

Evaluating the Normative and Institutional Frameworks for Management of Violent Extremism Offenders in the Kenyan Prisons

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ABSTRACT

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

INTRODUCTION

The population of inmates in prisons who are incarcerated for violent extremism and terrorism is increasing day by day. Additionally, there is a rising concern that these prisoners may spread extremist beliefs to other inmates in the prison, which poses a threat. Furthermore, there is a growing risk that these radicalized

inmates may engage in terrorist activities after being released from prison. Due to these concerns, the rehabilitation of these inmates is a matter of significant importance for the prison service, human rights groups, and their successful reintegration into society. Consequently, it is necessary to separate these inmates from the general prison population.

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

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

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

During an international expert roundtable conference held in Amman, Jordan in 2015, it was acknowledged that prisons play a crucial role in facilitating the process of radicalization.^[3] Although research on the drivers of radicalization, both inside and outside of prisons, is lacking, there exist connection between socio-economic disadvantage and the radicalization process. Jitka Maleckova, a prominent scholar on this subject, suggests that in many countries, prisoners come from impoverished backgrounds and have limited education, making them vulnerable to radicalization.^[4] Maleckova further notes that terrorist groups, such as ISIS, recruit prisoners for violent extremism by promising to reconcile or compensate for any harm or wrongdoing committed against their families.^[5] Additionally, poor living conditions, overcrowding, inadequate healthcare, and prolonged pre-trial detention may create an environment conducive to radicalization within prisons.

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

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

of belonging and purpose, while also providing them with an opportunity to seek revenge against the state that has wronged them. The group's presence in prisons also creates an environment that facilitates the spread of extremist ideologies and violence.^[9] This situation presents a significant challenge to Nigeria's attempts to fight violent extremism and underscores the need for urgent action to reform the justice system and prevent the radicalization of individuals in detention.

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

The use of separation strategy in countering violent extremism is a multifaceted approach implemented in correctional facilities across the globe. This strategy aims to prevent the radicalization and recruitment of inmates by isolating individuals with extremist ideologies from the general prison population. By doing so, authorities hope to mitigate the spread of extremist ideas and reduce the potential for violent acts both inside and outside the prison system. Moreover, by maintaining a careful balance between isolation and rehabilitation, correctional facilities aim to reduce the risk of radicalization and minimize the potential for violent extremism to spread within the prison system and into the broader society.

LITERATURE REVIEW

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

The keystone document for international action for counter-terrorism is the; UN GCTS which was approved by UNGA in 2006. This strategy emphasizes on adherence to the rule of law as well as observance and respect of human rights as key basis on fighting terrorism and safeguarding the rights of the victims and suspects of terrorism.^[11] It also stresses on the key role played by the international community while at the same time emphasizing on states to promote police and judicial cooperation in the fight against terrorism.^[12] 188 nations have signed the strategy, which is regarded to be one of the successful global agreements. The UNSC resolution (1373), which was passed on 28th September 2001, is the primary UN response to terrorist financing that emerged in the aftermath of the 9/11 attacks. The resolution requests UN state partners to freeze or block all avenues directed towards any terror activities.^[13]

Africa's counter-terrorism strategy is premised on the "Organization of African Union (OAU / AU) Convention on the Prevention and Combating of Terrorism (Algiers Convention) of 1999". This convention calls on partner states to avert and discourage their territories from being utilized to support terrorist groups and their activities. Additionally, it contains provisions that prohibit countries from providing financial support to such groups. The Algiers Convention also provides a definition of "Act of terrorism" and outlines mechanisms which states can adopt to cooperate in fighting terrorism. The Algiers Convention is a crucial tool for African countries in their efforts to combat terrorism. By implementing its provisions, member states can prevent terrorist groups from using their territories as safe havens or for planning and executing attacks. The convention's prohibition on financial support for terrorist groups helps to cut off their funding sources and limit their ability to carry out attacks.^[14]

Moreover, the Algiers Convention's definition of "Act of terrorism" provides a clear understanding of what constitutes terrorist activity. This shared definition facilitates cooperation among member states and helps to

ensure that perpetrators of terrorist acts are held accountable.^[15] The other policy document in Africa for management of terrorism offenders includes; “the Plan of Action of the African Union for the Prevention and Combating of Terrorism adopted in September 2002”. Among other stipulations, the plan of Action outlines the measures applicable to a terrorist offender in member states of the Africa Union.^[16]

