

Report

Kenya: Mungiki – Abusers or abused?



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Report **Kenya: Mungiki – Abusers or abused?**

SAMMENDRAG

Dette temanotatet omhandler Mungiki, den største og mest kjente organiserte, bevæpnede, kriminelle gruppen i Kenya, som også regnes som en politisk og religiøs aktør med stor innflytelse blant kikuyuer i Kenya. Mungiki opererer hovedsaklig i slumområder i Nairobi, i Central Province og i Rift Valley. Til en viss grad tilbyr Mungiki fattige slumbeboere grunnleggende sosiale tjenester og beskyttelse, men utpressing og vold utgjør sentrale virkemidler for organisasjonen. Mungiki tilskrives ansvaret for alvorlige menneskerettighetsbrudd begått mot sivile, motstandere og tidligere medlemmer. Kenyanske myndigheter har ikke klart å begrense Mungikis innflytelse eller overgrep, til tross for egne politienheter som angivelig har gjennomført summariske henrettelser av mistenkte Mungiki-tilhengere.

SUMMARY

This report provides details on the Mungiki movement, the largest and best known of the organised armed criminal, political and religious groups in Kenya, with a large following among the Kikuyus. Mungiki operates primarily in the Nairobi slums, in the Central Province and in the Rift Valley. Although Mungiki offers poor residents in slum areas protection and social services, extortion and violence tend to constitute their mode of operation. Gross human rights violations perpetrated against civilians, adversaries and defecting members are attributed to them. The Kenyan authorities have not succeeded in their attempts to limit Mungiki's influence or abuses, despite recent crack downs which reportedly also included summary executions of suspected adherents.

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1. INTRODUCTION

Several militant gangs and so-called vigilante movements operate throughout Kenya, particularly in urban environments and in Nairobi's large slum areas. They operate outside the law in poor, crime-infested neighbourhoods where the police has little authority, influence and, basically, little interest. Different gangs have been and are at war with each other over control of businesses, services and people in disputed areas, amongst them the Taliban, the Kosovo boys, the Baghdad boys, Chinkororo, the Kalenjin Warriors and Mungiki. In 2002, the Kenyan government prohibited 18 such groups, the latter included. This report provides details on the Mungiki movement, the largest and best known of these organised, armed groups in Kenya.

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The content of this report is based on information gathered during a fact finding mission to Kenya in June 2008, from open sources and on information provided by sources that have requested anonymity out of safety concerns and diplomatic precautions.

2. BACKGROUND

The Mungiki movement was established in the late 1980s by members of the Kikuyu ethnic group. The Kikuyus comprise 22 percent of Kenya's total population, and by that, the Kikuyus constitute the largest ethnic group in the country, approximately 8,5 million inhabitants. Kikuyus live primarily in the Rift Valley and Central Province, but have also, as part of the rapid urbanisation in Kenya, migrated to Nairobi (Wamue 2001, p. 445). Mungiki derives from the kikuyu word *muingi*, meaning masses or people.

The details surrounding Mungiki's formation are somewhat disputed, partly because the organisation is secretive, but also because informants are hesitant to talk out of fear for retributions. However, a common narrative of its origin suggests that a group of six young students founded Mungiki in 1987 (Anderson 2002, p. 534; Kagwanja 2003, p. 30; Wamue 2001). Ndura Waruinge, the 15 year old grandson of General Waruinge, a Mau Mau fighter, was reportedly the leader of the group, and Mungiki's founding father (IRB 2007). Mungiki is known for its claim to the Mau Mau colonial resistance movement legacy. As the Mau Mau¹, Mungiki is anti-imperialist, anti-

¹ The Mau Mau fighters are famous for being the first anti-colonial, African liberation movement. The Mau Mau fighters are renowned for their courage during the war between white colonialists and settlers on the one side and Kenyan farmers and insurgents on the others, from 1952 onwards. By 1956 the British colonial power regained control. More than 13 000 Kenyans were killed, most of them Kikuyus, whilst 95 white colonialists were killed, out of which 32 were civilians (Landguiden n.d.)

