Australian Government

Refugee Review Tribunal

Country Advice Kenya

Kenya – KEN37004 – Mungiki – Kikuyu – Female genital mutilation – Nyeri – State protection – Single women

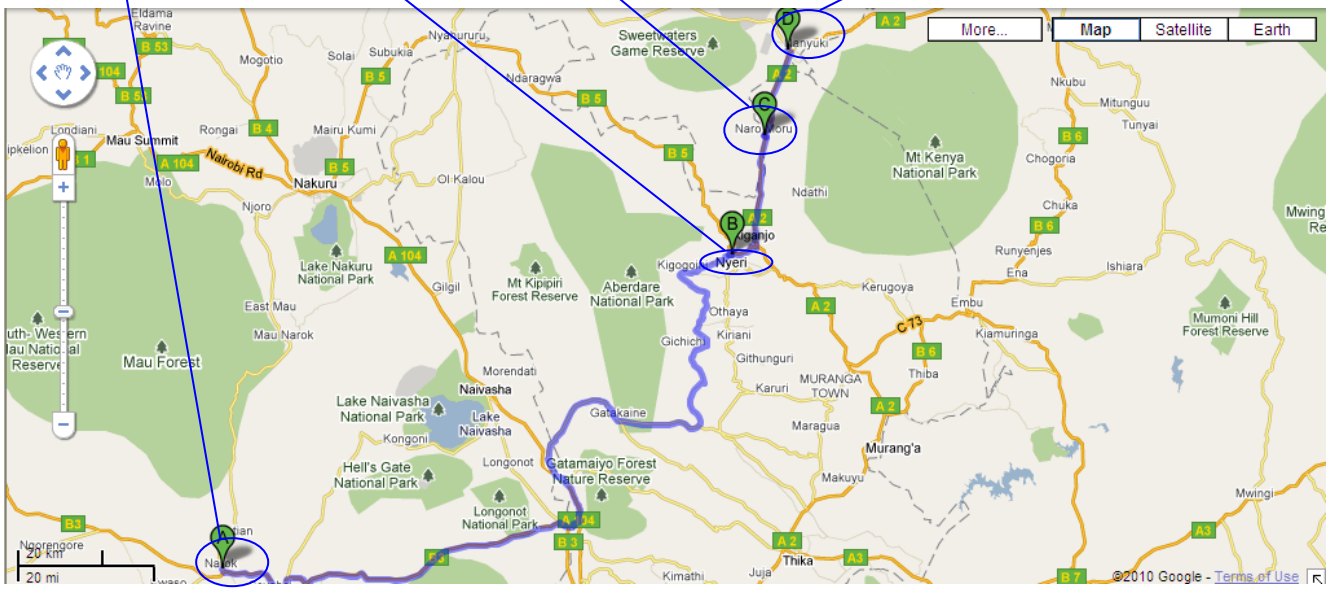
27 July 2010

1. **Where are the following places in relation to each other: Nyeri, Narok Town, Narumoru Town in Nanyuki District and Githima?**

According to Google Maps, the driving distance between Narok and Nanyuki, passing through Nyeri and Naro Moru, is 285 kilometres.

Narok is located 224 kilometres south-west of Nyeri. Nanyuki is located 59.8 kilometres north of Nyeri. Naro Moru is located between Nyeri and Nanyuki, 37.6 kilometres north of Nyeri and 23.5 kilometres south of Nanyuki. The four locations are shown on the following map.[1]

