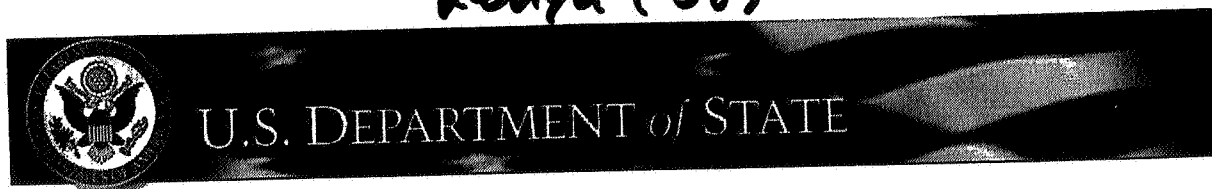


Kenya (68)

43



Kenya

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

There was no change in the status of respect for religious freedom during the period covered by this report. The Government at times restricted or disrupted public meetings that religious groups organized or participated in, primarily for political reasons. Muslim leaders charge that the Government is hostile towards Muslims.

There generally is a great level of tolerance among religious groups; however, there were a few instances of violence between Christian groups and between Christian and Muslim groups, and Muslims continued to perceive themselves to be treated as second-class citizens in a predominantly Christian country. There are some interfaith movements and political alliances.

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

Section I. Religious Demography

The country has a total area of approximately 225,000 square miles, and its population is approximately 29 million, of which approximately 88 percent live in rural areas. According to rough estimates, Protestants are the largest religious group representing approximately 38 percent of the population. Approximately 28 percent of the population are Roman Catholic, while an estimated 10 to 20 percent are Muslim. Hinduism is practiced by 1 percent of the population, and the remainder follow various traditional indigenous religions or offshoots of Christian religions. There are very few atheists.

Members of most religious groups are active throughout the country. Certain religions dominate in particular regions of the country. For example, the Northeast Province is vastly Muslim; the Eastern Province is approximately 50 percent Muslim (mostly in the north) and 50 percent Christian (mostly in the south); and the Coast Province predominantly is Muslim, except for the western areas of the province, which predominantly are Christian. The rest of the country largely is Christian, with some persons practicing traditional indigenous religions.

Foreign missionary groups of nearly every faith operate in the country, and the Government generally has permitted their assistance to the poor and their founding of schools and hospitals. The missionaries openly promote their religious beliefs and have encountered little resistance.

Section II. Status of Religious Freedom

Legal Policy/Framework

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

The Government requires new religious organizations to register with the Registrar of Societies, which reports to the Office of the Attorney General. The Government allows traditional indigenous religious organizations to register, although many choose not to do so. Once registered religious organizations enjoy tax-free status, and clergy are not subject to duty on purchased goods. Religious organizations generally receive equal treatment from the Government; however, some small splinter groups have found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organization. The Government has not granted registration to the Tent of the Living God, a small Kikuyu religious order banned during the single-party era (pre-1992). However, since the arrival of a multiparty system in 1992, membership in the Tent of the Living God has decreased greatly.

Political parties also must register with the Government. Despite 1997 reforms and the subsequent registration of a large number of political parties, the Government has refused to reverse its 1992 denial of registration of the Islamic Party of Kenya (IPK) on the grounds that the IPK, which in 1992 was

involved in a number of violent confrontations with police, offended the "secular principle" of Kenya's constitution.

In the areas of the country that largely are Christian, there are morning prayers in public schools. All children participate in the assembly but are not punished if they remain silent during prayers. The Government and some churches frequently disagree over school management when both the Government and the church have a stake in the school. Often churches provide the land and the buildings for the schools, and the Government provides the teachers, which has led to disputes over school management, and sometimes led to the closing of schools.

The Ministry of Information, Transport, and Communication has approved radio and television broadcast licenses for several Muslim and Christian groups. At the end of 2000, the Catholic Church had been assigned regional broadcasting frequencies, but not national frequencies; its petition for national frequencies was not resolved by the end of the period covered by this report.

The Government celebrates several religious holidays as national holidays, including Christmas, Good Friday, Easter Monday, Idd-ul-Fitr, Idd-ul-Azha, and Diwali.

Restrictions on Religious Freedom

In 2000 after the discovery of "cult" killings in Uganda, William Ruto, Assistant Minister in the Office of the President, warned that the Government would crack down on religious groups that endangered the safety of their adherents. In January 2002, Odeny Ngure, a Member of Parliament (M.P.), called on the Government and mainstream churches to cooperate in formulating policies to eliminate cults from the country; however, no action was taken during the period covered by this report.