Western, anti-American and anti-British. It rejects and criticises Christianity and advocates a return to African traditions, beliefs and practices – and Kikuyu traditions, religions and practices in particular (Wamue 2001, p. 454).

From the start, Mungiki emphasised traditional Kikuyu religious beliefs, according to which there is one god, Ngai. However, following Mungiki's expansion, increased influence and the intensified targeting of Mungiki members by the authorities, the organisation became more flexible with regards to religious traditions. In September 2000, twelve leaders converted to Islam.

Despite changes in the Mungiki leadership's religious affiliation, the researcher Grace Wamue at the Kenyatta University in Nairobi (2001, p. 454) describes Mungiki as "a religious movement clothed with diverse aspirations ranging from political to religio-cultural and socio-economic liberation". David Anderson, a lecturer of African studies at Oxford university (2002, p. 534) criticises Wamue for attributing Mungiki's religious foundation too much weight. He argues that Ndura Waruinge, Mungiki's leader in 2002, is first and foremost a radical political activist, and that today, Mungiki is a highly politicised movement utilising violent, criminal and intimidating means to achieve its goals.²

Peter Kagwanja, director of the Democracy and Governance Programme at the Human Science Research Council (HSRC), South Africa and former director of the Crisis Group department for Southern Africa, sees the emergence of Mungiki as a social movement that responded to Moi's single party kleptocracy policy. In the nineties, during the period of ethnic upheaval and multiparty politics, Mungiki mobilised against the government, which it accused of starting and fuelling ethnic clashes. Reminiscent of the Mau-Mau rebellion, the Mungiki started administering oaths as a way of uniting its members politically, according to Kagwanja (2003, p. 36). Ahead of the crucial 2002 elections, where eventually Daniel Arap Moi's KANU party lost power, the Mungiki movement were, according to Kagwanja, co-opted in a patron-client relationship with the ruling party, KANU. A part of the original social and political opposition movement stepped up the collection of protection money from households in insecure estates, took part in car jacking, armed robbery, etc. (Kagwanja, 2005 p. 65). As Kenya entered the post-Moi era, the Mungiki entered a new phase of its metamorphosis and became, according to Kagwanja, a full-fledged criminal group (2005, p. 65).

3. ORGANISATIONAL STRUCTURE

Existing knowledge on Mungiki's organisational structure is scarce, as the organisation is highly secretive, and because of the mentioned fear of retributions (Kagwanja 2003, p. 34). However, some information recurs in several academic texts and appears uncontroversial.

² For more on Ndura Waruinge, his religious affiliation, political career and defection practices, see chapter 4.2.

Mungiki's highest organ is The National Coordinating Committee (NCT), although the organisation is not highly centralised (IRB 2007, Kagwani 2003). Under NCT, there are hundreds of coordinating units at provincial, district and village level (Kagwani 2003).³ Each unit, or cell, comprises 50 members who operate in platoons of ten. Each platoon has its internal hierarchy among members (IRB 2007; KNCHR, interview, June 2008).

The Mungiki Defence Council (MDC) is the primary armed fraction of Mungiki. MDC is responsible for retaliations against defecting members, revenge killings included. MDC is heavily armed and carries AK-47s and other types of guns in addition to the more widespread swords, machetes and knives that regular Mungiki members may carry as well (IRB 2007).

The Kenya National Youth Alliance (KNYA) was registered as a political party until the government unlisted it early in 2007. Attempts to take over other political parties by senior members of Mungiki, as well as their aspirations to increase Mungiki's influence as parliament members after the election in 2012 are reported (well-informed international source, email-correspondence, September 2009).

