

KENYA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies prohibit religious discrimination and protect religious freedom, including the freedom to manifest any religion or belief through worship, practice, teaching, or observance and debate on religious questions. Some Muslims, especially ethnic Somalis, stated their communities were the target of government-directed extrajudicial killings, arbitrary arrest and detention, and deportation, charges the government denied. Security officials briefly closed then reopened four mosques in Mombasa and threatened to close other mosques or madrassahs around the country, stating the mosques were linked to incitement of violent extremism. Muslim leaders and human rights organizations stated “Operation Usalama Watch” unfairly targeted Somali and some other Muslim communities. Kenyans of Somali heritage and Muslim communities reported difficulties obtaining government-mandated identification documents.

The Somalia-based terrorist group al-Shabaab carried out attacks in the counties of Mombasa, Mandera, Garissa, Wajir, Lamu, and Tana River and said it had targeted non-Muslims because of their faith. In Lamu County, al-Shabaab claimed responsibility for at least 65 deaths, with some witnesses reporting the terrorists asked the religion of victims, killing non-Muslims. In Mandera County, al-Shabaab claimed responsibility for the killings of 28 people in a November attack, with media reporting witness statements that the terrorists had executed those who were unable to recite Quranic verses. Al-Shabaab also directed violence against members of other faiths.

Religious tensions were high in some areas of the country. For instance, in the Likoni suburb of Mombasa, armed men opened fire on Sunday worshippers at a church, killing six and wounding more than a dozen. Some Muslim groups threatened individuals, especially those of ethnic Somali origin, who converted to Christianity. A monument erected by the Sikh community in Kisumu was vandalized in February by an angry mob after local pastors deemed it satanic. Interreligious nongovernmental organizations (NGOs), such as the Inter-Religious Council of Kenya, stated that with few exceptions Kenyans respect religious diversity and are able to exercise freedom of conscience and religion.

The U.S. embassy regularly discussed issues of religious freedom and inclusion with government officials and local and national religious leaders. The embassy

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urged religious leaders to engage in interfaith efforts to promote a continued commitment to religious freedom and religious diversity and supported interfaith efforts to defuse political and ethnic tensions. The embassy encouraged religious leaders to work together across sectarian lines to advance tolerance and peaceful coexistence during police operations in Nairobi and Mombasa, and after repeated attacks in the coastal region.

Section I. Religious Demography

The U.S. government estimates the total population at 45 million (July 2014 estimate), of which approximately 82 percent is Christian and 11 percent Muslim. Groups constituting less than 1 percent of the population include Hindus, Sikhs, and Bahais. Much of the remaining population adheres to various traditional religious beliefs. Of the Christian population, 57 percent is Protestant, 29 percent Roman Catholic, and 14 percent other Christian. Most of the Muslim population lives in the northeast and coastal regions, where religion and ethnicity are often linked. There are approximately 355,000 Somali refugees in the Dadaab refugee camp, most of whom are Muslims. There are approximately 177,000 refugees in the Kakuma refugee camp, including Somalis, South Sudanese, and Ethiopians, as well as other regional refugees, who practice a variety of religions.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution stipulates there shall be no state religion and prohibits religious discrimination. It provides for freedom of religion and belief individually or in community, including the freedom to manifest any religion through worship, practice, teaching, or observance, and states individuals shall not be compelled to act or engage in any act contrary to their belief or religion.

The constitution requires parliament to enact legislation recognizing a system of personal and family law adhered to by persons professing a particular religion. It specifically provides for *qadi* courts to adjudicate certain types of civil cases based on Islamic law, including questions relating to personal status, marriage, divorce, or inheritance in cases in which “all the parties profess the Muslim religion.” The secular High Court has jurisdiction over civil or criminal proceedings, including those in the *qadi* courts, and accepts appeals of any *qadi* court decision.

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According to the law, new churches, other places of worship, and faith-based NGOs must register with the Registrar of Societies, which reports to the attorney general's office. The government allows indigenous and traditional religious groups to register, although many choose not to do so. In order to register, an individual must have a valid national identification document and pay a fee. Registered religious institutions and places of worship may apply for tax-exempt status, including exemption from paying duty on imported goods.

The Ministry of Information, Communications and Technology must approve regional radio and television broadcast licenses, including for religious organizations.

Government Practices

Human rights groups and prominent Muslim leaders stated the government targeted Muslims for extrajudicial killing, torture and forced interrogation, arbitrary arrest, detention without trial, deportation, and denial of freedom of assembly and worship. Security officials briefly closed and then reopened four mosques in Mombasa and threatened to close other mosques or madrassahs around the country, stating the mosques were linked to incitement of violent extremism.

Prominent human rights groups, including Muslims for Human Rights (Muhuri) and Haki Africa, stated in the press the government was conducting a deliberate campaign of assassination against Muslim clerics. The press reported Haki Africa said it had documented 21 cases of prominent Muslim businesspeople, clerics, or community leaders who were killed on the coast between 2012 and 2014, and whose cases remained unresolved. Government officials denied any connection to the deaths.

