

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please advise if the Mungiki demonstrated in Ruiru on or around 26 December 2007?**
- 2. Were elections held in Kenya on 27 December 2007?**
- 3. When were the results of the election available?**
- 4. Did William Kabogo lose the election?**
- 5. Was the election won by George Thuo?**
- 6. Is the Mungiki largely Islamic?**
- 7. Do the National Youth Alliance issue membership cards with the word Mungiki on them?**

RESPONSE

- 1. Please advise if the Mungiki demonstrated in Ruiru on or around 26 December 2007?**

No information was found in the sources consulted of a demonstration in Ruiru on or around 26 December 2007.

According to the attached *Microsoft Encarta Interactive Atlas* maps there are two places in Kenya known as “Ruiru”. One is some 20kms north east of Nairobi. The other is some 5kms west of Fort Hall. Fort Hall is an estimated 75kms north east of Nairobi (‘Ruiru near Nairobi & Fort Hall’ 2000, *Microsoft Encarta Interactive Atlas* – Attachment 1; ‘Ruiru near Fort Hall’ 2000, *Microsoft Encarta Interactive Atlas* – Attachment 2).

2. Were elections held in Kenya on 27 December 2007?

Presidential and National Assembly elections were held on 27 December 2007. In the presidential election, the incumbent, Mwai Kibaki (Party of National Unity (PNU)), was re-elected. In the National Assembly elections the Orange Democratic Movement (ODM) won 99 of the 210 seats. As at April 2008 the Cabinet comprised a coalition of the PNU, ODM and ODM-Kenya parties (*The Europa World Year Book 2008* 2008, Routledge, 49th ed, London, Vol. II, pp.2594-2596 – Attachment 3).

According to *The Europa World Year Book 2008*:

At the legislative elections, held on 27 December 2007, the ODM secured 99 of the 210 seats in the National Assembly, the PNU won 43, the ODM-Kenya, which had broken away from the main party in August, 16 and the KANU [Kenya African National Union] 14. Results in three constituencies were not released. The presidential election was held concurrently and the Electoral Commission of Kenya announced that, despite indications prior to the vote that [Raila] Odinga [ODM] had garnered greater popular support, Kibaki had narrowly been re-elected to the presidency with 4,584,721 votes; Odinga was reported to have secured 4,352,993 votes. Official figures detailing the total number of votes cast were not immediately made available. Odinga and other opposition candidates vehemently denounced the results, while independent international observers expressed scepticism regarding the credibility of the election, which had taken place amid allegations of widespread procedural violations. The results led to an upsurge in tribal conflict between Kibaki's Kikuyu supporters and Odinga's Luo followers. Nevertheless, on 30 December Kibaki was sworn in for a second term (*The Europa World Year Book 2008* 2008, Routledge, 49th ed, London, Vol. II, p.2586 – Attachment 3).

3. When were the results of the election results available?

Definitive information on when the results of the National Assembly election results were available was not found in the sources consulted¹. However, sources suggest that some National Assembly results were known by 29 December 2007. On 28 December 2007 *The Standard* reported that some government ministers had lost their parliamentary seats. At that time the Electoral Commission of Kenya (ECK) reportedly had not officially released results. A *Daily Nation* news article, dated 31 December 2007, noted that provisional results had been released by ECK. Another *Daily Nation* article, dated 30 December 2007, referred to "MPs-elect" attending a press conference (Ndegwa, Stephen 2007, 'Election Updates: VP, 18 Ministers trounced', *The Standard*, 28 December <http://www.eastandard.net/archives/print.php?id=1143979601&cid=4> – Accessed 21 January 2009 – Attachment 4; Opondo, Owino 2007, 'Kenya: House is Kibaki's Next Challenge', *Daily Nation*, 31 December, allAfrica.com website <http://allafrica.com/stories/printable/200712310014.html> – Accessed 21 January 2009 – Attachment 5; Mugonyi, David & Orlale, Odhiambo 2007, 'Kenya: Parties Release Their Own Results', *Daily Nation*, 30 December, allAfrica.com website <http://allafrica.com/stories/printable/200712310324.html> – Accessed 20 January 2009 – Attachment 6).

