted at the perpetrators and do not persecute wider ethnic and faith communities they have purposefully infiltrated.

The present context is serving only to lose further hearts and minds. Instead of closing ranks as they managed – just – in the aftermath of Westgate, Kenya's political elites have bought into the deadly discourse of ethnic and religious recriminations. Not only are there plenty of immediate grievances to exploit, but nearly two decades of radicalisation and recruitment in Kenya means that the threat is both imminent and deep. The absence of a common Kenyan Muslim agenda and leadership has meant little resistance to the extremist message.

The late 2011 military intervention in Somalia to create a buffer against a spillover of insecurity has hastened the expansion of Al-Shabaab's campaigns into the homeland. The intervention's strategic calculations in relation to (southern) Somalia may, in the long run, be vindicated. But the impact on domestic security has been severely underestimated, or at least the ability of internal security agencies to disrupt and respond to terrorist attacks without, as the April 2014 Usalama Watch operation did, further alienating communities whose cooperation and support is vital in the fight against terrorism. Yet the blame should lie less in the weaknesses of the country's institutions than in the unwillingness of political leaders to put aside partisan divisions. And because partisan divisions almost inevitably translate into communal strife, playing politics with terrorism compounds an already volatile situation.

While the successful drone attack against the Al-Shabaab Emir Ahmed Abdi Godane on 1 September has removed the organisation's key strategist, not least in ex-

tending the jihad beyond Somalia, the inevitable jockeying for position within Al-Shabaab will have implications for Kenyan operatives as they seek to maintain their relevance with the new leadership. A further offensive by the Somalia government and African Union Mission in Somalia (AMISOM), squeezing Al-Shabaab's territorial presence in south-central Somalia, also risks high-impact attacks elsewhere – including in Kenya – as a demonstration of the insurgents' continued potency.

This briefing updates and builds upon previous Crisis Group analysis and recommendations especially in *Kenyan Somali Islamist Radicalisation* (25 January 2012). The briefing also refers to the transition to devolved government and how longstanding issues relating to the provision of security, regional marginalisation and accommodating minority representation are yet to be fully addressed; these will be explored in a forthcoming series of products on devolution in Kenya.

To prevent a further deterioration of security and deny Al-Shabaab an ever greater foothold, the Kenyan government, opposition parties and Muslim leadership should:

- ❑ clearly acknowledge the distinct Al-Shabaab threat inside Kenya without conflating it with political opposition, other outlawed organisations or specific communities;
- ❑ put further efforts into implementing and supporting the new county government structures and agencies, to start addressing local grassroots issues of socio-economic marginalisation;
- ❑ carefully consider the impact of official operations such as Operation Usalama Watch, and paramilitary operations of the Anti-Terrorism Police Unit (ATPU) when they appear to target whole communities, and allow for transparent investigations and redress where operations are found to have exceeded rule of law/constitutional rights and safeguards;
- ❑ implement the recommendations of the 2008 (“Sharawe”) Presidential Special Action Committee (finally tabled with the 2013 Truth, Justice and Reconciliation report) to address institutional discrimination against Muslims (eg, issuance of identity cards and passports) and better (proportional) representation of Muslims in senior public service appointments; and
- ❑ facilitate Muslim-driven madrasa and mosque reforms, which should entail review and approval of the curriculum taught; mosques vetting committees need to be strengthened in areas where they exist and put in place where they are absent.

## II. “We have reached Nairobi”

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Despite deadly al-Qaeda-linked terrorist attacks targeting the U.S. embassy in Nairobi in August 1998, and an Israeli-owned hotel in Mombasa in November 2002, Kenya was spared further attention by global or local Islamist extremists for nearly a decade.<sup>1</sup> Even after Al-Shabaab took control of most of south-central Somalia (2008 onwards), it was not directly targeted. But Al-Shabaab and its affiliates have

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<sup>1</sup> At the time, the government downplayed the Kenyan element to these attacks, especially the 2002 attack; for a useful (corrective) overview see “Al-Qaida’s (Mis)Adventures in the Horn of Africa”, Harmony Project, Combatting Terrorism Center at Westpoint (2 July 2007), pp. 48-49.

reportedly been present in Kenya since at least 2009.<sup>2</sup> Some perceive at the time a deliberate moratorium on attacking Kenyan interests because it was a hub and gateway for foreign fighters, including diaspora Somalis; home to many sympathisers and financiers; and a place for medical care for injured combatants.<sup>3</sup> Kenya also served as a major source of new recruits.<sup>4</sup>

Some observers are still convinced that Al-Shabaab was not directly responsible for the spate of cross-border kidnappings that gave immediate justification for the October 2011 Kenyan intervention in Somalia, and that in fact they actively discouraged groups from carrying out kinetic activities in Kenya.<sup>5</sup> Indeed, prior to 2011, Kenyan security forces manning the border developed a kind of *modus vivendi* – albeit through local community peace networks – with Al-Shabaab militants.<sup>6</sup>

Nevertheless by early 2011 the threat became increasingly active, especially as Kenya had started recruiting pro-Somalia government militias as early as 2009.<sup>7</sup> Any de facto truce completely dissipated once the Kenya Defence Forces (KDF)'s "Operation Linda Nchi" (Protect the Country) got underway in October 2011.<sup>8</sup> Since then appar-

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<sup>2</sup> "Report of the Monitoring Group on Somalia and Eritrea", 20 June 2011, op. cit., p. 144. In February 2010, an audio jihadi song in Swahili, *Nairobi tutafika* (Nairobi here we come) explicitly threatening attacks on Kenya surfaced on the pro-Al-Shabaab website, Al-Qimmah (the summit). Crisis Group Africa Briefing N°74, *Somalia's Divided Islamists*, 18 May 2010, p. 7.

<sup>3</sup> *Ibid.*, pp. 141-148. Al-Shabaab militants and officials crossed into Kenya under the guise of being refugees or businessmen, sometimes coming as far as Nairobi. Crisis Group interview, Muhiyidin Roble, counter-terrorism researcher, Nairobi, 21 July 2014.

<sup>4</sup> "Report of the Monitoring Group on Somalia and Eritrea", 20 June 2011, op. cit., pp. 141-146. Crisis Group Africa Briefing N°85, *Kenyan Somali Islamist Radicalisation*, 25 January 2012, pp. 7-8; Crisis Group interview, Muhiyidin Roble, counter-terrorism researcher, Nairobi, 21 July 2014. Al-Shabaab already had Ethiopia and AMISOM contributing countries of Uganda and Burundi to confront without adding a new near enemy.

<sup>5</sup> Crisis Group Briefing, *Kenyan Somali Islamist Radicalisation*, op. cit.; Crisis Group interviews, Abdurahman Wandati, executive director, Muslim Consultative Council, Nairobi, 6 August 2014; Muhiyidin Roble, counter-terrorism researcher, Nairobi, 21 July 2014.

<sup>6</sup> Crisis Group email correspondence, former NGO official, 9 September 2014. Kenya "closed" its border with Somalia in January 2007 to prevent Islamists from seeking refuge following the December 2006 Ethiopian intervention against the Islamic Courts Union.

<sup>7</sup> In February 2011, Al-Shabaab threatened to attack Kenya because it was hosting and training pro-Transitional Federal Government militias especially in Mandera and Garissa: at this time Al-Shabaab controlled the Somali border towns of Balad Hawa (Gedo) and Doble (Lower Juba). In late March 2011, Al-Shabaab militants fired into Kenya and damaged a water tank at a General Service Unit (GSU, a paramilitary force of specially trained police officers) facility in Liboi; on 30 March, the government accused Al-Shabaab of firing missiles at a police station in Liboi and GSU officers reportedly crossed into Somalia and killed a dozen militants. "Militia attack police station on Kenya-Somalia border", *Daily Nation*, 30 March 2011. For a complete account of the background and initial phase of the Kenyan intervention see Crisis Group Africa Report N°184, *The Kenyan Military Intervention in Somalia*, 15 February 2012.

