LOCATING WOMEN FROM 'SUSPECT COMMUNITIES' WITHIN KENYAN COUNTER-TERRORISM DISCOURSE: TOWARD A GROUNDED FEMINIST INQUIRY

By

ODUNDO COLLINS ODHIAMBO

Supervisor: Professor Julie Stewart

A Dissertation submitted in partial fulfilment of the requirements for a Masters Degree in Women's Law, Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe

2016

Abstract

The impact of terrorism and counter-terrorism in Kenya cannot be understated. In the wake of *Al-Shabaab*-related terrorist attacks in the country, Kenya initiated the implementation of a counter-terrorism operation dubbed *'Operation Usalama Watch'*. The operation, hinged on their supposed ethnic affiliation to the *Al-Shabaab* membership, essentially involved the indiscriminate arrest and detention of Muslim individuals perceived to be of Somali origin. This was done under the guise of strengthening national security. Muslim Somalis were represented as a suspect community. However, for the many Muslim Somali men who have been arrested or detained, there are their women (and children), invisible in their homes to the public eye and left alone to occupy their private sphere, now a vacuum of socio-economic insecurity. A feminist analysis indicates that these women are not readily or easily visible since there is a marked difference between what transpires in the public space against men (their arrests, detention and problematic treatment) and the consequent harm suffered as a result by their women folk in their private arena.

This research draws upon the findings of a grounded, exploratory and inquisitive study attending to these concerns in Nakuru, Kenya. It emphasises the experiences and lived realities of Muslim Somali women who find themselves caught in middle of this socio-legal conflict pitting the implementation of counter-terrorism measures against their gendered consequences. The researcher argues that counter-terrorism measures implemented in Kenya are subjective to the extent that ethno-religious profiling forms the basal criteria during the process of their implementation. He further argues that since counter-terrorism measures in Kenya are primarily aimed at members of the Somali community, Muslim Somali women who inhabit private spaces due to cultural and religious factors are affected in particular ways which are not easily or readily appreciated. Through this research, the author intends to make visible, through an account of Muslim women's experiences, the masculinized and class dynamics through which counter-terrorism measures operate and which are often ignored, hidden, or go unnoticed as a result of the prejudiced official narratives of counter-terrorism.

Table of contents

Declaration

I, ODUNDO COLLINS ODHIAMBO, do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has not been previously, in its entirety or in part, been submitted to any other university or institution of learning for a degree or diploma. Other works cited or referred to are acknowledged accordingly.

Signed: …………………………………………

Date: …………………………………………

Dedication

To

Ahyan,

Mum and Dad.

Acknowledgements

This journey has been one long walk. It is amazing how far we have come. All the praises and thanks be to Allah, the Most Beneficent, the Most Merciful.

Back home, I salute my mother and father, Everlyn Regina Akinyi and Charles Odundo Achola, for providing me with the finest gift of all – education. I am me because of you. Thank you for your encouragement and support throughout the years. I could never ask for more. I hope this will make you proud. Many thanks also to my wife Fatma Ali. I am indebted to you for allowing and encouraging me to live this dream. Every day you inspire me to be more. I will forever remain grateful for your support and sacrifice. Thank you for your unconditional love, patience and tolerance.

To the resilient and dauntless women and men in Southern and Eastern African Regional Centre for Women's Law (SEARCWL), University of Zimbabwe (U.Z.), thank you for welcoming me into your lives and sharing your victories, dreams, thoughts, memories and, disenchantments and disappointments with me. The debt I owe is one I can never fully repay. Thank you for being perfect examples of academic excellence.

In particular, I would like to acknowledge those, who in one way or the other, contributed their scarce resources and time to help me throughout the research process: to Prof. Julie Stewart, my supervisor, thank you for your patience, guidance, time, insights and powerful mind. Thank you for believing in my research when even I doubted myself at times. You infinitely lightened my burden. I am forever grateful.

My interest and sojourn in women's law and women's issues was sparked by Dr. Ruth Aura-Odhiambo who also encouraged me along the way –sometimes when I needed reassurance that my wings were fit and perfect for flight. Thank you so much. I am also grateful to Prof. Tom Ojienda, SC and Prof. Annika Rudman for invaluable insights which eventually shaped the focus of this research.

My gratitude also goes to the Somali Muslim men and women I met and talked to in their homes and elsewhere, I especially hold you dear and close to my heart and cherish my time with you and the invaluable information you provided – without you, this research would not have been a success: *mahadsanid!* Thank you for your willingness and readiness to respond to my many questions.

I would also like to express my gratitude to James, Grace, and Lilian. Thank you for your time, counsel, friendship and loyalty. You know what they say, 'If you want to go fast, go alone; if you want to go far, go together.' I am grateful that I walked this journey with you. The knowledge you have shared with me will continue to influence my career, and I will always reflect on my time with you fondly. To Patricia and Fadzai, thank you for always exchanging ideas with me and expressing real concern.

Christine Jerobon, Zeanat Awan, Joyce Kiumbuku, Henry Opondo and Christine Bhoke warrant special recognition for their help throughout this process. You have my deepest gratitude.

Last but not least, to the Masters Class of 2015-16, we made it! Thank you for sharing the African spirit of *Ubuntu* and for helping me learn valuable lessons along the way. We came, we saw, stumbled at times, but we ultimately conquered!

List of local legislation and policies

Constitution of Kenya 2010

National Gender Policy (Kenya) 2011

Prevention of Terrorism Act, 2012

List of figures

List of tables

Executive Summary

Since the increase in *Al-Shabaab*-related terrorist attacks in Kenya, there has been a raft of measures designed to counter terrorism. This research is dedicated to developing and deepening the comprehension of the gendered impact of counter-terrorism measures on the Somali Muslim community. In Kenya, particularly in towns outside the coastal region, counter-terrorism measures are almost exclusively experienced by Muslim Somalis. Although there has been plenty of concern relating to the amenability of counter-terrorism measures, policies and laws to international human rights principles, and their discriminatory impact on specific communities, very little has been acknowledged about their impact on women.

The need to understand the gendered impact of counter-terrorism measures, policies and laws cannot be understated. This is because non-holistic counter-terrorism measures which increase repression (implicitly or otherwise) or fail to address possible harms are likely to be counter-productive. In turn this cannot only serve to emasculate the confidence and trust needed for effective cooperation, but can also, in itself, reinforce narratives peddled by terrorists.

This is, primarily, an in-depth, modest qualitative research. It examines and interrogates the experiences of counter-terrorism measures through case studies of Muslim Somali women in three areas in Nakuru, Kenya: *Kambi* Somali, Shabaab, and Naka estates. In all these areas, in-depth interviews were conducted involving both Muslim Somali men and women, while exploring their perceptions, experiences and lived realities. A focus group discussion involving Muslim Somali women was also held in *Kambi* Somali (Camp Somali). In addition, community leaders and state officers both at the county and national level were interviewed.

So what were the general research findings?

The impact of counter-terrorism measures is a serious class issue. The socio-economic diversity of the Somali Muslim community means that some aspect of the community's population is more likely to come into contact with counter-terrorism measures more than others. In turn Muslim Somali women are also affected disproportionately. Somali Muslim women from the different areas, specifically those from Naka as opposed to those living in *Kambi* Somali and Shabaab, who took part in the study, appear to live parallel lives. While Muslim Somali women from the affluent Naka estate seemed unaffected by counter-terrorism measures, the inhabitants of *Kambi* Somali and Shabaab estates shared experiences of how counter-terrorism measures

have had an impact on their lives. What emerged from this is that specific estates where there is a relatively huge population of Somali Muslims (*Kambi* Somali and Shabaab), and therefore a lower socio-economic mobility, the state's policing operations and measures are more pronounced than in areas where the socio-economic mobility of Somali Muslims is higher (Naka estate).

In addition, many respondents were convinced that counter-terrorism measures have contributed to a wider sense among Somali Muslims that they are treated as a 'suspect community' and suffer from ethno-religious profiling by authorities. While these respondents were not able to pin-point specific legislation or policies targeting them, they were however aware of counter-terrorism measures, such as the *Usalama* Watch, which they argued contributed towards societal hostility to Somali Muslims by treating them holistically as a 'suspect group'.

The study unearthed a disconnect between state narratives that men are in most cases the victims of counter-terrorism measures, and the reality of Muslim Somali women who narrated of how they are left to wallow in, among other disenfranchisements, isolation and financial hardship. This would be occasioned in the event when a Somali man is arbitrarily arrested or detained since men in Somali families are the primary providers and breadwinners. The respondents had strong views on the impact of counter-terrorism measures on the lives of women, particularly when those measures target a specific people based on ethno-religious profiling, rather than on any form of immediate threat or suspicion. There was specific concern about the wanton arrests and detentions of people perceived to be Somalis.

State officers were at pains to draw a distinction between implementing counter-terrorism measures hinged on blatant ethno-religious profiling and enforcing national security. They felt that the open prejudice against members of the Somali community was justified and that end justified the means; that this was simply a case of 'breaking eggs to make an omelette'. They were oblivious to the gendered impact of these actions on Muslim Somali women. To most of these respondents, it was inconceivable that women suffer any harm in the private sphere (the home) when law enforcement officers in most cases only target Somali males. In addition, the Prevention of Terrorism Act, 2012 was viewed as gender neutral legislation that had no gendered impact. However, the research revealed that the legislation is responsible for counter-terrorism measures such *Operation Usalama Watch* which ultimately has a gendered impact.

What to do?

In summary, the findings suggest that Muslim Somali women are invisible to policy makers although they suffer from great 'state-sponsored' harm within the private sphere. This research ultimately offers several recommendations which are summarized below:

- The state needs to prepare a counter-terrorism policy framework which provides for gender-sensitive tools in assessing the impact of counter-terrorism measures and providing for appropriate remedies in the event of harm occasioned to women;
- The state needs to invest much in understanding the gendered impact of counter-terrorism measures since it becomes inherently difficult to evaluate causal claims where empirical evidence is scarce;
- A lot more awareness raising is needed to emphasise the precarious position that in which Muslim Somali women find themselves;
- The conceptualization of the term 'gender' as recognized in the National Gender Policy as being not synonymous to either 'women' or 'sex' should be assimilated in all counter-terrorism policies, practices and institutions so as to ensure that the state is able to fully appreciate the various ways in which counter-terrorism measures differently impact men and women; and
- Consideration needs to be given to the recognition of 'the right to family life' as a distinct and separate right from 'the right to family' and which therefore requires protection from the state subject only to Constitutional limitations.

In conclusion

A vast majority of Muslim Somalis who are victimized by authorities through arbitrary arrests and wanton detentions are never charged with any offence, but are only released sometimes after long incarceration periods. There is therefore a need to carefully plan and consider the various needs of those family members who are left behind, particularly women and children. It must not be forgotten that Muslim Somali women, due to religious and cultural factors, enjoy their sphere of influence within the private sphere. Legislators and policy makers must have these women in mind as being vulnerable to harm and must therefore undertake efforts to prevent or contain any harm in the unfortunate event that they occur. The respondents

interviewed in this research, their experiences and lived realities emphasise a huge disconnect between the emphasis placed on countering terrorism and the level of importance given to significant social issues affecting women as a result.

CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND TO THE STUDY

'Everyone knows the story about the Emperor and his fine clothes; although the townspeople persuaded themselves that the Emperor was elegantly costumed, a child, possessing an unspoiled vision, showed the citizenry that the Emperor was really naked…The story also reminds us that collective delusions can be undone by introducing fresh perspectives.'

Millman & Kanter (1975)

1.1 Background

The impact of terrorism and counter-terrorism in Kenya cannot be understated. Counter-terrorism has been defined to mean corresponding actions intended to 'ameliorate the threat and consequences of terrorism' (Sandler, 2014:12). In recent years, Kenya has suffered a spate of terror attacks which have left hundreds dead and many more injured (START, 2015).[1] Most of these terror attacks have been attributed to *Al-Shabaab* (Aronson, 2013:29; REDRESS & REPRIEVE, 2009), a terror group with its roots in neighbouring Somalia and an affiliate of the *Al Qaeda* terror organization (Blanchard, 2013). The watershed moment for Kenya in the fight against terrorism came in the wake of *Al-Shabaab* related attacks in Mombasa and Nairobi (in a predominantly Somali estate, Eastleigh) on the 23 March and 31 March 2014, respectively (Amnesty International, 2014).[2] Why is this narrative important? In itself, the terror activities of *Al-Shabaab* have little bearing on the general scope of this research. However, this narrative is important since it maps and makes clear Kenya's approach to counter-terrorism.

Against the backdrop of the *Al-Shabaab*-related terror attacks, Kenya initiated and began the implementation of a counter-terrorism operation dubbed *'Operation Usalama Watch'*

---

[1] The 2015 Background Report published by National Consortium for the Study of Terrorism and Responses to Terrorism (START) indicates that in 2014, for instance, the Al-Shabaab committed more than 80 attacks in Kenya killing over 230 people in the process. The Report further shows that since 2008, when the terrorist group first launched its first attack in Kenya, the country has experienced (as of 2014) more than 330 attacks, an average of approximately 47 attacks a year. Between 2008 and 2014, Al-Shabaab claimed responsibility for over 63 percent of all attacks in Kenya during that time period.

[2] These attacks killed at least 10 people and injured scores of others. Only a few months earlier in 2013 another attack, the Westgate Shopping Mall attack, attributed to Al Shabaab had killed at least 72 in Nairobi.

(Amnesty International, 2014; IPOA, 2014).[3] The operation involved indiscriminate arrests and detentions of Muslim individuals of Somali origin which was hinged on their supposed ethnic affiliation to the *Al-Shabaab* membership (Human Rights Watch, 2015; IPOA, 2014; Kerrow, 2014; Mawiyoo, 2015; Muhumed, 2014). The official state narrative was that there was a need to 'flush out *Al-Shabaab* adherents/aliens and, search for weapons, improvised explosives devices (IEDs) and other arms so as to detect, disrupt and deter terrorism...' (IPOA, 2014). However, the government, as Human Rights Watch (2013: 12) reported, did more than that:

> 'Police extortion and arbitrary arrests of refugees in Eastleigh is not new, nor is discrimination and abuse by Kenyan security forces of Somali Kenyans and Somali refugees. However, the scale and intensity of the crackdown that ensued in Eastleigh between mid-November 2011 and late January 2013 was unprecedented.'

Dealing with insecurity for the Kenyan government meant addressing the 'Somali issue' and treating every Somali as a suspect. Muhumed (2014) posits:

> 'Somalis living in Kenya have been under attack by a police force often criticised for brutality and corruption. Somali neighbourhoods in Nairobi are on lockdown, and those who have protested, including rights activists, have been labelled as terrorist sympathisers...Since (*Operation Usalama Watch* began), Kenyan security forces have been storming homes in the capital, rounding up thousands of Somali refugees and Somali Kenyans.'

Essentially, Somali Muslims were represented as a 'suspect community' in public discourse on terrorism. The raid on Somalis, both in public and private spaces, became a countrywide operation extending to major towns, including Nakuru (Mukinda, 2014) which informs the basis for this research. Whether *Operation Usalama Watch* amounted to or facilitated human rights violations has been the subject of numerous commentators (Kerrow, 2014; Ali, 2014; Anderson, 2015) and human rights organizations' observations and reports (Amnesty International, 2014; Human Rights Watch, 2015). In a broader context, the question has been whether Kenya's counter-terrorism measures are in themselves a violation of human rights as contemplated under international human rights law.

---

[3] 'Usalama' is a Swahili word meaning 'security'. The phrase loosely translates to 'security watch'. The operation was initially referred to as 'Rudisha Usalama' which is Swahili for 'restore security' or 'bring back security'.

However, the central question which this research seeks to answer goes beyond visible rights violations which are likely to skew the discourse toward male actors. This particular research is focused on the implications of counter-terrorism measures (state intrusion) in private spaces and how in particular women are affected beyond the plainly visible violations. For instance, although both men and women were affected during *Operation Usalama Watch*, some of the persistent questions which lingered included, In what ways was the private space (the home) invaded separate from the public space where most Somalis were being arbitrarily arrested and harassed? How was the family life of Somali Muslims disrupted? Who suffers more when the government indiscriminately implements counter-terrorism operations such as *Operation Usalama Watch* – men or women? How were women affected separately from men? This of course does not take away the fact that Muslim Somali men, women and children are all affected by subjective counter-terrorism measures. This understanding necessitated the need to assess the gendered impact of counter-terrorism.

In this study, I argue that counter-terrorism measures implemented in Kenya are subjective to the extent that ethno-religious profiling forms the basal criteria during the implementation process. The spaces within which the effects of a subjective counter-terrorism framework are felt, I posit, is two-fold: one, experience in the public space; and two, experience within the private space, particularly the home. I further argue that since counter-terrorism measures in Kenya are primarily aimed at members of the Somali community, Muslim Somali women who inhabit private spaces due to cultural and religious factors (APDH, 2002(a)) are affected in particular ways which are not easily or readily appreciated.