When Ndura Waruinge defected in the early 2000s to join formal politics, Maina Njenga succeeded him (IRB 2007; Wallis 2009). Njenga is described as a charismatic leader, and some followers considers him to be a prophet (well-informed international source, email-correspondence, September 2009). Njenga is also known as John Kamunya, and his brother, Njoroge Kamunya, is another alleged leader (IRB 2007). Whether or not Maina Njenga is still the top leader of the organisation, is not known to Landinfo. He was arrested in February 2006 on drugs and weapon-related charges, and re-arrested in April 2009, following the Mathira massacre (see below) (Wallis 2009). Another name mentioned as a leading profile in the Mungiki organisation is Robertson Buili, also known as Joe or Ndegwa according to IRB (2007), but no further information on his person or position is available. Njuguna Gitau is a spokesperson of Mungiki, and of the KNYA in particular (Wallis 2009).

When Landinfo was on a fact-finding mission in Kenya in 2008, the following areas comprised Mungiki strongholds, according to one of our well-informed Kenyan sources: Dadora, Mathare, Thika, Mlango Kubwa, and Jithurai in Nairobi; the Central province; and finally certain parts of Rift Valley, most notably Nyahururu, Nakuru, Rakipia, some parts of Eldoret and Naivasha.

4. MEMBERSHIP AND RECRUITMENT

There are obvious structural limitations to information on member statistics in a secretive group as Mungiki. Estimates of the total number of Mungiki members vary between thousands and 4 million.⁴ Kagwanja (2003, p. 34) estimated the number of

³ Kenya is administratively divided into eight provinces, over 50 districts, and hundreds of divisions.

⁴ Kenya has some 39 million inhabitants, of which some 22 % (or approx. 8 580 000) are ethnic Kikuyus.

paying members to be between 1.5 and 2 million by 2003. But in his article published in 2005, Kagwanja claims that 75 % of the Mungiki followers had abandoned the movement. Totolo suggests the number to be in the thousands (Totolo 2008). The fellow from the Royal Anthropological Institute, Dr. Knighton, suggests the lowest estimate of oathed Mungiki members to be 500 000 (2008, p. 32).

Wamue (2001, p. 454) contends that 400 000 members are women, but most sources, Wamue included, emphasise Mungiki's predominantly male membership. According to IRB (2007), 80 percent of Mungiki's adherents are male.

Most members are in the 18-40 age bracket, although there are exceptions, with some senior members in their 40-60s (Wamue 2001, p. 454). Most members are very poor with little or no education. The most visible leaders tend to have university degrees (well-informed international source, email-correspondence, September 2009).

According to Kagwanja (2003, p. 29), Mungiki "draws its support from thousands of people displaced by ethnic clashes". According to a well-informed international Nairobi-based source, the number of Mungiki members rapidly increased as Kikuyus were subjected to so-called ethnic violence under Daniel arap Moi's regime (email-correspondence, September 2009). Throughout the 1990s, Mungiki expanded and established itself in urban areas, primarily Nairobi, and wherever Kikuyus resettled (see also Anderson 2002, p. 534). Following widespread poverty, frustration and desperation, young Kikuyus became easy targets for mobilisation and recruitment efforts by Mungiki (Kenyan Human Rights Institute, interview, June 2008).

Following the election in December 2007, and the post-election violence into 2008, Mungiki is now "aggressively stepping up the search for new members, having deployed recruiters in most of the Kikuyu-dominated IDP [internally displaced people] camps. It is particularly targeting vulnerable Kikuyu youngsters displaced by violence" (Crisis Group 2008, p.14).

As the movement turned into a criminal group in 2002-2003, and to a larger extent abused Kikuyus, rather than protected them from being abused, it seems that the number of followers has declined. Even though the group has recruited new members after the upheaval in 2008, it is unlikely that the group have regained the strength it possessed in the 1990s as a social reform movement.

