

EXTRAJUDICIAL KILLINGS IN KENYA: A SIGN OF ERODING RULE OF LAW?

By Sarah Graveline

On July 1, 2016, the bodies of Willie Kimani, a Kenyan human rights lawyer; his client, Josephat Mwenda; and his taxi driver, Joseph Muiruri, were [discovered](#) in a river in Ol-Donyo Sabuk, outside Nairobi. The three men, who were last seen entering the Syokumau Administration Police camp on June 23, had purportedly been [tortured](#) and killed. Their murders have sparked a national conversation about the police's role in extrajudicial killings and the degradation of rule of law in Kenya. [more...](#)

Sarah Graveline is a Research Associate in the Africa Program at the Institute for Defense Analyses.

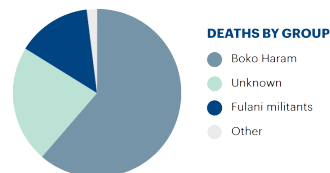


Kenyans, including human rights activists, lawyers, and taxi operators, hold a peaceful protest in Nairobi, Kenya, against alleged pervasive killings and disappearances linked to police. Slain Kenyan human rights lawyer Willie Kimani and a taxi driver were buried in their hometowns on Saturday, July 9, amid calls for top officials to resign over police-linked extrajudicial killings. (Source: AP Photo/Khalil Senosi, File.)

FULANI MILITANTS IN NIGERIA: MISCHARACTERIZATION OBSCURES THREAT AND IMPEDES RESPONSE

By Hilary Matfess

The [2015 Global Terrorism Index](#) classified “Fulani militants” in Nigeria as the fourth most deadly terrorist group in the world, attributing more than 1,200 deaths to Fulani militias over the course of a single year. Recent outbreaks of violence have thrust the Fulani into the media spotlight again, most recently on July 5, 2016, when a community chairman in Adamawa State in northeast Nigeria, speaking on behalf of 13 villages in the state, endorsed the formation of self-defense militias “[to take drastic measures to defend ourselves](#)” against Fulani attacks. Although the phrases “Fulani herdsmen” and “Fulani militias” appear frequently in the media coverage of Nigeria’s volatile Middle Belt states, the nature of this conflict is poorly understood and the drivers of violence are frequently mischaracterized. Often portrayed as having a single source, this violence involves diverse group of actors united under the banner of “Fulani herdsmen.” In addition, even though many assert that the violence is driven by ethnic and religious grievances, closer examination reveals that the drivers are diverse, including factors such as climate change, criminality, and insecure land tenure. [more...](#)



This graph plots deaths by group in 2014 for Nigeria. Boko Haram killed 6,118 people in Nigeria through terrorist attacks, up from 1595 the year before. Fulani militants killed 1,229 people, up from 63 the year before. As a result of the Fulani increase, the percentage of killings attributed to Boko Haram actually declined. (Source: adapted from Global Terrorism Index 2015: Measuring and Understanding the Impact of Terrorism, IEP Report 36, Institute for Economics and Peace, November 2015, <http://economicsandpeace.org/wp-content/uploads/2015/11/2015-Global-Terrorism-Index-Report.pdf>.)

Hilary Matfess is a Research Associate in the Africa Program at the Institute for Defense Analyses.

About IDA

The Institute for Defense Analyses is a non-profit corporation operating in the public interest.

IDA's three federally-funded research and development centers provide objective analyses of national security issues and related national challenges, particularly those requiring scientific and technical expertise.

IDA's Africa team focuses on issues related to political, economic, and social stability and security on the continent.

EXTRAJUDICIAL KILLINGS IN KENYA: A SIGN OF ERODING RULE OF LAW?

By Sarah Graveline

On July 1, 2016, the bodies of Willie Kimani, a Kenyan human rights lawyer; his client, Josephat Mwenda; and his taxi driver, Joseph Muiruri, were [discovered](#) in a river in Ol-Donyo Sabuk, outside Nairobi. The three men, who were last seen entering the Syokumau Administration Police camp on June 23, had purportedly been [tortured](#) and killed. Their murders have sparked a national conversation about the police's role in extrajudicial killings and the degradation of rule of law in Kenya.

Lawyer's Murder Sparks Protests

Kimani's death seems tied to Kenya's [Administration Police \(AP\)](#). On the day of his murder, Kimani represented Mwenda at trial in a harassment complaint against a police officer. The lawyer and client left the courtroom around noon and were next spotted at 4:30 p.m. locked in a container on an AP base, where Mwenda passed a [note](#) to a passerby saying, "Call my wife. I'm in danger." Observers have surmised that they were detained by AP officers when leaving court.

