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The September 2013 Terrorist Attack in Kenya: In Brief

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Overview

On September 21, 2013, masked gunmen attacked the upscale Westgate shopping mall in Nairobi, Kenya, taking hostages and killing at least 67 people.[1] Almost 200 people, including at least 5 U.S. citizens, were wounded in the siege, which lasted four days. The attack is the most deadly terrorist incident in Kenya since the 1998 Al Qaeda bombing of the U.S. embassy in Nairobi.[2] A Somali Islamist insurgent group, Al Shabaab, which has ties to Al Qaeda, has claimed responsibility for the Westgate attack.

Al Qaeda and affiliated groups like Al Shabaab have had a presence in East Africa for almost 20 years, although the extent of their operations there has varied over time. The region's porous borders, proximity to the Arabian Peninsula, weak law enforcement and judicial institutions, and pervasive corruption, combined with almost 20 years of state collapse in neighboring Somalia, have provided an enabling environment for violent extremist groups.

The Westgate mall attack came almost two years after Kenya launched a military offensive across its northeastern border with Somalia, with the stated aim of defending itself against terrorist threats and incursions by Al Shabaab. Kenya subsequently joined the U.N.-mandated African Union (AU) stabilization mission, AMISOM, which is tasked with countering the threat posed by Al Shabaab in Somalia. Al Shabaab's attack on the mall occurred three years after an Al Shabaab cell conducted the group's first successful attack outside Somalia with deadly bombings in Kampala, Uganda, in retaliation for Uganda's role as a leading AMISOM troop contributor.[3] Al Shabaab has repeatedly threatened countries contributing to the regional operation, and spokesmen for the group have cited Kenya's ongoing military role in Somalia as justification for the Westgate attack.[4] While Kenyan officials thus far have maintained commitment to AMISOM in the siege's aftermath, the attack may deter other countries from contributing troops in response to U.N. and AU calls for more military support to counter Al Shabaab.

In the 15 years since the embassy bombings in Kenya and Tanzania, Congress has appropriated increasing counterterrorism funding for Africa, and has focused hearings and investigations on reported support provided by U.S. citizens to Al Shabaab. The United States is a major contributor of financial and in-kind support to AMISOM, and has provided its troop contributors and other countries in the region with substantial support to counter terrorist threats. "We are in this fight together," the U.S. ambassador to Kenya commented as Federal Bureau of Investigation forensic teams deployed after the Westgate attack. President Obama has pledged U.S. support to bring those responsible for the attack to justice.[5] Political instability and terrorist activities in and emanating from Somalia are subject to ongoing interest by policy makers, who remain concerned about Al Shabaab's ties to Al Qaeda and affiliated groups and its use of Somalia as a staging ground for attacks in the region and a training ground for foreign fighters. The following sections address possible questions about the attack and related issues for Congress.

[1] There are conflicting reports about the number killed in the attack, since part of the mall collapsed due to a fire that started during the siege. A final casualty count is unavailable pending recovery operations and forensic investigations.

[2] More than 4,000 people were injured and 218 killed, including 12 Americans, in the 1998 embassy bombing.

[3] The bombings at a restaurant and rugby club in Kampala killed 76 people, including one American.

[4] Hamza Mohamed, "Q&A: Al-Shabab Defends Nairobi Attack," *Al Jazeera*, September 23, 2013.

[5] The White House, Statement by NSC Spokesperson Caitlin Hayden on the Attack in Nairobi, September 21, 2013, and "U.S. Sees Direct Threat in Attack at Kenya Mall," *New York Times*, September 25, 2013.

Who is Al Shabaab?

Al Shabaab, more formally known as *Harakat Al Shabaab Al Mujahidin* ("Mujahidin Youth Movement"), emerged about a decade ago in Somalia amid a proliferation of Islamist and clan-based militias. It has been linked to Al Qaeda for years and was designated by the United States as a Foreign Terrorist Organization (FTO) in 2008. The group, which also maintains ties with Al Qaeda in the Arabian Peninsula (AQAP), announced its formal merger with Al Qaeda in February 2012. Al Shabaab, as it exists today, appears to be a hybrid—it is both a locally focused Islamist insurgent group and a transnational terrorist affiliate of Al Qaeda.[6] Like several other "AQ affiliates," the group appears to operate largely independently from core Al Qaeda.

Al Shabaab was formed as a militia loosely affiliated with a network of local Islamic courts that emerged in the 1990s in the absence of central authority in Somalia. The courts' leaders varied in their ideological approaches, which reflected diverse views on political Islam, clan identity, and Somali nationalism. Unlike the courts and their individual militias, which were largely clan-based and nationalist in agenda, Al Shabaab's leadership drew members from across clans, ascribing to a broader irredentist and religiously driven vision of uniting ethnic Somali-inhabited areas of East Africa under an Islamist caliphate. Some of its leaders reportedly trained in Afghanistan.