4.1 RITUALS

Mungiki recruitment follows a certain rituals, including oath-taking and baptism (KNCHR, interview, June 2008). According to a well-informed international source Landinfo has consulted, some members are forcibly recruited (email-correspondence, September 2009). Wamue (2001, p. 464) claims that Mungiki leaders are rejecting accusations of oath-taking, but it is not clear to Landinfo if she refers to initiation processes as described hereunder, or other, more specific anti-government oaths.

The following are Mungiki initiation rituals and practices as recounted by a credible former Mungiki member interviewed by Landinfo in Nairobi in 2008. He participated in the initiation rituals as a new recruit in 1998, and defected from the Mungiki organisation shortly thereafter. According to our source, he never intended to join Mungiki, and was part of the initiation process because of a

misunderstanding. He asked the leadership for permission to defect, and was granted that permission because of the circumstances under which he had participated. Although the information about the initiation process is old, and the circumstances around which Landinfo's source participated in the initiation process are vague, the content corresponds to Landinfo's other knowledge about this field.

Landinfo does not know where the initiation process is conducted or whether all members go through exactly the same rituals. Note that the details about practices may change with time.

4.1.1 Oath

According to Landinfo's source, all members have to take an oath around which several occult rituals apply. Once the new recruits arrive at the ritual house⁵ at which the oath is to be taken, they have to undress. If they refuse, their clothes will be removed by force. The rituals are performed at a semi dark location, making it hard to identify the others who are present. The recruits are lined up and have to sit down with legs far apart, after which they are told "this is a holy place and you are the children of Mau Mau, *matigari ma njirungi*."⁶

Then the person in charge, dressed in traditional kikuyu attire, gives a series of threats, and informs the new recruits of the process they are about to go through. At the other side of the room, someone slaughters goats.

After the threats, the recruits are ordered to stand up one by one and enter into an adjacent room. Whoever hesitates to stand up is beaten with sticks and pushed into the room. The entrance is covered with goat skins with dripping blood and fresh banana leaves. At any one point, if a recruit refuses to perform as the leaders demand, he will be beaten and threatened on his life.

In the other room, the recruits are asked to sit down, and then receive a piece of raw meat called *mutura*.⁷ Once holding a *mutura*, they repeat after the person in charge: "From today I have joined the Mungiki movement. And if I come out of Mungiki, I have agreed to die", upon which they are told to eat a part of the *mutura*.

Subsequently, the spiritual leader holds a cart full of goat's blood. The ritual performer forces the recruits to drink a good portion of that blood. Each new recruit then have to say the following: "If I am given any property [like a gun, or money] by a member, I will keep it and I will not tell anybody; and if I tell anybody, I will accept to die".

When this part is finished, the recruit is asked to drink the blood that remains. Whoever refuses to drink the blood is whipped until he does. According to our source, the blood is very bitter. He told us that he struggled hard to swallow it and that eventually, the blood was poured on the ground. In return, he received 73 stick lashes. He almost lost his conscience.

⁵ The ritual house is called *nyumba ya igogona* in Kikuyu.

⁶ Kikuyu for *the remnants of the bullets*, referring to the survival of the freedom fighters.

⁷ *Mutura* is, basically, an intestine stuffed with raw meat.

After drinking the goat blood, the recruits are asked to sit down and face the council of the elders. One of the elders sits on a traditional chair. The elder addresses the spiritual leader and says that “these are the new members, and I’m asking you to acknowledge them”. Next, the elders tie each of the recruits’ penises to a string that they pull on in case the recruits try to rise. According to Landinfo’s source, this is very painful. Behind the recruits, Mungiki male members tell the recruits the Mau Mau history while they whip them.

Then they are given a number of advices. They are told not to wear underwear; never to marry an uncircumcised woman; not to take a bath before 14 days after the initiation rituals; and not to sleep with their wives during that period. They are not allowed to worship in church, and must be buried in the traditional Kikuyu way, according to which the dead body is not covered with soil but with a goat skin. Furthermore, they are commanded to recruit three new members, and must pay a registration fee of ten Kenyan shillings for the elders that lead the initiation rituals. During the initiation ritual, the recruits are asked questions, and in case they refuse or hesitate to answer, the string that is tied to the penis is pulled.

