

## Private security in preventing and countering violent extremism in Kenya

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### About this Policy Brief

This brief in part draws from discussions held by experts at workshops on accountability of private security actors in countering violent extremism (CVE) convened by the Centre for Human Rights and Policy Studies (CHRIPS) in Kilifi, Kwale, Mombasa, Nairobi, and Nakuru counties between August and September 2021. It also benefits from research findings of a study conducted by CHRIPS on private security in preventing and countering violent extremism (P/CVE). This brief presents gaps and challenges in the role of private security actors (PSAs) in P/CVE and offers a set of recommendations that could inform research and policy review. CHRIPS is grateful to all participants for their views and insights.

### Private Security involvement in emerging security concerns

The responsibility of maintaining national security in Kenya including responding to and combating terrorism lies on the government and state security agencies. However, increased security threats and evolving trends of violent extremist organisations (VEOs) have seen Private Security Actors (PSAs) scale up the services they offer. This is in response to the public's heightened security concerns over attacks on businesses, commercial spaces, and other private property. The rising threat of terrorist attacks in the private sector has prompted business owners to implement new ways of reducing vulnerability.

Malls and commercial spaces have been particularly susceptible owing to their easy access as well as dense concentrations of people. According to a technical report on reducing terrorism risk at shopping centers, over 60 terrorist attacks have been directed at these areas globally since 1998.<sup>1</sup> Some of the measures taken include installation of scanners and metal detectors at the entrance of buildings, registering persons entering and leaving public premises, use of sniffer dogs to detect explosives, erection of perimeter walls, frisking, and installation of technological equipment as part of monitoring and surveillance.

Previously, violent extremist attacks frequently targeted security officials. However, according to the Global Terrorism Index (GTI), the primary targets of terrorists globally are private citizens, property, and businesses.<sup>2</sup> The report also indicated that bombings and explosions were the most common forms of attack.<sup>3</sup>

Similarly, in Kenya, terrorists have previously attacked businesses, malls, and other private property guarded by PSAs. Data from the CHRIPS Terrorism observatory show that the Somali-based terrorist group, *Al Shabaab*, attacked the Westgate shopping mall in Nairobi, in September 2013 and killed at least 67 people. The attack, which was a response to Kenya's military operations in Somalia, sparked a four-day siege in which large parts of the mall were destroyed.<sup>4</sup> The attackers drove their car through one of the barriers as they entered the shopping mall killing the unarmed security guards.<sup>5</sup> As the first line of defense a private security officer, who doubled up as the

<sup>1</sup> LaTourrette T. et al (2006) "Reducing Terrorism Risk at Shopping Centres: An Analysis of Potential Security Options", RAND Corporation, page iii

[https://www.rand.org/content/dam/rand/pubs/technical\\_reports/2006/RAND\\_TR401.pdf](https://www.rand.org/content/dam/rand/pubs/technical_reports/2006/RAND_TR401.pdf)

<sup>2</sup> Global Terrorism Index (2017) "Institute for Economics & Peace" Sydney, <https://reliefweb.int/sites/reliefweb.int/files/resources/Global%20Terrorism%20Index%202017%20%284%29.pdf> page 4 & 46

<sup>3</sup> Global Terrorism Index (2017) "Institute for Economics & Peace" Sydney, <https://reliefweb.int/sites/reliefweb.int/files/resources/Global%20Terrorism%20Index%202017%20%284%29.pdf> page 19

<sup>4</sup> Cat, B. & Graham, D. (2014) "Westgate mall attack in 60 seconds", <https://www.bbc.com/news/av/world-africa-29247163>

<sup>5</sup> Howden, D. (2013) "Terror in Nairobi: the full story behind al Shabaab's mall attack" *The Guardian*, 4 October, <https://www.theguardian.com/world/2013/oct/04/westgate-mall-attacks-kenya>

mall supervisor, was killed while responding to the security threat.<sup>6</sup> The aftermath of this attack saw shopping malls in the country increase the number of private security officers guarding them and introduced frisking clientele. These actions led to growth in Kenya's private security industry.<sup>7</sup>

In April 2015, *Al Shabaab* claimed responsibility for an attack at Garissa University College in Garissa county, which lasted close to 16 hours. Gunmen first killed two security guards at the gate of the College thereafter gaining entry into the campus. They accessed the administrative buildings, classrooms, and dormitories firing indiscriminately killing 148 people, most of whom were students, and injuring at least 79 others. The attack was described as the second deadliest in Kenyan history.<sup>8</sup>

