Crime-Terror Nexus: Assessing East Africa's Responses

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Abstract

There is growing international concern over the nexus between transnational organized crime, and terrorism – a significant, complex, and dynamic threat to global security. Considerable evidence from different regions in the world, such as South America and Sub-Saharan Africa, suggests that there has been greater collaboration between terrorist groups and transnational criminal networks in the trafficking of narcotics and arming of terrorist groups. Complex as implementing legislation and law enforcement operations are limited in capacity and dynamic as this nexus keeps changing. The burden of proof in convicting such crimes has remained challenging, with law enforcement often preferring to use penal code than anti-terrorism instruments. Thus the scale of this nexus has not been verified systematically by frontline state agencies and non-state experts. This paper assesses challenges, achievements, and solutions to address the nexus between transnational organized crime and terrorism in East Africa. In so doing, the report explores ways in which transnational organized crime and terrorism are linked. Addressing this linkage is a priority for many countries in East Africa, one of the regions most affected by terrorism and transnational organized crime in Africa.

Keywords

INTRODUCTION

There is growing international concern over the nexus between transnational organized crime and terrorism – a significant, complex, and dynamic threat to global security. Significant as evidence from different regions in the world, such as South America and Sub-Saharan Africa is suggesting that there has been greater collaboration between terrorist groups and transnational criminal networks in the trafficking of narcotics and arming of terrorist groups (De Castanedo, 2021; Jaitman & Machin 2016; Luhnow, 2014). Complex as implementing legislation and law enforcement operations are limited in capacity and dynamic as this nexus keeps changing. The burden of proof in convicting such crimes has remained challenging, with law enforcement often preferring to use penal code than anti-terrorism instruments.

Thus, this nexus scale has not been systematically verified by frontline state agencies, regional policing and prosecuting authorities, and other experts who are disseminating authoritative knowledge in this field.

The probability of terrorist groups benefiting from transnational organized crime and transnational organized crime benefitting from terrorist tactics may undermine affected States, specifically their security, stability, governance, and social and economic development.

Historically, studies (UNODC, 2018) show that transnational organized crime and terrorism differ in motivation, but their operational, organizational, and conceptual convergence continues to grow over the past three decades. In some regions in Africa, terrorists benefit from the criminal experiences of individuals they have recruited. These individuals provide expertise in counterfeiting documents and access to weapons and explosives. In other regions, terrorist groups financially benefit from direct involvement in the trafficking of arms, persons, drugs, and artifacts as well as from the illicit trade in natural resources, including gold and other precious metals and stones, minerals, wildlife, charcoal and oil; and also from kidnapping for ransom and other crimes including extortion, and bank robbery (GITOC, 2018; Shaw, 2017). Yet, in other regions, organized crime has employed indiscriminate violence against civil populations as a way to secure territorial influence (UNODC, 2018).

Therefore, identifying the links between terrorism and transnational organized

crime presents a unique opportunity in combating the two threats. However, the evidence on the phenomenon is still, at best anecdotal. Secondly, there are still no universally agreed definitions of organized crime and terrorism to guide the gathering and analyzing relevant information. These challenges are being exacerbated by local variations that shape how this nexus emerges and how it evolves. The nexus presents a point of organizational vulnerability to terrorist and transnational organized crime groups since knowing how, when and where the nexus emerges can be used as an effective policy tool (GCTF, 2021).