Finally, the recruits are told that the suffering they have endured during the ceremony is nothing compared to what will happen to them in case they violate the oath. Any violation can be punished by death. While the recruits are told this, another Mungiki member puts a large knife against the recruits’ neck to illustrate how a violator will be beheaded.

Once the ritual is over, the master of the ceremony apologises for what the recruits have gone through, and each receives four aliases that will help them in case of an emergency situation and that will be their ‘code names’ in their respective cells.

Although far from as detailed as the above recount, the IRB (2007) confirms that the initiation rituals include goat blood.

5. MUNGIKI ACTIVITIES

Mungiki has been associated with a range of activities and services, ranging from sheer criminal activities to providing state-like social services.

In particular, Mungiki has a strong presence in the slums of Nairobi, where it controls and charges for access to basic services such as electricity, water and sanitation. Mungiki operates protection brackets focusing on poor slum dwellers, small businesses and the transport sector in the city. They charge operators of *matatus* (minibuses) according to size for allowing the bus to operate on any route under Mungiki control. Tenants moving to or from Mungiki-controlled areas have to pay a fee to Mungiki in order to pass. Their modus operandi is mafia-like, and as mentioned, characterised by extortion and violence. Citizens who are unable or unwilling to pay, risk being kidnapped, tortured or even killed (HRW 2008; IRB 2007; IRIN News 2008; Safer Access 2007). IRIN News (2008) further reports that Mungiki “holds ‘trials’ for people who violate its strict rules of dress or behaviour, detaining, maiming and even killing those it finds guilty”.

The Mungiki ‘crusade’ in the late 1990s against drunkenness, drugs, prostitution, VD and hiv/aids, is considered successful even by Mungiki’s harshest critics. Due to these activities and due to Mungiki’s efforts to clean public toilets, cleanse the slums’ sewerage, and for providing poor slum dwellers with access to water, Mungiki was initially appreciated and welcomed in many Nairobi slum areas (Kagwanja 2003, p. 37). However, as Mungiki grew bigger and gained more control, they used more ruthless methods to hold on to their powers.

Mungiki are “notorious for beheading and mutilation” (Moody 2008; see also Gettleman 2007; IBRD 2007). Following the post-election violence in January 2008, Mungiki organised “‘systematic, brutal killings of women and children so as to expel Luo and Kalenjin from Kikuyu-dominated areas’ in the Rift Valley towns of Naivasha and Nakuru”, IRIN News reported in 2008. Mungiki is also involved in violent, and often deadly, clashes with other gangs – such as the Taliban or the Kalenjin (IRIN News 2008; Kagwanja 2003, p. 45).

5.1 MUNGIKI AND FEMALE GENITAL CIRCUMCISION

Mungiki has been criticised for encouraging, demanding and enforcing female genital mutilation practices upon girls and women in its communities, on the grounds that female genital mutilation is a traditional African practice. Crisis Group ascertained in February 2008, that forcing, or at least requesting, women to be circumcised, is high on Mungiki’s agenda (Crisis Group 2008, p. 14). However, according to an article published by Wamue seven years earlier (1999), Mungiki is “adamant in its denial of the accusations that its members engage in [...] forced female circumcision, as well as taking Africans back to savagery and barbarism.”

A number of sources refer to Mungiki having issued a three-month ultimatum in 2002 to all women between 13 and 65 years in the Kiambu district who had not undergone circumcision to do so. According to East African Standard, the sect members gave women in parts of Kikuyu and Kiambaa divisions until July 7, commonly known as *sabasaba*,⁸ to undergo FGM as according to Kikuyu custom. Should they fail to do so, Mungiki would perform it by force. There is, however, no information to what extent this ultimatum was enforced.

