

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

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RESPONSE

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Profile of Mungiki members and recruits:

Reports on the Mungiki are consistent in referring to members as formerly unemployed or underemployed young men and women from the Kikuyu tribe who are from the urban slums or urban underclass: “idle youths, normally school drop-outs”; or “impoverished young men drawn from the marginalised Kikuyu tribe”; “disaffected poor who fill the fringes of Kenya’s urban sprawl”. The group recruits members from the “slums youngsters with absent fathers, bringing them into what is billed as a family...and [that Mungiki] pay recruits’ hospital bills and some housing costs” (for these quotes, see respectively: Totolo, E. 2008, ‘Kenya: The Mungiki mess’, Swiss Federal Institute of Technology website, 17 November <http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?id=93861&lng=en> – Accessed 13 March 2009 – Attachment 1; Paterson, M. 2007, ‘Meet the Mungiki, Kenya’s Cosa Nostra’, *The First Post*, 9 July <http://www.thefirstpost.co.uk/7652/features/kenyas-mafia> – Accessed 12 March 2009 – Attachment 2; ‘The Mungiki: Cult, Street Gang or Political Force?’ 2007, Safer Access website, July <http://www.saferaccess.org/documents.html> – Accessed 13 March 2009 – Attachment 3;

Childress, S. 2008, 'Kenyan gang revives amid political disarray', *The Wall Street Journal*, 1 May http://online.wsj.com/public/article_print/SB120960480112658147.html – Accessed 13 March 2009 – Attachment 4; for an estimate of the number of members, including females see Warah, R. 2008, 'Mungiki Merely a Symptom of a Deadly Disease', *Daily Nation*, 21 April, allAfrica.com website <http://allafrica.com/> – Accessed 11 March 2009 – Attachment 5).

A December 2008 news report from the *Nairobi Star* provides the following profile of some Mungiki recruits:

...recruitment has been going on quietly. Investigations by the *Nairobi Star* revealed that newly circumcised boys are now taking oaths binding them to Mungiki as an integral part of the ceremony. New recruits, who wished to remain anonymous, said they have joined the sect due to its 'Messianic' mission. Twenty-three-year-old Maish dropped out of school in Form Two and was a casual laborer until he joined the movement last July.

"Since I joined in July, I have got a job as a matatu tout at Kangema bus stop and I am now able to feed my family without much struggle. It is a risky job with policemen after you all the time, but it's a worthy risk," said the father of three. Maish said he kept it confidential that he was a member. "Not many people know if I belong to the movement. It is a hated movement in this area," he added. Job, 26, joined the sect five years ago at Njumbi High School and is now a recruiter.

Job organises Mungiki events and is paid a small salary. Job is convinced that the new movement will be an agent of political change and also a champion of youth rights. "The movement will be a force to reckon with come 2012, when it will be no longer be viewed as a Kikuyu movement. We are tired of our selfish leaders," he said.

The *Nairobi Star* recently attended one of the secretive recruitment exercises in Central Kenya and found that some parliamentary aspirants have been funding oathing ceremonies and even paying a stipend to recruits. During the ceremony, nearly 20 people – most of them from Western Kenya and Nyanza – took the oath binding them to adhere to Mungiki's objectives. "We have our own issues that need to be-addressed. They are not much different from the issues faced by young people here," said 19-year-old Ochola, who was a handcart pusher until the Mungiki gave him a job manning a matatu stage at Kanyenyaine.

Mogere, aged 28, works in a tea factory and is from Kisii District. He said he was frustrated by the failure of successive leaders from his community to address social issues.

"I thought Nyachae was going to help address some of these issues [of land and jobs] but he only used the youth for his own gain. He made many promises to us and kept none of them. We are still poor, jobless and have no hope of even owning a piece of land," said Mogere. The Mungiki initiates were made to eat some cooked goat meat dipped in honey, muratina and blood before reciting the oath, in which they promised not to divulge any of the sect's secrets and to face death if they did so ('Mungiki claims 1,000,000 members' 2008, *Nairobi Star*, 17 December, allAfrica.com website <http://allafrica.com/> – Accessed 12 March 2009 – Attachment 6).