Cultural and religious realities and contexts within which Muslim Somali women function provide insight into specific ways subjective counter-terrorism measures disrupt family life within the home. The private space is central to Muslim Somali women's experiences. However, these women are not readily or easily visible since there is a marked emphasis on what transpires in the public space as opposed to harm experienced in the private arena. With this research I hope to contribute towards research in this socio-legal area which has suffered from neglect. I intend to make visible, through an account of Muslim women's experiences, the masculinized and class dynamics through which counter-terrorism measures operate and which are often ignored, hidden, or go unnoticed as a result of prejudiced official narratives of counter-terrorism.

Drawing from the above opening conceptual framings, I have divided the research study into six chapters. This chapter serves as the introduction and provides the general framework and background to the research. The second chapter considers the literature in review and conceptual framework while chapter three is dedicated to the research methodological framework. Chapter four focuses on establishing the research findings. The fifth chapter of the research is dedicated to an in-depth examination and analysis of the findings while mirroring these findings to established legal norms at the national, regional and international levels. The final chapter explores possible intervention strategies which the Kenyan government can adopt to ensure the protection of Muslim Somali women's rights within the private sphere, particularly within the family structure.

1.2   Statement of the problem

There has been little or no focus on the gendered impact of counter-terrorism measures in Kenya. The debate has been limited to general human rights violations associated with counter-terrorism (Amnesty International, 2014; Human Rights Watch, 2015). As a result, a general assumption subsists in counter-terrorism discourses that men suffer more than women (Huckerby & Satterthwaite, 2013; CHRGJ & GJC, 2011: 9). This has essentially obscured the manner in which women, particularly Muslim Somali women,[4] experience subjective counter-terrorism measures. As a result, the plight of these women, whether or not it falls within the realm of rights violations, is rendered invisible to legislators and policy makers (CHRGJ & GJC, 2011).

The peculiar manner in which Muslim Somali women are affected by counter-terrorism relates to their position within the home; the home being the centre of family life. The shape of Somali culture is affected and influenced by the interaction between patriarchal norms[5] and Islam (APDH, 2002(b): 6-7). Consequently, the place occupied by Somali women in society (and within the home) is determined by traditions influenced by customs and the specific interpretation of Islam. In Somali culture, where each member has defined roles and responsibilities, the man is the head of the household and the economic provider while the

---

[4] The focus on Muslim Somali women is particularly significant because of two reasons: one, due to religious and cultural factors, they mostly occupy the domestic realm; and two, Muslim Somali women function within a society that can be considered a 'suspect community' due to implementation of counter-terrorism measures targeted at members of the community.

[5] Patriarchal societies are essentially male-centred. The woman in such a society is expected to honour, respect and obey her husband as well as his male relatives.

woman is expected to stay at home and perform all the common domestic tasks (APDH, 2002(b): 8). In such a society, counter-terrorism measures have a special resonance with female family members who bear the burden of anxiety, social exclusion, harassment and economic hardship occasioned by the absence of their male breadwinner.

The situation is exacerbated when the basis of such intrusion into the private space is ethno-religious. It has been argued that the counter-terrorism efforts in Kenya have been laced with discrimination on the basis of ethnicity and religion in its operations (Amnesty International, 2005). The operations have been focused on predominantly Muslim areas and in particular areas inhabited by Muslim Somalis. In its report, Amnesty International (2005) emphasised the fact that in some communities, 'people were suspected, stopped, searched, arrested and held in custody solely because of their ethnic, racial and/or religious origins'. These arbitrary actions, based on ethno-religious profiling, although in most cases affecting men, eventually find themselves encroaching into the private space – the home – where Muslim Somali women enjoy a sphere of influence and therefore disrupting family life.

Several questions emerge from this problematization: How does state intrusion, through subjective counter-terrorism measures, affect Muslim Somali women separate from how men are affected? How can Muslim Somali women be made visible to policy and law makers? This research serves as an investigation into these aspects by giving voice to the experiences of Muslim Somali women living in Nakuru. This study is essentially a response to Jackson *et al.* (2011: 95-96) calling for systemic and grounded research which takes 'gender much more seriously in terrorism research'.[6]

1.3   Research objectives

In order to investigate the research problem, I set out to identify, examine and explore, as the primary objective, the gendered nature of counter-terrorism and various ways in which Muslim Somali women suffer harm in the domestic sphere from subjective counter-terrorism measures. Other secondary objectives included:

- To probe the effects of counter-terrorism measures on Muslim Somali families;

---

[6]   In their seminal work, *Terrorism: A Critical Introduction*, Jackson *et al.* call for the exploration of, among other things, the impact of counter-terrorism measures on women and children.

- To investigate the attitude of government agencies towards members of the Somali community;
- To scrutinize societal attitudes towards members of the Somali community;
- To determine the level of awareness by Muslim Somali women of how counter-terrorism measures affect them separately from men in their homes;
- To investigate and determine whether gender-sensitive counter-terrorism measures can protect women from arbitrary state intrusion into their home which disrupts their family life.

1.4   Research assumptions

In order to achieve the aforementioned research objectives, I raised the following five assumptions which I sought to test in the field:

1.   Muslim Somali women are invisible to the relevant actors and structures as victims of counter-terrorism measures.
2.   The attitude of government agencies towards members of the Somali community in implementing counter-terrorism measures is based on ethno-religious profiling.
3.   The societal attitude towards members of the Somali community undermines their enjoyment of socio-cultural rights.
4.   Muslim Somali women are unaware of the negative obligation of the state not to arbitrarily interfere with the family unit.
5.   Gender sensitive counter-terrorism measures can assist in protecting Muslim Somali women from state intrusion into their homes.

1.5   Research questions

The following research questions were based on the abovementioned research assumptions:

1.   Are Muslim Somali women invisible to the relevant actors and structures as victims of counter-terrorism measures?
2.   Is the attitude of government agencies towards members of the Somali community in implementing counter-terrorism measures based on ethno-religious profiling?
3.   Has societal attitude towards members of the Somali community undermined their enjoyment of socio-cultural rights, including the right to family life?

4   Are Muslim Somali women aware of the obligation of the state not to arbitrarily interfere with their family unit?

5.   Can gender sensitive counter-terrorism measures assist in protecting Muslim Somali women from state intrusion into their homes?

CHAPTER TWO

2.0   LITERATURE REVIEWAND CONCEPTUAL FRAMEWORK

'I continue to be amazed that there is so much feminist writing produced and yet so little feminist theory that strives to speak to women, men and children about ways we might transform our lives via a conversion to feminist practice.'

Hooks (1994)

2.1   Introduction

While much has been written on the subject of counter-terrorism, especially since the September 11, 2001 terror attacks, gaps still remain in the understanding of the relationship between counter-terrorism measures and gender or how counter-terrorism specifically impacts women's lives (USAID, 2011:4). Jackson *et al.* (2011: 146-147) agree with this assertion when they posit that there has been a tendency to ignore gender in the literature on 'terrorism and political violence.' Similarly, CHRGJ & GJC (2011:13) admit that gender dimensions and impacts of US Counter-terrorism measures are 'largely undocumented and significantly under-theorized'.[7] In their article, 'A Gender and Human Rights Approach to Counter-terrorism', Huckerby and Satterthwaite (2013:2) agree with this position.

Recently, however, the need to understand the interaction between gender and counter-terrorism has gained considerable ground especially in academia (USAID, 2011:4; Hearne, 2009:2; Guru, 2012). Accordingly, this literature review is intended to emphasise the conceptualization of gender in counter-terrorism discourses. The scope is however limited. I will focus the review on literature illustrating how gender and counter-terrorism has been understood and applied within human rights and feminist circles. This is important in helping to appreciate the choice of methodological and theoretical frameworks for the study while also providing the necessary grounding for analysis of research findings. In order to provide a clear and authentic perspective on issues, I will focus primarily on journal articles and books for this review.

---

[7]   In Kenya, my extensive search for literature gives the unfortunate indication that there is nothing to suggest either the documentation or theorization of gendered counter-terrorism dimensions.

2.2 Mapping counter-terrorism measures in the context of 'suspect communities' and impact

The need to apprehend the impact of counter-terrorism measures (in light of enacted counter-terrorism laws, policies and practices) on communities and specific members of these communities, equality and human rights cannot be gainsaid. Many concerns have been raised about the increasing alienation of Muslims as a result of counter-terrorism laws and policies (Atta-Asamoah, 2008:10; Choudhury & Fenwick, 2011; Open Society Justice Initiative, 2012). The idea of a 'suspect community' was first advanced by Hillyard (1993) which he argued was a 'process of identification of a threat and of a sign of abnormality which exemplified and legitimated the politics of exception put in place by the state.' In the context of Irish communities living in Britain, Hillyard (1993:7) writes:

> '[A] person who is drawn into the criminal justice system under the PTA [Prevention of Terrorism Act] is not a suspect in the normal sense of the word. In other words, they are not believed to be involved in or guilty of some illegal act…[P]eople are suspect primarily because they are Irish and once they are in the police station they are often labelled an Irish suspect, presumably as part of some classification system. In practice, they are being held because they belong to a suspect community.'

He further observes (Hillyard, 1993:33):

> 'In attempting to prevent the spread of political violence to Britain, anyone living in Ireland as well as anyone with an Irish background living in England can be seen as falling within a category of people who may legitimately be stopped. The Irish community as a whole can therefore be legally viewed as a suspect community.'

Scholars have argued that all Muslims generally satisfy this Hillyard conceptualization of a 'suspect community' (Pantazis & Pemberton, 2009; Hickman *et al*., 2012; Evans, 2016:127). Pantazis & Pemberton (2009:649) modified Hillyard's understanding of a 'suspect community' by widening the definition to mean:

> '[A] sub-group of the population that is singled out for state attention as being 'problematic', specifically in terms of policing, individuals may be targeted, not necessarily as a result of suspected wrong doing, but simply because of their presumed membership to that sub-group. Race, ethnicity, religion, class, gender, language, accent, dress, political ideology or any combination of these factors may serve to delineate the sub-group.'

The problem with this approach is that is does not address the wanton generalization. This has led to other scholars like Greer (2010), for instance, having contested this generalization. Greer (2010) contends that the diversity of Muslims makes it almost impossible to lay claim to the fact that the experiences of a few Muslims would amount to the treatment of all Muslims as a 'suspect community'.

It is important to point out that Pantazis & Pemberton and Greer were writing in the context of counter-terrorism measures in Britain. Greer's claims can nonetheless be easily applied to the Kenyan context. In Kenya the impact of counter-terrorism is largely dependent on the place where implementation is taking place. Whereas ethnic Muslim Somalis have been the target of counter-terrorism measures mostly outside the coastal region, ethnic Swahili Muslims have been targeted in the coast region (Patterson, 2015; Aronson, 2013; Human Rights Watch, 2013; Thordsen, 2009). Muslims who do not fall within these two broad categorizations, on the face of it, appear to be unaffected because they are not easily identifiable. This research having been conducted in Nakuru, the definition of 'suspect community' shifts to only members of the Somali community. In this regard some scholars have opted to focus on the experiences of particular sections of the Muslim community in order to adequately analyse the differentiated impact of counter-terrorism measures (see for instance, Lambert (2008) and Mythen *et al.*, (2009)). Specific literature from Kenya in this regard is missing.

2.3   Beyond human rights methodological approaches

There is a litany of literature on the relationship between human rights and counter-terrorism (Bekink, 2005; Conte, 2008; Kielsgard, 2006; Satterthwaite, 2008; Volkansec *et al.*, 2011; Office of the United Nations High Commissioner for Human Rights, 2008). The common thread in these scholarly works is the idea that the response to terrorism must fall within the precincts of the rule of law and human rights protection. For instance, Kiesgard (2006: 250; See also Nwagu, 2009) argues that universal adherence to human rights norms, even in the face of extremist and political pressure, will be required in order to adequately address terrorism. However, what is generally lacking from this kind of scholarship is gender specificity in analysis (Sutten, 2009:1). This is in terms of how counter-terrorism impacts both men and women separately. Arguably, this draws from the notion that counter-terrorism measures 'appear so technical as to be removed from social dynamics like gender relations' (CHRGJ & GJC, 2011:111).

This notion ignores the general understanding that counter-terrorism measures have a gendered impact in as much the same way as all interventions related to complex human phenomena do. In addition and according to Huckerby and Satterthwaite (2013:2), this sort of analysis, hinged exclusively on human rights, assumes that men suffer the most; effectively, such an assumption has obscured the differential impacts of counter-terrorism on men and women's experiences. Similarly, Kapur (2002) argues that the assumptions about 'gender issues' – in relation to who is mostly affected – in counter-terrorism measures 'tend to obscure more than they reveal'.

The human rights approach gives emphasis to the liberty vis-à-vis security debate which, as Huckerby and Satterthwaite (2013) point out, obscures the extent to which 'women (and) men experience counter-terrorism, rendering the full scope of gender-based rights violations invisible to policy makers and the human rights community alike'. As such, a human rights methodological approach, applied independently, falls short of providing a suitable analytical framework. It has been further argued that mainstream human rights approaches are based on the presumption that human rights are unaffected by gender or are gender neutral (Hellum & Aasen, 2013 (see the introduction chapter); See also the Report by the UN Secretary General, 1998). This means that locating women within these frameworks therefore becomes problematic. Gender and women specific approaches therefore become necessary.

2.4   Feminism and counter-terrorism

As discussed above, this study is focused on investigating the specific manner in which women are affected by counter-terrorism measures especially within the home where they are particularly invisible to policy makers. Methodological and theoretical approaches placing women on the front burner therefore become significant. Feminism and feminist theories provide an important base for this kind of investigation. However, locating feminism in counter-terrorism discourses is no easy task. The title to Johnstone's (2009) article 'Unlikely Bedfellows: Feminist Theory and the War on Terror' summarizes what is believed to be the general perception and attitude toward the relationship between counter-terrorism and feminism – as strange bedfellows (See also Ní Aoláin, 2013:1099).[8] However, feminism is about consciousness raising (Enloe, 2004) and:

---

[8] In this regard, Ní Aoláin argues that: 'One unlikely sequel found in the post-9/11 intellectual terrain is the unexpected convergence of certain strands of theorizing by feminist international law scholars with far-

> '[t]hrough this process, feminists confront the reality of women's condition by examining their experience and by taking this analysis as the starting point for individual and social change. By its nature, this method of inquiry challenges traditional notions of authority and objectivity and opens a dialectical questioning of existing power structures, of our own experience, and of theory itself' (See editor's note in MacKinnon, 2009: 515).

With this in mind, it becomes easier to locate feminist methods in counter-terrorism dialogues. Several authors have managed to do this over the years (Ní Aoláin, 2013; Ehrenreich, 2005; Heathcote, 2010; Maira, 2009; Johnstone, 2009; Nesiah, 2013). The common thread in these articles is the idea that there is a need to engage more with counter-terrorism from feminist perspectives. Ní Aoláin (2013:1085) argues that mainstream feminist legal theorizing has for a long time marginalized terrorism and counter-terrorism discourses. This explains why there is very little scholarship in this area of social and gender relations. However, scholars like Ehrenreich (2005) who, in a bold statement, declared that feminism 'is my new counter-terrorism strategy' offer a good pedestal for the conceptualization and theorization of feminism and counter-terrorism.

There are several ways in which feminism broadly applies itself to counter-terrorism. The first, and perhaps most popular in counter-terrorism discourse, is literature examining female participation in terrorism (Agara, 2015; O'Rourke, 2009; Alcott, undated; Jacques & Taylor, 2009; Corp, 2014). These scholars ask the question 'why' women would engage in terrorist activities since in most cases they are viewed as passive victims. The second broad categorization of literature interrogates women's involvement in counter-terrorism efforts (Khalili, 2010; Wulan, 2014; Adadevoh, 2008; Aziz, 2012; Rashid, 2013). These authors argue that for counter-terrorism measures to achieve their intended goals, women must be sufficiently empowered to be part of the implementation process. The third category of literature, and which informs the conceptual and theoretical frameworks of this study, is concerned with how counter-terrorism measures, although conceptualized as being gender neutral, affect women in a gendered manner (Ní Aoláin, 2013; CHRGJ & GJC, 2011; Huckerby and Satterthwaite, 2013).

---

reaching analyses of state responsibility doctrines by terrorism scholars. Unsurprisingly, neither spends much time acknowledging the intellectual debts owed to the other.'

In their seminal work, renowned feminist scholars, Charlesworth, Chinkin & Wright (1991) provide the perfect framework for analyzing the manner in which counter-terrorism affects women. They identify the public-private dichotomy as key to understanding the marginalization of women's rights and experiences arguing that a common feature of this dichotomy is that where women are always to be found is within the private sphere. The three scholars nonetheless concede to the cultural relativity of what is considered either private or public. They contend that the 'universal pattern of identifying women's activities as private, and thus of lesser value' can be explained using this dichotomy (See also Brooks, 2002:349).