In a verbal statement in a court case in the United Kingdom an expert witness, Dr. Knighton from the Royal Anthropological Institute, stated the following:

There is evidence that the Mungiki seek to impose FGM and other forms of violence on women and children other than those who have been initiated into their sect. In particular, such women and children include the wives, partners, children and other female family members of those men who have taken the Mungiki oath (Knighton 2008).

Again there are conflicting statement on the activities and attitudes of Mungiki, but there are good reasons to give weight to the statement by Dr. Knighton.

⁸ Seven-seven in Kiswahili.

6. MUNGIKI REACTIONS AGAINST DEFECTORS

By mid-2004, about 75 % of former Mungiki followers had abandoned the movement due to a government amnesty, a clampdown on Mungiki and Mungiki's weakening control of resources in the informal sector (Kagwanja 2005, p. 71). Mungiki reactions and retaliations directed at defecting members intensified as a result of these defections. Several former Mungiki profiles were shot or disappeared without trace. By July 2004, 18 people had reportedly been killed by Mungiki squads, most of them former Mungiki members who had denounced the sect publicly (Kagwanja 2005, p. 73).

According to the Independent Medico-Legal Unit (IMLU), an NGO working to promote the rights of victims of torture, Mungiki members who leave the organisation run a serious risk to be killed, or at best, seriously harassed. Some defectors who left Mungiki in 2000-2001 accepted to reveal Mungiki secrets to the authorities in 2003 in exchange for protection, as they worried for their safety. The government failed to protect them, and many of them were killed. IMLU claims that employees in the police are heavily corrupted and involved in Mungiki's businesses. Thus, once the corrupted police officers realise their connections with the Mungiki might be exposed, they choose to eliminate the defectors. In general, IMLU claims that most of the attacks on protected Mungiki members were actually perpetrated by the police, even though Mungikis themselves participate in revenge acts. Some of the surviving defectors have since contacted IMLU for protection and assistance, after which IMLU have provided shelter at secret locations (IMLU, interview, June 2008).

According to IMLU, Mungiki has also threatened former members that have sought refuge in neighbouring countries. People who used to have a high profile within the movement are especially targeted, due to the harm that they can cause to the organisation in case they talk. According to Crisis Group, "[i]t is likely that thousands of adherents wish to leave the sect, but memories of beheadings of defectors in 2007 serve as a deterrent" (Crisis Group 2008, p. 14; see also Gettleman 2007).

Contrary to the opinion of IMLU, the Kenyan National Commission on Human Rights (KNCHR) claims that defected Mungiki members will be left alone if they refrain from threatening the movement's interests (interview, June 2008). Landinfo's source, who participated in the initiation process in 1998 was, indeed, granted permission to leave the organisation. However, as already noted, Landinfo does not know all the details concerning this specific case. Both the existence of MDC and examples of Mungiki reactions to deserters, suggest that defectors are at credible risk of retaliation by Mungiki.

Ndura Waruinge, Mungiki's first leader, who converted to Islam in 2000 for pragmatic reasons, defected and converted to Christianity sometime prior to the election in 2007 (see Atsiaya et al. 2007). Few sources question his defection in relation to his safety. He appears to participate in formal politics without threats of retaliation. According to some, this indicates that Waruinge has not left Mungiki, but uses formal politics and Christianity as a means to accumulate more power (see Kenya Corruption & Warlords Revealed 2008).

7. GOVERNMENT RESPONSES

On 3 March 2002, about 300 Mungiki youths, wielding machetes, axes, and other crude weapons, rampaged through Nairobi's Kariobangi Estate, killing between 20 and 23 people and injuring 31 others. Allegedly, their motive was revenge for two of their number, who had been killed by an overwhelming Luo militia in Kariobangi known as the Taliban (Kagwanja 2003, p. 45). The violence described above preceded the Kenyan government's decision to outlaw Mungiki, Taliban and 16 other sects, militias and gangs in Kenya (IRIN News 2002). After the 2002 election, the new NARC government clamped down on Mungiki and charged nearly 1 000 Mungiki suspects.

