



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## Kenya

Kenya – KEN37736 – Kikuyu – Mungiki –  
Elections – State protection – Women –  
Orange Democratic Movement – Party of  
National Unity  
2 December 2010

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### 1. Were the elections held in 2007 or 2008?

The most recent Kenyan presidential elections were held on 27 December 2007 and were widely criticised for manipulation of the results. While political polls indicated strong gains for the opposition, the Orange Democratic Movement (ODM) led by Raila Odinga, incumbent President Mwai Kibaki of the Party of National Unity (PNU) was declared the election winner on 30 December in spite of credible and multiple allegations of fraud.<sup>1</sup> President Kibaki and opposition leader Raila Odinga signed a power-sharing deal on 29 February 2008 which included the creation of the post of Prime Minister, which Odinga filled.<sup>2</sup>

### 2. Are the Kikuyu subjected to serious harm by state and non-state agents in Kenya?

The Kikuyu have been subjected to serious harm by state and non-state agents under previous governments<sup>3</sup>; under the current administration, however, President Kibaki, a Kikuyu himself, has been accused of favouring the Kikuyu. This was the cause of significant tribal violence following the contested outcome of the 2007 elections. The BBC reported in late December 2008 that ethnic bigotry, similar to that which characterised the post-election violence, is still considered a major threat to national security.<sup>4</sup>

#### ***Harm against Kikuyus by State Agents***

Country Information compiled by the Department of Foreign Affairs and Trade (DFAT) in December 2007 on the Kikuyu notes that 'It would not be inaccurate to say that this tribe dominates most aspects of political and economical [sic] life in Kenya' and that President Kibaki has been accused of 'entrench[ing] Kikuyu dominance by distributing more money and resources to Kikuyu-dominated parts of the country and favouring

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<sup>1</sup> Freedom House 2010, *Freedom in the World – Kenya*, June  
<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7851> – Accessed 10 September 2010 – Attachment 1

<sup>2</sup> 'Kenyan rivals sign power sharing deal' 2008. *Sydney Morning Herald*, 29 February – Attachment 2

<sup>3</sup> The 24-year, single-party rule of Kibaki's predecessor, Daniel Arap Moi, a member of the Kalenjin tribe, was characterised by government manipulation of tribal tensions – Jones, G. 2008, 'Understanding Kenya', *Foreign Policy Research Institute (FPRI)*, January – Attachment 3

<sup>4</sup> Njeri, J. 2008, 'Fear stalks Kenyans one year on', *BBC News*, 27 December <http://news.bbc.co.uk/2/hi/africa/7792558.stm> – Accessed 30 November 2010 – Attachment 4

Kikuyu's when making public appointments'.<sup>5</sup> This indicates that Kikuyu are not subjected to serious harm by state agents in Kenya.

Harm perpetrated against Kikuyu by non-state actors is often the result of land-based tensions; however, these historical tensions have been and are exploited by politicians in electoral campaigning, resulting in ethnically-motivated violence.<sup>6</sup> In the election year of 1992, for example, politicians influenced the Kalenjin community by asserting that the Rift Valley was Kalenjin ancestral land, resulting in the formation of Kalenjin militias who massacred hundreds of Kikuyus in attempts to steal their farms.<sup>7</sup> Under President Daniel Arap Moi, a Kalenjin, ethnic tensions were further exploited for political purposes, with Moi presenting himself as the only leader able to keep the Kikuyu's in check.<sup>8</sup>

### ***Harm against Kikuyu by Non-State Agents***

In January 2008 ethnic violence broke out in Kenya in response to the fraudulent re-election of President Kibaki. Kikuyu were the primary targets of violence due to Kibaki's perceived Kikuyu favouritism, though retaliatory attacks were perpetrated by both sides. Hundreds of thousands of Kikuyus were displaced and at least 1200 were killed in the violence.<sup>9</sup> The *New York Times* described the events of January 2008 as:

