

## Following in Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era

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**Kenya's intelligence collection and operations were used by colonial and post-colonial governments in a variety of tasks ranging from ensuring social and political stability to the torture of political dissidents to countering terrorism.**

### **Introduction**

The motto of Kenya's National Intelligence Service is "*Apti Parati Fideles*," meaning "Sure, Ready, Faithful."<sup>1</sup> Yet, throughout the 20th century, the loyalties of Kenyan intelligence officers have consistently shifted through periods of its history, first with the colonial government, then to authoritarian leaders, and later to a multiparty system. In the process, intelligence officers' methods and readiness evolved to address changing internal and external threats and to match the demands of different leaders. Kenya's intelligence collection and operations were used by colonial and post-colonial governments in a variety of tasks ranging from ensuring social and political stability to the torture of political dissidents to countering terrorism.

This article aims to provide an overview of the history of Kenya's intelligence services by focusing on what is now Kenya's National Intelligence Service (NIS). Kenya's intelligence services have cast a long shadow in the country's history by supporting an unpopular colonial government and protecting postcolonial single-party rule, but little has been written about its institutional history, relationships with elected officials, liaison with foreign services, and functions of its intelligence agencies. Drawing from news reports,

published memoirs, and a handful of books, this article seeks to help scholars and US officials with responsibilities in the region better understand the development of Kenya's civilian intelligence services.

### **Source limitations**

Due to a culture of silence, stringent anti-disclosure laws, and the reluctance of former intelligence officers to write about their experiences, the amount of primary or official government sources about Kenya's security services is small. Notably, Kenyan intelligence officers sign a document to abide by the Official Secrets Act, which makes it a crime to "obtain" or "communicate" a "code word, plan, article, document or information which is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power or disaffected person."<sup>2</sup> Still, primary source accounts written by intelligence officers and victims do exist, and as journalists who have explored the subject from historical and contemporary perspectives, they have contributed a great deal.

### **Overview**

Kenyan intelligence is a significant part of the country's national security community. NIS's 2018/2019 estimated budget from Parliament is 31 billion Kenyan shillings (Ksh)

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(about \$310 million), but the details are classified, leaving the public to wonder how the money is spent.<sup>3</sup>

While Kenyan intelligence has gone through a series of name changes and mission shifts since the country obtained independence in 1963, they have shown considerable continuity since the colonial era, building from earlier strategies and tactics. In addition, successive agencies have employed the same personnel and similar institutional structures. This should not imply there has been no evolution or political progress. In fact, there have been important changes, most significantly after the end of the one-party system, when the key mission was preservation of the ruling government's power and suppression of political opponents.

This article will address the evolution of the Kenyan services chronologically:

- Colonial Special Branch, 1895–1963
- Early independent Special Branch, 1963–86
- Directorate of Security Intelligence, 1986–99
- National Security Intelligence Service, 1999–2010
- The present National Intelligence Service, created in 2010.

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### ***The Colonial Special Branch***

The post-World War One Kenya Special Branch was essentially an

import of the British, who had ruled Kenya and Uganda as its East African Protectorate since 1895. It had the purpose of serving as the eyes and ears of the British colonial government against threats to its rule. The original British Special Branch had been created in London in 1883, in response to Irish republican political violence appearing in “mainland Britain in a brief but bloodthirsty campaign.” It provided intelligence to the police who were “totally unprepared.”<sup>4</sup> The British police model, structures and its institutions were then spread throughout the empire, including Malaya and East Africa.<sup>5</sup>

In 1952, the modern Special Branch in Kenya was structured with a professional organization and standardized training for its officers under the authority of the commissioner of police to gather intelligence about the Mau Mau uprising, which the British then defined as terrorism.<sup>6</sup> According to Christopher Andrew's the authorized history of the Security Service (MI5), the Mau Mau “was not a single movement born of primeval savagery” but rather was “a diverse and fragmented collection of individuals, organizations and ideas.”<sup>7</sup>

Wrongly perceived to have been led by Jomo Kenyatta, who was later elected the first president of independent Kenya, the Mau Mau rebellion was complicated with its origins in “internal factionalism and dissent among the Kikuyu people as well as opposition to British rule.”<sup>8</sup>

Colonial Kenyan Governor Sir Evelyn Baring publicly declared



UK Princess Margaret on visit to Kenya, being received in Mombasa by Sir Evelyn Baring, 9 September 1956. © Keystone/Alamy Stock Photo

a State of Emergency in October 1952 that lasted until 1959, which included “collective punishment” and detention of suspects in internment camps.<sup>9</sup>

MI5 was dispatched on an emergency footing in 1952 to “reorganize the Special Branch,” which was “overworked, bogged down in paper” and located in offices where work was “impossible from the standpoint of security or normal working conditions.” Moreover, MI5 found that Special Branch “officers were largely untrained, equipment was lacking, and intelligence funds were meagre.” By August 1953, the Special Branch had substantially improved in “strength” with MI5 officer A. M. MacDonald in Kenya reporting back to London headquarters, “we now have some excellent sources operating” and “have no qualms at leaving this lusty infant to look after itself.”<sup>10</sup>

The Special Branch provided the government both intelligence and law enforcement functions. The Mau Mau uprising and the security “emergency” response turned Kenya into a police state.<sup>11</sup> Caroline Elkins’ history of the Mau Mau experience described British detention camps and a campaign that included the indiscriminate murder of Kikuyu by white and African officers that left possibly hundreds of thousands dead.<sup>12</sup>

A turning point in the uprising was the arrival of John Prendergast, who served as head of the Special Branch and director of intelligence from 1955 to 1958 and drew from his previous experience in Palestine.<sup>13</sup> Prendergast was credited with “bridg[ing] the police/military gap by having several Kenya Regime sergeants transferred into the new Joint Army Police Operational Intelligence Teams (JAPOIT); however, since they were under the control of Special Branch, the focus remained on political intelligence.”<sup>14</sup> Christopher Andrew concluded that the Mau Mau were “effectively defeated by the end of 1956” and asserted that “only thirty-two white settlers were killed during the Emergency—fewer than died in traffic accidents in Nairobi during the same period.”<sup>15</sup>

