



**PENAL INSTITUTIONS STRATEGY FOR PREVENTING
AND COUNTERING RADICALISATION TO VIOLENT
EXTREMISM IN KENYA & INTEGRATED PRISONERS'
MANAGEMENT MANUAL**



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TABLE OF CONTENTS

PART A: PENAL INSTITUTIONS STRATEGY FOR PREVENTING AND COUNTERING RADICALISATION TO VIOLENT EXTREMISM IN KENYA	1
Chapter I: Introduction and Context	3
1.0 Introduction	3
1.1 Background	4
1.2 Methodology	14
1.3 Legal Framework for Preventing and Countering Radicalisation to Violent Extremism	15
Chapter II: Guiding Principles For Preventing and Countering Radicalisation To Violent Extremism In Penal Institutions	25
2.0 Introduction	25
2.1 The Spectrum of Violent Extremism	26
2.2 Best Practice Guiding Principles	27
PART B: INTEGRATED PRISONERS' MANAGEMENT MANUAL	28
Chapter III: Managing Violent Extremist Prisoners and Pretrial Detainees	38
3.0 Introduction	39
3.1 Risk and Needs Assessment	40
3.2 Approaches to Housing Violent Extremist Offenders.....	45
3.3 Security Management	47
3.4 Management in Specific Contexts	48
3.5 Information Sharing and Intelligence Gathering	52
3.6 Use of Technology	53
Chapter IV: Equipping and Managing Prison Staff	55
4.0 Introduction	55
4.1 Quality Staff	56
4.2 Staff Selection and Recruitment.....	57
4.3 Continuous Training and Development	58
4.4 Conditions of service	59
4.5 Professional Standards and Ethics.....	60
4.6 Specialist Staff and Other Relevant Persons	60
Chapter V: Disengagement Interventions, Rehabilitation and Reintegration Into The Community	63
5.1 Introduction	63
5.2 Deradicalisation	64
5.3 Disengagement.....	64
5.4 Rehabilitation and Reintegration.....	68

ABBREVIATIONS

CSO	Civil Society Organizations
CT	Counter Terrorism
CVE	Countering Violent Extremism
EAC	East African Community
FGD	Focus Group Discussions
GOK	Government of Kenya
KDF	Kenya Defence Forces
KII	Key Informant Interviews
KNSCVE	Kenya National Strategy to Counter Violent Extremism
KTI	Kenya Transition Initiative
NCTC	National Counter Terrorism Centre
POTA	Prevention of Terrorism Act
PPMP	Partner Performance Management Plan
SLAA	Security Law Amendment Act
UNODC	United Nations Office on Drugs and Crime
VEPD	Violent Extremist Pretrial Detainee
VEO	Violent Extremist Offender

GLOSSARY OF KEY TERMS

Counter Radicalisation – refers to efforts to delegitimize violent extremist ideologies, and to deter recruitment into specific terrorist groups or campaigns. It involves targeted efforts to reduce the access to citizens by influential individuals and groups whose deliberate mission is to expand support for terrorism.

Countering Violent Extremism – is the employment of non-coercive means to delegitimize violent extremist ideologies and thus reduce the number of terrorist group supporters and recruits.

Deradicalisation – refers to concerted efforts directed at radicalised individuals to cause them to change their views to reject violent extremist ideologies and to seek to act within Kenya’s legal and constitutional bounds. It is often aimed at prisoners convicted of terrorist or violent extremist crimes, or voluntary returnees from active participation in terrorist groups.

Disengagement – refers to individuals deserting, defecting or demobilising from terrorist groups and activities. This is a behavioural or declarative act and does not necessarily include the psychological and social dimensions of deradicalisation.

Dynamic security – is a concept and a working method by which prison staff prioritise and the creation and maintenance of everyday communication and interaction with the prisoners based on high professional ethics. It aims at better understanding prisoners and assessing the risks they may pose as well as ensuring safety, security, and good order, contributing to rehabilitation and preparation for release. This concept is construed within the context of broader security measures such as structural, organisational, procedural and static security.

Penal Institutions – The term Penal institutions include:

- remand prisons receiving pre-trial detainees and convicted prisoners with a short sentences;
- detention centres accommodating convicted inmates who are considered as presenting the best rehabilitation prospects;

- high-security prisons accommodating the most sensitive inmates. Their prison regime is essentially based on security;
- mixed prisons comprising a “remand wing” and/or a “high-security wing” and/or a “detention centre” wing. They accommodate remand prisoners and convicted prisoners with long and short sentences; and
- training schools, reformatories, borstals, and juvenile correctional facilities. These facilities are often reserved for youth who have committed serious offenses.

Radicalisation – is a gradual or phased process that employs the ideological conditioning of individuals and groups to socialise them into violent extremism, and recruitment into terrorist groups or campaigns. It is dependant on a fanatical ideology that rejects dialogue and compromise in favour of an ends-justifies-means approach, particularly in the willingness to utilise mass violence to advance political aims -- defined in racial, ethnic, sectarian and religious terms -- opposed to the democratic principles enshrined in Kenya’s Constitution.

Recidivism - a person’s relapse into crime, after an initial conviction. It can therefore be regarded as ‘the act of re-offending’ or the rate at which criminals commit other, new crimes, either by arrest or conviction baselines.

Rehabilitation – is a process that aims to ensure that disengaged and de-radicalised violent extremists and terrorists, particularly returnees from Al Shabaab and like groups, are given the counselling, critical reasoning tools, and knowledge to shift their mind-sets and enable them to be peaceful and law-abiding citizens.

Reintegration – refers to actions that support the social, ideological, psychological, and economic wellbeing of rehabilitated individuals as they return to live with their families and communities, and that ensure that they remain peaceful and law-abiding in the long run.

Self-radicalisation – refers to the process whereby an individual becomes a violent extremist without any specific terrorist group engaging him directly; it often occurs through access to extremist propaganda via media and the Internet.

Violent Extremist Offenders – refers to inmates who have been convicted of violent extremism related offences and are serving sentences in penal institutions.

Violent Extremist Pretrial Detainees - refers to inmates who are held in remand institutions, or detained in police stations after arrest and before they are convicted for violent extremism related offences. They are held while undergoing trial or during investigations.

Terrorism – according to the Prevention of Terrorism Act 2012 (POTA), a “terrorist act” means an act or threat of action — (a) which — (i) involves the use of violence against a person; (ii) endangers the life of a person, other than the person committing the action; (iii) creates a serious risk to the health or safety of the public or a section of the public; (iv) results in serious damage to property; (v) involves the use of firearms or explosives; (vi) involves the release of any dangerous, hazardous, toxic or radioactive substance or microbial or other biological agent or toxin into the environment; (vii) interferes with an electronic system resulting in the disruption of the provision of communication, financial, transport or other essential services; (viii) interferes or disrupts the provision of essential or emergency services; (ix) prejudices national security or public safety; and (b) which is carried out with the aim of — (i) intimidating or causing fear amongst members of the public or a section of the public; or (ii) intimidating or compelling the Government or international organisation to do, or refrain from any act; or (iii) destabilising the religious, political, Constitutional, economic or social institutions of a country, or an international organisation.

Terrorist Groups or Organisations – are typically structured as revolutionary vanguard organisations whose employ of violence is intended to broaden their ideological appeal to a larger religious/racial/ethnic/social grouping. They utilise violence without legal or moral restraints and use front groups and a disguised command-and-control hierarchy for propaganda, ideological indoctrination, and mass mobilisation.

Violent Extremism – refers to radicalised individuals who are prepared to engage in, or actively support, acts of violence in furtherance of radically illiberal, undemocratic political systems or ideologies.

PREFACE

As to whether prisons are breeding grounds for radicalization to violence, the discussion ranges on. Nonetheless, the fact that prisons form part of the criminal justice system only goes to underscore that elements of radicalization to violence find their way within prison walls. What is incontestable is, if unchecked, the said elements have the ability to infect every aspect of prison management. This being the case, this is the first time in our history that the scourge that is violent extremism is systematically and strategically being cut into size in Prisons through documenting and publishing tried and tested strategies.

Towards fulfilment of its mandate, that is *'rehabilitation and justice'* the Kenya Prison Service (KPS) commissioned a project dubbed *'diminishing opportunities for radicalization to violence in Penal Institutions'* on 6th June 2019 courtesy of Legal Resources Foundation Trust (LRF) and financial support from Global Community Engagement and Resilience Fund (GCERF). Resultantly, KPS Regional Commanders congregated at Royal Tulip on the 5th Day of March 2020; approved development of this Strategy/Manual besides laying the fundamentals by sharing valuable insights.

This manual Strategy/Manual seeks to fortify the resilience of actors within Prisons in Kenya against influence of radicalization to violent extremism. It is designed to be used by Prison managers and prison staff, in particular, but will also be relevant for other actors involved in the criminal justice system such as policy makers, legislators and other government agencies tasked with the security of this Country. It can further be used in a variety of contexts, both as a reference document and as the basis for staff training.

I thank Kenya Prison Service for accepting this noble but tasking duty of rehabilitation, advancing access to justice, and most importantly, being part and parcel of rallying all Kenyans of all walks of life in rejecting violent extremism in whichever manner, shape and size. In particular, my sincere gratitude is extended to Prison officers their ranks notwithstanding for providing valuable data and insight that formed the basis of this Strategy/Manual. Indeed, minus your input, the context of this manual would have been lost.

I thank LRF for taking lead role in ensuring that we have credible data and literature that will inform future interventions in strategically fighting radicalization to violence, besides disengaging those already radicalized.

It is my sincere hope this manual will not rest here and structures will be put into place to facilitate its full implementation across all penal institutions in the Country.

Many thanks to the Global Community Engagement and Resilience Fund (GCERF) and the government of Kenya for the financial, technical and moral support that made this strategy a reality.



WCLIFF O. OGALLO, CGW, EBS, CBS

Commissioner General

Kenya Prison Service

FOREWORD

The reason we fight terrorist groups as Kenya is primarily because they carry out vicious attacks against innocent Kenyans. It is also because we are a free people who fought hard for the freedom of religion and association at the heart of democracy. The liberties, which are rooted in our constitution, reflect our enduring African cultures that have lasted for many generations.

You will reflect that Al-Qaida, ISIS and Al Shabab groups have destroyed even sites sacred to the billions of people and world heritage sites that are humanity's collective heritage. Their acts of attempted erasure have included Sufi Shrines, tombs, the Buddhist of Banniyana, churches and monasteries, and ancient artifacts of great religious importance to past civilizations. These acts contradict the claims on fighting for religion by these groups.

What they are doing instead is to assault our collective history, and as an African who has been subjected to extensive cultural thefts through the colonial era, I consider their actions nothing less than an assault on our identity and history.

I must insist that the best practice in developing this manual is to recognize and respond to the bigotry and extremism of these groups. And to treat our confrontation with them as lacking the space to compromise. They cannot live with our freedom and we cannot live with their refusal to respect our freedoms and our lives.

This manual will go a long way in asserting that counter terrorism must rise to the urgency of this profound moral collision. If it does not, then the best practices we as National Counter Terrorism Center (NCTC) to promote and seek to implement will be too timid and lacking the commitment it takes to sustain our civilizations against this enemy.

The role of penal institutions in this war is very crucial in the thread in the fight against terrorism, radicalization, and violent extremism. This is more important because the end state is disengagement, rehabilitation, and reintegration.

Joseph O. Opondo OGW, JP, BENEMERENTI

Director

National Counter Terrorism Centre (NCTC) Kenya.

ACKNOWLEDGMENT

While Penal Institutions constitute potential locations for radicalization to violence, in hindsight, they equally provide an opportunity for prisoners to disengage from violence. Against this background, Legal Resources Foundation Trust (LRF) through the support of Global Community Engagement and Resilience Fund (GCERF) found it prudent to develop this manual, with a view to diminish opportunities that allow for the spread of radicalization and ideologies of violent extremism among prisoners, correctional officers and civilians.

The content of this manual demonstrates the dedication, diligence, and expertise of Mr. Gibert Mitullah Omware, Ms. Florence Karimi Shako and Ms. Caroline Omari Lichuma the lead consultants in this particular study. Their relevance and importance towards positively changing the perception and landscape of violence extremism in Prisons cannot be gainsaid.

Special thank and gratitude goes to the entire LRF team under the stewardship of Mr. Eric Mukoya. Their resilience in immersing themselves into the world of violent extremism, which is ideally viewed with scepticism and fear only manifests team spirit.

Additional thanks go to Ms. Agnes Rogo, Mr. Paul Kauku and Mr. Bernard Okemo for conceptualizing the vision and shape of this manual, providing quality control, besides giving valuable feedback to the initial drafts of this manual.

The contribution of the Kenya Prisons Service in development of this manual demonstrates the zeal and resolve of this critical partner to prevent terrorism activities from being directed or supported from within the prison system.

We remain indebted to Global Community Engagement and Resilient Fund (GCERF) for their financial and technical support, besides the invaluable partnership, without whom this manual would be non-existent.