Kenya’s legal and institutional framework for management of terrorism offenders is contained in the “*Kenya Training Manual on Human Rights and Criminal Justice Responses to Terrorism*”.^[17] This training manual was developed by government in collaboration with the UNODC. The manual is planned to increase the ability of the law enforcement officials and other criminal justice actors in Kenya to effectively prevent and respond to terrorism while respecting human rights. On the other hand, the National Counter Terrorism Centre (NCTC) is mandated with executing the CVE strategy in the country. This strategy has a specific emphasis on the rehabilitation as well as reintegration of individuals who have participated in violent extremism including those in prisons.^[18] Additionally, the government has established the De-radicalization, Rehabilitation and Reintegration Program (DRRP), which is a comprehensive program that seeks to address the root causes of violent extremism and provide support to individuals who have been engaged in VE to enable them to reintegrate into society.^[19]

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

METHODOLOGY

Research Design

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

Descriptive research design also grants the researcher a chance to examine the effectiveness of the separation strategy in countering and preventing violent extremism in Kenya prisons. This is because descriptive research design enables researchers to assess the interlinkage between variables in a social phenomenon. In this case the separation strategy is examined against countering and preventing violent extremism in Kenya prisons. This attribute is important to the study as it allows the researcher to comprehend the operating environment (individual, organizational and social factors) that influenced the performance of the model. Flexibility of descriptive research design is another advantage which allows the research to be guided by the revelations of the study.

Location of the Study

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

assessment of strategies used for managing violent extremism in Kenya Prisons.

Study Population

Target population is “the group of individuals or participants with specific attributes of interest and relevance, the researcher wishes to draw the sample from”.^[20] The target population was 200 respondents who included; prison staff (senior staff), religious leaders (Sheikhs), and criminal justice lawyers, Office of the ODPP, prosecutors and inmates.

Sampling Technique and Sample Size

The sample size of the study was 133 respondents were acquired by use of Yamane’s formula.^[21] It entails; Prison Staff (senior staff), Religious Leaders (Sheikhs), Criminal Justice Lawyers, ODPP Prosecutors and Inmates.

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

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

Where,

n= the sample size

N = the size of population

e= the error of 5 percentage points

n= 133

N=200

1+200(0.05)²

1+200(0.0025)

n=200/1.5

n=133 Respondents

Table 1:1 Sampling Framework

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

Source; Researcher, 2022

Purposive and simple random sampling approach were adopted to assist in collecting relevant information from the respondents which would help in making conclusions and recommendations on the study area. Purposive sampling is “a sampling technique in which researcher relies on his or her own judgment for choosing members of the population, who are rich in the required information to participate in the study”. Simple random is used to select sample sizes from a large population where every unit is represented and assists in averting biasness. These techniques helped the researcher to gather information-rich cases.

Data Collection Instruments

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

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

A pilot study was carried out to assess the research instruments using some of the targeted population from Kamiti Maximum Security Prison who were not part of the main data collection exercise. The pilot study assisted the researcher to identify confusing, unclear or ambiguous questions in the research instruments. In terms of validity, a pilot study ensures that the research is measuring what it intends to measure. By testing and refining research instruments and procedures in a smaller and controlled setting, researchers can assess the clarity and relevance of their data collection methods. They can identify any ambiguities, inconsistencies, or inadequacies in the research tools, such as survey questions or interview protocols. Consequently, this helps in framing precise and unambiguous research questions, which, when applied in the main study, significantly enhance the validity of the findings.

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

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

The pilot study also aids in minimizing errors and enhancing the precision of measurements. Researchers can identify and correct any issues that may compromise data accuracy, such as logistical challenges or misinterpretations by participants. These improvements, informed by the pilot study, contribute to more dependable and reliable research findings when applied to the larger and more diverse sample of the main

study.

Data Collection Procedures

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

Data Analysis

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

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

LIMITATION OF THE STUDY

Terrorism is often considered a security concern, which can create challenges when it comes to gathering valuable information. The sensitive nature of the subject matter, as well as the need for states to maintain secrecy and protect its information, can make it difficult to obtain the necessary information. In some cases, participants may be hesitant to provide information due to concerns about their safety or the potential repercussions of their involvement. The researcher countered this challenge by availing the relevant documents from the University, the authority letter for the Commissioner General of Prisons and the NACOSTI permit, as well as assured the respondents of the confidentiality of the information they availed.