...nothing short of a mass exodus. The tribe that has dominated business and politics in Kenya since independence in 1963 is now being chased off its land by machete-wielding mobs made up of members of other tribes furious about the Dec. 27 election...In some places, Kikuyus have been hunted down with bows and arrows.<sup>10</sup>

The *New Statesman* reported in early January 2008 that 250 000 Kenyans had been displaced and made homeless; the majority were Kikuyus fleeing their homes in the Rift Valley.<sup>11</sup>

### ***Kikuyu Mungiki***

Kikuyu are directly targeted by state agents when suspected of belonging to the Mungiki (see Question 4 for information about the Mungiki sect). The Kenyan security apparatus has been accused of conducting hundreds of extrajudicial killings in attempts to wipe out the Mungiki, whose members are almost exclusively Kikuyu. While in these instances Kikuyu are targeted by state agents because of their suspected membership of an illegal group rather than solely due to their ethnicity, the Mungiki's majority-Kikuyu membership renders Kikuyu's more at risk from the brutal and unlawful behaviour associated with the security apparatus' pursuit of the Mungiki. This places ordinary Kikuyus at risk to the extent that they may be suspected of membership; the Canadian Immigration and Refugee Board (IRB) and *BBC News* report that a special police unit

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<sup>5</sup> Department of Foreign Affairs and Trade 2007, *CIS Request KEN9159: Kikuyu/Kikuya – Country Information Report No. 07/88*, 11 December – Attachment 5

<sup>6</sup> Department of Foreign Affairs and Trade 2007, *CIS Request KEN9159: Kikuyu/Kikuya – Country Information Report No. 07/88*, 11 December – Attachment 5

<sup>7</sup> Gettleman, J. 2008, 'Kenya Kikuyus, long dominant, are now routed', *New York Times*, 7 January – Attachment 6

<sup>8</sup> Wrong, M. 2008, 'Tribal paranoia', *New Statesman*, 11 January – Attachment 7

<sup>9</sup> 'Ethnic tensions simmer' 2008, *Independent Online South Africa*, 25 March – Attachment 8

<sup>10</sup> Gettleman, J. 2008, 'Kenya Kikuyus, long dominant, are now routed', *New York Times*, 7 January – Attachment 6

<sup>11</sup> Wrong, M. 2008, 'Tribal paranoia', *New Statesman*, 11 January – Attachment 7

established to hunt the Mungiki has a 'shoot to kill' policy for suspected members.<sup>12</sup> The arrest of over 2400 and killing of over 30 suspected Mungiki in a one-week period following the beheading of six alleged Mungiki 'defectors' in June 2007 is illustrative of the risk posed by security forces to those believed to be linked to the group. The Mungiki also target Kikuyus refusing to join the cause.<sup>13</sup>

### 3. Would they be afforded state protection?

All Kenyans have equal access to state protection, regardless of tribe or ethnicity. A number of reports indicate, however, that Kenyan security forces are highly corrupt and are often feared equally to the non-state groups they purport to protect citizens from. In the case of Kikuyu seeking protection whom police may suspect of affiliation with the Mungiki, state protection could not be assumed.

#### *State Protection for Kikuyus*

No information was located indicating that Kikuyus are denied state protection for reason of their ethnicity. A *New York Times* article reporting on the post-election violence in early January 2008 notes that tens of thousands of Kikuyus were 'camped out at police stations and churches for protection, waiting for buses guarded by military escorts to evacuate them to the central highlands, the traditional Kikuyu homeland'.<sup>14</sup> This indicates a level of expectation that state protection will be afforded to Kikuyus vulnerable to non-state agents. The article goes on to note, however, that in areas where Kikuyus are significantly outnumbered, such as western Kenya, they are 'easy targets' for dominant tribes, and describes police officers in the Rift Valley as seeming 'reluctant to intervene' when Kalenjin gangs stormed Kikuyu farms in January 2008, killing scores of Kikuyus.<sup>15</sup> A February 2008 article from the *Sydney Morning Herald* that describes continuing post-election violence in the Rift Valley and burning of Kikuyu houses by Kalenjin, notes that police were slow to respond, arriving when properties had already been razed.<sup>16</sup>