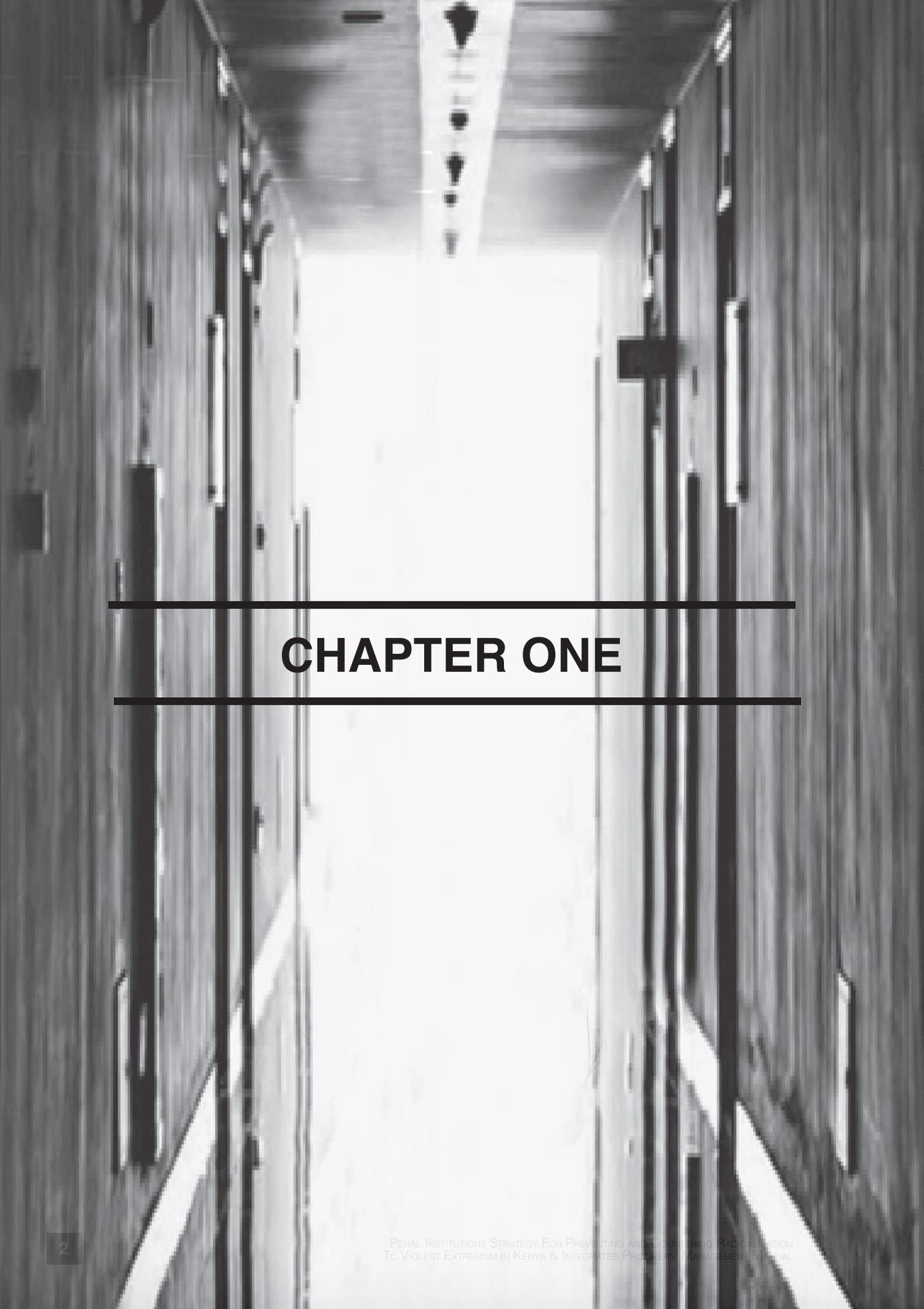
Mr. Eric Mukoya

Executive Director

Legal Resources Foundation Trust

PART A

PENAL INSTITUTIONS STRATEGY FOR PREVENTING AND COUNTERING RADICALISATION TO VIOLENT EXTREMISM IN KENYA



CHAPTER ONE

INTRODUCTION AND CONTEXT

1.0 INTRODUCTION

This manual is one of the tools developed by the Legal Resources Foundation Trust (LRFT) to fortify the resilience of actors within penal institutions in Kenya against the influence of radicalisation and violent extremism. It is designed to be used by prison managers and prison staff, in particular, but will also be relevant for other actors involved in the criminal justice system, such as policymakers, legislators, government agencies and members of Civil Society Organizations (CSOs). It can be used in a variety of contexts, both as a reference document and as the basis for staff training.

Prisons constitute potential locations for radicalisation to violence of prisoners sentenced for offences unrelated to violent extremism. Therefore, on the one hand, the management of these penal institutions should strive to prevent such prisoners from being radicalised to violence. On the other, prisons administration should keep in mind that prisons also provide an opportunity for violent extremist prisoners to disengage from violence and be rehabilitated and ultimately reintegrated into the community.

More specifically, this manual provides technical guidance on:

- a) Context of radicalisation in Kenya's penal institutions
- b) Legal framework for preventing and countering radicalisation to violent extremism
- c) Guiding principles for managing violent extremist prisoners and pretrial detainees (VEPs, VEPDs)
- d) Managing Violent Extremist Prisoners and Pretrial Detainees
- e) Equipping and Managing Prison Staff
- f) De-radicalisation and Disengagement Interventions and Strategies
- g) Reintegration into the Community

1.1 BACKGROUND

1.1.1 *Context of Radicalisation in Kenya's Penal Institutions*

The Kenya National Strategy to Counter Violent Extremism (KNSCVE) identifies places of detention including prisons as potential sites for radicalisation, noting that they play a critical role in the radicalisation process because they provide convicted terrorists and their supporters with a potentially captive audience of disaffected individuals, free of distractions. It has been noted that Shimo la Tewa GK prison in Mombasa and Kamiti Maximum Security Prison in Nairobi have the biggest population of inmates associated with terror offences. Hundreds of them have been convicted of engaging in various terrorist activities, promoting radicalisation and violent take-overs of mosques at the coast region. It has also been observed that most of them are housed in isolated blocks. It is feared that terror associated inmates in Shimo La Tewa have been responsible for serving as a conduit for recruitment in other prisons across the country.

The UN Standard Minimum Rules for Non-custodial Measures (the 'Tokyo Rules') provide that pretrial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offense and for the protection of society and the victim. Pretrial detention may be necessary "to prevent flight, interference with evidence or the recurrence of crime," or "where the person concerned constitutes a clear and serious threat to society which cannot be contained in any other manner. Congested pretrial detention centers can often be chaotic, abusive, and unruly places where few inmates are given the supervision they require.¹² Policies and practices resulting in the excessive use of pretrial detention contribute to prison overcrowding and, ultimately, to heightened expenditure of scarce public resources for the construction and operation of detention facilities. The excessive use of pretrial detention has very real negative consequences for public health, social cohesion, and the rule of law and may open the doors to radicalisation to violent extremism.

Overcrowded, chaotic, and under resourced prisons could pave the way for the rise of charismatic extremist leaders to organise social groups and impose extremist belief systems upon their followers.

These kinds of leaders select vulnerable inmates and use one-on-one proselytisation to recruit groups of followers. They offer themselves as 'trustworthy guides' propagating religion as a means to find identity and meaning in life. Recruiters exploit the vulnerability of their fellow prisoners by offering prayers, psychosocial support, and financial assistance both during incarceration and after release.

Gayatri and Saghal³ have examined the question of the nexus between crime and violent extremism. Their study found very limited evidence of overlaps between criminality and violent extremism at the individual and organisational level. Based on the testimonies of the VEO/VEPDs participants and the prison officers, none of the VEOs/VEPDs had a criminal past. The only potential overlap was reported to be in the case where criminal gangs and violent extremist groups recruited from the same areas and within the same demographic group. There was limited support for the overlap between crime and VE at the individual or organisational levels, although some evidence of strong gang-related dynamics was found. They also note that there appear to be close group associations amongst adult male VEO/VEPDs, where there could be specific groups based on language. It is generally agreed that VEO/VEPDs have formed a close-knit community. This is mostly driven by the prison management approach to isolate them from the rest of the prison population, causing them to gravitate to one another and act in concert. They also report strict controls being exercised by groups and their leaders, where they have a front facing leader who deals with prison authorities and perceived 'outsiders', and an internal leader who controls the groups and ensures that members adhere to group rules.

In general, the VEO/VEPDs are observed to keep a distance from prison authorities. They further observe a pattern of conversion where rather than ideology, a gang dynamic and strong social bonds are more significant drivers of religious conversion. Religion and ideology can play an important role in prison, especially for first-offenders. Adopting a belief system can help inmates adopt a new, more positive identity, give purpose and meaning to their prison experience, cope with feelings of guilt and shame and gain a sense of control and self-significance while in prison.

Distinguishing between legitimate expression of faith and extremist ideologies can be difficult, and training and detection in this area is highly uneven. The desire to deny extremists the 'religious space' from which to radicalise and recruit is legitimate, but must be handled with care to discourage discrimination on the basis of religion. Furthermore, the gap between the vision of creating 'stable prison societies' and the reality of managing overcrowded prison in Kenya is sometimes quite stark. It also appears that isolation encourages this gang dynamic and may significantly contribute to radicalisation.

KNSCVE enlists prisons to adopt Level Two (Specific Preventive Efforts) interventions that target environments that enable the early stages of radicalisation. In the specific context of the present threat in Kenya, it is crucial to inform, educate and empower religious leaders and prison management/officers to be able to resist the threat posed by extremists. Level Three (Individually Oriented Preventive Efforts) are also enlisted which target individuals who are becoming radicalised or are part of a violent extremist group, and can be motivated to disengage. In the prison context, there are people who are vulnerable to radicalisation to violent extremism because of the underlying drivers that may impact them.

The penal institutions strategy must also address itself to the various work pillars that the KNSCVE has identified and how they align to the role of these institutions in responding to radicalisation to violent extremism. In specific, the psychosocial pillar emphasizes that it is important to address the psychosocial needs of individuals who have been radicalised and even gone as far as joining violent extremist networks or groups. The security pillar, in which penal institutions fall, provides that the goal is to ensure that radicalisation is met with the full force of law whenever and wherever possible. It is also important that counter terrorism (CT) and counter violence extremism (CVE) efforts be conducted in accordance with laws and best practices to ensure that they do not lead to alienation and radicalisation of citizens. This pillar dovetails the role of the legal and policy pillar, in which relevant laws and policy frameworks must support CVE, mandating an annual review of the efficacy of laws and policies for CVE carried out in consultation with various experts, practitioners and state agencies.

The faith based and ideological pillar aims to ‘immunise’ the Kenyan population from violent extremist ideologies, particularly by promoting the values of freedom, democracy and interfaith tolerance. This pillar also plays a significant role in faith-based rehabilitation and efforts to counter radicalise and disengage VEO/VEPDs. The training and capacity building pillar ensures that government institutions, political and religious leaders, and in this context, all those involved in penal institutions counter radicalisation efforts possess the right skills, tools and awareness to actively and robustly engage in their work.

The process of radicalisation to violent extremism has been described by some experts in terms of different phases. Not all offenders progress through all phases or reach the final phase of acts of violence. The process of radicalisation through these phases can occupy a short time line or an extended period. People can enter, exit and re-enter the radicalisation process at different phases. Indicators of the process of radicalisation to violence may include the motivation for the violent action by the individual has a political, religious, social or other significant ideological component, the individual has accepted an ideology that supports the use of violence to obtain the desired goals and is engaged in a process supporting his own belief that it is necessary to use violence to achieve the desired ideological objectives, or the individual has the intention to act, has acted or plans to act in an unlawful violent manner to promote the ideology and its objectives.

Other identifiable Indicators may include but are not restricted to the following:

- a) Changes in attitudes and values that reflect increasing intolerance and inflexibility;
- b) An increasing commitment to the ideology or narrative that supports the use of violence;
- c) An increasing willingness to use violence to achieve ideological goals,
- d) Increasing engagement with physical or virtual (cyber) networks supporting the use of violence to support the adopted narrative;

- e) The development of friendships, connections with family members and/or associations with others who are supportive of the ideology;
- f) Changes in personal behaviour patterns, interest in or development of new skills and capacities that enable the use of violent action.

These indicators apply to the spectrum of violent extremists and relate to the support of different ideologies and objectives. They can be divided into three categories that are related to:

- i. The ideology or the narrative that is accepted or in the process of being adopted;
- ii. The personal, cyber and other associations and networks that support the individual and the ideology;
- iii. The personal needs and motivations of the individual to further the adopted ideological goals.

It is not a new phenomenon for prisons to be breeding grounds for violent extremism. Throughout history, there have been notable examples of prisons not only acting as recruitment centers, but also headquarters for religious and ideological extremists. Countering violent extremism involves the use of crime prevention methods that use soft and hard approaches to address the following four phases of radicalisation. Violent extremism must be understood as a process and not an event, which requires analysis when screening for risk assessment and needs assessment.

The KNSCVE provides the following stages for radicalisation which have been contextualised for penal institutions context:

1. **Pre-Radicalisation** is the earliest exposure of an inmate to the radical ideology, appealing narratives and other inducements by recruiters.
2. **Self-Identification** is the phase where inmates begin to explore radical ideology and membership of extremist groups. They gravitate away from their old identity and begin to associate themselves with radicalised individuals and adopt the extremist ideology.

3. **Indoctrination** is the phase in which an inmate progressively intensifies his beliefs, wholly adopts extremists' ideology and concludes, without question, that the conditions and circumstances exist where action is required to support and further the cause.
4. **Violent Extremism** refers to radicalised inmates who are prepared to engage in, or actively support, acts of violence in furtherance of radically illiberal, undemocratic political systems or ideologies.

1.1.2 Literature Review

The Global Terrorism Index (GTI) is a comprehensive study analysing the impact of terrorism for 163 countries and which covers 99.7 per cent of the world's population. In 2019 this GTI ranked Kenya at number 21 out of the 138 countries surveyed.⁴ Kenya is one of the most vulnerable East African Community partner states, and is ranked 8th in Sub-Saharan Africa.

TABLE 2.5: Sub-Saharan Africa GTI score, rank and change in score, 2002-2018

COUNTRY	OVERALL SCORE	OVERALL RANK	CHANGE 2002-2010	CHANGE 2017-2018
Nigeria	8.597	3	5.089	-0.063
Somalia	7.800	6	4.727	-0.220
Democratic Republic of the Congo	7.039	10	2.983	-0.016
Mali	6.653	13	6.653	0.638
Central African Republic	6.622	14	6.622	-0.097
Cameroon	6.620	15	6.572	0.005
South Sudan	6.316	17	6.316	-0.440
Kenya	5.756	21	1.124	-0.358
Niger	5.596	23	5.329	-0.408
Mozambique	5.542	25	5.456	0.963
Burkina Faso	5.418	27	5.418	0.607
Ethiopia	5.345	29	3.965	-0.286
Burundi	5.102	33	-0.395	-0.214
Chad	4.762	38	3.754	0.010
South Africa	4.511	41	1.426	0.248
Uganda	3.957	49	-1.711	0.031
Angola	3.784	52	-2.571	-0.689
Tanzania	3.272	60	-0.322	-0.096
Rwanda	2.948	66	0.588	0.771
Zimbabwe	2.834	68	-0.409	1.265
Republic of the Congo	2.687	70	-0.983	-0.681
Cote d'Ivoire	2.598	72	-0.072	-0.678
Madagascar	1.957	82	0.494	-0.656
Ghana	1.559	86	1.559	1.397

The index further points out that conflict is one of the main drivers of terrorism which is in turn significantly related to the levels of violent extremism. Interestingly, the report points out an urgent need to better understand the drivers of female radicalisation, the different roles women play in relation to terrorism and violent extremism. In 1998, Al Qaeda struck Kenya in the twin 1998 US Embassies bombings in Nairobi and Dar es Salaam. The September 2013 attack at the Westgate shopping mall brought worldwide attention to Kenya, with Al-Shabaab claiming responsibility and maintaining that it was in retaliation against Kenya's military operations in Somalia. This has since been followed by the Garissa University attacks in 2014 and the DUSIT D2 Nairobi attack in 2019.