2.5   Islam, gender and feminism: Which feminism?

As was discussed in the previous chapter, Somali culture is influenced and affected by both patriarchal traditions and Islamic religion. The relationship between Islam and contemporary feminist approaches therefore becomes problematic or confusing particularly to Western feminist scholars (Shahid, 2007:121). In itself, Islam has been regarded as being inherently patriarchal particularly in its dictums regarding, among other things, familial obligations and rights (Whitcher, 2005:7; Mir-Hosseini, 2006:629; Baffoun, 1982; Darvishpour, 2003). What this means is that within Islam, as is within Somali cultural traditions, a woman is located within the private sphere. The idea that Islam propagates patriarchal norms has however been contested as a question of interpretation (Mir-Hosseini, 2006:631-2; Mernisi, 1991; Barsa, 2002; Badran, 2009; Shahid, 2007). Such analysis is however beyond the scope of this research.

In order to locate the Muslim Somali woman within the private space, a feminist approach relevant to her cultural and religious influences without being hypercritical becomes significant. The contestation of the existence of Islamic feminism to explain women's experiences makes it especially difficult and problematic to engage with. Tønnessen (2014:2) observes that the term 'Islamic feminism' has been rejected by both feminists and Muslims on the premise that it encompasses two fundamentally incompatible ideas. Although Tønnessen is not a Muslim (admitting as much) her sentiments are echoed by Muslim scholars on the subject (See for instance Moghissi, 1999; Crabtree & Husain, 2012).

In the alternative, African feminist scholars provide a feminist discourse – African feminism – which not only validates the experiences of African women, but also seeks to raise 'a global consciousness which sympathizes with African women's histories, present realities and future

expectations' (Goredema, 2010:34). Steady (1987) agrees with this assertion while terming African feminism as being 'more inclusive than other forms of feminist ideologies'. She adds:

> 'African feminism combines racial, sexual, class, and cultural dimensions of oppression to produce a more inclusive brand of feminism through which women are viewed first and foremost as human, rather than sexual, beings…An inclusive feminism can signal the end of all vestiges of oppression… It can be argued that this type of feminism has the potential of emphasizing the totality of human experience…'

The wide analytical berth offered by this brand of feminism makes it convenient to interrogate state intrusion (through counter-terrorism measures) into the private space, its effects and consequences. This approach makes it possible to achieve this goal without being judgmental on Somali Muslim women whose way of life is influenced by cultural and religious factors.

2.6   Conclusion

The above discussion illustrates that there is an embarrassing wealth of literature on the application of feminist approaches to locating women's experiences within seemingly technical discourses such as counter-terrorism. This is done less within the normal conceptions of rights violations and more within the understanding that counter-terrorism has a gendered impact which women experience differently from men. I incorporate Hillyard's and Pantazis & Pemberton's conceptualization of a 'suspect community' but within the context of Greer's limitations to interrogate the impact of counter-terrorism on Muslim Somali women. I take from Hillyard that to be considered a 'suspect' is disparate from an actual offence although whoever falls into a defined category automatically is considered a 'suspected terrorist'. This I argue has a far-reaching impact beyond the individual arrested or victimized in any other way; including the impact it has on family members, especially women.

In this research, I argue that feminism, and in particular African feminism, is the appropriate analytical tool for unearthing these experiences since special attention is paid to women and their emerging voices. The literature reviewed indicates that the theorization of gendered consequences is still well below par. In Kenya, where counter-terrorism measures have been implemented aggressively against the backdrop of recent *Al-Shabaab*-instigated terror attacks, the failure to document its gendered consequences should strike a disturbing chord.

This research aims to fill that gap by building on already existing studies. It contributes to the research and wider public debate through an examination of the experiences of counter-terrorism measures on Muslim Somali women living in three estates in Nakuru town. It takes into account not only these women's experiences but also state officials at both national county levels. This is, as a result, principally a limited, in-depth, qualitative study as will be illustrated in the next chapter.

CHAPTER THREE

3.0 RESEARCH METHODOLOGY AND METHODS

'Feminist researchers are continually and cyclically interrogating their locations as both researcher and as feminist. They engage the boundaries of their multiple identities and multiple research aims through conscientious reflection. This engagement with their identities and roles impacts the earliest stages of research design. Much of feminist research design is marked by an openness to the shifting contexts and fluid intentions of the research questions.'

Hesse-Biber and Leckenby (2004)

3.1 Introduction

In the previous chapter, I conducted a literature review focused on identifying the appropriate methodological approach which can be used to analyze research findings and locate Somali Muslim women as the unacknowledged victims of subjective counter-terrorism measures. This chapter is dedicated to the research methodological framework I used during the research process to investigate this phenomenon. This research is inquisitive since it will consider, examine and explore the various ways in which Muslim Somali women living in Nakuru are affected by Kenya's counter-terrorism measures – particularly *Operation Usalama Watch* – separate from men. This means that special emphasis will be paid to an in-depth description and analysis of the situation (Mouton & Marais, 1990:44) and how Muslim Somali women are affected.

This methodological framework is not only used to understand and explain Muslim Somali women's lived realities in the context of counter-terrorism, but also suggests the way forward in terms of what can be done to ensure the state takes responsibility for negative impacts resulting from arbitrary intrusion into the private space of Somali Muslim women. It is important, at the outset, to emphasise the overlapping nature of the adopted methodologies; therefore they must not be considered in isolation. The importance of this multifaceted methodological approach is to ensure the validity and credibility of collected data for use in this research.

In addition to describing the research methodology, this chapter also defines several other elements which were significant in disentangling the research problem, testing the assumptions and achieving research objectives. These include, among other components: the research geographical limitations; the population sample and sampling methods; data collection methods; and timeline limitations. In other words, this chapter outlines a multi-dimensional research design employed for data collection in order to demystify the research problem and provide an answer to the research questions.

3.2   Methodologies

3.2.1   *Gendered interactions of law, women and society – and a taste of feminism*

Before I embark on a description of this methodological approach and how it influenced and affected the research direction, it is important to understand the general framework within which this methodology functions. In order to do this, I familiarized myself with what Stewart (2008:134-6) refers to as the 'urban intersection' analogy. The analogy is 'a graphic way in which to visualize a woman's or women's location in relation to complex social, economic and normative systems in which they exist'. In this context, I visualized Muslim Somali women's location in relation to Kenya's counter-terrorism measures. Stewart (2008:134) illustrates the urban intersection analogy as follows:

> '[E]nvisage a busy or rural intersection with traffic (forces) coming from multiple directions. Even a four-way intersection provides a minimum of four agents of interaction, probably significantly more if there are dual carriageways. These influences can affect how such a woman navigates the intersection as a driver or pedestrian, or even how her reactions as a passenger are affected. Visualize her standing in the middle of the intersection and fathoming out what might hit her, what she has to avoid, the relative power and speed of the vehicles, her own capacity to avoid them, and her capacity to make the optimal decision on what to do and how to survive.'

Armed with the powerful insight of this analogy, I set out to develop a research framework that would help me describe and discuss how counter-terrorism coupled with Islam and Somali culture (forces) affects Muslim Somali women's 'choices and options' in dealing with social and economic issues within their private sphere. At a most general level, these women will be affected differently from other women who are neither Somali nor Muslim. At the outset, I must admit that several factors, including class dynamics, affect the socio-economic mobility of women differently within the broad 'Muslim Somali women' grouping. This approach

ensured that I focused on individual experiences of women as opposed to trapping myself in the murky waters of hasty generalizations.

I remember when I was conceptualizing this research topic, I ran into plenty of difficulties problematizing issues affecting women in the realm of counter-terrorism. Almost everyone I indulged and engaged with wondered how I could claim that Muslim Somali women were victims of counter-terrorism when news reports and all other evidence pointed to a more male-oriented problem. The counter-terrorism laws, almost everyone argued, did not specifically target Muslim Somali women. To most people this meant that what I was engaging in was a clear case of an endless wild goose chase. I started believing them.

However, with the aid of the urban intersection analogy, I was able to appreciate how normative systems intersect with the law and society to produce gendered effects. I was able to understand that women's realities in the private sphere are directly and intricately linked to how the law and policies impact their lives as opposed to how they affect men (Zuberi, 1994:191). This means that even abstract social constructs and/or gender neutral concepts like 'counter-terrorism', 'law' or 'policy' have a gendered impact (See Smart, 1995: 177, citing Dahl). This approach was therefore instrumental in enabling me to interrogate and analyze not only counter-terrorism measures as understood by state agencies, but also how they are applied and, in turn, affect Muslim Somali women's daily lives in their private space.

During my interaction with women in the field, one of the primary questions therefore became: How has the normative legal and policy framework on counter-terrorism restricted Muslim Somali women's mobility within the private sphere? Taking Reh's advice (1995:202), I constantly attempted to make myself alive to the fact that 'it is women themselves, and not the well-educated and usually urban-based researcher, who knows best their own problems and their own lived experiences'. In answering the research questions, the intimate interaction between Muslim Somali women and legal norms, theories and concepts therefore became a primary feature. Having been brought up in an urban area (Nakuru which is a cosmopolitan town) and schooled in the 'urban ways' of life, I must admit I had very little comprehension of how normative systems are likely to disenfranchise women. In this case, I had not previously interacted intimately with women in the Somali community and therefore my assumptions were second-hand at best – influenced by literature and media reports.

I was therefore able, through this methodological approach, to collect empirical data while alive to the realities informing the Muslim Somali woman's position in society from a perspective which takes advantage of an iterative process which concedes to the consistent interaction of data, theory, lived realities and perceptions (Bentzon *et al.*, 1998:18). This essentially enabled me to collect and group relevant data (data based on women's lived realities) while at the same time interrogating the 'forces' (explained in the urban intersection analogy) from a woman's perspective (Bentzon *et al.*, 1998:26). I interviewed several Muslim Somali women at the community level in order to understand how diverse socio-economic conditions determine the manner in which they are affected by counter-terrorism measures. What I discovered is that women's grounded realities greatly influenced their perception of these counter-terrorism measures and consequently how these measures affected them.

3.2.2   Influence of established religious, ethnic and perceptions on actors and structures

My second assumption going into this research was that government attitudes towards members of the Somali community in implementing counter-terrorism measures is based on nothing more other than ethno-religious profiling. What this meant to me is that the interaction between the relevant actors and structures and the Somali community (and by extension Muslim Somali women) was based purely on the ethnic and religious background of the Somali people. The effect of this would be that the existing normative structural norms 'control', albeit implicitly, Muslim Somali women's lived realities. This methodological approach was therefore crucial in unearthing the attitudes of government officials towards members of the Somali community. Of course, the downside to this methodological approach was that, with it, I could only capture general sentiments which were not gender specific.[9]

The shortcoming notwithstanding, I could not ignore the importance of actors and structures' influence on policy and legal framework which I (also) assumed was blind to the victimization of Muslim Somali women in the private space. I saw the private space as having a relatively unique meaning to Muslim Somali women which in most cases represents their main 'sphere of influence' due to religious and cultural reasons. Applying my wits to this approach, I was able to determine who the relevant state officers I needed to talk to were. I settled on law enforcement officers, immigration officers, administrative officers (at the county and national levels), and judicial officers. This represented a collection of data from state officials who play

---

[9]   This reveals the importance of having a multi-dimensional methodological approach for this research.

a role in policy formulation and implementation of laws and state policy. These are people who I believed had the capacity to influence change. As my findings on emerging state and societal narratives in the following chapter will reflect, the importance of the data collected in this regard is crucial to understanding how direct state actions can project harm in the private space.

The general direction of the findings pointed to prejudiced normative institutional structures which implemented counter-terrorism measures influenced by the ethnicity and religion of 'suspects' which to most governmental officials translated to Muslim Somalis. Using this approach, I was able to determine that in Nakuru the ethno-religious profiling by state officials did not necessarily extend to non-Somali Muslims. This was important since it introduced an ethno-religious paradigm which focused on Somali Muslims as a 'suspect community'. I was therefore able to subsequently establish a gendered narrative (using the first methodological approach) of the impact of counter-terrorism measures on the so-called 'suspect community'.

3.2.3 *Ethno-religious and gender influence on respondent feedback – gaining access*

'Collins, we are glad to have you back in the country. Are you through with your Masters programme?'

'No. Not yet. For the coming four or so months I am supposed to be out in the field collecting data for my dissertation write.'

'So what are you writing on?'

'My conceptualization of my dissertation topic is till hazy, but my primary focus should be on how the country's counter-terrorism measures end up not only alienating members of the Somali community, but also how it impacts on Muslim Somali women within the family structures.'

'Somalis? Why?'

'I don't know. I just think the country's counter-terrorism measures are targeted towards members of this community. That being the case I have a feeling there is a way these measures intrude into the home and unwittingly impacts on women.'

'Okay, that might very well be true. But why couldn't you focus on a different community?'

'What do you mean? I think no other community is affected quite the….'

'No. What I mean is that… do you think you are going to find respondents for your research?'

> 'I think I should be able to. Why do you think I wouldn't be able to? There are so many Somalis living in Nakuru.'[10]

> 'Somalis are not very social. They keep to themselves a lot. They don't trust 'other people'…. I don't think you'll be able to extract the required information even if you found one or two who'll be willing to talk to you…. Your situation is made even worse since your main focus is interviewing Somali women. They will never talk to a person who is not Somali, especially on a topic touching on national security.'

> 'Hmmm… I see what you mean. I am supposed to begin the research in a few days. I hope I'll think of something before then.'

The above is part of a conversation I had with Professor Tom Ojienda (both a professional and academic mentor)[11] upon my arrival in Kenya after the second semester at SEARCWL, UZ.[12] After this insightful exchange, my initial thought was to quickly draft an email to my supervisor and request that she allows me to change my research topic. To say that I was extremely disillusioned would be to understate my frame of mind.[13] However, after much extrospection I did eventually think of something – this methodological approach.

This methodological approach basically entailed devising a method that would enable my prospective respondents to be comfortable enough to engage earnestly with the research process. I therefore sought the company of a Muslim female friend when I was out in the field. The idea was to disarm the potential respondents and engage with them in an environment where they would feel 'safe' and free to provide information. Most Somali Muslims believe they are targets of counter-terrorism and therefore they look with suspicion on anyone seeking information on the subject. By implementing the approach in this way, I was able to reassure the respondents that they could engage with my research assistant and me without fear of victimization or deportation to Somalia. As the research findings in the next chapter will illustrate, the indiscriminate application of counter-terrorism measures has affected illegal Somali immigrants as well as legitimate Kenyan nationals of Somali ethnic origin. It is

---

[10] At this point in the conversation, although I tried to sound positive, deep down I think I understood what he meant and I started doubting my research choice. Professor Ojienda is a law professor and a commissioner at the Judicial Service Commission.

[11] It is worth mentioning that he consented to having this conversation and identity used for this research.

[12] Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe.

[13] The conceptualization process of this research having proven problematic during the nascent stages, it was inconceivable that I should proceed with a study that was in all likelihood going to be a frustrating process.

important to point out that women's 'safe' zone went beyond security issues and fear of deportation. I will discuss this shortly.

My first day in the field – I went alone – was characterized by great apprehension and expectation – mixed feelings perhaps. I did not know what to expect. Of course this would not be my first interaction with Somalis. Having lived in Nakuru my entire life, I had schooled (and interacted in other circles) with a few of them – both men and women. My first research site was Shabaaba, a relatively 'middle class' (more of a lower- than upper-middle socio-economic class) estate in Nakuru with a fairly large Muslim Somali population.

My first two respondent interactions verified Professor Ojienda's misgivings (and perhaps my own fears as well) about the research project when the women I sought to interview declined. While the first simply closed the door on me before I could even properly introduce myself and what I was doing, the second one declined to be interviewed and instead referred me to her husband who was in the house. She claimed that she could not talk to me if there was a man in the house. I interviewed the man. I subsequently asked him if I could talk to his wife but he insisted he had told me everything I needed to know and insisted that I should leave. It is then that I realized (and this was confirmed throughout the research experience) that cultural and religious influence was going to play a major role in the willingness and the type of responses I obtained from my primary research target – Muslim Somali women. I needed to change tact.

