

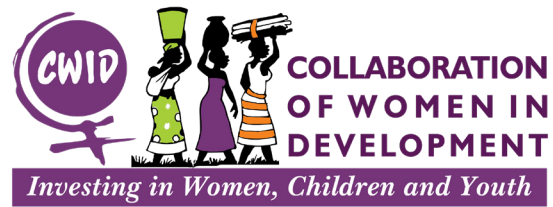
AWAKENING THE SILENT VOICES

Strengthening the Implementation of POTA Amendments
and PCVE in Mombasa

2023
BASELINE
STUDY REPORT

Awakening the Silent Voices

Strengthening the Implementation of POTA Amendments and PCVE in Mombasa



DISCLAIMER

The views expressed by the authors in this publication do not necessarily reflect those of the Collaboration of Women in Development (CWID).

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Our deepest gratitude and acknowledgement go to Rise Coalition Network for their financial and technical support for the project dubbed *Awakening the Silent Voices*. Rise Coalition is a human rights groups from the Global South that work together to share knowledge, identify ways governments are harming people's rights in the name of 'security', and take collective action.

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List of Abbreviations

CAPE	Continuous Assessment Prevention and Empowerment
CSOs	Civil Society Organizations
CVE	Countering Violent Extremism
CSRG	Civil Society Reference Group
CWID	Collaboration of Women in Development
DCI	Directorate of Criminal Investigations
DPP	Director of Public Prosecutions
MCAP-P/CVE	Mombasa County Action Plan for Preventing and Countering Violent Extremism
MCAP	Mombasa County Action Plan
MoU	Memorandum of Understanding
NCTC	National Counter Terrorism Centre
NGO	Non-Governmental Organization
NSCVE	National Strategy to Counter Violent Extremism
PBO	Public Benefits Organizations
PCVE	Preventing and Countering Violent Extremism
POTA	Prevention of Terrorism Act
SCN	Strong Cities Network



HSC Betty Sharon

Executive Director Collaboration of Women in Development - CWID

FOREWARD

It is with great pleasure that I present this executive summary, which provides a comprehensive overview of the research study conducted by The Collaboration of Women in Development (CWID), which examines the impact of the 2019 Terrorism Act amendments on CSOs and the implementation of MCAP-P/CVE in Mombasa County. The study highlights challenges and opportunities faced by CSOs, highlighting POTA's broad powers and terrorism definition issues. Despite the 2016 National Strategy, policy and practice remain disconnected, causing targeted organizations and constitutional encroachments.

This study examines the POTA amendments and their potential implications, highlighting the importance of Civil Society Organizations (CSOs) in effective implementation. CSOs contribute to upholding human rights, promoting transparency, and serving community interests through advocacy, monitoring, engagement, awareness-building programs, capacity-building training, collaboration facilitation, research, and legal aid services. They also promote community resilience through advocacy, public education, stakeholder collaboration, and psychosocial support for at-risk youth, countering extremist narratives and creating a safer, more inclusive environment in Mombasa County. Critics argue that the amendments encroach upon civil liberties and undermine due process.

In light of these findings, this executive summary concludes with a roadmap for moving forward. CSOs should engage in social dialogue, seek strategic alliances, and educate the public on the POTA amendments' impact. Participating in public consultations, building alliances, and conducting awareness campaigns can influence policy discussions and mobilize support for necessary changes.

We are confident that by implementing the recommendations outlined in this executive summary, CSOs can overcome POTA amendments challenges, protect civil liberties, and prevent violent extremism in Mombasa County. This study's insights will enhance policy and practice in Kenya and beyond.

Betty Sharon,
Executive Director, CWID

EXECUTIVE SUMMARY

This executive summary provides an overview of a research study conducted by the Collaboration of Women in Development (CWID) to establish the impact of the Prevention of Terrorism Act (POTA) amendments of 2019 on civil society organizations (CSOs) and the implementation of the Mombasa County Action Plan for Prevention and Countering Violent Extremism (MCAP-P/CVE). The study aims to strengthen efforts toward implementation and reporting while providing a learning opportunity for future endeavors.

This study highlights that government efforts to counter radicalization and terrorism have resulted in human rights abuses and limitations on CSOs. The POTA, the main anti-terrorism legislation, grants sweeping police powers and lacks clarity in defining terrorism. These powers have been used to target organizations and infringe upon constitutional provisions. While the government launched the National Strategy to Counter Violent Extremism (NSCVE) in 2016, aligning with international human rights principles, it has not fully adjusted its actions and legislation to adhere to the NSCVE.

The Prevention of Terrorism Act (POTA) Amendments of 2019 in Kenya have generated significant interest and debate among various sectors of society. The literature review examines three notable publications that offer distinct perspectives on the amendments. The Kenya Human Rights Commission provides a legal analysis, the Institute for Security Studies offers a policy analysis, and the Kenya National Bureau of Statistics conducts a public opinion survey. These publications collectively shed light on the potential implications of the POTA Amendments and highlight the importance of informed discourse and deliberation.

The study found that CSOs could contribute to the effective implementation of the POTA Amendments by engaging in advocacy and monitoring efforts, conducting community engagement and awareness-building programs, providing capacity-building training, facilitating communication and collaboration among stakeholders, conducting research and analysis, and offering legal aid services. These contributions can help ensure the implementation process upholds human rights, promotes transparency, and serves the interests of the community.

In the context of MCAP-P/CVE, CSOs play a crucial role in promoting community resilience by advocating for community involvement, conducting public education programs, facilitating collaboration among stakeholders, and providing psychosocial support to at-risk youth. These efforts contribute to building resilience, fostering critical thinking, reducing vulnerability to extremist narratives, and creating a safer and more inclusive environment in Mombasa County.

The impact of the POTA Amendments on the lives of Mombasa citizens and CSOs has generated debate and concerns regarding potential infringements on civil liberties. The amendments grant the government increased powers to investigate and prosecute suspected terrorists, but critics argue that they encroach upon civil freedoms and undermine due process. However, proponents of the expanded measures argue their necessity for countering the persistent threat of terrorism. Balancing security and individual rights remain a crucial aspect of the ongoing discussions and will shape Kenya's trajectory in the fight against terrorism.

Roadmap for Moving Forward

CSOs should engage in constructive social dialogue, seek strategic alliances and networks, and continuously educate the public and raise awareness about the potential impact of the POTA amendments. By participating in public consultations, building alliances, and conducting awareness campaigns, CSOs can influence policy discussions and mobilize support for necessary changes.

If implemented by CSOs, these recommendations can navigate the challenges posed by the POTA amendments, ensure the protection of civil liberties, and promote effective CVE efforts in Mombasa County.

INTRODUCTION

The top grassroots, women-led non-profit organization Collaboration of Women in Development (CWID) is situated in Mombasa County's Kisauni Constituency. The organization's objective is to identify and strengthen the place of women in governance, leadership development, and education. Its aim is to improve the lives of diverse women living at the grassroots level. The NGO Coordination Board of Kenya registered CWID as a non-governmental organization in 2010 after it had been founded in 2005. From 2005 to 2019, the organization was known as Coast Women in Development until the Board of Directors took the strategic decision to change the name on August 30, 2019, enabling CWID to expand its reach beyond Kenya's coastal regions. Geographically, CWID primarily covers coastal counties.

In addition to being nominated and winning in the African NGO Leadership Awards (2019, 2018, 2017, and 2016), CWID is the winner of the 2021 Gender Mainstreaming 2nd Finalist award under the category of Empowerment of Women in the Community as well as the winner of the 2020 NGO Global Leadership and Excellence Awards.

Through gender-responsive economic postponement, political decision-making, peace and security, sexual reproduction and health rights, and education, the organization has directly assisted vulnerable women, girls, and male youth to access opportunities for economic justice. For more information, kindly visit www.collabowid.org

Additionally, the organization is a key partner in promoting and implementing the Mombasa County Action Plan in Countering Violent Extremism (MCAP/CVE) as the lead on Gender pillar with networking and learning among CVE relevant Civil Society Organizations partners at the grassroots, county level and National Level. CWID has since supported the development of a community-led Early Warning Early Response Framework as well as supported the Office of the County Commissioner to activate County Engagement Forums in partnership with other actors and development partners to contribute to the reduction of violent extremism in Kenya. The organization has in the past managed to make a presentation of CVE projects to the County Security Council to seek the goodwill of the political players. CWID is in addition a gender-focused organization addressing gender-based needs and mainstreaming them into its planning and actions.

CWID launched an Initiative Project that contributed to respect for and fulfillment of human rights, deepening democracy, and realization of gender equality in Kenya as the overall goal with the implementation in the context of responding to CVE and supported the MCAP/-P/CVE. On 28th January 2022 Rise Coalition granted CWID to implement a research study with the overall purpose of establishing the impact of the Prevention of Terrorism Act (POTA) amendments of 2019 on CSOs and strengthening the efforts toward the implementation and reporting of the Mombasa County Action Plan for Prevention and Countering Violent Extremism as well as to provide a learning opportunity for future efforts.

The overall aim of the study is: *To establish the impact of Prevention of Terrorism Act (POTA) amendments of 2019 on Civil Society Organizations' and strengthen efforts in implementation and reporting of the Mombasa County Action Plan for Prevention and Countering Violent Extremism, as well as to provide a learning opportunity for future efforts.*

DESCRIPTION OF THE PROBLEM

Government efforts to counter this radicalization and rise in terrorism have resulted in sweeping police powers that have been used to perpetrate human rights abuses and silence government critics. The main anti-terrorism legislation, the 2012 Prevention of Terrorism Act (POTA), provides only a vague definition of terrorism, greatly expands police powers, and allows the state to create lists of suspected terrorists and terrorist organizations without due process (Mazrui, 2018). In addition, the pervasive powers granted by the law have been to take abusive actions against organizations in contravention of constitutional requirements (KNCHR, 2015; Freedom House, 2016).