A qualitative study carried out by Integrity Research Consultancy with funding from USAID⁵ sought to assess the Kenya Transition Initiative's (KTI) achievements and to draw actionable recommendations for future CVE programming in Kenya and elsewhere. The methodological approach applied by the research team included: a review of KTI and related documents spanning the programme phases, Key Informant Interviews (KIIs) with KTI staff, grantees and other stakeholders, Focus Group Discussions (FGDs) with grant beneficiaries and Observations of grantees. There was an emphasis upon the relevance of the 'push' and 'pull' factors that drive violent extremism, and issues associated with research into these drivers. In the KTI Partner Performance Management Plan (PPMP) it is stated that the former 'drive youth to join extremist movements,' whereas the latter 'attract youth towards extremism as an emotional struggle for purpose, direction and identity.' Examples of push factors were identified as: discrimination/profiling, security force harassment, poverty and unemployment.

Pull factors on the other hand included: material incentives, fear, vengeance, status, peer pressure and adventure seeking. Certain groups were identified as being particularly vulnerable or at risk. These included: teenagers, youth lacking education, members of specific clans, substance users, religious converts and convicts. The report concludes with recommendations on how to achieve results. For instance, increase the focus upon more narrowly defined 'at-risk'

groups, invest additional resources into conducting rigorous research, focus upon individual-level drivers as pull factors, increase focus upon avoiding/mitigating negative effects etc.

Botha⁶ analyzed how and why individuals are radicalised by conducting interviews with Kenyan and Somali-Kenyan individuals associated with Al-Shabaab and the Mombasa Republican Council (MRC). The analysis in the paper is based on interviews with 95 individuals associated with Al-Shabaab, 45 individuals associated with the MRC, along with 46 relatives of individuals associated with Al-Shabaab and five associated with the MRC. Relatives were interviewed in cases where primary members had disappeared or were incarcerated or killed. All the respondents were Kenyan and Somali-Kenyan nationals who grew up in Kenya and who were radicalised while there. An introduction is given into both Al-Shabaab and the MRC, followed by a discussion on factors that facilitate radicalisation as well as the process itself. Drivers such as family, peers, religious identity, ethnic identity and political circumstances, as well as their respective roles in radicalisation to VE are elaborated upon in detail.

Adopting a different approach, Buchanan-Clarke and Lekalake seek to address the question whether the current political context in Kenya is exacerbating the Somali Kenyan community's vulnerability to recruitment by terrorist organisations.⁷ The survey data shows that most Kenyans disapprove of the government's handling of terrorism and that the Somali Kenyan community is even more critical than citizens from other ethnic communities. Somali Kenyans feel marginalised by the state and express problematic levels of social intolerance, factors that indicate the presence of political and social conditions associated with higher levels of violent extremism. These findings suggest that the Kenyan government should curb police abuses and explore more developmental approaches to counter-terrorism to ensure that measures aimed at engaging Al-Shabaab do not generate further grievances among an already isolated and vulnerable community. Some of the key findings of the survey include:

- i. Approval of the government's performance in fighting terrorism dropped substantially between 2011 and 2014. Half of Kenyans (51%) believe the fight against terrorism is going badly, compared to only 11% in 2011. Furthermore, although two-thirds believe that the military intervention in Somalia has been necessary, half (48%) support withdrawal of the Kenya Defence Forces (KDF).
- ii. Somali Kenyan respondents are significantly more critical of the government's security efforts than citizens of other ethnicities. Somali Kenyans are more than twice as likely to say that they are "always" or "often" treated unfairly by the government (51%) as citizens of other ethnicities (22%).
- iii. Somali Kenyans are far more intolerant of other religions and ethnic groups than Kenyans of other ethnicities.
- iv. Most Somali Kenyans (like most Kenyans) say they do not trust the police and believe that "most" or "all" police officers are corrupt. The KDF is more trusted and less likely to be perceived as corrupt than the police.

A 2016 policy note prepared within the aegis of The Nordic Africa Institute⁸ aims to understand radicalisation and terrorist recruitment among Kenya's youth. It begins with a discussion on the threat of terrorism in Kenya. It thereafter outlines the various reasons that Kenyan youth have for joining terrorist groups: including, the promise of money and material reward, belief in the jihadist ideology, lost faith in dysfunctional politics, a search for adventure and for a clear set of norms and rules to follow, yet others join because of peer – even family – pressure. The link between security, corruption and terrorism is illuminated, with the author exposing the worrying movement from anti-terrorism to state terrorism. The final section offers some recommendations for policy makers: A need for more serious anti-corruption efforts, a need for increased social justice and inclusion, a need to work across political boundaries, the need to increase opportunities for education, employment and political participation for the youth, the imperative to avoid state terrorism.

According to the KNSCVE, while there are multiple forms of violent extremism, the main threat in Kenya is based on Salafi-Jihadi ideology

that is embraced by Al Shabaab group (Harakat Al-Shabaab Al-Mujahidin), Al Qaeda's affiliate in the Horn of Africa, and other terrorist organisations such as Dae'sh (ISIS) that seek 'entry' into the Horn of Africa. This ideology is a key driver of the threat since it is critical in radicalisation, which in turn leads to recruitment or 'lone-wolf' terrorism. In furtherance of their objectives terrorist groups like Al Shabaab will thus seek every opportunity to create a network of local collaborators through radicalisation and recruitment in Kenya. The five-year civil war in Syria, the instability in Iraq and the spillover of the chaos and anarchy following the 2011 overthrow of Mu'ammer Gaddafi in Libya have spawned new and complex configurations in international terrorist networks. The terrorism and violent extremism threat continues to be dynamic and dangerous and poses a threat not only in Kenya, but globally as well.

Therefore, it is important to develop and implement both global and country specific counter violent extremist measures. The KNSCVE hopes to achieve these outcomes by taking the following broad-based priorities such as countering violent extremist ideologies; promoting patriotism for Kenya's nationhood; enhance Government of Kenya (GOK) support to local communities that are targeted by violent extremists; develop radicalisation early warning and early intervention measures; rehabilitation and reintegration support for individuals who disengage from violent extremism; develop expertise in non-coercive approaches to CVE in the Government of Kenya; effective utilization of law enforcement to deter and prosecute radicalisers; research on the evolution of violent extremist ideologies, organisational models, and radicalisation methodologies; and stakeholder action that offers clear pathways and guidelines for stakeholder engagement in CVE.

While the dangers of radicalisation to violent extremism in prisons have been elaborated upon in the preceding sections, it is necessary to adopt a nuanced view of just how dangerous prisons may or may not be in this regard. Clark⁹ challenges contemporary research on prison radicalisation and recruitment by highlighting several factors that may hamper these activities, in order to demonstrate why some prison regimes and their programmes for housing terrorist inmates face

a greater risk than others. To do this, he appraises the role of several interrelated factors that may act to undermine terrorist offenders' efforts to radicalise and recruit other prisoners when they are integrated into a prison population.

These factors include the prison environment, the prison regime, inmate culture, inmate moral code, patriotism, racism, social barriers and basic survival needs. The author relies on case studies from prisons in the United States, the United Kingdom, Australia, the Philippines, Indonesia and Pakistan to ground the assessment. From the case studies factors such as patriotism, social barriers and racism, were identified as having the potential to inhibit prison radicalisation. Prison radicalisation and recruitment for Islamist militant groups are more the exception than the rule and, when prison radicalisation has occurred, the chances of these inmates then being recruited into a terrorist group are slim. In addition, once released, the relationship between these individuals committing acts of terrorism and their time in prison is tenuous at best. This study informs the Kenyan context in understanding the nature and magnitude of the risks faced in our penal institutions.

1.2 METHODOLOGY

To achieve the research objectives both quantitative and qualitative methodologies were adopted. A desk review was conducted to assess radicalisation and violent extremism and the role that prisons play in tackling radicalisation and violent extremism. A desk review of key documents on radicalisation and countering violent extremism was analysed as demonstrated in the literature review above.

Findings from the desk review were used to develop the interview schedules which were pretested with selected respondents from each of the identified penal institutions and relevant organisations. Appropriate quality control steps were put in place to ensure accurate and unbiased collection of data from the respondents. A training manual was developed for enumerators with an emphasis on understanding the purpose of data collection and developing clarity on standard procedures on quality control and ethics.

Participant screening was done before undertaking the field work to ensure there is no overlap among the participants in the FGDs and interviews. We visited specific penal institutions in order to obtain information about radicalisation, violent extremism, and the inmates and officers there formed the sample of this study leading to development of the penal institutions anti-radicalisation strategy and prisoner management manual. Focus Group Discussions were employed to stimulate primary qualitative explanation to triangulate quantitative data (collected through survey questionnaires) from selected stakeholders.

Mixed random sampling as well as snowball sampling methods were used in this study. In the first instance random sampling was utilised to select the respondents from the contacts given at the prisons, including those who were specifically tasked with management of VEOs/VEPDs. Thereafter, snowball sampling was used where existing study subjects recommended subjects from their acquaintances. Snowball sampling was also used to identify the key informants in the institutions and in other government agencies.

A half day validation workshop was held on 15th October 2020 to validate the strategy and manual at the end of the process. Here, initial findings were presented and recommendations suggested for feedback and comment. Drawing upon the feedback and comments from the validation workshop, the final report and prisoners' management manual have been finalised in consultation with Legal Resources Foundation Trust and presented here.

1.3 LEGAL FRAMEWORK FOR PREVENTING AND COUNTERING RADICALISATION TO VIOLENT EXTREMISM

Kenya has a robust legal and policy framework for countering radicalisation and violent extremism. This can be analyzed from an international perspective as well as the perspective of national laws and policies.

1.3.1. International Framework for Countering Radicalisation and Violent Extremism

The following international instruments, standards and principles constitute the foundation of Kenya's approach to countering violent extremism:

1. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Adopted by United Nations General Assembly resolution 39/46 of 10 December 1984, entry into force on 26 June 1987)
2. International Covenant on Civil and Political Rights (Adopted by United Nations General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force on 23 March 1976)
3. International Covenant on Economic, Social and Cultural Rights (Adopted by United Nations General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force on 3 January 1976)
4. Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines) (Adopted by the African Commission on Human and Peoples' Rights during its 55th Ordinary Session, 28 April to 12 May 2014)
5. Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa (Adopted by the African Commission on Human and Peoples' Rights during its 56th Ordinary Session in Banjul, Gambia (21 April to 7 May 2015).
6. Kampala Declaration on Prison Conditions in Africa (United Nations Economic and Social Council resolution 1997/36 of 21 July 1997, annex)
7. Recommendations on Life Imprisonment (United Nations Office at Vienna Crime Prevention and Criminal Justice Branch, Life Imprisonment (UN Document ST/CSDHA/24), 1994)
8. United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (Adopted by United Nations General Assembly resolution 65/229 of 16 March 2011)

9. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”) Adopted by General Assembly resolution 40/33 of 29 November 1985)
10. United Nations Standard Minimum Rules for Non-custodial Measures (Adopted by United Nations General Assembly resolution 45/110 of 14 December 1990)
11. United Nations Global Counter-Terrorism Strategy: Plan of Action to Prevent Violent Extremism– Report of the Secretary-General (2015) Seventieth session, A/70/674
12. Universal Declaration of Human Rights (Proclaimed by United Nations General Assembly resolution 217 A (III) of 10 December 1948)
13. Code of Conduct for Law Enforcement Officials (Adopted by United Nations General Assembly resolution 34/169 of 17 December 1979)
14. The UN Global Counter-Terrorism Strategy, Resolution Adopted by the General Assembly on 8th September, 2006. This UN Global Counter-Terrorism Strategy in the form of a resolution and an annexed Plan of Action (A/RES/60/288) is composed of 4 pillars, namely: addressing the conditions conducive to the spread of terrorism, measures to prevent and combat terrorism, measures to build states’ capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard and measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism.
15. The Mandela Rules. The United Nations General Assembly unanimously the Revised Standard Minimum Rules for Treatment of Prisoners on December 17, 2015. The rules are named in honor of the late South African President Nelson Mandela’s well documented struggle against human rights abuse and his promotion of equality and dignity. The Mandela Rules synthesize a range of international instruments that are relevant to ensuring the inherent dignity of all imprisoned individuals and reflect key human rights and criminal justice standards.

1.3.2. National Framework for Countering Radicalisation and Violent Extremism

1. The Kenya National Strategy to Counter Violent Extremism (KNSCVE)

This is the key document detailing the government's strategy for dealing with violent extremism. It articulates a clear vision of minimizing and/or eliminating violent extremism by mobilizing individuals and groups at the national and community levels "to reject violent extremist ideologies and aims in order to shrink the pool of individuals whom terrorist groups can radicalise and recruit."¹⁰ This vision is consistent with Global Policy on Countering Violent Extremism (CVE), in particular, the United Nations Security Council's Resolution 2178 (2014), whose focus is "preventing radicalisation, recruitment and mobilization of individuals into terrorist groups and becoming foreign terrorist fighters."¹¹

While the KNSCVE is a broad document intended to guide the activities of stakeholders in numerous sections of Kenyan society, it is particularly useful in grounding the efforts of penal institutions to develop and implement strategies for countering violent extremism. For instance, the KNSCVE details the drivers of radicalisation as well as where exactly radicalisation is happening. Of relevance to the current project is the identification of remand centers and prisons as areas of radicalisation.¹² The work pillars outlined in the KNSCVE can inform the efforts to counter violent extremism in Kenyan prisons. For instance, in line with the psychosocial pillar, penal institutions may be primary areas within which to address the psychosocial needs of individuals who have been radicalised and even gone as far as joining violent extremist networks or groups. The same is true of their families who often also experience trauma, fear and shame. The focus here would be on: Rehabilitation, re-integration of reformed extremists, and providing support to affected families and social networks; Providing access to on-going support for rehabilitated and reintegrated former extremists; Early warning and early intervention efforts to prevent radicalisation leading to violent extremism; the prevention of radicalisation of family members and to assist disengagement of those involved in violent extremism.