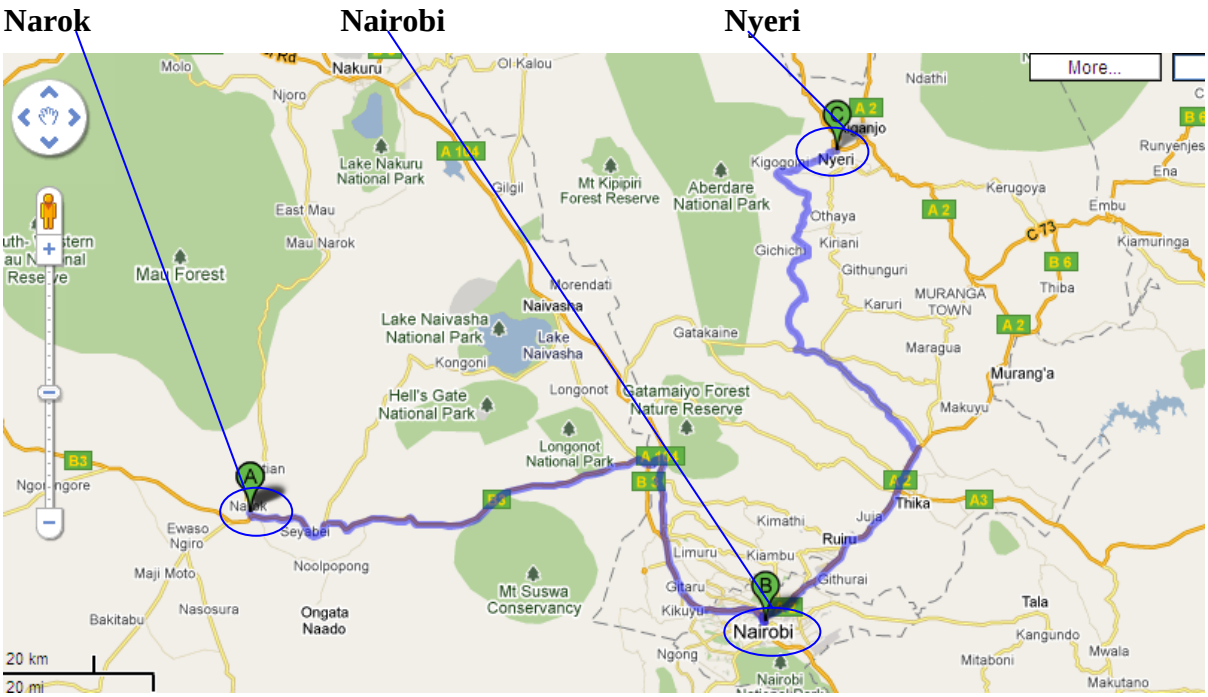
Narok **Nyeri** **Naro Moru** **Nanyuki**



The following map shows the distances from Narok to Nairobi (145 kilometres) and Nyeri to Nairobi (151 kilometres).[2]

[1] 'Driving directions to Nanyuki, Kenya' 2010, Google Maps website http://maps.google.com.au/maps?hl=en&q=Nyeri+kenya&um=1&ie=UTF-8&hq=&hnear=Nyeri,+Kenya&gl=au&ei=cJVHTJ-gCZLqvQPTs-S3Ag&sa=X&oi=geocode_result&ct=title&resnum=1&ved=0CBoQ8gEwAA – Accessed 22 July 2010 – Attachment 1

[2] 'Driving directions to Nyeri, Kenya' 2010, Google Maps website http://maps.google.com.au/maps?hl=en&q=Nyeri+kenya&um=1&ie=UTF-



Githima is located "on the outskirts of Nakuru, Kenya's fourth-largest city".[3] Nakuru is located 118 kilometres north-east of Narok, as shown on the map below.[4]

Narok, Nyeri, Nanyuki and Nakuru are also identified on the attached map of Kenya provided by the United Nations. This map shows that Nyeri is in the Central Province,

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8&hq=&hnear=Nyeri,+Kenya&gl=au&ei=cJVHTJ-gCZLqvQPTs-S3Ag&sa=X&oi=geocode_result&ct=title&resnum=1&ved=0CBoQ8gEwAA – Accessed 22 July 2010 – Attachment 2

[3] 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 3

[4] 'Driving directions to Nakuru, Kenya' 2010, Google Maps website http://maps.google.com.au/maps?hl=en&tab=wl – Accessed 22 July 2010 – Attachment 4

while Narok, Nakuru (Githima) and Nanyuki are in the Rift Valley. Naro Moru is on the border of both provinces.[5]