In September 2016, the Government of Kenya launched a National Strategy to Counter Violent Extremism (NSCVE), which calls for a significant shift in approach, including the involvement of non-state actors. NSCVE emphasizes “soft approaches” such as the provision of employment options, business opportunities, and life skills to reduce the recruitment of youth to violent extremism (NSCVE, 2016; Ogada, 2017). The strategy focuses on promoting national and community-level cohesion, constitutionalism, and the rule of law, and enhancing coordination and partnership among people and groups who work on countering violent extremism (CVE), including non-state actors (Ogada, 2017). While this approach is in line with UN Resolution 1456 adopted in 2003, which obliges states to adhere to international human rights, refugee, and humanitarian law in the fight against terrorism, the government has not yet reoriented its actions and existing legislation to adhere to the NSCVE.

The Launch of the Mombasa County Action Plan for Prevention and Counter Violent Extremism (MCAP-P/CVE) in April 2017 ushered a new era for CSOs as they were assigned pillars of the plan. The CSOs have played a critical role in the development of the CAP and in the implementation processes, as they have been responsible for raising funds. CSOs have also been critical in the county engagement forums which are the incubators “where the initiative was born.”

The Country took a more dangerous turn in July 2019 when the Parliament amended POTA and gave the National Counter Terrorism Centre (NCTC) more power to regulate all CSOs and international NGOs that are doing Counter Violence Extremism (CVE) work. The Act states: “The Centre (NCTC) shall be an approving and reporting institution for all civil society organizations and international non-governmental organizations engaged in preventing and countering extremism and radicalization through counter-messaging or public outreach, and disengagement and reintegration of radicalization individuals.” The amendment of POTA has had serious impacts on the work of CSOs in Mombasa, especially in the implementation of MCAP-PC/VE. There have been several negotiations between CSOs and the state agencies to halt the implementation of the new section even as the legal action by the CSOs pend in a Mombasa law court.

OBJECTIVES AND OUTCOMES OF THE STUDY

The overall purpose of the research study project is to: *To establish the impact of Prevention of Terrorism Act (POTA) amendments of 2019 on Civil Society Organizations’ and strengthen efforts in implementation and reporting of the Mombasa County Action Plan for Prevention and Countering Violent Extremism, as well as to provide a learning opportunity for future efforts.*

The study took a national perspective by examining similar initiatives and experiences. The study was able to navigate within the existing POTA Amendment Act of 2019, considering evidence-based practices and the development perspective, thanks to this holistic approach. It contributed to a more informed and effective implementation of the Act while protecting the rights and interests of all stakeholders.

The objectives and outcome include the following:

1. To understand the impact of the Prevention of Terrorism Act (POTA) amendments of 2019 on CSOs’ and strengthen the efforts towards the implementation and reporting of the MCAP-PCVE as well as providing learning opportunities for future efforts;
2. To assess how the POTA amendments have impacted the lives of the Mombasa citizens in response to PCVE;
3. To identify alternative approaches and policies that the NCTC, non-government actors, and government actors can use to enhance the implementation of MCAPP/CVE; and
4. To understand how the Strong Cities Network can increase rights protection in the journey towards CVE.

RESEARCH FRAMEWORK

This chapter establishes the larger research framework upon which the subsequent chapters are built. It outlines the research hypothesis and related research questions that will be used to examine the salient and prominent issues relating to this study.

Research Hypothesis

The impact of the Prevention of Terrorism Act (POTA) amendments of 2019 on CSOs' efforts towards the implementation and reporting of the Mombasa County Action Plan for Prevention and Countering Violent Extremism can be established and strengthened, providing a learning opportunity for future efforts.

Research Questions

To put the previously mentioned study hypothesis to the test, the consultant, in partnership with CWID, developed four focal research questions, which are listed in Table 1 below. To extend the scope of responses, the research consulting team included additional sub questions.

Table 1: Research Questions

Main Research Question by CWID	<p><i>What is the impact of the Prevention of Terrorism Act (POTA) amendments of 2019 on CSOs' efforts towards the implementation and reporting of the Mombasa County Action Plan for Prevention and Countering Violent Extremism?</i></p> <p>Additionally, how can this impact be utilized to strengthen these efforts and provide a learning opportunity for future endeavors?</p>
Sub Questions by CWID	<p>1. <i>How could CSOs strengthen the implementation of MCAP-P/CVE by establishing the effectiveness of the Prevention of Terrorism Act (POTA) amendments of 2019?</i></p> <ul style="list-style-type: none"> # What potential contributions can CSOs make to the effective implementation of POTA amendments? # How do CSOs engage in MCAP-P/CVE and what role do they play in promoting community resilience? # Which CSOs are involved in PCVE initiatives in Mombasa and can they be identified?
	<p>2. <i>How have the POTA amendments influenced the lives of the citizens and CSOs of Mombasa in response to PCVE?</i></p> <p>Citizens</p> <ul style="list-style-type: none"> # What is the assessment of the impact of POTA amendments on the community? # What are the benefits and challenges experienced by Mombasa citizens in relation to the POTA amendments, and what are the community perceptions and feedback on these amendments? # How does increased surveillance potentially lead to the violation of civil rights? # What are the perception and trust issues between citizens and law enforcement agencies? # How does the implementation of POTA amendments impact community engagement and cooperation in countering violent extremism? <p>Civil Society Organizations (CSOs)</p> <ul style="list-style-type: none"> # What are the changes in the legal framework and what are the implications for CSOs? # How are CSOs' activities and funding sources restricted as a result of the POTA amendments? # What are the challenges faced by CSOs in implementing MCAP-P/CVE after the POTA amendments? # Are there case studies and examples of CSOs that have been affected by the POTA amendments?
	<p>3. <i>What alternative approaches and policies can the NCTC, non-government actors, and government actors utilize to enhance the implementation of MCAPP/CVE?</i></p> <ul style="list-style-type: none"> # What are the existing alternative approaches and policies in CVE implementation that can be identified? # How can successful international practices and lessons learned be explored, along with alternative approaches, in the context of Mombasa?

4. How can the Strong Cities Network contribute to increasing rights protection in the journey towards CVE?

- # What is the overview of the Strong Cities Network (SCN) and what are its objectives?
- # How does the SCN potentially promote rights protection in CVE initiatives, and what is the assessment of the involvement and impact of the SCN in Mombasa's CVE efforts?
- # How is the collaboration between the SCN and local stakeholders in Mombasa characterized?

METHODOLOGICAL APPROACH

To effectively answer all the research questions raised above, the consultant adopted a mixed-methods approach that derived insights from the different levels. A mixed-methods approach allowed us not only to identify observable impacts but also helped us “identify the reasons why (and how) observed impacts do or do not occur” (Klier et al., 2012).

The assessment used primarily qualitative methodology, as well as document review and, when available and appropriate, analysis of program monitoring data. Qualitative methods involved face-to-face in-depth interviews of key informants, including Government Officers, the Private Sector, and CSOs involved in the implementation of the Mombasa CVE Action Plan, Mombasa County Commissioner's office, and NCTC, and literature review. Data Collection used both online and offline questionnaires. Before the actual field data collection, the consultant reviewed various documents, including secondary materials and policy and legal frameworks on CVE. This review of the literature was instrumental in the design of tools as well as in setting up research questions. During analysis, the literature reviewed was important in the triangulation of information and verification.

The research mainly adopted Qualitative analysis, which was used for data obtained through key informant interviews and focus group discussions with the five predetermined categories. For this analysis, the researchers began by familiarizing themselves with the data and also making sense of the responses provided by each of the respondents. The open-ended questions were coded, and coding was done based on the themes that emerged. Data were sorted using MS Word tables. The data bits that represented the themes were clustered together based on similarities and patterns that emerged. The terminologies used for describing the themes were based on the respondent's own words.

In carrying out this study, CWID worked closely with the Office of the Mombasa County Commissioner and the Office of the Governor (Directorate of CVE Resilience and Youth in CVE), the National Counter Terrorism Centre (NCTC), among key partners of the MCAP-P/CVE. The research study was conducted following the CWID Rise Coalition norms and standards for the research study, as well as the Rise Coalition ethical guidelines in the contract.

SAMPLING PLAN & DATA COLLECTION STRATEGY

Sampling Plan

Sample frame and sample size

Table 2: Sampling Plan

Sampling Method	Description	Sample Size	Selection Criteria
Literature Review	Reviewing existing literature, academic articles, research papers, and reports related to POTA amendments, CSOs, and countering violent extremism.	N/A	Relevant literature related to POTA amendments, CSOs, and countering violent extremism.
Media Report Scrapping	Collecting and analyzing media reports, news articles, and online sources to understand public discourse and opinions regarding POTA amendments and CSOs.	N/A	Media reports and articles discussing POTA amendments and CSOs.
Focus Groups	Conducting focus group discussions with representatives from various CSOs in Mombasa County to gather insights on the impact of POTA amendments and their efforts toward the implementation and reporting of the Mombasa County Action Plan.	3-10 focus groups	CSO representatives are actively engaged in countering violent extremism efforts and knowledgeable about POTA amendments.
Case Studies	Selecting specific CSOs in Mombasa County and conducting in-depth case studies to explore their experiences, challenges, and successes in implementing the Mombasa County Action Plan and dealing with the effects of POTA amendments.	3-5 case studies	CSOs actively involved in countering violent extremism efforts and are affected by POTA amendments.

