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## **2000 Annual Report on International Religious Freedom: Kenya**

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### **KENYA**

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, while groups generally were allowed to worship freely, the Government at times interfered with other activities by religious groups.

There was no change in the status of respect for religious freedom during the period covered by this report.

The Government at times restricted or disrupted public meetings that religious groups organized or participated in, sometimes for political reasons. Muslim leaders charge that the Government is hostile towards Muslims. On August 13, 1999, police shot and killed five unarmed worshippers at a mosque near Mombasa. Police periodically arrested and detained members of the unregistered Mungiki religious group, and on a few occasions used force, including live ammunition in at least one instance, to disrupt Mungiki prayer meetings and politically motivated gatherings. Some members of the Mungiki accuse the Government of harassment, while the Government claims members of the group are involved in illegal practices. There is generally a great level of tolerance among religious groups; however, there were a few instances of violence between Muslim and Christian groups. There are some interfaith movements and political alliances.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights.

#### **Section I. Government Policies on Freedom of Religion**

##### **Legal Policy and Framework**

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, while groups generally were allowed to worship freely, the Government at times interfered with other activities by religious groups.

The Government requires new religious organizations to register with the Registrar of Societies, which reports to the Office of the Attorney General. The Government allows traditional indigenous religious organizations to register, although many choose not to do so. Once registered, religious organizations enjoy tax-free status and clergy are not subject to duty on purchased goods. Religious organizations generally receive equal treatment from the Government; however, some small splinter groups have found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organization. The Government has not granted registration to the Tent of the

Living God, a small Kikuyu religious order banned during the single-party era (pre-1992). However, with the arrival of a multiparty system in 1992, the Tent of the Living God has virtually disappeared.

#### Religious Demography

According to rough estimates, Protestants are the largest religious group representing approximately 38 percent of the population. Approximately 28 percent of the population are Roman Catholic, while an estimated 10 to 20 percent are Muslim. Hinduism is practiced by 1 percent of the population and the remainder follows various traditional indigenous religions or offshoots of Christian religions. There are very few atheists.

Members of most religious groups are active throughout the country. Muslims are concentrated chiefly in the coastal areas and the north and northeastern parts of the country. Muslims are also present in significant numbers in urban centers throughout the country.

Foreign missionary groups of nearly every faith operate in the country. The Government generally has permitted their assistance to the poor and their founding of schools and hospitals. The missionaries openly promote their religious beliefs and have encountered little resistance; however, some missionary groups expressed concern following the release of the report of the Presidential Commission of Inquiry into Devil Worship, in which they were identified as "doorways" into satanism (see following subsection).

#### Governmental Restrictions on Religious Freedom

On July 25, 1999, according to a press report, authorities in Ruaka town ordered members of the small church group, the Word of Mercy Church, to disband, citing "odd practices."

On June 25, 2000, local authorities in Nairobi blocked entry to the Buru Buru Church of God in Nairobi, in an apparent effort to prevent renewed fighting between rival factions in the Church. Fighting between rival factions in the Church 2 weeks earlier led to numerous injuries among worshipers. It is unclear for how long the Church will remain closed.

On April 3, 2000, William Ruto, Assistant Minister in the Office of the President, speaking after the discovery of "cult" killings in Uganda, was quoted as saying that the Government would crack down on religious groups that endanger the safety of their adherents.

Political parties must register with the Government. Despite 1997 reforms and the subsequent registration of a large number of political parties, the Government refused to reverse its 1994 denial of registration of the Islamic Party of Kenya (IPK) on the grounds that the IPK had been involved in a number of violent confrontations with police in 1992.

Muslim leaders have charged that the Government is hostile towards Muslims. Muslims complain that non-Muslims receive better treatment when applying for proof of citizenship. According to Muslim leaders, government authorities more rigorously scrutinize the identification cards of persons with Muslim surnames and require them to present additional documentation of their citizenship (i.e., birth certificates of parents and, sometimes, grandparents). The Government has singled out the overwhelmingly Muslim ethnic-Somalis as the only group whose members are required to carry an additional form of identification to prove that they are citizens. They must produce upon demand their Kenyan identification card and a second identification card verifying screening. Both cards also are required in order to apply for a passport. This heightened scrutiny appears to be due to an attempt to deter illegal immigration, rather than to the religious affiliation of the ethnic Somalis. Muslim leaders state that since the August 1998 bombing of the U.S. Embassy in Nairobi, government discrimination against them has worsened.

Purporting to practice witchcraft reportedly is a criminal offense under colonial-era laws; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder. Although many traditional indigenous religions include or

accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it.