During subsequent field visits I was accompanied by a female Muslim friend. This proved to be an ingenious idea since from this point onward I was able to engage with a lot more Muslim women who were willing to narrate their experiences. There was a week however when my female Muslim friend was not available (being occupied by examinations) and I had to engage the company of a non-Muslim. What I realized was that the response was not as positive as it was in previous weeks. Although we could get women to talk to us, the general feeling was that of mistrust and some declined.[14] At this point it is worth noting that Muslim Somali women from relatively affluent estates, like Naka estate, did not appear to be disturbed by the fact that I was a man conducting the interview. The only downside was that they did not have to a lot to share in terms of their interaction with the country's counter-terrorism measures as much as

---

[14] I remember after one such interview asking one of the women why her neighbours refused to talk to us. Her response was simply that my female friend had not covered herself. Probing further, she explained that talking to a woman who is not covered is even worse than talking to man.

women from less well-to-do estates. Generally however, this approach enabled me to break an artificial ethno-religious barrier reified by counter-terrorism measures explicitly targeted at the Somali Muslim community.

3.2.4   Rights perspective

In light of my fourth assumption on state obligations, I employed a human rights perspective for two reasons: one, to locate human rights issues (if there are any) resulting from direct state intrusion into the private space; and two, to determine the nature of state obligations arising from such intrusion. This is hinged on the fact that Kenya has signed, ratified or acceded to various international instruments which recognize the value of protecting women from all forms of violence or harm. In addition some of these instruments encourage state parties to specifically integrate gender perspectives into their domestic counter-terrorism normative policy and legal frameworks. I use this approach cautiously though. I do not go as far as seeking to legitimize human rights concerns which have been associated with counter-terrorism efforts. This is likely to relegate to the periphery women's experiences and lived realities as they are influenced by counter-terrorism measures.[15]

3.3   The research design

A research design has been defined to mean a detailed plan or blueprint of how a research study is to be conducted (See De Vos and Fouche, 1998:77 while referencing Thyer) or how it will be conducted from collection of data to analysis (See De Vos and Fouche, 1998:77 while referencing Hyusamen). This section therefore will emphasise the various research data collection methods, population sample, sampling procedures and other considerations which I used as a basis for testing my research assumptions, answering the research questions and analyzing my findings. This design was chosen to meet the objectives of the research, namely to determine the impact, by way of collected views, of counter-terrorism measures within the private space where Muslim Somali women wield considerable power and influence.

3.3.1   Sources and data collection methods

To begin with, I collected two types of data: primary (being the main source of data) and secondary. I targeted government officials, local leaders as well as residents (both male and

---

[15]   In addition, this is likely to steer clear of the arguments of the 'rights vs. national security' debate which is not only a highly contested socio-legal discourse, but also outside the scope of this research.

female) of Shabaab, *Kambi* Somali and Naka estates in Nakuru. The data from this group collected through interviews, focus group discussions and observation techniques formed my primary data source. The collection of secondary data involved scouring library and online sources for literature which informed development of the literature review chapter. In addition, information from these sources was used to compare, corroborate, contrast and analyze the research findings in the succeeding chapter. The various data collection methods are explained in-depth below.

3.3.1.1 Interviews

The first set of interviews employing the semi-structured interviewing technique was conducted in November 2015. This semi-structure nature of the interviews allowed room for more flexibility while at the same time enabled me to remain focused during the interview process. It is important noting that all questions or methods of probing were formulated in line with research objectives, assumptions and research questions. All interviews were conducted on a one-on-one basis, transcribed and notes taken by hand. Where the respondent consented, the interviews were recorded to make it easier to fill in gaps later after the physical interview. I broadly categorized the interviewees into two: key respondents and individual respondents. The key interviewees included those respondents who had the power to negotiate and *influence* policy and law. On the other hand, individual interviewees included those respondents who were affected by the implementation of such policies and laws. Table 1 provides important details of these respondents.

Table 1:   Showing details of the respondents

Interviewees	Female	Male	TOTAL
County officials	1	1	**2**
Immigration officers	1	1	**2**
Chief (provincial administration) and security officers	0	3	**3**
Judicial officers		2	**2**
Community leaders	Nil	2	**2**
Religious leaders	Nil	1	**1**
Individuals (residents)	17	11	**28**
TOTAL	**19**	**21**	**40**

The key respondents were selected on the basis of conceptual and practical experience in one or more of the following areas: security and counter-terrorism, Somalis and Somali families living in Nakuru, general knowledge in family and counter-terrorism law or refugee and immigration issues. Particular regard was paid to government attitude and responses to counter-terrorism. As the interviews were semi-structured, the respondents were allowed the freedom to explore different thoughts and take different paths. However, I brought the respondents back to the subject under discussion through prompt questions before allowing them to explore that particular facet of the research problem. This enabled a balanced two-way dialogue which made the respondents free to share information on a 'sensitive' topic.

The approach taken with individual interviews was a little different. The selection of respondents was random and heavily relied on the snowballing technique of sampling. I sought respondents in their homes mostly between 9 and 12 in the morning. I began the interviews by giving an explanation on the reasons for conducting the research. The ages of the individual interviews ranged from 17-56. I developed an interview guide that had a bias toward investigating the respondent's: background, including marital and socio-economic status; their knowledge of the country's counter-terrorism measures, particularly operations similar to *Operation Usalama Watch*; their attitude toward such counter-terrorism measures; major and minor events in their lives as a result of such operations; whether they (or their families) had

been personally affected or whether they knew anyone (a Muslim Somali) who had been affected.

Put differently, the interviews were aimed at finding out the significant activities (within the home), pre-occupations and relationships in the respondents' lives, and their attitudes and practices around them. Specific questions were asked about how the state-sponsored counter-terrorism measures have influenced their options and choices in life. As such the interviews generally explored the life of the respondents and sought their responses to phenomena relating to the impact of counter-terrorism. The respondents were not asked to attempt definitions of concepts or to use my vague definitions of concepts such us 'gender neutrality' or 'counter-terrorism'. These concepts were regarded in the context of particular interactions, expectations and practices. Table 2 illustrates a mapping of the areas of focus during interviews.

Table 2:   Showing the topics discussed during the interview process

Background	Counter-terrorism
Age Marital Status Education Life history Significant relationships Economic resources	Attitude Targets/ Somalis/ Men/ Women Impact Legal and policy basis/ Other considerations Ethnic and Religious influence Government agencies The police/ Enforcement mechanism
Life interactions	**Knowledge**
Domestic life Life changes Socio-economic mobility Interactions with other communities Emotional responses	Legal and policy awareness Knowledge of implementation

Interviews with key respondents were conducted in English whereas individuals' interviews were conducted in *Kiswahili*. In some cases a translator was needed to interpret interviews particularly where the respondent was not fluent or conversant with either English or *Kiswahili*. All information was however later translated into English. The advantage in using these interviewing techniques is that I was able to satisfactorily capture the interviewees' perceptions

and experiences in their own words which simultaneously afforded me insight into emotional their responses. The information was then assessed through an inductive process where research findings were allowed to develop from raw data as either dominant or frequent themes (Thomas, 2006:238).

The end of each interview provided an opportunity to interact with respondents beyond the conceived semi-structured interview process. The reason for leaving this for last was to preclude 'poisoning the well' on important primary issues that needed to be captured without bias. Contemporary issues, including, politics, were left for this segment of discussion. I was satisfied with the general manner in which the interviews were conducted and the data collected from the process. The advantage with using this method of inquiry is that I was able to elucidate on issues that needed clarification and the one-on-one interactions also facilitated on the spot feedback on follow-ups.

3.3.1.2 Focus group discussions

I conducted one focused group discussion. This was carried out in *Kambi* Somali estate where 19 women were in attendance. The reason why I chose this data collection method to supplement the individual interview method (discussed in the previous section) is because of the depth and complexity of response that this method offers. The respondents for the focused group discussion were found through a respondent, a Muslim Somali woman, whom I had previously interviewed individually.[16] Although I had made previous arrangements (and appointment) for the discussions to take place, on the day of the said discussions it was still relatively difficult getting all the women together. I arrived at around 11:30 in the morning. Consolidating the women together took almost half an hour as most them were either preparing for their children to come back from school or doing household chores.

When the group was finally constituted, it was a makeshift construction and I had to contend with conducting the discussion with standing respondents. The discussions were however fruitful since the issues were discussed at length and different opinions were aired. I was able to use the group interaction to generate information which would otherwise not be available

---

[16] What is interesting is that I never actually 'saw' her. Whenever we met she always wore a *burqa* and *niqab* which ensured that her entire body was covered except for her eyes. Against the backdrop of religious and cultural restrictions attached to Muslims (and Somali Muslim women specifically), I was pleasantly surprised and grateful that she was so helpful.

during one-on-one interviews since respondents in group discussions not only respond to my prompts, but each other's as well. In addition, using this method I was able to compare, evaluate and contrast information from competing and different viewpoints.

3.3.1.3 Observation

This method formed a very significant aspect of the research design. I applied myself to the idea that when studying a person's life or world, there is a likelihood that the respondent will not be able to exhaustively and thoroughly express not only their thoughts and opinions, but also the details of their everyday interactions and the context in which they these variables exist. This might not necessarily be out of malice,[17] but may be informed by the general length of the interview – which is normally not very long to cover everything. This method therefore became very necessary and relevant in not only providing personal descriptions of the respondents, but also the research location.

In the field I employed this method to collect data relating to the living conditions of women in Shabaab, *Kambi* Somali and Naka estates. This enabled me to further understand issues of socio-economic mobility among Muslim Somali women and subsequently be able to analyse my findings based on class and not hasty generalizations. My observations of these women's interaction with their immediate surroundings were important as they enabled me to develop an understanding of the context within which counter-terrorism measures operate. Another advantage of this method is that I was able to obtain first-hand data as opposed to information provided by respondents which might not be as reliable for analysis.

3.3.1.4 Desktop review and library research

As already pointed out earlier, this research relied on both primary and secondary information. With regard to secondary information, I relied on both published and unpublished materials. These were particularly insightful in providing conceptual and theoretical frameworks for the research as well providing a context within which analysis of research findings can be done. In this regard, I relied on books, journal and selected articles, state and non-state reports, and online internet sources. The SEARCWL, UZ library was particularly useful in this respect.

---

[17] Of course, I was alive to the fact that there are respondents who may either mask information or misdirect the researcher intentionally, or unwittingly mislead the researcher through exaggeration of facts or issues. This method tries to transcend these obstacles.

3.3.2 Research demarcation and timelines

This research was conducted in Nakuru town located northwest of Nairobi and approximately 157 kilometres from the capital city. Nakuru is the fourth largest town in Kenya. The research focused on three urban residential estates, namely, Shabaab, Naka and *Kambi* Somali. These residential estates are all approximately 6 kilometres from the central business district but from separate directions. Shabaab and *Kambi* Somali[18] were especially selected since they have a relatively high population of Muslim Somalis. *Kambi* Somali, which is densely populated compared to the other two, has a predominantly Somali Muslim population who are low-income earners.

Shaabab estate on the other hand can be regarded as an estate where middle income earners (closer to low income earners than high income earners) form the biggest chunk of the population. Naka estate has, unlike the other two, a sparse population of Muslim Somalis. The residents here are mostly high income earners (closer to middle income earners). The Muslim Somali communities living in Shabab and *Kambi* Somali estates were perceived to be the target of the country's counter-terrorism measures. The field research was conducted between 26 October and 14 December, 2015.

3.3.3 Population sample and sampling methods

A population has been defined to mean 'all the elements (individuals, objects and events) that meet the same criteria for inclusion in a study' (Burns and Grove, 1993:779). Mouton (1996:132) on the other hand defines a sample as 'elements selected with the intention of finding out something about the total population from which they are taken'. The study population consisted of Muslim Somalis living in Shabaab, Naka, and *Kambi* Somali estates in Nakuru. These were selected randomly using the snowballing technique. This sample however consisted mostly of Muslim Somali women (within a family structure) whose views on how counter-terrorism measures affected their options and choices they made in their private space was key to the research. Men were included to provide an alternative voice or to reify the findings related to women's voices.

A convenient sample of 47 respondents, including the 19 women from the focus group discussion, was selected in this regard from the three estates. These respondents are regarded

---

[18] *Kambi* is a Swahili word meaning 'camp'. *'Kambi* Somali*'* therefore loosely means 'a Somali Camp'.

as convenient since they not only sufficiently represented the voices of the targeted population, but also because they happened to be in the right place at the right time (Polit & Hungler, 1993:176). In total, 36 women between the ages of 17 and 56 were interviewed. The number of male respondents was 11. The sampled population included relevant stakeholders such as government officials, community leaders and security enforcers. A sample size of 59 respondents was the total number of individuals who were willing to take part in the research and who met the sampling criteria during the data collection period. Table 3 illustrates the general distribution of respondents.

Table 3:   Showing the general distribution of the sample population

Respondents	Male	Female	Total
State officials and other key respondents	10	2	**12**
Residents	11	17	**28**
Focus Group Discussion	Nil	19	**19**
Total	**21**	**38**	**59**

3.3.4   Ethical considerations

During the research process, I was alive to the fact that at all times I was dealing with human respondents whose rights as human beings should be recognized and protected as a priority. Therefore, carrying out the research required not only assiduousness and proficiency, but also integrity and honesty. To render the research ethical, the rights to anonymity of those who wished not to be identified, self-determination,[19] informed consent and confidentiality were observed. This meant respecting the SEARCWL, UZ Code of Conduct at all times.

The purpose of the research was discussed[20] and issues of consent and confidentiality brought to the attention of respondents at the start of each interview. Respondents were therefore

---

[19]   This meant informing the respondent about the research and making them aware that participating in the research process was purely voluntary and, therefore, as autonomous agents with free will, they could chose to take part or not.

[20]   This included informing the respondents of the procedures that I was using to collect information while assuring them that there would be no attendant risk or costs involved.

informed of their rights to voluntarily participate in the research or decline participation, and to withdraw from an interview at any time without being penalized. Where I use direct quotations in this study, it is because consent was obtained from the respondent. What I discovered is that those respondents who opted for anonymity were more prone to engaging more deeply, were more critical, and engaged without fear.

3.3.5 Limitations and reliability of data/Methodological assessment

Although not all persons who were approached were willing to participate in the research, the data collected was generally satisfactory as the time provided was sufficient for engaging with a convenient number of respondents. The questions asked during the interview process were based both on personal observations and the literature review (see chapter 2). The questions were further formulated in simple language (whether English or *Kiswhali* and was translated where necessary) for ease of understanding and clarity. The respondents were at all times made to feel comfortable with most of the individual interviews taking place within their own households. All respondents were assured of confidentiality. The key respondents were interviewed either at their place of work after prior appointments had been made. All interviews were conducted in person; where this was not possible[21] they were carried out in my presence such that I could monitor and control the interview process.

There were challenges with the research process nonetheless. The language barrier proved to be a relatively difficult impediment to data collection. Most of the individual respondents were not properly conversant with either the English or *Kiswahili* languages. In the absence of someone who could translate, either a friend or a family member or anyone close by who understood the Somali language, it meant that the interview had to be aborted. This happened on several occasions. Another challenge which arose is that I was not able to successfully secure appointments with national government officials in charge of security for purposes of detailing the link between national security and the alleged ethnic and religious profiling of members of the Somali community. This was however not a significant omission since the county government officials and provincial administrators interviewed were able to do this. The triangulation of data was therefore not significantly compromised although a comparison

---

[21] There were respondents who refused to engage with a male interviewer due to cultural and religious reasons. The way to circumvent this obstacle was to have a female friend to engage with them on my behalf. I would write down the questions I needed her to ask these respondents.

of the subsisting situation at the two levels of governance would have shed light on policy direction.

Keeping in mind that counter-terrorism in Kenya is highly politicized and a potent personal security issue, I was alive to the reality that some respondents would be tempted to tell me either what they thought I wanted hear or perhaps what they thought I needed to know. There was also the risk of respondents incorrectly recollecting information or intentionally or unwittingly misleading me. The fact that in some instances I required the services of a translator for the deduction of data meant that I ran the risk of distorting the information when interpreting responses from the respondents' pool.

However, these limitations do not speak of the intangibility of the current data collected. Rigorous, arduous and continuous triangulation minimizes both respondent and personal biases which are likely to compromise the validity of the collected data. In addition, the data captures the voices of the respondents. These have their own validity and reliability since what was captured was spoken having been true to them and a reflection of their own experiences and lived realities. It is therefore safe to conclude that current data is sufficient and effective, as I will emphasise in the following chapter, for purposes of drawing logical conclusions and offering plausible solutions and recommendations.

3.4   Conclusion

The research methodological framework discussed in this chapter was inspired and informed by the need to not only capture Muslim Somali women's lived realities, but also to introduce novel inquiry perspectives into the effects of counter-terrorism measures which extend beyond the public realm into the private space. This methodological framework has been used to investigate the relationship between subjective counter-terrorism measures based on ethno-religious prejudice eventually affecting Muslim Somali women in their private space where they wield considerable influence.

