



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

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# Country Advice

## Kenya

Kenya – KEN38528 – Mungiki – Police  
Protection

14 April 2011

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**1. Please provide background information about the Mungiki, including its history, its tribal connections, its objectives, its membership and ways of operating.**

The Mungiki was established in the late 1980s as a ‘self-defence force’ for the Kikuyu, the largest ethnic group in Kenya.<sup>1</sup> The administration of then Kenyan President and ethnic Kalenjin Daniel Moi had favoured the Kalenjins and reduced the influence of the Kikuyus, which the Mungiki sought to revive.<sup>2</sup> Specific details regarding the formation of the Mungiki are not well-known, due in part to the organisation’s secretive nature, and the fear of retribution instilled in potential informants. Nevertheless, a common account of the group’s establishment indicates that it was founded by six students in 1987.<sup>3</sup> According to *Reuters*, the group began as a hardline offshoot of the religious sect Tent of the Living God.<sup>4</sup>

The Mungiki shares common ideologies with the Mau Mau colonial resistance movement, whose members were known for their long dreadlocks, secret oaths, and guerrilla-style attacks on the British. In addition, the Mungiki have espoused anti-imperialist and anti-Western views, criticised Christianity, and advocated traditional African, and particularly Kikuyu, beliefs and practices.<sup>5</sup> However, the group has in recent years become more flexible regarding religion, and some Mungiki leaders have converted to Islam and Christianity.<sup>6</sup>

The Mungiki has been variously described as a cult, a street gang, a political force, a criminal organisation, and “a secretive, quasi-religious, part gang, part mafia-like group that engages in criminal activity and violent intimidation”. While many of these descriptions are valid, the

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<sup>1</sup> Immigration and Refugee Board of Canada 2009, *KEN103225.E – Kenya: Activities of the Mungiki sect and response by government authorities (2008 – October 2009)*, 16 November – Attachment 1; ‘The Mungiki: Cult, Street Gang or Political Force?’ 2007, Safer Access website, July <http://www.saferaccess.org/documents/The%20Mungiki%20-%20Cult%20Street%20Gang%20or%20Political%20Force.pdf> – Accessed 22 July 2010 – Attachment 2; Landinfo Country of Origin Information Centre 2010, ‘Kenya: Mungiki – Abusers or abused?’, 29 January, p.5 – Attachment 3

<sup>2</sup> Freedom House 2010, *Freedom in the World – Kenya*, June – Attachment 4; International Crisis Group 2008, *Kenya in Crisis: Africa Report N°137*, 21 February [http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/kenya/137\\_kenya\\_in\\_crisis\\_web.ashx](http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/kenya/137_kenya_in_crisis_web.ashx) – Accessed 27 November 2010 – Attachment 5

<sup>3</sup> Landinfo Country of Origin Information Centre 2010, ‘Kenya: Mungiki – Abusers or abused?’, 29 January, p.5 – Attachment 3

<sup>4</sup> ‘Factbox: Key facts about Kenya’s Mungiki gang’ 2009, *Reuters*, 5 March – Attachment 6

<sup>5</sup> Gettleman, J 2007, ‘Might Drink Your Blood, but Otherwise Not Bad Guys’, *The New York Times*, 22 June [http://www.nytimes.com/2007/06/22/world/africa/22mungiki.html?\\_r=1](http://www.nytimes.com/2007/06/22/world/africa/22mungiki.html?_r=1) – Accessed 27 November 2010 – Attachment 7; ‘Profile: The Mungiki sect’ 2009, *Al Jazeera*, 21 April

<http://english.aljazeera.net/news/africa/2009/04/200942193742877514.html> – Accessed 30 November 2010 – Attachment 8; Landinfo Country of Origin Information Centre 2010, ‘Kenya: Mungiki – Abusers or abused?’, 29 January, pp.5-6 – Attachment 3

<sup>6</sup> Landinfo Country of Origin Information Centre 2010, ‘Kenya: Mungiki – Abusers or abused?’, 29 January, p.6 – Attachment 3

overall purpose of the Mungiki is unclear.<sup>7</sup> The Mungiki was declared a criminal organisation by the government in 2002 due to its protection rackets, harassment and intimidation of citizens. Membership in the Mungiki was also banned by the government in 2002. The ban remains in effect.<sup>8</sup>

The Mungiki has multiple coordinating units at provincial, district and village levels that are overseen by the National Coordinating Committee (NCT). Each unit comprises 50 members who operate in platoons of ten according to an internal hierarchy. The group has an armed faction under the Mungiki Defence Council (MDC) which has responsibility for carrying out retaliations against defecting members, such as revenge killings. The political wing of the group is the Kenya National Youth Alliance (KNYA), registered as a political party until it was unlisted by the government in 2007. Senior Mungiki leaders have reportedly attempted to take over other political parties, and have expressed aspirations to be elected as members of parliament in 2012. The current leader of the Mungiki is Maina Njenga, who succeeded Ndura Waruinge in the early 2000s, after Waruinge defected to join formal politics.<sup>9</sup>