2. Are the Mungiki known to be active in these areas?

The Mungiki are primarily based in Nairobi and the Central Province of Kenya, however, they are also active in parts of the Rift Valley Province.[6] The United Nations map of Kenya referred to in response to question one shows that Nyeri is in the Central Province, while Narok, Githima (near Nakuru) and Nanyuki are in the Rift Valley. Naro Moru is on the border of the Central Province and the Rift Valley, close to Nanyuki.[7]

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.[8] Information on the Mungiki provided by the Immigration and Refugee Board of Canada (IRB) in November 2009 states that the group was "originally established in the 1980s as a 'self-defence force' for Kenya's largest ethnic group, the Kiyuku". The Mungiki have been variously described as a cult, a street gang, a political force, 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 overall purpose of the Mungiki is unclear.[9]

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 paying protection fees, and kidnapping victims for ransom. They are also notorious for beheading their victims and forcing Kikuyu women to undergo female genital mutilation. Freedom House recently stated that "[t]he Mungiki…are a serious threat to many average Kenyans' daily lives".[10]

Areas of Activity

The Mungiki are based primarily in Nairobi, the Central Province and eastern parts of the Rift Valley Province. [11] A 2009 traveller blog of Kenya states that "the Mungiki…controls much of the Rift Valley and Central Highlands, with 'red spots' including Nanyuki,

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[5] United Nations Department of Peacekeeping Operations Cartographic Section 2004, 'Kenya: Map No.4187 Rev.1', January, United Nations website http://www.un.org/Depts/Cartographic/map/profile/kenya.pdf – Accessed 22 July 2010 – Attachment 5

[6] 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 6

[7] United Nations Department of Peacekeeping Operations Cartographic Section 2004, 'Kenya: Map No.4187 Rev.1', January, United Nations website http://www.un.org/Depts/Cartographic/map/profile/kenya.pdf – Accessed 22 July 2010 – Attachment 5

[8] US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Kenya*, 11 March, Section 2b – Attachment 7

[9] 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 6; '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 8

[10] 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 6; ''Beheading gang' says it has disbanded' 2009, *Agence France Presse (AFP)*, 30 October – Attachment 9; Lansner, T.R. 2010, 'Countries at the Crossroads 2010: Country Report – Kenya', Freedom House – Attachment 10; UK Home Office 2008, *Operational Guidance Note: Kenya*, 15 September – Attachment 11

[11] 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 6; UK Home Office 2008, *Operational Guidance Note: Kenya*, 15 September – Attachment 11

Nakuru and Naivasha".[12] However, due to their connections with the matatu (minibus) industry, the Mungiki are believed to have "a presence and information network across the country".[13] *The New York Times* explains that the Mungiki "seems to thrive in rural areas and overcrowded slums where the Kenya government does not quite reach".[14]

Nakuru/Githima

The towns of Nakuru and Naivasha in Kenya's Rift Valley Province came under attack by the Mungiki in early 2008, targeting the Luo and Kalenjin ethnic groups. Women and children were among the victims, and many Luo men were forcibly circumcised by the Mungiki.[15] Prior to this incident of unrest, Nakuru, in which the Kikuyus are dominant, was relatively calm. 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 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". The Kikuyus subsequently sought revenge, with Kikuyu militias reportedly "attacking other ethnic communities seen as broadly supportive of the opposition".[16]

A number of reports suggest that the Mungiki was behind the revenge attacks, and accusations have emerged that influential politicians armed the Mungiki for such attacks. Mungiki members in Nakuru, however, have denied the accusations. 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]".[17]

Nyeri

Widespread protests by the Mungiki in March 2009 affected a number of towns, including Nyeri and Nakuru. Mungiki members paralysed transport, blocked roads and forced businesses to close as the sect "re-asserted itself" in the region.[18] In addition, "suspected

[12] 'Hakuna Matata' 2009, Lonesome Traveller website, 22 June http://www.lonesometraveller.co.uk/pages/bigafricantrip7.html – Accessed 23 July 2010 – Attachment 12
[13] UK Home Office 2008, *Operational Guidance Note: Kenya*, 15 September – Attachment 11
[14] 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 6
[15] 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 6
[16] 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 3; '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 13
[17] 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 3; '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 13
[18] 'Another police judicial killings returns as mungiki protext' 2009, MajimboKenya.com website, source: *Daily Nation*, 5 March http://majimbokenya.com/home/2009/03/05/another-police-judicial-killings-returns-as-mungiki-protext/ – Accessed 23 July 2010 – Attachment 14