Detailed background information on the emergence of the Mungiki, their practices and beliefs, and role in Kenyan politics is provided by Margaret Gathoni Gecaga, a lecturer in the Department of Philosophy and Religion Studies at Kenyatta University in Kenya (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, pp.58-89 – Attachment 7). While published in 2007, this paper relies on material dated to 2003:

Mungiki arose out of the economic hardships and exclusion generated by the ethnic clashes [in the 1990s]. Mobilised on the basis of cultural heritage, Mungiki was founded in 1995 by Maina Njenga who claimed to have had a vision in which *Ngai* (God) commanded him to liberate his people from all forms of oppression. His claims to possessing special powers and a mandate from God are consistent with those of ritual specialists and prophets such as Elijah Masinde. **Njenga's main message to his followers was that they had been elected by God to bring about social and political liberation to the people of Kenya and to Africans in general.** (p.70)

...Initially, Mungiki sought the renaissance of the Gikuyu [Kikuyu] as a first step towards the liberation of the people. The movement is nativistic and rejects Western customs. It advocates the return to traditional beliefs and practices. It has thus been radical and virulent in condemning Christianity and its teachings. Like the Kanng'a religio-political movement of the 1930s, Mungiki also turned to the past for inspiration and attempted some syncretism in its approach. It stresses the lost glory and dignity of the Agikuyu [an earlier Kikuyu movement], which it seeks to reestablish in the 'Kirinyaga Kingdom'. To this extent, the Mungiki movement is millenarian in nature. At the same time, it can be viewed as 'revolutionary' and 'utopian' in rejecting the neo-colonial regime and in seeking to introduce new values and forms of leadership.

The fundamental principles of Mungiki are cultural self-determination, self pride and self-reliance. Mungiki has utilized traditional methods such as prayers, songs, prophetic utterances, and oathing and initiation rites to censor the forces of neo-colonialism. These have been used to protect and uphold such basic values as belief in God (*Ngai*), reverence of ancestors, belief in the sacredness of land and respect for moral values. According to Mungiki tenets, the cultural re-engineering of the Agikuyu should apply to the whole country irrespective of differences in culture. The intermeshing of political and religious themes is evident in Mungiki hymns and prayers. Mount Kenya (Kirinyaga) is believed to be the holy dwelling place of *Ngai*. Members seek super-natural signs and potency as they face the mountain in prayers and hymns. They end their prayers with the traditional chant *Thiaai, thai thaya Ngai thaa* (p.71)

...To be 'baptised' into Mungiki means to believe in the socio-political, cultural and religious principles of the movement. This rite involves baptism in the river by ritual 'elders' and passing of the neophytes over fire. Prominence is given to moral reform in the face of the breakdown of traditional codes and sanctions. Therefore Mungiki calls for the teaching of Kirira, which involves learning the consequences of abandoning African culture and religion. Kirira, according to Wamue (2001), leads to socio-religious cleansing rituals known as *guthera* (being clean). As a result, cleansing rituals are a common phenomenon among Mungiki followers. A goat or lamb is slaughtered and the blood is offered as libation to the ancestors. The meat is shared by all the members who have undergone the cleansing ceremony. The purpose of this ritual is to induct new members into the movement and invoke divine intervention in their mission. (p.73)

...Mungiki members refer to themselves as *thunaCia Mau Mau* (Mau Mau offshoot, or *Atiriri Baruri* (the protectors of the nation), *njarna* or *ngerewani* (young warriors), who are out to fight *uk'onrbo wa weciria* (mental slavery). **In this connection, the movement has attracted young men disillusioned with the current socio-economic and political situation.** The prominence of the young generation in Mungiki is underscored by Mugo wa Kabiru's prophecy that a new generation of younger people with great wisdom would come into being. Consequently, the youth have challenged the leaders of the older generation who have

governed Kenya for the past four decades. The young people have found in Mungiki an opportunity to acquire leadership roles that they were denied by the Kenyatta and Moi regimes. (p.74)

The movement must therefore be seen as the effect of a much deeper structural malady in society. Looking at religious factors alone as the cause for the emergence of the movement narrows the parameters of the struggle by its ideological exclusivity. Moreover, religious conflicts are simply epiphenomena of a much deeper conflict (Sebidi 1986). In this case, economic dependency, economic exploitation and exclusion from politics should be points of concern in the study of the Mungiki movement. To some extent, material conditions of life are the root cause of the conflict between Mungiki and the public, and specifically the ruling class. **The adherents of the movement consider themselves as the underprivileged and the disinherited of the earth.** (p.74)