Although the Mungiki's political views and cultural practices are controversial in mainstream Kenyan society, the group has a large following among poor and unemployed citizens.<sup>10</sup> It is estimated that membership of the Mungiki could range from a few thousand to four million, although accurate statistics are unavailable due to the secretive nature of the group. Nevertheless, membership has significantly declined since the 1990s, with one estimate suggesting that 75 per cent of members had abandoned the group by 2005.<sup>11</sup> According to Mungiki leader Njenga, the group boasts five million followers, primarily located in Nairobi and the Central and Rift Valley Provinces.<sup>12</sup> The majority of Mungiki members are poor uneducated Kikuyu males between the ages of 18 and 40.<sup>13</sup> Unemployed youths are drawn to the group by promises of employment and money.<sup>14</sup> The Mungiki reportedly continued to recruit boys from schools in 2010.<sup>15</sup>

The activities of the Mungiki include extortion, particularly by taxing public transport and services such as water and electricity, coercing matatu (minibus) drivers and operators into

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<sup>7</sup> Immigration and Refugee Board of Canada 2009, *KEN103225.E – Kenya: Activities of the Mungiki sect and response by government authorities (2008 – October 2009)*, 16 November – Attachment 1; 'The Mungiki: Cult, Street Gang or Political Force?' 2007, Safer Access website, July <http://www.saferaccess.org/documents/The%20Mungiki%20-%20Cult%20Street%20Gang%20or%20Political%20Force.pdf> – Accessed 22 July 2010 – Attachment 2; Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.15 – Attachment 3

<sup>8</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 2b – Attachment 9

<sup>9</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.7 – Attachment 3

<sup>10</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 2b – Attachment 9

<sup>11</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, pp.7-8 – Attachment 3

<sup>12</sup> Some, K. 2010, 'Suddenly, everybody loves Maina Njenga', *The Standard*, 14 February

<http://www.standardmedia.co.ke/InsidePage.php?id=2000003272&cid=4> – Accessed 7 April 2011 – Attachment 10

<sup>13</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.8 – Attachment 3

<sup>14</sup> 'Ndura Waruinge and Maina Njenga are still Mungiki' 2008, Kenya Corruption & Warlords Revealed blog website, 14 February <http://kenya-thieves-warlords.blogspot.com/2008/02/ndura-waruinge-and-maina-njenga-are.html> – Accessed 7 April 2011 – Attachment 11

<sup>15</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 6 – Attachment 9

paying protection fees, charging fees to tenants moving in or out of Mungiki-controlled areas, and kidnapping victims for ransom. They are also notorious for beheading their victims and forcing Kikuyu women to undergo female genital mutilation.<sup>16</sup> Freedom House recently stated that “[t]he Mungiki...are a serious threat to many average Kenyans’ daily lives”.<sup>17</sup>

Since a government crackdown on the Mungiki in 2007, the group’s activities have been described as “much less overt”, although they had reportedly returned to carrying out protection rackets and extortion by 2008.<sup>18</sup> The group also reportedly ‘re-emerged’ during the ethnic violence following the disputed re-election of ethnic Kikuyu President Kibaki in December 2007.<sup>19</sup> In November 2010, *The Standard* reported that “Mungiki is back in business, this time with renewed vigour and tenacity”, despite continuing government crackdowns on criminal gangs.<sup>20</sup>

## **2. Please provide information of the existence of any tribal rivalries between the Kikuyu tribe and the Kalenjin tribe within the Mungiki.**

The Mungiki is predominantly made up of men from the Kikuyu tribe. The Kikuyu are the largest ethnic group in Kenya with 6.6 million people, constituting 22 per cent of the population. The Kalenjin are the third largest with 5 million people, making up 12 per cent of the population.<sup>21</sup> No information was located on tribal rivalries between Kikuyu and Kalenjin members of the Mungiki. However, the US Department of State reported in April 2011 that “discrimination and occasional violence were frequent” among ethnic groups.<sup>22</sup> Freedom House similarly reports that “friction between [Kenya’s 40 ethnic groups] has led to frequent allegations of discrimination and periodic episodes of violence”.<sup>23</sup>

It was also reported in 2010 that the mostly Kikuyu Mungiki has been involved in violent clashes with Kalenjin groups.<sup>24</sup> Conflict between Kikuyu militias, including the Mungiki, and Kalenjin ethnic groups also occurred in Kenya’s Rift Valley Province following the re-election of ethnic Kikuyu President Kibaki in December 2007.<sup>25</sup> The violence began when Kenyan President and Kikuyu leader Mwai Kibaki was accused of election fraud in December 2007. Minority ethnic groups became enraged and attacked Kikuyus in the Rift

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<sup>16</sup> Immigration and Refugee Board of Canada 2009, *KEN103225.E – Kenya: Activities of the Mungiki sect and response by government authorities (2008 – October 2009)*, 16 November – Attachment 1; ‘‘Beheading gang’ says it has disbanded’ 2009, *Agence France Presse (AFP)*, 30 October – Attachment 12; UK Home Office 2008, *Operational Guidance Note: Kenya*, 15 September – Attachment 13; Landinfo Country of Origin Information Centre 2010, ‘Kenya: Mungiki – Abusers or abused?’, 29 January, p.10 – Attachment 3