In August 1999, the Government presented to Parliament and thereby effectively published the 1994 report of the Presidential Commission of Inquiry into Devil Worship. President Moi appointed the Commission in 1994 in response to public concern, articulated chiefly by Christian clergy, about a perceived resurgence of witchcraft, ritual murders, and other ostensibly "Satanic" practices associated with aspects of traditional indigenous religions. The Commission's widely-publicized report included numerous reports of ritual murder, human sacrifice, and cannibalism, and feats of magic allegedly done by using powers acquired through such acts. It also reported that "Satanists" had infiltrated nonindigenous religious groups including Jehovah's Witnesses, the Church of Jesus Christ of Latter-Day Saints (Mormons), and the Church of Christ Scientist (Christian Scientists), as well as other organizations, including the Masonic Order (Freemasons) and the Theosophical Society, making them "doorways" to Satanism. Most members of the Commission were senior members of mainline Christian churches; a deputy director of the Criminal Investigations Department (CID) also served on the Commission.

In 1998 the Ministry approved radio and television broadcast licenses for a Muslim group and for a Christian group. In March 1999, the Ministry of Information, Transport, and Communication licensed four religious stations: one Islamic station and three Christian stations in the coastal, central, and western regions. These stations have been assigned broadcasting frequencies, and the station of The Supreme Council of Kenya Muslims (SUPKEM) began undergoing transmission tests in 2000; however, none of the stations had begun to broadcast by mid-2000.

In December 1999, a group of Christian, Muslim, and Hindu leaders formed an alternative process to reform the Constitution, the Ufungamano Initiative, which opposes the Parliament-led process. The Government, although critical of the Ufungamano group, has permitted it to proceed with its constitutional review process. However, a Minister in the Office of the President, Shariff Nassir, and other ruling party politicians, warned of possible confrontation if the Ufungamano Commission attempted to collect citizen views in their constituencies.

#### Governmental Abuses of Religious Freedom

On August 13, 1999, police killed five Muslim worshipers in the Anas Bin Malik mosque in Chai village, near Mombasa. A dozen policemen went to the mosque during a religious ceremony to arrest a man accused of assault. One policeman, Peter Ndirangu, entered the mosque to make the arrest. An altercation ensued and other police officers shot indiscriminately through the windows, killing five persons: imam Mohamed Ali Mwatakucha, Said Ali Mwajefwa, Ali Mohamed Mwadida, Neru Bakari Marika, and Alfano Matano Mwangoga. As the worshipers fled, an unknown person slashed Ndirangu with a farm tool, killing him. The sequence of events remains unclear. Muslim leaders accused police officials of taking two of the victims, whom they believe survived the mosque shooting, to a remote location and killing them. Postmortem studies indicate that at least two of the worshipers died from gunshot wounds to the head, fired from a distance of less than 6 feet. The Government charged two police officers, Julius Mugambi M'Nabere and Stephan Musau Kilonzo, with murder. The case was pending before the court in mid-2000.

Although the Constitution provides for freedom of assembly, the Government at times used sections of the Public Order Act and the Penal Code to restrict or disrupt public meetings that religious groups organized or participated in, sometimes for political reasons. On April 3, 2000, police in Laikipia broke up a gathering in a Catholic church hall, on the grounds that the participants were former freedom fighters holding a secret meeting. The police arrested four men and charged them with holding an illegal meeting.

On September 25, 1999, President Moi was quoted as saying that, for political reasons, he

would not allow the exiled Tibetan leader, the Dalai Lama, to enter the country.

The Government historically has been unsympathetic to tribal religious groups that have engendered protest movements. The Government frequently harassed, and periodically arrested and detained members of the Mungiki, a small, controversial, predominately Kikuyu traditional religious group with strong political motivations. On at least one occasion, police fired upon members of the Mungiki while attempting to disrupt their prayer meeting. Members of the Mungiki most commonly are charged with holding illegal assemblies and possessing offensive weapons. On October 10, 1999, a Murang'a court in central Kenya charged eight Mungiki members with taking part in an illegal assembly. The Mungiki had gathered ostensibly to pray at an outdoor shrine. On December 12, 1999, police in Ng'arua, Laikipia district, broke up a meeting of Mungiki members, arrested dozens of persons, and reportedly confiscated two videotapes from a Reuters film crew covering the event. On April 23, 2000, a few hundred members of the Mungiki approached the Nyahururu police station in central Kenya, demanding the release of three members of the group. Police responded with force, including the use of rubber bullets and live ammunition, injuring dozens of persons and sending eight persons to the hospital with gunshot wounds. Police later removed two of the wounded from their hospital beds and detained them, an act that hospital authorities strongly criticized. On May 14, 2000, police in a slum near Nairobi forcibly dispersed a prayer gathering of hundreds of Mungiki members. This police action came 1 week after President Moi criticized the Mungiki and ordered a crackdown on the group during a public speech. On June 25, police shot and injured 5 members of the Mungiki and arrested 23 others while attempting to disrupt a prayer meeting. The members of the Mungiki had responded to the police attempts to disrupt their meeting by throwing stones at the police. The Mungiki group allegedly promotes female genital mutilation (FGM) and the taking of illegal oaths against the Government. The debate over the rights of the Mungiki to practice their traditional religion and advance their political agenda is ongoing. It remains unclear to what extent the Mungiki may have broken the law in practicing their religion.

