



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## Kenya

Kenya – KEN40115 – Mungiki – Extortion  
– Matatu drivers – Thaa – Land Boom –  
Land acquisition

23 March 2012

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### 1. Is there information suggesting that police and/or Mungiki extort money from Matatu (minibus) drivers in Kenya?

Mungiki extortion of matatu drivers is well-documented, and has taken place for some time. No information was located to indicate that Kenyan police extort money from matatu drivers.

In November 2008, an ISN Security Watch report provided background information on the Mungiki and its transformation from a religious sect into an “underground economic power with thousands of members, practicing extortion and racketeering against Nairobi’s slum-dwellers and informal sector businesses”. According to the report, the Mungiki was established in the late 1980s “to promote a return to African roots by preserving culture and traditions as well as by contrasting the spread of Christianity and westernization among the members of the Kikuyu tribe”. As the group expanded, it attempted to counter inefficient public services by providing access to water and electricity, and fighting corrupt local authorities. By the early 1990s, however, the group had transformed into an organised criminal network, whose “main target became the private minibus taxi industry, known in Kenya as matatu”. According to the then chairman of the Matatu Owners Association, the Mungiki were not initially violent, and were “looking for passengers and ‘selling’ them to the Matatu drivers for a commission. But they soon decided to take over the whole industry. The gang started recruiting idle youths, normally school drop-outs, and they promised them a profitable job: extorting money from the matatu owners”.<sup>1</sup>

In 2010, *The Daily Nation* reported that two people “were injured in clashes between matatu operators and members of the outlawed Mungiki sect” after a matatu operator was assaulted while “protesting against extortion by the banned sect”. Matatu operators in the Free Area and town centre route of Nakuru reportedly pay Sh100 a day to Mungiki members, “who used to collect the money at the main stage in town but were kicked out by the police and relocated to Free Area”.<sup>2</sup> In October 2010, Nairobi police reportedly arrested “eight key members of the illegal sect” for extorting money from matatu drivers and conductors. Those arrested were believed to be “part of a cartel that has been demanding protection fees from operators”. According to *The Daily Nation*, police were targeting senior Mungiki members, rather than targeting lower-level operatives as they had in previous crackdowns.<sup>3</sup>

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<sup>1</sup> Totolo, E. 2008, ‘Kenya: The Mungiki Mess’, ISN Security Watch, 17 November  
<http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch-Archive/Detail/?id=93861&lng=en> – Accessed 13 January

<sup>2</sup> ‘Kenya: Two Hurt in Matatu-Mungiki Clash’ 2011, *All Africa Global Media*, source: *Daily Nation*, 28 September  
<http://allafrica.com/stories/printable/201109290298.html> – Accessed 13 January 2012

<sup>3</sup> ‘New approach in anti-Mungiki war’ 2010, *Daily Nation*, 3 October  
<http://www.nation.co.ke/News/New%20approach%20in%20anti%20Mungiki%20war%20/-/1056/1025516/-/pbd5xf/-/> – Accessed 1 June 2011

In May 2010, *The Standard* reported that former members of the outlawed Mungiki sect had formed an offshoot group that would “hover around matatus termini and move from one matatu to the next discreetly extorting”. The group, which reportedly called itself “Unfinished”, is believed to have taken over nearly all of the bus termini in the Central Province, and members are thought to avoid confrontation with authorities “by ensuring that they collect their money only after the council revenue officers retire for the day or before they arrive”. According to one matatu driver, the group “demands Sh300 from every matatu once the council revenue officers close business after 5 pm... [o]nce the council officers leave, the group takes over all the stages demanding money from all the matatus”.<sup>4</sup>

According to a 2010 report from the *Nairobi Star*, former Mungiki leader Maina Njenga was attempting to establish the banned organisation as a legitimate political entity that’s only interests were in youth development and peace. The report noted that in the past, “Mungiki was believed to be running extortion and protection rackets, especially in the matatu industry, and used the funds raised to build up a membership of at least one million”.<sup>5</sup> In 2005, *Agence France-Presse* reported that “Mungiki activities – believed to include ritual killings, carjackings and extortion – have come under increasing scrutiny” after the group’s apparent resurgence. According to the report, Mungiki financed illicit operations by investing in matatus, “extorting money from drivers and charging tolls along roadways under threat of violence”.<sup>6</sup>

While no explicit information was located regarding police being involved in the extortion of matatu operators, a November 2010 Kenyan Government report by the National Taskforce on Police Reforms recommended that “Police officers will be prohibited from engaging in businesses that amount to conflict of interest, especially matatu and towing businesses”.<sup>7</sup>

## 2. Is there any information to indicate that there is a ‘Thai’ religion in Kenya that is distinct from Mungiki? If so, do followers attract adverse attention from authorities?