Between 2007 and 2017, with the crime-terror nexus dominating the agenda, the United Nations Security Council (UNSC) passed 1,113 resolutions and 387 (34.8%) referenced organized crime concerning the global conflict setting (GITOC, 2018). Some of the critical resolutions of this nexus are:

1. Resolution 2195 (2014) calls upon states 'to better understand and address the nexus between organized crime and terrorism as a threat to security and development.' (UNSC, 2014)
2. Resolution 2322 (2016) calls upon states to 'enhance cooperation to prevent terrorists from benefiting from transnational organized crime, investigate and build the capacity to prosecute such terrorists and transnational organized criminals working with them'. (UNSC, 2016)
3. Resolution 2370 (2017) urges Member States to 'strengthen, where appropriate, their judicial, law enforcement and border-control capacities, and developing their investigation capabilities of arms trafficking networks to address the link between transnational organized crime and terrorism.' (UNSC, 2017)
4. UN Resolution 2482 (2019) on terrorism and organized crime. (UNSC, 2019)

These United Nations (UN) resolutions have formed a basis of regional and national legislative frameworks that East African countries have since instituted. Already, some steps to address this threat have yielded positive results in East Africa. For example, the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) has shown strong involvement in the region. The UNODC and INTERPOL 'mentoring' seem to have brought in some promising initial results (EAPCCO CTCOE, 2021; UNODC, 2021).

Platforms such as the Global Counter-Terrorism Forum (GCTF) also assist

regions globally, including East Africa, to develop legislative and response capacities to combat this nexus. GCTF initiatives such as the Hague Good Practices on the nexus between Transnational Organized Crime and Terrorism (GCTF, 2021) serve as a possible guideline to countries in the East Africa region on how to deal with them this challenge by expanding both their legislation and practical responses. The GCTF has also developed a Policy Toolkit to operationalize the Good Practice document (GCTF & UNICRI, 2019).

This paper seeks to analyze a realistic assessment of challenges and achievements, and solutions that have been realized in addressing the nexus between transnational organized crime and terrorism in East Africa. In so doing, the paper seeks to explore how transnational organized crime and terrorism are linked. This is a priority for many countries in East Africa, one of the regions most affected by transnational organized crime and terrorism in Africa.

METHODOLOGY

Literature review

Linkages between different types of crime are not new. Internationally, the literature on the nexus between transnational organized crime and terrorism started growing robustly after the September 2001 attacks where Al-Qaeda carried out four attacks in the United States of America (USA). These quadruple attacks were sophisticated and coordinated internationally with the help of organized criminals who could infiltrate the national security and defense system of the USA.

In its 9/11 commission report (U.S. Government, 2004) the USA called for an increase in concerted efforts on counter-terrorism by calling for a 'broader range of national security challenges in the decades ahead.' Two decades later after the 9/11 attack, an enormous body of literature has grown on the nexus between transnational organized crime and terrorism.

A comprehensive review of existing literature was conducted for this paper. These included academic articles on terrorism, transnational organized crime and those specific to the nexus. 40 UNSC resolutions were perused through and four of the most important were analyzed concerning understanding the international approach to the nexus between transnational organized crime and terrorism. These include UNSC

2195 (2014), 2322 (2016), 2370 (2017), and 2482 (2019).

Many reports from international organizations such as the United Nations and the World Bank were equally reviewed, as well as many from non-governmental organizations across the world. Also included in the literature review were reports from civil society organizations and media articles.

However, it is noted that less literature still exists on the nexus between specific forms of transnational organized crime and terrorism. Most of the literature reviewed, compounded transnational crime as a whole with terrorism. To fill in this knowledge gap, the author drew into parts of the field research conducted by the organizsation he works for at the time of writing this research.

Field research

At the time of writing this research, the author worked for the Institute for Security Studies (ISS) ENACT programme. ENACT is a fully-funded European Union Programme and enhances Africa's response to transnational organized crime. It is implemented by the ISS, INTERPOL, and the Global Initiative against Transnational Organized Crime.

ENACT conducted an empirical study on the nexus between transnational organized crime and terrorism in Kenya and Uganda. The author was part of the team that conducted this research and uses some of the fieldwork data obtained for Kenya in this journal with full attribution to the ENACT programme. The field research interviewed law enforcement officers from the investigations department, anti-terrorism police unit, prosecution and judiciary.

Limitation of the Study

The study does not allude further to the pervasiveness of the specific types of transnational organized crime in the specific countries of East Africa. Thus, an indicator of countries with high criminality and other high or low response to these crimes does not allude further as the author noted that this may go beyond the scope of the study and its research question.