Additionally, in line with the Security pillar, it would be possible to ensure that radicalisation is met with the full force of law whenever and wherever possible while simultaneously guaranteeing that both counter terrorism and counter violent extremism efforts are conducted in accordance with laws and best practices so as to prevent the further alienation and radicalisation of prisoners and pretrial detainees.

In terms of institutional frameworks, the KNSCVE mandates the National Counter Terrorism Centre (NCTC) to coordinate all counterterrorism and CVE-related activities of Government agencies and non-state actors. The NCTC was established by the Security Law Amendment Act 2014. However, it has existed since 2004 when it was created by a decision of the Cabinet. Member institutions include: the Kenya Defense Forces, National Intelligence Service, the National Police Service, the National Government Administration Office, Ministry Of Foreign Affairs, Immigration Department, Kenya Revenue Authority, Kenya Ports Authority, Kenya Airports Authority, Office of the Attorney General.¹³

The KNSCVE has also been transferred to the county levels. CVE plans have been decentralized through the design of county-level CVE action plans in Kwale, Kilifi, Lamu, Mombasa, and several counties in northern Kenya.¹⁴ Partnerships with county governments and local community actors, particularly in those counties most affected, are required to increase the local legitimacy of CVE interventions taking into account the local framing and historization of the context of violent extremism and the genealogy of evolving violent extremist ideologies.¹⁵

2. The Prevention of Terrorism Act, 2012 (POTA)

This Act provides measures for the detection and prevention of terrorist activities. In its sections 4 through to 30 the POTA identifies a number of offenses including commission of a terrorist act, dealing in property owned or controlled by terrorist groups, soliciting and giving support to terrorist groups, recruitment of members of terrorist groups, training and directing of terrorist groups and persons, among others.

3. Security Laws Amendment Act (SLAA) 2014

The Security Laws (Amendment) Act (SLAA) came into force on 22nd December 2014. It amended the provisions of twenty two other Acts of Parliament concerned with matters of national security, with the goal of aligning all laws to ensure coordination in investigating, fighting and prosecuting terrorism.

The 2012 Prevention of Terrorism Act (POTA) includes a provision that criminalizes “acts carried out for the commission of a terrorist act in foreign states.” A person who, among other activities, promotes or facilitates the commission of a terrorist act or receives military training for the “purpose of carrying out or facilitating the commission of a terrorist act in a foreign State, “commits a crime, punishable on conviction by a maximum sentence of 30 years in prison. A person who conspires to commit a terrorist act abroad while in Kenya or with a person in Kenya commits an offense and is, on conviction, subject to a maximum of 20 years of imprisonment. The Act makes training or instruction for the purpose of terrorism in or outside of Kenya an offense punishable by at least ten years in prison. In regard to this offense, it is immaterial whether “the person in fact receives the training” or whether “the instruction is provided for particular acts of terrorism.” In addition, it provides that any alien who enters into or travels through Kenya for the purpose of engaging in terrorist activities in Kenya or elsewhere commits a crime, on conviction, punishable by up to 30 years in prison.

The law further amends the POTA by inserting a new provision on radicalization. This provision criminalizes the adoption or promotion of “an extreme belief system for the purpose of facilitating ideologically based violence to advance political, religious or social change.” A person convicted under this charge is subject to a maximum of 30 years in prison.

Perceived as giving the executive and law enforcement agencies unfettered discretion, it was challenged in High Court Petition 628 of 2014 in which a five judge bench of the high court struck down some amendments including:

- a) Section 12 of the Security Laws (Amendment) Act and Section 66A of the Penal Code for violating the freedom of expression and the media guaranteed under Articles 33 and 34 of the Constitution.
- (b) Section 64 of Security Laws (Amendment) Act which introduced Sections 30A and 30F to the Prevention of Terrorism Act for violating the freedom of expression and the media guaranteed under Articles 33 and 34 of the Constitution.
- (d) Section 16 of the Security Laws (Amendment) Act and Section 42A of Criminal Procedure Code as they violate the right of an accused person to be informed in advance of the evidence the prosecution intends to rely on as provided under Article 50(2) (j) of the Constitution
- (e) Section 20 of the Security Laws (Amendment) Act which amended Section 364A of the Criminal Procedure Code for being in conflict with the right to be released on bond or bail on reasonable conditions as provided for under Article 49(1) (h) of the Constitution.
- (f) Section 26 of the Security Laws (Amendment) Act which introduced Section 26A into the Evidence Act for violating the right of an accused person to remain silent during proceedings as guaranteed under Article 50(2) (i) of the Constitution.

4. The Persons Deprived of Liberty Act, 2014

This Act outlines in its Part II the rights of persons deprived of liberty and duties of persons in charge which extend to the rights of Violent Extremist Pretrial Detainees and Violent Extremist Offenders. Further Part III, section 26, is relevant because it requires the Cabinet Secretary to take all reasonable measures to ensure that institutions in which persons deprived of liberty are held implement programs and actions that facilitate rehabilitation and reintegration of imprisoned or detained persons into the community.

5. The Kenya Sentencing Policy Guidelines

These guidelines highlight section 40 of the POTA which mandates the court to order for the forfeiture of any property that has been used for, or in connection with, or has been received as a reward for the commission

of an offence under the Act. An order of forfeiture complements the other forms of punishment. The offender is deterred from benefiting from his/her criminality. Forfeiture, for instance, under the Anti-Corruption and Economic Crimes Act, would serve as a strong general deterrent as well. Orders of forfeiture would also raise revenue which should be used to enhance the response to crime. For example, such revenue should be used to equip and revamp investigation of serious crimes such as terrorism. Section 344A of the Criminal Procedure Code imposes mandatory police supervision in respect to offenders convicted of an offence under the Prevention of Terrorism Act. In this case, the supervision is for a fixed term of five years. The court must also reiterate the mandatory conditions for the offender to comply with during the period of supervision.

6. The Kenya Bail and Bond Policy Guidelines

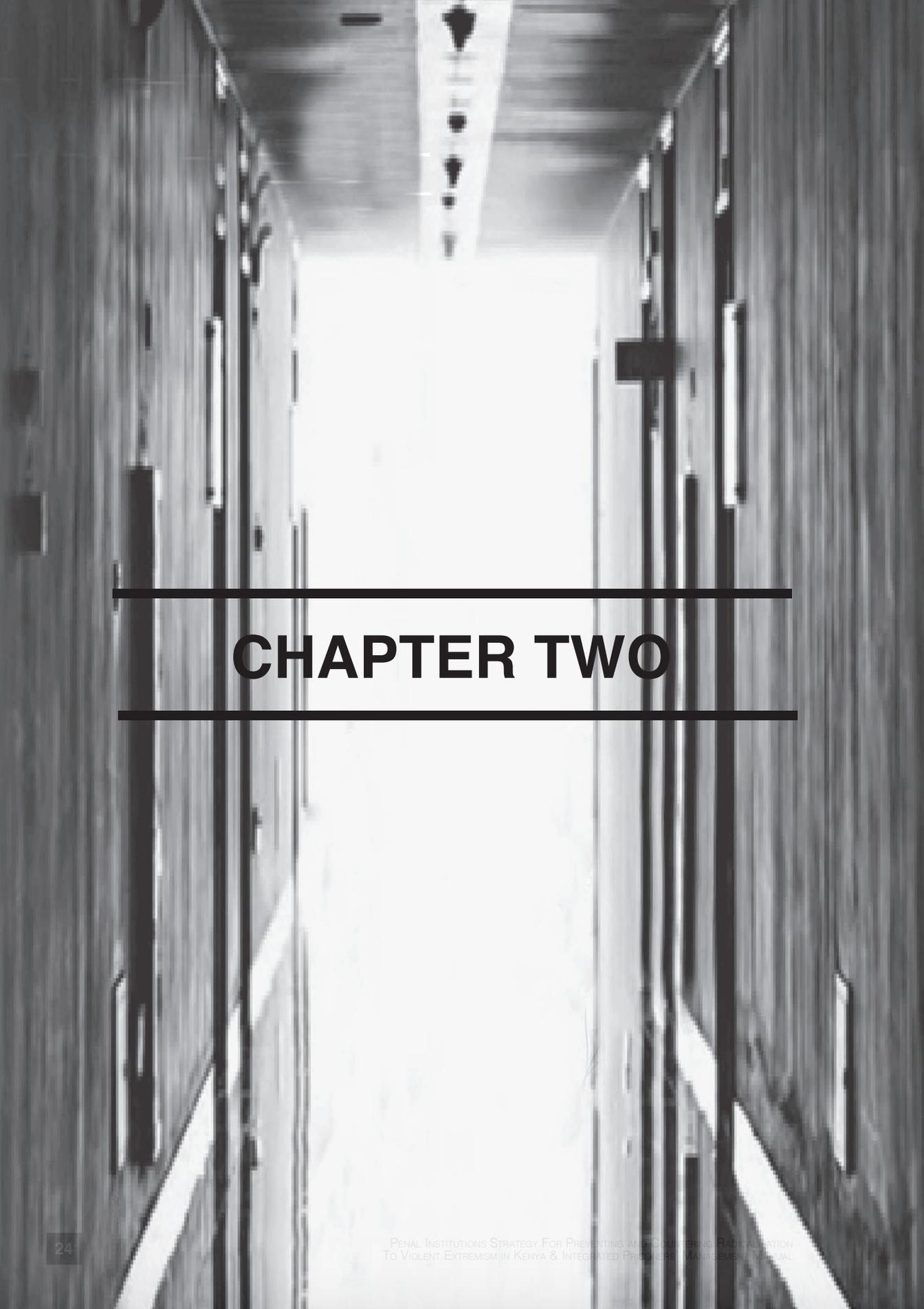
These guidelines outline a number of laws whose provisions deal with bail. These include the Children Act, the Prevention of Terrorism Act and the National Police Service Act. POTA, already highlighted above, provides that the rights of an arrested person specified under Article 49(1)(f) of the Constitution may be limited in order to ensure the protection of the suspect or any witness, to ensure that suspect avails himself for examination or trial or does not interfere with the investigations, to prevent the commission of an offence under the Act, or to ensure the preservation of national security. The guidelines further highlight that POTA stipulates different timelines for terrorism cases. A police officer who has detained a suspect may apply in writing to the court to extend the time for holding the suspect in custody for a period of up to thirty days. Before this period expires, the police officer may again apply to the court to extend the period of detention. However, POTA stipulates that the court can only extend the time for remand “for such a period as shall not, together with the period for which the suspect was first remanded in custody, exceed ninety days.”

In the case of transnational crimes such as terrorism, the court may impose the following conditions to the grant of bail:

- a) Requiring the accused, while on release, not to commit an offence, interfere with witnesses or the investigations in relation to the offence for which the suspect has been arrested;
- b) Requiring the accused person to avail himself or herself for the purpose of facilitating the conduct of investigations and the preparation of any report to be submitted to the court dealing with the matter in respect of which the suspect stands accused; or
- c) Requiring the accused person to appear at such a time and place as the court may specify for the purpose of conducting preliminary proceedings or the trial or for the purpose of assisting the police with their inquiries.

7. Other Pertinent Statutes and Guides

Other statutes that should inform the efforts of penal institutions in coming up with strategies to counter violent extremism include The Penal Code, Cap 63 of the Laws of Kenya; Proceeds of Crime and Anti-Money Laundering Act, 2012; The Children Act, 2010; Prisons Act, Cap 90 of the Laws of Kenya; Kenya Prisons Standing Orders; Criminal Procedure Code, Cap 75 of the Laws of Kenya; and the Anti-Corruption and Economics Crimes Act, 2012.



CHAPTER TWO

GUIDING PRINCIPLES FOR PREVENTING AND COUNTERING RADICALISATION TO VIOLENT EXTREMISM IN PENAL INSTITUTIONS

2.0 INTRODUCTION

This manual does not seek to replicate the KNSCVE or other existing guidelines on the management of violent extremist prisoners and the prevention of radicalisation to violence in prisons. Instead, the intention is to reference and build on existing guidance and research related to the management of violent extremist prisoners and pretrial detainees within the context of Kenyan penal institutions. The following international documents provide guidance on various aspects of the global approach to the management of violent extremist prisoners, and are referenced throughout this manual because of their ability to imbue country specific efforts in this regard:

1. The United Nations Office on Drugs and Crime (UNODC) developed their *Handbook on the Management of Violent Extremist Prisoners and the Prevention of radicalisation to Violence in Prisons (2016)*;
2. The International Centre for Counter-Terrorism developed *The Hague Core Principles and Good Practices Paper on the Rehabilitation and Reintegration of Violent Extremist Offenders (2012)*;
3. The International Institute for Justice and the Rule of Law produced *the Prison Management Recommendations to Counter and Address Prison radicalisation (2015)*;
4. The Council of Europe produced its *Guidelines for prison and probation services regarding radicalisation and violent extremism (2016)*;
5. The Global Counterterrorism Forum has the *Rome Memorandum on Good Practices for the Rehabilitation and Reintegration of Violent Extremist Offenders (2012)*, and the *Sydney Memorandum on Challenges and Strategies on the Management of Violent Extremist Detainees (2012)*.

The overarching standard bearer in this discourse, however, is *the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* which are considered an overall lens through which all other guidelines, including the ones in this strategy, should be read and interpreted.

2.1 THE SPECTRUM OF VIOLENT EXTREMISM

There is no single universally accepted definition of violent extremism. The Council of Europe “Guidelines for Prison and Probation Services Regarding Radicalisation and Violent Extremism” define violent extremism as *“behaviour promoting, supporting or committing acts which may lead to terrorism and which are aimed at defending an ideology advocating racial, national, ethnic or religious supremacy.”*¹⁶ The United States Federal Bureau of Investigation defines violent extremism as *“encouraging, condoning, justifying, or supporting the commission of a violent act to achieve political, ideological, religious, social, or economic goals.”* The U.S. Agency for International Development defines violent extremism as *“advocating, engaging in, preparing, or otherwise supporting ideologically motivated or justified violence to further social, economic, or political objectives.”* Public Safety Canada defines violent extremism as *“the process of taking radical views and putting them into violent action.... [When persons] promote or engage in violence as a means of furthering their radical political, ideological, or religious views.”*

Although these various definitions share similarities, the lack of a common definition can make it difficult for governments, civil society organizations, and international institutions to collaborate on unified initiatives to counter violent extremism. In addition, the varied contexts and characteristics of extremism make them subject to interpretation. The KNSCVE defines violent extremism as refers to radicalised individuals who are prepared to engage in, or actively support, acts of violence in furtherance of radically illiberal, undemocratic political systems or ideologies, which is the definition we will rely on as guidance in this manual.