<sup>8</sup> Around the time of the 2011 intervention, there were a number of alleged plots against Kenya disrupted by security services. A British citizen, John Jermaine Grant, was arrested on 19 December 2011 alongside three others – his wife Warda Breik Islam, Fred Ngala and Fuad Abubakar Manswab – for allegedly possessing bomb-making materials with the intent to attack Mombasa; later when freed on bail Fuad Abubakar is believed to have fled to Somalia. Police also claim that Grant had been previously arrested as far back as May 2008 at Dadajabula Police station in Wajir, near the Somali border, but was freed the same day by suspected Al-Shabaab militants. "Nairobi court charges British terror suspect Jermaine Grant with robbery with violence", Standard Media (standardmedia.co.ke), 13 June 2013. A leaked Kenyan intelligence report linked Kenyan-born Abdulkadir Mohamed Abdulkadir "Ikrima" (one of the targets of the October 2013 failed U.S. raid in Barawe and reportedly

ent Al-Shabaab operatives have attacked different parts of Kenya, including Nairobi's Eastleigh estate and its environs. In November 2012 alone, three incidents rocked Eastleigh, the worst killing at least seven and leaving scores wounded after a bus explosion.<sup>9</sup> In northern Kenya and Nairobi most attacks targeted non-Somalis, including restaurants popular with other groups, churches and security forces causing division and suspicion among mixed ethnic and faith communities.

This pernicious, but potentially containable, campaign was suddenly overshadowed by the attack on the Westgate shopping mall, from 21-24 September 2013. Al-Shabaab was initially slow to claim responsibility, but later stated it was a direct response to the Kenyan intervention in Somalia.<sup>10</sup> During the October 2013 Eid al-Adha celebrations attended by top Al-Shabaab leaders in Barawe, Somalia – a key stronghold – there were banners with slogans in Swahili: “Nairobi tushafika” (we have reached Nairobi) and “asiyesikiya la Westgate atafundishwa na yajayo” (he who does not learn from Westgate will learn from what's to come).<sup>11</sup>

The group also continued bombings of soft targets in Nairobi and Mombasa, with mounting casualties.<sup>12</sup> In late May 2014, leading Al-Shabaab ideologue Sheikh Fuaad Mohamed Khalaf “Shongole” declared the group had shifted the war to inside Kenya.<sup>13</sup> He called on all Muslims in Kenya to take revenge, claiming the government “has killed your children both inside Somalia and inside Kenya ... take up arms and fight the Kenyan government, make their regime collapse”.<sup>14</sup> On 19 May, a large group of Al-Shabaab militia attacked three vehicles transporting *miraa* (khat) to

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instrumental in the Westgate attack) to plots targeting the Kenyan parliament, senior politicians, as well as UN offices in Nairobi dating to late 2011. “U.S. target in Somalia plotted serial Kenya attacks: spy report”, Reuters, 8 October 2013. See also Crisis Group Report, *The Kenyan Military Intervention in Somalia*, op. cit., p. 8.

<sup>9</sup> Other attacks hit Majengo (Mombasa), Garissa, Wajir, Dadaab (a large, mostly Somali, refugee complex), as well as cross-border incidents, especially around Mandera. Notable examples in Garissa were twin grenade and firearm attacks on two Christian churches on 1 July 2012 (sixteen killed), and gunmen stormed a restaurant in Garissa town opening fire indiscriminately (ten killed) on 18 April 2013. Crisis Group Report, *Kenyan Somali Islamist Radicalisation*, op. cit., pp. 7-8.

<sup>10</sup> Al-Shabaab also claimed it targeted Westgate because it represented the heart of Kenya's economy and it was Israeli-owned. “Amiirka Al-Shabaab Axmad Godane oo ka hadlay weerarka Westgate Mall” [“Al-Shabaab emir speaks on the Westgate attack”], Audio, YouTube, 25 September 2013; “Shir jaraa'id afhayeenka Xarakada Mujaahidiinta Al-Shabaab, Westgate” [“Al-Shabaab's spokesman speaks on Westgate in a press conference”], Radio al-Furqaan, 25 September 2013.

<sup>11</sup> “Daawo sawirada: Sidee looga ciiday Baraawe” [“Watch picture: How Idd was observed in Baraawe”], Calamada (calamada.com), 16 October 2013.

<sup>12</sup> For example, on 23 April 2014, two policemen, a driver and passenger – at least one of whom was the perpetrator – were killed at the gate of Pangani police station, near Eastleigh; and on 4 May improvised explosive devices left on two buses plying Thika road into the city killed three and injured over 60. Both attacks took place in areas impacted by the “Operation Usalama Watch” (Operation “Security” Watch), a counter-terrorist and anti-illegal immigration round-up of Somalis by security forces that took place earlier in April. “Two die, scores injured in Thika Road blasts”, *Daily Nation*, 4 May 2014; “Police officers among four dead in Pangani explosion”, Standard Media, 24 April 2014.

<sup>13</sup> “Sheekh Fu'aad: Dagaalka gudaha Kenya ayaan urarnay Mujaahidiintu Kenya way ka aargudanaayaan” [“Sheikh Fuaad: we have shifted the war to inside Kenya and are taking revenge”], Somalimemo (somalimemo.net), 22 May 2014.

<sup>14</sup> This was in reaction to Kenyan airstrikes in Jilib, Middle Juba, on 18 May where Al-Shabaab media reported probable civilian casualties. “Sawirro: shacabkii ay Kenya ku duqeysay degmada Jilib, Jubbada Dhexe” [“Pictures: civilians that Kenya bombed in Jilib, Middle Juba”], Somalimemo, 25 May 2014.

Mandera, hijacking two and crossing over the border; pursuing policemen were attacked, with at least twelve fatalities.<sup>15</sup> A much bigger, unprecedented attack followed on 15 June when a large group of armed men attacked the town of Mpeketoni, in Lamu county, targeting civilians, government offices, hotels and restaurants, killing 48. The following day, ten more were killed during a similar assault on the nearby settlement of Poromoko.<sup>16</sup>

Al-Shabaab subsequently claimed the attacks;<sup>17</sup> meanwhile on 17 June, President Kenyatta made a statement ruling out its involvement, claiming instead, “the attack in Lamu was well planned, orchestrated, and politically motivated ethnic violence against a Kenyan community, with the intention of profiling and evicting them for political reasons”.<sup>18</sup> The president’s original statement, which was later contradicted by himself and by a parliamentary committee report, was probably partially accurate, in that groups involved may have had local roots but appear to have close links to Al-Shabaab, which reportedly provides them training and logistical support.<sup>19</sup> According to witnesses and survivors the gunmen spoke several languages, including Somali and Swahili – not uncommon in this location – and carried Al-Shabaab flags.<sup>20</sup> Sources inside Somalia believe that Al-Shabaab has deployed roughly 300 fighters to Boni forest, which extends from Somalia deep into north-east Kenya.<sup>21</sup> Five more attacks followed in Lamu and neighbouring Tana River counties.<sup>22</sup> Statements made after the Mpeketoni attacks stressed they were in retribution for the “Kenyan government’s brutal oppression of Muslims through coercion, intimidation, and extrajudicial killings of Muslim scholars, particularly in Mombasa and the violation of Muslim honour and sanctity”.<sup>23</sup> But they also referenced local grievances; “the town raided by the mujahidin was originally a Muslim town before it was invaded and occupied by Christian settlers”.<sup>24</sup> The government went on to blame the attacks on the out-

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<sup>15</sup> “Cali Dheere oo ka hadlay weerarka Mandheera” [“Ali Dheere speaks on the Mandera attack”], Calamada, 19 May 2014.

<sup>16</sup> “Eight killed in fresh attacks in Poromoko near Mpeketoni”, Standard Media, 17 June 2014.

<sup>17</sup> “Dhageyso taliska ciidamada xarakada mujaahidiinta Al-Shabaab oo ka war bixiyay weeraradii Kenya ka dhacay” [“Listen: Al-Shabaab’s military command statement on the attacks in Kenya”], Radio al-Furqaan, 17 June 2014.

<sup>18</sup> “Statement by President Uhuru Kenyatta on the Attack in Mpeketoni, Lamu County”, State House Kenya, 19 June 2014.