...In the urban areas, the vigilante identity of Mungiki grew because the state had abdicated from its role as a guarantor of security in Nairobi and its environs. Mungiki took a tactical posture to occupy both rural and urban positions. But in urban areas, the movement appeared less as a protector against land clashes victims and more as an urban militia. The movement also shed its identity as a religious movement. Thus, in Nairobi as in many other towns, the movement did not just abandon its original objectives, it also became amenable to intrigue and manipulation both by its leaders seeking political favour and office and by politicians eager to constitute private armies for clandestine political activities. If politicians were eager for Mungiki's services, Mungiki was eager to reap benefits, especially financial ones, that accrued from this arrangement. In this way, and contrary to Kagwanja's argument, the transformation of Mungiki was akin to a transaction between a willing buyer and a willing seller (p.78) (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, pp.58-89 – Attachment 7).

A 2005 article by Jean-Christophe Servant in *Le Monde diplomatique* provides further details on the Mungiki. It includes an interview with a local Mungiki leader, who refers to his group as being non-violent except in cases of self defence:

According to Kenyan newspapers, Mungiki is a private army, responsible for a high proportion of the many incidents of violence each day in Nairobi, a city whose population has reached an estimated 3 million in just over 100 years, and with one of the worst crime rates in sub-Saharan Africa (1). Mungiki is regularly implicated in attacks on police officers, hustling on public transport, murders, drug dealing and protection rackets. It is one of the most powerful of the informal regulators of Nairobi's 143 outlying shantytowns; some 60% of its citizens are crowded into these lawless places at 4,000 a hectare. Mungiki provides a private security service, dispensing the justice of the streets where police services are in tatters (2). It is the black market equivalent of the legal private security firms that look after the posh areas (Nairobi, with its United Nations organisations, has more than 20,000 expatriates).

'Total war'

The Kenyan government has declared "total war" on Mungiki. The Nairobi-based African Church Information Service calls its members "predators" whose "thirst for blood is matched only by that of vampires". Foreign journalists in Nairobi are alarmed by Mungiki's violent afro-centric fundamentalism: it favours female circumcision and is committed to fighting "the more degenerate aspects of western culture" (3). But Njenga's 22-year-old girlfriend, Irene, is an uncircumcised, trouser-wearing, soul music fan. She drives us to Kamiti prison to meet him. "The Mungiki aren't barbarians," she says as we crawl through the city-centre traffic, "they're the young."

Irene is not alone in her assessment: opinions on the movement vary enormously. Wangari Maathai, assistant minister for environment, natural resources and wildlife, who last year became the first African woman to be awarded the Nobel peace prize, calls Mungiki members “the disinherited, the ones who have been refused everything. The schools have rejected them for want of space and they haven’t found work. As far as they can see, they’re excluded from everything simply for being ethnic Kikuyus” (4). The United States mentioned the movement in its 2003 annual report on international religious freedom, noting that the Kenyan government “frequently harassed and periodically arrested and detained” Mungiki members.

...Once established in the capital, Mungiki began to preach a mixture of “second coming” theology and militant politics. In the poor areas of eastern Nairobi, where 60% of the population is aged between 15 and 29, the movement became the voice of a generation, tying its ethnic demands to social slogans and lining up beside other movements in the struggle for democracy against Moi’s autocratic regime. “We saw Mungiki’s leaders as human rights campaigners,” recalls Njuguma Mutahi of People Against Torture (8). “The authorities were clamping down on the movement because of its social demands: land redistribution, help for the unemployed, improved living conditions in the shantytowns.”

A player in the violence market

But Mungiki had also become a dynamic player in the most important market in Nairobi’s lawless areas: violence. In the rent wars that pitted landlords against struggling tenants, Mungiki members could be hired to fight for either side (9). They also serve as forces of order in areas ignored by the police, and extort money from drivers and passengers of Nairobi’s commuter taxis (*matatus*) on the routes between the city centre and outlying slums such as Mathare or Dandaura.

... ‘We are reinventing ourselves’

We were led around Mathare by a group of Mungiki members. Their leader claims to have 1,600 local affiliates. “Sometimes we lend a hand to landlords for a percentage of their rent; we also clean up the rubbish and then go round collecting cash: 15 shillings a week per member. We reinvest the money.” **He says his group is not violent, but “we defend ourselves. Why should we turn the other cheek?”** “If I didn’t have Mungiki, I’d be a street child,” says a youngster. “I don’t believe in politics. We will never be manipulated again. We are reinventing ourselves” (Servant, Jean-Christophe 2005, ‘Kenya’s righteous youth militia’, *Le Monde diplomatique*, January <http://mondediplo.com/2005/01/07kenya> – Accessed 16 March 2009 – Attachment 8).

