

**CHALLENGES FACED BY ANTI-TERRORISM POLICE UNIT IN FIGHTING
TERRORISM. A CASE STUDY OF NAIROBI COUNTY KENYA**

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**A Thesis Submitted to the Graduate School in Partial Fulfillment of the
Requirements for the Master of Arts Degree in Security Management of Egerton
University**

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DECLARATION AND RECOMMENDATIONS

Declaration

This Thesis is my original work and to the best of my knowledge has not been presented for examination of any Degree or Diploma in any institution or university.

Signature: 

Date: March, 2024

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Recommendation

This Thesis has been submitted for examination with our recommendation as university supervisors.

Signature...Posthumous...

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DEDICATION

To my family members, friends, and colleagues. To my children, may this work be an inspiration for you to reach greater heights in academics.

ACKNOWLEDGEMENTS

I acknowledge the goodness of the Almighty God for granting me life; good health and understanding that enabled me to undertake this work.

I acknowledge my supervisors; The late Prof Samson Wokabi Mwangi and Dr. Panuel Mwaeke for their scholarly comments, guidance and sincere criticism, which helped shape my research work, and without whose support, this work would be incomplete. I remain greatly indebted to them.

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ABSTRACT

This study sought to establish the challenges faced by anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya. The study has been motivated by increased public perceptions of anti-terror police ineffectiveness in the midst of rising terror related activities in Nairobi County, Kenya. Guided by this broad objective, the study examined the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County, established the technological challenges faced by an anti-terrorism police unit and examined the effect of corruption on war against terror within the Kenya anti-terrorism police unit in Nairobi County. The study was grounded by the Deterrence Theory and adopted a case study qualitative design. The main method of data collection was Interview and key informant interviews were the methods of data collection. The study utilized purposive sampling technique to withdraw a sample of 80 respondents. Thematic data analysis technique was used to analyze data. Data was transcribed and the transcriptions coded using NVIVO software. Two major legal challenges identified were related to both Kenya constitution and domestic and International Human Right laws. The study found that the war on terror is shrouded in ambiguities in interpreting the law on what terrorism is, biases in dealing with terror suspects and confusion on what international partners want. Further, constitutional rights and freedoms emerged as major challenge that hampered police operations and action. Further established technological skilled challenges faced by anti-terrorism police unit in Nairobi County include capacity to crack: Incitement Platforms, Terrorist Financing platforms and Websites used as online stores. Further, there is technological skill gap to enable them crack; encrypted, compressed and password-protected and anonymized terrorist materials, including documents and videos, which are then uploaded and circulated via the internet encryption software of terrorist Secrets” to facilitate covert internet communications. been planned. From there prison authorities may also be bribed to aid escape. The study recommended that Kenya's constitution and domestic and International Human Rights laws should be reviewed about the full rights and freedoms of accused and victims of terror-related crimes about the supreme rights and that anti-terror police officers should be trained to overcome this technological challenge if the government wants to be potent enough to insulate its citizens against any terrorist threats.

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LIST OF ABBREVIATIONS

ATPU	Anti-Terrorism Police Unit
COK	Constitution of Kenya
DHS	Department of Home Land Security
EA	East Africa
EALS	East African Law Society
GSU	General Service Unit
IT	Information Technology
KNHRC	Kenya Human Rights Commission
NATO	North Atlantic Treaty Organization
NSCT	National Strategy to Combat Terrorism
NPS	National Police Service
OECD	Organization for Economic Cooperation and Development
UN	United Nations
U.S	United States

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Although terrorism is not a new phenomenon it has now become prominent, especially in the recent past (U.S Congress, 1992). Terrorism involves an act in which violence or force is used or threatened on civilians. It is primarily a political act; it is intended to cause fear or terror in order to achieve psychological effects and reactions (Schimid & Albert, 1988). According to the Global Terrorism Index (2016), terrorism has largely been known to be centralized in the Middle East, North Africa, South Asia, and Sub-Saharan Africa regions. This in totality is responsible for 84 percent of attacks and 95 percent of deaths (Kyle, 2002). Terrorist attacks by Islamic states around the globe have become an increasingly regular feature of the international news landscape (Kyle, 2002). Statistics have it that terrorism has been on increase over the recent past, something that has threatened peace both in developed and developing countries (Albahar, 2017).

Nevertheless, there are arguments that terrorism has much in common with ordinary crime (LaFree & Dugan, 2004). Although terrorism has much in common with ordinary crime, however, it also raises unique challenges for policing. In fact, it is reported to be the greatest challenge that centers on how to use scarce police resources to fight crimes that are relatively uncommon (Albahar, 2017). According to LaFree and Dugan (2004), the terrorism raises national and sometimes international implications that require intelligence that may be limited or altogether unavailable at the local and state levels. Perhaps, this is one of the reasons why it has been difficult to contain terrorism across the globe.

The inability to contain the situation is evident through continued terror attacks across the world. For instance, there has been a recent terror attack in July 2018 in Syrian City of Sweida that led to the death of at least 258 individuals (Parker, 2019). Another perfect example is the case of car bomb attacks near Mosul Iraq in August 2007 which left at least 500 persons dead and over 1,500 people injured. Also, there is the 2019 terrorist

attack in Sri Lanka that left at least 250 persons dead not to forget the 2019 Dusit D2 complex attack that left over 20 people dead and many more injured (Ndono et al., 2019).

Nevertheless, it is hard to imagine any effective national policy on preventing terrorism or responding to its aftermath that does not heavily rely on the hundreds of thousands of sworn police officers that serve the various nations in the World. Addressing these complex challenges requires a level of cooperation across federal, state, and local jurisdictions that have not been typical in the past (Dumphouse, 2007). However, some optimism is provided by the fact that strong connections to the community that produce the best results for policing, in general, may also be useful in preventing terrorist attacks and responding to those that are carried out. Notably, less or no studies have been done to explore factors compromising the fight against terrorism, especially in Kenya (Wagner, 2007). This means that there is the need for more future studies to investigate challenges faced by the anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya hence the rationale for this particular research.

To deal with the problem of terrorism, the Kenyan government in conjunction with like-minded nations like the United States and the United Kingdom has formulated strategies including the enactment of a counterterrorism bill, the creation of an anti-terror police unit, allocation of resources to the police unit dealing with counterterrorism activities, and sending military officers to Somalia to eliminate terrorist groups (Chois 2010: Ndono et al., 2019). In addition, Kenya has adopted different measures to combat terrorism like going to religious places, house to house by a chosen part of the police in fighting terrorism.

According to Dumphouse (2007) over the last 15 years more than 16,000 incidents of terrorism claiming over 140, 000 lives have been recorded. Since the beginning of the 21st Century, there has been a tremendous increase in the number of fatalities occasioned by terrorism. Albin (2001) these incidences include the bombing of the World Trade Centre in 1993, Oklahoma City bombing in 1995, Bacillus attack in Tokyo Japan in 1995 and the September attack of the Twin Towers in 2011 in the United States of America. At

least 3,000 people lost their lives in the 2011 U.S.A Twin Towers attack and attack on the Indian parliament on 13th December 2011. All these incidences left many people dead and multiple casualties. These incidences were either attributed or aggravated by lack of right laws in place and the best technology for fighting terrorism (Albini, 2001).

According to Wagner (2007), failure by security agents to prevent September attack in 2001 in America and Europe exposed enormous legal, and technological challenges that required to be adequately addressed. The main challenge of the September 2011 attack was, however, a flop in integrating police intelligence with security intelligence among departments charged with counter-terrorism (Wagner, 2007).

Albini (2001) opines that terrorists have embraced highly sophisticated technology by encrypting their data. This has made it hard for investigative agents to trace their footmarks making the fight more complicated. Terrorist attack in Barcelona follows a pattern that has left more than 100 people dead and hundreds more injured in Nice, London, Stockholm, and Ohio State. In West Africa, Boko Haram was responsible for 6, 644 deaths in 2014 becoming the most badly terrorist group in the world (Global Index, 2015). East Africa (EA) is most vulnerable to terrorism in sub-Saharan Africa (Bashir, 2007).

Nearly all countries in East Africa like Somalia, Tanzania, and Uganda have been victims of terrorists' acts. The East African Region has experienced prolonged and severe intrastate and interstate conflict leading to instability, poverty, and political isolation that make it vulnerable to the terrorist attack. East African Region is highly vulnerable to terrorist attacks. Chois (2010) argues that the rule of law has an impact on international or domestic terrorism. Good laws hinder ordinary countrymen and women from engaging or becoming victims of any type of terrorist activity. Countries in the region experience regular conflicts, weak governance, collapsed State institutions, porous borders necessitating extensive and uncontrolled movement of illegal immigrants and illegal weapons, increased extremist religious ideology and radicalization of vulnerable groups.

These factors go hand in hand with poor socio-economic conditions and create fertile grounds for the existence of terrorism. Terrorist attacks have included not only political assassinations but also large-scale attacks often aimed at civilians and members of the public (US Congress, 1992). There have been failures of quick response when an attack occurs. Such action complicates operations that require a lot of time to plan and execute. According to the US Congress of (1992), it is anticipated that as terrorist tactics change, it will become very important to come up with more proactive measures rather than being reactive in developing integrated technologies to protect the public. Future threats should be anticipated to the degree possible so that means for dealing with such threats can be developed in appropriate time.

There is a very low probability that terrorism will become less of a threat soon for the anti-terrorism police units. This presents a shared security concern for all security agents in E.A. Ballard (2002) alludes that the emergence of the internet and the World Wide Web has brought in very rare challenges for the Departments of Anti-terrorism police in E.A. using a legal approach to fight terrorism. Counterterrorism measures rest traditionally with national authorities like the anti-terrorism police units and intelligence department. The asymmetric nature of terrorism threats and its roots causes demand a comprehensive approach (Defence Against Terrorism, 2010). Intelligence and security agencies gather large amounts of data from various areas using both technology and human elements. In addition to the usual difficulties of processing and analyzing large data stores; counter-terrorism and crime-fighting pose some unique problems and challenges (Chen et al., 2004).

Authorities with the responsibilities of fighting terrorism have an uphill task in adapting with change and the evolving applications of modern technologies and the unaddressed form of illegalities. A technology like steganography has been used in various formats but has low visibility of the relevant law enforcement agents (Ballard, 2002). Charles (2003) argued that the formation of parallel security forces in order to bypass existing anti-terrorism police units in E.A pose a challenge. U.N Development Programme (2002) notes that the establishment of salaries or provisions of equipment that is too expensive to

sustain in the fight against terrorism once external resources are phased out in E.A is a challenge too. In Kenya today, countering modern terrorist activities lays a significant challenge for the anti-terrorism police unit. This is as a result of the evolution of new information and communications technology.

High sophisticated weapons have facilitated terrorists with a new way of an attack on a scale which was not in existence previously (Wagner, 2007). The responsibility to fight terrorism is vested in the anti-terrorism police unit (ATPU). However other security agents include the regular police, General Service Unit (GSU), flanked by their counterparts the Administration Police. The Kenyan Military and the Judiciary, not excluding the office of the director of public prosecution also play a significant role in fighting terrorism in Kenya. One of the greatest challenges has been to coordinate all these agents to work harmoniously without friction in order to achieve a common goal. Kenya has faced numerous attacks since the onset of 1975.

Obershall (2008) attests those police methods of terror investigations can hardly bring to book the responsible culprits for the attacks leave alone prevention of the attacks. Terrorists' snipers vanish into apartments or in forests as noticed in the Mpeketoni terror attacks in Lamu County. A concealed roadside bomb or vehicle does not leave identifiable culprits. Suicide bombers can't be brought to book unless the attempt is botched. From the murder of J.M. Kariuki in 1975 a prominent politician, the bombing of the Norfolk Hotel in Nairobi in 1980, American Embassy bombing of the year 1998, the Israelites Hotel bombing in Kikambala in Kilifi county in the year 2002, numerous Alshabaab attacks in the northern Kenya since 2012, the Westgate Mall shooting incident in Nairobi in the year 2013. Garissa Technical University attack, Mandera border and quarry attack, Pangani terror blasts, the Kapenguria police station attack, and numerous Eastleigh Matatu attacks are just a few examples of the terror attacks experienced in Kenya. Corruption has been blamed for these attacks. Oluwatoyin (2001) corruption has become widespread challenge deeply sunk into the social fabric to the degree that it has become a way of life for the majority of the populace as seen in Kenya today.

1.1.1 Anti-Terrorism Police Unit (ATPU)

After the 2002 attack, the government publicly declared that transnational terrorism had taken root in the country (Adan, 2005). The acknowledgement by the Minister of Internal Security and Provincial Administration provided an impetus for the government to deal with future terrorist threats and activities. There was also need for a specialized unit to deal with terrorism. As such, the government was prompted to establish a specialized anti-terrorism police unit (ATPU) within the police force. Therefore, the ATPU was created in 2003 as a specialized Kenya Police unit to deal with issues of terrorism. It was established with a contingent of 450 officers and it consisted of officers from all security agencies (Mogire, 2011). The creation of ATPU was in accordance with the 1988 Police Act that empowers the police commissioner who is a presidential appointee to create specialized units to respond to particular crimes (Redress & Reprieve, 2009). This institution is under the office of the president. The institution is entrusted with the duties of prevention and suppression of terrorist financing. The unit is also composed of intelligence personnel dealing with various aspects of financial forensics required to trace the proceeds channelled for terrorist activities (Okumu, 2008).