<sup>19</sup> Though the tactics employed have differed – causing some to question the extent of their involvement – the effect seems to fulfil Al-Shabaab’s strategic ends. Crisis Group email correspondence, intelligence analysts, 29-30 June 2014. Kenyan National Intelligence Service reports alleged a Kenyan of Kikuyu ethnicity, was the Al-Shabaab commander of the Lamu terror attacks. “Police unveil names behind Coast killings”, Standard Digital, 13 July 2014.

<sup>20</sup> “Kenyan coast tense, divided amid massacre whodunnit”, Agence France-Presse (AFP), 19 July 2014.

<sup>21</sup> Crisis Group telephone interview, Barawe resident, 18 July 2014. Kenyan media has since reported KDF destroyed four camps allegedly used by the attackers in Boni forest. “Military destroys four forest camps used by attackers”, *Daily Nation*, 16 July 2014; “Planes used to attack Lamu raiders’ hideouts: Witnesses”, *Daily Nation*, 10 August 2014.

<sup>22</sup> These include incidents in Witu on 23 June; Hindi in Lamu and Gamba in Tana River counties on 5 July; Panda Nguo on 12 July; and an attack on a bus in Witu, Lamu county, on 18 July.

<sup>23</sup> “Mujaahidiinta Alshabaab oo sheektay mas’uuliyadda weerarkii Lamu” [“Al-Shabaab mujahidin claim responsibility for the Lamu attack”], Calamada, 16 June 2014.

<sup>24</sup> “The Mpeketoni raid”, Al-Shabaab statement sent to Al Jazeera newsroom, 16 June 2014, in “Al-Shabab claims deadly Kenya attack”, Al Jazeera, 17 June 2014. For a perspective on Mpeketoni

lawed Mombasa Republican Council (MRC), members of which are predominantly Mijikenda (an amalgam of several coastal ethnic groups), both Christian and Muslim, but whose presence in Lamu has never been large.<sup>25</sup>

The economic impact on the coast is already evident. The government announced 11 per cent drop in tourist arrivals and 2 per cent revenue decline in 2013 when compared to 2012.<sup>26</sup> In May 2014 alone, 7,500 tourism workers lost their jobs at the coast and the Kenya Association of Hotel Keepers and Caterers announced the closure of over twenty hotels.<sup>27</sup> The attacks have also further undermined Kenya's attempts to reclaim its reputation for economic stability – in May the Kenyan shilling fell to its lowest value in six months.<sup>28</sup> The UN in Nairobi has established measures to reduce the risks for its staff; the U.S. embassy has called in more marines and has reduced the number of its officials; and the UK has closed its consulate in Mombasa on 13 June citing threats.<sup>29</sup> In a CNN interview during the U.S.-Africa summit President Kenyatta lamented that the international community is not doing enough to support Kenya's effort in the fight against terror and expressed frustration that the travel advisories issued by some Western countries, "don't help in defeating these terrorists. If anything, they encourage and strengthen them."<sup>30</sup>

### III. Al-Shabaab's Kenyan Constituency

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Though Al-Shabaab is identified as a Somali group, as a Salafi-jihadi organisation it does not recognise the modern nation-state boundaries, and usually appeals to the Muslim faithful rather than Somalis per se.<sup>31</sup> This includes Kenya's 4.3 million Muslims – 11 per cent of the total population – who have been historically marginal-

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grievances, prescient of Al-Shabaab involvement to come, see "Mpeketoni Ni Ya Walamu Milele", Uchunguzi Online (unchunguzi.wordpress.com), 2 March 2011.

<sup>25</sup> Crisis Group interviews, Abdirahman Wandati, executive director, Muslim Consultative Council, Nairobi, 6 August 2014; telephone interview, Khalef Khalifa, director, Muslims for Human Rights (MUHURI), Mombasa, 21 August 2014. Some of the victims reportedly were Mijikenda. "Mpeketoni attackers killed based on gender or religion, not tribe", Standard Media, 22 June 2014; "Police blame MRC for attacks in Lamu, Tana Delta", *Daily Nation*, 6 July 2014.

<sup>26</sup> "Economic survey 2014", Kenya National Bureau of Statistics, April 2014; "2014 economic survey report highlights", Ministry of Devolution and Planning, 29 April 2014.

<sup>27</sup> "3,000 more sacked in Coast tourism slump", *Daily Nation*, 26 May 2014.

<sup>28</sup> "UPDATE 1-Kenyan shilling weaker on bomb blasts, shares up", Reuters, 16 May 2014. The economy is now showing some resilience. "Kenya's economy; damaged but defiant a year after Westgate", AFP, 18 September 2014.

<sup>29</sup> "US to send in more marines and reduce embassy staff over terrorist threats", *Daily Nation*, 17 May 2014; "UK closes Mombasa consulate over security concerns"; *Daily Nation*, 13 June 2014; "UN Nairobi office tightens security", Standard Media, 19 May 2014.

<sup>30</sup> "The world needs to recognise the fact that this is a global threat which requires to be countered by a global partnership in order to defeat and secure, not just Kenya, but the world". "Kenyatta: Terror in Africa a global issue", CNN, 5 August 2014.

<sup>31</sup> Crisis Group Africa Briefing N°99, *Somalia: Al-Shabaab – It Will Be a Long War*, 26 June 2014, pp. 4-7. In 2011 it was estimated that Kenyans – and not those of Somali ethnicity – constituted "the largest and most structurally organized non-Somali group in Al-Shabaab", numbering between 200-500 fighters. "Report of the Monitoring Group on Somalia and Eritrea", 20 June 2011, op. cit., pp. 140, 144.

ised, in particular in the north east and the coast. Despite its secular constitution, in much of its day-to-day workings, Kenya is a “Christian” state.<sup>32</sup>

Just before the 2007 elections then-President Mwai Kibaki appointed a Presidential Special Action Committee to address the Muslim community’s specific concerns.<sup>33</sup> It found institutional discrimination, including in the issuance of national identity cards and passports.<sup>34</sup> Security agents, especially in the Anti-Terrorism Police Unit (ATPU), were criticised for operating “without due regard to the existing law of the land”.<sup>35</sup> It also found that “the majority of Muslim-inhabited areas lag behind in development due to lack of public and private investments from years of marginalization”. Lastly the committee also pointed to the absence of Muslim representation in public service appointments “at the level of policy and decision-making”.<sup>36</sup>

The committee’s final report was submitted to the president in March 2008, but not made public until the Truth, Justice and Reconciliation Commission annexed it in its May 2013 final report.<sup>37</sup> The recommendations are yet to be substantively implemented, but if the Kenyan government is successfully to cut grassroots support for Al-Shabaab, entrenched institutional and socio-economic discrimination against Muslims should be addressed through implementation of the committee’s sensible recommendations.

Muslims have become more assertive in publicly articulating their beliefs, including in politics, but they have struggled to find a single voice.<sup>38</sup> Divisions are apparent both between distinct Muslim ethnic communities, particularly Somalis and oth-

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<sup>32</sup> For a good overview of Islam in Kenyan political life see Justin Willis and Hassan Mwakimako, “Islam, politics and violence on the Kenya coast”, Note 4, *Observatoire pluriannuel des enjeux politiques et sécuritaires dans la Corne de l’Afrique* (July 2014), p. 11. Al-Shabaab generally refers to the government as *dowlada nasaaradha ee Kenya*, “the Christian government of Kenya”. Crisis Group Briefing, *Kenyan Somali Islamist Radicalisation*, op. cit., pp. 2-5. Kenya’s ethnic Somali population numbers nearly 2.4 million according to the 2009 census. Somali refugees in Dadaab number 408,000 (UNHCR Global Report 2013).

<sup>33</sup> The commission was headed by engineer Abdullahi Sharawe, a career civil servant, now serving as a commissioner with the Independent Electoral and Boundaries Commission.

<sup>34</sup> An identity card is essential to access many government services. For passport applications Muslims are vetted separately from other citizens even when they are in possession of a Kenyan identity card. “In fact there exists a special Vetting Committee for Muslim Passport applicants at the Ministry of State for Immigration and Registration of Persons”, “Report of the Truth, Justice and Reconciliation Commission” (“TJRC report” hereafter), vol. II.C, chap. 3, appendix 1 (Nairobi, 2013), p. 235.