In January 2002, district officials in Gilgil stopped a religious meeting at the Emmanuel Church of God during a 2-week crusade after community residents complained of continual wailing and screaming coming from the church. Residents charged that the group was a cult and that its members had sold their property to prepare for the return of Jesus Christ; the church denied the allegations.

The Government historically has been unsympathetic to tribal religious groups that have engendered protest movements. The Government frequently harassed and periodically arrested and detained members of the Mungiki, a small, controversial, cultural and political movement based in part on Kikuyu ethnic traditions, which espouses political views and cultural practices that are controversial in mainstream Kenyan society. While religion may have played a role in the formation of the group, observers believe that it is not a key characteristic of the group. The Mungiki do not adhere to any single religion and members are free to choose their own religion; the group includes Muslims and Christians. The number of Mungiki members is unknown, but the group draws a significant following from the unemployed and other marginalized segments of society.

Muslim leaders have charged that the Government is hostile toward Muslims. Muslims complain that non-Muslims receive better treatment when requesting citizenship documents. According to Muslim leaders, government authorities more rigorously scrutinize the identification cards of persons with Muslim surnames and require them to present additional documentation of their citizenship, such as birth certificates of parents and, sometimes, grandparents. The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members are issued and required to carry an additional form of identification to prove that they are citizens. They must produce upon demand their Kenyan identification card and a second identification card verifying screening. Both cards also are required to apply for a passport. This heightened scrutiny appears to be due to an attempt to deter illegal immigration, rather than to discriminate against the religious affiliation of the ethnic Somalis. Muslim leaders claim that since the August 1998 bombing of the U.S. Embassy in Nairobi and the September 11, 2001, terrorist attacks in the United States, government discrimination against their community has worsened, especially demands for identity documents.

In the past, the misuse of authority by mainly Christian security forces in the northeast, which largely is Muslim and in which banditry is widespread, had contributed to Muslim mistrust. However, during the period covered by this report, there continued to be greater inclusion of Muslims in security forces and provincial administration.

In June 2002, in Busia, a district officer, who was a Seventh-Day Adventist, was suspended for refusing to perform his official duties on Madaraka Day, which fell on a Saturday.

During the same month, in Nandi, the Board of Governors suspended 10 high school students, who were Seventh-Day Adventists, for refusing to take a test on a Saturday. Supporters of the students challenged the Board's decision, arguing that the school did not have the constitutional right to deny individuals the right to observe their religious practices. No further information was available at the end of the period covered by this report.

Practicing witchcraft reportedly is a criminal offense under colonial-era laws; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder. Witchcraft traditionally has been a common explanation for diseases for which the causes were unknown. The practice of witchcraft is understood widely to encompass attempts to harm others not only by magic, but also by covert means of established efficacy such as poisons. Although many traditional indigenous religions include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful

witchcraft only for defensive or retaliatory purposes and purport to offer protection against it.

In January 2002, in Nyamira, police arrested two persons for possession of witchcraft supplies, including snake skin, tortoise shell, and powders, and for practicing witchcraft. According to the police, a pastor from Butere Mumias Deliverance Church claimed that the two persons had caused the mysterious illness of a man.

On January 25, 2002, President Daniel arap Moi directed district education boards to return to the African Independent Pentecostal Church of Africa (AIPCA) those schools that AIPCA had operated prior to the country's independence; however, the President ordered that AIPCA schools already sponsored by other churches should be allowed to remain under such sponsorship. The British colonial government seized the AIPCA schools because of AIPCA's support of the Mau Mau movement. AIPCA began to repossess its schools by the end of the period covered by this report.

In May 2001, Muslims protested the reported allocation of a public plot of land to a private developer in Mombasa. The grounds traditionally have been used for celebrating Islamic events. Following the protests, the Government apparently ceased developing plans to allocate the land, and the land remained public as of the end of the period covered by this report.

The Minister of Trade and Industry Nicholas Biwott also has been engaged in a public dispute with the Catholic Church over an intended project to use public land to create an educational facility to be named after the Minister's mother. Father Michael Rop, who is in charge of the local parish where the facility is proposed, protested the appropriation of public land to honor the Minister's mother. The Bishop of Eldoret, Cornelius Korir, accused the Minister of harassing Father Rop and his supporters, and claimed that the Minister was persecuting the church and its followers. The dispute was ongoing at the end of the period covered by this report.

In 1999 President Moi was quoted as saying that, for political reasons, he would not allow the exiled Tibetan leader, the Dalai Lama, to enter the country.

Abuses of Religious Freedom

The case of two police officers, Julius Mugambi M'Nabere and Stephan Musau Kilonzo, charged with the August 1999 murder of five Muslim worshippers in the Anas Bin Malik mosque in Chai village near Mombasa remained pending before the court at the end of the period covered by this report.