In June 2007, police arrested 2 464 suspected Mungiki members "in reaction to the May beheadings of six people believed to be 'defectors' of the movement" (Safer Access 2007). The arrests were followed by the killing of two police officers, which again sparked off clashes between the police and Mungiki adherents, resulting in over 30 deaths (see also HRW 2008).

In July 2007⁹ Kenyan police established a special police unit, called *kwekwe*, to carry out a crackdown on Mungiki members, following several brutal murders attributed to the Mungiki in the Central Province (Nairobi Star 2009). After the election in December 2007, so-called ethnic violence spread throughout the country, and reports of excessive use of force by the police were common.

There is ample documentation that the *kwekwe* unit has functioned as a death squad that carried out mass executions of Mungiki members and suspected adherents. Dead bodies were found in desolate farms scattered all over the country, and the victims were killed with one or two bullets in the back from close range. Many dead bodies were dismembered (HRW 2008; IRB 2007; IRIN News 2008; KNCHR 2008; Landguiden n.d.; The Nairobi Chronicle 2009; The Nairobi Star 2009; Prunier 2009).

While underlining that the KNCHR does not condone atrocities committed by Mungiki, one of the commission's key findings in a recent report, was that

extra-judicial executions and other brutal acts of extreme cruelty have been perpetrated by the Police against so-called Mungiki adherents and that these acts may have been committed pursuant to official policy sanctioned by the political leadership, the Police Commissioner and top police commanders (KNCHR 2008, p. 5).¹⁰

Human Rights Watch concluded that "[t]he police crackdown matched or even exceeded that of the Mungiki itself" (HRW 2008). However, rather than eliminating Mungiki, this policy has led Mungiki members "to extremes of retaliatory ferocity and caused violent vigilante-type retaliation" (Prunier 2009, p. 5).

The *kwekwe* unit was reportedly disbanded in February 2009 (Nairobi Star 2009).

⁹ Some sources suggest the *kwekwe* unit was established in 2006, in response to violence in the Central Province at that time (see e.g., Ombati 2009).

¹⁰ See KNCHR (2008), chapter 2, for details pertaining to police violence against individual suspected Mungiki adherents.

Notwithstanding police crackdowns, most Mungiki members enjoy impunity for criminal and violent acts. According to KNCHR (interview, June 2008), Mungiki was for the most part free to operate however they wanted without police interference within their strongholds in the first half of 2008. During the Mathira massacre, the police did not intervene before the Mungiki had left Nyeri, and thus failed to save people's lives (see part 8.1 below).

Further, police officers are often committing illegitimate violence themselves, leading to general distrust among slum dwellers and other Kenyan citizens. According to Kagwanja (2003, p. 35), the Kenyan Human Rights Commission estimates that 4000 people were killed and 600 000 others displaced due to state-sponsored or state-condoned violence in the decade following 1991.

In 2009, Philip Alston, the UN special rapporteur on extrajudicial, summary or arbitrary executions, issued one of the UN's strongest indictments yet of Kenya's culture of impunity, in a hard-hitting report following a 10-day investigation into the alleged killing of more than 1000 gang members, insurgents, petty criminals and political protestors since 2007. "I have received overwhelming testimony that there exists in Kenya a systematic, widespread and well-planned strategy to execute individuals," Alston told a news conference in Nairobi. "Kenyan police are a law unto themselves. They kill often, with impunity" (Rice 2009).

Alston's comments came a day after the government-appointed KNCHR released a one year old videotaped testimony by a police officer who in chilling detail described how he witnessed the killing of 58 people while working as a driver for the kwekwe for twelve months. The whistleblower, Bernard Kiriinya, was himself murdered four months after he went into hiding in Nairobi following his testimony (The Nairobi Chronicle 2009).