Al Shabaab's vision for Somalia runs counter to long-running international efforts to create a stable, inclusive Somali government (see text box). Somali authorities, unable to secure territory on their own, have relied on AMISOM forces to retake and secure the capital, Mogadishu, from Al Shabaab, which has controlled much of southern and central Somalia since 2006. Since February 2011, military offensives by AMISOM, allied regional forces from Ethiopia and Kenya, Somali government troops, and allied militia have pushed Al Shabaab out of the major cities and ports, but it continues to enjoy some freedom of movement and to control territory in rural areas.[7]

These setbacks have deprived Al Shabaab of major sources of revenue and have resulted in a shift in its operations. Since what it termed a "strategic withdrawal" from Mogadishu in August 2011, the group has conducted almost-daily guerilla-style attacks on government, civilian, AMISOM, and other foreign targets, in both urban and rural areas.[8] Notable attacks against foreign targets in 2013 include a June attack against the U.N. compound in Mogadishu, in which 22 people were killed, and a July attack on the Turkish diplomatic residence there. Al Shabaab conducts assassinations and attacks using improvised explosive devices (IEDs) of various types, mortars, grenades, and automatic weapons, causing hundreds of civilian casualties.[9] Some observers argue that Al Shabaab has been greatly weakened by AMISOM gains. However, U.N. experts suggest that avoiding direct military confrontation has allowed Al Shabaab to "preserve the core of its fighting force and resources," with some 5,000 fighters who remain "arguably intact in terms of operational readiness, chain of command, discipline and communication capabilities."[10]

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[6] The term "Islamist" here refers to those who advance a formal political role for Islam, through the implementation of Islamic law, political mobilization through a religious party, or the creation of a religious system of governance.

[7] According to the U.N. Monitoring Group, tasked by the Security Council to report on violations of international sanctions and security threats in Somalia, Al Shabaab remains in control of Middle Juba, most of Hiran, Bay and Bakol regions, and parts of Galgudud, and Lower Shabelle regions. U.N. Security Council, *Somalia report of the Monitoring Group on Somalia and Eritrea submitted in accordance with resolution 2060 (2012)*, S/2013/413, July 12, 2013.

[8] See Christopher Anzalone, "Al-Shabab's Tactical and Media Strategies in the Wake of its Battlefield Setbacks," *CTC Sentinel*, Combatting Terrorism Center at West Point, March 27, 2013.

[9] For an overview of Al Shabaab attacks in Somalia in 2012-2013, see e.g., Navanti Group, "Somalia's Al-Shabaab: Down But Not Out," Homeland Security Policy Institute Issue Brief 22, August 27, 2013.

[10] U.N. Security Council, S/2013/413, op. cit.

Recent Political Developments in Somalia

Terrorism, maritime piracy, illicit trafficking, and mass refugee flows in the Horn of Africa region are, in part, symptoms of the wider instability that has plagued Somalia since the collapse of the authoritarian Siad Barre regime in 1991. There have been numerous outside attempts to reunite Somalia's regions, clans, and sub-clans within a credible Somali central government. The election of President Hassan Sheikh Mohamud in September 2012 followed the establishment of a new federal parliament and its approval of a provisional constitution, in accordance with an internationally facilitated political process inside Somalia. That process has been viewed by U.S. and U.N. officials as the most credible, inclusive, and representative process to date to reestablish central governance in war-torn Somalia.

The new Somali Federal Government replaced a Transitional Federal Government (TFG), established in 2004 as a result of a regional peace process. The TFG was unable to establish a presence in Mogadishu until 2007, after an Ethiopian military operation ousted the Union of Islamic Courts. It subsequently struggled to reconstitute national security and law enforcement entities and to expand its authority outside the capital. The TFG, which relied on AMISOM for security, was unable to provide basic social services or security to the population. This inability, along with corruption allegations, undermined the TFG's perceived legitimacy among Somalis. During this period, violence and recurrent drought drove more than one quarter of Somalia's estimated population of 7.5 million from their homes—as either refugees or internally displaced persons.

In January 2013, the United States officially recognized the Somali government for the first time in more than 20 years. U.S. diplomatic recognition reflected significant security advances against Al Shabaab and political developments in Mogadishu. Others, including the United Kingdom and other European countries, along with the U.N. and the AU, have also recognized the government. Given ongoing security concerns, however, the State Department has yet to reestablish an embassy in Somalia, and President Obama has not yet appointed an ambassador to the country. The U.S. government continues to maintain its diplomatic dialogue with Somali authorities through the U.S. embassy in neighboring Kenya, where a U.S. Special Representative to Somalia is based. While travel within Somalia is still limited, U.S. officials are traveling with increasing frequency to Mogadishu.

To many in Somalia and the international community, the country appears to be at an inflection point, after years of state collapse. Then-Secretary of State Hillary Clinton, in remarks following U.S. recognition of the new government, noted that the move reflected a "sense of optimism and opportunity" in Somalia, and expressed the desire for that sentiment to "translate into lasting progress."[11] Part of that optimism stems from the security gains made by AMISOM, in concert with Somali and Ethiopian forces. Political progress made to date has been bolstered by robust engagement from East African leaders.

Now one year old, Somalia's new federal government still faces significant hurdles in extending its own authority beyond Mogadishu, and in overcoming contentious clan dynamics and "the political economy of state collapse."[12] While the concept of federalism is enshrined in the provisional constitution, the document is vague on how it will work in practice. After more than 20 years without central authority, the sharing of power, responsibility, revenue, and resources in Somalia remains subject to considerable debate.[13] The process of state building is further complicated by reportedly rampant corruption, ongoing security threats, and domestic spoiler networks described by the U.N. Monitoring Group that are working against the consolidation of state authority.[14] In a September 2013 statement to the U.N. Security Council, the Secretary-General's Special Representative for Somalia Nicholas Kay suggested that Somalia has the "foundations for progress," but stressed the fragility of the political and security gains that had been made and the need for greater international engagement and support.

