

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

18 November 2013

KEN104629.E

Kenya: The Sungu Sungu group, including activities and areas of operation; actions taken by authorities against the group; state protection available to victims (2010-2013)
 Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

The Sungu Sungu [also spelled sungusungu] group is characterized by a variety of sources as:

- an organized criminal group (ISS 2007; *The People* 31 Aug. 2013);
- a community vigilante group (Human Rights Watch 8 Feb. 2013, 49; Masese and Mwenzwa 28 Jan. 2012, 6485);
- a clan-based militia (RECSA 2011, 10);
- a community policing group (U4 23 Feb. 2012; Heald Mar. 2007, 2);
- a "grass roots law and order organization" (Masese and Mwenzwa 28 Jan. 2012, 6486).

The UN humanitarian news service, the Integrated Regional Information Networks (IRIN), indicates that Sungu Sungu operates in Nyanza Province (UN 22 Feb. 2008). Sources report that within Nyanza Province, the group is operational in the Kisii district resided by the Kisii [also known as Gusii or Abagusii] people (*The Star* 21 Oct. 2010; ISS 2007). The Sungu Sungu is also active in the Kuria district resided by the Kuria people (Heald 2009, 68; Masese and Mwenzwa 28 Jan. 2012, 6485). In a 9 September 2013 article, Sabahi online news, a website sponsored by the US Africa Command reporting on news from the Horn of Africa (Sabahi n.d.), reports that Sungu Sungu is "one of the biggest and most notorious gangs in Kenya."

The first Kenyan Sungu Sungu group began in Kuria in 1998 (Heald 2009, 68). The first Sungu Sungu group began in Kisii also in the late 1990s (Masese and Mwenzwa 28 Jan. 2012, 6486). Suzette Heald, a Senior Research Fellow with the Crisis States Research Centre at the London School of Economics, reports that the Sungu Sungu originally developed due to a lack of police protection from cattle thieving (Heald Mar. 2007, 2, 6). In correspondence with the Research Directorate, Dr. Masese, a senior lecturer in the Department of Sociology at Moi University, stated that "the Sungu Sungu are used and arise when the government fails or cannot act. They administer justice themselves and, when asked by the government, deal with crimes the government cannot or will not deal with" (25 Oct. 2013). In an academic paper on the structure and activities of the Kisii Sungu Sungu, published in *Elixir Social Science*, Masese and Mwenzwa from the Sociology and Psychology Department of Moi University, note that the first Sungu Sungu groups developed due to an "increasing crime rate due to high unemployment and poverty levels, [and] ineffective government security and judicial systems" (Masese and Mwenzwa 28 Jan. 2012, 6488). In a book chapter written on the origins, activities and structure of the Kuria Sungu Sungu in Tanzania and Kenya, Suzette Heald notes that the Sungu Sungu "directly undercut the very rationale of the official agents of the law" (Heald 2009, 58). In correspondence with the Research Directorate, Heald stated that there are "many groups [and people] going under the banner of Sungu Sungu and they rise and fall over time" (ibid. 21 Oct. 2013). Heald indicated that Sungu Sungu is a particular type of vigilante group and that "there are many groups and peoples that form Sungu Sungu groups ... some groups use the name of Sungu Sungu and some do not. It very much varies and it is thus hard to determine specifically where they are active" (ibid. 22 Oct. 2013). Further, she indicates that "statistics [on numbers of members] don't exist - knowledge of them comes almost exclusively from long term research" (ibid. 21 Oct. 2013).

On 2 September 2009, the online news source Open Democracy noted that in the Kisii district, the Sungu Sungu "started by helping fight crime as a community policing [group], [but] has now become a militia for hire." Heald, referring to Kuria Sungu Sungu, states that "external observers [and] Human Rights Commissions ... regard [them] ... as 'vigilantes'; [however,] at the community level, they receive little but praise when they are deemed to be working well" (2009, 58).

