

CRIMINALITY IN KENYA

CURBING ILLEGAL SECTS, THE LAW AND POLICY IN KENYA

**CASE STUDY KENYA,
SECT IN ISSUE; THE MUNGIKI SECT IN KENYA.**

BY

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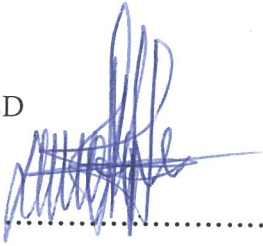
**A RESEARCH PROJECT SUBMITTED TO THE FACULTY OF LAW IN PARTIAL
FULFILLMENT FOR AWARD DEGREE OF BACHELOR
OF LAWS (LLB) OF KAMPALA INTERNATIONAL
UNIVERSITY**

MAY, 2011

DECLARATION

I declare that the material in this book has been done entirely by my effort and has not been presented else where for any academic qualification.

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APPROVAL

This research project is submitted for examination with my approval as the academic Supervisor.

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DEDICATION

I, Njuguna James Mwangi dedicate this book to my dear mother **Joyce Njuguna** for all her hard work to see me through campus and all the sleepless nights she underwent to make sure I was safe and well catered for, to my father **Stephen Njuguna Ngure** for all the hard work he did for paying fees and seeing me throughout my academic journey and that even though we've had some misunderstandings when it comes to money issues, you never once allowed me to be locked out of the gates due to lack of paying fees, and for that Dad you have forever give me the biggest gift a parent can give his son/child.

Brothers, for every support that they have given me, your words of encouragement and each role you played will never be forgotten.

ACKNOWLEDGMENTS

First of all I would like to thank my supervisor for being there for me whenever I needed him and also offering professional advice whenever needed. Additionally, all the lecturers that have seen me through this taught academic safari, your wisdom have changed people's lives and for that may God bless you people.

Secondly, I would like to extend my sincere gratitude to my parents and brothers plus the entire family for their love, advice and financial support that they have always given to me, your presence in my life is a blessing and may that spirit always be in you.

I would like also to thank my friends namely Santos Larabi, Sam Kinyua, Naftal Haggai, my sweet heart Happiness Nshabohurira for being so loving and understanding and any other person that may have helped me either emotionally, academically, or physically.

Lastly, i would also like to acknowledge my group discussion members for their support and all the encouragement that they extended to me. Thank you and I salute you..

I would also like to acknowledge all my classmate of class 2010 for all the long years we've been together in Kampala International University. Your company made me what I am to date. May God be with you all.

GLOSSARY

MUNGIKI.....It is an illegal sect in Kenya

MUNGIKI
CHINKORORO
TALIBAN
KAMJESH
JESHI LA MZEE
BAGHDAD BOYS
JESHI LA KING'OLE
KAGIO
KAYA BOMBO YOUTH
SUNGU SUNGU

..... These are some of the out lawed sects in Kenya.

MUMBO CULT
DINI YA MUSAMBWA
THE KARING'A MOVEMENT

..... These are some of the vigilante groups that emanated to fight colonial rule.

KIKUYU KARING'A EDUCATION
ASSOCIATION (KKEA)

..... The Kikuyu Association that was formed after the Kikuyus were chased from the colonial schools.

KIKUYU KARING'A.....Authentic Kikuyus

MAU-MAU MOVEMENT..... The group that fought for Kenya's
Independence

KOROGOCHO,
GITHURAI, KANGEMI,
KARIOBANGI, MATHARE,
KIBERA AND DANDORA
THIKA
KIANDUTU SLUMS

.....Kenyan suburbs/slums.

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ABSTRACT

The outlawed mungiki sect crept into our society with very noble goals, however few years later, the sect turned out to be the Kenyan worst night mare, so the purpose of this dissertation will be to look at how the said, group can be controlled and if possible be completely eradicated in our country.

Thus this work have looked at how the group emerged and gained audience in our community, the ways they used to convince young men/youths to join it and the positive promises they promised this youths to lure them into joining it.

Secondly, the paper looked at how the gang /sect generates its money, the means they use to get their finances, who funds them, and also the paper have discussed the said sect in relation to vigilantee groups that have emerged in Kenya in the recent past.

Additionally, I have looked at the sects political agendas, whether they are political or not, the political support or plat form that it enjoys and their political leaders who use them to further their own selfish political careers.

Lastly, I have looked at the sects influence in the society, whether positive or negative and how the society has benefited/suffered from being in or opposing the joining of such a group. Additionally, I have according to the discussion above offered recommendations and some solutions that can be used as stepping stones to curb this illegal sect in Kenya.

Conclusively, at the end of the day it's upon the Government, community and all the relevant bodies to take such measures and make such that the said sect is eradicated in Kenya.

CHAPTER ONE

1.0 INTRODUCTION.

1.1 VIGILANTE GROUPS

As the public dissatisfaction with the performance of state-based security institutions persists, there has been a proliferation of vigilante groups in different parts of the country. Concern over this proliferation led to the outlawing of eighteen vigilante groups which included *Mungiki*, *Chinkororo*, *Taliban*, *Kamjesh*, *Jeshi la Mzee*, *Baghdad Boys*, *Jeshi la King'ole*, *Kagio*, *Kaya Bombo Youth* and *Sungu Sungu*.¹ The term 'vigilante' is derived from the Latin word *vigilans/vigilant* which means 'to watch'.² Thus the phrase 'vigilante groups' is widely used to refer to groups of people who stand up as community 'watchmen' and summarily punish alleged offenders as well as those who perpetuate injustices in the community. Vigilante groups are usually accepted where they are seen to be filling in the gap occasioned by police inertia.³ A distinction is therefore drawn between vigilante groups and criminal gangs or militias. In some cases, vigilante groups are even touted as a form of community policing, since they often consult with police officers in their areas of operation.⁴ However the distinction is marred by - respond to the insecurity in the Kariobangi North area in Nairobi. Whilst the *Taliban* is lauded by residents in the area for this role, members of the *Taliban* are also accused of extorting money from traders and forcefully recruiting members.⁵

¹ David M. Anderson, *Vigilantes, Violence and the Politics of Public Order in Kenya*, 101 *AFRICAN AFFAIRS* 547 (2002).

² Merriam Webster Dictionary.

³ Mary Kimani, *Security for the Highest Bidder*, 23(3) *AFRICA RENEWAL*.

⁴ *Supra*, note 146 at.13

⁵ Anderson, *supra* note...at 541-542.

Vigilante groups in Kenya are motivated by varied factors ranging from apparent insecurity concerns, ethnocentric sentiments and economic considerations. For instance the *Mungiki* challenges injustices such as land displacement and in the urban setting, oppression by state officials such as police officers who harass stake holders in the transport industry. The *Mungiki* is notably hinged on an ethnocentric platform and speaks with a “distinctively *Gikuyu* voice”⁶. Its membership is thus limited to those of the *Kikuyu* origin.

1.2 Mungiki as the Revolt of the “Subjects”

The disillusionment of the youth with the formal political and economic institutions of social organization in Kenya is the context that frames the Mungiki violence. Mungiki is descended from a pedigree of groups that have often combined a religio-cultural identity with a political agenda in Kenyan history⁷. Kenyan scholar, *Margaret Gecaga* has traced the emergence of three such groups, the *Mumbo cult*, *Dini ya Musambwa* and *the Karing’wa movement*, The *Mumbo cult* which emerged among the Luo in 1913 gained its following and leadership from the Abagusii as a voice of protest against colonialism and economic injustice. Like Mungiki, the Mumbo cult, drew the bulk of its following from the youths who regarded themselves as marginalized and powerless. Mumboism drew from Abagusii warrior traditions and prophetism.’

Dini ya Musambwa also emerged during the colonial period among the Bukusu of Western Kenya. It was founded by Elijah Masinde in 1947 and went on to become a powerful vehicle of protest against colonial policies. *Dini ya Musambwa* called for a

⁶ Anderson, *supra* note...at 534.

⁷ 41 William R. Ochieng, “Structural and Political Changes,” in B. A. Ogot and W.R. Ochieng (eds)

return to traditional values and the departure of the white colonialists. The movement organized protests demanding better pay and better working conditions for Africans. Following the Malakisi riots of 1948 in which eleven followers of the movement were killed, Dini ya Musambwa was proscribed and Elijah Masinde detained for thirteen years. Even after independence, the Kenyan state continued to view Dini ya Musambwa as a threat and in 1972 *Dini* was yet again banned and Masinde detained.

The Karing'a movement emerged among the Kikuyu in the 1920s and 1930s⁸. *Kikuyu Karing'a* (authentic Kikuyus) was rallying call for the Kikuyu to reject the colonial destruction of the community's religio-cultural, economic and political way of life. The movement exploited Kikuyu traditional cultural symbols and rituals to bind its followers to the cause of re-asserting the dignity of the Kikuyus under assault from the colonial authorities. It rejected the ban on female circumcision and after the children of the followers were expelled from missionary schools, the *Kikuyu Karing'a Education Association (KKEA)* and the Kikuyu Independent Schools Association established their own independent schools. Independent churches were also established to meet the spiritual needs of the Kikuyus who had broken ranks with the missionary churches.

Whenever groups have developed a consciousness of marginalization they have sought to anchor their protest within a religio-cultural foundation that provides hope for a better material existence than what the mainstream religion offers. In a sense, these movements are not just a protest against the political and economic system but also mainstream religions which they perceive as irredeemably mortgaged to the interests of the powerful.

Mungiki is descended from this similar pedigree. Mungiki's politics reflect a keen sense of frustration with the political system in which their constituents,

⁸ *Decolonization and Independence in Kenya; 1940—93* (Nairobi: East African Educational Publishers, 1995)

Voices are marginal. Mungiki members claim to represent the unfulfilled aspirations of the Mau Mau {The liberation army of Kenya i.e. FREEDOM fighters} of an alternative political dispensation. Like the Mau Mau, the land question is central to their politics. The movement is built on the dissatisfaction with the material deprivations of its constituency. This explains why the movement has been successful in recruiting members from among the squatters and slum dwellers.