In January 2019, *Al Shabaab* attacked Dusit D2 business complex in Nairobi, killing at least 21 people. State security officials and emergency medical personnel were among the first responders in the coordinated attack that lasted 19 hours. Media and CCTV footage of the incident, report that the attack began when a suicide bomber detonated a bomb inside the premises. Shortly after, heavily armed *Al Shabaab* militants were seen walking through the main entrance of the complex past a security barrier which was guarded by private security guards. This incident saw private security officers respond during the attack. Media reports documented accounts of survivors recounting how Dusit D2 security staff directed them to flee through a back door amidst the explosions and crossfire.<sup>9</sup>

Data on previous attacks witnessed in the country and survey responses recorded by CHRIPS shows that PSAs do play a role in maintenance of national security in general and P/CVE in particular. Apart from being targeted in these attacks, they have also responded to active attacks as detailed above. Actors mandated to respond to terror attacks, counterterrorism efforts, and maintaining national security are clearly provided for by the Constitution of Kenya. The constitution also provides corresponding national and international accountability frameworks. Similarly, actors involved in preventive efforts are outlined in P/CVE policies which also provide relevant multi-agency accountability mechanisms that they ought to adhere to.

Identified as one of the fastest-growing service industries in 2019, the private security sector has become an integral part of everyday life in Kenya.<sup>10 11</sup> Mukutu & Sabala posit the inadequacy of state security as among the reasons why there has been a proliferation of private security companies (PSCs) in Kenya. Additionally, they note that lack of public confidence in state security and their inefficiency in handling crimes has been a point of concern.<sup>12</sup> Considering their increased role in preventing violent extremism as a result of the services they offer, it is essential to critically analyse the role private security actors play in P/CVE. Additionally, it is imperative to also analyse issues of accountability and PSCs adherence to human rights norms while they continue to operate in the P/CVE space.

## Training private security actors on preventing and countering violent extremism

The Private Security Regulation (PSR) Act 2016 requires every private security guard to undergo mandatory training accredited by the Private Security Regulatory Authority (PSRA). The curriculum guiding training of guards was launched in December 2019 by the Ministry of Interior and Coordination of National Government. Drafted by experts from different state security agencies reports indicate that the objective of the curriculum is to help guards acquire skills in counterterrorism, handling security equipment and animals, basic security procedures, and foot drills.<sup>13</sup> Private security actors interviewed by CHRIPS stated that they conduct mandatory internal training and administer tests for their guards prior to assigning them duties as required by law. However, even after passing of the curriculum in 2019, respondents in a survey done by CHRIPS stated that trainings conducted by private security firms are primarily informed by respective internal company standard operating procedures (SOPs) with some reference to the Constitution of Kenya particularly the Bill of Rights and the PSR Act.

The evolving nature of extremist groups poses a new challenge to private security providers who have to

<sup>6</sup> Hoskins, T. (2014) "Westgate: Kenyan guards on the frontline" *Aljazeera*, 21 September, <https://www.aljazeera.com/news/2014/9/21/westgate-kenyan-guards-on-the-frontline>

<sup>7</sup> Soy, A. (2014) "Kenya Security industry grows in Westgate aftermath", *BBC News*, <https://www.bbc.com/news/business-29253098>

<sup>8</sup> *BBC News* (2019) "Garissa University College attack in Kenya: What happened?" *BBC News*, <https://www.bbc.com/news/world-africa-48621924>

<sup>9</sup> *BBC* (2019) "Kenya terror attack: What happened during the Nairobi hotel siege?" *BBC News*, <https://www.bbc.com/news/av/world-africa-47202313>

<sup>10</sup> *The Usalama Reforms Forum*. (2019) *Baseline Study on the Private Security Industry in Kenya: Challenges and implementation of the new regulatory framework*, *African Private Security Governance Observatory*, P 19

<sup>11</sup> *Abrahamsen and Williams*, 2011: p.1

<sup>12</sup> Mukutu, K. & Sabala, K. (2007) "Private Security Companies in Kenya and Dilemmas for Security" 25 *Journal of Contemporary African Studies*, 3, September, page 391