Mungiki involvement in ‘social development/social work’:

There are reports analysing the phenomenon of the Mungiki in Kenya which describe it as “serving as a kind of welfare organisation”. In an opinion piece for the *Daily Nation* in April 2008, an editor with the United Nations, Rasna Warah, summarises a variety of views on the Mungiki. One is its role as a kind of welfare organisation for its members, with the author also stating that members have allied themselves with “various community-based organizations”:

Last week, as I listened to a television interview of Njuguna Gitau Njuguna, a spokesperson for the Kenya National Youth Alliance (KNYA), I had a déjà vu experience. For a moment, I thought I was in the pre-election period, when ODM [Orange Democratic Movement] leaders talked of fighting for justice, human rights and equity – the very things that the articulate Njuguna claimed that the alliance was clamouring for.

Njuguna also stated that Kenya National Youth Alliance was not the political arm of the Mungiki (which he claims no longer exists) but a political organisation in its own right with a membership of some 1.5 million people. This view is not shared by police spokesperson Eric Kiraithe, who has described Mungiki and all its affiliates as “criminal gangs” that need to be wiped out.

So is Mungiki, or shall I say the Kenya National Youth Alliance, a legitimate civil society movement, a political organisation or a criminal gang?

These questions have been the focus of much debate in the academic world. In a paper published in *African Affairs* in 2003, Peter Mwangi Kagwanja, a director at the Human Sciences Research Council in South Africa, argues that the Mungiki, like the Kalenjin “warriors” of the Rift Valley or the Maasai “morans” of Laikipia, are an outcome of the “ethnic clashes” that took place in parts of the Rift Valley before the 1992 and 1997 elections, when communities began mobilising to repulse attacks in the absence of state security.

However, in the process, he says, members of Mungiki got co-opted into the “divide-and-rule” tactics employed by the Government, political party leaders and the ruling elite “to employ violence covertly to undermine political opposition and counter multiparty democracy”.

In other words, Mungiki were recruited by the Government to organise violence against its citizens. Others argue that the emergence of Mungiki must be viewed against the backdrop of Kenya’s past and recent economic and social policies that have “intensified urban decay and encouraged social exclusion”.

According to Kenyatta University lecturer Godwin Murunga, “Kibakinomics” (policies that focus exclusively on economic growth at the expense of social justice and institution-building) “has given Mungiki some social legitimacy”.

Proponents of this view argue that in the absence of any State-funded social welfare programmes or services, particularly in urban areas, Mungiki serves as a kind of welfare organisation that provides social and economic support to its paying members, who are drawn mainly from the urban underclass.

Although the Mungiki have a strong constituency among the rural landless and squatters in areas such as Londiani, Molo and Laikipia, it is essentially an urban-based movement, says Oxford University lecturer David Anderson.

The bulk of its nearly two million members (of which an estimated 400,000 are women) are thus to be found in the urban slums of Githurai, Dandora, Korogocho and Kibera, among others.

Lack of police protection and extra-judicial killings have further augmented Mungiki’s membership, says Anderson, who notes that high levels of crime in slums have sprouted vigilante groups, which are viewed by many low-income groups as “an appropriate response to the problems of urban insecurity” and a form of “community policing”.

In other words, Mungiki is a product of failed state institutions and security apparatus. It has also been noted that **members of Mungiki have now allied themselves to various community-based organisations and are employing “the language of rights” to gain legitimacy and acceptance in the eyes of the general public, which still views it as a murderous criminal gang that is ethnocentric and materialistic in character.**

Critics of Mungiki argue that a mass movement based on exclusion of other ethnic groups, and which uses extortion, intimidation, violence and other terror tactics, cannot gain mass support or legitimacy and should be stamped out with brute force.

This view is apparently shared by Kenya's security forces.

The problem with this violent solution to the "Mungiki menace" is that it will only cure the symptoms of a disease that is systemic, institutionalised and rooted in an unjust political, economic, social and legal system that criminalises the poor and lets the rich and the powerful get away with all types of crimes, including grand corruption (Warah, R. 2008, 'Mungiki Merely a Symptom of a Deadly Disease', *Daily Nation*, 21 April, allAfrica.com website <http://allafrica.com/> – Accessed 11 March 2009 – Attachment 5).