No specific information was found regarding a ‘Thai’ religion in Kenya. Limited references were located regarding a Kikuyu ‘Thaai’ religion. Note that the phrase “*Thaai, thai thaya Ngai thaai*” is reportedly used as a traditional chant at the conclusion of Mungiki prayers.<sup>8</sup>

In 2003, *The Nation* reported that the Mungiki was “a splinter from Thaai Fraternity aka Tent of the Living God, which drew upon Kikuyu traditional values as alternatives to the materialism of the mainstream Christian churches”. Thaai reportedly appeared in 1988.<sup>9</sup> A 1999 report on African religion included information on the Tent of the Living God, and noted that:

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<sup>4</sup> ‘The reincarnation of Mungiki’ 2010, *The Standard*, 4 May

<http://www.standardmedia.co.ke/InsidePage.php?id=2000009012&cid=459> – Accessed 1 June 2011

<sup>5</sup> Njenga Rebrands Mungiki for 2012’ 2010, *All Africa Global Media*, source: *Nairobi Star*, 22 June <http://allafrica.com/stories/201006221212.html> – Accessed 1 June 2011

<sup>6</sup> ‘Violent youth cult alarms Kenya’s government’ 2005, Religion News Blog, source: *Agence France-Presse*, 18 October <http://www.religionnewsblog.com/12513/violent-youth-cult-alarms-kenyas-government> – Accessed 16 December 2008

<sup>7</sup> UK Home Office 2011, *Country of Origin Report – Kenya*, 30 December, Section 8.11

<sup>8</sup> Gecaga, M.C. 2007, ‘Religious Movements and Democratisation in Kenya: Between the Sacred and the Profane’ in *Kenya: The Struggle for Democracy*, eds. Godwin R. Murunga & Shadrack Wanjala Nasong’o, Codesria Books, Dakar, p.71

<sup>9</sup> ‘Taking ‘Mungiki’ Lightly Will Be a Mistake’ 2003, Cesnur.org website, source: *The Nation*, 8 May [http://www.cesnur.org/2003/mungiki\\_03.htm](http://www.cesnur.org/2003/mungiki_03.htm) – Accessed 21 March 2012

The first words of introductory greetings accompanied by vigorous handshakes—shifting repeatedly from handgrasps to thumbgrasps—were invariably “Thaai” (peace) an extended version of which was: “Thaai thathaiya Ngai thaai” (may peace prevail between God and men).<sup>10</sup>

While some reports indicate that Thaai followers have been arrested and harmed by authorities, such adverse attention appears to be more a result of being misidentified as Mungiki followers rather than due to their adherence to the Thaai faith. In September 2008, the Kenya National Commission on Human Rights reported that a suspected Mungiki member was fatally assaulted by authorities who were conducting a crackdown on the sect. According to eyewitnesses:

...the officers arrested him after spotting his dreadlocks associated with Mungiki. They demanded that he shaves the dreadlocks but he denied being a Mungiki member. He told them that he is a member of the Thaai Spiritual Movement, which spots dreadlocks as part of their faith and hence he could not shave. They severely beat him in turns for about three hours with wooden bars, gun butts, and kicks. They then dragged him to their truck since he could not walk.<sup>11</sup>

In 2002, *The East African Standard* reported that police clashed with members of the Tent of the Living God sect, and arrested more than 100 followers. The sect’s leaders reportedly dissociated themselves from the activities of the Mungiki sect, claiming that they were the “Thaai Fraternity of Kenya, aka Nyumba ya Thaai”.<sup>12</sup>

Limited references to the ‘Thaai’ religion were also located in blogs, which given the absence of more authoritative information, warrant inclusion in this response. In December 2004, a blog report on the Mungiki claimed that Thaai:

...was a kikuyu religious sect that advocated a return to the worship of the kikuyu god, ‘mwene-nyaga’. mwene-nyaga (he who owns the ostriches) was worshipped under the mugumo (oak?) tree facing the snow-capped mount kirinyaga (has ostriches). now known as mount kenya, the tallest mountain in kenya, you would recognise the ‘thaai’ group by the way they rebelled against modernism by clothing in hide-made clothes and sandals. They had long dreadlocks akin to the maumau liberation fighters and were committed to sniffing the traditional tobacco ‘snuff’.<sup>13</sup>