1.3 Objectives of the Study;

- To establish the origin of sects generally,
- To establish what they do and how,
- To establish the people behind them
- To establish how or who funds them,
- To establish if they are political in nature or not.
- To show how they affect the society in general,
- To show how the society can be motivated to help the government in dealing with this gang,
- Solving the dilemmas posed by the discourses of the human right and the crimes committed by the said sects.
- While, lastly I will try to offer some modest suggestions on criminal violence and human rights in relation to this sect.

1.4 Scope of the Study,

The study will be approached from a legal, moral and analytical point of view.

Legal in the sense that;

1. Whether there any laws being formulated to curb this illegal sect?
2. Whether the society stands to be affected morally or financially by this sect?
3. Whether analytically they are any loopholes available to curb this group?

It's an open secret that a chain is as strong as its weakest link and thus if we can find their weakest point then we can come up with ways to disclose and defeat them.

The study will further focus on the current challenges and threats posed by such a group (sect i.e. mungiki) try to analyze the grounds on which the government can use force and exercise force if necessary but within the limits of the law, to try and save victims of large scale violation of their endeavour to develop and moreover how the government can solve or come up with permanent solutions.

1.5 Question of the Study

1. What are the legal bases of sects in Kenya?
2. What laws have been put in place to deal with such sects?
3. What are the legal frameworks put in place to protect such sects from human rights abuses?

1.6 Hypothesis

The hypothesis of this study will consider the legal basis for using all means available at the disposal of government to try to curb this sect, to try and investigate if they are politically connected or their some politicians using them for their selfish political advances while innocent Kenyans are suffering and being butchered. Also motivating and sensitizing the community to act and help reduce these violations by reporting any conducts of the said sect to the authorities. The need of the society to play the biggest role in this fight can not be over emphasized as this people are our brothers, sisters, friends, family members and village mates.

1.7 Significance of the Study

The study is intended to add on the research available and all the work being done and posted in the internet, newspapers and other legal journals by human scholars, journalists, human right activists, government personnel's, non governmental organization((N.G.Os) lawyers and other promoters of peace and harmony in our country and not forgetting the human rights watchdogs.

The study also aims at promoting and preserving sanity in our Matatu industry, where happens to be the sect's strong hold and try shade some light some that not all the sect are involved in the illegal activities and more importantly to brake or deviate from the notion that all people from the kikuyu community are members of the sect r their parents belong to the said illegal sect. However at the end of the day, the call will be securing durable peace and a community free from such abuses by a sect that can be destroyed if our leaders so desired.

1.8 Methodology

Due to limited financial resources, time constrains and geographical limitations the field research will not be possible. However a (Documentary movie) shot in research of this topic will be provided. this documentary was shot by a journalist commonly known as (Rose Kemp) also the research will be qualitative and heavily depend on prior published documents, newspapers, internet materials, real life examples scenarios, N.G.Os publication, reports from libraries, research work done by human rights bodies and finally my own personal story told by a family member who was butchered two weeks after his refusal to join the sect.

1.9 Literature Review

1.9.1The Origin of the Movement

The term Mungiki is derived from the Gikuyu word **Muingi** which translates Into masses or people. There is a consensus among scholars that the Mungiki movement started sometime in 1987.' According to founding leaders, Mungiki traces its birth to dreams experienced by two schoolboys, Maina wa Njenga and Ndura Waruinge in the Rift Valley province of Kenya some time in 1987, In these dreams, they claim to have heard God's voice telling them to "*go and liberate my people. As a result they decided to form Mungiki following consultations with elders, including former leaders of the Mau Mau movement from one of which one of the founders, Ndura Waruinge is descended.*"

From 1991 to 1994 when state-sponsored ethnic violence swept through the Rift Valley province targeting Kikuyu, Luo, Luhyia, Kisii and other opposition-leaning communities, the Mungiki found itself with a large pool of displaced people from which it recruited. Although Mungiki's presence was initially strongest among the displaced Kikuyu of the Rift Valley Province, it quickly spread its wings to the low income areas of Nairobi particularly the slums of **Korogocho, Githurai, Kangemi, Kariobangi, Mathare, Kibera** and **Dandora**. In the industrial **Thika** town adjacent to Nairobi, Mungiki established a stronghold in the sprawling **Kiandutu** slums.

There are four main interpretations of the Mungiki movement in the academic literature.⁷ The first is that of Mungiki as a religio-cultural movement. The pioneering characterization of Mungiki in these terms is by the Kenyan scholar of religion, *Grace Wamue*. This important account of Mungiki is also the first academic treatment of the movement and has become the departure point for Mungiki's scholarly analysis.

Wamue's insightful account sets out the spiritual and cultural philosophy around which Mungiki's activities are centered. Mungiki calls for a return to African traditions and spiritualism as the means to the resolution of social problems.⁸ It rejects Christianity as corrupting to African values.²¹ Mungiki's main objective, Wamue argues, is "to mobilize Kenyan masses to fight against the yoke of mental slavery."² The Mungiki see the Bible as a tool of confusion, referring to it in Gikuyu as *gikunjo* (meaning binding or imprisoning). The movement has adopted traditional Gikuyu religious rituals and cultural symbols including the use of tobacco snuff. Members of the movement refer to themselves as "warriors" in keeping with ancient Gikuyu social structure. There are credible reports of their advocacy for female circumcision, although the followers and leaders interviewed in various studies deny this.

Although Mungiki professes pan-ethnic ambitions, its base remains essentially Gikuyu. Wamue amasses a wealth of data that demonstrates the religious and Gikuyu-centeredness of this movement. Although Wamue points to the politicization of Mungiki's objectives, her account of the movement remains essentially religio-cultural.

All researchers on Mungiki accept the centrality of culture and religion to the Mungiki movement. Mungiki's cultural and religious politics however make little sense when viewed outside of the movement's secular and national political agenda. The conversion of its leaders into Islam and Christianity for instance looks perplexing from a narrowly religious standpoint)⁴ The willingness to accept the legitimacy of non-ethnic Gikuyu values by the movement also points to a pragmatic acceptance of the multi-ethnic nature of Kenya. In sum, Mungiki appears to have embraced an instrumentalist view of religion and culture. It is part of their tool for political survival and mobilization as well as a protest at what they see as the failure of Christianity to be a solution to the country's problems. If as Grace Wamue points out Mungiki adherents are passionate about national politics, it is because their cultural and religious politics spring from their critique of secular politics. Peter Mwangi Kagwanja in his important analysis of the Mungiki rightly criticized the overemphasis on Mungiki's religious character to the exclusion of its political character.

In his consciously political analysis, Kagwanja provides us with the fourth interpretation of Mungiki as a political organization. His otherwise excellent analysis is however limited by the narrow and episodic context of multiparty electoral politics within which he places Mungiki's politics. While it is true that state sponsored ethnic violence of the 1995 was an important incubator catalyst for the emergence of the Mungiki, the movement's conception and political agenda speaks to a longer and broader crisis of the nature and character of Kenyan political state that harks back to its colonial formation and its transition development as an independent state.

The claim to the inheritance of Mau Mau aspirations by Mungiki noted by academic analysts remains largely unproblematized as a political demand for change. Often it has been used in reference to Mungiki as evidence of its criminal character or cultural anti-modernism. This conclusion largely stems from the historical treatment of Mau Mau in some of the decolonization literature and independent Kenya's official hostility to its political agenda.

More than anything else however, it is Mungiki's dalliance with violence has gripped the attention of most commentators and analysts. For human rights scholars and practitioners, Mungiki's transformation from victims of state detention and torture by the police has presented a particularly challenging task. What to make of the Mungiki movement that has implications on how human rights groups and researchers interpret and respond to other organized groups using violence.

1.10 Chapterisation

This work will be divided into five chapters and the conclusion.

The first chapter of this dissertation contains the general introduction, statement of the problem, objectives, scope of the study, hypothesis, and significance of the study, methodology, literature review and chapterisation.

Further chapter one goes on a little bit deeper to introduce the birth (origin) of other sects in Kenya and acknowledging that even though there have been many such illegal sects they are short lived and periodic unfortunately, the sect in question has stood the test of time.

Chapter two contains how the sect gained grounds in our country, what they do and how they do it.

Chapter three goes a head to establish, the force or the people behind the said sect (group), also it will try to clarify or shed some light on who funds the sect, maintains them or how they earn a living since they don't have any generating income per se. also this chapter will establish if the sect is political in nature or not.

Chapter four will try to establish the effects of the sect in the society, also to educate the community so as to motivate them to take part in protecting themselves and show how

precisely the community can be useful and also sensitize their children, families, friends and the general members of the public on the odds of this sect.

Chapter five will deal with the legal basis of how the government can use its resources and man power to protect guarantee, safety curb/destroy this sect, the price that will be paid and who exactly will pay the price, solutions available and recommendations.

Finally the conclusion remarks to the entire research work and the stand point on the topic pertaining the question in issue.

CHAPTER TWO

2.0 Unveiling the portraits of the Mungiki

The Mungiki movement crept into public attention in Kenya in 1992 through press reports of arrest and prosecution of youths for illegal oath taking against the government of the president **Daniel Arap Moi's**. Within a short time, reports emerged of gruesome torture of Mungiki members by the police prompting criticism of the government by domestic and international human rights groups.⁹ By the end of the 1990s, the Mungiki movement had gained public prominence with its members involved in regular confrontations with the Kenyan police. Moreover, the Mungiki had also acquired a more sinister reputation for brutal murders in the slums of Nairobi city and its outlying districts¹⁰

By the time of the 2002 general elections, the movement had gained sufficient strength to stake strong claim in the national politics with its leadership oscillating between political accommodation with the government and support for the opposition. With the retirement of president Daniel Arap Moi and the defeat of his ruling party Kenya African National Union (KANU) by a coalition of parties led by **Mwai Kibaki** in the December 2002 elections, the Mungiki movement appeared to have temporarily ran out of steam. The lull in the group's activities however proved to be merely temporary. The Mungiki was yet again in the news towards the end of 2006 and in most of 2007 with reports of its regular and violent confrontations with police and **Matatu[TAXI] owners**, drivers and touts. There were also credible media reports that the movement had steadily extended its control over the slum areas of Nairobi where its presence continued to be policy felt mostly through violent attacks attributed to its members.