<sup>35</sup> Ibid. For more recent instances see also “Kenya: Killings, Disappearances by Anti-Terror Police: Donors Should Suspend Support for Abusive Units”, Human Rights Watch, 18 August 2014.

<sup>36</sup> “TJRC Report”, vol. II.C, chap. 3, appendix 1, op. cit., p. 295.

<sup>37</sup> “Report of the Presidential Special Action Committee to Address Specific Concerns of the Muslim Community in Regard to Alleged Harassment and/or Discrimination in the Application/Enforcement of the Law”, in “TJRC Report”, vol. II.C, chap. 3, appendix 1, op. cit., pp. 284-366.

<sup>38</sup> There are a number of “national” Muslim organisations: the first was the Supreme Council of Kenyan Muslims (SUPKEM) founded in 1973, traditionally close to the government, especially under President Moi, and claiming to be the umbrella body for all Muslim organisations in Kenya; it receives much of its funding from Arab states and Turkey. Another, the Council of Imams and Preachers of Kenya (CIPK), founded in 1997 (more orientated toward the coast), is one of 39 other Muslim organisations under the National Muslim Leaders Forum (NAMLEF) founded in 2003, which also claims to represent all Muslim organisations. Crisis Group telephone interviews, Abdullahi Abdi, National Muslim Leaders Forum (NAMLEF) chairman, Nairobi, 11 September 2014; CIPK official, Mombasa, 11 September 2014; see also Justin Willis and Hassan Mwakimako, op. cit., pp. 12-13.

ers, and within communities especially among the diverse Swahili and Mijikenda society along the coast. Muslim minorities of largely Christian ethnic groups tend to become isolated from their original identities. Ideological differences are increasingly acute and (partially) reflect the growth of Wahhabism (an orientation of Salafism) at the expense of traditional orientations – often termed “Sufism” – especially in north-east Kenya and on the coast (arguably where Sufism was more entrenched). Wahhabism’s core message is an implicitly political critique of the secular, nation-state government, and while it does not preach violence *per se*, it informs much of the core theological outlook of the Salafi-jihadi trend, including al-Qaeda. The routine argument is that the growing influence of Wahhabism has provided the ideological groundwork for the progression to violent activism.<sup>39</sup> Whether there is a causative link is moot and sharply divides opinion; what is more critical is the need for a common Kenyan Muslim stance on the extremist actions.<sup>40</sup>

Local Muslim opinion often attributes the rise of Wahhabism in Kenya to the influence of Saudi-funded charitable foundations like al-Haramain, Young Muslim Association, Muslim World League, Islamic foundation and World Assembly of Muslim Youth (WAMY).<sup>41</sup> Their charitable activities laid a foundational network of madrasas and orphanages mainly in the Muslim dominated north east and the more mixed coastal areas. By early 1990s, Garissa, the largest city in the majority Somali north east, had at least five Wahhabi-run madrasas (three of them also orphanages providing free care and religious and secular education).<sup>42</sup> Some madrasa graduates obtained full scholarships to study in Saudi Arabian, Sudanese and Pakistani Islamic universities, and returned to help fund and head madrasas, mosques and charities; many also diversified into business and politics – to the extent that (Salafi) Wahhabi is now a well-entrenched and self-sustaining Kenyan Muslim constituency.<sup>43</sup> This trend has certainly brought tension between older “Muslim” elites who are closer to the Kenyan establishment, and the new, more politically assertive and outward-looking “Islamist” *ulama* (scholars and religious authorities).<sup>44</sup>

Certainly during the 1990s – and well before the rise of Al-Shabaab – the then leading and now defunct Somali Salafi-jihadi group, al-Ittihaad al-Islami (AIAI), recruited from Kenya’s ethnic Somali population. Mosques raised funds and recruits for jihad in Somalia, and against Ethiopia in its eastern Somali-speaking regional state (sometimes known as the Ogaden). However, even at its height AIAI tended to

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<sup>39</sup> Salafis put their emphasis on strict scriptural authority of the Quran and *Sunna* (the Islamic tradition) as the instructions – theological roadmap – for the organisation and structure by which to build a Islamic state (caliphate). Crisis Group Briefing, *Somalia: Al-Shabaab*, op. cit., pp. 7-8. For more on the different streams of Islamist activism, see Crisis Group Middle East/North Africa Report N°37, *Understanding Islamism*, 2 March 2005.

<sup>40</sup> Some Wahhabi clerics have spoken out against Al-Shabaab at some personal risk (see below).

<sup>41</sup> Crisis Group Briefing, *Kenyan Somali Islamist Radicalisation*, op. cit., p. 5. Al-Haramain was disbanded in Kenya in 1998.

<sup>42</sup> Crisis Group telephone interview, religious leader and Garissa madrasa graduate, Garissa, 22 July 2014.

<sup>43</sup> Ibid.

<sup>44</sup> Crisis Group telephone interview, Hassan Mwakimako, professor of Islamic studies, Pwani University, Kilifi, 11 September 2014.

emphasise a pan-Somali, rather than a global jihad, agenda and had little impact outside Somali-inhabited regions.<sup>45</sup>

In 2006, many Kenyans from the north east (often madrasa teachers and students) left for Somalia to lend their support to the Islamic Courts Union (ICU) which took over Mogadishu and parts of south-central Somalia, and which at that time, included the early Al-Shabaab organisation.<sup>46</sup> Though its origins were in the AIAI network, Al-Shabaab was to take a very different trajectory.<sup>47</sup> Its *daawa* (proselytisation) activities in particular have been active – in collaboration with local organisations – across East Africa, particularly Kenya, Tanzania and Uganda, targeting both Somali and non-Somali ethnic groups.<sup>48</sup> In Kenya, its most active partner apparently was the Muslim Youth Centre (MYC), later emerging as al-Hijra in 2012.<sup>49</sup> Between 2008 and 2011 the MYC published the jihadi newsletter “Al-Misbah” (the torch) with articles and speeches by leading Salafi-jihadi clerics in Swahili and English, encouraging Kenyan Muslims to provide recruits and financial support to Al-Shabaab in Somalia.<sup>50</sup>

By early 2009, the disagreement between established (formerly AIAI sympathetic) Salafi-Wahhabi clerics and the new Al-Shabaab “sheikhs” was public and bitter.<sup>51</sup> Salafi-Wahhabi *ulama* such as Sheikh Mohamed Abdi Umal (a popular and prominent Somali cleric based in Eastleigh), received death threats from Al-Shabaab after issuing a *fatwa* (judicial opinion) that decried the Westgate attack and declared it *haram* (unlawful).<sup>52</sup> In a 14 May 2014 speech, the then Al-Shabaab emir, Ahmed Abdi Godane, called on Muslims in Kenya to ignore what he called “evil scholars”.<sup>53</sup>

Religious change has also affected the coast.<sup>54</sup> The Salafi-jihadi challenge to the traditional *ulama* (both Sufi and mainstream reformist) there – perhaps best repre-

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<sup>45</sup> AIAI’s activities are detailed in Crisis Group Africa Report N°100, *Somalia’s Islamists*, 12 December 2005, pp. 3-11. For more on AIAI influence in Kenya, see Crisis Group Briefing, *Kenyan Somali Islamist Radicalisation*, op. cit., p. 6.

<sup>46</sup> Crisis Group telephone interview, religious leader and Garissa madrasa graduate, Garissa, 22 July 2014.

<sup>47</sup> Crisis Group Briefing, *Somalia: Al-Shabaab*, op. cit., pp. 4-7.

<sup>48</sup> Crisis Group Briefing, *Kenyan Somali Islamist Radicalisation*, op. cit., p. 7.

<sup>49</sup> “Report of the UN Monitoring Group on Somalia and Eritrea”, 18 July 2011, pp. 140-148. It still uses the MYC name especially in social media, and its Twitter account is “MYC Press Office”.

<sup>50</sup> “Report of the Monitoring Group on Somalia and Eritrea”, 20 June 2011, op. cit., pp. 143-167. Al-Misbah seems to have been replaced from 2012 with the online magazine “Gaidi mtaani” (street/local terrorist) published in Swahili and English.