While many of its Somali foot soldiers may have joined for economic reasons, or to defend clan interests, rather than based on extremist beliefs,[15] Al Shabaab also continues to draw support from

[11] State Department, Remarks by Secretary Clinton with President Hassan Sheikh Mohamud, January 17, 2013.

[12] For a critical analysis of the government, see, e.g., Matt Bryden, *Somalia Redux? Assessing the New Somali Federal Government*, the Center for Strategic and International Studies, August 2013.

[13] The government still seeks to define its relationship with semi-autonomous Puntland and Somaliland. Regional mediation, led by Ethiopia, has eased tensions with authorities of the self-declared Jubaland state in southern Somalia.

[14] See, e.g., U.N. Security Council, S/2013/413, op. cit.

[15] U.N. Information Service, Press Briefing by Special Representative of the Secretary-General for Somalia Nicholas

roughly 300 foreign fighters (not of Somali descent), according to U.N. reporting. These fighters are reportedly predominantly from Kenya, Sudan, and Yemen, but also from Bangladesh, Chechnya, and Pakistan, as well as from Europe, Australia, Canada, and the United States. Two Sudanese involved in the January 2008 murder of a U.S. diplomat in Khartoum are believed to be among the group's ranks.[16] U.S. Africa Command officials suggest that these foreign fighters "remain the greatest threat to Western interests regionally and internationally."[17] Some have reportedly deserted Al Shabaab in recent years, either because of disillusion with its military losses or because of internal dissent in the group (see below).

The practical effect of Al Shabaab's 2012 merger with Al Qaeda is unclear—some experts argue that it is largely symbolic, given that the group appears to remain self-sufficient and continues to follow a largely Somalia-focused agenda. They see the attack in Kenya as part of that effort.[18] Others argue that the Westgate attack bears the hallmarks of new guidelines reportedly released by Al Qaeda leadership, instructing affiliated groups to use hostages to attract maximum publicity, and may signal a more global focus by Al Shabaab leadership.[19]

Who were the attackers? Were Americans involved?

Many details of the Westgate attack remain unclear, and investigations are ongoing regarding the identity of those who planned and led the attack. Senior U.S. officials have indicated that while the attack was "linked" to Al Shabaab, "it is unknown what element of the group planned the attack."[20] Eyewitness accounts reported by the press and remarks by Kenyan officials suggest that British and/or U.S. citizens may have participated in the attack alongside Somalis and, possibly, other Africans.[21] A Norwegian national of Somali descent was reportedly identified among the attackers. In early November, Kenyan officials brought charges against an initial group of four Somalis in relation to the attack; they are not believed to have been among the gunmen.

The Somali diaspora community in the United States has drawn considerable attention from U.S. law enforcement officials in recent years because of efforts by Al Shabaab to recruit and raise funds abroad.[22] Al Shabaab recruitment in the United States has raised concerns regarding not only the involvement of U.S. citizens in terrorism activities overseas, but also possible threats to the United States from those carrying U.S., Canadian, and European passports. Several Somali Americans have been prosecuted for terrorist financing, and U.S. citizens (many, but not all, of Somali origin) have been indicted on suspicion of traveling to train and fight with Al Shabaab. The number of U.S. citizens who may have joined Al Shabaab in Somalia is estimated to be in the

Kay in Geneva, September 24, 2013.

[16] The two individuals, who were convicted of the crime in 2009 and subsequently escaped a Sudanese prison, have been listed by the United States as Specially Designated Global Terrorists (SDGTs).

[17] General David M. Rodriguez, Written Responses to Advance Policy Questions for the Nominee for Commander, U.S. Africa Command, Senate Armed Services Committee, February 13, 2013.

[18] Nicholas Kulish, Mark Mazzetti, and Eric Schmitt, "Kenya Mall Carnage Shows Shabaab Resilience," *New York Times*, September 22, 2012.

[19] Paul Cruickshank and Tim Lister, "Al Shabaab Breaks New Ground with Complex Nairobi Attack," CNN, September 23, 2013. See also Ayman al Zawahiri, *General Guidelines for Jihad*, As-Sahab Media, September 2013.

[20] Testimony of National Counterterrorism Center Director Matthew G. Olsen, Senate Homeland Security and Governmental Affairs Committee, *Threats to the Homeland*, November 14, 2013.

[21] Address by Kenyan President Uhuru Kenyatta, September 24, 2013, available at http://www.stategousekenya.go.ke. See also CRS Report R41416, *American Jihadist Terrorism: Combating a Complex Threat*, by Jerome P. Bjelopera.