Decades later the British government officially apologized for its actions. In 2013, Foreign Secretary William Hague said: “The British government recognises that Kenyans were subject to torture and other forms of ill-treatment at the hands of the colonial administration” and “sincerely regrets that these abuses took place,” pledging to pay £19.9 million to 5,228 victims.<sup>21</sup> A subsequent lawsuit by over 40,000 Ken-

### Special Branch and Criminal Investigation

Though the Special Branch emerged as a key player in Kenyan security, the Branch’s roots were in Kenya’s Criminal Investigation Department (CID) and its Intelligence Branch, which provided civilian intelligence and was initially a white-only organization.<sup>16</sup>

This was not Britain’s only intelligence service in Kenya, as the Intelligence Department was created during the First World War. It continued to collect information about threats to British interests through the Second World War.<sup>17</sup>

Moreover, there were many earlier proto-intelligence agencies, such as the British East African Police, founded in 1902. It became the Kenya Police in 1920, which had officers who collected information.<sup>18</sup> In 1945, the Special Branch became an independent organization, with its own director, distinct from the CID.<sup>19</sup>

However, the increasing unrest and challenges to the British government prompted restructuring, professionalization. The 1952 emergency has been cited as a key moment for Kenyan intelligence.<sup>20</sup>

yans seeking compensation from the British government is ongoing.<sup>22</sup>

The Special Branch improved its intelligence and operations against the Mau Mau by using pseudo or countergangs. In 1953, Frank Kitson and Ian Feild, British Army officers, were posted to Kenya, where they helped the Special Branch develop its intelligence network.<sup>23</sup> As Kitson

later wrote, the army was “dependent on Special Branch to produce the information on which they could act so they were not prepared to sit idly by without doing what they could to help.”<sup>24</sup>

In 1957, Kenyan Commissioner of Police Richard Catling explained the pseudo-gang method was “used many years earlier in Palestine” and later



British and African soldiers on patrol during Mau Mau uprising. Date ca. 1951–55. Photo © INTERFOTO/Alamy Stock Photo

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**He argued success [against the Mau Mau] depended on the individual relationships between the officers and their African “trackers” in which the groups patrolled areas with dense vegetation and remote areas in single file.**

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“in Malaya against the Chinese Communist terrorists.” Special Branch officer Ian Henderson, who grew up in Kenya learning the Kikuyu culture and language, joined the Kenyan police in 1945 and was transferred to the Special Branch. With his language skills, Henderson was involved in leading the pseudo-gangs and serving as a “spokesman” for the government in exchanges with the Mau Mau.

In 1954, Henderson received the George Medal for his “immediate command of the Special Branch detachment assigned . . . to bring about a meeting between Government representatives, and those of the terrorists in the Mount Kenya area.”<sup>25</sup> After his expulsion from Kenya in 1964, Henderson served as the head of the Special Branch in Bahrain and remained the country’s head of intelligence until 1998, becoming known as the “Butcher of Bahrain” for human rights violations.<sup>26</sup>

Several Special Branch officers involved in countering the Mau Mau described their methods. Henderson and his coauthor Philip Goodhart explained, “Surrendered terrorists were formed into gangs led by young Europeans, most of whom had been born in Kenya.”<sup>27</sup> In *Gangs and Countergangs*, Kitson described the early methods used by pseudo or countergangs that developed into significant Special Branch efforts against the Mau Mau. After the men dressed as “gangsters,” Kitson went on:

*If all went well the pseudo-gangsters, as we called them, would talk to the real ones, find*

*out what they could, and then come back to Eric [Holyoak] who would decide what to do with the information. He could either return to camp after making a future date with the gang, which was a good way of getting ordinary information, or he could get soldiers or police to the spot in the hope that the gang would still be there, or he could go straight into the attack himself.*<sup>28</sup>

After some initial skepticism, official approval was granted and training began for using pseudo-gangs, handling informants and interrogations.<sup>29</sup> Mau Mau who were not killed were arrested and put in detention camps where many detainees were tortured, acquired diseases, and died. The Mau Mau also engaged in their own violent campaign, such as the Lari massacre that targeted Kikuyu loyal to colonial authorities.<sup>30</sup>

Kitson subsequently published a memoir about his experiences that described the threat of “sudden” Mau Mau attacks and “army officers such as myself were sent to Kenya to reinforce the police Special Branch.” Before the end of his tour of duty in 1955, he wrote that the pseudo-gangs marked a breakthrough and “success as an intelligence organization depended on” getting “men [to] change from one side to the other.”<sup>31</sup>

Another Special Branch officer who wrote about his experiences was Derek Franklin, who served as an officer in Kenya’s Special Branch from 1953 until 1966. His autobiography

detailed Special Branch history and tactics. After leaving Kenya, Franklin served as deputy head of intelligence in Lesotho and then as deputy head of the Special Branch in Botswana. Like the other colonial officers, his account is shaded by a colonial background, but Franklin nonetheless provides insight into the daily activities of a Special Branch officer in Kenya and his interactions with African colleagues, including William Kivuvani, who became Kenya’s director of intelligence in 1992. Franklin was selective about revealing the Special Branch’s stories even decades later, writing that some amusing ones “best remain in the minds of the participants, and not aired in public.”<sup>32</sup>

Franklin noted how the Special Branch developed human intelligence sources to follow Mau Mau movements and prevent attacks. Following the start of the “emergency,” Franklin’s Special Branch training in the Rift Valley at a camp consisted of “stone huts” and “devoid of any glass” with some basics of local law, culture and language.<sup>33</sup> He argued success depended on the individual relationships between the officers and their African “trackers” in which the groups patrolled areas with dense vegetation and remote areas in single file. Providing an example of the Special Branch’s success, he noted that after being posted to Ndathi in 1955, they reported “over forty Mau Mau, all except one being ‘kills’” in about six months.<sup>34</sup>