<sup>17</sup> Lansner, T.R. 2010, ‘Countries at the Crossroads 2010: Country Report – Kenya’, Freedom House – Attachment 14

<sup>18</sup> Moody, B. 2008, ‘ANALYSIS-Kenya’s election violence revived killer gang’, *Reuters*, 4 December <http://www.reuters.com/article/idUSL4508248> – Accessed 22 July 2010 – Attachment 15

<sup>19</sup> Immigration and Refugee Board of Canada 2009, *KEN103225.E – Kenya: Activities of the Mungiki sect and response by government authorities (2008 – October 2009)*, 16 November – Attachment 1

<sup>20</sup> ‘Trail of fear as Mungiki returns to full business’ 2010, *The Standard*, 23 November <http://www.standardmedia.co.ke/InsidePage.php?id=2000023055&cid=4&story=Trail%20of%20fear%20as%20Mungiki%20returns%20to%20full%20business> – Accessed 8 April 2011 – Attachment 16

<sup>21</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 6 – Attachment 9; UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, p.12 – Attachment 17

<sup>22</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 6 – Attachment 9

<sup>23</sup> Freedom House 2010, *Freedom in the World – Kenya*, June – Attachment 4

<sup>24</sup> Landinfo Country of Origin Information Centre 2010, ‘Kenya: Mungiki – Abusers or abused?’, 29 January, p.11 – Attachment 3

<sup>25</sup> Immigration and Refugee Board of Canada 2009, *KEN103225.E – Kenya: Activities of the Mungiki sect and response by government authorities (2008 – October 2009)*, 16 November – Attachment 1

Valley town of Eldoret. The election-related violence also reached Githima's slums just outside Nakuru. It was reported that "Kalenjin communities...attacked and burnt Githima estate, a majority Kikuyu area".<sup>26</sup> According to *The New York Times*, Kalenjin gangs stormed Kikuyu farms in January 2008, killing scores of Kikuyus.<sup>27</sup> Kalenjin groups also burnt down Kikuyu houses in the Rift Valley.<sup>28</sup>

The Kikuyus subsequently sought revenge, with Kikuyu militias reportedly "attacking other ethnic communities seen as broadly supportive of the opposition".<sup>29</sup> A number of reports suggest that the Mungiki was behind the revenge attacks. While the police reportedly believe that the "Mungiki high command are not involved", they have stated that the violence had "all the hallmarks of Mungiki operations". However, it is argued that the term 'Mungiki' is often overused, with many victims referring "to any group of marauding Kikuyu youth as 'Mungiki'". Nevertheless, the Kikuyu militias involved in the violence have been described as a well-organised and paid group that was following direction from "local leaders, businessmen and, in some cases, [politicians]".<sup>30</sup>

### 3. Please provide information on the areas within Kenya in which the Mungiki are active.

The Mungiki is based primarily in Nairobi, the Central Province and eastern parts of the Rift Valley Province.<sup>31</sup> According to *The New York Times*, the Mungiki "seems to thrive in rural areas and overcrowded slums where the Kenya government does not quite reach".<sup>32</sup> However, due to their connections with the matatu (minibus) industry, the Mungiki are believed to have "a presence and information network across the country".<sup>33</sup>

A fact-finding mission carried out by the Landinfo Country of Origin Information Centre in 2008 found that the Mungiki's strongholds included "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".<sup>34</sup> *BBC News* reported in 2009 that "Mungiki activities primarily affect those living in Nairobi and Central

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<sup>26</sup> Thielke, T. 2008, 'Massacre in Kenya: 'Some Kill with Machetes, Others with Arrows'', *Spiegel Online International*, 28 January <http://www.spiegel.de/international/world/0,1518,531484,00.html> – Accessed 22 July 2010 – Attachment 18; 'Investigations and prosecutions are key to ending Kenyan cycle of violence, says new HRW report' 2008, A Political Mugging in God's Own Country website, 17 March

<http://kenyanemergency.wordpress.com/category/reparations/> – Accessed 22 July 2010 – Attachment 19

<sup>27</sup> Gettleman, J. 2008, 'Kenya Kikuyus, long dominant, are now routed', *The New York Times*, 7 January – Attachment 20

<sup>28</sup> 'Kenyan rivals sign power sharing deal' 2008, *The Sydney Morning Herald*, 29 February – Attachment 21

<sup>29</sup> 'Investigations and prosecutions are key to ending Kenyan cycle of violence, says new HRW report' 2008, A Political Mugging in God's Own Country website, 17 March

<http://kenyanemergency.wordpress.com/category/reparations/> – Accessed 22 July 2010 – Attachment 19

<sup>30</sup> Thielke, T. 2008, 'Massacre in Kenya: 'Some Kill with Machetes, Others with Arrows'', *Spiegel Online International*, 28 January <http://www.spiegel.de/international/world/0,1518,531484,00.html> – Accessed 22 July 2010 – Attachment 18; 'Investigations and prosecutions are key to ending Kenyan cycle of violence, says new HRW report' 2008, A Political Mugging in God's Own Country website, 17 March