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

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

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

Ethical Considerations

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

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

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

FINDINGS

Globally, several normative and institutional frameworks for the management of violent extremism have been adopted. The “United Nations handbook on the management of violent extremist prisoners and the prevention of radicalization to violence in prisons constitutes the primary global normative framework for the management of violent extremists”. Among other subjects the handbook articulates the fundamental issues for managing violent extremists in prisons which specifically addresses; upholding of human rights, ensuring safe custody, the importance of prison intelligence as well as safe and orderly institutions. The UN framework also articulate issues concerned with control of prison staff as well as other personnel’s who manage issues of VE in prisons, professional standards and ethics. The global framework also outlines the modalities of examining and controlling threats posed by violent extremist’s prisoners.^[22] The key management modalities for managing violent extremists in Prisons is based on procedures, their confirmation, codification, grouping, distribution, arrangement, evaluating various types of threats, tools, strategies as well as comprehending the causes for prisoner’s violent extremists’ behavior and the need for regular risk reassessment.

The UN framework specifically addresses preventing radicalization to violent extremism in prison. Among the key issues stipulated in this normative subject is the radicalization to the violence cycle which articulates the facilitators and predecessors of radicalization to VE in prisons; vulnerability and models of recruitment in prisons. Majority of researchers sought to establish factors, which drive prisoners to engage in VE, which include both “push” and “pull” factors like ideology, grievance, charismatic leaders, religion and need to satisfy physical and general needs. The framework further addresses how prisons staff can disrupt radicalization to VE in prisons. ^[23]

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

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

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

The Terrorism Act of 2012 was established to prevent and prosecute terrorist activities in Kenya. In conjunction with this legislation, the NCTC was created to address violent extremism (VE) in the country. The NCTC comprises of appointees from various organizations, including “the National Security Council, National Intelligence Service, Kenya Defence Forces, Attorney-General Directorate of Immigration and

Registration, and the National Police Service, among others.”^[24] The establishment of the Terrorism Act and NCTC reflects the government’s commitment to addressing the persistent threat of terrorism and violent extremism.

The researcher aimed at assessing the perception regarding Kenya’s role in the global war against terror. According to the findings established; Kenya is a key player in the war against terror and an important partner among the global states in combating VE. All the respondents from the three maximum prisons in the country affirmed that; Kenya is well positioned in the war against terror exemplified by the establishment of specialized police unit, Anti-Terrorism Police Unit (ATPU) and through the 2011 military incursion in Somalia, being quoted as classic examples. The government has been hailed for adopting a community policing initiative which enables the public to report suspected individuals who dwell in the society to the police authorities for action to be taken. Majority of the respondents have opined that; terror incidents in the country have reduced due to factors related to government’s efforts to gather intelligence and thwart planning and execution of terror incidents.

The researcher sought to establish some of the weaknesses inherent law and practice of managing violent extremism in Kenya. According to the responses obtained, majority of respondents particularly from Kamiti Maximum Security Prison who opined that; there existed loopholes in the prosecution of terror suspects with a significant number getting leniency in terms of police bonds and bails in the courts of law. Deficiencies associated with weak evidence or lacks of it thereof were cited as some of the lacunae in law which weakens the prosecution and punishment of terror criminals. Respondents from Shimo la Tewa Maximum Security Prison indicated that, there is need to form specific laws that can be applied to punish violent extremist and particularly laws targeting punishing of radicalization. Majority of the respondents accounting for 90% of the total respondents acknowledged weakness on the part of law expressed in flawed prosecution process. Contrastingly, 10% of the participants view that, law was adequate in prosecuting terror suspects.

The researcher sought to determine the nature of criminal justice offered to de-radicalize violent extremist offenders in the Kenya’s criminal justice system and found out that; the criminal justice system was slow in determining cases particularly those which related to terrorism. Majority of the respondents asserts that; there is an absence of a structured approach to manage convicted terror suspects. From Naivasha Maximum Prison, most of the study participants opined that; criminal justice system in Kenya should be reformed to enable prosecution of radicle propagandist particularly to deter religious-infused doctrines from being propagated inside and outside prisons facilities.