[22] For further information, see Testimony of Lauren Ploch Blanchard, House Homeland Security Committee, *From Al Shabaab to Al Nusra: How Westerners Joining Terror Groups Overseas Affects the Homeland*, October 9, 2013.

dozens. More than 20 young men from Minnesota, which hosts the largest concentration of Somali Americans, are believed to have gone to fight in Somalia, and at least three Somali Americans were implicated in suicide bombings there.[23] Among the most infamous of Al Shabaab's foreign fighters was a Syrian American from Alabama, Omar Hammami, also known as Abu Mansour al-Amriki, who appeared in propaganda videos and used social media for recruitment. Hammami, for whom the United States had issued a $5 million bounty, was killed in early September 2013, reportedly by former allies within Al Shabaab.[24]

The possible role of Kenyan citizens in the attack is also subject to speculation. One of the suicide bombers in the 2010 Kampala bombings is believed to have been Kenyan, and Kenyan and other East African nationalities were arrested in connection with those attacks. East African Muslims have been increasingly exposed to extremist religious ideologies, and the concept that Islam is under attack by the West has become a prominent factor in radicalization.[25] Experts from the U.N. Monitoring Group on Somalia have closely reported on the rise of groups and individuals supportive of Al Shabaab in Kenya, including a Kenyan group known as the Muslim Youth Center/Al Hijra.[26] According to the Monitoring Group's 2013 report, Al Hijra and its supporters "have suffered setbacks from disruptions of Al Hijra's operations by international and regional security services, as well as unexplained killings and disappearances of its members."[27] The report warned that Al Hijra fighters returning from Somalia in the wake of Al Shabaab defeats and reeling from disruptive operations in Kenya "sought operational direction and guidance since the latter part of 2012 from individuals with former ties to Al-Qaida in East Africa and self-styled Al-Qaida affiliates." A statement attributed to Al Hijra in late 2012 warned it would shift its focus to "jihad in the region of East Africa with the obvious emphasis on Kenya."[28]

The U.N. report identified a cleric named Abubakr Sharif Ahmed (aka "Makaburi") as having "exerted a growing influence over Al Hijra" and as being "determined to redirect the group's resources and manpower from hitting 'soft targets' to conducting complex, large-scale attacks in Kenya on behalf and in support of Al-Shabaab." Ahmed has been the subject of Kenyan terrorism investigations for years and was accused of inciting violent riots and attacks in the Kenyan coastal city of Mombasa after the public murder of his associate Aboud Rogo, formerly identified by U.N. experts as the group's ideological leader.[29] In 2012, the U.S. government designated Ahmed for sanctions, alleging that he "provides material support to extremist groups in Kenya and elsewhere in East Africa" and "has preached at mosques in Mombasa that young men should travel to Somalia, commit extremist acts, fight for al-Qa'ida, and kill U.S. citizens."[30] After being arrested in Kenya, he pleaded not guilty to charges of incitement and denied involvement with

[23] "Somalis Still Leaving U.S. to Join Terror Group," *Military Times*, September 26, 2013, and Jamie Dettmer, "Al-Shabab's Jihadi Recruitment Drive in Minnesota," *The Daily Beast,* September 24, 2013.

[24] For more on Hammami see e.g., USA v. Omar Hammami; Andrea Elliott, "The Jihadist Next Door," *New York Times*, January 31, 2010, and articles by J.M. Berger in *Foreign Policy*.

[25] CRS Report R41473, *Countering Terrorism in East Africa: The U.S. Response*, by Lauren Ploch Blanchard. See also International Crisis Group, Kenyan Somali Islamist Radicalization, Africa Briefing No. 85, January 25, 2012.

[26] Adoption of the name *Al Hijra* ("the emigration") appears to signal its attempt to place itself in the context of the original *hijra* of the Muslim prophet Mohammed and his closest supporters from Mecca to Medina.

[27] U.N. Security Council, S/2013/413, op. cit.

[28] U.S. Government Open Source Center (OSC) Report AFP20121212950048, "Kenyan Islamist group threatens to launch 'jihad' in East Africa," Twitter, December 11, 2012.

[29] A 2012 U.N. Monitoring Group report (S/2012/544) identified Rogo as "a known associate of members of Al-Qaida East Africa and an advocate of the violent overthrow of the Government of Kenya." The United States designated Rogo as a contributor to the Somali conflict in July 2012. He was shot by unidentified assailants on August 27, 2012.

[30] Treasury Department, "Treasury Targets Regional Actors Fueling Violence and Instability in Somalia," July 5, 2012.

terrorist activities; he was released on bail in September 2012. Reports have linked a British woman, Samantha Lewthwaite, who has reportedly been living in East Africa, to Rogo, Ahmed, and Al Hijra. Lewthwaite is the widow of one of the suicide bombers in Al Qaeda's July 7, 2005, London attacks. Some speculate that she may have been involved in the Westgate attack.[31]

On October 5, 2013, a U.S. counterterrorism operation in Somalia reportedly targeted, unsuccessfully, a Somali-Kenyan, Abdulkadir Mohamed Abdulkadir, aka "Ikrima," who has been identified as a senior Al Shabaab operative responsible for recruiting foreign fighters and directing attacks in Kenya. Reports suggest that Ikrima may be linked to Al Hijra.[32]

Why attack Kenya?