<http://kenyanemergency.wordpress.com/category/reparations/> – Accessed 22 July 2010 – Attachment 19

<sup>31</sup> Immigration and Refugee Board of Canada 2009, *KEN103225.E – Kenya: Activities of the Mungiki sect and response by government authorities (2008 – October 2009)*, 16 November – Attachment 1; UK Home Office 2008, *Operational Guidance Note: Kenya*, 15 September – Attachment 13

<sup>32</sup> Immigration and Refugee Board of Canada 2009, *KEN103225.E – Kenya: Activities of the Mungiki sect and response by government authorities (2008 – October 2009)*, 16 November – Attachment 1

<sup>33</sup> UK Home Office 2008, *Operational Guidance Note: Kenya*, 15 September – Attachment 13

<sup>34</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.7 – Attachment 3

Province...[T]he areas most affected by Mungiki activities in Central Province are the districts of: Thika, Kiambu, Murang'a South, Nyandarua, and Murang'a North".<sup>35</sup>

According to a 2010 article in *The Daily Nation*, the district of Murang'a in the Central Province has been "ravaged by Mungiki", particularly the areas of Kahatia, Kahuro, Mbari ya Hiti, Gitiri, Yamugwe and Murarandia. The towns of Kigumo and Maragua in the Central Province are considered to be Mungiki strongholds in which the group controls economic activities and operates as a cartel. Residents of the area fear that making enquiries about the sect's activities will attract retaliation as it is believed that the group has an organised intelligence gathering system. *The Daily Nation* also reported in 2010 that residents in Nyeri, the capital city of the Central Province, have been receiving text messages from individuals claiming to be Mungiki members demanding ransoms and threatening to kill them.<sup>36</sup>

In addition, a 2009 traveller blog of Kenya states that "the Mungiki...controls much of the Rift Valley and Central Highlands, with 'red spots' including Nanyuki, Nakuru and Naivasha".<sup>37</sup> The Mungiki also has a particularly strong presence in the slums of Nairobi, where it charges fees for social services such as access to water, sanitation, and electricity.<sup>38</sup> The *Nairobi Star* reported in March 2011 that matatu operators in eastern Nairobi held a protest against the resurgence of Mungiki extortion gangs along their routes. The operators accused the Assistant Minister for Water, Ferdinand Waititu, of inciting Mungiki members to harass and intimidate them.<sup>39</sup>

#### **4. Please provide information on how one would join a Mungiki group and what checks might be carried out to ensure a prospective applicant would meet the group's requirements.**

Recruitment into the Mungiki is generally voluntary, although some forced recruitment reportedly occurs.<sup>40</sup> According to *The Daily Nation*, young men who refuse to join the group face harassment, attacks, and forcible recruitment from Mungiki members.<sup>41</sup> No information was found on any checks the group may carry out to ensure a recruit meets specific requirements.

Mungiki members are forced to swear an oath of secrecy upon initiation,<sup>42</sup> betrayal of which is punishable by death.<sup>43</sup> A former Mungiki member interviewed by Landinfo in 2008 described the oath taking and baptism rituals he underwent upon his initiation in 1998. According to the informant, new recruits must attend a ritual house, undress, and sit with their legs apart. They are told that "this is a holy place and you are the children of Mau Mau,

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<sup>35</sup> UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, p.45 – Attachment 17

<sup>36</sup> UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, pp.45-46 – Attachment 17

<sup>37</sup> 'Hakuna Matata' 2009, Lonesome Traveller website, 22 June

<http://www.lonesometraveller.co.uk/pages/bigafrikantrip7.html> – Accessed 23 July 2010 – Attachment 22

<sup>38</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p. 10 – Attachment 3

<sup>39</sup> Sangira, S. 2011, 'Matatus Strike Over Return of Mungiki', *AllAfrica Global Media*, source: *Nairobi Star*, 22 March <http://allafrica.com/stories/201103230085.html> – Accessed 8 April 2011 – Attachment 23

<sup>40</sup> Immigration and Refugee Board of Canada 2007, *KEN102637.E – Kenya: The Mungiki sect; leadership, membership and recruitment, organizational structure, activities and state protection available to its victims (2006 – October 2007)*, 1 November – Attachment 24

<sup>41</sup> UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, p.45 – Attachment 17

<sup>42</sup> Immigration and Refugee Board of Canada 2007, *KEN102637.E – Kenya: The Mungiki sect; leadership, membership and recruitment, organizational structure, activities and state protection available to its victims (2006 – October 2007)*, 1 November – Attachment 24

<sup>43</sup> 'Factbox: Key facts about Kenya's Mungiki gang' 2009, *Reuters*, 5 March – Attachment 6

*matigari ma njirungi*". A leader dressed in traditional Kikuyu clothing issues a series of threats while another member slaughters goats. After entering another room, the recruits are forced to eat a piece of raw meat called a *mutura*, and drink the goat's blood, after reciting "[f]rom today I have joined the Mungiki movement. And if I come out of Mungiki, I have agreed to die". They then must recite "[i]f 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".<sup>44</sup>