In respect of the presidential election result, the International Crisis Group (ICG) reported that ECK announced on 30 December 2007 that President Mwai Kibake was the winner. The

¹ In research for this response the Electoral Commission of Kenya (ECK) website (<http://www.eck.or.ke/>) could not be accessed.

ICG also noted that on 29 December 2007 the opposition had started to denounce the rigging of the presidential election (International Crisis Group 2008, *Kenya in Crisis*, 21 February, Africa Report No. 137, pp.1-2 – Attachment 7).

4. Did William Kabogo lose the election?

5. Was the election won by George Thuo?

Sources indicate that William Kabogo and George Thuo contested the seat of Juja in the December 2007 parliamentary elections. Thuo was the PNU candidate and Kabogo was the *Sisi Kwa Sisi* (SKS) candidate. Thuo was the successful candidate (Kadida, Jillo & Rwenji, Caroline 2008, 'Kenya: Saitoti's Rival Contests Results', *Daily Nation*, 22 January, allAfrica.com website <http://allafrica.com/stories/printable/200801220165.html> – Accessed 20 January 2009 – Attachment 8; 'Kenya: Juja MP Voted Govt Chief Whip' 2008, *Daily Nation*, 23 January, allAfrica.com website <http://allafrica.com/stories/printable/200801221363.html> – Accessed 20 January 2009 – Attachment 9); Rugene, Njeri 2007, 'Kenya: Losers in Primaries Work Overdrive to Ensure Smooth Sail in New Parties', *Daily Nation*, 19 November, allAfrica.com website <http://allafrica.com/stories/printable/200711190240.html> – Accessed 20 January 2009 – Attachment 10; 'Kenya: Titans to Lock Horns for Seats' 2007, *Daily Nation*, 26 November, allAfrica.com website <http://allafrica.com/stories/printable/200711260401.html> – Accessed 20 January 2009 – Attachment 11).

It may be of interest that Kabogo reportedly has a history of switching parties. In the November 2007 primaries to choose parliamentary candidates Thuo defeated Kabogo for the PNU ticket. Kabogo then returned to the SKS. Previously, in 2002, Kabogo had reportedly "defected" to the SKS after being defeated in the KANU nominations (International Crisis Group 2008, *Kenya in Crisis*, 21 February, Africa Report No. 137, pp.5-6 – Attachment 7; Rugene, Njeri 2007, 'Kenya: Losers in Primaries Work Overdrive to Ensure Smooth Sail in New Parties', *Daily Nation*, 19 November, allAfrica.com website <http://allafrica.com/stories/printable/200711190240.html> – Accessed 20 January 2009 – Attachment 10; 'Kenya: Titans to Lock Horns for Seats' 2007, *Daily Nation*, 26 November, allAfrica.com website <http://allafrica.com/stories/printable/200711260401.html> – Accessed 20 January 2009 – Attachment 11).

The entry for the SKS in the *Political Handbook of the World 2007* states:

Sisi Kwa Sisi purports to transcend religious barriers by uniting supporters of Islamic Party-Kenya and the Mungiki sect. The party won two seats in the 2002 legislative balloting and pledged to work with the NARC coalition [National Rainbow Coalition] to secure political and economic reforms.

Leaders: John Rukenya KABUGUA (Chair), Moffat Muia MAITHA, William Gitau KAABOGO (Banks, Arthur S. et al. (eds) 2007, *Political Handbook of the World 2007*, CQ Press, Washington, p.658 – Attachment 12).

In June 2007 *Africa Confidential* reported that Kabogo had been charged with association with Mungiki. He was released on bail ('Terror Comes Home to Roost' 2007, *Africa Confidential*, 8 June, Vol. 48, No. 12 <http://www.africa-confidential.com/article/id/2191/TERROR-COMES-HOME-TO-ROOST> – Accessed 20 January 2009 – Attachment 13).