<sup>51</sup> After the January 2009 election of the Islamist Sheikh Sharif Sheikh Ahmed as president of Somalia’s Transitional Federal Government (he committed to codify and implement Sharia), Salafi clerics in al-Ictisaam (non-armed successor to AIAI) and Salafi Jadid (new Salafis) groups denounced waging jihad against the government, while Salafi-jihadi sheikhs called Sharif a collaborator. Crisis Group Briefing, *Somalia’s Divided Islamists*, op. cit., p. 6; Crisis Group Report, *Somalia: Al-Shabaab*, op. cit., p. 8.

<sup>52</sup> As well as declaring jihad in Somalia unlawful, Umal also urged Muslims in Kenya to respect the laws. “Diinta iyo jihadka: Sh. Umal” [“Religion and Jihad: Sheikh Umal”], Somali Channel TV, 27 September 2013; “Sh. Umal oo kajawabay hanjabaad dil ah oo ay u soo direen Al-Shabaab” [“Sheikh Umal responds to a death threat he received from Al-Shabaab”], Halgan, 5 October 2013.

<sup>53</sup> He stated, “Do not respect agreements, neighbourhood, or nationality ... Do not feel benumbed by the fatwa of the evil scholars who sold their religion for worldly benefits”. “Muslims of Bangui and Mombasa: a tale of tragedy”, Al-Kataib video [now removed from YouTube], 14 May 2014.

<sup>54</sup> During the early 1990s and Kenya’s transition to multiparty democracy, the government refused to register the Islamic Party of Kenya (IPK) due to its declared religious basis. In May 1992, violent

sented by the quasi-official Council of Imams and Preachers of Kenya (CIPK) – has grown. Some Sufi shrines have been desecrated.<sup>55</sup> In addition, a more activist Salafi-jihadi network has managed internal takeovers of certain mosques.<sup>56</sup> But it is the alleged links between local Salafi-jihadi clerics in Mombasa, including the late Sheikh About Rogo,<sup>57</sup> and activists, such as the late Sheikh Abubakar Shariff Ahmed “Makaburi” (graveyard),<sup>58</sup> and Al-Shabaab that have been of most concern.<sup>59</sup> Clearly that mosques could be taken over from within by extremist groups needs addressing by mainstream Kenyan Muslim organisations, though that their message should hold appeal has wider significance for county and national government.

In coastal counties – especially Mombasa and Kilifi, though also in Nairobi estates – a “dirty-war” of tit-for-tat killings has escalated in the past two years.<sup>60</sup> A long-term Somali resident likened the situation in Mombasa to that in Mogadishu from 2003, where a longer-term struggle within Somali Islam became embroiled in covert counter-terrorist operations, including assassinations and reprisals.<sup>61</sup> Local Muslim opinion blames the security services, in particular the ATPU, for a number of

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street battles between security forces and Muslim activists, triggered by the arrest of several IPK members, broke out in Mombasa. IPK leaders criticised the government for discriminating against Muslims, and some demanded the coast implement Sharia (Islamic law). Arye Oded, “Islamic extremism in Kenya: The rise and fall of Sheikh Khalid Balala”, *Journal of Religion in Africa*, vol. 26, no. 4 (1996), p. 4.

<sup>55</sup> “Muslim clerics graves vandalised in Mamburi”, *The Star*, 3 October 2013.

<sup>56</sup> Mosques have a tradition of free preaching; even Sufi-orientated establishments will on occasion host Islamist speakers. But some mosques have been completely reorientated such as Musa Mosque, renamed Masjid Shuhadaa (Martyrs Mosque) and Sakina Mosque, renamed Mujahidin Mosque. On 2 February 2014, police raided Musa Mosque after radical youths allegedly gathered there for jihad training. The black flag associated with Al-Shabaab and al-Qaeda was also reportedly raised in the mosque. Some have questioned the accounts of “jihadi” training in the mosque, as well as the behaviour of security personnel inside them. Crisis Group interview, Khalef Khalifa, director, Muslims for Human Rights (MUHURI), Mombasa, 21 August 2014.

<sup>57</sup> About Rogo was named as open supporter of and alleged recruiter for Al-Shabaab by the Somalia Eritrea Monitoring Group in 2011, and was charged (but acquitted) with terrorism in connection with the 2002 Mombasa hotel bombings, and was still facing a case linked to the 2010 bus bombing in Nairobi at the time of his death. “Report of the Monitoring Group on Somalia and Eritrea”, 20 June 2011, op. cit., p. 141. He was killed by unknown assailants on 27 August 2012.

<sup>58</sup> His nickname supposedly derives from his “violent opposition” to the Sufi practices of praying and seeking blessings at the tombs of renowned Islamic scholars. Justin Willis and Hassan Mwaki-mako, op. cit., p. 9. Makaburi was also named by the Somali Eritrea Monitoring Group in 2013 as having influence over al-Hijra and for his alleged donations toward terrorist activities in Kenya. “Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolutions 2060 (2012): Somalia”, 19 June 2013, p. 15 (a more detailed “Strictly Confidential” annex on al-Hijra was not reproduced in the public document). He hailed the Westgate attack and was on the UN and U.S. sanctions lists for financing and recruiting for Al-Shabaab. He was killed by unknown assailants on 1 April 2014. “Kenyan ‘al-Shabab recruiter’ killed near Mombasa”, BBC, 1 April 2014.

<sup>59</sup> “Report of the Monitoring Group on Somalia and Eritrea”, 20 June 2011, and “Report of the Monitoring Group on Somalia and Eritrea”, 19 June 2013, both op. cit.

<sup>60</sup> For instance, Sheikh Ali Ahmed Bahero was attacked and injured on March 2014 and CIPK Chairman Sheikh Mohamed Idris was killed on 10 June by suspected radical Muslims. “Police hunt for youths who attacked Muslim cleric in Mombasa”, *Daily Nation*, 13 March 2014; “President Uhuru Kenyatta, House Majority leader Adan Duale condemn killing of Idris Mohamed”, *Daily Nation*, 10 June 2014.

<sup>61</sup> Crisis Group telephone interview, Somali Mombasa resident, January 2014; also see Crisis Group Africa Report N°95, *Counter-Terrorism in Somalia: Losing Hearts and Minds?*, 11 July 2005, pp. 4-6.

unexplained killings, torture and mistreatment of suspected terrorists.<sup>62</sup> Investigations into the killings of Musa Mosque preacher Aboud Rogo and that of his successor Ibrahim Rogo have gone nowhere.<sup>63</sup> Renewed investigations into military and ATPU operations, and clear state support for legal redress where constitutional rights have been infringed, would go some way to reassuring Kenyan Muslims that they are not being collectively punished for the actions of a few extreme individuals.

Low-level sectarian violence followed Aboud Rogo's murder on 27 August 2012, when two churches were burned down and at least three policemen killed and five others injured.<sup>64</sup> After his successor Ibrahim Rogo was assassinated on 3 October 2013, radicalised youth burned down a church in Majengo, Mombasa.<sup>65</sup> On 20 and 21 October, suspected radicals killed two pastors in Mombasa and Kilifi respectively. On 23 March 2014, an armed radical group opened fire on worshippers at a Likoni church where they killed six people and wounded at least fifteen.<sup>66</sup> The Lamu and Tana River counties attacks followed in early June (see Section II above).

Al-Shabaab has deliberately targeted Kenya's religious and ethnic fault lines, using social and economic grievances to deepen political divides, especially in coastal counties. The kind of violence either employed or instigated is extremely familiar to previous incidents in certain coastal locations – this has made it easier for the government to denounce the involvement of "local politicians" rather than addressing the awkward reality of an established Al-Shabaab presence.<sup>67</sup>

For some years, Kenyan security officials have made the link between Al-Shabaab and the Mombasa Republican Council, a connection made again following the Lamu county attacks.<sup>68</sup> It is not implausible that some individuals may have crossed over, but recently published empirical research demonstrates that while the two organisa-

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<sup>62</sup> The ATPU was created in 2003 after the 2002 Mombasa hotel attack. For more on alleged ATPU abuses see "Kenya: Killings, Disappearances by Anti-Terror Police", Human Rights Watch, op. cit.; and "We're Tired of Taking You to Court", Open Society Foundation, 20 November 2013. In the words of the UN Somalia Eritrea Monitoring Group, since July 2012 "Al-Hijra members were plagued by unexplained killings, disappearances, continuous 'catch and release' and operational disruptions under the 'Al-Shabaab/East Africa Al-Qaida Disruption Initiative' [that the report alleges was funded by the U.S.]". "Report of the Monitoring Group on Somalia and Eritrea", 19 June 2013, op. cit., p. 14.