After a series of violent terrorist attacks, in April the government initiated "Operation Usalama Watch" ("*usalama*" means "security" in Swahili) with the stated goal of detecting migrants lacking resident status, arresting and prosecuting persons suspected of engaging in terrorist activities, and preventing crime and lawlessness. Prominent Muslims said the operation unfairly targeted Muslims and ethnic Somalis in Nairobi and Mombasa. The Kenya National Commission on Human Rights and the Independent Policing Oversight Authority issued reports on the operation, citing discrimination and ethnic profiling.

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On several occasions, the government raided and banned meetings at Muslim places of worship and forcibly broke up meetings as part of its security operations. On February 2, several hundred Muslims gathered at the Masjid Musa Mosque in Mombasa for an announced conference on jihad. Police raided the conference, which they had previously banned, stating the mosque had ties to the Somalia-based terrorist group al-Shabaab. Moderate Muslim leaders had also characterized the mosque as being in the hands of extremists or radicalized youth. According to Muslim activists and media reports, police used force to stop the meeting. During the raid, dozens of individuals were wounded and police arrested 129 people. Three people were killed on site, including one police officer. Altogether, eight individuals, died as a result of injuries sustained during the raid.

On September 14, Directorate of Criminal Investigations Director Ndegwa Muhoro announced the government's intention to close mosques believed by moderate Muslim leaders to be radical. On September 15, Mombasa County Police Commander Robert Kitur noted some mosques were already under surveillance. The Supreme Council of Kenya Muslims (SUPKEM), senior Muslim political and religious leaders, and human rights advocates condemned the statements and accused the government of targeting the Islamic faith and curtailing freedom of worship. In response, Muhoro amended his statement, stating the government would close some madrassahs rather than mosques. He noted a madrassah in Mandera had been closed, and that the police would target individuals suspected of radicalizing Muslim youth. On September 26, the government closed a madrassah in Machakos on suspicion of radicalism.

Between November 17 and November 20, the government raided four mosques in Mombasa County, closing them after stating they had found multiple grenades, homemade bombs, and other weapons. At least one person was killed and over 360 people arrested during the raids. The majority of those arrested were released without charge within the 24-hour period specified by law. Immediately following the mosque closures, at least three people died and at least five were injured during rioting. Youth attempted to force access to one of the closed mosques in Mombasa, but were eventually repulsed. SUPKEM, Haki Africa, and a number of Mombasa political leaders condemned the raids, stating the government lacked the legal authority to close places of worship, and calling for the reopening of the mosques. On November 23, President Kenyatta and Deputy President Ruto issued statements defending the mosque closures, noting the government belief that the mosques were used to recruit extremists. On November 28, media reported the four mosques reopened following talks between the government, county officials,

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and Muslim leaders, at which Muslim leaders were asked to appoint a permanent sheikh and a committee of elders for each mosque.

Muslim leaders complained Muslim citizens often faced special difficulties acquiring national identification from the National Registration Bureau. Government policies require all citizens 18 years or older to register and obtain national identification from the National Registration Bureau. Identification cards are a prerequisite for voting and access to certain government and financial services. Failure to register is a crime. Muslim communities, including ethnic Kenyan and Somali communities, coastal Muslim communities, the Nubian community in Nairobi, and the Galjeel community around the Tana River, were often subject to additional requirements in order to register, including presentation of birth certificates and citizenship documents of their fathers and grandfathers, and were required to make special appearances at specified police stations. The government stated the additional scrutiny was necessary to deter illegal immigration and fight terrorism rather than intended to discriminate against certain ethnic or religious groups.

Government schools sometimes prevented girls from attending classes if they wore headscarves or other religious dress. School authorities who ordered female students to remove their headscarves while in school stated such garments violated school uniform policies. Muslim students said in the press that such actions forced Muslim students out of government education. A 2012 Nairobi court ruling upholding a high school's ban of headscarves remained in effect, but many public high schools continued to permit students to wear them. Prohibitions on religious headwear at some schools affected members of the Akorino group, which combined Christian and African styles of worship and required women to cover their heads.

The Ministry of Information, Communications and Technology routinely approved regional radio and television broadcast licenses for Christian and Muslim groups.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

During a series of terrorist attacks in Lamu County and Tana River County, multiple reports stated attackers specifically targeted non-Muslims. An unknown number of individuals who identified themselves as Christian or who were unable to speak Somali were killed. On June 15, the terrorist organization al-Shabaab claimed responsibility for attacks that killed more than 65 people in Lamu County;

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some victims of the attack reported the terrorists asked the religious faith of citizens, or addressed them in Somali. Leaflets distributed in Lamu and elsewhere on the coast threatened continued violence against Christians and the government. On November 22, al-Shabaab operatives stopped a bus travelling through Mandera County and killed 28 people who reportedly were unable to recite Quranic verses. Al-Shabaab claimed responsibility for the attack.