### 3. Deleted.

### 4. Deleted.

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<sup>10</sup> Miller, H.F. 1999, ‘Kikuyu Elderhood as african Oracle’, *Exploring the Wisdom of Africa*, April, Mennonite Central Committee (MCC) Occasional Paper No. 26, Mennonite Central Committee website, footnote 59 <http://www.mcc.org/respub/occasional/26oracle.html> – Accessed 13 October 2004

<sup>11</sup> Kenya National Commission on Human Rights (KNCHR) 2008, *The Cry of Blood – Report on Extra-Judicial Killings and Disappearances*, KNCHR website, September, p.27 [http://www.ediec.org/fileadmin/user\\_upload/Kenia/KNCHR\\_REPORT\\_ON\\_POLICE.pdf](http://www.ediec.org/fileadmin/user_upload/Kenia/KNCHR_REPORT_ON_POLICE.pdf) – Accessed 20 March 2012

<sup>12</sup> ‘Chaos As Sect Leader is Nabbed’ 2002, *All Africa Global Media*, source: *The East African Standard*, 1 May <http://allafrica.com/stories/200205010041.html> – Accessed 13 October 2004

<sup>13</sup> ‘the mungiki story’ 2006, Jamaapoa blogspot, 4 December <http://jamaapoa.blogspot.com.au/2006/12/mungiki-story.html> – Accessed 21 March 2012

**5. Is there any general information on the question of a land price boom, and is there information about people muscling in on land owners and harassing them to part with or sell their land?**

Information was located broadly related to a land boom, land acquisition, intimidation and pastoral disputes.

In August 2011, *The Daily Nation* reported that a Kenyan middle-class trend towards settling in new housing estates around Nairobi has seen land prices in Syokimau climb from –Sh800,000 for an acre five years ago to at least Sh9.6 million for an acre today [2011]”. Neighbouring Kajiado was reportedly –undergoing a similar boom in land prices as it too becomes a dormitory area for the capital”. To address infrastructure issues in these new suburbs, Kenya Railways reportedly announced plans to –acquire 13 acres to build parking lots so residents from as far as Athi River and Kitengela can park their cars there and take the train into the city”.<sup>14</sup>

According to a November 2011 report, however, “[f]raud, high mortgage interest rates, and the resultant inflated housing process may soon burst the bubble enjoyed by developers in the past 10 years”. The report noted –recent demolitions of houses in Syokimau and Lang’ata over fraudulent land deals and the skyrocketing bank interest rates as a result of a weak shilling”. It was further claimed that the –demolitions exposed the extent of the rot in the local land sector, where cartels of land officers, lawyers, real estate agents, and brokers have conspired to dupe investors into buying fraudulently acquired pieces of land”.<sup>15</sup>

A January 2011 report by the International Land Coalition (ILC) analysed the –illegal/irregular acquisition of land by Kenya’s elites to ascertain the types of land affected, the processes used to acquire land, and the profiles of the perpetrators, as well as to identify the victims and the impacts of land grabbing”. The ILC claims that tensions over land are exacerbated by the –disappearance of large tracts of public land and the enormous wealth accumulated by elite members of Kenyan society”. According to the ILC, allocation of government and trust land involves processes that –range from the questionable to the blatantly fraudulent or illegal”, depending on the type of land. These processes include:

- Letters of allotment being treated as saleable interests in land;
- Illegal/irregular allocations and appropriations of alienated public land, including abuses of public office and unpunished invasion and privatisation of public land;
- Parastatals and ministries paying high prices to acquire land from private individuals; and
- Illegal and/or irregular excisions of protected forests to private interests and for unauthorised uses.<sup>16</sup>

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<sup>14</sup> Kenya: Land Prices Boom As Nairobi Grows South’ 2011, *All Africa Global Media*, source: *Daily Nation*, 10 August <http://allafrica.com/stories/201108110551.html> – Accessed 20 March 2012

<sup>15</sup> Kenyan property boom crumbling, warn analysts’ 2011, *Architecture Kenya* website, source: *Daily Nation*, 24 November <http://architecturekenya.com/2011/11/24/kenyan-property-boom-crumbling-warn-analysts/> – Accessed 20 March 2012

<sup>16</sup> International Land Coalition 2011, *Irregular and illegal land acquisition by Kenya’s elites: Trends, processes, and impacts of Kenya’s land-grabbing phenomenon*, Land Coalition website, January [http://www.landcoalition.org/sites/default/files/publication/906/ERIN-KLA\\_Elites\\_web\\_14.03.11.pdf](http://www.landcoalition.org/sites/default/files/publication/906/ERIN-KLA_Elites_web_14.03.11.pdf) – Accessed 20 March 2012