Recruits then face a council of elders, who "tie each of the recruits' penises to a string that they pull on in case the recruits try to rise", while advising them "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 also informed that they must not worship in a church, and must be buried according to Kikuyu traditions, under which a dead body is covered with goat skin rather than soil. Recruits are commanded to source three new members and pay a registration fee of ten Kenyan shillings, before being threatened with death by beheading if they violate the oath. At the end of the initiation ritual, each recruit receives four aliases to be used as 'code names' in case of emergency.<sup>45</sup>

A 2008 article on the Kenya Corruption & Warlords Revealed blog cites a confidential police report on the Mungiki, which allegedly states that the group's elaborate oath taking ceremony is held at a shrine in the Karandi area of Laikipia District in the Rift Valley Province. The ceremony, which lasts from late in the evening to dawn the next day, involves the slaughter of black sheep and goats, whose blood is mixed with wild plant roots and drunk, roast meat which recruits and Mungiki leaders eat, the passing around and sniffing of tobacco, and the baptism of recruits in a dam at dawn.<sup>46</sup>

Defecting members of the Mungiki face retaliatory attacks and harassment, and sometimes death. The International Crisis Group (ICG) reports that "[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". According to the Independent Medico-Legal Unit (IMLU), the Mungiki has even threatened former members residing in neighbouring countries, particularly those with a high profile.<sup>47</sup> According to one anonymous source, denouncing the Mungiki attracts a severe punishment because anyone who joins the sect becomes aware of all its secrets, including sources of funding and operations. He explains that many Mungiki members who wish to leave the group "disappear from the public domain" to avoid such punishment.<sup>48</sup> Former Mungiki members also continue to be treated with suspicion and fear by their family members.<sup>49</sup>

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<sup>44</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, pp.8-9 – Attachment 3

<sup>45</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.10 – Attachment 3

<sup>46</sup> 'Ndura Waruinge and Maina Njenga are still Mungiki' 2008, Kenya Corruption & Warlords Revealed blog website, 14 February <http://kenya-thieves-warlords.blogspot.com/2008/02/ndura-waruinge-and-maina-njenga-are.html> – Accessed 7 April 2011 – Attachment 11

<sup>47</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.12 – Attachment 3

<sup>48</sup> 'Ndura Waruinge and Maina Njenga are still Mungiki' 2008, Kenya Corruption & Warlords Revealed blog website, 14 February <http://kenya-thieves-warlords.blogspot.com/2008/02/ndura-waruinge-and-maina-njenga-are.html> – Accessed 7 April 2011 – Attachment 11

<sup>49</sup> 'The Socio-economic re-integration of ex-mungiki (ex-militia) youths into community (through agri-business and psycho-social support)' 2010, Africa Rural Connect website, 11 May [http://arc.peacecorpsconnect.org/view/1498/the-socio-economic-re-integration-of-ex-mungiki-\(ex-militia\)-youths-into-community-\(through-agri-business-and-psycho-social-support\)](http://arc.peacecorpsconnect.org/view/1498/the-socio-economic-re-integration-of-ex-mungiki-(ex-militia)-youths-into-community-(through-agri-business-and-psycho-social-support)) – Accessed 26 July 2010 – Attachment 25

However, the Kenyan National Commission on Human Rights (KNCHR) claims that Mungiki defectors will not face harm “if they refrain from threatening the movement’s interests”. In addition, the former Mungiki member interviewed by Landinfo as mentioned above was granted permission to defect by the Mungiki leadership, although this can be attributed to the fact that he had “never intended to join Mungiki, and was part of the initiation process because of a misunderstanding”.<sup>50</sup>

**5. Please provide information on whether since 2004 the Mungiki has changed from a pseudo-religious group of dreadlocked youths who worship African traditions to a political organisation whose Chairman Maina Njenga has converted to Christianity.**

The Mungiki officially announced its disbanding, and transformation into a political movement, in October 2009.<sup>51</sup> A spokesman for the Mungiki, Njuguna Gitau, stated that “the Mungiki no longer exist” and that former members had joined political party the Kenya National Youth Alliance (KNYA). Mungiki leader and chairman of the KNYA, Maina Njenga, similarly stated that “ours is now a political party and we are ready to accommodate all the people”.<sup>52</sup>

However, *The Daily Nation* reported in March 2010 that “[c]ontrary to the popular belief that the sect is no more, the sect has transformed itself and is now operating as a cartel, which controls economic activities in [parts of the Central Province]”.<sup>53</sup> In addition, various recent sources indicate that the Mungiki continue to recruit members and extort protection money from matatu operators and residents of Nairobi slums.<sup>54</sup> *The Standard* reported in February 2010 that “[a]lthough [Njenga] insists Mungiki as we knew it — the murderous, snuff taking, oath-taking gang — is no more, the organisation remains intact and evidently fiercely loyal to Njenga”.<sup>55</sup>