After the Mau Mau insurgency decreased, the Special Branch focused on more criminal matters. For instance, in 1960 Franklin was posted to Moyale, a town divided by the Ethiopian-Kenya border, where the Special Branch focused on border

issues such as illegal immigration, smuggling and the actions of Ethiopian forces. Other operations included collaborating with the Kenyan Army to protect cattle from bandits.<sup>35</sup>

Additionally, Franklin described his work with the Special Branch's Surveillance Section, which monitored internal groups, foreign diplomats, journalists, and foreign visitors. For example, he helped track people who entered or left the Kenya African National Union Youth Wing branch in Nairobi, including a surveillance operation in which he was disguised as a government surveyor in a nearby field.<sup>36</sup>

Regarding the diplomatic missions of the Soviet Union and China, Franklin wrote that they "found the identification of the African watchers difficult," but a weakness was that the branch only had six vehicles, easily spotted by trained intelligence officers. Bicycle and foot teams made up the difference in congested urban areas. Franklin also described technical operations, including hiding microphones in tables, relocating microphones for better recording, and a mail interception unit.<sup>37</sup>

### *Independence and the Special Branch, December 1963*

With independence in December 1963, significant shifts occurred in society and politics as well as in the roles and loyalty of the intelligence service. Yet, there was continuity as President Jomo Kenyatta opposed radical changes that risked dramatically reshaping the country's foreign support.<sup>38</sup> Bernard Hinga was appointed the first African head of the Special Branch, serving for about a year.<sup>39</sup>

### *The shift in control of the Special Branch reflected internal politics and Kenyatta's concerns about government officials, including his own vice president, Oginga Odinga.*

On 31 December 1964, Hinga became commissioner of police, replacing Richard Catling, who had served since 1954. James Kanyotu, who started as a police officer in 1960, was appointed chief of the Special Branch and served until 1991.<sup>40</sup> Special Branch officer Bart Joseph Kibati explained that after independence, the Special Branch "became an important department of the Kenya Police, under the command of a Deputy Commissioner of Police" but was severed from the police in 1969 by order of Kenyatta.<sup>41</sup> That same year, the Special Branch was transferred "from the Office of the Vice-President and Ministry of Home Affairs to the Office of the President" and intelligence operations were legalized.<sup>42</sup>

The shift in control of the Special Branch reflected internal politics and Kenyatta's concerns about government officials, including his own vice president, Oginga Odinga. Kenyatta was suspicious of Odinga's support from communist countries and, fear-

ing a coup, sought intelligence about those matters.<sup>43</sup> Odinga explained in his autobiography, "the press highlighted my visits to socialist countries and the monies I had received. There was no mystery that I had received money or how I spent it."<sup>44</sup>

In addition to its interest in Kenyatta, the British government was also focused on Odinga. Christopher Andrew described how MI5, in one instance, received "assistance from former senior members of the colonial Special Branch, whom Kenyatta had asked to stay on after the end of British rule" to bug "at least one of Odinga's houses."<sup>45</sup> Furthermore, Derek Franklin wrote "shortly before and after Independence" Special Branch officers monitored "the activities of several senior African politicians whose trustworthiness was not fully established." He also "began to notice changes on the ground as those who had recently acquired positions of authority, started to use power for their own purposes."<sup>46</sup>



Oginga Odinga (left) during a 1964 visit to Moscow. To his left are Nikita Khrushchev, Ahmed Ben Bela, and Leonid Brezhnev. The trip gave substance to the fears of President Kenyatta. The children of both Odinga and Kenyatta would figure large in later Kenyan politics. Raila Odinga would spend time as a political prisoner and be tortured before becoming prime minister. Kenyatta's son was eventually elected president. Photo © MARKA/Alamy.

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***A defining moment in the Uganda-Kenya relationship during Amin's rule was Operation Thunderbolt, the Israeli raid in 1976 to free hostages held by Palestinians on an Air France aircraft in Entebbe, Uganda.***

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Following independence, Kenyans still encountered discrimination from Europeans, and the government instituted a policy of "Africanization" to provide Kenyans with jobs by replacing non-citizens.<sup>47</sup> Soon Europeans in the Special Branch left the country and Kenyans replaced them.

Bart Joseph Kibati is the only post-colonial Kenyan intelligence officer to write a memoir that reveals some of the changes and continuity in the Special Branch. As a nine-year old in 1953, Kibati became a Mau Mau "scout" who watched movements and gathered intelligence. He took the Mau Mau oath in a ceremony that involved biting a piece of meat dipped with goat blood. In 1969, he joined the Special Branch as deputy district Special Branch officer and rose to be second in command of the Directorate of Security Intelligence by the time he left intelligence in 1995. Following completion of the Special Branch Training School in Nairobi, training that consisted of subjects like sabotage, espionage, and analysis, Kibati was posted to Nakuru, where he was mentored by an alcoholic white man "who mostly used his spy training to run away from his wife."<sup>48</sup>

Kibati recounted key moments in Kenyan intelligence history, including investigating high profile assassinations and a coup, as well as other activities, such as surveillance. One notable event was the 1969 assassination of Tom Mboya, an independence leader and significant political figure. The killing led to the

arrest, conviction, and execution of Nahashon Isaac Njenga Njoroge.<sup>49</sup> By 1973, Kibati received further training in Nairobi and was promoted to deputy provincial special branch officer, serving in Mombasa.<sup>50</sup> In his position, he witnessed how tribalism affected politics and government promotions, which in turn affected government administration and justice.