⁹ The harassment and torture of Mungiki members attracted the attention of groups such as the Kenya Human Rights Commission and Amnesty International who initiated campaigns on behalf of the victims

¹⁰ Mungiki's penchant for violent confrontations with the police and its apparently gratuitous violence on residents of Nairobi slum areas has attracted wide coverage and condemnation in Kenya and international press.

In the second half of 2007, media accounts continued to point to a growing influence of the movement in the control of the management of basic services such as water and security in slum settlements in Nairobi. The groups involvement in the December 2007 electoral process appears insignificant. It will be remembered that by the end of 2007, the group's leadership was on the run following a fierce crackdown by the police. However, allegations of the group's involvement in the post-elections violence surfaced in the early part of 2008 and soon after, the police resumed their crackdown on the group. A number of the groups' leaders were executed in 2008 and the controversy persists as to who was responsible for these executions.¹¹

In its initial stages, in the 1990s, the movement campaigned against drunkardness, rent hikes, drug use, prostitution, HIV/AIDS as well as its rehabilitation of street children and the elimination of criminal activities in slum areas of Nairobi; a self help effort to plug the gap left by decades of state neglect and failure.¹² Mungiki also established itself as a local vigilante in slum areas providing security to the residents at a fee and attempted to control the management of garbage collection and public transportation in Nairobi. This inevitably led to violent confrontation with rival groups. While these confrontations have been well documented, they have not been seen within the context of the lawless reality that defines the everyday life of slum dwellers. The crime control measures that the Nairobi city authorities have undertaken over the years have always by-passed the slum areas. The police do not even bother to keep crime statistics for the slum areas nor do the residents bother to report incidents to the police. In this lawless abyss of Nairobi's shantytowns, Mungiki has established a security service that provides the residents the protection that the police have failed to offer.¹³

¹¹ Wamue, *Revising our indigenous shrines* (2001) Peter Mwangi Kagwanja, *Facing mount Kenya or facing Mecca? The Mungiki, Ethnic Violence and the Politics of the Moi succession in Kenya, 1989 – 2002*.

¹² Jean –Christopher Servant "Kenya's righteous youth militia" *landless in the rift valley le monde diplomatique*, January 2005.

¹³ Kagwanja "facing Mount Kenya" (2003) P. 37 Servant, *Kenya's righteous youth militia* (2005).

According to its leaders, Mungiki was also involved in poverty alleviation projects in the several areas of the country where it has membership. In, Mungiki leaders were confident that they were on the road to achieving economic autonomy and attract political recognition from the government and other political actors¹⁴.

Laikipia in the rift valley province, the movement acquired farms where its members including former street children were relocated. By 2005, having established over 600 businesses In addition, the movement was keen to establish a large membership base, the exact membership figures of the movement however remains as controversial as its operations. At different time the figures suggested by its leaders have ranged from 1.5million, 2 million, 4 million and more recently 7 million¹⁵. In reality the movement might be made up of no more than a few thousands given the demographic patterns of Kenya¹⁶. This game of numbers is also an important pointer to the movement's politics. Far from being concerned with "conversion" of individuals to a "moral" lifestyle that their cultural politics have often been associated with, the use of numbers by the movement is a kin to the use of opinion polls by mainstream politicians, the leadership of the movement recognizes that numbers do not just bring with them more revenue but also a measure of political influence.

2.1 AN OVERVIEW OF OTHER VIGILANTE GROUPS IN RELATION TO MUNGIKI SECT

Vigilante groups in Kenya are motivated by varied factors ranging from apparent insecurity concerns, ethnocentric sentiments and economic considerations. For instance the *Mungiki* challenges injustices such as land displacement and in the urban setting, oppression by state officials such as police officers who harass stake holders in the transport industry. The *Mungiki* is notably hinged on an ethnocentric platform and

¹⁴ *Servant, Landless in the rift valley" Le Monde Diplomatique, January 2005*

¹⁵ *Ibid. However, all researchers on the movement point out to the unreliability of these figures*

¹⁶ *The Kikuyu constitute 22 per cent of Kenya's 31 million people. For mungiki to reach a figure of 7 million more than the entire Kikuyu population would have to be members.*

speaks with a “*distinctively Gikuyu voice*”¹⁷. Its membership is thus limited to those of the Kikuyu origin. Distinct features of the *Mungiki* are that it operates countrywide and also incorporates a religious dimension to its belief system. Its ethnocentric and religious foundations casts doubt as to whether it should actually be categorized as a purely vigilante group. Nevertheless, its summary retaliations against injustices committed have the markings of a vigilante group. The composition of vigilante groups in rural areas largely takes an ethnic dimension which can be explained by the typology of the inhabitants in the areas they operate.

In the urban areas in Kenya, the location of vigilante groups reflects an issue of concern in the policing system. Anderson notes that the inefficiency of the police particularly in the low-class residential areas contributes to the mushrooming of vigilante groups in these areas.¹⁸ A common denominator in all vigilante groups is that they represent grass-root efforts to deal with unique circumstances in their particular communities.¹⁹

Although vigilante groups appear to be a necessary evil in areas where the state-based security institutions have failed, they pose a threat in the following ways. Firstly, the existence of vigilante groups undermines the rule of law hence threatening order in society. Thus the ideals of modern society which promote minimum standards of justice are eroded. The strategies employed by vigilante groups are usually extreme and they will go to any lengths to meet their objectives. In cases resulting in conflicts between vigilante groups the consequences are grave. For instance altercations between the *Mungiki* and other vigilante groups have led to mass killings. In April 2009, 26 people were killed in Mathira as a result of clashes between *Mungiki* and local vigilante groups. In Kagumo, members of *Mungiki* sect were hacked to death at a spot named ‘*the Hague*’. A case in point is 17 year old *Peter Kinyua* who admitted to having been forced to take the *Mungiki* oath. The local vigilante group instructed him to attend a meeting to narrate

¹⁷ Anderson, *supra* note...at 534.

¹⁸ Anderson, *supra* note....at 545.

¹⁹ This is a c common global phenomenon. See, Ray Abrahams, *Sungusungu: Village Vigilante Groups in Tanzania*, 86 *AFRICAN AFFAIRS* 179[199]

how he joined the sect. Hoping to be spared, he attended the meeting in his father's presence only to be 'sentenced' and hacked to death.²⁰ Secondly, as noted, vigilante groups have the tendency of evolving to criminal gangs hence endangering the community they were protecting. Thirdly, vigilante groups are in some cases used as political instruments. In Kenya, groups such as the *Mungiki*, *Jeshi la Embakasi*, and *Chinkororo* are alleged to have been manipulated by politicians.²¹ Allowing vigilante groups to be part of the political scene impedes the democratic space.

The Kenya police are often ruthless in dealing with vigilante groups, and have, for example, been accused of executing members of these groups without following the due process of law. In June 2007, for example, the police are reported to have executed members of the *Mungiki* in the course of implementing a "shoot to kill" policy of the government.²²

This ambivalent relationship between the police and vigilante groups only serves to enhance citizen perceptions of insecurity, as the police are often accused of colluding with vigilante groups. Indeed, there is a perception that the government condones vigilante groups whenever it is politically expedient. This perception is encouraged by the fact that members of these groups often carry firearms, yet the police do not apprehend them.²³ It is also reported that some powerful political actors who are not in government also finance vigilante groups that they use to achieve their political objectives.²⁴ It therefore comes as no surprise that vigilante groups have been at the heart of the organized violence that has accompanied every general election since 1992.²⁵ The net effect of these complex relationships between vigilante groups, the police, government and powerful political actors is that government loses its monopoly of

²⁰ *I Delivered My Son to His Killers*, *THE STANDARD*, May 18, 2009; See also, *Widow Killed By Vigilantes*, *DAILY NATION*, June 1, 2009.

²¹ Anderson, note.....at 540, 548.

²² See, e.g., *Safer Access*, *THE MUNGIKI, CULT, STREET GANG OR POLITICAL FORCE?* (2007) at 9.

²³ Anderson, *supra* note 2 at 14.

²⁴ See, e.g., *International Crisis Group*, *KENYA IN CRISIS, AFRICA REPORT NO. 137* (2008).

²⁵ See, e.g., *Ibid*; *Human Rights Watch*, *PLAYING WITH FIRE: WEAPONS PROLIFERATION, POLITICAL VIOLENCE, AND HUMAN RIGHTS IN KENYA* (2002).

force and anarchy increasingly becomes widespread. A major concern about vigilante groups is their resilience and potential to become uncontrollable. The *Mungiki* is an example of a group that has existed over a decade and continues to be a threat to security. They are reported to have been involved in mass killings as early as 2002.²⁶ Interventions dealing with such vigilante groups are challenging owing to the unique dynamics presented by such associations. Vigilante groups can be quite dangerous and powerful yet able to disguise the extent of their membership. Aware of the imminent danger posed by such groups, the KPF has taken tough measures against the *Mungiki*. Thus crime control considerations are placed in opposition with human rights considerations. Crime control considerations seem to take precedence and the KPF has been accused of shooting *Mungiki* sect members.²⁷ Ruteere notes that the public also seem to be torn between these considerations and some members of the public are in support of the police attempts to curtail the activities of the *Mungiki*.²⁸ The *UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* highlight that conflict situations and public emergencies do not provide a justification for such executions.²⁹ Thus the threat to security posed by vigilante groups does not justify arbitrary killing of members. Nevertheless, the occurrences strongly suggest that vigilante groups must be dealt with right at the outset before they take root and become a menace.