<sup>63</sup> A task force established by the public prosecutor's office to investigate and identify Rogo's killers completed its investigations in August 2013 but was unable to identify them. "Taskforce fails to identify Muslim cleric Aboud Rogo's killers", Standard Media, 26 August 2013; Crisis Group interview, religious leader, Mombasa, December 2013.

<sup>64</sup> "Youth attack churches as Mombasa erupts", Standard Media, 28 August 2012; "Kenya cleric Rogo death: Grenade kills Mombasa policeman", BBC, 28 August 2012.

<sup>65</sup> "Rioters in Mombasa burn church as they protest murder of Muslim cleric", Standard Media, 4 October 2013.

<sup>66</sup> Some church leaders asked the government to either protect or arm them so that they can defend themselves. "Bishop backs calls for guns", *The Star*, 2 November 2013. "Terror in Mombasa church", *Daily Nation*, 23 March 2014.

<sup>67</sup> In Likoni during the 1997 elections, armed gangs that became known as "the Kaya Bombo raiders" attacked houses and businesses of non-coastarians, though the link between these groups and later coast opposition groups, especially the Mombasa Republican Council, is not proven. Paul Goldsmith, "The Mombasa Republican Council – Conflict Assessment: Threat and Opportunities for Engagement", commissioned by Kenya Civil Society Strengthening Programme, November 2011, pp. 18-19. Similar violence occurred during the 2013 elections. Justin Willis and Hassan Mwakimako, op. cit., p. 16.

<sup>68</sup> "Shabaab, MRC now one, says Police boss, David Kimaiyo", *Daily Nation*, 7 September 2014.

tions have recruited from communities on the coast, the profile and motivations of recruits were notably different, as are the organisational objectives.<sup>69</sup> Not only has Al-Shabaab shown itself to be intolerant of autonomous organisations and individuals, but the MRC's mixed-faith membership and propensity for traditional religious practice, including "oathing" would preclude any formal alliance.<sup>70</sup> However, research on both MRC and Al-Shabaab, has noted that general securitisation as a response to unrest on the coast, and particularly "injustices at the hands of Kenyan security forces, specifically referring to 'collective punishment'" have often been the decisive factor pushing individuals to join either organisation.<sup>71</sup>

#### IV. Who is Kenyan?

Al-Shabaab's growing threat turned the spotlight on immigrants, as well as increased scrutiny of communities whose "Kenyan-ness" has been historically questioned, especially Kenya's large native ethnic Somali population. Well before Westgate, the large Somali-speaking communities in Nairobi – the majority born and raised in Kenya – and Somali urban refugees became the target of official and popular repression.<sup>72</sup>

After the initial grenade attacks following the 2011 intervention in Somalia, the government issued a directive for all urban refugees to return to official camps, and many Somali refugees in Nairobi started moving either to the Dadaab camps, Mogadishu or other neighbouring countries.<sup>73</sup> Following another attack on a minibus on 18 November 2012 killing at least seven and injuring scores, there was a spate of anti-Somali attacks in Eastleigh.<sup>74</sup> As grenade attacks in Nairobi increased, so too did the police harassment of Somali communities. On 8 December 2012, the day after the Kamakunji MP (Yusuf Hasan of Somali heritage) was injured in a blast in an Eastleigh mosque, police raided the estate, conducting house-to-house searches, and arrested over 300 civilians.<sup>75</sup> Extortion of money from refugees and Kenyan citizens

<sup>69</sup> Anneli Botha, "Radicalisation in Kenya; Recruitment to Al-Shabaab and the Mombasa Republican Council", Institute for Security Studies, Paper no. 265 (September 2014), p. 23.

<sup>70</sup> For the importance of magic and ritual in MRC see Paul Goldsmith, op. cit., pp. 30-32.

<sup>71</sup> Botha, op. cit., p. 20; also Goldsmith, op. cit., p.18.

<sup>72</sup> After many years of legal limbo for urban refugees, the government passed the 2006 refugee act and started its own registration process in Nairobi. Five-year permits granted most privileges enjoyed by citizens except voting, but in September 2011 the government decided not to renew the expired permits. Crisis Group interview, Ahmed Mohamed, Eastleigh Business District Association, Nairobi, 20 August 2014. As of January 2013, 56,000 urban refugees and asylum seekers, 33,844 of whom are Somali – a figure likely underestimated – were registered with the UN refugee agency (UNHCR) in Nairobi and other urban centres. "UNHCR position on the directive by the Kenyan Government on the relocation of refugees from the urban centres to the refugee camps", press briefing, UNHCR, 25 January 2013.

<sup>73</sup> Press release, Ministry of Immigration and Registration of Persons, Department of Refugee Affairs, 18 December 2012. Before the 2013 elections and fearing their vulnerability in any related violence, airlines reported many Somalis leaving Nairobi. Crisis Group interview, Ahmed Mohamed, Eastleigh Business District Association, Nairobi, 5 September 2014.

<sup>74</sup> Television footage showed Somalis in Eastleigh being attacked by youths from the nearby slums of Mathare and Kariobangi. "Kenya grenade attack: Somalis attacked in Nairobi", BBC, 19 November 2012; "You Are All Terrorists", Human Rights Watch, May 2013, p. 14; Crisis Group interview, Ahmed Mohamed, Eastleigh Business District Association, Nairobi, 20 August 2014.

<sup>75</sup> "Police nab 300 after Eastleigh blast", *Daily Nation*, 9 December 2012. Residents claim they were also robbed of valuables and money. Crisis Group interview, Eastleigh resident, Nairobi, January 2014.

of Somali ethnicity also increased, and between December 2012 and April 2014 the amount police regularly demanded to avoid detention reportedly saw a three-fold rise.<sup>76</sup>

Instances of collective punishment also appear to be on the rise in the north east.<sup>77</sup> For example, after three KDF soldiers were gunned down by suspected Al-Shabaab militants in Garissa town on 19 November 2012, the Kenyan military took revenge by burning and looting Somali businesses in Garissa's biggest market, the Suq Mugdi (dark market).<sup>78</sup>

On 26 March 2014, three days after the Likoni church shooting, Interior Cabinet Secretary Joseph Ole Lenku again revived the directive ordering all urban refugees to go back to the camps.<sup>79</sup> On 31 March, multiple explosions targeting two non-Somali food kiosks rocked Eastleigh.<sup>80</sup> What followed was the probably long-planned "Operation Usalama Watch" against illegal immigrants with a counter-terrorist flavour that targeted Eastleigh and South C, another Somali neighbourhood.<sup>81</sup> At least 4,000 people, most of them Somalis, were rounded up within weeks and held in Nairobi's Kasarani Stadium (latter gazetted as a police station), as well as Pangani, Gigiri, and Kasarani police stations, and "screened". Numerous Kenyan-Somalis whose national identity documents were questioned were also detained. By mid-June, 2,757 refugees had been relocated to camps and 360 deported to Somalia.<sup>82</sup> While the operation was widely criticised – including by the Independent Policing Oversight Authority (IPOA) and MPs from Somali-speaking constituencies<sup>83</sup> – there was a perceptible rise in anti-Somali sentiment in the press and social media.<sup>84</sup>

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<sup>76</sup>An Eastleigh resident reported that before December 2012 the amounts asked for police bribes was Kenyan shilling (KES) 2,000 (\$22) to avoid arrest on the streets; 5,000 (\$55) to be released if taken to the police station. After the government announced the refugee return in December 2012, bribes increased to KES4,000-10,000 (\$44-111) on the street and KES15,000-30,000 (\$166-332) in the police station (depending on negotiation skills). Crisis Group interview, Somali urban refugee, Nairobi, 20 August 2014.