What is the role of law and policy in protecting women from 'suspect communities'? What is the state and societal attitudes toward members of the Somali community? These are some of the questions which I placed under this methodological lens. Several research methods were employed to facilitate this process. These included: interviews, observations, focus group discussion and desktop and library research. The Muslim Somali women living in Shabaab,

Naka and *Kambi* Somali estates in Nakuru formed the population sample. The process was not however entirely smooth and several obstacles were encountered. These challenges were however not so fundamental as to have a negative effect on the final findings. The following chapter focuses on the research findings and analysis.

CHAPTER FOUR

4.0   ANALYSIS, RESEARCH FINDINGS AND DISCUSSION

'A deeper mapping of the gendered effects of counter-terrorism measures would give us greater understanding of the gendered effects of both gender-specific and gender-neutral counterterrorism measures… It could demonstrate how ongoing interface between home spaces and agents of the state searching for those suspected of terrorist acts involves an undulating relationship between the public and the private the consequences being most profoundly experienced by women. It might arouse feminist curiosity as to connections between the ongoing profiling, arrest, and detention of male actors in suspect communities with the "immiseration of their dependents," especially but not exclusively in highly gender-stratified societies.'

Ní Aoláin (2013)

4.1   Introduction

The findings, analysis of data collected and contextualization of the research findings is presented in this chapter. The chapter starts by presenting the findings obtained from the data collection process covered in the previous methodological chapter. The findings section is subsequently divided into four parts or themes. In the first part I am going to present and discuss findings on emerging narratives from Muslim Somali women and how counter-terrorism measures impact their lives within their private space. Secondly, I will capture the emerging state and community narratives on both counter-terrorism measures and Muslim Somalis. The third part of the section will present findings on the law and legal perceptions. What does the legal and policy framework on counter-terrorism provide and how is it understood? Finally, in the fourth part, I will present findings on some of the emerging issues from this discourse on counter-terrorism and its gendered impact.

Inductive reasoning was applied during data analysis. According to Tjale & De Villiers (2004:245; See also Tesch, 1990:119), inductive reasoning involves approaching data without a predetermined theoretical framework as this would suppose that the findings were pre-empted according to a theoretical framework. What this means is that the analysis was done from the data (as presented and) collected from the respondents. Therefore, a feminist theoretical framework will not be imposed on the themes that arose during data analysis. The second

section of this chapter will cover the discussion. In this section I will engage in discussing, albeit supported by literature control, the emerging themes in section one. The research findings will be contextualized within a feminist framework (and particularly African feminism) and discussed in relation to this framework. This will be done with the aim of identifying gaps and challenges as presented in the research findings. The final section will offer a summary and conclusion to the chapter.

4.2   Research findings

4.2.1   *Muslim Somali women and emerging field narratives*

4.2.1.1   The impact of counter-terrorism measures as a class issue in Muslim Somali communities

This was a significant theme that emerged after observing and interacting with interviewees from all the three case study areas. As already pointed out in the previous chapter, three estates in Nakuru served as research sites for the study. These included Naka, Shaabab and *Kambi* Somali estates. From what I observed, while Naka is a relatively affluent estate inhabited by high income earners (closer to upper middle class), Shabaab and *Kambi* Somali estates are inhabited by middle and lower income earners, respectively. For many respondents, counter-terrorism measures, especially *Operation Usalama Watch*, reinforced the notion that Somali Muslims were being treated as part of a 'suspect community'. It was however interesting to find that a large number of respondents from Naka, a place with a higher socio-economic mobility, did not feel the same way. They were less aware of the general impacts of counter-terrorism measures, as one female respondent insisted:

> 'I have no problem. I don't personally know anyone who has been affected. I only hear about these things on the news…. During *Operation Usalama Watch*, no, this was not one of the areas that was affected' (Samira, Naka).

Several respondents from Naka declined to be interviewed on the premise that they had no issues. They were quick to dismiss me. By contrast several respondents from *Kambi* Somali and Shabaab admitted to either being victims themselves of counter-terrorism or having knowledge of a person or persons who were affected. A young Somali man of about 25 years from *Kambi* Somali for instance recalled how one day he was walking home at around 7 in the evening when he encountered several officers patrolling the area who stopped him. They asked him for his identification card which he duly gave them. The officers however refused to give

the identification document back claiming that the documentation was not proper and that he needed to give them some cash in order that they 'let the matter go'. They further threatened that if he as a Somali refused they would 'lose' the identification card, arrest him and facilitate his deportation. He further recalled:

> 'I did not know what to do. I was very confused. All my life I have lived in this country having been born and raised here. I knew for a fact that I had legitimate documents. But these officers simply stopped me because I am a Somali and they figured perhaps it was easier to link me to terrorism which I honestly know nothing about. This sort of thing happens to us (Somalis) a lot. Someone sees you and without even giving you a chance they immediately assume that you are *Al-Shabaab*. A lot of Somali youths were picked up by police from here during that time of *Operation Usalama Watch*' (Muslim Somali male, Shabaab).

These sentiments were echoed by the women respondents who attended the focus group discussion in *Kambi* Somali and the women interviewed in Shabaab estate. This class diversity in the Somali Muslim community plays an important role on who is affected by counter-terrorism measures and consequent responses. Several respondents refuted the notion that counter-terrorism measures do not present a threat to the Somali Muslim community. One of the respondents argued:

> 'Some Somalis don't think there is much cause for concern. I don't know whether these people are in denial of it, or whether, because it doesn't happen in their social circle, they don't see it as a problem' (Muslim Somali female, *Kambi* Somali).

Most respondents agreed that the government, during these counter-terrorism operations, does not discriminate between legitimate and proscribed Somalis in the country illegally. The ethno-religious profiling targets all Muslim Somalis, especially those from the 'ghetto communities'. As one woman in Shabaab observed:

> 'One of the things the government needs to do is to know the difference between the citizens of Kenya and refugees. They should stop labelling us as *Al-Shabaab*. We (Muslim Somalis) in this area just want to get and earn a job like the rest of other Kenyans, get through life and practice our religion. This idea that we are terrorists simply because we are poor Somalis is ridiculous. It is so ridiculous that it obviously does not translate to the reality of what is on the ground' (Ali, *Kambi* Somali).

The indiscriminate victimization of Somalis means that even legitimate Somalis with proper documentation were not spared from harassment. Several women in the focus group discussion recounted incidents where they were physically subjected to beyond normal thorough searches in public spaces, for example, in shopping malls, public transport vehicles, or other public facilities. Other women recalled experiences where commuters alighted from public transport vehicles before reaching their destination as soon as they boarded or sat next to them in a bus. They attributed this to the fact that they are easily identifiable through their mode of dressing and ethnic skin tone. The bottom-line is that while Somalis from lower socio-economic status (represented by respondents in *Kambi* Somali and Shabaab) had experiences to share on the effects of counter-terrorism on their lives, those from upper socio-economic levels (represented by respondents in Naka) felt they led 'normal' lives.

4.2.1.2   The highly gendered Somali community and males as breadwinners – What this means for Muslim Somali women

In the focus group and interviews there was general consensus that in the Somali community the man still played a huge economic role as primary providers for the family. Women viewed themselves as secondary providers but only in situations where she was a widow or the man was not around to provide. One woman observed:

> 'I am not working. My husband is a truck driver. Although the trend is now changing because of the hard economic times, as a Somali and a woman I am not supposed to work. Both culturally and according to Islam the man is supposed to provide for me….I do not see a problem with that. We all have specific roles as men and women that we have to play within the family. And that has been sanctioned by Allah' (Muslim Somali female, *Kambi* Somali).

During the field research what I realized is that in both *Kambi* Somali and Shabaab I was not able to find male respondents during the day. Women were however always at home busy with house chores and taking care of young children. Several respondents pointed out that this was because the men 'are out working' and that they normally come back in the evening. The situation at Naka was however different. The women were engaged in businesses in town and during the day I only found 'house girls'. However, what became clear is that the men still had the 'primary jobs'. They were still expected to provide for the family.This phenomenon was compounded by the fact that most of these women had gone to school and had been married off at an early age. Therefore, even for the women who wished to look beyond their cultural and religious realities, they had very few opportunities to empower themselves. For example,

Rahma who, after 15 years of marriage, was mother to 5 children and had never been to school, said:

> 'I don't know what I would do if my husband was taken away. I have no education to fall back on and I entirely depend on him for plenty of things. I have a close cousin whose husband was arrested after the swoop on Somalis last year…We are age mates and were married almost the same time. The husband, who was the only one providing for the family at the time, was detained for several months. She could not take care of her three children and one even stopped going to school. She could not manage rent and my husband and I had to house her and her children for a while before her husband was released' (Rahma, Shabaab).

28 year old, Fatuma living in *Kambi* Somali, shared a similar experience. It was evident among all the respondents interviewed that Somali families are highly extended meaning that they often include additional remote relatives to the immediate nuclear family of husband, wife and 3 to 9 children. One female respondent shared the following experience:

> 'I am 28 years old, married and I live with my husband. This is my home. I have nine children. I am a house wife. I failed to school attend since I was married early. My firstborn child is 12 years and the last born 4 years. I take care of my brother-in-law's children and I also live with my sister and brother. I face a lot of challenges since I have a lot of children and therefore translate to a lot of mouths to feed. I depend on my husband because I am unemployed' (Somali Muslim female, Shabaab).

What this meant to most of the respondents is that it becomes especially difficult to cope after their husband, who is the primary provider, is taken away by law enforcement officers. The burden is shifted to these women. Even in situations where the husband is eventually released, several respondents argued that things were sometimes never the same again. Yasmin, whose brother-in-law was arrested and detained for two months, recalled:

> 'After my brother-in-law was released, he lost his job as a shop assistant…Although no charges were ever brought against him, I think everyone just looked at him as a terrorist. It did not matter that he was not…That is actually where the trouble began between him and my sister. She'd tell me how they quarrel over almost everything. During two occasions he actually hit her…She didn't report to the police. Probably because she thought this would put him in much more problems so she persevered…She also feared the police could start questioning her on terrorism and try to link her husband again. My husband and I supported them financially during this period. Perhaps he turned

violent because he didn't feel like a man enough since he wasn't providing for his wife and four children.'

4.2.1.3 Women's interaction with law enforcement officers

Most of the respondents were in agreement that Muslim Somali women have to manage the stresses that are brought into the home as a result of the increased stop-and-searches since the beginning of *Operation Usalama Watch* after the numerous *al-Shabaab*-related terror attacks in the country. The stress is further compounded by the fact that these women in most cases are not allowed visit their family members who are in custody. A good number of interviewees I talked to were however not personally affected although they recounted indirect experiences of what happened to either friends or neighbours. For example, two respondents shared the following:

> 'Sometimes you hear of friends, families and neighbours who have had their houses raided, and I think it's really sad and bad the way the police just force their way into the house, go through everything…trash the place up, and then, they just leave without even an apology after the search turned up nothing. They (Somali Muslims) don't report or complain because I don't think there is anything they can do and they just want the experience to be over with' (Maalim, Community leader).

> 'The police would show up at any time. They were not sensitive at all…Women and children were herded into police vehicles sometimes without any appropriate clothing at all. They were demeaned by appearing immodestly in front of strangers…which is against our religion' (Basra, *Kambi* Somali).

As the houses were being ransacked and men taken away from the home, women were left to deal with the aftermath of having to comfort and reassure their traumatised children who had witnessed their parents being humiliated. Some children were so badly affected that they were unable to return to school. The respondents voiced their concerns that the policing visited upon Muslim Somali women, who consider modesty a key cultural and religious pillar, in the name of countering terrorism leaves them vulnerable, isolated and humiliated at a time when they need every ounce of strength to support their children and keep their families together. Zahra recounted the experiences of a neighbour of hers whose husband was taken while she was six months pregnant:

> 'She was inconsolable for the several weeks that the husband was away. She cried almost every day while lamenting how she was going to get through the pregnancy (which was her first) alone let alone life without her husband. I tried

to spend time with her and help her out…But it was obvious that she was broken' (Zahra, Shabaab).

The feeling that police could raid their home at any time and take away their husbands, with the only reason being that they were Somalis, and what they had seen happen to their neighbours and friends, left many women lacking in confidence, anxious, afraid, almost psychologically paralyzed. This is what some of two respondents had to relate:

'I sometimes had nightmares about the raids and the police coming into my home simply because I am a Somali…It is not my fault where I was born. I was depressed. I didn't know whether my family was going to be next. I feared the police…During that period, I doubt I could have approached a police officer for anything. Sometimes I am still afraid. Several (Somali) men from here (*Kambi* Somali) were taken and no one has seen them. Other families have been forced to move away from here' (Asha, Shabaab).

'We are all fearful…Today we are afraid that our sons, brothers, nephews or any other male relatives, could be arrested and detained without any evidence, but only because they are Somalis. It goes against the principle of being considered you are innocent until the court proves your guilt' (Farthosa, *Kambi* Somali).

4.2.2   Emerging state and community narratives

4.2.2.1   **Open prejudice against members of the Muslim Somali community – Benchmarking arbitrary arrests and detentions**

The state and law enforcement officials I interviewed showed a clear prejudice and predisposition to victimizing members of the Somali community. Blame for terror attacks was placed on the entire community rather than single individuals. This form of generalization was captured in the following words by a senior police officer who requested anonymity:

'Once you encounter what the victims of terrorism have gone through, your perception (as an officer) about them (Somalis) changes because this is an individual who kills with no mercy. They (Somalis) have no value for human life. I personally cannot spare such people…I really don't like Somalis. I hate them because they are a source of pain and death to our country.'

This justification for targeting Somalis was also supported by other respondents:

'We focus on Somali Muslims because that's the core of terrorism…Somali is headquarters of terrorism. It would be absurd to look (or consider) anywhere else (or other people)' (Provincial Administrator).

A county officer who was not as brusque admitted to counter-terrorism measures being focused on the Somali community. Figure 1 is a collage of photographs showing various aspects of *Operation Usalama Watch* in 2014.

Figure 1:   A collage of photographs showing various aspects of Operation Usalama Watch

Some respondents argued that Somalis living in Nakuru made themselves targets because of their way of life:

> 'We are suspicious about them (Somalis) because the Somali hide terrorists in their homes claiming they are their relatives. They have a high level of secrecy as a community and also (as) Muslims. They know how to protect one another.'

These respondents agreed however that counter-terrorism measures mainly focus on men in terms of arrests and detentions. Women were not seen as victims.[22] The general perception of Somalis as targets was seen as necessary to ensuring security of the country. One respondent admitted that this kind of targeting a particular group of people based on their ethnic and religious affiliation was arbitrary:

---

[22]   I will present extensive findings on this aspect in the next section.

'In our instance case we know that the terrorism problem we are having cannot be spoken of without bringing in the Somali angle. That's for a fact…It doesn't matter *Al-Shabaab* has been recruiting from other communities as well…This kind of profiling can only lead to arbitrary arrests. A lot of tact is therefore needed when undertaking investigation and subsequent arrests' (judicial officer).

4.2.2.2   Desensitization to impact, gendered or otherwise, of counter-terrorism measures

There was a general agreement between the key respondents to a one-dimensional perception of the impact counter-terrorism measures–realization of national security. Law enforcement officers saw themselves as having the responsibility of ensuring that security is realized and nothing more:

'Our actions as security officers are solely dependent on issues to do with national security. We are not concerned with anything else… The person who suffers most is the one who has fallen victim of the crime' (police officer).

The focus is localized on state responses to terrorism without any due consideration as to how these actions translate on the ground or how they affect those people who are neither suspects nor connected to terrorist acts:

'We are not here to address any other issues other than national security… If we arrest suspects we…take them out. Afterwards I don't want to know what happens to his family' (an officer in Provincial Administration).

Respondents maintained that 'terror suspects are terror suspects' and that no distinction should be made between male and female elements. In any case men were seen as the only victims of counter-terrorism measures.

'In most cases, only men are arrested and detained. I don't see how this affects women…. It is Somali men who are involved in terrorist activities. Watch the news. Women are only affected if they are in the country illegally…. Somali refugees with no documentation…. But even so we cannot say that the fight against terrorism is connected to a country deporting back to their country Somalis who are here illegally' (law enforcement officer).

However a (female) gender officer in the County Government acknowledged that there is a need to consider the women and children left behind after a swoop. Hers was a lone voice, though, in a sea seething with gender-blind undercurrents. As a former student of SEARCWL,

her experience with the programme perhaps informed her sensitization to issues affecting women.

4.2.3   On the law and legal perceptions

In 2012, the Prevention of Terrorism Act was signed into law. Various individual interviewees felt that the law was targeted generally at the entire Muslim community and not specifically aimed at the Somali Muslim community. Although they were aware that the law exists, they were not however familiar with what the law provided:

> 'I heard that the government passed a law. I haven't seen it… I know about it because it was all over the media… What I know as well is that the Muslim *Ummah* is the one that the government is targeting. The government thinks that all Muslims are responsible for terrorism' (Mohamed, Shabaab).