Further, considering the size of the criminal market in Africa and subsequently, in East Africa, the study does not delve into the specificities on the impact of this criminal market on the lives and livelihoods of its people. Though it is important to

first establish the impact this criminal economy has had on the residents of Africa and measure the resilience of African governments to protect its citizenry. This is an area of further research worth undertaking.

Contextualizing the nexus in East Africa: background

Countries in East Africa continue to face challenges of insecurity that hinder the region's governance, security, development and the practical application of the rule of law. These insecurity challenges emanate from armed, organized criminal and terrorist groups that operate transnationally.

However, over the last two decades, there has been an increase in these groups working together. In Uganda alone, for example, about seven groups are both terrorist and transnational organized criminal groups. These are the Allied Democratic Forces (ADF), the Lord's Resistance Army (LRA), al-Shabaab, Islamic State in Central Africa Province, Jahba East Africa, Force Obote Back Again (FOBA) and Kifesi.

Terrorist groups have influenced in the East Africa region even before the formation of the al-Shabaab. Osama bin Laden, the then leader of Al-Qaeda, was based in Sudan before the 1998 Nairobi and Dar es Salaam twin bombings. In the 1990s and in Sudan, Bin Laden formed the 'Islamic Army Shura' to develop new terrorist groups and form alliances with existing ones (9/11 commission report, 2004). From Sudan, Bin Laden coordinated with groups in Sub-Saharan Africa and those in Asia, including the Taliban in Afghanistan (Forest, J. 2011). It was evident that Bin Laden Shura managed to grow increasing admiration of terrorist groups in Sub Saharan and those already operating in Asia. For example, the Boko Haram operating in Nigeria, in its years of formation, referred to itself as the 'Nigerian Taliban' (Mohammed, S., Mohammed, Y.K. & the Nigerian State, 2011).

Bin Laden also set up the funding of these groups using existing global enterprises (9/11 commission report, 2004). This was the inception of the terrorist groups' cooperation with organized criminal networks. For example, to supply arms, terror groups in East Africa had to be connected to arms traffickers who already had robust global supply chains moving illicit firearms from countries such as Libya, Somalia and those in Eastern Europe (9/11 commission report, 2004). These criminal networks were well established using the political economy to canvas the movement of funds.

Terrorist groups had to form non-governmental organizations such as charities

and foundations as a decoy to pay for receiving illicit firearms from traffickers (9/11 commission report, 2004). This period in the 1990s witnessed the forging of cooperation between these two criminal entities.

Suicide bombers from terror groups moved across countries in the region by gaining fake passports facilitated by transnational organized groups. Even recently, in August 2021 (Reuters, 2021), a suicide bomber was arrested when he tried crossing into Uganda from Kenya with a fake South African passport that they obtained through an organized crime syndicate.

During this period, ADF, a predominantly terrorist group, started controlling several mines in the DRC along the Semliki river that cuts across to Uganda. ADF started charging taxes to both artisanal coltan, gold and tin miners who were each paying 1,000 Congolese francs as well as large miners in May-Moya, Beni territory (UN, 2011). The ADF benefitted from the most lucrative illicit trade was aiding the trafficking of timber from the DRC in collaboration with transnational organized crime networks (UN, 2011). With a connection in both DRC and Uganda, timber moved between these two countries to the other regions worldwide through the port of Mombasa in Kenya.

The most prominent terrorist group in East Africa is al-Shabaab, and just like the ADF, it is both a terrorist and a transnational organized criminal group. Al-Shabaab works with other criminal networks to gain funds to run its operations (Petrich, K. 2019). The group is deeply embedded in the smuggling of charcoal, arms and food commodities such as sugar, rice and powdered milk. As of late 2017, the UN Security Council stated that al-Shabaab continued to derive revenues from the illicit export of charcoal from Somalia (UNSC, 2017).