Also, a December 2007 *Daily Nation* news article reported an attack on Kabogo ('Kenya: Gang Sprays Kabogo's Car With Bullets' 2007, *Daily Nation*, 3 December, allAfrica.com website <http://allafrica.com/stories/printable/200712030119.html> – Accessed 20 January 2009 – Attachment 14).

6. Is the Mungiki largely Islamic?

No information was found in the sources consulted on whether the Mungiki is largely Islamic. However, sources report that some Mungiki leaders had converted to Islam. Although the International Crisis Group reports that Mungiki membership is limited to Kikuyu men, sources cited by the Canadian Immigration and Refugee Board state that the group apparently has some non-Kikuyu members and 80% of the members are male.

The 2004 publication *Revolutionary and Dissident Movements of the World* stated that in September 2000, 13 Mungiki leaders “converted to the radical Shiite order of Kenyan Muslims, politically united in the Islamic Party of Kenya (IPK)”. The book noted that the Mungiki draws the majority of its supporters from the Kikuyu, Kenya's largest tribal group. The US State Department estimates that the Kikuyu comprise 22% of the population and 10% are Muslims (Szajkowski, Bogdan (ed) 2004, *Revolutionary and Dissident Movements of the World*, John Harper Publishing, 4th ed., London, p.269 – Attachment 15; US State Department 2008, 'Background Notes: Kenya', *State Department Press Releases and Documents*, 23 June – Attachment 16).

In July 2007 the *Washington Post* reported that one Mungiki leader, who has left the group, converted to Islam and then to Christianity:

Eventually, some Mungiki leaders became rich. One, Ndura Waruinge, officially renounced the sect, converted to Islam, changed his name to Ibrahim, then converted to Christianity and changed his name to Hezekiah. Now he is running for a seat in parliament (McCrummen, Stephanie 2007, 'Brutal Kenyan Sect Aims to Provoke Strife', *Washington Post*, 2 July – Attachment 17).

On membership of the Mungiki the Canadian Immigration and Refugee Board stated:

It is not known how widespread the Mungiki are in Kenya (*Washington Post* 2 July 2007; Reuters 5 June 2007). However, the group claims to have a membership of up to two million people (Safer Access July 2007; BBC 24 May 2007a; *Revolutionary and Dissident Movements of the World* 2004, 268). Members are generally unemployed youths of the Kikuyu ethnic group (ibid.; Reuters 5 June 2007), although the group apparently has some non-Kikuyu members (*Revolutionary and Dissident Movements of the World* 2004, 268). It is estimated that 80 percent of Mungiki members are male (ibid.). Many wear dreadlocks (Safer Access July 2007; *Washington Post* 2 July 2007) (Immigration and Refugee Board of Canada 2007, KEN102637.E – Kenya: The Mungiki sect; leadership, membership and recruitment, organizational structure, activities and state protection available to its victims (2006 – October 2007), 1 November http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451542 – Accessed 21 January 2009 – Attachment 18).

However, also on the group's membership, the ICG reported that:

...[Mungiki] Membership is gained by swearing oaths (often forced) and strictly limited to Kikuyu men. The initial aim was the “liberation” of Kikuyus from Moi oppression and a

cultural revival of the traditional Kikuyu way of life. It borrows much from Mau Mau symbolism and argues that no one except a Kikuyu should ever rule Kenya. Over the years and especially between 1992 and 1997, it has had contacts with parliamentarians from central Kenya. Though they were sometimes forcibly sworn into the group, they found cooperation with Mungiki useful for political mobilisation (International Crisis Group 2008, *Kenya in Crisis*, 21 February, Africa Report No. 137, pp.13-14 – Attachment 7).

Of interest may be a December 2007 DFAT advice on the Kikuyu which refers to Kikuyu who have converted to Islam (DIAC Country Information Service 2007, *Country Information Report No. 07/88 – CIS Request KEN9159: Kikuyu / Kikuya*, (sourced from DFAT advice of 7 December 2007), 11 December – Attachment 19).