2.2 BEST PRACTICE GUIDING PRINCIPLES

Prison settings present both risks and opportunities with respect to violent extremist offenders. Prisons have a two-fold mission to protect society by confining offenders in facilities that are safe, humane, and secure and to ensure that offenders are actively participating in programs that will assist them in becoming law-abiding citizens when they return to our communities.

It is important to note that there is already substantial professional experience and expertise, as well as many documents and handbooks regarding overall prison standards and operations, including the newly adopted and updated United Nations *Standard Minimum Rules for the Treatment of Prisoners (The Mandela Rules)*. The Mandela Rules provide a good framework for countries to utilize in reviewing the operations of their prisons.

A core underlying principle found in these rules is the idea that all prison-based interventions and policies must respect international norms, treaties, and conventions regarding good governance, human rights and due process. This principle is vitally important to the discussion of countering radicalisation to violence since it is crucial that prisons operate in a transparent and accountable manner respecting the rule of law. It is also critical that any effort to counter radicalisation to violent extremism in prisons incorporate these long developed general good prison management practices, particularly where such practices have undergone rigorous evidence-based evaluation to ensure that they are not simply good ideas, but also that they are achievable and effective practices.

2.2.1. Guiding Principle One

Maintain a safe and humane environment where radicalisation to violent extremism can be identified early-on and recruiters have less opportunity to target vulnerable individuals.

A fundamental principle set out in international law and all relevant international standards and norms related to the treatment of prisoners is that their treatment should be humane and respect the inherent dignity

of the human person. Torture, inhuman and degrading treatment is prohibited with respect to all prisoners, including violent extremists, and prison administrations may not invoke any circumstances whatsoever as a justification for torture or ill-treatment. Prison authorities must ensure that their conditions of detention meet, at the very least, the basic needs of inmates which includes their accommodation, bed, bedding and clothing, drinking water and nutrition, access to open air and exercise, natural and artificial light, a temperature appropriate to health as well as personal hygiene, sanitation facilities and access to health-care services. All prisoners, including violent extremist prisoners, are entitled to the general living conditions provided for in the Constitution of Kenya, Persons Deprived of Liberty Act and the Mandela Rules. The conditions espoused in these laws include:

- Respect for prisoners' inherent dignity especially in how they are accommodated, and in the context of constitutional rights which are not abandoned by virtue of being prisoners.
- Appropriate medical and health services in line with the provisions of Article 43(1) of the Constitution of Kenya that requires prisons to avail the highest available quality of healthcare.
- Disciplinary measures and sanctions that are lawful and proportional, and which must expressly be set out in policy, guidelines and regulations so they are standardized.
- Investigations of deaths and absolute refraining from torture in custody for VEOs and VEPDs.
- Protection of vulnerable groups who must be screened upon entry and systematically responded to in policy and in practice.
- Access to legal representation where trials or appeals are ongoing, so that VEOs and VEPDs are able to communicate with their advocates, and if they lack one, ensuring that legal representation and advice is availed.
- A complaints procedure must be established for any issues that arise in relation to VEOs and VEPDs and inspection to ensure compliance with guidelines and regulations.

2.2.2. Guiding Principle Two

Where possible, ensure that pre-trial detainees and individuals detained in facilities other than general prisons also benefit from efforts to address and counter radicalisation.

In light of the risk that prisons constitute potential locations for the radicalisation to violence of prisoners sentenced for offences unrelated to violent extremism, prisons should further strive to prevent other prisoners from being radicalised to violence. At the same time, prison administrations should keep in mind that prisons also provide an opportunity for prisoners to disengage from violence. Time in prison may bring about a transformation away from violent extremism and could even prove a catalyst for positive change.

2.2.3. Guiding Principle Three

Ensure that there are clear and transparent management policies in place that are fully implemented. Good prison standards and practices can offer an appropriate starting point for building an effective, safe and smoothly operating approach.

Good practice in prison management has shown that when the human rights and dignity of prisoners are respected and they are treated fairly, they are much less likely to cause disruption and disorder, and more likely to accept the authority of prison staff. Treating violent extremist prisoners with respect can also undermine “us and them” thinking, demonization, dehumanization and attitudes that justify offending. Psychologically, it can directly challenge ways of thinking and perceptions of groups that facilitate violent extremism. Furthermore, security measures applied to violent extremist prisoners should be reviewed regularly and modified as necessary.

2.2.4. Guiding Principle Four

Commit to developing professional staff, with a particular focus on the elements that will help officials identify and address radicalisation to violent extremism in prisons.

Prison management should ensure, as appropriate, that all relevant staff are professionally trained and educated to deal with the complexities of reintegration or rehabilitation efforts. This includes diversifying staff and leadership, and ensuring staff and leadership are attuned to different cultures as a way to help address prison radicalisation. The complexity of violent extremism means that, in most cases, interventions require a multidisciplinary network of professionals, including psychologists, psychiatrists, religious faith leaders, sports instructors, art therapists, social workers, vocational guidance officers, teachers and medical staff. Working together and in partnerships, they bring different skills, methodologies and perspectives to the work and are thereby able to deliver successful results.

Training should be provided for intervention team members on relevant tools, techniques and related administration. Given the challenging task of supporting prisoners in the disengagement process, it is good practice for all relevant staff to be professionally trained and educated to deal with the complexities of disengagement and reintegration efforts. Prison staff and professionals involved in rehabilitation programmes could be trained to distinguish signs of radicalisation to violence, communicate in a way that is constructive and avoids conflict, and respond appropriately to a potential radicalisation to violence.

2.2.5. Guiding Principle Five

Determine and tailor risk and needs assessments in order to ascertain risks of prison inmates' susceptibility to violent extremist ideology. An important first step can be developing a sound, transparent and effective intake, screening assessment & classification system for new inmates.

The proper risk assessment of prisoners is one of the fundamental components of good prison management policies. It enables the efficient use of resources, individualization of sentences, protection of the public and upholding the human rights of prisoners. Investment made in developing and implementing effective, evidence-based systems of risk assessment can also enable prison management to improve the prospects of getting violent extremist prisoners to disengage from violence. The management of prisoners cannot be successfully

undertaken without assessments of the risks they pose. Screening of all prisoners should be done by the prison administration when they are first admitted to prison and a more detailed risk assessment repeated at regular intervals thereafter.

2.2.6. Guiding Principle Six

Consider appropriate factors when determining whether to separate, segregate or disperse inmates with special attention given to violent extremist ideologues and leaders and those susceptible to their messages. This includes engaging in robust efforts to address potential prison recruiters.

The Mandela Rules require that prisoners always need to be separated according to their legal status (pretrial from sentenced), gender (men from women) and age (children from adults). Prisoners' classification and categorization are essential to decide their allocation to a suitable prison or unit within a prison and, together with the findings of their risk and needs assessment, provide the basis for the development of individualized sentence plans. These basic rules apply to the management of all prisoners.

Prison radicalisation to violence is an issue of considerable importance and recruitment attempts, successful or otherwise, do occur. Whether violent extremist prisoners are separated, dispersed, or concentrated, there remains a risk that some violent extremist prisoners, particularly leaders, may seek to radicalise other prisoners to violence and to further radicalise those prisoners who are in prison for a violent extremist offence.

2.2.7. Guiding Principle Seven

Institute clear procedures that hold inmates accountable for their actions in order to create an environment that does not allow radicalisation to violence to fester.

Discipline and order should be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well-ordered community life. Prison administrators are encouraged to use, to the extent possible, conflict prevention, mediation or any

other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts. For prisoners who are, or have been, separated, the prison administration shall take the necessary measures to alleviate the potential detrimental effects of their confinement on them and on their community following their release from prison.

2.2.8. Guiding Principle Eight

Develop and enforce clear rules and procedures to ensure prison management and staff accountability as a way to reduce opportunities for prison radicalisation.

The prison administration should provide for the careful selection of every grade of the personnel, since it is on the basis of their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of prisons depends. This includes taking preventive measures to combat corruption in order to reduce opportunities for radicalisation and ensure that where corruption exists, its perpetrators are appropriately punished.

2.2.9. Guiding Principle Nine

Utilize all legal sources for gathering information on what is happening within prisons as a way to identify potential radicalisation to violent extremism in prison. Additionally, monitoring all forms of communication in order to detect any radicalisation to violent extremism, activities or plans is encouraged.

Penal institutions should consider, on a case by case basis, and taking into account relevant domestic and international law, the introduction of specific control mechanisms with regard to the inmates' communication, both within and outside the prison. Appropriate information and intelligence sharing should also take place, including with external law enforcement partners, to understand whether violent extremism is an issue in the prison and to identify and manage any behaviours of concern. At the national prison administration level, there is a need to create an intelligence group to monitor, share, analyse and collate any information regarding prisoner radicalisation to violence from all prisons within the jurisdiction. This group should also work closely with external law-enforcement agencies.



2.2.10. Guiding Principle Ten

Support the role that religious and other services can provide to prisons as means to counter radicalisation.

The Mandela Rules provide that so far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination. To that extent religious leaders should be involved in counter radicalisation efforts.

2.2.11. Guiding Principle Eleven

Offer programs and services offered by a range of stakeholders to inmates that assist in their successful return and reintegration into the community. Rehabilitation and reintegration programs should incorporate a broad range of cross-disciplinary experts, with close coordination among the relevant departments and personnel involved.

Any effort to rehabilitate and reintegrate violent extremist offenders should be holistic, culture-specific and tailored to the relevant contexts and individuals. It is well understood that rehabilitation programmes can only be effective if the aims and ambitions are clearly and unambiguously articulated – albeit customised to the different institutional, cultural or social context in which they are applied. Consequently, in developing a rehabilitation program, it is important to first clearly define the program’s goals and objectives and identify indicators of success and failure.

Prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature.

2.2.12 Guiding Principle Twelve

Commit to criminal justice and penal reforms that promote and advance the rights of prisoners in line with the provisions of Articles 19, 20 and 51 of the Constitution of Kenya.

Kenya's criminal justice system is packed with mostly young, poorly educated, indigent pretrial detainees,¹⁷ with no understanding of the criminal justice process and no legal representation.¹⁸ This naturally predisposes most inmates in penal institutions to radicalisation to violent extremism in relation to identified socioeconomic drivers, and must be addressed with urgency. To this end, criminal justice and penal reforms should be put in place in a systematic and progressive manner that allows for tiered improvements that reduce the instances of recruiters taking advantage of socioeconomic disadvantage in penal institutions.

PART B

INTEGRATED PRISONERS' MANAGEMENT MANUAL



CHAPTER THREE

MANAGING VIOLENT EXTREMIST PRISONERS AND PRETRIAL DETAINEES

3.0 INTRODUCTION

Violent extremism can create real and serious security concerns within the penal system. It is generally accepted that radicalisation primarily stems from a combination of institutional, social and individual factors, such as overcrowding and deprivation, violence, and group dynamics, and as a desire for protection and belonging. Overcrowding is a common problem globally and in Kenya has been demonstrated as a significant challenge, where there are over 55000 prisoners, both convicted and remanded in all penal facilities against the occupational capacity of 28,00 spread out in 118 facilities.¹⁹ Research demonstrates that overcrowding creates stress and induces inmates to create subgroups that compete over scarce resources and social status.²⁰

Prisons can also act as a site for the increasing politicisation of VEO/VEPDs leading to increased radicalisation of VEO/VEPDs where they view themselves as martyrs and cast a silhouette of martyrdom. This is especially true in terms of radicalising younger prisoners, unmarried ones, or those without children.²¹ Prisons are often seen as extended arms of the Government and as such, the way in which they are regarded often parallels the way in which the ruling government of that country is also regarded. Where there is mistrust or disregard for a country's government, it is logical that the same mistrust and disregard be extended to the prison system within that country.

Prisoners who are charged under the POTA may sometimes not be radicalised, and because VEO/VEPDs are often segregated together from the general prison population, this may expose those who are not radicalised to recruiters and extremist ideologies.

It is therefore important to consider the question of management of violent extremist offenders and pretrial detainees through different strategies. This chapter will discuss the following:

1. Risk and needs assessment
2. Approaches to housing violent extremist inmates
3. Security management
4. Management in specific contexts
5. Information sharing and intelligence gathering
6. Use of technology

3.1 RISK AND NEEDS ASSESSMENT

3.1.1 The Need for Risk and Needs Assessment

VEOs are not homogenous and their motivations, circumstances and reasons for committing violent extremist offences are often nuanced. The risk assessment of such inmates needs to be informed by a sophisticated understanding of the characteristics of any organization to which they belong, and their motivations. It should also not be assumed that all prisoners convicted of terrorism-related offences are radicalised. Some of them are opportunists or caught in the web of violent extremism to fulfil more intrinsic or existential needs and desires, for financial gain or the thrill of committing violent acts, while not being radicalised themselves.

The proper risk assessment of prisoners is one of the fundamental components of good prison management policies. The management of prisoners cannot be successfully undertaken without assessments of the risks they pose. According to Herrington and Roberts, the term risk assessment “refers to any process involving the systematic gathering and interpretation of information pertaining to an individual in order to predict the likelihood that the individual will engage in the behaviour of concern in the future.”²²

In practice, screening should be done of every prisoner before they are admitted into the prison, and a subsequent risk assessment carried out

regularly. Risk assessments are intended to provide an estimate of the risk presented by an individual, its nature and the degree of seriousness. The inmates are then classified as “high risk”, “medium risk” or “low risk.” Risk assessments are used in the prison and probation system to support decisions pertaining to classification, placement, interventions and re-classification when required. Risk factors have been restructured into systematic protocols for the assessment of violent offenders. Structured assessments are generally considered to be better practice than non-structured or semi-structured assessments.

This information assists decisions as to how to best intervene, and through a needs assessment develop a profile of the individual in order to minimise risks and maximise the potential for positive change while responding to the individual needs of the inmate or the person on probation. The Mandela Rules require that prisoners always need to be separated according to their legal status (pretrial detainees from sentenced), gender (men from women) and age (children from adults). Furthermore, an assessment of all prisoners should be undertaken upon admission in order to determine the risk they may pose to themselves and/or others as well as their needs. On the basis of his or her risk and needs assessment, each prisoner should be classified according to criminal record, character and treatment needs, including the assignment of a security category that corresponds to the findings of the risk assessment.