Section III. Status of Societal Respect for Religious Freedom

There were reports of killings, threats of killing, and vandalism based on religious affiliation; intolerance towards individuals based on religious attire; and expressions of intolerance towards members of other faiths. Because religion and ethnicity were often closely linked, it was difficult to categorize many incidents as being solely based on religious identity.

On March 23, gunmen entered the Joy in Jesus Church in Likoni, a suburb of Mombasa, and opened fire with assault rifles on Sunday worshippers, killing six individuals and injuring more than a dozen. The attack was widely interpreted as a direct attack on the Christian community and generated significant tension between the Christian and Muslim communities in the city. In the wake of the attack, media organizations and NGOs reported police detained between 50 and 100 individuals, mainly young men with Somali features, charging them with offenses such as idleness. According to media and NGO reports, the majority of those arrested were released after paying a fine. While police reported they had killed two individuals following the attack and charged two more with a connection to the incident, the identity of the attackers remained unclear. No group claimed responsibility for the attack.

On June 10, Sheikh Mohammed Idris, a cleric known for his moderate views, was killed in Mombasa. On November 4, Sheikh Bakari Mwarangi, another cleric regarded as moderate, was also killed in Mombasa. The killings raised fears among Muslim communities that moderate clerics were being targeted by extremists. However, the motivation behind the killings was unclear, and no one claimed responsibility.

Muslim religious leaders and their families reportedly threatened with violence or death some individuals who converted from Islam to Christianity, particularly those of Somali ethnic origin. For instance, media reported in August that a Somali convert to Christianity was thrown from the balcony of his apartment,

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suffering significant injuries, after neighbors learned of his conversion. Several countries assisted in resettling some refugees to new temporary homes after they faced persecution in refugee camps for converting to Christianity.

In February the Sikh community in the western town of Kisumu attempted to commemorate its centenary with a nondenominational statue portraying a figure seated in prayer over a decorative fountain. Some Christian pastors denounced the statue as a “satanic” monument to “idolatry” and claimed it would bring destruction to Kisumu. A prominent politician attempted to unveil the statue at a public ceremony, but was shouted down by a mob and forced to leave when police used tear gas to quell the demonstration. Subsequently the statue and the fountain were vandalized, and the Sikh community removed the statue. The Sikh community instead celebrated its centenary with a march through Kisumu in which elected officials participated.

The Methodist Church filed a lawsuit seeking to ban female students at St. Paul Kiwanjani High School in Isiolo from wearing hijabs and trousers, arguing the Methodist Church, as the school’s principal funder, should have the final say over student dress. In September a court banned students at the school from wearing the outfits, pending resolution of the dispute. The Council of Imams and Preachers of Kenya, an organization of Muslim religious leaders, condemned the decision, accusing the judiciary of curtailing freedom of worship.

Some Muslims stated they perceived general discrimination and that the government and business community deliberately impeded development in predominantly Muslim areas. Non-Muslims reportedly often harassed citizens of Somali origin, who were predominantly Muslim.

Christian leaders stated individuals and businesses in historically Muslim areas in the northeast and on the coast discriminated against Christians. Christian leaders also said private citizens made it difficult for Christians in the northeast to obtain land for churches and cemeteries.

Interreligious NGOs such as the Inter-Religious Council of Kenya stated that with few exceptions Kenyans respect religious diversity and are able to exercise freedom of conscience and religion.

Section IV. U.S. Government Policy

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To promote peaceful cooperation, the U.S. embassy emphasized the importance of respecting religious freedom in meetings with government officials and engaged religious leaders of various faiths. Those they met with included members of the Inter-Religious Council of Kenya, the Supreme Council of Kenya Muslims, the Coast Interfaith Council of Clerics, the Council of Imams and Preachers of Kenya, and the National Council of Churches of Kenya.

On January 29, the Ambassador hosted an interfaith dinner with religious leaders to discuss religious tolerance and freedom. The embassy sponsored English language instruction to madrassah teachers in order to promote a dialogue with them on faith and tolerance. The embassy assisted efforts to promote intra-Muslim dialogue on freedom and tolerance within the Muslim community.

Following attacks and violence on the coast, the Ambassador made repeated public calls for calm and for religious tolerance. In June the Ambassador and the embassy publicly called for communities to work together following the killing of Sheikh Mohammed Idris. In July the Ambassador attended a national prayer service to express U.S. support for tolerance and unity. The embassy remained in close contact with religious leaders working to maintain interfaith cooperation and prevent reprisals.

Embassy officials met one-on-one with religious leaders to urge them to continue to work across sectarian lines to reaffirm the country's history of religious freedom, tolerance, and diversity. The embassy encouraged the interfaith community and other contacts to see religious diversity as a national strength, not a source of strife and division.