A number of sources confirm Njenga’s conversion to Christianity. Shortly after Njenga’s release from gaol in October 2009, Mungiki spokesman Gitau was murdered in Nairobi whilst carrying a list of Mungiki victims of police shootings. It is argued that the killing could have served as a warning to Njenga that he may suffer a similar fate. Njenga subsequently renounced violence and became a born-again Christian. He was baptised in a public ceremony by Bishop Margaret Wanjiru, a member of parliament for Starehe and the leader of the Jesus is Alive Ministries.<sup>56</sup> In early 2010, Njenga publicly declared that the Mungiki “had made a

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<sup>50</sup> Landinfo Country of Origin Information Centre 2010, ‘Kenya: Mungiki – Abusers or abused?’, 29 January, p.12 – Attachment 3

<sup>51</sup> ‘10,000 attend Kenya sect funeral, claim Christianity’ 2010, Google News, source: *Agence France Presse (AFP)*, 23 January <http://www.google.com/hostednews/afp/article/ALeqM5gfBW15LsUSqa3PqRsOA5XSrl-iTA> – Accessed 7 April 2011 – Attachment 26

<sup>52</sup> ‘“Beheading gang” says it has disbanded’ 2009, *Agence France Presse (AFP)*, 30 October – Attachment 12

<sup>53</sup> UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, p.45 – Attachment 17

<sup>54</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 6 – Attachment 9; Sangira, S. 2011, ‘Matatus Strike Over Return of Mungiki’, *AllAfrica Global Media*, source: *Nairobi Star*, 22 March <http://allafrica.com/stories/201103230085.html> – Accessed 8 April 2011 – Attachment 23; Landinfo Country of Origin Information Centre 2010, ‘Kenya: Mungiki – Abusers or abused?’, 29 January, p.10 – Attachment 3; ‘Trail of fear as Mungiki returns to full business’ 2010, *The Standard*, 23 November <http://www.standardmedia.co.ke/InsidePage.php?id=2000023055&cid=4&story=Trail%20of%20fear%20as%20Mungiki%20returns%20to%20full%20business> – Accessed 8 April 2011 – Attachment 16

<sup>55</sup> Some, K. 2010, ‘Suddenly, everybody loves Maina Njenga’, *The Standard*, 14 February

<http://www.standardmedia.co.ke/InsidePage.php?id=2000003272&cid=4> – Accessed 7 April 2011 – Attachment 10

<sup>56</sup> ‘Mungiki’s New Man’ 2010, *Africa Confidential*, Vol. 51, No. 14, 9 July – Attachment 27; Ndungu, W. W. 2010, ‘Former Mungiki Sect Leader Parts Ways with Wanjiru’, *AllAfrica Global Media*, source: *The Daily Nation*, 5 September <http://allafrica.com/stories/201009060232.html> – Accessed 7 April 2011 – Attachment 28; Sprenkle, S.

new beginning by embracing Christianity”,<sup>57</sup> and that “Mungiki has turned over a new leaf as preachers of peace and harmony”.<sup>58</sup> Njenga has also announced his ambitions to convert the Mungiki’s millions of followers to join the church, admitting that “he had misled them in the past”.<sup>59</sup> In late 2010, local news reports stated that Njenga had left the Jesus is Alive Ministries and joined the Amazing Grace International church.<sup>60</sup>

Njenga is also reportedly establishing a new career as a mainstream politician. A July 2010 article in *Africa Confidential* reports Njenga’s ambitions to run as a member of parliament or a governor in Kenya’s 2012 elections, and the possibility of him forming a new political party with Fidel Odinga, the son of Prime Minister Raila Odinga. Prominent Kikuyu politicians are reportedly drawn to Njenga’s ability to mobilise Kenyan youth.<sup>61</sup> In addition, Njenga’s fundraising abilities and large number of followers have attracted support from leading politicians.<sup>62</sup> Njenga’s political aspirations have sparked allegations that his conversion to Christianity is merely for political gain. A 2010 report for the Kenya National Dialogue and Reconciliation Monitoring Project suggests that the “sudden conversion of members of illegal groups into Christianity [is] a strategy of legitimising groups ahead of 2012”.<sup>63</sup>

## **6. Please provide information on whether the Mungiki attack households, and information on the reasons for such attacks.**

There is evidence that the Mungiki have attacked households. In April 2009, a group of Mungiki followers attacked villages in Nyeri East District in the Central Province, an area in which “the Mungiki has been extorting a toll on households, traders and matatu owners”. The Mungiki were accused of burning houses, killing villagers with machetes and abducting people. It is argued that the attack was in retaliation for the killings of 14 Mungiki members by vigilantes in neighbouring Karatina.<sup>64</sup> According to the Landinfo Country of Origin Information Centre, 29 people were killed in the attack on the Nyeri town of Mathira in April 2009. The attack, during which Mungiki members burned down a number of houses, was understood to be “a Mungiki response to the killing of 15 Mungiki adherents in the neighbouring district”. Mungiki leader Njenga was arrested and gaoled for his involvement in the incident.<sup>65</sup>

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2010, ‘Leaving Mungiki’, *Christianity Today*, 11 February