Unfortunately, the sect in question {*Mungiki*} has already very strong roots in our society to date, a year ago when the *Mungiki* sect staged countrywide protests to agitate for the release of their jailed leader Maina Njenga, they made a powerful statement about their strength and organizational abilities.

²⁶ Ruteere Mutuma, *DILEMMAS OF CRIME, HUMAN RIGHTS AND THE POLITICS OF MUNGIKI VIOLENCE IN KENYA*, (2008) at 17.

²⁷ *Supra* note 75 at.8

²⁸ *Supra* note 155 at 27.

²⁹ *ESCR 1989/65 of 24 May 1989, Article 1.*

Not even the police, with all the intelligence mechanisms at their disposal, were aware of the planned marches, and the force was as stunned by the sect's antics bang in the middle of the city, and in broad daylight, as was everyone.

2.2 Why Mungiki is the Kenya's worst Nightmare

As noted before the sect emerged two decades ago as a cultural revival movement, but it has metamorphosed into a ruthless, lawless gang whose trademark; extortion and murderous ways have blotted its otherwise noble goal. During the 2007 post-election violence, for instance, the sect is believed to have been at the centre of beastly revenge attacks in Nairobi slums, including forced circumcisions.

And, in May this year 2010, the sect unleashed the most barbaric of violence against a sleepy hamlet in **Mathira**, butchering 29 people in the dark of the night and injuring scores others. The attack evoked memories of similar savagery in the Kariobangi neighborhood of Nairobi in 2002 which led to an immediate ban of the sect and its activities.

The grouping has active cells in Central, Nairobi and Rift Valley provinces, even though its members are believed to have set up bases in almost every major town in the country. Its illegal tax regime earns it millions of shillings monthly and was cited as the reason of a public backlash earlier in the year which led to the **Mathira Massacre**.

2.3 How the sect earns its daily bread.

{Notably the issue of earning will also be discussed in relation to politics later}

In Kirinyaga Central District, for example, the sect demands a monthly protection fee per household, besides imposing a levy on every dowry payment in the area. A farmer who sells five litres of milk per day must surrender the value of one litre to the gang, and a poultry farmer must surrender four eggs for every 10 he sells.

Its hold on the public transport sector is stronger than the government's, and, despite numerous public pronouncements by the police against its activities and sporadic arrests

of its members, the sect continues to man every matatu route in Nairobi, where matatu operators have to part with between Sh20,000 and 50,000 to put their vehicles on the road. Crews are also forced to pay between Sh200 and Sh1,000 everyday at various bus stops.

The death of a boda boda taxi operator, Mr Peter Ngigi, 30, on Saturday in the latest orgy of violence in Kirinyaga district brings back tension and fears of a fresh wave of violence in the volatile area.

The simmering war between Mungiki gang and vigilantes has resurfaced with members of the outlawed sect striking back to revenge the death of colleagues beaten to death or hanged at a spot christened "The Hague" where Mungiki suspects are executed.

The violence was sparked by an attempt by Mungiki sect members to take control of the area so that they can run illegal extortion rings. The villagers armed themselves to resist the bid.

The new wave of violence has created fear in the area of a possible return of bloody confrontations such as was witnessed in April when 29 villagers were hacked to death at Gathaiti village in Nyeri East district.

The killings were reportedly carried out by Mungiki members to revenge the killing of 16 sect followers by vigilantes a fortnight earlier. Villagers had formed vigilante groups which went round houses flushing out and killing Mungiki suspects.

Was executed

The new wave of killings in which a Mungiki member was executed and the sect members hit back in similar fashion seems to be a see-saw battle with each group trying to stamp their authority.

Since the Mathira massacre, the vigilantes have executed at least eight suspected Mungiki adherents while the Mungiki have killed one vigilante and seriously injured another.

In the days before the fateful night when the Mungiki retaliated and hacked to death 29 villagers with pangas (machetes) and axes, the authorities seemed to have been unperturbed by the gradual and sporadic killing of suspected sect adherents until they were all awakened a fortnight later by the killing of the innocent villagers.

The police seemed content with collecting bodies of Mungiki suspects who had been beaten to death by vigilantes in Kirinyaga and were in no apparent hurry to disarm the vigilantes or arrest those who were masterminding the killings.

The continued killing of suspected criminals and innocent wananchi {*meaning mob justice*} in Kirinyaga district even after the rude exposure in April of the fragile security situation in the area is an indication that the security agents are yet to take charge.

In the latest incident, it appeared the sect followers were determined to get rid of **Kennedy Murimi, 29, the leader of a *Kagio* vigilante group** which has been a stumbling block to the sect's illegal activities in Kirinyaga West district.

But as luck would have it, he escaped death by a whisker to tell a spine chilling tale of how he saw death coming. For Murimi, the attack was the worst experience in his life.

It would be difficult to forget the morning the dreaded sect followers came baying for his blood and the scars that will remain after healing the wounds will forever be a bitter reminder of the violence. His colleague, a boda boda cyclist, was not lucky and died of his injuries.

Murimi woke up in a jovial mood on the morning of June 20, and was ready to start his normal duty of ferrying passengers. He arrived at *Kagio* bus terminus early enough but decided to travel to Sagana {a town in central } bus terminus to see a friend who owed him Sh600.

Unaware of the danger ahead, he asked the deceased to accompany him to Sagana using his motorcycle. On arrival, the sect followers who lay in wait emerged from behind one of the shops and confronted Murimi and the cyclist.

The sect followers were so fast that the victims could not have a chance to escape. "They took us by surprise and it was too late for us to escape," Murimi, whose nose was almost chopped off in the attack, said as he groaned in pain at his *Kerugoya district hospital bed*.

Armed with machetes and axes, the attackers slashed the victims as traders and residents at the usually busy terminus hurriedly closed shops and ran for safety.

Ngigi died was slashed in the neck by the gang whose mission was to eliminate anyone they perceived as their enemy. Murimi slipped and sought refuge inside a matatu which had been abandoned by its driver who fled for his life.

The attackers however smashed the vehicle's windows and flushed him out but he slipped and ran to a nearby hotel with the attackers in hot pursuit.

Quick response by police officers manning a nearby road block was saved the man as his assailants took off on noticing the law enforcers with their guns on the ready. The vigilante leader was later taken to hospital in an ambulance that was summoned by the police.

"Were it not for the police, those people would have killed me," said the matatu{taxi} driver while speaking to the Nation from his hospital bed.

Trailed his movements

The father of one said some people may have trailed his movements and passed the information to the attackers. Kirinyaga has been a battle field since April 11, when villagers took up arms to defend themselves from Mungiki.

The battle pitting vigilante groups and the sect followers has left several people dead and others maimed. And going by the latest incident, indications are that the sect menace is far from over as residents continue living in fear.

Armed with pangas, **rungus**, {big wooden sticks} bows and arrows, villagers have been patrolling the area to keep off sect followers. The villagers accuse the sect followers of

ambushing them on their way home from shopping and stealing their money and property. They also accuse them of raping their wives and daughters and exploiting matatu operators by demanding illegal protection levies.

Official report indicates that villagers have killed 26 suspected sect members while the sect gangs have killed more than 30 residents and vigilantes in both Nyeri and Kirinyaga districts.

Its is a sad tale that Kenyans are continuing to suffer on the hands of these monsters yet the government as the custodian of its population seats down observing and no tangible action is taken, it leaves one with a MILLION questions!!!COULD GOVERNMENT HAVE A HAND IN THIS SECT??.....³⁰

³⁰ 15th may daily nation, 16th may standard newspaper, 23rd may daily nation newspaper.

CHAPTER THREE

3.0 Mungiki's Politics in Kenya

Kagwanja a political analyst in his consciously analysis, provides us with an interpretation of Mungiki as a political organization³¹. His otherwise excellent analysis is however limited by the narrow and episodic context of multiparty electoral politics within which he places Mungiki's politics. While it is true that state sponsored ethnic violence of the 1995 which was an important incubator catalyst for the emergence of the Mungiki, the movement's conception and political agenda speaks to a longer and broader crisis of the nature and character of Kenyan political state that harks back to its colonial formation and its transition development as an independent state.

Therefore it will be remembered that by the run-up to 2002 general elections, Mungiki had already began flexing its political muscles. In spite of the persistent perceptions of the group as a mere criminal vigilante and in some cases a traditionalists cult, Mungiki's political agenda and ambitions became even more explicit with its leaders' decision to enter competitive politics. In 2002 the national coordinator, **Ndura Waruinge**, and the movement's spiritual leader **John Maina Kamunya** alias **Dr. Maina Njenga** joined the FORD –Asili political party and unsuccessfully vied for the secretary –General and vice chairman's positions respectively³². As the political temperatures rose in anticipation to the general elections, Mungiki assumed an even more prominent political role.

The then president, Daniel Arap Moi had a long established interaction with the movement on occasion receiving at his Nakuru residence, groups of youths, who had “defected” from Mungiki. As the battle for his succession heated up with the opposition for the first time united against the ruling party, Moi saw in Mungiki a useful toehold among the ordinary Kikuyu. On march 3, 2002 the movement's leadership declared that

³¹ *Kagwanja facing mount Kenya,{2003}p.28.*

³² *Sunday nation April 28,2002.*

they would support the ruling party's candidates including **Uhuru Kenyatta**, the son of Kenya's first president, **Jomo Kenyatta** who was the party's presidential candidate. The following day, the movements' members in a revenge mission against the killing of a number of their own descended on the *Kariobangi slum* outside Nairobi killing 23 people. Their target was members of non-Kikuyu communities and specifically the local vigilante group dominated by members of the **Luo ethnic group**. Under intense public criticism, the ruling party's candidate, Uhuru Kenyatta, was forced to denounce Mungiki declaring himself a catholic with no truck with the movement's objectives.³³ The movement's links with the government however became further evident when its own two visible leaders attempted to run for elections on the ruling party's ticket. However, at the last minute the ruling party succumbed to the popular resentment of Mungiki and berried the Mungiki leaders from the ticket.