<sup>13</sup> *Uzalendo News* (2019) "Matiang'i launched curriculum for private security guards" *Uzalendo News* <https://uzalendonews.co.ke/matiangi-launches-curriculum-for-private-security-guards/>

adapt their training and mechanisms of response while inadequately prepared. Lack of unified regular training across the sector also contributes to the inability of private security companies to adequately prepare for and respond to terror threats in the country.<sup>14</sup> These gaps in knowledge and lack of regular training were also noted in the study conducted by CHRIPS. Findings indicate that guards undergo training upon commencing employment and sporadic refresher courses would primarily be done for guards stationed at “high terrorist risk areas” like banks, embassies, and large business complexes depending on the level of threat and location. Further to this, respondents stated that the content of their training was focused on the prevention of ordinary crimes like robberies and theft with limited attention on terrorism and PCVE. This points towards their limited understanding of the very threat they are likely to respond to. Additionally, 50% of private security actors interviewed in the CHRIPS study stated that they received some training on aspects of terrorism, prevention, and counterterrorism. Lack of comprehensive, constant, and unified training was also highlighted by the Kenya National Private Security Workers Union (KNPSWU) who recognized that guards are often the first line of defense in offices and residential buildings, therefore, structured training is essential for them to operate efficiently.<sup>15</sup>

## Adherence to human rights laws and policies

The Constitution of Kenya has guaranteed rights to its citizens and PSAs are bound by certain duties and responsibilities in order to ensure that these rights are not infringed. PSR Act gives PSAs powers to search a person on entry or exit of a building or property without a warrant.<sup>16</sup>

It also empowers private security service providers or security guards to arrest a person who commits an offence within the premises for which they are responsible - this is only in the exercise of the citizen’s right to arrest.<sup>17</sup> These powers must however be exercised within the realm of the robust human rights framework in the Constitution which for instance provides that every person is equal before the law and prevents discrimination based on race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth.

Notably in this regard, 34% of PSAs interviewed by CHRIPS stated that human rights issues were covered in their

training. They added though that the focus was on the rights of employees at the workplace stating that a broader human rights perspective with regard to P/CVE was lacking. The majority of PSAs interviewed noted that random stop and search mechanisms, which form part of the daily routine of guards were informed by race, gender, color, dress code, religion, and ethnicity were not necessarily objective.

With regard to use of force, the PSR Act explicitly states that private security guards are required to avoid the use of force and prioritize non-violent means when dealing with members of the public. This restriction on the use of force was a controversial point of discussion during workshops. Seventy percent of workshop participants expressed their concerns over increased threats seeing as they are exposed as first respondents and sometimes the targets in terror-related attacks as was seen in the Dusit and Westgate attacks. While there was recognition of human rights laws as part of their legal framework and a general consensus on the importance of adhering to them, 60% stated that rules governing the use of force were primarily dictated by SOPs and guidelines. These were communicated by the superiors and focused on the containment of security threats with less emphasis on the appropriateness or correctness of measures taken.

## Collaboration between private security actors and P/CVE stakeholders

On a daily basis, private security firms acknowledge cooperating with state actors in particular the police in handling cases that need arrest. From the five counties studied guards indicated they have contacts of police stations among them that they often call should a need arise. In Mombasa County, for instance, a senior manager of a private security firm indicated they have emergency numbers of the Anti-Terrorism Police Unit (ATPU) and the National Police Service (NPS) in the surrounding areas. Still in Mombasa, another avenue for cooperation was through County Engagement Forums (CEF) on CVE that bring together all actors in the forum where PSCs are members.

Manning certain public spaces and businesses such as banks are done jointly by police and private security guards who interact and collaborate in the tasks updating each other on the day’s happenings. Guards from the study areas described enjoying good working relations with the police.

<sup>14</sup> Mukutu, K. & Sabala, K. (2007) “Private Security Companies in Kenya and Dilemmas for Security” 25 *Journal of Contemporary African Studies*, 3, September, page 391

<sup>15</sup> NLB, Admin. (2019) “Why arming private security guards is jumping the gun” *Nairobi Business Monthly*. 13 March, <https://www.nairobibusinessmonthly.com/why-arming-private-security-guards-is-jumping-the-gun/>

<sup>16</sup> Section 47, *Private Security Regulation (PSRA) Act No. 13 of 2016, Laws of Kenya*

<sup>17</sup> Section 46, *Private Security Regulation (PSRA) Act No. 13 of 2016, Laws of Kenya*.

These relationships extend to their new postings in the event of a transfer.