Regarding the government's will to protect its citizens against Mungiki, Alston said in June 2009:

Since my visit, a further 44 people have been killed, either by the Mungiki or in vigilante-style responses to that gang's extortion activities. In my report, I roundly condemned the Mungiki. The challenge is simple. The Kenyan Police need an effective strategy for responding to this threat. Hyper-active death squads have brought no relief. They have only succeeded in undermining the rule of law, distracting the police from their protection and investigative roles, fuelling the cycle of violence, and tarnishing Kenya's reputation. It is urgent that a detailed and convincing strategy for combating violence, extortion and other crime by gangs, including the Mungiki, be given the utmost priority. Statements that they will be 'crushed' or 'smashed' provide no meaningful reassurance that such efforts are underway (Alston 2009).

Alston's findings are corroborated by Human Rights Watch (2008).

Finally, according to Anderson (2002, p. 538), Mungiki claims to have recruited thousands of police officers who have taken the oath and who are "loyal to the sect and its cause". As a result of people's distrust in the police, police corruption and police and politicians' involvement with Mungiki, as well as credible fear of

Mungiki retaliations, people refrain from reporting violations committed by the Mungiki.

8. MUNGIKI'S CURRENT STATUS

According to a well-informed international source, Mungiki has developed into just another organised criminal gang using extortion and violence to achieve its goals, which appears to be primarily materialistic. Mungiki members are involved both in criminal violence and political violence – particularly in relation to the general elections in December 2007. Further, Mungiki has communicated its increasing political ambitions regarding the general elections in 2012, and claims to address the poor's political dissatisfaction (email-correspondence, September 2009). Also, Mungiki continues to run protection rackets, especially within public transportation and towards operators of *matatus* (IRIN News 2008).

According to Crisis Group (2008, p. 15), Mungiki is extorting members of the Kikuyu business community, and probably also submit land owners and middle-class property owners to pressure for funding and protection. Thus, increasingly, Kikuyus who are not adherents to Mungiki are dissatisfied with, and confront, Mungiki's operations and practices.

The historian and Africanist Gérard Prunier (2009, p. 5) describes Mungiki as a powerful criminal organization, which gets its income from a protection racket directed at *matatu* operators and from drug dealing. The groups also entertains a complex relationship with the Kikuyu political elite. Some Kikuyu political operators use the gang as a hit squad in violent political situations, while others, particularly businessmen, loathe it as a dangerous predator which tends mainly to exploit them in the name of a spurious conception of ethnic solidarity. As a result, Mungiki is at the same time a favoured tool of Kikuyu ethnic extremists and a public enemy of organized Kikuyu business forces (Prunier 2009, p. 5). Mungiki is reported to be involved in drug trade, but this is contested by Safer Access (2007).

8.1 THE MATHIRA MASSACRE

The killing of 29 people in Mathira, a town in Nyeri, Central Province, on 29 April 2009, has been referred to as 'the Mathira massacre' in the media. According to the media and police, Mungiki was responsible for the killings, and Mungiki leader Njenga has reportedly been arrested for his involvement in the crime. The massacre is understood as a Mungiki response to the killing of 15 Mungiki adherents in the neighbouring district of Kirinyaga the preceding week. These killings have been attributed to vigilantes determined to end the terror, threats and extortions they and their local communities were subjected to by alleged Mungiki members.

The victims at Mathira were killed by machetes and their houses burned down while the police completely failed to intervene, according to a credible international source (e-mail-correspondence, September 2009). According to Wallis (2009), "Njuguna Gitau, spokesman for Mungiki's political wing, blamed the murders [...] in Nyeri [...] on vigilante mobs backed by government figures". He told Reuters that it was "a

set-up [...] the vigilante groups have killed innocent Kenyans, women and children, and yet the government is doing nothing”. Mungiki has, on several occasions, claimed that crimes attributed to them have been committed by vigilantes or undercover police that purport to be Mungiki members, in order to install fear and hatred against Mungiki in the general public (see also Kagwanja 2003, p. 42-44).

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