Regional offices were created at strategic towns such as Nairobi, Mombasa, and Garissa since these towns served as centres for terrorist sympathizers and terror suspects' hideouts. The government also widened the locations of ATPU by establishing other regional units in Eldoret, Western, Lokichogio and Kisumu (Government of Kenya 2004, pp. 7-8 as quoted in Adan, 2005). According to Adan (2005), the extension of ATPU offices in various parts of the country has enabled the apprehension of terrorist suspects and disruption of planned terrorist attacks. Apart from the above, the Joint Terrorism Task Force was created to provide enhanced communication, command, and control among Kenya's security agencies (Pope, 2005). According to the US Department of State report (2006), it was set up to improve the police and prosecutors' ability to cooperate on counterterrorism issues. However, the Kenyan government later disbanded the program.

The disbandment, according to Whitaker (2008), was due to the unwillingness of police officials to give up control over the Anti-Terrorism Police Unit to the Joint Terrorism

Task Force. Thus, the Joint Terrorism Task Force basically ceased to function after the Kenya Commissioner of Police, General Hussein Ali, removed the Anti-Terrorist Police Unit from it in 2005 (Amnesty International, 2014). This was also attributed to the politics of policing that had historically divided policy makers in the government and the commissioner. This resulted in the unwillingness to give up control of a unit with the highest funding and most elite personnel (Aronson, 2013). Although the Kenyan government has put strategies to counter terrorism still terrorist activities especially in Nairobi and the Coastal region still exist. There is need therefore to study the challenges facing. There is need therefore to investigate the challenges that are faced by the anti-terrorism police unit in Kenya in fighting terrorism.

1.2 Statement of the Problem

It is evident that numerous measures have been put in place by the government to counter the terror attack in the country. Among the key measures include the approach of increasing the number of police officers, purchase of armoured vehicles, investment in foreign and domestic intelligence, making of security sector reforms, formation of the National Counter-Terrorism Center, making of legal amendments, community policing, disengagement and de-radicalization programs, inter-agency coordination, signing of regional treaties such East African Counterterrorism Initiative, installation of surveillance camera systems and modern communication gadgets. Despite these measures, however, many attacks have been experienced in Nairobi County from the infamous Westgate mall attack in 2013, Eastleigh Matatu blasts, and Pangani police station blasts. The fact that terror attacks continue to be experienced, especially in Nairobi County despite the measures means that there is a need for more future research to determine the challenge compromising this fight. Therefore, the aim of this study was to examine the challenges anti-terrorism police unit face in fighting terrorism in Nairobi County, Kenya.

1.3 Objectives of the Study

This study was guided by both the broad and specific objectives as stated below.

1.3.1 Broad Objective

The broad objective of this study was to investigate the challenges faced by anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya.

1.3.2 Specific Objectives

This study was guided by the following specific objectives;

- i) To examine the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.
- ii) To establish the technological challenges faced by an anti-terrorism police unit in fighting terrorism Nairobi County.
- iii) To examine the effect of corruption on war against terror within the Kenya anti-terrorism police unit in fighting terrorism Nairobi County.

1.4 The Research Questions

This study was guided by the following Research questions;

- i) What are the legal challenges that are faced by the anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya?
- ii) How is the technology a challenge to the anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya?
- iii) How does corruption affect the anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya?

1.5 Justification of the Study

This study examined the challenges faced by the anti-terrorism police unit in Nairobi County. Nairobi is rich in literature in terrorism attacks since 1975. The findings of this study will generate new knowledge of the challenges facing the Kenya anti-terrorism police unit in fighting terrorism. Further findings of this study may be used by the current government to inform policy. Also, it is anticipated that the findings of this study will contribute to literature in terrorism studies. The findings in this study may be used by the various security agents to improve their capabilities in fighting terrorism. The United Nations and the African Union which has been on the fore front in the fight of terrorism

may find relevance in the findings. This study finding may also be used by other scholars who want to carry out further research in the future. Finally, this study also addressed knowledge gaps in the study of anti-terrorism and counter-terrorism mechanisms.

1.6 Scope and Limitations of the Study

The research was specifically limited to the anti-terrorism police unit in Nairobi County. Further, the study focused on four police divisions namely central, Gigiri, Kilimani, and Starehe because these are the areas that are mostly prone to terrorist attacks in Nairobi.

The study focused on the Kenyan anti-terrorism laws, modern technology and integrity issues among the anti-terrorism police officers. Also, the study examined the best practices to manage the challenges.

Due to the sensitivity of the topic to security, some participants with crucial information tried to hold back for fear of reprisals and possible backlash. This kind of challenge was overcome methodologically by seeking informed consent. The researcher explained to them that the information was intended for academic purposes only and improve service delivery and effectiveness of the anti-terror police unit.

1.7 Definition of Terms

Anti-terrorism Police Officer: For the purpose of this particular study anti-terrorism police officer was used to mean any member of the Kenya anti-terrorism police unit.

Legal Challenge: In this study legal challenge was used to mean insufficient legislation, international legal hindrances, and legal incapacity of anti-terrorism police officers

Corruption Challenge: For the purpose of this study corruption was defined as the embezzlement of funds, officers operating with ill-fitting equipment, in adequate equipment and double espionage

Technological Challenge: In this study technological challenge was used to mean lack of the modern state of art equipment to intercept terrorism's, training, innovation and adequate resources.

Terrorism: In this study terrorism was used to mean the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims and religious ideologies.

Legal lacuna: In this study, legal lacuna will be used to mean any situation for which there is no applicable law.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter of the research presents a review of literature related to study variables. The literature will be covered in terms of key subtopic or rather themes identified from the available literature sources. In particular, the chapter covers the literature on legal, technological and corruption challenges and intervention measures to terrorist acts in Nairobi County, technological challenges faced by the Kenya anti-terrorism police unit in the fight against terrorism, corruption as a challenge for the Kenya anti-terrorism police unit in fighting terrorism, Intervention measures of fighting terrorism in Nairobi County, theoretical framework as well as the conceptual framework.

2.2 Legal Challenges Faced by Anti-Terrorism Police Unit in Fighting Terrorism

Available literature has shown that the rule of law in any government, organisation or institution, has a direct or indirect effect on both domestic and international terrorism. Any organization that develops a legal framework and social justice mechanisms may be considered as a winning strategy to terrorism threats (Chois, 2010). According to Jessie (2013) argues that the United Kingdom introduced new laws to deal with the various aspects of the changing international terrorism threat that included the Prevention of Terrorism Act (2006), the Counter Terrorism Act 2008, the Asset Freezing Act (2010) and the Investigation Measures Act (2011). A consideration of pre charge detention was found necessary to aid the anti-terrorism police in their investigations which were largely obstructed by the technicalities posed by international terrorism such as the practice of multiple forms of technology and the creation of masses of computer data, the cell structures of international terrorism and language barriers. However, Jessie (2013) has not focussed on the challenges facing security organs in addressing the problem of terrorism hence need for this study to examine the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

Jerry and Lara (2003) reported that winning the fight on terrorism requires clear guidelines rules and regulations for data collection, use and dissemination. The rule of

law legitimately, serves to protect citizens from terror attacks. The failure of our law enforcement and intelligence agencies to predict, prevent and prosecute the attackers of Westgate and Pangani blasts was powerful evidence of the need for reform of the Kenyan laws on counter terrorism efforts. However, it is not known how the findings by Jerry, and Lara (2003) are applicable in understanding the challenges facing security teams engaged in counter terrorism activities hence this study sought to examine the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

A study by Chois (2010) revealed that some laws, rules and regulations hinder the anti-terrorism police unit from implementing timely and effective preventive measures against potential terrorist threats. It is further argued that the Constitution of Kenya (2010) offers its citizens high levels of liberties such as freedom of association, and legal rights for accused criminals thus putting the country at a high vulnerability to terrorist attacks. Although the study has established how rule and regulation influence counter terrorism initiatives, it did not focus on counter terrorism activities in Kenya hence this study sought to investigate the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County

Moreover, Jerry et al. (2003) adds that government reaction to these terror attacks, central elements of developing policy have been both dangerous to civil liberties and unlikely to improve the counter terrorism efforts. The study argues that the tendency by legislators and human rights bodies to lose limits on domestic spying weakens oversight mechanisms like the media and civil society organisations. This fundamentally undermines the efficacy of constitutional checks and balances. Many security forces fight terrorism by not respecting one's constitutional values. It is not known how the findings applies to the case of counter-terrorism efforts by security agencies in Nairobi hence this study sought to investigate the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism.

Dumphouse (2007) argues that the American laws focussing on motive, adds hurdles to state counsels to convict a terrorist because motive is hard to prove. The study adds that the war on terrorism will be aided and not hampered by respect for core constitutional values and principles of governance, the rights to assembly, speech and exercise of religion. Due process especially the right to confront the charges and accusers against oneself in a court open to public scrutiny and privacy will aid the war on terrorism too. How the findings are applicable to the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County was set to be established by this study.

Levin (2007) opines that the anti-terrorism police unit needs laws and rules that permit tracking the flow of internet usage of a suspect. The study further argues that telephone communication links of a suspect and secret information retrieved should be sharable among the relevant security agents. Contrary, courts of competent jurisdiction require the prosecution to demonstrate a probable cause to believe a crime was committed. Highly politicised terrorism cases sometimes force a state counsel to prove the culprits' motivation. However, it is not known how the findings by Levin (2007) are applicable in understanding the challenges facing security teams engaged in counter terrorism activities hence this study sought to examine the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism.

A study by Harberson (2007) argued that state and local authorities have a crucial role in the fight against terrorism. The study added that lack properly defined roles. Better cooperation among state agencies and local authority is highly desirable. State and local law enforcement officials will be effective partners in the fight against terrorism if given rules to follow and ensure their efforts are focused and do not infringe on civil liberties. In addition, Harberson (2007) reported that historic grievances of marginalised groups, the incipient struggle of human rights and the relatively weak civilian oversight of the military and security institutions need to be considered. Arbitrary arrests and violations of the rights of arrested persons including assassination is one of the legal challenges facing the anti-terrorism police in fighting terrorism. Although the study has applauded the work by local authorities in counter terrorism, how the findings apply to the case legal

challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County was set to be established by this study.

According to the Commission of Human Rights [KNHRC] (2015) security agencies constitute grave violation of the Kenyan law and regional and international human rights principles and standards that protect people from arbitrary arrests and detention. Constitution of Kenya (CoK) (2010) guarantees fundamental freedoms. However, some scholars argue that respecting liberty to the full extent will jeopardise the discretionary power which the government needs to guarantee security. There was therefore a need to investigate the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

A study by Pokolova (2011) argued that liberal democracies have dual role of providing security and protecting the rights and liberties of its people. Any anti-terrorism policy implemented must be in compliance with the democratic values held by citizens. The study added that the challenge in fighting terrorism is to balance legitimate program of security improvements with a continuing and sustained attack on poor governance, poverty and deprivation of human rights. Getting the balance right is particularly significant. Democracies in Africa are delicate and any crack down on terrorist activity has to be carried with great sensitivity. However, it is not known how the findings by Levin (2007) are applicable in understanding the challenges facing security teams engaged in counter terrorism activities hence this study sought to examine the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism.

According to Shola (2012), politicians must strike a balance among the interest of the people they represent and their religious, racial, social economic and nationality diversity. Lawmakers need to accommodate criticism from Civil Society and other watchdog groups as measure of the quality of their legislation. Laws are meant to foster order and create conditions for quality to thrive. However, politicians are obliged to pass legislations that support the people they represent. This study therefore sought to

investigate the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

Oren (2009) in his paper of Security Versus Liberty argued that counter terrorism measures are often directed towards a suspect community whether citizens or foreigners. Following the publication of Terrorism Bill (2003) the East African Law Society (EALS) issued a statement poking holes on the necessity of such legislation. EALS (2003) argued that the Bill proposes lesser punishment for serious offences than are currently prescribed. The current penalty for murder under penal code is death while the most serious offence under the Terrorism Bill (2003) would entail a maximum penalty of ten years imprisonment. Citizens may be forced to sacrifice their fundamental freedoms and rights for the expense of their security. This sentiment has left governments including Kenya in dilemma on whether to trade human rights and freedoms for security. Although the study has established how rule and regulation influence counter terrorism initiatives, it did not focus on counter terrorism activities in Kenya hence this study sought to investigate the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

Peter (1998) argues that the main purpose of criminal law within the modern liberal democratic state is to prevent unconstrained individual behaviour from upsetting the order of society as a whole. One of the components on the fight against terror is how liberal democratic states respond legally to acts of terror. The study further argued that there is a danger of over reaction when liberal democracies confront terrorism using law. Government officials typically make radically and unjustified departures from conventional judicial and law enforcement procedures. Finally, the study asserts that undermining the very principles of liberal democracy, counterterrorism loses its legitimacy. This study therefore sought to investigate the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism.

According to Jessie (2013), terrorist intimidates juries and witnesses so as to accuse governments of repression. He further argues that it is justifiable for informers to be offered incentives and protection when giving evidence against terrorist in court. However, it is not known how the findings by Jessie (2013), are applicable in understanding the challenges facing security teams engaged in counter terrorism activities hence this study sought to examine the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

Patricia and Migai (2011) argued that Kenyan system is flaunted, especially when it comes to investigations and prosecution methods. Anti-terrorism laws have been tailored to deal with a particular threat. Despite deep seated concerns about the potential slippage from one terrorism act to another, anti-terrorism laws in Kenya tailored to handle a particular terrorism act do not often slip in the usage of other forms of terrorism. The study adds that they are used to counter the particular terrorist threat for which they were designed for. The system is characterised by wide and unregulated discretionary powers. Law enforcers have at their disposal the authority to arrest or not, to detain or not, to investigate or not, to charge or not and to prosecute or not unless put under public pressure. However, how legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County was set to be investigated by this study.