Kenyan newspapers report that in 2013, the Kenyan government released a list of 46 criminal gangs that included the Sungu Sungu (*The People* 31 Aug. 2013; Capital FM 30 Aug. 2013). In 2010, the Kenyan government had created the

Prevention of Organized Crimes Act, outlawing 33 organized criminal gangs, including the Sungu Sungu (Al Shahid Network 21 Oct. 2010; *The Star* 21 Oct. 2010; *The Standard* 20 Oct. 2010). In 2008, the Sungu Sungu had been declared a prohibited criminal organization by the Kenyan government (Capital FM 23 July 2008; UN 22 Feb. 2008; Kisii.com 23 Jan. 2008). However, in correspondence with the Research Directorate, Masese indicates that

[t]he government particularly relies on the Sungu Sungu since the new constitution was passed in 2010. The new constitution requires criminals to be taken into court within a short amount of time and evidence is required to bring them to court. Often the police and government cannot get evidence in the amount of time required by the constitution and rely on [community policing type] Sungu Sungu groups to extract information or proof from a suspect, which often involves torture ... This evidence will be used to bring a suspect to trial. (25 Oct. 2013)

Masese and Mwenzwa note that the crime rate in the Kisii region decreased after the appearance of the group, and the Sungu Sungu "transformed itself by taking up the role of providing protection to community members, especially those involved in illegal activities ... [and] they became a ready weapon for hire by ... politicians or business people" (28 Jan. 2012, 6486). In a 2 February 2012 article, the Committee to Protect Journalists (CPJ), "an independent, non-profit organization ... [that promotes] press freedom worldwide by defending the rights of journalists to report the news without fear of reprisal" (CPJ n.d.), reported that despite its origins as a "community security force with ties to the police," the Sungu Sungu have "increasingly turned criminal and murderous over the years." Similarly, Heald states that "at the start, serious theft [that Sungu Sungu fought against] was characterized by cattle stealing, but [Sungu Sungu activities have] now spread to robberies or murders" (22 Oct. 2013). However, Heald also explained that the Kenyan court system and the police in Kenya are "highly corrupt" (21 Oct. 2013) and maintained that in such a situation, "it is felt that the Sungu Sungu are the only group or body that can bring justice to Kenyans for theft" (22 Oct. 2013). In a 23 February 2012 article, the U4 Anti-Corruption Resource Centre, a Centre that operates out of the Christian Michelsen Institute in Switzerland and offers anti-corruption material (U4 n.d.), references Heald, who stated in 2007 that the Sungu Sungu are "officially tolerated" by the state.

2. The Kuria Sungu Sungu

Masese and Mwenzwa note that the Sungu Sungu was first adopted by the Kuria ethnic group on the Tanzania-Kenia border, and "later spread to the neighbouring Gusii [ethnic group]" in Kenya (28 Jan. 2012, 6485). The Regional Centre on Small Arms (RECSA), an African inter-governmental research organization on small arms and light weapons proliferation (RECSA n.d.), states that the Sungu Sungu is "active in conflicts among the Kuria clans as well as conflicts with the neighbouring Maasai and Kipsigis of Trans Mara" (2011, 10).

Sources report that clans formed the Sungu Sungu to counter cattle raids on the Kuria by other groups (Heald 2009, 62; RECSA 2011, 10).

2.1 Kuria Sungu Sungu Structure

Heald notes that the Kuria Sungu Sungu groups developed community assemblies called *iritongo* to "denounce thieves ... to stop vengeance raids and avert war" (Mar. 2007, 7). The *iritongo* are democratic assemblies "where all adult men have a right to speak, led by members of the 'ruling' generation" (Heald 2009, 70). The U4 Anti-Corruption Resource Centre states that the assembly represents "all sections of the community to ensure impartiality" (23 Feb. 2012). The assembly or *iritongo* "constitutes itself in a semicircle, with the older men taking up positions ... to the right and younger men to the left, where they are joined by women, who rarely ... play an active role" (Heald 2009, 70). Heald states that the *iritongo*

may occur at any level, from that of a family cluster to that of the main political unit, the village, ward, or division in Tanzania, the sublocation or location in Kenya. They can be spontaneous gatherings, as for example, when suspected thieves have been apprehended and a crowd gathers to interrogate them, or they might be more formal meetings called by the elders or government officials to discuss issues of pressing concern, again, particularly the rising levels of raiding. (ibid.)