Mungiki members attacked traffic police officers at a bus terminus" in Nyeri. The police had been manning the station since the protests began.[19]

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 Mungiki 'regrouped' in order to retaliate against the killings of 14 Mungiki members by vigilantes in Karatina.[20] However, the political arm of the Mungiki has blamed vigilantes for the attacks in Nyeri. Njuguna Gitau, the Mungiki's political wing spokesman, blamed the violence "on vigilante mobs backed by government figures", claiming that "a fierce tussle between politicians seeking to succeed President Mwai Kibaki as the ethnic-Kikuyu region's most prominent leader was fuelling the bloodshed".[21]

Nanyuki

A May 2009 report indicates that Mungiki members operating criminal enterprises have "spilled over" into Nanyuki following security crackdowns in Nyeri.[22]

3. Is the government cracking down on the Mungiki?

A number of government crackdowns on the Mungiki have occurred in recent years. In 2007, police and security forces began a crackdown on the Mungiki which resulted in the deaths of approximately 500 "young Kikuyu men suspected of being Mungiki members".[23] It has been reported that during the government crackdown, the Mungiki sect "was almost wiped out…in what human rights groups say was a brutal campaign by police death squads".[24]

Another government crackdown in March 2008 was prompted by a 're-emergence' of the Mungiki during the ethnic violence following the disputed re-election of ethnic Kikuyu President Kibaki in December 2007.[25] A January 2008 report similarly explains that "the Mungikis have re-emerged in a series of recent attacks in the Nairobi slum of Mathare that killed three and maimed more than a dozen others…Human rights activists say that militias like the Mungiki are the main reason why the post-election death toll has been so

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[19] Weru, J. 2009, 'Tension As Police, Mungiki Face Off In Nyeri', Mars Group Kenya Media website, source: *East African Standard*, 16 March http://multimedia.marsgroupkenya.org/?StoryID=249399&p=Nyeri+Town&page=3 – Accessed 23 July 2010 – Attachment 15

[20] Nzioka, P. and Njagi, J. 2009, 'Mungiki kill villagers in night raid', *Daily Nation*, 21 April http://www.nation.co.ke/News/-/1056/562702/-/u4b2eb/-/index.html – Accessed 23 July 2010 – Attachment 16

[21] 'Kenya's Mungiki gang blames vigilantes for murders' 2009, *Africa Times*, 30 April http://www.africa-times-news.com/2009/04/kenyas-mungiki-gang-blames-vigilantes-for-murders/ – Accessed 23 July 2010 – Attachment 17

[22] 'Gangs operate thriving taxi businesses' 2009, *The Standard*, 19 May http://www.standardmedia.co.ke/business/InsidePage.php?id=1144014593&cid=4&kywrd=AGOA – Accessed 23 July 2010 – Attachment 18

[23] 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 6

[24] 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 19; Baldauf, S. 2008, 'Kenya's infamous Mungiki sect gears up for reprisal killings', *The Christian Science Monitor*, 29 January http://www.csmonitor.com/World/Africa/2008/0129/p12s01-woaf.html – Accessed 22 July 2010 – Attachment 20

[25] 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 6

high".[26] The re-emergence of the Mungiki is reportedly "directly attributable to events during the election crisis" in early 2008 when, as so-called protectors of the Kikuyu tribe, "[t]hey gained some legitimacy in the eyes of ordinary Kikuyus". In December 2008, their activities were described as "much less overt than before the [2007] crackdown, when they terrorised Kenyans with a spate of beheadings". However, they had reportedly returned to carrying out protection rackets and extortion.[27]