Patricia et al. (2011) reported that the Kenya anti-terrorism police are the lead agency in antiterrorism fight within and on the Kenyan borders. The unit is the focal point in the criminal justice system and plays pivotal role in fighting terrorism. Majority of prosecutions are carried out by police officers who lack sufficient legal knowledge to prove a case against seasoned advocates. Advocates often poke holes on the evidence adduced in courts and seek legal gaps that prosecutors are unable to sustain. According to this study, Kenyans criminal laws do not provide for anticipatory crimes. Suspects are to be prosecuted once sufficient information on the planned commission of a crime was foreseen. Anti-terrorism laws may introduce powers and offences designed to curb further acts of terrorism, as well as measures that intend to assist in the prosecution of the culprits. Although the study has established how application of law influence counter

terrorism initiatives, it did not focus on counter terrorism activities in Kenya hence this study sought to investigate the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

Clive (2007) maintains that terrorism laws need to increase powers of proscription, condoning arrests without a warrant and to detain culprits prior to charge. Many of the terrorism in the country would be made less severe or deterred in totality. Again, the legal system does not provide for reward to any volunteer who gives information on terror preparations. However, applicability of the findings by Clive (2007) in understanding of the challenges facing security teams engaged in counter terrorism activities hence this study sought to examine the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

Konstantin (2016) argues that legal framework of the Kenyan laws does not provide investigations of suspect before a crime is committed. However, argues that some of these laws if to be crafted and be implemented in the Kenya context may be seen to undermine civil liberties, in the name of protecting citizens from terrorism through the inflation of terrorist crisis. The study adds that the Kenyan terrorism police unit lacks enough legal powers to protect its citizens against terrorism. He further argues that the unit needs to be accorded more legal powers against the attackers. The unit needs powers that is necessary against those organisations or persons that they determine, plan, authorises commits or aids the terrorist or harbour such organizations or persons in order to prevent future acts of terrorism. There is therefore a need to investigate the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

2.3 Technological Challenges Faced by Security Agencies in the Fight against Terrorism

Stopping terrorism threats and attacks relied heavily on old-fashioned tools. In many cases strict physical security on people and vulnerable facilities was the order of the day. Authors have written on technology and fight against terrorism. Obershall (2008)

reported that intelligence gathering by security agents and vigilance on borders was used among the best practices. This is because crime has changed with time. However, this study did not focus on technology and fight against terrorism hence this study sought to investigate the technological challenges faced by an anti-terrorism police unit in fighting terrorism Nairobi County.

Wagner (2007) opines that countering the modern terrorist activities lays a significant challenge for the anti-terrorism police. The development of new information, communication and weapons technology has aided terrorist to attack on a scale previously not at disposal. New technology and resources available to terrorists has made the fight more complicated. The study adds that terrorists have made timely access of their data by the anti-terrorism police more difficult. Despite the numerous challenges, technology specifically internet revolution has posed very rare challenges. This study therefore investigated the technological challenges faced by an anti-terrorism police unit in fighting terrorism Nairobi County to bridge the knowledge gap.

According to Ballard et al. (2002) antiterrorism police have not succeeded in solemnly using a legal approach to stop terrorism further argues that the anti-terrorism agents are having a hard time to adapt to rapid change evolving from new applications and unaddressed forms of illegality. The study added that a technology like steganography has been used in many areas for a while and still has relatively low visibility to the anti-terrorism police. However, in some sectors, technology has revolutionised the economy with dramatic productivity improvements and an array of new communications and information processing tools. Therefore, this study sought to investigate the technological challenges faced by an anti-terrorism police unit in fighting terrorism with a specific focus on Nairobi County.

A study by Ballard et al. (2002) reported that the benefits of technology are both available to good citizens and the terrorists. Issues similar to cryptography, steganography and cyber terrorism exists as part of technology that changes with speed of the latest silicon chip. However, it is not known how the finding by Ballard et al. (2002)

is applicable in understanding the challenges technological facing security teams engaged in counter terrorism activities hence need for this study.

Albini (2001) argues that key technological hurdles that anti-terrorism police face are how terrorist have been threatening the safety of the public's using technology. Terrorists have commercial encrypted products so as to create a hindrance to antiterrorism agencies from engaging in reasonable searches on the basis of probable cause of terrorism activity. Encryption gadgets have allowed terrorists to converse among themselves through various electronic communication modes. The study added that this has hindered the anti-terrorism police from gathering evidence on criminality by means of electronic surveillance, search and seizure. Anti-terrorism police have been faced with the realities of terrorists using advanced technology to hide their communication from investigators. Although the study has established how technology is critical in counter terrorism initiatives, it did not focus on influence of technology on counter terrorism activities in Kenya hence this study sought to investigate the technological challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

Chen et al. (2004) asserted that researchers in the natural, computational and social sciences as well as engineering, medicine and many other fields have responded to the government's call for science and technology to help enhance its capabilities in fighting the new counterterrorism war. Information technology is an indispensable part in making our country safer. The study further argued that it remains a challenge on how anti-terrorism sectors including private sectors apply their energy and imagination to turning technologies into potent anti-terrorism tools and that there are several obstacles to overcome. This study therefore sought to investigate the technological challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

A study by James (2005), argues that research and development trends in the security field, has been affected on the margins. Most institutions have been allocated money, which is very small fraction of the budget allocated to the service. In turn governments represent an increasingly less significant portion of the total research and development

effort. The balance of investments for research and development does not bode well for counterterrorism technology. According to this study, most of the cutting-edge research in related areas, particularly with regard to information technology and biotechnology is in a private sector. The study added that communication services providers like Safaricom and Airtel where development programs are largely driven by potential markets and the profits to be made in the security sector seem to pale comparison with other commercial opportunities. However, applicability of the findings by James (2005) in understanding of the challenges facing security teams engaged in counter terrorism activities hence this study sought to examine the technological challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

According to William et al. (2001), argued that there are barriers to innovation. He further argued that even private research and development can be better termed with government efforts. If the Kenyan government is focussed on the terrorism challenges of the 21st century, the tradition to innovation in antiterrorism technologies need to change. There are numerous challenges of technology. According to this study, these include the expense of new technology including both the cost of procuring technology and the opportunity cost of adopting that technology as compared to other uses to which resources must be put. Technology risks include the ever-present risk of technology failing. Technology may not perform as expected or adequately address the task for which it was adopted, However, how the finding applies to the situation on technology and counter terrorism activities in Nairobi County was set to be investigated by this study.

Garcia (2004) reported that new counter terrorism technologies face a myriad of obstacles that have nothing to do with fiscal costs of technical specifications. For example, data mining and biometrics have raised many concerns about the protection of civil liberties and safeguarding of proprietary commercial information. Institutional cultures may have difficulty adapting new technologies and new systems. This may present significant trainings and leader development challenges. Although the study has established how technology is critical in counter terrorism initiatives, it did not focus on influence of

technology on counter terrorism activities in Kenya hence this study sought to investigate the technological challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County

A study by Zeng et al. (2004) reported that systems integration can enable law enforcement agencies to share information with others. The study argued that unanticipated cost, new technology will bring unintended consequences. New technologies can also bring unexpected liabilities and adverse public relations. According to this study, terrorists and insurgents are increasingly using media and internet to spread propaganda, rally support and share experiences, as well as a means to communicate with each other. Intelligence and security agencies gather large amounts of data from various sources. In addition to the usual difficulties of processing and analysing large data stores, counter terrorism and crime fighting applications pose some unique information or technological problems and challenges. Although the study has established how technology is critical in counter terrorism initiatives, it did not focus on influence of technology on counter terrorism activities in Kenya hence this study sought to investigate the technological challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

According to Garcia et al. (2002) weak states remain susceptible to terrorists group seeking safe haven and may have and even cooperate with or actively support terrorists. As a result, investigations must cover multiple offenders and criminal activities in different places at different times. This can be fairly difficult given limited intelligence and security resources. Furthermore, the study argues that large data volumes and diverse sources and formats create significant challenges including information stovepipes and information overloads. The intelligence and security domain differs from domains such as marketing finance and medicine. These domains can collect data from particular sources such as company's sales records or patient's, hospitals and medical history. However, intelligence and security domain does not have a well-defined data source because information technology has developed several potentially helpful tools and methodologies. Thus, this study therefore sought to investigate the technological

challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

DeRosa (2004) reported that data integration, data analysis, text mining, image and video processing and evidence combination are some of the potentials argued that how to employ them in the intelligence and security domain remains unanswered question, as does how to use them effectively in national security missions' area. According to this study the greatest technological challenge comes in processing and analysis of the massive amount of data than its collection. However, it is not known how technology is critical in counter terrorism initiatives hence need for this study to investigate the technological challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County.

A study by David and Istran (2012) reported that turning raw security data into actionable intelligence requires significant research and advancement in various sub disciplines of artificial intelligence. These Sub disciplines include data mining, text mining, web mining, natural language processing, planning reasoning, conflict resolution, link analysis and search logarithms. The study further argued that lack of automated systems to convert speech to digital text and perform related translation and such functions are slow in growth. This study therefore shough to investigate the technological challenges faced by the Kenya anti-terrorism police unit in fighting terrorism with a specific focus on Nairobi County.

2.4 Corruption as a Challenge for the Kenya Anti-terrorism Police Unit in Fighting Terrorism

Corruption is the abuse of entrusted power for private gain. According to Osaleh (2015), corruption can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs. Authors have written on corruption and security matters across the world. According to Osaleh (2015) argues that scholars, practitioners and experts have argued that in the management of corruption, one has to concentrate on the epicentre of corruption. The study added that the epicentre of

corruption in most countries in the developing world is the public sector, especially in the Police Service. However, the study did not focus on how corruption has influenced counter terrorism activities. This study therefore investigated how corruption as a challenge for the Kenya Anti-terrorism Police Unit in fighting terrorism in Kenya with specific focus on Nairobi County.

According to David and Istran (2012) the newly established independent institutions under the banner of the new CoK (2010) corrupt and non-transparent institutions are on the lead Organisation for Economic Cooperation and Development. Although the study has established on how institutions should deal with corruption, the study did not focus on influence of corruption on counter terrorism activities in Kenya hence this study sought to investigate how corruption as a challenge for the Kenya Anti-terrorism Police Unit in fighting terrorism in the study area.

According to Asfaw (2015), corruption remains mostly in institutions that are under paid and its officials are politicised. Police corruption is an international problem that poses challenges to good governance and the fight against crime. The study adds that police is one of the most important institutions in a society that is entrusted with upholding law and order and protecting property. That when police are linked with corruption, the trust for the institution is undermined and efficiency against crime is jeopardized. This study therefore sought to investigate how corruption as a challenge for the Kenya Anti-terrorism Police Unit in fighting terrorism in the study area.

Garcia et al. (2002) reported that corruption is seen as a threat to global security. Corruption is rightly seen as a major factor that undermines world peace and stability. The study argued that corruption not only weakens a state, it also exposes its territory and that of others to terrorist activities by weakening the capacity to defend citizens and national interests and that terrorist's organisations use corruption to both finance and perpetrate terrorism. However, it is not known how corruption influences counter terrorism initiatives hence need for this study.

According to the Organisation of Economic Cooperation and Development report (2016) notes that anti-terrorism institutions weakened by engrained and deep-seated corruption, are not only less effective in fighting terrorism but are also vulnerable to exploitation by terrorists' group. Corruption in institutions such as the army, the police, the judiciary and the defence sector are of great concern as they are pillars of state security and rule of law. However, applicability of the findings by Organisation of Economic Cooperation and Development report (2016) in understanding the influence of corruption on counter terrorism activities hence this study sought to examine how corruption is a challenge for the Kenya Anti-terrorism Police Unit in fighting terrorism in Nairobi County.

Zeng et al. (2004) reported that in many countries, influence can be exerted at middle and low levels of law enforcement structures to avoid investigation or detection and to impede on going judicial or investigative process. That the corruption in the police service not only undermines its legitimacy and efficacy but can also worsen insecurity. Wide spread corruption weakens the service men and women capability to halt terrorists' groups. This commonly happens where service men are not paid well, poorly equipped and morale is low. Therefore, this study sought to investigate how corruption as a challenge for the Kenya Anti-terrorism Police Unit in fighting terrorism in the study area.

Wagner (2007) argues that corruption weakens and escalates our insecurity. Because money that was appropriated for weapons, welfare, it wasn't getting to base. The security sector has been historically vulnerable to corruption. According to the study, security sector has been defined by huge contracts and high secrecy hence it poses unique corruption risks. Corruption in the security sector is not just about sales commissions, it also means officers operating with ill-fitting or in adequate equipment or with no equipment at all. This study therefore investigated how corruption as a challenge for the Kenya Anti-terrorism Police Unit in fighting terrorism in Kenya with specific focus on Nairobi County.