The important point here is that from obscurity, the Mungiki leadership has succeeded in securing a voice for themselves, if not the movement, in national politics. Ordinary boys from impoverishing backgrounds had managed to construct a movement that commanded the attention of the president and the political elite. It would later emerge that the Mungiki leaders had been supplied by the state with military –issue vehicles to support the ruling party campaigns³⁴. Having been thus exposed as a collaborator with the state, Mungiki National coordinator Ndura Waruinge announced that he had left the movement and staged yet another, on the other hand found himself on the wrong footing with the new government and was arrested on murder charges in 2004 but later acquitted. He was however re-arrested in February 2006 and held in prison on charges of administering an illegal oath and possession of weapons. While in custody at Kamiti Maximum Prison in Nairobi, awaiting trial, Njenga announced in February 2006 that he had converted to Christianity and was baptized in publicized ceremony at the prison. In June 2007, Maina Njenga was jailed for five years for being in possession of a gun and marijuana.

³³ *Daily nation* august 23,2002.

³⁴ *BBC Kenyan police probes Army* 31 Jan 2003.

It's a open secret that from the very beginning, Mungiki's relationship with the NARC government remained largely troubled. Even though there were individuals sympathetic to the politics of the Mungiki leadership in the Kibaki government, it was quite evident that Kibaki's own politics and economics had no place for such groups. However, in the first year of the NARC government, it appeared as if the new government would enter into a lasting truce with the Mungiki. Officials of the new government were quoted in the Kenyan press as having worked out an agreement with Mungiki to keep peace in return for government's non-interference in their peaceful activities. In March 2003, then Security Minister Chris Murungaru announced that the government had bonded Mungiki members who had surrendered to the government to keep peace and released them back into the community. The truce did not however last and by the following year, the government's war on the group had resumed.

In May 2007, the NARC government embarked on a major crackdown on the Mungiki movement following a spate of attacks on public service vehicle (matatu) operators by suspected Mungiki members. Targeted killings of matatu vehicle The corruption scandal is popularly known as the Anglo-Leasing Scandal. It led to the departure of four senior ministers from the government following public pressure. Mungiki leaders point out that Kibaki never had time for them even during his days in the opposition.³⁵ Mike Mwaniki, "700 Mungikis Surrender," Daily Nation, March 12, 2003.

Owners, drivers and tout had ted in March but became widespread in May 2007 (in the capital of Nairobi the predominantly Kikuyu populated Central Province. It is believed that the killings were sparked off by the decision by Mungiki to hike the **daily "fee"** they had been collecting from matatu operators. In response, the matatu owners protested the new "fee" and appealed to the government for protection against the group. In what was clearly an escalation of their war with the government, suspected Mungiki members also killed two government-appointed chiefs in Central Province. This set in motion a crackdown by the government on sect. In most of May and June 2007,

³⁵ DAILY NATION march 12,2003.

there were numerous reports of gruesome beheadings attributed to Mungiki members spreading fear and panic among the public.

The violence was also linked to what the Mungiki perceived as betrayal by senior politicians both in the Kibaki government and in the opposition who had failed to honour the promises they had made to the youth. As the violence raged, it emerged in newspaper reports that a significant number of Kikuyu politicians had been working when the Mungiki, from way back in the 1990s When the government of President Mwai Kibaki intervened in the conflict between the Mungiki and Matatu operators, the Mungiki interpreted this as a betrayal by these senior politicians. The beheadings and the violence was therefore meant to be a warning to the politicians, particularly those serving in the government, that they had to deliver on their Faustian bargain with Mungiki or pay the consequences. It should also be pointed out that while most of the beheadings of Matatu crews were most likely the work of the Mungiki, there are credible reports that the police were themselves involved in beheadings to camouflage their killings of Mungiki leaders. Human rights groups condemned the police crackdowns denouncing what they termed as indiscriminate executions and arrests of suspected Mungiki leaders.

3.1 Mungiki's role in the Post-Elections Violence

Kenya was engulfed by violence and disorder following the announcement of flawed presidential election results in the December 2007 General Elections. The violence continued for almost four weeks in some parts of the Rift Valley, Western, Nyanza, Coast and Nairobi provinces resulting in an estimated 1,5000 deaths and the displacement of about 600,000 Kenyans. Communal riots, killings, forced evictions, rape and other forms of sexual assault, looting, arson and the destruction of property took places in many parts of the country. The violence generally pitted the rival supporters of the Orange Democratic Party (ODM) against those of the Party of National Unity (PNU). In most places, the violence took an ethnic dimension.

At the height of the violence, the ODM leaders alleged that the government was mobilizing the Mungiki to undertake revenge attacks of its members in Nairobi and in the Rift Valley. These allegations were strengthened by reports that gangs of Kikuyu youths identifying themselves as Mungiki had mobilized to attack members of ethnic groups perceived to be ODM supporters in Nakuru and Naivasha.” In the slum areas of Kibera and Mathare in Nairobi allegations also surfaced that the Mungiki had been mobilized by individuals in the government. *A document released by a group calling itself “Thagicu Renaissance Movement”* in February threatening Kikuyu individuals who had been critical of the government and the conduct of the disputed elections was also attributed to the Mungiki by some commentators. At the height of the violence, Ndura Waruinge, a former National Coordinator of Mungiki led a group that attempted to stage a pro-Kibaki protest in the streets of Nairobi before they were dispersed by the police.

The argument of Mungiki’s involvement in the post-election violence however remains largely a matter of speculation. By December 2007 elections, Mungiki was already the target of a vicious crackdown by the Kibaki government. Its leader, Maina Njenga was serving a live year jail term and the rest of its leadership was on the run. Consequently, suggestions that the Mungiki was mobilized to attack, The strongest allegations of Mungiki involvement in the post-election violence have been linked to the January violence in Naivasha and Nakuru, Ballots to Bullets; ODM supporters at the height of the post-elections violence need to be treated with much more skepticism. Moreover, in interviews, Mungiki leaders and many of its members often expressed support for the opposition rather than the Kibaki / government which they consider as elitist and hostile to the interests of the poor.

However, there are credible reports that just before the December 2007 / General Elections some Mungiki leaders had been taken to State House by senior security officials. With President Kibaki’s campaign team in panic over the trend of the opinion polls,

These officials allegedly reached out to Mungiki with peace overtures to secure their support.’ Mungiki leaders claim that they met President Kibaki himself who assured

them that the government would keep off their affairs. This explains why the group was able to hold a series of meetings in Nairobi and other towns just before the elections without police interference. It is important however to note that there are also credible reports that the opposition ODM had also held a meeting with the Mungiki leaders to secure their support just before the elections. In fact, it is after this ODM-Mungiki meeting that the Kibaki campaign is said to have scrambled to secure the support of Mungiki in the November meeting.

The BBC reported that the Mungiki leaders were drafted by the government to help defend the Kikuyu at the height of the post-election violence. However, according to its leaders, Mungiki decided to watch the violence from the sideline and “pick up the pieces.” On the balance of available evidence, this could well be the accurate account of Mungiki’s position regarding the violence. That is not to say, however, that individual members of Mungiki did not participate in the revenge attacks by the Kikuyu on the Kalenjins, Luos and Luhyia in the Rift Valley and Nairobi. What is not backed by any evidence are the allegations that these were sanctioned by Mungiki — the “organization” — or its leadership. The Human Rights Watch report on the post-election violence in Kenya notes that Mungiki leaders made reference to a renegade wing of group that was working with senior politicians of Kibaki’s Party of National Unity.

Adding to the confusion on Mungiki’s role in the post-election violence is the extent to which Mungiki has become a more than an organization. For Mungiki is also a discourse, invoked by various groups to achieve particular ends. It is invoked by the police to justify crackdowns and executions of suspects. Once an executed suspect is labelled “Mungiki” there is less likelihood of public scrutiny on the circumstances of their killing. The term “Mungiki” is also invoked by some criminal groups to scare their rivals or victims. For groups seeking to frighten members of the ODM in the Rift Valley and Nairobi, “Mungiki” was a most convenient scarecrow. It is also important to remember that any predominantly Kikuyu vigilante or criminal group is likely to be labeled as “**Mungiki**” by the public and even the police. It is therefore easy to see how groups of Kikuyu youths

mobilized for revenge activities at the height of the violence could be termed as “Mungiki”.

The Mungiki leadership also issued a rejoinder to the “Thagicu” document that had issued threats to prominent members of the Kikuyu community dismissing it as a stunt by individuals in the Kibaki government. In the heat of the post-election violence the document had been interpreted by some commentators as the work of Mungiki. On critical analysis however, it made little sense for the Mungiki to threaten individuals such as the Chair of the Kenyan National Commission on Human Rights, Mama Kiai, who had consistently challenged the police attacks on the group throughout 2007.

As the post-election violence was dying out in March 2008, hundreds of Mungiki members descended on the capital Nairobi in a surprise demonstration demanding the releases of their jailed leader, Maina Njenga. They also demanded the registration of their political party, the National Youth Alliance. The police Mungiki confrontation intensified in April 2008 just when the ODM and the PNU were unveiling a coalition government following the execution of the wife of the jailed Mungiki leader, Mama Njenga along with her driver after being abducted by unknown people in Nairobi. The Mungiki leaders accused the police of having carried out the execution and staged protests that paralyzed operations in Nairobi, several towns in Central Province, Rift Valley and in Mombasa in the Coast Province.

The new Prime Minister, Raila Odinga, a group of former members of parliament from Central Province and some church leaders called for a dialogue with Mungiki, which the police and the Minister for Internal Security rejected. Other leaders of the group were gunned down in executions that the police attributed to rivalry within the Mungiki but which most of the Mungiki watchers believe were carried out by the police.

The post-election violence may however have succeeded in rehabilitating the Mungiki in the eyes of the Kikuyu population. At the height of the violence, with the government clearly unable to prevent the attacks and uprooting of the Kikuyu from the Rift Valley and other regions, popular feeling among the Kikuyu was that the Mungiki would have

done a better job of confronting the other ethnic militias than the government. This may explain the increased willingness of Kikuyu leaders, including church leaders to encourage dialogue with the Mungiki. The change of heart by church leaders is particularly striking given the long history of denunciation of the movement by the Church.