> 'The government has shown that the fight against terrorism is to a large extent a fight against Muslims…. The disproportionate application of counter-terror policies and laws on the Muslim community is self-evident. This law is therefore a way to promote and legitimize religious and ethnic prejudices in the country by focusing the war on terrorism on the Muslim community through a piece of legislation' (Masjid official).

Government officials on the other hand maintained that the law was only focused on addressing terror elements within the society. However, most of the respondents were not conversant with the provisions specific piece of legislation in question. Respondents from both quarters agreed that that the law was neither male nor female oriented. It was a gender-neutral law and they were not aware of any provisions that explicitly targeted only men or women. One official went as far as pointing to the language of the Act as using the word 'person' all through instead of gender-specific terms. This was according to him an indication that the law was drafted to target suspects of terror irrespective of their sex. On whether there was a specific national counter-terrorism policy, none of the respondents were aware.

4.2.4   Emerging issue(s): Difficulty for Somali Muslims to obtain identification papers – Assessing the impact

Interviews with individuals from the Somali Muslim community indicate that it is especially difficult for them to be issued with identification papers. This has subsequently, in addition to isolating and alienating them, made it problematic for them to engage in socio-economic spheres at the same level as the rest of other Kenyans:

'As the Somali community we are discriminated, isolated because we are associated with the terrorist group -- *Al-Shabaab*. We are discriminated to a point where we cannot even access identity cards. We don't have jobs; we cannot get jobs as long as we have Somali names. I don't have an identity card because am Somali therefore I can't access any job... the government cannot make a distinction between Kenyan Somalis and immigrants. Even Kenyan Somalis are harassed' (Ahmed, Shabaab).

Others felt that the victimization sometimes happened even if one has an identity card. They face prejudice on the grounds of their ethnicity and are often forced to prove their Kenyan nationality even in mundane circumstances:

'We are Kenyans because we were born and raised here. We don't know anything about Somali. I used to stay in Garissa. To get an identity card is very hard because of our language and origin…. One day, a friend of mine was arrested because he didn't know proper Kiswahili yet he had an identity card. When I went to check up on him, the police officer asked me whether I had an identity card…. The presumption was that since I looked and spoke in a certain way then I couldn't possibly be Kenyan… A lot of weight is placed on our ethnicity' (Munira, Kambi, Somali).

An officer at the immigration department agreed that a lot of precaution is taken when dealing with Muslim Somalis especially after a spate of terrorist activities having been linked to *Al-Shabaab* who are in most cases of Somali origin. This was not seen as a form of discrimination but rather 'advanced security measures':

'We have to be very careful…. I admit that the state has put in stricter regulations when dealing with persons of Somali origin…. I think this is necessary. The threat of terrorism has played a major role in the government putting in place extra measures' (Immigration Officer).[23]

Most women interviewed expressed concerns that the problem of being issued with identity cards has escalated socio-economic disempowerment especially at a time when their husbands are also being arrested and detained over terrorism claims. Several respondents in the focus group discussion agreed that in a situation where the husband is taken away it becomes especially difficult for a woman to sustain a family. It becomes particularly hard since, without an identity card (or in situations where authorities do not wish to 'recognize' a legitimate identity card), no one would be willing to hire you. Other respondents raised issues relating to

---

[23] I came to realise that the 'stricter regulations' to which the Immigration Officer referred were not official state regulations sanctioned by law, but rather policy measures put in place at the county level.

difficulties in obtaining credit facilities from financial institutions or even benefiting from state-sponsored women's empowerment drives like the Women's Enterprise Fund (WEF). Identification and recognition of the validity of this identification therefore becomes very important.

4.3 Contextualizing research findings

In the previous section, I presented several research findings after an iterative data analysis process. These findings were categorized in broad themes which were subsequently further broken down into sub-themes. In this section, I will discuss and critically examine these findings and their implications in the context of the subject and research objectives as delineated in the previous chapters. I will broadly categorize the discussion into three themes.

4.3.1 The Kenyan law on countering terrorism and emerging principles from international law

4.3.1.1 The law, women and impact

In October 2012, Kenya passed into law its first counter-terrorism law after several failed attempts.[24] This was the Prevention of Terrorism Act, 2012 (PTA). The research findings indicate that, wittingly or unwittingly, state and law enforcement officers rely on the existing legislative framework to justify measures intended to counter terrorism. Contextualizing the PTA within a gendered discourse is what this section will try to do. The PTA is divided into six parts which comprises fifty-two sections and two schedules.[25] Although in its entirety the Act presents a significant starting point for a gendered analysis of counter-terrorism measures, I will however, given the limited scope of this study, focus on the most contentious issues relating to the research problem and findings. Part IV of the Act is particularly instructive in this respect as it provides for the manner in which law enforcement officers (the police) are supposed to 'legally interact' with terror suspects.

The Preamble to the legislation states that the Act is intended for purposes of providing 'measures for the detection and prevention of terrorist activities'. Several counter-terrorism

---

[24] Neither the Suppression of Terrorism Bill, 2003 nor the Anti-Terrorism Bill, 2006 made it through Parliament after a public outcry erupted over their international human rights violations, unconstitutionality and what was referred to as their 'overt discrimination against the Muslim community'.

[25] These parts include: Part I (Preliminary – defines words and expressions); Part II (Specified entities); Part III (lists the various terrorism-related offences); Part IV (sets out the manner in which offences may be investigated); Part V (details the trials of offences); and Part VI (contains miscellaneous provisions).

measures are emphasised under the Act, including: section 31 on the power to arrest (stop and search); section 36 on the power to intercept communications; section 37 on the power to seize property; and section 48 on the power to refuse a refugee application. These measures have a gendered impact in one way or another. However, based on the research findings and research objectives, I will primarily focus on section 31 which appeared to affect members of the Somali community the most. This finding is supported by a report published by the Independent Policing Oversight Authority (IPOA):

> 'According to members of the public and interviews with the people arrested or detained, the Operation (*Usalama Watch*) was viewed as skewed towards [a] specified… residential area(s) and segment of the society. This elicited feelings or perception of targeted bias or discrimination from members of the dominant Somali community' (IPOA, 2014:7).

Section 31 of the PTA gives a police officer power to arrest any 'person where he has reasonable grounds to believe that such a person has committed or is committing an offence under' the Act. Although the powers under this provision are subject to judicial oversight,[26] in most cases, personal prejudices of law enforcement officers, against members of the Somali community has meant that suspects are not only arrested on unreasonable grounds, but they are never released within 24 hours (if no charge has been preferred) as provided for under Article 49 of the Constitution of Kenya 2010 (IPOA, 2014:7). In addition, section 35(3) limits the right to privacy to the extent that law enforcement officers are allowed to stop and search individuals and enter their private space (their homes) on the pretext of searching for terror suspects or articles.

It has been argued that the powers granted to police officers under section 31 are too wide and therefore subject to abuse (Mwazighe, 2012: 79-80). Police officers use these powers to arrest individuals who might never be charged under the Act. Mwazighe (2012:80) argues that an arrest based on section 31 is entirely dependent on an officer's 'perception and what he considers a terrorist act at the moment' which means that he need not have a particular offence in mind. This has been used to arrest and detain members of the Somali community arbitrarily because law enforcement officers treat them as 'a suspect community'. This means that the entire Somali Muslim community falls victim to the application of sections 30 and 41 of the

---

[26] See section 32 of the Act which gives exceptions to when a 'suspect' may be held for more than 24 hours. Extension of the 24-hour detention period requires a court order.

Act since they are viewed of 'being guilty' simply by virtue of their ethnic and religious affiliation to terrorists who in most cases are individuals of Somali origin.

Although the PTA does not expressly contain provisions which explicitly target women, the fact that the legislation makes it relatively easy to target male actors in a suspect community, means that Muslim Somali women, for instance, are also left open and vulnerable to harm. The language used consistently throughout the Act when referring to subjects is 'anyone' or 'any person' which are gender-neutral terms. For most respondents, this conceptualization meant that the impact could not possibly have any gendered 'costs' or consequences. However, this mode of rationalization focuses on the intention of the legislation rather than on the effects of its implementation. It ignores basic societal dynamics and realities of the interactions between the law and human beings which eventually have a gendered impact. Scheinin (2013) probably puts it best when he argues that:

> 'Even if they fail to acknowledge the gendered nature of counter-terrorism measures, policies and practices based on such stereotypical perceptions will be deeply gendered. One of the consequences of these gender-blind approaches is the resulting systematic ignorance of how terrorism and counter-terrorism measures impact the enjoyment of human rights by women or those who perform roles in society typically associated with women.'

Operation Usalama Watch is definitely testament to the reality in Scheinin's truism. See section 4.3.2 below for further discussion on the nature of this impact.

4.3.1.2 The Constitution, international law and emerging jurisprudence

The significance and impact of terrorism and counter-terrorism measures in global discourse on security and human rights has remained a priority issue (Office of the United Nations High Commissioner for Human Rights, 2008).[27] Following the 11 September 2001 terrorist attacks in the United States of America, the international community has been spurred into action putting in place various measures to prevent and combat terrorism. African states have not been left behind. Although most African countries have not felt the direct impact of terrorist violence, like what Ford (2013:1; See also Kimunguyi, 2011:1) refers to as 'the sort that has a

---

[27] The United Nations Commissioner for Human Rights has acknowledged that 'the human cost of terrorism has been felt in virtually every corner of the globe.'

transnational or global agenda', global counter-terrorism narratives remain relevant in the continent.

The growing counter-terrorism wave in the international community has eventually caught on and ensured Africa's active participation in the anti-terrorism dialogues. This has subsequently translated into the adoption of several regional human rights resolutions and instruments[28] targeted at combating and eradicating terrorism in the continent (Heyns & Killander, 2013; Ford, 2013). Kenya, being a member state to both the UN and AU, draws its counter-terrorism obligations from the various (relevant) UN Security Council and AU Resolutions on the subject.

In 2010 Kenya experienced a major legal paradigm shift as the country adopted a new Constitutional dispensation with the promulgation of the Constitution of Kenya 2010. Articles 2(5) and (6) for instance altered Kenya's approach to international law from dualist to monist (Oduor, 2014:98; Orago, 2013:419-20). These provisions, arguably, envision a direct application of international law.[29] While sub-article (5) directs that general rules of international law are deemed to form part of the law of Kenya, sub-article (6) provides that any treaty or convention ratified by Kenya also become part of the domestic legal framework. This particular section discusses the gendered impact of counter-terrorism measures as understood in human rights counter-terrorism discourse.

Against this backdrop, Kenya has assumed general counter-terrorism obligations, particularly pursuant to relevant UN Security Council resolutions. The UN Security Council and the UN General Assembly, in particular, have passed a number of resolutions[30] aimed at containing the

---

[28] In 1992 and 1994, respectively, the Organisation of African Unity (OAU) – subsequently the African Union (AU) – adopted the Resolution on the Strengthening of Co-operation and Coordination among African States and the Declaration on a Code of Conduct for Inter-African Relations as initial steps toward the criminalization of terrorism and combating acts of terror. In 1999, the OAU adopted the OAU Convention on the Prevention and Combating of Terrorism. This affirmed that Africa states were satisfied 'that terrorism constitutes a serious violation of human rights' and, therefore, 'cannot be justified under any circumstances and consequently, should be combated in all its forms and manifestations.' In 2004, the African Union (having succeeded the OAU in 2001) adopted a Protocol to the OAU Convention on the Prevention and Combating of Terrorism 2004 which highlighted the importance of state parties taking all necessary measures to protect populations within their territories from acts of terrorism.

[29] The seemingly monist approach is brought into question upon a reading of articles 21(4) and 94(5) which hint at parliamentary validation before domestication of international law.

[30] The UN Security Council Resolutions include: 1368, 1373 and 1377 of 2001; 1450, 1440 and 1450 of 2002; 1456, 1465 and 1516 of 2003; 1530, 1535 and 1566 of 2004; 1611, 1618, 1624 and 1631 of 2005; 1787 of 2007; 1805 of 2008; 1963 of 2010; 2129 of 2013; 2133, 2170, 2178, 2185 and 2195 of 2014; and 2199, 2242, 2249, 2250, 2253 and 2255 of 2015. Some of the UN General Assembly Resolutions on counter-terrorism include: 122 of 1994; 185 of 1995; 186 of 1996; 133 of 1998; 164 of 2000; 1 of 2001; 160 of 2002; 219 of 2003; 174 and 187 of 2004; 191 and 195 of 2005; 158 and 288 of 2006; 171 of 2007; 159, 172 and 272 of

threat and realities of terrorism through concerted state efforts. The key feature in these resolutions is how the international community can effectively deal with the scourge of terrorism while at the same time promoting the fundamental rights and freedoms within the domestic legal frameworks as guaranteed under international human rights (Ford, 2013:1).

As the research findings reflect, Muslim Somali women are impacted as a result of state actors violating various fundamental human rights. These rights which also find grounding in the Constitution include: the right to non-discrimination (article 27); the right to human dignity (article 28); the right to freedom and security of the person (article 29); the right to privacy (article 31); the right to freedom of religion and belief (article 32); the right to language and culture (article 44); the right to family life (article 45); and the rights of detained and arrested persons (including the right to a fair trial as provided for under Articles 49, 50 and 51, respectively). There is an underappreciated connection between the ongoing profiling, arbitrary arrest and detention of Muslim Somali males and the harm occasioned to Muslim Somali women in their domestic sphere in which the state is the direct violator.

While these violations do not necessarily have a direct impact on Muslim Somali women, the ripple effect cannot be ignored. This novel thinking has led to an attempt at re-conceptualizing counter-terrorism measures in international law to unearth the gendered impacts. In recent years state parties have been encouraged to incorporate gender perspectives into counter-terrorism strategies (Scheinin, 2013). In a ground-breaking 2009 report on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Special Rapporteur, Martin Scheinin, observed:[31]

> 'Counter-terrorism measures have had impermissible gendered collateral effects that are often neither acknowledged nor compensated. Indeed, enforced disappearances of male detainees in the name of countering terrorism have had "special resonance" for female family members, who bear the burden of anxiety, harassment, social exclusion and economic hardship occasioned by the loss of the male breadwinner.'

2008; 185 of 2009; 168, 177, 297 and 221 of 2010; 10, 171 and 178 of 2011; 282 of 2012; 178 and 187 of 2013; and 276 of 2014. This shows that despite extensive efforts at the international level to address counter-terrorism related issues, there has been very little impact on the domestic front. This is perhaps because the debate almost always shifts to 'rights vs. national security' which obscures any other issues which are likely to emerge in the discourse. States ordinarily use pro-national security arguments to justify non-compliance with international law human rights requirements.

[31] The groundbreaking nature of the Report was that the Rapporteur was given a mandate requesting him to integrate a gender perspective throughout the work of the mandate. This was a departure from previous reports in an effort to raise the profile of gender issues.

This recognition of the gendered impact of counter-terrorism measures means that states should strive to put in place measures which shield women from the possibly unintended effects of fighting terrorism. As was reflected in the findings and the discussion in the previous section, this is yet to be done. Laws and policies at the domestic level operate on the assumption that counter-terrorism measures are gender neutral. This is particularly so because harm occasioned within private spaces are still invisible to policy-makers, legislators and human rights defenders.

4.3.2 Invisible Muslim Somali women vis-à-vis visible men in the context of counter-terrorism and the Somali community

The Somali community is regarded as a highly gendered society (Shaffer, 2012) and socially conservative. The patriarchal structure of Somali community life ascribes to the notion that men should hold leadership positions as providers who control the family. On the other hand, women are responsible for managing the household and have limited ability to challenge these patriarchal arrangements in broader society (Shaffer, 2012:101-102). While men occupy spaces in the public sphere, women wield their influence within the private space. While this finds credence in not only customary practices, religion is also believed to legitimize the definition of the woman's role to be within the home. An oft cited passage when discussing women in Islam and their role in the home is Surat Al-Ahzab (33:33):

> '*And stay in your houses, and do not display yourselves like that of the times of ignorance*…. Allah only wishes to remove ArRijs (evil deeds and sins, etc.) from you, O members of the family (of the Prophet SAW), and purify you with a thorough purification.'[32]

This Qur'anic verse has been interpreted to mean that a Muslim woman is supposed to remain at home and not go out (Al-Sheha, 2013:98). I must however point out that the jury is still out on the 'real' interpretation of the contents of this verse. Debates still abound within the Islamic community and it is not my intention to engage in a discussion of interpretation here. However, all I wish to point out is that this verse underscores the perception that a woman's position in Islam is largely within the home. This translates into Somali Muslim women regarding their

---

[32] Emphasis added.

homes or private spaces as being 'central to their experience of vulnerability, lack of security and violation' (Ní Aoláin, 2013:1119) as influenced by both culture and religion.