Examples of the types of "services" and businesses (including car washing) undertaken by the Mungiki are given in an April 2008 article from the *East African Standard*:

Defiance

Scholarly studies done on this group appear to favour this line too, concluding that the sect runs deep and is much older than the authorities appear to understand. Studies show that feeding on failures of the Government from around 1987 to date, Mungiki runs deep and wide, and its defiance is part of its code of rules.

Key among the rules Mungiki holds dear, according various researches, some academic, is that members never surrender to their enemies. Mungiki rules also stipulate that a member never betrays his or her comrades, and never leaves a comrade in trouble. They had better die together. Mungiki members have sworn never to fear death, "for it is natural" and every adherent is sworn to be "available at the time of need."

In the sect, cultural beliefs have blended with religion, politics and thirst for money by members, creating a fearsome organisation some now believe cannot be brought down by the gun. "This is a social problem that requires a social approach," says Mr Esau Kioni, a former aide to President Mwai Kibaki and resident of Murang'a.

The former State House official, who unsuccessfully contested the Mathioya parliamentary seat last year, likens the sect to the thangari grass common in Central Province. "You cut thangari at the top, and clear all the leaves, but the root continues to grow underground and the whole grass resurfaces far from where you first cut it," Kioni says. "That is what we have been doing with Mungiki. We have been clearing the thangari at the top but the roots have continued to grow underground. It is not a solution."

He adds: "We need a commission of social scientists to come up with solutions." Although police believe Mungiki is not as big as it has been portrayed, arguing that politicians have bolstered it, other researches tell a different story.

Garbage collectors

When the Nairobi City Council failed to collect garbage in the 1980s to around 2003, youths teamed up as garbage collectors, a task they still perform. Those garbage collectors were either Mungiki members or later became members.

The city council no longer collects garbage from households. That task has fallen on private hands, and the young man who knocks on your gate at the weekend may well be a Mungiki member, transacting a legitimate business.

The car washer at your chosen spot may also be a Mungiki member. Studies, some filed in library archives, show that Mungiki have heavily invested in hawking, car washing and neighbourhood or estate security teams.

Some of the businesses are legitimate and feed on the fears of residents and failures of the system. One study shows Mungiki had a field day in Nairobi, Central Province and Rift Valley between 1988 and 1994, enabling it to spread to parts of Eastern, Coast and Nyanza provinces.

The Government attempted to crack down on the sect only around December 1994, arresting 63 suspected members in Laikipia. And it was not until early 2003 that police destroyed the movement's headquarters in Ng'arua, Laikipia, where it also has two shrines at Seria and Mwenje ('Mungiki runs deep and wide' 2008, *The East African Standard*, 29 April, allAfrica.com website – Attachment 9).

Information provided in a 2002 blogspot and online forum website refers to the "good social work" of the Mungiki:

THIS IS ADDRESSED TO THIS ANTI MUNGIKI LOBBY THAT IS LED BY JANGS LIKE TINGA, MERCEDESK AND HER GROUP

this is group of jangs here in mashada who are trying to fight mungiki as if mungiki poses a threat to their community instead of fighting AIDS which is going to make luo population less than maasais in 10 yrs.

instead this luo lobby is fighting mungiki which has nothing to do with jangs. They should be supporting mungiki and adopting the mungiki way of life.

WHAT THIS ANTI- MUNGIKI LUO LOBBY

they should learn what **mungiki is doing in central province to help AIDS orphans** and copy and apply the same to help orphans in nyanza.

does this luo lobby realise that nyanza has the highest infection rate in kenya and at places is already 75%.

- this luo lobby should be fighting wife inheritance instead of thinking mungiki advocates forced FGM. they should know that 80 % of those widows in nyanza whos husband died of AIDS are inherited. They should teach the immorality of such practices to their ppl and try to fight it and not dream and think they can fight mungiki online.

- They should encourage moral behaviour to their ppl the way mungiki is advocating for the kyuks.

- they should be against globalisation as mungiki so that the kenyan economy is saved and local industries survive.

-this luo lobby should emulate the mungiki and start teaching their luo ppl business that will create jobs for their ppl the way mungiki is running businesses and creating jobs for kyuks.