Prior to the election, "the police were no longer cracking down on the Mungiki because they (the government) needed their votes".[28] Furthermore, in the wake of the post-election violence, the government was accused of recruiting and assisting the Mungiki to coordinate the attacks.[29] An official inquiry into the violence found that Mungiki leaders attended meetings with prominent government figures at President Kibaki's residence prior to the election. These meetings reportedly were used to organise the post-election attacks against minority ethnic groups.[30] A January 2008 article similarly argues that although the police had been "relentlessly pursuing the Mungiki" up until mid-2007, "the group is now believed to be acting in collusion with the government, which allegedly supplies it with arms". Rumours that circulated Nakuru during the post-election period suggested that "Mungiki dressed in police uniforms [were] going through the slums and massacring people".[31]

However, it was reported in 2008 that a low-key campaign against the Mungiki has been resumed by police death squads, "repeating a historic pattern where the gang has been double crossed after helping Kikuyu politicians".[32] UN special investigator Philip Alston has "accused government security forces of torturing and killing hundreds of men in a March 2008 crackdown on a militia in the Mt. Elgon district, in western Kenya". Alston indicated that there was compelling evidence that police death squads in Nairobi and the Central Province were operating "with a mandate to 'exterminate' suspected Mungiki gang members". He argued that these squads were "acting on the explicit orders of their superiors".[33] The IRB similarly reports that security forces have been accused of committing extrajudicial killings and implicated in the disappearance of suspected Mungiki members. A police officer who had given information on these accusations was subsequently killed in October 2008. Furthermore, Human Rights Watch claimed that "the Minister for Internal Security acknowledged to Parliament in February 2009 that police death squads had carried out extrajudicial killings of suspected members of the Mungiki sect over several years".[34]

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[26] Baldauf, S. 2008, 'Kenya's infamous Mungiki sect gears up for reprisal killings', *The Christian Science Monitor*, 29 January http://www.csmonitor.com/World/Africa/2008/0129/p12s01-woaf.html – Accessed 22 July 2010 – Attachment 20

[27] 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 19

[28] 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 19

[29] 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 6

[30] 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 19

[31] 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 3

[32] 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 19

[33] 'U.N. report alleges widespread killings by Kenyan police' 2009, *Cable News Network (CNN)*, 5 June – Attachment 21

[34] 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 6

A news report on the March 2009 Mungiki protests indicates that due to public criticism and demands, the police disbanded a specialised squad established to eradicate the Mungiki.[35] However, a United Nations update of the humanitarian situation in Kenya in May 2009 reported that the police had "intensified…actions to hunt down suspected Mungiki sect members" as both Mungiki attacks and their recruitment of youth had increased.[36] A July 2010 news report claims that the police detained 120 suspected sect members accused of extortion of matatu drivers. Media reports claim that the authorities have been "ordered to crack down on members of the Mungiki and prevent demonstrations against the police".[37] Furthermore, the US Department of State claims that the police are currently under "shoot to kill" orders when facing armed suspects. In Murang'a East District, a shoot to kill order was issued by the district commissioner against suspected Mungiki members. It is reported that in 2009, "more than 25 suspected Mungiki members were killed by security forces".[38]

In October 2009 a spokesman for the Mungiki, Njuguna Gitau, claimed that the organisation had disbanded, with former members now part of political party the Kenya National Youth Alliance. Gitau stated that "the Mungiki no longer exist". Mungiki leader and chairman of the Kenya National Youth Alliance, Maina Njenga, similarly states that "ours is now a political party and we are ready to accommodate all the people".[39] However, although appearing to have been 'extinguished', it has been reported that "some former [Mungiki] members have discreetly formed an offshoot, [called 'Unfinished'] that is silently fleecing Kenyans". The new group, whose leaders are former leaders of the Mungiki from the Central Province, is reportedly "flourishing in several bus termini and some trading centres especially in Central Province". Members of Unfinished can be identified by their clothes, usually "a tracksuit jacket or trouser and some unique boots"; however, some members "dress in smart suits to disguise themselves as commuters to fool law enforcers".[40]

A police official in the Central Province, John Mbijjiwe, has disputed claims of the Unfinished's existence, insisting that they are "sensational and without any basis". Mbijjiwe stated that he does not believe that the Unfinished exists "because we have even managed to get rid of the Mungiki menace [and the] police have become extra vigilant". A police spokesman further stated that "[t]here is an on-going crackdown targeting these criminals because police have a duty to protect Kenyans". However, there is evidence that a group of boys who claim to be Mungiki members have been engaging in extortion. Claimed members of the Unfinished have argued that "[m]ost of us are former members