Data Collection Plan

Table 3: Data Collection Plan

Dates	Responsibilities	Categories
April 11th- 15th 2022	Conduct literature review	Background Research
	Develop research questions	Planning
	Identify and recruit CSO participants	Participant Selection
April 18th- 28th 2022	Design qualitative and survey protocols	Research Design
	Conduct interviews with CSO members	Data Collection
April 25th- 30th 2022	Analyze interview and survey data	Data Analysis
	Identify emerging themes	Data Analysis
May 2nd- 6th 2022	Validate findings with participants	Data Analysis
	Write preliminary report	Reporting
May 9th- 21st 2022	Review and revise the report	Reporting
	Finalize the research report	Reporting

Ethics Policy and Protocol

The research study adhered to ethical standards, including obtaining informed consent and maintaining confidentiality. All individuals provided their agreement for their personal information to be processed following the Data Protection Act of 2019 and the GDPR (2018). The consultant chose locations for interviews with community members, and the processing, analysis, and reporting of the information gathered are the most important details. A validation meeting was scheduled between the consultant, partners, and the CWID team to ensure a comprehensive and inclusive report, and their views, comments, and feedback were actively sought and incorporated. The availability of respondents was essential for the study's success. The consultants extended the survey period to accommodate all and

feedback were actively sought and incorporated. The availability of respondents was essential for the study's success. The consultants extended the survey period to accommodate all potential respondents, ensuring the accuracy of data collection. Additionally, they collected additional data from other sources but had to ensure their reliability and relevance before incorporating them into the study. Finally, the consultants prepared a final report that incorporated all relevant comments and suggestions from the project team.

Limitations

The study encountered methodological limitations due to the difficulty of obtaining up-to-date raw information from the selected study locations. To solve this problem, non-state actors and politicians were contacted using information acquired through focus groups and important interviews. In Mombasa County, where the research was performed, a sizeable section of the population-maintained traditions of fasting and prayer, which limited possibilities for meetings and interviews and hindered transportation. Notwithstanding these constraints, an attempt was made to increase data collection by combining information from several sources and adjusting the survey's methodology to consider logistical and local customs.

Data Analysis Plan

Qualitative Data Analysis

To analyze the qualitative data (IDIs and FGDs), the evaluation team used a blended approach of thematic and content analysis to identify key themes and trends occurring in the responses. The qualitative data from the IDIs and FGDs was analyzed, and the data was summarized, coded, and categorized into themes to understand points of convergence and contention among different stakeholder groups. A continuous iterative revision of texts was carried out to identify and code the main patterns and categories in the data. Eventually, the data was organized, interpreted, and synthesized into conclusions (data display).

LITERATURE REVIEW

The Prevention of Terrorism Act (POTA) Amendments of 2019 in Kenya have sparked significant interest and debate within various sectors of society. To shed light on this important legislative development, three notable publications provide distinct perspectives on the amendments. The Kenya Human Rights Commission offers a legal analysis, the Institute for Security Studies provides policy analysis, and the Kenya National Bureau of Statistics conducted a public opinion survey. Together, these publications offer valuable insights into the potential implications of the POTA Amendments of 2019 and emphasize the importance of informed discourse and deliberation.

The publications entwined an embroidery of perspectives, shedding light on the multifaceted nature of the POTA Amendments of 2019. As the nation absorbed the contents of these publications, it became clear that the journey toward striking the right balance between security and civil liberties required careful navigation. Policymakers were called upon to heed the legal analysis, policy insights, and public sentiments presented before them. The story of the POTA Amendments of 2019 unfolded, driven by the collective effort of legal minds, policy experts, and the voice of the people, all contributing to the ongoing national conversation on counterterrorism measures and the preservation of fundamental rights in Kenya.

First, the Kenya Human Rights Commission released “The Prevention of Terrorism Act (POTA) Amendments of 2019: A Legal Analysis.” Within its pages, an exhaustive examination of the amendments unfolded. The commission passionately scrutinized the impact of these changes on human rights, emphasizing the potential consequences for civil liberties and constitutional rights. Alarm bells rang regarding provisions like prolonged detention without trial and expanded surveillance powers, challenging their compatibility with international human rights standards. The report emphasized the crucial need for a balance between national security imperatives and the protection of fundamental rights. It urged policymakers to incorporate robust safeguards and oversight mechanisms to prevent any potential abuse.

Not long after, the Institute for Security Studies entered the stage with its publication, “The POTA Amendments of 2019: A Policy Analysis.” This analysis shifted the spotlight toward the broader policy implications of the amendments. It sought to unravel the effectiveness of these changes in countering terrorism and enhancing national security. As the pages turned, the publication explored the rationale behind the amendments and their potential impact on improving Kenya’s counterterrorism framework. The analysis meticulously examined the alignment of the amendments with international best practices, raising awareness of areas requiring further policy development and implementation. It provided valuable insights and recommendations to guide policymakers in their pursuit of an effective and balanced counterterrorism strategy.

Meanwhile, the Government of Kenya, through the Kenya National Bureau of Statistics, embarked on a journey to uncover the voice of the people. Their publication, “The POTA Amendments of 2019: A Public Opinion Survey,” sought to capture the perceptions, awareness, and attitudes of Kenyan citizens towards these amendments. The survey served as a compass, guiding policymakers in understanding the delicate balance between national security and civil liberties as perceived by the people. It revealed the concerns, priorities, and expectations of citizens, helping to shape future decisions in a manner that resonated with public sentiment.

The Prevention of Terrorism Act (POTA) Amendments of 2019 in Kenya have sparked diverse opinions and perspectives among various stakeholders. This publication presents a critical analysis of the amendments, highlighting the need for strengthening human rights protections. Additionally, it includes responses from the Muslim community, a report from the Kenya Human Rights Commission, and insights from the Mombasa Peace Forum. Together, these perspectives shed light on the potential impact of the POTA Amendments of 2019 and the importance of further examination and engagement.

The Prevention of Terrorism Act (POTA) Amendments of 2019: A Multi-Perspective Analysis” presents a diverse range of views on the POTA Amendments. Hassan Omar Hassan’s critical analysis calls for stronger human rights safeguards, while the Muslim Human Rights Forum raises concerns about potential discrimination. The Kenya Human Rights Commission report offers an authoritative assessment and recommendations, while the Mombasa Peace Forum stresses the importance of a holistic approach to CVE. Collectively, these perspectives enrich the ongoing discussions, emphasizing the need for a balanced and rights-respecting framework in countering terrorism in Kenya.

It is significant to note that Hassan, the Muslim Human Rights Forum, and the Kenya Human Rights Commission are connected in other sources. As a result, a more comprehensive narrative that incorporates critical analysis, community viewpoints, and legal knowledge evolved. Their group’s efforts to push the boundaries of conversation have allowed us to understand the POTA Amendments of 2019 in a more sophisticated and nuanced way. As their voices resonated through the legislatures, they served as a reminder to both the public and lawmakers of the value of preserving human rights while fending off terrorist threats.

Foremost, Omar Hassan (2020)¹ penned an article titled “The Prevention of Terrorism Act (POTA) Amendments of 2019: A Critical Analysis,” published in the esteemed Journal of Terrorism Research. In this thought-provoking analysis, Hassan acknowledged that the amendments were a step in the right direction, reflecting the government’s commitment to addressing the evolving threats of terrorism. However, he argued that further strengthening was necessary to ensure the protection of human rights. Hassan delved into the delicate balance between security concerns and individual liberties, offering valuable insights into the ongoing dialogue on improving the legislation.

Meanwhile, Muslim Human Rights Forum (2020) released a statement titled “The POTA Amendments of 2019: A Response from the Muslim Community in Kenya.” Expressing the concerns and perspectives of the Muslim community, the publication highlighted the discriminatory nature of the amendments. It contended that the changes disproportionately targeted Muslims, resulting in the violation of their human rights. The Muslim Human Rights Forum cautioned that the amendments might alienate the Muslim community, making them more susceptible to radicalization and hindering the effectiveness of counterterrorism efforts. Their call to repeal the amendments and adopt a more comprehensive approach struck a chord, urging the government to focus on building resilience, addressing root causes, and rehabilitating individuals who had been radicalized.

In the midst of these divergent views, the Kenya Human Rights Commission (2019)² stepped forward with its report, “The Prevention of Terrorism Act (POTA) Amendments of 2019: A Legal Analysis.” Meticulously examining the amendments against international human rights standards, the report shed light on potential areas for improvement. The Kenya Human Rights Commission presented a comprehensive set of recommendations aimed at strengthening the legislation and ensuring its alignment with human rights principles. Their expertise and rigorous analysis contributed valuable insights to the ongoing policy discussions surrounding POTA.

As the publications circulated and voices clashed, the story of the POTA amendments of 2019 unfolded, highlighting the diversity of perspectives within Kenya’s legal and advocacy landscape. In their comments, the Kenya Law Society, the Open Society Foundations, and the International Court of Justice each emphasized their specific worries, dangers, and suggested reforms. There was a reiteration of the need for a nuanced and fair strategy that protects both human rights and national security. It is emphasized that the 2019 POTA amendments should be shaped by the collective voice of people, policymakers, and diverse perspectives. The commitment to human rights and justice will remain the guiding stars of Kenya’s legal landscape, upholding the rights and dignity of all its citizens.