Information sharing between police, private security firms, and their personnel also demonstrate cooperation and collaboration between the two entities. From the survey, guards and managers of PSCs mentioned regular conversations with police on security issues affecting their areas. This two-way interaction involves the police calling the guards and firms to share vital information or security firms calling the police informing them of security concerns in the community. In the CHRIPS study, cooperation between police and PSCs was also noted to occur during emergencies. In these cases, control rooms of private security firms were vital in intelligence gathering, information dissemination, and verification.

Security firms operating in Kenya are organised under Kenya Security Industry Association (KSIA) which is an association of private companies whose core business is the supply of security products and services. The association is yet to pick up as its membership is very low in comparison to the private security firms operating in the country.<sup>18</sup> Such an association has the potential to ingrain better cooperation and collaboration between private security firms in the country ensuring they improve their services as a group. Other associations private security firms can register with include, United Business Association (UBA) and International Private Security Association (IPSA).

At the industry level, a counter terrorism committee exists within the Kenya Private Sector Alliance (KEPSA) with representatives from various sectors of the economy one of them being the private security sector. KEPSA created an avenue that has facilitated strategic involvement and collaboration of PSAs and the state through the National Counter Terrorism Centre (NCTC) and associated security agencies in initiatives towards P/CVE. For instance, from KEPSA's engagement with NCTC, a memorandum of understanding between the two entities was signed in 2019 to facilitate further engagement between them.<sup>19</sup> In addition, NCTC attends monthly security sector board meetings at KEPSA. On the other hand, KEPSA attends the multi-agency meetings at NCTC. These engagements have enabled KEPSA to attend various workshops and training including capacity building forums for the private sector on counterterrorism in September 2021.<sup>20</sup>

## Recommendations

### Training on preventing and countering violent extremism

- Private security firms have indeed taken an initiative to educate their officers on matters of terrorism and these internal initiatives, although commendable, is not sufficient in equipping their officers to adequately respond to the threat of terrorism. There is a need for a more robust, unified, streamlined training curriculum for private security guards, which is overseen and implemented by the PSRA. This should include knowledge on terrorism, violent extremism, preventing and countering terrorism, radicalisation, re-integration, and the legal and regulatory framework of terrorism and P/CVE.
- The curriculum should be reviewed periodically to take into account the changing security landscape and early warning systems. The curriculum needs to include human rights laws, policies, and accountability framework of PSAs.
- There is a need for PSRA to enhance the enforcement of regulations governing PSAs to ensure their accountability and adherence to laws and policies.

### Accountability and adherence to human rights laws

- There is a need for enforcement of private security regulations to enhance accountability and adherence to regulations concerning the use of force, data management, and protection laws in private policing in general and within the context of P/CVE.
- There is need for a mechanism to conduct regular monitoring and documentation of misconduct and human rights violations by private security guards by state and non-state accountability bodies.

### Preventing and countering violent extremism policies and strategies

- P/CVE policies and strategies in Kenya need to recognise PSAs as key stakeholders in P/CVE efforts. The state needs to involve PSAs in critical P/CVE networks from the national down to the county level. This will provide them with a framework for engagement in the P/CVE

<sup>18</sup> KSIA "KISIA Membership", Kenya Security Industry Association <https://www.ksia.or.ke/members.php>

<sup>19</sup> KEPSA (2019) "Security sector board deliberated on private security regulations" Kenya Private Sector Alliance, <https://kepsa.or.ke/security-sector-board-deliberates-on-private-security-regulations/>

<sup>20</sup> KEPSA (2019) "KEPSA attends a capacity building forum for the private sector on counter terrorism measures in the workplace", <https://kepsa.or.ke/kepsa-attends-a-capacity-building-forum-for-the-private-sector-on-counter-terrorism-measures-in-the-workplaces/>

sector and also provide for accountability mechanisms in CVE policing. It will also enrich their contribution in preventive efforts.

- State security agencies should collaborate with PSAs in responding to terror-related activities. State agencies can leverage on the sheer numbers of PSAs, their proximity to targets and increased access to advanced technological resources in P/CVE.
- As key stakeholders in P/CVE, there is a need for PSAs to be consulted and involved in the formulation of P/CVE policies and preventive initiatives together with other stakeholders.
- Ensure harmonized coordination and collaborative mechanisms between PSAs and other P/CVE practitioners both state and non-state actors.

#### **Collaboration between private security actors and P/CVE stakeholders**

- PSRA to create continuous engagement platforms that bring diverse private security actors on board.
- The NPS should include private security actors in their engagement forums on PCVE at the local level e.g. at station level, chiefs barazas, and community policing committees to discuss matters countering violent extremism.
- NPS should further streamline their operations with PSA and ensure that they are in line with human rights laws.
- The associations should actively engage with their members and use this platform to ease strategic engagement with security sector stakeholders to enhance effective preventive and counter initiatives.