3.2 Despite politics how else do they earn there livelihood

As we've seen above how the sect is organised politically, we've also established that some very powerful politicians are involved in the funding of the said sect either directly to use the sect to support them politically or indirectly in that they fund them to kill or destroy/spoil/cause riots in the political rallies of there opponents.

Further the sect earns its money from the “**protection fees**”³⁶ In Kirinyaga Central District, for example, the sect demands a monthly protection fee per household, besides imposing a levy on every dowry payment in the area. A farmer who sells five litres of milk per day must surrender the value of one litre to the gang, and a poultry farmer must surrender four eggs for every 10 he sells.

Its hold on the public transport sector is stronger than the government's, and, despite numerous public pronouncements by the police against its activities and sporadic arrests of its members, the sect continues to man every matatu route in Nairobi, where matatu operators have to part with between Sh20,000 and 50,000 to put their vehicles on the road. Crews are also forced to pay between Sh200 and Sh1,000 everyday at various bus stops.

The death of a boda boda taxi operator, Mr Peter Ngigi, 30, on Saturday in the latest orgy of violence in Kirinyaga district brings back tension and fears of a fresh wave of violence in the volatile area.

³⁶ The star newspaper *interview with the new recruits*.

New recruits, who wished to remain anonymous, said they have joined the sect due to its 'Messianic' mission. **Twenty three year-old “Maish”** dropped out of school in Form Two and was a casual labourer until he joined the movement last July. "Since I joined in July, I have got a job as a matatu tout at **Kangema bus stop** and I am now able to feed my family without much struggle. It is a risky job with policemen after you all the time but it's a worthy risk," said the father of three. Job another witness, 26, joined the sect five years ago his work is to organise Mungiki events and is paid a small salary. Job is convinced that the new movement will be an agent of political change and also a champion of youth rights. He says that though risky they provide a job for him and food for his family.

The Nairobi Star recently attended one of the secretive recruitment exercises in central Kenya and found that some *parliamentary aspirants have been funding oathing ceremonies and even paying a stipend to recruits.*

"We have our own issues that need to be addressed. They are not much different from the issues faced by young people here," said 19-year old Ochola who was a handcart pusher until the Mungiki gave him a job manning a matatu stage at Kanyenyaine. Additionally, Mogere, 28 years, works in a tea factory and is from Kisii district. He said he was frustrated by the failure of successive leaders from his community to address social issues. "I thought Nyachae{an mp in Kenya} was going to help address some of these issues (of land and jobs) but he only used the youth for his own gain. He made many promises to us and kept none of them. We are still poor, jobless and have no hope of even owning a piece of land," said Mogere.

operations throughout the world are characterised by one factor: The suspension of normal rules, which often result in gross violation of human rights. It was no different with Kwekwe. Unfortunately, though this police unit was set up for the best of the community. It so appears that in between it had some rotten police members who killed without observing the law. However, at the end of the day the unit's [target was to maintain law and order and to secure a better tomorrow for our nation.

An officer who served in the squad explained why the unit adopted a no-mercy approach in its crackdown on Mungiki.

"Our order was one and it remains the same to all officers who serve in the current **anti-Mungiki squad**: To infiltrate and extinguish the sect's activities at all cost," he said.

He continued: "The sect was establishing a parallel government of its own. We had to reassert our authority. We had express instructions to show no mercy to anyone suspected to be Mungiki."

And there would be no questions asked by superiors on whatever action they took on suspects, he added. Most of them were **killed in cold blood**. "We were only accountable to the police commissioner who approved of everything we did,"³⁹ said our source.

The head of Kwekwe Squad, a veteran of the force, is reportedly very powerful within the force and greatly feared by the suspects he hunts down and his colleagues.

Police Spokesman Eric Kiraithe denied the existence of elite squads in the force and in particular one dedicated to rooting out the Mungiki menace however he did agree that there was some special vigilance units. These are mobile units formed by DCIOs in crime prone areas to tackle general issues of insecurity either caused by the Mungiki or by any other organised group of law defaulters.

³⁹ Ibid

4.1 Major step taken to calm the sect's menace Politically

From the very beginning, Mungiki's relationship with the NARC government remained largely troubled. Even though there were individuals sympathetic to the politics of the Mungiki leadership in the Kibaki government, it was quite evident that Kibaki's own politics and economics had no place for such groups⁴⁰. *However, in the first year of the NARC government, it appeared as if the new government would enter into a lasting truce with the Mungiki. Officials of the new government were quoted in the Kenyan press as having worked out an agreement with Mungiki to keep peace in return for government's non-interference in their peaceful activities.* In March 2003, then Security Minister Chris Murungaru announced that the government had bonded Mungiki members who had surrendered to the government to keep peace and released them back into the community. The truce did not however last and by the following year, the government's war on the group had resumed.

4.2 WHAT INCENTIVES HAS THE COMMUNITY PER SE TAKEN IN DEALING WITH THIS MENACE?

For a long a time people has suffered due to this sect, many have been butchered on the hands of this sect, my own inspiration to writing this paper/book is the fact that a childhood friend that I grow up with was butchered in a bar enjoying himself by the members of this dreaded sect, personally I was gravely annoyed and shocked as to why they can kill an innocent, harmless man like him. its on this ground that i ask what the community can do to help the government curd this sect. an important example is that of the **Mathira village** i.e. they organized themselves into *a vigilant group to maintain law and order* in there respective villages.

The term 'vigilante' is derived from the Latin word *vigilans/vigilant* which means 'to watch'.⁴¹ Thus the phrase 'vigilante groups' is widely used to refer to groups of people

⁴⁰ Anderson, note...at 541-542,

⁴¹ Merriam Webster Dictionary,

who stand up as community ‘watchmen’ and summarily punish alleged offenders as well as those who perpetuate injustices in the community.

Vigilante groups are usually accepted where they are seen to be filling in the gap occasioned by police inertia.⁴² A distinction is therefore drawn between vigilante groups and criminal gangs or militias. In some cases, vigilante groups are even touted as a form of community policing, since they often consult with police officers in their areas of operation.⁴³ A good example is the *Taliban* which was formed to respond to the insecurity in the Kariobangi North area in Nairobi. Whilst the *Taliban* is lauded by residents in the area for this role, members of the *Taliban* are also accused of extorting money from traders and forcefully recruiting members.⁴⁴ The point here is that if the community organizes themselves into solving a common goal then the group should be encouraged the group in hand is that of Mathira village,⁴⁵ Three students and an 83-year-old man are the latest victims of this vigilante group moving through villages in Central Province hunting for suspected Mungiki sect members.

The three were snatched from their homes on Sunday night and slashed to death before their bodies were dumped on the side of a road. The old man was found hanging from the rafters of his home.

The three students were killed after one of the vigilante group members identified them as being among a group of young people who were taking an oath at **Kamwiru** at the weekend.

⁴² Mary Kimani, *Security for the Highest Bidder*, 23(3) *AFRICA RENEWAL*,

⁴³ *Supra*, note 146 at.13

⁴⁴ Anderson, *supra* note...at 541-542,

⁴⁵ Police Commissioner, *MUNGIKI VIOLENCE IN MATHIRA*, (2009); Ochami David, *Mungiki: Saitoti Accuses Central Leaders of Silence*, *THE STANDARD*, May 29, 2009.

The 83-year-old is believed to have been administering the oath. He was found hanging in his home yesterday morning. A suicide note he left said he feared for his life because the people he was trying to bring together had now turned against him.

So far, at least 14 people have been murdered by a self-styled mob which started its anti-Mungiki operation a fortnight ago. Kirinyaga District Commissioner **Osman Warfa** has warned the sect will divide the community in Central Kenya and promised to provide security to any sect members who defect and assist the police.

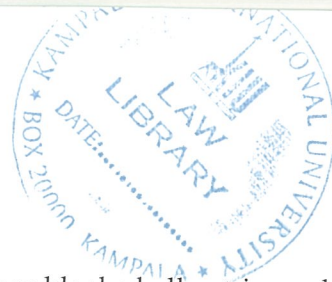
An estimated 2,000 members of the vigilante group combed six towns in Kirinyaga to flush out suspected sect members. Chanting slogans "Mungiki Must Die!" and "**Mungiki Lazima Waende**" (*Mungiki Must Go*), the group gathered at **Kagumo town in Kirinyaga central**, passed through **Kiandai** in **Ndia** constituency to **Kagio** and **Ngurubani** in **Mwea** to **Kutus** in Kirinyaga central and back to **Kerugoya**. They held a meeting at which they vowed to continue their operation until they rid the district of sect members.

The vigilante spokesman, **James Maina**, said apart from the matatu extortion rings, the sect had forced residents to pay protection fees.

Residents have, since August last year, been forced to pay Sh15 a day for semi-permanent homes, Sh100 for timber-structures and Sh800 for permanent stone buildings. Those residents who do not pay are raided, their homes broken into and property stolen or even their animals killed.

Many of the motorcycle taxi owners became angry when the sect members decided to levy a Sh300 per person a day "fee." The boda boda operators, like other residents, were expected to deposit their "fee" at strategic places at Kerugoya Stadium.

Police joined the convoy of vigilantes riding motorbikes at Kagio and followed them as they moved through the different towns. Five young men who claimed to be *sect members gave themselves to the police after the assurance that they would be given protection.*



At **Ngurubani**, the vigilantes brought traffic to a standstill as they blocked all entries and exits to look through documents and question matatu touts and drivers.

They claimed a majority of the drivers and touts of the **Kukeba** matatu are sect members. They arrested four of the touts and handed them over to the police led by the **Kirinyaga deputy police boss Patrick Oduma** and five reinforcements from Sagana police. Ngurubani area **DO1 Daniel Mlevu** adds that the **three APs [Administration police]** had a rough time trying to control the traffic jam caused by the vigilantes.