¹ Omar Hassan (2020). *The Prevention of Terrorism Act (POTA) Amendments of 2019: A Critical Analysis*, Journal of Terrorism Research.

It is significant to note that the International Commission of Jurists³ released a publication titled “The Prevention of Terrorism Act (POTA): A Review of the 2019 Amendments.” This review took readers on a comprehensive journey through the amendments, painting a picture of an increasingly draconian POTA that posed a grave threat to human rights in Kenya. The ICJ voiced concerns over the potential consequences of these amendments, urging reform to ensure the better protection of human rights. With conviction, they offered a series of recommendations, illuminating a path towards a more rights-respecting legal framework.

Meanwhile, the Open Society Foundations (2019)⁴ unveiled their publication, “POTA Amendments of 2019: A Threat to Human Rights in Kenya.” Their narrative unveiled a different shade of concern, focusing on the ease with which the government could now detain and prosecute individuals suspected of terrorism. The foundations argued that the amendments had erected new barriers, making it more challenging for individuals to challenge their detention or prosecution in court. As the publication reached its conclusion, a somber tone prevailed, echoing the view that the POTA amendments of 2019 presented a tangible threat to human rights in the country.

Amidst these concerns, the Kenya Law Society (2019)⁵ sought to offer a glimmer of optimism in their publication titled “The POTA Amendments of 2019: A Step in the Right Direction.” From their perspective, society acknowledged the positive changes brought about by the amendments. They lauded the clarified definition of terrorism and the enhanced prosecutorial capabilities against individuals engaged in acts of terror. Notably, they emphasized the strengthening of the rights of those detained or prosecuted under POTA. With measured optimism, the Kenya Law Society illuminated the progress made, even as they acknowledged the continued need for vigilance and improvement.

² Kenya Human Rights Commission (2019). *The Prevention of Terrorism Act (POTA) Amendments of 2019: A Legal Analysis*.

³ International Commission of Jurists (2020). *The Prevention of Terrorism Act (POTA): A Review of the 2019 Amendments*

⁴ Open Society Foundations (2019). *The POTA Amendments of 2019: A Threat to Human Rights in Kenya*

⁵ Kenya Law Society (2019). *The POTA Amendments of 2019: A Step in the Right Direction*

CHRONOLOGY FOR THE PREVENTION OF TERRORISM ACT (POTA) IN KENYA

2012: Enactment of the Prevention of Terrorism Act (POTA) in Kenya, aimed at addressing the growing threat of terrorism in the country. The original act introduced provisions to enhance counterterrorism efforts, including defining offenses, granting law enforcement powers, and enabling international cooperation.

2019: Amendments proposed to the POTA to strengthen its effectiveness and address emerging challenges in counterterrorism.

January 2019: The POTA Amendment Bill is introduced in the Kenyan Parliament, seeking to amend and enhance various aspects of the original act.

June 2019: The POTA Amendment Bill is debated and passed by the Kenyan Parliament, officially amending the original POTA. Key Amendments Introduced:

- **Expanded Definitions and Offenses:** The amendments broaden the scope of definitions related to terrorism, terrorist acts, and related offenses, taking into account forms of terrorism.
- **Enhanced Investigative Powers:** The amendments provide law enforcement agencies with additional powers to investigate and prevent terrorism, including provisions for surveillance, electronic evidence gathering, and cooperation with international partners.
- **Rehabilitation and Reintegration Provisions:** The amendments introduce measures to support the rehabilitation and reintegration of individuals involved in terrorism-related activities, with a focus on community engagement and de-radicalization efforts.
- **Safeguards and Human Rights Considerations:** The amendments include provisions to ensure respect for human rights, protection against arbitrary detention, and safeguards against abuse of power in counterterrorism operations.

2021-present:

- Ongoing monitoring and evaluation of the implementation of the POTA Amendment Act to assess its impact and identify areas for further improvement.
- Continuous engagement between the government, civil society organizations, and other stakeholders to address challenges and concerns related to the implementation of the amended legislation.
- Regular review and updates of the POTA Amendment Act to adapt to evolving security threats and international best practices in counterterrorism.

It is important to note that the timeline provided is a general overview and does not capture all the specific events and details surrounding the POTA amendments in Kenya. Actual dates and events may vary, and further research and referencing of official documents are advised for a comprehensive understanding of the timeline.

POLICY DEBATES AND LEGISLATIVE ENGAGEMENT ON THE PREVENTION OF TERRORISM ACT

The Prevention of Terrorism Act (POTA) in Kenya has been the subject of policy debates and county government engagement since its implementation. The act was enacted to provide a legal framework for preventing and countering terrorism in the country. However, its provisions and implications have sparked discussions and led to active engagement from various stakeholders, including county governments. On striking a balance between the interests of national security and the protection of civil liberties and human rights, policy discussions concerning POTA have been centered. Critics argue that some provisions of the act, such as prolonged detention without trial and expanded surveillance powers, may infringe upon individuals' rights. To defend against potential abuses and assure responsibility, they underline the necessity for strong safeguards and supervision procedures.

The Prevention of Terrorism Act (POTA) is a controversial piece of legislation in Kenya. It has been criticized for being too broad and giving the government too much power. However, it is also seen as an important tool in the fight against terrorism. There have been a number of policy debates on POTA in the Coast, Nairobi, and North Eastern regions of Kenya. In the Coast region, there is concern that POTA is being used to target Muslims. In Nairobi, there is concern that POTA is being used to crack down on political dissent. In the North Eastern region, there is concern that POTA is being used to target Somalis.

County governments have actively engaged in the implementation of POTA, coordinating efforts with national security agencies, law enforcement, and local communities to prevent and respond to terrorism threats. They have established mechanisms to enhance intelligence sharing, promote community policing, and support initiatives that address radicalization. Additionally, they have been involved in public awareness campaigns and sensitization programs to educate communities about the provisions and implications of POTA. This engagement aims to foster trust, encourage the reporting of suspicious activities, and promote collaboration between the government and citizens in the fight against terrorism. In some cases, county governments have also taken steps to align their own policies and strategies with the objectives of POTA. They establish county-level counterterrorism committees or task forces to enhance coordination, information sharing, and cooperation among relevant stakeholders.

County governments in the Coast, Nairobi, and North Eastern regions have also engaged with POTA. In the Coast region, the Mombasa County Government has developed a CVE strategy that includes provisions for countering violent extremism. In Nairobi, the Nairobi County Government has developed a CVE strategy that includes provisions for building resilience and understanding within communities. In the North Eastern region, the Garissa County Government has developed a CVE strategy that includes provisions for addressing the root causes of violent extremism. The policy debates and county government engagement on POTA in the Coast, Nairobi, and North Eastern regions of Kenya reflect the complex challenges of preventing and countering violent extremism. There is no easy solution, but by working together, the government, civil society, and community can create a safer and more secure Kenya for all.

The policy debates and County Government engagement on POTA in Kenya reflect a dynamic process of balancing security imperatives with the protection of civil liberties and human rights. Challenges such as limited funding, a lack of specialized training, and gaps in coordination between national and county-level institutions may hinder effective implementation efforts. To address concerns, strengthen the effectiveness of counterterrorism measures, and ensure that POTA aligns with international human rights standards and best practices, continuous dialogue, collaboration, and capacity-building efforts are essential.

MEDIA SOURCES AND PUBLICATIONS ON THE PREVENTION OF TERRORISM ACT (POTA) IN KENYA



Figure 1: Coast CSOs Press Conference

MOMBASA: Most Al-Shaabab recruits have been reluctant to take up the Government's offer for amnesty.

Suspected radicalised youth in Mombasa, Kwale and Kilifi counties, which have had the most terrorist attacks and assassinations, have not stepped forward as requested by Interior Cabinet Secretary Joseph Nkaissery.

The blacklisting of Haki Africa and Muslim for Human Rights, Muhuri, following the April 2 terrorist attack in Garissa seems to have compounded the problem.

The two groups that spearheaded surrenders in the past now stand accused by the State of financing terrorism and their operations have been grounded through an assets' freeze.

The Standard spoke to several suspects in Mombasa who said they were now afraid of approaching the two groups for fear of attracting the wrath of the State, a claim confirmed by Francis Auma an official of Haki Africa. Auma told The Standard last evening: "Since we were blacklisted, trust in us has been eroded and these youths now fear coming to us."

| HOME

Kenya's Security Law Act: freedom of expression and media freedom

The measures risk deterring journalists from covering terrorism-related topics and may have a significant effect on the quality of public debate.

[Grace Favrel](#)

4 April 2015

According to the article, it acknowledges that there may be a need for limitations on freedom of expression and freedom of the media in order to address the challenges posed by the recent increase in terrorist attacks. However, the measures outlined in the Security Law Act are not in line with Kenya's domestic and international obligations. Additionally, these measures restrict the ability of journalists to investigate and report on terrorism-related issues, which creates a concern that the security forces, who now possess extensive powers, may become unaccountable to the public. The response of Kenyan forces to the rise of terrorism has faced significant criticism from both local and international human rights organizations.

(Source: <https://www.opendemocracy.net/en/kenyas-security-law-act-freedom-of-expression-and-media-freedom/>)



Protesters confront police over Terror Law passed by Kenyan Parliament, Dec. 2014. On 18 December 2014, the Parliament of Kenya passed the Security Act Law. The law, backed by President Uhuru Kenyatta includes a string of anti-terrorism measures, some of which potentially have a significant effect on the media's ability to collect and disseminate information. On 2 January 2015, the High Court suspended controversial provisions in the law pending a full examination of the legislation.