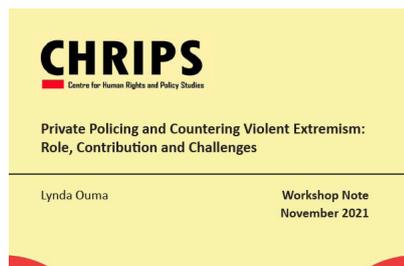
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## **Acknowledgment**

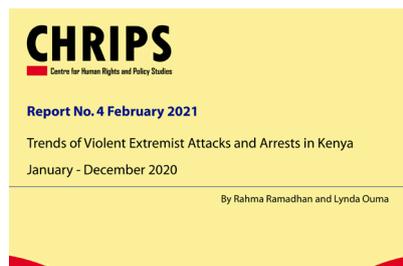
Rahma Ramadhan is a Junior Research Fellow and Mwangi Mwaura is a Research Intern both at the Centre for Human Rights and Policy Studies. Research and publication of this policy brief was supported by the Open Society Foundation (OSF).

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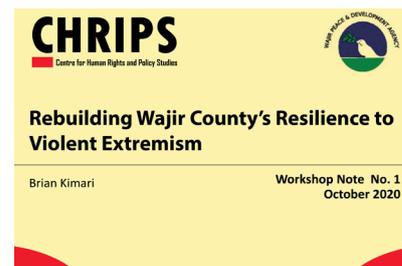
# Other Publications on Violent Extremism



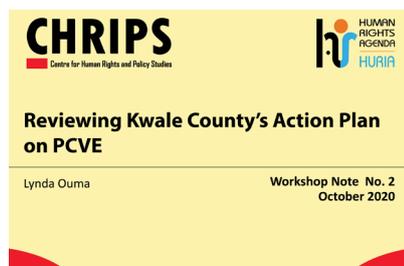
This workshop note draws from discussions held by experts at workshops addressing accountability of private security actors in countering violent extremism (CVE) convened by Centre for Human Rights and Policy Studies (CHRIPS) in Kilifi, Kwale, Mombasa, Nairobi and Nakuru counties between August and September 2021.



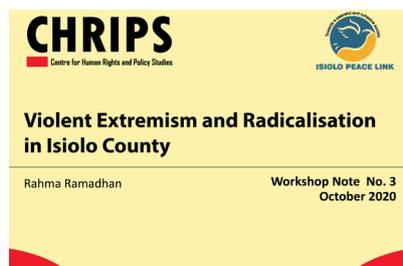
This report draws from the Terror Attacks and Arrests Observatory of the Centre for Human Rights and Policy Studies (CHRIPS Terrorism Observatory). It presents the latest data collected, disaggregated and analysed from 1 January – 31 December 2020.



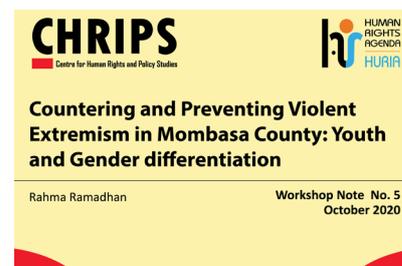
This Workshop Note discusses recent developments, challenges, and opportunities in countering violent extremism (CVE) work & counterterrorism (CT) in Wajir County.



This Workshop Note incorporates insights and perspectives of practitioners and researchers in Kwale County, who participated in an experts' meeting convened by the Centre for Human Rights and Policy Studies (CHRIPS) and Human Rights Agenda (HURIA).



This note partly draws from discussions of the Isiolo County prevention and countering violent extremism (PCVE) policy workshop convened jointly by Isiolo Peace Link (IPL) and Centre for Human Rights and Policy Studies (CHRIPS) in the three sub-counties of Isiolo: Merti, Garba-tulla and Isiolo in September 2020.



This note partly draws from discussions of the prevention and countering violent extremism (PCVE) policy workshop convened jointly by Human Rights Agenda (HURIA) and Centre for Human Rights and Policy Studies (CHRIPS) in Mombasa County on 22 October 2020. This note presents discussions on preventive initiative focusing on youth in Mombasa and issues of gender differentiation in programming on Preventing and Countering Violent Extremism (P/CVE).

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