According to the Transparency International (2015), although stringent anti-bribery laws have been passed in most countries Kenya included no significance change has been noted. Compliance of the anti-bribery laws have become part of the lexicon of today's business, however major corruption scandals continue to occur two thirds of security companies show little or no evidence of having programmes to fight corruption. However, it is not known how corruption influences counter terrorism initiatives hence need for this study to investigate how corruption as a challenge for the Kenya Anti-terrorism Police Unit in fighting terrorism in the study area.

Oluwatoyin (2001) argues that corruption has become wide spread phenomenon deeply entrenched into the social fabrics to the level that it has become a culture. This is most evident in police service. In some developing countries, corruption begins from the initial stage of recruitment of police officers. Individual candidates are required to pay large amounts of money to get into the service. Case in point is in July 2014, when a Kenyan High court suspended the recruitment of 8000 police new recruits noting that the process was tainted with corruption, irregularities and without fidelity to the constitution. It is against these facts that have necessitated studying the numerous challenges facing the anti-terrorism police unit in Nairobi County.

2.5 Intervention Measures of Fighting Terrorism in Nairobi County

Information technology (IT) is cited as an indispensable part in making a country safer (Chen et al., 2004). This is because IT supports intelligence and knowledge discovery by collecting, processing, analysing and developing applications for terrorism and crime related data. The U.S Department of Homeland Security (DHS) identifies six critical mission areas where IT can contribute to accomplishing strategic national security objectives (National strategy for homeland security, 2002). Although terrorism depends on surprise attack, terrorist activities are organised and planned hence possible to track.

By analysing communication and activity patterns, I.T makes it possible to detect deceptive identities (Wagner, 2007). By employing other surveillance and monitoring techniques the anti-terrorism police can issue timely, critical alerts through intelligence

and warning systems and prevent attacks. Terrorists enter targeted area through air, land or sea port. Sharing and analysing information from multiple sources, can create a smart border that greatly improves counter terrorism and crime fighting capabilities (Chen et al., 2004). As identified in the National Strategy to Combat Terrorism (NSCT), the long-term approach in the war against terrorism is the advancement of freedom and human dignity through democracy. Disrupting and defeating terrorist and their organisations needs network, associates and sources of support using all instruments of national power and influence. Weapons of mass destruction in the hands of terrorists are among the challenges.

Kenya must continue to utilise law enforcement and intelligence entities that are already in place. These entities act as both as a deterrent and reactive force to terrorists, deterring the planning of attacks on Kenyan soil and reacting to intelligence gathered in the course of investigation (Aronso, 2012). There need to be better training offered to personnel across the entire spectrum of the anti-terrorism police unit. Equipping and training only small specialised people in the unit will not be sufficient in keeping an entire country safe. All officers should be given basic training in terrorism related investigations (Aronso, 2012). There also need be proper utilising of funds made available through global war on terrorism (Adan, 2005). Kenyan officials need to take closer look at the actual perpetrators of terrorist acts. Prestholdt (2011) argues that there is an overwhelming belief on both government and societal level that Kenyan Muslims are mobilising attacks in large numbers against their own country.

The Kenyan government needs to include Muslims in politics, the economy and everyday life. Kenya has known for quite some time that many of its problems of insecurity are related to the porous borders. For this mission to be successful the government needs to deploy immigration resources to the border. This significantly reduces the number of people transiting unnoticed into Kenya (International Crisis Group, 2012). The fight against terrorism is not a job which can be undertaken by one single agency. It requires team work and input from a wide range of national and international organisations including law enforcement agencies, the military, the intelligence services, financial

sector, the diplomatic service and health organisations. The key to success is organisation, cooperation and coordination (Maxim, 2015). A prerequisite for success is building a well-trained, equipped and well facilitated antiterrorism police unit that can deal with the terrorism challenges of the 21st century.

2.6 Theoretical Framework

This theory was guided by the deterrence theory. The theory was put forward by Thomas Hobbes in 1588. The theory has been popularized by Schelling and Glenn Snyder in the 19th Century as a relevant theoretical orientation to analyze effective strategies to combat terrorism. Western criminal law and justice systems key intellectual foundation was brought about by deterrence hypothesis. Policies like “three strikes” laws, increment in penalties, sentencing and conviction certainty, intense police hiring and construction of more prisons has been favored by deterrence theory adherents. Participation of crime by future offenders shall be curtailed and recidivism of offenders reduced by these policies.

Deterrence doctrine philosophical ideas, its humanitarian orientation, and its implications for punishment were focus of review prior to 1960s. Punishment severity and certainty deter homicide as per research done in 1968 on testing deterrence theory. When punishment certainty is reasonably guaranteed, crime can be deterred by severity and can also be deterred by imprisonment certainty. This is according to criminologist Charles Tittle who conducted research in 1969 who found theory support.

Expansion of traditional assets and values associated with inter-state coercive relations deters terrorism as per Deterrence theory (Wilner, 2015). Rather than concentrating on values related with customary state-based prevention, for example, sway, regional control, political honesty, effective reaches, and financial quality, discouraging warfare places accentuation on focusing on the qualities that activists love, similar to attention, strategies and tactics to victory, leading, and other material resources (Wenger & Wilner, 2012).

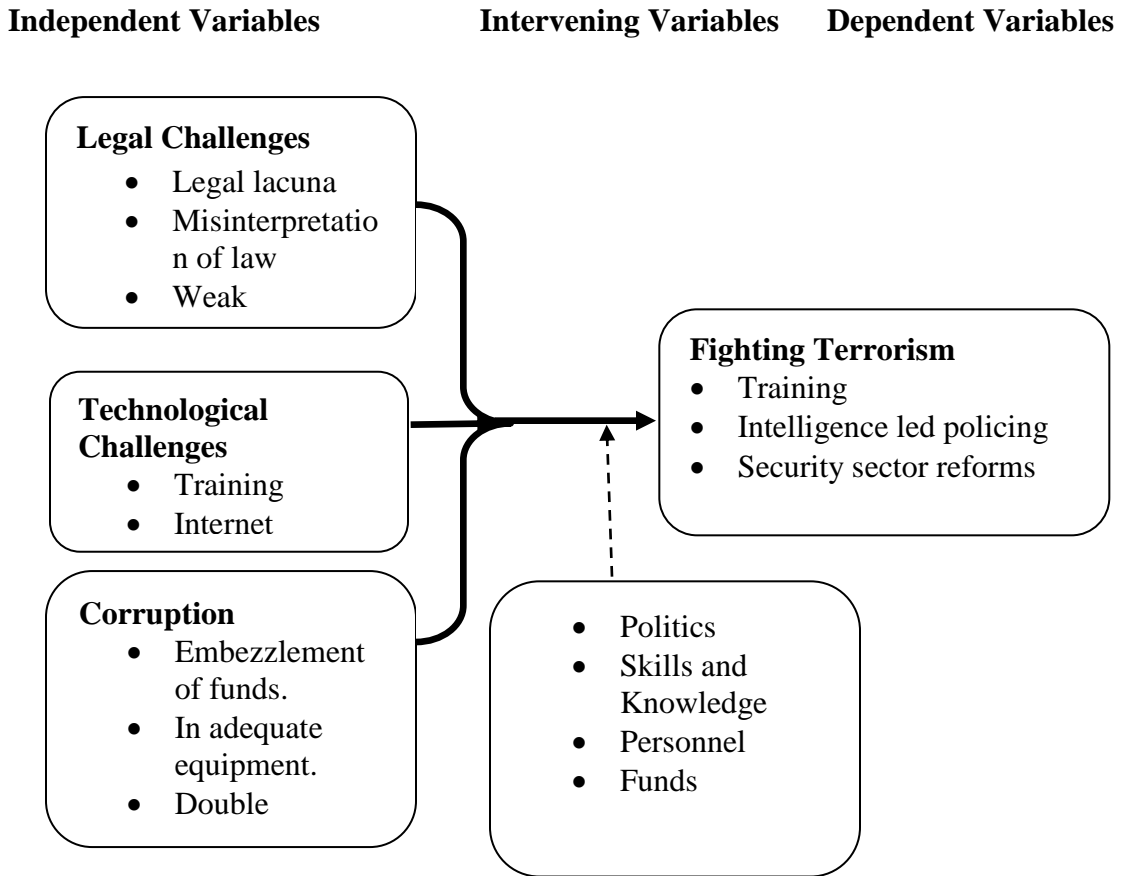
Likewise, however many groups of militants do not have the conventional regionally based resources against which established dangers of discipline and countering may be issued an issue called the arrival address issue militants do clutch and try to secure different ways in which nations can threaten to hurt, limit, or obliterate. Furthermore, relatedly, on the grounds that some militant as-sets rest past the domain deserving of military or active devastation alone, the coercive procedure associated with stopping terrorism frequently depends on instruments which are non-dynamic and objectives of non-physical assets and resources. For instance, states may join, fortify, force, or persuade nearby, territorial, outside, and virtual (on the web) networks; influential leaders and religious or inborn older folks; young people and college based social developments; and NGOs or common society performers to control social disappointment with, and disdain of, a specific militant movement. This is an element of prevention by illegitimate, in which activists' political, ideological capacity, or spiritual reasons and aims which rest past dynamic pulverization—are utilized beside them to influence open feeling, stem enrollment, adjust conduct, and discourage bolster for supporting viciousness.

This theory helped the study to investigate the challenges faced by anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya by focusing on examine the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism, establish the technological challenges faced by an anti-terrorism police unit in fighting terrorism and examine the effect of corruption on war against terror within the Kenya anti-terrorism police unit in fighting terrorism Nairobi County.

2.7 Conceptual Framework

This framework conceptualises fighting terrorism as the dependent variable. The variables interact and affect each other indicating that dependent variables have a direct influence on the outcome of the study. At the same time, some intervening variables such politics, funding, knowledge and skills as well as personnel play a crucial role on anti-terrorism measures. The relationship between the variables of interests are graphically presented in Figure 2.1.

Figure 2.1: Conceptual Framework



As shown in Figure 2.1, fighting terrorism is directly affected by legal, technological and corruption challenges. Terrorist threats and attacks will greatly affect the livelihoods of Nairobi residents as well as the National security. The figure further depicts that legal and technological challenges prevailing over the period of this study are likely to be affected by recurrent terror attacks and threats within this region.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter describes the rationale for the application of specific research procedures used to identify, select and analyse information applied in understanding research problem. It summarises the research design, study area, study population, sampling procedure and sampling size, unit of analysis, data collection methods, data analysis, piloting study and ethical considerations.

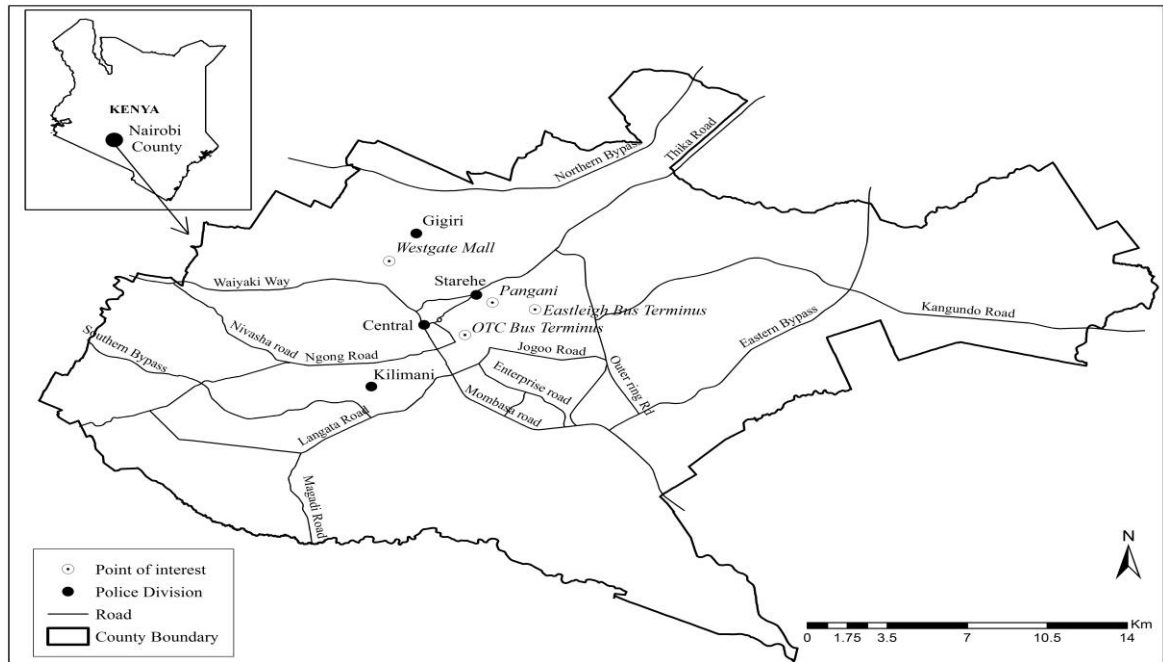
3.2 Research Design

This study adopted a case study design. Case study was significant in this study because it gave an in depth and detailed investigation of the subject under the study. This type of research design was used to gather information from selected police officers and was considered important in assessing the knowledge, attitude and practices regarding to the challenges faced by police officer in the fight against terrorism also highlight the intervention measures to enable overcome the challenges.

3.3 Study Area

This study was conducted within Nairobi County which is the capital city of Kenya. Nairobi was chosen for this study because it has experienced numerous terrorism attacks since 1975 hence rich in literature. According to census report (2019) it has an area of 689 sq. km. with a population of 3138369. It has a population density of about 4516.29 persons per sq. km; it has a 985016 number of households. The population comprise of about; 1605219 males and 1535150 females. Nairobi City County has thirteen police divisions; however, this study will focus on four police divisions, central police division, Kilimani police division, Starehe and Gigiri Police Divisions because most terror related activities have previously taken place within the jurisdiction of the four police divisions.