During the 1970s, events in Uganda had ramifications for Kenya, which at first appeared positive but then became negative. In 1971, Maj. Gen. Idi Amin overthrew Uganda's president in a military coup, which brought "guarded relief" to Kenya as President Kenyatta had become distrustful of Uganda's previous leader. According to Kibati, Amin requested Kenya's help in training Uganda's Criminal Investigation Department (CID) and its intelligence services. Kenya "sent Simon Wathome, a Special Branch officer, and John Bell, a CID officer, to Kampala for a year to restructure the Uganda Special Branch and CID organizations."<sup>51</sup>

About 60 Ugandan intelligence officers, including Uganda's future intelligence director Luke Ofungi, received training at the Kenya Special Branch Training School in Nairobi. Courses took as long as six months and were taught by officers like Kibati. Before long, however, Kenya received reports that about one half of the officers trained in Nairobi and in leadership positions, including the director, were "eliminated." Ensuing hostility between the governments led to a rise in the number of troops

positioned on the border, cuts in energy supplies, and the ending of trade. Amin dispatched Uganda intelligence officers trained in Nairobi back to Kenya to spy. There, some defected, and "others were helpful as double agents."<sup>52</sup>

A defining moment in the Uganda-Kenya relationship during Amin's rule was Operation Thunderbolt, the Israeli raid in 1976 to free hostages held by Palestinians on an Air France aircraft in Entebbe, Uganda. The hijackers of the flight from Tel Aviv were members of the Popular Front for the Liberation of Palestine, who demanded Israel release Palestinian militants. After a stop in Libya, the airplane landed at Entebbe, where, according to Kibati, "Amin reinforced the demand of the hijackers and gave Israel a 48-hour ultimatum to release the fundamentalists or one passenger would be killed per hour" after the deadline.<sup>53</sup> The successful raid by Israel Defense Forces, which has been recounted in many books, freed all but four hostages, killed Ugandan soldiers, and damaged Ugandan Air Force aircraft.<sup>54</sup>

Before the raid, Mossad agents met with senior figures in Kenyan national security, including Attorney-General Charles Njonjo, Commissioner of Police Bernard Hinga and police General Service Unit head Ben Gethi to gain permission for refueling military aircraft in Nairobi. Kenyatta agreed to permit the planes to refuel and allowed Israel to treat possible casualties in Kenya, but he said he would deny any knowledge if the operation "goes wrong." After completing the mission and leaving Uganda's airspace, the three Israeli aircraft in the raid refueled in Kenya

under the supervision of Gethi, who kept in phone contact with Kenyatta.<sup>55</sup>

The successful operation humiliated Amin, provoking him to denounce Kenya and demand Kenya return land he claimed was Uganda's prior to 1890.<sup>56</sup> In response, the United States and Israel supported Kenya and pledged to protect the country if Uganda attacked. Amin would be deposed in January 1979 during a war with Tanzania, in which he was defeated by the Tanzania People's Defence Force partnering with Ugandan rebels.<sup>57</sup>

### ***Torture and the Directorate of Security Intelligence Under Moi***

Politics in Kenya appeared stable with the unchallenged authority of President Kenyatta and the instruments of power used to silence dissent. However, in August 1978 Kenyatta died and was succeeded by Vice President Daniel arap Moi, who had been vice president for 12 years. Moi would serve as president until 2002.<sup>58</sup> As Special Branch director, Kanyotu "managed" events following Kenyatta's death and ensured Vice President Moi became acting president in accordance with the constitution by preventing three influential men from lobbying the cabinet to not support Moi.<sup>59</sup>

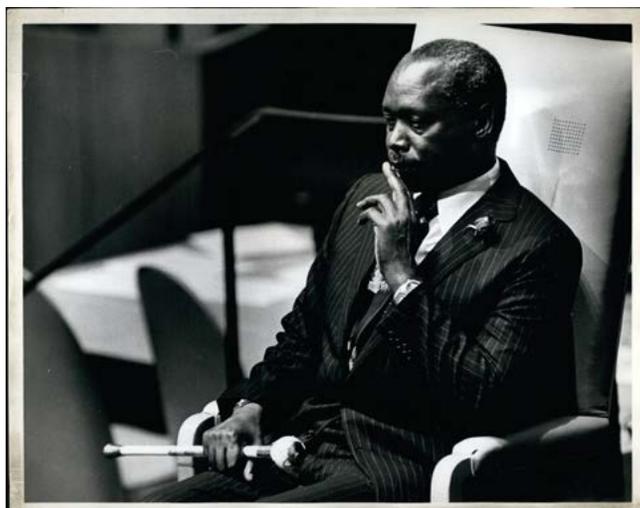
At the time, Moi also was minister for home affairs, supervising "the police and some of the security forces."<sup>60</sup> Having these key roles in the government, Moi knew and "made friends with" Kanyotu and Deputy Director Mwangi Stephen Muriithi.<sup>61</sup> Initially, Moi was regarded as a "populist" voice for the downtrodden, and he released a few dozen political detainees, "most of them spokesmen for

the interests of the 'dispossessed.'"<sup>62</sup>

Kibati noted differences in the way Moi consumed intelligence compared to Kenyatta. For instance, Kenyatta's intelligence briefing was only given by Director Kanyotu, but "Moi would supplement these with briefs from provincial heads and a network of unofficial informers from all sectors of society." Consequently, Kenyatta was informed by what the US Intelligence Community would call "finished intelligence," but Moi's information was raw, which Kibati believed "made him act irrationally sometimes."<sup>63</sup>

Nonetheless, Kibati concluded: "Both Kenyatta and Moi relied heavily on the Provincial Administration and security agencies to run their agendas," and as a result they "had the advantage of providing direct loyalty to the President and there was little political interference in their work." However, corruption and nepotism was a problem. Under both presidents, for instance, the commissioner of lands transferred land at the request of the political leadership, which "was deemed to be pretty much the law" and rewarded loyalists with valuable real estate.<sup>64</sup>

Kenyan intelligence underwent changes during the 1980s, that reflected Moi's authoritarian methods and violations of human rights.