In March 2011, *The Nairobi Star* reported that the development of transport infrastructure and other public amenities in Kenya required planners and project sponsors to consider the question of land ownership and rights. According to the report, "[c]ompulsory acquisition is primarily a legal aspect in respect to property and individual rights to ownership as guaranteed in the new constitution and International Human Rights law". The report further noted that "[c]ompulsory acquisition can be challenged and is not usually a foregone conclusion. City planners should start a process whereby intended acquisition is dealt with in advance, considering the land issue is highly sensitive in Kenya".<sup>17</sup>

A December 2011 report by *The Guardian* claimed that "[m]embers of the Samburu people in Kenya have been abused, beaten and raped by police after the land they lived on for two decades was sold to two US-based wildlife charities". An estimated 2,000 Samburu families reportedly stayed in makeshift squats on the edge of the disputed territory, located near Mount Kenya, while 1,000 others were forced to relocate. According to a human rights worker, "There has been an ongoing, constant level of fear, intimidation and violence towards the community, which has been devastating".<sup>18</sup>

In May 2011, Action Aid reported on concerns that "plans for a biofuels plantation in the Dakatcha Woodlands, Kenya, will violate the rights of an indigenous community of over 20,000 people". According to the report, "[t]he potential destruction of large areas of endangered woodland and the potential eviction of the indigenous communities living in the woodland represent the failure of the Kenyan local and national authorities to respect the country's constitution and international human rights obligations".<sup>19</sup>

In 2006, *The Daily Nation* reported that armed youths "invaded and demarcated 'idle' lands at the Coast [Province] at the weekend [2-3 September]. According to the report, their actions were likely triggered by politicians' calls for all land belonging to 'absentee landlords' to be repossessed for redistribution". The report speculated that President Mwai Kibaki's distribution of title deeds to landless people during tour of the region "may have inadvertently fired the imagination of others to try and lay claim to what is not legally theirs".<sup>20</sup>

Another ongoing land issue in Kenya is that of pastoral disputes in relation to livestock grazing. In January 2012, ethnic clashes in the northern region of Moyale reportedly led to the deaths of 18 people, "where fighting between men armed with automatic rifles and machetes... forced hundreds to flee". According to *IOL News*, "[c]lashes between rival cattle herding pastoralists in the region are common, with herders often carrying guns to protect their animals".<sup>21</sup> Earlier the same month, *Reuters* reported that "fighting over grazing land between two communities in Kenya killed six people", and forced hundreds to flee.

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<sup>17</sup> 'Kenya: Land Acquisition Should be Orderly' 2011, *All Africa Global Media*, source: *Nairobi Star*, 31 March <http://allafrica.com/stories/201103310584.html> – Accessed 20 March 2012

<sup>18</sup> 'Kenya's Samburu people 'violently evicted' after US charities buy land' 2011, *The Guardian*, 14 December <http://www.guardian.co.uk/world/2011/dec/14/kenya-samburu-people-evicted-land?newsfeed=true> – Accessed 20 March 2012

<sup>19</sup> Action aid 2011, *Fuelling Evictions: Community Cost of EU Biofuels Boom*, Action Aid website, May [http://www.actionaid.org.uk/doc\\_lib/aa\\_dakatcha\\_report.pdf](http://www.actionaid.org.uk/doc_lib/aa_dakatcha_report.pdf) – Accessed 20 March 2012

<sup>20</sup> 'Kenyan paper warns over land invasions at coast region, urges state action' 2006, *BBC Monitoring*, source: *The Daily Nation*, 5 September – Accessed 7 September 2006

<sup>21</sup> '18 dead in Kenyan tribal clashes' 2012, *IOL News*, 28 January <http://www.iol.co.za/news/africa/18-dead-in-kenyan-tribal-clashes-1.1222240> – Accessed 20 March 2012

According to *Reuters*, grazing land is highly valued by Kenya's pastoralist communities, and they have often clashed in the past".<sup>22</sup>

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<sup>22</sup> Kenya tribal clashes kill 6, including 3 children' 2012, *Reuters*, 4 January  
<http://af.reuters.com/article/commoditiesNews/idAFL6E8C42V120120104> – Accessed 20 March 2012

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‘\_Violent youth cult alarms Kenya’s government’ 2005, Religion News Blog, source: *Agence France-Presse*, 18 October <http://www.religionnewsblog.com/12513/violent-youth-cult-alarms-kenyas-government> – Accessed 16 December 2008. (CISNET Kenya CX216581)

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<http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch-Archive/Detail/?id=93861&lng=en> – Accessed 13 January.

UK Home Office 2011, *Country of Origin Report – Kenya*, 30 December.