Figure 3.1: Map of the Study Area



Survey maps of Kenya (2011).

3.4 Study Population

Polit and Hungler (1999) refer study population as an aggregate or totality of all the objects, subjects or members that conform to asset of specifications. In this, study the target population was 100 police officers from the antiterrorism police unit. This is according to the nominal roll which is the official documents that shows the establishment of the organisation of the anti-terrorism police unit at the Nairobi's Headquarter office. This unit was purposively chosen for this study because it is the unit mandated to prevent and investigate terrorism crimes and it is more informed on the case under investigation.

3.5 Sampling Procedure and Sample Size

Sampling procedure is the process of selecting a portion of the population to represent the entire population of a study (Poilt & Hugler, 1999). A sample is a subset of population selected to participate in the study, it is a fraction of the whole study selected to

participate in the study (Brink, 1996). This research used non probability sampling method, specifically purposive sampling procedure to select 80 police officers of the ranks of constables, corporals, and sergeants, members of inspectorate and police superintendents. Purposive sampling method was chosen for this study because it identifies and selects information rich cases related to the phenomenon of interest. The idea of selecting the study sample was to generate a representative sample of the study population of the anti-terrorism police officers from the anti-terrorism police unit within Nairobi County. This idea of picking a sample was also to make it more efficient to analyse and interpret data within a short time with limited financial resource which are available for conducting this research. Those who were interviewed are those police officers on duty and only those who were willing to be interviewed, hence were included in the research sample.

The study adopts Yamane (1967) formula for calculating sample size for small populations (< 10,000); where n is the sample size, N is population size (100) and e is level of precision or sampling error taken at 5%.

$$n = \frac{N}{1 + N(e)^2}$$

Thus, this study used a sample of **80** respondents. The respondents in the sample are summarised in Table 3.1.

Table 3.1: Showing summary of total respondents and the sample size

S/NO	Strata	Informants
1	Central police division	20
2	Kilimani police division	20
3	Starehe police division	20
4	Gigiri Police division	20
	Total (Main Respondents)	80
5	K.I	
	Director of Investigations (DCI Hqs)	01
	Director of Operations (DCI Hqs)	01
	Director of Intelligence (DCI Hqs)	01
	Director of Legal Affairs (DCI Hqs)	01
	Total	84

3.6 Unit of Analysis

Unit of analysis refers to the entity that is being analysed in scientific research (Hopkins, 1982). The unit of analysis for this research were police officers from the anti-terrorism police unit in Nairobi County.

3.7 Data Collection Methods

According to Poilt and Hugler (1999) define data as information obtained in a course of study. The study employed qualitative method of data collection. The qualitative method of data collection used was the interview. Interviews were used in this study because they are useful in obtaining detailed and insightful information about feelings and also respondent's perceptions. Interview schedules were used to collect data from the main respondents while Key informant schedules were used to collect data from the Key informants.

3.8 Data Analysis

The collected data was transcribed, and the transcriptions coded using NVIVO software, computer software for managing qualitative and quantitative data. Although the categories of this research provide broad topics for initial coding, new codes were developed as unanticipated topics emerge from the data. Data was then coded, and comparisons made between interviews. Insights generated from these comparisons were reported in narrative form and used to inform the study objectives. Qualitative data was analysed using the content analysis method.

3.9 Ethical Considerations

The researcher ensured that all research approvals are sought for and given before the research was conducted; respondents were informed fully about the purpose, methods and intended use of the research; what their participation in the research entails; the confidentiality of information supplied by respondents; and, respondents were also assured of their anonymity. Approval to carry out research was sought from Ethical review committee of Egerton University, Nairobi County Commissioner, and the DCI and from the National Commission for Science, Technology and Innovation (NACOSTI) for issuance of a research clearance permit.

CHAPTER FOUR

RESULTS AND DISCUSSION

4.1 Introduction

This chapter presents the study results and the discussion thematically based on the set objectives. First, the chapter starts with a brief introduction, then; the response rate, the demographics, and the discussions in that continuum.

4.2 Response Rate

The researcher reached 76 out of the 80 targeted respondents as depicted in Table 4.1. This is because some of the respondents were out on duty. The respondents reached make a response rate of 86.3 % of the expected sample. According to Mugenda and Mugenda (2003) the response rate of more than 70% is very good, 60% response rate is considered good while 50% of the response is considered adequate for analysis. Based on this recommendation the response rate of 86.3% was considered ideal for this research.

Table 4.1: Actual Number of Respondents Reached

S/NO	Description	Rank Distribution	Total
1	Main respondents	Constables	44
		Corporals	10
		Sergeants	8
		Inspectors	8
		Superintendents	2
2	Key informants	Key Informants	4
Total			76

4.3 Demographic Information

This section explains the respondent's demographic information with regard to Gender, Education level and Length of service of the respondents as shown below.

4.3.1 Gender of Respondents

The study sought to establish the gender of the respondents. The results are presented in Table 4.2.

Table 4.2: Gender of Respondents

Gender of Respondents	No of Respondents	Percentage (%)
Male	53	69.7
Female	23	30.3
Total	76	100

Table 4.2 shows that majority of the respondents (69.7%) were male while minority of the respondents were (30.3%). From the findings, the two-thirds gender rule was not attained as posited in the constitution of Kenya. The findings indicate that majority of the respondents were male, this may be attributed to the fact that the security profession and works in the police service are male dominated.

4.3.2 Age of the Respondents

The study sought to establish the age of the respondents according to age brackets. The findings are presented in the Table 4.3 below.

Table 4.3: Age of Respondents

Age of Respondents	No of Respondents	Percentage (%)
20-30	12	15.8
30-40	36	47.4
Above 40	28	36.8
Total	76	100

Table 4.4 shows that all of the respondents were above 20 years. Additionally, majority of the respondents (84.2%) were above 30 years old. This implies that majority of the

respondents had the experience in defense to provide the necessary information to answer the research questions.

4.3.3 Level of Education

The study sought to determine the highest level of education attained by the respondents. The findings are presented on Table 4.4 below.

Table 4.4: Level of Education

Level of Education	No of Respondents	Percentage (%)
Primary	-	-
Secondary	7	9.2
College	43	56.6
University	26	34.2
Total	76	100

Table 4.5 indicates that majority of the respondents had attained above a college education (91.8%). The findings imply that the respondents had attained high academic level, therefore, understood the questions being asked and could offer the necessary information to answer the research questions. Moreover, the level of education also indicates respondents were literate to take part in the study.

4.3.4 Respondents Length of Service

The study also sought to establish the respondent's length of service. The findings are presented in the Table 4.5 below.

Table 4.5 Adult Respondents Length of Service

Descriptive statistics

	N	Minimum	Maximum	Mean	Standard Deviation
Years of Service of main respondents	76	5	25	12.16	7.391
Valid (N)	76				

On average, the officers that participated in this survey were fairly experienced having served in the public service for 25 years. Some of them had served for five years while others had served for two decades as shown in Table 4.3. This is an indication that all respondents had the much-needed experience that enriched this study.

4.4 The Legal Challenges Faced by the Kenya Anti-terrorism Police Unit in Fighting Terrorism in Nairobi County

The first objective sought to establish the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County. To meet this objective, two major variables were assessed; challenges related Kenya laws and Domestic and International Human Right laws. First, police officers' perceptions of the legal definition of what constitutes terrorism were assessed. According to this study's respondents, Terrorist act entails;

“Terrorism include; unlawfully and intentionally causing, attempting or threatening to cause: Death or serious bodily injury to any person; or serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or environment; or damage to property, places, facilities, or systems, resulting or likely to result in major economic loss, when by the purpose of the conduct, by its nature, or context, is to intimidate a population, or compel a government or international organization to do or abstain from doing any act” (KII, Male, 48 years).

With regard to the challenges that anti-terrorism police unit face, a respondent stated:

“War on terror is shrouded in ambiguities in interpreting the law on what terrorism is, Biases in dealing with terror suspects and confusion on what international partners want”. For example, anti-terrorist global pundits portend that governments should respond to this threat with maximum force, following the declaration of the “War on Terror” after the 9/11 attacks. They further aver that war on terror should be aimed at neutralizing the threats of terrorism. Whereas Human rights crusaders argue that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, we find this to be a contradiction as terror must be met with terror. In this case maximum force can only resonate with maximum terror.
(KII, 42, Female)

A Key informant also stated;

Human Rights, Terrorism and Counter-terrorism, published by the Office of the High Commissioner for Human Rights (OHCHR), explains the implications of the “positive obligation” to ensure respect for human rights using the example of “the supreme right” of the right to life “. Besides, there is an obligation on the part of every State to protect the right to life of every person within its territory and no derogation from this right is permitted, even in times of public emergency. The protection of the right to life includes the life of victims as well as that of suspects. If human rights activists are fair then equal treatment must apply before the law must apply. In this case States have to take preventive operational measures to protect an individual or individuals whose life is known or suspected to be at risk from the criminal acts of another individual, which certainly includes deterring terrorists from carrying out their heinous acts. Deterrence of such acts however remains a puzzle.
(KII, 37, Male)

Another respondent stated,

“Terrorists are accountable to no one. We, on the other hand, must never lose sight of our accountability to citizens all around the world. In our struggle

against terrorism, we must never compromise human rights the victim rights at the expense of suspect's rights. The other challenge is that Terror related crimes are all bail able offenses. Every time we take terror suspects to court, they take pleas, buy their release through bail and return back to the society to scheme more harmful acts. Our courts are also very corrupt. Terror related crimes also take very long time before they are concluded. This denies Justice to both the victims and the suspects.

(KII, Female, 45 years)

4.5 Technological Challenges Faced by an Anti-terrorism Police Unit in Nairobi County, Kenya

The second objective sought to establish the technological challenges faced by anti-terrorism police unit in Nairobi County, Kenya. The development of Internet of things or technology makes it easy for an individual to communicate with relative anonymity, quickly and effectively across borders, to an almost limitless audience. The benefits of Internet technology are numerous, starting with its unique suitability for sharing information and ideas. However, according to this study, the same technology that facilitates such communication have been exploited by terrorist groups to complicate counter terrorism. The study sought to establish effects of the internet of things on terrorist activities. According to the study, internet of things assisted by providing swift multimedia communications platform for terrorist propaganda. As a respondent put it,

“Propaganda which takes the form of multimedia communications providing ideological or practical instruction, explanations, justifications or promotion of terrorist activities. These may include virtual messages, presentations, magazines, audio and video files and video games developed by terrorist organizations or sympathizers. Internet propaganda may also include content such as video footage of violent acts of terrorism or video games developed by terrorist organizations that simulate acts of terrorism and encourage the user to engage in role-play, by acting the part of a virtual terrorist. Most Content that may be distributed using a broad range of tools, such as dedicated websites, targeted virtual chat rooms and forums, online magazines, social networking platforms

such as Twitter and Facebook, and popular video and file-sharing websites, such as YouTube and Rapid share, respectively.” (KII, 33, Female)

Further the internet of things multimedia communication challenges identified by this study are as suggested by 90% of Key informants include technological skill gaps to keep pace in cracking such technology. As a respondent stated,

“At times we have a challenge in cracking terrorist activity platforms such as Password-protected websites and restricted access Internet chat groups, Recruitment platforms, Terrorist planning platforms, Terrorist covert programmes that take the form of cartoons and children’s stories but with messages promoting and glorifying acts of terrorism, such as suicide attacks. Terrorist training platforms or virtual training camps that may be offered in multiple languages to appeal to a broad audience. Incitement Platforms, Terrorist Financing platforms and Websites used as online stores.” (KII, Male, 44 Years)

As a respondent put it,

“There is technological skill gap to enable us crack; encrypted, compressed and password-protected and anonymized terrorist materials, including documents and videos, which are then uploaded and circulated via the internet encryption software of terrorist Secrets” to facilitate covert internet communications.” (KII, Male, 18 Years)

4.6 Police Officers Perceptions on the Effects of Corruption on War Against Terror within the Kenya Anti-terrorism Police Unit in Nairobi County, Kenya

This study sought to establish police officers’ perceptions on the effects of corruption on war against terror within Nairobi County, Kenya. According to this study, one aspect of terrorism that has remained invisible to many scholars is that in many countries there is apparently some nexus between endemic corruption and vulnerability to terrorist activities that this study sought to establish. This study assumes that as is the case with other criminals, terrorist organizations use ingrained and deep-seated corruption in the agencies of the criminal justice system to thrive. The results are explained below.