The Sungu Sungu is the "policing arm" of the *iritongo* (ibid. Mar. 2007, 11). All Kuria assemblies have a "policing arm," but "some [Sungu Sungu] worked more closely with the local chiefs and some were dominated by *inchaama*," a "conclave of ritual elders" that expels or curses thieves (Mar. 2007, 12, 7). Heald explains that the *inchaama* "usually meet in secret and are responsible for the ritual well being of the people, setting the dates of the initiation ceremonies, and ruling on other issues that affect the community" (2009, 70). However, Heald explains that the *inchaama* "rarely [play] an active role in the meetings [of the *iritongo*]" (ibid.). She said that many "regard [the *inchaama*] as the 'real government' of the Kuria" and describe them as the "'high court'" or "'court of final appeal'" (ibid.).

After an "inquisitional trial" before the *iritongo*, punishments are given out (Heald 2009, 72). To extract evidence and to punish, Sungu Sungu performs "whippings, beating[s], and *legeza* ... [which means] the unlocking (or breaking) of the ankles" (Heald Mar. 2007, 12). *Legeza* prevents a thief from ever running again and is "said to be a traditional punishment for theft" (ibid.). Another punishment is shunning, which "not only implies total ostracism, but denies access to all village services ... [and] ...many of those ostracized are effectively forced to migrate away" (Heald 2009, 72). Banishment is another form of punishment which "is used only for the most serious cases in Kuria, for the recalcitrant thief or one who has killed many people ... [and] the severity of the punishment meted out is deemed critical to the success of the *sungusungu* and a measure of a 'strong' group" (ibid.). Corroborating information about the information in this section could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Membership in the Kuria Sungu Sungu

Heald noted that among the Kuria,

when Sungu Sungu groups first started, the whole community were members and participants ... most members of the community were forced to attend assemblies and officials were elected to the assembly [and] this ensured checks on actions of the officials, as many people were present. Further, all age groups and lineages were represented by the officials. This structure is mostly the same today, though the particulars vary from group to group. (22 Oct. 2013)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.3 Kuria District Government Actions Against the Sungu Sungu

Heald noted that previously "the [Kenyan] government had supported some of Sungu Sungu groups when they first started... [for example an] MP in the Kuria District and the District Commissioner of Kuria supported it as it created peace in the district" (22 Oct. 2013). However, she remarks that "every commissioner in each district as they change feels differently towards the Sungu Sungu and there is no consistency or guarantee of support [as] they also worry about human rights violations [committed by the Sungu Sungu]" (ibid.).

Heald noted that the Sungu Sungu or policing arm "of the iritongo or assembly are illegal in Kenya but the assemblies themselves are not illegal" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.4 State Protection in Kuria District

Heald noted that "there are many police in Kuria, but that they are often terrified of the thieves and the police are often accused of cooperating with the thieves" (22 Oct. 2013). The general population perceives the police "as not honest and [untrustworthy], so they hesitate in seeking protection from them" (ibid.). Heald expressed the opinion that even with the 2010 constitutional changes for increased accountability within the police and the courts, "the police and courts are corrupt and useless in providing justice" (ibid.).

3. The Kisii Sungu Sungu

The Kenyan newspaper *The Standard* reports the Kisii South District Community Policing Chairman as saying that the Sungu Sungu began operating in that district in 2002 as a vigilante group (10 Aug. 2011). Human Rights Watch similarly observed "insecurity due to a 10-year-old gang called Sungu Sungu, which began as a community vigilante group and has been associated with criminal activity and killings in the Kisii region" (8 Feb. 2013, 49).