After their disappearance, protests against extrajudicial killings have spread across the country, organizing online under the hashtag [#stopextrajudicialkilling](#). During the first week of July, hundreds of Kenyan lawyers brought traffic to a standstill across Nairobi in a series of [protest marches](#); on July 5 and 6, Kenyan lawyers in [Nakuru](#), [Embu](#), and [Bungoma](#) held corresponding marches calling for the resignation of Joseph Boinnet, the Inspector General of Police, and Joseph Ole Nkaissery, Cabinet Secretary for Interior. The protests escalated on July 6, when protestors [set fire](#) to the Syokumau camp where the three victims had been held.

A Long History of Extrajudicial Killings

The ferocity of the protests reflects Kenyans' increasing concern with the prevalence of extrajudicial killings. As protesters have pointed out, Kenya has a long history of extrajudicial killings. Kenya's 2013 [Truth, Justice, and Reconciliation Commission](#) recorded that Kenyan security forces had been responsible for the deaths of thousands of civilians in northeastern Kenya during the 1963–67 Shifita War and in a series of mass killings in the early 1980s. In 2008, human rights groups accused Kenyan security forces of extrajudicial killings during operations in the [Mandera](#) triangle region, and in the same year, police involvement in post-election violence was widely [documented](#). More recently, the Mombasa-based NGO [Muslims for Human Rights](#) has accused the Anti-Terrorism Police Unit (ATPU) of a series of disappearances and extrajudicial killings of Muslims along the Kenyan coast.

Although Kenyans are familiar with these killings, activists have largely folded protests against them into the broader context of discrimination against minority groups in Kenya. But it is increasingly clear that police brutality is a persistent problem nationwide. The [Independent Medico-Legal Unit \(IMLU\)](#), a Nairobi-based advocacy group that tracks extrajudicial killings, claimed that 97 Kenyans were summarily executed by police in 2015.

Kenya's National Police Service has also been accused of brutality in responding to protests. In May, police officers' violent response to a [protest](#) made international headlines. In early June, at least [five people](#) were killed by police at a protest led by the opposition party Coalition for Reform and Democracy (CORD). Incidents like this may recur if the run-up to the 2017 elections produces increasingly heated rhetoric at protests and rallies nationwide.



Kenyans, including human rights activists, lawyers, and taxi operators, hold a peaceful protest in Nairobi, Kenya, against alleged pervasive killings and disappearances linked to police. Slain Kenyan human rights lawyer Willie Kimani and a taxi driver were buried in their hometowns on Saturday, July 9, amid calls for top officials to resign over police-linked extrajudicial killings. (Source: AP Photo/Khalil Senosi, File.)

Inadequate Reforms

Kenyan police have undergone a series of [reforms](#) following the adoption of the new 2010 constitution, including the creation of the office of the Inspector General of Police and the formation of the Independent Police Oversight Authority (IPOA) to process complaints against the National Police Service. But in 2015, the [U.S. Department of State](#) reported that only 27 cases of extrajudicial killings were reported to a regulatory body, and only nine resulted in prosecution. Referrals to these offices lag far behind the alleged number of violations, which suggests that overall trust in the efficacy of these regulatory bodies is low.

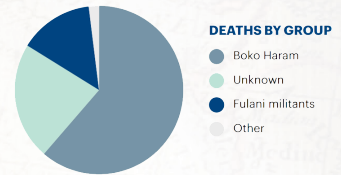
This trust was further challenged in January, when changes to the [Judicial Services Act and the Miscellaneous Amendments Act](#) gave President Uhuru Kenyatta greater control over the appointments of the Chief Justice and within the Office of the Inspector General of Police. [Rule of law advocates](#) see these changes as a sign that hard-won efforts to depoliticize Kenya's police are being eroded. By demonstrating sensitivity to these critiques and seeking to empower existing regulatory bodies, the Kenyan government could begin to combat police impunity for extrajudicial killings.

Sarah Graveline is a Research Associate in the Africa Program at the Institute for Defense Analyses.

FULANI MILITANTS IN NIGERIA: MISCHARACTERIZATION OBSCURES THREAT AND IMPEDES RESPONSE

By Hilary Matfess

The [2015 Global Terrorism Index](#) classified “Fulani militants” in Nigeria as the fourth most deadly terrorist group in the world, attributing more than 1,200 deaths to Fulani militias over the course of a single year. Recent outbreaks of violence have thrust the Fulani into the media spotlight again, most recently on July 5, 2016, when a community chairman in Adamawa State in northeast Nigeria, speaking on behalf of 13 villages in the state, endorsed the formation of self-defense militias [“to take drastic measures to defend ourselves”](#) against Fulani attacks. Although the phrases “Fulani herdsman” and “Fulani militias” appear frequently in the media coverage of Nigeria’s volatile Middle Belt states, the nature of this conflict is poorly understood and the drivers of violence are frequently mischaracterized. Often portrayed as having a single source, this violence involves diverse group of actors united under the banner of “Fulani herdsman.” In addition, even though many assert that the violence is driven by ethnic and religious grievances, closer examination reveals that the drivers are diverse, including factors such as climate change, criminality, and insecure land tenure.