President Daniel arap Moi, Kenya's second president, addressing the National Assembly in 1981. He served during 1978–2002. He had been vice president for 12 years before that. Under his rule, Kenyan intelligence engaged in violations of human rights and other abusive practices. Photo © Keystone/Alamy Stock Photo

Political restrictions existed under Kenyatta, but Moi eliminated remaining opposition by selecting the leadership of the Kenya African National Union (KANU) party and using party members to spread the "views of the president to the grass roots and for controlling the expression of interests within the country."<sup>65</sup>

Opposition to the party was made illegal, and Moi's office "controlled the election of candidates to high party office." He used KANU as a means for "monitoring opposition at the local level." Security budgets were increased and the Special Branch tracked foreign news organizations and aid agencies, even closing the offices of the Associated Press in reaction to a story about a food shortage. By the late 1980s, members of KANU's youth wing "were often present at police raids and in marketplaces," engaging in "watchdog activities."<sup>66</sup>

A few years into his rule, in August 1982, Moi faced a serious challenge when members of the Kenya Air Force tried to overthrow the government. Hezekiah Ochuka led rebels in taking over state media and an air base as they killed hundreds and looted, but soldiers loyal to Moi defeated the rebellion in six hours. Kibati explained, “The attempted coup took place anyway despite the advance intelligence warning by the Special Branch” that could have saved lives and it “changed the political history of Kenya and set President Moi on a new trajectory of authoritarian and ruthless rule.”<sup>67</sup>

In December 1983, the construction of Nyayo House, a towering 26-story government building in Nairobi, was completed and became the Special Branch’s headquarters.<sup>68</sup> Moi had adopted the term Nyayo, meaning “footsteps” in Swahili, as his motto in which he claimed to be following in Kenyatta’s footsteps, but it also came to be interpreted as “do what the Office of the President tells you to do.”<sup>69</sup>

The new headquarters was an upgrade from the branch’s previous home, the Kingsway House. Designed in consultation with the leadership of Special Branch, the basement had specially built torture chambers—additional torture chambers existed at another location, Nyati House.<sup>70</sup> The Kingsway House appeared to the public as The Turkoman Carpets House, which sold carpets on the first level.<sup>71</sup>

As stories leaked out over the years, Nyayo House became known for torture and political suppression, which included arrests of students, professors, civil servants, and any



The Nyayo House in Nairobi became headquarters of Special Branch, whose leaders were consulted during construction.

perceived political opponent. In particular, the government focused its resources on collecting and targeting members of Mwakenya, (Union of Nationalists to Liberate Kenya) a banned opposition movement that included a cross section of society. The government’s suppression of the group peaked during 1986.<sup>72</sup>

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### ***Directorate of Security Intelligence, 1986–99***

In 1986, a presidential charter renamed the Special Branch. Although its name changed to the Directorate of Security Intelligence (DSI), the Special Branch structures and organizations were retained, as was Director Kanyotu.<sup>73</sup> According to Kibati, the name change meant little to Kenya’s public, as it “continued to be popularly known as the Special

Branch.”<sup>74</sup> As suppression grew, the DSI became the public face of government brutality.

Accounts of torture by security units were abundant during Moi’s regime, but knowledge of the practices became even more widespread after Kenya became a multi-party state and President Mwai Kibaki was elected in 2002.<sup>75</sup> *We Lived to Tell*, one notable publication about Special Branch torture, documented survivors’ stories. For example:

*Water would be poured into the cell and cold and then hot dusty air would be pumped alternately into the cells through the ventilation ducts. The victims would be denied food and for days they would be brutally beaten. Others were shot dead*

as they underwent interrogation.<sup>76</sup>

Notably Raila Odinga, son of former Vice President Oginga Odinga, a government critic, and Kenyan prime minister decades later, detailed the torture he endured inside Nyayo House. Odinga wrote that he was interrogated on the roof, where his life was threatened, and was kept in a black cell where he was “pounded” by officers for about 30 minutes “landing blows all over, kicking me in the groin and hitting me in the back of my head” and “used whips and lumps of tyre rubber.” While he was dressed only in underwear, his watertight cell (referred to as the “swimming pool”) was filled with cold water to his knees, which he described as “torture such as I never could have imagined.” He said he endured it for six days in succession.<sup>77</sup>

According to scholar Daniel Branch, this was the most common form of torture used in Nyayo House. He wrote that “detainees were not allowed to leave the cell so [they] had to urinate and defecate in the water.” Branch judged that for more than eight years about 2,000 Kenyans were tortured and interrogated in the building’s 14 cells.<sup>78</sup> It was only in 2003 that the government publicly opened the basement, revealing the torture cells and allowing survivors to return with journalists to speak about their experiences.<sup>79</sup>

From a Special Branch officer’s perspective on the torture, Kibati wrote that the government responded broadly to perceived threats with police, administration, and KANU party officials. However, he described a group of “notorious interrogators under the command of John Opiyo

[who] was based at Nyayo House.” He claimed that Opiyo used torture “tactics” acquired from “US ex-Vietnam CIA agents” who trained Special Branch officers.<sup>80</sup> In 2010, a journalist from *The Standard* attempted unsuccessfully to interview Opiyo, who was never prosecuted and was by then retired as a deputy commissioner of police living in seclusion, refusing to speak to the press.<sup>81</sup>

### **Cold War Challenges**

While some Kenyan intelligence officers focused on domestic issues, others tracked the activities of foreigners. As a Cold War theater of competition between the United States and the Soviet Union, Kenyan intelligence had much to concern itself with. Kibati wrote, “There was a large number [of] CIA and KGB agents in Nairobi, either under the guise of diplomats or other suitable cover.” As Kenyatta tended to be pro-West, Kibati noted that the movements of both Soviet and Kenyan diplomats were restricted in their respective assignments in Kenya and Moscow.<sup>82</sup>

The Special Branch and then the DSI tracked Soviet intelligence officers who left Nairobi to meet contacts and reported these activities to Kenya’s Ministry of Foreign Affairs. Kibati was personally involved in this surveillance, noting that foreign intelligence officers would often meet their contacts on the “high seas,” which prompted the Special Branch to buy a speedboat with fishing equipment. He wrote that he “did quite a bit of deep-sea fishing, as a cover, while on these counterespionage missions.”<sup>85</sup>