<http://www.christianitytoday.com/ct/2010/february/18.15.html> – Accessed 7 April 2011 – Attachment 29

<sup>57</sup> ‘10,000 attend Kenya sect funeral, claim Christianity’ 2010, Google News, source: *Agence France Presse (AFP)*, 23 January <http://www.google.com/hostednews/afp/article/ALeqM5gfBWI5LsUSqa3PqRsOA5XSrl-iTA> – Accessed 7 April 2011 – Attachment 26

<sup>58</sup> Some, K. 2010, ‘Suddenly, everybody loves Maina Njenga’, *The Standard*, 14 February

<http://www.standardmedia.co.ke/InsidePage.php?id=2000003272&cid=4> – Accessed 7 April 2011 – Attachment 10

<sup>59</sup> Mureithi, F. 2010, ‘Mungiki Rebrands for 2012’, *AllAfrica Global Media*, source: *Nairobi Star*, 6 October

<http://allafrica.com/stories/201010061105.html> – Accessed 7 April 2011 – Attachment 30

<sup>60</sup> Mureithi, F. 2010, ‘Mungiki Rebrands for 2012’, *AllAfrica Global Media*, source: *Nairobi Star*, 6 October

<http://allafrica.com/stories/201010061105.html> – Accessed 7 April 2011 – Attachment 30; Ndungu, W. W. 2010,

‘Former Mungiki Sect Leader Parts Ways with Wanjiru’, *AllAfrica Global Media*, source: *The Daily Nation*, 5

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<sup>61</sup> ‘Mungiki’s New Man’ 2010, *Africa Confidential*, Vol. 51, No. 14, 9 July – Attachment 27

<sup>62</sup> Some, K. 2010, ‘Suddenly, everybody loves Maina Njenga’, *The Standard*, 14 February

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<sup>63</sup> ‘Mungiki’s New Man’ 2010, *Africa Confidential*, Vol. 51, No. 14, 9 July – Attachment 27

<sup>64</sup> Nzioka, P. and Njagi, J. 2009, ‘Mungiki kill villagers in night raid’, *The Daily Nation*, 21 April

<http://www.nation.co.ke/News/-/1056/562702/-/u4b2eb/-/index.html> – Accessed 23 July 2010 – Attachment 31

<sup>65</sup> Landinfo Country of Origin Information Centre 2010, ‘Kenya: Mungiki – Abusers or abused?’, 29 January, p.15 – Attachment 3



The Mungiki are also known for demanding protection money from households, particularly in the slums of Nairobi, and charging tenants fees for moving in or out of Mungiki-controlled areas. Slum dwellers are also forced to pay fees for basic services such as electricity.<sup>66</sup>

## **7. Please provide information on the police services in Kenya and their effectiveness and efficiency, particularly in respect to the Mungiki.**

According to the US Department of State, police services in Kenya include the Kenyan National Police Service (KNPS), which is responsible for criminal investigations, and the Kenya Administration Police (KAP), which is responsible for civilian provincial administration.<sup>67</sup> Kenya's police force is estimated to number between 35,000 and 40,000 personnel. According to a May 2010 article in *The Daily Nation*, the ratio of one police officer for every 900 people means that the police force is heavily strained. Police officers also lack sufficient training and discipline, are ineffective and unprofessional, and are often corrupt. Bribery and impunity are also serious problems. Transparency International's *East African Bribery Index 2010* "found that the Kenyan Police Department is the most corrupt Kenyan institution, and is considered the third most corrupt institution in East Africa".<sup>68</sup>

A number of reports indicate that many police officers are complicit in criminal activity, and are often involved in Mungiki operations.<sup>69</sup> The IMLU claims that corrupt police officers with links to Mungiki businesses are often involved in the deaths of Mungiki defectors for fear of being exposed. In 2003, defectors who contacted the police and offered to reveal Mungiki secrets in exchange for protection were killed after the government failed to protect them.<sup>70</sup> Freedom House reported in 2010 that "Kenyans enjoy little protection against abuse by police and security forces, and in some areas of the country also fall prey to organized criminals who appear linked to local political leaders".<sup>71</sup>

The corruption and criminal behaviour of the police force is reflected in the unwillingness of Kenyan citizens to seek assistance from the police. For example, *Reuters* reported in July 2009 that one year after the post-election violence, residents of the Kibera slum who saw police firing live ammunition into crowds of protesters are still too afraid to seek medical treatment because of fears they will be targeted by security forces if they ask for help and accuse the police.<sup>72</sup> The police also "completely failed to intervene" in the Mungiki attack on a town in Nyeri in April 2009, which resulted in the deaths of 29 people.<sup>73</sup> Deputy executive

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<sup>66</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.10 – Attachment 3

<sup>67</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 1d – Attachment 9

<sup>68</sup> UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, pp.24-25 – Attachment 17; US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 1d – Attachment 9

<sup>69</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.12 – Attachment 3; US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 1d – Attachment 9; UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, p.47 – Attachment 17; 'Trail of fear as Mungiki returns to full business' 2010, *The Standard*, 23 November <http://www.standardmedia.co.ke/InsidePage.php?id=2000023055&cid=4&story=Trail%20of%20fear%20as%20Mungiki%20returns%20to%20full%20business> – Accessed 8 April 2011 – Attachment 16