<sup>77</sup>"Every time a terror incident happens in northern Kenya the towns are deserted fearing violent retaliation and collective punishment from security forces. Security forces arrest everyone on the street without discrimination". Crisis Group interview, Salah Sheikh, author, Nairobi, 7 August 2014.

<sup>78</sup>Ibid. There was no official inquiry, but in a visit to Garissa after the incident then-Prime Minister Raila Odinga asked then-Special Programmes Minister Esther Murugi to assess the losses and facilitate compensation. Murugi dismissed Raila saying the government does not compensate those who incur losses during "riots". "No compensation for Garissa violence victims", *Daily Nation*, 24 November 2012.

<sup>79</sup>A 26 July 2013 high court ruling quashed the December 2012 urban refugee relocation directive stating that the authorities had not proved the move would help protect national security. "Reprieve for urban refugees in Kenya, but fear persists", Integrated Regional Information Networks (IRIN), 24 January 2014; "Plan to Force 50,000 Refugees into Camps", Human Rights Watch, 26 March 2014. High Court of Kenya Judgment, Petitions No. 19 and 115 of 2013, issued 26 July 2013.

<sup>80</sup>Six were killed, including two Somalis, and eighteen were injured. Crisis Group interview, Ahmed Mohamed, Eastleigh Business District Association, Nairobi, 20 August 2014.

<sup>81</sup>The operation extended to other illegal resident refugees such as Congolese and Ethiopians, and also affected some parts of Mombasa where hundreds were also arrested.

<sup>82</sup>"Humanitarian Bulletin, Eastern Africa", UN Office for the Coordination of Humanitarian Aid (OCHA), June 2014; "Around 60 people every day were leaving for Mogadishu when the operation was in place [and] some Somali businesses also shifted to neighbouring countries like Rwanda, Uganda, Tanzania and South Sudan ... all the deported Somalis were illegally in Kenya, and had no documents to prove their stay in Kenya". Crisis Group interview, Somali ambassador to Kenya, Nairobi, 1 September 2014.

<sup>83</sup>"Monitoring Report on Operation Sanitization Eastleigh Publically Known as 'Usalama Watch'", IPOA, July 2014. The IPOA was established by parliament in November 2011 to provide for civilian

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## V. Playing Politics with Terrorism

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The politicisation of counter-terrorism sharply escalated in response to the Mpeketoni attacks. President Uhuru Kenyatta blamed the attacks on “local political networks and not Al-Shabaab”, also implying that the victims were from one particular ethnic group.<sup>85</sup> Most Kenyans knew that Mpeketoni was created by the president’s father, Jomo Kenyatta, in the 1960s and 1970s to resettle “landless” Kikuyu from central Kenya – the Kenyatta’s home community.<sup>86</sup> The subsequent arrest of Lamu Governor Issa Timamy on murder and terrorism charges pointed to political intrigues.<sup>87</sup>

The attacks came at a time of heightened political tensions as the main opposition bloc Coalition for Reform and Democracy (CORD), led by former Prime Minister Raila Odinga, held a series of political rallies pressing for national dialogue on mounting “problems facing the country” including rising insecurity.<sup>88</sup> Odinga also called for the KDF’s withdrawal from Somalia and accused the government of using the worsening security situation “to score political points against their political adversaries”.<sup>89</sup> However, both the government and opposition have politicised the terrorist threat, at a national level and in local politics.<sup>90</sup>

The political debate quickly descended into partisan and ethnic mud-slinging; several politicians were asked to record statements with the police over alleged incitement and hate speech and some were eventually charged.<sup>91</sup> Concerns over po-

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oversight over police work. Legislators from northern Kenya organised a rally in Eastleigh protesting against police operations. Aden Duale, the National Assembly majority leader (of Somali heritage), threatened to withdraw support from the Jubilee government. “Jubilee isolates Duale”, *Daily Nation*, 12 April 2014.

<sup>84</sup> The possible political and economic motives of “Usalama Watch” were much debated; the varying theories are discussed in Abdullahi Boru Halakhe and Abdihakim Ainte, “Kenya and Somalia must work together on post al-Shabaab security”, African Arguments (africanarguments.org), 2 April 2014; and Ben Rawlence, “Kenya’s anti-terror strategy begins to emerge”, African Arguments, 9 April 2014.

<sup>85</sup> “Statement by President Uhuru Kenyatta on the Attack in Mpeketoni, Lamu County”, State House Kenya, 19 June 2014. Though Mpeketoni is Kikuyu-dominated, it is also home to immigrants from other ethnic groups who were among the victims.

<sup>86</sup> “Mpeketoni Ni Ya Walamu Milele”, op. cit.; “The Committee was informed that Muslim residents of Lamu who settled there during the 10th Century have no Title Deeds for the land they occupy whereas the recently settled non-Muslims have acquired Title Deeds (Mpeketoni)”, “TJRC Report”, vol. II.C, chap. 3, appendix 1, op. cit., p. 301.

<sup>87</sup> There were insinuations that the governor (of “Arab” descent) was unsympathetic to the large Kikuyu community of Mpeketoni. “Issa Timamy released on Sh5m bail”, *Daily Nation*, 30 June 2014. On 10 September all charges against the governor were dropped for lack of evidence.

<sup>88</sup> Earlier on the same day of the first Mpeketoni attack CORD held a rally in Mombasa. “Security enhanced ahead of Tononoka rally”, Standard Digital, 14 June 2014. The CORD coalition dominates the elected positions in the coastal region. Five out of six county governors and 30 of the 38 coastal constituency members of parliament (MP) were elected on a CORD ticket. Lately sections of coast leadership have been pushing to establish their own regional party, behind which CORD perceives the hand of the ruling Jubilee government.

<sup>89</sup> “Raila calls for KDF exit from Somalia”, *Daily Nation*, 6 June 2014; “Uhuru Kenyatta: KDF will stay in Somalia until job is done”, Standard Digital, 22 June 2014. “Odinga tells AFP: Kenya govt ‘not serious’ on Islamist threat”, AFP, 16 July 2014.

<sup>90</sup> During the 1990s, the then-ruling party KANU encouraged “coastarian” calls for regional autonomy (*majimboism*) to head off the growing opposition movement among “up-country” Kikuyu and Luo. Goldsmith, op. cit., p. 19.

<sup>91</sup> “MPs, Senators summoned over hate speech”, *Daily Nation*, 20 June 2014; Moses Kuria, a former activist of The National Alliance (TNA) recently elected MP for Gatundu South) was charged after

tential incitement proved warranted, when following the attacks in Lamu and Tana River counties, apparent vigilantes opened fire in Soweto slums in Likoni, Mombasa, on 20 July, killing four and injuring ten (all of them Luo). The attackers left behind leaflets in Swahili and English stating, “This is a revenge for our Kikuyu brothers who were killed in Mpeketoni by you Luos. And you would not stay in peace and you Raila if you have anything to do just do we are not fearing you at all [sic]”.<sup>92</sup>

Al-Shabaab appeared well satisfied with the recriminations and division that emerged after Mpeketoni; their senior fighter Sheikh Mohammed Dulyadeyn posted an audio message: “Thank God, Kenyan society is divided and facing ethnic clashes between the Kikuyu and the Luo ... the opposition and the government are divided and seems would not come together soon ... Kenya might also be divided along Christians and Muslims lines [sic]”.<sup>93</sup>

Political rhetoric aside, the steps taken to address insecurity have not been adequate; the official commission of inquiry into the Westgate attacks was not convincing.<sup>94</sup> Further government responses have appeared reactive at best.<sup>95</sup> At worst, the political fallout around Operation Usalama Watch and the inconclusive investigations into apparent extrajudicial killings, have done little to win hearts and minds within the communities among whom Al-Shabaab operates, but who also most often bear the brunt of terrorist attacks. Across the spectrum of Kenyan Muslim opinion, there is a clear message: as well as historical grievances, the state’s “counter-terrorist” operations are a primary driver toward extremism.<sup>96</sup>

Even were the government to produce a clear strategy – the recent reorganisation of key security officials suggests it wants to exert a better grip<sup>97</sup> – the current institutional capacity to implement it is uncertain.<sup>98</sup> Most seriously, public confidence in

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his postings on Facebook were referred to court by the National Cohesion and Integration Commission (NCIC). Kuria denied the charges. “Moses Kuria charged with hate speech”, *Daily Nation*, 26 June 2014. The director of public prosecutions brought charges of incitement and hate speech against Mombasa County Women’s Representative Mishi Mboko. Mboko also denied the charges. “Mombasa women’s rep Mishi Juma Mboko faces hate speech charges”, *Daily Nation*, 19 June 2014.