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[35] 'Another police judicial killings returns as mungiki protext' 2009, MajimboKenya.com website, source: *Daily Nation*, 5 March http://majimbokenya.com/home/2009/03/05/another-police-judicial-killings-returns-as-mungiki-protext/ – Accessed 23 July 2010 – Attachment 14

[36] Office of the United Nations Humanitarian Coordinator in Kenya 2009, 'Kenya Humanitarian Update Vol.48', Aid Effectiveness Kenya website, 5-17 May http://aideffectivenesskenya.org/index.php?option=com_docman&task=doc_download&gid=6086&Itemid=557 – Accessed 23 July 2010 – Attachment 22

[37] 'Over 100 Mungiki sect members held for extortion' 2010, *Religion News Blog*, 6 July http://www.religionnewsblog.com/category/mungiki – Accessed 22 July 2010 – Attachment 23

[38] US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Kenya*, 11 March, Section 1a – Attachment 7

[39] ''Beheading gang' says it has disbanded' 2009, *Agence France Presse (AFP)*, 30 October – Attachment 9

[40] 'The reincarnation of Mungiki' 2010, *The Standard*, 5 May http://www.standardmedia.co.ke/InsidePage.php?id=2000009012&cid=459 – Accessed 23 July 2010 – Attachment 24

of Mungiki but we are not violent people. We don't extort. We get money voluntarily from matatus [minibuses]".[41]

4. Are the Mungiki known to hand out letters stating that certain people are members?

No evidence was found of Mungiki letters which identify members of the group. The IRB indicates that "[t]he Mungiki operate in secrecy" with members forced to swear an oath of secrecy upon initiation. Mungiki members are believed to be unrecognisable to outsiders and it is argued that very few Mungiki leaders are well-known.[42] However, a 2007 report on the Mungiki claims that "a prominent member of parliament from Central Province has been named in Mungiki leaflets" as a Mungiki backer who directs the group's actions from a distance.[43]

In addition, Mungiki leader Maina Njenga has offered to release a list of Mungiki members, supporters and associates as evidence of "the political connection to…murder charges brought against him". The list is expected to include the names of "senior politicians…wealthy business people, religious leaders and security chiefs who have over the years either funded the sect, taken oaths to defend it or have use its members for their own gain".[44] Leaflets distributed in Karatina in April 2009 following Mungiki attacks on the town also named 13 prominent business people and two councillors from the town as supporters of the Mungiki. However, in this case, the distributors of the leaflets were not the Mungiki themselves, but a local vigilante group.[45]

5. Do the Mungiki turn against/threaten family members? Are they more likely to target female family members without husbands?

The Mungiki are known to force female family members, including their wives, to undergo female genital mutilation (FGM).[46] There is no evidence to suggest that these women would be protected from forced FGM by the fact that they are married, or that unmarried women are at greater risk of forced FGM.

Furthermore, a recent news report claims that the parents of children who join the Mungiki are threatened with death if they attempt to discipline their children.[47] It is also reported that former Mungiki members are treated with suspicion and fear by their family members, indicating that family members are not exempt from Mungiki threats.[48]

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[41] 'The reincarnation of Mungiki' 2010, *The Standard*, 5 May http://www.standardmedia.co.ke/InsidePage.php?id=2000009012&cid=459 – Accessed 23 July 2010 – Attachment 24

[42] 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 25

[43] '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 8

[44] 'Ministers on Njengas Mungiki List' 2009, Mars Group Kenya Media website, source: *The Star*, 27 July http://www.marsgroupkenya.org/multimedia/?StoryID=262059&p=Laikipia+East&page=4 – Accessed 23 July 2010 – Attachment 26

[45] 'Mungiki: Victims tell of their ordeal in hands of sect' 2009, *The Standard*, 23 April http://www.standardmedia.co.ke/InsidePage.php?id=1144012307 – Accessed 26 July 2010 – Attachment 27