As a respondent stated,

“Terrorist criminal groups will always grease or oil the system right from the investigating agencies through the Judiciary to the prison. Police investigators are compromised to cover up or snub incriminating evidence or cover up probative evidence or any evidence traces. Presiding Judges and Magistrates are in most cases also compromised to snub most evidence in their ruling, most of it being digital or forensic and either throw away the cases leading to miscarriage of Justice or even incriminate them to prison where intended radicalization may have been planned. From there prison authorities may also be bribed to aid escape” Fighting police corruption that hampers war on terror is a tall order because the real problem is public corruption. At times you get a tip off about suspected terrorist activity somewhere but before you make a move you get a phone call from “above” or a politician to stand down.” (KII, Male, 41 Years)

Another respondent stated,

“Some terrorists pay to evade arrests.” (KII, Male, 42 Years)

A significant number of respondents indicated that corruption takes place at the country’s borders to allow smuggling in of contrabands and other prohibited goods such as explosives. As respondent stated,

“Criminal organizations, terrorists engage in a range of activities that are greatly facilitated by corruption. Corruption happens at border points, where criminal operators offer bribes to customs officials to allow them to smuggle prohibited goods. The nature of these activities varies from country to country but can take the form of simple acts such as “turning a blind eye” to extreme acts of aiding contraband smuggling. Smuggling and illicit trade are long-established and profitable activities which international terror groups, crime rings and rebel guerrillas use to finance their activities. Terrorists benefit from corruption and promote it in order to finance their activities, and smuggle their equipment, and to protect their networks from the eyes of security and justice. Terrorism and corruption are feeding each other.” (KII, Female. 37 Years)

4.7 Discussion of the Findings

This section discusses the findings above in relation to other research studies conducted. The section is organized as per the objectives and include comparison with other studies. The study objectives examined the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County, established the technological challenges faced by an anti-terrorism police unit, and finally examined the effect of corruption on war against terror within the Kenya anti-terrorism police unit in Nairobi County, Kenya.

4.7.1 Legal Challenges Faced by the Kenya Anti-terrorism Police Unit in Fighting Terrorism in Nairobi County

The first objective sought to establish the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County. To meet this objective, two major variables were assessed; challenges related to Kenyan laws and Domestic and International Human Right laws. According to this study terrorism include; unlawfully and intentionally causing, attempting or threatening to cause: Death or serious bodily injury to any person; or serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or environment; or damage to property, places, facilities, or systems, resulting or likely to result in major economic loss, when by the purpose of the conduct, by its nature, or context, is to intimidate a population, or compel a government or international organization to do or abstain from doing any act.

The study found that the war on terror is shrouded in ambiguities in interpreting the law on what terrorism is, Biases in dealing with terror suspects and confusion on what international partners want”. For example, anti-terrorist global pundits portend that governments should respond to this threat with maximum force, following the declaration of the “War on Terror” after the 9/11 attacks. They further aver that war on terror should be aimed at neutralizing the threats of terrorism. Whereas Human rights crusaders argue that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, according to this study

however, this is a contradiction as terror must be met with terror. In this case maximum force can only resonate with maximum terror.

Further, Human Rights, Terrorism and Counter-terrorism, published by the Office of the High Commissioner for Human Rights (OHCHR), and explains the implications of the “positive obligation” to ensure respect for human rights using the example of “the supreme right “of the right to life “Besides, there is an obligation on the part of every State to protect the right to life of every person within its territory and no derogation from this right is permitted, even in times of public emergency. The protection of the right to life includes the life of victims as well as that of suspects. If human rights activists are fair then equal treatment must apply before the law must apply. In this case States have to take preventive operational measures to protect an individual or individuals whose life is known or suspected to be at risk from the criminal acts of another individual, which certainly includes deterring terrorists from carrying out their heinous acts. Deterrence of such acts however remains a puzzle.

Additionally, according to this study terrorists are accountable to no one. Anti-terror police however, must never lose sight of their accountability to citizens all around the world. In our struggle against terrorism, we must never compromise human rights the victim rights at the expense of suspect’s rights. The other challenge is that Terror related crimes are all bail able offenses. Every time we take terror suspects to court, they take pleas, buy their release through bail and return back to the society to scheme more harmful acts. Besides, courts are also very corrupt. Terror related crimes also take very long time before they are concluded. This according to the study denies Justice to both the victims and the suspects.

Above findings lend support to findings by previous scholars such as Pokolova (2011) and Jerry (2003) that the war on terrorism will be aided or hampered by respect for core constitutional values and principles of governance. In this case respecting liberty to the full extent that jeopardise the discretionary power which the government needs to

guarantee security is a fallacy that needs to be looked into. The fact that terrorist suspects have more rights to the supreme right than the victim and or the society is ambiguous.

Despite the fact that Constitution of Kenya (CoK) (2010) guarantees fundamental freedoms. The anti-terrorism police under certain circumstances need special laws to intrude on people's privacy like for example that permit tracking and retrieval of digital (video, telephone or otherwise) data of suspects suspect that should be admissible as evidence in the court of law. Unless this happens then citizens may be forced to sacrifice their fundamental freedoms and rights including the right to security and supreme right at the expense of safeguarding domestic or international human rights laws.

4.7.2 Technological Challenges Faced by an Anti-terrorism Police Unit in Nairobi County, Kenya

The second objective sought to establish the technological challenges faced by anti-terrorism police unit in Nairobi County, Kenya. The development of Internet of things or technology makes it easy for an individual to communicate with relative anonymity, quickly and effectively across borders, to an almost limitless audience. The benefits of Internet technology are numerous, starting with its unique suitability for sharing information and ideas. However, according to this study, the same technology that facilitates such communication have been exploited by terrorist groups to complicate counter terrorism. The study first sought to establish effects of the internet of things on terrorist activities. According to the study, internet of things assisted by providing swift multimedia communications platform for terrorist propaganda.

According to the study "Propaganda which takes the form of multimedia communications providing ideological or practical instruction, explanations, justifications or promotion of terrorist activities. These may include virtual messages, presentations, magazines, audio and video files and video games developed by terrorist organizations or sympathizers. Internet propaganda may also include content such as video footage of violent acts of terrorism or video games developed by terrorist organizations that simulate acts of terrorism and encourage the user to engage in role-play, by acting the part of a virtual

terrorist. Most Content that may be distributed using a broad range of tools, such as dedicated websites, targeted virtual chat rooms and forums, online magazines, social networking platforms such as Twitter and Facebook, and popular video and file-sharing websites, such as YouTube and Rapid share, respectively”

Further the internet of things multimedia communication challenges identified by this study are as suggested by 90% of Key informants include technological skill gaps to keep pace in cracking such technology. At times anti-terror police officers have a challenge in cracking terrorist activity platforms such as Password-protected websites and restricted access Internet chat groups, Recruitment platforms, Terrorist planning platforms, Terrorist covert programmes that take the form of cartoons and children’s stories but with messages promoting and glorifying acts of terrorism, such as suicide attacks. Terrorist training platforms or virtual training camps that may be offered in multiple languages to appeal to a broad audience. Incitement Platforms, Terrorist Financing platforms and Websites used as online stores. Further, there is technological skill gap to enable them crack; encrypted, compressed and password-protected and anonymised terrorist materials, including documents and videos, which are then uploaded and circulated via the internet encryption software of terrorist Secrets” to facilitate covert internet communications”.

The above findings lend support to what was argued by Wagner (2007) and Garcia (2004) that countering the modern terrorist activities lays a significant challenge for the anti-terrorism police. Further, with the development of new information, communication and weapons technology has aided terrorist to attack on a scale previously not at disposal. New technology and resources available to terrorists has made the fight more complicated. This has been exacerbated by the internet of things that has given terrorists an edge in terms of planning, training, recruiting, radicalizing, financing freely within and across the borders using sophisticated intent platforms that are still alien to the anti-terrorist police unit. The implication here is that, this technological gap barrier or challenge must be overcome if the government wants to be potent enough to insulate its citizens against any terrorist threats. Whereas the cost of procuring the new technology

and the opportunity cost of adopting that technology cannot be negated, this cannot however be compared with the citizen's constitutional rights to security and safety.

4.7.3 Police Officers Perceptions on the Effects of Corruption on War against Terror within the Kenya Anti-terrorism Police Unit in Nairobi County

This study sought to establish police officers' perceptions on the effects of corruption on war against terror within Nairobi County, Kenya. According to this study, one aspect of terrorism that has remained invisible to many scholars is that in many countries there is apparently some nexus between endemic corruption and vulnerability to terrorist activities that this study sought to establish. This study assumes that as is the case with other criminals, terrorist organizations use ingrained and deep-seated corruption in the agencies of the criminal justice system to thrive.

As indicated in this study, "Terrorist criminal groups will always grease or oil the system right from the investigating agencies through the Judiciary to the prison. Police investigators are compromised to cover up or snub incriminating evidence or cover up probative evidence or any evidence traces. Presiding Judges and Magistrates are in most cases also compromised to snub most evidence in their ruling, most of it being digital or forensic and either throw away the cases leading to miscarriage of Justice or even incriminate them to prison where intended radicalization may have been planned. From there prison authorities may also be bribed to aid escape" Fighting police corruption that hampers war on terror is a tall order because the real problem is public corruption. At times officers get a tip off about suspected terrorist activity somewhere but before you make a move you get a phone call from "above" or a politician to stand down"

Additionally, a significant number of respondents indicated that corruption takes place at the country's borders to allow smuggling in of contrabands and other prohibited goods such as explosives. As revealed by this study, criminal organizations, terrorists engage in a range of activities that are greatly facilitated by corruption. Corruption happens at border points, where criminal operators offer bribes to customs officials to allow them to smuggle prohibited goods. The nature of these activities varies from country to country

but can take the form of simple acts such as “turning a blind eye” to extreme acts of aiding contraband smuggling. Smuggling and illicit trade are long-established and profitable activities which international terror groups, crime rings and rebel guerrillas use to finance their activities. Terrorists benefit from corruption and promote it in order to finance their activities, and smuggle their equipment, and to protect their networks from the eyes of security and justice. Terrorism and corruption are feeding each other.

The above findings resonate with findings that police corruption is an international problem that poses challenges to good governance and the fight against crime (Asfaw, 2015). Police is one of the most important institutions in a society that is entrusted with upholding law and order and protecting property. When police are linked with corruption, the trust for the institution is undermined and efficiency against crime is jeopardized. As established in this study, terrorist activities thrive where there is corruption because they quickly “grease” or “oil” the system according to this study so that they can evade police dragnet or evade law enforcement operations. However, winning the war against terrorism is a “tall order” because agencies of the criminal justice system are also culpable. Politicians are also in it. Winning this war may hence, require political will and blessing of the executive order or decrees from a benevolent dictatorial presidency.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter looks into the summary of the study, conclusions based on the findings and recommendations.

5.2 Summary

This study sought to identify and examine the challenges faced by an anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya. Guided by this broad objective, the study examined the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County, established the technological challenges faced by an anti-terrorism police unit and examined the effect of corruption on war against terror within the Kenya anti-terrorism police unit in Nairobi County.

The study adopted a case study research design for this research. This design is qualitative in nature and presents more enhanced insights into the research problem and additionally provides flexibility for the researcher to highlight pertinent issues with precision. As portended by Cresswell (2008) this study design was ideal for gathering information about anti-terror police officers; attitude, opinions and perceptions in a variety of security challenges that this study investigated.

The first objective established the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County. Two major challenges identified were related to both Domestic and International Human Right laws. The study found that the war on terror is shrouded in ambiguities in interpreting the law on what terrorism is, Biases in dealing with terror suspects and confusion on what international partners want. For example, anti-terrorist global pundits portend that governments should respond to this threat with maximum force, following the declaration of the “War on Terror” after the 9/11 attacks. They further aver that war on terror should be aimed at neutralizing the threats of terrorism. Whereas Human rights crusaders argue that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but

complementary and mutually reinforcing, according to this study however, this is a contradiction as terror must be met with terror. Further, Human Rights, Terrorism and Counter-terrorism, published by the Office of the High Commissioner for Human Rights (OHCHR), and explains the implications of the “positive obligation” to ensure respect for human rights using the example of “the supreme right “of the right to life “Besides, there is an obligation on the part of every State to protect the right to life of every person within its territory and no derogation from this right is permitted, even in times of public emergency. The study however established that Human Rights and international law has negated the “supreme right” of other Kenyans. Additionally, according to this study terrorists are accountable to no one. Anti-terror police however, must never lose sight of their accountability to citizens all around the world. In our struggle against terrorism, we must never compromise human rights the victim rights at the expense of suspect’s rights.

The other challenge is that Terror related crimes are all bail able offenses. Every time we take terror suspects to court, they take pleas, buy their release through bail and return back to the society to scheme more harmful acts. Besides, courts are also very corrupt. In this case respecting liberty to the full extent that jeopardise the discretionary power which the government needs to guarantee security is a fallacy that needs to be looked into. The fact that terrorist suspects have more rights to the supreme right than the victim and or the society is ambiguous.

The second objective established the technological challenges faced by anti-terrorism police unit in Nairobi County, Kenya. According to the study, the internet of things multimedia communication challenges identified by this study are as suggested by 90% of Key informants include technological skill gaps to keep pace in cracking such technology. This include; Terrorist training platforms or virtual training camps that may be offered in multiple languages to appeal to a broad audience. Incitement Platforms, Terrorist Financing platforms and Websites used as online stores. Further, there is technological skill gap to enable them crack; encrypted, compressed and password-protected and anonymised terrorist materials, including documents and videos, which are

then uploaded and circulated via the internet encryption software of terrorist Secrets” to facilitate covert internet communications”.