BUT THE BOTTOM LINE IS THIS LUO LOBBY SHOULD BE FIGHTING AIDS IN

THEIR SOCIETY BECAUSE THAT POSES A BIGGER THREAT THAN MUNGIKI AND STOP DREAMING THAT MUNGIKI REVOLUTION WILL DIE EVEN THE GOVERNMENT WANTS THEM IN KENYA BECAUSE OF THE GOOD SOCIAL WORK THEY ARE DOING.

NO WONDER I CANT SHED A TEAR WHEN I HEAR ANOTHER JANG HAS DIED OF AIDS.THE LESS JANGS THE BETTER KENYA AND LESS STONES THROWN. THEY EVEN TRY TO THROW STONES ON THE NET (internet not fishing net) (Jomo, 2002, 'LUO MASHADITES: Dont fight mungiki fight AIDS in nyanza', Mashada: Africa's Online Forum website, 13 May <http://www.mashada.com/forums/maisha-ya-kenya/16698-luo-mashadites-dont-fight-mungiki-fight-aids-nyanza.html> – Accessed 12 March 2009 – Attachment 10).

Other news articles indicate that the Mungiki see themselves as “defenders of the poor”; as “a nationwide movement pushing for the interests of the poor”; that initially “they were seen as a positive force, providing security and illegal electricity connections”; and are applauded by some “for enforcing Law and Order regime in Mathare” (for these descriptions, see respectively: Paterson, M. 2007, ‘Meet the Mungiki, Kenya’s Cosa Nostra’ *The First Post*, 9 July <http://www.thefirstpost.co.uk/7652/features/kenyas-mafia> – Accessed 12 March 2009 – Attachment 2; ‘Mungiki claims 1,000,000 members’ 2008, *Nairobi Star*, 17 December, allAfrica.com website <http://allafrica.com/> – Accessed 12 March 2009 – Attachment 6; ‘Security crisis in slums as sect and police clash’ 2007, *AlertNet* website, source: *IRIN*, 7 June <http://www.alertnet.org/thenews/newsdesk/IRIN/8d305127f7ea0c4e81bfd4de39d9d8f1.htm> – Accessed 12 March 2009 – Attachment 11; Ollo, O. 2007, ‘Sit down with Mungiki – video’, Kenya Imagine website, 2 June <http://www.kenyaimagine.com/Politics-and-Governance/Sit-down-with-Mungiki-video.html> – Accessed 12 March 2009 – Attachment 12).

The Lutheran-based Swedish non-government organisation Diakonia, which operates in the field of human rights, democracy, gender and capacity building for civil society, has been involved with the Mungiki and other groups in Kenya “mostly through workshops” (Ngunyi, M., Kithinji, H., Matsvai, S., 2003, *Review of Swedish Support to Human Rights and Democracy through Partnership with CSOs in Kenya*, Sida website, August, p. 28 http://www.sida.se/shared/jsp/report.jsp?f=SIDA3802en_Utv04-07+Kenya.pdf&a=3165 – Accessed 12 March 2009 – Attachment 13).

Ngumbato

The term *ngumbato* is a Kikuyu term which may be used to refer to (a) groups in which members contribute money which is in turn lent to needy members; (b) the short-term loans themselves. The work on poverty by F.K. Kinyanjui which cites this term and is provided in Attachment 14, focuses on the Thika District, which adjoins the Ruiru district of Kenya. The Mungiki are said to “have established a stronghold in the sprawling Kiandutu slums” of Thika town (see Kinyanjui, F.K. 2007, *Causes of Persistent Rural Poverty in Thika District of Kenya, c.1953-2000*, PhD Thesis of Rhodes University, January, Rhodes University Library eResearch Repository website, January, pp. 17, 20 <http://eprints.ru.ac.za/898/01/Kinyanjui-PhD-TR07-82.pdf> – Accessed 12 March 2009 – Attachment 14; Karugia, J. 2003, *A Micro Level Analysis of Agricultural Intensification in Kenya: The Case of Food Staples*, Afrint Researches at Lund University website, September, pp.294-295 <http://blog.sam.lu.se/afrint/pdf/kenmicro.pdf> – Accessed 12 March 2009 – Attachment 15; for the presence of the Mungiki in the slums of Thika, see Ruteere, M. 2007,

'Evolution of Organised Criminal Groups and Why It's Hard to Control Them', *Daily Nation*, 24 June, allAfrica.com website <http://allafrica.com/> – Accessed 11 March 2009 – Attachment 16).