Risk assessments will identify the specific violent extremist elements that are of concern and measure their severity. This will include elements pertaining to:

- a) beliefs and attitudes (ideology-narrative);
- b) the social context and intention of the individual and this includes family connections and kinship, groups and networks with whom the individual is associated that can influence intention and promote ideological violence;
- c) the capacity of the individual in terms of background and training and skills) and;

- d) the personal and ideological needs that are driving the violent extremism. In addition, best practice risk assessments include elements pertaining to risk mitigating factors.

Using risk assessment tools, penal institutions staff- including prisons managers, officers, psychologists, counsellors and disengagement officers- identify the motivations and elements that are push factors for the individual to engage in violent extremism or progress in the process of radicalisation to violence and are able to identify the type of threat that individuals represent and any risk mitigating elements that are present.

3.1.2 Risk Assessment Tools

Structured professional judgment methodology has been identified as the preferred and most rigorous approach for violent extremism risk assessment because it allows for a consistent, evidence-based, structured and reliable methodology. The term “professional” is used to allow for the reality that there are non- clinical professionals (for example, prison staff and religious leaders, etc.) who conduct violence risk assessments. It takes into account the relevant dynamic indicators and the need to retain a role for professional judgment. The approach employs a comprehensive set of transparent indicators that are appropriate for the nature of the individuals to be assessed, in this case those exhibiting radicalisation or who have demonstrated violent extremism actions. It is recommended that such specialised tools be used in the prison and probation settings with personnel specifically trained in their proper administration and interpretation.

Specialized risk assessment tools provide a guide and set the minimum set of risk factors that should be considered. Some of the tools that are used in risk and need assessment include:

1. **VERA-2R** - The Violent Extremist Risk Assessment (VERA), developed by Dr. Elaine Pressman, and was the first risk assessment tool specifically designed to assess radicalisation to violence and terrorism actions. In 2012, the VERA2 was developed, which is a modified version based on user feedback. The current VERA-2R is an updated version of the VERA-2, including additional motivational

indicators that have been identified as relevant to the radicalisation to violence process: status, fear, and a search for significance. The VERA-2R also includes additional indicators related to non-violent criminal history, personal history, and mental disorders. It adopts an SPJ approach in its assessment.

2. ***Extremism Risk Guidelines (ERG22+)*** - The ERG22+ is based on casework rather than academic literature. It was developed by M. Lloyd & C. Dean. Both Lloyd and Dean were (at the time of development) practicing forensic psychologists within the National Offender Management Service (NOMS) of England and Wales. It also adopts an SJP approach. The first ERG22+ was based on input from 20 cases of convicted extremist offenders in the UK. Ultimately, 21 risk indicators were identified from these cases. Based on feedback from users and additional casework knowledge, the ERG22+ was further developed, resulting in a tool that consists of 22 risk indicators divided under three dimensions. The “+” suffix in the title of ERG22+ should accommodate any other factor(s).
3. ***RRAP*** - The Radicalisation Risk Assessment in Prisons (RRAP) Tools Set also relies on an SPJ approach and was developed by the R2PRIS Radicalisation Prevention in Prisons project, which started in 2015 and is supported by the European Commission. The project is coordinated by BSAFE LAB Law Enforcement, Justice and Public Safety lab82 within the University of Beira Interior in Portugal, together with Innovative Prisons Systems (IPS). The project team of R2PRIS developed among others the RRAP tool, which comprises three risk assessment instruments: Helicopter view, Frontline Behavioural Observation Guidelines (FBOG) and Individual Radicalisation Screening (IRS), and one readiness assessment tool (Critical Incidents Readiness Assessment (CIRA)). The RRAP focuses on signaling risk and vulnerability in the general prison population instead of already charged or convicted violent extremists. The tool consists of 39 items in 9 dimensions (emotional uncertainty, self-esteem, radicalism, distance, and societal disconnection, need to belong, legitimisation of terrorism, perceived in-group superiority, identity fusion, and identification, and activism). For each dimension, the “severity” must be indicated

using a scale (from one to five), which indicates low, moderate, or high vulnerability. Finally, the assessment of the risk level will be judged by a decision maker who decides on the category of risk or the need for intervention.

4. **IR46** - The Islamic Radicalisation model 46 (IR46) was developed by the Dutch Police in cooperation with the Ministry of Defence, the Ministry of Justice and Safety, and academics in the field of terrorism studies. IR46 is a risk assessment tool that helps police, the intelligence services and so called 'care-providers' (organisations that are in close contact with specific persons that are subject to concerns about radicalisation or extremism) to recognise signals of Islamic radicalisation at an early stage. The IR46 is developed on the basis of an international literature review, interviews with experts, and case studies and is updated every three years. It adopts an SPJ approach and consists of four phases with indicators related to ideology and the social context of an individual. In total, the IR46 consists of 46 indicators that are subdivided under nine groups.
5. **VAF** - The U.K. Government developed the Vulnerability Assessment Framework (VAF) that the education, local authorities, youth services, and health sector) that work with the Channel program. The VAF is used "to assess whether individuals need support to safeguard them from the risk of being targeted by terrorists and radicalisers". The VAF consists of 22 factors - across three dimensions: engagement, intent and capability – "that may cause an individual (a) to engage with a terrorist group, (b) to develop the intent to cause harm and (c) to develop the capability to cause harm". In contrast with some of the other tools, the VAF does not use a point scale, because scaling each factor can be highly subjective according to the creators of VAF. Therefore, assessors have to fill in all the information that is available for each factor without attaching a score to the indicator. Furthermore, it should not be assumed that the characteristics mentioned in the framework do necessarily indicate that an individual is engaged with a terrorist group or may become involved with a terrorist group.
6. **RADAR** - The Radar is a protocol designed to systematically document all aspects of a person and his or her environment.

It was developed and is used in Australia and also relies on an SPJ approach. It functions as a basis to structure information to aid decision-making. The protocol consists of two assessments: an initial screening that determines whether an individual is potentially suitable to participate in a program, followed by (in case of a positive answer) an in-depth risk and needs assessment to determine whether an intervention is appropriate and to design a case management plan. Radar is used to identify specific individuals who would benefit from programs designed to reduce the risk or mitigate the impact of radicalisation, as opposed to trying to predict the likelihood of low base rate violent actions. The Radar is based on Kate Barrelle's pro-integration model 91 and assesses five areas of an individual's life: social relations, coping, identity, ideology, and criminal action orientation. The underlying idea to develop this risk assessment protocol was that the Australian police and social services felt a need for a context-specific tool based on Australian research. The Radar also explicitly focuses on behaviour rather than ideology or beliefs; all indicators relate to observable behavioural facts.

3.2. APPROACHES TO HOUSING VIOLENT EXTREMIST OFFENDERS

Penal institutions' administrators will need to determine the best approach to housing VEO's based on specific factors in relation to their institutions. These factors include: the policy framework and financial resources available to manage the violent extremist prisoner population, the size of the violent extremist prison population to be segregated or dispersed, the state of the prison infrastructure and the administration's ability to ensure secure custody if violent extremists were dispersed to a number of prisons, the capacity, size and skills level of staff, and the risk that an individual presents for being further radicalised, or for radicalising others to violence among others.

There have been debates on how to go about it, and the decision making revolves around a number of questions, including whether violent extremist prisoners should be separated from the general prison

population and, if so, whether they should be isolated from each other or held in one place, or whether they should be dispersed across a small number of prisons. The alternative is to integrate violent extremist prisoners with the general population which has been firmly opposed as a strategy in Kenya.

Separation of violent extremist prisoners from the general population could make them easier to manage and reduces the risk of them radicalising others to violence. However, keeping violent extremist prisoners separate from the general prison population can generate risks. Separation may elevate their status in the eyes of other prisoners or groups in the prison population which plays into the narrative of radicalisers or those who have already been radicalised by creating an exclusive group of inmates who either feel special or persecuted. Grouping together violent extremist prisoners who exhibit widely disparate levels of radicalisation to violence risks the less-radicalised prisoners being influenced by more radical prisoners.

Isolation may occur for some VEOs where each inmate is held in a single cell, totally isolated from the outside world and from other prisoners. Their contact with staff is also kept to an absolute minimum and their one hour of exercise a day does not usually involve any contact with prisoners or staff. Such practices amount to prolonged solitary confinement.

The United Nations Standard Minimum Rules for the Treatment of Prisoners states that isolation for more than 15 days or indefinitely should be prohibited. Concentration of VEOs in one or two prisons enables the prison administration to focus all its resources including extra security measures and training for prison officers and specialist personnel in limited locations. It however exposes these prisons to potential external attacks and the control of VEOs may present management challenges if they are located in a single institution. Where tightly structured violent extremist organizations are involved, they may attempt to recreate their operational command structures, put pressure on disengagement efforts, and present the penal institution administration with a united front. Staff manipulation or threats against staff may also represent a higher risk.

Dispersal may also occur where VEOs are spread out among the high-security prisons, held in a separate high-security unit or placed in cells that are furnished and equipped to provide a high level of security. This approach can tend to have logistical, security and operational challenges in execution. Integration of VEOs has been done in some countries, where they are placed among other categories of prisoners. It prevents the formation of tight groups and confronts violent extremists with alternative perspectives and ideas that might contribute to their disengagement from violent extremism. However, integrated or dispersed imprisonment of VEOs conveys the risks of radicalisation to violence and recruitment of other prisoners.

Whatever the approach penal institutions' administrators may take, they must ensure that, in coordination with NCTC and all the relevant authorities, they take into consideration the guiding principles outlined in Chapter Two of this manual together with Kenya's existing legal and policy framework to ensure that VEO/VEPDs human rights and the principles of good prison management are properly taken into account in decision making and inmate management. In particular, the authorities should avoid discrimination at all costs, and should promote strategies that lead to deradicalisation, disengagement and rehabilitation leading towards reintegration.

3.3 SECURITY MANAGEMENT

Safety and security measures related to violent extremist offenders must adhere to the rule of law and respect of human rights and fundamental freedoms. Extremist groups will try to attack democratic values by exposing situations in which these values (the rule of law and human rights) are breached and herein lies the basis of the political and ideological drivers to violent extremism. Safety and security measures should be monitored by public agencies and human rights organisations. Any signals of torture and inhuman or degrading treatment or punishment should be dealt with efficiently and promptly. Staff and inmates should be aware that such behaviour is prohibited and will be punished without exception. Staff should respect all human rights and especially freedom of expression and freedom of religion of prisoners and probationers. Staff should also be aware of the need to respect cultural and religious traditions.

Criminal justice and prison authorities should develop and implement a specific set of security measures for violent extremist offenders depending on whether they are remanded, convicted or at risk of radicalisation to violent extremism. It is important for government and criminal justice authorities to establish, in law and policy, regime/treatment guidance for violent extremist offenders. This will require clear definitions and guidelines as to who is to be 'identified' as a violent extremist with an indication of the individual's level of involvement in violent extremism through the risk and needs assessment process. This may or may not be limited to those convicted of terrorist-related crimes.

Many prisons have already adopted the approach of dynamic security, a concept and a working method by which staff prioritise the creation and maintenance of everyday communication and interaction with prisoners based on professional ethics. It aims at better understanding prisoners and assessing the risks they may pose as well as ensuring safety, security and good order, contributing to rehabilitation and preparation for release. This concept should be understood within a broader notion of security which also comprises structural, organisational and static security (walls, barriers, locks, lighting and equipment used to restrain prisoners when necessary).

With regards to violent extremist offenders, effective dynamic security might be of even greater importance. Driven by ideas and ideology, violent extremist offenders might be especially sensitive to treatment by staff (confirming or conflicting with their views of the world). On the other hand, some violent extremist offenders are highly educated and can be manipulative. Staff members might be lured into an extremist mind-set by these skilled offenders. Having knowledge and awareness about radicalisation and the potential risk of recruitment is important to avoid inappropriate offender-staff relationships and staff corruption and radicalisation.

3.4 MANAGEMENT IN SPECIFIC CONTEXTS

3.4.1 Women

As with men, the motives for their involvement and offending as well as the roles they may adopt in extremist groups appear complex and



Information can then be shared with other recipients, without compromising data sensitivity. The limits of confidentiality should be made explicit to all offenders who choose to disclose information during assessment, intervention or other related-activities.



varied with no simple profiles. Staff should recognise and appreciate the active and participatory role and agency that female offenders may contribute to violent extremism. As with other female offenders, approaches should be appropriately responsive to their particular needs, perspectives and priorities. For example, using female staff members or male and female staff members together may assist in building rapport and cooperation in intervention attempts. Seeking assistance from their families, communities, improving relations with their children and their social skills and using mentors may also be very beneficial for helping disengagement and deradicalisation.

Those staff undertaking risk assessments in prison should ensure that they fully explore the role that the women prisoner in question played in the violent extremist activity. Given the complexity of women's involvement in violent extremism, it is important that consideration is given to designing effective gender-sensitive disengagement activities.

A risk assessment should be undertaken to establish whether it is safe - on both a psychological and physical level - to return home. Upon return, issues need to be addressed (including those relating to honour/shame). Additionally, trauma therapy by a psychotherapist is often necessary. Although women and girls may not have entered into combat, they are quite often traumatized by their experiences.

3.4.2 Youth

There is no internationally agreed definition of youth although the UN defines youth as individuals between 15 and 24 years old. Children are largely invisible in law and policy relating to counter-terrorism. There is no common profile of a child involved in terrorist-related offending. Very few children convicted of terrorist-related offences have engaged directly in violent acts and most are criminalised for activities such as glorifying terrorism or participation in a group. They are mostly motivated by extremist right-wing and Islamist ideologies. As far as possible, children should be dealt with outside of the formal criminal justice system, including through diversion, because entry into the criminal justice system creates an additional risk of violations of rights and of re-offending.

Children in detention are vulnerable to the process of radicalisation and may be at risk of radicalising others. Certain factors may make some young people particularly susceptible to indoctrination and radicalisation such as their level of maturity, a tendency to want to 'fit-in' with their peers and belong, a desire to oppose authority and also to explore and experiment with different roles and identities. In addition, young people may be more inclined to become involved with extremist groups because they provide other forms of support, such as protection and money, and young people's behaviour may be particularly influenced by their on-line activities and engagement with social media. Such circumstances and issues can apply to adults but these may be particularly pertinent for young people.