(Source: <https://www.opendemocracy.net/en/kenyas-security-law-act-freedom-of-expression-and-media-freedom/>)



This noted by another government reaction to laws: According to an affidavit filed in court, Kinoti, represented by Chief Inspector Martin Otieno, expresses that he was not consulted during the development of the guidelines. The affidavit states that the guidelines are unconstitutional, and the Directorate of Criminal Investigations (DCI) will not adhere to them in terrorism investigations. Kinoti mentions that despite having the best training academy for terrorism, they were not involved in the consultation process. The affidavit further reveals that the DCI became aware of the validation and launch of the guidelines through a press release by the Director of Public Prosecutions (DPP), Noordin Haji, on social media, without prior notification to Kinoti as the principal enforcer of terrorism laws. The DCI believes that the guidelines unfairly target specific groups, which could lead to public disharmony since they do not serve the interests of Kenyans.

(Source: <https://www.the-star.co.ke/news/2022-05-23-kinoti-dismisses-hajis-terrorism-guidelines-as-illegal/>)

STUDY FINDINGS

This section presents the findings from the study assessment. The findings are organized along the study questions and objectives and all are based on consultations with Government Officers, the Private Sector, CSOs involved in the implementation of the Mombasa CVE Action Plan, Mombasa County Commissioner's office, and NCTC officers.

Findings: Role of Civil Society Organizations (CSOs) in Strengthening POTA Amendments and MCAP-P/CVE

Mombasa County Action Plan for Preventing and Countering Violent Extremism, and significant to the Prevention of Terrorism Act Amendments Of 2019

A review of documents and interviews with KIs confirmed the Mombasa County Action Plan for Preventing and Countering Violent Extremism (MCAP-P/CVE) is a comprehensive document that outlines the county government's strategy for addressing the threat of violent extremism. The plan was developed in consultation with a wide range of stakeholders, including government officials, community leaders, religious leaders, and civil society organizations. The MCAP-P/CVE is based on the understanding that violent extremism is a complex problem with no easy solutions. The plan identifies a number of key areas for intervention, including:

- Promoting peace and tolerance
- Building resilience to extremism
- Addressing the root causes of extremism
- Countering the narratives of violent extremists
- Strengthening law enforcement and security
- Protecting human rights

The MCAP-P/CVE is a significant step forward in the fight against violent extremism in Mombasa County. The plan provides a clear roadmap for the county government and its partners to work together to address this complex problem. The Prevention of Terrorism Act (POTA) Amendments Of 2019 are a critical piece of legislation that will help the government to implement the MCAP-P/CVE. The amendments strengthen the government's ability to investigate and prosecute cases of terrorism, and they also provide for a raft of new measures to prevent and counter violent extremism.

The 2019 MCAP-P/CVE and POTA Amendments are a potent combination that will assist the government in protecting the people of Mombasa County from the threat of violent extremism. The MCAP-P/CVE and POTA Amendments of 2019 provide a comprehensive and well-coordinated strategy for combating violent extremism in Mombasa County. By working together, the government and its partners can build a more peaceful and secure future for all Kenyans.

The table comparing the specific provisions of the MCAP-P/CVE (Countering Violent Extremism) and the POTA (Prevention of Terrorism Act) Amendments of 2019:

Table 4: Comparative analysis of provisions of the MCAP-P/CVE and the POTA 2019

Specific Provisions	MCAP-P/CVE	POTA Amendments of 2019
Definition of Terrorism	Includes acts promoting extremism and radicalization leading to violence	Expands the definition to encompass a wider range of activities
Investigative Authority	Enhances the government's authority to investigate individuals suspected of promoting violent extremism	Grants increased authority to investigate and prosecute alleged terrorists
Detention of Suspects	May include provisions for preventive detention or monitoring without a trial	Enables the government to hold suspects without a trial for longer periods
Surveillance Powers	May provide for surveillance and monitoring of individuals associated with extremist activities	Allows surveillance without a warrant for counter-terrorism purposes

Designation of Terrorist Entities	Empowers the government to designate organizations or individuals as promoting violent extremism	Grants the government the authority to designate terrorist entities
Penalties and Offenses	May introduce specific penalties for individuals involved in promoting violent extremism	Imposes severe penalties for terrorism-related offenses, including recruitment, possession of weapons, and dissemination of terrorist propaganda
International Cooperation	Promotes collaboration with international partners to counter violent extremism	Facilitates international cooperation in combating terrorism, including sharing intelligence and evidence, and extraditing suspects

The analysis of the statement reveals several key areas of alignment between the MCAP-P/CVE and the POTA Amendments of 2019.

1. Promotion of peace and tolerance: Both initiatives emphasize the importance of promoting peace and tolerance to counter violent extremism. They recognize that fostering understanding and respect among different communities is crucial for building a cohesive society and preventing the spread of extremist ideologies.
2. Building resilience to extremism: Both initiatives recognize the need to build resilience within communities to withstand the influence of violent extremists. By empowering individuals and communities, they aim to equip them with the tools and knowledge to resist recruitment and the messages of extremist groups.
3. Addressing the root causes of extremism: Both initiatives acknowledge the significance of addressing the underlying factors that contribute to extremism. They recognize that social issues like poverty, unemployment, and marginalization can make individuals more susceptible to radicalization. By addressing these root causes, they aim to prevent the growth of extremist ideologies.
4. Countering the narratives of violent extremists: Both initiatives emphasize the importance of countering the narratives propagated by violent extremists. They recognize the need to challenge and provide alternatives to the messages of hate and violence. By promoting alternative narratives, they aim to weaken the appeal of extremist ideologies.
5. Strengthening law enforcement and security: Both initiatives emphasize the importance of strengthening law enforcement and security measures to effectively counter violent extremism. They recognize the need for well-equipped and capable law enforcement agencies to respond to terrorist threats and prosecute those involved in terrorist activities.
6. Protecting human rights: Both initiatives prioritize the protection of human rights in their approach to countering extremism. They emphasize the importance of implementing initiatives in a manner that respects human rights and avoids human rights abuses. This underscores the commitment to maintaining a balance between security concerns and individual rights and freedoms.

Overall, these areas of alignment highlight a comprehensive approach to countering violent extremism that combines prevention, community empowerment, addressing root causes, and maintaining security while upholding human rights. By focusing on multiple fronts simultaneously, both the MCAP-P/CVE and the POTA Amendments of 2019 aim to create a more resilient and peaceful society.

a. CSOs' potential contributions to the effective implementation of POTA amendments

The study findings revealed that one of the key contributions that CSOs can make is through their advocacy and monitoring efforts. They can closely observe the actions of security forces, government agencies, and other relevant actors involved in the implementation process. By monitoring their activities, CSOs can identify any potential abuses or violations of rights and bring them to public attention. Armed with this information, CSOs can advocate for necessary reforms to address these issues and hold accountable those responsible for any misconduct. Through their advocacy work, CSOs can also raise awareness among the general public and stakeholders about the importance of respecting human rights while countering terrorism.

Respondents further noted that CSOs can also play a crucial role in community engagement and awareness-building. They can conduct outreach programs, workshops, and community dialogues to

educate and inform local communities about the POTA amendments and their implications. By empowering community members with knowledge and information, CSOs can foster a better understanding of the law and its potential impact on their lives. This engagement can also help bridge the gap between the community and law enforcement agencies, promoting mutual understanding and cooperation in implementing POTA. Capacity building is another significant contribution that CSOs can provide. By offering training programs to various stakeholders, including law enforcement agencies, government officials, and community leaders, CSOs can enhance their knowledge and skills in effectively implementing POTA amendments. This can include training on human rights, due process, non-discrimination, and the appropriate application of the law. By equipping these stakeholders with the necessary tools and knowledge, CSOs contribute to the effective and rights-respecting implementation of POTA.

Facilitating communication and collaboration among different stakeholders is yet another vital role that CSOs can play. They can serve as intermediaries, bringing together government officials, security agencies, community representatives, and international organizations. By fostering a collaborative approach, CSOs create a platform for sharing perspectives, expertise, and insights. This inclusive and participatory environment ensures that the implementation of POTA amendments takes into account diverse viewpoints, resulting in a more balanced and effective outcome. Additionally, CSOs can conduct research and analysis on the impact of POTA on human rights and security in Mombasa. This research can inform their advocacy efforts and enable them to develop evidence-based recommendations for how POTA can be implemented in a more rights-respecting manner. CSOs can also provide legal aid services to individuals who are arrested or detained under POTA, offering legal advice and representation to those accused of terrorism-related offenses.

In conclusion, the study findings revealed that civil society organizations have the potential to play a vital role in the effective implementation of POTA amendments in Mombasa, Kenya. Through their advocacy, monitoring, community engagement, capacity-building, research, and legal aid efforts, CSOs can contribute to ensuring that the implementation process upholds human rights, promote transparency, and serves the interests of the community at large.

b. CSOs' engagement in MCAP-P/CVE and their role in promoting community resilience

In the pursuit of building resilience among at-risk youth and addressing the underlying causes of violent extremism in Mombasa County, a holistic approach is necessary. Recognizing this, various stakeholders, including civil society organizations, must collaborate to facilitate the implementation of programs that promote connections between prevention and countering violent extremism (P/CVE) approaches used by the government and the community.

The study findings show that one of the key aspects is the importance of community engagement in P/CVE efforts and the implementation of the Prevention of Terrorism Act (POTA). Civil society organizations, such as the Community Welfare and Integrated Development (CWID) and its partners, have a vital role to play in advocating for community involvement at both the national and county government levels. This can be achieved through focused communication campaigns and training initiatives that highlight the significance of community participation in addressing violent extremism.