The capacity of the regular police to maintain order and protect citizens, including Kikuyus, is also questioned in an article published in South African publication *Independent Online* in late March 2008. The article describes the police building a new base in an area where Kikuyu villages had been burned to the ground during the

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<sup>12</sup> 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](http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451542) - Accessed 21 January 2009 - Attachment 9; 'Kenya police deny sect brutality' 2007, BBC News, 8 June <http://news.bbc.co.uk/2/hi/africa/6735503.stm> - Accessed 1 December 2010 - Attachment 10

<sup>13</sup> 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](http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451542) - Accessed 21 January 2009 - Attachment 9

<sup>14</sup> Gettleman, J. 2008, 'Kenya Kikuyus, long dominant, are now routed', *New York Times*, 7 January - Attachment 6

<sup>15</sup> Gettleman, J. 2008, 'Kenya Kikuyus, long dominant, are now routed', *New York Times*, 7 January - Attachment 6

<sup>16</sup> 'Kenyan rivals sign power sharing deal' 2008. *Sydney Morning Herald*, 29 February - Attachment 2

post-election violence; however, a month earlier the area and highway was controlled by armed gangs that set up roadblocks to seek out Kikuyus.<sup>17</sup>

### ***State Protection Generally***

A number of reports were located that comment on the high levels of corruption and impunity within the Kenyan police and security forces, which negatively impact the equal and effective provision of state protection. The regular police in Kenya are described in one report from 2008 as:

...poorly equipped and poorly led, poorly respected because of their constant extortion of bribes from the average Kenyan. Probably responsible for most of the deaths at government hands up to this point.<sup>18</sup>

The General Service Unit (GSU), however, is described as well-equipped, trained and led with 'a reputation for cracking heads'. Notably, the GSU are recruited across tribal lines and are known for opposing riots by any tribe or socio-economic group 'with equal enthusiasm'.<sup>19</sup> An article published by *BBC News*, however, notes that many accusations of brutality against civilians have been levelled against the GSU, including allegations of rape 'just to instil fear during their operations'.<sup>20</sup>

The Kenya Human Rights Commission (KHRC) released a report in September 2010 on the status of human rights in the country. The report indicates that cases of police brutality, extrajudicial killings and torture have increased in the past five years, and are attributed to an increase in mob violence, vigilante groups and a failed criminal justice system. KHRC Executive Director Muthoni Wanyeki claims in the report that the police force is incapable of preventing crime, and this has led to a rise in mob violence as citizens take matters into their own hands.<sup>21</sup> A July 2009 report by Transparency International, the East African Bribery Index, found the Kenyan police to be the most corrupt in East Africa. The survey also found high levels of corruption in the judiciary, immigration departments and local authorities.<sup>22</sup>

The corruption and criminal behaviour of security forces is reflected in the unwillingness of Kenyan citizens to seek assistance from the police. *Reuters*, for example, reported in July 2009 that one year after the post-election violence, residents of the Kibera slum who saw police firing live ammunition into crowds of protesters are still too afraid to seek medical treatment because of fears they will be targeted by security forces if they ask for help and accuse the police.<sup>23</sup>

The Kenyan police force is regularly accused of using excessive force. A UN report published in early 2009 found that Kenyan police 'may kill for personal reasons, for extortion or for ransom...Often they kill in the name of crime control, but in

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<sup>17</sup> 'Ethnic tensions simmer' 2008, *Independent Online South Africa*, 25 March – Attachment 8

<sup>18</sup> Jones, G. 2008, 'Understanding Kenya', *Foreign Policy Research Institute (FPRI)*, January – Attachment 3

<sup>19</sup> Jones, G. 2008, 'Understanding Kenya', *Foreign Policy Research Institute (FPRI)*, January – Attachment 3