Also, in 2015 the UN-mandated Somalia and Eritrea Monitoring Group (SEMG) pointed out that the risk of al-Shabaab procuring illicit firearms remains (UNSC, 2015). The previous year, SEMG reports had obtained credible information from military intelligence sources that maritime vessels from Yemen delivered consignments of weapons and improvised explosive device (IED) component materials to al-Shabaab commanders at drop-off points on the Somali coast (UNCS, 2014). It should also be noted that the same routes used to smuggle sugar or cattle can supply weapons or move fighters. By integrating criminals who have pre-existing relationships and networks, al-Shabaab improves its operational agility (Petrich, K., 2019).

The distinctiveness of the nexus in East Africa

Terrorism is driven by ideology. In most instances, this ideology is either religious and/or political.

Financial gains drive transnational organized crime – massive profits. These profits are often moved through the political economy. For example, in 2009, the World Bank estimated that the profits gained from transnational organized crime in Africa and moved through the political economy stood at US$1.3 billion (ENACT, 2017). Two years later, in 2011, these profits grew by a 50% growth per annum, amounting to US$3.3 billion (ENACT, 2017).

Terrorism and organized crime are pretty distinct. In East Africa, terrorist groups are not many. The main ones are the al-Shabaab in Somalia and Kenya and the Allied Democratic Forces (ADF) operating in Uganda and the Democratic Republic of Congo (DRC). Transnational organized crime groups, however, are numerous with divergent interests in different sectors of the political economy. For example, in Kenya and Somalia, transnational organized crime groups have formed cartels in the food sector by smuggling sugar, rice, and milk powder from Somalia's Kismayo's port to Kenya (UNSC, 2017; Petrich, K. 2019). In South Sudan and Uganda, criminal cartels move timber such as teak trees planted in the 1940s that are being felled and transported for export to Asian countries through the port of Mombasa (Neumeister, C. & Cooper, S. 2019).

The type of violence used between terrorist groups and transnational organized crime groups also differs. There are four distinct criteria of violence used by terrorist groups. First is that terror groups target significant cities such as Kampala in Uganda and Kinshasa in the DRC. They also target large 'ungoverned' spaces where government presence is limited, for example, between and within the northeastern counties of Kenya, such as Marsabit and Garissa. Third, terrorist groups preponderantly target government personnel such as police and military officers and critical infrastructures such as telecommunication equipment and airports, as was the case with the Manda airstrip attack in Lamu, Kenya. Last and most important, there is a deliberate attempt of terrorist groups targeting civilians. As much as the terrorist groups insinuate that their target is government personnel and infrastructure, more so often, these groups have targeted civilians in almost all their attacks in East Africa. All significant attacks in Kenya, such as the Garissa University, DusitD2 and several

passenger bus attacks in Northern Eastern had civilians with the biggest casualties and fatalities.

The violence threshold of transnational organized crime groups is usually minimum, with less intensity to loss of lives and damage to property. The violence is also not indiscriminate but instead targeted. More often, the violence is between the transnational organized crime groups, and it can get as specific as targeting just particular players. There are no massive causalities involving third parties such as community members, as with terrorist attacks.

The continuum of the nexus in East Africa

A continuum is a condition where both terrorism and transnational organized crime are not different, but their motives and extremes are very distinct.

Reviewed literature (Roberts, I. 2021; Ryabchiy, K. 2018; Wang, P. 2010; Makarenko, T. 2010) suggests that terrorism is quite distinct from organized crime; there is a nuanced correlation between the two. The continuum between these two forms of crime plays out well in the East African region.

The interplay of this continuum is very similar in all the countries in the region, especially in Uganda, the DRC and Kenya. However, analyzing how the continuum plays out in all the countries in East Africa will be above the scope of this study. Thus, the author selected Kenya as a case study for the region to highlight some key findings.

The case study of Kenya

As mentioned in the methodology section of this paper, the ISS ENACT programme conducted empirical fieldwork research on the nexus between transnational organized crime and terrorism in Uganda and Kenya.