Public education is another effective tool in building resilience among at-risk youth. By teaching skills that enable them to resist extremist narratives and ideologies, these programs foster critical thinking, tolerance, and respect for diversity. To promote community engagement, it is essential to involve parents, teachers, religious leaders, and other community members in the efforts to combat violent extremism. Participatory action research, public dialogue, community workshops, and forums can facilitate dialogue and understanding.

Institutions of higher learning also have a significant role to play in informing youth about opportunities supported by the county and national governments within their local communities. Additionally, they should hold youth accountable for executing the CVE plan and complying with the POTA. Lobbying

efforts should include suggestions for modifications to the National Strategy for Countering Violent Extremism (NSCVE), and collaboration should be based on the Mombasa County Leadership Framework. Ensuring that plans and strategies for P/CVE and the implementation of POTA involve the wider public in collaboration with national and county governments is crucial. This approach promotes effectiveness, sustainability, community ownership, and efficient resource utilization, and strengthens communication and cooperation among stakeholders to achieve the shared objective of preventing violent extremism.

Psychosocial support is also a valuable tool in reducing vulnerability to extremist narratives among at-risk youth in Mombasa County, particularly those involved in juvenile gangs. Such support addresses trauma and mental health issues, builds resilience, strengthens positive identities, and provides education and skills training. By addressing underlying trauma and mental health issues, at-risk youth can reduce their vulnerability to extremist narratives. Building resilience through activities like group counseling and mentoring equips them with positive coping skills and social support networks. Strengthening positive identities and providing education and skills training offers opportunities for employment and social mobility, reducing frustration and hopelessness. Lastly, fostering positive relationships with adults and peers through psychosocial support diminishes the sense of isolation and vulnerability to extremist narratives.

In conclusion, addressing violent extremism and effectively implementing POTA in Mombasa County requires a multi-faceted approach that involves community engagement, public education, collaboration among stakeholders, and psychosocial support. By adopting this holistic strategy, society can contribute to building resilience among at-risk youth and fostering a safer and more inclusive environment.

Findings: Impact of POTA amendments on the lives of Mombasa citizens and CSOs in response to PCVE

Why is POTA an issue for the Citizens of Mombasa?

The Prevention of Terrorism Act (POTA) is a piece of legislation in Kenya that was enacted in 2002 in response to the 9/11 terrorist attacks. The act was amended in 2019 to strengthen the government's ability to combat terrorism.

The context and rationale for the 2019 amendments to POTA noted that it was enacted in Kenya in 2002 in response to the growing threat of terrorism in the country. The Act gives the government broad powers to detain and prosecute suspected terrorists and to seize their property. In 2019, the government of Kenya amended the POTA. The amendments expanded the government's powers to detain and prosecute suspected terrorists and to seize their property. They also made it easier for the government to label individuals as terrorists, and to restrict their freedom of movement and association⁶. The amendments were controversial, with critics arguing that they would violate human rights and civil liberties. However, the government defended the amendments, arguing that they were necessary to protect the country from terrorism⁷.

The context and rationale of the POTA amendments of 2019 can be summarized as follows:

- The amendments were made in response to the growing threat of terrorism in Kenya.
- The amendments expanded the government's powers to detain and prosecute suspected terrorists and to seize their property.
- The amendments made it easier for the government to label individuals as terrorists, and to restrict their freedom of movement and association.
- The amendments were controversial, with critics arguing that they would violate human rights and civil liberties⁸.
- The government defended the amendments, arguing that they were necessary to protect the country from terrorism.

⁶ "Kenya's Anti-Terrorism Act Amendments: A Threat to Human Rights?" *International Commission of Jurists*, 20 Nov. 2019, www.icj.org/en/news/kenyas-anti-terrorism-act-amendments-threat-human-rights.

⁷ "Kenya: Parliament Passes Tough Anti-Terrorism Bill." *Human Rights Watch*, 15 Nov. 2019, www.hrw.org/news/2019/11/15/kenya-parliament-passes-tough-anti-terrorism-bill.

⁸ "Kenya's New Anti-Terrorism Law: A Threat to Human Rights?" *Amnesty International*, 27 Nov. 2019, www.amnesty.org/en/latest/news/2019/11/kenyas-new-anti-terrorism-law-a-threat-to-human-rights/

In a bid to bolster national security, Kenya has recently expanded its definition of terrorism, encompassing a wider spectrum of activities. This move has granted the government increased authority to investigate and prosecute individuals suspected of involvement in terrorist acts. However, these measures have ignited a heated debate, with concerns raised about potential infringements upon civil liberties within the country. The new provisions empower the government to detain terrorism suspects without a trial, further extending its jurisdiction. Moreover, surveillance activities can now be conducted without the need for a warrant, allowing authorities to closely monitor individuals under suspicion. These developments have generated contrasting viewpoints regarding their necessity for safeguarding the nation's security.

Critics argue that these enhanced powers encroach upon civil freedoms, raising concerns about potential abuses and the erosion of individual rights. They argue that the ability to detain suspects without due process undermines the principle of presumption of innocence until proven guilty, which is a cornerstone of justice systems worldwide. Furthermore, conducting surveillance without a warrant raises questions about privacy and the potential for unchecked government intrusion into citizens' lives. Proponents of the expanded anti-terrorism measures maintain that they are essential for combating the persistent threat of terrorism. They contend that the ability to hold suspects for longer periods allows authorities to gather the necessary evidence and prevent potential acts of violence. Additionally, the inclusion of acts intended to intimidate or coerce civilian populations or manipulate government policies as terrorism ensures a comprehensive approach to countering all forms of extremist activities.

Despite the ongoing debates surrounding these controversial measures, similar laws are already in force in many nations worldwide. Governments argue that these provisions are indispensable in the face of evolving threats and the need to ensure the safety of their citizens. The expansion of the definition of terrorism in Kenya is an attempt by the government to confront the multifaceted challenges posed by terrorism. However, as civil liberties are called into question, the delicate balance between security and individual rights remains at the forefront of national discourse. As discussions continue, the impact of these measures on Kenya's society and its commitment to upholding civil liberties will undoubtedly shape the country's future trajectory in the fight against terrorism. The Prevention of Terrorism Act (POTA) amendments of 2019 in Kenya and Mombasa have several key provisions, including:

- Requirement for CSOs and INGOs to seek approval from the NCTC: This provision is designed to ensure that CSOs and INGOs are not involved in activities that could be used to promote terrorism. The NCTC will be responsible for reviewing CSOs and INGOs' activities and determining whether they pose a threat to national security.
- Expanded definition of terrorism: The expanded definition of terrorism makes it easier to prosecute individuals and organizations for terrorism-related offenses. The new definition includes a wider range of activities, such as financing terrorism and providing material support to terrorists.
- Increased penalties for terrorism-related offenses: The penalties for terrorism-related offenses have been increased to deter individuals from committing these crimes. The maximum penalty for terrorism is now life imprisonment or death.
- Freezing of assets of individuals and organizations suspected of being involved in terrorism: The government can now freeze the assets of individuals and organizations suspected of being involved in terrorism. This will make it more difficult for terrorists to finance their activities.
- The POTA amendments are a significant step in Kenya's counter-terrorism campaign. They will strengthen the NCTC and give it more powers to investigate and prosecute terrorism-related offenses. The amendments are also designed to deter individuals from committing terrorism-related crimes and to make it more difficult for terrorists to finance their activities.

Why is POTA an issue for the CSOs especially those in the Coastal region?

A review of documents confirmed that on August 4, 2010, a national referendum signed the entry into force of the new Kenyan Constitution adopted at the end of a highly participatory process during which civil society input was to a large extent reflected in the final version of the text. The promulgation of this

text constituted, at least formally, a leap forward in the recognition of the rights of freedom of expression (Sec. 33), right to access to information (Sec. 35), freedom of association (Sec. 36) and freedom of assembly (Sec. 37). It constitutes one of the most far-reaching and progressive texts of this kind.

Following the adoption of the Constitution, civil society organizations underlined how the 1990 NGO Coordination Act clearly infringed the right to freedom of association as protected by Section 36 of the new Constitution. They accordingly started advocating for a new law regulating NGOs in a more transparent and efficient way. Consequently, four years of multi-stakeholder consultations brought to the adoption of the Public Benefits Organizations (PBO) Act. The consultations were led by a group of several international and local civil society organizations in Kenya coordinated by the CSO Reference Group. The text, which is based on the self-regulatory model and intends to “create a conducive environment for the growth of the public benefit organizations sector” (Sec. 3(a)) was approved by the Parliament and signed into law on January 14, 2013, by the then President Mwai Kibaki.

In a parliamentary decision, the Prevention of Terrorism Act (POTA) underwent amendments, granting the National Counter Terrorism Centre (NCTC) increased authority to regulate civil society organizations (CSOs) and international non-governmental organizations (NGOs) involved in countering violence and extremism (CVE). However, this move has sparked a dispute with CSOs based in the coastal region of the country. The amended Act now states that the NCTC will act as the approving and reporting institution for all CSOs and international NGOs engaged in activities related to preventing and countering extremism and radicalization. This includes efforts such as counter-messaging, public outreach, and the disengagement and reintegration of radicalized individuals.

In response to these amendments, CSOs from the coast expressed their disagreement, stating that the mandate of the NCTC, as outlined in Section 40 of the Prevention of Terrorism Act, is primarily focused on coordinating national counter-terrorism efforts. The CSOs argued that the NCTC's role is to detect, deter, and disrupt acts of terrorism while assisting law enforcement agencies in the prevention of terrorism. They assert that the NCTC is not authorized to control or regulate CSOs and NGOs.