<sup>20</sup> Mwakugu, N. 2008, 'Outrage at Kenya police tactics', *BBC News*, 18 January

<http://news.bbc.co.uk/2/hi/africa/7194832.stm> - Accessed 1 December 2010 – Attachment 11

<sup>21</sup> 'Human rights abuse on the rise in Kenya: Report' 2010, *Kenya Broadcasting Corporation (KBC)*, KBC website, 22 September <http://www.kbc.co.ke/news.asp?nid=66553> – Accessed 2 December 2010 – Attachment 12; 'Kenyan police listed as country's worst violators of human rights' 2010, *Daily Nation*, 23 September – Attachment 13

<sup>22</sup> Ayieko, F. 2009, 'Kenya Police most corrupt in EA – report' 2009, *The East African*, 6 July – Attachment 14

<sup>23</sup> Elkington, N. 2009, 'Wounds fester a year after Kenya election violence', *Reuters*, 16 July – Attachment 15

circumstances where they could readily make an arrest'.<sup>24</sup> Additionally, there is no independent police internal affairs unit to ensure accountability.<sup>25</sup> In June 2009 Human Rights Watch (HRW) published a report on abuses by Kenyan security forces during a joint police-military operation aimed at disarming warring militias in the Mandera region of north-eastern Kenya. HRW found that violent attacks on the civilian population left more than 1,200 injured, one dead, and at least a dozen women raped. The report notes that 'the Kenyan police and military have an extensive record of turning security operations into deliberate and brutal attacks on civilian populations'.<sup>26</sup> In the same month Amnesty International reported that no concrete action to address impunity for serious and widespread human rights violations committed by police and security forces during post-election violence, including unlawful killings and executions, torture and ill-treatment, had occurred.<sup>27</sup>

### ***Women & State Protection***

Amnesty International reported in July 2010 that women in Kenya particularly lack access to state protection, especially those residing in slums in Nairobi. Amnesty notes that slums lack police presence; Kibera, the capital's largest slum, has no police post. Consequently 'when women fall victim to violence they are unlikely to see justice done'. Amnesty reports that women live under 'constant threat' of sexual violence, perpetrated not just by male slum residents but also by security forces.<sup>28</sup>

### ***The Mungiki and State Protection***

The Mungiki (see Question Four for more information about the Mungiki) also bring the capacity of Kenyan authorities to provide protection, both generally and to Kikuyus, into doubt. A *Time* magazine article published in May 2009 notes that the Mungiki 'has replaced the government in many slums, providing water, housing and dispute-settlement along with drugs, prostitutes and protection'.<sup>29</sup> Similarly, *BBC News* reports that in some slums in Nairobi, the Mungiki and the police are feared equally.<sup>30</sup> A Canadian IRB report on the Mungiki notes that the police have been accused of complicity with the Mungiki, and even that police crackdowns on the group in 2007 may, given police corruption and Mungiki protection rackets, in fact be a power struggle between the two groups.<sup>31</sup>

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<sup>24</sup> 'Kenyan police accused of widespread killings' 2009, CNN, 25 February <http://edition.cnn.com/2009/WORLD/africa/02/25/kenya.un.police/index.html> - Accessed 1 December 2010 – Attachment 16

<sup>25</sup> 'Kenyan police accused of widespread killings' 2009, CNN, 25 February <http://edition.cnn.com/2009/WORLD/africa/02/25/kenya.un.police/index.html> - Accessed 1 December 2010 – Attachment 16

<sup>26</sup> Human Rights Watch 2009, *Bring the gun or you'll die: Torture, rape and other serious human rights abuses by Kenyan security forces in the Mandera Triangle*, HRW website <http://www.hrw.org/en/reports/2009/06/28/bring-gun-or-you-ll-die> - Accessed 1 December 2010 – Attachment 17

<sup>27</sup> 'Kenyan government must act urgently to end impunity and bring about essential reforms' 2009, Amnesty International, 12 June – Attachment 18