Masese and Mwenzwa note that the founding goal of the Kisii Sungu Sungu was "eliminating crime and to some extent it succeeded in this endeavour ... [as] many criminals were either killed by the group members or forced to flee from Gusiland" (28 Jan. 2013).

3.1 Structure of the Kisii Sungu Sungu

Masese and Mwenzwa indicate that, unlike the Kuria, who took the initiative to mobilize groups themselves, the provincial administration in Kisii

took a leading role [in forming Sungu Sungu groups]. The provincial administration used its structure in the local level (village) to mobilize local leadership to come up with a group of volunteers (Sungusungu) who will assist them in identifying and arresting criminals. (28 Jan. 2012, 6490-6491)

Masese stated there are two types of Kisii Sungu Sungu groups:

The community policing type supplements the work of security agencies of the state as they will fight against crime. They will [identify] criminals, arrest them, and hold them accountable. They are an informal system of justice. ... [Their] organizational structure is a: chairman, secretary, religious leaders, teachers, civil servants from the government, youth members, and policemen. [Their structure] begins from the village (managed by local community elders), to the location (led by a chief), to the division (led by a district officer), to the district (led by a district commissioner).

The social policing type believes they are custodians of customs and traditions of a community. Their organizational structure is a: chairman, secretary, commanders (who arrest people, administer justice), and youths (serving the role of soldiers). This is an informal system of justice that is led and ruled by traditions. ... [Its structure] is very difficult to identify as it can fluctuate ... [because] the number of youths (serving in [the] role of soldiers) can vary and is unclear. (Masese 25 Oct. 2013)

Masese noted that while there are community policing or social policing types of Kisii Sungu Sungu groups, "there is no clear distinction about which group is which type at a given time as they often change which ... function they are performing ... depending on its activities, needs, or the political climate" (ibid.). They can change types

when the government wants to arrest a suspected criminal but does not have evidence to formally prosecute that individual. The government will use Sungu Sungu as an informal way to arrest criminals or extract information via torture,

which the government is not allowed to do. The government will often use Sungu Sungu to perform a community policing function when this is the case. (ibid.)

Masese and Mwenzwa explain that each village administration included the village elder, his council, the *etureti* [members of the *etureti* informal court], a Sungu Sungu Chairman, and secretary (Masese and Mwenzwa 28 Jan. 2012, 6486). The Sungu Sungu Chairman will "preside over meetings; act as a link between other village elders and council members ... [and] be in charge of all members of the Sungusungu and the contact person for those who required help from Sungusungu" (ibid.).

The Sungu Sungu "soldiers" are below the leadership level and are "all male volunteers under the control of a commander" (ibid.). Upon orders from the village elder and the council, the "soldiers" will apprehend criminals, spy, and gather evidence for criminal cases and disputes (ibid.). Corroborating information for information provided in this section could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.2 Membership of the Kisii Sungu Sungu

Masese and Mwenzwa indicate that Sungu Sungu members are volunteers and youth who "are unemployed and less educated;" members "undergo no training or induction on how to work amicably with the public" (28 Jan. 2012, 6485). Open Democracy similarly reports that the group appeals to "unemployed young men" (2 Sept. 2009). Masese notes that members are attracted to Sungu Sungu when they come from a poor, low educated, poor infrastructure community or area. Youth from this segment of society are particularly attracted to Sungu Sungu as it offers them money and a higher socio-economic status. The Sungu Sungu targets weak people in society who have no access to the justice system, which are normally women and poor youth. There is also a sociological aspect to young men joining Sungu Sungu as it will prove their masculinity and in turn increase their social status in the Kisii. (25 Oct. 2013)

Masese noted that some women are members of the community policing type of Sungu Sungu; however they do not occupy leadership positions and are not members of the social policing type (ibid.). He further noted that statistics on membership are unclear and change, depending on the group (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.3 Activities in Kisii