The ENACT study found out that these linkages are influenced by four factors, either independently or together. These are the necessity and circumstances for the actors to work together, having common goals at a particular point in time, complementing each other on a joint mission and having business relations on a specific product – whether licit such as food items or illicit such as firearms.

Respondents of the ENACT study indicated that the causes of terrorism and organized crime are communities' socio-economic vulnerabilities, lack of governance

in parts of the country, political marginalization and state excesses. Most respondents pointed out that the relationship between terrorist groups and organized crime networks is always excellent and becomes conflictual if one party crosses the other.

Most respondents also pointed out that while there is a distinction between organized crime and terrorism, it is increasingly becoming interrelated. This difference is based on the actors' common objectives and ideology and their group formation and types of violence used. While terrorism's objectives are politically inclined, organized crime is profit inclined. This vital distinction is critical for each type of crime, but the ENACT study indicates an increasing dependence of terrorism on profit-reliance and organized crime to the political economy. In most cases, this overlap has seen both criminalities converge on a mutually benefitting arrangement. Terrorist groups and organized crime networks meet virtually online through social media platforms. Physically, the two groups meet at places of worship, prisons, and public places like restaurants and markets.

90% of the respondents said that al-Shabaab is the biggest terror group Kenya faces, followed by the Islamic State. The al-Shabaab are increasingly commanding and shaping a political economy in their operations. Respondents suggested that al-Shabaab, stationed in Somalia and Kenya, work with organized criminal groups to move licit and illicit commodities between the two countries. These include illicit products like firearms that enter Kenya and licit ones like sugar and charcoal that enter Kenya illicitly by not paying duty. Despite the distinct objective and ideology of each form of crime group, the cooperation here was mutual as organized criminal groups use Somalia to ship products into Kenya, and al-Shabaab offers a safer passage of the products at an agreed fee.

Table 1. Cooperation between transnational organized crime actors and terrorists
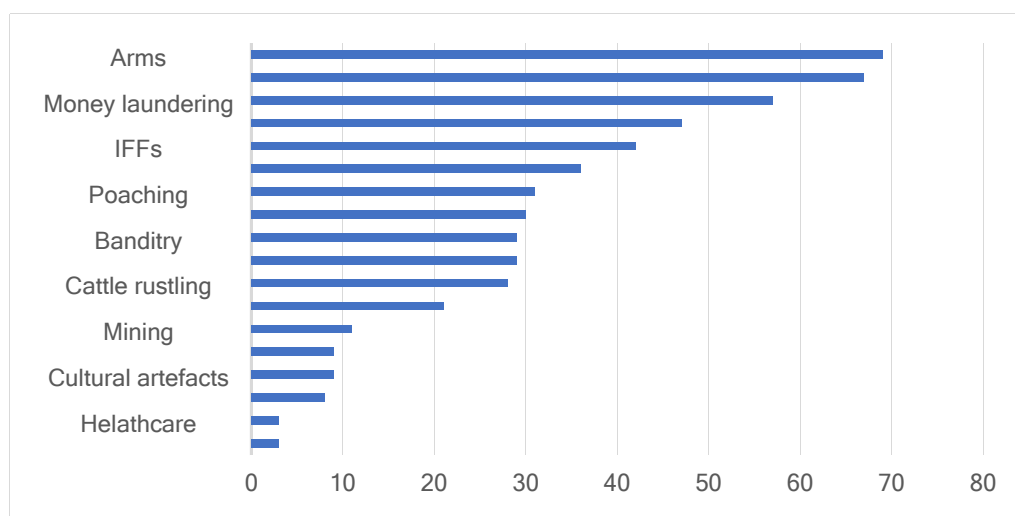
Source: ISS ENACT research on the nexus between transnational organized crime and terrorists, 2021.