<sup>28</sup> Amnesty International 2010, *Insecurity and Indignity: Women's Experiences in the Slums of Nairobi, Kenya*, Amnesty International website <http://www.amnesty.org/en/library/asset/AFR32/002/2010/en/12a9d334-0b62-40e1-ae4a-e5333752d68c/af320022010en.pdf> - Accessed 2 December 2010 – Attachment 19

<sup>29</sup> Perry, A. 2009, 'Kenya's unfinished reckoning', *Time Magazine*, 28 May - Attachment 20

<sup>30</sup> Allen, K. 2007, 'Kenyan terror at gang crackdown', *BBC News*, 8 June <http://news.bbc.co.uk/2/hi/africa/6733879.stm> - Accessed 1 December 2010 – Attachment 21

<sup>31</sup> 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*

The Mungiki are almost exclusively Kikuyu, and the police have been accused of executing nearly 500 in recent years, according to a report by the UN rapporteur on extrajudicial, summary and arbitrary executions released in February 2009. The police have also been linked to the murder of two human rights activists who assisted with the research for the UN report.<sup>32</sup> An article published by *BBC News* in June 2007 that describes a police raid in a Nairobi slum aimed at finding Mungiki quotes a resident as saying 'We don't know who the Mungiki are, but the police are hitting everyone'. The article quotes information from an undercover detective at the slum saying that bodies recovered during the raid were not of those killed in a Mungiki-police shoot-out, but people executed for failing to co-operate with police.<sup>33</sup> The International Federation for Human Rights (FIDH) has also reported on the death of persons intending to inform on extrajudicial police activities.<sup>34</sup> This indicates that the police undertake extrajudicial actions to target Kikuyu suspected of belonging to the Mungiki, as well as to target those seeking to expose such unlawful activities.

#### 4. Who are the Mungiki?

The Mungiki is a quasi-political-religious group in Kenya that predominantly comprises members of the Kikuyu tribe. The Mungiki claim two million members in central Kenya and the Rift Valley provinces.<sup>35</sup> It was banned by the Kenyan government in 2002.<sup>36</sup> *Reuters* reports that the Mungiki began as a hardline offshoot of a religious sect called the Tent of the Living God, that espoused a return to traditional tribal beliefs and rejection of Western values.<sup>37</sup> The group emerged in the 1980s during the Presidency of Daniel Moi, whose administration reduced the influence of previously dominant Kikuyus and favoured Moi's own ethnic group, the Kalenjin.<sup>38</sup> The Mungiki claim that they seek a revival of Kikuyu culture and traditional way of life.<sup>39</sup> The group advocates rituals such as female circumcision and tobacco sniffing, and members must swear an oath of secrecy. Departure from the group is reported to be possible only via death; any betrayal of the oath is also punishable by death.<sup>40</sup> The Canadian IRB reported in 2007 that while

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(2006 - October 2007), 1 November [http://www.irb-cisr.gc.ca/en/research/rir/index\\_e.htm?action=record.viewrec&gotorec=451542](http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451542) – Accessed 21 January 2009 – Attachment 9

<sup>32</sup> Perry, A. 2009, 'Kenya's unfinished reckoning', *Time Magazine*, 28 May – Attachment 20

<sup>33</sup> Allen, K. 2007, 'Kenyan terror at gang crackdown', *BBC News*, 8 June  
<http://news.bbc.co.uk/2/hi/africa/6733879.stm> – Accessed 1 December 2010 – Attachment 21

<sup>34</sup> International Federation for Human Rights 2009, *Observatory for the Protection of Human Rights Defenders Annual Report 2009: Kenya*, 18 June <http://www.unhcr.org/refworld/docid/4a5f300b23.html> – Accessed 2 December 2010 – Attachment 22

<sup>35</sup> 'Many dead in central Kenya clashes' 2009, *Al Jazeera*, 21 April  
<http://english.aljazeera.net/news/africa/2009/04/200942165824179943.html> – Accessed 30 November 2010 – Attachment 23