Masese and Mwenzwa state that "the [Sungu Sungu] organization [began arbitrating] on cases involving debtors, land disputes, adultery, family conflicts ... [on] punishing witches, [and] containing or fixing political and business competitors" (28 Jan. 2012, 6486). When arresting suspects, the "soldiers" "were allowed to assault or torture the suspect provided it [did] not lead to death" (ibid., 6491). Masese and Mwenzwa further note that among Kisii Sungu Sungu members, "manhandling of suspects, assault, violence and extortion is not uncommon" (ibid.). Kisii Sungu Sungu also write warning letters and when warnings are not heeded, people are "secretly killed and all their properties destroyed" (ibid.). The victims' families are not allowed to bury their family member, mourn, or hold a funeral for their dead, and, if defied, they are "either killed or fined heavily" (ibid.).

In correspondence with the Research Directorate, Heald notes that the Sungu Sungu in Kisii are "violent and [punish] not only theft but also witchcraft" (18 Oct. 2013). Masese and Mwenzwa state that Sungu Sungu members have engaged in eliminating witchcraft practices by "lynching suspected witches," which is the "common preferred method of dealing with witches because ... the Kenya penal code has no provision in terms of penalties against witchcraft" (28 Jan. 2013, 6492). Masese states that

witchcraft is associated with women, as they are easy targets as witches because they have a low social status. Women are blamed for witchcraft and will be killed if they are suspected; this is allowed due to their ambiguous identity. If a man is suspected of witchcraft, his house will be burnt down but he will not be killed, as it is assumed a woman influenced him into witchcraft and it is not his fault. (25 Oct. 2013)

Similarly, on 7 February 2012, the Kenyan newspaper *The Daily Nation* reported that Sungu Sungu were "responsible for macabre killings of presumed witches and criminals" in the Kisii district.

On 26 April 2011, the *Standard* reported that the Sungu Sungu was responsible for several killings in Kisii in 2011 and stated that, "despite being outlawed ... [the Sungu Sungu] already developed a life of its own and operates with impunity."

On 22 September 2010, the Kenyan newspaper *The Daily Nation* reported the killing of four people suspected by the Kisii Sungu Sungu to be criminals, and whose heads were found "in a neat row;" "[the] hands of the victims ... tied behind their backs [indicating] that the assailants might be Sungusungu." On 23 September 2010, the Kenyan newspaper *The Star* reported the beheading of four people in Kisii, which "raised fears of the re-emergence of the dreaded Sungu Sungu."

On 22 November 2010, the *Standard* reported the discovery of two mutilated bodies by the roadside in Kisii country, killed by the Sungu Sungu. Corroborating information for the above-mentioned incidents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.4 Kisii District Government Actions Against the Sungu Sungu

In a 10 August 2011 article, the *Standard* reported that the Chairman of the Kisii South District Community Police stated they had 15 community policing members and hold monthly meetings with the Commanding Officer of each

division. Furthermore, community policing members "help police with intelligence in fighting crime" and are "vetted and are elected by the people" (*The Standard* 10 Aug. 2011). The Chairman stated his community policing members "have nothing to do with Sungu Sungu," which they consider as a "criminal outfit," adding that community policing members "cannot work with criminals" (*ibid.*). In a 23 September 2010 article, the *Daily Nation* reported that the "Kisii police boss ... denied the existence of Sungusungu in the area, saying the outfit was disbanded ... [and] many people are confusing ... Sungusungu [with government-supported] community policing groups."

3.5 State Protection in Kisii District

3.5.1 Community Police and the Sungu Sungu in Kisii

In October 2011, the Kenya Human Rights Commission (KHRC), the Kenya National Commission on Human Rights (KNCHR), and the National Cohesion and Integration Commission (NCIC) jointly expressed concern over crime and insecurity in Gusiiland after conducting a fact-finding mission on crime in the region (KHRC 23 Oct. 2011; *The Star* 19 Oct. 2011). They stated that

though some members of the public and government officials have informed us that Sungusungu is no longer in existence and that those who used to be members of Sungusungu are now members of community policing our findings indicate that the groups' criminal activities are still prevalent in various parts of Gusiiland. (KHRC 23 Oct. 2011)