Accordingly, youth and children who are detained must have all their rights observed. It is a fundamental requirement of children's rights law that children are detained separately from adults, unless this is against their best interests. Administrative measures are being imposed upon children but sufficient procedural safeguards are not always in place to ensure that the best interests of the child are carefully weighed against national security interests. The best interests of the child are a primary consideration in all decision-making; prosecution of a child is always regarded as a measure of last resort and states provide alternatives to judicial proceedings for children. Moreover, fair trial guarantees and protections must be met for those still undergoing trial, including being dealt with by authorities following procedures specifically applicable to children; and the purpose of any sentence given to the child is to rehabilitate and reintegrate the child into society.

3.4.3 Pretrial Detainees

VEPDs remanded to prisons must have their right to fair trial and access to justice respected in line with the provisions of Articles 48, 49, 50 and 51 of the Constitution of Kenya. At all times, criminal justice actors and penal institution managers must remember that they have a presumption of innocence in their favour and must respond to them accordingly. Specifically, VEPDs must not be remanded together with VEOs, in line with the Mandela Rules, and must be detained free from

torture, cruel and inhuman treatment or punishment or any form of ill treatment, particularly those directed at extracting confessions.

Prison officers managers must have due regard to the likelihood of their release on bail or bond at any time. They must also consider that there are likely recruiters who are in pretrial detention facilities for the purposes of radicalising and recruiting pretrial detainees, because of this ease of entry and departure from penal institutions in Kenya. All these factors have implications on risk and needs profiles, housing, intelligence gathering, counter radicalisation, as well as rehabilitation and reintegration programmes. Prison officers should also refrain from using measures that are normally imposed on convicted offenders while dealing with pretrial detainees. In this regard, notice should be taken that pretrial detainees are not yet subjected to punishment, even though imprisonment is a punishment in and of itself. Pre-trial detainees must also have regular and confidential access to lawyers or other legal service providers. Detainees must be provided with information about the availability of lawyers and, where appropriate, other legal service providers, the means to access them, and the facilities to prepare their defence, while protecting, observing, upholding and promoting all their constitutional rights.

Due consideration should also be had of first time offenders and transnational offenders, as well as lone wolf violent extremist offenders.

3.5 INFORMATION SHARING AND INTELLIGENCE GATHERING

Information and intelligence should be shared in a safe, managed way with regular and appropriate intelligence submissions made to police and relevant partner agencies. Intelligence should be stored, shared and managed appropriately on case files. Information sharing arrangements may require some classified information to be brought to a sufficient level of abstraction (sanitised) to reduce their classification or to be declassified. Information can then be shared with other recipients, without compromising data sensitivity. The limits of confidentiality should be made explicit to all offenders who choose to disclose information during assessment, intervention or other related-activities.

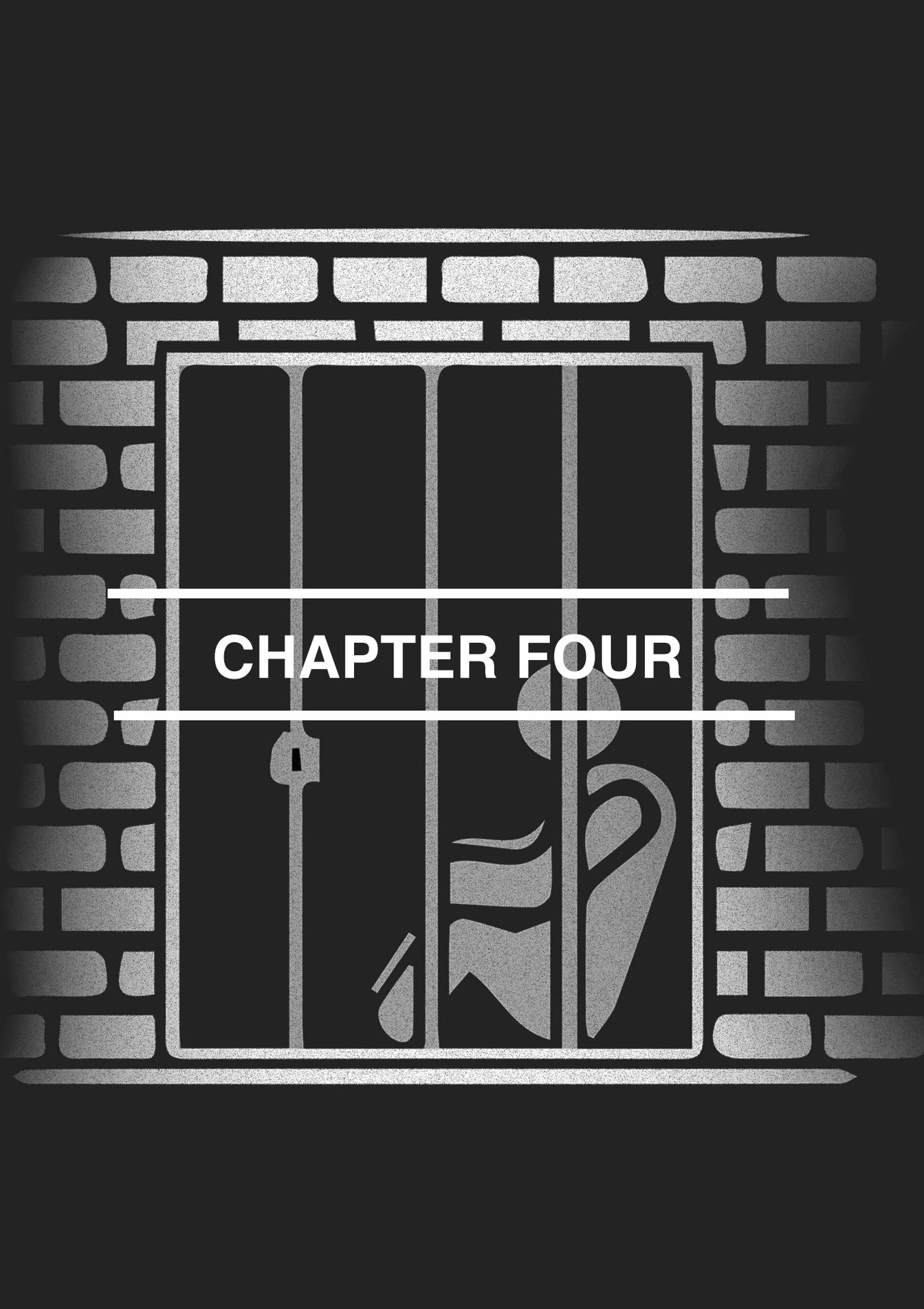
Triangulating information and intelligence from different sources, contexts and methods is crucial in building a comprehensive and accurate picture to fully inform decision making. This may include sharing of information (including, when appropriate, classified information) with non-statutory organisations from the private or not-for-profit sectors that may have key roles in the on-going management of offenders. This includes information about convicted extremist offenders as well as those not convicted for extremist offences but who are considered by one or more of the partners to be radicalised, based on evidence.

Guidelines on how intelligence should be used for different purposes should be established to minimise ambiguity and strengthen confidence in its appropriate use. This may require close cooperation between staff members who may have different but complementary roles.

3.6 USE OF TECHNOLOGY

Technology can be leveraged for intelligence gathering or counter radicalisation in penal institutions. In counter radicalisation, it can be relied upon in various formats for messaging towards VEOs and inmates who could be radicalised.

Technological surveillance may include the use of biometrics, such as fingerprints, identification cards with embedded chips, Closed Circuit Television (CCTV), which can be further enhanced by facial recognition software, and surveillance on communications. Video and animation, especially aimed at counter radicalisation of inmates can be useful in rehabilitation and reintegration. These educational media can be used to promote messaging and address drivers of radicalisation to violent extremism. The rationale here is informed by a 2014 academic study done by Facebook and aimed at understanding how emotions are spread online. It found ‘that emotions expressed by others ... influence our own emotions’. As social creatures, we are sensitive to others’ emotions and can copy or absorb them. In simple terms, it suggests that we are what we read, watch or listen to and media can have particular effects on us. Pictures or imagery (when we imagine a previous memory) can have an even more powerful impact on us.

The background features a dark, textured pattern of horizontal and vertical bars, resembling a window with decorative panes. In the center, there is a white rectangular frame containing a stylized illustration of a person sitting at a desk, writing. The person is wearing a long, flowing robe and a head covering. The desk has a small object on it, possibly a pen or a book. The overall aesthetic is minimalist and modern.

CHAPTER FOUR

EQUIPPING AND MANAGING PRISON STAFF

4.0 INTRODUCTION

Prison staff are a critical element of prison systems. Ensuring that prisons holding violent extremist prisoners have a sufficient number of good quality and well-trained staff should be a priority for all prisons. Prison managers and staff have to balance security and control with delivering disengagement and reintegration interventions when working with violent extremist prisoners. Specifically, the following should be implemented:

- a) Hiring high quality prison staff: Staff working with violent extremist prisoners require a good combination of personal qualities and technical skills.
- b) Proper staff selection and recruitment procedures: persons who are to work in prisons holding violent extremist prisoners need to be carefully selected to make sure that they have the necessary additional qualities, knowledge, and experience.
- c) Continuous training and development of staff: prison staff should receive training before beginning work in prison (pre-service “orientation” training) and throughout their career in the prison administration (in-service “refresher” training).
- d) Adequate remuneration benefits: As the Mandela Rules make clear, prison staff should be given appropriate status, levels of pay and conditions of employment. The conditions of service for staff working with violent extremist prisoners should reflect the challenges and importance of their role. The issue of pay requires careful consideration. If staff do not receive salary levels, appropriate to the economic situation in their country, they may be open to corruption of a direct or indirect nature.

- e) Professional standards and ethics: Prison staff need, therefore, to meet high standards of professional and personal conduct at all times. Behaviour that amounts to unprofessional conduct includes: discrimination; harassment; victimization or bullying; dealings with prisoners, former prisoners and their friends and relations; provoking, using unnecessary or unlawful force or assaulting a prisoner; using offensive language to a prisoner; having any sexual involvement with a prisoner; or giving prisoners or ex-prisoners personal or other information about staff, prisoners or their friends and relatives which is held in confidence.
- f) Where necessary contributions of specialist staff and other relevant persons should be welcome: This includes faith professionals and psychologists.

4.1 QUALITY STAFF

Staff managing VEO/VEPDs require a good combination of personal qualities and technical skills in light of the unique nature and characteristics of the inmates they are handling. Prison managers and staff have to balance security and control with delivering disengagement and reintegration interventions when working with violent extremist prisoners. Sensitivity and understanding of other cultural and religious norms, values and expressions has become increasingly important for the building of good staff-offender relationships. Prejudices and fear of staff members, leading to over-reporting and negative interactions with detainees, can undermine deradicalisation/disengagement efforts.

Important skills for staff include the ability to develop a collaborative relationship with the offender, to be able to model prosocial behaviour and to challenge problematic thinking in a supportive rather than in a confrontational manner. Some of the competencies required of staff include:

1. Modelling anti-extremist attitudes and behaviour like flexibility, ability to stay open minded while questioning beliefs, and demonstrated tolerance and commitment to inclusivity.

2. Acting in an empathetic, collaborative, and yet resilient approach while remaining sensitive to the values, beliefs and identity markers of others.
3. An ability to humanise the people one is working with.
4. An ability to empower individuals to re-examine and take steps to change their relationship with an extremist group, cause or ideology.
5. Being confident and competent to discuss issues related to seeking political change and human rights (such as freedom of expression) while recognizing and being assertive when behaviours to bring about change are problematic and warrant intervention.

People joining the prison staff team already have a range of existing skills, knowledge and abilities which can and should be leveraged in handling all inmates. Those who join with specific backgrounds that are advantageous in handling VEO/VEPDs should be directed towards this area of service.

4.2 STAFF SELECTION AND RECRUITMENT

Recruitment of a diverse staff (in terms of language, religion, culture, gender, ethnic background) is important to reflect and deal with the diversity in the offender population. The importance of careful recruitment and selection of prison staff is highlighted in a number of international instruments. Most jurisdictions appoint only experienced staff to work with violent extremist offenders and pretrial detainees, as it requires more specialized skills and a high level of personal integrity to work effectively with those prisoners. The men and women who work in prisons holding violent extremist prisoners need to be carefully selected to make sure that they have the necessary additional qualities, knowledge, and experience.

Recruitment and selection procedures should be explicit, clear, scrupulously fair and non-discriminatory; based on the knowledge, skills, and abilities of applicants; and ensure that only persons with the right qualities are selected to work in prisons. In the first place, they should test the integrity of the applicants and how they are likely to

respond in the difficult situations that they may face in the course of their daily work. This part of the procedure is the most important, since it covers qualities that are an essential requirement for work in prisons. Only when applicants have shown that they meet these requirements should the procedures go on to test such matters as their educational standards, physical capabilities, previous work records and their potential to learn new skills.

Gender-sensitive techniques should be adopted in recruitment, retention and promotion of women in prison administrations to correct any gender imbalance. Women staff should be recruited and trained to work with women violent extremist prisoners and to design and deliver gender-appropriate interventions.

4.3 CONTINUOUS TRAINING AND DEVELOPMENT

According to the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), before entering on duty all prison staff shall be provided with training tailored to their general and specific duties, which shall be reflective of contemporary evidence-based best practice in penal sciences. Only those candidates who successfully pass the theoretical and practical tests at the end of such training shall be allowed to enter the prison service. Further, it provides that the prison administration shall ensure the continuous provision of in-service training courses with a view to maintaining and improving the knowledge and professional capacity of its personnel, after entering on duty and during their career.

In general, staff should be trained (either within the basic staff training programme or education or in addition to basic staff training) on cultural sensitivity, tolerance and non-discriminatory behaviour;

All staff should receive general awareness training on radicalisation including basic identification techniques. This training should consist of:

- a) General knowledge about the phenomenon of radicalisation and why this is a problem in the prison and probation context and for staff members themselves;

- b) Information concerning definitions that are used within the relevant member state and how to use these terms;
- c) General knowledge of different ideologies and extremist world views;
- d) General knowledge about images, symbols, words/phrases, slogans and other visible or verbal expressions relating to these ideologies;
- e) Information related to the difference between moderate religious behaviour and indications of radicalisation;
- f) Indicators of specific or deviant behaviour that may indicate radicalisation;
- g) Case studies to support the understanding of different scenarios and situations in order to practice appropriate responses to these situations;
- h) Information about regulations and processes to follow when radicalisation and/or extremist behaviours have been observed, including the professional mandate of the staff member, lines of reporting and processes for feedback on the reporting;
- i) Information about the approaches staff can use in their day-to-day roles to help develop offender resilience against violent extremism.