"We will continue our operations until we make the sect powerless. Be warned that if any of them resist, they will see more blood flow," was the message Maina and his vigilantes gave at each of the more than 24 homes they visited. He claimed that they had been allowed to carry out the operation by the police.

"They [**police**] have given us a paper to say they are supporting us. They are helping us. They have given us recognition and they know what we are doing and are behind us," Maina said at the end of the operation.

Last week, area police boss **Herbert Khaemba** told the vigilante group that the police were unwilling to take any action because of accusations that they were carrying out **extra-judicial killings**.

4.3 How do we then reconcile the curbing of the said sect with the human rights abuses?

The French state prior to the revolution to the atrocities of Hitler's regime in Nazi Germany, the canonical argument is that it is the dominating power of the state and its violence against individuals that led to the emergence and growth of human rights movement. Well known international human rights group such Amnesty International and Human Rights Watch as well as their counterparts the developing world organize most of their monitoring and advocacy work challenge and influence the power of the state.

When faced with criminal violence such as that of the Mungiki, the state centric response of human rights groups is to stress the obligations that state bears towards its citizens. In her work on lynching in Guatemala, Angelina Godoy has noted that the dominant human rights paradigm that regards states as the primary or even the only violators of human rights makes it difficult human rights groups to address violence by private citizen groups or individuals.⁴⁶

In Guatemala, where human lychings were widespread in the 1990s, human rights groups found themselves in the awkward position of having to call on government to strengthen the security forces to fight crime, when they had spent decades fighting the same security forces over their repressive tactics.⁴⁷ Like their Guatemalan counterparts, Kenyan human rights groups found themselves calling on the police to crack down on Mungiki while at the same time denouncing police for excessive use of force.

The public that is the victim of the violence is left perplexed by this “a plague on both your houses” stance by human rights groups. The nuanced verdict of human rights groups is interpreted as an exercise in vain pursuit for attention evidence of their class disconnect from the experiences of most victims of crime. In the case of Mungiki in Kenya, callers on radio talk shows widely criticized human rights groups for denouncing the police crackdown on Mungiki suspects. These serious implications for the work of human rights groups especially in a context Kenya where groups seek to mobilize support for their work.

Second, human rights groups are not only descended from a state-centric conception of human rights but are also wedded to a view of law and institutions as the solution to most human rights problems. While philosophy may tell us of foundations underpinning the human rights idea, in practice it is to law that human recognize that law is also an arena for struggle over who is the subject of rights and how those rights are accessed, secured and enforced.

⁴⁶ Godoy, *Popular injustice* (2006).p.65

⁴⁷ *ibid.*pp.66—67

The distribution of different modes of power in the society does not merely shape the content of the law but also the quality and nature of justice. In radically unequal societies like Kenya, the penetration' of new law into the disputations over access to resources and means of Livelihood acquires an even sharper edge and on occasions assumes murderous dimensions. In societies with large number of people in extreme poverty and without social welfare protections market relations assume the urgency of life and death.

Law then is of necessity summoned and often deployed as a weapon rather than arbiter in the gladiatorial clash between groups. In such scenarios the distinction between civil law governing market relations between individuals and criminal law are likely to be conflated. Consequently, for instance, petty trading or hawking in urban centers like Nairobi, become a matter of life or death as they assume a criminal dimension when outlawed by the city authorities. As Angelina Godoy correctly argues, *“[i]n deeply unequal societies governed by the political economy of neoliberalism, criminal justice becomes increasingly prominent as a mechanism for sanitizing socioeconomic exclusion and shoring up the status quo.”*⁴⁸ Where human rights groups are not awake to this complex and sometimes contradictory role played by the law, they can be trapped into a rote recital of state obligations under international human rights law that pays little attention to important contexts. For like domestic law, international human rights law is not above the contradictions of power contests.⁴⁹

The third challenge that groups such as Mungiki pose to human rights advocates stems from the human rights movement's position to violence in general. The human rights movement flowered in the West in the second half of the 20th Century in the shadow of

⁴⁸ Godoy, Popular Injustice (2006), p.11)

⁴⁹For a critique of international human rights law along these lines, see generally, Makau wa Mutua, Human Rights: A Political and Cultural Critique (Philadelphia: University of Pennsylvania Press, 2002).

World War II. To a significant extent, the atrocities of that war framed the attitude of the emerging human rights groups towards violence, i.e. The Preamble of the Universal Declaration on Human Rights states, among others: “Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.” While the human rights idea was not explicitly pacifist, it was invoked in the international deliberations as the means of warding off another catastrophic conflict like World War 2. The pacifist philosophies of Mahatma Gandhi and Martin Luther King also greatly inspired the human rights activists in the West as did the anti-Vietnam war movement.

This antipathy for any form of violence partly explains the reason most of the anti-colonial struggles are yet to find accommodation in the mainstream human rights history. Contemporary human rights advocates are the philosophical heirs of Gandhi and King rather than Frantz Fanon.⁵⁰ Thus even as human rights groups assiduously documented and denounced the sins of apartheid South Africa, they would not embrace Nelson Mandela, the symbol of the anti-apartheid movement given his support for armed struggle.

Practical human rights work involves moral evaluations of behavior based on international human rights law that human rights groups often and wrongly consider to be above politics. As a result, human rights work becomes an enterprise above politics and even a form of anti-politics. This politically precarious moral anti-politics project is predicated upon intervention on behalf of the “good victim” of human rights violations. The morally privileged position of the human rights defender thus precludes a descent into contexts of moral ambiguity lest their moral clarity is contaminated. Consequently, even where individuals could have qualified as victims of human rights violations worthy of solidarity from human rights advocates, once they embrace violence, they lose that status.

⁵⁰ Frantz Fanon was the theorist of the redemptive power of anti-colonial violence.

Owing to this troubled relationship with violence therefore, practical human rights work avoids explanations and contends itself with the descriptive accounts of violations and evaluations of the extent of the transgression of the canonical documents of international human rights law. This is sufficient for a large number of the situations of human right problems that human rights advocates confront on a daily basis. The trouble for the human rights project however begins when it casts itself as a framework for social reconstruction. Then the hard labour of explaining complex and morally problematic social phenomena such as criminal violence becomes inescapable.

CHAPTER FIVE

5.0 AS A LAW STUDENT AND A HUMAN RIGHT ACTIVIST HOW THEN DO WE EXPLAIN A PHENOMENON LIKE MUNGIKI?

In light of the theoretical handicap that hobbles the human rights idea, how then do we explain a phenomenon like Mungiki? One of the two forms of explaining the Mungiki movement has been to view them as an expression of a lingering traditionalism at odds with the configuration of the modern Kenyan state. This view explains the attention that researchers have paid to Mungiki's cultural identity and espoused fidelity to Kikuyu traditional values. To others like Kenyan Minister of Internal Security, John Michuki, the Mungiki are "savage" and "cannibalistic"⁵¹ In this view, Mungiki is interpreted as a steeped in pre-modern ritualism and primitivism that continues to darkly haunt Kenya's modernization project.

Such culturalist arguments have a long history of blindness to the politico-economic dynamics that shape human behavior. **Paul Farmer** in his work with '*The poor in Haiti*' has criticized the "immodest claims of causality" that are predominant in an epistemology where cultural exotica is fore-grounded while "*other considerations like poverty and inequality and the feckless, sometimes deadly policies of the powerful*" are absent.⁵²

Grace Wamue, in her pioneering work, correctly noted the instrumentalization of religion and Kikuyu traditional culture by Mungiki.⁵³

⁵¹ Boniface Gikandi, Cyrus Ombati and Elizabeth Mwai, "Security Minister Tells of Bizarre Mungiki Sect Rituals," The Standard, June 4, 2007.

⁵² Paul Farmer, *Infections and Inequalities: The Modern Plagues* (Berkeley, University of California Press, 1999), p.23.

⁵³ Wamue "Revisiting Our Indigenous Shrines," (2001).

Nevertheless, her work largely remains a religion-cultural critique of the movement. Although Wamue hints at Mungiki's political agenda, she sees the core of the group as essentially cultural. Even the ethnic-based kingdoms that Mungiki seeks to establish are "religious, not political".⁵⁴ This religio-cultural critique of Mungiki is taken up by **Peter Kagwanja** in his writings. Kagwanja's initial analysis of the movement, tellingly titled, "**Facing Mount Kenya or Facing Mecca?**" places Mungiki within the context of "**the 'retribalization' of politics and the erosion of civic nationhood.**"⁵⁵ Kagwanja continues with the hunt for a cultural rabbit in a later article in 2005 arguing that Mungiki's activities in the run-up and after the 2002 general elections in Kenya represent an "effort to retraditionalize governance in an essentially modern space"⁵⁶

Another response to the Mungiki violence is the call on the state to improve its effectiveness in policing work. This view sees Mungiki as the result of the failure by the Kenyan state to meet the **Weberian** challenge of monopolizing violence within its borders. This is the position taken by most human rights groups. This view, as **Angelina Godoy notes** assumes that more law as well as reform of justice institutions is the key to resolving problems of crime⁵⁷ Yet as Godoy notes with respect to **lynchings Guatemala** a "more law" approach misses the point since,

*....at its core, lynchings are a problem of the legitimacy, not the presence, of law
Indeed, they are a commentary on that law and the social order it upholds; the*

⁵⁴ Ibid.p.46

⁵⁵ Kagwanja, "Facing Mount Kenya or Facing Mecca?" (2003), p.27.

⁵⁶ Peter Mwangi Kagwanja, "Power to Uhuru"

⁵⁷ Godoy, Popular Injustice (2006), p.16.

*exclusion of which they speak is embedded within it not looking somewhere beyond its gaze.*⁵⁸

With respect to Mungiki violence, the “more law” approach calls for more police presence, better systems of crime detection and a more efficient and professional criminal justice system. There is no denying that crime detection, prevention and law enforcement in general are important pillars of a rights respecting society. Nevertheless, a “more law” argument divorced from a critical grasp of the extent to which law and its instruments might be implicated in the structural violence that defines radical social inequality itself risks exacerbating the problem it seeks to solve.