### **Truth, Justice and Reconciliation Commission on Torture**

In October 2008, the National Assembly created the Truth, Justice and Reconciliation Commission to investigate and record the history of human and economic rights violations from 1963 to 2008 to help promote peace and reconciliation.<sup>83</sup> The commission’s lengthy final report was issued in 2013 and concluded, among many other things:

- *The majority of the victims of unlawful detention, torture and ill-treatment who appeared before the Commission identified the police and the military as the main perpetrators. Within the police force, torture was perpetrated largely by officers attached to the Special Branch which was in 1986 replaced by the Directorate of Security Intelligence. The DSI was disbanded in 1998 and its tasks were eventually passed on to what is now known as the National Security Intelligence Service (NSIS).*
- *The Commission established that in Nairobi, a special task force was established for the sole purpose of interrogating and torturing individuals who were suspected to be a threat to national security or were suspected members of Mwakenya and other such underground movements.<sup>84</sup>*

### **Foreign relationships**

Kenyan intelligence maintained numerous foreign intelligence relationships. Kibati cited work with the British Secret Intelligence Service (MI6) and the Security Service (MI5), explaining he attended an MI5 course in London during 1974. Further he wrote that CIA and West Germany’s Federal Intelligence Service provided training he attended, for example a course in Munich in 1978 that he found to be “too elementary.” He said he later took a

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***The geopolitical issues shifted after the Cold War ended, prompting Kenyan intelligence to focus on emerging threats, including transnational terrorists.***

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more advanced class about technical operations. In an MI6 course in 1983, Kibati took part in tradecraft training, which included use of a dead letter box. Beyond training, Kenya also exchanged intelligence with Western partners on issues including “terrorism, drug trafficking and international crime.”<sup>86</sup>

***Years of Change, 1991–1998***

Kenyan intelligence underwent several significant shifts during the 1990s. Director Kanyotu, having served since 1964, retired in 1991, after 27 years as the country’s intelligence chief. Kibati described Kanyotu as a “tall, huge man” who was “an enigma and few people knew him physically,” but he had “direct” access to the presidents.<sup>87</sup> The reason for his retirement is uncertain. One explanation is that he had failed to warn Moi that his minister of health, and later president, Mwai Kibaki, was resigning from Moi’s cabinet.<sup>88</sup>

Following retirement, Kanyotu was involved in many businesses, most notably Goldenberg International, of which he was founder and co-owner beginning in 1990. The company claimed to export gold and diamond jewelry and in turn was paid by the Kenyan government for “earning foreign exchange.” It turned out the company’s export claims were fictitious and the Kenyan government lost \$600 million in the early 1990s, said to be about 10 percent of Kenya’s yearly GDP.<sup>89</sup> Never convicted of a crime or punished for his complicity in the intelligence service’s practices of torture, Kanyotu lived out his life in an impressive 14-bedroom house in Kiambu, which

became a 5-star hotel after his death in 2008.<sup>90</sup>

Longtime Special Branch officer William Kivuvani was appointed the new intelligence chief in 1992 and served until May 1995.<sup>91</sup> At about the same time in 1992, Kibati became chief of administration for the DSI, making him in charge of “all appointments, transfers, promotions, and terminations in consultation with the Director of Intelligence and the relevant provincial officers.”<sup>92</sup>

Even though Kivuvani was one of Kenya’s longest serving intelligence officers, his tour was short, apparently because Moi was not comfortable with him. According to journalist Kamau Ngotho, Kivuvani was friends with Philip Mbithi, head of the Civil Service, who wanted Moi to permit political pluralism, and when Moi’s relationship soured with Mbithi, it “may have sowed the seeds of [Kivuvani’s] downfall,” according to observers. One former senior civil servant said, “Moi felt that Mbithi had canvassed for Mr. Kivuvani,” who “could be in a position to filter information before it got to” Moi.<sup>93</sup>

In just a few years DSI leadership changed again. With Kivuvani’s departure in May 1995, Kibati, as second in command, believed he would be appointed to the position.<sup>94</sup> Instead, Moi appointed military advisor Brigadier Wilson Boinett, whose career included service as director of Military Intelligence from 1988 to 1990 and as military attaché to Mozambique between 1990 and 1995. Boinett was also a member of Moi’s Kalenjin ethnic group.<sup>95</sup> At the same

time, Kibati’s career in intelligence ended with his transfer to the Ministry of Transport and Communication. Kibati believed Boinett influenced the transfer, but they maintained “cordial relations.”<sup>96</sup>

***Post-Cold War Challenges***

The geopolitical issues shifted after the Cold War ended, prompting Kenyan intelligence to focus on emerging threats, including transnational terrorists.<sup>97</sup> In August 1998, al-Qaeda simultaneously attacked the US embassies in Kenya and Tanzania with truck bombs, which destroyed the building in Nairobi, killing 213 people and injuring more than 4,500. Immediately, Federal Bureau of Investigation (FBI) agents were dispatched to the countries to investigate in collaboration with their African counterparts.

In Nairobi, the FBI worked with the Criminal Investigation Department (CID). FBI agent Pasquale J. D’Amuro said: “They were genuinely on board and wanted to work with us. CID has some capabilities. They were good with some interviews.” He also said in instances in which the Americans did not want to “draw unwanted attention,” the Kenyans did “what they had to do on their own.” Ultimately, Kenyan CID officers helped find the “first break,” which was locating and interviewing Mohamed Rashed Daoud al-Owhali, the terrorist tasked with forcing embassy security to open the gates to allow the truck to get close to the building.<sup>98</sup>

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***The National Security Intelligence Service, 1999–2010***

Under Boinett’s leadership, Kenya’s civilian intelligence service became more professionalized.<sup>99</sup> In

January 1999, DSI had its police functions eliminated and lost its executive powers. Left as an advisory body, it was renamed the National Security Intelligence Service (NSIS).<sup>100</sup> Without the power to arrest or search individuals, the service began to move beyond its reputation as Kenya's political enforcer. Its director-general was appointed for five years, although with the possibility of reappointment.<sup>101</sup> Additionally, a formal process was instituted to allow citizens to file complaints about NSIS abuse.<sup>102</sup> Boinett was appointed the first NSIS director-general and was later reappointed for two more years.<sup>103</sup>