On March 28, 2002, government authorities charged Wanjiru Nduhiu, the leader of an unregistered Kikuyu group, with urging her followers to renounce Christianity and to revert to traditional beliefs and practices, such as female genital mutilation. Nduhiu denied the charges and remained in custody at the end of the period covered by this report; her court case is scheduled for April 2003.

Although the Constitution provides for freedom of assembly, at times the Government used sections of the Public Order Act and the Penal Code to restrict or disrupt public meetings that religious groups organized or participated in, primarily for political reasons. On April 30, 2002, police arrested 39 members of the Tent of the Living God for holding an illegal meeting after the group led a demonstration through the center of Nairobi. On May 7, all 39 were released on condition that they hold no illegal meetings or processions in the future.

In April 2000, police in Laikipia broke up a gathering in a Catholic church hall on the grounds that the participants were former freedom fighters holding a secret meeting. The police arrested four men and charged them with holding an illegal meeting; the case was pending at the end of the period covered by this report.

There were no other reports of religious prisoners or detainees.

Forced Religious Conversion

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

Section III. Societal Attitudes

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

For years Muslims and Christians have held an open debate over their respective places in society. Each group claims to have a larger number of adherents than is plausible, and some Muslim groups

believe that the Government and business communities deliberately have impeded development in predominantly Muslim areas. Some Muslim leaders claim that discrimination against Muslims has resulted in a greater incidence of poverty among Muslims than among other religious groups; however, there is no statistical evidence to support this claim. At times the debate has undermined mutual trust.

In September 2001, Muslim youths were suspected of responsibility for burning down two wooden churches in Isolo. Muslim leaders criticized the attacks and met in an attempt to diffuse tensions and allay concerns of Christians in the area. Police officers did not believe the fire to be religiously motivated.

In December 2001, Muslim demonstrators destroyed a Catholic church in Mandera after authorities arrested Sheikh Ahmed Hassan Mursal, a Muslim cleric. Mursal, who erroneously was identified as a participant in the 1998 bombings of the U.S. Embassies in Nairobi and Dar es Salaam, Tanzania, subsequently was released.

There were several disputes over land ownership during the period covered by this report; some resulted in violence. In January 2002, approximately 500 squatters in Nyeri district forcibly dispersed members of the Othaya Presbyterian Church of East Africa (PCEA) from the church compound in which the worshippers had assembled for open-air services; several persons, including a priest, were injured. Both the worshippers and the squatters claimed ownership of the church property, which is located on government land. An investigation into the incident was ongoing at the end of the period covered by this report. Also in January 2002, in Marakwet district, several persons, including a Pentecostal Assemblies of God (PAG) minister, were injured during a land dispute between members of a Catholic church and the PAG. The dispute reportedly began when Catholic worshippers accused PAG members of making too much noise while praying in a building adjacent to the Catholic church.

On January 27, 2002, Egerton University officials barred approximately 300 worshippers from the African Inland Church (AIC) from conducting services in the Lord Egerton Castle, which has been the subject of a longstanding property dispute between the University and the AIC. According to the AIC, President Moi allocated the castle and the 50 adjacent acres to the Church in 1995; according to records at the Ministry of Lands, the property belongs to the chaplain of the University and two other individuals. President Moi issued a statement indicating that the castle and surrounding property belonged to the University; however, AIC leaders urged their followers to ignore the statement. The dispute was ongoing at the end of the period covered by this report.

In March 2002, progovernment youths forcibly dispersed persons worshipping at a church in Nairobi, scattered church property out of the building, and locked worshippers outside the church. The youths charged that the church was located on land belonging to the Kenya African National Union (KANU), the ruling party, and that the police had failed to assist them in reclaiming the land. No action was taken against the youths by the end of the period covered by this report.

A number of incidents took place in November and December 2000, when a land dispute led to violence between Muslims and Christians in a densely populated neighborhood in Nairobi. At least one person was killed and numerous persons were injured in the riots, including Anglican Archbishop David Gitari. Two days of violent clashes resulted in the burning of several buildings, including a mosque and two churches. After the riots ended, Cabinet Minister Sharif Nassir admitted that he had encouraged Muslim youths to retaliate when attacked. Muslim leaders apologized for the violence and clarified that the dispute originated over land and was not religiously motivated. Following the riots, religious leaders on both sides cited police inaction as a reason for the spread of the violence. No action was taken against those responsible by the end of the period covered by this report.

There have been reports of intolerance among refugee groups in Kenya. Somali refugees reportedly have attacked relatives who marry refugees belonging to faiths other than Islam. Somali refugees at the Dadaab camps also reportedly have attacked verbally and physically Sudanese refugee women who wear Westernized clothing considered "too revealing" under Somali standards.