The KHRC reports human rights violations by Sungu Sungu "under the guise of community policing" in the Kisii district and that "there seems to be no clear distinction between Sungusungu activities and [government-sponsored] community policing" (*ibid.*). They report that Sungu Sungu activities in Gusiiland include:

- a. Overstepping community policing mandate, for example arresting and detaining suspects in illegal holding cells and passing judgments in "Kangaroo" courts;
- b. Murders of suspected "criminals", and in some instances, denial of burial rights in their homes;
- c. Assault and causing grievous bodily harm to purported members of Community Policing;
- d. Issuance of threats to deter people from reporting criminal activities of purported members of Community Policing; issuance of threats by politicians, public officials as well as civilians to use the Sungu sungu to threaten or assault others;
- e. Enforced disappearance;
- f. Extortion of funds from members of the public. allegedly for payment of security services;
- g. Exchanging sex in lieu of payment for protection;
- h. Enforcing a parallel justice system, where due course of law is interfered with and "punishment" is meted out extra-judiciously. (*ibid.*)

Further information about state protection for victims of the Sungu Sungu in Kisii could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. State Efforts and Effectiveness of State Protection

Heald stated that "the pervasive corruption of state officialdom [in Kenya became] ever more corrosive" and that such corruption is "embedded in every institution of the state" (Mar. 2007). According to Freedom House, the police and the judiciary are among the most corrupt institutions in Kenya (2013).

Masese and Mwenzwa stated that, responding to the inadequacies in crime prevention by the Kenyan government, "the Government of Kenya has embraced community policing to supplement the work of official security agents" (Masese and Mwenzwa 2009, 6485). This approach aimed to "establish active partnerships" between different stakeholders the fight crime (*ibid.*).

In 2009, Heald stated that the Sungu Sungu resulted from the Kenyan government's "difficulty in maintaining any semblance of law and order in the rural hinterland" (74). Further, "the [Kenyan] administration has allowed sungusungu groups to codify their own laws and set out their own punishments ... in effect, the national penal code has been suspended" (Heald 2009, 77). As a result, "the [Kenyan] government stands uneasy here, encouraging such codification, endorsing community action, and offering protection to sungusungu groups" (*ibid.*).

In 2013, the Kenyan government's National Crime Research Centre released a report by the Kenyan Attorney General that accuses police of "colluding with some members of these illegal groups [including Sungu Sungu] (Capital FM 30 Aug. 2013; *The Standard* 4 Sept. 2013; *The People* 31 Aug. 2013), while some allegedly ignore useful information from the public that may help them stop their illegal activities (Capital FM 30 Aug. 2013). The Kenyan newspaper *The Star* stated that this report concluded "some politicians [gave] money to these gangs for political support ... [and] some members of these gangs occupy [elected] public positions" (1 Sept. 2013). A copy of the original report could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to Masese,

[d]uring elections, the relationship between the government and Sungu Sungu changes. The Sungu Sungu become a political group for hire and are used to [protect] a particular political group, as they are seen as a security enforcer for political rallies. They will not kill opponents; they will only threaten them and make their campaigns difficult to conduct. Sungu Sungu leaders at this time will have a direct link to politicians during campaigns. (25 Oct. 2013)

In 2007, the Institute for Security Studies (ISS), an African organization that aims to enhance security in Africa (ISS n.d.), noted that during an inquiry into Kenyan security focusing on criminal gangs such as the Sungu Sungu, "the police were accused of colluding with criminals." The ISS reports that the Kenyan "police have been accused of being unable to fight spiralling crime especially relating to the crack down on organized criminal groups," such as Sungu Sungu (19 July 2009).

According to Masese,

[t]he government does not give protection to victims, as often, the government is the one ordering or is aware of Sungu Sungu activities. Both mutually benefit from each others activities and are usually always aware of what the other is doing. The government in particular benefits as it gets around the formal justice system. (25 Oct. 2013)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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