Al Shabaab charges that the Kenyan military has "massacred" innocent civilians in southern Somalia during its operations, and it threatened to increase attacks if Kenya does not withdraw its troops.[33] Kenya's military plays a key role in the regional operations against Al Shabaab in Somalia, and the United States views Kenya as critical to counterterrorism efforts in the region.[34] As noted above, Kenyan and other AMISOM forces have made significant advances against Al Shabaab in the past two years. Kenya's operations, launched in October 2011, resulted in Al Shabaab's loss of the strategic seaport of Kismayo, from which it had derived substantial revenues through the international charcoal trade.[35]

The border that Kenya shares with Somalia is long, porous, and vulnerable to terrorist movement, among other illicit activity. According to the State Department, Kenya has successfully disrupted several large-scale terrorist threats, but more than three dozen small-scale terrorist incidents were reported in Kenya in 2012.[36] Most were grenade attacks, generally attributed by the Kenyan government to Al Shabaab or its supporters, although the group reportedly claimed few of them and specifically denied several. The attacks were directed at both government and civilian targets, including bars, restaurants, a bus station, a mosque, and several churches.[37]

The Westgate mall incident is the group's first successful large-scale operation in the Kenyan capital, which hosts the largest U.S. diplomatic mission in Africa. Kenya is a top tourist destination on the continent and a regional hub for trade, transportation, and finance. As a result, many international organizations base their continental headquarters in Nairobi, which is home to one of four major U.N. offices worldwide and serves as a base for regional humanitarian relief efforts, including in Somalia. U.S. diplomats have been previously targeted by extremists in the region, and Al Shabaab has made repeated threats against U.S. and Western targets.[38] In an

[31] David Clark Scott, "Samantha Lewthwaite: Is 'White Widow' Behind Kenya Mall Attack?" *Christian Science Monitor*, September 23, 2013.

[32] Sudarsan Raghavan and Colum Lynch, "Analysts: Ikrima, Target of U.S. Raid in Somalia, Has Tried to Extend Al-Shabab's Reach in Kenya," *Washington Post*, October 7, 2013.

[33] OSC Report AFL2013092380722161, "Somalia, Kenya—Al Shabaab Vocal in Claiming Responsibility for Nairobi Attack," September 23, 2013

[34] For further information see CRS Report R42967, *U.S.-Kenya Relations: Current Political and Security Issues* , by Lauren Ploch Blanchard.

[35] In response to Al Shabaab's efforts to profit from the trade, the U.N. Security Council prohibited the export and import of charcoal from Somalia in Resolution 2035 (2012). Many speculate that the group may still profit from the trade, which has continued in spite of the embargo.

[36] State Department, "Kenya," *Country Reports on Terrorism 2012*, May 30, 2013.

[37] Among the deadliest attacks in 2012 were a minibus explosion in Eastleigh that killed 10 and injured 34, and an attack on a church in the northeast city of Garissa with grenades and guns that killed 17 and injured 40.

[38] See, e.g., OSC Report GMP20080527873001, "Somalia's Mujahidin Youth Movement Spokesman Discusses

interview with Al Jazeera, an Al Shabaab spokesman stated that the mall was chosen as the target because it is frequented by Kenyan elites, diplomats, and tourists, specifically Americans and Israelis (Westgate mall is reportedly partially Israeli-owned).[39]

Why now?

Like other details of the attack, the timing of the Westgate incident is subject to conjecture. Many regional analysts suggest that Al Shabaab has suffered from internal tensions between those loyal to its leader, Ahmed Abdi Godane (aka Ahmed Abdi Aw-Mohamed or "Abu Zubeyr"), and other Al Shabaab commanders. Some suggest that the timing of the Westgate attack may be an expression of Godane's recent consolidation of power.[40] Godane, 36, who has reportedly long sought to centralize control, is credited with the recent deaths of several high-profile figures, including senior Al Shabaab commanders Ibrahim al Afghani and Maalim Burhan in June and American jihadist Omar Hammami and a British foreign fighter in September. His efforts may have driven Islamic Courts leader Hassan Dahir Aweys, designated as a terrorist by the United States since 2001, to turn himself in to Somali authorities. The whereabouts of another key Al Shabaab leader, Mukhtar Robow, are unknown; by some accounts he has gone into hiding. The tensions within the Al Shabaab leadership appear to center on disputes over strategy, tactics, and objectives, and over power-sharing and resources. Some, like Hammami, publicly criticized Godane for corruption and mistreatment of foreign fighters, while others criticized the group's indiscriminant killing of Somali (Muslim) civilians.[41]

Godane publicly pledged Al Shabaab's fealty to Osama bin Laden in 2009. He was reportedly dismissed by bin Laden as a possible leader of Al Qaeda in East Africa, however, in favor of an Al Qaeda operative from the Comoros, Harun Fazul, who was suspected of leading the 1998 U.S. embassy bombings. Fazul was killed in June 2011 at a Somali government checkpoint under questionable circumstances; many believe this was arranged by Godane. Having neutralized his rivals, some of whom had rejected his move in 2012 to merge with Al Qaeda,[42] Godane may, some speculate, have sought to demonstrate Al Shabaab's credentials as a global threat, proving its bona fides to Al Qaeda, and thus attract more recruits and financing from abroad.[43]

What is the United States doing to counter the Al Shabaab threat?

The Obama Administration and others have viewed the threat posed by Al Qaeda "affiliates" to be of increasing concern in recent years. Despite estimates that Al Shabaab may have been weakened by its military setbacks, the group is still seen as the primary terrorist threat to U.S.

Progress of Jihad," May 8, 2008; and OSC Report AFP20080603410001, "Somalia: MYM Commander Shaykh Al-Zubayr Sends Message to Global Jihad Leaders," June 1, 2008.

[39] Hamza Mohamed, "Q&A," op. cit.