<sup>36</sup> 'Many dead in central Kenya clashes' 2009, *Al Jazeera*, 21 April  
<http://english.aljazeera.net/news/africa/2009/04/200942165824179943.html> – Accessed 30 November 2010 – Attachment 23

<sup>37</sup> 'Factbox: Key facts about Kenya's Mungiki gang' 2009, *Reuters*, 5 March – Attachment 24

<sup>38</sup> Freedom House 2010, *Freedom in the World – Kenya*, June  
<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7851> – Accessed 10 September 2010 – Attachment 1

<sup>39</sup> International Crisis Group 2008, *Kenya in Crisis: Africa Report N°137*, 21 February  
[http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/kenya/137\\_kenya\\_in\\_crisis\\_web.ashx](http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/kenya/137_kenya_in_crisis_web.ashx) – Accessed 27 November 2010 – Attachment 25

<sup>40</sup> 'Factbox: Key facts about Kenya's Mungiki gang' 2009, *Reuters*, 5 March – Attachment 24

recruitment into the Mungiki is generally voluntary, some forced recruitment is said to occur.<sup>41</sup>

The group claims to have ideological links with the anti-colonial Mau-Mau rebels, who were known for growing their hair into long dreadlocks, taking secret oaths and waging a hit-and-run, guerrilla-style attacks against the British.<sup>42</sup>

International Crisis Group describes the Mungiki as a 'Kikuyu crime cult'<sup>43</sup> and Kenyan authorities refer to the group as a 'mafia' and point to its involvement in extortion, racketeering, protection rings, kidnapping and murder.<sup>44</sup> The *BBC* reports that the Mungiki 'is accused of running protection racket[s] that squeeze millions of Kenyan shillings from the minibuses network that is the backbone of public transport in Kenya'.<sup>45</sup>

A report on the Mungiki compiled by the Canadian IRB from 2007 states that the Mungiki are known for their extreme violence and are one of the most feared criminal groups in the country. The report notes that little is known of the group's leadership, and that its leaders are believed to receive direction from political backers, including members of the Kenyan parliament. Politicians are also believed to have hired Mungiki as 'political muscle' to intimidate voters and opponents.<sup>46</sup>

## 5. What is the PNU?

The PNU, or Party of National Unity, is an umbrella coalition formed to contest Mwai Kibaki's presidential re-election. It was formed in September 2007 and comprises more than 18 parties, groups, and notables.<sup>47</sup> Kibaki and the PNU depend heavily on the votes of Kikuyus, but also have support from smaller tribal communities.<sup>48</sup>

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<sup>41</sup> 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](http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451542) - Accessed 21 January 2009 - Attachment 9

<sup>42</sup> Gettleman, J 2007, 'Might Drink Your Blood, but Otherwise Not Bad Guys', *New York Times*, 22 June [http://www.nytimes.com/2007/06/22/world/africa/22mungiki.html?\\_r=1](http://www.nytimes.com/2007/06/22/world/africa/22mungiki.html?_r=1) - Accessed 27 November 2010 - Attachment 26; 'Profile: The Mungiki sect' 2009, *Al Jazeera*, 21 April <http://english.aljazeera.net/news/africa/2009/04/200942193742877514.html> - Accessed 30 November 2010 - Attachment 27

<sup>43</sup> International Crisis Group 2008, *Kenya in Crisis: Africa Report N°137*, 21 February [http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/kenya/137\\_kenya\\_in\\_crisis\\_web.ashx](http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/kenya/137_kenya_in_crisis_web.ashx) - Accessed 27 November 2010 - Attachment 25

<sup>44</sup> 'Many dead in central Kenya clashes' 2009, *Al Jazeera*, 21 April <http://english.aljazeera.net/news/africa/2009/04/200942165824179943.html> - Accessed 30 November 2010 - Attachment 23;