The idea that women should feel comfortable with simply occupying this private space is problematic and an affront to most radical feminist ideals. Radical feminism is hinged on the notion that 'it is the patriarchal system that oppresses women, a system characterized by power, dominance, hierarchy, and competition, a system that cannot be reformed but only ripped out root and branch' (Tong, 1994:2; See also Becker *et al.*, 2007). However, this approach presents even more problems than solutions in the context of this study whose focus is on making women visible in the private space. The risk of stressing the public-private dichotomy is that there is a real danger of concealing harm within the private space (Johnstone, 2009:10).[33]

This tension has prompted African feminists to warn against the 'un-Africaness of feminism' (Goredema, 2010:38) since, unlike African feminism, it does not view 'human life from a total, rather than a dichotomous and exclusive perspective' where 'the male is not "the other" but part of the human same' (Steady, 1987:8). In that regard therefore, the roles played by neither sex is deemed to be more important than the other since each gender constitutes the critical half that makes the human whole. As a result the gendered public-private dichotomy becomes inconsequential and is 'no big deal' in the context of this study. This is significant because the focus is consequently shifted to the more important issue of locating harm occasioned to Muslim Somali women who mainly occupy this sphere of life. The impact of counter-terrorism measures becomes more pronounced against women who choose to stay at home (Ní Aoláin, 2013:1107).

One of the dominant themes in my research narratives was that while men are easily recognized as victims, for most people the idea that women can be victims of counter-terrorism within the private, other than in the public, sphere is far-fetched. In this regard Ní Aoláin (2013:1119) argues that:

> 'What generally matters is what occurred in streets, public spaces, and formal institutional settings. Violations within the home or close to private, intimate spaces that women describe as central to their experiences of vulnerability, lack of security, and violation are deemed to fall within the "private" domain in most

---

[33] This will be followed up in-depth in the next section where I will discuss the issue of state responsibility and how this can only be made visible by relegating the public-private dichotomy debate to the periphery.

legal and social systems, and frequently outside the circle of notice and accountability… [T]he sites of violation are not external and may not be experienced in the myriad public or institutional spaces that have overwhelmingly defined the locales of violence and intrusion by the state for public male actors. Rather, the spaces of violation are the private contiguous spaces that women consistently inhabit, out of public and legal sight that frame the notion of the public and of spaces of harm in many societies.'

Since violations occasioned by counter-terrorism measures are not entirely visible, they therefore do not go far enough in addressing issues facing families, and specifically women, where the man has been arrested or detained of terrorism-related charges (Mathur, 2006; Brittain, 2009). The research findings give an indication that the harm occasioned to Muslim Somali women is not externally located as their experiences of trauma are particularly felt in the way these women function within the home and family. In regard to women in this kind of situation, Motsemme (2004:909) writes:

'[V]iolation came to be incorporated into the *meaning and feeling* structures in relationships between husbands and wives; between mothers and sons; and between women themselves.'[34]

The harm is embedded in 'meaning and feelings' which are abstract concepts existing *within* an individual's psyche. What this means, since the violation is internally incorporated, is that 'it is neither specific nor singular in effect' (Srinivasan, 1990:305). The harm goes beyond the moment when it is occasioned. When the breadwinner is arbitrarily taken away from the home, for instance, several 'harms' possibly come into play, including: the woman bearing the sole burden of raising children in financial difficulty; anxiety; nervous breakdown and depression due to continuous harassment and isolation; sometimes eviction from the home due to failure to meet rent or mortgage obligations; or even breakdown of marriage. All these issues may build up over time beyond the specific period when the 'harm' was caused or what Ní Aoláin (2013) refers to as 'the original moment of the violence itself'.

The findings also revealed that there is a connection between various actions of law enforcement officers and women's particular responsibilities in caring for children. In most cases women are left with children who do not really understand what is going on. The harassment of their children witnessing officers storm into their home rounding up 'suspects'

---

[34] Emphasis added.

greatly aggravates the effects of counter-terrorism measures for women. Of course the underlying concern is that children might also be targeted or negatively affected by the experience. The responsibility falls on the woman (who is present) to protect the child or limit the impact for the child to understand what is going on. For many Muslim Somali women, these tensions are particularly evident around their male children who, as young men, are likely to be radicalized.

4.3.3 Abating harm in the private space – Un-veiling state responsibility within feminist discourse

The research findings in the previous chapter indicate that state agencies, wittingly or unwittingly, are responsible for violations against women within the home. Most feminist scholars are however preoccupied with forms of harm produced by private or non-state actors in the private space at the expense of those occasioned by direct state actions (Romany, 1993; Becker, 2006; See also Ní Aoláin, 2013:1101) affecting women in a similar manner. Becker sums up the risk of focusing on the public-private dichotomy at the expense of the 'harm' in the private space:

> 'Persistent State failure to prevent wrongs within the private domain *can be as much a form of State policy as direct governmental action. But by conceiving of responsibility through the prism of the public/private distinction this method of State action can be concealed.* The result is to shield the functioning State from direct responsibility when its wrongful conduct was a direct cause of a private harm.'[35]

This is especially important and relevant to this discourse since counter-terrorism measures are informed by a state's direct policy directions. *Operation Usalama Watch*, for instance, was sanctioned by the government and finds justification within Kenya's counter-terrorism legal framework as discussed previously. The application of Becker's conceptualization of state responsibility widens the scope to make visible direct actions of the state as they impact on women within the private sphere. The state therefore has a responsibility to address the harm occasioned to women in the name of countering terrorism within private spaces.

---

[35] Emphasis added.

4.4   Conclusion

This chapter focused on presenting research findings and discussing their various aspects and what they mean in the broader context of the gendered impact of counter-terrorism measures. The chapter, in the discussion section, also attempted to show that the connections between profiling Muslim Somalis as a 'suspect community', arbitrary arrests and detentions ultimately have a gendered impact. The question as to whether these collateral consequences of counter-terrorism fall within the realm of human rights violations was however left open. This is because such a discussion would have widened the scope of the study beyond a simple inquiry to a debate on the balancing of competing rights. This discussion was presented thematically in an attempt to capture all aspects of the research problem. In the following chapter, I will use the discussions presented in this chapter to make a conclusion on the subject and offer recommendations.

So how can the State be made to take responsibility for actions that cause harm to women within the private space? How is this understood within the public-private dichotomy discourse? What is Kenya's responsibility in respect of the existing international legal framework? Can Muslim Somali women claim a violation of rights? Which rights? The following chapter will attempt an answer to these questions.

CHAPTER FIVE

5.0   CONCLUSION AND THE WAY FORWARD

'What happens to women is either too particular to be universal or too universal to be particular, meaning either too human to be female or too female to be human.'
MacKinnon (2006)

5.1   Introduction

The recent wave of *Al-Shabaab*-related terrorist attacks in Kenya has led the country to actively join the rest of the global community in the fight against terrorism. In 2012, the state passed into law the Prevention of Terrorism Act which was intended to be used as the first offensive line to counter terrorism. However, fears have been raised by the Muslim community that the law has been used to legitimize ethnic and religious profiling as tools of countering terrorism. Government sanctioned operations such as the (in)famous *Operation Usalama Watch* have only confirmed these fears. Although international and local human rights organizations have raised concerns over violations of human rights associated with such counter-terrorism measures, the Kenyan Muslim community continues to feel that they are being treated as a suspect community.

In Nakuru, where this study was conducted, although the Muslim community is diverse, there was a sense among the respondents who took part in the research that the Somali Muslim community bears the burden of being labelled the 'suspect community'. This is because counter-terrorism measures and practices are not experienced in isolation but rather by the Muslim community as a whole. Some of the counter-terrorism measures, in practice, specifically target Somali Muslims and as such have been considered an affront to their human rights and the rule of law. In the midst of all these counter-terrorism and human rights discourses, the most important facet of it was missing, and that is, how the these measures influenced the choices and options of Muslim Somali women. Away from the mainstream counter-terrorism discourse, these women continue to suffer the consequences of attention and punishment meted out to their men-folk. This aspect of counter-terrorism discourse has received very little attention which means that these women continue to be ignored by both state and non-state actors.

This study was conducted in three residential areas within Nakuru town. These areas were selected as they represented the various social mobility aspects of the Somali Muslim community. The objective of the study was to investigate the gendered impact of counter-terrorism measures using Muslim Somali women as the case study. I used a feminist methodological approach both in data collection and analysis to unpack the research problem. What this meant is that a lot of attention was paid to capturing women's experiences as they are influenced by both internal and external factors. The focus was on their experiences and lived realities as Muslim Somali women in the face of counter-terrorism efforts by the government.

These women's experiences showed the intersectionality of their position where their religious, ethnic, gendered identities influenced their experiences with counter-terrorism measures as Somali Muslim women. Of course this should only be considered in light of the fact that there is no single monolithic Muslim or Somali Muslim community. This means that the experiences of Muslim Somali women are not monolithic as well. The research found that the lower their position in the community's socio-economic strata the more likely Muslim Somalia women felt the impact of the state's counter-terrorism measures. These women's experiences are testament to the undignified treatment, isolation, emotional and psychological hardship, and financial difficulties such measures force them to suffer.

The research process was plagued by various challenges including gaining access into the Somali Muslim Community. The Somali Muslim community living in Nakuru is a largely conservative society and gaining access initially proved problematic especially for me as a male researcher. Various methods were employed for data collection, including, interviews, a focus group discussion, observations and desktop and library research. After data analysis, I made several findings summarized below:

(a)   The gendered impact of counter-terrorism is class-related which means that Muslim Somali women's experiences are shaped by socio-economic mobility;

(b)   The Somali community is highly gendered in which men are made solely responsible for providing for their family which causes the socio-economic disempowerment of their wives and female dependents;

(c)   The actions or inactions of state and law enforcement officers contribute immensely to the gendered impact of counter-terrorism;

(d)   There is open prejudice against members of the Somali community by state and law enforcement officers which has contributed to increased arbitrary arrests and detentions based on ethno-religious profiling;

(e)   State and law enforcement officers are desensitized to the consequences, gendered or otherwise, of the counter-terrorism measures they enforce, specifically their arbitrary arrests and detentions of Somalis; and

(f)   Although counter-terrorism legislation, the Prevention of Terrorism Act, is largely viewed as a gender neutral law, it has bred counter-terrorism practices such as the *Usalama* Watch which ultimately has a gendered impact.

This research was focused on a small sample which means that more in-depth and arduous research is still necessary. However, I believe it has still managed to emphasise how government's policies and practices manipulate and influence the intersectionality of class, religious, gender, and ethnic divisions and the manner in which these processes are continually renewed and reified within the counter-terrorism framework.

5.2   Moving forward

Kenya lacks a clear identifiable policy framework on countering terrorism. The National Counter Violent Extremism Policy has been widely touted but yet to be launched. The policy framework should provide for gender sensitive tools in assessing the impact of counter-terrorism measures and providing for appropriate remedies in the event of harm being occasioned to women. At present the government has expended nothing in attempting to make a gendered inquiry into the impact of counter-terrorism measures. In this section, I suggest recommendations which can be used to guide the programming of counter-terrorism measures in order to protect women from suspect communities from state instigated harm.

It must be understood that evaluating causal claims where empirical evidence is scarce, as in this area, is very difficult. This is compounded by the fact that the gender agenda in light of national security objectives complicates such an enquiry. At the onset, this means that the government needs to invest much more in this area since women continue to remain invisible although there are actual harms suffered as illustrated by this research. I posit that a greater responsibility must be placed upon state actors in the fight against terrorism. Counter-terrorism measures and practices need to take into account the long lasting effects they leave on women

within the private sphere long after they have been carried out. This is the only way to evaluate the true effectiveness of these measures. These measures can only be deemed totally effective if:

(a)   Redress, including by way of reparations, can be provided to Muslim Somali women whose husbands (their providers) have been a victim of indefinite detention or arbitrary arrests which separate them from their families for an unreasonably long period of time;

(b)   Ending unduly restrictive family visitations; and

(c)   Training state and law enforcement officers on collateral gendered impacts of subjective counter-terrorism measures.

Counter-terrorism must also be grounded in social justice and feminism which means raising consciousness on the precarious situation of Muslim Somali women. This research has shown that they bear the burden of countering terrorism even though the focus remains on Muslim Somali males. This means that there has to be dialogue with the Somali Muslim community, particularly with women as stakeholders in order to address the impact of counter-terrorism. This will go some way to addressing the existing gaps and challenges in the implementation of counter-terrorism measures. The 'invisible' will consequently be made 'visible' not only to feminist researchers who will continue to engage with the gendered impacts of counter-terrorism, ask questions and theorize in order to find practical solutions, but also to legislators and policy makers who have the power to change women's situation for the better.

There is also a need to recognize that 'gender' is not synonymous with either 'women' or 'sex'. The National Gender Policy (2011:23) explicitly recognizes the difference between these terminologies. This should be assimilated into all counter-terrorism policies, practices and institutions so as to ensure that the government is able to fully appreciate the various ways in which counter-terrorism measures differentially impact upon men and women. This will also ensure that the legal and policy frameworks reify identities built around harmful religious and cultural stereotypes while undermining possible forms of harm. In addition, this will ensure that the government is able to tailor appropriate remedies to fully address the gendered impacts of its counter-terrorism measures.

Whether the gendered impacts amount to women's rights violations is a discourse that can be grounded on the experiential data documented in this research. That notwithstanding, I believe

that it is important that the state considers the recognition of right to family life as a stand-alone right independent of the right to family. In order to protect, particularly, women in highly gendered societies from disenfranchisement, it is important to recognize that family separation based on arbitrary grounds, including ethno-religious profiling, is a violation of human rights (Starr & Brilmayer, 2003). Protecting the right to family life would therefore mean the right of the family to exist as a unit would be taken much more seriously and would only be subject to limitations recognized under the Constitution. In turn women subsisting within family units can enjoy protection and defined legal recourse in case of violation of the right to family life.

Bibliography

Academy for Peace and Development (APDH), (2002a). "The Impact of War on the Family" Academy for Peace and Development.

Academy for Peace and Development Hargeya (APDH), (2002b)."Women's Rights in Islam and Somali Culture". UNICEF.

Adadevoh, I.O. (2008). "Gender Dimensions of the National Security and Human Security Problematic: Core Theoretical, Conceptual and Historical Issues". In: Adelugba, D. and Ujomu, P.O. eds. Rethinking Security in Nigeria: Conceptual Issues in the Quest for Social Order and National Integration, Dakar, Codesria.

Agara, T. (2015)."Gendering Terrorism: Women, Gender, Terrorism and Suicide Bombers". In:International Journal of Humanities and Social Science 5(6).

Alcott, A.J. (undated). "Gendered Narratives of 'Black Widow' Terrorism in Russia's Northern Caucasus Region".Submitted to Central European University Department of International Relations and European Studies in Partial Fulfillment of the Requirements for the Degree of Master of Arts.Unpublished.

Ali, N. (2014). "Kenya's Nationwide Clampdown on Islamic Extremism 'Counterproductive'". In: Interpress Service Kenya 29 April 2014 (Available online at: http://allafrica.com/stories/201405010047.html accessed 11 March 2016).

Al-Sheha, A. (2013) Women in Islam & Refutation of some Common Misconceptions, Online, CreateSpace Independent Publishing Platform.

Amnesty International – Kenya (2014). "Somalis are Scapegoats in Kenya's Counter-terrorism Crackdown" London, Amnesty International Publications.

Amnesty International – Kenya, (2005). The Impact of "Anti-Terrorism" Operations on Human Rights, Amnesty International – Kenya available at http://www.unhcr.org/refworld/docid/42ae982b0.html (accessed 8 March 2016).

Anderson, M. (2015). "Kenya Police and Military Accused of Victimising Muslims over Terror Attacks". In: The Guardian (UK) 15 June 2015 (Available online at: http://www.theguardian.com/global-development/2015/jun/15/kenya-security-forces-victimising-muslims-al-shabaab-terror-attacks accessed 11 March 2016)

Aronson, S.L. (2013). "Kenya and the Global War on Terror: Neglecting History and Geopolitics in Approaches to Counterterrorism". African Journal of Criminology and Justice Studies 7(1&2).

Atta-Asamoah, A. (2008). "'Counter-Terrorism and the National Security of African States: Points of Convergence and Departure". In: Journal of Security Sector Management 6(1)

Aziz, S.F. (2012). "The Muslim "Veil" Post-9/11: Rethinking Women's Rights and Leadership". A joint publication from the Institute for Social Policy and Understanding and the British Council.available at: http://ssrn.com/abstract=2194119 (accessed 15 March 2016)

Badran, M. (2009).Feminism in Islam: Secular and Religious Convergences, Oxford, Oneworld Publications.

Baffoun, A. (1982). "Women and Social Change in the Muslim World". In: Women's Studies International Forum V.

Barlas, A. (2002). 'Believing Women' in Islam: Un-reading Patriarchal Interpretations of the Qur'an, Austin, TX, University of Texas Press.