Additional Information:

Several reports providing examples of the violent activities of the Mungiki in Ruiru are provided in Attachments 22 and 23 (Kinyungu, C. 2007, 'State Split over war on Sect', *The Standard*, 23 April, allAfrica.com website <http://allafrica.com/> – Accessed 16 March 2009 – Attachment 22; 'Mungiki Unleash Terror in Major Towns' 2008, *Daily Nation*, 15 April, allAfrica.com website <http://allafrica.com/> – Accessed 16 March 2009 – Attachment 23).

From 16-25 February 2009, the UN Special Rapporteur on extrajudicial, arbitrary or summary executions conducted a fact-finding mission to Kenya. On 25 February 2009 the UN Special Rapporteur Philip Alston issued an eight-page statement covering "killings by the police; violence in the Mt Elgon district; and killings in the context of the post-election violence". The statement refers to the Mungiki in two cases:

Killings by police

Perhaps the most surprising outcome of my visit was the extent to which I received overwhelming testimony of the existence of systematic, widespread, and carefully planned extrajudicial executions undertaken on a regular basis by the Kenyan police. The Police Commissioner in particular, along with various other senior officials, assured me that no such killings take place. But he and his colleagues appear to be the only people in the entire country who believe this claim.

I have received detailed and convincing reports of countless individual killings. It is clear from the many interviews that I conducted that the police are free to kill at will. Sometimes they do so for reasons of a private or personal nature. Sometimes they kill in the context of extortion, or of a ransom demand. Often they kill in the name of crime control, but in circumstances where they could readily make an arrest. My final report will review the evidence in some detail. One example will suffice here. I met with the father and brother of Dr. James Ng'ang'a Kariuki Muiruri, a 29 year old man with three law degrees from the United Kingdom and who had been teaching there. He was killed by police on 24 January 2009 in Nairobi. After a disagreement at a hotel, a police officer stopped the car James and his brother were in, and ordered James to handcuff himself. When he asked why he was being arrested, James was shot three times. The only exceptional things about the case were that James was the son of a former Member of Parliament, and the incident had been witnessed. Otherwise it followed a common pattern. The police officer responsible for the shooting filed a report that a bank robber and **Mungiki member** had been killed, thus invoking the magic formula designed to ensure that no one would question the need to shoot the suspect dead.

One only has to read the Kenyan newspapers to know that alleged robbers are shot and killed every day of the week by the police in Nairobi alone. Standard operating practice for police around the world would require comprehensive reporting of every such killing and a mechanism designed to ensure that an impartial investigation is undertaken whenever there is reason to suspect that the lethal use of force might have been unlawful. When I attempted to obtain from the Police Commissioner comprehensive data on how many such killings – whether justified or not – occur each year in Kenya, I was told that there was no central database for recording this information. Similarly, at the provincial level, my efforts to obtain such figures were largely stymied by flat denials of police killings, by the offering of partial or inconclusive data, or by referring me back to Nairobi. It is no exaggeration to say that I

was stonewalled at each step by the Police Commissioner and those under his command. Even the answer to a basic and non-controversial question as to the numbers of police currently in Kenya was: “Comment: not immediately available”. The answer to a question as to how many inquiries have been opened by police in response to complaints received against the police was simply to cite the legal provision requiring the opening of such inquiries.

Whenever a person is killed by the police it is essential that an inquiry be undertaken to ensure that the use of lethal force was justified in the circumstances. Under international law applicable in Kenya lethal force is only permissible as an act of self-defence or in defence of the life of another. Insofar as s 71 of the Constitution of Kenya permits lethal force beyond this limited scope by allowing such force “for the defense of property” or “for the purpose of suppressing a riot”, it violates clear international standards and should be amended.

Police death squads

In addition to these everyday police killings, there is compelling and detailed evidence that police death squads operate, primarily in Nairobi and Central Province, with an explicit mandate to exterminate suspected **Mungiki members**. These are not “rogue” squads, but are police who are acting on the explicit orders of their superiors (Alston, P. 2009, *UN Special Rapporteur on extrajudicial, arbitrary or summary executions Mission to Kenya 16-25 February 2009*, UNHCR website, 25 February <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/52DF4BE7194A7598C125756800539D79?opendocument> – Accessed 16 March 2009 – Attachment 24).

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