



## USCIRF Annual Report 2016 - Other countries/regions monitored - Kenya

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### Background

The Kenyan constitution and other laws protect religious freedom, including the freedom to manifest any religion or belief through worship, practice, teaching, or observance, and prohibit religious discrimination. However, government efforts to respond to al-Shabaab have resulted in large-scale targeting and collective punishment of Somali citizens, ethnic-Somalis, and other Muslims.

### Al-Shabaab

In October 2011, Kenya deployed its military to Somalia to counter al-Shabaab gains in that country. Al-Shabaab responded by expanding its attacks into Kenya, including the September 2013 Westgate mall attack, June-July 2014 five-week campaign across Lamu and Tana River counties, and dozens of other terrorist assaults throughout the country. The group has killed both Muslims and non-Muslims, but al-Shabaab terrorists routinely seek to identify and isolate Christians during their strikes. The most notable al-Shabaab attack in Kenya during the reporting period occurred on April 2 at Garissa University College; 148 students were killed in the worst terrorist attack in Kenya since the 1998 U.S. Embassy bombing. On June 8, the Kenyan government charged five persons with terrorism for their involvement.

### Operation Usalama Watch

In April 2014, the Kenyan government initiated Operation Usalama Watch to identify and arrest al-Shabaab terrorists and sympathizers in Kenya. The operation started in Nairobi's largely Somali Eastleigh neighborhood, then expanded to the ethnically-Somali northeast and majority Muslim coastal regions. Kenyan and international human rights organizations have accused security officials involved in the operation of targeting entire ethnic and religious communities and committing gross human rights abuses, including arbitrary arrests, extortion, illegal detention, torture, killings, and disappearances. In September 2015, the independent, governmental Kenya National Commission on Human Rights (KNCHR) released a detailed report documenting at least 4,000 arrests since April 2014, mostly of ethnic Somalis, many of whom suffered severe abuses in detention; hundreds were later released and the charges against them dropped for lack of evidence. Kenya's Independent Oversight Policing Authority (IPOA) and international human rights groups reported that security officers deployed to Nairobi's Eastleigh neighborhood and elsewhere in the country beat scores of people; raided homes, buildings, and shops; and extorted massive sums of money. In Mombasa, three prominent radical Muslim clerics were assassinated, purportedly by Kenyan security officers. Also in Mombasa, mosques accused of radicalism were closed and subsequently re-opened a short time later.

Operation Usalama Watch also ordered all Somali refugees residing outside the Kakuma and Dadaab refugee camps to immediately return to the camps. After the Garissa University attack, the government announced

plans to close Dadaab refugee camp and repatriate all Somali refugees in the country. Voluntary repatriations started in August 2015.

## Targeting of Human Rights Organizations

On April 8, following the Garissa University attack, the government classified a number of individuals, businesses, and organizations as entities associated with terrorist groups and froze their bank accounts. Muslims for Human Rights (MUHURI) and HAKI Africa were included in this list. These two Coast-based human rights organizations documented cases of extrajudicial killings and disappearances of alleged terrorism suspects and Muslim clerics, purportedly at the hands of government security forces, and advocated for accountability. The organizations challenged the government's actions, and on November 12 a judge cleared both groups of any terrorism links after the government failed to present evidence. However, the government has yet to unfreeze their bank accounts, preventing the organizations from resuming their work.

## Regulating Religious Communities

In January 2016, the Kenyan government sought to implement registration requirements on religious communities and clerics. The proposed legislation would mandate that religious groups submit to the government a statement of faith and a list of their sources of income, and require clergy to pass a police clearance, prove accreditation from an approved theological institution, and in the case of foreign clergy, provide work permits and a recommendation from their home government. On January 28, the Kenyan government withdrew the proposal from Parliament following opposition from Catholic, Evangelical Christian, and Muslim groups.

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