The Government dropped cattle-rustling charges that it had brought against Francis Tulel, the secretary of the Catholic Peace and Justice Commission for Eldoret Diocese, shortly after arresting him in 1998.

There was no change in the status of respect for religious freedom during the period covered by this report.

There were no other reports of religious detainees or prisoners.

#### Forced Religious Conversions of Minor U.S. Citizens

There were no reports of the forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the Government's refusal to allow such citizens to be returned to the United States.

### Section II. Societal Attitudes

There is generally a great level of tolerance among religious groups; however, there were a few instances of violence between adherents of different religions, and Muslims increasingly perceive themselves to be treated as second-class citizens in a predominantly Christian country. Inter-marriage between members of Christian denominations is common and interfaith prayer services occur frequently. Inter-marriage between Muslims and Christians, although less frequent, is also socially acceptable, and mosques and Christian churches can be found on the same city blocks.

For years Muslims and Christians have held an open debate over their respective places in society. Each group claims to have a larger number of adherents than is plausible, and some Muslim groups believe that the Government and business communities deliberately have impeded development in predominantly Muslim areas. The debate at times has undermined mutual trust. The misuse of authority by mainly Christian security forces in the northeast, which is largely Muslim and in which banditry is widespread, has long

contributed to Muslim mistrust. In recent years, the absence of an effective government in southern Somalia, and the Oromo Liberation Front (OLF) insurgency in southern Ethiopia, have strained Christian-Muslim relations further by causing the Government to increase security force operations in the north and northeast. In these areas, many security force members reportedly find it difficult to distinguish Kenyan Muslims from members of Somali militias or the OLF, who are ethnically and culturally similar.

There were a few instances of violence between adherents of different religions. On April 21, 2000, a group of Muslims allegedly threw stones and attacked a group of Catholic worshipers who had stopped in front of the Majengo mosque in Nyeri to pray during a Good Friday ceremony. The Muslim worshipers were in the middle of their Friday prayers and believed that the Catholics were provoking them. A few of the Catholics received minor cuts and bruises. Top leaders of the two faiths met in Nyeri a few days later to reconcile their differences and apologize before the fight escalated. On April 23, 2000, Muslim youths in Kitui reportedly charged and dispersed a group of Christians who were making noise outside a mosque during evening prayers.

During the period covered by this report, there were reports of ritual murders associated with aspects of traditional indigenous religious rites. The victims, generally teenage children, reportedly were killed and parts of their bodies removed for use in traditional rituals by persons seeking renewed youth or health. The Report of the 1994 Presidential Commission of Inquiry into Devil Worship, presented to the Parliament in August 1999, contained similar reports from recent years.

Occasionally mobs killed members of their communities on suspicion that they practiced witchcraft.

There have been societal efforts to bridge religious divides. The Inter-Faith Peace Movement represents a broad religious spectrum, and its members include the Anglican Church of Kenya, the Supreme Council of Kenyan Muslims, the Muslim Consultative Council, the Methodist Church, the Catholic Church, the National Council of Churches of Kenya, the Inland African Church, the Presbyterian Church of East Africa, and the Hindu Council.

In December 1999, a group of Christian, Muslim, and Hindu leaders formed an alternative process to reform the Constitution, the Ufungamano Initiative, which opposes the Parliament-led process. The Ufungamano Initiative actively seeks input from civil society and others into the reform process.

### **Section III. U.S. Government Policy**

The U.S. Embassy made a concerted effort to bridge the gaps that exist between Muslims and Christians. Embassy officials maintain regular contact with leaders and members of all religious communities. The Ambassador and other embassy officers met with Catholic, Protestant, and Muslim leaders while traveling. The Ambassador regularly hosts meetings with religious leaders to discuss issues affecting their communities. In February 2000, the Ambassador and embassy officers traveled to Mombasa to host a public forum at which members of the predominantly Muslim coastal community could meet embassy officials and gain a better understanding of U.S. policy and activities.

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