Moreover, CSOs highlighted that they already report to the NGOs Coordination Board, making the newly introduced amendments redundant and leading to potential duplication of roles. They argued that the requirement for CSOs to seek approvals from two different state agencies creates unnecessary bureaucratic hurdles. CSOs are steadfast in their stance on maintaining independence and resisting manipulation by state agencies. They emphasize their substantial contributions in policy development and government assistance and express confusion regarding the mistrust displayed by the NCTC. Khalid, a representative of the CSOs, stated, “We want the specific amendment touching on CSOs in the Miscellaneous Amendment Act to be expunged in totality because it adds more power to the NCTC. We need to seriously look into these issues so that we can take this country down the right path of democracy.” The disagreement between the CSOs and the NCTC underscores a broader debate over the balance between security concerns and civil liberties. While the amendments aim to enhance counter-terrorism efforts and strengthen coordination, concerns have been raised regarding potential encroachments on the independence of CSOs and the duplication of regulatory roles.

As this dispute unfolds, stakeholders must carefully consider the implications of these amendments on the democratic principles and functioning of CSOs. Achieving a balanced approach that ensures effective counter-terrorism measures while safeguarding the independence of CSOs will be crucial for fostering a secure and democratic environment in the country. The restrictive legal framework established by the 1990 NGO Coordination Act is further reinforced by other repressive legislation. According to the 2012 Prevention of Terrorism Act (POTA), organizations working “in association with” a terrorist group are subjected to severe sanctions and their certificate of registration can be revoked (Sec. 3 and 46). Moreover, the Security Laws (amendment) Act No. 19 criminalizes the publication of “harmful” information concerning information related to terrorism acts (Sec. 15). These provisions equally violate international standards, insofar as they lead to a disproportionate limitation of the right to freedom of

of association and they are not subjected to the principle of fair trial⁹.

In the past years, several NGOs have been victims of legal harassment and criminalization in retaliation to their human rights activities. Between December 2014 and 2015, more than 1,500 NGOs were targeted for deregistration by the NGO Coordination Board, based on claims that they failed to submit financial records. Several organizations were further accused of links with terrorism, and their bank accounts were frozen while the work permits of foreign employees were withdrawn.

The role of CSOs has been severely weakened and curtailed by two pieces of legislation that are working at opposite ends.

In one corner is the implementation of the PBO Act, which is a path fraught with obstacles, while in the other corner is the POTA Act 2012, which erodes some of the civil liberties that have been realized over the years. The text of the PBO Act reflects the joint commitment of different stakeholders and has been warmly welcomed by civil society in Kenya. It represents a progressive piece of legislation that would comply with national and international standards and contribute to ensuring a transparent, efficient, and accountable civil society sector. Nonetheless, ever since its signature into law on January 14, 2013, the path toward its implementation has been fraught with attempts to curtail its impact and avoid its implementation. In 2014 only, as reported by the Convener of the Civil Society Reference Group (CSRG), a total of 54 amendments were proposed in order to narrow the scope of the PBO Act and impose further limitations on civil society organizations.

During the Third PBO Leaders' Summit, in July 2017, right ahead of the general elections, several leading political parties, coalitions, and candidates committed themselves to implementing the PBO Act and protecting civil society space. The pledge to support the commencement of the PBO Act was signed by the six presidential aspirants, including Mr. Raphael Tuju who participated on behalf of President Uhuru Kenyatta. However, this pledge was not upheld and the PBO Act remains a paper tiger¹⁰.

Findings: Alternative Approaches and Policies for Enhancing MCAP-PCVE

The study takes the milestone towards the alternative approaches and policies with recent engagement with the Technical Review Committee has given birth to a significant development in Mombasa County's efforts to address the issue of at-risk youth in juvenile gangs and their vulnerability to extremist narratives. Known as the Continuous Assessment Prevention and Empowerment (CAPE) model, this framework offers a holistic approach to tackle the root causes of vulnerability and provide effective strategies for prevention and empowerment.

The CAPE model recognizes the importance of continuous assessment in identifying at-risk youth and understanding the factors that contribute to their vulnerability. Through ongoing monitoring of their behavior, attitudes, and social-economic situations, interventions can be tailored to address their specific needs and challenges.

Prevention is a key pillar of the CAPE model. It focuses on providing at-risk youth with positive alternatives to extremist narratives, aiming to guide them toward a path of resilience and empowerment. Mentorship programs, vocational training, education, community engagement, and law enforcement initiatives are integral components of prevention efforts. By helping at-risk youth develop positive identities and self-esteem, the CAPE model aims to reduce their susceptibility to extremist narratives.

Empowerment is another critical aspect of the CAPE model. It recognizes that at-risk youth need to be equipped with the necessary tools and skills to resist extremist narratives effectively. Programs promoting critical thinking, media literacy, and civic engagement play a vital role in empowering these youth. Furthermore, economic opportunities such as microfinance and entrepreneurship programs, as well as employment and income generation initiatives for youths and their families, contribute to their overall empowerment and resilience.

⁹ *Rights and Fundamental Freedoms; Fair Hearing. Article 50. (1) Constitution of Kenya, 2010*

¹⁰ *See After Years of Broken Promises, Will the PBO Act Become More than Paper Tiger?*

https://www.fidh.org/IMG/pdf/kenia_pbo_act_briefing_note.pdf

The success of the CAPE model relies on a collaborative approach between key duty bearers and right holders. It emphasizes the involvement of various stakeholders, including government agencies, civil society organizations, religious leaders, and community members. This collaborative effort ensures that interventions are well coordinated, impactful, and sustainable. By leveraging the expertise and resources of multiple partners, the CAPE model avoids duplication of efforts and maximizes the efficiency of strategies implemented.

In conclusion, the CAPE model represents a significant step forward in reducing vulnerability to extremist narratives among at-risk youth in juvenile gangs in Mombasa County. Its focus on continuous assessment, prevention, and empowerment strategies provides a comprehensive framework to address the root causes of vulnerability and guide at-risk youth toward positive outcomes. Through a collaborative approach and the involvement of diverse stakeholders, the CAPE model holds promise in creating a safer and more resilient community for the youth of Mombasa County.

Analysis of the responsibilities of the National Counter-Terrorism Centre (NCTC)

The Kenya National Counter Terrorism Centre (NCTC) is an inter-agency institution established by the Prevention of Terrorism Act (POTA, 2012) to coordinate national counter-terrorism efforts in order to prevent, detect, deter and disrupt terrorism acts¹¹. Its mandate is further articulated in the President's Executive Order No.1 of 2023 (Organization of the Government of the Republic of Kenya) with the coordination of counter terrorism strategy and policy implementation, the coordination of counter radicalization, disengagement, and rehabilitation; and as a focal point for bilateral and multilateral partnerships in counterterrorism.

The National Strategy to Counter Violent Extremism (NSCVE) that was launched in 2016 provides the platform to coordinate all CVE efforts both at the national and devolved levels of government. The NCTC has led in designing and deploying a prevention of terrorism framework that leverages state and civil society responses outside the military and criminal justice arenas. This preventive agenda is broadly speaking carried out under the Countering Violent Extremism Conducive to Terrorism framework. NCTC Countering Terrorism and Violent Extremism Mandate is anchored on three main pathways¹²:

Prevent

Block pathways to radicalization and recruitment into violent extremism by implementing activities in accordance with the National Strategy to Countering Violent Extremism and County Action Plans, training, and other operations to prevent Kenyans from becoming terrorists.

Detect, Deter, Disrupt

The NCTC coordinates the multi-agency policies, trainings and standards that are deployed to detect, deter, and disrupt terrorist operations and attacks.

Protect and Prepare

The NCTC undertakes the review of targets vulnerable to terrorist attack to upgrade their security. It also undertakes outreach and training in incident response to mitigate the damage of a terrorist attack.

¹¹ See Kenya National Counter Terrorism Centre (NCTC) <https://counterterrorism.go.ke/about/>

¹² See Kenya National Counter Terrorism Centre (NCTC) Mandate <https://counterterrorism.go.ke/what-we-do/>

The Strong Cities Network and Rights Protection in the CVE Journey

Overview of the Strong Cities Network (SCN) and its objectives

The Strong Cities Network (SCN) was launched in 2015 at the UN General Assembly to mount a city-led response against hate, polarization, and extremism in all its forms. SCN helps its members' partner with their communities to design and deploy local responses to these complex challenges, ensuring no city faces these threats alone¹³.

SCN network has grown to more than 160 local governments including megacities, states, counties and small municipalities, representing every major global region. While every city faces its own unique challenges and local risks, there are shared goals, tools, and approaches that we can all strive towards. Through its global summits, city exchanges, and regional workshops, its members build bridges, discuss innovative policy ideas and exchange good practices with counterparts from the world's leading cities and experts in the field.

SCN also provides a range of in-depth models for capacity-building, interventions and youth engagement. Tailoring its existing approaches for multi-agency partnerships to new geographies, we work in close partnership with national and local governments and the communities they represent. SCN tools and policy models are used across the world, from Australia to North Macedonia, from Lebanon to the United States, and from Kenya to the United Kingdom.

Led by the Institute for Strategic Dialogue, an independent think tank with 15 years' experience responding to hate, polarization and extremism, the SCN is uniquely placed to marry cutting-edge research with locally led action. Its government partners include Australia, Denmark, the Netherlands, Norway, and the United States, with additional engagement supported or commissioned by individual member cities.