There is a sense therefore that the modern day human rights activist, with her fascination with reforms, is like the **Explorer of Franz Kafka’s “In the Penal Colony”**. The human rights activist is understandably appalled by the inhumanity of the system and would have it reformed. But the structural violence of the system is such that she must do more than just denounce it. For Kafka’s Explorer, merely destroying the machinery of torture and death does not reform a system that is founded on violence and domination. To build a new humane order on the wreckage of the old ones proves ultimately impossible and the Explorer too has to depend on the same kind of violence being denounced.

Moreover, the ideological construction of human rights as an ethical pursuit removed from politics, indeed as a form of anti-politics,⁵⁹ has largely excused both human rights scholars and activists from venturing into the study of social phenomenon that does not lend itself to unequivocal moral evaluations. Consequently, groups like

⁵⁸ Ibid 21.

⁵⁹ David Chandler uses this term to describe the elite aversion to civic involvement and preference for normative criticism and prescription that characterizes the human rights movement. David Chandler, *From Kosovo to Kabul: Human Rights and International Intervention* (Pluto Press, London, 2004).

Mungiki that employ violence have not received adequate research attention. Partly also, the reason for this neglect is the fear that by attempting to explain the politics and activities of groups like Mungiki, the careful human rights scholar and activist may be accused of justifying their violence. As a result, most human rights attention has been in terms of formulaic denunciation of such movements as criminal enterprises or cultural fundamentalists divorced or subversive to the wider 'benign' rule-governed political order. In the process violence is allowed to be its own meaning: yet "to be made thinkable, it needs to be historicized."⁶⁰

Perilous as it might sound to the human rights enterprise, there is need for more theoretical human rights work on the question of violence. To suggest that marginalization might drive individuals or groups to acts of violence is different from morally defending that action. As **John Comaroff** writes, "when they begin to find a voice, peoples who see themselves as disadvantaged often do so either by speaking back in the language of the law or by disrupting its means and ends."⁶¹

The question that should be taken with seriousness by human rights scholars and other researchers is whether Mungiki and other Mungiki-type groups are mere criminal enterprises or historical agents in their own right. The standard human rights approach does not lend itself well to framing such questions, given its focus on individual violator/victim of human rights violations. The focus on the individual event and the individual victims of human rights while important obscures the connections between the violence by Mungiki and the violence in other parts of the country in their historical milieu.

⁶⁰ Mahmood Mamdani, *When Victims Become Killers: Colonialism Nativism and the Genocide in Rwanda* (Princeton University Press, Princeton, NJ, 2001), p. 364.

⁶¹ John L Comaroff, Foreword to *Contested States: Law Hegemony and Resistance*, edited by Mindie Lazarous-Black and Susan F. Hirsch (New York: Routledge, 1994):p. xii quoted in Godoy, *Popular Injustice* (2006), p11

Using a moral economy perspective, we notice in above chapters that youth or young people join such sects to get jobs and atleast get a source of income, a means to feed there families, therefore economically its possible to offer an explanation as to why they do or why they join these sects. According to James Scott he has explained how the expectations of guaranteed subsistence in times of poor harvests were at the centre of peasant rebellions in **Burma and Indo-China in the colonial period**.⁶² There is likely to be a moral economy explanation as to how those implicated in the Mungiki beheadings and other forms of violence can live with themselves. Just like the peasants of James Scott's studies and the perpetrators of ethnic violence studied by **Stanley Tambiah in South Asia**, they must "feel at some level that their cause is legitimate and justified.

My work or this dissertation does not however suggest that sects like Mungiki should be understood merely as a marginalized and oppressed group. The reality is much more complex. A totalizing historiography of a group such as Mungiki, or any other group for that matter, is entirely inaccurate, because there is no any sound reason why a marginalized group should start beheading there fellow brothers or tribe's mate and more so there country men, if it was a self determining war or uprising then that is a different story all together As **C.A Bayly** notes, "*... [d]own almost to the very bottom of society every subaltern was an elite to someone lower than him..., the rhetorical devices of "subaltern" and "peasant resistance"* often impede [the subaltern historians] in this more subtle analysis.⁶³ As in any group there are questions on the relationship between the Mungiki leadership and the ordinary members. There are suggestions that the violence of 2007 was merely a fight between the leadership and certain politicians over broken promises made to these individual Mungiki leaders. There is nothing to suggest that the membership was involved in the negotiations with politicians or even endorsed

⁶² James C. Scott *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven: Yale University Press, 1976).

⁶³ Stanley J. Tarnbiah, *Levelling Crowds: Ethnonationalist Conflicts and Collective Violence in South Asia* (Berkely, University Of California Press, 1996), Quoted in p.316.

the activities of the leaders. Moreover, the incongruence of the lifestyles of the group's visible leaders and the squalor of those in whose name they speak points to the replication of the "subaltern/elite" fissures within Mungiki itself.

5.1 As we have seen the problems caused by this sect, then what recommendations / solutions are available in curbing this menace

This work/ dissertation is very conscious of the vast research that needs to be done surrounding sects like Mungiki and the politics of violence in Kenya. Much more work remains to be done in areas such as the roles and place of women in the Mungiki movement. However what are the solutions that can be offered in curbing such sects in our country.

5.1 Solutions/recommendations

Employment

The core cause of this sect's activities is unemployment, we noted in above chapters that youth or young people join such sects to get jobs and atleast get a source of income, a means to feed there families, therefore economically its possible to offer an explanation as to why they do or why they join these sects. Thus economically there is an explanation as to how those implicated in the Mungiki beheadings and other forms of violence can live with themselves, they must *"feel at some level that their cause is legitimate and justified."* And the only explanation is the promise made by the government that over 5000 thousand jobs will be created by the president during his 2002 election campaigns thus the failure of this promise might be a cause of youths joining or trying to ask for the promises made. The government should do all that it can to provide jobs to young graduate and its **youth** if they want to win this war against such sects.

Lack of education or knowledge

Most young people are deceived that joining such sects will make there life better and they are blinded by money but due to **lack of knowledge and information they don't recognize how harmful such groups can be** and thus they end up being used by reach people to do there duty work, as we have seen that some politicians and other rich people us this sects to either disorganize other politician's campaigns or even kill there supporters. This can be3 avoided if only the government can take initiatives to sensitive the masses and its citizens of the odds of such sects otherwise lack of this education will be catastrophic to our brothers and relatives in rural areas where happens to be the strong holds of such sects.

More research needs to be done.

Groups like Mungiki that employ violence have not received adequate research attention. Partly, the reason for this neglect is the fear that by attempting to explain the politics and activities of groups like Mungiki, the careful student/scholar and NGOs activist may be accused of justifying their violence. As a result, most human rights attention has been in terms of formulaic denunciation of such movements as criminal enterprises or cultural fundamentalists divorced or subversive to the wider 'benign' rule-governed political order. In the process violence is allowed to be its own meaning: yet "to be made thinkable, it needs to be historicized.⁶⁴ therefore due to lack of enough to be read many people end up not understanding the group and it becomes easy to term them as thieves, criminals, vigilantes without knowing actually what they stand for what drives them and not trying to understanding why they do what they do. More work needs to be done so as to avail the much needed explanation and literature to help enlighten the masses of the activities of such sects.

⁶⁴ Mahmood Mamdani, *When Victims Become Killers: Colonialism Nativism and the Genocide in Rwanda* (Princeton University Press, Princeton, NJ, 2001), p. 364.

The state should improve its effectiveness in its policing work.

There are calls on the state to improve its effectiveness in its policing work. This view sees Mungiki as the result of the failure by the Kenyan state to meet the challenges of monopolizing violence within its borders. This is the position taken by most human rights groups. This view, assumes that more law as well as reform of justice institutions is the key to resolving problems of crime⁶⁵ However other writers has come up to disagree with this view in that creating more law will be defeating the purpose of its legislation in the first place. As Godoy notes with respect to **lychings Guatemala** a “**MORE LAW**” approach misses the point since,

*....at its core, lynchings are a problem of the legitimacy, not the presence, of law. Indeed, they are commentary on that law and the social order it upholds; the exclusion of which they speak is embedded within it not looking somewhere beyond its gaze.*⁶⁶

With respect to Mungiki violence, the “more law” approach calls for more police presence, better systems of crime detection and a more efficient and professional criminal justice system. There is no denying that crime detection, prevention and law enforcement in general are important pillars of a rights respecting society. Nevertheless, that does not give the police the green light to go around killing innocent youths from the kikuyu community in the name of trying to curb this sect. in chapter three we’ve seen that over 1500 young men were killed in an attempt to curb this sect however the same report from the human right commission has it that over 500 young innocent youths from the kikuyu community were killed just because they come from the kikuyu community. It’s upon the government to train its police on how to handle such scenarios without victimizing innocent people on the basis of originating from a certain tribe nobody asked God that he should be born in a particular tribe.

⁶⁵ Godoy, *Popular Injustice* (2006), p.16.

⁶⁶ *Ibid* 21.

Harsh/deterrent measures taken to funders of such deadly sects

As we've seen above that most rich people and some very influential people like politicians fund this sect to do their duty work for them of disorganizing of politicians campaigns or even use them as “**guns for hire**”, therefore there is need to put up very strict and stringent measures to those who fund such groups otherwise killing them will not solve anything as the effective way of killing a **snack** is cutting of the head and the head in this scenario is the people who sustain the group and not the “**hands**” only.

Thus conclusively this work does not advocate for the understanding the said sect as the oppressed people in the society but rather its intended to shade some light and to educate any person that might be interested to knowing the Mungiki movement in Kenya, at the end of the day this dissertation is intended to adding in the frontiers of knowledge that is already available in public and add a little bit more and also help in ways of curbing the so called sect. The government should make sure that the triggers of violence highlighted above are taken into account and rectified or else it will be fighting a losing battle.

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