Unlike the shift from Special Branch to DSI, establishment of NSIS led to a complete revamping of the intelligence service. The workforce was reorganized and the agency was restructured. Boinett required all NSIS officers to "resign in order to allow the new service to recruit from scratch." Many would be reemployed, but those who did not qualify "were returned to the police force."<sup>104</sup>

According to Boinett, the new service sought "intellectual and material resource capacity" and began recruiting university graduates, who on joining were enrolled in a one-year training academy with US and British instructors. Included in training were psychology and sociology. Boinett described a later restructuring, in 2003, that created an "analysis and production division," with three departments, including political, economic and security/diplomacy, which were later changed to democratic, economics, and foreign/diplomacy departments.<sup>105</sup> Boinett would later be internationally recognized

for his work. At the National Defense University in the United States, from which he graduated in 1991, he was inducted into the school's International Fellows Hall of Fame in 2005.<sup>106</sup>

When Boinett retired in January 2006, he was replaced by Maj. Gen. Michael Gichangi, who would serve until 2014.<sup>107</sup> Gichangi joined the Kenyan Air Force as a pilot in 1977. By 2003 he had become the founding director of the National Counter Terrorism Centre. He was promoted to major general in 2006.<sup>108</sup>

Only a year into his appointment, Director-General Gichangi would lead his NSIS through the nation's worst internal crisis since the end of Moi's rule and the institution of multi-party elections. By 2007, ethnic issues, always simmering in the background, emerged in politics and led to violence after that year's reelection of President Mwai Kibaki, a vote his challenger Raila Odinga alleged was "rigged."<sup>109</sup> The resulting violence resulted in the deaths of "more than 1,100 people and force[d] 600,000 from their homes," according to news reports.<sup>110</sup> The crisis was resolved in 2008 by an agreement between Kibaki and Odinga, in which the latter was given a newly created job as prime minister.<sup>111</sup>

### ***A New Constitution and a New Name, 2010***

The adoption in 2010 of a new constitution, approved overwhelmingly in a national referendum in August, put intelligence on a new constitutional footing and name, the National Intelligence Service (NIS). At the same time it introduced new challenges. Among them was the

restructuring and expansion of the nation's administrative divisions, which required a rush recruitment campaign, according to press reports.<sup>112</sup> Operating on the principle of having at least one intelligence officer in each of the nearly 300 districts that came into existence, the NIS increased recruitment and training, adding more than 300 new intelligence officers over a short period. Reportedly, it helped that the service offered among the best salaries in government. The recruitment drive was aimed at having intelligence officers throughout the county-level government.<sup>113</sup>

In August 2012, Parliament delivered, as the new constitution required, the National Intelligence Service Act, a 75-page document that detailed the structure, functions, and powers of the NIS and repeated the limitations on its functions contained in the constitution (see following page).<sup>114</sup> The intelligence service was mandated to provide intelligence to the government for national security and was responsible for counterintelligence. The NIS would continue to be led by a presidentially appointed director-general, whose appointment was subject to the approval of the National Assembly. (Gichangi would retain his post.)

The service was divided into eight divisions: internal, external, administration, the National Intelligence Academy, analysis and production, counterterrorism coordination, counterintelligence, and operations and technical services. Each was to be led by a director chosen by the director-general. In addition, an oversight board, with investigative powers, "appointed by the Cabinet Secretary on the recommendation of

**Kenya's 2010 Constitution on National Security**

239. National security organs

(1) The national security organs are:

- (a) the Kenya Defence Forces;
- (b) the National Intelligence Service; and
- (c) the National Police Service.

(2) The primary object of the national security organs and security system is to promote and guarantee national security in accordance with the principles mentioned in Article 238(2).

(3) In performing their functions and exercising their powers, the national security organs and every member of the national security organs shall not:

- (a) act in a partisan manner;
- (b) further any interest of a political party or cause; or
- (c) prejudice a political interest or political cause that is legitimate under this Constitution.

(4) A person shall not establish a military, paramilitary, or similar organisation that purports to promote and guarantee national security, except as provided for by this Constitution or an Act of Parliament.

(5) The national security organs are subordinate to civilian authority.

(6) Parliament shall enact legislation to provide for the functions, organisation and administration of the national security organs.<sup>a</sup>

a. It did this with passage in August 2012 of the National Intelligence Service Act.

the Public Service Commission” was created to address complaints.<sup>115</sup>

**Questions of Performance**

It is not clear how much effect the changes of 2010–2012 have had on the performance of the NIS. As the intelligence act was being adopted, the country witnessed its worst internal violence since the 2008 election, as dozens were killed in clashes with attackers armed with “machetes, bows and arrows and spears.” The violence was reportedly a “mix of ethnicity, politics, land and resource”

disputes.<sup>116</sup> However, there was little violence surrounding the March 2013 presidential election, when Uhuru Kenyatta, former President Jomo Kenyatta’s son, defeated Odinga to become president.<sup>117</sup>

**On the Terrorism Front**

Yet, 2013 witnessed a large-scale terrorist attack that reportedly caught the Kenyan intelligence community by surprise. In September, four al-Shabaab militants armed with AK-47s and grenades attacked the Westgate Mall in Nairobi, randomly shooting at shoppers and leaving dozens dead and nearly 200 injured.