<sup>70</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.12 – Attachment 3

<sup>71</sup> UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, p.31 – Attachment 17

<sup>72</sup> Elkington, N. 2009, 'Wounds fester a year after Kenya election violence', *Reuters*, 16 July – Attachment 32

<sup>73</sup> Landinfo Country of Origin Information Centre 2010, 'Kenya: Mungiki – Abusers or abused?', 29 January, p.15 – Attachment 3

director of the Kenya Human Rights Commission (KHRC), Tom Kagwe, stated in September 2010 that “[t]he police are actually incapable of preventing violence”.<sup>74</sup>

A number of reports suggest that the police in Kenya have carried out extrajudicial killings of Mungiki members, with more than 500 such killings occurring in 2007 alone. Extrajudicial killings of Mungiki members by security forces in 2008, as well as the 2008 and 2009 killings of police officers who provided evidence to the KNCHR on such incidents, have not yet been investigated. In 2008 a local non-governmental organisation, the Oscar Foundation Free Legal Aid Clinic Kenya (OFFLACK), identified police connections with the disappearances and deaths of suspected Mungiki members. Witnesses to the killings were threatened and intimidated by police, and no credible investigation has been conducted. A total of 16 suspected Mungiki members were killed by security forces in 2010, as compared to 25 in 2009.<sup>75</sup>

In 2009 the UN Special Rapporteur investigating extra-judicial killings by the state security organs, Professor Philip Alston, observed that “[t]he Government has a clear obligation to protect citizens from Mungiki and other criminal violence, while respecting human rights, including the right to life. Suspects should be arrested, charged, tried and punished accordingly... However... the evidence is compelling that the police respond – frequently – with unlawful force: murdering, rather than arresting suspects. Further, investigations by police are so deficient and compromised that claims by the police that all killings are lawful are inherently unreliable and unsustainable... death squads... exist within the police force in Kenya, and that these squads were set-up to eliminate the Mungiki and other high-profile suspected criminals, upon the orders of senior police officials”.<sup>76</sup>

Attempts by the government to crack down on Mungiki operations include the introduction of new laws in 2010 that prescribe harsher penalties and fines for suspected gang members. The Prevention of Organised Crimes Act stipulates that “one who belongs or professes to belong to an organised criminal group shall upon conviction, be fined Sh500,000, or face imprisonment for a term not exceeding ten years or both”. In addition, “a person who recruits another to join a criminal gang would also be committing an offence, and will spend 14 years behind bars or pay a fine of Sh1 million or both”. According to the Act, “a person is a member of criminal gang by his own admission, if he has been identified to belong to a gang or if one adopts the name, colours, symbol, style of dress and grooming, language and tattoos associated with a criminal gang”.<sup>77</sup>

In addition, a ‘shoot to kill’ order was issued against suspected Mungiki members in September 2009 by the district commissioner for Murang’a East District. In March 2010, seven suspected Mungiki members were reportedly killed in a police operation in Nairobi which targeted a mob trying to extort money from motorcycle taxi drivers. In addition, dozens of homes in the slums of Nairobi were raided throughout 2010 in search of suspected

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<sup>74</sup> ‘Kenyan police listed as country’s worst violators of human rights’, *Daily Nation*, 23 September – Attachment 33

<sup>75</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 1a, 1f, 4 – Attachment 9; UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, p.31 – Attachment 17; Lansner, T.R. 2010, ‘Countries at the Crossroads 2010: Country Report – Kenya’, Freedom House – Attachment 14

<sup>76</sup> UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, pp.24-43 – Attachment 17

<sup>77</sup> ‘Trail of fear as Mungiki returns to full business’ 2010, *The Standard*, 23 November  
<http://www.standardmedia.co.ke/InsidePage.php?id=2000023055&cid=4&story=Trail%20of%20fear%20as%20Mungiki%20returns%20to%20full%20business> – Accessed 8 April 2011 – Attachment 16

Mungiki members.<sup>78</sup> *Radio France International* reported in July 2010 that “Kenyan police has detained 120 suspected members of a sect accused of extorting money from Nairobi’s minibus drivers. Kenyan media reports say authorities were ordered to crack down on members of the Mungiki and prevent demonstrations against the police”. Maina Njenga has also reportedly been placed on a police watch list in relation to Mungiki activities in Nairobi.<sup>79</sup>

However, *The Daily Nation* reported in March 2010 that Mungiki members operating in Kigumo in the Central Province “are well known by security officers, but no action is taken against them”.<sup>80</sup> A 2010 article in *Africa Confidential* stated that many Kenyans do not “take seriously President Mwai Kibaki’s promise last year to arrest the militia and gangs that attack Kenyans”.<sup>81</sup>

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<sup>78</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010: Kenya*, 8 April, Section 1a, 1f – Attachment 9

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<sup>80</sup> UK Home Office 2011, *Country of Origin Information Report: Kenya*, 25 February, p.47 – Attachment 17

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