There is, however, distinction by the group formation and type of violence used in terrorism and organized crime in Kenya. While al-Shabaab remains the most extensive terrorist group operating in Kenya, organized crime groups are unknown by formation and names but believed to be many. Al-Shabaab use of violence is distinct, targeting major cities and large ungoverned spaces, mainly in the Northeastern counties of Kenya. Al-Shabaab violence targets both government personnel and critical infrastructure. As much as this form of violence is targeted, local communities become collateral damage. Organized crime groups are small and sporadic, targeting anywhere in the country but less intensity to loss of lives and damage to property.

Responses to the nexus: measures taken and challenges in Kenya

Legal framework and criminal justice system of terrorism and organized crime

In Kenya, a robust legal framework is in place for both terrorism and organized crime. The same frameworks have shared provisions that are often used in addressing the linkages between these two forms of crime.

The key terrorism legislation used is The Prevention of Terrorism Act, Act No. 30 of 2012. For organized crime, the legislations are; The Prevention of Organized Crime Act No. 6 of 2010; The Penal Code Cap 63 LoK; The Criminal Procedure Act Cap 75

LoK; Counter Trafficking in Persons Act, 2010; the Children's Act No. 8 of 2001 and the Proceeds of Crime and Anti-Money Laundering Act No. 9 Of 2009. Others include The Prisons Act, Cap 90 LoK; The Probation of Offenders Act Cap 64 LoK; The Extradition (Contiguous and Foreign Countries) Act Cap 76 LoK; and the Extradition (Commonwealth Countries) Act Cap 77 LoK.

Kenya is also a member of key international treaties and conventions and a partner of global efforts to counter both terrorism and organized crime such as the EAC, IGAD, AU, UNODC, GCTF and EAPCCO.

These legal frameworks are shared across the different government agencies of Kenya's criminal justice system. These entities are the police, the prosecution, the judiciary and the prisons. While some respondents had mixed reactions into the country's legislative framework with some pointing out that the country's criminal justice system is legislatively equipped to address the linkage between terrorism and organized crime, and others saying that such laws still need to be enacted.

The linkage between terrorism and organized crime: Experience of criminal justice actors

There are four primary government agencies involved in handling cases of terrorism and organized crime. These are the National Police Service (NPS), the Office of the Director of Public Prosecutions (ODPP), the Judiciary and the Kenya Prisons Service.

The National Police Service

It starts at several investigators and intelligence offices of the NPS. The Directorate of Criminal Investigations (DCI) is the body in charge of detecting crime, collecting intelligence and apprehending offenders of terrorism and organized crime. The key offices are the Anti-Terrorism Police Unit (ATPU), Transnational Organized Crime Unit, Anti-Narcotics Unit, and the Anti-Human Trafficking and Child Protection Unit. Other relevant DCI offices work on forensics, bomb and hazardous materials disposal, and land, bank and insurance fraud. The National Intelligence Service, a civilian agency, works with the National Police Service to address terrorism and organized crime cases.

Respondents from the NPS had investigated more cases of organized crime than

terrorism. The investigations of organized crime cases have a higher prosecution rate than those investigated for terrorism. For example, out of 10 investigated cases of orga nized crime, 6 had led to prosecution, three were ongoing and only one with no prosecution. On the other, out of 10 cases of terrorism, four had led to prosecution, two were ongoing, and four had led to no prosecution.

There were more significant linkages between human trafficking, arms trafficking, and illicit financial flows as forms of organized crime with terrorism. In an investigation of 10 case files, seven were linked to terrorism and organized crime, with the rest exclusive. The linkages were found on strategy and information, use of violence, ethnicity, funding, and use of similar money transfer channels.

These linkages had more tremendous implications as getting admissible evidence was a challenge due to the complexity of the crimes involved. In cases like these, the respondents also pointed out that interference during their investigations by interested parties dragged cases for long before being handed over to the ODPP. The interference was not explained further by the respondents. Officers also cited receiving security threats from interested parties when investigating such cases.