Unlike in previous years, there were no reports of ritual murders associated with aspects of traditional indigenous religious rites during the period covered by this report.

Occasionally mobs killed members of their communities on suspicion that they practiced witchcraft or were devil worshippers. In February 2002, M.P. George Anyona charged that some of the killings were politically motivated, and that some politicians had attempted to eliminate political rivals by calling them witches and hiring persons to kill them.

On August 5, 2001, in Nyamira, Jethiter Mboga was killed by three of his brothers for "bewitching" their mother; his brothers subsequently went into hiding. On January 3, 2002, police in Kitui Central district dispersed with tear gas a mob that had threatened to lynch a man they accused of "keeping ghosts" and to burn his shop. Parents in the community subsequently refused to send their children to school until local officials compelled the man to exorcise his evil spirits. Some members of the mob were arrested and fined for fighting with the police; others were detained for 1 month. In February 2002, community members in Kitutu Masaba doused a man and a woman with gasoline and then set the couple on fire. In April 2002, in Gucha, villagers killed a person they suspected of bewitching a neighbor and then burned his houses.

There were several reports of the public beating "suspicious-looking" persons who were accompanied by small children. On October 3, 2000, a mob of residents of Nairobi's Kariobangi North neighborhood

lynched three suspected child abductors (believed to be devil worshippers), including a grandfather who was walking with his grandchild. In late October 2000, in Kisii, police intervened to block villagers from killing seven suspected witches. Also in October 2000, the press reported that villagers burned alive a suspected sorcerer in Kimburini. In another incident, a mob attacked a group of American missionaries in Kisumu, whom it suspected to be on a mission to abduct children.

There were no developments in the March 2001 case in which Hannah Mungai, a member of the Akorino religious group (a group that mixes traditions based on the Old Testament with indigenous beliefs) left her three children with an evangelist member of the religious group while she toured western areas of the country on a preaching mission. When she returned, the pastor of the religious group returned two of the children; however, he invoked the name of the Holy Spirit and refused to return the youngest child stating that the 2-year-old girl would remain with him to serve at the altar of the church. Mungai did not report the kidnapping to the police because the religious group does not allow challenges to "men of God" once they invoke the name of the Holy Spirit; however, she later publicized the story after pressure from her husband. Mungai claims that her daughter was given to other religious group members, and she does not know where her daughter is being kept. The matter had not been brought formally to police attention by the end of the period covered by this report.

No action was taken against the progovernment youths who forcibly disrupted a meeting of the Ufungamano Initiative in Kisumu in November 2000. The youths threw homemade bombs, burned a vehicle, and beat several persons severely.

No new information was available on the August 2000 case in which Father John Anthony Kaiser, a Catholic priest working in the country for more than 30 years, was found dead near Naivasha town. Father Kaiser was a vocal human rights activist and a critic of key members of the Government. Although there was much public speculation to the contrary, a U.S. Federal Bureau of Investigations (FBI) report, released in April 2001, concluded that the evidence collected was most consistent with suicide, and that it was unlikely that Father Kaiser had been murdered. The Catholic Church has rejected the FBI report and has called for further independent investigation. The Attorney General, who had not responded to the Catholic Church by the end of the period covered by this report, stated that he would reopen the case if new evidence were presented.

There have been societal efforts to bridge religious divides. The Inter-Faith Peace Movement represents a broad religious spectrum, and its members include the Anglican Church of Kenya, the Supreme Council of Kenyan Muslims, the Muslim Consultative Council (MCC), the Methodist Church, the Catholic Church, the National Council of Churches of Kenya (NCCCK), the Inland African Church, the PCEA, and the Hindu Council. The NCCCK generally is involved in a variety of civil society initiatives, including conflict resolution. During the period covered by this report, the Catholic Justice and Peace Commission, the MCC, and the NCCCK launched a pilot program to promote interfaith dialog and reduce ethnic conflict in Isiolo district.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. The U.S. Embassy made a concerted effort to bridge the gaps that exist between Muslims and Christians. Embassy officials maintain regular contact with leaders and members of all religious communities. The Ambassador and other Embassy officers met with Catholic, Protestant, and Muslim leaders while traveling. The Ambassador regularly hosts meetings with religious leaders to discuss issues affecting their communities. In April 2002, in Mombasa, the Ambassador and senior Embassy officers met with civil society, religious, and government leaders of the predominantly Muslim coastal areas to promote a better understanding of U.S. policy and activities and to discuss issues of concern to the community. While in Mombasa, the Ambassador also met with Christian leaders to listen to their concerns and to explain U.S. policies and programs.

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