The worst terrorist attack since the 1998 US Embassy bombing, the attack lasted several days and only ended when security forces stormed the building in a rescue operation coordinated by Gichangi along with Kenya Defence Forces head Julius Karangi and Inspector-General of Police David Kimaiyo.<sup>118</sup>

The international attention focused again on terrorism in Kenya and prompted criticism of its national security apparatus. Initial inquiries pointed to coordination problems between police and Kenya Defence Forces.<sup>119</sup> Moreover, NIS was blamed “for failing to infiltrate the plotters and prevent the attack.”<sup>120</sup>

Days after the attack, a parliamentary committee summoned national defense leaders, including Gichangi, to testify in a closed hearing about failures. Reportedly Gichangi told the committee that he did his job and called for an inquiry over the leaders’ actions.<sup>121</sup> According to press reports, the NIS provided “advance warning of the attack to Inspector General of Police Service David Kimaiyo and Criminal Investigations Department director Ndegwa Muhoro.”<sup>122</sup>

In August 2014, President Kenyatta asked Gichangi to resign following alleged internal conflicts. Journalist Isaac Ongiri wrote that contacts from “the presidency” said “the National Intelligence Service Director-General was not working well with the Chief of Defence Forces Gen Julius Karangi and Inspector-General of Police David Kimaiyo.” Specifically, the men accused Gichangi of providing intelligence “that could not be used,” but the final disagreement was “over a security tender” that “could not” be publicly revealed. Another factor,

according to Ongiri, was President Kenyatta's desire to replace members of the previous government with his own appointees.<sup>123</sup>

In the following month, Kenyatta appointed Maj. Gen. Philip Kameru to lead NIS. Kameru had been the chief of the Kenya Defence Forces' Military Intelligence and was reportedly selected for "his success in intelligence-gathering in Somalia" when the Kenyan military conducted offensives against "Somali Islamists in October 2011."<sup>124</sup>

The change in leadership did not prevent failures to predict terrorist attacks. For example, in November 2014 al-Shabaab militants hijacked a bus and murdered passengers unable to recite Quran verses. That was followed by an al-Shabaab attack in December 2014 at a quarry, where dozens of non-Muslims were singled out and killed.<sup>125</sup> A particularly notable al-Shabaab attack in April 2015 at Garissa University left nearly 150 students dead at the hands of four attackers who randomly fired at students, targeted non-Muslims, and then detonated suicide vests when surrounded by Kenyan forces.<sup>126</sup> Not surprisingly, the NIS concluded in 2017 that terrorism poses "the biggest threat to Kenya's national security and development."<sup>127</sup>

### ***Political Instability***

Though terrorism is a serious threat, political stability also remains a perennial concern. In 2017, Kenya held two presidential elections, re-matches between President Kenyatta and Odinga. The first, held in August, was nullified by the Supreme Court over irregularities; Kenyatta won the second, in October, after Odinga had withdrawn his candidacy weeks

before.<sup>128</sup> Nonetheless, political violence claimed the lives of about 50 people.<sup>129</sup> Before the elections, the NIS along with other agencies, including the Kenya Defence Forces and the National Police Service, took part in training on "the role of command, control, communication and intelligence; chain of command and preparedness for violence."<sup>130</sup>

As he had done in earlier elections, Odinga accused the government of interfering in the election, but this time he included a claim that the NIS had engaged in voter fraud by helping foreign citizens vote.<sup>131</sup> Before the first 2017 election, Odinga "released names of 42 police officers he alleged have been recruited to ensure the current administration retains power."<sup>132</sup> The government strongly denied any election interference, and Inspector General of Police Joseph Boinnet rebuked Odinga and suggested a misunderstanding had taken place, explaining the men were new NIS recruits who had just left police service.<sup>133</sup>

### ***Corruption***

More recently, the NIS has been involved in corruption probes. In 2018, Kenyatta ordered the NIS to investigate the lifestyles of public officials, including himself, and have them explain their assets.<sup>134</sup> NIS documents were used to investigate corrupt officials and audit government departments with NIS Director-General Kameru personally briefing President Kenyatta about the issue.<sup>135</sup>

The role in auditing and investigating officials' assets is notable as the NIS has no formal law enforcement duties and points to a shortcoming in Kenya's intelligence

community. In fact, Kibati discussed potential intelligence reforms and wrote that the 1999 severance of criminal intelligence from the national intelligence agency left "an empty space." He added that "Kenya does not have a criminal intelligence unit," but needs a formal one to provide law enforcement with necessary criminal intelligence products.<sup>136</sup>

### ***Conclusion***

Like the country itself, Kenyan intelligence has evolved dramatically since the colonial era. As the Special Branch it was a tool of colonial repression and a weapon to silence dissent in a single-party state. Repeated reforms since then have professionalized the service and divorced it from past human rights violations.

As intelligence services do almost everywhere around the world, Kenya's intelligence community has played an important role in social, economic, and political stability. Memoirist Kibati, reflecting on his country's intelligence services, wrote that the "work we were involved in was quite beneficial to the country" and was one of the most "successful" of the country's "government agencies" from independence to the 1990s.<sup>137</sup>

Unfortunately, and self-servingly, Kibati downplayed the role of Kenyan intelligence in human rights violations, and he fails to evaluate intelligence completely, not only in terms of its ability to prevent coups and violence and to safeguard borders but also to protect the rights of citizens. His bottom line reads:

*Forgetting the criticism often heard that the Special Branch*

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**As intelligence services do almost everywhere around the world, Kenya's intelligence community has played an important role in social, economic, and political stability.**

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did not respect human rights, criticism that may be deserved at least for some elements within the security services that were not necessarily the Special Branch, I can say with confidence that the Special Branch was a successful outfit.<sup>138</sup>

Darkly, Kibati asserts that while the Special Branch is no longer around today, it was never “officially

disbanded,” only “left as an empty shell, unmanned, without resources, and forgotten.”<sup>139</sup> Yet, the abusive record of Special Branch and its successor, the Directorate of Security Intelligence, has not been forgotten. Former officers and the victims who suffered at Nyayo House have told their stories in memoirs and news articles. Presidential candidate Odinga himself discussed the effects of his torture during a presidential debate

in 2017.<sup>140</sup> The Truth, Justice and Reconciliation Commission gathered stories from victims and its lengthy report described many human rights violations by Kenyan intelligence services.

It remains to be seen whether the Kenyan government will systematically and officially provide more information to its citizens about its intelligence community so people can separate reality from fiction and allow citizens to understand their intelligence services better.



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