In addressing the linkages between terrorism and organized crime cases, the NPS offices collaborated with other government agencies through the multi-agency team approach through providing and sharing information and intelligence report.

Almost all investigators interviewed said that there was need for further and continuous technical assistance and training on terrorism and organized crime cases. This is because there is no consistency in training as these types of crime keep on evolving. Respondents pointed out that even though investigating organized crime cases is relatively direct, terrorism cases are complex, involving different planning, recruitment, radicalisation, profiling suspects, and tracing money flow. Now that there is increasing evidence suggesting the linkage of terrorism and organized crime, further technical assistance was also desired. Respondents also added a need for better coordination of actors in the criminal justice system in addressing cases of terrorism and organized crime.

Office of the Director of Public Prosecutions

Prosecutors prepare interlocutory motions to convert intelligence into evidence, search, seizure and custodial orders pending charging of suspects. Half of the

prosecutors interviewed on the ENACT study who were directly involved in terrorism, and organized crime cases were women. This indicates a more outstanding gender balance of men and women in prosecuting terrorism and organized crime cases.

Prosecutors interviewed pointed out that two had led to the conviction of four cases they were handling while the others were ongoing. Of these four cases, only one involved a juvenile, and one had been referred to witness protection. Mutual legal assistance had been requested for two of these four cases. The nature of this request was for preparing and presenting witnesses to testify via video link and requesting financial records from Vodafone South Africa.

Prosecutors pointed out that there is increasing evidence on the linkage between terrorism cases to organized crime. Most of these organized crime cases are human, arms and wildlife trafficking. For example, the weapons used in some of the wildlife trafficking offenses prosecuted in Kenya are supplied by a terror group. In cases like these, the decision to prosecute or discontinue the claim is based on law and sufficient and admissible evidence. In most cases, the terrorism burden of proof was lower unless in some exceptional cases where the terrorist group had turned to an organized crime network and executed the crime directly. Hence, the evidence used in the charge sheet was mainly from organized crime than from terrorism.

Half of the prosecutors interviewed pointed out that they are adequately trained in addressing terrorism and organized crime cases, with the other half calling for further training. Prosecutors pointed out that there is an institutional coordination system in place with other criminal justice actors in addressing linkages cases of terrorism and organized crime.

Kenya Prisons Service

Seven prison facilities, including a borstal institution, were sampled for this study. There were not many cases of prisoners serving a sentence of both terrorism and organized crime. For example, in one of the Men's prison facilities, a prisoner was convicted on a case in 2016/2017 that involved terrorism, poaching, and piracy. In another Men prison, there was a terrorist prisoner who was released and went back to Somalia. The released terrorist came back, and he was gunned down in Kilifi county. The prison assisted in tracking this released prisoner by using his visitor's information details. This also showed the need for collaboration between prisons and

other actors of the criminal justice system.

Rehabilitation/skills/disengagement programs for terror and organized crime convicts

Respondents pointed out that soft pieces of training are provided to organized crime prisoners. This includes playing cards, watching television, reading books and psycho-social support. For women prisons, these programs included bead working and weaving. Respondents pointed out that for a prisoner to attend a program, they must be interested in it of which most prisoners were not. Other training included computer and mechanics. But for example, like vehicle mechanics, the practical training is still using an old Bedford diesel engine instead of the new auto mechanics currently in place. When prisoners served their sentence and left the prison, this gained skill didn't help them much. Notably, in one prison, prisoners undergo Kenya formal school curriculum, and they had prisoners who had completed their Master's degrees.

For terrorism prisoners, respondents interviewed pointed out that the preferred program for terror convicts is disengagement and not deradicalization. Respondents explained that deradicalization focuses on having alternative programs offered to a terrorist. But it has never worked well. For example, the respondents pointed out that rolling out a masonry program for terrorist prisoners didn't work well. There is a need to disengage the prisoner first from terrorism and then introduce other programs that they might be interested in at a later stage. This is the reason why Kenya doesn't have deradicalization but disengagement programs in prisons.