[40] See, e.g., Simon Tisdall, "Kenya Attack is Product of Brutal Power Struggle Within Al-Shabaab," *The Guardian,* September 22, 2013 and "Kenya's Westgate Atrocity is Al-Shabaab's Way of Escalating Somali Conflict," *The Guardian*, September 23, 2013, and Rafaello Pantucci, "Bilal al-Berjawi and the Shifting Fortunes of Foreign Fighters in Somalia," *CTC Sentinel,* September 24, 2013.

[41] J.M. Berger, "Omar and Me," *Foreign Policy,* September 16, 2013; "The Letters: How Al-Qaeda Failed in Mali and Somalia," Wardheernews.com, April 18, 2013; and Muhyadin Ahmed Roble, "Al-Shabaab Split Threatens to Open New Conflict Between Somalia's Islamists," Terrorism Monitor Volume 10 Issue 9, May 4, 2012.

[42] See Aweys comments in "Residents Fear Clashes as Somali Rebel Row Worsens," Reuters, April 1, 2012.

[43] Robin Simcox, "Al Shabaab's Global Menace," *The Wall Street Journal,* September 24, 2013.

interests in the region.[44] In its 2011 National Counterterrorism Strategy, the Administration warned, "influenced by its Al Qaeda elements, Al Shabaab ... could—motivated to advance its insurgency or to further its al Qaeda agenda or both—strike outside Somalia in East Africa, as it did in Uganda, as well as outside the region." In the aftermath of Westgate, the FBI continues to assess that Al Shabaab "lacks the intent to conduct or directly support attacks in the United States," but warns that "externally focused elements affiliated with the group are likely to aspire to attack the West and the U.S. Additionally, domestic extremists could draw inspiration from the group's propaganda and the Westgate Mall attack to employ similar tactics in the Homeland."[45]

In addition to being designated as an FTO, several Al Shabaab leaders are subject to U.S. counterterrorism sanctions under Executive Order (E.O.) 13224 (2001) and others are subject to E.O. 13534 (2010) sanctions for contributing to the Somali conflict, including acts that threaten AMISOM or the Somali government. The Justice Department has prosecuted American citizens for violations of these sanctions, and the Treasury Department continues to work with foreign counterparts to track the flow of funds to Al Shabaab and to freeze terrorist-related assets.[46] Among recent U.S. prosecutions was the February 2013 conviction of four Somali immigrants on terrorist financing charges based on intercepted phone conversations with a former Al Shabaab leader who was subsequently killed in a U.S. strike.[47] Through its Rewards for Justice program (established under P.L. 98-533 of 1984), the State Department has offered a $7 million reward for information leading to the capture of Godane, and lesser rewards for other Al Shabaab leaders. The Justice Department and the Department of Homeland Security have developed a range of outreach programs designed to counter radicalization and increase dialogue with Somali communities in the United States.

The United States has implemented a variety of foreign assistance and security cooperation programs to counter violent extremist threats in East Africa. These programs seek to build partner countries' intelligence, military, law enforcement, and judicial capacities; strengthen aviation, port, and border security; stem the flow of terrorist financing; and counter recruitment. Until 2007, much of this effort was focused on helping Somalia's neighbors, most notably Kenya, to contain threats emanating from Somalia and to address homegrown or regional terrorist threats. In recent years, the State Department and the Department of Defense (DOD) have placed substantial priority on building the capacity of regional forces contributing to AMISOM operations inside Somalia, and the United States has begun to provide cautious support to elements of the nascent Somali security services, although their capacity to absorb assistance is limited.[48] Congress has provided new authorities to the DOD to support partner capacity-building for counterterrorism purposes, including the "global train-and-equip" or "Section 1206" authority (provided in the FY2006 National Defense Authorization Act (NDAA), P.L. 109-163, as amended) and an additional train-and-equip authority known as Section 1207(n), specifically for East African and

[44] State Department, *Country Reports on Terrorism 2012*, May 30, 2013.

[45] The FBI assessment suggests that a direct Al Shabaab attack in the United States "would not be consistent with the group's strategic aims of establishing an Islamic state in Somalia and defeating the Somali and foreign troops obstructing their efforts to do so." Testimony of FBI Director James B. Comey, Jr., Senate Homeland Security and Governmental Affairs Committee, *Threats to the Homeland*, November 14, 2013.

[46] For more information on Al Shabaab financing, see, e.g., reports of the U.N. Monitoring Group and William Maclean, "Shabaab Finances Face Squeeze after Kenya attack," Reuters, September 26, 2013.

[47] USA v. Basaaly Saeed Moalin, et al. See http://www.theinvestigativeproject.org for other Al Shabaab-related cases.

[48] According to DOD officials, FY2014 would be the first time in 20 years in which the Department would be able to directly fund support to the Somali military, once appropriations are approved by Congress and unless otherwise legally restricted. Testimony of Deputy Assistant Secretary of Defense for African Affairs Amanda J. Dory, Senate Foreign Relations Africa Subcommittee, *Security and Governance in Somalia*, October 8, 2013.

Yemeni forces, provided in the FY2012 NDAA, P.L. 112-81, as amended. Other U.S. efforts to stabilize Somalia are ongoing and may further diminish Al Shabaab's ability to attract recruits.