Quoting one of the respondents from Naivasha Maximum Prison; “the criminal justice system should be tightened more to discourage people from being radicalized.” ^[25] A respondent from Shimo la Tewa Maximum Prison opined that; “there is no structured ways to de-radicalize violent extremist offenders in Kenya”.^[26] similarly a respondent from Kamiti Maximun Prison indicated that; “the nature of criminal justice as it is structured today does not offer rehabilitative and reformative system to terror suspects but only hardens them.”^[27]

The researcher sought to assess the circumstances under which extradition of terrorist suspects was executed in Kenya. Majority of the Prisons staff had limited knowledge on the subject of extradition but the few who attempted to respond indicated that; for extradition to occur the two countries involved should have a legal framework or a memorandum of understanding (MoU) between them for the exchange of suspects.^[28] From the data gathered from the three maximum prisons in Kenya, only the officers within or above the rank of (IP) were well versed with the policy of extradition with the majority of junior officers exercising refrain from responding to the question of extradition. The policy of extradition of terrorism suspects is not very common in Kenya and the case in reference for extradition involved a terror suspect nabbed after the 1998 Nairobi Bombings. The said suspect grew “cold feet” and failed to detonate in a suicide mission, then

managed to escape and was arrested and extradited to the US for crimes linked to terrorism. Similarly, drug trafficking cartels operating from the coastal city of Mombasa popularly known as the Akasha brothers were extradited to the US to face charges of drug trafficking although they were arrested in Kenya’s jurisdiction.

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

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

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

Source: Field Data, Researcher 2022

In tandem with the findings above, most of the participants, (31.43 %) from all the maximum prisons in Kenya opined that; incarceration was a fairly effective strategy of counterterrorism and of de-radicalization. Only 1.41 % of the respondents opined that incarceration was not effective at all. The findings above corroborate the study findings of Silke A. who postulates that; prisons serve as both agents of radicalization and of de-radicalization, however, their effectiveness to rehabilitate terror suspects is largely depended on the institutional Standard Operating Procedures (So Ps).^[29]

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

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

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

Source: Field Data, Researcher 2022

In tandem with the above findings, majority of the respondents (30 %) perceived military incursion as effective and very effective respectively as a strategy for counterterrorism and de-radicalization. Military incursion was perceived as an effective strategy due to the fact that it managed to physically eliminate terrorist individuals and their cells as well as their infrastructure hence entirely eliminating the threat of

physical attacks and that of radicalization. Kenya’s military (KDF) started a military incursion in Somalia in 2011 to eradicate the terrorist threat which are posed by terror group affiliated to the Al Qaeda Global Terror Network. The military incursion has managed to reduce the frequency of terror attacks in Kenya significantly. The responses availed by the respondents in this study are based on the success of this military incursion.

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

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

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

Source: Field Data, Researcher 2022

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

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

“A financial control is an effective strategy because planning and executing terror activities requires money and therefore freezing of bank accounts denies the financiers an opportunity to finance terror activities.”^[30]

Another Respondent remarked that; *“Financial control denies them the much-needed money to run their errands”*.^[31]

Further another respondent remarked; *“the government of Kenya has come up with a strategy and methods of observing how criminals and terrorists are funded and how to control the cash flow.”*^[32]

From Kamiti Maximum Prison a Respondent remarked *“Violent Extremist requires finances and therefore if there are stringent measures to stop or minimize access to finances, it is a step towards stopping violent extremism.”*^[33]

From Naivasha Maximum Prison a Respondent stated; *“Freezing Bank Accounts of perceived or proven financiers of terror activities has reduced the willingness to join terror groups since there is lack of funds to lure the young minds”*^[34]

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

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

CONCLUSION

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

RECOMMENDATIONS

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

Policy framework for the management of violent extremism

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

Recommendations for further research

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

1. Assess the long-term impact of separation on the reintegration and recidivism rates of inmates with extremist ideologies. Investigate whether separation leads to a reduction in extremist beliefs and whether it facilitates successful reintegration into society.
2. Conduct a comparative analysis of separation strategies in Kenyan prisons versus those in other countries. Evaluate the effectiveness of Kenya's approach in light of international best practices and identify areas for improvement.
3. Explore the psychological and sociological factors that influence the effectiveness of separation. Investigate the role of factors like peer influence, prison culture, and psychological well-being in the de-radicalization process.
4. Examine the effectiveness of rehabilitation and de-radicalization programs within separated units. Assess the impact of educational, counseling, and vocational programs on changing inmates' extremist beliefs and behaviors.

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