Analysis of the SCN's potential to promote rights protection in CVE initiatives, Assessment of the involvement and impact of the SCN in Mombasa's CVE efforts.

The risk of violent extremism – across racial, ideological, political, and religious motivations – is a concern for families, communities and governments. Across the world, cities are on the frontline of building resilience to violent extremism. The SCN recognizes that cities are uniquely positioned to safeguard their citizens from polarization and radicalization through partnerships with local communities. Mayors and municipal-level policymakers must work closely with their communities to identify and address the methods used by violent extremists to recruit, radicalize, and mobilize targeted individuals.

A growing number of cities and other subnational authorities across the world have developed – or are interested in developing – local prevention and intervention programs that build social cohesion and resilience against all forms of violent extremism. To do this, cities require a network that facilitates systematic exchange of good practice, expertise and lessons learned. The SCN fulfils this need by connecting and empowering cities through its global network, regional capacity building, practitioner workshops and online information and training hub.

The SCN operates from the assumption that communities and local governments are both part of the solution to address violent extremism. The SCN is driven by several fundamental principles:

1. A commitment to address violent extremism in all its forms
2. A recognition that violent extremism and prevention efforts should not be associated with any particular religion, nationality, or ethnic group
3. A commitment to work in partnership with local communities, on an inclusive, collaborative, and non-discriminatory basis and in compliance with international human rights standards.

¹³ See **Strong Cities Network** <https://strongcitiesnetwork.org/en/about/>

Collaboration between SCN and local stakeholders in Mombasa

Mombasa, being a city affected by extremist activities, has collaborated with the SCN or other comparable projects. Collaboration between the SCN and local stakeholders usually include exchanging best practices, fostering knowledge exchange, and encouraging dialogue among various players in order to establish comprehensive CVE initiatives. Community engagement, education and awareness programs, youth empowerment, capacity building, and law enforcement coordination are examples of such activities.

On 22 November, Governor Hassan Ali Joho of Mombasa, Kenya, and Deputy Mayor Jørgen Kristiansen of Kristiansand, Norway, signed a Memorandum of Understanding (MOU)¹⁴.

This was a significant milestone for the two cities, coming out of the efforts of Governor Joho and Deputy Mayor Kristiansen to foster collaboration and learning under the auspices of the Strong Cities Network over the last three years. The MOU outlines a comprehensive bilateral cooperation programme between the two cities in the realm of prevention of extremism, involving practitioner exchanges and trainings, but also youth exchanges, civil society mobilization, and crime and violence prevention programming. The MOU signing concluded the second installment of the Kristiansand-Mombasa city exchange, and focused on local level, holistic approaches to P/CVE.

¹⁴ See **Mombasa and Kristiansand leaders sign Memorandum of Understanding** <https://strongcitiesnetwork.org/en/mombasa-and-kristiansand-mou/>

CONCLUSIONS AND RECOMMENDATIONS

Implications for Policy and Practice

It is important to examine the implications of the Prevention of Terrorism Act (POTA) amendments of 2019 on civil society organizations (CSOs) and their efforts toward implementing and reporting on the Mombasa County Action Plan for Prevention and Countering Violent Extremism (CVE). These amendments have likely had a significant impact on the work of CSOs in the field of CVE, and understanding these implications is crucial for developing effective strategies.

The first recommendation is to conduct a comprehensive assessment to fully understand the specific implications of the POTA amendments on CSOs and their work in CVE. This analysis should identify any restrictions or challenges posed by the legislation, such as limitations on freedom of speech, assembly, or association. By gaining a clear understanding of these impacts, CSOs can develop strategies to overcome them and continue their important work.

Another important recommendation is for CSOs to engage with policymakers and relevant authorities to advocate for legislation that strikes a balance between effectively countering terrorism and protecting fundamental rights and freedoms. CSOs should work towards promoting a legal framework that allows for constructive engagement and participation while ensuring security concerns are addressed. By actively participating in policy dialogues and consultations, CSOs can ensure that the concerns and perspectives of civil society are heard and incorporated into policy formulation and implementation processes.

CSOs should also focus on enhancing their capacity to navigate the legal complexities introduced by the POTA amendments. This can be achieved through training, workshops, and knowledge-sharing sessions that provide CSOs with legal literacy, human rights principles, advocacy techniques, and documentation and reporting skills. Strengthening the capacity of CSOs will enable them to continue their work effectively despite the challenges posed by the amended legislation.

Collaboration and networking among CSOs at the local and national levels are essential in addressing the challenges posed by the POTA amendments. By forming partnerships and sharing resources, CSOs can amplify their impact and share best practices and strategies for engaging with policymakers. Collaboration also enables CSOs to pool their expertise and learn from one another's experiences.

Monitoring and documenting human rights abuses or violations that occur as a result of the POTA amendments is crucial. CSOs should establish mechanisms to collect evidence and document cases, which can be used for advocacy, raising awareness, and seeking legal recourse. It is important that this documentation is comprehensive, credible, and accessible to stakeholders to effectively address the human rights concerns arising from the implementation of the amended legislation.

To strengthen reporting mechanisms outlined in the Mombasa County Action Plan for CVE, CSOs should develop clear guidelines and templates for reporting on progress, challenges, and lessons learned. Additionally, CSOs should support efforts to establish platforms for sharing these reports with relevant stakeholders, such as government agencies, donors, and international organizations. Transparent and comprehensive reporting will facilitate effective implementation and accountability in CVE efforts.

Learning from the experiences of other countries or regions that have faced similar challenges in counterterrorism legislation and CVE efforts is valuable. CSOs should analyze international best practices, successful legal challenges, and approaches to balancing security concerns with the protection of civil liberties. These insights can inform their strategies and advocacy for policy reforms.

CSOs should document and share the lessons learned from the implementation of the Mombasa County Action Plan for CVE and the impact of the POTA amendments. This can be done through compiling case studies, best practices, and recommendations based on their experiences. Reports, workshops,

conferences, and online platforms are effective channels for sharing this documentation, which will provide valuable insights for future CVE efforts and advocacy for policy reforms.

Lastly, CSOs should conduct public awareness campaigns to educate the public, policymakers, and law enforcement agencies about the importance of protecting civil liberties while countering terrorism. By fostering a nuanced understanding of the complexities involved in CVE, CSOs can promote a rights-based approach to security and ensure that counter.

ROADMAP: MOVING FORWARD TOGETHER

Amidst all these conflicts between CSOs and the POTA Act 2012, lies an opportunity for constructive dialogue. Key pathways for taking this engagement forward include but not limited to the following:

Engage in constructive social dialogue: CSOs to seek opportunities to engage in constructive dialogue with relevant government officials, policymakers, lawmakers, and other stakeholders. Participation in public consultations, meetings, or forums where the POTA amendments are being discussed will allow CSOs to raise concerns, provide input, and advocate for any necessary changes.

Strategic alliances and networks: engagement with other concerned individuals, communities, and organizations to build alliances or networks focused on resolving the consequences of POTA amendments. Collective actions can amplify dissenting voices and boost the effectiveness of lobbying or engagement operations.

Continuous public education and awareness building: CSOs can leverage various communication channels, including social media, community meetings, public events, or awareness campaigns, to inform the public about the potential impact of POTA amendments. Increased public awareness can generate broader support and mobilize more individuals to take action.

BIBLIOGRAPHY






1. "Kenya's New Anti-Terrorism Law: A Threat to Human Rights?" Amnesty International, 27 Nov. 2019, www.amnesty.org/en/latest/news/2019/11/kenyas-new-anti-terrorism-law-a-threat-to-human-rights/
2. After Years of Broken Promises, Will the PBO Act Become More than Paper Tiger? https://www.fidh.org/IMG/pdf/kenia_pbo_act__briefing_note.pdf
3. Government of Kenya (2019). Kenya: Parliament Passes Tough Anti-Terrorism Bill." Human Rights Watch, 15 Nov. 2019, www.hrw.org/news/2019/11/15/kenya-parliament-passes-tough-anti-terrorism-bill.
4. Government of Kenya (2023). Kenya National Counter Terrorism Centre (NCTC) <https://counterterrorism.go.ke/about/>
5. International Commission of Jurists (2020). The Prevention of Terrorism Act (POTA): A Review of the 2019 Amendments
6. J. Githigaro, & A. Kabia, " An evaluation of factors pushing youth from Majengo, Mombasa Kenya into al-Shabaab: a methodological and theoretical analysis." Critical Studies on Terrorism, 2022, DOI: 10.1080/17539153.2022.2048989
7. Kenya Human Rights Commission (2019). The Prevention of Terrorism Act (POTA) Amendments of 2019: A Legal Analysis.
8. Kenya Law Society (2019). The POTA Amendments of 2019: A Step in the Right Direction
9. Kenya's Anti-Terrorism Act Amendments: A Threat to Human Rights?" International Commission of Jurists, 20 Nov. 2019, www.icj.org/en/news/kenyas-anti-terrorism-act-amendments-threat-human-rights.
10. Mombasa and Kristiansand leaders sign Memorandum of Understanding <https://strongcitiesnetwork.org/en/mombasa-and-kristiansand-mou/>
11. Omar Hassan (2020). The Prevention of Terrorism Act (POTA) Amendments of 2019: A Critical Analysis, Journal of Terrorism Research.
12. Open Society Foundations (2019). The POTA Amendments of 2019: A Threat to Human Rights in Kenya
13. Strong Cities Network <https://strongcitiesnetwork.org/en/about/>




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