Recent U.S. security assistance provided to East African partner nations includes:

- more than $700 million in State Department-funded logistics support, equipment, and training for AMISOM troops since 2007, of which more than $325 million has been provided through assessed U.N. contributions, and more than $100 million in DOD "train-and-equip" Section 1206 and 1207(n) support to AMISOM troop contributors since FY2011;
- almost $70 million in DOD Section 1206 support specifically to Kenya and almost $8 million in Section 1207(n) support;
- more than $10 million in FY2012 for Kenya under the State Department's Partnership for Regional East African Counterterrorism (PREACT) and related counterterrorism funding, and $9 million in FY2012 in Anti-Terrorism Assistance (ATA) to Kenya; and
- more than $170 million to provide basic capacity building and pay salaries for vetted units of the Somali National Security Forces.

AMISOM's force size is currently estimated to be at over 17,700 uniformed personnel, and it is composed of troops from Uganda, Burundi, Kenya, Djibouti, and Sierra Leone. The mission has been constrained by a lack of mobility and force protection assets, and it appears unlikely to extend the territory it holds until these constraints are addressed. In response to calls for a troop increase and other support to enhance its military capacity in the short term, in November 2013 the U.N. Security Council authorized an increase in AMISOM's force strength up to 22,126 under Resolution 2124. AMISOM units in parts of the country continue to rely on support from Ethiopian forces that have deployed with the permission of Somali authorities. A modification to the U.N. arms embargo for Somalia (U.N. Security Council Resolution 2093 [2013]) relaxes restrictions on the Somali government's ability to acquire weapons and training, and also permits support for AMISOM's "strategic partners," namely Ethiopian forces and Kenyan air and naval assets not included in AMISOM. Those deployments had previously been a technical violation of the arms embargo.

In addition to support for AMISOM efforts against Al Shabaab, the U.S. military has, "in a limited number of cases," taken direct action in Somalia against members of Al Qaeda, including those members of Al Shabaab "who are engaged in efforts to carry out terrorist attacks against the United States and our interests," as described in White House reports to Congress.[49] These strikes have been responsible for the deaths of several senior operatives believed to have Al Qaeda links. The most recent reported strike, in late October 2013, appears to have targeted Ibrahim Ali Abdi, aka "Anta Anta," a Somali explosives expert linked to attacks in 2008 against U.N. and other targets. There have been no public U.S. statements linking him to the Westgate incident. Additional air strikes against Al Shabaab targets have been conducted by other foreign militaries, including the Kenyan Air Force. The U.S. military regularly conducts aerial surveillance of

[49] See Correspondence from the President to Congress consistent with the War Powers Resolution. According to news reports, U.S. strikes against terrorist targets in Somalia include, among others, a May 2008 cruise missile attack against Al Shabaab's then-top military commander Aden Hashi Ayro; a 2009 commando raid by helicopter in which suspected AQ operative Saleh Ali Saleh Nabhan was killed; a June 2011 air strike against a target near Kismayo; a January 2012 strike in which a British-Lebanese fighter was killed; and the October 28 strike killing Abdi. Open source speculation on lethal strikes from U.S. unmanned aerial vehicles (drones) is explored at http://www.thebureauinvestigates.com.

Somalia from multiple locations in the region as part of a "broad, sustained and integrated campaign to counter terrorism."[50]

What are key issues for Congress to consider?

As Congress continues to weigh the threat posed by Al Shabaab and other violent extremist groups in Africa, it may be confronted with the question of how the United States can most effectively balance persistent concerns about security with ongoing concerns about governance and human rights in the region. Human rights advocates have repeatedly raised concerns with abuses conducted by regional security forces that they suggest have been condoned by their governments under the guise of countering terrorism.[51] Regional analysts warn that such abuses have the potential to further fuel radicalization, and that Al Shabaab may have intended with the Westgate attack to provoke a violent response from Kenya against ethnic Somalis and other Kenyan Muslims. One Somalia expert argues that the attack was "a desperate, high-risk gamble by Shabaab to reverse its prospects," and has urged Kenya to respond "with restraint and due process and the rule of law."[52] The application of anti-terrorism laws in East Africa has often been controversial—in some countries such laws have reportedly been used to silence critics, and, in others, weak laws have hindered the ability of law enforcement to detain and effectively prosecute terrorist suspects, leading security services to extra-legal actions. Other questions Congress may consider include:

- What is the extent of support from U.S. citizens to Al Shabaab? How many Americans have joined the group in Somalia? What is the intelligence community doing to ascertain the relationship between U.S. citizens fighting overseas for Al Shabaab and family or acquaintances in the United States?
- What are the main sources of revenue for Al Shabaab and affiliated groups in the region? To what extent is Al Shabaab able to profit from the financial remittances to Somalia? Are international regulations governing Somali money transfer services sufficient? How might the threatened closure by international banks of these services' accounts affect Somalia? How might it affect the ability to track both licit and illicit financial flows to the country?
- What are the factors driving recruitment by Al Shabaab and affiliated groups in East African countries like Kenya? How do Kenyan Muslims view the country's operations in Somalia? To what extent, if at all, do reported abuses by security forces affect cooperation by Muslim communities with counterterrorism efforts? How can the United States and its allies counter the extremist narrative that Islam is under attack by the West and its "proxies"?
- To what extent are U.S. diplomatic and military facilities in East Africa vulnerable to attack by extremists? How do U.S. diplomats in the region balance concerns for their security against the outreach required of their mission?

[50] The White House, Press Briefing by Press Secretary Jay Carney, October 28, 2011.