<sup>92</sup> “Mombasa residents recount Likoni gun attack that killed four”, *Daily Nation*, 21 July 2014.

<sup>93</sup> “Sheekh Dulyadeyn: Kenya waxay eedday dagaalkii ay Soomaaliya kusoo qaaday (dhageyso)” [“Sheikh Dulyadeyn: Kenya regrets invading Somalia (listen)”], Somalimemo, 22 June 2014. Dulyadeyn, originally from Ethiopia, is said to have lived in the Dadaab refugee camps in the 1990s.

<sup>94</sup> A report by the joint parliamentary committee (Defence and Foreign Relations and Administration and National Security) on the Westgate attack was rejected by parliament as “shoddy”. “MPs reject Westgate attack report”, *Daily Nation*, 26 March 2014; “Report on Terrorist Attacks in Kenya”, National Assembly Official Report, 25 March 2014.

<sup>95</sup> On 25 October 2013, one month after Westgate, beleaguered Cabinet Secretary of Interior and Coordination of National Government Joseph Ole Lenku sacked fifteen immigration officers “for issuing IDs and passports irregularly to illegal immigrants”.

<sup>96</sup> Crisis Group telephone interviews, Crisis Group interview, Khalef Khalifa, director, Muslims for Human Rights (MUHURI), Mombasa, 21 August 2014; Hassan Mwakimako, professor of Islamic studies, Pwani University, Kilifi, 11 September 2014; Abdullahi Abdi, National Muslim Leaders Forum (NAMLEF) chairman, Nairobi, 11 September 2014.

<sup>97</sup> “Analysts warn against rapid overhaul of Kenyan security”, *Voice of America*, 4 September 2014.

<sup>98</sup> The situation described by the Harmony Project found that Kenya’s weak governance environment made it “an attractive place to operate”, with a “lack of effectiveness in investigating, arresting and convicting terrorists”. “Al Qaida’s (Mis)Adventures”, op. cit. pp. 47, 51. Latest assessments do not show improvement citing “endemic corruption, [and] the government’s failure to address radicalisation and extremism”. “Country Reports on Terrorism”, U.S. State Department, 30 April 2014.

the police is not improving.<sup>99</sup> The “pace of police reforms is slower than had been expected”, even partially reversed in some instances by the National Police Service Amendment Bill 2014.<sup>100</sup>

To be fair, Kenya is still in the throes of the transition to a new constitutional order. The persistence of a parallel structure of direct presidential authority at county level, with statutory bodies designed to check the abuse of power still finding their feet, and a “reformed” judiciary unable to prevent political interference has created gaps and overlaps, as well as institutional turf wars that make for a confused response to the terror threat.<sup>101</sup> For example on 26 March 2014, the Mombasa county commissioner, Nelson Marwa, answering to the office of the president, gave shoot-to-kill orders to police in Mombasa.<sup>102</sup> Days later, the Independent Policing Oversight Authority (IPOA) warned that police who fail to justify their actions when they shoot criminals will be prosecuted together with their commanders.<sup>103</sup> Meanwhile, Deputy President William Ruto blamed the judiciary for bailing out terror suspects even when the constitution had given such a provision. Judges in turn blamed prosecutors, asking them to give compelling reasons justifying decisions to deny terrorism suspects bail.<sup>104</sup>

## VI. Conclusion

Al-Shabaab has kept its promise to bring the war to Kenya, whether by its own hand or local affiliates and by sowing divisions in a nation still not at ease with itself. Its intent is two-fold: to put pressure on the government’s continued deployment with AMISOM in southern Somalia by hitting targets that directly affect the financial interests of the middle “political” class and divide them; and meanwhile insert cells and trained fighters into locations with pre-existing grievances and patterns of violence that the authorities have historically struggled to address and contain. The timing and targets show a clear understanding of the pressure points of contemporary Kenya, namely ethnicity, land, corruption and (perhaps more coincidentally) at

<sup>99</sup> The July 2014 recruitment of 10,000 police candidates was also marred by allegations of widespread corruption and bribery: new recruits allegedly paid as much as KES300,000 (\$3,319) to be selected. The National Police Service Commission (NPSC) has since cancelled results from 36 stations and IPOA too has referred the case to court and wants the entire recruitment exercise repeated. “Statement by the National Police Service Commission on the audit of the police constables recruitment exercise held on 14th July 2014”, press release, National Police Service Commission, 12 August 2014; “The Independent Policing Oversight Authority (IPOA) files a case to nullify the just concluded police recruitment exercise”, press release, IPOA, 5 August 2014.

<sup>100</sup> Crisis Group email correspondence, Jacob Atiang, Usalama Reforms Forum (usalamaforum.org), Nairobi, 5 September 2014.

<sup>101</sup> A forthcoming Crisis Group briefing will examine the challenges of implementing devolved government.

<sup>102</sup> The order came three days after the Likoni church attack. Security still comes under the national government; county commissioners appointed by the president, not county governors, chair county security committees.

<sup>103</sup> “IPOA warns police on shoot-to-kill order”, *Daily Nation*, 31 March 2014.

<sup>104</sup> Ruto claimed the judiciary allowed up to twenty terror suspects out on bail. “Judges, police to meet over terror”, *Daily Nation*, 26 May 2014. “Police on the spot in bail dispute”, *Daily Nation*, 29 May 2014.

a time when the implementation of the 2010 constitution has created a period of the greatest institutional flux seen since independence in 1963.

Yet it has been the deeply politicised response of Kenya's ruling elites that has been most alarming – and publicly applauded by Al-Shabaab. Kenya's leadership has been unable to produce a convincing national strategy, content to score short-term political points over their opponents with complete disregard for allaying fears and tensions between Kenyans of different ethnicities and faiths.<sup>105</sup> Unless they work together and develop a common vision for how to respond to the growing domestic terror threat, Kenya will remain deeply divided, radicals will continue to exploit these divisions and the country continue to suffer insecurity.

**Nairobi/Brussels, 25 September 2014**

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<sup>105</sup> "Al Shabab lays a trap for Kenya", *The New York Times*, 2 July 2014.

Appendix A: Map of Kenya's Counties



Source: <https://www.opendata.go.ke/facet/counties>

Baringo	Isiolo	Kitui	Migori	Nyeri	Vihiga
Bomet	Kajiado	Kwale	Mombasa	Samburu	Wajir
Bungoma	Kakamega	Laikipia	Murang'a	Siaya	West
Busia	Kericho	Lamu	Nairobi	Taita Taveta	
Elgeyo Marakwet	Kiambu	Machakos	Nakuru	Tana River	
Embu	Kilifi	Makueni	Nandi	Tharaka Nithi	
Garissa	Kirinyaga	Mandera	Narok	Trans Nzoia	
Homa Bay	Kisumu	Marsabit	Nyamira	Turkana	
		Meru	Nyandarua	Uasin Gishu	

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## Appendix B: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 125 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord Mark Malloch-Brown, and Dean of Paris School of International Affairs (Sciences Po), Ghassan Salamé.

Crisis Group's President & CEO, Jean-Marie Guéhenno, assumed his role on 1 September 2014. Mr. Guéhenno served as the United Nations Under-Secretary-General for Peacekeeping Operations from 2000-2008, and in 2012, as Deputy Joint Special Envoy of the United Nations and the League of Arab States on Syria. He left his post as Deputy Joint Special Envoy to chair the commission that prepared the white paper on French defence and national security in 2013.

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