7. Do the National Youth Alliance issue membership cards with the word Mungiki on them?

No information was found in the sources consulted on the “National Youth Alliance” issuing membership cards with the word “Mungiki” on them.

It may be of interest that sources refer to the “Kenya National Youth Alliance” (KNYA). No information was found in the sources consulted on the KNYA issuing membership cards with the word “Mungiki” on them. Most sources report that the KNYA is a front organisation for Mungiki (International Crisis Group 2008, *Kenya in Crisis*, 21 February, Africa Report No. 137, p.5/footnote 25 – Attachment 7; Immigration and Refugee Board of Canada 2007, *KEN102637.E – Kenya: The Mungiki sect; leadership, membership and recruitment, organizational structure, activities and state protection available to its victims* (2006 – October 2007), 1 November http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451542 – Accessed 21 January 2009 – Attachment 18; ‘Kenyan police kill top members of feared criminal gang’ 2008, *Agence France Presse*, 29 April http://www.koreanmovie.com/news/view/Kenyan_police_kill_top_229434/ – Accessed 16 December 2008 – Attachment 20; ‘Mungiki sect leader is shot dead’ 2008, *BBC News*, 28 April <http://news.bbc.co.uk/2/hi/africa/7371517.stm> – Accessed 21 January 2009 – Attachment 21; Warah, Rasna 2008, ‘Kenya: Mungiki Merely a Symptom of a Deadly Disease’, *Daily Nation*, 21 April, allAfrica.com website <http://allafrica.com/stories/printable/200804210208.html> – Accessed 21 January 2009 – Attachment 22; ‘Kenya: Mungiki Members Speak Out’ 2008, *The Standard*, 18 April, allAfrica.com website <http://allafrica.com/stories/printable/200804171279.html> – Accessed 22 January 2009 – Attachment 23).

The *Daily Nation* article dated 21 April 2008, citing a spokesman for the KNYA, Njuguna Gitau Njuguna, stated:

Njuguna also stated that Kenya National Youth Alliance was not the political arm of the Mungiki (which he claims no longer exists) but a political organisation in its own right with a membership of some 1.5 million people (Warah, Rasna 2008, ‘Kenya: Mungiki Merely a Symptom of a Deadly Disease’, *Daily Nation*, 21 April, allAfrica.com website <http://allafrica.com/stories/printable/200804210208.html> – Accessed 21 January 2009 – Attachment 22).

List of Sources Consulted

Internet Sources:

Google search engine <http://www.google.com.au/>

Daily Nation <http://www.nation.co.ke/>

The Standard <http://www.eastandard.net/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

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2. 'Ruiru near Fort Hall' 2000, *Microsoft Encarta Interactive Atlas*. (CD ROM)
3. *The Europa World Year Book 2008* 2008, Routledge, 49th ed, London, Vol. II, pp.2586,2594-2596. (MRT-RRT Library)
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10. Rugene, Njeri 2007, 'Kenya: Losers in Primaries Work Overdrive to Ensure Smooth Sail in New Parties', *Daily Nation*, 19 November, allAfrica.com website <http://allafrica.com/stories/printable/200711190240.html> – Accessed 20 January 2009.

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16. US State Department 2008, 'Background Notes: Kenya', *State Department Press Releases and Documents*, 23 June. (FACTIVA)
17. McCrummen, Stephanie 2007, 'Brutal Kenyan Sect Aims to Provoke Strife', *Washington Post*, 2 July. (FACTIVA)
18. Immigration and Refugee Board of Canada 2007, KEN102637.E – *Kenya: The Mungiki sect; leadership, membership and recruitment, organizational structure, activities and state protection available to its victims (2006 – October 2007)*, 1 November http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451542 – Accessed 21 January 2009.
19. DIAC Country Information Service 2007, *Country Information Report No. 07/88 – CIS Request KEN9159: Kikuyu / Kikuya*, (sourced from DFAT advice of 7 December 2007), 11 December. (CISNET Kenya CX189620)
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