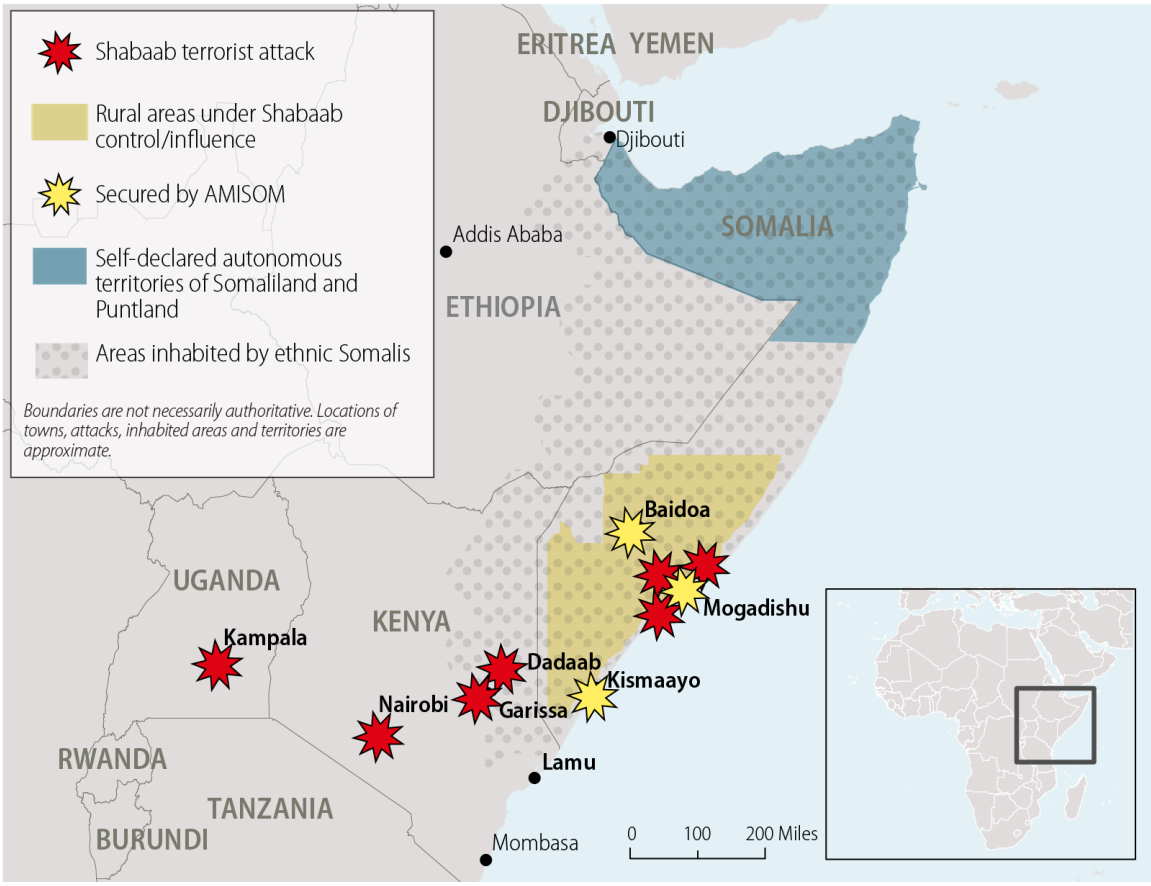
[51] See, e.g., Human Rights Watch, *"You Are All Terrorists": Kenyan Police Abuse of Refugees in Nairobi*, May 29, 2013 and *Criminal Reprisals: Kenyan Police and Military Abuses Against Ethnic Somalis*, May 4, 2012, and Open Society Justice Initiative, *Counterterrorism and Human Rights Abuses in Kenya and Uganda: The World Cup Bombing and Beyond*, November 2012.

[52] Ken Menkhaus, "What the Deadly Attack on a Kenya Mall Was Really About," ThinkProgress, September 22, 2013.

- What has been the legal justification for U.S. counterterrorism strikes in Somalia? What role should Congress play in determining the scope and duration of future U.S. targeted strikes against terrorist actors in East Africa?
- How are limited tactical strikes against terrorist targets in Somalia tied to broader efforts to promote regional stability? What is the relationship between U.S. strikes and U.S. support for regional military operations in Somalia? What are the constraints on U.S. intelligence sharing with regional partners such as Kenya and the other AMISOM troop contributors? How long will a foreign military presence in Somalia be required?
- Does Al Shabaab pose a direct threat to the United States? What steps have been taken at the federal or other levels of government to deter, prevent, and/or respond to a scenario involving this style of coordinated attack, conducted by a trained terrorist team against a soft target such as a mall, if it were to be attempted in the United States?

Figure 1. Al Shabaab in East Africa

Areas of Al Shabaab control and influence and major terrorist incidents in 2012-2013



Source: CRS map produced by Hannah Fischer and Jamie Hutchinson, September 25, 2013. Border data from the U.S. Department of State's Office of the Geographer, 2012 and Esri, 2012.

Notes: The borders of the shaded areas are approximate and do not imply official endorsement or acceptance by CRS or the U.S. government. The graphic is not intended to represent all Al Shabaab attacks in the region.

Author Information

Lauren Ploch Blanchard
Specialist in African Affairs

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