The third objective established police officers’ perceptions on the effects of corruption on war against terror within Nairobi County, Kenya. According to this study, Terrorist criminal groups will always grease or oil the system right from the investigating agencies through the Judiciary to the prison. Police investigators are compromised to cover up or snub incriminating evidence or cover up probative evidence or any evidence traces. Presiding Judges and Magistrates are in most cases also compromised to snub most evidence in their ruling, most of it being digital or forensic and either throw away the cases leading to miscarriage of Justice or even incriminate them to prison where intended radicalization may have been planned. From there prison authorities may also be bribed to aid escape” According to the study, fighting police corruption that hampers war on terror is a tall order because the real problem is public corruption. At times officers get a tip off about suspected terrorist activity somewhere but before they make a move a phone call from “above” or a politician disrupted with instructions to stand down. There was also corruption at the country’s borders to allow smuggling in of contrabands and other prohibited goods such as explosives. Smuggling and illicit trade are long-established and profitable activities which international terror groups, crime rings and rebel guerrillas use to finance their activities. Terrorists benefit from corruption and promote it in order to finance their activities, and smuggle their equipment, and to protect their networks from the eyes of security and justice. Terrorism and corruption are feeding each other.

5.3 Conclusions

This section covers conclusions of this study based on research findings. The conclusions are divided into two categories namely: theoretical conclusions; and empirical conclusions.

5.3.1 Theoretical Conclusions

This study was guided by the Rational Choice Theory. The Rational Choice Theory stems from economics and argues that people act to maximize benefits and minimize costs.

Related to criminal behavior, offenders seek to benefit themselves and weigh the “choice-structuring properties” of alternative actions Cornish and Clarke (1987). This theory was important in explaining the behaviour and thinking of terrorists, terrorist groups, anti-terror police unit, Human right activists and even Policy makers as they attempt to tackle terrorist threats. The Rational Choice Theory is a theory based on the notion that man is a reasoning being who weighs the costs and benefits of choices and therefore makes decisions based on rational calculations (Business Dictionary, 2013). Terrorists, despite being considered by many to be inhumane and irrational, are nevertheless human beings and are prompted to commit their acts of terrorism by some form of ideology and beliefs, mainly stemming from religious beliefs. As such, it is crucial that psychoanalysis into the psyche and mindsets of terrorists be undertaken for the findings of this research to be valid and empirical. The Rational Choice Theory is therefore helpful in that regard, helping to understand the motivations for the terrorist acts. Such an understanding has been largely unclear and thin at best yet it may be the key to helping eradicate terrorism from not only Kenyan society, but the world at large. Of importance is also the behavior of a segment of society (Pro-human right activists) to consider terrorists rights righter than victim rights.

Cornish and Clarke argue that to understand and prevent crimes, one should look at the motives, opportunities, rewards, and costs offered by various activities. Importantly, choice-structuring properties not only provide information about the crime but also tell us about the offender. Understanding how terrorist opportunities are driven by terrorist motivations and are exploited will enable law enforcement and policymakers to manipulate situations to increase risk, increase difficulty, and decrease rewards (Clarke & Newman, 2006). When applying rational choice theory to the challenges that affect anti-terror police unit, it is important to consider the goals of the perpetrators, police makers, Human right law activists, Human rights in general to victims and suspects and also police officers training needs because these goals guide strategic decisions.

The individual or organization may be using violence to create a climate of fear, create media sensation, or humiliate officials and government (Clarke & Newman, 2006). Not

only do terrorists choose violence from many alternatives, they also engage in a deliberate planning process that involves many decision points to maximize the benefits from the assault. One must trace the sequence of decisions at each stage of planning to fully understand and prevent attacks (Clarke & Newman, 2006; Cornish & Clarke, 1987; Ross & Gurr, 1989). Examining terrorists' claim-making decisions will clarify whether they engage in a rational calculus both during and after the attack. Although much of the literature considering terrorism in terms of rational choice focuses on public policies' deterrent effect on terrorism Dugan et al. (2005) one should consider the choice of targets and its effect on victims as an exercise in rational decision-making as well. As Guerette et al. (2005) point out, "Rather than randomly and aimlessly carrying out a crime, individuals select targets to fulfill their respective needs in response to individual motivations. Contextual and situational factors heavily influence the criminal event decision." Literature implies that terrorist groups convey messages through the strategies employed in their attacks, either explicitly through communiqués or implicitly through decisions such as their choice of victims. Why the terrorists go to an extent of oiling the system in order to get a leeway to strike, accepting bribes to aid terrorists decimate the population, seeing terrorists' life by human rights activists as sacrosanct and negating the human rights of victims and of the anti-terror unit all baffles.

5.3.2 Empirical Conclusions

The first objective established the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County. Two major challenges identified were related to both Kenya constitution, Domestic and International Human Right laws. The study found that the war on terror is shrouded in ambiguities in interpreting the law on what terrorism is, biases in dealing with terror suspects and confusion on what international partners want. For example, anti-terrorist global pundits portend that governments should respond to this threat with maximum force to deter acts of terror, biases and contradictions with regard to the terrorists "the supreme right "with no derogation from this right while at the same time negating the "supreme right" of victims or rather other Kenyans. Further, constitutional rights and freedoms emerged as major challenge that hampered police operations and action.

According to the second objective established technological skilled challenges faced by anti-terrorism police unit in Nairobi County include capacity to crack: Incitement Platforms, Terrorist Financing platforms and Websites used as online stores. Further, there is technological skill gap to enable them crack; encrypted, compressed and password-protected and anonymised terrorist materials, including documents and videos, which are then uploaded and circulated via the internet encryption software of terrorist “Secrets” to facilitate covert internet communications”.

According to the third objective, terrorist criminal groups will always grease or oil the system right from the investigating agencies through the Judiciary to the prison. According to this study, fighting police corruption that hampers war on terror is a tall order because the real problem is public corruption. At times officers get a tip off about suspected terrorist activity somewhere but before they make a move a phone call from “above” or a politician disrupted with instructions to stand down. Presiding Judges and Magistrates are in most cases also compromised to snub most evidence in their ruling, most of it being digital or forensic and either throw away the cases leading to miscarriage of Justice or even incriminate them to prison where intended radicalization may have been planned. From there prison authorities may also be bribed to aid escape”

5.4 Recommendations

Drawing from the research findings and conclusions discussed herein, the study makes the following recommendations:

- i. Kenya constitution, Domestic and International Human Right laws should be reviewed with regard to full rights and freedoms of accused and victims of terror related crimes in relations to the supreme right. This review should put safeguards and remove any legal challenges that may hamper war on terror.
- ii. The second objective has established that new technology and resources available to terrorists has made the fight more complicated. This has been exacerbated by the internet of things that has given terrorists an edge in terms of planning, training, recruiting, radicalizing, financing freely within and across the borders using sophisticated intent platforms that are still alien to the anti-terrorist police

unit. Anti-terror police officers should be trained to overcome this technological challenge if the government wants to be potent enough to insulate its citizens against any terrorist threats. Whereas the cost of procuring the new technology and the opportunity cost of adopting that technology cannot be negated, this cannot however be compared with the citizen's constitutional rights to security and safety.

- iii. According to objective three, terrorist activities thrive where there is corruption because they quickly “grease” or “oil” the system so that they can evade police dragnet or evade law enforcement operations. However winning the war against terrorism is a “tall order” because agencies of the criminal justice system are also culpable. Politicians are also in it. Winning this war may hence, require political will and blessing of the executive or order or decree from a benevolent dictatorial presidency.

5.5 Recommendations for Further Research

This study identified and examined the challenges faced by an anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya. Due to the serious revelations made by this study, the study recommends a similar study to be made under similar circumstances and contexts.

REFERENCES

- Adan, H.H. Maj. (2005). *Combating transnational terrorism in Kenya*. Defense Technical Information Center. <http://www.dtic.mil/may>.
- Agnew, R. (1985). A revised strain theory of delinquency. *Social Forces*, 64(5), 151-167
- Agnew, R. (2006). *Pressured into crime*. Roxbury Publishing Company.
- Agnew, R. (2010). A general strain theory of terrorism. *Theoretical Criminology*, 14(2), 131-153.
- Albahar, M. (2017). Cyber-attacks and terrorism: A twenty-first century conundrum. *Science and Engineering Ethics*, 23(4), 1-14.
- Albini, J. L (2001). Deciding with the modern terrorist. The need for changes in strategies and tactics in the new war on terrorism. *Criminal Justice Policy Review*, 12(4), 255-281.
- Amnesty International (2014). *Somalis are scapegoats in Kenya's counter-terror crackdown*. Amnesty International Publications.
- Aronson, S. L. (2013). Kenya and the global war on terror: Neglecting history and geopolitics in approaches to counterterrorism. *African Journal of Criminology and Justice Studies*, 7(1), 24-34.
- Aronson, S. L. (2012). United States aid to Kenya: A study on regional security and counterterrorism assistance before and after 9/11. *African Journal of Criminology and Justice Studies*. 5(1), 119-126.
- Asfaw, K. (2015) Police corruption: A perspective on its nature and control. *Donnish Journal of Political Science and International Relations*, 1(1) 1-8.
- Ballard, J. D, Joseph. G. H, & Douglas, M. (2002). Technological facilitation of terrorism. *Definition Legal and Policy Issues*, 45(6), 989-1016.
- Bashir, A. H. (2007). Executive secretary of the intergovernmental authority on development (IGAD), speech at the meeting of ministers of justice of IGAD member states on legal cooperation against terrorism, 20 September.
- Brink (1996). *Fundamentals of research methodology for health care Professionals*. Juta.
- Charles, T. (2003). *Justice and security sector reform: developing guidance for the field in fall*. Zoe Nelson publishers.

- Chen, H., Moore, R., Zeng, D., & Leavitt, J. J. (Eds) (2004) *Intelligence and security informatics for national and homeland security. Proceedings of the second symposium on intelligence and security informatics (ISI'04). Ser. lecture notes in computer science (LNCS) 3073*. Springer-Verlag.
- Chois. S.W. (2010). Fighting terrorism through rule of law? *Journal of Conflict Resolution*, 54(6), 940-966.
- Clive, W. M. G. (2007). Terrorism and some of the legislative challenges in countering it. *Journal of Policing, Intelligence and Counter Terrorism*, 2(1), 77-95.
- Damphouse R. K. (2007). The morning after assessing the effect of major of terrorism events on prosecution. Strategies and outcomes. *Journal of Contemporary Criminal Justice*, 23(2), 174-194.
- David. J., & Istran. J. (2012). Corrupt governmental networks. *International Public Management Journal*, 15(1), 62-99.
- DeRosa, M. (2004). *Data mining and data analysis for counter terrorism*. Center for Strategic and International Studies, CSIS Press.
- Dollard, J., Miller, N. E., & Doob, L. W. (1939). *Frustration and aggression*. Yale University Press.
- Durkheim, E. (1951). *Suicide*. Routledge.
- East African Law Society statement on Kenya's draft Anti-Terrorism Bill, May 29, 2003.
- Garcia. Z, (2004). "Technology is destiny," *The Milkin Institute Review*, 6(3), 6.
- Garcia-M, H.', Ullman, J.D. & Widom, J. (2002). *Database systems, the complete book*. Prentice-Hall
- Global Terrorism Index (2015). *Measuring and understanding the impact of terrorism*. Institute for Economics and Peace.
- Global Terrorism Index (2016). *Measuring and understanding the impact of terrorism*. Institute of Economics and Peace.
- Government of Kenya (2009). *National Housing and population Census Report*. Government Printer.
- Government of Kenya, (2003). Terrorism bill: The suppression of terrorism bill, 30 April 30, 2003), Clause 12(2).
- Government of Kenya, (2010). *The Constitution*. Government Printers.

- Government of Kenya, (2011). The National Police Service Commission Act. Government Printers.
- Haberson, J. (2007). *The war on terrorism in Africa*. Princeton N. Lyman Westview Press.
- Hoffman, B. (2006). *Inside terrorism*. Columbia University Press.
- Hopkins, K. D. (1982). The unit of analysis, Group means versus individual's observation. *American Educational Research Journal*, 19(5), 5-18.
http://humansecuritygateway.com/documents/ACCORD_AssessingCounterTerrorism_Africa.pdf.
- International Crisis Group (2012). The decision to intervene. In *the Kenyan military intervention in Somalia* (pp. 3-6). International Crisis Group.
<http://www.jstor.org/stable/resrep32189.5>
- James J, C. (2005). *The Future of anti-terrorism technologies*. Heritage Foundations
- Jerry, B., & Lara, F. (2003). Guiding lights: Intelligence oversight and control for the challenge of terrorism. *Criminal Justice Ethics*, 22 (1), 2-58
- Jessie. B. (2013). The UK anti-terrorism laws: Does their practical use correspond to legislative intention? *Journal of Policing, Intelligence, and Counter Terrorism*, 8(1), 19-34.
- KNCHR (2015). Preliminary report. Investigations on human rights abuses in the ongoing crackdown against terrorism September.
- Konstantin, A. (2016). Representative democracy and fighting domestic terrorism. *Terrorism and Political Violence*, 28(1), 114-134.
- Kornhauser, R. (1978). *Social Sources of Delinquency*. University of Chicago Press.
- Kyle, O. (2002). *Foreign terrorist attacks by the Islamic state*. Henry Jackson Society
- LaFree, G., & Laura, D. (2004). How does studying terrorism compare to studying crime? In M. Deflem (2008). *Terrorism and counter-terrorism: Criminological perspectives* (Ed.), (pp.53–74). Elsevier.
- Levin, B. (2007). Trials for terrorists. The shifting legal landscape of the post 9/11 era. *Journal of Contemporary Criminal Justice*, 2 (23), 195-218.
- Maxim, W. (2015). *Combating terrorism in Africa*. Brookings Institution Press.

- Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, (4)3, 672-682.
- Mogire, E. (2011). *Victims as security threats: Refugee impact on host state security in Africa*. Ashgate.
- Mwangi, O. G. (2018). The “Somalinisation” of terrorism and counterterrorism in Kenya: The case of refoulement. *Critical Studies on Terrorism*, 4(2), 1-19.
- Ndono, P.W., Muthama, N. J., & Muigua, K. (2019). Effectiveness of the Nyumba Kumi community policing initiative in Kenya. *Journal of Sustainability, Environment, and Peace*, 1(2), 63-67.
- Obershall, A. (2008). How democracies fight insurgents and terrorists. *Dynamics of Asymmetric Conflict*, 1(2), 107-141.
- Office of the Homeland Security (2002). *The White House, National Strategy for Homeland Security*.
- Okumu, W. (2008). Gaps and challenges in preventing and combating terrorism in East Africa. In W. Okumu & A. Botha (Eds.), *Understanding terrorism in Africa: building bridges and overcoming gaps* (pp. 62-70). Institute of Security Studies.
- Oluwatoyin, O. O. (2001). Police and the institution of corruption in Nigeria. *Policing and Society*, 21(1), 67-83.
- Onwudiwe, I. D., Tsado, L., Ejiogu, K. U., McGee-Cobbs, R. E., & Okoye, I. (2016). In defense of the Nigerian homeland. *African Social Science Review*, 8(1), 87-115.
- Oren, G. (2009). “Security vs. liberty: An imbalanced balancing,” University of Minnesota Law School, Legal Studies Research Paper Series, Research Paper No. 09-42.
- Osaleh, L. (2015). Tackling corruption in Kenyan judiciary and police. <https://www.igi-integrity.com/wp-content/uploads/2018/01/AGM2015-Workshop-on-JudiciaryPolice-Background.pdf>
- Parker, J. W. (2019). *Between Russia and Iran: Room to pursue American interests in Syria*. National Defense University Press.
- Patricia K. M., & Migai A, (2011). *Kenya: Justice sector and the rule of law*, March 2011, 119.

- Peter, C. (1998). The response to terrorism as a threat to liberal democracy. *Australian Journal of Politics and History*, 44(3), 34-43.
- Pokolova, E. (2011). "Terrorism: The dilemma of response." In G. Andreopoulos (2011). *International criminal justice: Critical perspectives and new challenges*, (Ed.), (pp. 5-13). Springer Science.
- Polit, D. F., & Hugler B. P. (1999). *Nursing research: Principles and methods (6th ed.)* JB Lippincott.
- Post, J. M. (2007). *The mind of the terrorist*. Palgrave Macmillan.
- Prestholdt, J. (2011). Kenya, the United States, and counterterrorism. *Africa Today*, 57(4), 3-27.
- Redress and Reprieve. (2009). *Kenya and counter-terrorism: A 'time for change'*. http://www.voltairenet.org/IMG/pdf/Kenya_and_Counter-Terrorism.pdf.
- Regory, D. F. (1990). "A conceptual foundation for a theory of strategy." Foster's analysis of the assumptions and premises of strategy is particularly thought-provoking. *The Washington Quarterly*, 43.
- Richard, L. C. (1994). *Terrorism in an unstable world*. Routledge.
- Schmid, P., & Albert, J. (1988). *Political terrorism*. North Holland publishing company.
- Shaw, C.R., & McKay, H. (1969 [1942]). *Juvenile delinquency and urban areas*. University of Chicago Press.
- Shola, J. (2012). *Assessing counter terrorism measures in Africa: Implications for human rights and national security*. Palgrave Macmillan.
- Stanley, W. & Charles, T. Call. (1996). "Building a new civilian police force in El Salvador." In K. Krishna (Ed.), *Rebuilding societies after civil war* (pp.14-25). Lynne Rienner Press.
- U.N. Development Programme (2002). *Justice and security sector reform: A conceptual framework for BCPR*, by Nicole Ball. UN Development Programme (August 2002 draft). [cited as 'BCPR Framework paper'].
- U.S. Congress (1992), Office of technology assessment, *technology against terrorism: Structuring security, OTA-ISC-511*. Government Printing Office.
- US Department of state (2006). *Country reports on terrorism 2005. Bureau of counterterrorism*. <http://www.state.gov/j/ct/rls/crt/2005/>.

- Wagner, A. (2007). Intelligence for counter terrorism: Technology and methods. *Journal of Policing, Intelligence and Counter Terrorism*, 2(2), 48-61.
- Whitaker, B. E. (2008). Reluctant partners: Fighting terrorism and promoting democracy in Kenya. *International Studies Perspectives*, 9(3), 254–271.
- William, S., Lois, M. D., & Brian, A. J. (2001). *Challenges and choices for crime-fighting technology: Federal support of state and local law enforcement*. RAND.
- Yamane, T. (1967). *Statistics: An introductory analysis* (2nd ed.). Harper & Row
- Zeng, D., Chen, H., Tseng, L., Larron, C., Eidson, M., Lynch, G.C., & Ascher, M. (2004). ‘West Nile virus and botulism pan & a case study in infectious disease informatics’, *Intelligence and Security Informatics, ISI-2004, ser. Lecture Notes in Computer Science, No. 3073*.

APPENDICES

APPENDIX I: LETTER OF INTRODUCTION

ELIJAH MWADORI
EGERTON UNIVERSITY
BOX 536
NAIROBI –KENYA

Dear Respondent,

RE: DATA COLLECTION

I am a student of Egerton University pursuing Master of Arts Degree in Security Management. I am currently carrying out a research on the challenges facing the anti-terrorism police officers in the fight against terrorism in Nairobi County. I will highly appreciate your participation in this study. Kindly assist to your level best by responding to the following questions. You are assured of utmost confidentiality.

Thank You.

Yours Faithfully,



.....
ELIJAH MWADORI

APPENDIX II: INTERVIEW SCHEDULE

SECTION A: BACK GROUND INFORMATION

Area of Service	Designation	Years of Service
Gender: male	female	

SECTION B: LEGAL CHALLENGES

1. a) Are the Kenyan anti-terrorism laws sufficient in addressing terrorism?

Yes

No

b) If your answer is yes on question 1a, give your justifications? (Be brief)

.....
.....
.....

2. a) Have you noted any international legal hindrances when pursuing terrorism outside Kenya?

Yes

No

b) If your answer is YES, what were these hindrances?

.....
.....
.....

3.a) Do all police officers working under the anti-terrorism police unit knowledgeable on the anti-terrorism laws in Kenya?

Yes

No

b) If your answer is YES, what are their areas of legal competencies on anti-terrorism?

.....
.....
.....

4.a) Are there any gaps in laws that make the war against terrorism a challenge in Kenya

Yes

No

b) If your answer is YES, what are these legal lacunas on anti-terrorism laws?

.....
.....
.....

5.a) Do you think police officers are conversant enough with the terrorism bill of 2003 in Kenya?

Yes

No

b) Justify your choice in question above

.....
.....
.....

6.a) Is there any incident when an anti-terrorism police officer can violet the rights of a terrorist suspect?

Yes

No

b) Give your justification in question (a) above

.....
.....
.....

SECTION C: TECHNOLOGICAL CHALLENGES

7.a) Has technology worked somewhere else in the globe?

Yes

No

- b) Give your justification in question (a) above

8. How effective is technology in countering terrorism?

9. a) Does the government have the adequate resources to install technology in Nairobi County?
 Yes ()
 No ()
- b) Give your justification in question (a) above

10. What are some of the technologies that can be employed to counter terrorism acts in Nairobi?

11. Does the anti-terrorism police unit invest in adequate training of its officers regularly?

12. Are the anti-terrorism police officers innovative enough to meet the new challenges of the modern terrorism?

SECTION D: CORRUPTION CHALLENGE

13.a) Do the anti-terrorism police officers have adequate equipment's?

Yes ()

No ()

b) Give your justification in question (a) above

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14. How can terrorists impede judicial process?

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.....

15. How can confidential information leak from the anti-terrorism police to terrorists?

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.....

SECTION E: MITIGATING MEASURES

16.a) Can terrorism be fought by the anti-terrorism police officers only?

Yes ()

No ()

b) Give your justification in question (a) above

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.....

17.a) Is it feasible to bring on board members of public in the war against terror?

Yes ()

No ()

b) Give your justification in question (a) above

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18. How can politicians assist in the fight against terror?

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.....

19. a) Do you support the idea of the government building a wall along the border with Somalia as a way of managing terrorism in Kenya?

Yes []

No []

b) Give your justification in question (a) above

.....
.....

20. a) Do you think if the government addresses economic issue will help in fighting terrorism?

Yes []

No []

b) Give your justification in question (a) above

.....
.....
.....

21. In your own opinion, what else can you advise the government to do in order to manage terrorism in Nairobi?

.....
.....
.....

THANK YOU

APPENDIX III: KEY INFORMANTS GUIDE

1. What are some of the legal challenges that affect the Kenya anti-terrorism unit in their fight against terror?

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.....
.....

2. What do you think can be done to avert the situation?

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3. What are some of the technological challenges that affect the Kenya anti-terrorism unit in their fight against terror?

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4. In your opinion what do you think can be done to avert the situation?

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5. How does corruption affect the Kenya anti-terrorism unit in their fight against terror?

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.....

APPENDIX IV: REQUEST FOR RESEARCH PERMIT

K.F

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EGERTON

Tel: Pilot: 254-51-2217620
254-51-2217877
254-51-2217631
Dir./fax/Fax: 254-51-2217847
Cell Phone



UNIVERSITY

P.O. Box 536 - 20115
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www.egerton.ac.ke

OFFICE OF THE DIRECTOR GRADUATE SCHOOL

Ref: **AM21/14532/15**.....

Date: **20th August, 2019**.....

The Director General
National Commission for Science Technology and Innovation,
P. O. Box 30623-00100
NAIROBI.

Dear Sir,

**RE: REQUEST FOR RESEARCH PERMIT – MR. ELIJAH MWADORI
FREDRICK REG. NO. AM21/14532/15**

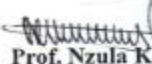
This is to introduce and confirm to you that the above named student is in the Department of Peace, Security & Social Studies, Faculty of Arts & Social Sciences, Egerton University.

He is a bona-fide registered M.A. student in this University. His research topic is “Challenges Faced by Anti-Terrorism Police Unit in Fighting Terrorism; A Case Study of Nairobi County, Kenya.”

He is at the stage of collecting field data. Please issue him with a research permit to enable him undertake the studies.

Your kind assistance to him will be highly appreciated.

Yours faithfully,



Prof. Nzula Kitaka
DIRECTOR, BOARD OF POSTGRADUATE STUDIES




NK/en

“... Through Quality Education”


APPENDIX V: RESEARCH PERMIT


REPUBLIC OF KENYA


**NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY & INNOVATION**

Ref No: **121730** Date of Issue: **19/September/2019**


RESEARCH LICENSE




This is to Certify that Mr. Elijah Fredrick of Egerton University, has been licensed to conduct research in Nairobi on the topic: CHALLENGES FACED BY ANTI-TERRORISM POLICE UNIT IN FIGHTING TERRORISM; A CASE STUDY OF NAIROBI COUNTY, KENYA for the period ending : 19/September/2020.

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APPENDIX VI: JOURNAL ABSTRACT

European Journal of Applied Sciences – Vol. 11, No. 2

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Fredrick, E. M., Mwangi, S. W., & Mwaeke, P. (2023). Challenges Faced by Anti-Terrorism Police Unit in Fighting Terrorism: A Case Study of Nairobi County, Kenya. European Journal of Applied Sciences, Vol - 11(2). 579-590.



Challenges Faced by Anti-Terrorism Police Unit in Fighting Terrorism; A Case Study of Nairobi County, Kenya

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ABSTRACT

This study established the challenges faced by anti-terrorism police unit in fighting terrorism in Nairobi County, Kenya. The study has been motivated by increased public perceptions of anti-terror police ineffectiveness in the midst of rising terror related activities in Nairobi County, Kenya. Guided by this broad objective, the study examined the legal challenges faced by the Kenya anti-terrorism police unit in fighting terrorism in Nairobi County, established the technological challenges faced by an anti-terrorism police unit and examined the effect of corruption on war against terror within the Kenya anti-terrorism police unit in Nairobi County. The study was grounded by the Rational Choice Theory and adopted a case study qualitative design. The main method of data collection was the interview. The study comprised of 80 respondents: 76 main respondents and 4 Key Informants. Purposive sampling Method was used to select respondents for the study. Data was transcribed and the transcriptions coded using NVIVO software. Two major legal challenges identified were related to both Kenya constitution, Domestic and International Human Right laws. The study found that the war on terror is shrouded in ambiguities in interpreting the law on what terrorism is, biases in dealing with terror suspects and confusion on what international partners want. For example, anti-terrorist global pundits portend that governments should respond to this threat with maximum force to deter acts of terror, biases and contradictions with regard to the terrorists "the supreme right" with no derogation from this right while at the same time negating the "supreme right" of victims or rather other Kenyans. Further, constitutional rights and freedoms emerged as major challenge that hampered police operations and action. Further established technological skilled challenges faced by anti-terrorism police unit in Nairobi County include capacity to crack: Incitement Platforms, Terrorist Financing platforms and Websites used as online stores. Further, there is technological skill gap to enable them crack; encrypted, compressed and password-protected and anonymised terrorist materials, including documents and videos, which are then uploaded and circulated via the internet encryption software of terrorist Secrets" to facilitate covert internet communications. According to the third objective, terrorist criminal groups will

Services for Science and Education – United Kingdom