Becker, M et al (2007) Case Law and Materials on Feminist Jurisprudence: Taking Women Seriously,Thompson, West Publishing Co.

Becker, T. (2006).Terrorism and the State: Rethinking the Rules of State Responsibility, Oxford, Hart Publishing.

Bekink, B. (2005). "A Dilemma of the Twenty-first Century State: Questions on the Balance between Democracy and Security". In: AHRLJ 5(2).

Bentzon, A.W. et al. eds. (1998) Pursuing Grounded Theory in Law: South-North Experiences in Developing Women's Law Harare, Mond Books.

Blanchard, L.P. (2013). "The September 2013 Terrorist Attack in Kenya: In Brief". CRS Report for Congress. Prepared for Members and Committees of Congress.

Brittain, V. (2009)."Besieged in Britain". In: Race and Class 50(3).

Brooks, R.E. (2002). "Feminism and International Law: An Opportunity for Transformation". Yale Journal of Law& Feminism 14.

Burns, H. and Grove, S.K. (1993).The Practice of Nursing Research Conduct, Critique and Utilization, London, WB Saunders Company.

Center for Human Rights & Global Justice, (2011).A Decade Lost: Locating Gender in U.S. Counter-Terrorism, New York, NYU School of Law.

Charlesworth, H. et al. (1991). "Feminist Approaches to International Law". In: American Journal of International Law 85.

Choudhury, T. and Fenwick, H. (2011).The impact of counter-terrorism measures on Muslim communities, Equality and Human Rights Commission Research Report series.

Conte, A. (2008).Handbook on Human Rights Compliance While Countering Terrorism, New York, Center on Global Counterterrorism Cooperation.

Corp, C. (2014). "High Heels and Hijackings: An Examination of the Place of Women in Terrorism". Warwick Sociology Journal 1.

Crabtree, S.A. and Husain, F. (2012). "Within, Without: Dialogical Perspectives on Feminism and Islam". In: Religion and Gender 2(1).

Darvishpour, M. (2003). "Islamic Feminism": Compromise or Challenge to Feminism?" In: Iran bulletin- Middle East Forum.

De Vos, A.S. and Fouché, C.B. (1998)."General Introduction to Research Design, Data Collection Methods and Data Analysis". In: De Vos, A.S. ed. Research at Grass Roots: A Primer for the Caring Professions, Pretoria, J.L. van Schaik Academic.

Ehrenreich, B. (2005), "A New Counter-terrorism Strategy: Feminism," AlterNet. http://www.alternet.org/rights/21973/ (accessed 12 March, 2016).

Enloe, C. (2004). "Gender is Not enough: The Need for a Feminist Consciousness". In: International Affairs (Royal Institute of International Affairs 1944-) 80(1).

Ford, J. (2013) "Counter-terrorism, Human Rights and the Rule of Law in Africa".Institute for Security Studies Paper 248.

Goderema, R. (2010). "African Feminism: The African Woman's Struggle for Identity". In: African Yearbook of Rhetoric : Gender rhetoric : North-South 1.

Greer, S. (2010). "Anti-Terrorist Laws and the United Kingdom's "Suspect Muslim Community": A reply to Pantazis and Pemberton". In: British Journal of Criminology 50
Guru, S. (2012). "Under Siege: Families of Counter-Terrorism". In: British Journal of Social Work 42.

Hearne, E. (2009). "Participants, Enablers, and Preventers: The Roles of Women in Terrorism". A research paper presented at the British International Studies Association Annual Conference, Leicester, UK..

Heathcote, G. (2010). "Feminist Reflections on the 'End' of the War on Terror".Melbourne Journal of International Law 11.

Hellum, A. and Aasen, H.S. (2013) "Introduction". In: Hellum, A. and Aasen, H.S. eds. Women's Human Rights: CEDAW in International, Regional and National Law, New York, Cambridge University Press.

Hesse-Biber, S.N. and Leckenby, D. (2004)."How Feminists Practice Social Research". In: Hesse-Biber, S.N. &Yaiser, M.L. eds. Feminist Perspectives on Social Research New York, Oxford University Press.

Heyns, C. and Killander, M. eds. (2013) Compendium of Key Human Rights Documents of the African Union (5th ed.), Pretoria, Pretoria University Law Press.

Hickman, M.J. et al. (2011). 'Suspect Communities'? Counter-terrorism Policy, the Press, and the Impact on Irish and Muslim Communities in Britain, Economic and Social Science Research Council, Report of a research project: A comparative study of the representations of 'suspect' communities in multi-ethnic Britain and of their impact on Muslim and Irish communities 1974-2007.

Hickman, M.J. et al. (2012). "Social Cohesion and the Notion of 'Suspect Communities': A Study of the Experiences and Impacts of being 'Suspect' for Irish Communities and Muslim Communities in Britain". Critical Studies on Terrorism 5(1).

Hillyard, P. (1993). Suspect Community: People's Experiences of the Prevention of Terrorism Acts in Britain, London, Pluto Press.

Hooks, B. (1994).Teaching to Transgress: Education as the Practice of Freedom, New York, Routledge.

Huckerby, J. (2016). "Feminism and International Law in the Post- 9/11 Era". In: Fordham International Law Review 39(533).

Huckerby, J.C. and Satterthwaite, M.L. "Introduction: A Gender and Human Rights Approach to Counter-terrorism". In:Satterthwaite, M.L. and Huckerby, J.C. eds. Gender, National Security, and Counter-Terrorism: Human Rights Perspectives, London & New York, Routledge.

Human Rights Watch (HRW), (2013). '"You Are All Terrorists": Kenyan Police Abuse of Refugees in Nairobi'. Human Rights Watch Report.

Human Rights Watch (HRW), (2015). "World Report: Events of 2014". Human Rights Watch.

Independent Policing Oversight Authority (IPOA), (2014). "Monitoring Report on Operation Sanitization Eastleigh Publically Known as 'Usalama Watch'". Independent Policing Oversight Authority.

Institute for Social Policy and Understanding & the British Council (2012) "The Muslim "Veil" Post-9/11: Rethinking Women's Rights and Leadership"(Policy Brief) Institute for Social Policy and Understanding & the British Council.

Jacques, K. and Taylor, P.J. (2009). "Female Terrorism: A Review". In: Terrorism and Political Violence 21(3).

Jasckson, R. et al. (2011). Terrorism: A Critical Introduction, Basingstoke, Palgrave Macmillan.

Johnstone, R.L. (2009). "Unlikely Bedfellows: Feminist Theory and the War on Terror". Chicago-Kent Journal of International & Comparative Law. 9.

Kapur, R. (2002) "Un-Veiling Women's Rights in the "War on Terrorism," In:Duke Journal of Gender Law. & Policy 9.

Kerrow, B. (2014). "Is Operation Usalama Watch a Somali Gulag?" In: The Standard Newspaper (Kenya), April 13, 2014. (Available online at: http://www.standardmedia.co.ke/article/2000109277/is-operation-usalama-watch-a-somali-gulag accessed on 11 March 2016).

Khalili, L. (2010). "Gendered Practices of Counterinsurgency". In: British International Studies Association.

Kielsgard,M.D. (2006) "A Human Rights Approach to Counter-terrorism". In: California Western International Law Journal 36(2).

Kimunguyi, P. (2011). "Terrorism and Counter-terrorism in East Africa" Global Terrorism Research Centre and Monash European and EU Centre Monash University.

Lambert, R. (2008). "Salafi and Islamist Londoners: Stigmatised minority faith communities countering al-Qaida". In: Crime Law Social Change 50.

MacKinnon, C.A. (1982). "Feminism, Marxism, Method, and the State: An Agenda for Theory". In: Signs 7(3).

MacKinnon, C.A. (2006). Are Women Human? And Other International Dialogues, Cambridge, Massachusetts, Belknap Press.

Maira, S. (2009). '"Good" and "Bad" Muslim Citizens: Feminists, Terrorists, and U.S. Orientalisms'. Feminist Studies 35(3).

Mathur, S. (2006). "Surviving the Dragnet: 'Special Interest' Detainees in the US after 9/11". In: Race and Class 47(3).

Mawiyoo, N. (2015). "You Are All Terrorists: The "Sanitization" of a Nairobi Suburb". In: CreativeTime Reports (Kenya), July 29, 2015. (Available online at: http://creativetimereports.org/2015/07/29/ngwatilo-mawiyoo-you-are-all-terrorists/ accessed on 11 March 2016).

Mernissi, F. (1991).The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam (Translated by Mary Jo Lakeland), New York, Basic Books.

Millman, M. and Kanter, R.M. eds. (1975).Another Voice: Feminist Perspectives on Social Life and Social Science, New York, Anchor Press/Doubleday.

Moghissi, H. (1999). Feminism and Islamic Fundamentalism, London, Zed Books

Motsemme, N. (2004). "The Mute Always Speak: On Women's Silences at the Truth and Reconciliation Commission". In: Current Soc. 52.

Mouton, J. (1996). Understanding Social Research, Van Schaik, Pretoria.

Mouton, J. and Marais, H. (1990). Basic Concepts in the Methodology of the Social Sciences, Human Sciences Research Council, Pretoria.

Muhumed, M. (2014)."Cracking Down on Nairobi's Somalis". In: Al Jazeera (Online) 22 April 2014 (Available online at: http://www.aljazeera.com/indepth/features/2014/04/cracking-down-nairobi-somalis-201442012628685801.html accessed 11 March 2016).

Mukinda, F. (2014)."Police Swoop Nets 62 in Nakuru". In: Daily Nation (Kenya) April 12, 2014 (Available online at: http://www.nation.co.ke/news/Police-swoop-nets-62-in-Nakuru/-/1056/2277546/-/xtj8uh/-/index.html accessed 11 March 2016).

Mwazighe, C.L. (2012) 'Legal Responses to Terrorism: Case Study of the Republic of Kenya'. Naval Postgraduate School.Published Thesis.

Mythen, G. et al. (2009). '"I'm a Muslim, but I'm Not a Terrorist": Victimization, Risky Identities and the Performance of Safety'. In: British Journal ofCriminology49(6).

National Consortium for the Study of Terrorism and Responses to Terrorism (START).(2015). Global Terrorism Database [Data file]. Retrieved from http://www.start.umd.edu/gtd (accessed 8 March 2016).

National Consortium for the Study of Terrorism and Responses to Terrorism (START), (2015)."Al-Shabaab Attack on Garissa University in Kenya".National Consortium for the Study of Terrorism and Responses to Terrorism.Background Report.

Nesiah, V. (2013). "Feminism as Counter-Terrorism: The Seduction of Power". In: In: Satterthwaite, M.L. and Huckerby, J.C. eds. Gender, National Security, and Counter-Terrorism: Human Rights Perspectives, London & New York, Routledge.

Ní Aoláin, F. (2013)."Situating Women in Counterterrorism Discourses: Undulating Masculinities and Luminal Femininities".Boston University Law Review 93(1085).

Nwagu, C.Y. (2009). Counter-Terrorism and Human Rights Protection in Uganda: Preventing Wrongs without Violating Rights. Submitted in partial fulfillment of the requirements of the degree LLM (Human Rights and Democratisation in Africa) Centre for Human Rights, Faculty of Law, University of Pretoria, South Africa. Published.

O'Rourke, L.A. (2009). "What's Special about Female Suicide Terrorism?" In: Security Studies 18.

Oduor, M. (2014)."The Status of International Law in Kenya". In: African Nazarene University Law Journal 2.

Office of the United Nations High Commissioner for Human Rights (2008).Human Rights, Terrorism and Counter terrorism (Fact Sheet No 32) United Nations.

Orago, N.W. (2013). "The 2010 Kenyan Constitution and the Hierarchical Place of International Law in the Kenyan Domestic Legal System: A Comparative Perspective" In: African Human Rights Law Journal 13.

Pantazis, C. and Pemberton, S. (2009). "From the "Old" to the "New" Suspect Communities: Examining the Impact of Recent UK Counter-terrorist Legislation". In: British Journal of Criminology 49.

Patterson, W.R. (2015). "Islamic Radicalization in Kenya". In: Joint Force Quarterly78
Polit, D.F. and Hungler, B.P. (1993).Nursing Research: Principles and Methods, Philadelphia, Lippincott.

Rashid, N.F. (2013). "Veiled Threats: Producing the Muslim Woman in Public and Policy Discourse in the UK". A thesis submitted to the Department of Sociology of the London School of Economics for the degree of Doctor of Philosophy, London. Unpublished.

REDRESS and REPRIEVE (2009.Kenya and Counter-terrorism: A Time for Change. A Report by REDRESS and REPRIEVE February 2009.

Report UN Secretary General 'Integrating The Gender Perspective into the Work of United Nations Human Rights Treaty Bodies' Tenth meeting of persons chairing human rights treaty bodies Geneva, 14-18 September 1998 HRI/MC/1998/6.

Romany, C. (1993). "Women as Aliens: A Feminist Critique of the Public/Private Distinction in International Human Rights Law". In: Harvard Human Rights Journal 6.

Sandler, T. (2014). "Terrorism and Counterterrorism: An Overview". In: Oxford Economic Papers.

Satterthwaite, M. (2008). "The US Program of Extraordinary Rendition and Secret Detention: Past and Future". In: European Center for Constitutional and Human Rights (ECCHR ed. CIA "Extraordinary Rendition" Flights, Torture and Accountability: A European Approach, (2nded.) Berlin, European Center for Constitutional and Human Rights e.V.

Scheinin, M. (2013)."Foreword:Gender and Counter-terrorism: Reflections by a Former United NationsSpecial Rapporteur". In: Satterthwaite, M.L. and Huckerby, J.C. eds. Gender, National Security, and Counter-Terrorism: Human Rights Perspectives, London & New York, Routledge.

Shaffer, M.F. (2012). "'This is South Africa, Not Somalia": Negotiating Gender Relations in Johannesburg's 'Little Mogadishu''.Submitted in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of the Ohio State University. Unpublished.

Shahid, K. (2007). "Feminism and Islam: Contextualizing Equality of Gender in Islam". In: Pakistan Journal of History & Culture, XXVIII (1).

Smart, C. (1995). Law, Crime and Sexuality: Essays in Feminism,London, SAGE Publications Ltd.

Srinivasan, A. (1990). "The Survivor in the Study of Violence". In: Das, V. ed. Mirrors of Violence: Communities, Riots and Survivors in South Asia, Delhi, Oxford University Press – India, Delhi.

Starr, S. and Brilmayer, L. (2003)."Family Separation as a Violation of International Law". In:Berkeley Journal of International Law. 21.

Steady, F.C. (1987). "African Feminism: A World Perspective". In: Terborg-Penn, R. et al. eds. Women in African and the African Diaspora, Washington DC, Howard University Press.

Stewart, J. (2008). "Intersecting Grounds of (Dis)advantage: The Socio-economic Position of Women Subject to Customary Law – A Southern African Perspective". In: Ruppel, O.C. ed. Women and Custom in Namibia: Cultural Practice versus Gender Equality? Windhoek Konrad-Adenauer-Stiftung; Macmillan Education Namibia.

Sutten, M.M. (2009). "The Rising Importance of Women in Terrorism and the Need to Reform Counterterrorism Strategy". A Monograph submitted to the School of Advanced Military Studies United States Army Command and General Staff College Fort Leavenworth, Kansas. Published.

Thomas, D.R. (2006). "A General Inductive Approach for Analyzing Qualitative Evaluation data". In: American Journal of Evaluation, 27(2).

Thordsen, S.N. (2009). New Muslim Activism in Kenya, Arhus, Institut for Statskundskab Tong, R.M. (1994).Feminist Thought: A Comprehensive Introduction, London, Routledge USAID (2011). "The Development Response to Violent Extremism and Insurgency: Putting Principles into Practice". USAID Policy.

Volkansec, M.L. et al. (2011). Courts and Terrorism: Nine Nations Balance Rights and Security, New York, Cambridge University Press.

Warner, G. (2014). "Somalis in Kenya are Used to Raids, but they Say this was Different". In: NPR April 18, 2014 (Available online at: http://www.npr.org/2014/04/18/304574122/somalis-in-kenya-are-used-to-raids-but-say-this-was-different accessed 11 March 2016).

Wulan, L.R. (2014). "Enhancing the Role of Women in Indonesia to Counter Terrorism".Asia Pacific Center for Security Studies.

Zirulnick, A. (2016). "Ethnic Somalis are Dying in Kenya, and Some say the Government is to Blame". In: The Washington Post (US) 8 January 2016 (Available online at: https://www.washingtonpost.com/world/africa/ethnic-somalis-are-dying-in-kenya-and-some-say-the-government-is-to-blame/2016/01/07/4bc66dbc-a848-11e5-b596-113f59ee069a_story.html accessed 11 March 2016).

Zuberi, Z. et al. eds. (1994).Chelewa, Chelewa: The Dilemma of Teenage Girls,Stockholm, Nordic Africa Institutes.