4.4 CONDITIONS OF SERVICE

Handling and managing VEO/VEPDs is a uniquely challenging task, especially because of the regular interaction with inmates who may be difficult, dangerous and manipulative and will need to be dealt with in a fair, just and humane manner. Moreover, staff in these sections are at risk of being radicalised or even corrupted by these inmates and special care should be taken in addressing their needs. In that context, the Mandela Rules require that prison staff should be given appropriate status, levels of pay and conditions of employment. Other measures that could be taken may involve providing secure housing for staff and their families, equipment to search their vehicles, and personal alarms. It is also important that sufficient staff are appointed to enable violent extremist prisoners to participate in a range of constructive regime activities, including disengagement interventions, while ensuring

their security. Finally, the mental health concerns of prison staff, and especially those handling VEO/VEPDs should be managed and clear procedures put in place for this.

4.5 PROFESSIONAL STANDARDS AND ETHICS

Violent extremist prisoners may attempt to undermine the professionalism of staff and seek to exploit staff to obtain illicit goods, to assist with an escape attempt or to act as a conduit to criminal groups outside of the prison. Prison staff need, therefore, to meet high standards of professional and personal conduct at all times. They should carry out their duties loyally, conscientiously, honestly and with integrity. Staff should be courteous, reasonable and fair in their dealings with all prisoners, colleagues and members of the public. They should treat people with decency and respect. All staff should comply with policies and procedures.

Corrupt and fraudulent behaviour by prison staff is not acceptable. Staff should not solicit or accept any advantage, reward or preferential treatment for themselves or others by abusing or misusing their power and authority. Staff should not undertake monetary or business transactions with, or accept gifts or favours from, prisoners, ex-prisoners or friends or relatives of prisoners or ex-prisoners. Staff should not bring into or carry out of a prison establishment, without proper authority, any items for or on behalf of a prisoner or ex-prisoner; or knowingly condone such action.

4.6 SPECIALIST STAFF AND OTHER RELEVANT PERSONS

For specially designated staff such as those professionals who are working on special units, (psychologists, team leaders, others) and who will work directly with violent extremist offenders, additional training should be provided and related to the role and background of the professionals. Training should include:

- a) In depth knowledge about different ideologies, groups and causes;
- b) General and targeted interventions;
- c) How to deliver and correctly interpret risk assessment approaches specifically pertinent to violent extremism;

- d) Information sharing and use of appropriate sharing/reporting structures;
- e) Techniques that can be used for difficult conversations in order to facilitate disengagement and de-radicalisation;
- f) Additional skill development for engagement;
- g) Delivery of specific de-radicalisation and disengagement interventions.



CHAPTER FIVE

DISENGAGEMENT INTERVENTIONS, REHABILITATION AND REINTEGRATION INTO THE COMMUNITY

5.1 INTRODUCTION

Although research on violent extremism has traditionally focused on why individuals become involved in terrorism, recent efforts have started to tackle the question of why individuals leave terrorist groups.²³ Research on terrorist disengagement, however, remains conceptually and theoretically underdeveloped. This manual contributes to filling this gap by recommending strategies that should be implemented to ensure the deradicalisation and disengagement of violent extremist prisoners, and the enhancing of capabilities to rehabilitate and reintegrate these (former) violent extremist prisoners into society.

The question facing the administrators of penal agencies and other related government agencies as well as concerned stakeholders such as CSOs is whether it is possible to convince violent extremist prisoners to disengage from violence, and, if it is possible, what interventions should be put in place to achieve the desired disengagement.

Underpinning the disengagement interventions proposed in this manual is the firm belief that if an individual can adopt radical beliefs and attitudes that lead to violent extremism, then that individual can also abandon the use of violence through changing those beliefs and attitudes that justify its use. Disengagement interventions can therefore aim at helping the affected individuals “unlearn” the negative and radical beliefs that they previously held. However, it is crucial to note that there is no “one size fits all” strategy that can be adopted as part of the disengagement and deradicalisation process. To be effective, efforts must be highly tailored to the penal institution, the nature of the violent extremist group, the individual prisoners participating and the environment into which the former VEO is ultimately released.

It is important from the onset to distinguish between deradicalisation and disengagement. This can be explained by reference to the goal of the intervention in question. If the goal of the intervention is to change the views, values and attitudes of the VEO this can be referred to as deradicalisation. However, if the goal is to change the behaviour of the VEO then this can be referred to as disengagement from violence. Interventions that aim for the latter are likely to be more successful in achieving their goals. They do not attempt to change a prisoner's radical or extremist beliefs and views but instead seek to get a prisoner renounce the use of violence to achieve their objectives.

This manual urges penal institutions in Kenya to focus on disengagement rather than deradicalisation, at least in the short term.

5.2 DERADICALISATION

According to the KNSCVE, deradicalisation refers to programmes directed at radicalised individuals to cause them to reject violent extremist ideologies and to actively seek to act within Kenya's legal and constitutional bounds. Framed in other terms, deradicalisation is the process of changing the belief system of a VEO, getting them to reject the extremist ideology, and instead embrace mainstream values. Deradicalisation refers primarily to a cognitive rejection of certain values, attitudes and views—in other words, a change of mind. It implies a cognitive shift, i.e. a fundamental change in understanding resulting from activities intended to help individuals to renounce radical or extreme ideas, beliefs and groups.

5.3 DISENGAGEMENT

This can be understood as a social and psychological process whereby the VEO's commitment to, and involvement in, violent extremism is reduced to the extent that they are no longer at risk of involvement and engagement in violent activity. Disengagement from using, or supporting the use of, violence does not necessarily mean a change in an individual's commitment to a radical or extremist cause. Disengagement involves a change in behaviour (renouncing the use of violence) rather than a change in fundamental beliefs that is, disengagement is not the same as deradicalisation.

5.3.1. Disengagement Interventions

Disengagement interventions can be described as the planned and structured processes designed to assist VEOs to abandon engagement in violent extremist acts or, for those considered to be at serious risk of becoming radicalized to violence, to avoid committing such offences in future. One advantage for penal institutions intending to implement disengagement interventions lies in the fact that interventions for violent extremists will, in many respects, overlap with what should be provided to rehabilitate other prisoners (such as education, vocational training, psychological and behavioural therapy, and after-care), in particular where the assessed needs of the violent extremist prisoners are similar to those of other prisoners. Thus, it is possible for prison management to implement these interventions within the context of normal prison interventions. However, where necessary, the interventions should always be targeted to address the specific needs of each individual in question.

The Mandela rules propose a range of interventions. Specifically, “all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his or her social and criminal history, physical and mental capacities and aptitudes, personal temperament, the length of his or her sentence and prospects after release.”²⁴

In light of the above, it is recommended that penal institutions in Kenya implement the following disengagement interventions.

1. **Educational activities** - Disengagement interventions should include a range of educational activities. Basic education, including literacy courses, maths, history and civics, can offer VEOs a new way of seeing the world thus ending their reliance upon other people who tell them what to think. Improving the prisoners’ educational abilities will also increase their self-esteem, self-confidence, opportunities, and status within their communities. “Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible.

The education of illiterate prisoners and of young prisoners shall be compulsory and special attention shall be paid to it by the prison administration.” Education interventions focused on discrediting and delegitimizing the ideology that drives violent extremism should also be part of any disengagement activity.

2. **Vocational Training** - Penal institutions should offer vocational training in useful trades. To successfully reintegrate into society, it is critically important that a former VEO is employable and able to support his or her family. Employment can also reduce the need for, and the appeal of, rejoining a violent extremist group. Vocational skills training and employment is therefore an important component of disengagement activity. Additionally, vocational training and institutional work experience are useful ways of keeping VEOs occupied, helping to relieve boredom and inactivity that would otherwise adversely affect their physical and mental wellbeing and potentially lead to disruptive behaviour.
3. **Faith based interventions** - where the VEOs are religious, penal institutions may rely on faith based interventions to aid in disengagement. The significance of faith-based interventions is based on the role that a particular interpretation of religious ideology can play in justifying violent extremism. As such, any intervention requires understanding the religious ideologies (or the interpretation of them) that justify violent acts, and countering them with alternative scholarly arguments. Religious professionals such as imams, should be fully integrated as members of intervention teams in the prison environment. While their work may be different, in some respects, from other experts involved in these programmes—such as psychologists, psychiatrist, social workers and educators—they should nonetheless work closely with all the other members of the team in order to achieve the desired objectives.
4. **Psychological and mental health interventions** - where feasible penal institutions should offer psychological and mental health interventions. These can be specifically designed to promote disengagement and desistance by integrating unique features and approaches to address violent extremism specifically.

5. **Creative, cultural and recreational activities** - Penal institutions should allow violent extremists and other prisoners to have some recreational time during which they may engage in various activities. Sports, arts, and culture play a major role in prison life. They provide inmates with physical ways of expressing themselves, increase their confidence, and help them create positive relationships with others, including prison staff.
6. **Reporting, monitoring and evaluating disengagement interventions** - Penal institutions should put in place a suitable system for reporting on disengagement interventions. This is necessary for ensuring accountability; to facilitate monitoring; to enable the adaptation of interventions; for budgeting purposes; as a foundation for evaluation; and for the professional and personal protection of all the different parties involved in the disengagement process.

5.3.2. Managing the implementation of disengagement interventions

Because of the complexity inherent in facilitating VEOs' disengagement from violence, the disengagement interventions must be systematically organized and managed by the prison administration. It may be useful for the penal institutions to develop a schedule of intended disengagement interventions, identify and avail the facilities in which to run the interventions, acquire materials and resources, in order to effectively engage the violent extremist prisoners. The adoption of an integrated case management system is highly recommended.

Integrated case management can be described as a prisoner-centred, multidisciplinary approach to working with prisoners with provision for initial assessment, needs identification, goal setting, a programme of disengagement interventions and periodic review to measure progress made in the process. Adopting an integrated case management system is likely to make a significant contribution to the successful disengagement of violent extremist prisoners from violence as it ensures a structured approach to: implementing interventions; identifying roles and responsibilities for the people taking part in the interventions e.g. faith leaders, educators, psychologists etc; working effectively as part of a team; recording information and ensuring that it is treated appropriately.

5.4 REHABILITATION AND REINTEGRATION

Rehabilitation is described in the KNSCVE as a process that aims to ensure that demobilised and deradicalised violent extremists and terrorists, particularly returnees from Al Shabaab and like groups, are given counselling, critical reasoning skills, and knowledge to enable them to be peaceful and law-abiding citizens. It is achieved through psychosocial and mental health support for the affected individuals, reconciliation efforts through dialogue with the affected individuals, their families, their social networks, and communities and identifying skills and talents with the view to leveraging them to empower those affected or giving alternatives to support them.

Little information or documentation exists on the nature and outcome of rehabilitation programmes in Kenya. While some programmes have been set up at the Kenyan Coast, the absence of a national policy on rehabilitation suggests that decisions are made on an arbitrary basis. A 2016 study published by Development Alternatives Initiatives (DAI) Europe characterizes the programs that have been introduced as 'secretive' and as 'lacking transparency.' The Kenyan Government needs to enact relevant legislation regarding rehabilitation and to create opportunities for independent assessments of previously conducted programmes. In 2015, the National Counter-Terrorism Centre signed a Memorandum of Understanding with the International Organisation of Migration (IOM) to work on the question of rehabilitation. Since that time, the IOM has been the only known entity to officially conduct rehabilitation efforts.

Unless they die in prison or are serving life sentences, most VEOs will, at one point or the other, be released back into the community. The process of reintegrating VEOs into the community should therefore be a key element in any strategy related to preventing and countering violent extremism.

Re-integration refers to actions that support the social, ideological, psychological, and economic wellbeing of rehabilitated individuals as they return to live with their families and communities. The success of re-integration efforts requires social willingness to accept and

accommodate the affected, and thus requires concerted efforts to lower stigma and encourage acceptance. Regular after-care and monitoring programmes should be implemented to observe and evaluate the progress made by the former prisoners. This can be achieved through close linkages and collaboration between prison staff and community-based service providers.

In Kenya, a significant number of radicalised youth who joined terror groups abroad are now streaming back as ‘returnees’ and have already shown interest in being reintegrated into society under the amnesty programme announced by the government of Kenya in early 2015. Thus given the significant number of returnees sneaking back into the country, the government needs to work with appropriate non-state actors to assist it deal with this challenge lest the returnees metamorphose into another deadly threat to national security.

The amnesty programme includes counselling and rehabilitation, as well as protection for those who have surrendered. It was promoted as part of a “countering violent extremism” strategy, to win over former combatants, and help deradicalise the communities in which they live. Under the amnesty programme, a vetting system for returnees has been established to ensure that former fighters do not disappear into new criminal or extremist networks again. The vetting system conducted by the State authorities seeks first to establish and understand the level of engagement and responsibility of these ex-fighters; and where feasible they will be thereafter be reintegrated back to the community after clearance from the vetting.

Penal institutions should adopt the following reintegration interventions in order to ensure the smooth transition of released prisoners into the community:

1. **Prison based reintegration interventions** - these should be put in place to prepare prisoners for their release and re-entry into the community. This is particularly important for violent extremist prisoners who may have spent a considerable period in detention. Interventions may include services helping prisoners to develop job search and presentation and interview skills.

2. **The utility of community organizations** - penal institutions should cultivate partnerships with community based organizations that can help the prisoners transition into life back in the community. There must be linkages between prison and community-based interventions to ensure continuity of support.
3. **Establishing contacts with family members**- Relationships can be a primary vehicle for disengagement from violent extremism. It is important to help VEOs maintain, or re-establish, contact with their family during their time in custody and particularly in the stages prior to release.
4. **Protective measures on release** - prison intelligence should be relied upon to determine the threats, if any, potentially present upon the release of VEOs. Consideration should be given to providing protective measures when there is credible information that a reformed violent extremist may face threats to his or her life, or the lives of family members, during or upon release from custody. Some former violent extremists may be at risk of retaliation when transitioning back into society.
5. **Post release intervention and support** - systems should be put in place to offer post release intervention and support. Post-release activity should include ongoing educational/vocational skills training and disengagement interventions, as deemed appropriate.
6. **Monitoring and supervision after release** - penal institutions may, where appropriate, monitor released VEOs in order to assess the effectiveness of disengagement interventions and to prevent relapse where possible.

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