Disengagement programs are conducted by the National Counter-Terrorism Centre (NCTC) through a 7-committee member composed of different stakeholders in the country.

Unfortunately, there were not enough tailor-made programs for the officers manning terror prisoners. Special training was pointed out as highly necessary.

Some programs were discontinued due to the risk they posed. For example, in a tailoring program, the prisoners used parts of the sewing machine, such as needles as weapons.

Terror prisoners do sports programs and only among themselves. Most were obsessed with religious programs as rehabilitation, but they knew more than the religious leaders such as imams and pastors sent to them. There is a gap as the rehabilitation is done by prison officers who know the fundamental part of religion. Respondents recommended having well-versed religious leaders offer spiritual

rehabilitation as prison officers have only the basic knowledge. Respondents pointed out that most terrorist prisoners accept their wrongdoing once in prison.

Handling of foreign prisoners

Some of these prisoners convicted of terrorism and organized crime were foreigners. For example, some Somali nationals were convicted for piracy and terrorism charges, and language barrier to their communication in prison. Other nationals from the East and Horn of African countries were convicted for human smuggling, especially to the Southern African countries with Kenya as a transit. These foreign prisoners, once released, were handed over to their embassies in Kenya.

Handling of recidivists prisoners

Terrorism and organized crime prisoners serve long terms, so they do not return once they leave. Most terrorist prisoners become targets by the terror groups on allegations of being informants. Due to this, some disappear, and it becomes difficult to track them. Others are assimilated back to society and start a different life. Respondents pointed out that a follow-up program with prisoners who are released is necessary.

Coordination of the prisons and other criminal justice actors

Respondents also pointed out a need for better coordination of information sharing between other actors in the criminal justice system and the prisons. The core mandate of prisons is just holding prisoners, but emerging issues call for more inclusivity of prisons in the criminal justice system. Prisons spend the most time with prisoners though most historical information of the prisoner is with the other actors of the criminal justice system.

Respondents also suggested a need for having a single command system of the criminal justice system. There is also a need to have a single-file system of prisoners shared across the criminal justice actors, including the prisons.

Prison equipment was still backdated and had not adopted the new equipment used for crowd control, manning prisoners, scanners, among others. For example,

most prisons used clubs to man the prisoners instead of electric shock gadgets, night visions, surveillance, listening devices, and phone jamming devices.

Prisoners are aware of these gaps and have exploited them to their advantage, for example, escaping, harming other prisoners, and allowing contraband goods inside the prisons.

CONCLUSION

The nexus is perhaps the biggest growing security threat that the East Africa region faces. Terrorist groups are increasingly controlling territories with vast resources, and this access has transformed the groups into an organized criminal network traversing different countries in the region.

Countries continue to combat terrorist groups using only hard anti-terror tactics such as the use of the military. In contrast, the groups continue to transform themselves into transnational organized crime groups. Responses must blend both hard and soft approaches that can include tracing the flow of money from these 'nexus' groups.

The burden of proof for terror cases has also remained a challenge for criminal justice system actors. Now with terrorists working with organized criminal groups, the burden of proof before the court of laws is even complex. Nexus cases should incorporate prosecution involved investigations at the onset, as the case of the Kenya Dusit2 terror attack suggested.

Countries in the region should also cooperate in the investigation and prosecution of nexus cases. The newly signed agreement on 15 October 2021 between Central and East African States on Police Cooperation and Criminal Matters is in force and can be used as a framework for cooperation. The Agreement has the provision of exchange and sharing of information and data, procedures for the handing over of suspected criminals, exhibits and foreign missions, and treatment of wanted and apprehended suspects.

Last, crime-proofing procurement processes could serve as a deterrence for terrorist groups infiltrating economic sub-sector such as the food industry. Rampant corruption, conflict of interest have enabled private sector corruption and these governance vulnerabilities are synergizing vectors for terrorists and organized criminal groups to nexus in perpetrating criminal activities.

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