[46] Asylum and Immigration Tribunal 2008, 'VM (FGM-risks-Mungiki-Kikuyu/Gikuyu) Kenya CG [2008] UKAIT 00049', UNHCR Refworld website, 14 May http://www.unhcr.org/refworld/pdfid/484d4a222.pdf – Accessed 26 July 2010 – Attachment 28

[47] 'Kenya: Uneasy Calm as Former Turfs of Mungiki Group Regain Life' 2010, AllAfrica Global Media, source: *Daily Nation*, 29 March http://allafrica.com/stories/201003291907.html – Accessed 23 July 2010 – Attachment 29

[48] '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

6. How dominant are the Kikuyu in the above areas?

Kenya's Central Province is described as "the traditional territory of the Kikuyu".[49] The Kikuyu form the majority in Nairobi, and the towns of Nanyuki, Naro Moru and Nyeri.[50] During the post-election conflict of early 2008, non-Kikuyu residents were issued warnings to leave Central Province towns such as Nyeri. As a result, few non-Kikuyu residents remain in the Central Province. On the other hand, parts of the Rift Valley once dominated by Kikuyu, including Nakuru and its rural outskirts (possibly including Githima), are now "emptying of Kikuyu" residents as a result of the election-related violence.[51] In addition, Narok district is dominated by the Maasai.[52]

7. Do the authorities protect people threatened with female genital mutilation?

The US Department of State reports that female genital mutilation (FGM) continued to be a human rights problem in Kenya in 2009.[53] Although outlawed in 2001, female genital mutilation is still widely practiced in many communities.[54] Approximately 32 percent of women in Kenya have endured FGM, with a prevalence rate of 80 to 90 percent in some areas, "particularly in the eastern provinces and in the Rift Valley".[55] According to a 2008 report, the Mungiki "have been known to publicly call for the circumcision of Kikuyu women, and have forced many to undergo this rite".[56] In particular, female circumcision is forced upon "the wives, partners, children and other female family members of those men who have taken the Mungiki oath".[57] The wives of Mungiki defectors are also forced to

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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 30

[49] '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 13

[50] Finke, J. (undated), 'Kikuyu – Introduction', Bluegecko.org website http://www.bluegecko.org/kenya/tribes/kikuyu/index.htm – Accessed 26 July 2010 – Attachment 31

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undergo FGM.[58] In addition, the Mungiki reportedly forced both men and women from the Luo tribe to undergo genital mutilation during the post-election violence of 2008.[59]

Female genital mutilation is illegal and the authorities have taken measures to prevent the practice and prosecute perpetrators. The UK Home Office has argued that as such, "those in fear of undergoing, or being forced to perform FGM may, in general, seek the protection of the state authorities". However, for women who claim to fear forced FGM by the Mungiki, it is argued that there is "insufficient protection and no internal relocation option in such cases".[60] A 2008 decision by the Asylum and Immigration Tribunal in the UK found that "[i]nsufficient protection is available from the Kenyan authorities" for women forced by the Mungiki to undergo FGM.[61] Similarly, in 2004 the UK Immigration Appeal Tribunal found that "the law against FGM in Kenya is not being enforced and that radical members of the Mungiki movement are purposely implementing the practice to challenge Kenya's laws and to exercise power and control over Kikuyu women".[62]

Furthermore, the prohibition of FGM under the Children's Act 2001 only protects women under the age of 18. Kenya has also signed the Maputo Protocol 2005 which "explicitly prohibits FGM"; however, it is argued that "the legislation has sometimes driven FGM underground instead of reducing it". In addition, Kenya's Sexual Offences Act 2006 "does not criminalize forced FGM".[63] Some examples of arrests for FGM have been recorded; however, "punishment for the perpetrators of female circumcision remains rare". Despite legal bans, FGM continues to be performed, with community elders often intervening to ensure that this is so. In addition, "women who have not undergone FGM are often socially stigmatized".[64] However, the Immigration and Refugee Board of Canada indicates that there are community centres available, particularly in the southern areas of the Rift Valley, that assist young girls who escape forced FGM.[65]

8. Deleted.

Attachments

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