This graph plots deaths by group in 2014 for Nigeria. Boko Haram killed 6,118 people in Nigeria through terrorist attacks, up from 1595 the year before. Fulani militants killed 1,229 people, up from 63 the year before. As a result of the Fulani increase, the percentage of killings attributed to Boko Haram actually declined. (Source: adapted from Global Terrorism Index 2015: Measuring and Understanding the Impact of Terrorism, IEP Report 36, Institute for Economics and Peace, November 2015, <http://economicsandpeace.org/wp-content/uploads/2015/11/2015-Global-Terrorism-Index-Report.pdf>.)

Misunderstanding the Conflict

The classification of Fulani militants as a newly emerging terrorist group is misleading. The Fulani are an amalgam of ethnic groups, rather than an organization. They have neither a central political agenda nor a centralized command structure. In fact, the “Fulani,” often described as the [“world’s largest semi-nomadic ethnic group,”](#) are a mixture of Peul, Fulbe, and Fula ethnic groups. Their movements are dictated by the availability of grazing land for their vast holdings of livestock. Furthermore, violence between farmers and herders has been an issue in [Nigeria for many years](#). The [Terrorism Research and Analysis Consortium \(TRAC\)](#) considers the group to be a [“Separatist/New Regime Nationalist/Ethnic Nationalist”](#) movement, characterized as seeking “to secede from their ruling government and establish a new territory in which they can form their own laws, but separatism can also result from the desire to be economically, socially, or religiously separated within the governing structure.” Others have characterized the violence as religious, with [Muslim herdsman persecuting Christian farmers](#). More recently, some high-ranking military officials in Nigeria have suggested that [the herdsman have ties to Boko Haram](#), even though pastoralist communities have been targeted by that insurgency for their cattle wealth.

In truth, the conflict between pastoralist Fulani and settled communities is a feature of Nigerian life that has been aggravated by developments affecting rainfall patterns, grazing rights for livestock, and increased criminality stemming from the wide availability of weapons.

Understanding the Drivers and Flashpoints

Although the conflict between farmers and herders is a persistent one in Nigeria, it is of relatively recent origin. In the past, a symbiotic relationship between the pastoralists and settled agriculturalists allowed for the groups to live peacefully among each other, as pastoralists’ cattle would fertilize the farmers’ land in exchange for grazing rights on reserved land.

In recent decades, however, developments have placed additional strain on both these groups, inflaming tensions. Climate change and desertification in the Sahel have [made the seasonal rains less predictable, reduced the amount of arable land, and placed tension on already-scarce water resources](#). The seasonal migrations of pastoralists began to be seen as

encroaching on the resources and rights of settled agriculturalists. This perception was aggravated by insecure land-tenure policies in Nigeria, which provide neither security for farmers nor resources to pastoralist groups. Some of these shortcomings are a result of confusion regarding the rights and responsibilities of the Nigerian Federal Government and its 36 states. A 2012 [National Grazing Route and Reserve Bill](#) failed to pass the Nigerian Senate because of disagreement over whether or not the Federal Government had the right to designate such routes.

The violence, which can perhaps best be understood as wrangling over scarce resources in the context of uncertain rule of law, has become so lethal in part because of the increased availability of weapons throughout sub-Saharan Africa since 2011, [following the breakdown of the political order in Libya](#). Not only has the availability of these weapons made confrontations more deadly, it has also been thought to [increase the rates of cattle theft](#) pastoralists experience, which in turn produce retributive raids and cycles of violence.

In addition to the human toll that farmer-herder conflicts produce, there is also a tangible economic toll from these conflicts. [Mercy Corps](#) estimates that over the course of three years, Nigeria lost more than \$14 billion to this insecurity.

Conclusion

Nigeria's struggles with Fulani herdsmen may well be a harbinger of regional instability, given that so many countries across the Sahel are feeling the impact of climate change and also struggle with issues of land tenure and general criminality. [Rising tensions in Niger, Sudan, Chad, Cameroon, and Burkina Faso](#) between pastoralists and settled communities all suggest that the Sahel itself may experience a surge in farmer-herder violence in coming years. Recent outbreaks of such violence as far south as the [Central African Republic](#) demonstrate the destructive potential of such attacks. Just as there is certainly a risk of contagion, as conflicts involving pastoralist communities spread across borders, there are also significant economic gains to be made if the drivers of conflict can be addressed through regional cooperation and country-by-country interventions to manage domestically produced sources of insecurity. Technical support from the international community, particularly in managing scarce resources and stemming the flow of weapons throughout the region, could be useful in this endeavor.

Hilary Matfess is a Research Associate in the Africa Program at the Institute for Defense Analyses.