<sup>45</sup> 'Fresh deaths in Kenya sect riots' 2008, *BBC News*, 15 April <http://news.bbc.co.uk/1/hi/world/africa/7348173.stm> - Accessed 30 November 2010 - Attachment 30

<sup>46</sup> 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](http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451542) - Accessed 21 January 2009 - Attachment 9

<sup>47</sup> Kenya' 2010, in A. S. Banks, T. C. Muller, W. R. Overstreet, & J. F. Isacoff (Eds.), *Political handbook of the world 2010*. Washington: CQ Press Electronic Library [http://library.cqpress.com/phw/phw2010\\_Kenya](http://library.cqpress.com/phw/phw2010_Kenya) - Accessed 2 December 2010 - Attachment 28

<sup>48</sup> 'Q&A: Kenya peace deal' 2008, *BBC News*, 18 April <http://news.bbc.co.uk/2/hi/africa/7165962.stm> - Accessed 2 December 2010 - Attachment 29; International Crisis Group 2008, *Kenya in Crisis: Africa Report*

## 6. Who are Kalenjin ODM affiliates?

The Orange Democratic Movement (ODM) is a political coalition and counts the Kalenjin community as an important base of political support. Thus the descriptor 'Kalenjin ODM affiliates' likely refers to Kalenjin who support Prime Minister Odinga and his ODM party, and by implication oppose President Kibaki and his PNU party and their Kikuyu supporters.

The ODM was formed out of the 'Orange Team', a coalition of political actors who opposed the November 2005 constitutional referendum. After the referendum the ODM emerged as a coalition between the Liberal Democratic Party (LDP), Kenya African National Unity (KANU) and the Labour Party of Kenya (LPK), allied by their common pursuit of the defeat of President Kibaki in the 2007 election. KANU withdrew from the ODM prior to the election, however, and joined with the PNU in September 2007.<sup>49</sup>

The ODM is led by current Prime Minister Raila Odinga, with whom President Kibaki signed a power-sharing agreement in early 2008 subsequent to the contested Presidential election result.<sup>50</sup> Odinga is from the Luo community; but has a wide support base particularly among the Kalenjin, who opposed the re-election of Kibaki, who was seen to favour his own Kikuyu ethnic group. Following the contested election result in 2007, it was primarily citizens who are loyal to Odinga, from various ethnic groups, who attacked Kikuyus whom they saw as Kibaki supporters. Kalenjin gangs were responsible for some of the most gruesome violence in the Rift Valley province, where Kikuyu settlements were burned to the ground.<sup>51</sup>

It is of note that while both the ODM and PNU coalitions include leaders from the largest tribal communities in the country, each has ethnically-rooted support bases that include fanatical elements. The PNU's key constituency comprises Kikuyu, Embu and Meru, who originate from the Central and Eastern Provinces and are strongly represented in Nairobi, Coast Province and the Rift Valley. The ODM, however, is supported by the Luo, Luhya and Kalenjin, who originate from Nyanza and Western Provinces and the Rift Valley and are strongly represented in major towns, coastal Muslim communities and the North Eastern Province.<sup>52</sup>

## Attachments

1. Freedom House 2010, *Freedom in the World – Kenya*, June <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7851> – Accessed 10 September 2010.

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N°137, 21 February [http://www.crisisgroup.org/~media/Files/africa/horn-of-](http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/kenya/137_kenya_in_crisis_web.ashx)

[africa/kenya/137\\_kenya\\_in\\_crisis\\_web.ashx](http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/kenya/137_kenya_in_crisis_web.ashx) - Accessed 27 November 2010 – Attachment 25

<sup>49</sup> 'Kenya' 2010, in A. S. Banks, T. C. Muller, W. R. Overstreet, & J. F. Isacoff (Eds.), *Political handbook of the world 2010*. Washington: CQ Press Electronic Library [http://library.cqpress.com/phw/phw2010\\_Kenya](http://library.cqpress.com/phw/phw2010_Kenya) - Accessed 2 December 2010 - Attachment 28

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